

# As Passed by the House

127th General Assembly

Regular Session

2007-2008

Am. Sub. H. B. No. 119

Representative Dolan

**Cosponsors: Representatives Peterson, McGregor, R., Hottinger, Bacon, Evans, Hite, Budish, Strahorn, Yates, Chandler, Stewart, D., Boyd, Hagan, R., Skindell, Brown, Bolon, Adams, Aslanides, Barrett, Beatty, Blessing, Bulp, Celeste, Collier, Combs, DeBose, DeGeeter, Domenick, Fende, Flowers, Gibbs, Goodwin, Goyal, Hagan, J., Harwood, Healy, Heard, Jones, Koziura, Letson, Luckie, Mallory, Miller, Otterman, Patton, Redfern, Schindel, Schlichter, Setzer, Szollosi, Uecker, Ujvagi, Wagoner, White, Williams, B., Williams, S., Zehringer**

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to amend, for the purpose of adopting new section	80
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Assembly; to amend Section 252.70 of Am. Sub. H.B. 116  
530 of the 126th General Assembly, to amend 117  
Section 153 of Am. Sub. H.B. 117 of the 121st 118  
General Assembly, as subsequently amended, to 119  
amend the version of section 127.16 of the Revised 120  
Code that is scheduled to take effect July 1, 121  
2007, and to repeal the version of section 3702.68 122  
of the Revised Code that was to have taken effect 123  
July 1, 2007, to make operating appropriations for 124  
the biennium beginning July 1, 2007, and ending 125  
June 30, 2009, and to provide authorization and 126  
conditions for the operation of state programs; to 127  
confirm and order implementation of sections 128  
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4117.03, and 4117.08 and to confirm and order 130  
complete implementation of section 9.901 of the 131  
Revised Code as the sections result from Am. Sub. 132  
H.B. 66 of the 126th General Assembly; to repeal 133  
Section 611.03 of Am. Sub. H.B. 66 of the 126th 134  
General Assembly; and to amend sections 9.90, 135  
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Revised Code to make other specifications 137  
pertaining to that implementation as have become 138  
necessary; and to terminate operation of section 139  
5101.213 of the Revised Code on July 1, 2008, by 140  
repealing the section on that date. 141

**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, 142  
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6111.04, 6111.44, 6121.04, 6121.043, and 6131.23 be amended;	200
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1521.23 (1506.41), 1521.24 (1506.42), 1521.25 (1506.43), 1521.26	202
(1506.44), 1521.27 (1506.45), 1521.28 (1506.46), 1521.29	203
(1506.47), 1521.30 (1506.48), 3702.63 (3702.591), 3702.68	204
(3702.59), 5111.95 (5111.033), 5111.96 (5111.034), and 5126.057	205
(5126.0511) be amended for the purpose of adopting new section	206
numbers as indicated in parentheses; and new sections 3318.47 and	207
5123.16 and sections 122.051, 122.071, 122.076, 122.174, 126.04,	208
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5739.213, 5747.77, 5748.022, 5907.16, and 6111.0381 of the Revised 222  
Code be enacted to read as follows: 223

**Sec. 9.821.** (A) The department of administrative services 224  
shall direct and manage for state agencies all risk management and 225  
insurance programs authorized under section 9.822 of the Revised 226  
Code. 227

(B) The office of risk management is hereby established 228  
within the department of administrative services. The director of 229  
administrative services, or a deputy director appointed by the 230  
director, shall control and supervise the office. 231

(C) The office may take any of the following actions that it 232  
determines to be in the best interests of the state: 233

(1) Provide all insurance coverages for the state, including, 234  
but not limited to, automobile liability, casualty, property, 235  
public liability, and, ~~except as provided in division (C)(6) of~~ 236  
~~this section,~~ fidelity bond insurance bonding. The cost of 237  
insurance coverage shall be paid from appropriations made to the 238  
state agencies that the office has designated to receive the 239  
coverage. 240

(2) Provide coverage of legal expenses that are necessary and 241  
related to the legal defense of claims against the state; 242



(3) Purchase insurance policies consistent with sections 125.01 to 125.111 of the Revised Code, develop and administer self-insurance programs, or do both;	243 244 245
(4) Consolidate and combine state insurance coverages;	246
(5) Provide technical services in risk management and insurance to state agencies;	247 248
<del>(6)(a) Establish and administer a self-insured fidelity bond program for a particular class or subclass of state officer, employee, or agent, if, prior to the establishment and administration of this program, the director does both of the following:</del>	249 250 251 252 253
<del>(i) Holds a hearing in accordance with Chapter 119. of the Revised Code to determine whether fidelity bond insurance for that particular class or subclass of state officer, employee, or agent is available in the voluntary market;</del>	254 255 256 257
<del>(ii) If, as a result of that hearing, the director determines that fidelity bond insurance for a particular class or subclass of state officer, employee, or agent is unavailable in the voluntary market and that the absence of this insurance threatens the operation of state government and will be detrimental to the general welfare of the citizens of this state, adopts rules in accordance with Chapter 119. of the Revised Code to establish standards and procedures governing the establishment, administration, and termination of the fidelity bond program for that particular class or subclass of state officer, employee, or agent.</del>	258 259 260 261 262 263 264 265 266 267 268
<del>(b) Division (C)(6)(a) of this section does not apply to any self-insured blanket fidelity bond program that, on September 20, 1993, has been established pursuant to section 9.831 of the Revised Code.</del>	269 270 271 272
<del>(7) Except as provided in division (C)(6) of this section,</del>	273

~~adopt~~ Adopt and publish, in accordance with section 111.15 of the Revised Code, necessary rules and procedures governing the administration of the state's insurance and risk management activities.

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

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

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

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

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

~~(3) Insuring (B) The department of administrative services through the office of risk management shall establish one or more insurance plans that provide for the purchase of insurance for the purpose of insuring the state through the fidelity bonding of state officers, employees, and agents who are required by law to provide a fidelity bond. Nothing in this section shall be construed to allow the department of administrative services through the office of risk management to administer the state's fidelity bonding program through a program of self-insurance.~~ 305  
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~~(B)(1) Prior to the establishment of any self-insured fidelity bond program for a particular class or subclass of state officer, employee, or agent authorized pursuant to division (A)(3) of this section, the director of administrative services shall follow the procedures for holding a hearing and adopting rules set forth in division (C)(6)(a) of section 9.821 of the Revised Code.~~ 314  
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~~(2) Division (B)(1) of this section does not apply to any self-insured blanket fidelity bond program that, on September 20, 1993, has been established pursuant to section 9.831 of the Revised Code.~~ 320  
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~~(3) The director shall prepare annually a written report detailing any self-insured fidelity bond program established pursuant to division (A)(3) of this section. The report shall include, but is not limited to, information relating to premiums collected, income from recovery, loss experience, and administrative costs of the program. A copy of the report, together with a copy of those portions of the most recent reports submitted under division (D) of section 9.823 of the Revised Code that pertain to any such self-insured fidelity bond program, shall be submitted to the speaker of the house of representatives and the president of the senate by the last day of March of each year.~~ 324  
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**Sec. 9.823.** (A) All contributions collected by the director 335

of administrative services under division (E) of this section 336  
shall be deposited into the state treasury to the credit of the 337  
risk management reserve fund, which is hereby created. The fund 338  
shall be used to provide insurance and self-insurance for the 339  
state under ~~section~~ sections 9.822 and 9.83 of the Revised Code. 340  
All investment earnings of the fund shall be credited to it. 341

(B) The director, through the office of risk management, 342  
shall operate the risk management reserve fund on an actuarially 343  
sound basis. 344

(C) Reserves shall be maintained in the risk management 345  
reserve fund in any amount that is necessary and adequate, in the 346  
exercise of sound and prudent actuarial judgment, to cover 347  
potential liability claims, expenses, fees, or damages. Money in 348  
the fund may be applied to the payment of liability claims that 349  
are filed against the state in the court of claims and determined 350  
in the manner provided for under Chapter 2743. of the Revised 351  
Code. The director may procure the services of a qualified 352  
actuarial firm for the purpose of recommending the specific amount 353  
of money that would be required to maintain adequate reserves for 354  
a given period of time. 355

(D) A report of the amounts reserved and disbursements made 356  
from the reserves, together with a written report of a competent 357  
property and casualty actuary, shall be submitted, on or before 358  
the last day of March for the preceding calendar year, to the 359  
speaker of the house of representatives and the president of the 360  
senate. The actuary shall certify the adequacy of the rates of 361  
contributions, the sufficiency of excess insurance, and whether 362  
the amounts reserved conform to the requirements of this section, 363  
are computed in accordance with accepted loss reserving standards, 364  
and are fairly stated in accordance with sound loss reserving 365  
principles. The report shall include disbursements made for the 366  
administration of the fund, including claims paid, cost of legal 367

representation of state agencies and employees, and fees paid to 368  
consultants. 369

(E) The director shall collect from each state agency or any 370  
participating state body its contribution to the risk management 371  
reserve fund for the purpose of purchasing insurance or 372  
administering self-insurance programs for coverages authorized 373  
under ~~section~~ sections 9.822 and 9.83 of the Revised Code. The 374  
contribution shall be determined by the director, with the 375  
approval of the director of budget and management, and shall be 376  
based upon actuarial assumptions and the relative risk and loss 377  
experience of each state agency or participating state body. The 378  
contribution shall further include a reasonable sum to cover the 379  
department's administrative costs. 380

**Sec. 9.83.** (A) The state and any political subdivision may 381  
procure a policy or policies of insurance insuring its officers 382  
and employees against liability for injury, death, or loss to 383  
person or property that arises out of the operation of an 384  
automobile, truck, motor vehicle with auxiliary equipment, 385  
self-propelling equipment or trailer, aircraft, or watercraft by 386  
the officers or employees while engaged in the course of their 387  
employment or official responsibilities for the state or the 388  
political subdivision. The state is authorized to expend funds to 389  
pay judgments that are rendered in any court against its officers 390  
or employees and that result from such operation, and is 391  
authorized to expend funds to compromise claims for liability 392  
against its officers or employees that result from such operation. 393  
No insurer shall deny coverage under such a policy, and the state 394  
shall not refuse to pay judgments or compromise claims, on the 395  
ground that an automobile, truck, motor vehicle with auxiliary 396  
equipment, self-propelling equipment or trailer, aircraft, or 397  
watercraft was not being used in the course of an officer's or 398  
employee's employment or official responsibilities for the state 399

or a political subdivision unless the officer or employee who was 400  
operating an automobile, truck, motor vehicle with auxiliary 401  
equipment, or self-propelling equipment or trailer is convicted of 402  
a violation of section 124.71 of the Revised Code as a result of 403  
the same events. 404

(B) Funds shall be reserved as necessary, in the exercise of 405  
sound and prudent actuarial judgment, to cover potential expense, 406  
fees, damage, loss, or other liability. The ~~superintendent of~~ 407  
~~insurance~~ office of risk management may recommend or, if the state 408  
requests of the ~~superintendent~~ office of risk management, shall 409  
recommend, a specific amount for any period of time that, in the 410  
~~superintendent's~~ opinion of the office of risk management, 411  
represents such a judgment. 412

(C) Nothing in this section shall be construed to require the 413  
department of administrative services to purchase liability 414  
insurance for all state vehicles in a single policy of insurance 415  
or to cover all state vehicles under a single plan of 416  
self-insurance. 417

(D) Insurance procured by the state pursuant to this section 418  
shall be procured as provided in section 125.03 of the Revised 419  
Code. 420

(E) For purposes of liability insurance procured under this 421  
section to cover the operation of a motor vehicle by a prisoner 422  
for whom the insurance is procured, "employee" includes a prisoner 423  
in the custody of the department of rehabilitation and correction 424  
who is enrolled in a work program that is established by the 425  
department pursuant to section 5145.16 of the Revised Code and in 426  
which the prisoner is required to operate a motor vehicle, as 427  
defined in section 4509.01 of the Revised Code, and who is engaged 428  
in the operation of a motor vehicle in the course of the work 429  
program. 430

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

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

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

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

amount of the contribution also shall include a reasonable sum to 463  
cover administrative costs of the department of administrative 464  
services. The amounts collected pursuant to this division shall be 465  
deposited in the risk management reserve fund to the credit of the 466  
vehicle liability program. 467

**Sec. 107.12.** (A) As used in this section, "organization" 468  
means a faith-based or other organization that is exempt from 469  
federal income taxation under section 501(c)(3) of the Internal 470  
Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended, and 471  
provides charitable services to needy residents of this state. 472

(B) There is hereby established within the office of the 473  
governor the governor's office of faith-based and community 474  
initiatives. The office shall: 475

(1) Serve as a clearinghouse of information on federal, 476  
state, and local funding for charitable services performed by 477  
organizations; 478

(2) Encourage organizations to seek public funding for their 479  
charitable services; 480

(3) Act as a liaison between state agencies and 481  
organizations; 482

(4) Advise the governor, general assembly, and the advisory 483  
board of the governor's office of faith-based community 484  
initiatives on the barriers that exist to collaboration between 485  
organizations and governmental entities and on ways to remove the 486  
barriers. 487

(C) The governor shall appoint an executive assistant to 488  
manage the office and perform or oversee the performance of the 489  
duties of the office. 490

(D)(1) There is hereby created the advisory board of the 491  
governor's office of faith-based and community initiatives. The 492



board shall consist of members appointed as follows: 493

(a) The directors of aging, alcohol and drug addiction 494  
services, rehabilitation and correction, health, job and family 495  
services, mental health, and youth services shall each appoint to 496  
the board one employee of that director's department. 497

(b) The speaker of the house of representatives shall appoint 498  
to the board two members of the house of representatives, not more 499  
than one of whom shall be from the same political party and at 500  
least one of whom shall be from the legislative black caucus. The 501  
speaker of the house of representatives shall consult with the 502  
president of the legislative black caucus in making the 503  
legislative black caucus member appointment. The president of the 504  
senate shall appoint to the board two members of the senate, not 505  
more than one of whom shall be from the same political party. 506

(c) The governor, speaker of the house of representatives, 507  
and president of the senate shall each appoint to the board three 508  
representatives of the nonprofit, faith-based and other nonprofit 509  
community. 510

~~(2) The appointments to the board shall be made within thirty~~ 511  
~~days after the effective date of this section.~~ Terms of the office 512  
shall be one year. Any vacancy that occurs on the board shall be 513  
filled in the same manner as the original appointment. The members 514  
of the board shall serve without compensation. 515

(3) At its initial meeting, the board shall elect a 516  
chairperson. The chairperson shall be a member of the board who is 517  
a member of the house of representatives. 518

(E) The board shall do both of the following: 519

(1) Provide direction, guidance, and oversight to the office; 520

(2) Publish a report of its activities on or before the first 521  
day of August of each year, and deliver copies of the report to 522

the governor, the speaker and minority leader of the house of 523  
representatives, and the president and minority leader of the 524  
senate. 525

(F) No member of the board or organization that the member is 526  
affiliated or involved with is eligible to receive any grant that 527  
the office administers or assists in administering. 528

**Sec. 107.40.** (A) There is hereby created the governor's 529  
residence advisory commission. The commission shall provide for 530  
the preservation, restoration, acquisition, and conservation of 531  
all decorations, objects of art, chandeliers, china, silver, 532  
statues, paintings, furnishings, accouterments, and other 533  
aesthetic materials that have been acquired, donated, loaned, or 534  
otherwise obtained by the state for the governor's residence and 535  
that have been approved by the commission. In addition, the 536  
commission shall provide for the maintenance of plants that have 537  
been acquired, donated, loaned, or otherwise obtained by the state 538  
for the governor's residence and that have been approved by the 539  
commission. 540

(B) The commission shall be responsible for the care, 541  
provision, repair, and placement of furnishings and other objects 542  
and accessories of the grounds and public areas of the first story 543  
of the governor's residence and for the care and placement of 544  
plants on the grounds. In exercising this responsibility, the 545  
commission shall preserve and seek to further establish all of the 546  
following: 547

(1) The authentic ambiance and decor of the historic era 548  
during which the governor's residence was constructed; 549

(2) The grounds as a representation of Ohio's natural 550  
ecosystems; 551

(3) The heritage garden for all of the following purposes: 552

(a) To preserve, sustain, and encourage the use of native 553  
flora throughout the state; 554

(b) To replicate the state's physiographic regions, plant 555  
communities, and natural landscapes; 556

(c) To serve as an educational garden that demonstrates the 557  
artistic, industrial, political, horticultural, and geologic 558  
history of the state through the use of plants; 559

(d) To serve as a reservoir of rare species of plants from 560  
the physiographic regions of the state. 561

These duties shall not affect the obligation of the 562  
department of administrative services to provide for ~~the~~ and adopt 563  
policies and procedures regarding the use, general maintenance, 564  
and operating expenses of the governor's residence. 565

(C) The commission shall consist of eleven members. One 566  
member shall be the director of administrative services or the 567  
director's designee, who shall serve during the director's term of 568  
office and shall serve as chairperson. One member shall be the 569  
director of the Ohio historical society or the director's 570  
designee, who shall serve during the director's term of office and 571  
shall serve as vice-chairperson. One member shall represent the 572  
Columbus landmarks foundation. One member shall represent the 573  
Bexley historical society. One member shall be the mayor of the 574  
city of Bexley, who shall serve during the mayor's term of office. 575  
One member shall be the chief executive officer of the Franklin 576  
park conservatory joint recreation district, who shall serve 577  
during the term of employment as chief executive officer. The 578  
remaining five members shall be appointed by the governor with the 579  
advice and consent of the senate. The five members appointed by 580  
the governor shall be persons with knowledge of Ohio history, 581  
architecture, decorative arts, or historic preservation, and one 582  
of those members shall have knowledge of landscape architecture, 583

garden design, horticulture, and plants native to this state. 584

(D) Of the initial appointees, the representative of the 585  
Columbus landmarks foundation shall serve for a term expiring 586  
December 31, 1996, and the representative of the Bexley historical 587  
society shall serve for a term expiring December 31, 1997. Of the 588  
five members appointed by the governor, three shall serve for 589  
terms ending December 31, 1998, and two shall serve for terms 590  
ending December 31, 1999. Thereafter, each term shall be for four 591  
years, commencing on the first day of January and ending on the 592  
last day of December. The member having knowledge of landscape 593  
architecture, garden design, horticulture, and plants native to 594  
this state initially shall be appointed upon the first vacancy on 595  
the commission occurring on or after June 30, 2006. 596

Each member shall hold office from the date of the member's 597  
appointment until the end of the term for which the member was 598  
appointed. Any member appointed to fill a vacancy occurring prior 599  
to the end of the term for which the member's predecessor was 600  
appointed shall hold office for the remainder of the term. Any 601  
member shall continue in office subsequent to the expiration of 602  
the term until the member's successor takes office. 603

(E) Six members of the commission constitute a quorum, and 604  
the affirmative vote of six members is required for approval of 605  
any action by the commission. 606

(F) After each initial member of the commission has been 607  
appointed, the commission shall meet and select one member as 608  
secretary and another as treasurer. Organizational meetings of the 609  
commission shall be held at the time and place designated by call 610  
of the chairperson. Meetings of the commission may be held 611  
anywhere in the state and shall be in compliance with Chapters 612  
121. and 149. of the Revised Code. The commission may adopt, 613  
pursuant to section 111.15 of the Revised Code, rules necessary to 614  
carry out the purposes of this section. 615

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

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

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

(J) Nothing in this section limits the ability of a person or other entity to purchase decorations, objects of art, chandeliers, china, silver, statues, paintings, furnishings, accouterments,

plants, or other aesthetic materials for placement in the 648  
governor's residence or on the grounds of the governor's residence 649  
or donation to the commission. No such object or plant, however, 650  
shall be placed on the grounds or public areas of the first story 651  
of the governor's residence without the consent of the commission. 652

(K) The heritage garden established under this section shall 653  
be officially known as "the heritage garden at the Ohio governor's 654  
residence." 655

(L) As used in this section, "heritage garden" means the 656  
botanical garden of native plants established at the governor's 657  
residence. 658

**Sec. 109.57.** (A)(1) The superintendent of the bureau of 659  
criminal identification and investigation shall procure from 660  
wherever procurable and file for record photographs, pictures, 661  
descriptions, fingerprints, measurements, and other information 662  
that may be pertinent of all persons who have been convicted of 663  
committing within this state a felony, any crime constituting a 664  
misdemeanor on the first offense and a felony on subsequent 665  
offenses, or any misdemeanor described in division (A)(1)(a) or 666  
(A)(10)(a) of section 109.572 of the Revised Code, of all children 667  
under eighteen years of age who have been adjudicated delinquent 668  
children for committing within this state an act that would be a 669  
felony or an offense of violence if committed by an adult or who 670  
have been convicted of or pleaded guilty to committing within this 671  
state a felony or an offense of violence, and of all well-known 672  
and habitual criminals. The person in charge of any county, 673  
multicounty, municipal, municipal-county, or multicounty-municipal 674  
jail or workhouse, community-based correctional facility, halfway 675  
house, alternative residential facility, or state correctional 676  
institution and the person in charge of any state institution 677  
having custody of a person suspected of having committed a felony, 678

any crime constituting a misdemeanor on the first offense and a 679  
felony on subsequent offenses, or any misdemeanor described in 680  
division (A)(1)(a) or (A)(10)(a) of section 109.572 of the Revised 681  
Code or having custody of a child under eighteen years of age with 682  
respect to whom there is probable cause to believe that the child 683  
may have committed an act that would be a felony or an offense of 684  
violence if committed by an adult shall furnish such material to 685  
the superintendent of the bureau. Fingerprints, photographs, or 686  
other descriptive information of a child who is under eighteen 687  
years of age, has not been arrested or otherwise taken into 688  
custody for committing an act that would be a felony or an offense 689  
of violence if committed by an adult, has not been adjudicated a 690  
delinquent child for committing an act that would be a felony or 691  
an offense of violence if committed by an adult, has not been 692  
convicted of or pleaded guilty to committing a felony or an 693  
offense of violence, and is not a child with respect to whom there 694  
is probable cause to believe that the child may have committed an 695  
act that would be a felony or an offense of violence if committed 696  
by an adult shall not be procured by the superintendent or 697  
furnished by any person in charge of any county, multicounty, 698  
municipal, municipal-county, or multicounty-municipal jail or 699  
workhouse, community-based correctional facility, halfway house, 700  
alternative residential facility, or state correctional 701  
institution, except as authorized in section 2151.313 of the 702  
Revised Code. 703

(2) Every clerk of a court of record in this state, other 704  
than the supreme court or a court of appeals, shall send to the 705  
superintendent of the bureau a weekly report containing a summary 706  
of each case involving a felony, involving any crime constituting 707  
a misdemeanor on the first offense and a felony on subsequent 708  
offenses, involving a misdemeanor described in division (A)(1)(a) 709  
or (A)(10)(a) of section 109.572 of the Revised Code, or involving 710  
an adjudication in a case in which a child under eighteen years of 711

age was alleged to be a delinquent child for committing an act 712  
that would be a felony or an offense of violence if committed by 713  
an adult. The clerk of the court of common pleas shall include in 714  
the report and summary the clerk sends under this division all 715  
information described in divisions (A)(2)(a) to (f) of this 716  
section regarding a case before the court of appeals that is 717  
served by that clerk. The summary shall be written on the standard 718  
forms furnished by the superintendent pursuant to division (B) of 719  
this section and shall include the following information: 720

(a) The incident tracking number contained on the standard 721  
forms furnished by the superintendent pursuant to division (B) of 722  
this section; 723

(b) The style and number of the case; 724

(c) The date of arrest; 725

(d) The date that the person was convicted of or pleaded 726  
guilty to the offense, adjudicated a delinquent child for 727  
committing the act that would be a felony or an offense of 728  
violence if committed by an adult, found not guilty of the 729  
offense, or found not to be a delinquent child for committing an 730  
act that would be a felony or an offense of violence if committed 731  
by an adult, the date of an entry dismissing the charge, an entry 732  
declaring a mistrial of the offense in which the person is 733  
discharged, an entry finding that the person or child is not 734  
competent to stand trial, or an entry of a nolle prosequi, or the 735  
date of any other determination that constitutes final resolution 736  
of the case; 737

(e) A statement of the original charge with the section of 738  
the Revised Code that was alleged to be violated; 739

(f) If the person or child was convicted, pleaded guilty, or 740  
was adjudicated a delinquent child, the sentence or terms of 741  
probation imposed or any other disposition of the offender or the 742



delinquent child. 743

If the offense involved the disarming of a law enforcement 744  
officer or an attempt to disarm a law enforcement officer, the 745  
clerk shall clearly state that fact in the summary, and the 746  
superintendent shall ensure that a clear statement of that fact is 747  
placed in the bureau's records. 748

(3) The superintendent shall cooperate with and assist 749  
sheriffs, chiefs of police, and other law enforcement officers in 750  
the establishment of a complete system of criminal identification 751  
and in obtaining fingerprints and other means of identification of 752  
all persons arrested on a charge of a felony, any crime 753  
constituting a misdemeanor on the first offense and a felony on 754  
subsequent offenses, or a misdemeanor described in division 755  
(A)(1)(a) or (A)(10)(a) of section 109.572 of the Revised Code and 756  
of all children under eighteen years of age arrested or otherwise 757  
taken into custody for committing an act that would be a felony or 758  
an offense of violence if committed by an adult. The 759  
superintendent also shall file for record the fingerprint 760  
impressions of all persons confined in a county, multicounty, 761  
municipal, municipal-county, or multicounty-municipal jail or 762  
workhouse, community-based correctional facility, halfway house, 763  
alternative residential facility, or state correctional 764  
institution for the violation of state laws and of all children 765  
under eighteen years of age who are confined in a county, 766  
multicounty, municipal, municipal-county, or multicounty-municipal 767  
jail or workhouse, community-based correctional facility, halfway 768  
house, alternative residential facility, or state correctional 769  
institution or in any facility for delinquent children for 770  
committing an act that would be a felony or an offense of violence 771  
if committed by an adult, and any other information that the 772  
superintendent may receive from law enforcement officials of the 773  
state and its political subdivisions. 774

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

(5) The bureau shall perform centralized recordkeeping functions for criminal history records and services in this state for purposes of the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code and is the criminal history record repository as defined in that section for purposes of that compact. The superintendent or the superintendent's designee is the compact officer for purposes of that compact and shall carry out the responsibilities of the compact officer specified in that compact.

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

(C) The superintendent may operate a center for electronic, automated, or other data processing for the storage and retrieval of information, data, and statistics pertaining to criminals and to children under eighteen years of age who are adjudicated delinquent children for committing an act that would be a felony or an offense of violence if committed by an adult, criminal

activity, crime prevention, law enforcement, and criminal justice, 807  
and may establish and operate a statewide communications network 808  
to gather and disseminate information, data, and statistics for 809  
the use of law enforcement agencies. The superintendent may 810  
gather, store, retrieve, and disseminate information, data, and 811  
statistics that pertain to children who are under eighteen years 812  
of age and that are gathered pursuant to sections 109.57 to 109.61 813  
of the Revised Code together with information, data, and 814  
statistics that pertain to adults and that are gathered pursuant 815  
to those sections. In addition to any other authorized use of 816  
information, data, and statistics of that nature, the 817  
superintendent or the superintendent's designee may provide and 818  
exchange the information, data, and statistics pursuant to the 819  
national crime prevention and privacy compact as described in 820  
division (A)(5) of this section. 821

(D) The information and materials furnished to the 822  
superintendent pursuant to division (A) of this section and 823  
information and materials furnished to any board or person under 824  
division (F) or (G) of this section are not public records under 825  
section 149.43 of the Revised Code. 826

(E) The attorney general shall adopt rules, in accordance 827  
with Chapter 119. of the Revised Code, setting forth the procedure 828  
by which a person may receive or release information gathered by 829  
the superintendent pursuant to division (A) of this section. A 830  
reasonable fee may be charged for this service. If a temporary 831  
employment service submits a request for a determination of 832  
whether a person the service plans to refer to an employment 833  
position has been convicted of or pleaded guilty to an offense 834  
listed in division (A)(1), (3), (4), (5), or (6) of section 835  
109.572 of the Revised Code, the request shall be treated as a 836  
single request and only one fee shall be charged. 837

(F)(1) As used in division (F)(2) of this section, "head 838

start agency" means an entity in this state that has been approved 839  
to be an agency for purposes of subchapter II of the "Community 840  
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 841  
as amended. 842

(2)(a) In addition to or in conjunction with any request that 843  
is required to be made under section 109.572, 2151.86, 3301.32, or 844  
3301.541, division (C) of section 3310.58, or section 3319.39, 845  
3701.881, 5104.012, 5104.013, 5123.081, 5126.28, 5126.281, or 846  
5153.111 of the Revised Code, the board of education of any school 847  
district; the director of mental retardation and developmental 848  
disabilities; any county board of mental retardation and 849  
developmental disabilities; any entity under contract with a 850  
county board of mental retardation and developmental disabilities; 851  
the chief administrator of any chartered nonpublic school; the 852  
chief administrator of a registered private provider that is not 853  
also a chartered nonpublic school; the chief administrator of any 854  
home health agency; the chief administrator of or person operating 855  
any child day-care center, type A family day-care home, or type B 856  
family day-care home licensed or certified under Chapter 5104. of 857  
the Revised Code; the administrator of any type C family day-care 858  
home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 859  
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 860  
general assembly; the chief administrator of any head start 861  
agency; or the executive director of a public children services 862  
agency may request that the superintendent of the bureau 863  
investigate and determine, with respect to any individual who has 864  
applied for employment in any position after October 2, 1989, or 865  
any individual wishing to apply for employment with a board of 866  
education may request, with regard to the individual, whether the 867  
bureau has any information gathered under division (A) of this 868  
section that pertains to that individual. On receipt of the 869  
request, the superintendent shall determine whether that 870  
information exists and, upon request of the person, board, or 871

entity requesting information, also shall request from the federal 872  
bureau of investigation any criminal records it has pertaining to 873  
that individual. The superintendent or the superintendent's 874  
designee also may request criminal history records from other 875  
states or the federal government pursuant to the national crime 876  
prevention and privacy compact set forth in section 109.571 of the 877  
Revised Code. Within thirty days of the date that the 878  
superintendent receives a request, the superintendent shall send 879  
to the board, entity, or person a report of any information that 880  
the superintendent determines exists, including information 881  
contained in records that have been sealed under section 2953.32 882  
of the Revised Code, and, within thirty days of its receipt, shall 883  
send the board, entity, or person a report of any information 884  
received from the federal bureau of investigation, other than 885  
information the dissemination of which is prohibited by federal 886  
law. 887

(b) When a board of education or a registered private 888  
provider is required to receive information under this section as 889  
a prerequisite to employment of an individual pursuant to division 890  
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 891  
may accept a certified copy of records that were issued by the 892  
bureau of criminal identification and investigation and that are 893  
presented by an individual applying for employment with the 894  
district in lieu of requesting that information itself. In such a 895  
case, the board or provider shall accept the certified copy issued 896  
by the bureau in order to make a photocopy of it for that 897  
individual's employment application documents and shall return the 898  
certified copy to the individual. In a case of that nature, a 899  
district or provider only shall accept a certified copy of records 900  
of that nature within one year after the date of their issuance by 901  
the bureau. 902

(3) The state board of education may request, with respect to 903

any individual who has applied for employment after October 2, 904  
1989, in any position with the state board or the department of 905  
education, any information that a school district board of 906  
education is authorized to request under division (F)(2) of this 907  
section, and the superintendent of the bureau shall proceed as if 908  
the request has been received from a school district board of 909  
education under division (F)(2) of this section. 910

(4) When the superintendent of the bureau receives a request 911  
for information under section 3319.291 of the Revised Code, the 912  
superintendent shall proceed as if the request has been received 913  
from a school district board of education under division (F)(2) of 914  
this section. 915

(5) When a recipient of a classroom reading improvement grant 916  
paid under section 3301.86 of the Revised Code requests, with 917  
respect to any individual who applies to participate in providing 918  
any program or service funded in whole or in part by the grant, 919  
the information that a school district board of education is 920  
authorized to request under division (F)(2)(a) of this section, 921  
the superintendent of the bureau shall proceed as if the request 922  
has been received from a school district board of education under 923  
division (F)(2)(a) of this section. 924

(G) In addition to or in conjunction with any request that is 925  
required to be made under section 3701.881, 3712.09, 3721.121, or 926  
3722.151 of the Revised Code with respect to an individual who has 927  
applied for employment in a position that involves providing 928  
direct care to an older adult, the chief administrator of a home 929  
health agency, hospice care program, home licensed under Chapter 930  
3721. of the Revised Code, adult day-care program operated 931  
pursuant to rules adopted under section 3721.04 of the Revised 932  
Code, or adult care facility may request that the superintendent 933  
of the bureau investigate and determine, with respect to any 934  
individual who has applied after January 27, 1997, for employment 935

in a position that does not involve providing direct care to an 936  
older adult, whether the bureau has any information gathered under 937  
division (A) of this section that pertains to that individual. 938

In addition to or in conjunction with any request that is 939  
required to be made under section 173.27 of the Revised Code with 940  
respect to an individual who has applied for employment in a 941  
position that involves providing ombudsperson services to 942  
residents of long-term care facilities or recipients of 943  
community-based long-term care services, the state long-term care 944  
ombudsperson, ombudsperson's designee, or director of health may 945  
request that the superintendent investigate and determine, with 946  
respect to any individual who has applied for employment in a 947  
position that does not involve providing such ombudsperson 948  
services, whether the bureau has any information gathered under 949  
division (A) of this section that pertains to that applicant. 950

In addition to or in conjunction with any request that is 951  
required to be made under section 173.394 of the Revised Code with 952  
respect to an individual who has applied for employment in a 953  
position that involves providing direct care to an individual, the 954  
chief administrator of a community-based long-term care agency may 955  
request that the superintendent investigate and determine, with 956  
respect to any individual who has applied for employment in a 957  
position that does not involve providing direct care, whether the 958  
bureau has any information gathered under division (A) of this 959  
section that pertains to that applicant. 960

On receipt of a request under this division, the 961  
superintendent shall determine whether that information exists 962  
and, on request of the individual requesting information, shall 963  
also request from the federal bureau of investigation any criminal 964  
records it has pertaining to the applicant. The superintendent or 965  
the superintendent's designee also may request criminal history 966  
records from other states or the federal government pursuant to 967

the national crime prevention and privacy compact set forth in 968  
section 109.571 of the Revised Code. Within thirty days of the 969  
date a request is received, the superintendent shall send to the 970  
requester a report of any information determined to exist, 971  
including information contained in records that have been sealed 972  
under section 2953.32 of the Revised Code, and, within thirty days 973  
of its receipt, shall send the requester a report of any 974  
information received from the federal bureau of investigation, 975  
other than information the dissemination of which is prohibited by 976  
federal law. 977

(H) Information obtained by a government entity or person 978  
under this section is confidential and shall not be released or 979  
disseminated. 980

(I) The superintendent may charge a reasonable fee for 981  
providing information or criminal records under division (F)(2) or 982  
(G) of this section. 983

(J) As used in this section, "registered private provider" 984  
means a nonpublic school or entity registered with the 985  
superintendent of public instruction under section 3310.41 of the 986  
Revised Code to participate in the autism scholarship program or 987  
section 3310.58 of the Revised Code to participate in the special 988  
education scholarship pilot program. 989

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to 990  
section 121.08, 3301.32, 3301.541, 3319.39, 5104.012, or 5104.013 991  
of the Revised Code, a completed form prescribed pursuant to 992  
division (C)(1) of this section, and a set of fingerprint 993  
impressions obtained in the manner described in division (C)(2) of 994  
this section, the superintendent of the bureau of criminal 995  
identification and investigation shall conduct a criminal records 996  
check in the manner described in division (B) of this section to 997  
determine whether any information exists that indicates that the 998



person who is the subject of the request previously has been 999  
convicted of or pleaded guilty to any of the following: 1000

(a) A violation of section 2903.01, 2903.02, 2903.03, 1001  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1002  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1003  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1004  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 1005  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 1006  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 1007  
2925.06, or 3716.11 of the Revised Code, felonious sexual 1008  
penetration in violation of former section 2907.12 of the Revised 1009  
Code, a violation of section 2905.04 of the Revised Code as it 1010  
existed prior to July 1, 1996, a violation of section 2919.23 of 1011  
the Revised Code that would have been a violation of section 1012  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1013  
had the violation been committed prior to that date, or a 1014  
violation of section 2925.11 of the Revised Code that is not a 1015  
minor drug possession offense; 1016

(b) A violation of an existing or former law of this state, 1017  
any other state, or the United States that is substantially 1018  
equivalent to any of the offenses listed in division (A)(1)(a) of 1019  
this section. 1020

(2) On receipt of a request pursuant to section 5123.081 of 1021  
the Revised Code with respect to an applicant for employment in 1022  
any position with the department of mental retardation and 1023  
developmental disabilities, pursuant to section 5126.28 of the 1024  
Revised Code with respect to an applicant for employment in any 1025  
position with a county board of mental retardation and 1026  
developmental disabilities, or pursuant to section 5126.281 of the 1027  
Revised Code with respect to an applicant for employment in a 1028  
direct services position with an entity contracting with a county 1029  
board for employment, a completed form prescribed pursuant to 1030

division (C)(1) of this section, and a set of fingerprint 1031  
impressions obtained in the manner described in division (C)(2) of 1032  
this section, the superintendent of the bureau of criminal 1033  
identification and investigation shall conduct a criminal records 1034  
check. The superintendent shall conduct the criminal records check 1035  
in the manner described in division (B) of this section to 1036  
determine whether any information exists that indicates that the 1037  
person who is the subject of the request has been convicted of or 1038  
pleaded guilty to any of the following: 1039

(a) A violation of section 2903.01, 2903.02, 2903.03, 1040  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1041  
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 1042  
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 1043  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 1044  
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 1045  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 1046  
2925.03, or 3716.11 of the Revised Code; 1047

(b) An existing or former municipal ordinance or law of this 1048  
state, any other state, or the United States that is substantially 1049  
equivalent to any of the offenses listed in division (A)(2)(a) of 1050  
this section. 1051

(3) On receipt of a request pursuant to section 173.27, 1052  
173.394, 3712.09, 3721.121, or 3722.151 of the Revised Code, a 1053  
completed form prescribed pursuant to division (C)(1) of this 1054  
section, and a set of fingerprint impressions obtained in the 1055  
manner described in division (C)(2) of this section, the 1056  
superintendent of the bureau of criminal identification and 1057  
investigation shall conduct a criminal records check with respect 1058  
to any person who has applied for employment in a position for 1059  
which a criminal records check is required by those sections. The 1060  
superintendent shall conduct the criminal records check in the 1061  
manner described in division (B) of this section to determine 1062

whether any information exists that indicates that the person who 1063  
is the subject of the request previously has been convicted of or 1064  
pleaded guilty to any of the following: 1065

(a) A violation of section 2903.01, 2903.02, 2903.03, 1066  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1067  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1068  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1069  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1070  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1071  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1072  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1073  
2925.22, 2925.23, or 3716.11 of the Revised Code; 1074

(b) An existing or former law of this state, any other state, 1075  
or the United States that is substantially equivalent to any of 1076  
the offenses listed in division (A)(3)(a) of this section. 1077

(4) On receipt of a request pursuant to section 3701.881 of 1078  
the Revised Code with respect to an applicant for employment with 1079  
a home health agency as a person responsible for the care, 1080  
custody, or control of a child, a completed form prescribed 1081  
pursuant to division (C)(1) of this section, and a set of 1082  
fingerprint impressions obtained in the manner described in 1083  
division (C)(2) of this section, the superintendent of the bureau 1084  
of criminal identification and investigation shall conduct a 1085  
criminal records check. The superintendent shall conduct the 1086  
criminal records check in the manner described in division (B) of 1087  
this section to determine whether any information exists that 1088  
indicates that the person who is the subject of the request 1089  
previously has been convicted of or pleaded guilty to any of the 1090  
following: 1091

(a) A violation of section 2903.01, 2903.02, 2903.03, 1092  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1093  
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 1094

2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 1095  
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 1096  
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1097  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1098  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 1099  
violation of section 2925.11 of the Revised Code that is not a 1100  
minor drug possession offense; 1101

(b) An existing or former law of this state, any other state, 1102  
or the United States that is substantially equivalent to any of 1103  
the offenses listed in division (A)(4)(a) of this section. 1104

(5) On receipt of a request pursuant to section ~~5111.95 or~~ 1105  
~~5111.96~~ 5111.032, 5111.033, or 5111.034 of the Revised Code with 1106  
~~respect to an applicant for employment with a waiver agency~~ 1107  
~~participating in a department of job and family services~~ 1108  
~~administered home and community based waiver program or an~~ 1109  
~~independent provider participating in a department administered~~ 1110  
~~home and community based waiver program in a position that~~ 1111  
~~involves providing home and community based waiver services to~~ 1112  
~~consumers with disabilities~~, a completed form prescribed pursuant 1113  
to division (C)(1) of this section, and a set of fingerprint 1114  
impressions obtained in the manner described in division (C)(2) of 1115  
this section, the superintendent of the bureau of criminal 1116  
identification and investigation shall conduct a criminal records 1117  
check. The superintendent shall conduct the criminal records check 1118  
in the manner described in division (B) of this section to 1119  
determine whether any information exists that indicates that the 1120  
person who is the subject of the request previously has been 1121  
convicted of ~~or~~, has pleaded guilty to, or has been found eligible 1122  
for intervention in lieu of conviction for any of the following: 1123

(a) A violation of section 2903.01, 2903.02, 2903.03, 1124  
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 1125  
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 1126

2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 1127  
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 1128  
2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 1129  
2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 1130  
2913.40, 2913.43, 2913.47, 2913.48, 2913.49, 2913.51, 2917.11, 1131  
2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 1132  
2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 1133  
2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 1134  
3716.11 of the Revised Code, felonious sexual penetration in 1135  
violation of former section 2907.12 of the Revised Code, a 1136  
violation of section 2905.04 of the Revised Code as it existed 1137  
prior to July 1, 1996, a violation of section 2919.23 of the 1138  
Revised Code that would have been a violation of section 2905.04 1139  
of the Revised Code as it existed prior to July 1, 1996, had the 1140  
violation been committed prior to that date; 1141

(b) An existing or former law of this state, any other state, 1142  
or the United States that is substantially equivalent to any of 1143  
the offenses listed in division (A)(5)(a) of this section. 1144

(6) On receipt of a request pursuant to section 3701.881 of 1145  
the Revised Code with respect to an applicant for employment with 1146  
a home health agency in a position that involves providing direct 1147  
care to an older adult, a completed form prescribed pursuant to 1148  
division (C)(1) of this section, and a set of fingerprint 1149  
impressions obtained in the manner described in division (C)(2) of 1150  
this section, the superintendent of the bureau of criminal 1151  
identification and investigation shall conduct a criminal records 1152  
check. The superintendent shall conduct the criminal records check 1153  
in the manner described in division (B) of this section to 1154  
determine whether any information exists that indicates that the 1155  
person who is the subject of the request previously has been 1156  
convicted of or pleaded guilty to any of the following: 1157

(a) A violation of section 2903.01, 2903.02, 2903.03, 1158

2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1159  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1160  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1161  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1162  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1163  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1164  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1165  
2925.22, 2925.23, or 3716.11 of the Revised Code; 1166

(b) An existing or former law of this state, any other state, 1167  
or the United States that is substantially equivalent to any of 1168  
the offenses listed in division (A)(6)(a) of this section. 1169

(7) When conducting a criminal records check upon a request 1170  
pursuant to section 3319.39 of the Revised Code for an applicant 1171  
who is a teacher, in addition to the determination made under 1172  
division (A)(1) of this section, the superintendent shall 1173  
determine whether any information exists that indicates that the 1174  
person who is the subject of the request previously has been 1175  
convicted of or pleaded guilty to any offense specified in section 1176  
3319.31 of the Revised Code. 1177

(8) On a request pursuant to section 2151.86 of the Revised 1178  
Code, a completed form prescribed pursuant to division (C)(1) of 1179  
this section, and a set of fingerprint impressions obtained in the 1180  
manner described in division (C)(2) of this section, the 1181  
superintendent of the bureau of criminal identification and 1182  
investigation shall conduct a criminal records check in the manner 1183  
described in division (B) of this section to determine whether any 1184  
information exists that indicates that the person who is the 1185  
subject of the request previously has been convicted of or pleaded 1186  
guilty to any of the following: 1187

(a) A violation of section 2903.01, 2903.02, 2903.03, 1188  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1189  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1190

2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1191  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1192  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1193  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1194  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a 1195  
violation of section 2905.04 of the Revised Code as it existed 1196  
prior to July 1, 1996, a violation of section 2919.23 of the 1197  
Revised Code that would have been a violation of section 2905.04 1198  
of the Revised Code as it existed prior to July 1, 1996, had the 1199  
violation been committed prior to that date, a violation of 1200  
section 2925.11 of the Revised Code that is not a minor drug 1201  
possession offense, or felonious sexual penetration in violation 1202  
of former section 2907.12 of the Revised Code; 1203

(b) A violation of an existing or former law of this state, 1204  
any other state, or the United States that is substantially 1205  
equivalent to any of the offenses listed in division (A)(8)(a) of 1206  
this section. 1207

(9) When conducting a criminal records check on a request 1208  
pursuant to section 5104.013 of the Revised Code for a person who 1209  
is an owner, licensee, or administrator of a child day-care center 1210  
or type A family day-care home, an authorized provider of a 1211  
certified type B family day-care home, or an adult residing in a 1212  
type A or certified type B home, or when conducting a criminal 1213  
records check or a request pursuant to section 5104.012 of the 1214  
Revised Code for a person who is an applicant for employment in a 1215  
center, type A home, or certified type B home, the superintendent, 1216  
in addition to the determination made under division (A)(1) of 1217  
this section, shall determine whether any information exists that 1218  
indicates that the person has been convicted of or pleaded guilty 1219  
to any of the following: 1220

(a) A violation of section 2913.02, 2913.03, 2913.04, 1221  
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 1222

2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 1223  
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2921.11, 1224  
2921.13, or 2923.01 of the Revised Code, a violation of section 1225  
2923.02 or 2923.03 of the Revised Code that relates to a crime 1226  
specified in this division or division (A)(1)(a) of this section, 1227  
or a second violation of section 4511.19 of the Revised Code 1228  
within five years of the date of application for licensure or 1229  
certification. 1230

(b) A violation of an existing or former law of this state, 1231  
any other state, or the United States that is substantially 1232  
equivalent to any of the offenses or violations described in 1233  
division (A)(9)(a) of this section. 1234

(10) Upon receipt of a request pursuant to section 5153.111 1235  
of the Revised Code, a completed form prescribed pursuant to 1236  
division (C)(1) of this section, and a set of fingerprint 1237  
impressions obtained in the manner described in division (C)(2) of 1238  
this section, the superintendent of the bureau of criminal 1239  
identification and investigation shall conduct a criminal records 1240  
check in the manner described in division (B) of this section to 1241  
determine whether any information exists that indicates that the 1242  
person who is the subject of the request previously has been 1243  
convicted of or pleaded guilty to any of the following: 1244

(a) A violation of section 2903.01, 2903.02, 2903.03, 1245  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1246  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1247  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1248  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1249  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1250  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1251  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 1252  
felonious sexual penetration in violation of former section 1253  
2907.12 of the Revised Code, a violation of section 2905.04 of the 1254



Revised Code as it existed prior to July 1, 1996, a violation of 1255  
section 2919.23 of the Revised Code that would have been a 1256  
violation of section 2905.04 of the Revised Code as it existed 1257  
prior to July 1, 1996, had the violation been committed prior to 1258  
that date, or a violation of section 2925.11 of the Revised Code 1259  
that is not a minor drug possession offense; 1260

(b) A violation of an existing or former law of this state, 1261  
any other state, or the United States that is substantially 1262  
equivalent to any of the offenses listed in division (A)(10)(a) of 1263  
this section. 1264

(11) On receipt of a request for a criminal records check 1265  
from an individual pursuant to section 4749.03 or 4749.06 of the 1266  
Revised Code, accompanied by a completed copy of the form 1267  
prescribed in division (C)(1) of this section and a set of 1268  
fingerprint impressions obtained in a manner described in division 1269  
(C)(2) of this section, the superintendent of the bureau of 1270  
criminal identification and investigation shall conduct a criminal 1271  
records check in the manner described in division (B) of this 1272  
section to determine whether any information exists indicating 1273  
that the person who is the subject of the request has been 1274  
convicted of or pleaded guilty to a felony in this state or in any 1275  
other state. If the individual indicates that a firearm will be 1276  
carried in the course of business, the superintendent shall 1277  
require information from the federal bureau of investigation as 1278  
described in division (B)(2) of this section. The superintendent 1279  
shall report the findings of the criminal records check and any 1280  
information the federal bureau of investigation provides to the 1281  
director of public safety. 1282

(12) On receipt of a request pursuant to section 1322.03, 1283  
1322.031, or 4763.05 of the Revised Code, a completed form 1284  
prescribed pursuant to division (C)(1) of this section, and a set 1285  
of fingerprint impressions obtained in the manner described in 1286

division (C)(2) of this section, the superintendent of the bureau 1287  
of criminal identification and investigation shall conduct a 1288  
criminal records check with respect to any person who has applied 1289  
for a license, permit, or certification from the department of 1290  
commerce or a division in the department. The superintendent shall 1291  
conduct the criminal records check in the manner described in 1292  
division (B) of this section to determine whether any information 1293  
exists that indicates that the person who is the subject of the 1294  
request previously has been convicted of or pleaded guilty to any 1295  
of the following: a violation of section 2913.02, 2913.11, 1296  
2913.31, 2913.51, or 2925.03 of the Revised Code; any other 1297  
criminal offense involving theft, receiving stolen property, 1298  
embezzlement, forgery, fraud, passing bad checks, money 1299  
laundering, or drug trafficking, or any criminal offense involving 1300  
money or securities, as set forth in Chapters 2909., 2911., 2913., 1301  
2915., 2921., 2923., and 2925. of the Revised Code; or any 1302  
existing or former law of this state, any other state, or the 1303  
United States that is substantially equivalent to those offenses. 1304

(13) Not later than thirty days after the date the 1305  
superintendent receives the request, completed form, and 1306  
fingerprint impressions, the superintendent shall send the person, 1307  
board, or entity that made the request any information, other than 1308  
information the dissemination of which is prohibited by federal 1309  
law, the superintendent determines exists with respect to the 1310  
person who is the subject of the request that indicates that the 1311  
person previously has been convicted of or pleaded guilty to any 1312  
offense listed or described in division (A)(1), (2), (3), (4), 1313  
(5), (6), (7), (8), (9), (10), (11), or (12) of this section, as 1314  
appropriate. The superintendent shall send the person, board, or 1315  
entity that made the request a copy of the list of offenses 1316  
specified in division (A)(1), (2), (3), (4), (5), (6), (7), (8), 1317  
(9), (10), (11), or (12) of this section, as appropriate. If the 1318  
request was made under section 3701.881 of the Revised Code with 1319

regard to an applicant who may be both responsible for the care, 1320  
custody, or control of a child and involved in providing direct 1321  
care to an older adult, the superintendent shall provide a list of 1322  
the offenses specified in divisions (A)(4) and (6) of this 1323  
section. 1324

(B) The superintendent shall conduct any criminal records 1325  
check requested under section 121.08, 173.27, 173.394, 1322.03, 1326  
1322.031, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 1327  
3721.121, 3722.151, 4749.03, 4749.06, 4763.05, 5104.012, 5104.013, 1328  
~~5111.95, 5111.96~~ 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 1329  
5126.281, or 5153.111 of the Revised Code as follows: 1330

(1) The superintendent shall review or cause to be reviewed 1331  
any relevant information gathered and compiled by the bureau under 1332  
division (A) of section 109.57 of the Revised Code that relates to 1333  
the person who is the subject of the request, including any 1334  
relevant information contained in records that have been sealed 1335  
under section 2953.32 of the Revised Code; 1336

(2) If the request received by the superintendent asks for 1337  
information from the federal bureau of investigation, the 1338  
superintendent shall request from the federal bureau of 1339  
investigation any information it has with respect to the person 1340  
who is the subject of the request and shall review or cause to be 1341  
reviewed any information the superintendent receives from that 1342  
bureau. 1343

(3) The superintendent or the superintendent's designee may 1344  
request criminal history records from other states or the federal 1345  
government pursuant to the national crime prevention and privacy 1346  
compact set forth in section 109.571 of the Revised Code. 1347

(C)(1) The superintendent shall prescribe a form to obtain 1348  
the information necessary to conduct a criminal records check from 1349  
any person for whom a criminal records check is required by 1350

section 121.08, 173.27, 173.394, 1322.03, 1322.031, 2151.86, 1351  
3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 1352  
4749.03, 4749.06, 4763.05, 5104.012, 5104.013, ~~5111.95, 5111.96~~ 1353  
5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 1354  
5153.111 of the Revised Code. The form that the superintendent 1355  
prescribes pursuant to this division may be in a tangible format, 1356  
in an electronic format, or in both tangible and electronic 1357  
formats. 1358

(2) The superintendent shall prescribe standard impression 1359  
sheets to obtain the fingerprint impressions of any person for 1360  
whom a criminal records check is required by section 121.08, 1361  
173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 1362  
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 1363  
4763.05, 5104.012, 5104.013, ~~5111.95, 5111.96~~ 5111.032, 5111.033, 1364  
5111.034, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 1365  
Code. Any person for whom a records check is required by any of 1366  
those sections shall obtain the fingerprint impressions at a 1367  
county sheriff's office, municipal police department, or any other 1368  
entity with the ability to make fingerprint impressions on the 1369  
standard impression sheets prescribed by the superintendent. The 1370  
office, department, or entity may charge the person a reasonable 1371  
fee for making the impressions. The standard impression sheets the 1372  
superintendent prescribes pursuant to this division may be in a 1373  
tangible format, in an electronic format, or in both tangible and 1374  
electronic formats. 1375

(3) Subject to division (D) of this section, the 1376  
superintendent shall prescribe and charge a reasonable fee for 1377  
providing a criminal records check requested under section 121.08, 1378  
173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 1379  
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 1380  
4763.05, 5104.012, 5104.013, ~~5111.95, 5111.96~~ 5111.032, 5111.033, 1381  
5111.034, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 1382

Code. The person making a criminal records request under section 1383  
121.08, 173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 1384  
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 1385  
4749.06, 4763.05, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 1386  
5126.28, 5126.281, or 5153.111 of the Revised Code shall pay the 1387  
fee prescribed pursuant to this division. A person making a 1388  
request under section 3701.881 of the Revised Code for a criminal 1389  
records check for an applicant who may be both responsible for the 1390  
care, custody, or control of a child and involved in providing 1391  
direct care to an older adult shall pay one fee for the request. 1392  
In the case of a request under section 5111.033 of the Revised 1393  
Code, the fee shall be paid in the manner specified in that 1394  
section. 1395

(4) The superintendent of the bureau of criminal 1396  
identification and investigation may prescribe methods of 1397  
forwarding fingerprint impressions and information necessary to 1398  
conduct a criminal records check, which methods shall include, but 1399  
not be limited to, an electronic method. 1400

(D) A determination whether any information exists that 1401  
indicates that a person previously has been convicted of or 1402  
pleaded guilty to any offense listed or described in division 1403  
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 1404  
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 1405  
(A)(9)(a) or (b), (A)(10)(a) or (b), or (A)(12) of this section 1406  
that is made by the superintendent with respect to information 1407  
considered in a criminal records check in accordance with this 1408  
section is valid for the person who is the subject of the criminal 1409  
records check for a period of one year from the date upon which 1410  
the superintendent makes the determination. During the period in 1411  
which the determination in regard to a person is valid, if another 1412  
request under this section is made for a criminal records check 1413  
for that person, the superintendent shall provide the information 1414

that is the basis for the superintendent's initial determination 1415  
at a lower fee than the fee prescribed for the initial criminal 1416  
records check. 1417

(E) When the superintendent receives a request for 1418  
information from a registered private provider, the superintendent 1419  
shall proceed as if the request has been received from a school 1420  
district board of education under section 3319.39 of the Revised 1421  
Code. The superintendent shall apply division (A)(7) of this 1422  
section to any such request for an applicant who is a teacher. 1423

(F) As used in this section: 1424

(1) "Criminal records check" means any criminal records check 1425  
conducted by the superintendent of the bureau of criminal 1426  
identification and investigation in accordance with division (B) 1427  
of this section. 1428

~~(2) "Home and community based waiver services" and "waiver~~ 1429  
~~agency" have the same meanings as in section 5111.95 of the~~ 1430  
~~Revised Code.~~ 1431

~~(3) "Independent provider" has the same meaning as in section~~ 1432  
~~5111.96 of the Revised Code.~~ 1433

~~(4) "Minor drug possession offense" has the same meaning as~~ 1434  
~~in section 2925.01 of the Revised Code.~~ 1435

~~(5)(3) "Older adult" means a person age sixty or older.~~ 1436

(4) "Registered private provider" means a nonpublic school or 1437  
entity registered with the superintendent of public instruction 1438  
under section 3310.41 of the Revised Code to participate in the 1439  
autism scholarship program or section 3310.58 of the Revised Code 1440  
to participate in the special education scholarship pilot program. 1441

**Sec. 109.93.** The attorney general education fund is hereby 1442  
created in the ~~custody of the treasurer of state treasury.~~ The 1443  
fund shall consist of gifts and grants received by the attorney 1444

general for the purposes of the fund. The fund shall be 1445  
administered by the attorney general and shall be used to support 1446  
various educational programs. These educational programs may 1447  
include programs for consumer protection, victims of crime, 1448  
environmental protection, drug abuse, child abuse, peace officer 1449  
training, crime prevention, and law. The fund may also be used to 1450  
pay costs associated with the solicitation of gifts and grants for 1451  
the purposes of the fund, and the costs of administering the fund. 1452  
The fund shall not be used to replace money spent by local 1453  
programs for similar purposes. 1454

**Sec. 111.18.** (A) The secretary of state shall keep a record 1455  
of all fees collected by the secretary of state and, subject to 1456  
division (B) of section 1309.528 of the Revised Code and except as 1457  
otherwise provided in the Revised Code, shall pay them into the 1458  
state treasury to the credit of the corporate and uniform 1459  
commercial code filing fund created by section 1309.528 of the 1460  
Revised Code. 1461

(B) The secretary of state may implement alternative payment 1462  
programs that permit payment of any fee charged by the secretary 1463  
of state by means other than cash, check, money order, or credit 1464  
card; an alternative payment program may include, but is not 1465  
limited to, one that permits a fee to be paid by electronic means 1466  
of transmission. Fees paid under an alternative payment program 1467  
shall be deposited to the credit of the secretary of state 1468  
alternative payment program fund, which is hereby created. ~~The~~ 1469  
~~secretary of state alternative payment program fund shall be in~~ 1470  
~~the custody of the treasurer of state but shall not be part of the~~ 1471  
state treasury. Any investment income of the secretary of state 1472  
alternative payment program fund shall be credited to that fund 1473  
and used to operate the alternative payment program. Within two 1474  
working days following the deposit of funds to the credit of the 1475  
secretary of state alternative payment program fund, the secretary 1476

of state shall pay those funds ~~into the state treasury~~ to the 1477  
credit of the corporate and uniform commercial code filing fund, 1478  
subject to division (B) of section 1309.401 of the Revised Code 1479  
and except as otherwise provided in the Revised Code. 1480

The secretary of state shall adopt rules necessary to carry 1481  
out the purposes of this division. 1482

**Sec. 118.01.** As used in this chapter: 1483

(A) "Advance tax payment notes" means the notes authorized by 1484  
section 118.24 of the Revised Code. 1485

(B) "Appropriation measure" means any appropriation measure, 1486  
amendment of an appropriation measure, or supplement to an 1487  
appropriation measure of a municipal corporation, county, or 1488  
township referred to in sections 5705.38 and 5705.40 of the 1489  
Revised Code and any other action of a municipal corporation, 1490  
county, or township authorizing expenditure of money not 1491  
previously included in any appropriation measure. 1492

(C) "Bond anticipation notes" means notes issued in 1493  
anticipation of the issuance of bonds. 1494

(D) "Certificate of estimated resources" means the official 1495  
certificate of estimated resources of the county budget commission 1496  
and amendments of the certificate certified to the municipal 1497  
corporation, county, or township as provided for in Chapter 5705. 1498  
of the Revised Code. 1499

(E) "Commission" means a financial planning and supervision 1500  
commission created by section 118.05 of the Revised Code with 1501  
respect to a municipal corporation, county, or township. 1502

(F) "Construction funds" means proceeds from the sale of debt 1503  
obligations restricted by law or pursuant to the proceedings for 1504  
the issuance of such debt obligations to use for permanent 1505  
improvements as defined in division (E) of section 5705.01 of the 1506



Revised Code, including acquisition, construction, or extension of 1507  
public utilities, and moneys from any other sources restricted to 1508  
such purpose. 1509

(G) "County auditor" means the county auditor with whom tax 1510  
budgets of the municipal corporation, county, or township are to 1511  
be filed in accordance with section 5705.30 of the Revised Code. 1512

(H) "County budget commission" means the county budget 1513  
commission to which the tax budget of the municipal corporation, 1514  
county, or township is to be submitted in accordance with section 1515  
5705.31 of the Revised Code. 1516

(I) "Current revenue notes" means debt obligations described 1517  
in section 133.10 or Chapter 5705. of the Revised Code or any 1518  
other debt obligations issued to obtain funds for current 1519  
operating expenses. 1520

(J) "Debt limits" means the limitations on net indebtedness 1521  
provided in sections 133.05, 133.07, and 133.09 of the Revised 1522  
Code, and also includes the limitation, known as the "indirect 1523  
debt limit," upon the issuance of unvoted bonds, notes, or 1524  
certificates of indebtedness resulting from the ten-mill 1525  
limitation provided for in section 5705.02 of the Revised Code. 1526

(K) "Debt obligations" means bonds, notes, certificates of 1527  
indebtedness, bond anticipation notes, current revenue notes, 1528  
local government fund notes, local communities fund notes, or 1529  
other obligations issued or incurred in borrowing money, or to 1530  
renew, refund, fund, or refinance, or issued in exchange for, such 1531  
obligations, and any interest coupons pertaining thereto other 1532  
than bonds or other obligations issued under authority of Section 1533  
13 of Article VIII, Ohio Constitution. 1534

(L) "Default" means failure to pay the principal of or the 1535  
interest on a debt obligation, or failure to make other payment to 1536  
be made to the holder or owner of a debt obligation, in the full 1537

amount and at the time provided for in the contractual commitment 1538  
with respect thereto, unless the time for such payment has been 1539  
extended by the owner or holder of the debt obligation without 1540  
penalty or premium and without the effect of subjecting the 1541  
municipal corporation, county, or township to the initiation of 1542  
remedies pertaining to such debt obligation or other debt 1543  
obligations. 1544

(M) "Deficit fund" means the general fund or any special fund 1545  
that, as at the time indicated, has a deficit balance or a balance 1546  
that is less than the amount required to be in such fund pursuant 1547  
to law or pursuant to contractual requirements, demonstrating that 1548  
over a period of time expenditures charged or chargeable to the 1549  
fund have exceeded moneys credited to the fund, or that moneys 1550  
credited to the fund have not been in the amounts required by law 1551  
or contractual requirements. 1552

(N) "Effective financial accounting and reporting system" 1553  
means an accounting and reporting system fully in compliance with 1554  
the requirements prescribed by and pursuant to Chapter 117. of the 1555  
Revised Code, with such modifications and supplements as are to be 1556  
provided pursuant to this chapter in order to meet and deal with 1557  
the fiscal emergency, provide to the auditor of state, the 1558  
commission, the financial supervisor, and the county budget 1559  
commission the information needed to carry out their functions, 1560  
and better ensure the implementation of the financial plan. 1561

(O) "Financial plan" means the financial plan approved by the 1562  
commission in accordance with section 118.06 of the Revised Code, 1563  
as it may from time to time be amended in accordance with this 1564  
chapter. 1565

(P) "Financial supervisor" means the auditor of state. 1566

(Q) "Fiscal emergency" means the existence of fiscal 1567  
emergency conditions determined as provided in section 118.04 of 1568

the Revised Code. 1569

(R) "Fiscal emergency conditions" means any of the events or 1570  
occurrences described in section 118.03 of the Revised Code. 1571

(S) "Fiscal emergency period" means the period of time 1572  
commencing on the date when the determination of a fiscal 1573  
emergency is made by the auditor of state pursuant to section 1574  
118.04 of the Revised Code and ending when the determination of 1575  
termination is made and certified pursuant to section 118.27 of 1576  
the Revised Code. 1577

(T) "Fiscal watch" means the existence of fiscal watch 1578  
conditions as determined in accordance with section 118.022 of the 1579  
Revised Code. 1580

(U) "Fiscal officer" means the fiscal officer of the 1581  
municipal corporation, county, or township as defined in division 1582  
(D) of section 5705.01 of the Revised Code. 1583

(V) "Fringe benefits" means expenditures for goods and 1584  
services furnished to municipal, county, or township officers or 1585  
employees by the municipal corporation, county, or township, 1586  
including, but not limited to, such benefits as food, temporary 1587  
housing, and clothing, and the provision of pension, retirement, 1588  
disability, hospitalization, health care, insurance, or other 1589  
benefits to employees requiring the advance payment of money other 1590  
than directly to employees or other beneficiaries, or the deposit 1591  
or reservation of money for such purpose. 1592

(W) "General fund" means the fund referred to in division (A) 1593  
of section 5705.09 of the Revised Code. 1594

(X) "General fund budget" means aggregate revenues available 1595  
in the general fund during the applicable fiscal year as shown by 1596  
the certificate of estimated resources. 1597

(Y) "Mayor" means the officer of the municipal corporation 1598

designated as such by law or the chief executive officer under the 1599  
charter of the municipal corporation. 1600

(Z) "Payroll" means compensation due and payable to employees 1601  
of the municipal corporation, county, or township, other than 1602  
fringe benefits. 1603

(AA) "Revenue estimates" means the estimates of revenue 1604  
receipts to the credit of the general fund and special funds as 1605  
estimated and supplemented, modified, or amended by the municipal 1606  
corporation, county, or township, or the county budget commission. 1607

(BB) "Special funds" means any of the funds, other than the 1608  
general fund, referred to in sections 5705.09 and 5705.12 of the 1609  
Revised Code, and includes any fund created from the issuance of 1610  
debt obligations pursuant to Section 3 or 12 of Article XVIII, 1611  
Ohio Constitution, and any fund created in connection with the 1612  
issuance of debt obligations to provide moneys for the payment of 1613  
principal or interest, reserves therefor, or reserves or funds for 1614  
repair, maintenance, or improvements. 1615

(CC) "Tax budget" means the tax budget provided for in 1616  
section 5705.28 of the Revised Code. 1617

**Sec. 118.08.** (A) The members of the financial planning and 1618  
supervision commission shall serve without compensation, but shall 1619  
be paid by the commission their necessary and actual expenses 1620  
incurred while engaged in the business of the commission. 1621

(B) All expenses incurred for services rendered by the 1622  
financial supervisor for a period of twenty-four months shall be 1623  
paid by the commission pursuant to an appropriation made by the 1624  
general assembly for this purpose. Expenses incurred for services 1625  
rendered by the financial supervisor beyond this period shall be 1626  
borne by the municipal corporation, county, or township unless the 1627  
director of budget and management waives the costs and allows 1628

payment in accordance with the following: 1629

(1) If the continued performance of the financial supervisor 1630  
is required for a period of twenty-five to thirty months, the 1631  
municipal corporation, county, or township is responsible for 1632  
twenty per cent of the compensation due. 1633

(2) If the continued performance of the financial supervisor 1634  
is required for a period of thirty-one to thirty-six months, the 1635  
municipal corporation, county, or township is responsible for 1636  
fifty per cent of the compensation due. 1637

(3) If the continued performance of the financial supervisor 1638  
is required for a period of thirty-seven months or more, the 1639  
municipal corporation, county, or township is responsible for one 1640  
hundred per cent of the compensation due except as otherwise 1641  
provided in division (B)(4) of this section. 1642

(4) If the continued performance of the financial supervisor 1643  
has been required longer than eight fiscal years for any municipal 1644  
corporation, county, or township declared to be in a fiscal 1645  
emergency prior to fiscal year 1996, that municipal corporation, 1646  
county, or township is responsible for fifty per cent of the 1647  
compensation due in its ninth fiscal year while in fiscal 1648  
emergency and one hundred per cent of the compensation due in its 1649  
tenth fiscal year and every fiscal year thereafter while in fiscal 1650  
emergency. 1651

(C) If the municipal corporation, county, or township fails 1652  
to make any payment to the financial supervisor as required by 1653  
this chapter, the financial supervisor may certify to the county 1654  
auditor the amount due, and that amount shall be withheld from the 1655  
municipal corporation, county, or township from any fund or funds 1656  
in the custody of the county auditor for distribution to the 1657  
municipal corporation, county, or township, except for those 1658  
reserved for payment of local government fund or local communities 1659

fund notes. Upon receiving the certification from the financial 1660  
supervisor, the county auditor shall draw a voucher for the amount 1661  
against those fund or funds in favor of the financial supervisor. 1662

**Sec. 118.17.** (A) During a fiscal emergency period and with 1663  
the approval of the financial planning and supervision commission, 1664  
a municipal corporation, county, or township may issue local 1665  
~~government~~ communities fund notes, in anticipation of amounts to 1666  
be allocated to it pursuant to division (B) of section 5747.50 of 1667  
the Revised Code or to be apportioned to it under section 5747.51 1668  
or 5747.53 of the Revised Code in a future year or years, for a 1669  
period of no more than eight calendar years. The principal amount 1670  
of the notes and interest on the notes due and payable in any year 1671  
shall not exceed fifty per cent of the total amount of local 1672  
government fund or local communities fund moneys so allocated or 1673  
apportioned to the municipal corporation, county, or township for 1674  
the year preceding the year in which the notes are issued. The 1675  
notes may mature in semiannual or annual installments in such 1676  
amounts as may be fixed by the commission, and need not mature in 1677  
substantially equal semiannual or annual installments. The notes 1678  
of a municipal corporation may be authorized and issued, subject 1679  
to the approval of the commission, in the manner provided in 1680  
sections 717.15 and 717.16 of the Revised Code, except that, 1681  
notwithstanding division (A)(2) of section 717.16 of the Revised 1682  
Code, the rate or rates of interest payable on the notes shall be 1683  
the prevailing market rate or rates as determined and approved by 1684  
the commission, and except that they shall not be issued in 1685  
anticipation of bonds, shall not constitute general obligations of 1686  
the municipal corporation, and shall not pledge the full faith and 1687  
credit of the municipal corporation. 1688

(B) The principal and interest on the notes provided for in 1689  
this section shall be payable, as provided in this section, solely 1690  
from the portion of the local ~~government~~ communities fund that 1691

would otherwise be apportioned to the municipal corporation, 1692  
county, or township and shall not be payable from or constitute a 1693  
pledge of or claim upon, or require the levy, collection, or 1694  
application of, any unvoted ad valorem property taxes or other 1695  
taxes, or in any manner occupy any portion of the indirect debt 1696  
limit. 1697

(C) Local ~~government~~ communities fund notes may be issued 1698  
only to the extent needed to achieve one or more of the following 1699  
objectives of the financial plan: 1700

(1) Satisfying any contractual or noncontractual judgments, 1701  
past due accounts payable, and all past due and payable payroll 1702  
and fringe benefits to be taken into account under section 118.03 1703  
of the Revised Code; 1704

(2) Restoring to construction funds or other restricted funds 1705  
any money applied from such funds to uses not within the purposes 1706  
of such funds and which could not be transferred to such use under 1707  
section 5705.14 of the Revised Code; 1708

(3) Eliminating deficit balances in all deficit funds, 1709  
including funds that may be used to pay operating expenses. 1710

In addition to the objectives set forth in divisions (C)(1) 1711  
to (3) of this section, local ~~government~~ communities fund notes 1712  
may be issued and the proceeds of those notes may be used for the 1713  
purpose of retiring or replacing other moneys used to retire 1714  
current revenue notes issued pursuant to section 118.23 of the 1715  
Revised Code to the extent that the proceeds of the current 1716  
revenue notes have been or are to be used directly or to replace 1717  
other moneys used to achieve one or more of the objectives of the 1718  
financial plan specified in divisions (C)(1) to (3) of this 1719  
section. Upon authorization of the local ~~government~~ communities 1720  
fund notes by the legislative authority of the municipal 1721  
corporation, county, or township, the proceeds of the local 1722

~~government~~ communities fund notes and the proceeds of any such 1723  
current revenue notes shall be deemed to be appropriated, to the 1724  
extent that the proceeds have been or are to be so used, for the 1725  
purposes for which the revenues anticipated by any such current 1726  
revenue notes are collected and appropriated within the meaning of 1727  
section 133.10 of the Revised Code. 1728

(D) The need for an issue of local ~~government~~ communities 1729  
fund notes for such purposes shall be determined by taking into 1730  
consideration other money and sources of moneys available therefor 1731  
under this chapter or other provisions of law, and calculating the 1732  
respective amounts needed therefor in accordance with section 1733  
118.03 of the Revised Code, including the deductions or offsets 1734  
therein provided, for determining that a fiscal emergency 1735  
condition exists, and by eliminating any duplication of amounts 1736  
thereunder. The respective amounts needed to achieve such 1737  
objectives and the resulting aggregate net amount shall be 1738  
determined initially by a certification of the fiscal officer as 1739  
and to the extent approved by the financial supervisor. The 1740  
principal amount of such notes shall not exceed the aggregate net 1741  
amount needed for such purposes. The aggregate amount of all 1742  
issues of such notes shall not exceed three times the average of 1743  
the allocation or apportionment to the municipal corporation, 1744  
county, or township of moneys from the local ~~government~~ 1745  
communities fund in each of the three fiscal years preceding the 1746  
fiscal year in which the notes are issued. 1747

(E) The proceeds of the sale of local ~~government~~ communities 1748  
fund notes shall be appropriated by the municipal corporation, 1749  
county, or township for and shall be applied only to the purposes, 1750  
and in the respective amounts for those purposes, set forth in the 1751  
certification given pursuant to division (D) of this section, as 1752  
the purposes and amounts may be modified in the approval by the 1753  
commission provided for in this section. The proceeds shall be 1754



deposited in separate accounts with a fiscal agent designated in 1755  
the resolution referred to in division (F) of this section and 1756  
released only for such respective purposes in accordance with the 1757  
procedures set forth in division (D) of section 118.20 of the 1758  
Revised Code. Any amounts not needed for such purposes shall be 1759  
deposited with the fiscal agent designated to receive deposits for 1760  
payment of the principal of and interest due on the notes. 1761

(F) An application for approval by the financial planning and 1762  
supervision commission of an issue of local ~~government~~ communities 1763  
fund notes shall be authorized by a preliminary resolution adopted 1764  
by the legislative authority. The resolution may authorize the 1765  
application as a part of the initial submission of the financial 1766  
plan for approval or as a part of any proposed amendment to an 1767  
approved financial plan or at any time after the approval of a 1768  
financial plan, or amendment to a financial plan, that proposes 1769  
the issue of such notes. The preliminary resolution shall 1770  
designate a fiscal agent for the deposit of the proceeds of the 1771  
sale of the notes, and shall contain a covenant of the municipal 1772  
corporation, county, or township to comply with this chapter and 1773  
the financial plan. 1774

The commission shall review and evaluate the application and 1775  
supporting certification and financial supervisor action, and 1776  
shall thereupon certify its approval or disapproval, or 1777  
modification and approval, of the application. 1778

The commission shall certify the amounts, maturities, 1779  
interest rates, and terms of issue of the local ~~government~~ 1780  
communities fund notes approved by the commission and the purposes 1781  
to which the proceeds of the sale of the notes will be applied in 1782  
respective amounts. 1783

The commission shall certify a copy of its approval, of the 1784  
preliminary resolution, and of the related certification and 1785  
action of the financial supervisor to the fiscal officer, the 1786

financial supervisor, the county budget commission, the county 1787  
auditor, the county treasurer, and the fiscal agent designated to 1788  
receive and disburse the proceeds of the sale of the notes. 1789

(G) Upon the sale of any local ~~government~~ communities fund 1790  
notes issued under this section, the commission shall determine a 1791  
schedule for the deposit of local ~~government~~ communities fund 1792  
distributions that are pledged for the payment of the principal of 1793  
and interest on the notes with the fiscal agent or trustee 1794  
designated in the agreement between the municipal corporation, 1795  
county, or township and the holders of the notes to receive and 1796  
disburse the distributions. The amounts to be deposited shall be 1797  
adequate to provide for the payment of principal and interest on 1798  
the notes when due and to pay all other proper charges, costs, or 1799  
expenses pertaining thereto. 1800

The amount of the local ~~government~~ communities fund moneys 1801  
apportioned to the municipal corporation, county, or township that 1802  
is to be so deposited in each year shall not be included in the 1803  
tax budget and appropriation measures of the municipal 1804  
corporation, county, or township, or in certificates of estimated 1805  
revenues, for that year. 1806

The commission shall certify the schedule to the officers 1807  
designated in division (F) of this section. 1808

(H) Deposit of amounts with the fiscal agent or trustee 1809  
pursuant to the schedule determined by the commission shall be 1810  
made from local ~~government~~ communities fund distributions to or 1811  
apportioned to the municipal corporation, county, or township as 1812  
provided in this division. The apportionment of local ~~government~~ 1813  
communities fund moneys to the municipal corporation, county, or 1814  
township for any year from the undivided local ~~government~~ 1815  
communities fund shall be determined as to the municipal 1816  
corporation, county, or township without regard to the amounts to 1817  
be deposited with the fiscal agent or trustee in that year in 1818

accordance with division (G) of this section. After the amount of 1819  
the undivided local ~~government~~ communities fund apportioned to the 1820  
municipal corporation, county, or township for a calendar year is 1821  
determined, the county auditor and the county treasurer shall 1822  
withhold from each monthly amount to be distributed to the 1823  
municipal corporation, county, or township from the undivided 1824  
local ~~government~~ communities fund, and transmit to the fiscal 1825  
agent or trustee for deposit, one-twelfth of the amount scheduled 1826  
for deposit in that year pursuant to division (G) of this section. 1827

(I) If the commission approves the application, the municipal 1828  
corporation, county, or township may proceed with the issuance of 1829  
the notes as approved by the commission. 1830

All notes issued under authority of this section are lawful 1831  
investments for the entities enumerated in division (A)(1) of 1832  
section 133.03 of the Revised Code and are eligible as security 1833  
for the repayment of the deposit of public moneys. 1834

Upon the issuance of any notes under this section, the fiscal 1835  
officer of the municipal corporation, county, or township shall 1836  
certify the fact of the issuance to the county auditor and shall 1837  
also certify to the county auditor the last calendar year in which 1838  
any of the notes are scheduled to mature. 1839

(J) After the legislative authority of the municipal 1840  
corporation, county, or township has passed an ordinance or 1841  
resolution authorizing the issuance of local ~~government~~ 1842  
communities fund notes and subsequent to the commission's 1843  
preliminary or final approval of the ordinance or resolution, the 1844  
director of law, prosecuting attorney, or other chief legal 1845  
officer of the municipal corporation, county, or township shall 1846  
certify a sample of the form and content of a note to be used to 1847  
issue the local ~~government~~ communities fund notes to the 1848  
commission. The commission shall determine whether the sample note 1849  
is consistent with this section and the ordinance or resolution 1850

authorizing the issuance of the local ~~government~~ communities fund 1851  
notes, and if the sample note is found to be consistent with this 1852  
section and the ordinance, the commission shall approve the sample 1853  
note for use by the municipal corporation, county, or township. 1854  
The form and content of the notes to be used by the municipal 1855  
corporation, county, or township in issuing the local ~~government~~ 1856  
communities fund notes may be modified at any time subsequent to 1857  
the commission's approval of the sample note upon the approval of 1858  
the commission and the director of law, prosecuting attorney, or 1859  
other chief legal officer of the municipal corporation, county, or 1860  
township. The failure of the director of law, prosecuting 1861  
attorney, or other chief legal officer of the municipal 1862  
corporation, county, or township to make the certification 1863  
required by this division shall not subject that legal officer to 1864  
removal pursuant to the Revised Code or the charter of a municipal 1865  
corporation. If the director of law, prosecuting attorney, or 1866  
other chief legal officer fails or refuses to make the 1867  
certification required by this division, or if any officer of the 1868  
municipal corporation, county, or township fails or refuses to 1869  
take any action required by this section or the ordinance or 1870  
resolution authorizing the issuance or sale of local ~~government~~ 1871  
communities fund notes, the mayor of the municipal corporation or 1872  
the board of county commissioners or board of township trustees 1873  
may cause the commencement of a mandamus action in the supreme 1874  
court against the director of law, prosecuting attorney, or other 1875  
chief legal officer to secure the certification required by this 1876  
division or other action required by this section or the ordinance 1877  
or resolution. If an adjudication of the matters that could be 1878  
adjudicated in validation proceedings under section 133.70 of the 1879  
Revised Code is necessary to a determination of the mandamus 1880  
action, the mayor, the board of county commissioners, or the board 1881  
of township trustees or the mayor's or board's legal counsel shall 1882  
name and cause to be served as defendants to the mandamus action 1883

all of the following: 1884

(1) The director of law, prosecuting attorney, or other chief 1885  
legal officer, or other official of the municipal corporation, 1886  
county, or township, whose failure or refusal to act necessitated 1887  
the action; 1888

(2) The municipal corporation, through its mayor, or the 1889  
board of county commissioners or board of township trustees; 1890

(3) The financial planning and supervision commission, 1891  
through its chairperson; 1892

(4) The prosecuting attorney and auditor of each county in 1893  
which the municipal corporation, county, or township is located, 1894  
in whole or in part; 1895

(5) The auditor of state; 1896

(6) The property owners, taxpayers, citizens of the municipal 1897  
corporation, county, or township and others having or claiming any 1898  
right, title, or interest in any property or funds to be affected 1899  
by the issuance of the local ~~government~~ communities fund notes by 1900  
the municipal corporation, county, or township, or otherwise 1901  
affected in any way thereby. 1902

Service upon all defendants described in division (J)(6) of 1903  
this section shall be by publication three times, with at least 1904  
six days between each publication, in a newspaper of general 1905  
circulation in Franklin county and a newspaper of general 1906  
circulation in the county or counties where the municipal 1907  
corporation, county, or township is located. The publication and 1908  
the notice shall indicate that the nature of the action is in 1909  
mandamus, the name of the parties to the action, and that the 1910  
action may result in the validation of the subject local 1911  
~~government~~ communities fund notes. Authorization to commence such 1912  
an action by the legislative authority of the municipal 1913  
corporation, county, or township is not required. 1914

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

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

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

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

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

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

results, or inordinate delay in light of the fiscal emergency, or 1946  
that a disposition in the mandamus action would, as a practical 1947  
matter, be dispositive of any subsequent validation proceedings 1948  
under section 133.70 of the Revised Code. 1949

(L) Any decision that includes a finding of validation has 1950  
the same effect as a validation order established by an action 1951  
under section 133.70 of the Revised Code. 1952

(M) Divisions (J) and (K) of this section do not prevent a 1953  
municipal corporation, county, or township from using section 1954  
133.70 of the Revised Code to validate local ~~government~~ 1955  
communities fund notes by the filing of a petition for validation 1956  
in the court of common pleas of the county in which the municipal 1957  
corporation, county, or township is located, in whole or in part. 1958

(N) It is hereby determined by the general assembly that a 1959  
validation action authorized by section 133.70 of the Revised Code 1960  
is not an adequate remedy at law with respect to a municipal 1961  
corporation, county, or township that is a party to a mandamus 1962  
action pursuant to divisions (J) and (K) of this section and in 1963  
which a fiscal emergency condition has been determined to exist 1964  
pursuant to section 118.04 of the Revised Code because of, but not 1965  
limited to, the following reasons: 1966

(1) It is urgently necessary for such a municipal 1967  
corporation, county, or township to take prompt action to issue 1968  
local ~~government~~ communities fund notes for the purposes provided 1969  
in division (C) of this section; 1970

(2) The potentially ruinous effect upon the fiscal condition 1971  
of a municipal corporation, county, or township by the passage of 1972  
the time required to adjudicate such a separate validation action 1973  
and any appeals thereof; 1974

(3) The reasons stated in division (K)(4) of this section. 1975

Sec. 118.20. Pursuant to section 118.19 of the Revised Code:	1976
(A) The ordinance or resolution authorizing the debt	1977
obligations may provide for the pledge of, and covenants to levy,	1978
charge, collect, deposit, and apply ad valorem property taxes,	1979
income taxes, excises, utility revenues, local <del>government</del>	1980
<u>communities</u> fund receipts, permit and license fees, and any other	1981
receipts from taxes, permits, licenses, fines, or other sources of	1982
revenue of the municipal corporation, county, or township; accrued	1983
and capitalized interest and premium from the proceeds of the sale	1984
of the debt obligations, lawfully available for the purpose, to	1985
the payment of the debt service and costs of issuing, carrying,	1986
redeeming, and retiring such debt obligations; covenants in	1987
respect of the establishment, investment, segregation, and	1988
maintenance of any funds or reserves in connection with the debt	1989
obligations and any other funds of the municipal corporation,	1990
county, or township. No pledge may be made in a manner which	1991
impairs the contract rights of the holders of any outstanding debt	1992
obligations.	1993
(B) The ordinance or resolution authorizing the debt	1994
obligations may designate a fiscal agent for the debt obligations,	1995
or the fiscal agent may be designated by other ordinance or	1996
resolution of the legislative authority of the municipal	1997
corporation, county, or township. The fiscal agent may be a	1998
purchaser of such debt obligations or other debt obligations of	1999
the municipal corporation, county, or township.	2000
(C) The ordinance or resolution authorizing the debt	2001
obligations may provide for immediate or periodic deposit of	2002
pledged receipts or a portion thereof in one or more separate bank	2003
accounts, funds, or other accounts established with the fiscal	2004
agent. Provision may be made therein for pledged receipts that are	2005
collected by the state, the county, the township, or any agency	2006



for the municipal corporation, county, or township to be 2007  
transferred by the appropriate officer of the state or county or 2008  
agency having charge of the collection or distribution of such 2009  
pledged receipts directly to the fiscal agent for deposit under 2010  
the ordinance or resolution. Such officers of the state and county 2011  
or agent shall transfer such pledged receipts in accordance with 2012  
this section and the ordinance. The fiscal agent shall disburse 2013  
funds so held for payments when due in accordance with the 2014  
ordinance or resolution, including the transfer of funds to paying 2015  
agents for the debt obligations at the times and in the amounts 2016  
required. Until needed for such purposes, the fiscal agent shall 2017  
invest the funds on behalf of the municipal corporation, county, 2018  
or township in obligations that are lawful for the investment of 2019  
public funds of the municipal corporation, county, or township, 2020  
including provisions for such investments in a municipal charter, 2021  
in the manner provided for in the ordinance or resolution. Funds 2022  
held by the fiscal agent and all moneys and securities therein and 2023  
pledged receipts payable thereto in accordance with the ordinance 2024  
or resolution are hereby declared to be property of the municipal 2025  
corporation, county, or township devoted to essential governmental 2026  
purposes and accordingly shall not be applied to any purpose other 2027  
than as provided herein and shall not be subject to any order, 2028  
judgment, lien, execution, attachment, setoff, or counterclaim by 2029  
any creditor of the municipal corporation, county, or township 2030  
other than a creditor for whose benefit such fund is established 2031  
and maintained and who is entitled thereto under and pursuant to 2032  
this section. 2033

(D) The ordinance or resolution authorizing the debt 2034  
obligations shall provide that proceeds of the debt obligations 2035  
shall be deposited with a fiscal agent in a special and separate 2036  
bank account and held in trust and expended only for the object or 2037  
purpose for which such debt obligations were issued. A copy of the 2038  
ordinance or resolution authorizing the debt obligations shall be 2039

filed with such fiscal agent at or prior to the time the proceeds 2040  
are made available to the municipal corporation, county, or 2041  
township. No moneys shall be withdrawn from such account unless 2042  
there is filed with such fiscal agent a written requisition of the 2043  
fiscal officer of the municipal corporation, county, or township 2044  
or the fiscal officer's authorized deputy, setting forth the item 2045  
number of the requisition or the account to be charged, the name 2046  
of the person to whom payment is due, the amount to be paid, a 2047  
statement to the effect that the obligation in the stated amount 2048  
has been incurred by the municipal corporation, county, or 2049  
township and is a proper charge against such account, and such 2050  
other information as may be required by the ordinance or 2051  
resolution. Pending such withdrawals, the moneys shall be invested 2052  
for and on behalf of the municipal corporation, county, or 2053  
township by the fiscal agent in obligations which are lawful for 2054  
the investment of public funds of the municipal corporation, 2055  
county, or township, including provisions for such investments in 2056  
a municipal charter, in the manner as provided for in the 2057  
ordinance or resolution. 2058

(E) Amounts held by fiscal agents shall be accounted for in 2059  
the appropriate special funds of the municipal corporation, 2060  
county, or township as if held in the treasury of the municipal 2061  
corporation, county, or township, and the fiscal agents shall 2062  
provide such information to the municipal corporation, county, or 2063  
township as is necessary for the purpose. 2064

(F) The ordinance or resolution authorizing the debt 2065  
obligations may contain covenants of the municipal corporation, 2066  
county, or township to protect and safeguard the security and 2067  
rights of the holders of such debt obligations, and without 2068  
limiting the generality of the foregoing, such ordinance or 2069  
resolution may contain covenants as to: 2070

(1) Establishment and maintenance of the funds to be held by 2071

fiscal agents as provided in this section and section 118.23 of 2072  
the Revised Code, the times, amounts, and levels for deposits to 2073  
such funds, and the obligations in which the proceeds of such 2074  
funds may be invested pending their use, subject to such 2075  
limitations on investment of public funds otherwise provided for 2076  
by law or pursuant to the charter of a municipal corporation; 2077

(2) The appointment, rights, powers, and duties of the fiscal 2078  
agent, including limiting or abrogating the right of the holders 2079  
to appoint a trustee pursuant to section 118.21 of the Revised 2080  
Code and vesting in the fiscal agent all or any of such rights, 2081  
powers, and duties, in trust; 2082

(3) The execution of a credit agreement with the fiscal agent 2083  
for the benefit of holders of such debt obligations and for the 2084  
benefit of any other holders of other debt obligations of the 2085  
municipal corporation, county, or township then outstanding, 2086  
provided, however, that such benefit conferred on such holders of 2087  
such outstanding debt obligations shall not be deemed to restrict, 2088  
preclude, or otherwise impair any rights that such holders 2089  
otherwise may assert; 2090

(4) Filings, review, and correction of tax budgets, 2091  
appropriation measures, annual reports, audits, and other matters 2092  
of financial record; 2093

(5) Compliance with the provisions of this chapter and the 2094  
financial plan and other laws applicable to the municipal 2095  
corporation, county, or township including Chapters 133. and 5705. 2096  
of the Revised Code, and with further restrictions on the powers, 2097  
rights, and duties of the municipal corporation, county, or 2098  
township necessary, appropriate, or desirable for the proper, 2099  
provident, and efficient management of financial affairs that the 2100  
municipal corporation, county, or township, with the approval of 2101  
the commission or, when authorized by the commission, the 2102  
financial supervisor, determines will assure prompt payment when 2103

due of its debt obligations; 2104

(6) Conditions that would give rise to an event of default 2105  
under the terms of such ordinance and actions and remedies that 2106  
the fiscal agent may take or assert on behalf of the holders of 2107  
such debt obligations; 2108

(7) Restrictions on the issuance of other debt obligations. 2109

**Sec. 118.23.** (A) This section shall be applicable to current 2110  
revenue notes approved by the financial planning and supervision 2111  
commission or, when authorized by the commission, the financial 2112  
supervisor pursuant to section 118.15 of the Revised Code and 2113  
issued by a municipal corporation, county, or township pursuant to 2114  
section 133.10 of the Revised Code and this section during a 2115  
fiscal emergency period. 2116

(B) In the case of the issuance of such current revenue notes 2117  
in anticipation of ad valorem property taxes, the county auditors 2118  
of the counties in which the municipal corporation, county, or 2119  
township is located, at the time of and from each distribution to 2120  
the municipality of the proceeds of the anticipated taxes, 2121  
including any payments from the state pursuant to sections 321.24 2122  
and 323.156 of the Revised Code, whether such distribution be in 2123  
the form of an advance or settlement that would otherwise have 2124  
been paid to a fund or funds of the municipal corporation, county, 2125  
or township, shall draw a separate warrant for payment to the 2126  
county auditor for deposit in a special account to be held and 2127  
applied pursuant to this section by the county auditor as fiscal 2128  
agent and entitled "..... (insert name of municipal corporation, 2129  
county, or township) current tax revenue note retirement account," 2130  
that portion of such distribution as provided for in the ordinance 2131  
or resolution authorizing such notes pursuant to this section. 2132

(C) In the case of the issuance of such current revenue notes 2133  
in anticipation of revenues other than ad valorem property taxes, 2134

the ordinance or resolution authorizing such notes shall provide 2135  
for the times and amounts of deposits with the fiscal agent by the 2136  
municipal corporation, county, or township of moneys from the 2137  
revenues anticipated that shall be deposited in a special account 2138  
to be held and applied by the fiscal agent pursuant to this 2139  
section and entitled "..... (insert name of municipal 2140  
corporation, county, or township) current revenue note retirement 2141  
account." Such ordinance or resolution may provide for the direct 2142  
deposit to such account by the auditor of state and the county 2143  
auditor or county auditors of the receiving counties, as 2144  
appropriate, of such portions as therein specified of local 2145  
~~government~~ communities fund distribution to be made to the 2146  
municipal corporation, county, or township. 2147

(D) The moneys in the accounts provided for in divisions (B) 2148  
and (C) of this section are pledged and shall be used, so long as 2149  
any portion of the debt service on such notes payable from the 2150  
respective account is unpaid, solely for the purpose of paying 2151  
such debt service, and for any reserves for debt service provided 2152  
for in the ordinance or resolution authorizing such debt 2153  
obligations. If accumulated payments into either account produce 2154  
an amount less than that needed to make a timely payment of debt 2155  
service or to such reserves, the full amount needed to make up any 2156  
such deficiency shall be paid, in the case of the current tax 2157  
revenue note retirement account, by the county auditor into such 2158  
account from the last distribution or distributions to the 2159  
municipal corporation, county, or township of the proceeds of the 2160  
anticipated taxes to be received prior to the date of such 2161  
payment, and in the case of the current revenue note retirement 2162  
account, by the fiscal officer from the anticipated revenues 2163  
received prior to the date of such payment. 2164

(E) The amounts to be deposited in each respective account 2165  
pursuant to divisions (B), (C), and (D) of this section must be 2166

sufficient, in time and amount, to pay the principal of and 2167  
interest on current notes payable from such account at their 2168  
stated payment dates and to develop and maintain the required 2169  
amounts in any such reserves. 2170

(F) The municipal corporation, county, or township shall not 2171  
be entitled to receive from the fiscal agent any moneys held in 2172  
the current tax revenue note retirement account or current revenue 2173  
note retirement account, except that any surplus moneys remaining 2174  
in either such account after the payment in full of the debt 2175  
service on the notes payable therefrom shall be paid to the 2176  
municipal corporation, county, or township, to be used for any 2177  
lawful purpose of the municipal corporation, county, or township 2178  
for which the anticipated revenues themselves might have been 2179  
used. 2180

(G) Current revenue notes of a municipal corporation, county, 2181  
or township issued during a fiscal emergency period may mature on 2182  
or before the thirty-first day of December of the calendar year in 2183  
which issued, may, when issued in anticipation of the collection 2184  
of current tax revenues, anticipate one-half of the amount that 2185  
the budget commission estimates the subdivision will receive from 2186  
all property taxes that are to be distributed to the subdivision 2187  
from all settlements of taxes that are to be made in the remainder 2188  
of that year, other than taxes to be received for the payment of 2189  
debt charges, and less all advances, and may, if issued during the 2190  
last two months of the calendar year in which the fiscal emergency 2191  
period commenced, anticipate one-half the estimated amount of ad 2192  
valorem property taxes levied in that year for the tax budget of 2193  
the following year which were authorized to be levied by the 2194  
municipal charter or otherwise authorized by vote of the 2195  
electorate of the municipal corporation, county, or township and 2196  
may mature not later than the thirty-first day of December of the 2197  
year following the year in which such notes are issued, 2198

notwithstanding section 133.10 of the Revised Code. 2199

(H) Pursuant to section 118.19 of the Revised Code, the 2200  
municipal corporation, county, or township may utilize any of the 2201  
special provisions of sections 118.20 to 118.22 of the Revised 2202  
Code in connection with such current revenue notes. 2203

(I) Before any such current revenue notes may be authorized, 2204  
the municipal corporation, county, or township shall submit to the 2205  
commission and the commission or, when authorized by the 2206  
commission, the financial supervisor shall approve: 2207

(1) A schedule of projected revenues and expenses of the 2208  
municipal corporation, county, or township during the period in 2209  
which such notes would be outstanding, demonstrating an 2210  
anticipated cash flow deficit during such period, the amount of 2211  
such anticipated cash flow deficit, and the necessity for the 2212  
issuance of such current revenue notes to avoid the occurrence of 2213  
such a cash flow deficit; 2214

(2) The terms of the proposed notes, including the interest 2215  
rate or rates to be paid thereon; 2216

(3) The schedule, showing times, amounts, and sources of 2217  
payment, for deposits into the account from which such notes are 2218  
to be paid; 2219

(4) Other documents and data required under section 118.15 of 2220  
the Revised Code. 2221

**Sec. 119.07.** Except when a statute prescribes a notice and 2222  
the persons to whom it shall be given, in all cases in which 2223  
section 119.06 of the Revised Code requires an agency to afford an 2224  
opportunity for a hearing prior to the issuance of an order, the 2225  
agency shall give notice to the party informing ~~him~~ the party of 2226  
~~his~~ the party's right to a hearing. Notice shall be given by 2227  
registered or certified mail, return receipt requested, and shall 2228

include the charges or other reasons for the proposed action, the 2229  
law or rule directly involved, and a statement informing the party 2230  
that ~~he~~ the party is entitled to a hearing if ~~he~~ the party 2231  
requests it within thirty days of the time of mailing the notice. 2232  
The notice shall also inform the party that at the hearing ~~he~~ the 2233  
party may appear in person, by ~~his~~ the party's attorney, or by 2234  
such other representative as is permitted to practice before the 2235  
agency, or may present ~~his~~ the party's position, arguments, or 2236  
contentions in writing and that at the hearing ~~he~~ the party may 2237  
present evidence and examine witnesses appearing for and against 2238  
~~him~~ the party. A copy of the notice shall be mailed to attorneys 2239  
or other representatives of record representing the party. This 2240  
paragraph does not apply to situations in which such section 2241  
provides for a hearing only when it is requested by the party. 2242

When a statute specifically permits the suspension of a 2243  
license without a prior hearing, notice of the agency's order 2244  
shall be sent to the party by registered or certified mail, return 2245  
receipt requested, not later than the business day next succeeding 2246  
such order. The notice shall state the reasons for the agency's 2247  
action, cite the law or rule directly involved, and state that the 2248  
party will be afforded a hearing if ~~he~~ the party requests it 2249  
within thirty days of the time of mailing the notice. A copy of 2250  
the notice shall be mailed to attorneys or other representatives 2251  
of record representing the party. 2252

Whenever a party requests a hearing in accordance with this 2253  
section and section 119.06 of the Revised Code, the agency shall 2254  
immediately set the date, time, and place for the hearing and 2255  
forthwith notify the party thereof. The date set for the hearing 2256  
shall be within fifteen days, but not earlier than seven days, 2257  
after the party has requested a hearing, unless otherwise agreed 2258  
to by both the agency and the party. 2259

When any notice sent by registered or certified mail, as 2260



required by sections 119.01 to 119.13 of the Revised Code, is 2261  
returned because of failure of delivery the agency shall send the 2262  
notice by ordinary mail to the party at the party's last known 2263  
address and shall obtain a certificate of mailing. Service by 2264  
ordinary mail is complete when the certificate of mailing is 2265  
obtained. If a notice sent by ordinary mail is returned showing 2266  
failure of delivery, the agency shall notify the attorneys or 2267  
other representatives of record representing the party of the 2268  
failure of delivery and serve a copy of the notice upon them, by 2269  
ordinary or registered or certified mail; if ordinary mail is 2270  
used, the agency shall obtain a certificate of mailing. Service 2271  
upon the attorneys or other representatives of record is complete 2272  
when the notice is mailed. If there are no attorneys or other 2273  
representatives of record representing the party, the agency 2274  
either shall make personal delivery of the notice by an employee 2275  
or agent of the agency or shall cause a summary of the substantive 2276  
provisions of the notice to be published once a week for three 2277  
consecutive weeks in a newspaper of general circulation in the 2278  
county where the last known ~~place of residence or business~~ address 2279  
of the party is located. When notice is given by publication, ~~a~~ 2280  
~~copy of the newspaper~~ a proof of publication affidavit, with the 2281  
first publication of the notice ~~marked~~ set forth in the affidavit, 2282  
shall be mailed by ordinary mail to the party at the party's last 2283  
known address and the notice shall be deemed received as of the 2284  
date of the last publication. An employee or agent of the agency 2285  
may make personal delivery of the notice upon a party at any time. 2286

Refusal of delivery by personal service or by mail is not 2287  
failure of delivery. Failure of delivery occurs only when, with 2288  
reasonable diligence, a party cannot be found to make personal 2289  
service of a notice, or if a mailed notice is returned by the 2290  
postal authorities marked undeliverable, addressee unknown, or 2291  
forwarding address unknown or expired. A party's last known 2292  
address is the mailing address of the party appearing in the 2293

records of the agency. 2294

The failure of an agency to give the notices for any hearing 2295  
required by sections 119.01 to 119.13 of the Revised Code in the 2296  
manner provided in this section shall invalidate any order entered 2297  
pursuant to the hearing. 2298

**Sec. 120.33.** (A) In lieu of using a county public defender or 2299  
joint county public defender to represent indigent persons in the 2300  
proceedings set forth in division (A) of section 120.16 of the 2301  
Revised Code, the board of county commissioners of any county may 2302  
adopt a resolution to pay counsel who are either personally 2303  
selected by the indigent person or appointed by the court. The 2304  
resolution shall include those provisions the board of county 2305  
commissioners considers necessary to provide effective 2306  
representation of indigent persons in any proceeding for which 2307  
counsel is provided under this section. The resolution shall 2308  
include provisions for contracts with any municipal corporation 2309  
under which the municipal corporation shall reimburse the county 2310  
for counsel appointed to represent indigent persons charged with 2311  
violations of the ordinances of the municipal corporation. 2312

(1) In a county that adopts a resolution to pay counsel, an 2313  
indigent person shall have the right to do either of the 2314  
following: 2315

(a) To select the person's own personal counsel to represent 2316  
the person in any proceeding included within the provisions of the 2317  
resolution; 2318

(b) To request the court to appoint counsel to represent the 2319  
person in such a proceeding. 2320

(2) The court having jurisdiction over the proceeding in a 2321  
county that adopts a resolution to pay counsel shall, after 2322  
determining that the person is indigent and entitled to legal 2323

representation under this section, do either of the following: 2324

(a) By signed journal entry recorded on its docket, enter the 2325  
name of the lawyer selected by the indigent person as counsel of 2326  
record; 2327

(b) Appoint counsel for the indigent person if the person has 2328  
requested the court to appoint counsel and, by signed journal 2329  
entry recorded on its dockets, enter the name of the lawyer 2330  
appointed for the indigent person as counsel of record. 2331

(3) The board of county commissioners shall establish a 2332  
schedule of fees by case or on an hourly basis to be paid to 2333  
counsel for legal services provided pursuant to a resolution 2334  
adopted under this section. Prior to establishing the schedule, 2335  
the board of county commissioners shall request the bar 2336  
association or associations of the county to submit a proposed 2337  
schedule. The schedule submitted shall be subject to the review, 2338  
amendment, and approval of the board of county commissioners. 2339

(4) Counsel selected by the indigent person or appointed by 2340  
the court at the request of an indigent person in a county that 2341  
adopts a resolution to pay counsel, except for counsel appointed 2342  
to represent a person charged with any violation of an ordinance 2343  
of a municipal corporation that has not contracted with the county 2344  
commissioners for the payment of appointed counsel, shall be paid 2345  
by the county and shall receive the compensation and expenses the 2346  
court approves. Each request for payment shall be accompanied by a 2347  
financial disclosure form and an affidavit of indigency that are 2348  
completed by the indigent person on forms prescribed by the state 2349  
public defender. Compensation and expenses shall not exceed the 2350  
amounts fixed by the board of county commissioners in the schedule 2351  
adopted pursuant to division (A)(3) of this section. No court 2352  
shall approve compensation and expenses that exceed the amount 2353  
fixed pursuant to division (A)(3) of this section. 2354

The fees and expenses approved by the court shall not be 2355  
taxed as part of the costs and shall be paid by the county. 2356  
However, if the person represented has, or may reasonably be 2357  
expected to have, the means to meet some part of the cost of the 2358  
services rendered to the person, the person shall pay the county 2359  
an amount that the person reasonably can be expected to pay. 2360  
Pursuant to section 120.04 of the Revised Code, the county shall 2361  
pay to the state public defender a percentage of the payment 2362  
received from the person in an amount proportionate to the 2363  
percentage of the costs of the person's case that were paid to the 2364  
county by the state public defender pursuant to this section. The 2365  
money paid to the state public defender shall be credited to the 2366  
client payment fund created pursuant to division (B)(5) of section 2367  
120.04 of the Revised Code. 2368

The county auditor shall draw a warrant on the county 2369  
treasurer for the payment of counsel in the amount fixed by the 2370  
court, plus the expenses the court fixes and certifies to the 2371  
auditor. The county auditor shall report periodically, but not 2372  
less than annually, to the board of county commissioners and to 2373  
the ~~Ohio state~~ state public defender ~~commission~~ the amounts paid out 2374  
pursuant to the approval of the court. The board of county 2375  
commissioners, after review and approval of the auditor's report, 2376  
or the county auditor, with permission from and notice to the 2377  
board of county commissioners, may then certify it to the state 2378  
public defender for reimbursement. If a request for reimbursement 2379  
is not accompanied by a financial disclosure form and an affidavit 2380  
of indigency completed by the indigent person on forms prescribed 2381  
by the state public defender and the court does not certify by 2382  
electronic signature as prescribed by the state public defender 2383  
that a financial disclosure form and affidavit of indigency have 2384  
been completed by the indigent person and are available for 2385  
inspection, the state public defender shall not pay the requested 2386  
reimbursement. If a request for the reimbursement of the cost of 2387

counsel in any case is not received by the state public defender 2388  
within ninety days after the end of the calendar month in which 2389  
the case is finally disposed of by the court, unless the county 2390  
has requested and the state public defender has granted an 2391  
extension of the ninety-day limit, the state public defender shall 2392  
not pay the requested reimbursement. The state public defender 2393  
shall also review the report and, in accordance with the 2394  
standards, guidelines, and maximums established pursuant to 2395  
divisions (B)(7) and (8) of section 120.04 of the Revised Code, 2396  
prepare a voucher for fifty per cent of the total cost of each 2397  
county appointed counsel system in the period of time covered by 2398  
the certified report and a voucher for fifty per cent of the costs 2399  
and expenses that are reimbursable under section 120.35 of the 2400  
Revised Code, if any, or, if the amount of money appropriated by 2401  
the general assembly to reimburse counties for the operation of 2402  
county public defender offices, joint county public defender 2403  
offices, and county appointed counsel systems is not sufficient to 2404  
pay fifty per cent of the total cost of all of the offices and 2405  
systems other than costs and expenses that are reimbursable under 2406  
section 120.35 of the Revised Code, for the lesser amount required 2407  
by section 120.34 of the Revised Code. 2408

(5) If any county appointed counsel system fails to maintain 2409  
the standards for the conduct of the system established by the 2410  
rules of the Ohio public defender commission pursuant to divisions 2411  
(B) and (C) of section 120.03 or the standards established by the 2412  
state public defender pursuant to division (B)(7) of section 2413  
120.04 of the Revised Code, the Ohio public defender commission 2414  
shall notify the board of county commissioners of the county that 2415  
the county appointed counsel system has failed to comply with its 2416  
rules or the standards of the state public defender. Unless the 2417  
board of county commissioners corrects the conduct of its 2418  
appointed counsel system to comply with the rules and standards 2419  
within ninety days after the date of the notice, the state public 2420

defender may deny all or part of the county's reimbursement from 2421  
the state provided for in division (A)(4) of this section. 2422

(B) In lieu of using a county public defender or joint county 2423  
public defender to represent indigent persons in the proceedings 2424  
set forth in division (A) of section 120.16 of the Revised Code, 2425  
and in lieu of adopting the resolution and following the procedure 2426  
described in division (A) of this section, the board of county 2427  
commissioners of any county may contract with the state public 2428  
defender for the state public defender's legal representation of 2429  
indigent persons. A contract entered into pursuant to this 2430  
division may provide for payment for the services provided on a 2431  
per case, hourly, or fixed contract basis. 2432

(C) If a court appoints an attorney pursuant to this section 2433  
to represent a petitioner in a postconviction relief proceeding 2434  
under section 2953.21 of the Revised Code, the petitioner has 2435  
received a sentence of death, and the proceeding relates to that 2436  
sentence, the attorney who represents the petitioner in the 2437  
proceeding pursuant to the appointment shall be certified under 2438  
Rule 20 of the Rules of Superintendence for the Courts of Ohio to 2439  
represent indigent defendants charged with or convicted of an 2440  
offense for which the death penalty can be or has been imposed. 2441

Sec. 122.051. There is hereby created in the state treasury 2442  
the international trade cooperative projects fund. The fund shall 2443  
consist of moneys received from private and nonprofit 2444  
organizations involved in cooperative agreements related to 2445  
import/export and direct foreign investment activities and cash 2446  
transfers from other state agencies or any state or local 2447  
government to encourage, promote, and assist trade and commerce 2448  
between this state and foreign nations, pursuant to section 122.05 2449  
and division (E) of section 122.04 of the Revised Code. 2450

Sec. 122.071. There is hereby created in the state treasury 2451  
the travel and tourism cooperative projects fund consisting of all 2452  
grants, gifts, and contributions made to the director of 2453  
development for marketing and promotion of travel and tourism 2454  
within this state pursuant to division (F) of section 122.04 and 2455  
section 122.07 of the Revised Code. 2456

Sec. 122.076. There is hereby created in the state treasury 2457  
the energy projects fund consisting of nonfederal revenue that is 2458  
remitted to the director of development for the purpose of energy 2459  
projects. Money in the fund shall be used by the department of 2460  
development for energy projects and to pay the costs incurred in 2461  
administering the energy projects. 2462

**Sec. 122.17.** (A) As used in this section: 2463

(1) "Full-time employee" means an individual who is employed 2464  
for consideration for at least an average of thirty-five hours a 2465  
week or who renders any other standard of service generally 2466  
accepted by custom or specified by contract as full-time 2467  
employment, or who is employed for consideration for such time or 2468  
renders such service but is on active duty reserve or Ohio 2469  
national guard service. 2470

(2) "New employee" means one of the following: 2471

(a) A full-time employee first employed by a taxpayer in the 2472  
project that is the subject of the agreement after the taxpayer 2473  
enters into a tax credit agreement with the tax credit authority 2474  
under this section; 2475

(b) A full-time employee first employed by a taxpayer in the 2476  
project that is the subject of the tax credit after the tax credit 2477  
authority approves a project for a tax credit under this section 2478  
in a public meeting, as long as the taxpayer enters into the tax 2479

credit agreement prepared by the department of development after 2480  
such meeting within sixty days after receiving the agreement from 2481  
the department. If the taxpayer fails to enter into the agreement 2482  
within sixty days, "new employee" has the same meaning as under 2483  
division (A)(2)(a) of this section. A full-time employee may be 2484  
considered a "new employee" of a taxpayer, despite previously 2485  
having been employed by a related member of the taxpayer, if all 2486  
of the following apply: 2487

(i) The related member is a party to the tax credit agreement 2488  
at the time the employee is first employed with the taxpayer; 2489

(ii) The related member will remain subject to the tax 2490  
imposed by section 5725.18, 5729.03, 5733.06, or 5747.02 or levied 2491  
under Chapter 5751. of the Revised Code for the remainder of the 2492  
term of the tax credit, and the tax credit is taken against 2493  
liability for that same tax through the remainder of the term of 2494  
the tax credit; and 2495

(iii) The employee was considered a new employee of the 2496  
related member prior to employment with the taxpayer. 2497

Under division (A)(2)(a) or (b) of this section, if the tax 2498  
credit authority determines it appropriate, "new employee" also 2499  
may include an employee re-hired or called back from lay-off to 2500  
work in a new facility or on a new product or service established 2501  
or produced by the taxpayer after entering into the agreement 2502  
under this section or after the tax credit authority approves the 2503  
tax credit in a public meeting. Except as otherwise provided in 2504  
this paragraph, "new employee" does not include any employee of 2505  
the taxpayer who was previously employed in this state by a 2506  
related member of the taxpayer and whose employment was shifted to 2507  
the taxpayer after the taxpayer entered into the tax credit 2508  
agreement or after the tax credit authority approved the credit in 2509  
a public meeting, or any employee of the taxpayer for which the 2510  
taxpayer has been granted a certificate under division (B) of 2511



section 5709.66 of the Revised Code. However, if the taxpayer is 2512  
engaged in the enrichment and commercialization of uranium or 2513  
uranium products or is engaged in research and development 2514  
activities related thereto and if the tax credit authority 2515  
determines it appropriate, "new employee" may include an employee 2516  
of the taxpayer who was previously employed in this state by a 2517  
related member of the taxpayer and whose employment was shifted to 2518  
the taxpayer after the taxpayer entered into the tax credit 2519  
agreement or after the tax credit authority approved the credit in 2520  
a public meeting. "New employee" does not include an employee of 2521  
the taxpayer who is employed in an employment position that was 2522  
relocated to a project from other operations of the taxpayer in 2523  
this state or from operations of a related member of the taxpayer 2524  
in this state. In addition, "new employee" does not include a 2525  
child, grandchild, parent, or spouse, other than a spouse who is 2526  
legally separated from the individual, of any individual who is an 2527  
employee of the taxpayer and who has a direct or indirect 2528  
ownership interest of at least five per cent in the profits, 2529  
capital, or value of the taxpayer. Such ownership interest shall 2530  
be determined in accordance with section 1563 of the Internal 2531  
Revenue Code and regulations prescribed thereunder. 2532

(3) "New income tax revenue" means the total amount withheld 2533  
under section 5747.06 of the Revised Code by the taxpayer during 2534  
the taxable year, or during the calendar year that includes the 2535  
tax period, from the compensation of new employees for the tax 2536  
levied under Chapter 5747. of the Revised Code. 2537

(4) "Related member" has the same meaning as under division 2538  
(A)(6) of section 5733.042 of the Revised Code without regard to 2539  
division (B) of that section. 2540

(B) The tax credit authority may make grants under this 2541  
section to foster job creation in this state. Such a grant shall 2542  
take the form of a refundable credit allowed against the tax 2543

imposed by section 5725.18, 5729.03, 5733.06, or 5747.02 or levied 2544  
under Chapter 5751. of the Revised Code. The credit shall be 2545  
claimed for the taxable years or tax periods specified in the 2546  
taxpayer's agreement with the tax credit authority under division 2547  
(D) of this section. With respect to taxes imposed under section 2548  
5733.06 or 5747.02 or Chapter 5751. of the Revised Code, the 2549  
credit shall be claimed in the order required under section 2550  
5733.98, 5747.98, or 5751.98 of the Revised Code. The amount of 2551  
the credit available for a taxable year or for a calendar year 2552  
that includes a tax period equals the new income tax revenue for 2553  
that year multiplied by the percentage specified in the agreement 2554  
with the tax credit authority. Any credit granted under this 2555  
section against the tax imposed by section 5733.06 or 5747.02 of 2556  
the Revised Code, to the extent not fully utilized against such 2557  
tax for taxable years ending prior to 2008, shall automatically be 2558  
converted without any action taken by the tax credit authority to 2559  
a credit against the tax levied under Chapter 5751. of the Revised 2560  
Code for tax periods beginning on or after July 1, 2008, provided 2561  
that the person to whom the credit was granted is subject to such 2562  
tax. The converted credit shall apply to those calendar years in 2563  
which the remaining taxable years specified in the agreement end. 2564

(C) A taxpayer or potential taxpayer who proposes a project 2565  
to create new jobs in this state may apply to the tax credit 2566  
authority to enter into an agreement for a tax credit under this 2567  
section. The director of development shall prescribe the form of 2568  
the application. After receipt of an application, the authority 2569  
may enter into an agreement with the taxpayer for a credit under 2570  
this section if it determines all of the following: 2571

(1) The taxpayer's project will create new jobs in this 2572  
state; 2573

(2) The taxpayer's project is economically sound and will 2574  
benefit the people of this state by increasing opportunities for 2575

employment and strengthening the economy of this state; 2576

(3) Receiving the tax credit is a major factor in the 2577  
taxpayer's decision to go forward with the project. 2578

(D) An agreement under this section shall include all of the 2579  
following: 2580

(1) A detailed description of the project that is the subject 2581  
of the agreement; 2582

(2) The term of the tax credit, which shall not exceed 2583  
fifteen years, and the first taxable year, or first calendar year 2584  
that includes a tax period, for which the credit may be claimed; 2585

(3) A requirement that the taxpayer shall maintain operations 2586  
at the project location for at least twice the number of years as 2587  
the term of the tax credit; 2588

(4) The percentage, as determined by the tax credit 2589  
authority, of new income tax revenue that will be allowed as the 2590  
amount of the credit for each taxable year or for each calendar 2591  
year that includes a tax period; 2592

(5) A specific method for determining how many new employees 2593  
are employed during a taxable year or during a calendar year that 2594  
includes a tax period; 2595

(6) A requirement that the taxpayer annually shall report to 2596  
the director of development the number of new employees, the new 2597  
income tax revenue withheld in connection with the new employees, 2598  
and any other information the director needs to perform the 2599  
director's duties under this section; 2600

(7) A requirement that the director of development annually 2601  
shall verify the amounts reported under division (D)(6) of this 2602  
section, and after doing so shall issue a certificate to the 2603  
taxpayer stating that the amounts have been verified; 2604

(8)(a) A provision requiring that the taxpayer, except as 2605

otherwise provided in division (D)(8)(b) of this section, shall 2606  
not relocate employment positions from elsewhere in this state to 2607  
the project site that is the subject of the agreement for the 2608  
lesser of five years from the date the agreement is entered into 2609  
or the number of years the taxpayer is entitled to claim the tax 2610  
credit. 2611

(b) The taxpayer may relocate employment positions from 2612  
elsewhere in this state to the project site that is the subject of 2613  
the agreement if the director of development determines both of 2614  
the following: 2615

(i) That the site from which the employment positions would 2616  
be relocated is inadequate to meet market and industry conditions, 2617  
expansion plans, consolidation plans, or other business 2618  
considerations affecting the taxpayer; 2619

(ii) That the legislative authority of the county, township, 2620  
or municipal corporation from which the employment positions would 2621  
be relocated has been notified of the relocation. 2622

For purposes of this section, the movement of an employment 2623  
position from one political subdivision to another political 2624  
subdivision shall be considered a relocation of an employment 2625  
position, but the transfer of an individual employee from one 2626  
political subdivision to another political subdivision shall not 2627  
be considered a relocation of an employment position as long as 2628  
the individual's employment position in the first political 2629  
subdivision is refilled. 2630

(E) If a taxpayer fails to meet or comply with any condition 2631  
or requirement set forth in a tax credit agreement, the tax credit 2632  
authority may amend the agreement to reduce the percentage or term 2633  
of the tax credit. The reduction of the percentage or term shall 2634  
take effect (1) in the taxable year immediately following the 2635  
taxable year in which the authority amends the agreement or the 2636

director of development notifies the taxpayer in writing of such 2637  
failure, or (2) in the first tax period beginning in the calendar 2638  
year immediately following the calendar year in which the 2639  
authority amends the agreement or the director notifies the 2640  
taxpayer in writing of such failure. If the taxpayer fails to 2641  
annually report any of the information required by division (D)(6) 2642  
of this section within the time required by the director, the 2643  
reduction of the percentage or term may take effect in the current 2644  
taxable year. If the taxpayer relocates employment positions in 2645  
violation of the provision required under division (D)(8)(a) of 2646  
this section, the taxpayer shall not claim the tax credit under 2647  
section 5733.0610 of the Revised Code for any tax years following 2648  
the calendar year in which the relocation occurs, or shall not 2649  
claim the tax credit under section 5725.32, 5729.032, or 5747.058 2650  
of the Revised Code for the taxable year in which the relocation 2651  
occurs and any subsequent taxable years, and shall not claim the 2652  
tax credit under division (A) of section 5751.50 of the Revised 2653  
Code for any tax period in the calendar year in which the 2654  
relocation occurs and any subsequent tax periods. 2655

(F) Projects that consist solely of point-of-final-purchase 2656  
retail facilities are not eligible for a tax credit under this 2657  
section. If a project consists of both point-of-final-purchase 2658  
retail facilities and nonretail facilities, only the portion of 2659  
the project consisting of the nonretail facilities is eligible for 2660  
a tax credit and only the new income tax revenue from new 2661  
employees of the nonretail facilities shall be considered when 2662  
computing the amount of the tax credit. If a warehouse facility is 2663  
part of a point-of-final-purchase retail facility and supplies 2664  
only that facility, the warehouse facility is not eligible for a 2665  
tax credit. Catalog distribution centers are not considered 2666  
point-of-final-purchase retail facilities for the purposes of this 2667  
division, and are eligible for tax credits under this section. 2668

(G) Financial statements and other information submitted to 2669  
the department of development or the tax credit authority by an 2670  
applicant or recipient of a tax credit under this section, and any 2671  
information taken for any purpose from such statements or 2672  
information, are not public records subject to section 149.43 of 2673  
the Revised Code. However, the chairperson of the authority may 2674  
make use of the statements and other information for purposes of 2675  
issuing public reports or in connection with court proceedings 2676  
concerning tax credit agreements under this section. Upon the 2677  
request of the tax commissioner or, if the applicant or recipient 2678  
is an insurance company, upon the request of the superintendent of 2679  
insurance, the chairperson of the authority shall provide to the 2680  
commissioner or superintendent any statement or information 2681  
submitted by an applicant or recipient of a tax credit in 2682  
connection with the credit. The commissioner or superintendent 2683  
shall preserve the confidentiality of the statement or 2684  
information. 2685

(H) A taxpayer claiming a credit under this section shall 2686  
submit to the tax commissioner or, if the taxpayer is an insurance 2687  
company, to the superintendent of insurance, a copy of the 2688  
director of development's certificate of verification under 2689  
division (D)(7) of this section with the taxpayer's tax report or 2690  
return for the taxable year or for the calendar year that includes 2691  
the tax period. Failure to submit a copy of the certificate with 2692  
the report or return does not invalidate a claim for a credit if 2693  
the taxpayer submits a copy of the certificate to the commissioner 2694  
or superintendent within sixty days after the commissioner or 2695  
superintendent requests it. 2696

(I) The director of development, after consultation with the 2697  
tax commissioner and the superintendent of insurance and in 2698  
accordance with Chapter 119. of the Revised Code, shall adopt 2699  
rules necessary to implement this section. The rules may provide 2700

for recipients of tax credits under this section to be charged 2701  
fees to cover administrative costs of the tax credit program. The 2702  
fees collected shall be credited to the tax incentive programs 2703  
operating fund created in section 122.174 of the Revised Code. At 2704  
the time the director gives public notice under division (A) of 2705  
section 119.03 of the Revised Code of the adoption of the rules, 2706  
the director shall submit copies of the proposed rules to the 2707  
chairpersons of the standing committees on economic development in 2708  
the senate and the house of representatives. 2709

(J) For the purposes of this section, a taxpayer may include 2710  
a partnership, a corporation that has made an election under 2711  
subchapter S of chapter one of subtitle A of the Internal Revenue 2712  
Code, or any other business entity through which income flows as a 2713  
distributive share to its owners. ~~A credit received under this~~ 2714  
~~section by a partnership, S-corporation, or other such business~~ 2715  
entity ~~shall be apportioned among~~ may elect to pass the credit 2716  
received under this section through to the persons to whom the 2717  
income or profit of the partnership, S-corporation, or other 2718  
entity is distributed<sup>7</sup>. The election shall be made on the annual 2719  
report required under division (D)(6) of this section. The 2720  
election applies to and is irrevocable for the credit for which 2721  
the report is submitted. If the election is made, the credit shall 2722  
be apportioned among those persons in the same proportions as 2723  
those in which the income or profit is distributed. 2724

(K) If the director of development determines that a taxpayer 2725  
who has received a credit under this section is not complying with 2726  
the requirement under division (D)(3) of this section, the 2727  
director shall notify the tax credit authority of the 2728  
noncompliance. After receiving such a notice, and after giving the 2729  
taxpayer an opportunity to explain the noncompliance, the tax 2730  
credit authority may require the taxpayer to refund to this state 2731  
a portion of the credit in accordance with the following: 2732

(1) If the taxpayer maintained operations at the project 2733  
location for at least one and one-half times the number of years 2734  
of the term of the tax credit, an amount not exceeding twenty-five 2735  
per cent of the sum of any previously allowed credits under this 2736  
section; 2737

(2) If the taxpayer maintained operations at the project 2738  
location for at least the number of years of the term of the tax 2739  
credit, an amount not exceeding fifty per cent of the sum of any 2740  
previously allowed credits under this section; 2741

(3) If the taxpayer maintained operations at the project 2742  
location for less than the number of years of the term of the tax 2743  
credit, an amount not exceeding one hundred per cent of the sum of 2744  
any previously allowed credits under this section. 2745

In determining the portion of the tax credit to be refunded 2746  
to this state, the tax credit authority shall consider the effect 2747  
of market conditions on the taxpayer's project and whether the 2748  
taxpayer continues to maintain other operations in this state. 2749  
After making the determination, the authority shall certify the 2750  
amount to be refunded to the tax commissioner or superintendent of 2751  
insurance, as appropriate. If the amount is certified to the 2752  
commissioner, the commissioner shall make an assessment for that 2753  
amount against the taxpayer under Chapter 5733., 5747., or 5751. 2754  
of the Revised Code. If the amount is certified to the 2755  
superintendent, the superintendent shall make an assessment for 2756  
that amount against the taxpayer under Chapter 5725. or 5729. of 2757  
the Revised Code. The time limitations on assessments under those 2758  
chapters do not apply to an assessment under this division, but 2759  
the commissioner or superintendent, as appropriate, shall make the 2760  
assessment within one year after the date the authority certifies 2761  
to the commissioner or superintendent the amount to be refunded. 2762

(L) On or before the thirty-first day of March each year, the 2763  
director of development shall submit a report to the governor, the 2764



president of the senate, and the speaker of the house of 2765  
representatives on the tax credit program under this section. The 2766  
report shall include information on the number of agreements that 2767  
were entered into under this section during the preceding calendar 2768  
year, a description of the project that is the subject of each 2769  
such agreement, and an update on the status of projects under 2770  
agreements entered into before the preceding calendar year. 2771

(M) There is hereby created the tax credit authority, which 2772  
consists of the director of development and four other members 2773  
appointed as follows: the governor, the president of the senate, 2774  
and the speaker of the house of representatives each shall appoint 2775  
one member who shall be a specialist in economic development; the 2776  
governor also shall appoint a member who is a specialist in 2777  
taxation. Of the initial appointees, the members appointed by the 2778  
governor shall serve a term of two years; the members appointed by 2779  
the president of the senate and the speaker of the house of 2780  
representatives shall serve a term of four years. Thereafter, 2781  
terms of office shall be for four years. Initial appointments to 2782  
the authority shall be made within thirty days after January 13, 2783  
1993. Each member shall serve on the authority until the end of 2784  
the term for which the member was appointed. Vacancies shall be 2785  
filled in the same manner provided for original appointments. Any 2786  
member appointed to fill a vacancy occurring prior to the 2787  
expiration of the term for which the member's predecessor was 2788  
appointed shall hold office for the remainder of that term. 2789  
Members may be reappointed to the authority. Members of the 2790  
authority shall receive their necessary and actual expenses while 2791  
engaged in the business of the authority. The director of 2792  
development shall serve as chairperson of the authority, and the 2793  
members annually shall elect a vice-chairperson from among 2794  
themselves. Three members of the authority constitute a quorum to 2795  
transact and vote on the business of the authority. The majority 2796  
vote of the membership of the authority is necessary to approve 2797

any such business, including the election of the vice-chairperson. 2798

The director of development may appoint a professional 2799  
employee of the department of development to serve as the 2800  
director's substitute at a meeting of the authority. The director 2801  
shall make the appointment in writing. In the absence of the 2802  
director from a meeting of the authority, the appointed substitute 2803  
shall serve as chairperson. In the absence of both the director 2804  
and the director's substitute from a meeting, the vice-chairperson 2805  
shall serve as chairperson. 2806

(N) For purposes of the credits granted by this section 2807  
against the taxes imposed under sections 5725.18 and 5729.03 of 2808  
the Revised Code, "taxable year" means the period covered by the 2809  
taxpayer's annual statement to the superintendent of insurance. 2810

**Sec. 122.171.** (A) As used in this section: 2811

(1) "Capital investment project" means a plan of investment 2812  
at a project site for the acquisition, construction, renovation, 2813  
or repair of buildings, machinery, or equipment, or for 2814  
capitalized costs of basic research and new product development 2815  
determined in accordance with generally accepted accounting 2816  
principles, but does not include any of the following: 2817

(a) Payments made for the acquisition of personal property 2818  
through operating leases; 2819

(b) Project costs paid before January 1, 2002; 2820

(c) Payments made to a related member as defined in section 2821  
5733.042 of the Revised Code or to an elected consolidated 2822  
taxpayer or a combined taxpayer as defined in section 5751.01 of 2823  
the Revised Code. 2824

(2) "Eligible business" means a business with Ohio operations 2825  
satisfying all of the following: 2826

(a) Employed an average of at least one thousand employees in 2827

full-time employment positions at a project site during each of 2828  
the twelve months preceding the application for a tax credit under 2829  
this section; and 2830

(b) On or after January 1, 2002, has made payments for the 2831  
capital investment project of either of the following: 2832

(i) At least two hundred million dollars in the aggregate at 2833  
the project site during a period of three consecutive calendar 2834  
years including the calendar year that includes a day of the 2835  
taxpayer's taxable year or tax period with respect to which the 2836  
credit is granted; 2837

(ii) If the average wage of all full-time employment 2838  
positions at the project site is greater than four hundred per 2839  
cent of the federal minimum wage, at least one hundred million 2840  
dollars in the aggregate at the project site during a period of 2841  
three consecutive calendar years including the calendar year that 2842  
includes a day of the taxpayer's taxable year or tax period with 2843  
respect to which the credit is granted. 2844

(c) Is engaged at the project site primarily as a 2845  
manufacturer or is providing significant corporate administrative 2846  
functions; 2847

(d) Has had a capital investment project reviewed and 2848  
approved by the tax credit authority as provided in divisions (C), 2849  
(D), and (E) of this section. 2850

(3) "Full-time employment position" means a position of 2851  
employment for consideration for at least an average of 2852  
thirty-five hours a week that has been filled for at least one 2853  
hundred eighty days immediately preceding the filing of an 2854  
application under this section and for at least one hundred eighty 2855  
days during each taxable year or each calendar year that includes 2856  
a tax period with respect to which the credit is granted, or is 2857  
employed in such position for consideration for such time, but is 2858

on active duty reserve or Ohio national guard service. 2859

(4) "Manufacturer" has the same meaning as in section 2860  
5739.011 of the Revised Code. 2861

(5) "Project site" means an integrated complex of facilities 2862  
in this state, as specified by the tax credit authority under this 2863  
section, within a fifteen-mile radius where a taxpayer is 2864  
primarily operating as an eligible business. 2865

(6) "Applicable corporation" means a corporation satisfying 2866  
all of the following: 2867

(a)(i) For the entire taxable year immediately preceding the 2868  
tax year, the corporation develops software applications primarily 2869  
to provide telecommunication billing and information services 2870  
through outsourcing or licensing to domestic or international 2871  
customers. 2872

(ii) Sales and licensing of software generated at least six 2873  
hundred million dollars in revenue during the taxable year 2874  
immediately preceding the tax year the corporation is first 2875  
entitled to claim the credit provided under division (B) of this 2876  
section. 2877

(b) For the entire taxable year immediately preceding the tax 2878  
year, the corporation or one or more of its related members 2879  
provides customer or employee care and technical support for 2880  
clients through one or more contact centers within this state, and 2881  
the corporation and its related members together have a daily 2882  
average, based on a three-hundred-sixty-five-day year, of at least 2883  
five hundred thousand successful customer contacts through one or 2884  
more of their contact centers, wherever located. 2885

(c) The corporation is eligible for the credit under division 2886  
(B) of this section for the tax year. 2887

(7) "Related member" has the same meaning as in section 2888

5733.042 of the Revised Code as that section existed on the 2889  
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 2890  
general assembly, September 29, 1997. 2891

(8) "Successful customer contact" means a contact with an end 2892  
user via telephone, including interactive voice recognition or 2893  
similar means, where the contact culminates in a conversation or 2894  
connection other than a busy signal or equipment busy. 2895

(9) "Telecommunications" means all forms of 2896  
telecommunications service as defined in section 5739.01 of the 2897  
Revised Code, and includes services in wireless, wireline, cable, 2898  
broadband, internet protocol, and satellite. 2899

(10)(a) "Applicable difference" means the difference between 2900  
the tax for the tax year under Chapter 5733. of the Revised Code 2901  
applying the law in effect for that tax year, and the tax for that 2902  
tax year if section 5733.042 of the Revised Code applied as that 2903  
section existed on the effective date of its amendment by Am. Sub. 2904  
H.B. 215 of the 122nd general assembly, September 29, 1997, 2905  
subject to division (A)(10)(b) of this section. 2906

(b) If the tax rate set forth in division (B) of section 2907  
5733.06 of the Revised Code for the tax year is less than eight 2908  
and one-half per cent, the tax calculated under division 2909  
(A)(10)(a) of this section shall be computed by substituting a tax 2910  
rate of eight and one-half per cent for the rate set forth in 2911  
division (B) of section 5733.06 of the Revised Code for the tax 2912  
year. 2913

(c) If the resulting difference is negative, the applicable 2914  
tax difference for the tax year shall be zero. 2915

(B) The tax credit authority created under section 122.17 of 2916  
the Revised Code may grant tax credits under this section for the 2917  
purpose of fostering job retention in this state. Upon application 2918  
by an eligible business and upon consideration of the 2919

recommendation of the director of budget and management, tax 2920  
commissioner, and director of development under division (C) of 2921  
this section, the tax credit authority may grant to an eligible 2922  
business a nonrefundable credit against the tax imposed by section 2923  
5733.06 or 5747.02 of the Revised Code for a period up to fifteen 2924  
taxable years and against the tax levied by Chapter 5751. of the 2925  
Revised Code for a period of up to fifteen calendar years. The 2926  
credit shall be in an amount not exceeding seventy-five per cent 2927  
of the Ohio income tax withheld from the employees of the eligible 2928  
business occupying full-time employment positions at the project 2929  
site during the calendar year that includes the last day of such 2930  
business' taxable year or tax period with respect to which the 2931  
credit is granted. The amount of the credit shall not be based on 2932  
the Ohio income tax withheld from full-time employees for a 2933  
calendar year prior to the calendar year in which the minimum 2934  
investment requirement referred to in division (A)(2)(b) of this 2935  
section is completed. The credit shall be claimed only for the 2936  
taxable years or tax periods specified in the eligible business' 2937  
agreement with the tax credit authority under division (E) of this 2938  
section, but in no event shall the credit be claimed for a taxable 2939  
year or tax period terminating before the date specified in the 2940  
agreement. Any credit granted under this section against the tax 2941  
imposed by section 5733.06 or 5747.02 of the Revised Code, to the 2942  
extent not fully utilized against such tax for taxable years 2943  
ending prior to 2008, shall automatically be converted without any 2944  
action taken by the tax credit authority to a credit against the 2945  
tax levied under Chapter 5751. of the Revised Code for tax periods 2946  
beginning on or after July 1, 2008, provided that the person to 2947  
whom the credit was granted is subject to such tax. The converted 2948  
credit shall apply to those calendar years in which the remaining 2949  
taxable years specified in the agreement end. 2950

The credit computed under this division is in addition to any 2951  
credit allowed under division (M) of this section which the tax 2952

credit authority may also include in the agreement. 2953

Any unused portion of a tax credit may be carried forward for 2954  
not more than three additional years after the year for which the 2955  
credit is granted. 2956

(C) A taxpayer that proposes a capital investment project to 2957  
retain jobs in this state may apply to the tax credit authority to 2958  
enter into an agreement for a tax credit under this section. The 2959  
director of development shall prescribe the form of the 2960  
application. After receipt of an application, the authority shall 2961  
forward copies of the application to the director of budget and 2962  
management, the tax commissioner, and the director of development, 2963  
each of whom shall review the application to determine the 2964  
economic impact the proposed project would have on the state and 2965  
the affected political subdivisions and shall submit a summary of 2966  
their determinations and recommendations to the authority. 2967

(D) Upon review of the determinations and recommendations 2968  
described in division (C) of this section, the tax credit 2969  
authority may enter into an agreement with the taxpayer for a 2970  
credit under this section if the authority determines all of the 2971  
following: 2972

(1) The taxpayer's capital investment project will result in 2973  
the retention of full-time employment positions in this state. 2974

(2) The taxpayer is economically sound and has the ability to 2975  
complete the proposed capital investment project. 2976

(3) The taxpayer intends to and has the ability to maintain 2977  
operations at the project site for at least twice the term of the 2978  
credit. 2979

(4) Receiving the credit is a major factor in the taxpayer's 2980  
decision to begin, continue with, or complete the project. 2981

(5) The political subdivisions in which the project is 2982

located have agreed to provide substantial financial support to 2983  
the project. 2984

(E) An agreement under this section shall include all of the 2985  
following: 2986

(1) A detailed description of the project that is the subject 2987  
of the agreement, including the amount of the investment, the 2988  
period over which the investment has been or is being made, and 2989  
the number of full-time employment positions at the project site. 2990

(2) The method of calculating the number of full-time 2991  
employment positions as specified in division (A)(3) of this 2992  
section. 2993

(3) The term and percentage of the tax credit, and the first 2994  
year for which the credit may be claimed. 2995

(4) A requirement that the taxpayer maintain operations at 2996  
the project site for at least twice the number of years as the 2997  
term of the credit. 2998

(5) A requirement that the taxpayer retain a specified number 2999  
of full-time employment positions at the project site and within 3000  
this state for the term of the credit, including a requirement 3001  
that the taxpayer continue to employ at least one thousand 3002  
employees in full-time employment positions at the project site 3003  
during the entire term of any agreement, subject to division 3004  
(E)(7) of this section. 3005

(6) A requirement that the taxpayer annually report to the 3006  
director of development the number of full-time employment 3007  
positions subject to the credit, the amount of tax withheld from 3008  
employees in those positions, the amount of the payments made for 3009  
the capital investment project, and any other information the 3010  
director needs to perform the director's duties under this 3011  
section. 3012



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

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

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

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

(ii) That the legislative authority of the county, township, 3045  
or municipal corporation from which the employment positions would 3046  
be relocated has been notified of the relocation. 3047

For purposes of this section, the movement of an employment 3048  
position from one political subdivision to another political 3049  
subdivision shall be considered a relocation of an employment 3050  
position unless the movement is confined to the project site. The 3051  
transfer of an individual employee from one political subdivision 3052  
to another political subdivision shall not be considered a 3053  
relocation of an employment position as long as the individual's 3054  
employment position in the first political subdivision is 3055  
refilled. 3056

(9) A waiver by the taxpayer of any limitations periods 3057  
relating to assessments or adjustments resulting from the 3058  
taxpayer's failure to comply with the agreement. 3059

(F) If a taxpayer fails to meet or comply with any condition 3060  
or requirement set forth in a tax credit agreement, the tax credit 3061  
authority may amend the agreement to reduce the percentage or term 3062  
of the credit. The reduction of the percentage or term shall take 3063  
effect (1) in the taxable year immediately following the taxable 3064  
year in which the authority amends the agreement or the director 3065  
of development notifies the taxpayer in writing of such failure, 3066  
or (2) in the first tax period beginning in the calendar year 3067  
immediately following the calendar year in which the authority 3068  
amends the agreement or the director notifies the taxpayer in 3069  
writing of such failure. If the taxpayer fails to annually report 3070  
any of the information required by division (E)(6) of this section 3071  
within the time required by the director, the reduction of the 3072  
percentage or term may take effect in the current taxable year. If 3073  
the taxpayer relocates employment positions in violation of the 3074  
provision required under division (D)(8)(a) of this section, the 3075  
taxpayer shall not claim the tax credit under section 5733.0610 of 3076

the Revised Code for any tax years following the calendar year in 3077  
which the relocation occurs, shall not claim the tax credit under 3078  
section 5747.058 of the Revised Code for the taxable year in which 3079  
the relocation occurs and any subsequent taxable years, and shall 3080  
not claim the tax credit under division (A) of section 5751.50 of 3081  
the Revised Code for the tax period in which the relocation occurs 3082  
and any subsequent tax periods. 3083

(G) Financial statements and other information submitted to 3084  
the department of development or the tax credit authority by an 3085  
applicant for or recipient of a tax credit under this section, and 3086  
any information taken for any purpose from such statements or 3087  
information, are not public records subject to section 149.43 of 3088  
the Revised Code. However, the chairperson of the authority may 3089  
make use of the statements and other information for purposes of 3090  
issuing public reports or in connection with court proceedings 3091  
concerning tax credit agreements under this section. Upon the 3092  
request of the tax commissioner, the chairperson of the authority 3093  
shall provide to the commissioner any statement or other 3094  
information submitted by an applicant for or recipient of a tax 3095  
credit in connection with the credit. The commissioner shall 3096  
preserve the confidentiality of the statement or other 3097  
information. 3098

(H) A taxpayer claiming a tax credit under this section shall 3099  
submit to the tax commissioner a copy of the director of 3100  
development's certificate of verification under division (E)(7) of 3101  
this section with the taxpayer's tax report or return for the 3102  
taxable year or for the calendar year that includes the tax 3103  
period. Failure to submit a copy of the certificate with the 3104  
report or return does not invalidate a claim for a credit if the 3105  
taxpayer submits a copy of the certificate to the commissioner 3106  
within sixty days after the commissioner requests it. 3107

(I) For the purposes of this section, a taxpayer may include 3108

a partnership, a corporation that has made an election under 3109  
subchapter S of chapter one of subtitle A of the Internal Revenue 3110  
Code, or any other business entity through which income flows as a 3111  
distributive share to its owners. A ~~tax credit received under this~~ 3112  
~~section by a~~ partnership, S-corporation, or other such business 3113  
entity ~~shall be apportioned among~~ may elect to pass the credit 3114  
received under this section through to the persons to whom the 3115  
income or profit of the partnership, S-corporation, or other 3116  
entity is distributed<sup>7</sup>. The election shall be made on the annual 3117  
report required under division (E)(6) of this section. The 3118  
election applies to and is irrevocable for the credit for which 3119  
the report is submitted. If the election is made, the credit shall 3120  
be apportioned among those persons in the same proportions as 3121  
those in which the income or profit is distributed. 3122

(J) If the director of development determines that a taxpayer 3123  
that received a tax credit under this section is not complying 3124  
with the requirement under division (E)(4) of this section, the 3125  
director shall notify the tax credit authority of the 3126  
noncompliance. After receiving such a notice, and after giving the 3127  
taxpayer an opportunity to explain the noncompliance, the 3128  
authority may terminate the agreement and require the taxpayer to 3129  
refund to the state all or a portion of the credit claimed in 3130  
previous years, as follows: 3131

(1) If the taxpayer maintained operations at the project site 3132  
for less than the term of the credit, the amount required to be 3133  
refunded shall not exceed the amount of any tax credits previously 3134  
allowed and received under this section. 3135

(2) If the taxpayer maintained operations at the project site 3136  
longer than the term of the credit but less than one and one-half 3137  
times the term of the credit, the amount required to be refunded 3138  
shall not exceed fifty per cent of the sum of any tax credits 3139  
previously allowed and received under this section. 3140

(3) If the taxpayer maintained operations at the project site 3141  
for at least one and one-half times the term of the credit but 3142  
less than twice the term of the credit, the amount required to be 3143  
refunded shall not exceed twenty-five per cent of the sum of any 3144  
tax credits previously allowed and received under this section. 3145

In determining the portion of the credit to be refunded to 3146  
this state, the authority shall consider the effect of market 3147  
conditions on the taxpayer's project and whether the taxpayer 3148  
continues to maintain other operations in this state. After making 3149  
the determination, the authority shall certify the amount to be 3150  
refunded to the tax commissioner. The commissioner shall make an 3151  
assessment for that amount against the taxpayer under Chapter 3152  
5733., 5747., or 5751. of the Revised Code. The time limitations 3153  
on assessments under those chapters do not apply to an assessment 3154  
under this division, but the commissioner shall make the 3155  
assessment within one year after the date the authority certifies 3156  
to the commissioner the amount to be refunded. 3157

If the director of development determines that a taxpayer 3158  
that received a tax credit under this section has reduced the 3159  
number of employees agreed to under division (E)(5) of this 3160  
section by more than ten per cent, the director shall notify the 3161  
tax credit authority of the noncompliance. After receiving such 3162  
notice, and after providing the taxpayer an opportunity to explain 3163  
the noncompliance, the authority may amend the agreement to reduce 3164  
the percentage or term of the tax credit. The reduction in the 3165  
percentage or term shall take effect in the taxable year, or in 3166  
the calendar year that includes the tax period, in which the 3167  
authority amends the agreement. 3168

(K) The director of development, after consultation with the 3169  
tax commissioner and in accordance with Chapter 119. of the 3170  
Revised Code, shall adopt rules necessary to implement this 3171  
section. The rules may provide for recipients of tax credits under 3172

this section to be charged fees to cover administrative costs of 3173  
the tax credit program. The fees collected shall be credited to 3174  
the tax incentive programs operating fund created in section 3175  
122.174 of the Revised Code. At the time the director gives public 3176  
notice under division (A) of section 119.03 of the Revised Code of 3177  
the adoption of the rules, the director shall submit copies of the 3178  
proposed rules to the chairpersons of the standing committees on 3179  
economic development in the senate and the house of 3180  
representatives. 3181

(L) On or before the thirty-first day of March of each year, 3182  
the director of development shall submit a report to the governor, 3183  
the president of the senate, and the speaker of the house of 3184  
representatives on the tax credit program under this section. The 3185  
report shall include information on the number of agreements that 3186  
were entered into under this section during the preceding calendar 3187  
year, a description of the project that is the subject of each 3188  
such agreement, and an update on the status of projects under 3189  
agreements entered into before the preceding calendar year. 3190

(M)(1) A nonrefundable credit shall be allowed to an 3191  
applicable corporation and its related members in an amount equal 3192  
to the applicable difference. The credit is in addition to the 3193  
credit granted to the corporation or related members under 3194  
division (B) of this section. The credit is subject to divisions 3195  
(B) to (E) and division (J) of this section. 3196

(2) A person qualifying as an applicable corporation under 3197  
this section for a tax year does not necessarily qualify as an 3198  
applicable corporation for any other tax year. No person is 3199  
entitled to the credit allowed under division (M) of this section 3200  
for the tax year immediately following the taxable year during 3201  
which the person fails to meet the requirements in divisions 3202  
(A)(6)(a)(i) and (A)(6)(b) of this section. No person is entitled 3203  
to the credit allowed under division (M) of this section for any 3204

tax year for which the person is not eligible for the credit 3205  
provided under division (B) of this section. 3206

Sec. 122.174. There is hereby created in the state treasury 3207  
the tax incentive programs operating fund. Money collected 3208  
pursuant to division (I) of section 121.17, division (K) of 3209  
section 122.171, division (C) of section 3735.672, and division 3210  
(C) of section 5709.68 of the Revised Code shall be credited to 3211  
the fund. The director of development shall use money in the fund 3212  
to pay expenses related to the administration of the tax credit 3213  
programs authorized by sections 122.17, 122.171, 3735.672, and 3214  
5709.68 of the Revised Code. 3215

**Sec. 122.602.** (A) There is hereby created in the department 3216  
of development the capital access loan program to assist 3217  
participating financial institutions in making program loans to 3218  
eligible businesses that face barriers in accessing working 3219  
capital and obtaining fixed asset financing. In administering the 3220  
program, the director of development may do any of the following: 3221

(1) Receive and accept grants, gifts, and contributions of 3222  
money, property, labor, and other things of value to be held, 3223  
used, and applied only for the purpose for which the grants, 3224  
gifts, and contributions are made, from individuals, private and 3225  
public corporations, the United States or any agency of the United 3226  
States, the state or any agency of the state, or any political 3227  
subdivision of the state; 3228

(2) Agree to repay any contribution of money or return any 3229  
property contributed or the value of that property at the times, 3230  
in the amounts, and on the terms and conditions, excluding the 3231  
payment of interest, that the director consents to at the time a 3232  
contribution is made; and evidence obligations by notes, bonds, or 3233  
other written instruments; 3234

(3) Adopt rules under Chapter 119. of the Revised Code to 3235  
carry out the purposes of the program specified in sections 122.60 3236  
to 122.605 of the Revised Code; 3237

(4) Engage in all other acts, and enter into contracts and 3238  
execute all instruments, necessary or appropriate to carry out the 3239  
purposes specified in sections 122.60 to 122.605 of the Revised 3240  
Code. 3241

(B) The director shall determine the eligibility of a 3242  
financial institution to participate in the program and may set a 3243  
limit on the number of financial institutions that may participate 3244  
in the program. 3245

(C) To be considered eligible by the director to participate 3246  
in the program, a financial institution shall enter into a 3247  
participation agreement with the department that sets out the 3248  
terms and conditions under which the department will deposit 3249  
moneys from the fund into the financial institution's program 3250  
reserve account, specifies the criteria for loan qualification 3251  
under the program, and contains any additional terms the director 3252  
considers necessary. 3253

(D) After receiving the certification required under division 3254  
(C) of section 122.603 of the Revised Code, the director may 3255  
disburse moneys from the fund to a participating financial 3256  
institution for deposit in its program reserve account if the 3257  
director determines that the capital access loan involved meets 3258  
all of the following criteria: 3259

(1) It will be made to an eligible business. 3260

(2) It will be used by the eligible business for a project, 3261  
activity, or enterprise that fosters economic development. 3262

(3) It will not be made in order to enroll in the program 3263  
prior debt that is not covered under the program and that is owed 3264  
or was previously owed by an eligible business to the financial 3265



institution.	3266
(4) It will not be utilized for a project or development related to the on-site construction or purchase of residential housing.	3267 3268 3269
(5) It will not be used to finance passive real estate ownership.	3270 3271
(6) It conforms to the requirements of divisions (E), (F), (G), (H), and (I) of this section, and to the rules adopted by the director under division (A)(3) of this section.	3272 3273 3274
(E) The director shall not approve a capital access loan to an eligible business that exceeds two hundred fifty thousand dollars for working capital or five hundred thousand dollars for the purchase of fixed assets. An eligible business may apply for the maximum amount of both working capital and the purchase of fixed assets in the same capital access loan.	3275 3276 3277 3278 3279 3280
(F) A financial institution may apply to the director for the approval of a capital access loan to any business that is owned or operated by a person that has previously defaulted under any state financial assistance program.	3281 3282 3283 3284
(G) Eligible businesses that apply for a capital access loan shall comply with section 9.66 of the Revised Code.	3285 3286
(H) A financial institution may apply to the director for the approval of a capital access loan that refinances a nonprogram loan made by another financial institution.	3287 3288 3289
(I) The director shall not approve a capital access loan that refinances a nonprogram loan made by the same financial institution, unless the amount of the refinanced loan exceeds the existing debt, in which case only the amount exceeding the existing debt is eligible for a loan under the program.	3290 3291 3292 3293 3294
<del>(J) The director shall not approve any capital access loan</del>	3295

~~made after June 30, 2007, or enter into a participation agreement~~ 3296  
~~with any financial institution after that date.~~ 3297

**Sec. 124.152.** (A)(1) Except as provided in divisions (A)(2) 3298  
and (3) of this section, each exempt employee shall be paid a 3299  
salary or wage in accordance with schedule E-1 or schedule E-2 of 3300  
division (B), (C), or (D) of this section, as applicable. 3301

(2) Each exempt employee who holds a position in the 3302  
unclassified civil service pursuant to division (A)(26) or (30) of 3303  
section 124.11 of the Revised Code may be paid a salary or wage in 3304  
accordance with schedule E-1, schedule E-1 for step seven only, or 3305  
schedule E-2 of division (B) ~~or~~, (C), (D), (E), (F), or (G) of 3306  
this section, as applicable. 3307

(3)(a) Except as provided in division (A)(3)(b) of this 3308  
section, each exempt employee who was paid a salary or wage at 3309  
step 7 in the employee's pay range on June 28, 2003, in accordance 3310  
with the applicable schedule E-1 of former section 124.152 of the 3311  
Revised Code and who continued to be so paid on June 29, 2003, 3312  
shall be paid a salary or wage in the corresponding pay range in 3313  
schedule E-1 for step seven only of division ~~(C)~~(E), (F), or (G) 3314  
of this section, as applicable, for as long as the employee 3315  
remains in the position the employee held as of July 1, 2003. 3316

(b) Except as provided in division (A)(3)(c) of this section, 3317  
if an exempt employee who is being paid a salary or wage in 3318  
accordance with schedule E-1 for step seven only of division 3319  
~~(C)~~(E), (F), or (G) of this section, as applicable, moves to 3320  
another position, the employee shall not receive a salary or wage 3321  
for that position or any other position in the future in 3322  
accordance with that schedule. 3323

(c) If an exempt employee who is being paid a salary or wage 3324  
in accordance with schedule E-1 for step seven only of division 3325  
~~(C)~~(E), (F), or (G) of this section, as applicable, moves to 3326

another position assigned to pay range 12 or above, the appointing authority ~~has the discretion to~~ may assign the employee to be paid a salary or wage in the appropriate pay range for that position in accordance with the applicable schedule E-1 for step seven only, provided that the appointing authority so notifies the director of administrative services in writing at the time the employee is appointed to that position.

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

Schedule E-1

Pay Ranges and Step Values

		Step	Step	Step	Step	Step	Step	
	Range	1	2	3	4	5	6	
1	Hourly	9.40	9.82	10.24	10.68			
	Annually	19552	20426	21299	22214			
2	Hourly	11.40	11.88	12.40	12.94			
	Annually	23712	24710	25792	26915			
3	Hourly	11.94	12.48	13.03	13.60			
	Annually	24835	25958	27102	28288			
4	Hourly	12.54	13.10	13.72	14.34			
	Annually	26083	27248	28538	29827			
5	Hourly	13.15	13.75	14.34	14.97			
	Annually	27352	28600	29827	31138			
6	Hourly	13.86	14.43	15.07	15.69			
	Annually	28829	30014	31346	32635			
7	Hourly	14.72	15.27	15.88	16.44	17.08		
	Annually	30618	31762	33030	34195	35526		
8	Hourly	15.56	16.24	16.95	17.71	18.46		
	Annually	32365	33779	35256	36837	38397		

9	Hourly	16.60	17.46	18.32	19.23	20.21		3359
	Annually	34528	36317	38106	39998	42037		3360
10	Hourly	17.91	18.89	19.90	21.05	22.18		3361
	Annually	37253	39291	41392	43784	46134		3362
11	Hourly	19.50	20.64	21.84	23.06	24.38		3363
	Annually	40560	42931	45427	47965	50710		3364
12	Hourly	21.51	22.72	23.94	25.27	26.68	28.13	3365
	Annually	44741	47258	49795	52562	55494	58510	3366
13	Hourly	23.71	25.01	26.39	27.80	29.36	30.96	3367
	Annually	49317	52021	54891	57824	61069	64397	3368
14	Hourly	26.08	27.55	29.03	30.62	32.35	34.15	3369
	Annually	54246	57304	60382	63690	67288	71032	3370
15	Hourly	28.64	30.25	31.96	33.72	35.59	37.55	3371
	Annually	59571	62920	66477	70138	74027	78104	3372
16	Hourly	31.58	33.33	35.17	37.14	39.19	41.43	3373
	Annually	65686	69326	73154	77251	81515	86174	3374
17	Hourly	34.80	36.72	38.78	40.92	43.20	45.61	3375
	Annually	72384	76378	80662	85114	89856	94869	3376
18	Hourly	38.35	40.47	42.75	45.10	47.60	50.26	3377
	Annually	79768	84178	88920	93808	99008	104541	3378
	Schedule E-2							3379
	Range			Minimum			Maximum	3380
41	Hourly			16.23			34.77	3381
	Annually			33758			72322	3382
42	Hourly			17.89			38.41	3383
	Annually			37211			79893	3384
43	Hourly			19.70			42.30	3385
	Annually			40976			87984	3386
44	Hourly			21.73			46.21	3387
	Annually			45198			96117	3388
45	Hourly			24.01			50.44	3389
	Annually			49941			104915	3390
46	Hourly			26.43			55.13	3391

	Annually	54974	114670	3392
47	Hourly	29.14	60.16	3393
	Annually	60611	125133	3394
48	Hourly	32.14	65.65	3395
	Annually	66851	136552	3396
49	Hourly	35.44	70.89	3397
	Annually	73715	147451	3398

(C) Beginning on the first day of the pay period that 3399  
includes July 1, 2007, each exempt employee who must be paid in 3400  
accordance with schedule E-1 or schedule E-2 of this section shall 3401  
be paid a salary or wage in accordance with the following schedule 3402  
of rates: 3403

		<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>			3404
	<u>Annually</u>	<u>20238</u>	<u>21133</u>	<u>22048</u>	<u>22984</u>			3405
<u>2</u>	<u>Hourly</u>	<u>11.80</u>	<u>12.30</u>	<u>12.83</u>	<u>13.39</u>			3406
	<u>Annually</u>	<u>24544</u>	<u>25584</u>	<u>26686</u>	<u>27851</u>			3407
<u>3</u>	<u>Hourly</u>	<u>12.36</u>	<u>12.92</u>	<u>13.49</u>	<u>14.08</u>			3408
	<u>Annually</u>	<u>25709</u>	<u>26874</u>	<u>28059</u>	<u>29286</u>			3409
<u>4</u>	<u>Hourly</u>	<u>12.98</u>	<u>13.56</u>	<u>14.20</u>	<u>14.84</u>			3410
	<u>Annually</u>	<u>26998</u>	<u>28205</u>	<u>29536</u>	<u>30867</u>			3411
<u>5</u>	<u>Hourly</u>	<u>13.61</u>	<u>14.23</u>	<u>14.84</u>	<u>15.49</u>			3412
	<u>Annually</u>	<u>28309</u>	<u>29598</u>	<u>30867</u>	<u>32219</u>			3413
<u>6</u>	<u>Hourly</u>	<u>14.35</u>	<u>14.94</u>	<u>15.60</u>	<u>16.24</u>			3414
	<u>Annually</u>	<u>29848</u>	<u>31075</u>	<u>32448</u>	<u>33779</u>			3415
<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>		3416
	<u>Annually</u>	<u>31699</u>	<u>32864</u>	<u>34195</u>	<u>35402</u>	<u>36774</u>		3417
<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>		3418
	<u>Annually</u>	<u>33488</u>	<u>34965</u>	<u>36483</u>	<u>38126</u>	<u>39749</u>		3419
<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>		3420
	<u>Annually</u>	<u>35734</u>	<u>37586</u>	<u>39437</u>	<u>41392</u>	<u>43514</u>		3421
<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>		3422

	<u>Annually</u>	<u>38563</u>	<u>40664</u>	<u>42848</u>	<u>45323</u>	<u>47757</u>		3425
<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>		3426
	<u>Annually</u>	<u>41974</u>	<u>44429</u>	<u>47008</u>	<u>49650</u>	<u>52478</u>		3427
<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>	3428
	<u>Annually</u>	<u>46301</u>	<u>48922</u>	<u>51542</u>	<u>54392</u>	<u>57429</u>	<u>60549</u>	3429
<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>	3430
	<u>Annually</u>	<u>51043</u>	<u>53851</u>	<u>56805</u>	<u>59842</u>	<u>63211</u>	<u>66643</u>	3431
<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>	3432
	<u>Annually</u>	<u>56139</u>	<u>59301</u>	<u>62504</u>	<u>65915</u>	<u>69638</u>	<u>73528</u>	3433
<u>15</u>	<u>Hourly</u>	<u>29.64</u>	<u>31.31</u>	<u>33.08</u>	<u>34.90</u>	<u>36.84</u>	<u>38.86</u>	3434
	<u>Annually</u>	<u>61651</u>	<u>65125</u>	<u>68806</u>	<u>72592</u>	<u>76627</u>	<u>80829</u>	3435
<u>16</u>	<u>Hourly</u>	<u>32.69</u>	<u>34.50</u>	<u>36.40</u>	<u>38.44</u>	<u>40.56</u>	<u>42.88</u>	3436
	<u>Annually</u>	<u>67995</u>	<u>71760</u>	<u>75712</u>	<u>79955</u>	<u>84365</u>	<u>89190</u>	3437
<u>17</u>	<u>Hourly</u>	<u>36.02</u>	<u>38.01</u>	<u>40.14</u>	<u>42.35</u>	<u>44.71</u>	<u>47.21</u>	3438
	<u>Annually</u>	<u>74922</u>	<u>79061</u>	<u>83491</u>	<u>88088</u>	<u>92997</u>	<u>98197</u>	3439
<u>18</u>	<u>Hourly</u>	<u>39.69</u>	<u>41.89</u>	<u>44.25</u>	<u>46.68</u>	<u>49.27</u>	<u>52.02</u>	3440
	<u>Annually</u>	<u>82555</u>	<u>87131</u>	<u>92040</u>	<u>97094</u>	<u>102482</u>	<u>108202</u>	3441
								3442
	<u>Range</u>			<u>Minimum</u>			<u>Maximum</u>	3443
<u>41</u>	<u>Hourly</u>			<u>16.23</u>			<u>35.99</u>	3444
	<u>Annually</u>			<u>33758</u>			<u>74859</u>	3445
<u>42</u>	<u>Hourly</u>			<u>17.89</u>			<u>39.75</u>	3446
	<u>Annually</u>			<u>37211</u>			<u>82680</u>	3447
<u>43</u>	<u>Hourly</u>			<u>19.70</u>			<u>43.78</u>	3448
	<u>Annually</u>			<u>40976</u>			<u>91062</u>	3449
<u>44</u>	<u>Hourly</u>			<u>21.73</u>			<u>47.83</u>	3450
	<u>Annually</u>			<u>45198</u>			<u>99486</u>	3451
<u>45</u>	<u>Hourly</u>			<u>24.01</u>			<u>52.21</u>	3452
	<u>Annually</u>			<u>49941</u>			<u>108597</u>	3453
<u>46</u>	<u>Hourly</u>			<u>26.43</u>			<u>57.06</u>	3454
	<u>Annually</u>			<u>54974</u>			<u>118685</u>	3455
<u>47</u>	<u>Hourly</u>			<u>29.14</u>			<u>62.27</u>	3456
	<u>Annually</u>			<u>60611</u>			<u>129522</u>	3457

<u>48</u>	<u>Hourly</u>	<u>32.14</u>	<u>67.95</u>	3458
	<u>Annually</u>	<u>66851</u>	<u>141336</u>	3459
<u>49</u>	<u>Hourly</u>	<u>35.44</u>	<u>73.37</u>	3460
	<u>Annually</u>	<u>73715</u>	<u>152610</u>	3461

(D) Beginning on the first day of the pay period that 3462  
includes July 1, 2008, each exempt employee who must be paid in 3463  
accordance with schedule E-1 or schedule E-2 of this section shall 3464  
be paid a salary or wage in accordance with the following schedule 3465  
of rates: 3466

		<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	
	<u>Range</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	
<u>1</u>	<u>Hourly</u>	<u>10.07</u>	<u>10.52</u>	<u>10.97</u>	<u>11.44</u>			3467
	<u>Annually</u>	<u>20946</u>	<u>21882</u>	<u>22818</u>	<u>23795</u>			3468
<u>2</u>	<u>Hourly</u>	<u>12.21</u>	<u>12.73</u>	<u>13.28</u>	<u>13.86</u>			3469
	<u>Annually</u>	<u>25397</u>	<u>26478</u>	<u>27622</u>	<u>28829</u>			3470
<u>3</u>	<u>Hourly</u>	<u>12.79</u>	<u>13.37</u>	<u>13.96</u>	<u>14.57</u>			3471
	<u>Annually</u>	<u>26603</u>	<u>27810</u>	<u>29037</u>	<u>30306</u>			3472
<u>4</u>	<u>Hourly</u>	<u>13.43</u>	<u>14.03</u>	<u>14.70</u>	<u>15.36</u>			3473
	<u>Annually</u>	<u>27934</u>	<u>29182</u>	<u>30576</u>	<u>31949</u>			3474
<u>5</u>	<u>Hourly</u>	<u>14.09</u>	<u>14.73</u>	<u>15.36</u>	<u>16.03</u>			3475
	<u>Annually</u>	<u>29307</u>	<u>30638</u>	<u>31949</u>	<u>33342</u>			3476
<u>6</u>	<u>Hourly</u>	<u>14.85</u>	<u>15.46</u>	<u>16.15</u>	<u>16.81</u>			3477
	<u>Annually</u>	<u>30888</u>	<u>32157</u>	<u>33592</u>	<u>34965</u>			3478
<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>		3479
	<u>Annually</u>	<u>32802</u>	<u>34008</u>	<u>35402</u>	<u>36650</u>	<u>38064</u>		3480
<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>		3481
	<u>Annually</u>	<u>34653</u>	<u>36192</u>	<u>37752</u>	<u>39458</u>	<u>41142</u>		3482
<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>		3483
	<u>Annually</u>	<u>36982</u>	<u>38896</u>	<u>40810</u>	<u>42848</u>	<u>45032</u>		3484
<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>		3485
	<u>Annually</u>	<u>39915</u>	<u>42078</u>	<u>44346</u>	<u>46904</u>	<u>49421</u>		3486
<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>		3487
	<u>Annually</u>	<u>43451</u>	<u>45989</u>	<u>48651</u>	<u>51397</u>	<u>54309</u>		3488

<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>	3491
	<u>Annually</u>	<u>47923</u>	<u>50627</u>	<u>53352</u>	<u>56306</u>	<u>59446</u>	<u>62670</u>	3492
<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>	3493
	<u>Annually</u>	<u>52832</u>	<u>55744</u>	<u>58802</u>	<u>61942</u>	<u>65416</u>	<u>68973</u>	3494
<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>	3495
	<u>Annually</u>	<u>58094</u>	<u>61381</u>	<u>64688</u>	<u>68224</u>	<u>72072</u>	<u>76107</u>	3496
<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>	3497
	<u>Annually</u>	<u>63814</u>	<u>67413</u>	<u>71219</u>	<u>75130</u>	<u>79310</u>	<u>83658</u>	3498
<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>	3499
	<u>Annually</u>	<u>70366</u>	<u>74277</u>	<u>78354</u>	<u>82763</u>	<u>87318</u>	<u>92310</u>	3500
<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>	3501
	<u>Annually</u>	<u>77542</u>	<u>81827</u>	<u>86403</u>	<u>91166</u>	<u>96242</u>	<u>101629</u>	3502
<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>	3503
	<u>Annually</u>	<u>85446</u>	<u>90189</u>	<u>95264</u>	<u>100485</u>	<u>106059</u>	<u>111987</u>	3504
								3505
	<u>Range</u>		<u>Minimum</u>			<u>Maximum</u>		3506
<u>41</u>	<u>Hourly</u>		<u>16.23</u>			<u>37.25</u>		3507
	<u>Annually</u>		<u>33758</u>			<u>77480</u>		3508
<u>42</u>	<u>Hourly</u>		<u>17.89</u>			<u>41.14</u>		3509
	<u>Annually</u>		<u>37211</u>			<u>85571</u>		3510
<u>43</u>	<u>Hourly</u>		<u>19.70</u>			<u>45.31</u>		3511
	<u>Annually</u>		<u>40976</u>			<u>94245</u>		3512
<u>44</u>	<u>Hourly</u>		<u>21.73</u>			<u>49.50</u>		3513
	<u>Annually</u>		<u>45198</u>			<u>102960</u>		3514
<u>45</u>	<u>Hourly</u>		<u>24.01</u>			<u>54.04</u>		3515
	<u>Annually</u>		<u>49941</u>			<u>112403</u>		3516
<u>46</u>	<u>Hourly</u>		<u>26.43</u>			<u>59.06</u>		3517
	<u>Annually</u>		<u>54974</u>			<u>122845</u>		3518
<u>47</u>	<u>Hourly</u>		<u>29.14</u>			<u>64.45</u>		3519
	<u>Annually</u>		<u>60611</u>			<u>134056</u>		3520
<u>48</u>	<u>Hourly</u>		<u>32.14</u>			<u>70.33</u>		3521
	<u>Annually</u>		<u>66851</u>			<u>146286</u>		3522
<u>49</u>	<u>Hourly</u>		<u>35.44</u>			<u>75.94</u>		3523



	<u>Annually</u>	<u>73715</u>	<u>157955</u>	3524
	<u>(E) Beginning on the first day of the pay period that</u>			3525
	<u>includes July 1, 2006, each exempt employee who must be paid in</u>			3526
	<u>accordance with schedule E-1 for step seven only shall be paid a</u>			3527
	<u>salary or wage in accordance with the following schedule of rates:</u>			3528
	Schedule E-1 for Step Seven Only			3529
	Pay Ranges and Step Seven Values			3530
	Range			3531
12	Hourly	29.68		3532
	Annually	61734		3533
13	Hourly	32.66		3534
	Annually	67933		3535
14	Hourly	36.01		3536
	Annually	74901		3537
15	Hourly	39.61		3538
	Annually	82389		3539
16	Hourly	43.70		3540
	Annually	90896		3541
17	Hourly	48.13		3542
	Annually	100110		3543
18	Hourly	53.02		3544
	Annually	110282		3545
	<u><del>(D)</del>(F) Beginning on the first day of the pay period that</u>			3546
	<u>includes July 1, 2007, each exempt employee who must be paid in</u>			3547
	<u>accordance with schedule E-1 for step seven only shall be paid a</u>			3548
	<u>salary or wage in accordance with the following schedule of rates:</u>			3549
	Range			3550
<u>12</u>	<u>Hourly</u>	<u>30.72</u>		3551
	<u>Annually</u>	<u>63898</u>		3552
<u>13</u>	<u>Hourly</u>	<u>33.80</u>		3553
	<u>Annually</u>	<u>70304</u>		3554
<u>14</u>	<u>Hourly</u>	<u>37.27</u>		3555

	<u>Annually</u>	<u>77522</u>	3556
<u>15</u>	<u>Hourly</u>	<u>41.00</u>	3557
	<u>Annually</u>	<u>85280</u>	3558
<u>16</u>	<u>Hourly</u>	<u>45.23</u>	3559
	<u>Annually</u>	<u>94078</u>	3560
<u>17</u>	<u>Hourly</u>	<u>49.81</u>	3561
	<u>Annually</u>	<u>103605</u>	3562
<u>18</u>	<u>Hourly</u>	<u>54.88</u>	3563
	<u>Annually</u>	<u>114150</u>	3564

(G) Beginning on the first day of the pay period that 3565  
includes July 1, 2008, each exempt employee who must be paid in 3566  
accordance with salary schedule E-1 for step seven only shall be 3567  
paid a salary or wage in accordance with the following schedule of 3568  
rates: 3569

	<u>Range</u>		3570
<u>12</u>	<u>Hourly</u>	<u>31.80</u>	3571
	<u>Annually</u>	<u>66144</u>	3572
<u>13</u>	<u>Hourly</u>	<u>34.98</u>	3573
	<u>Annually</u>	<u>72758</u>	3574
<u>14</u>	<u>Hourly</u>	<u>38.57</u>	3575
	<u>Annually</u>	<u>80226</u>	3576
<u>15</u>	<u>Hourly</u>	<u>42.44</u>	3577
	<u>Annually</u>	<u>88275</u>	3578
<u>16</u>	<u>Hourly</u>	<u>46.81</u>	3579
	<u>Annually</u>	<u>97365</u>	3580
<u>17</u>	<u>Hourly</u>	<u>51.55</u>	3581
	<u>Annually</u>	<u>107224</u>	3582
<u>18</u>	<u>Hourly</u>	<u>56.80</u>	3583
	<u>Annually</u>	<u>118144</u>	3584

(H) As used in this section, "exempt employee" means a 3585  
permanent full-time or permanent part-time employee paid directly 3586  
by warrant of the director of budget and management whose position 3587  
is included in the job classification plan established under 3588

division (A) of section 124.14 of the Revised Code but who is not 3589  
considered a public employee for the purposes of Chapter 4117. of 3590  
the Revised Code. As used in this section, "exempt employee" also 3591  
includes a permanent full-time or permanent part-time employee of 3592  
the secretary of state, auditor of state, treasurer of state, or 3593  
attorney general who has not been placed in an appropriate 3594  
bargaining unit by the state employment relations board. 3595

**Sec. 125.45.** The department of administrative services shall 3596  
maintain facilities to perform office reproduction services for 3597  
all boards, commissions, or departments except for the bureau of 3598  
workers' compensation. Upon written application to the department 3599  
of administrative services, permission may be granted to a board, 3600  
commission, or department to perform such services outside the 3601  
central facility and such permission shall state the extent of the 3602  
services which the department, board, or commission shall perform. 3603

Office reproduction services using stencils, masters, or 3604  
plates are restricted to duplicating equipment not larger than 3605  
seventeen by twenty-two inches. Not to exceed five thousand press 3606  
impressions shall be produced of any such order except that up to 3607  
one thousand production copies may be produced of any item 3608  
consisting of multiple pages and except that over five thousand, 3609  
but not more than ten thousand, press impressions may be produced 3610  
if the director of administrative services determines that there 3611  
is an emergency due to the timing of service delivery or another 3612  
factor that may cause financial hardship to the state. 3613

Nothing in this section precludes the bureau from entering 3614  
into a contract with the department of administrative services for 3615  
the department to perform office reproduction services for the 3616  
bureau. 3617

~~Neither the department nor any other~~ No state agency, other 3618  
than the department of administrative services, shall perform 3619

printing or office reproduction services for political 3620  
subdivisions. 3621

**Sec. 125.93.** The state forms management program shall do each 3622  
of the following: 3623

(A) Assist state agencies in establishing internal forms 3624  
management capabilities; 3625

~~(B) Study, develop, coordinate, and initiate forms of 3626  
interagency and common administrative usage, and establish basic 3627  
design and specification criteria to standardize state forms; 3628~~

~~(C) Assist state agencies to design economical forms; 3629~~

~~(D)~~(C) Assist, train, and instruct state agencies and their 3630  
forms management representatives in forms management techniques, 3631  
and provide direct forms management assistance to new state 3632  
agencies as they are created; 3633

~~(E) Maintain a central forms repository of all state forms to 3634  
facilitate standardization of the forms, eliminate redundant 3635  
forms, and provide a central source of information on forms usage 3636  
and availability. 3637~~

**Sec. 125.96.** The director of administrative services may 3638  
adopt, amend, or rescind rules necessary to carry out the powers 3639  
and duties imposed upon the state forms management program and 3640  
state agencies by sections 125.92 to 125.98 of the Revised Code. 3641  
~~The director shall adopt, and may amend or rescind, rules 3642  
providing each of the following: 3643~~

~~(A) After a date to be determined by the state forms 3644  
management program, no state agency shall utilize any form, other 3645  
than a form subject to division (B) of section 125.95 of the 3646  
Revised Code, the management of which has not been delegated to 3647  
the agency by the program under division (A) of that section or 3648~~

~~been approved by the program.~~ 3649

~~(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.~~ 3650  
3651  
3652  
3653

~~(C) Any form required by a state agency on an emergency basis may be given interim approval by the state forms management program if the form is accompanied by a letter from the director or other head of the agency setting forth the nature of the emergency and requesting interim approval.~~ 3654  
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3656  
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3658

**Sec. 125.97.** ~~All forms, other than those forms subject to division (B) of section 125.95 of the Revised Code, used to obtain information from private business, agriculture, or local governments, except those forms used by the tax commissioner for administration of taxes and programs, shall contain a conspicuous notice on the first page setting forth the authorization for the form and stating whether providing the information sought is required or voluntary, and any penalties that apply to failure to provide the information.~~ 3659  
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**Sec. 125.98.** (A) Each state agency shall appoint a forms management representative, who may be from existing personnel. The appointee shall cooperate with, and provide other necessary assistance to, the director of administrative services and the state forms management program in implementing the program. A forms management representative shall do all of the following: 3668  
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3670  
3671  
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3673

(1) Manage the agency's forms management program and cooperate with and provide other necessary assistance to the director of administrative services in implementing the state forms management program; 3674  
3675  
3676  
3677

(2) Monitor the use and reproduction of all forms to ensure 3678

that all policies, procedures, guidelines, and standards 3679  
established by the agency and the director of administrative 3680  
services are followed; 3681

~~(3) Ensure that every form used by the agency is presented to 3682  
the state forms management program for registration prior to its 3683  
reproduction; 3684~~

~~(4) Maintain a master forms file history file, in numeric 3685  
order, of all agency forms; 3686~~

~~(5) Verify and update the all historical information on all 3687  
forms in the agency's central forms repository database. 3688~~

(B) Any state agency, as defined in section 1.60 of the 3689  
Revised Code, not included within the definition of a state agency 3690  
in section 125.91 of the Revised Code may elect to participate in 3691  
the state forms management program. The program may provide to any 3692  
such agency any service required or authorized by sections 125.92 3693  
to 125.98 of the Revised Code to be performed for a state agency. 3694

Sec. 126.04. Funds appropriated for purposes of fulfilling 3695  
the state's obligations under the consent order filed March 5, 3696  
2007, in *Martin v. Strickland*, Case No. 89-CV-00362, in the United 3697  
States district court for the southern district of Ohio, eastern 3698  
division, shall be in an appropriation item that authorizes 3699  
expenditures only for purposes of fulfilling the state's 3700  
obligations under the consent order. 3701

Sec. 126.07. ~~No~~ Except as provided in division (B) of section 3702  
126.21 of the Revised Code, no contract, agreement, or obligation 3703  
involving the expenditure of money chargeable to an appropriation, 3704  
nor any resolution or order for the expenditure of money 3705  
chargeable to an appropriation, shall be valid and enforceable 3706  
unless the director of budget and management first certifies that 3707  
there is a balance in the appropriation not already obligated to 3708

pay existing obligations, in an amount at least equal to the 3709  
portion of the contract, agreement, obligation, resolution, or 3710  
order to be performed in the current fiscal year. Any written 3711  
contract or agreement entered into by the state shall contain a 3712  
clause stating that the obligations of the state are subject to 3713  
this section. 3714

The chief administrative officer of a state agency is 3715  
responsible for the preaudit and approval of expenditures and 3716  
other transactions of the agency. In order to ~~make~~ initiate the 3717  
making of a payment from the state treasury, the person in a state 3718  
agency who requests that the payment be made shall first submit to 3719  
the ~~director~~ chief administrative officer of the agency all 3720  
invoices, claims, vouchers, and other ~~evidentiary matter~~ 3721  
documentation related to the payment. ~~If the director approves~~ 3722  
~~payment to be made, the director shall draw a warrant as provided~~ 3723  
~~in section 126.35 of the Revised Code.~~ The chief administrative 3724  
officer shall examine each voucher and all other documentation 3725  
required to support the voucher and determine whether they meet 3726  
all the requirements established by the director of budget and 3727  
management for making the payment. If they do meet those 3728  
requirements, the chief administrative officer shall certify to 3729  
the director the approval of the chief administrative officer for 3730  
payment. 3731

Prior to drawing a warrant as provided in section 126.35 of 3732  
the Revised Code, the director may review and audit the voucher, 3733  
any documentation accompanying the voucher, and any other 3734  
documentation related to the transaction that the director may 3735  
require to determine if the transaction is in accordance with law. 3736  
The director shall not approve payment to be made if the director 3737  
finds that there is not an unobligated balance in the 3738  
appropriation for the payment, that the payment is not for a valid 3739  
claim against the state that is legally due, or that insufficient 3740

evidentiary ~~matter~~ documentation has been submitted. If the 3741  
director does not approve payment, the director shall notify the 3742  
agency of the reasons the director has not given approval. 3743

In approving payments to be made under this section, the 3744  
director, upon receipt of certification from the director of job 3745  
and family services pursuant to section 4141.231 of the Revised 3746  
Code, shall withhold from amounts otherwise payable to a person 3747  
who is the subject of the director of jobs and family services' 3748  
certification, the amount certified to be due and unpaid to the 3749  
director of job and family services, and shall approve for payment 3750  
to the director of job and family services, the amount withheld. 3751

As used in this section and in section 126.21 of the Revised 3752  
Code, "chief administrative officer" means either of the 3753  
following: 3754

(A) The director of the agency or, in the case of a state 3755  
agency without a director, the equivalent officer of that agency; 3756

(B) The designee of the chief administrative officer for the 3757  
purposes of such sections. 3758

**Sec. 126.08.** The director of budget and management may 3759  
exercise control over the financial transactions of state 3760  
agencies, including approving, disapproving, voiding, or 3761  
invalidating encumbrances or transactions, except those in the 3762  
judicial and legislative branches, by: 3763

(A) Requiring encumbrancing documents or any other financial 3764  
information to be submitted to the director, ~~where such submission~~ 3765  
~~is prescribed by law or where the director considers such~~ 3766  
~~submission necessary~~ to evaluate the legality of a proposed an 3767  
expenditure, and by approving or disapproving any encumbrance 3768  
~~requested,~~ except that the director shall not disapprove any 3769  
encumbrancing document submitted by the attorney general, auditor 3770



of state, secretary of state, or treasurer of state unless there 3771  
is an insufficient unobligated balance in the appropriation or the 3772  
encumbrance does not meet all other legal requirements. Those 3773  
portions of an appropriation that are encumbered are not available 3774  
for expenditure for any purpose other than that indicated on the 3775  
encumbrancing document. If any requirements of the director 3776  
regarding the submission of encumbrancing documents or other 3777  
financial information are not complied with, or if any 3778  
encumbrancing document is disapproved in whole or in part, the 3779  
director shall notify the submitting agency thereof and shall not 3780  
authorize payment unless the reasons for disapproval are 3781  
corrected. 3782

(B) Requiring the allocation and allotment of any 3783  
appropriation by quarter or by any other period of time. 3784

(C) Reporting to the attorney general for such action, civil 3785  
or criminal, as the attorney general considers necessary, all 3786  
facts showing improper payment of public money or misappropriation 3787  
of public property; 3788

(D) By adopting rules for carrying into effect any powers 3789  
granted by this chapter. 3790

**Sec. 126.16.** (A) This section is in implementation of 3791  
division (D) of Section 17 of Article VIII, Ohio Constitution, for 3792  
purposes of issuing direct obligations of the state subject to 3793  
that section. 3794

(B) For purposes of the computation of debt service under 3795  
Section 17 of Article VIII, Ohio Constitution, there shall be 3796  
included debt service payable on bonds that are direct obligations 3797  
of the state issued under Article VIII, Ohio Constitution, and on 3798  
those bonds anticipated by bond anticipation notes, to the extent 3799  
that debt service on those bonds is anticipated to be paid from 3800  
the state general revenue fund or net state lottery proceeds. 3801

Examples of bonds the debt service on which is not anticipated to 3802  
be paid from either of those sources are bonds of the state issued 3803  
for highway purposes pursuant to Section 2i or 2m of Article VIII, 3804  
Ohio Constitution, which, although general obligations of the 3805  
state, have been and are anticipated to be paid from highway user 3806  
receipts and not from the general revenue fund or net state 3807  
lottery proceeds. 3808

(C) If there is no separate constitutional or statutory 3809  
provision applicable for the purpose, debt service on bonds 3810  
anticipated by bond anticipation notes shall be estimated as 3811  
provided in division (C) of this section. That amount, to be 3812  
certified either by the issuing authority of the particular notes 3813  
or by the governor or the governor's designee pursuant to division 3814  
(E) of this section, shall be the estimated amount that would have 3815  
been payable on bonds maturing serially in each fiscal year after 3816  
the fiscal year of the issuance of the notes over the maximum 3817  
period of maturity for the bonds authorized in the particular 3818  
governing constitutional or statutory provision, as if those bonds 3819  
had been issued without the prior issuance of the notes, and 3820  
computed on a substantially level debt service basis applying an 3821  
interest rate or rates certified to be market rates at the time of 3822  
issuance of the notes. 3823

(D) In the case of bonds issued to refund or retire bonds, 3824  
the debt service on the new bonds shall be counted and the debt 3825  
service on the bonds being refunded or retired shall not be 3826  
counted. 3827

(E) The governor, or the governor's designee for the purpose, 3828  
shall determine and certify the fiscal year amounts required to be 3829  
applied or set aside for payment of debt service, including debt 3830  
service on any variable rate bonds, the securities to which that 3831  
debt service relates, the total office of budget and management 3832  
estimated revenues of the state for the general revenue fund and 3833

from net state lottery proceeds during the particular fiscal year, 3834  
and any other financial data necessary or appropriate for the 3835  
purpose of the computations under division (A) of Section 17 of 3836  
Article VIII, Ohio Constitution, and this section. Those 3837  
determinations and certifications shall be filed with the director 3838  
of budget and management, the treasurer of state, and the issuing 3839  
authority for the particular obligations, at or prior to the time 3840  
those securities are issued. The governor's designee for the 3841  
purpose may be the director or assistant director of budget and 3842  
management, or any employee or official of the governor's office. 3843

(F) For purposes of this section, "securities," "interest or 3844  
interest equivalent," and "outstanding" have the same meanings as 3845  
in section 133.01 of the Revised Code, and "debt service" means 3846  
principal, including any mandatory sinking fund deposits and 3847  
mandatory redemption payments, and interest or interest equivalent 3848  
payable on securities, as those payments are stated to come due 3849  
and to be payable. 3850

(G)(1) As used in this division, "avoided obligations" means 3851  
direct obligations of the state that are not issued because the 3852  
capital facilities they would have financed are instead paid for 3853  
with the proceeds of obligations issued under division (C) of 3854  
section 183.51 of the Revised Code. 3855

(2) For purposes of computing the limitation on issuing 3856  
direct obligations of the state under this section and Section 17 3857  
of Article VIII, Ohio Constitution, any avoided obligations shall 3858  
be considered as having been issued. The fiscal year amounts that 3859  
would have been required to be applied or set aside for payment of 3860  
debt service over the maximum period of maturity of the avoided 3861  
obligations had the avoided obligations been issued shall be 3862  
included in the computations. 3863

**Sec. 126.21.** (A) The director of budget and management shall 3864

- do all of the following: 3865
- (1) Keep all necessary accounting records; 3866
  - (2) Prescribe and maintain the accounting system of the state 3867  
and establish appropriate accounting procedures and charts of 3868  
accounts; 3869
  - (3) Establish procedures for the use of written, electronic, 3870  
optical, or other communications media for approving and reviewing 3871  
payment vouchers; 3872
  - (4) Reconcile, in the case of any variation between the 3873  
amount of any appropriation and the aggregate amount of items of 3874  
the appropriation, with the advice and assistance of the state 3875  
agency affected by it and the legislative service commission, 3876  
totals so as to correspond in the aggregate with the total 3877  
appropriation. In the case of a conflict between the item and the 3878  
total of which it is a part, the item shall be considered the 3879  
intended appropriation. 3880
  - (5) Evaluate on an ongoing basis and, if necessary, recommend 3881  
improvements to the internal controls used in state agencies; 3882
  - (6) Authorize the establishment of petty cash accounts. The 3883  
director ~~of budget and management~~ may withdraw approval for any 3884  
petty cash account and require the officer in charge to return to 3885  
the state treasury any unexpended balance shown by the officer's 3886  
accounts to be on hand. Any officer who is issued a warrant for 3887  
petty cash shall render a detailed account of the expenditures of 3888  
the petty cash and shall report when requested the balance of 3889  
petty cash on hand at any time. 3890
  - (7) Process orders, invoices, vouchers, claims, and payrolls 3891  
and prepare financial reports and statements; 3892
  - (8) Perform extensions, reviews, and compliance checks prior 3893  
to or after approving a payment as the director considers 3894

necessary; 3895

(9) Issue the official comprehensive annual financial report 3896  
of the state. The report shall cover all funds of the state 3897  
reporting entity and shall include basic financial statements and 3898  
required supplementary information prepared in accordance with 3899  
generally accepted accounting principles and other information as 3900  
the director provides. All state agencies, authorities, 3901  
institutions, offices, retirement systems, and other component 3902  
units of the state reporting entity as determined by the director 3903  
shall furnish the director whatever financial statements and other 3904  
information the director requests for the report, in the form, at 3905  
the times, covering the periods, and with the attestation the 3906  
director prescribes. The information for state institutions of 3907  
higher education, as defined in section 3345.011 of the Revised 3908  
Code, shall be submitted to the ~~director~~ chancellor by the Ohio 3909  
board of regents. The board shall establish a due date by which 3910  
each such institution shall submit the information to the board, 3911  
but no such date shall be later than one hundred twenty days after 3912  
the end of the state fiscal year unless a later date is approved 3913  
by the director. 3914

(B) In addition to the director's duties under division (A) 3915  
of this section, the director ~~of budget and management~~ may 3916  
establish and administer one or more state payment card programs 3917  
that permit or require state agencies to use a payment card to 3918  
purchase equipment, materials, supplies, or services in accordance 3919  
with guidelines issued by the director. The chief administrative 3920  
officer of a state agency that uses a payment card for such 3921  
purposes shall ensure that purchases made with the card are made 3922  
in accordance with the guidelines issued by the director and do 3923  
not exceed the unexpended, unencumbered, unobligated balance in 3924  
the appropriation to be charged for the purchase. State agencies 3925  
may ~~only~~ participate in only those state payment card programs 3926

that the director establishes pursuant to this section. 3927

(C) In addition to the director's duties under divisions (A) 3928  
and (B) of this section, the director may enter into any contract 3929  
or agreement necessary for and incidental to the performance of 3930  
the director's duties or the duties of the office of budget and 3931  
management. 3932

**Sec. 126.22.** The director of budget and management may: 3933

(A) Perform accounting services for and design and implement 3934  
accounting systems with state agencies; 3935

(B) Provide other accounting services, including the 3936  
maintenance and periodic auditing of the financial records of and 3937  
submission of vouchers by state agencies, provision of assistance 3938  
in the analysis of the financial position of state agencies, and 3939  
preparation and submission of reports; 3940

(C) Change any accounting code appearing in appropriations 3941  
acts of the general assembly. 3942

**Sec. 126.24.** The OAKS support organization fund is hereby 3943  
created in the state treasury for the purpose of paying the 3944  
operating expenses of the state's enterprise resource planning 3945  
system. The fund shall consist of cash transfers from the 3946  
accounting and budgeting fund and the human resources services 3947  
fund, and other revenues designated to support the operating costs 3948  
of the Ohio administrative knowledge system. All investment 3949  
earnings of the fund shall be credited to the fund. 3950

**Sec. 126.40.** There is hereby created in the state treasury 3951  
the forgery recovery fund. The fund shall consist of all moneys 3952  
collected by the attorney general from the resolution of cases of 3953  
fraud or forgery involving warrants issued by the director of the 3954  
office of budget and management. The director shall use the fund 3955

to pay costs associated with the reissue of state warrants to 3956  
payees whose warrants were fraudulently redeemed. 3957

**Sec. 127.14.** The controlling board may, at the request of any 3958  
state agency or the director of budget and management, authorize, 3959  
with respect to the provisions of any appropriation act: 3960  
3961

(A) Transfers of all or part of an appropriation within but 3962  
not between state agencies, except such transfers as the director 3963  
of budget and management is authorized by law to make, provided 3964  
that no transfer shall be made by the director for the purpose of 3965  
effecting new or changed levels of program service not authorized 3966  
by the general assembly; 3967

(B) Transfers of all or part of an appropriation from one 3968  
fiscal year to another; 3969

(C) Transfers of all or part of an appropriation within or 3970  
between state agencies made necessary by administrative 3971  
reorganization or by the abolition of an agency or part of an 3972  
agency; 3973

(D) Transfers of all or part of cash balances in excess of 3974  
needs from any fund of the state to the general revenue fund or to 3975  
such other fund of the state to which the money would have been 3976  
credited in the absence of the fund from which the transfers are 3977  
authorized to be made, except that the controlling board may not 3978  
authorize such transfers from the accrued leave liability fund, 3979  
auto registration distribution fund, budget stabilization fund, 3980  
development bond retirement fund, facilities establishment fund, 3981  
gasoline excise tax fund, general revenue fund, higher education 3982  
improvement fund, highway improvement bond retirement fund, 3983  
highway obligations bond retirement fund, highway capital 3984  
improvement fund, highway operating fund, horse racing tax fund, 3985  
improvements bond retirement fund, ~~library and local government~~ 3986

~~support libraries~~ fund, liquor control fund, local ~~government~~ 3987  
~~communities~~ fund, local transportation improvement program fund, 3988  
mental health facilities improvement fund, Ohio fairs fund, parks 3989  
and recreation improvement fund, public improvements bond 3990  
retirement fund, school district income tax fund, state agency 3991  
facilities improvement fund, state and local government highway 3992  
distribution fund, state highway safety fund, state lottery fund, 3993  
undivided liquor permit fund, Vietnam conflict compensation bond 3994  
retirement fund, volunteer fire fighters' dependents fund, 3995  
waterways safety fund, wildlife fund, workers' compensation fund, 3996  
or any fund not specified in this division that the director of 3997  
budget and management determines to be a bond fund or bond 3998  
retirement fund; 3999

(E) Transfers of all or part of those appropriations included 4000  
in the emergency purposes account of the controlling board; 4001

(F) Temporary transfers of all or part of an appropriation or 4002  
other moneys into and between existing funds, or new funds, as may 4003  
be established by law when needed for capital outlays for which 4004  
notes or bonds will be issued; 4005

(G) Transfer or release of all or part of an appropriation to 4006  
a state agency requiring controlling board approval of such 4007  
transfer or release as provided by law; 4008

(H) Temporary transfer of funds included in the emergency 4009  
purposes appropriation of the controlling board. Such temporary 4010  
transfers may be made subject to conditions specified by the 4011  
controlling board at the time temporary transfers are authorized. 4012  
No transfers shall be made under this division for the purpose of 4013  
effecting new or changed levels of program service not authorized 4014  
by the general assembly. 4015

As used in this section, "request" means an application by a 4016  
state agency or the director of budget and management seeking some 4017



action by the controlling board. 4018

When authorizing the transfer of all or part of an 4019  
appropriation under this section, the controlling board may 4020  
authorize the transfer to an existing appropriation item and the 4021  
creation of and transfer to a new appropriation item. 4022

Whenever there is a transfer of all or part of funds included 4023  
in the emergency purposes appropriation by the controlling board, 4024  
pursuant to division (E) of this section, the state agency or the 4025  
director of budget and management receiving such transfer shall 4026  
keep a detailed record of the use of the transferred funds. At the 4027  
earliest scheduled meeting of the controlling board following the 4028  
accomplishment of the purposes specified in the request originally 4029  
seeking the transfer, or following the total expenditure of the 4030  
transferred funds for the specified purposes, the state agency or 4031  
the director of budget and management shall submit a report on the 4032  
expenditure of such funds to the board. The portion of any 4033  
appropriation so transferred which is not required to accomplish 4034  
the purposes designated in the original request to the controlling 4035  
board shall be returned to the proper appropriation of the 4036  
controlling board at this time. 4037

Notwithstanding any provisions of law providing for the 4038  
deposit of revenues received by a state agency to the credit of a 4039  
particular fund in the state treasury, whenever there is a 4040  
temporary transfer of funds included in the emergency purposes 4041  
appropriation of the controlling board pursuant to division (H) of 4042  
this section, revenues received by any state agency receiving such 4043  
a temporary transfer of funds shall, as directed by the 4044  
controlling board, be transferred back to the emergency purposes 4045  
appropriation. 4046

The board may delegate to the director of budget and 4047  
management authority to approve transfers among items of 4048  
appropriation under division (A) of this section. 4049

Sec. 127.16. (A) Upon the request of either a state agency or 4050  
the director of budget and management and after the controlling 4051  
board determines that an emergency or a sufficient economic reason 4052  
exists, the controlling board may approve the making of a purchase 4053  
without competitive selection as provided in division (B) of this 4054  
section. 4055

(B) Except as otherwise provided in this section, no state 4056  
agency, using money that has been appropriated to it directly, 4057  
shall: 4058

(1) Make any purchase from a particular supplier, that would 4059  
amount to fifty thousand dollars or more when combined with both 4060  
the amount of all disbursements to the supplier during the fiscal 4061  
year for purchases made by the agency and the amount of all 4062  
outstanding encumbrances for purchases made by the agency from the 4063  
supplier, unless the purchase is made by competitive selection or 4064  
with the approval of the controlling board; 4065

(2) Lease real estate from a particular supplier, if the 4066  
lease would amount to seventy-five thousand dollars or more when 4067  
combined with both the amount of all disbursements to the supplier 4068  
during the fiscal year for real estate leases made by the agency 4069  
and the amount of all outstanding encumbrances for real estate 4070  
leases made by the agency from the supplier, unless the lease is 4071  
made by competitive selection or with the approval of the 4072  
controlling board. 4073

(C) Any person who authorizes a purchase in violation of 4074  
division (B) of this section shall be liable to the state for any 4075  
state funds spent on the purchase, and the attorney general shall 4076  
collect the amount from the person. 4077

(D) Nothing in division (B) of this section shall be 4078  
construed as: 4079

- (1) A limitation upon the authority of the director of transportation as granted in sections 5501.17, 5517.02, and 5525.14 of the Revised Code; 4080  
4081  
4082
- (2) Applying to medicaid provider agreements under Chapter 5111. of the Revised Code or payments or provider agreements under the disability medical assistance program established under Chapter 5115. of the Revised Code; 4083  
4084  
4085  
4086
- (3) Applying to the purchase of examinations from a sole supplier by a state licensing board under Title XLVII of the Revised Code; 4087  
4088  
4089
- (4) Applying to entertainment contracts for the Ohio state fair entered into by the Ohio expositions commission, provided that the controlling board has given its approval to the commission to enter into such contracts and has approved a total budget amount for such contracts as agreed upon by commission action, and that the commission causes to be kept itemized records of the amounts of money spent under each contract and annually files those records with the clerk of the house of representatives and the clerk of the senate following the close of the fair; 4090  
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4098
- (5) Limiting the authority of the chief of the division of mineral resources management to contract for reclamation work with an operator mining adjacent land as provided in section 1513.27 of the Revised Code; 4099  
4100  
4101  
4102
- (6) Applying to investment transactions and procedures of any state agency, except that the agency shall file with the board the name of any person with whom the agency contracts to make, broker, service, or otherwise manage its investments, as well as the commission, rate, or schedule of charges of such person with respect to any investment transactions to be undertaken on behalf of the agency. The filing shall be in a form and at such times as the board considers appropriate. 4103  
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4110

(7) Applying to purchases made with money for the per cent	4111
for arts program established by section 3379.10 of the Revised	4112
Code;	4113
(8) Applying to purchases made by the rehabilitation services	4114
commission of services, or supplies, that are provided to persons	4115
with disabilities, or to purchases made by the commission in	4116
connection with the eligibility determinations it makes for	4117
applicants of programs administered by the social security	4118
administration;	4119
(9) Applying to payments by the department of job and family	4120
services under section 5111.13 of the Revised Code for group	4121
health plan premiums, deductibles, coinsurance, and other	4122
cost-sharing expenses;	4123
(10) Applying to any agency of the legislative branch of the	4124
state government;	4125
(11) Applying to agreements or contracts entered into under	4126
section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 of the	4127
Revised Code;	4128
(12) Applying to purchases of services by the adult parole	4129
authority under section 2967.14 of the Revised Code or by the	4130
department of youth services under section 5139.08 of the Revised	4131
Code;	4132
(13) Applying to dues or fees paid for membership in an	4133
organization or association;	4134
(14) Applying to purchases of utility services pursuant to	4135
section 9.30 of the Revised Code;	4136
(15) Applying to purchases made in accordance with rules	4137
adopted by the department of administrative services of motor	4138
vehicle, aviation, or watercraft fuel, or emergency repairs of	4139
such vehicles;	4140

(16) Applying to purchases of tickets for passenger air transportation;	4141 4142
(17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;	4143 4144 4145
(18) Applying to the judicial branch of state government;	4146
(19) Applying to purchases of liquor for resale by the division of liquor control;	4147 4148
(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;	4149 4150 4151
(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;	4152 4153 4154 4155
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	4156 4157 4158
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education;	4159 4160
(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;	4161 4162 4163 4164
(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;	4165 4166 4167
(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	4168 4169 4170

refund offset program of the internal revenue service of the 4171  
United States department of the treasury; 4172

(27) Applying to contracts entered into by the department of 4173  
mental retardation and developmental disabilities under ~~sections~~ 4174  
section 5123.18, ~~5123.182, and 5123.199~~ of the Revised Code; 4175

(28) Applying to payments made by the department of mental 4176  
health under a physician recruitment program authorized by section 4177  
5119.101 of the Revised Code; 4178

(29) Applying to contracts entered into with persons by the 4179  
director of commerce for unclaimed funds collection and remittance 4180  
efforts as provided in division (F) of section 169.03 of the 4181  
Revised Code. The director shall keep an itemized accounting of 4182  
unclaimed funds collected by those persons and amounts paid to 4183  
them for their services. 4184

(30) Applying to purchases made by a state institution of 4185  
higher education in accordance with the terms of a contract 4186  
between the vendor and an inter-university purchasing group 4187  
comprised of purchasing officers of state institutions of higher 4188  
education; 4189

(31) Applying to the department of job and family services' 4190  
purchases of health assistance services under the children's 4191  
health insurance program part I provided for under section 5101.50 4192  
of the Revised Code or the children's health insurance program 4193  
part II provided for under section 5101.51 of the Revised Code; 4194

(32) Applying to payments by the attorney general from the 4195  
reparations fund to hospitals and other emergency medical 4196  
facilities for performing medical examinations to collect physical 4197  
evidence pursuant to section 2907.28 of the Revised Code; 4198

(33) Applying to contracts with a contracting authority or 4199  
administrative receiver under division (B) of section 5126.056 of 4200  
the Revised Code; 4201

(34) Applying to reimbursements paid to the United States 4202  
department of veterans affairs for pharmaceutical and patient 4203  
supply purchases made on behalf of the Ohio veterans' home agency; 4204

(35) Applying to agreements entered into with terminal 4205  
distributors of dangerous drugs under section 5110.20 of the 4206  
Revised Code. 4207

(E) Notwithstanding division (B)(1) of this section, the 4208  
cumulative purchase threshold shall be seventy-five thousand 4209  
dollars for the departments of mental retardation and 4210  
developmental disabilities, mental health, rehabilitation and 4211  
correction, and youth services. 4212

(F) When determining whether a state agency has reached the 4213  
cumulative purchase thresholds established in divisions (B)(1), 4214  
(B)(2), and (E) of this section, all of the following purchases by 4215  
such agency shall not be considered: 4216

(1) Purchases made through competitive selection or with 4217  
controlling board approval; 4218

(2) Purchases listed in division (D) of this section; 4219

(3) For the purposes of the thresholds of divisions (B)(1) 4220  
and (E) of this section only, leases of real estate. 4221

(G) As used in this section, "competitive selection," 4222  
"purchase," "supplies," and "services" have the same meanings as 4223  
in section 125.01 of the Revised Code. 4224

**Sec. 131.44.** (A) As used in this section: 4225

(1) "Surplus revenue" means the excess, if any, of the total 4226  
fund balance over the required year-end balance. 4227

(2) "Total fund balance" means the sum of the unencumbered 4228  
balance in the general revenue fund on the last day of the 4229  
preceding fiscal year plus the balance in the budget stabilization 4230

fund.	4231
(3) "Required year-end balance" means the sum of the	4232
following:	4233
(a) Five per cent of the general revenue fund revenues for	4234
the preceding fiscal year;	4235
(b) "Ending fund balance," which means one-half of one per	4236
cent of general revenue fund revenues for the preceding fiscal	4237
year;	4238
(c) "Carryover balance," which means, with respect to a	4239
fiscal biennium, the excess, if any, of the estimated general	4240
revenue fund appropriation and transfer requirement for the second	4241
fiscal year of the biennium over the estimated general revenue	4242
fund revenue for that fiscal year;	4243
(d) "Capital appropriation reserve," which means the amount,	4244
if any, of general revenue fund capital appropriations made for	4245
the current biennium that the director of budget and management	4246
has determined will be encumbered or disbursed;	4247
(e) "Income tax reduction impact reserve," which means an	4248
amount equal to the reduction projected by the director of budget	4249
and management in income tax revenue in the current fiscal year	4250
attributable to the previous reduction in the income tax rate made	4251
by the tax commissioner pursuant to division (B) of section	4252
5747.02 of the Revised Code.	4253
(4) "Estimated general revenue fund appropriation and	4254
transfer requirement" means the most recent adjusted	4255
appropriations made by the general assembly from the general	4256
revenue fund and includes both of the following:	4257
(a) Appropriations made and transfers of appropriations from	4258
the first fiscal year to the second fiscal year of the biennium in	4259
provisions of acts of the general assembly signed by the governor	4260



but not yet effective; 4261

(b) Transfers of appropriation from the first fiscal year to 4262  
the second fiscal year of the biennium approved by the controlling 4263  
board. 4264

(5) "Estimated general revenue fund revenue" means the most 4265  
recent such estimate available to the director of budget and 4266  
management. 4267

(B)(1) Not later than the thirty-first day of July each year, 4268  
the director of budget and management shall determine the surplus 4269  
revenue that existed on the preceding thirtieth day of June and 4270  
transfer from the general revenue fund, to the extent of the 4271  
unobligated, unencumbered balance on the preceding thirtieth day 4272  
of June in excess of one-half of one per cent of the general 4273  
revenue fund revenues in the preceding fiscal year, the following: 4274

(a) First, to the budget stabilization fund, any amount 4275  
necessary for the balance of the budget stabilization fund to 4276  
equal five per cent of the general revenue fund revenues of the 4277  
preceding fiscal year; 4278

(b) Then, to the income tax reduction fund, which is hereby 4279  
created in the state treasury, an amount equal to the surplus 4280  
revenue. 4281

(2) Not later than the thirty-first day of July each year, 4282  
the director shall determine the percentage that the balance in 4283  
the income tax reduction fund is of the amount of revenue that the 4284  
director estimates will be received from the tax levied under 4285  
section 5747.02 of the Revised Code in the current fiscal year 4286  
without regard to any reduction under division (B) of that 4287  
section. If that percentage exceeds thirty-five one hundredths of 4288  
one per cent, the director shall certify the percentage to the tax 4289  
commissioner not later than the thirty-first day of July. 4290

(C) The director of budget and management shall transfer 4291

money in the income tax reduction fund to the general revenue 4292  
fund, the local ~~government~~ communities fund, and the ~~library and~~ 4293  
local ~~government support~~ libraries fund, ~~and the local government~~ 4294  
~~revenue assistance fund~~ as necessary to offset revenue reductions 4295  
resulting from the reductions in taxes required under division (B) 4296  
of section 5747.02 of the Revised Code in the respective amounts 4297  
and percentages prescribed by ~~divisions~~ division (A)~~(1), (2), and~~ 4298  
~~(4)~~ of section 5747.03 and divisions (A) and (B) of section 133.51 4299  
of the Revised Code as if the amount transferred had been 4300  
collected as taxes under Chapter 5747. of the Revised Code. If no 4301  
reductions in taxes are made under that division that affect 4302  
revenue received in the current fiscal year, the director shall 4303  
not transfer money from the income tax reduction fund to the 4304  
general revenue fund, the local ~~government~~ communities fund, and 4305  
the ~~library and~~ local ~~government support~~ libraries fund, ~~and the~~ 4306  
~~local government revenue assistance fund.~~ 4307

Sec. 131.51. (A) Beginning January 2008, on or before the 4308  
fifth day of each month, the director of budget and management 4309  
shall credit to the local communities fund, which is hereby 4310  
created in the state treasury, three and sixty-eight one 4311  
hundredths per cent of total tax revenue credited to the general 4312  
revenue fund during the preceding month. In determining the total 4313  
tax revenue credited to the general revenue fund during the 4314  
preceding month, the director shall include amounts transferred 4315  
from that fund during the preceding month pursuant to divisions 4316  
(A) and (B) of this section. Money shall be distributed from the 4317  
local communities fund as required under section 5747.50 of the 4318  
Revised Code during the same month in which it is credited to the 4319  
fund. 4320

(B) Beginning January 2008, on or before the fifth day of 4321  
each month, the director of budget and management shall credit to 4322  
the local libraries fund, which is hereby created in the state 4323

treasury, two and twenty-two one hundredths per cent of the total 4324  
tax revenue credited to the general revenue fund during the 4325  
preceding month. In determining the total tax revenue credited to 4326  
the general revenue fund during the preceding month, the director 4327  
shall include amounts transferred from that fund during the 4328  
preceding month pursuant to divisions (A) and (B) of this section. 4329  
Money shall be distributed from the local libraries fund as 4330  
required under section 5747.47 of the Revised Code during the same 4331  
month in which it is credited to the fund. 4332

(C) The director of budget and management shall develop a 4333  
schedule identifying the specific tax revenue sources to be used 4334  
to make the monthly transfers required under divisions (A) and (B) 4335  
of this section. The director may, from time to time, revise the 4336  
schedule as the director considers necessary. 4337

**Sec. 133.01.** As used in this chapter, in sections 9.95, 9.96, 4338  
and 2151.655 of the Revised Code, in other sections of the Revised 4339  
Code that make reference to this chapter unless the context does 4340  
not permit, and in related proceedings, unless otherwise expressly 4341  
provided: 4342

(A) "Acquisition" as applied to real or personal property 4343  
includes, among other forms of acquisition, acquisition by 4344  
exercise of a purchase option, and acquisition of interests in 4345  
property, including, without limitation, easements and 4346  
rights-of-way, and leasehold and other lease interests initially 4347  
extending or extendable for a period of at least sixty months. 4348

(B) "Anticipatory securities" means securities, including 4349  
notes, issued in anticipation of the issuance of other securities. 4350

(C) "Board of elections" means the county board of elections 4351  
of the county in which the subdivision is located. If the 4352  
subdivision is located in more than one county, "board of 4353  
elections" means the county board of elections of the county that 4354

contains the largest portion of the population of the subdivision 4355  
or that otherwise has jurisdiction in practice over and 4356  
customarily handles election matters relating to the subdivision. 4357

(D) "Bond retirement fund" means the bond retirement fund 4358  
provided for in section 5705.09 of the Revised Code, and also 4359  
means a sinking fund or any other special fund, regardless of the 4360  
name applied to it, established by or pursuant to law or the 4361  
proceedings for the payment of debt charges. Provision may be made 4362  
in the applicable proceedings for the establishment in a bond 4363  
retirement fund of separate accounts relating to debt charges on 4364  
particular securities, or on securities payable from the same or 4365  
common sources, and for the application of moneys in those 4366  
accounts only to specified debt charges on specified securities or 4367  
categories of securities. Subject to law and any provisions in the 4368  
applicable proceedings, moneys in a bond retirement fund or 4369  
separate account in a bond retirement fund may be transferred to 4370  
other funds and accounts. 4371

(E) "Capitalized interest" means all or a portion of the 4372  
interest payable on securities from their date to a date stated or 4373  
provided for in the applicable legislation, which interest is to 4374  
be paid from the proceeds of the securities. 4375

(F) "Chapter 133. securities" means securities authorized by 4376  
or issued pursuant to or in accordance with this chapter. 4377

(G) "County auditor" means the county auditor of the county 4378  
in which the subdivision is located. If the subdivision is located 4379  
in more than one county, "county auditor" means the county auditor 4380  
of the county that contains the highest amount of the tax 4381  
valuation of the subdivision or that otherwise has jurisdiction in 4382  
practice over and customarily handles property tax matters 4383  
relating to the subdivision. In the case of a county that has 4384  
adopted a charter, "county auditor" means the officer who 4385  
generally has the duties and functions provided in the Revised 4386

Code for a county auditor. 4387

(H) "Credit enhancement facilities" means letters of credit, 4388  
lines of credit, stand-by, contingent, or firm securities purchase 4389  
agreements, insurance, or surety arrangements, guarantees, and 4390  
other arrangements that provide for direct or contingent payment 4391  
of debt charges, for security or additional security in the event 4392  
of nonpayment or default in respect of securities, or for making 4393  
payment of debt charges to and at the option and on demand of 4394  
securities holders or at the option of the issuer or upon certain 4395  
conditions occurring under put or similar arrangements, or for 4396  
otherwise supporting the credit or liquidity of the securities, 4397  
and includes credit, reimbursement, marketing, remarketing, 4398  
indexing, carrying, interest rate hedge, and subrogation 4399  
agreements, and other agreements and arrangements for payment and 4400  
reimbursement of the person providing the credit enhancement 4401  
facility and the security for that payment and reimbursement. 4402

(I) "Current operating expenses" or "current expenses" means 4403  
the lawful expenditures of a subdivision, except those for 4404  
permanent improvements and for payments of debt charges of the 4405  
subdivision. 4406

(J) "Debt charges" means the principal, including any 4407  
mandatory sinking fund deposits and mandatory redemption payments, 4408  
interest, and any redemption premium, payable on securities as 4409  
those payments come due and are payable. The use of "debt charges" 4410  
for this purpose does not imply that any particular securities 4411  
constitute debt within the meaning of the Ohio Constitution or 4412  
other laws. 4413

(K) "Financing costs" means all costs and expenses relating 4414  
to the authorization, including any required election, issuance, 4415  
sale, delivery, authentication, deposit, custody, clearing, 4416  
registration, transfer, exchange, fractionalization, replacement, 4417  
payment, and servicing of securities, including, without 4418

limitation, costs and expenses for or relating to publication and 4419  
printing, postage, delivery, preliminary and final official 4420  
statements, offering circulars, and informational statements, 4421  
travel and transportation, underwriters, placement agents, 4422  
investment bankers, paying agents, registrars, authenticating 4423  
agents, remarketing agents, custodians, clearing agencies or 4424  
corporations, securities depositories, financial advisory 4425  
services, certifications, audits, federal or state regulatory 4426  
agencies, accounting and computation services, legal services and 4427  
obtaining approving legal opinions and other legal opinions, 4428  
credit ratings, redemption premiums, and credit enhancement 4429  
facilities. Financing costs may be paid from any moneys available 4430  
for the purpose, including, unless otherwise provided in the 4431  
proceedings, from the proceeds of the securities to which they 4432  
relate and, as to future financing costs, from the same sources 4433  
from which debt charges on the securities are paid and as though 4434  
debt charges. 4435

(L) "Fiscal officer" means the following, or, in the case of 4436  
absence or vacancy in the office, a deputy or assistant authorized 4437  
by law or charter to act in the place of the named officer, or if 4438  
there is no such authorization then the deputy or assistant 4439  
authorized by legislation to act in the place of the named officer 4440  
for purposes of this chapter, in the case of the following 4441  
subdivisions: 4442

(1) A county, the county auditor; 4443

(2) A municipal corporation, the city auditor or village 4444  
clerk or clerk-treasurer, or the officer who, by virtue of a 4445  
charter, has the duties and functions provided in the Revised Code 4446  
for the city auditor or village clerk or clerk-treasurer; 4447

(3) A school district, the treasurer of the board of 4448  
education; 4449

- (4) A regional water and sewer district, the secretary of the board of trustees; 4450  
4451
- (5) A joint township hospital district, the treasurer of the district; 4452  
4453
- (6) A joint ambulance district, the clerk of the board of trustees; 4454  
4455
- (7) A joint recreation district, the person designated pursuant to section 755.15 of the Revised Code; 4456  
4457
- (8) A detention facility district or a district organized under section 2151.65 of the Revised Code or a combined district organized under sections 2152.41 and 2151.65 of the Revised Code, the county auditor of the county designated by law to act as the auditor of the district; 4458  
4459  
4460  
4461  
4462
- (9) A township, a fire district organized under division (C) of section 505.37 of the Revised Code, or a township police district, the fiscal officer of the township; 4463  
4464  
4465
- (10) A joint fire district, the clerk of the board of trustees of that district; 4466  
4467
- (11) A regional or county library district, the person responsible for the financial affairs of that district; 4468  
4469
- (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; 4470  
4471  
4472
- (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; 4473  
4474  
4475
- (14) A fire and ambulance district, the person appointed as fiscal officer under division (B) of section 505.375 of the Revised Code; 4476  
4477  
4478
- (15) A subdivision described in division (MM)(17) of this 4479

section, the officer who is designated by law as or performs the 4480  
functions of its chief fiscal officer. 4481

(M) "Fiscal year" has the same meaning as in section 9.34 of 4482  
the Revised Code. 4483

(N) "Fractionalized interests in public obligations" means 4484  
participations, certificates of participation, shares, or other 4485  
instruments or agreements, separate from the public obligations 4486  
themselves, evidencing ownership of interests in public 4487  
obligations or of rights to receive payments of, or on account of, 4488  
principal or interest or their equivalents payable by or on behalf 4489  
of an obligor pursuant to public obligations. 4490

(O) "Fully registered securities" means securities in 4491  
certificated or uncertificated form, registered as to both 4492  
principal and interest in the name of the owner. 4493

(P) "Fund" means to provide for the payment of debt charges 4494  
and expenses related to that payment at or prior to retirement by 4495  
purchase, call for redemption, payment at maturity, or otherwise. 4496

(Q) "General obligation" means securities to the payment of 4497  
debt charges on which the full faith and credit and the general 4498  
property taxing power, including taxes within the tax limitation 4499  
if available to the subdivision, of the subdivision are pledged. 4500

(R) "Interest" or "interest equivalent" means those payments 4501  
or portions of payments, however denominated, that constitute or 4502  
represent consideration for forbearing the collection of money, or 4503  
for deferring the receipt of payment of money to a future time. 4504

(S) "Internal Revenue Code" means the "Internal Revenue Code 4505  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1 et seq., as amended, and 4506  
includes any laws of the United States providing for application 4507  
of that code. 4508

(T) "Issuer" means any public issuer and any nonprofit 4509



corporation authorized to issue securities for or on behalf of any public issuer.

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

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

(W) "Mandatory sinking fund requirements" means amounts required by proceedings to be deposited in a year or fiscal year in a bond retirement fund for the purpose of paying the principal of securities that is due and payable in a subsequent year or fiscal year.

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

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

(Z) "One purpose" relating to permanent improvements means any one permanent improvement or group or category of permanent improvements for the same utility, enterprise, system, or project, development or redevelopment project, or for or devoted to the same general purpose, function, or use or for which self-supporting securities, based on the same or different sources

of revenues, may be issued or for which special assessments may be 4541  
levied by a single ordinance or resolution. "One purpose" 4542  
includes, but is not limited to, in any case any off-street 4543  
parking facilities relating to another permanent improvement, and: 4544

(1) Any number of roads, highways, streets, bridges, 4545  
sidewalks, and viaducts; 4546

(2) Any number of off-street parking facilities; 4547

(3) In the case of a county, any number of permanent 4548  
improvements for courthouse, jail, county offices, and other 4549  
county buildings, and related facilities; 4550

(4) In the case of a school district, any number of 4551  
facilities and buildings for school district purposes, and related 4552  
facilities. 4553

(AA) "Outstanding," referring to securities, means securities 4554  
that have been issued, delivered, and paid for, except any of the 4555  
following: 4556

(1) Securities canceled upon surrender, exchange, or 4557  
transfer, or upon payment or redemption; 4558

(2) Securities in replacement of which or in exchange for 4559  
which other securities have been issued; 4560

(3) Securities for the payment, or redemption or purchase for 4561  
cancellation prior to maturity, of which sufficient moneys or 4562  
investments, in accordance with the applicable legislation or 4563  
other proceedings or any applicable law, by mandatory sinking fund 4564  
redemption requirements, mandatory sinking fund requirements, or 4565  
otherwise, have been deposited, and credited for the purpose in a 4566  
bond retirement fund or with a trustee or paying or escrow agent, 4567  
whether at or prior to their maturity or redemption, and, in the 4568  
case of securities to be redeemed prior to their stated maturity, 4569  
notice of redemption has been given or satisfactory arrangements 4570

have been made for giving notice of that redemption, or waiver of 4571  
that notice by or on behalf of the affected security holders has 4572  
been filed with the subdivision or its agent for the purpose. 4573

(BB) "Paying agent" means the one or more banks, trust 4574  
companies, or other financial institutions or qualified persons, 4575  
including an appropriate office or officer of the subdivision, 4576  
designated as a paying agent or place of payment of debt charges 4577  
on the particular securities. 4578

(CC) "Permanent improvement" or "improvement" means any 4579  
property, asset, or improvement certified by the fiscal officer, 4580  
which certification is conclusive, as having an estimated life or 4581  
period of usefulness of five years or more, and includes, but is 4582  
not limited to, real estate, buildings, and personal property and 4583  
interests in real estate, buildings, and personal property, 4584  
equipment, furnishings, and site improvements, and reconstruction, 4585  
rehabilitation, renovation, installation, improvement, 4586  
enlargement, and extension of property, assets, or improvements so 4587  
certified as having an estimated life or period of usefulness of 4588  
five years or more. The acquisition of all the stock ownership of 4589  
a corporation is the acquisition of a permanent improvement to the 4590  
extent that the value of that stock is represented by permanent 4591  
improvements. A permanent improvement for parking, highway, road, 4592  
and street purposes includes resurfacing, but does not include 4593  
ordinary repair. 4594

(DD) "Person" has the same meaning as in section 1.59 of the 4595  
Revised Code and also includes any federal, state, interstate, 4596  
regional, or local governmental agency, any subdivision, and any 4597  
combination of those persons. 4598

(EE) "Proceedings" means the legislation, certifications, 4599  
notices, orders, sale proceedings, trust agreement or indenture, 4600  
mortgage, lease, lease-purchase agreement, assignment, credit 4601  
enhancement facility agreements, and other agreements, 4602

instruments, and documents, as amended and supplemented, and any 4603  
election proceedings, authorizing, or providing for the terms and 4604  
conditions applicable to, or providing for the security or sale or 4605  
award of, public obligations, and includes the provisions set 4606  
forth or incorporated in those public obligations and proceedings. 4607

(FF) "Public issuer" means any of the following that is 4608  
authorized by law to issue securities or enter into public 4609  
obligations: 4610

(1) The state, including an agency, commission, officer, 4611  
institution, board, authority, or other instrumentality of the 4612  
state; 4613

(2) A taxing authority, subdivision, district, or other local 4614  
public or governmental entity, and any combination or consortium, 4615  
or public division, district, commission, authority, department, 4616  
board, officer, or institution, thereof; 4617

(3) Any other body corporate and politic, or other public 4618  
entity. 4619

(GG) "Public obligations" means both of the following: 4620

(1) Securities; 4621

(2) Obligations of a public issuer to make payments under 4622  
installment sale, lease, lease purchase, or similar agreements, 4623  
which obligations bear interest or interest equivalent. 4624

(HH) "Refund" means to fund and retire outstanding 4625  
securities, including advance refunding with or without payment or 4626  
redemption prior to maturity. 4627

(II) "Register" means the books kept and maintained by the 4628  
registrar for registration, exchange, and transfer of registered 4629  
securities. 4630

(JJ) "Registrar" means the person responsible for keeping the 4631  
register for the particular registered securities, designated by 4632

or pursuant to the proceedings. 4633

(KK) "Securities" means bonds, notes, certificates of 4634  
indebtedness, commercial paper, and other instruments in writing, 4635  
including, unless the context does not admit, anticipatory 4636  
securities, issued by an issuer to evidence its obligation to 4637  
repay money borrowed, or to pay interest, by, or to pay at any 4638  
future time other money obligations of, the issuer of the 4639  
securities, but not including public obligations described in 4640  
division (GG)(2) of this section. 4641

(LL) "Self-supporting securities" means securities or 4642  
portions of securities issued for the purpose of paying costs of 4643  
permanent improvements to the extent that receipts of the 4644  
subdivision, other than the proceeds of taxes levied by that 4645  
subdivision, derived from or with respect to the improvements or 4646  
the operation of the improvements being financed, or the 4647  
enterprise, system, project, or category of improvements of which 4648  
the improvements being financed are part, are estimated by the 4649  
fiscal officer to be sufficient to pay the current expenses of 4650  
that operation or of those improvements or enterprise, system, 4651  
project, or categories of improvements and the debt charges 4652  
payable from those receipts on securities issued for the purpose. 4653  
Until such time as the improvements or increases in rates and 4654  
charges have been in operation or effect for a period of at least 4655  
six months, the receipts therefrom, for purposes of this 4656  
definition, shall be those estimated by the fiscal officer, except 4657  
that those receipts may include, without limitation, payments made 4658  
and to be made to the subdivision under leases or agreements in 4659  
effect at the time the estimate is made. In the case of an 4660  
operation, improvements, or enterprise, system, project, or 4661  
category of improvements without at least a six-month history of 4662  
receipts, the estimate of receipts by the fiscal officer, other 4663  
than those to be derived under leases and agreements then in 4664

effect, shall be confirmed by the taxing authority. 4665

(MM) "Subdivision" means any of the following: 4666

(1) A county, including a county that has adopted a charter 4667  
under Article X, Ohio Constitution; 4668

(2) A municipal corporation, including a municipal 4669  
corporation that has adopted a charter under Article XVIII, Ohio 4670  
Constitution; 4671

(3) A school district; 4672

(4) A regional water and sewer district organized under 4673  
Chapter 6119. of the Revised Code; 4674

(5) A joint township hospital district organized under 4675  
section 513.07 of the Revised Code; 4676

(6) A joint ambulance district organized under section 505.71 4677  
of the Revised Code; 4678

(7) A joint recreation district organized under division (C) 4679  
of section 755.14 of the Revised Code; 4680

(8) A detention facility district organized under section 4681  
2152.41, a district organized under section 2151.65, or a combined 4682  
district organized under sections 2152.41 and 2151.65 of the 4683  
Revised Code; 4684

(9) A township police district organized under section 505.48 4685  
of the Revised Code; 4686

(10) A township; 4687

(11) A joint fire district organized under section 505.371 of 4688  
the Revised Code; 4689

(12) A county library district created under section 3375.19 4690  
or a regional library district created under section 3375.28 of 4691  
the Revised Code; 4692

(13) A joint solid waste management district organized under 4693

section 343.01 or 343.012 of the Revised Code;	4694
(14) A joint emergency medical services district organized under section 307.052 of the Revised Code;	4695 4696
(15) A fire and ambulance district organized under section 505.375 of the Revised Code;	4697 4698
(16) A fire district organized under division (C) of section 505.37 of the Revised Code;	4699 4700
(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.	4701 4702 4703
(NN) "Taxing authority" means in the case of the following subdivisions:	4704 4705
(1) A county, a county library district, or a regional library district, the board or boards of county commissioners, or other legislative authority of a county that has adopted a charter under Article X, Ohio Constitution, but with respect to such a library district acting solely as agent for the board of trustees of that district;	4706 4707 4708 4709 4710 4711
(2) A municipal corporation, the legislative authority;	4712
(3) A school district, the board of education;	4713
(4) A regional water and sewer district, a joint ambulance district, a joint recreation district, a fire and ambulance district, or a joint fire district, the board of trustees of the district;	4714 4715 4716 4717
(5) A joint township hospital district, the joint township hospital board;	4718 4719
(6) A detention facility district or a district organized under section 2151.65 of the Revised Code, a combined district organized under sections 2152.41 and 2151.65 of the Revised Code, or a joint emergency medical services district, the joint board of	4720 4721 4722 4723

county commissioners; 4724

(7) A township, a fire district organized under division (C) 4725  
of section 505.37 of the Revised Code, or a township police 4726  
district, the board of township trustees; 4727

(8) A joint solid waste management district organized under 4728  
section 343.01 or 343.012 of the Revised Code, the board of 4729  
directors of the district; 4730

(9) A subdivision described in division (MM)(17) of this 4731  
section, the legislative or governing body or official. 4732

(OO) "Tax limitation" means the "ten-mill limitation" as 4733  
defined in section 5705.02 of the Revised Code without diminution 4734  
by reason of section 5705.313 of the Revised Code or otherwise, 4735  
or, in the case of a municipal corporation or county with a 4736  
different charter limitation on property taxes levied to pay debt 4737  
charges on unvoted securities, that charter limitation. Those 4738  
limitations shall be respectively referred to as the "ten-mill 4739  
limitation" and the "charter tax limitation." 4740

(PP) "Tax valuation" means the aggregate of the valuations of 4741  
property subject to ad valorem property taxation by the 4742  
subdivision on the real property, personal property, and public 4743  
utility property tax lists and duplicates most recently certified 4744  
for collection, and shall be calculated without deductions of the 4745  
valuations of otherwise taxable property exempt in whole or in 4746  
part from taxation by reason of exemptions of certain amounts of 4747  
taxable value under division (C) of section 5709.01 ~~or, tax~~ 4748  
reductions under section 323.152 of the Revised Code, or similar 4749  
laws now or in the future in effect. 4750

For purposes of section 133.06 of the Revised Code, "tax 4751  
valuation" shall not include the valuation of tangible personal 4752  
property used in business, telephone or telegraph property, 4753  
interexchange telecommunications company property, or personal 4754



property owned or leased by a railroad company and used in 4755  
railroad operations listed under or described in section 5711.22, 4756  
division (B) or (F) of section 5727.111, or section 5727.12 of the 4757  
Revised Code. 4758

(QQ) "Year" means the calendar year. 4759

(RR) "Administrative agent," "agent," "commercial paper," 4760  
"floating rate interest structure," "indexing agent," "interest 4761  
rate hedge," "interest rate period," "put arrangement," and 4762  
"remarketing agent" have the same meanings as in section 9.98 of 4763  
the Revised Code. 4764

(SS) "Sales tax supported" means obligations to the payment 4765  
of debt charges on which an additional sales tax or additional 4766  
sales taxes have been pledged by the taxing authority of a county 4767  
pursuant to section 133.081 of the Revised Code. 4768

**Sec. 133.10.** (A) In anticipation of the collection of current 4769  
property tax revenues in and for any fiscal year, the taxing 4770  
authority of any subdivision may issue securities, but the 4771  
aggregate principal amount of such securities shall not exceed 4772  
one-half of the amount that the budget commission estimates the 4773  
subdivision will receive from property taxes in that fiscal year 4774  
and prior to the last day of the sixth month following the month 4775  
in which the securities are issued, other than taxes to be 4776  
received for the payment of debt charges or allocated to debt 4777  
charges on securities issued pursuant to division (C) of this 4778  
section, and less all advances. When a partial, semiannual, or 4779  
final property tax settlement is delayed, securities may also be 4780  
issued in anticipation of the receipt of property taxes levied or 4781  
collected for debt charges to the extent necessary to meet such 4782  
debt charges but not in excess of such estimated receipts, less 4783  
all advances. The securities issued pursuant to this division (A) 4784  
shall mature not later than the last day of the sixth month 4785

following the month in which the securities are issued and in any 4786  
case not later than the last day of the fiscal year in which they 4787  
are issued. 4788

(B) In anticipation of the collection of current revenues in 4789  
and for any fiscal year from any source or combination of sources, 4790  
including distributions of any federal or state moneys, other than 4791  
the proceeds of property taxes levied by the subdivision, the 4792  
taxing authority of any subdivision may issue securities, but the 4793  
aggregate principal amount of such securities shall not exceed 4794  
one-half of the amount estimated by the fiscal officer to be 4795  
received by the subdivision from such sources during the remainder 4796  
of such fiscal year, less advances and prior collections. 4797

(C) In anticipation of the collection of current property tax 4798  
revenues in and for any fiscal year, the taxing authority of a 4799  
county, municipal corporation, township, or school district may 4800  
issue securities, but the aggregate principal amount of those 4801  
securities and of any securities issued pursuant to division (A) 4802  
of this section outstanding at the time of issuance shall not 4803  
exceed one-half of the amount that the budget commission estimates 4804  
the subdivision will receive from all property taxes that are to 4805  
be distributed to the subdivision from all settlements of taxes 4806  
that are to be made in the remainder of that fiscal year, other 4807  
than taxes to be received for the payment of debt charges, and 4808  
less all advances. 4809

(D) When the tax settlement scheduled under division (B) of 4810  
section 321.24 of the Revised Code is delayed pursuant to division 4811  
(E) of that section, the taxing authority of a school district may 4812  
issue property tax anticipation securities against the taxes to be 4813  
included in that settlement, but the aggregate principal amount of 4814  
all securities outstanding against those taxes shall not exceed 4815  
ninety per cent of the amount estimated to be received from that 4816  
settlement by the budget commission, other than taxes to be 4817

received for the payment of debt charges, and less all advances. 4818  
The securities issued pursuant to this division (D) shall mature 4819  
on or before the next ensuing thirty-first day of August. 4820

(E) This division applies to all securities authorized by 4821  
this section. 4822

(1) The amounts from the sources anticipated needed to pay 4823  
debt charges and financing costs shall be considered appropriated 4824  
for that purpose, and other appropriations from those sources by 4825  
the taxing authority shall be limited to the balance available 4826  
after deducting the amount to pay those debt charges and financing 4827  
costs. The portions of those amounts as received and to be applied 4828  
to those debt charges shall be deposited and set aside in an 4829  
account for the purpose in the bond retirement fund in the amounts 4830  
and at the times required to pay those debt charges as provided 4831  
for by the authorizing legislation or otherwise provided by law. 4832

(2) Except as otherwise provided in division (H) of this 4833  
section, the securities shall not be issued prior to the first day 4834  
and, except as otherwise provided in divisions (A) and (D) of this 4835  
section, shall mature not later than the last day of the fiscal 4836  
year for which the revenues are anticipated. 4837

(3) The proceeds of the principal amount of the securities 4838  
shall be used only for the purposes for which the amounts 4839  
anticipated were levied, collected, distributed, and appropriated, 4840  
and for financing costs related to those securities. 4841

(4) Property taxes include distributions from the state in 4842  
payment of credits against or partial exemptions from, or 4843  
reduction of, property taxes. 4844

(5) If for any reason debt charges on securities authorized 4845  
by this section are not paid by the subdivision in the fiscal year 4846  
when due, the taxing authority of the subdivision shall include in 4847  
its next annual appropriation measure an amount sufficient to pay 4848

those debt charges, and the county auditor and county treasurer 4849  
shall withhold, in a custodial account, amounts due the 4850  
subdivision from the sources anticipated until such amount is 4851  
accumulated by those officers and they directly pay or provide, 4852  
through the paying agent or otherwise, for the payment of those 4853  
debt charges. 4854

(F) The authority to issue securities under divisions (A) and 4855  
(B) of this section may be exercised by any board of library 4856  
trustees of a public library, or board of park commissioners of a 4857  
township, to which the budget commission has allotted a share of 4858  
the local ~~government~~ communities fund under section 5747.51 of the 4859  
Revised Code or of the ~~library and local government support~~ 4860  
libraries fund under section 5707.051 of the Revised Code. 4861

(G) The taxing authority of a school district issuing 4862  
securities under division (A), (C), or (D) of this section shall 4863  
in the legislation authorizing the securities affirm the levy of, 4864  
or covenant to levy, the anticipated property taxes to be 4865  
collected in the following year. 4866

(H) The taxing authority of a school district may issue 4867  
securities authorized by this section on or after the tenth day 4868  
preceding the first day of the fiscal year for which the revenues 4869  
are anticipated; provided, that if the taxing authority of a 4870  
school district issues securities authorized by this section prior 4871  
to the first day of the fiscal year for which the revenues are 4872  
anticipated: 4873

(1) None of the proceeds received by the school district from 4874  
the sale of the securities shall be considered available for 4875  
appropriation prior to the first day of the fiscal year for which 4876  
the revenues are anticipated; and 4877

(2) None of the proceeds received by the school district from 4878  
the sale of the securities shall be expended prior to the first 4879

day of the fiscal year for which the revenues are anticipated. 4880

**Sec. 133.25.** (A) After the issuance of general obligation 4881  
securities or of securities to which section 133.24 of the Revised 4882  
Code applies, the taxing authority of the subdivision shall 4883  
include in its annual tax budget, and levy a property tax in a 4884  
sufficient amount, with any other moneys available for the 4885  
purpose, to pay the debt charges on the securities payable from 4886  
property taxes. The necessary property tax rate shall be included 4887  
in the fiscal year tax budget that is certified by the subdivision 4888  
to the county budget commission, and, if within the ten-mill 4889  
limitation, shall be without diminution by reason of section 4890  
5705.313 of the Revised Code or any similar provisions. 4891

(B) If the taxing authority determines it to be necessary or 4892  
appropriate, and if not prohibited by other law, legislation 4893  
relating to Chapter 133. securities may, or that legislation may 4894  
provide for proceedings that may, contain or provide for any one 4895  
or more or combination of the following: 4896

(1) The pledge to the payment of debt charges of, and related 4897  
covenants to levy, charge, collect, deposit, and apply, receipts 4898  
of the subdivision lawfully available for the purpose, referred to 4899  
in this division (B) as pledged receipts, including, without 4900  
limitation, ad valorem property taxes as permitted by law, income 4901  
taxes, excises, utility and service revenues, local ~~government~~ 4902  
communities fund, school foundation, and moneys described in 4903  
Section 5a of Article XII, Ohio Constitution, and any other 4904  
receipts from taxes, excises, permits, licenses, fines, or other 4905  
sources of revenue of or of revenue distributions to the 4906  
subdivision, and covenants for the establishment, investment, 4907  
segregation, and maintenance of any funds or reserves in 4908  
connection with the securities. No pledge or covenant may be made 4909  
that impairs the express contract rights of the holders of 4910

outstanding securities of the subdivision. 4911

(2) Designation of a bank or trust company authorized to 4912  
exercise corporate trust powers in this state as a fiscal agent 4913  
for the securities, which fiscal agent may be a purchaser of any 4914  
securities and fiscal agent for any other securities of the 4915  
subdivision, and provision for the periodic deposit of pledged 4916  
receipts in one or more separate bank accounts, funds, or other 4917  
accounts established with the fiscal agent, including provision 4918  
for pledged receipts collected or paid by the state or another 4919  
subdivision to be transferred, by the appropriate officer of the 4920  
state or other subdivision having charge of the distribution of 4921  
the pledged receipts to the subdivision, directly to the fiscal 4922  
agent for such deposit, which officers shall transfer such pledged 4923  
receipts in accordance with this division and the legislation. The 4924  
fiscal agent shall disburse moneys so held in accordance with the 4925  
legislation, including the transfer of moneys to paying agents or 4926  
to persons providing credit enhancement facilities at the times 4927  
and in the amounts required. Until needed for that purpose, and 4928  
subject to any limitations in the legislation, the fiscal agent 4929  
shall either deposit such moneys on behalf of the subdivision in 4930  
an institution that is eligible to become a public depository 4931  
pursuant to section 135.03 of the Revised Code or invest the 4932  
moneys on behalf of the subdivision in obligations that are under 4933  
applicable law lawful for the investment of the particular moneys. 4934  
Divisions (D), (E), and (G) of section 135.04 and sections 135.08 4935  
and 135.09 of the Revised Code do not apply to any such deposits 4936  
or investments. Amounts so held and received by a fiscal agent 4937  
shall be accounted for in the appropriate special funds of the 4938  
subdivision as if held in the treasury of the subdivision, and the 4939  
fiscal agent shall provide such information to the subdivision and 4940  
to the auditor of state as is necessary for the purpose. 4941

(3) Covenants of the subdivision and other provisions to 4942

protect and safeguard the security and rights of the holders of 4943  
the securities and of the providers of any credit enhancement 4944  
facilities and provisions for defeasance, including, without 4945  
limiting the generality of the foregoing, such covenants and 4946  
provisions as to: 4947

(a) Establishment and maintenance of the funds to be held by 4948  
a fiscal agent as provided in this division, the times, amounts, 4949  
and levels for deposit to such funds, and the obligations in which 4950  
the proceeds of such funds may be invested pending their use, 4951  
subject to limitations on investment of public funds otherwise 4952  
provided for by law or charter or by the legislation; 4953

(b) The appointment, rights, powers, and duties of the fiscal 4954  
agent, and vesting in the fiscal agent all or any of those rights, 4955  
powers, and duties in trust; 4956

(c) Compliance with the provisions of this chapter and other 4957  
laws applicable to the payment of debt charges on securities of 4958  
the subdivision, including Chapter 5705. of the Revised Code; 4959

(d) Conditions that would give rise to an event of default 4960  
under the terms of the legislation, and actions and remedies that 4961  
any fiscal agent may take or assert on behalf of the holders of 4962  
the securities. 4963

(4) As rights and remedies of the holders of securities, in 4964  
addition to any other rights and remedies under law, but subject 4965  
to the terms of the legislation and of any credit enhancement 4966  
facility, provision that if the subdivision defaults in the 4967  
payment of debt charges on the securities and such default 4968  
continues for a period of thirty days, or if the subdivision fails 4969  
or refuses to comply with the requirements of this chapter or the 4970  
applicable proceedings, or defaults in any contract made with the 4971  
holders of those securities, the holders of not less than 4972  
twenty-five per cent in principal amount of the outstanding 4973

securities of that issue may appoint a trustee, who may be the 4974  
fiscal agent, to represent those holders for the purposes provided 4975  
in this division (B)(4). That trustee may, and upon written 4976  
request of the holders of not less than twenty-five per cent in 4977  
principal amount of those securities then outstanding shall, in 4978  
its own name exercise all or any of the powers of such holders 4979  
under division (B)(3) of this section and in addition may: 4980

(a) Bring action for payment of any debt charges then due on 4981  
the securities; 4982

(b) By mandamus or other action or proceeding enforce all 4983  
rights of the holders of the securities, including any right to 4984  
require the subdivision to assess, levy, charge, collect, and 4985  
apply pledged receipts adequate to carry out the provisions of the 4986  
legislation and any agreement with those holders and to perform 4987  
its duties under the legislation and this chapter; 4988

(c) Bring action upon the securities; 4989

(d) By action, require the subdivision to account as if it 4990  
were the trustee of an express trust for the holders of the 4991  
securities; 4992

(e) By action, enjoin any acts or things that may be unlawful 4993  
or in violation of the rights of the holders of those securities; 4994

(f) Except in the case of securities payable from a property 4995  
tax, declare all securities of the issue due and payable, and if 4996  
all defaults are subsequently corrected, then, with the consent of 4997  
the holders of not less than ten per cent in principal amount of 4998  
those securities then outstanding, rescind and annul that 4999  
declaration and its consequences. 5000

In addition to the foregoing, the trustee shall have all of 5001  
the powers necessary or appropriate for the exercise of any 5002  
functions specifically set forth in this section or the 5003  
legislation or incident to the general representation of the 5004



holders of those securities in the enforcement and protection of 5005  
their rights. 5006

(5) Contracts or other arrangements for credit enhancement 5007  
facilities, which may be with a fiscal agent. The costs of or 5008  
under credit enhancement facilities may be paid from any moneys of 5009  
the subdivision lawfully available for the purpose. The credit 5010  
enhancement facility may be for the benefit of holders of the 5011  
particular securities and of any other securities of the 5012  
subdivision. Any such benefit conferred with respect to other 5013  
securities shall not be deemed to restrict, preclude, or otherwise 5014  
impair any rights that those holders otherwise may assert. 5015

(C) Unless otherwise provided in the proceedings, the holders 5016  
of not less than ten per cent in principal amount of the 5017  
particular securities at the time outstanding, whether or not then 5018  
due and payable or reduced to judgment and either on their own 5019  
behalf or on behalf of all persons similarly situated, may: 5020

(1) By mandamus, mandatory or other injunction, or any other 5021  
order, writ, process, or decree, or by any other action or 5022  
proceeding, enforce all contractual or other rights of such 5023  
holders, including any right to require the subdivision to assess, 5024  
levy, charge, collect, and apply the pledged receipts pledged to 5025  
carry out the provisions of any agreement with such holders and 5026  
perform its duties under the legislation and this chapter; 5027

(2) In the case of default in payment of debt charges on 5028  
their securities, commence an action upon their securities to 5029  
require the subdivision to account as if it were the trustee of an 5030  
express trust for those holders or to enjoin any acts or things 5031  
that may be unlawful or in violation of the rights of those 5032  
holders. 5033

(D) The state pledges to and agrees with the holders of 5034  
Chapter 133. securities that the state will not, by enacting any 5035

law or adopting any rule, repeal, revoke, repudiate, limit, alter, 5036  
stay, suspend, or otherwise reduce, rescind, or impair the power 5037  
or duty of a subdivision to exercise, perform, carry out, and 5038  
fulfill its responsibilities or covenants under this chapter or 5039  
legislation or agreements as to its Chapter 133. securities, 5040  
including a credit enhancement facility, passed or entered into 5041  
pursuant to this chapter, or repeal, revoke, repudiate, limit, 5042  
alter, stay, suspend, or otherwise reduce, rescind, or impair the 5043  
rights and remedies of any such holders fully to enforce such 5044  
responsibilities, covenants, and agreements or to enforce the 5045  
pledge and agreement of the state contained in this division, or 5046  
otherwise exercise any sovereign power materially impairing or 5047  
materially inconsistent with the provisions of such legislation, 5048  
covenants, and agreements. The general assembly determines and 5049  
declares that the provisions of this chapter and the powers and 5050  
duties of subdivisions authorized and imposed under this chapter 5051  
are proper, reasonable, and appropriate means by which the state 5052  
can and should exercise and has exercised its duties and powers 5053  
under the Ohio Constitution, and that those provisions are 5054  
necessary and in the public interest and a proper means to better 5055  
provide for the security for, and market reception for the 5056  
purchase of, those securities. This pledge and agreement shall be 5057  
of no force and effect as to securities that are not outstanding. 5058  
This pledge and agreement by the state may be temporarily 5059  
suspended upon the declaration of martial law in the subdivision 5060  
in the event of circumstances deriving directly out of a natural 5061  
disaster, such as an earthquake or major conflagration or flood 5062  
but not a snowstorm or civil disturbance, or out of military 5063  
invasions or civil insurrections, but not strikes or crises 5064  
created by financial or economic events. Payment for securities by 5065  
the original and subsequent holders shall be deemed conclusive 5066  
evidence of valuable consideration received by the state and 5067  
subdivision for this pledge and agreement, and any action by the 5068

state contrary to or inconsistent with this division is void as 5069  
applied to those securities. The state hereby grants any such 5070  
benefited holder the right to sue the state and enforce this 5071  
pledge and agreement, and waives all rights of defense based on 5072  
sovereign immunity or sovereign power in such an action or suit, 5073  
it being expressly determined and declared that the continued 5074  
integrity of the contract of any such holder is essential to the 5075  
continued right of the subdivision to issue and pay debt charges 5076  
on securities as a subdivision of the state. Nothing in this 5077  
division requires the state to continue any particular level of 5078  
appropriations of moneys, or precludes the state from authorizing 5079  
the subdivision to exercise, or the subdivision from exercising, 5080  
subject to approval of the tax commissioner, any power provided by 5081  
law to seek application of laws then in effect under the 5082  
bankruptcy provisions of the United States Constitution but in any 5083  
case providing for debt charges as provided in section 133.36 of 5084  
the Revised Code, or to preclude the state from further exercise 5085  
of any of its powers and responsibilities under the Ohio 5086  
Constitution. 5087

(E) Moneys and investments held by the subdivision or a 5088  
paying agent or a fiscal agent, and all receipts of the 5089  
subdivision, needed and allocated to payment of debt charges or 5090  
payments by the subdivision under credit enhancement facilities, 5091  
are property of the subdivision devoted to essential governmental 5092  
purposes and accordingly shall not be applied to any purpose other 5093  
than as provided in this chapter and in the legislation, and shall 5094  
not be subject to any order, judgment, lien, execution, 5095  
attachment, setoff, or counterclaim by any creditor or judgment 5096  
creditor, as a result of a tort judgment or otherwise, of the 5097  
subdivision other than the holders of the securities or the 5098  
provider of the credit enhancement facility who are entitled 5099  
thereto pursuant to this chapter and the legislation. 5100

**Sec. 135.35.** (A) The investing authority shall deposit or 5101  
invest any part or all of the county's inactive moneys and shall 5102  
invest all of the money in the county ~~library and local government~~ 5103  
~~support libraries~~ fund when required by section 135.352 of the 5104  
Revised Code. The following classifications of securities and 5105  
obligations are eligible for such deposit or investment: 5106

(1) United States treasury bills, notes, bonds, or any other 5107  
obligation or security issued by the United States treasury, any 5108  
other obligation guaranteed as to principal or interest by the 5109  
United States, or any book entry, zero-coupon United States 5110  
treasury security that is a direct obligation of the United 5111  
States. 5112

Nothing in the classification of eligible securities and 5113  
obligations set forth in divisions (A)(2) to (11) of this section 5114  
shall be construed to authorize any investment in stripped 5115  
principal or interest obligations of such eligible securities and 5116  
obligations. 5117

(2) Bonds, notes, debentures, or any other obligations or 5118  
securities issued by any federal government agency or 5119  
instrumentality, including but not limited to, the federal 5120  
national mortgage association, federal home loan bank, federal 5121  
farm credit bank, federal home loan mortgage corporation, 5122  
government national mortgage association, and student loan 5123  
marketing association. All federal agency securities shall be 5124  
direct issuances of federal government agencies or 5125  
instrumentalities. 5126

(3) Time certificates of deposit or savings or deposit 5127  
accounts, including, but not limited to, passbook accounts, in any 5128  
eligible institution mentioned in section 135.32 of the Revised 5129  
Code; 5130

(4) Bonds and other obligations of this state or the 5131

political subdivisions of this state, provided that such political 5132  
subdivisions are located wholly or partly within the same county 5133  
as the investing authority; 5134

(5) No-load money market mutual funds consisting exclusively 5135  
of obligations described in division (A)(1) or (2) of this section 5136  
and repurchase agreements secured by such obligations, provided 5137  
that investments in securities described in this division are made 5138  
only through eligible institutions mentioned in section 135.32 of 5139  
the Revised Code; 5140

(6) The Ohio subdivision's fund as provided in section 135.45 5141  
of the Revised Code; 5142

(7) Securities lending agreements with any eligible 5143  
institution mentioned in section 135.32 of the Revised Code that 5144  
is a member of the federal reserve system or federal home loan 5145  
bank or with any recognized United States government securities 5146  
dealer meeting the description in division (J)(1) of this section, 5147  
under the terms of which agreements the investing authority lends 5148  
securities and the eligible institution or dealer agrees to 5149  
simultaneously exchange similar securities or cash, equal value 5150  
for equal value. 5151

Securities and cash received as collateral for a securities 5152  
lending agreement are not inactive moneys of the county or moneys 5153  
of a county ~~library and local government support libraries~~ fund. 5154  
The investment of cash collateral received pursuant to a 5155  
securities lending agreement may be invested only in instruments 5156  
specified by the investing authority in the written investment 5157  
policy described in division (K) of this section. 5158

(8) Up to twenty-five per cent of the county's total average 5159  
portfolio in either of the following investments: 5160

(a) Commercial paper notes issued by an entity that is 5161  
defined in division (D) of section 1705.01 of the Revised Code and 5162

that has assets exceeding five hundred million dollars, to which 5163  
notes all of the following apply: 5164

(i) The notes are rated at the time of purchase in the 5165  
highest classification established by at least two nationally 5166  
recognized standard rating services. 5167

(ii) The aggregate value of the notes does not exceed ten per 5168  
cent of the aggregate value of the outstanding commercial paper of 5169  
the issuing corporation. 5170

(iii) The notes mature not later than two hundred seventy 5171  
days after purchase. 5172

(b) Bankers acceptances of banks that are insured by the 5173  
federal deposit insurance corporation and to which both of the 5174  
following apply: 5175

(i) The obligations are eligible for purchase by the federal 5176  
reserve system. 5177

(ii) The obligations mature not later than one hundred eighty 5178  
days after purchase. 5179

No investment shall be made pursuant to division (A)(8) of 5180  
this section unless the investing authority has completed 5181  
additional training for making the investments authorized by 5182  
division (A)(8) of this section. The type and amount of additional 5183  
training shall be approved by the auditor of state and may be 5184  
conducted by or provided under the supervision of the auditor of 5185  
state. 5186

(9) Up to fifteen per cent of the county's total average 5187  
portfolio in notes issued by corporations that are incorporated 5188  
under the laws of the United States and that are operating within 5189  
the United States, or by depository institutions that are doing 5190  
business under authority granted by the United States or any state 5191  
and that are operating within the United States, provided both of 5192

the following apply:	5193
(a) The notes are rated in the second highest or higher category by at least two nationally recognized standard rating services at the time of purchase.	5194 5195 5196
(b) The notes mature not later than two years after purchase.	5197
(10) No-load money market mutual funds rated in the highest category at the time of purchase by at least one nationally recognized standard rating service and consisting exclusively of obligations described in division (A)(1), (2), or (6) of section 135.143 of the Revised Code;	5198 5199 5200 5201 5202
(11) Debt interests rated at the time of purchase in the three highest categories by two nationally recognized standard rating services and issued by foreign nations diplomatically recognized by the United States government. All interest and principal shall be denominated and payable in United States funds. The investments made under division (A)(11) of this section shall not exceed in the aggregate one per cent of a county's total average portfolio.	5203 5204 5205 5206 5207 5208 5209 5210
The investing authority shall invest under division (A)(11) of this section in a debt interest issued by a foreign nation only if the debt interest is backed by the full faith and credit of that foreign nation, there is no prior history of default, and the debt interest matures not later than five years after purchase. For purposes of division (A)(11) of this section, a debt interest is rated in the three highest categories by two nationally recognized standard rating services if either the debt interest itself or the issuer of the debt interest is rated, or is implicitly rated, at the time of purchase in the three highest categories by two nationally recognized standard rating services.	5211 5212 5213 5214 5215 5216 5217 5218 5219 5220 5221
(B) Nothing in the classifications of eligible obligations and securities set forth in divisions (A)(1) to (11) of this	5222 5223

section shall be construed to authorize investment in a 5224  
derivative, and no investing authority shall invest any county 5225  
inactive moneys or any moneys in a county ~~library and~~ local 5226  
~~government support libraries~~ fund in a derivative. For purposes of 5227  
this division, "derivative" means a financial instrument or 5228  
contract or obligation whose value or return is based upon or 5229  
linked to another asset or index, or both, separate from the 5230  
financial instrument, contract, or obligation itself. Any 5231  
security, obligation, trust account, or other instrument that is 5232  
created from an issue of the United States treasury or is created 5233  
from an obligation of a federal agency or instrumentality or is 5234  
created from both is considered a derivative instrument. An 5235  
eligible investment described in this section with a variable 5236  
interest rate payment, based upon a single interest payment or 5237  
single index comprised of other eligible investments provided for 5238  
in division (A)(1) or (2) of this section, is not a derivative, 5239  
provided that such variable rate investment has a maximum maturity 5240  
of two years. A treasury inflation-protected security shall not be 5241  
considered a derivative, provided the security matures not later 5242  
than five years after purchase. 5243

(C) Except as provided in division (D) of this section, any 5244  
investment made pursuant to this section must mature within five 5245  
years from the date of settlement, unless the investment is 5246  
matched to a specific obligation or debt of the county or to a 5247  
specific obligation or debt of a political subdivision of this 5248  
state located wholly or partly within the county, and the 5249  
investment is specifically approved by the investment advisory 5250  
committee. 5251

(D) The investing authority may also enter into a written 5252  
repurchase agreement with any eligible institution mentioned in 5253  
section 135.32 of the Revised Code or any eligible securities 5254  
dealer pursuant to division (J) of this section, under the terms 5255



of which agreement the investing authority purchases and the 5256  
eligible institution or dealer agrees unconditionally to 5257  
repurchase any of the securities listed in divisions (B)(1) to 5258  
(5), except letters of credit described in division (B)(2), of 5259  
section 135.18 of the Revised Code. The market value of securities 5260  
subject to an overnight written repurchase agreement must exceed 5261  
the principal value of the overnight written repurchase agreement 5262  
by at least two per cent. A written repurchase agreement must 5263  
exceed the principal value of the overnight written repurchase 5264  
agreement, by at least two per cent. A written repurchase 5265  
agreement shall not exceed thirty days, and the market value of 5266  
securities subject to a written repurchase agreement must exceed 5267  
the principal value of the written repurchase agreement by at 5268  
least two per cent and be marked to market daily. All securities 5269  
purchased pursuant to this division shall be delivered into the 5270  
custody of the investing authority or the qualified custodian of 5271  
the investing authority or an agent designated by the investing 5272  
authority. A written repurchase agreement with an eligible 5273  
securities dealer shall be transacted on a delivery versus payment 5274  
basis. The agreement shall contain the requirement that for each 5275  
transaction pursuant to the agreement the participating 5276  
institution shall provide all of the following information: 5277

(1) The par value of the securities; 5278

(2) The type, rate, and maturity date of the securities; 5279

(3) A numerical identifier generally accepted in the 5280  
securities industry that designates the securities. 5281

No investing authority shall enter into a written repurchase 5282  
agreement under the terms of which the investing authority agrees 5283  
to sell securities owned by the county to a purchaser and agrees 5284  
with that purchaser to unconditionally repurchase those 5285  
securities. 5286

(E) No investing authority shall make an investment under 5287  
this section, unless the investing authority, at the time of 5288  
making the investment, reasonably expects that the investment can 5289  
be held until its maturity. The investing authority's written 5290  
investment policy shall specify the conditions under which an 5291  
investment may be redeemed or sold prior to maturity. 5292

(F) No investing authority shall pay a county's inactive 5293  
moneys or moneys of a county ~~library and local government support~~ 5294  
libraries fund into a fund established by another subdivision, 5295  
treasurer, governing board, or investing authority, if that fund 5296  
was established by the subdivision, treasurer, governing board, or 5297  
investing authority for the purpose of investing or depositing the 5298  
public moneys of other subdivisions. This division does not apply 5299  
to the payment of public moneys into either of the following: 5300

(1) The Ohio subdivision's fund pursuant to division (A)(6) 5301  
of this section; 5302

(2) A fund created solely for the purpose of acquiring, 5303  
constructing, owning, leasing, or operating municipal utilities 5304  
pursuant to the authority provided under section 715.02 of the 5305  
Revised Code or Section 4 of Article XVIII, Ohio Constitution. 5306

For purposes of division (F) of this section, "subdivision" 5307  
includes a county. 5308

(G) The use of leverage, in which the county uses its current 5309  
investment assets as collateral for the purpose of purchasing 5310  
other assets, is prohibited. The issuance of taxable notes for the 5311  
purpose of arbitrage is prohibited. Contracting to sell securities 5312  
not owned by the county, for the purpose of purchasing such 5313  
securities on the speculation that bond prices will decline, is 5314  
prohibited. 5315

(H) Any securities, certificates of deposit, deposit 5316  
accounts, or any other documents evidencing deposits or 5317

investments made under authority of this section shall be issued 5318  
in the name of the county with the county treasurer or investing 5319  
authority as the designated payee. If any such deposits or 5320  
investments are registrable either as to principal or interest, or 5321  
both, they shall be registered in the name of the treasurer. 5322

(I) The investing authority shall be responsible for the 5323  
safekeeping of all documents evidencing a deposit or investment 5324  
acquired under this section, including, but not limited to, 5325  
safekeeping receipts evidencing securities deposited with a 5326  
qualified trustee, as provided in section 135.37 of the Revised 5327  
Code, and documents confirming the purchase of securities under 5328  
any repurchase agreement under this section shall be deposited 5329  
with a qualified trustee, provided, however, that the qualified 5330  
trustee shall be required to report to the investing authority, 5331  
auditor of state, or an authorized outside auditor at any time 5332  
upon request as to the identity, market value, and location of the 5333  
document evidencing each security, and that if the participating 5334  
institution is a designated depository of the county for the 5335  
current period of designation, the securities that are the subject 5336  
of the repurchase agreement may be delivered to the treasurer or 5337  
held in trust by the participating institution on behalf of the 5338  
investing authority. 5339

Upon the expiration of the term of office of an investing 5340  
authority or in the event of a vacancy in the office for any 5341  
reason, the officer or the officer's legal representative shall 5342  
transfer and deliver to the officer's successor all documents 5343  
mentioned in this division for which the officer has been 5344  
responsible for safekeeping. For all such documents transferred 5345  
and delivered, the officer shall be credited with, and the 5346  
officer's successor shall be charged with, the amount of moneys 5347  
evidenced by such documents. 5348

(J)(1) All investments, except for investments in securities 5349

described in divisions (A)(5) and (6) of this section, shall be 5350  
made only through a member of the national association of 5351  
securities dealers, through a bank, savings bank, or savings and 5352  
loan association regulated by the superintendent of financial 5353  
institutions, or through an institution regulated by the 5354  
comptroller of the currency, federal deposit insurance 5355  
corporation, or board of governors of the federal reserve system. 5356

(2) Payment for investments shall be made only upon the 5357  
delivery of securities representing such investments to the 5358  
treasurer, investing authority, or qualified trustee. If the 5359  
securities transferred are not represented by a certificate, 5360  
payment shall be made only upon receipt of confirmation of 5361  
transfer from the custodian by the treasurer, governing board, or 5362  
qualified trustee. 5363

(K)(1) Except as otherwise provided in division (K)(2) of 5364  
this section, no investing authority shall make an investment or 5365  
deposit under this section, unless there is on file with the 5366  
auditor of state a written investment policy approved by the 5367  
investing authority. The policy shall require that all entities 5368  
conducting investment business with the investing authority shall 5369  
sign the investment policy of that investing authority. All 5370  
brokers, dealers, and financial institutions, described in 5371  
division (J)(1) of this section, initiating transactions with the 5372  
investing authority by giving advice or making investment 5373  
recommendations shall sign the investing authority's investment 5374  
policy thereby acknowledging their agreement to abide by the 5375  
policy's contents. All brokers, dealers, and financial 5376  
institutions, described in division (J)(1) of this section, 5377  
executing transactions initiated by the investing authority, 5378  
having read the policy's contents, shall sign the investment 5379  
policy thereby acknowledging their comprehension and receipt. 5380

(2) If a written investment policy described in division 5381

(K)(1) of this section is not filed on behalf of the county with 5382  
the auditor of state, the investing authority of that county shall 5383  
invest the county's inactive moneys and moneys of the county 5384  
~~library and local government support libraries~~ fund only in time 5385  
certificates of deposits or savings or deposit accounts pursuant 5386  
to division (A)(3) of this section, no-load money market mutual 5387  
funds pursuant to division (A)(5) of this section, or the Ohio 5388  
subdivision's fund pursuant to division (A)(6) of this section. 5389

(L)(1) The investing authority shall establish and maintain 5390  
an inventory of all obligations and securities acquired by the 5391  
investing authority pursuant to this section. The inventory shall 5392  
include a description of each obligation or security, including 5393  
type, cost, par value, maturity date, settlement date, and any 5394  
coupon rate. 5395

(2) The investing authority shall also keep a complete record 5396  
of all purchases and sales of the obligations and securities made 5397  
pursuant to this section. 5398

(3) The investing authority shall maintain a monthly 5399  
portfolio report and issue a copy of the monthly portfolio report 5400  
describing such investments to the county investment advisory 5401  
committee, detailing the current inventory of all obligations and 5402  
securities, all transactions during the month that affected the 5403  
inventory, any income received from the obligations and 5404  
securities, and any investment expenses paid, and stating the 5405  
names of any persons effecting transactions on behalf of the 5406  
investing authority. 5407

(4) The monthly portfolio report shall be a public record and 5408  
available for inspection under section 149.43 of the Revised Code. 5409

(5) The inventory and the monthly portfolio report shall be 5410  
filed with the board of county commissioners. 5411

(M) An investing authority may enter into a written 5412

investment or deposit agreement that includes a provision under 5413  
which the parties agree to submit to nonbinding arbitration to 5414  
settle any controversy that may arise out of the agreement, 5415  
including any controversy pertaining to losses of public moneys 5416  
resulting from investment or deposit. The arbitration provision 5417  
shall be set forth entirely in the agreement, and the agreement 5418  
shall include a conspicuous notice to the parties that any party 5419  
to the arbitration may apply to the court of common pleas of the 5420  
county in which the arbitration was held for an order to vacate, 5421  
modify, or correct the award. Any such party may also apply to the 5422  
court for an order to change venue to a court of common pleas 5423  
located more than one hundred miles from the county in which the 5424  
investing authority is located. 5425

For purposes of this division, "investment or deposit 5426  
agreement" means any agreement between an investing authority and 5427  
a person, under which agreement the person agrees to invest, 5428  
deposit, or otherwise manage, on behalf of the investing 5429  
authority, a county's inactive moneys or moneys in a county 5430  
~~library and local government support libraries~~ fund, or agrees to 5431  
provide investment advice to the investing authority. 5432

(N) An investment held in the county portfolio on September 5433  
27, 1996, that was a legal investment under the law as it existed 5434  
before September 27, 1996, may be held until maturity, or if the 5435  
investment does not have a maturity date the investment may be 5436  
held until five years from September 27, 1996, regardless of 5437  
whether the investment would qualify as a legal investment under 5438  
the terms of this section as amended. 5439

**Sec. 135.352.** The investment authority shall invest all 5440  
moneys in the county ~~library and local government support~~ 5441  
libraries fund that are not distributed due to an appeal of the 5442  
budget commission's allocation of such fund. Interest earned on 5443

such investments shall be credited to the fund and distributed in 5444  
accordance with section 5747.48 of the Revised Code. 5445

**Sec. 151.08.** This section applies to obligations as defined 5446  
in this section. 5447

(A) As used in this section: 5448

(1) "Capital facilities" or "capital improvement projects" 5449  
means the acquisition, construction, reconstruction, improvement, 5450  
planning, and equipping of roads and bridges, waste water 5451  
treatment systems, water supply systems, solid waste disposal 5452  
facilities, flood control systems, and storm water and sanitary 5453  
collection, storage, and treatment facilities, including real 5454  
property, interests in real property, facilities, and equipment 5455  
related or incidental to those facilities. 5456

(2) "Costs of capital facilities" include related direct 5457  
administrative expenses and allocable portions of direct costs of 5458  
the Ohio public works commission and the local subdivision. 5459

(3) "Local subdivision" means any county, municipal 5460  
corporation, township, sanitary district, or regional water and 5461  
sewer district. 5462

(4) "Obligations" means obligations as defined in section 5463  
151.01 of the Revised Code issued to pay costs of capital 5464  
facilities. 5465

(B)(1) The issuing authority shall issue obligations to pay 5466  
costs of financing or assisting in the financing of the capital 5467  
improvement projects of local subdivisions pursuant to Section 2m 5468  
of Article VIII, Ohio Constitution, section 151.01 of the Revised 5469  
Code, and this section. Not more than one hundred twenty million 5470  
dollars principal amount of obligations, plus the principal amount 5471  
of obligations that in any prior fiscal years could have been, but 5472  
were not, issued within that one-hundred-twenty-million dollar 5473

fiscal year limit, may be issued in any fiscal year. Not more than 5474  
one billion two hundred million dollars principal amount of 5475  
obligations pursuant to Section 2m of Article VIII, Ohio 5476  
Constitution may be issued for the purposes of this section and 5477  
division (B)(2) of section 164.09 of the Revised Code. 5478

(2) The issuing authority shall issue obligations to pay 5479  
costs of financing or assisting in the financing of the capital 5480  
improvement projects of local subdivisions pursuant to Section 2p 5481  
of Article VIII, Ohio Constitution, section 151.01 of the Revised 5482  
Code, and this section. Not more than one hundred twenty million 5483  
dollars in principal amount of such obligations may be issued in 5484  
any of the first five fiscal years of issuance and not more than 5485  
one hundred fifty million dollars in principal amount of such 5486  
obligations may be issued in any of the next five fiscal years, 5487  
plus in each case the principal amount of such obligations that in 5488  
any prior fiscal year could have been but were not issued within 5489  
those fiscal year limits. No obligations shall be issued for the 5490  
purposes of this section pursuant to Section 2p of Article VIII, 5491  
Ohio Constitution, until at least one billion one hundred 5492  
ninety-nine million five hundred thousand dollars aggregate 5493  
principal amount of obligations have been issued pursuant to 5494  
Section 2m of Article VIII, Ohio Constitution. Not more than one 5495  
billion three hundred fifty million dollars principal amount of 5496  
obligations may be issued pursuant to Section 2p of Article VIII, 5497  
Ohio Constitution for the purposes of this section. 5498

(C) Net proceeds of obligations shall be deposited into the 5499  
state capital improvements fund created by section 164.08 of the 5500  
Revised Code. 5501

(D) There is hereby created in the state treasury the "state 5502  
capital improvements bond service fund." All moneys received by 5503  
the state and required by the bond proceedings, consistent with 5504  
this section and section 151.01 of the Revised Code, to be 5505



deposited, transferred, or credited to the bond service fund, and 5506  
all other moneys transferred or allocated to or received for the 5507  
purposes of that fund, shall be deposited and credited to the bond 5508  
service fund, subject to any applicable provisions of the bond 5509  
proceedings but without necessity for any act of appropriation. 5510  
During the period beginning with the date of the first issuance of 5511  
obligations and continuing during the time that any obligations 5512  
are outstanding in accordance with their terms, so long as moneys 5513  
in the bond service fund are insufficient to pay debt service when 5514  
due on those obligations payable from that fund (except the 5515  
principal amounts of bond anticipation notes payable from the 5516  
proceeds of renewal notes or bonds anticipated) and due in the 5517  
particular fiscal year, a sufficient amount of revenues of the 5518  
state is committed and, without necessity for further act of 5519  
appropriation, shall be paid to the bond service fund for the 5520  
purpose of paying that debt service when due. 5521

**Sec. 151.40.** (A) As used in this section: 5522

(1) "Bond proceedings" includes any trust agreements, and any 5523  
amendments or supplements to them, as authorized by this section. 5524

(2) "Costs of revitalization projects" includes related 5525  
direct administrative expenses and allocable portions of the 5526  
direct costs of those projects of the department of development or 5527  
the environmental protection agency. 5528

(3) "Issuing authority" means the treasurer of state. 5529

(4) "Obligations" means obligations as defined in section 5530  
151.01 of the Revised Code issued to pay the costs of projects for 5531  
revitalization purposes as referred to in division (A)(2) of 5532  
Section 2o of Article VIII, Ohio Constitution. 5533

(5) "Pledged liquor profits" means all receipts of the state 5534  
representing the gross profit on the sale of spirituous liquor, as 5535

referred to in division (B)(4) of section 4301.10 of the Revised Code, after paying all costs and expenses of the division of liquor control and providing an adequate working capital reserve for the division of liquor control as provided in that division, but excluding the sum required by the second paragraph of section 4301.12 of the Revised Code, as it was in effect on May 2, 1980, to be paid into the state treasury.

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

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

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

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

(d) Income from the investment of the special funds;

(e) Any gifts, grants, donations, or pledges, and receipts therefrom, available for the payment of debt service;

(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.

(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 5566  
the purposes of the clean Ohio revitalization fund created by 5567  
section 122.658 of the Revised Code, shall issue obligations in 5568  
the amount determined by the issuing authority to be required for 5569  
those purposes. Not more than two hundred million dollars 5570  
principal amount of obligations issued under this section for 5571  
revitalization purposes may be outstanding at any one time. Not 5572  
more than fifty million dollars principal amount of obligations, 5573  
plus the principal amount of obligations that in any prior fiscal 5574  
year could have been, but were not issued within the 5575  
fifty-million-dollar fiscal year limit, may be issued in any 5576  
fiscal year. 5577

(2) The provisions and authorizations in section 151.01 of 5578  
the Revised Code apply to the obligations and the bond proceedings 5579  
except as otherwise provided or provided for in those obligations 5580  
and bond proceedings. 5581

(C) Net proceeds of obligations shall be deposited in the 5582  
clean Ohio revitalization fund created in section 122.658 of the 5583  
Revised Code. 5584

(D) There is hereby created the revitalization projects bond 5585  
service fund, which shall be in the custody of the treasurer of 5586  
state, but shall be separate and apart from and not a part of the 5587  
state treasury. All money received by the state and required by 5588  
the bond proceedings, consistent with section 151.01 of the 5589  
Revised Code and this section, to be deposited, transferred, or 5590  
credited to the bond service fund, and all other money transferred 5591  
or allocated to or received for the purposes of that fund, shall 5592  
be deposited and credited to the bond service fund, subject to any 5593  
applicable provisions of the bond proceedings, but without 5594  
necessity for any act of appropriation. During the period 5595  
beginning with the date of the first issuance of obligations and 5596  
continuing during the time that any obligations are outstanding in 5597

accordance with their terms, so long as moneys in the bond service 5598  
fund are insufficient to pay debt service when due on those 5599  
obligations payable from that fund, except the principal amounts 5600  
of bond anticipation notes payable from the proceeds of renewal 5601  
notes or bonds anticipated, and due in the particular fiscal year, 5602  
a sufficient amount of pledged receipts is committed and, without 5603  
necessity for further act of appropriation, shall be paid to the 5604  
bond service fund for the purpose of paying that debt service when 5605  
due. 5606

(E) The issuing authority may pledge all, or such portion as 5607  
the issuing authority determines, of the pledged receipts to the 5608  
payment of the debt service charges on obligations issued under 5609  
this section, and for the establishment and maintenance of any 5610  
reserves, as provided in the bond proceedings, and make other 5611  
provisions in the bond proceedings with respect to pledged 5612  
receipts as authorized by this section, which provisions are 5613  
controlling notwithstanding any other provisions of law pertaining 5614  
to them. 5615

(F) The issuing authority may covenant in the bond 5616  
proceedings, and such covenants shall be controlling 5617  
notwithstanding any other provision of law, that the state and 5618  
applicable officers and state agencies, including the general 5619  
assembly, so long as any obligations issued under this section are 5620  
outstanding, shall maintain statutory authority for and cause to 5621  
be charged and collected wholesale or retail prices for spirituous 5622  
liquor sold by the state or its agents so that the available 5623  
pledged receipts are sufficient in time and amount to meet debt 5624  
service payable from pledged liquor profits and for the 5625  
establishment and maintenance of any reserves and other 5626  
requirements provided for in the bond proceedings. 5627

(G) Obligations may be further secured, as determined by the 5628  
issuing authority, by a trust agreement between the state and a 5629

corporate trustee, which may be any trust company or bank having 5630  
~~its principal~~ a place of business within the state. Any trust 5631  
agreement may contain the resolution or order authorizing the 5632  
issuance of the obligations, any provisions that may be contained 5633  
in any bond proceedings, and other provisions that are customary 5634  
or appropriate in an agreement of that type, including, but not 5635  
limited to: 5636

(1) Maintenance of each pledge, trust agreement, or other 5637  
instrument comprising part of the bond proceedings until the state 5638  
has fully paid or provided for the payment of debt service on the 5639  
obligations secured by it; 5640

(2) In the event of default in any payments required to be 5641  
made by the bond proceedings, enforcement of those payments or 5642  
agreements by mandamus, the appointment of a receiver, suit in 5643  
equity, action at law, or any combination of them; 5644

(3) The rights and remedies of the holders or owners of 5645  
obligations and of the trustee and provisions for protecting and 5646  
enforcing them, including limitations on rights of individual 5647  
holders and owners. 5648

(H) The obligations shall not be general obligations of the 5649  
state and the full faith and credit, revenue, and taxing power of 5650  
the state shall not be pledged to the payment of debt service on 5651  
them. The holders or owners of the obligations shall have no right 5652  
to have any moneys obligated or pledged for the payment of debt 5653  
service except as provided in this section and in the applicable 5654  
bond proceedings. The rights of the holders and owners to payment 5655  
of debt service are limited to all or that portion of the pledged 5656  
receipts, and those special funds, pledged to the payment of debt 5657  
service pursuant to the bond proceedings in accordance with this 5658  
section, and each obligation shall bear on its face a statement to 5659  
that effect. 5660

**Sec. 152.31.** The Ohio building authority may construct and 5661  
operate capital facilities for the housing of branches and 5662  
agencies of state government, municipal corporations, counties, or 5663  
other governmental entities, in any municipal corporation when the 5664  
municipal corporation and the authority agree on a location and 5665  
all of the following occur: 5666

(A) Two or more of such agencies or governmental entities 5667  
submit to the authority an application requesting the authority to 5668  
construct and operate capital facilities and expressing their 5669  
intent to become the initial tenants of the capital facilities and 5670  
to thereby occupy all of its available office space; 5671

(B) Any municipal corporation, county, township, or other 5672  
governmental entities joining in the submission of an application 5673  
pursuant to division (A) of this section further submits a lease 5674  
committing it to occupy, for a period equal to the greater of 5675  
twenty consecutive years from the date of initial occupancy or the 5676  
term of any bonds issued by the authority for the capital 5677  
facilities, the capital facilities that, through the application, 5678  
it expressed its intent to initially occupy, and obligating it to 5679  
pay such rent as the authority determines to be appropriate. 5680  
Notwithstanding any other section of the Revised Code, any 5681  
governmental entity may enter into such a lease and any such lease 5682  
is legally sufficient to obligate the governmental entity for the 5683  
term stated therein. Any such lease shall constitute an agreement 5684  
described in division (E) of section 152.24 of the Revised Code. 5685

If rental payments required by a lease established pursuant 5686  
to this division are not paid in accordance with the provision of 5687  
such a lease, the funds which would otherwise be apportioned to 5688  
the lessees from the county undivided local ~~government~~ communities 5689  
fund, pursuant to sections 5747.51 to 5747.53 of the Revised Code, 5690  
shall be reduced by the amount of rent payable to the authority. 5691

The county treasurer shall immediately pay the amount of such 5692  
reductions to the authority. 5693

All rents charged by the authority for occupancy of such a 5694  
capital facility shall be fixed and expended pursuant to section 5695  
152.16 of the Revised Code. Any lease with the department of 5696  
administrative services with respect to such a capital facility 5697  
may provide for rental payments that satisfy the requirements of 5698  
section 152.16 of the Revised Code, but the amount of any rentals 5699  
paid by other tenants in the capital facility pursuant to leases 5700  
with the authority shall be credited against such rental payments 5701  
of the department of administrative services. Any lease with the 5702  
department of administrative services or a using state agency may 5703  
provide for the payment of rental payments that satisfy the 5704  
requirements of section 152.16 of the Revised Code prior to 5705  
initial occupancy of such capital facility. In the process of 5706  
inviting bids and awarding contracts, the authority shall be 5707  
guided by the procedures set forth in sections 153.01 to 153.20 of 5708  
the Revised Code. Any provision of sections 152.21, 152.22, and 5709  
152.26 of the Revised Code that applies to capital facilities 5710  
described in section 152.19 of the Revised Code also applies to 5711  
the capital facilities described in this section unless it is 5712  
inconsistent with this section. 5713

**Sec. 156.02.** The director of administrative services may 5714  
contract with an energy services company, contractor, architect, 5715  
professional engineer, or other person experienced in the design 5716  
and implementation of energy conservation measures for a report 5717  
containing an analysis and recommendations pertaining to the 5718  
implementation of energy conservation measures that would 5719  
significantly reduce energy consumption and operating costs in any 5720  
buildings owned by the state and, upon request of its board of 5721  
trustees or managing authority, any building owned by an 5722  
institution of higher education as defined in section 3345.12 of 5723

the Revised Code. The report shall include estimates of all costs 5724  
of such measures, including the costs of design, engineering, 5725  
installation, maintenance, repairs, and debt service, and 5726  
estimates of the amounts by which energy consumption and operating 5727  
costs would be reduced. The cost of each report requested by the 5728  
board or managing authority of an institution of higher education 5729  
shall be paid by the institution of higher education. 5730

**Sec. 164.03.** For the purpose of allocating the funds made 5731  
available to finance public infrastructure capital improvement 5732  
projects of local subdivisions through the issuance of general 5733  
obligations of the state of Ohio pursuant to Section 2k ~~or~~, 2m, or 5734  
2p of Article VIII, Ohio Constitution, the state is divided into 5735  
the following districts: 5736

District one. Cuyahoga county shall constitute district one. 5737

District two. Hamilton county shall constitute district two. 5738

District three. Franklin county shall constitute district 5739  
three. 5740

District four. Montgomery county shall constitute district 5741  
four. 5742

District five. Defiance, Erie, Fulton, Henry, Ottawa, 5743  
Paulding, Sandusky, Williams, and Wood counties shall constitute 5744  
district five. 5745

District six. Mahoning and Trumbull counties shall constitute 5746  
district six. 5747

District seven. Ashtabula, Geauga, Lake, and Portage counties 5748  
shall constitute district seven. 5749

District eight. Summit county shall constitute district 5750  
eight. 5751

District nine. Lorain, Huron, and Medina counties shall 5752



constitute district nine.	5753
District ten. Butler, Clermont, Clinton, and Warren counties shall constitute district ten.	5754 5755
District eleven. Champaign, Clark, Darke, Greene, Madison, Miami, Preble, and Union counties shall constitute district eleven.	5756 5757 5758
District twelve. Lucas county shall constitute district twelve.	5759 5760
District thirteen. Allen, Auglaize, Hancock, Logan, Mercer, Putnam, Shelby, and Van Wert counties shall constitute district thirteen.	5761 5762 5763
District fourteen. Carroll, Columbiana, Coshocton, Guernsey, Harrison, Holmes, Jefferson, and Tuscarawas counties shall constitute district fourteen.	5764 5765 5766
District fifteen. Adams, Brown, Fayette, Gallia, Highland, Jackson, Lawrence, Pike, Ross, Scioto, and Vinton counties shall constitute district fifteen.	5767 5768 5769
District sixteen. Ashland, Crawford, Hardin, Marion, Richland, Seneca, Wayne, and Wyandot counties shall constitute district sixteen.	5770 5771 5772
District seventeen. Delaware, Fairfield, Knox, Licking, Morrow, and Pickaway counties shall constitute district seventeen.	5773 5774
District eighteen. Athens, Belmont, Hocking, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, and Washington counties shall constitute district eighteen.	5775 5776 5777
District nineteen. Stark county shall constitute district nineteen.	5778 5779
<b>Sec. 164.05.</b> (A) The director of the Ohio public works commission shall do all of the following:	5780 5781

(1) Approve requests for financial assistance from district public works integrating committees and enter into agreements with one or more local subdivisions to provide loans, grants, and local debt support and credit enhancements for a capital improvement project if the director determines that:

(a) The project is an eligible project pursuant to this chapter;

(b) The financial assistance for the project has been properly approved and requested by the district committee of the district which includes the recipient of the loan or grant;

(c) The amount of the financial assistance, when added to all other financial assistance provided during the fiscal year for projects within the district, does not exceed that district's allocation of money from the state capital improvements fund for that fiscal year;

(d) The district committee has provided such documentation and other evidence as the director may require that the district committee has satisfied the requirements of section 164.06 or 164.14 of the Revised Code;

(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 5813  
duties under this chapter and fix the compensation for their 5814  
services; 5815

(4) Adopt rules establishing the procedures for making 5816  
applications, reviewing, approving, and rejecting projects for 5817  
which assistance is authorized under this chapter, and any other 5818  
rules needed to implement the provisions of this chapter. Such 5819  
rules shall be adopted under Chapter 119. of the Revised Code. 5820

(5) Provide information and other assistance to local 5821  
subdivisions and district public works integrating committees in 5822  
developing their requests for financial assistance for capital 5823  
improvements under this chapter and encourage cooperation and 5824  
coordination of requests and the development of multisubdivision 5825  
and multidistrict projects in order to maximize the benefits that 5826  
may be derived by districts from each year's allocation; 5827

(6) Require local subdivisions, to the extent practicable, to 5828  
use Ohio products, materials, services, and labor in connection 5829  
with any capital improvement project financed in whole or in part 5830  
under this chapter; 5831

(7) Notify the director of budget and management of all 5832  
approved projects, and supply all information necessary to track 5833  
approved projects through the state accounting system; 5834

(8) Appoint the administrator of the Ohio small government 5835  
capital improvements commission; 5836

(9) Do all other acts, enter into contracts, and execute all 5837  
instruments necessary or appropriate to carry out this chapter; 5838

(10) Develop a standardized methodology for evaluating 5839  
capital improvement needs which will be used by local subdivisions 5840  
in preparing the plans required by division (C) of section 164.06 5841  
of the Revised Code. The director shall develop this methodology 5842  
not later than July 1, 1991. 5843

(11) Establish a program to provide local subdivisions with 5844  
technical assistance in preparing project applications. The 5845  
program shall be designed to assist local subdivisions that lack 5846  
the financial or technical resources to prepare project 5847  
applications on their own. 5848

(B) When the director of the Ohio public works commission 5849  
decides to conditionally approve or disapprove projects, the 5850  
director's decisions and the reasons for which they are made shall 5851  
be made in writing. These written decisions shall be conclusive 5852  
for the purposes of the validity and enforceability of such 5853  
determinations. 5854

(C) Fees, charges, rates of interest, times of payment of 5855  
interest and principal, and other terms, conditions, and 5856  
provisions of and security for financial assistance provided 5857  
pursuant to the provisions of this chapter shall be such as the 5858  
director determines to be appropriate. If any payments required by 5859  
a loan agreement entered into pursuant to this chapter are not 5860  
paid, the funds which would otherwise be apportioned to the local 5861  
subdivision from the county undivided local ~~government~~ communities 5862  
fund, pursuant to sections 5747.51 to 5747.53 of the Revised Code, 5863  
may, at the direction of the director of the Ohio public works 5864  
commission, be reduced by the amount payable. The county treasurer 5865  
shall, at the direction of the director, pay the amount of such 5866  
reductions to the state capital improvements revolving loan fund. 5867  
The director may renegotiate a loan repayment schedule with a 5868  
local subdivision whose payments from the county undivided local 5869  
~~government~~ communities fund could be reduced pursuant to this 5870  
division, but such a renegotiation may occur only one time with 5871  
respect to any particular loan agreement. 5872

(D) Grants approved for the repair and replacement of 5873  
existing infrastructure pursuant to this chapter shall not exceed 5874  
ninety per cent of the estimated total cost of the capital 5875

improvement project. Grants approved for new or expanded 5876  
infrastructure shall not exceed fifty per cent of the estimated 5877  
cost of the new or expansion elements of the capital improvement 5878  
project. A local subdivision share of the estimated cost of a 5879  
capital improvement may consist of any of the following: 5880

(1) The reasonable value, as determined by the director or 5881  
the administrator, of labor, materials, and equipment that will be 5882  
contributed by the local subdivision in performing the capital 5883  
improvement project; 5884

(2) Moneys received by the local subdivision in any form from 5885  
an authority, commission, or agency of the United States for use 5886  
in performing the capital improvement project; 5887

(3) Loans made to the local subdivision under this chapter; 5888

(4) Engineering costs incurred by the local subdivision in 5889  
performing engineering activities related to the project. 5890

A local subdivision share of the cost of a capital 5891  
improvement shall not include any amounts awarded to it from the 5892  
local transportation improvement program fund created in section 5893  
164.14 of the Revised Code. 5894

(E) The following portion of a district public works 5895  
integrating committee's annual allocation share pursuant to 5896  
section 164.08 of the Revised Code may be awarded to subdivisions 5897  
only in the form of interest-free, low-interest, market rate of 5898  
interest, or blended-rate loans: 5899

YEAR IN WHICH	PORTION USED FOR	
MONEYS ARE ALLOCATED	LOANS	
Year 1	0%	5902
Year 2	0%	5903
Year 3	10%	5904
Year 4	12%	5905
Year 5	15%	5906

Year 6	20%	5907
Year 7, 8, 9, and 10	22%	5908

(F) The following portion of a district public works  
 integrating committee's annual allocation pursuant to section  
 164.08 of the Revised Code shall be awarded to subdivisions in the  
 form of local debt supported and credit enhancements:

YEAR IN WHICH MONEYS ARE ALLOCATED	PORTIONS USED FOR LOCAL DEBT SUPPORT AND CREDIT ENHANCEMENTS	
Year 1	0%	5913
Year 2	0%	5914
Year 3	3%	5915
Year 4	5%	5916
Year 5	5%	5917
Year 6	7%	5918
Year 7	7%	5919
Year 8	8%	5920
Year 9	8%	5921
Year 10	8%	5922

(G) For the period commencing on March 29, 1988 and ending on  
 June 30, 1993, for the period commencing July 1, 1993, and ending  
 June 30, 1999, and for each five-year period thereafter, the total  
 amount of financial assistance awarded under sections 164.01 to  
 164.08 of the Revised Code for capital improvement projects  
 located wholly or partially within a county shall be equal to at  
 least thirty per cent of the amount of what the county would have  
 been allocated from the obligations authorized to be sold under  
 this chapter during each period, if such amounts had been  
 allocable to each county on a per capita basis.

(H) The amount of the annual allocations made pursuant to  
 divisions (B)(1) and (6) of section 164.08 of the Revised Code  
 which can be used for new or expanded infrastructure is limited as

follows:		5939
	PORTION WHICH MAY	5940
YEAR IN WHICH	BE USED FOR NEW OR	5941
MONEYS ARE ALLOCATED	EXPANSION INFRASTRUCTURE	5942
Year 1	5%	5943
Year 2	5%	5944
Year 3	10%	5945
Year 4	10%	5946
Year 5	10%	5947
Year 6	15%	5948
Year 7	15%	5949
Year 8	20%	5950
Year 9	20%	5951
Year 10 and each year		5952
thereafter	20%	5953

(I) The following portion of a district public works  
integrating committee's annual allocation share pursuant to  
section 164.08 of the Revised Code shall be awarded to  
subdivisions in the form of interest-free, low-interest, market  
rate of interest, or blended-rate loans, or local debt support and  
credit enhancements:

	PORTION USED FOR LOANS	5960
YEAR IN WHICH	OR LOCAL DEBT SUPPORT	5961
MONEYS ARE ALLOCATED	AND CREDIT ENHANCEMENTS	5962
Year 11 and each year		5963
thereafter	20%	5964

(J) No project shall be approved under this section unless  
the project is designed to have a useful life of at least seven  
years. In addition, the average useful life of all projects for  
which grants or loans are awarded in each district during a  
program year shall not be less than twenty years.

Sec. 164.051. (A) The administrator of the Ohio small 5970  
government capital improvements commission shall review projects 5971  
submitted to ~~him~~ the administrator by subcommittees of district 5972  
public works integrating committees in accordance with section 5973  
164.06 of the Revised Code. If ~~he~~ the administrator determines 5974  
that a project satisfies the criteria of division (B) of that 5975  
section, while taking into consideration the special needs of 5976  
villages and townships, the administrator shall recommend to the 5977  
Ohio small government capital improvements commission that the 5978  
project be approved. If ~~he~~ the administrator determines that a 5979  
project should not be approved or that a decision on the project 5980  
should be delayed, such determinations and an explanation should 5981  
also be sent to the Ohio small government capital improvements 5982  
commission for final resolution. 5983

(B) With respect to projects which the Ohio small government 5984  
capital improvements commission approves, the administrator is 5985  
authorized to: 5986

(1) Enter into agreements to provide financial assistance in 5987  
the form of loans, grants, or local debt support and credit 5988  
enhancements to villages or townships with populations in the 5989  
unincorporated areas of the township of less than five thousand; 5990

(2) Authorize payments to such villages or townships or their 5991  
contractors for the costs incurred for capital improvement 5992  
projects which have been approved in accordance with this chapter. 5993  
All requests for payments shall be submitted to the administrator 5994  
on forms and in accordance with procedures specified in rules 5995  
adopted pursuant to division (A)(4) of section 164.05 of the 5996  
Revised Code. 5997

(3) Notify the director of budget and management of all 5998  
approved projects, and supply all information necessary to track 5999  
the approved projects through the state accounting system. 6000



(4) Do all other acts and enter into contracts and execute 6001  
all instruments necessary or appropriate to carry out this 6002  
section. 6003

(C) Fees, charges, rates of interest, times of payment of 6004  
interest and principal, and other terms, conditions, and 6005  
provisions of and security for financial assistance provided 6006  
pursuant to the provisions of this section shall be such as the 6007  
administrator determines to be appropriate. If any payments 6008  
required by a loan agreement entered into pursuant to this section 6009  
are not paid, the funds which would otherwise be apportioned to 6010  
the local subdivision from the county undivided local ~~government~~ 6011  
communities fund, pursuant to sections 5747.51 to 5747.53 of the 6012  
Revised Code, may, at the direction of the Ohio small government 6013  
capital improvements commission, be reduced by the amount payable. 6014  
The county treasurer shall, at the direction of the commission, 6015  
pay the amount of such reductions to the state capital 6016  
improvements revolving loan fund. Subject to the approval of the 6017  
Ohio small government capital improvements commission, the 6018  
administrator may renegotiate a loan repayment schedule with a 6019  
local subdivision whose payments from the county undivided local 6020  
~~government~~ communities fund could be reduced pursuant to this 6021  
division, but such a renegotiation may occur only one time with 6022  
respect to any particular loan agreement. 6023

**Sec. 164.08.** (A) Except as provided in sections 151.01 and 6024  
151.08 or section 164.09 of the Revised Code, the net proceeds of 6025  
obligations issued and sold by the treasurer of state pursuant to 6026  
section 164.09 of the Revised Code before September 30, 2000, or 6027  
pursuant to sections 151.01 and 151.08 of the Revised Code, for 6028  
the purpose of financing or assisting in the financing of the cost 6029  
of public infrastructure capital improvement projects of local 6030  
subdivisions, as provided for in Section 2k ~~or~~, 2m, or 2p of 6031  
Article VIII, Ohio Constitution, and this chapter, shall be paid 6032

into the state capital improvements fund, which is hereby created 6033  
in the state treasury. Investment earnings on moneys in the fund 6034  
shall be credited to the fund. 6035

(B) Each program year the amount of obligations authorized by 6036  
the general assembly in accordance with sections 151.01 and 151.08 6037  
or section 164.09 of the Revised Code, excluding the proceeds of 6038  
refunding or renewal obligations, shall be allocated by the 6039  
director of the Ohio public works commission as follows: 6040

(1) First, twelve million dollars of the amount of 6041  
obligations authorized shall be allocated to provide financial 6042  
assistance to villages and to townships with populations in the 6043  
unincorporated areas of the township of less than five thousand 6044  
persons, for capital improvements in accordance with section 6045  
164.051 and division (D) of section 164.06 of the Revised Code. As 6046  
used in division (B)(1) of this section, "capital improvements" 6047  
includes resurfacing and improving roads. 6048

(2) Following the allocation required by division (B)(1) of 6049  
this section, the director may allocate two million five hundred 6050  
thousand dollars of the authorized obligations to provide 6051  
financial assistance to local subdivisions for capital improvement 6052  
projects which in the judgment of the director of the Ohio public 6053  
works commission are necessary for the immediate preservation of 6054  
the health, safety, and welfare of the citizens of the local 6055  
subdivision requesting assistance. 6056

(3) For the second, third, fourth, and fifth years that 6057  
obligations are authorized and are available for allocation under 6058  
this chapter, one million dollars shall be allocated to the sewer 6059  
and water fund created in section 1525.11 of the Revised Code. 6060  
Money from this allocation shall be transferred to that fund when 6061  
needed to support specific payments from that fund. 6062

(4) For program years twelve and fourteen that obligations 6063

are authorized and available for allocation under this chapter, 6064  
two million dollars each program year shall be allocated to the 6065  
small county capital improvement program for use in providing 6066  
financial assistance under division (F) of section 164.02 of the 6067  
Revised Code. 6068

(5) After the allocation required by division (B)(3) of this 6069  
section is made, the director shall determine the amount of the 6070  
remaining obligations authorized to be issued and sold that each 6071  
county would receive if such amounts were allocated on a per 6072  
capita basis each year. If a county's per capita share for the 6073  
year would be less than three hundred thousand dollars, the 6074  
director shall allocate to the district in which that county is 6075  
located an amount equal to the difference between three hundred 6076  
thousand dollars and the county's per capita share. 6077

(6) After making the allocation required by division (B)(5) 6078  
of this section, the director shall allocate the remaining amount 6079  
to each district on a per capita basis. 6080

(C)(1) There is hereby created in the state treasury the 6081  
state capital improvements revolving loan fund, into which shall 6082  
be deposited all repayments of loans made to local subdivisions 6083  
for capital improvements pursuant to this chapter. Investment 6084  
earnings on moneys in the fund shall be credited to the fund. 6085

(2) There may also be deposited in the state capital 6086  
improvements revolving loan fund moneys obtained from federal or 6087  
private grants, or from other sources, which are to be used for 6088  
any of the purposes authorized by this chapter. Such moneys shall 6089  
be allocated each year in accordance with division (B)(6) of this 6090  
section. 6091

(3) Moneys deposited into the state capital improvements 6092  
revolving loan fund shall be used to make loans for the purpose of 6093  
financing or assisting in the financing of the cost of capital 6094

improvement projects of local subdivisions. 6095

(4) Investment earnings credited to the state capital 6096  
improvements revolving loan fund that exceed the amounts required 6097  
to meet estimated federal arbitrage rebate requirements shall be 6098  
used to pay costs incurred by the public works commission in 6099  
administering this section. Investment earnings credited to the 6100  
state capital improvements revolving loan fund that exceed the 6101  
amounts required to pay for the administrative costs and estimated 6102  
rebate requirements shall be allocated to each district on a per 6103  
capita basis. 6104

(5) Each program year, loan repayments received and on 6105  
deposit in the state capital improvements revolving loan fund 6106  
shall be allocated as follows: 6107

(a) Each district public works integrating committee shall be 6108  
allocated an amount equal to the sum of all loan repayments made 6109  
to the state capital improvements revolving loan fund by local 6110  
subdivisions that are part of the district. Moneys not used in a 6111  
program year may be used in the next program year in the same 6112  
manner and for the same purpose as originally allocated. 6113

(b) Loan repayments made pursuant to projects approved under 6114  
division (B)(1) of this section shall be used to make loans in 6115  
accordance with section 164.051 and division (D) of section 164.06 6116  
of the Revised Code. Allocations for this purpose made pursuant to 6117  
division (C)(5) of this section shall be in addition to the 6118  
allocation provided in division (B)(1) of this section. 6119

(c) Loan repayments made pursuant to projects approved under 6120  
division (B)(2) of this section shall be used to make loans in 6121  
accordance with division (B)(2) of this section. Allocations for 6122  
this purpose made pursuant to division (C)(5) of this section 6123  
shall be in addition to the allocation provided in division (B)(2) 6124  
of this section. 6125

(d) Loans made from the state capital improvements revolving loan fund shall not be limited in their usage by divisions (E), (F), (G), (H), and (I) of section 164.05 of the Revised Code.

(D) Investment earnings credited to the state capital improvements fund that exceed the amounts required to meet estimated federal arbitrage rebate requirements shall be used to pay costs incurred by the public works commission in administering sections 164.01 to 164.12 of the Revised Code.

(E) The director of the Ohio public works commission shall notify the director of budget and management of the amounts allocated pursuant to this section and such information shall be entered into the state accounting system. The director of budget and management shall establish appropriation line items as needed to track these allocations.

(F) If the amount of a district's allocation in a program year exceeds the amount of financial assistance approved for the district by the commission for that year, the remaining portion of the district's allocation shall be added to the district's allocation pursuant to division (B) of this section for the next succeeding year for use in the same manner and for the same purposes as it was originally allocated, except that any portion of a district's allocation which was available for use on new or expanded infrastructure pursuant to division (H) of section 164.05 of the Revised Code shall be available in succeeding years only for the repair and replacement of existing infrastructure.

(G) When an allocation based on population is made by the director pursuant to division (B) of this section, the director shall use the most recent decennial census statistics, and shall not make any reallocations based upon a change in a district's population.

**Sec. 164.09.** (A) The issuer is authorized to issue and sell,

as provided in this section and in amounts from time to time 6157  
authorized by the general assembly, general obligations of this 6158  
state for the purpose of financing or assisting in the financing 6159  
of the costs of public infrastructure capital improvements for 6160  
local subdivisions. The full faith and credit, revenues, and 6161  
taxing power of the state are and shall be pledged to the timely 6162  
payment of bond service charges on outstanding obligations, all in 6163  
accordance with Section 2k or 2m of Article VIII, Ohio 6164  
Constitution and sections 164.09 to 164.12 of the Revised Code, 6165  
excluding from that pledge fees, excises, or taxes relating to the 6166  
registration, operation, or use of vehicles on the public 6167  
highways, or to fuels used for propelling those vehicles, and so 6168  
long as such obligations are outstanding there shall be levied and 6169  
collected excises and taxes, excluding those excepted above, in 6170  
amounts sufficient to pay the bond service charges on such 6171  
obligations and costs relating to credit facilities. 6172

(B)(1) The total principal amount of obligations issued 6173  
pursuant to Section 2k of Article VIII, Ohio Constitution shall 6174  
not exceed one billion two hundred million dollars, and not more 6175  
than one hundred twenty million dollars in principal amount of 6176  
obligations may be issued in any calendar year, all determined as 6177  
provided in sections 164.09 to 164.12 of the Revised Code. 6178

(2) The total principal amount of obligations issued for the 6179  
purposes of this section pursuant to Section 2m of Article VIII, 6180  
Ohio Constitution, shall not exceed one billion two hundred 6181  
million dollars. Not more than one hundred twenty million dollars 6182  
in principal amount of such obligations, plus the principal amount 6183  
of such obligations that in any prior fiscal years could have been 6184  
but were not issued within the one-hundred-twenty-million-dollar 6185  
fiscal year limit, may be issued in any fiscal year. No 6186  
obligations shall be issued for the purposes of this section 6187  
pursuant to Section 2m of Article VIII, Ohio Constitution, until 6188

at least one billion one hundred ninety-nine million five hundred 6189  
thousand dollars aggregate principal amount of obligations have 6190  
been issued pursuant to Section 2k of Article VIII, Ohio 6191  
Constitution. The amounts specified under division (B)(2) of this 6192  
section shall be determined as provided in sections 164.09 to 6193  
164.12 of the Revised Code. 6194

(C) Each issue of obligations shall be authorized by order of 6195  
the issuer. The bond proceedings shall provide for the principal 6196  
amount or maximum principal amount of obligations of an issue, and 6197  
shall provide for or authorize the manner or agency for 6198  
determining the principal maturity or maturities, not exceeding 6199  
the earlier of thirty years from the date of issuance of the 6200  
particular obligations or thirty years from the date the debt 6201  
represented by the particular obligations was originally 6202  
contracted, the interest rate or rates, the date of and the dates 6203  
of payment of interest on the obligations, their denominations, 6204  
and the establishment within or without the state of a place or 6205  
places of payment of bond service charges. Sections 9.96 and 9.98 6206  
to 9.983 of the Revised Code are applicable to the obligations. 6207  
The purpose of the obligations may be stated in the bond 6208  
proceedings as "financing or assisting in the financing of local 6209  
subdivisions capital improvement projects." 6210

(D) The proceeds of the obligations, except for any portion 6211  
to be deposited in special funds, or in escrow funds for the 6212  
purpose of refunding outstanding obligations, all as may be 6213  
provided in the bond proceedings, shall be deposited to the state 6214  
capital improvements fund established by section 164.08 of the 6215  
Revised Code. 6216

(E) The issuer may appoint paying agents, bond registrars, 6217  
securities depositories, and transfer agents, and may retain the 6218  
services of financial advisers and accounting experts, and retain 6219  
or contract for the services of marketing, remarketing, indexing, 6220

and administrative agents, other consultants, and independent 6221  
contractors, including printing services, as are necessary in the 6222  
issuer's judgment to carry out sections 164.01 to 164.12 of the 6223  
Revised Code. Financing costs are payable, as provided in the bond 6224  
proceedings, from the proceeds of the obligations, from special 6225  
funds, or from other moneys available for the purpose. 6226

(F) The bond proceedings, including any trust agreement, may 6227  
contain additional provisions customary or appropriate to the 6228  
financing or to the obligations or to particular obligations, 6229  
including but not limited to: 6230

(1) The redemption of obligations prior to maturity at the 6231  
option of the state or of the holder or upon the occurrence of 6232  
certain conditions at such price or prices and under such terms 6233  
and conditions as are provided in the bond proceedings; 6234

(2) The form of and other terms of the obligations; 6235

(3) The establishment, deposit, investment, and application 6236  
of special funds, and the safeguarding of moneys on hand or on 6237  
deposit, without regard to Chapter 131. or 135. of the Revised 6238  
Code, but subject to any special provisions of this section with 6239  
respect to particular funds or moneys, and provided that any bank 6240  
or trust company that acts as a depository of any moneys in 6241  
special funds may furnish such indemnifying bonds or may pledge 6242  
such securities as required by the issuer; 6243

(4) Any or every provision of the bond proceedings binding 6244  
upon the issuer and such state agency or local subdivision, 6245  
officer, board, commission, authority, agency, department, or 6246  
other person or body as may from time to time have the authority 6247  
under law to take such actions as may be necessary to perform all 6248  
or any part of the duty required by such provision; 6249

(5) The maintenance of each pledge, any trust agreement, or 6250  
other instrument comprising part of the bond proceedings until the 6251



state has fully paid or provided for the payment of the bond 6252  
service charges on the obligations or met other stated conditions; 6253

(6) In the event of default in any payments required to be 6254  
made by the bond proceedings, or any other agreement of the issuer 6255  
made as a part of a contract under which the obligations were 6256  
issued or secured, the enforcement of such payments or agreements 6257  
by mandamus, suit in equity, action at law, or any combination of 6258  
the foregoing; 6259

(7) The rights and remedies of the holders of obligations and 6260  
of the trustee under any trust agreement, and provisions for 6261  
protecting and enforcing them, including limitations on rights of 6262  
individual holders of obligations; 6263

(8) The replacement of any obligations that become mutilated 6264  
or are destroyed, lost, or stolen; 6265

(9) Provision for the funding, refunding, or advance 6266  
refunding or other provision for payment of obligations which will 6267  
then no longer be outstanding for purposes of this section or of 6268  
the bond proceedings; 6269

(10) Any provision that may be made in bond proceedings or a 6270  
trust agreement, including provision for amendment of the bond 6271  
proceedings; 6272

(11) Such other provisions as the issuer determines, 6273  
including limitations, conditions, or qualifications relating to 6274  
any of the foregoing; 6275

(12) Any other or additional agreements with the holders of 6276  
the obligations relating to the obligations or the security for 6277  
the obligations. 6278

(G) The great seal of the state or a facsimile of that seal 6279  
may be affixed to or printed on the obligations. The obligations 6280  
requiring signature by the issuer shall be signed by or bear the 6281

facsimile signature of the issuer as provided in the bond 6282  
proceedings. Any obligations may be signed by the person who, on 6283  
the date of execution, is the authorized signer although on the 6284  
date of such obligations such person was not the issuer. In case 6285  
the person whose signature or a facsimile of whose signature 6286  
appears on any obligation ceases to be the issuer before delivery 6287  
of the obligation, such signature or facsimile is nevertheless 6288  
valid and sufficient for all purposes as if the person had 6289  
remained the member until such delivery, and in case the seal to 6290  
be affixed to or printed on obligations has been changed after the 6291  
seal has been affixed to or a facsimile of the seal has been 6292  
printed on the obligations, that seal or facsimile seal shall 6293  
continue to be sufficient as to those obligations and obligations 6294  
issued in substitution or exchange therefor. 6295

(H) The obligations are negotiable instruments and securities 6296  
under Chapter 1308. of the Revised Code, subject to the provisions 6297  
of the bond proceedings as to registration. Obligations may be 6298  
issued in coupon or in fully registered form, or both, as the 6299  
issuer determines. Provision may be made for the registration of 6300  
any obligations with coupons attached as to principal alone or as 6301  
to both principal and interest, their exchange for obligations so 6302  
registered, and for the conversion or reconversion into 6303  
obligations with coupons attached of any obligations registered as 6304  
to both principal and interest, and for reasonable charges for 6305  
such registration, exchange, conversion, and reconversion. Pending 6306  
preparation of definitive obligations, the issuer may issue 6307  
interim receipts or certificates which shall be exchanged for such 6308  
definitive obligations. 6309

(I) Obligations may be sold at public sale or at private 6310  
sale, and at such price at, above, or below par, as determined by 6311  
the issuer in the bond proceedings. 6312

(J) In the discretion of the issuer, obligations may be 6313

secured additionally by a trust agreement between the state and a 6314  
corporate trustee which may be any trust company or bank having 6315  
~~its principal~~ a place of business within the state. Any trust 6316  
agreement may contain the order authorizing the issuance of the 6317  
obligations, any provisions that may be contained in the bond 6318  
proceedings, and other provisions that are customary or 6319  
appropriate in an agreement of the type. 6320

(K) Except to the extent that their rights are restricted by 6321  
the bond proceedings, any holder of obligations, or a trustee 6322  
under the bond proceedings, may by any suitable form of legal 6323  
proceedings protect and enforce any rights under the laws of this 6324  
state or granted by the bond proceedings. Such rights include the 6325  
right to compel the performance of all duties of the issuer and 6326  
the state. Each duty of the issuer and the issuer's employees, and 6327  
of each state agency and local public entity and its officers, 6328  
members, or employees, undertaken pursuant to the bond 6329  
proceedings, is hereby established as a duty of the issuer, and of 6330  
each such agency, local subdivision, officer, member, or employee 6331  
having authority to perform such duty, specifically enjoined by 6332  
the law and resulting from an office, trust, or station within the 6333  
meaning of section 2731.01 of the Revised Code. The persons who 6334  
are at the time the issuer, or the issuer's employees, are not 6335  
liable in their personal capacities on any obligations or any 6336  
agreements of or with the issuer relating to obligations or under 6337  
the bond proceedings. 6338

(L) Obligations are lawful investments for banks, societies 6339  
for savings, savings and loan associations, deposit guarantee 6340  
associations, trust companies, trustees, fiduciaries, insurance 6341  
companies, including domestic for life and domestic not for life, 6342  
trustees or other officers having charge of sinking and bond 6343  
retirement or other special funds of political subdivisions and 6344  
taxing districts of this state, the commissioners of the sinking 6345

fund, the administrator of workers' compensation, the state 6346  
teachers retirement system, the public employees retirement 6347  
system, the school employees retirement system, and the Ohio 6348  
police and fire pension fund, notwithstanding any other provisions 6349  
of the Revised Code or rules adopted pursuant thereto by any state 6350  
agency with respect to investments by them, and are also 6351  
acceptable as security for the deposit of public moneys. 6352

(M) Unless otherwise provided in any applicable bond 6353  
proceedings, moneys to the credit of or in the special funds 6354  
established by or pursuant to this section may be invested by or 6355  
on behalf of the issuer only in notes, bonds, or other direct 6356  
obligations of the United States or of any agency or 6357  
instrumentality of the United States, in obligations of this state 6358  
or any political subdivision of this state, in certificates of 6359  
deposit of any national bank located in this state and any bank, 6360  
as defined in section 1101.01 of the Revised Code, subject to 6361  
inspection by the superintendent of financial institutions, in the 6362  
Ohio subdivision's fund established pursuant to section 135.45 of 6363  
the Revised Code, in no-front-end-load money market mutual funds 6364  
consisting exclusively of direct obligations of the United States 6365  
or of an agency or instrumentality of the United States, and in 6366  
repurchase agreements, including those issued by any fiduciary, 6367  
secured by direct obligations of the United States or an agency or 6368  
instrumentality of the United States, and in collective investment 6369  
funds established in accordance with section 1111.14 of the 6370  
Revised Code and consisting exclusively of direct obligations of 6371  
the United States or of an agency or instrumentality of the United 6372  
States, notwithstanding division (A)(1)(c) of that section. The 6373  
income from investments shall be credited to such special funds or 6374  
otherwise as the issuer determines in the bond proceedings, and 6375  
the investments may be sold or exchanged at such times as the 6376  
issuer determines or authorizes. 6377

(N) Unless otherwise provided in any applicable bond 6378  
proceedings, moneys to the credit of or in a special fund shall be 6379  
disbursed on the order of the issuer, provided that no such order 6380  
is required for the payment from the bond service fund or other 6381  
special fund when due of bond service charges or required payments 6382  
under credit facilities. 6383

(O) The issuer may covenant in the bond proceedings, and any 6384  
such covenants shall be controlling notwithstanding any other 6385  
provision of law, that the state and the applicable officers and 6386  
agencies of the state, including the general assembly, so long as 6387  
any obligations are outstanding in accordance with their terms, 6388  
shall maintain statutory authority for and cause to be charged and 6389  
collected taxes, excises, and other receipts of the state so that 6390  
the receipts to the bond service fund shall be sufficient in 6391  
amounts to meet bond service charges and for the establishment and 6392  
maintenance of any reserves and other requirements, including 6393  
payment of financing costs, provided for in the bond proceedings. 6394

(P) The obligations, and the transfer of, and the interest 6395  
and other income from, including any profit made on the sale, 6396  
transfer, or other disposition of, the obligations shall at all 6397  
times be free from taxation, direct or indirect, within the state. 6398

(Q) Unless a judicial action or proceeding challenging the 6399  
validity of obligations is commenced by personal service on the 6400  
treasurer of state prior to the initial delivery of an issue of 6401  
the obligations, the obligations of that issue and the bond 6402  
proceedings pertaining to that issue are incontestable and those 6403  
obligations shall be conclusively considered to be and to have 6404  
been issued, secured, payable, sold, executed, and delivered, and 6405  
the bond proceedings relating to them taken, in conformity with 6406  
law if all of the following apply to the obligations: 6407

(1) They state that they are issued under the provisions of 6408  
this section and comply on their face with those provisions; 6409

(2) They are issued within the limitations prescribed by this section; 6410  
6411

(3) Their purchase price has been paid in full; 6412

(4) They state that all the bond proceedings were held in compliance with law, which statement creates a conclusive presumption that the bond proceedings were held in compliance with all laws, including section 121.22 of the Revised Code, where applicable, and rules. 6413  
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(R) This section applies only with respect to obligations issued and delivered before September 30, 2000. 6418  
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**Sec. 166.08.** (A) As used in this chapter: 6420

(1) "Bond proceedings" means the resolution, order, trust agreement, indenture, lease, and other agreements, amendments and supplements to the foregoing, or any one or more or combination thereof, authorizing or providing for the terms and conditions applicable to, or providing for the security or liquidity of, obligations issued pursuant to this section, and the provisions contained in such obligations. 6421  
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(2) "Bond service charges" means principal, including mandatory sinking fund requirements for retirement of obligations, and interest, and redemption premium, if any, required to be paid by the state on obligations. 6428  
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(3) "Bond service fund" means the applicable fund and accounts therein created for and pledged to the payment of bond service charges, which may be, or may be part of, the economic development bond service fund created by division (S) of this section including all moneys and investments, and earnings from investments, credited and to be credited thereto. 6432  
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(4) "Issuing authority" means the treasurer of state, or the officer who by law performs the functions of such officer. 6438  
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(5) "Obligations" means bonds, notes, or other evidence of obligation including interest coupons pertaining thereto, issued pursuant to this section.

(6) "Pledged receipts" means all receipts of the state representing the gross profit on the sale of spirituous liquor, as referred to in division (B)(4) of section 4301.10 of the Revised Code, after paying all costs and expenses of the division of liquor control and providing an adequate working capital reserve for the division of liquor control as provided in that division, but excluding the sum required by the second paragraph of section 4301.12 of the Revised Code, as in effect on May 2, 1980, to be paid into the state treasury; moneys accruing to the state from the lease, sale, or other disposition, or use, of project facilities, 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; and any gifts, grants, donations, and pledges, and receipts therefrom, available for the payment of 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 economic development bond service fund created by division (S) 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.

(B) Subject to the limitations provided in section 166.11 of the Revised Code, the issuing authority, upon the certification by the director of development to the issuing authority of the amount of moneys or additional moneys needed in the facilities establishment fund, the loan guarantee fund, the innovation Ohio loan fund, the innovation Ohio loan guarantee fund, or the

research and development loan fund for the purpose of paying, or 6472  
making loans for, allowable costs from the facilities 6473  
establishment fund, allowable innovation costs from the innovation 6474  
Ohio loan fund, or allowable costs from the research and 6475  
development loan fund, or needed for capitalized interest, for 6476  
funding reserves, and for paying costs and expenses incurred in 6477  
connection with the issuance, carrying, securing, paying, 6478  
redeeming, or retirement of the obligations or any obligations 6479  
refunded thereby, including payment of costs and expenses relating 6480  
to letters of credit, lines of credit, insurance, put agreements, 6481  
standby purchase agreements, indexing, marketing, remarketing and 6482  
administrative arrangements, interest swap or hedging agreements, 6483  
and any other credit enhancement, liquidity, remarketing, renewal, 6484  
or refunding arrangements, all of which are authorized by this 6485  
section, or providing moneys for the loan guarantee fund or the 6486  
innovation Ohio loan guarantee fund, as provided in this chapter 6487  
or needed for the purposes of funds established in accordance with 6488  
or pursuant to sections 122.35, 122.42, 122.54, 122.55, 122.56, 6489  
122.561, 122.57, and 122.80 of the Revised Code which are within 6490  
the authorization of Section 13 of Article VIII, Ohio 6491  
Constitution, shall issue obligations of the state under this 6492  
section in the required amount; provided that such obligations may 6493  
be issued to satisfy the covenants in contracts of guarantee made 6494  
under section 166.06 or 166.15 of the Revised Code, 6495  
notwithstanding limitations otherwise applicable to the issuance 6496  
of obligations under this section. The proceeds of such 6497  
obligations, except for the portion to be deposited in special 6498  
funds, including reserve funds, as may be provided in the bond 6499  
proceedings, shall as provided in the bond proceedings be 6500  
deposited by the director of development to the facilities 6501  
establishment fund, the loan guarantee fund, the innovation Ohio 6502  
loan guarantee fund, the innovation Ohio loan fund, or the 6503  
research and development loan fund. Bond proceedings for project 6504



financing obligations may provide that the proceeds derived from 6505  
the issuance of such obligations shall be deposited into such fund 6506  
or funds provided for in the bond proceedings and, to the extent 6507  
provided for in the bond proceedings, such proceeds shall be 6508  
deemed to have been deposited into the facilities establishment 6509  
fund and transferred to such fund or funds. The issuing authority 6510  
may appoint trustees, paying agents, and transfer agents and may 6511  
retain the services of financial advisors, accounting experts, and 6512  
attorneys, and retain or contract for the services of marketing, 6513  
remarketing, indexing, and administrative agents, other 6514  
consultants, and independent contractors, including printing 6515  
services, as are necessary in the issuing authority's judgment to 6516  
carry out this section. The costs of such services are allowable 6517  
costs payable from the facilities establishment fund or the 6518  
research and development loan fund or allowable innovation costs 6519  
payable from the innovation Ohio loan fund. 6520

(C) The holders or owners of such obligations shall have no 6521  
right to have moneys raised by taxation obligated or pledged, and 6522  
moneys raised by taxation shall not be obligated or pledged, for 6523  
the payment of bond service charges. Such holders or owners shall 6524  
have no rights to payment of bond service charges from any moneys 6525  
accruing to the state from the lease, sale, or other disposition, 6526  
or use, of project facilities, or from payment of the principal of 6527  
or interest on loans made, or fees charged for guarantees made, or 6528  
from any money or property received by the director, treasurer of 6529  
state, or the state under Chapter 122. of the Revised Code, or 6530  
from any other use of the proceeds of the sale of the obligations, 6531  
and no such moneys may be used for the payment of bond service 6532  
charges, except for accrued interest, capitalized interest, and 6533  
reserves funded from proceeds received upon the sale of the 6534  
obligations and except as otherwise expressly provided in the 6535  
applicable bond proceedings pursuant to written directions by the 6536  
director. The right of such holders and owners to payment of bond 6537

service charges is limited to all or that portion of the pledged 6538  
receipts and those special funds pledged thereto pursuant to the 6539  
bond proceedings in accordance with this section, and each such 6540  
obligation shall bear on its face a statement to that effect. 6541

(D) Obligations shall be authorized by resolution or order of 6542  
the issuing authority and the bond proceedings shall provide for 6543  
the purpose thereof and the principal amount or amounts, and shall 6544  
provide for or authorize the manner or agency for determining the 6545  
principal maturity or maturities, not exceeding twenty-five years 6546  
from the date of issuance, the interest rate or rates or the 6547  
maximum interest rate, the date of the obligations and the dates 6548  
of payment of interest thereon, their denomination, and the 6549  
establishment within or without the state of a place or places of 6550  
payment of bond service charges. Sections 9.98 to 9.983 of the 6551  
Revised Code are applicable to obligations issued under this 6552  
section, subject to any applicable limitation under section 166.11 6553  
of the Revised Code. The purpose of such obligations may be stated 6554  
in the bond proceedings in terms describing the general purpose or 6555  
purposes to be served. The bond proceedings also shall provide, 6556  
subject to the provisions of any other applicable bond 6557  
proceedings, for the pledge of all, or such part as the issuing 6558  
authority may determine, of the pledged receipts and the 6559  
applicable special fund or funds to the payment of bond service 6560  
charges, which pledges may be made either prior or subordinate to 6561  
other expenses, claims, or payments, and may be made to secure the 6562  
obligations on a parity with obligations theretofore or thereafter 6563  
issued, if and to the extent provided in the bond proceedings. The 6564  
pledged receipts and special funds so pledged and thereafter 6565  
received by the state are immediately subject to the lien of such 6566  
pledge without any physical delivery thereof or further act, and 6567  
the lien of any such pledges is valid and binding against all 6568  
parties having claims of any kind against the state or any 6569  
governmental agency of the state, irrespective of whether such 6570

parties have notice thereof, and shall create a perfected security 6571  
interest for all purposes of Chapter 1309. of the Revised Code, 6572  
without the necessity for separation or delivery of funds or for 6573  
the filing or recording of the bond proceedings by which such 6574  
pledge is created or any certificate, statement or other document 6575  
with respect thereto; and the pledge of such pledged receipts and 6576  
special funds is effective and the money therefrom and thereof may 6577  
be applied to the purposes for which pledged without necessity for 6578  
any act of appropriation. Every pledge, and every covenant and 6579  
agreement made with respect thereto, made in the bond proceedings 6580  
may therein be extended to the benefit of the owners and holders 6581  
of obligations authorized by this section, and to any trustee 6582  
therefor, for the further security of the payment of the bond 6583  
service charges. 6584

(E) The bond proceedings may contain additional provisions as 6585  
to: 6586

(1) The redemption of obligations prior to maturity at the 6587  
option of the issuing authority at such price or prices and under 6588  
such terms and conditions as are provided in the bond proceedings; 6589

(2) Other terms of the obligations; 6590

(3) Limitations on the issuance of additional obligations; 6591

(4) The terms of any trust agreement or indenture securing 6592  
the obligations or under which the same may be issued; 6593

(5) The deposit, investment and application of special funds, 6594  
and the safeguarding of moneys on hand or on deposit, without 6595  
regard to Chapter 131. or 135. of the Revised Code, but subject to 6596  
any special provisions of this chapter, with respect to particular 6597  
funds or moneys, provided that any bank or trust company which 6598  
acts as depository of any moneys in the special funds may furnish 6599  
such indemnifying bonds or may pledge such securities as required 6600  
by the issuing authority; 6601

(6) Any or every provision of the bond proceedings being 6602  
binding upon such officer, board, commission, authority, agency, 6603  
department, or other person or body as may from time to time have 6604  
the authority under law to take such actions as may be necessary 6605  
to perform all or any part of the duty required by such provision; 6606

(7) Any provision that may be made in a trust agreement or 6607  
indenture; 6608

(8) Any other or additional agreements with the holders of 6609  
the obligations, or the trustee therefor, relating to the 6610  
obligations or the security therefor, including the assignment of 6611  
mortgages or other security obtained or to be obtained for loans 6612  
under section 122.43, 166.07, or 166.16 of the Revised Code. 6613

(F) The obligations may have the great seal of the state or a 6614  
facsimile thereof affixed thereto or printed thereon. The 6615  
obligations and any coupons pertaining to obligations shall be 6616  
signed or bear the facsimile signature of the issuing authority. 6617  
Any obligations or coupons may be executed by the person who, on 6618  
the date of execution, is the proper issuing authority although on 6619  
the date of such bonds or coupons such person was not the issuing 6620  
authority. If the issuing authority whose signature or a facsimile 6621  
of whose signature appears on any such obligation or coupon ceases 6622  
to be the issuing authority before delivery thereof, such 6623  
signature or facsimile is nevertheless valid and sufficient for 6624  
all purposes as if the former issuing authority had remained the 6625  
issuing authority until such delivery; and if the seal to be 6626  
affixed to obligations has been changed after a facsimile of the 6627  
seal has been imprinted on such obligations, such facsimile seal 6628  
shall continue to be sufficient as to such obligations and 6629  
obligations issued in substitution or exchange therefor. 6630

(G) All obligations are negotiable instruments and securities 6631  
under Chapter 1308. of the Revised Code, subject to the provisions 6632  
of the bond proceedings as to registration. The obligations may be 6633

issued in coupon or in registered form, or both, as the issuing 6634  
authority determines. Provision may be made for the registration 6635  
of any obligations with coupons attached thereto as to principal 6636  
alone or as to both principal and interest, their exchange for 6637  
obligations so registered, and for the conversion or reconversion 6638  
into obligations with coupons attached thereto of any obligations 6639  
registered as to both principal and interest, and for reasonable 6640  
charges for such registration, exchange, conversion, and 6641  
reconversion. 6642

(H) Obligations may be sold at public sale or at private 6643  
sale, as determined in the bond proceedings. 6644

Obligations issued to provide moneys for the loan guarantee 6645  
fund or the innovation Ohio loan guarantee fund may, as determined 6646  
by the issuing authority, be sold at private sale, and without 6647  
publication of a notice of sale. 6648

(I) Pending preparation of definitive obligations, the 6649  
issuing authority may issue interim receipts or certificates which 6650  
shall be exchanged for such definitive obligations. 6651

(J) In the discretion of the issuing authority, obligations 6652  
may be secured additionally by a trust agreement or indenture 6653  
between the issuing authority and a corporate trustee which may be 6654  
any trust company or bank having ~~its principal~~ a place of business 6655  
within the state. Any such agreement or indenture may contain the 6656  
resolution or order authorizing the issuance of the obligations, 6657  
any provisions that may be contained in any bond proceedings, and 6658  
other provisions which are customary or appropriate in an 6659  
agreement or indenture of such type, including, but not limited 6660  
to: 6661

(1) Maintenance of each pledge, trust agreement, indenture, 6662  
or other instrument comprising part of the bond proceedings until 6663  
the state has fully paid the bond service charges on the 6664

obligations secured thereby, or provision therefor has been made; 6665

(2) In the event of default in any payments required to be 6666  
made by the bond proceedings, or any other agreement of the 6667  
issuing authority made as a part of the contract under which the 6668  
obligations were issued, enforcement of such payments or agreement 6669  
by mandamus, the appointment of a receiver, suit in equity, action 6670  
at law, or any combination of the foregoing; 6671

(3) The rights and remedies of the holders of obligations and 6672  
of the trustee, and provisions for protecting and enforcing them, 6673  
including limitations on rights of individual holders of 6674  
obligations; 6675

(4) The replacement of any obligations that become mutilated 6676  
or are destroyed, lost, or stolen; 6677

(5) Such other provisions as the trustee and the issuing 6678  
authority agree upon, including limitations, conditions, or 6679  
qualifications relating to any of the foregoing. 6680

(K) Any holders of obligations or trustees under the bond 6681  
proceedings, except to the extent that their rights are restricted 6682  
by the bond proceedings, may by any suitable form of legal 6683  
proceedings, protect and enforce any rights under the laws of this 6684  
state or granted by such bond proceedings. Such rights include the 6685  
right to compel the performance of all duties of the issuing 6686  
authority, the director of development, or the division of liquor 6687  
control required by this chapter or the bond proceedings; to 6688  
enjoin unlawful activities; and in the event of default with 6689  
respect to the payment of any bond service charges on any 6690  
obligations or in the performance of any covenant or agreement on 6691  
the part of the issuing authority, the director of development, or 6692  
the division of liquor control in the bond proceedings, to apply 6693  
to a court having jurisdiction of the cause to appoint a receiver 6694  
to receive and administer the pledged receipts and special funds, 6695

other than those in the custody of the treasurer of state, which 6696  
are pledged to the payment of the bond service charges on such 6697  
obligations or which are the subject of the covenant or agreement, 6698  
with full power to pay, and to provide for payment of bond service 6699  
charges on, such obligations, and with such powers, subject to the 6700  
direction of the court, as are accorded receivers in general 6701  
equity cases, excluding any power to pledge additional revenues or 6702  
receipts or other income or moneys of the issuing authority or the 6703  
state or governmental agencies of the state to the payment of such 6704  
principal and interest and excluding the power to take possession 6705  
of, mortgage, or cause the sale or otherwise dispose of any 6706  
project facilities. 6707

Each duty of the issuing authority and the issuing 6708  
authority's officers and employees, and of each governmental 6709  
agency and its officers, members, or employees, undertaken 6710  
pursuant to the bond proceedings or any agreement or lease, 6711  
lease-purchase agreement, or loan made under authority of this 6712  
chapter, and in every agreement by or with the issuing authority, 6713  
is hereby established as a duty of the issuing authority, and of 6714  
each such officer, member, or employee having authority to perform 6715  
such duty, specifically enjoined by the law resulting from an 6716  
office, trust, or station within the meaning of section 2731.01 of 6717  
the Revised Code. 6718

The person who is at the time the issuing authority, or the 6719  
issuing authority's officers or employees, are not liable in their 6720  
personal capacities on any obligations issued by the issuing 6721  
authority or any agreements of or with the issuing authority. 6722

(L) The issuing authority may authorize and issue obligations 6723  
for the refunding, including funding and retirement, and advance 6724  
refunding with or without payment or redemption prior to maturity, 6725  
of any obligations previously issued by the issuing authority. 6726  
Such obligations may be issued in amounts sufficient for payment 6727

of the principal amount of the prior obligations, any redemption 6728  
premiums thereon, principal maturities of any such obligations 6729  
maturing prior to the redemption of the remaining obligations on a 6730  
parity therewith, interest accrued or to accrue to the maturity 6731  
dates or dates of redemption of such obligations, and any 6732  
allowable costs including expenses incurred or to be incurred in 6733  
connection with such issuance and such refunding, funding, and 6734  
retirement. Subject to the bond proceedings therefor, the portion 6735  
of proceeds of the sale of obligations issued under this division 6736  
to be applied to bond service charges on the prior obligations 6737  
shall be credited to an appropriate account held by the trustee 6738  
for such prior or new obligations or to the appropriate account in 6739  
the bond service fund for such obligations. Obligations authorized 6740  
under this division shall be deemed to be issued for those 6741  
purposes for which such prior obligations were issued and are 6742  
subject to the provisions of this section pertaining to other 6743  
obligations, except as otherwise provided in this section; 6744  
provided that, unless otherwise authorized by the general 6745  
assembly, any limitations imposed by the general assembly pursuant 6746  
to this section with respect to bond service charges applicable to 6747  
the prior obligations shall be applicable to the obligations 6748  
issued under this division to refund, fund, advance refund or 6749  
retire such prior obligations. 6750

(M) The authority to issue obligations under this section 6751  
includes authority to issue obligations in the form of bond 6752  
anticipation notes and to renew the same from time to time by the 6753  
issuance of new notes. The holders of such notes or interest 6754  
coupons pertaining thereto shall have a right to be paid solely 6755  
from the pledged receipts and special funds that may be pledged to 6756  
the payment of the bonds anticipated, or from the proceeds of such 6757  
bonds or renewal notes, or both, as the issuing authority provides 6758  
in the resolution or order authorizing such notes. Such notes may 6759  
be additionally secured by covenants of the issuing authority to 6760



the effect that the issuing authority and the state will do such 6761  
or all things necessary for the issuance of such bonds or renewal 6762  
notes in appropriate amount, and apply the proceeds thereof to the 6763  
extent necessary, to make full payment of the principal of and 6764  
interest on such notes at the time or times contemplated, as 6765  
provided in such resolution or order. For such purpose, the 6766  
issuing authority may issue bonds or renewal notes in such 6767  
principal amount and upon such terms as may be necessary to 6768  
provide funds to pay when required the principal of and interest 6769  
on such notes, notwithstanding any limitations prescribed by or 6770  
for purposes of this section. Subject to this division, all 6771  
provisions for and references to obligations in this section are 6772  
applicable to notes authorized under this division. 6773

The issuing authority in the bond proceedings authorizing the 6774  
issuance of bond anticipation notes shall set forth for such bonds 6775  
an estimated interest rate and a schedule of principal payments 6776  
for such bonds and the annual maturity dates thereof, and for 6777  
purposes of any limitation on bond service charges prescribed 6778  
under division (A) of section 166.11 of the Revised Code, the 6779  
amount of bond service charges on such bond anticipation notes is 6780  
deemed to be the bond service charges for the bonds anticipated 6781  
thereby as set forth in the bond proceedings applicable to such 6782  
notes, but this provision does not modify any authority in this 6783  
section to pledge receipts and special funds to, and covenant to 6784  
issue bonds to fund, the payment of principal of and interest and 6785  
any premium on such notes. 6786

(N) Obligations issued under this section are lawful 6787  
investments for banks, societies for savings, savings and loan 6788  
associations, deposit guarantee associations, trust companies, 6789  
trustees, fiduciaries, insurance companies, including domestic for 6790  
life and domestic not for life, trustees or other officers having 6791  
charge of sinking and bond retirement or other special funds of 6792

political subdivisions and taxing districts of this state, the 6793  
commissioners of the sinking fund of the state, the administrator 6794  
of workers' compensation, the state teachers retirement system, 6795  
the public employees retirement system, the school employees 6796  
retirement system, and the Ohio police and fire pension fund, 6797  
notwithstanding any other provisions of the Revised Code or rules 6798  
adopted pursuant thereto by any governmental agency of the state 6799  
with respect to investments by them, and are also acceptable as 6800  
security for the deposit of public moneys. 6801

(O) Unless otherwise provided in any applicable bond 6802  
proceedings, moneys to the credit of or in the special funds 6803  
established by or pursuant to this section may be invested by or 6804  
on behalf of the issuing authority only in notes, bonds, or other 6805  
obligations of the United States, or of any agency or 6806  
instrumentality of the United States, obligations guaranteed as to 6807  
principal and interest by the United States, obligations of this 6808  
state or any political subdivision of this state, and certificates 6809  
of deposit of any national bank located in this state and any 6810  
bank, as defined in section 1101.01 of the Revised Code, subject 6811  
to inspection by the superintendent of banks. If the law or the 6812  
instrument creating a trust pursuant to division (J) of this 6813  
section expressly permits investment in direct obligations of the 6814  
United States or an agency of the United States, unless expressly 6815  
prohibited by the instrument, such moneys also may be invested in 6816  
no-front-end-load money market mutual funds consisting exclusively 6817  
of obligations of the United States or an agency of the United 6818  
States and in repurchase agreements, including those issued by the 6819  
fiduciary itself, secured by obligations of the United States or 6820  
an agency of the United States; and in common trust funds 6821  
established in accordance with section 1111.20 of the Revised Code 6822  
and consisting exclusively of any such securities, notwithstanding 6823  
division (A)(4) of that section. The income from such investments 6824  
shall be credited to such funds as the issuing authority 6825

determines, and such investments may be sold at such times as the 6826  
issuing authority determines or authorizes. 6827

(P) Provision may be made in the applicable bond proceedings 6828  
for the establishment of separate accounts in the bond service 6829  
fund and for the application of such accounts only to the 6830  
specified bond service charges on obligations pertinent to such 6831  
accounts and bond service fund and for other accounts therein 6832  
within the general purposes of such fund. Unless otherwise 6833  
provided in any applicable bond proceedings, moneys to the credit 6834  
of or in the several special funds established pursuant to this 6835  
section shall be disbursed on the order of the treasurer of state, 6836  
provided that no such order is required for the payment from the 6837  
bond service fund when due of bond service charges on obligations. 6838

(Q) The issuing authority may pledge all, or such portion as 6839  
the issuing authority determines, of the pledged receipts to the 6840  
payment of bond service charges on obligations issued under this 6841  
section, and for the establishment and maintenance of any 6842  
reserves, as provided in the bond proceedings, and make other 6843  
provisions therein with respect to pledged receipts as authorized 6844  
by this chapter, which provisions are controlling notwithstanding 6845  
any other provisions of law pertaining thereto. 6846

(R) The issuing authority may covenant in the bond 6847  
proceedings, and any such covenants are controlling 6848  
notwithstanding any other provision of law, that the state and 6849  
applicable officers and governmental agencies of the state, 6850  
including the general assembly, so long as any obligations are 6851  
outstanding, shall: 6852

(1) Maintain statutory authority for and cause to be charged 6853  
and collected wholesale and retail prices for spirituous liquor 6854  
sold by the state or its agents so that the pledged receipts are 6855  
sufficient in amount to meet bond service charges, and the 6856  
establishment and maintenance of any reserves and other 6857

requirements provided for in the bond proceedings, and, as 6858  
necessary, to meet covenants contained in contracts of guarantee 6859  
made under section 166.06 of the Revised Code; 6860

(2) Take or permit no action, by statute or otherwise, that 6861  
would impair the exemption from federal income taxation of the 6862  
interest on the obligations. 6863

(S) There is hereby created the economic development bond 6864  
service fund, which shall be in the custody of the treasurer of 6865  
state but shall be separate and apart from and not a part of the 6866  
state treasury. All moneys received by or on account of the 6867  
issuing authority or state agencies and required by the applicable 6868  
bond proceedings, consistent with this section, to be deposited, 6869  
transferred, or credited to a bond service fund or the economic 6870  
development bond service fund, and all other moneys transferred or 6871  
allocated to or received for the purposes of the fund, shall be 6872  
deposited and credited to such fund and to any separate accounts 6873  
therein, subject to applicable provisions of the bond proceedings, 6874  
but without necessity for any act of appropriation. During the 6875  
period beginning with the date of the first issuance of 6876  
obligations and continuing during such time as any such 6877  
obligations are outstanding, and so long as moneys in the 6878  
pertinent bond service funds are insufficient to pay all bond 6879  
services charges on such obligations becoming due in each year, a 6880  
sufficient amount of the gross profit on the sale of spirituous 6881  
liquor included in pledged receipts are committed and shall be 6882  
paid to the bond service fund or economic development bond service 6883  
fund in each year for the purpose of paying the bond service 6884  
charges becoming due in that year without necessity for further 6885  
act of appropriation for such purpose and notwithstanding anything 6886  
to the contrary in Chapter 4301. of the Revised Code. The economic 6887  
development bond service fund is a trust fund and is hereby 6888  
pledged to the payment of bond service charges to the extent 6889

provided in the applicable bond proceedings, and payment thereof 6890  
from such fund shall be made or provided for by the treasurer of 6891  
state in accordance with such bond proceedings without necessity 6892  
for any act of appropriation. 6893

(T) The obligations, the transfer thereof, and the income 6894  
therefrom, including any profit made on the sale thereof, shall at 6895  
all times be free from taxation within the state. 6896

**Sec. 173.04.** (A) As used in this section, "respite care" 6897  
means short-term, temporary care or supervision provided to a 6898  
person who has Alzheimer's disease in the absence of the person 6899  
who normally provides that care or supervision. 6900

(B) ~~The~~ Through the internet web site maintained by the 6901  
department of aging, the director of aging shall ~~develop and~~ 6902  
~~disseminate new training materials or disseminate existing~~ 6903  
Alzheimer's disease training materials for licensed physicians, 6904  
registered nurses, licensed practical nurses, administrators of 6905  
health care programs, social workers, and other health care and 6906  
social service personnel who participate or assist in the care or 6907  
treatment of persons who have Alzheimer's disease. The training 6908  
materials disseminated through the web site may be developed by 6909  
the director or obtained from other sources. 6910

(C) To the extent funds are available, the director shall 6911  
administer respite care programs and other supportive services for 6912  
persons who have Alzheimer's disease and their families or care 6913  
givers. Respite care programs shall be approved by the director 6914  
and shall be provided for the following purposes: 6915

(1) Giving persons who normally provide care or supervision 6916  
for a person who has Alzheimer's disease relief from the stresses 6917  
and responsibilities that result from providing such care; 6918

(2) Preventing or reducing inappropriate institutional care 6919

and enabling persons who have Alzheimer's disease to remain at 6920  
home as long as possible. 6921

(D) The director may provide services under this section to 6922  
persons with Alzheimer's disease and their families regardless of 6923  
the age of the persons with Alzheimer's disease. 6924

(E) The director shall adopt rules in accordance with Chapter 6925  
119. of the Revised Code governing respite care programs and other 6926  
supportive services, the distribution of funds, and the purpose 6927  
for which funds may be utilized under this section. 6928

(F) The director may create an Alzheimer's disease task force 6929  
to advise the director on the rights of persons with Alzheimer's 6930  
disease and on the development and evaluation of education and 6931  
training programs, home care programs, respite care programs, and 6932  
long-term care initiatives as they relate to Alzheimer's disease. 6933  
If a task force is created, the members shall include 6934  
representatives of the Alzheimer's disease association and other 6935  
organizations the director considers appropriate. 6936

**Sec. 173.35.** (A) As used in this section, "PASSPORT 6937  
administrative agency" means an entity under contract with the 6938  
department of aging to provide administrative services regarding 6939  
the PASSPORT program created under section 173.40 of the Revised 6940  
Code. 6941

(B) The department of aging shall administer the residential 6942  
state supplement program under which the state supplements the 6943  
supplemental security income payments received by aged, blind, or 6944  
disabled adults under Title XVI of the "Social Security Act," 49 6945  
Stat. 620 (1935), 42 U.S.C.A., as amended. Residential state 6946  
supplement payments shall be used for the provision of 6947  
accommodations, supervision, and personal care services to 6948  
supplemental security income recipients who the department 6949  
determines are at risk of needing institutional care. 6950

(C) For an individual to be eligible for residential state supplement payments, all of the following must be the case: 6951  
6952

(1) Except as provided by division (G) of this section, the individual must reside in one of the following: 6953  
6954

(a) An adult foster home certified under section 173.36 of the Revised Code; 6955  
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(b) A home or facility, other than a nursing home or nursing home unit of a home for the aging, licensed by the department of health under Chapter 3721. or 3722. of the Revised Code and certified in accordance with standards established by the director of aging under division (D)(2) of this section; 6957  
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(c) A community alternative home licensed under section 3724.03 of the Revised Code and certified in accordance with standards established by the director of aging under division (D)(2) of this section; 6962  
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(d) A residential facility as defined in division (A)(1)(d)(ii) of section 5119.22 of the Revised Code licensed by the department of mental health and certified in accordance with standards established by the director of aging under division (D)(2) of this section; 6966  
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(e) An apartment or room used to provide community mental health housing services certified by the department of mental health under section 5119.611 of the Revised Code and approved by a board of alcohol, drug addiction, and mental health services under division (A)(14) of section 340.03 of the Revised Code and certified in accordance with standards established by the director of aging under division (D)(2) of this section. 6971  
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(2) Effective July 1, 2000, a PASSPORT administrative agency must have determined that the environment in which the individual will be living while receiving the payments is appropriate for the individual's needs. If the individual is eligible for supplemental 6978  
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security income payments or social security disability insurance 6982  
benefits because of a mental disability, the PASSPORT 6983  
administrative agency shall refer the individual to a community 6984  
mental health agency for the community mental health agency to 6985  
issue in accordance with section 340.091 of the Revised Code a 6986  
recommendation on whether the PASSPORT administrative agency 6987  
should determine that the environment in which the individual will 6988  
be living while receiving the payments is appropriate for the 6989  
individual's needs. Division (C)(2) of this section does not apply 6990  
to an individual receiving residential state supplement payments 6991  
on June 30, 2000, until the individual's first eligibility 6992  
redetermination after that date. 6993

(3) The individual satisfies all eligibility requirements 6994  
established by rules adopted under division (D) of this section. 6995

(D)(1) The directors of aging and job and family services 6996  
shall adopt rules in accordance with section 111.15 of the Revised 6997  
Code as necessary to implement the residential state supplement 6998  
program. 6999

To the extent permitted by Title XVI of the "Social Security 7000  
Act," and any other provision of federal law, the director of job 7001  
and family services shall adopt rules establishing standards for 7002  
adjusting the eligibility requirements concerning the level of 7003  
impairment a person must have so that the amount appropriated for 7004  
the program by the general assembly is adequate for the number of 7005  
eligible individuals. The rules shall not limit the eligibility of 7006  
disabled persons solely on a basis classifying disabilities as 7007  
physical or mental. The director of job and family services also 7008  
shall adopt rules that establish eligibility standards for aged, 7009  
blind, or disabled individuals who reside in one of the homes or 7010  
facilities specified in division (C)(1) of this section but who, 7011  
because of their income, do not receive supplemental security 7012  
income payments. The rules may provide that these individuals may 7013



include individuals who receive other types of benefits, 7014  
including, social security disability insurance benefits provided 7015  
under Title II of the "Social Security Act," 49 Stat. 620 (1935), 7016  
42 U.S.C.A. 401, as amended. Notwithstanding division (B) of this 7017  
section, such payments may be made if funds are available for 7018  
them. 7019

The director of aging shall adopt rules establishing the 7020  
method to be used to determine the amount an eligible individual 7021  
will receive under the program. The amount the general assembly 7022  
appropriates for the program shall be a factor included in the 7023  
method that department establishes. 7024

(2) The director of aging shall adopt rules in accordance 7025  
with Chapter 119. of the Revised Code establishing standards for 7026  
certification of living facilities described in division (C)(1) of 7027  
this section. 7028

The directors of aging and mental health shall enter into an 7029  
agreement to certify facilities that apply for certification and 7030  
meet the standards established by the director of aging under this 7031  
division. 7032

(E) The county department of job and family services of the 7033  
county in which an applicant for the residential state supplement 7034  
program resides shall determine whether the applicant meets income 7035  
and resource requirements for the program. 7036

(F) The department of aging shall maintain a waiting list of 7037  
any individuals eligible for payments under this section but not 7038  
receiving them because moneys appropriated to the department for 7039  
the purposes of this section are insufficient to make payments to 7040  
all eligible individuals. An individual may apply to be placed on 7041  
the waiting list even though the individual does not reside in one 7042  
of the homes or facilities specified in division (C)(1) of this 7043  
section at the time of application. The Individuals on the waiting 7044

list who reside in a community setting not required to be licensed 7045  
or certified shall have their eligibility for the payments 7046  
assessed before other individuals on the waiting list. 7047

The director of aging, by rules adopted in accordance with 7048  
Chapter 119. of the Revised Code, shall specify procedures and 7049  
requirements for placing an individual on the waiting list. 7050  
~~Individuals on the waiting list who reside in a community setting~~ 7051  
~~not required to be licensed or certified shall have their~~ 7052  
~~eligibility for the payments assessed before other individuals on~~ 7053  
~~the waiting list.~~ 7054

The director may adopt rules giving priority to individuals 7055  
placed on the waiting list on or after July 1, 2006, who receive 7056  
supplemental security income benefits under Title XVI of the 7057  
"Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C. 1381, as 7058  
amended. The rules shall not affect the place on the waiting list 7059  
of any person who was on the list on July 1, 2006. 7060

(G) An individual in a licensed or certified living 7061  
arrangement receiving state supplementation on November 15, 1990, 7062  
under former section 5101.531 of the Revised Code shall not become 7063  
ineligible for payments under this section solely by reason of the 7064  
individual's living arrangement as long as the individual remains 7065  
in the living arrangement in which the individual resided on 7066  
November 15, 1990. 7067

(H) The department of aging shall notify each person denied 7068  
approval for payments under this section of the person's right to 7069  
a hearing. On request, the hearing shall be provided by the 7070  
department of job and family services in accordance with section 7071  
5101.35 of the Revised Code. 7072

**Sec. 173.85.** (A) The Ohio's best Rx program fund is hereby 7073  
created. ~~The fund shall be in the custody of the treasurer of~~ 7074  
~~state, but shall not be part of the state treasury. The fund shall~~ 7075

consist of the following: 7076

(1) Manufacturer payments made by participating manufacturers 7077  
pursuant to agreements entered into under section 173.81 of the 7078  
Revised Code; 7079

(2) Administrative fees, if an administrative fee is 7080  
determined by the department of aging in rules adopted under 7081  
section 173.83 of the Revised Code; 7082

(3) Any amounts donated to the fund and accepted by the 7083  
department; 7084

(4) The fund's investment earnings. 7085

(B) Money in the Ohio's best Rx program fund shall be used to 7086  
make payments under section 173.801 of the Revised Code and to 7087  
make transfers to the Ohio's best Rx administration fund in 7088  
accordance with section 173.86 of the Revised Code. 7089

**Sec. 173.86.** (A) The Ohio's best Rx administration fund is 7090  
hereby created in the state treasury. The ~~treasurer of state~~ 7091  
director of budget and management shall transfer from the Ohio's 7092  
best Rx program fund to the Ohio's best Rx administration fund 7093  
amounts equal to the following: 7094

(1) Amounts resulting from application of the program 7095  
administration percentage, if a program administration percentage 7096  
is determined by the department of aging in rules adopted under 7097  
section 173.83 of the Revised Code; 7098

(2) The amount of the administrative fees charged Ohio's best 7099  
Rx participants, if an administrative fee is determined by the 7100  
department of aging in rules adopted under section 173.83 of the 7101  
Revised Code; 7102

(3) The amount of any donations credited to the Ohio's best 7103  
Rx program fund; 7104

(4) The amount of investment earnings credited to the Ohio's best Rx program fund. 7105  
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The ~~treasurer of state~~ director of budget and management shall make the transfers in accordance with a schedule developed by the ~~treasurer of state~~ director and the department of aging. 7107  
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(B) The department of aging shall use money in the Ohio's best Rx administration fund to pay the administrative costs of the Ohio's best Rx program, including, but not limited to, costs associated with contracted services, staff, outreach activities, computers and network services, and the Ohio's best Rx program council. If the fund includes an amount that exceeds the amount necessary to pay the administrative costs of the program, the department may use the excess amount to pay the cost of subsidies provided to Ohio's best Rx program participants under any subsidy program established pursuant to section 173.861 of the Revised Code. 7110  
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**Sec. 174.03.** (A) The department of development and the Ohio housing finance agency shall each develop programs under which, in accordance with rules adopted under this section, they may make grants, loans, loan guarantees, and loan subsidies to counties, municipal corporations, townships, local housing authorities, and nonprofit organizations and may make loans, loan guarantees, and loan subsidies to private developers and private lenders to assist in activities that provide housing and housing assistance for specifically targeted low- and moderate-income families and individuals. There is no minimum housing project size for awards under this division for any project that is developed for a special needs population and that is supported by a social service agency where the housing project is located. Activities for which grants, loans, loan guarantees, and loan subsidies may be made under this section include all of the following: 7121  
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(1) Acquiring, financing, constructing, leasing, 7136  
rehabilitating, remodeling, improving, and equipping publicly or 7137  
privately owned housing; 7138

(2) Providing supportive services related to housing and the 7139  
homeless, including housing counseling. Not more than twenty per 7140  
cent of the current year appropriation authority for the low- and 7141  
moderate-income housing trust fund that remains after the award of 7142  
funds made pursuant to divisions (A)(1), (A)(2), and (A)(3) of 7143  
section 174.02 of the Revised Code, shall be awarded in any fiscal 7144  
year for supportive services. 7145

(3) Providing rental assistance payments or other project 7146  
operating subsidies that lower tenant rents. 7147

(B) Activities listed under division (A) of this section may 7148  
include emergency shelter care programs for unaccompanied youth 7149  
seventeen years of age and younger. 7150

(C) Grants, loans, loan guarantees, and loan subsidies may be 7151  
made to counties, municipal corporations, townships, and nonprofit 7152  
organizations for the additional purposes of providing technical 7153  
assistance, design and finance services and consultation, and 7154  
payment of pre-development and administrative costs related to any 7155  
of the activities listed above. 7156

~~(C)~~(D) In developing programs under this section, the 7157  
department and the agency shall invite, accept, and consider 7158  
public comment, and recommendations from the housing trust fund 7159  
advisory committee created under section 174.06 of the Revised 7160  
Code, on how the programs should be designed to most effectively 7161  
benefit low- and moderate-income families and individuals. The 7162  
programs developed under this section shall respond collectively 7163  
to housing and housing assistance needs of low- and 7164  
moderate-income families and individuals statewide. 7165

~~(D)~~(E) The department and the agency, in accordance with 7166

Chapter 119. of the Revised Code, shall each adopt rules to 7167  
administer programs developed under this section. The rules shall 7168  
prescribe procedures and forms that counties, municipal 7169  
corporations, townships, local housing authorities, and nonprofit 7170  
organizations shall use in applying for grants, loans, loan 7171  
guarantees, and loan subsidies and that private developers and 7172  
private lenders shall use in applying for loans, loan guarantees, 7173  
and loan subsidies; eligibility criteria for the receipt of funds; 7174  
procedures for reviewing and granting or denying applications; 7175  
procedures for paying out funds; conditions on the use of funds; 7176  
procedures for monitoring the use of funds; and procedures under 7177  
which a recipient shall be required to repay funds that are 7178  
improperly used. The rules shall do both of the following: 7179

(1) Require each recipient of a grant or loan made from the 7180  
low- and moderate-income housing trust fund for activities that 7181  
provide, or assist in providing, a rental housing project, to 7182  
reasonably ensure that the rental housing project will remain 7183  
affordable to those families and individuals targeted for the 7184  
rental housing project for the useful life of the rental housing 7185  
project or for thirty years, whichever is longer; 7186

(2) Require each recipient of a grant or loan made from the 7187  
low- and moderate-income housing trust fund for activities that 7188  
provide, or assist in providing, a housing project to prepare and 7189  
implement a plan to reasonably assist any families and individuals 7190  
displaced by the housing project in obtaining decent affordable 7191  
housing. 7192

~~(E)~~(F) In prescribing eligibility criteria and conditions for 7193  
the use of funds, neither the department nor the agency is limited 7194  
to the criteria and conditions specified in this section and each 7195  
may prescribe additional eligibility criteria and conditions that 7196  
relate to the purposes for which grants, loans, loan guarantees, 7197  
and loan subsidies may be made. However, the department and agency 7198

are limited by the following specifically targeted low- and 7199  
moderate-income guidelines: 7200

(1) Not less than seventy-five per cent of the money granted 7201  
and loaned under this section in any fiscal year shall be for 7202  
activities that provide affordable housing and housing assistance 7203  
to families and individuals whose incomes are equal to or less 7204  
than fifty per cent of the median income for the county in which 7205  
they live, as determined by the department under section 174.04 of 7206  
the Revised Code. 7207

(2) Any money granted and loaned under this section in any 7208  
fiscal year that is not granted or loaned pursuant to division 7209  
~~(E)~~(F)(1) of this section shall be for activities that provide 7210  
affordable housing and housing assistance to families and 7211  
individuals whose incomes are equal to or less than eighty per 7212  
cent of the median income for the county in which they live, as 7213  
determined by the department under section 174.04 of the Revised 7214  
Code. 7215

~~(F)~~(G) In making grants, loans, loan guarantees, and loan 7216  
subsidies under this section, the department and the agency shall 7217  
give preference to viable projects and activities that benefit 7218  
those families and individuals whose incomes are equal to or less 7219  
than thirty-five per cent of the median income for the county in 7220  
which they live, as determined by the department under section 7221  
174.04 of the Revised Code. 7222

~~(G)~~(H) The department and the agency shall monitor the 7223  
programs developed under this section to ensure that money granted 7224  
and loaned under this section is not used in a manner that 7225  
violates division (H) of section 4112.02 of the Revised Code or 7226  
discriminates against families with children. 7227

**Sec. 174.06.** (A) There is hereby created the housing trust 7228  
fund advisory committee. The committee consists of fourteen 7229

members the governor appoints as follows to represent 7230  
organizations committed to housing and housing assistance for low- 7231  
and moderate-income persons: 7232

(1) One member to represent lenders. 7233

(2) One member to represent for-profit builders and 7234  
developers. 7235

(3) One member to represent the families and individuals 7236  
included in the income groups targeted for housing and housing 7237  
assistance under divisions ~~(E)~~ and (F) and (G) of section 174.03 7238  
of the Revised Code. 7239

(4) One member to represent religious, civic, or social 7240  
service organizations. 7241

(5) One member to represent counties. 7242

(6) One member to represent municipal corporations. 7243

(7) One member to represent townships. 7244

(8) One member to represent local housing authorities. 7245

(9) One member to represent fair housing organizations. 7246

(10) Three members to represent nonprofit organizations. 7247

(11) One member to represent real estate brokers licensed 7248  
under Chapter 4735. of the Revised Code. 7249

(12) One member to represent the for-profit rental housing 7250  
industry. 7251

(B)(1) Terms of office are for four years, with each term 7252  
ending on the same day of the same month as did the term that it 7253  
succeeds. Each member shall hold office from the date of 7254  
appointment until the end of the term for which the member was 7255  
appointed. Vacancies shall be filled in the manner prescribed for 7256  
the original appointment. A member appointed to fill a vacancy 7257  
occurring prior to the expiration of a term shall hold office for 7258



the remainder of that term. A member shall continue in office 7259  
subsequent to the expiration of a term until a successor takes 7260  
office or until a period of sixty days has elapsed, whichever 7261  
occurs first. 7262

(2) The governor may remove a member for misfeasance, 7263  
malfeasance, or willful neglect of duty. 7264

(C)(1) The committee shall select a chairperson from among 7265  
its members. The committee shall meet at least once each calendar 7266  
year and upon the call of the chair. Members of the committee 7267  
serve without compensation, but shall be reimbursed for reasonable 7268  
and necessary expenses incurred in the discharge of duties. 7269

(2) The department of development shall provide the committee 7270  
with a meeting place, supplies, and staff assistance as the 7271  
committee requests. 7272

(D) The committee shall assist the department and the Ohio 7273  
housing finance agency in defining housing needs and priorities, 7274  
recommend to the department and agency at least annually how the 7275  
programs developed under section 174.02 of the Revised Code should 7276  
be designed to most effectively benefit low- and moderate-income 7277  
persons, consider an allocation of funds for projects of fifteen 7278  
units or less, and advise the director of development on whether 7279  
and how to reallocate money in the low- and moderate-income 7280  
housing trust fund under division (B) of section 174.02 of the 7281  
Revised Code. 7282

**Sec. 183.01.** As used in this chapter: 7283

(A) "Tobacco master settlement agreement" means the 7284  
settlement agreement (and related documents) entered into on 7285  
November 23, 1998 by the state and leading United States tobacco 7286  
product manufacturers. 7287

(B) ~~"Net amounts credited to the tobacco master settlement~~ 7288

~~agreement fund" means all amounts credited to the tobacco master 7289  
settlement agreement fund during a fiscal year, minus all amounts 7290  
required to be transferred under section 183.02 of the Revised 7291  
Code to the education facilities trust fund, the education 7292  
facilities endowment fund, and the income tax reduction fund 7293  
during the fiscal year. In addition, in fiscal year 2000, "net 7294  
amounts credited to the tobacco master settlement agreement fund" 7295  
does not include amounts credited to the tobacco use prevention 7296  
and cessation trust fund, law enforcement improvements trust fund, 7297  
and southern Ohio agricultural and community development trust 7298  
fund from the first payment received that year. 7299~~

~~(C) "Southern Ohio" includes any county in this state where 7300  
tobacco has traditionally been grown. 7301~~

**Sec. 183.021.** (A) No money from the tobacco master settlement 7302  
agreement fund, as that fund existed prior to the repeal of 7303  
section 183.02 of the Revised Code by H.B. 119 of the 127th 7304  
general assembly, shall be expended to do any of the following: 7305

(1) Hire an executive agency lobbyist, as defined under 7307  
section 121.60 of the Revised Code, or a legislative agent, as 7308  
defined under section 101.70 of the Revised Code; 7309

(2) Support or oppose candidates, ballot questions, 7310  
referendums, or ballot initiatives. 7311

(B) Nothing in this section prohibits any of the following 7312  
from advocating on behalf of the specific objectives of a program 7313  
funded under this chapter: 7314

(1) The members of the board of trustees, executive director, 7315  
or employees of the tobacco use prevention and control foundation; 7316

(2) The members of the board of trustees, executive director, 7317  
or employees of the southern Ohio agricultural and community 7318

development foundation; 7319

(3) The members or employees of the third frontier commission 7320  
or the members of the third frontier advisory board. 7321

**Sec. 183.17.** The fiscal year of the southern Ohio 7322  
agricultural and community development foundation shall be the 7323  
same as the fiscal year of the state. 7324

Within ninety days after the end of each fiscal year, the 7325  
foundation shall submit to the governor and the general assembly 7326  
both of the following: 7327

(A) A report of the activities of the foundation during the 7328  
preceding fiscal year. The report shall also contain an 7329  
independent evaluation of the progress being made by the 7330  
foundation in carrying out its duties. 7331

(B) A financial report of the foundation for the preceding 7332  
year, which shall include both: 7333

(1) Information on the amount and percentage of overhead and 7334  
administrative expenditures compared to programmatic expenditures; 7335

(2) An independent auditor's report on the basic financial 7336  
statements and required supplementary information of the 7337  
foundation. Such financial statements shall be prepared in 7338  
conformity with generally accepted accounting principles 7339  
prescribed for governmental entities. 7340

On or before July 1, 2010, the foundation shall report to the 7341  
governor and the general assembly on the progress that the 7342  
foundation has made in replacing the production of tobacco in 7343  
southern Ohio with the production of other agricultural products 7344  
and in mitigating the adverse economic impact of reduced tobacco 7345  
production in the region. ~~If the foundation concludes that a need 7346  
for additional funding still exists, the foundation may request 7347  
that provision be made for a portion of the payments credited to 7348~~

~~the tobacco master settlement agreement fund to continue to be~~ 7349  
~~transferred to the southern Ohio agricultural and community~~ 7350  
~~development trust fund.~~ 7351

**Sec. 183.33.** No money shall be appropriated or transferred 7352  
from the general revenue fund to the ~~tobacco master settlement~~ 7353  
~~agreement fund~~, tobacco use prevention and cessation trust fund, 7354  
tobacco use prevention and control endowment fund, law enforcement 7355  
improvements trust fund, southern Ohio agricultural and community 7356  
development trust fund, southern Ohio agricultural and community 7357  
development foundation endowment fund, Ohio's public health 7358  
priorities trust fund, biomedical research and technology transfer 7359  
trust fund, education facilities trust fund, ~~education facilities~~ 7360  
~~endowment fund~~, or education technology trust fund. In addition, 7361  
no money shall be otherwise appropriated or transferred from the 7362  
general revenue fund for the use of the tobacco use prevention and 7363  
control foundation ~~or the southern Ohio agricultural and community~~ 7364  
~~development foundation.~~ 7365

**Sec. 183.34.** There is hereby created in the state treasury 7366  
the tobacco settlement oversight, administration, and enforcement 7367  
fund, ~~to~~ which shall ~~be credited~~ consist of amounts transferred 7368  
under division (I) of section 183.02 of the Revised Code prior to 7369  
the repeal of that section by H.B. 119 of the 127th general 7370  
assembly. The attorney general shall use the fund to pay costs 7371  
incurred in the oversight, administration, and enforcement of the 7372  
tobacco master settlement agreement. 7373

**Sec. 183.35.** There is hereby created in the state treasury 7374  
the tobacco settlement enforcement fund, ~~to~~ which shall ~~be~~ 7375  
~~credited~~ consist of amounts transferred under division (J) of 7376  
section 183.02 of the Revised Code prior to the repeal of that 7377  
section by H.B. 119 of the 127th general assembly. The tax 7378

commissioner shall use the fund to pay costs incurred in the 7379  
enforcement of divisions (F) and (G) of section 5743.03 of the 7380  
Revised Code. 7381

Sec. 183.51. (A) As used in this section and in the 7382  
applicable bond proceedings unless otherwise provided: 7383

(1) "Bond proceedings" means the resolutions, orders, 7384  
indentures, purchase and sale and trust and other agreements 7385  
including any amendments or supplements to them, and credit 7386  
enhancement facilities, and amendments and supplements to them, or 7387  
any one or more or combination of them, authorizing, awarding, or 7388  
providing for the terms and conditions applicable to or providing 7389  
for the security or liquidity of, the particular obligations, and 7390  
the provisions contained in those obligations. 7391

(2) "Bond service fund" means the bond service fund created 7392  
in the bond proceedings for the obligations. 7393

(3) "Capital facilities" means, as applicable, capital 7394  
facilities or projects as referred to in sections 151.03, 151.04, 7395  
152.09, 152.33, 154.20, or 154.22 of the Revised Code. 7396

(4) "Consent decree" means the consent decree and final 7397  
judgment entered November 25, 1998, in the court of common pleas 7398  
of Franklin county, Ohio, as the same may be amended or 7399  
supplemented from time to time. 7400

(5) "Cost of capital facilities" has the same meaning as in 7401  
section 151.01, 152.09, or 154.01 of the Revised Code, as 7402  
applicable. 7403

(6) "Credit enhancement facilities," "financing costs," and 7404  
"interest" or "interest equivalent" have the same meanings as in 7405  
section 133.01 of the Revised Code. 7406

(7) "Debt service" means principal, including any mandatory 7407  
sinking fund or redemption requirements for retirement of 7408

obligations, interest and other accreted amounts, interest 7409  
equivalent, and any redemption premium, payable on obligations. If 7410  
not prohibited by the applicable bond proceedings, "debt service" 7411  
may include costs relating to credit enhancement facilities that 7412  
are related to and represent, or are intended to provide a source 7413  
of payment of or limitation on, other debt service. 7414

(8) "Improvement fund" means, as applicable, the school 7415  
building program assistance fund created in section 3318.25 of the 7416  
Revised Code, the higher education improvement fund created in 7417  
section 154.21 of the Revised Code, the mental health facilities 7418  
improvement fund created in section 154.20 of the Revised Code, 7419  
the parks and recreation improvement fund created in section 7420  
154.22 of the Revised Code, the administrative building fund 7421  
created in section 123.10 of the Revised Code, and the adult 7422  
correctional building fund referred to in section 5120.105 of the 7423  
Revised Code. 7424

(9) "Issuing authority" means the Ohio tobacco settlement 7425  
financing authority created in section 183.52 of the Revised Code. 7426

(10) "Net proceeds" means amounts received from the sale of 7427  
obligations, excluding amounts used to refund or retire 7428  
outstanding obligations, amounts required to be deposited into 7429  
special funds pursuant to the applicable bond proceedings, and 7430  
amounts to be used to pay financing costs. 7431

(11) "Obligations" means bonds, notes, or other evidences of 7432  
obligation of the issuing authority, including any appertaining 7433  
interest coupons, issued by the issuing authority under this 7434  
section and Section 2i of Article VIII, Ohio Constitution, for the 7435  
purpose of providing funds to the state, in exchange for the 7436  
assignment and sale described in division (B) of this section, for 7437  
the purpose of paying costs of capital facilities for: (a) housing 7438  
branches and agencies of state government, including but not 7439  
limited to facilities for housing state agencies, for a system of 7440

common schools throughout the state, and for use as state 7441  
correctional facilities or county, multicounty, municipal-county, 7442  
and multicounty-municipal jail facilities or workhouses; (b) 7443  
state-supported or state-assisted institutions of higher 7444  
education; (c) mental hygiene and retardation; and (d) parks and 7445  
recreation. 7446

(12) "Pledged receipts" means, as and to the extent provided 7447  
for in the applicable bond proceedings: 7448

(a) Pledged tobacco settlement receipts; 7449

(b) Accrued interest received from the sale of obligations; 7450

(c) Income from the investment of the special funds; 7451

(d) Additional or any other specific revenues or receipts 7452  
lawfully available to be pledged, and pledged, pursuant to the 7453  
bond proceedings, including but not limited to amounts received 7454  
under credit enhancement facilities, to the payment of debt 7455  
service. 7456

(13) "Pledged tobacco settlement receipts" means all amounts 7457  
received by the issuing authority pursuant to division (B) of this 7458  
section. 7459

(14) "Principal amount" means the aggregate of the amount as 7460  
stated or provided for in the applicable bond proceedings as the 7461  
amount on which interest or interest equivalent on particular 7462  
obligations is initially calculated. "Principal amount" does not 7463  
include any premium paid to the issuing authority by the initial 7464  
purchaser of the obligations. "Principal amount" of a capital 7465  
appreciation bond, as defined in division (C) of section 3334.01 7466  
of the Revised Code, means its original face amount and not its 7467  
accrued value, and "principal amount" of a zero coupon bond, as 7468  
defined in division (J) of section 3334.01 of the Revised Code, 7469  
means the discounted offering price at which the bond is initially 7470  
sold to the public, disregarding any purchase price discount to 7471

the original purchaser, if provided in or for pursuant to the bond 7472  
proceedings. 7473

(15) "Special funds" or "funds," unless the context indicates 7474  
otherwise, means the bond service fund, and any other funds, 7475  
including any reserve funds, created under the bond proceedings 7476  
and stated to be special funds in those proceedings, including 7477  
moneys and investments, and earnings from investments, credited 7478  
and to be credited to the particular fund. "Special funds" does 7479  
not include any improvement fund or investment earnings on amounts 7480  
in any improvement fund, or other funds created by the bond 7481  
proceedings that are not stated by those proceedings to be special 7482  
funds. 7483

(B) The state may assign and sell to the issuing authority, 7484  
and the issuing authority may accept and purchase, all or a 7485  
portion of the amounts to be received by the state under the 7486  
tobacco master settlement agreement for a purchase price payable 7487  
by the issuing authority to the state consisting of the net 7488  
proceeds of obligations and any residual interest, if any. Any 7489  
such assignment and sale shall be irrevocable in accordance with 7490  
its terms during the period any obligations secured by amounts so 7491  
assigned and sold are outstanding under the applicable bond 7492  
proceedings, and shall constitute a contractual obligation to the 7493  
holders or owners of those obligations. Any such assignment and 7494  
sale shall also be treated as an absolute transfer and true sale 7495  
for all purposes, and not as a pledge or other security interest. 7496  
The characterization of any such assignment and sale as a true 7497  
sale and absolute transfer shall not be negated or adversely 7498  
affected by only a portion of the amounts to be received under the 7499  
tobacco master settlement agreement being transferred, the 7500  
acquisition or retention by the state of a residual interest, the 7501  
participation of any state officer or employee as a member or 7502  
officer of, or providing staff support to, the issuing authority, 7503



any responsibility of an officer or employee of the state for 7504  
collecting the amounts to be received under the tobacco master 7505  
settlement agreement or otherwise enforcing that agreement or 7506  
retaining any legal title to or interest in any portion of the 7507  
amounts to be received under that agreement for the purpose of 7508  
these collection activities, any characterization of the issuing 7509  
authority or its obligations for purposes of accounting, taxation, 7510  
or securities regulation, or by any other factors whatsoever. A 7511  
true sale shall exist under this section regardless of whether the 7512  
issuing authority has any recourse against the state or any other 7513  
term of the bond proceedings or the treatment or characterization 7514  
of the transfer as a financing for any purpose. Upon and following 7515  
the assignment and sale, the state shall not have any right, 7516  
title, or interest in the portion of the receipts under the 7517  
tobacco master settlement agreement so assigned and sold, other 7518  
than any residual interest that may be described in the applicable 7519  
bond proceedings for those obligations, and that portion, if any, 7520  
shall be the property of the issuing authority and not of the 7521  
state, and shall be paid directly to the issuing authority, and 7522  
shall be owned, received, held, and disbursed by the issuing 7523  
authority and not by the state. 7524

The state may covenant, pledge, and agree in the bond 7525  
proceedings, with and for the benefit of the issuing authority, 7526  
the holders and owners of obligations, and providers of any credit 7527  
enhancement facilities, that it shall: (1) maintain statutory 7528  
authority for, and cause to be collected and paid directly to the 7529  
issuing authority or its assignee, the pledged receipts, (2) 7530  
enforce the rights of the issuing authority to receive the 7531  
receipts under the tobacco master settlement agreement assigned 7532  
and sold to the issuing authority, (3) not limit or alter the 7533  
rights of the issuing authority to fulfill the terms of its 7534  
agreements with the holders or owners of obligations outstanding 7535  
under the bond proceedings, (4) not in any way impair the rights 7536

and remedies of the holders or owners of obligations outstanding 7537  
under the bond proceedings or impair the security for those 7538  
obligations, and (5) enforce Chapter 1346. of the Revised Code, 7539  
the tobacco master settlement agreement, and the consent decree to 7540  
effectuate the collection of the pledged tobacco settlement 7541  
receipts. 7542

The bond proceedings may also include such other covenants, 7543  
pledges, and agreements by the state to protect and safeguard the 7544  
security and rights of the holders and owners of the obligations, 7545  
and of the providers of any credit enhancement facilities, 7546  
including, without limiting the generality of the foregoing, any 7547  
covenant, pledge, or agreement customary in transactions involving 7548  
the issuance of securities the debt service on which is payable 7549  
from or secured by amounts received under the tobacco master 7550  
settlement agreement. Notwithstanding any other provision of law, 7551  
any covenant, pledge, and agreement of the state, if and when made 7552  
in the bond proceedings, shall be controlling and binding upon, 7553  
and enforceable against the state in accordance with its terms for 7554  
so long as any obligations are outstanding under the applicable 7555  
bond proceedings. The bond proceedings may also include 7556  
limitations on the remedies available to the issuing authority, 7557  
the holders and owners of the obligations, and the providers of 7558  
any credit enhancement facilities, including, without limiting the 7559  
generality of the foregoing, a provision that those remedies may 7560  
be limited to injunctive relief in circumstances where there has 7561  
been no prior determination by a court of competent jurisdiction 7562  
that the state has not enforced Chapter 1346. of the Revised Code, 7563  
the tobacco master settlement agreement, or the consent decree as 7564  
may have been covenanted or agreed in the bond proceedings under 7565  
division (B)(5) of this section. 7566

Nothing in this section or the bond proceedings shall 7567  
preclude or limit, or be construed to preclude or limit, the state 7568

from regulating or authorizing or permitting the regulation of 7569  
smoking or from taxing and regulating the sale of cigarettes or 7570  
other tobacco products, or from defending or prosecuting cases or 7571  
other actions relating to the sale or use of cigarettes or other 7572  
tobacco products. Except as otherwise may be agreed in writing by 7573  
the attorney general, nothing in this section or the bond 7574  
proceedings shall modify or limit, or be construed to modify or 7575  
limit, the responsibility, power, judgment, and discretion of the 7576  
attorney general to protect and discharge the duties, rights, and 7577  
obligations of the state under the tobacco master settlement 7578  
agreement, the consent decree, or Chapter 1346. of the Revised 7579  
Code. 7580

The governor and the director of budget and management, in 7581  
consultation with the attorney general, on behalf of the state, 7582  
and any member or officer of the issuing authority as authorized 7583  
by that issuing authority, on behalf of the issuing authority, may 7584  
take any action and execute any documents, including any purchase 7585  
and sale agreements, necessary to effect the assignment and sale 7586  
and the acceptance of the assignment and title to the receipts 7587  
including, providing irrevocable direction to the escrow agent 7588  
acting under the tobacco master settlement agreement to transfer 7589  
directly to the issuing authority the amounts to be received under 7590  
that agreement that are subject to such assignment and sale. Any 7591  
purchase and sale agreement or other bond proceedings may contain 7592  
the terms and conditions established by the state and the issuing 7593  
authority to carry out and effectuate the purposes of this 7594  
section, including, without limitation, covenants binding the 7595  
state in favor of the issuing authority and its assignees and the 7596  
owners of the obligations. Any such purchase and sale agreement 7597  
shall be sufficient to effectuate such purchase and sale without 7598  
regard to any other laws governing other property sales or 7599  
financial transactions by the state. 7600

Not later than two years following the date on which there 7601  
are no longer any obligations outstanding under the bond 7602  
proceedings, all assets of the issuing authority shall vest in the 7603  
state, the issuing authority shall execute any necessary 7604  
assignments or instruments, including any assignment of any right, 7605  
title, or ownership to the state for receipt of amounts under the 7606  
tobacco master settlement agreement, and the issuing authority 7607  
shall be dissolved. 7608

(C) The issuing authority is authorized to issue and to sell 7609  
obligations as provided in this section. The aggregate principal 7610  
amount of obligations issued under this section shall not exceed 7611  
six billion dollars, exclusive of obligations issued under 7612  
division (M)(1) of this section to refund, renew, or advance 7613  
refund other obligations issued or incurred. At least seventy-five 7614  
per cent of the aggregate net proceeds of the obligations issued 7615  
under the authority of this section, exclusive of obligations 7616  
issued to refund, renew, or advance refund other obligations, 7617  
shall be paid to the state for deposit into the school building 7618  
program assistance fund created in section 3318.25 of the Revised 7619  
Code. 7620

(D) Each issue of obligations shall be authorized by 7621  
resolution or order of the issuing authority. The bond proceedings 7622  
shall provide for or authorize the manner for determining the 7623  
principal amount or maximum principal amount of obligations of an 7624  
issue, the principal maturity or maturities, the interest rate or 7625  
rates, the date of and the dates of payment of interest on the 7626  
obligations, their denominations, and the place or places of 7627  
payment of debt service which may be within or outside the state. 7628  
Unless otherwise provided by law, the latest principal maturity 7629  
may not be later than the earlier of the thirty-first day of 7630  
December of the fiftieth calendar year after the year of issuance 7631  
of the particular obligations or of the fiftieth calendar year 7632

after the year in which the original obligation to pay was issued 7633  
or entered into. Sections 9.96, 9.98, 9.981, 9.982, and 9.983 of 7634  
the Revised Code apply to the obligations. 7635

The purpose of the obligations may be stated in the bond 7636  
proceedings in general terms, such as, as applicable, "paying 7637  
costs of capital facilities for a system of common schools," 7638  
"paying costs of facilities for state-supported and state-assisted 7639  
institutions of higher education," "paying the cost of capital 7640  
facilities for housing of branches and agencies of state 7641  
government, including capital facilities for the purpose of 7642  
housing personnel, equipment, or functions, or any combination 7643  
thereof that the state agencies are responsible for housing," 7644  
"paying costs of capital facilities for use as state correctional 7645  
facilities or county, multicounty, municipal-county, and 7646  
multicounty-municipal jail facilities or workhouses, or as single 7647  
county or district community-based correctional facilities," 7648  
"paying costs of capital facilities for mental hygiene and 7649  
retardation," and "paying costs of capital facilities for parks 7650  
and recreation." Unless otherwise provided in the bond proceedings 7651  
or in division (C) of this section, the net proceeds from the 7652  
issuance of the obligations shall be paid to the state for deposit 7653  
into the applicable improvement fund. Notwithstanding division 7654  
(B)(4) of section 3318.38 of the Revised Code, net proceeds of 7655  
obligations deposited into the school building program assistance 7656  
fund created in section 3318.25 of the Revised Code may be used to 7657  
pay basic project costs under section 3318.38 of the Revised Code 7658  
at the times determined by the Ohio school facilities commission 7659  
without regard to whether those expenditures are in proportion to 7660  
the state's and the school district's respective shares of that 7661  
basic project cost. As used in the preceding sentence, "Ohio 7662  
school facilities commission" and "basic project costs" have the 7663  
same meanings as in section 3318.01 of the Revised Code. 7664

(E) The issuing authority may, without need for any other approval, appoint or provide for the appointment of paying agents, bond registrars, securities depositories, credit enhancement providers or counterparties, clearing corporations, and transfer agents, and retain or contract for the services of underwriters, investment bankers, financial advisers, accounting experts, marketing, remarketing, indexing, and administrative agents, other consultants, and independent contractors, including printing services, as are necessary in the judgment of the issuing authority to carry out the issuing authority's functions under this section and section 183.52 of the Revised Code. The attorney general as counsel to the issuing authority shall represent the authority in the execution of its powers and duties, and shall institute and prosecute all actions on its behalf. The issuing authority and the attorney general shall work together to arrange for the appointment of counsel who shall be appointed by the attorney general, after receipt of recommendations from the issuing authority, for the purposes of carrying out the functions under this section and related sections of the Revised Code. Financing costs are payable, as may be provided in the bond proceedings, from the proceeds of the obligations, from special funds, or from other moneys available for the purpose, including as to future financing costs, from the pledged receipts.

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

proceedings, consistent with this section, to be deposited, 7698  
transferred, or credited to the bond service fund, and all other 7699  
money transferred or allocated to or received for the purposes of 7700  
that fund, shall be deposited and credited to the bond service 7701  
fund created in the bond proceedings for the obligations, subject 7702  
to any applicable provisions of those bond proceedings, but 7703  
without necessity for any act of appropriation. Those pledged 7704  
receipts shall immediately be subject to the lien of that pledge 7705  
without any physical delivery thereof or further act, and shall 7706  
not be subject to other court judgments. The lien of the pledge of 7707  
those pledged receipts shall be valid and binding against all 7708  
parties having claims of any kind against the issuing authority, 7709  
irrespective of whether those parties have notice thereof. The 7710  
pledge shall create a perfected security interest for all purposes 7711  
of Chapter 1309. of the Revised Code and a perfected lien for 7712  
purposes of any other interest, all without the necessity for 7713  
separation or delivery of funds or for the filing or recording of 7714  
the applicable bond proceedings by which that pledge is created or 7715  
any certificate, statement, or other document with respect 7716  
thereto. The pledge of the pledged receipts shall be effective and 7717  
the money therefrom and thereof may be applied to the purposes for 7718  
which pledged. 7719

(G) Obligations may be further secured, as determined by the 7720  
issuing authority, by an indenture or a trust agreement between 7721  
the issuing authority and a corporate trustee, which may be any 7722  
trust company or bank having a place of business within the state. 7723  
Any indenture or trust agreement may contain the resolution or 7724  
order authorizing the issuance of the obligations, any provisions 7725  
that may be contained in any bond proceedings, and other 7726  
provisions that are customary or appropriate in an agreement of 7727  
that type, including, but not limited to: 7728

(1) Maintenance of each pledge, indenture, trust agreement, 7729

or other instrument comprising part of the bond proceedings until 7730  
the issuing authority has fully paid or provided for the payment 7731  
of debt service on the obligations secured by it; 7732

(2) In the event of default in any payments required to be 7733  
made by the bond proceedings, enforcement of those payments or 7734  
agreements by mandamus, the appointment of a receiver, suit in 7735  
equity, action at law, or any combination of them; 7736

(3) The rights and remedies of the holders or owners of 7737  
obligations and of the trustee and provisions for protecting and 7738  
enforcing them, including limitations on rights of individual 7739  
holders and owners. 7740

(H) The bond proceedings may contain additional provisions 7741  
customary or appropriate to the financing or to the obligations or 7742  
to particular obligations including, but not limited to, 7743  
provisions for: 7744

(1) The redemption of obligations prior to maturity at the 7745  
option of the issuing authority or of the holder or upon the 7746  
occurrence of certain conditions, and at a particular price or 7747  
prices and under particular terms and conditions; 7748

(2) The form of and other terms of the obligations; 7749

(3) The establishment, deposit, investment, and application 7750  
of special funds, and the safeguarding of moneys on hand or on 7751  
deposit, in lieu of the applicability of provisions of Chapter 7752  
131. or 135. of the Revised Code, but subject to any special 7753  
provisions of this section with respect to the application of 7754  
particular funds or moneys. Any financial institution that acts as 7755  
a depository of any moneys in special funds or other funds under 7756  
the bond proceedings may furnish indemnifying bonds or pledge 7757  
securities as required by the issuing authority. 7758

(4) Any or every provision of the bond proceedings being 7759  
binding upon the issuing authority and upon such governmental 7760



agency or entity, officer, board, authority, agency, department, 7761  
institution, district, or other person or body as may from time to 7762  
time be authorized to take actions as may be necessary to perform 7763  
all or any part of the duty required by the provision; 7764

(5) The maintenance of each pledge or instrument comprising 7765  
part of the bond proceedings until the issuing authority has fully 7766  
paid or provided for the payment of the debt service on the 7767  
obligations or met other stated conditions; 7768

(6) In the event of default in any payments required to be 7769  
made by the bond proceedings, or by any other agreement of the 7770  
issuing authority made as part of a contract under which the 7771  
obligations were issued or secured, including a credit enhancement 7772  
facility, the enforcement of those payments by mandamus, a suit in 7773  
equity, an action at law, or any combination of those remedial 7774  
actions; 7775

(7) The rights and remedies of the holders or owners of 7776  
obligations or of book-entry interests in them, and of third 7777  
parties under any credit enhancement facility, and provisions for 7778  
protecting and enforcing those rights and remedies, including 7779  
limitations on rights of individual holders or owners; 7780

(8) The replacement of mutilated, destroyed, lost, or stolen 7781  
obligations; 7782

(9) The funding, refunding, or advance refunding, or other 7783  
provision for payment, of obligations that will then no longer be 7784  
outstanding for purposes of this section or of the applicable bond 7785  
proceedings; 7786

(10) Amendment of the bond proceedings; 7787

(11) Any other or additional agreements with the owners of 7788  
obligations, and such other provisions as the issuing authority 7789  
determines, including limitations, conditions, or qualifications, 7790  
relating to any of the foregoing or the activities of the issuing 7791

authority in connection therewith. 7792

The bond proceedings shall make provision for the payment of 7793  
the expenses of the enforcement activity of the attorney general 7794  
referred to in division (B) of this section from the amounts from 7795  
the tobacco master settlement agreement assigned and sold to the 7796  
issuing authority under that division or from the proceeds of 7797  
obligations, or a combination thereof, which may include provision 7798  
for both annual payments and a special fund providing reserve 7799  
amounts for the payment of those expenses. 7800

The issuing authority shall not, and shall covenant in the 7801  
bond proceedings that it shall not, be authorized to and shall not 7802  
file a voluntary petition under the United States Bankruptcy Code, 7803  
11 U.S.C. 101 et seq., as amended, or voluntarily commence any 7804  
similar bankruptcy proceeding under state law including, without 7805  
limitation, consenting to the appointment of a receiver or trustee 7806  
or making a general or specific assignment for the benefit of 7807  
creditors, and neither any public officer or any organization, 7808  
entity, or other person shall authorize the issuing authority to 7809  
be or become a debtor under the United States Bankruptcy Code or 7810  
take any of those actions under the United States Bankruptcy Code 7811  
or state law. The state hereby covenants, and the issuing 7812  
authority shall covenant, with the holders or owners of the 7813  
obligations, that the state shall not permit the issuing authority 7814  
to file a voluntary petition under the United States Bankruptcy 7815  
Code or take any of those actions under the United States 7816  
Bankruptcy Code or state law during the period obligations are 7817  
outstanding and for any additional period for which the issuing 7818  
authority covenants in the bond proceedings, which additional 7819  
period may, but need not, be a period of three hundred sixty-seven 7820  
days or more. 7821

(I) The obligations requiring execution by or for the issuing 7822  
authority shall be signed as provided in the bond proceedings, and 7823

may bear the official seal of the issuing authority or a facsimile 7824  
thereof. Any obligation may be signed by the individual who, on 7825  
the date of execution, is the authorized signer even though, on 7826  
the date of the obligations, that individual is not an authorized 7827  
signer. In case the individual whose signature or facsimile 7828  
signature appears on any obligation ceases to be an authorized 7829  
signer before delivery of the obligation, that signature or 7830  
facsimile is nevertheless valid and sufficient for all purposes as 7831  
if that individual had remained the authorized signer until 7832  
delivery. 7833

(J) Obligations are investment securities under Chapter 1308. 7834  
of the Revised Code. Obligations may be issued in bearer or in 7835  
registered form, registrable as to principal alone or as to both 7836  
principal and interest, or both, or in certificated or 7837  
uncertificated form, as the issuing authority determines. 7838  
Provision may be made for the exchange, conversion, or transfer of 7839  
obligations and for reasonable charges for registration, exchange, 7840  
conversion, and transfer. Pending preparation of final 7841  
obligations, the issuing authority may provide for the issuance of 7842  
interim instruments to be exchanged for the final obligations. 7843

(K) Obligations may be sold at public sale or at private 7844  
sale, in such manner, and at such price at, above, or below par, 7845  
all as determined by and provided by the issuing authority in the 7846  
bond proceedings. 7847

(L) Except to the extent that rights are restricted by the 7848  
bond proceedings, any owner of obligations or provider of or 7849  
counterparty to a credit enhancement facility may by any suitable 7850  
form of legal proceedings protect and enforce any rights relating 7851  
to obligations or that facility under the laws of this state or 7852  
granted by the bond proceedings. Those rights include the right to 7853  
compel the performance of all applicable duties of the issuing 7854  
authority and the state. Each duty of the issuing authority and 7855

that issuing authority's officers, staff, and employees, and of 7856  
each state entity or agency, or using district or using 7857  
institution, and its officers, members, staff, or employees, 7858  
undertaken pursuant to the bond proceedings, is hereby established 7859  
as a duty of the entity or individual having authority to perform 7860  
that duty, specifically enjoined by law and resulting from an 7861  
office, trust, or station within the meaning of section 2731.01 of 7862  
the Revised Code. The individuals who are from time to time 7863  
members of the issuing authority, or their designees acting 7864  
pursuant to section 183.52 of the Revised Code, or the issuing 7865  
authority's officers, staff, agents, or employees, when acting 7866  
within the scope of their employment or agency, shall not be 7867  
liable in their personal capacities on any obligations or 7868  
otherwise under the bond proceedings, or for otherwise exercising 7869  
or carrying out any purposes or powers of the issuing authority. 7870

(M)(1) Subject to any applicable limitations in division (C) 7871  
of this section, the issuing authority may also authorize and 7872  
provide for the issuance of: 7873

(a) Obligations in the form of bond anticipation notes, and 7874  
may authorize and provide for the renewal of those notes from time 7875  
to time by the issuance of new notes. The holders of notes or 7876  
appertaining interest coupons have the right to have debt service 7877  
on those notes paid solely from the moneys and special funds, and 7878  
all or any portion of the pledged receipts, that are or may be 7879  
pledged to that payment, including the proceeds of bonds or 7880  
renewal notes or both, as the issuing authority provides in the 7881  
bond proceedings authorizing the notes. Notes may be additionally 7882  
secured by covenants of the issuing authority to the effect that 7883  
the issuing authority will do all things necessary for the 7884  
issuance of bonds or renewal notes in such principal amount and 7885  
upon such terms as may be necessary to provide moneys to pay when 7886  
due the debt service on the notes, and apply their proceeds to the 7887

extent necessary, to make full and timely payment of debt service 7888  
on the notes as provided in the applicable bond proceedings. In 7889  
the bond proceedings authorizing the issuance of bond anticipation 7890  
notes the issuing authority shall set forth for the bonds 7891  
anticipated an estimated schedule of annual principal payments the 7892  
latest of which shall be no later than provided in division (D) of 7893  
this section. While the notes are outstanding there shall be 7894  
deposited, as shall be provided in the bond proceedings for those 7895  
notes, from the sources authorized for payment of debt service on 7896  
the bonds, amounts sufficient to pay the principal of the bonds 7897  
anticipated as set forth in that estimated schedule during the 7898  
time the notes are outstanding, which amounts shall be used solely 7899  
to pay the principal of those notes or of the bonds anticipated. 7900

(b) Obligations for the refunding, including funding and 7901  
retirement, and advance refunding, with or without payment or 7902  
redemption prior to maturity, of any obligations previously issued 7903  
under this section and any bonds or notes previously issued for 7904  
the purpose of paying costs of capital facilities for: (i) 7905  
state-supported or state-assisted institutions of higher education 7906  
as authorized by sections 151.01 and 151.04 of the Revised Code, 7907  
pursuant to Sections 2i and 2n of Article VIII, Ohio Constitution; 7908  
(ii) housing branches and agencies of state government, including 7909  
but not limited to facilities for housing state agencies as 7910  
authorized by section 152.09 of the Revised Code, pursuant to 7911  
Section 2i of Article VIII, Ohio Constitution, for a system of 7912  
common schools throughout the state as authorized by sections 7913  
151.01 and 151.03 of the Revised Code, pursuant to Sections 2i and 7914  
2n of Article VIII, Ohio Constitution, and for use as state 7915  
correctional facilities or county, multicounty, municipal-county, 7916  
and multicounty-municipal jail facilities or workhouses as 7917  
authorized by section 152.33 of the Revised Code, pursuant to 7918  
Section 2i of Article VIII, Ohio Constitution; (iii) mental 7919  
hygiene and retardation as authorized by sections 154.01 and 7920

154.20 of the Revised Code, pursuant to Section 2i of Article 7921  
VIII, Ohio Constitution; and (iv) parks and recreation as 7922  
authorized by sections 154.01 and 154.22 of the Revised Code, 7923  
pursuant to Section 2i of Article VIII, Ohio Constitution. 7924  
Refunding obligations may be issued in amounts sufficient to pay 7925  
or to provide for repayment of the principal amount, including 7926  
principal amounts maturing prior to the redemption of the 7927  
remaining prior obligations or bonds or notes, any redemption 7928  
premium, and interest accrued or to accrue to the maturity or 7929  
redemption date or dates, payable on the prior obligations or 7930  
bonds or notes, and related financing costs and any expenses 7931  
incurred or to be incurred in connection with that issuance and 7932  
refunding. Subject to the applicable bond proceedings, the portion 7933  
of the proceeds of the sale of refunding obligations issued under 7934  
division (M)(1)(b) of this section to be applied to debt service 7935  
on the prior obligations or bonds or notes shall be credited to an 7936  
appropriate separate account in the bond service fund and held in 7937  
trust for the purpose by the issuing authority or by a corporate 7938  
trustee, and may be invested as provided in the bond proceedings. 7939  
Obligations authorized under this division shall be considered to 7940  
be issued for those purposes for which the prior obligations or 7941  
bonds or notes were issued. 7942

(2) The principal amount of refunding, advance refunding, or 7943  
renewal obligations issued pursuant to division (M) of this 7944  
section shall be in addition to the amount authorized in division 7945  
(C) of this section. 7946

(N) Obligations are lawful investments for banks, savings and 7947  
loan associations, credit union share guaranty corporations, trust 7948  
companies, trustees, fiduciaries, insurance companies, including 7949  
domestic for life and domestic not for life, trustees or other 7950  
officers having charge of sinking and bond retirement or other 7951  
special funds of the state and political subdivisions and taxing 7952

districts of this state, notwithstanding any other provisions of 7953  
the Revised Code or rules adopted pursuant to those provisions by 7954  
any state agency with respect to investments by them, and are also 7955  
acceptable as security for the repayment of the deposit of public 7956  
moneys. The exemptions from taxation in Ohio as provided for in 7957  
particular sections of the Ohio Constitution and section 5709.76 7958  
of the Revised Code apply to the obligations. 7959

(O)(1) Unless otherwise provided or provided for in any 7960  
applicable bond proceedings, moneys to the credit of or in a 7961  
special fund shall be disbursed on the order of the issuing 7962  
authority. No such order is required for the payment, from the 7963  
bond service fund or other special fund, when due of debt service 7964  
or required payments under credit enhancement facilities. 7965

(2) Payments received by the issuing authority under interest 7966  
rate hedges entered into as credit enhancement facilities under 7967  
this section shall be deposited as provided in the applicable bond 7968  
proceedings. 7969

(P) The obligations shall not be general obligations of the 7970  
state and the full faith and credit, revenue, and taxing power of 7971  
the state shall not be pledged to the payment of debt service on 7972  
them or to any guarantee of the payment of that debt service. The 7973  
holders or owners of the obligations shall have no right to have 7974  
any moneys obligated or pledged for the payment of debt service 7975  
except as provided in this section and in the applicable bond 7976  
proceedings. The rights of the holders and owners to payment of 7977  
debt service are limited to all or that portion of the pledged 7978  
receipts, and those special funds, pledged to the payment of debt 7979  
service pursuant to the bond proceedings in accordance with this 7980  
section, and each obligation shall bear on its face a statement to 7981  
that effect. 7982

(O) Each bond service fund is a trust fund and is hereby 7983  
pledged to the payment of debt service on the applicable 7984

obligations. Payment of that debt service shall be made or 7985  
provided for by the issuing authority in accordance with the bond 7986  
proceedings without necessity for any act of appropriation. The 7987  
bond proceedings may provide for the establishment of separate 7988  
accounts in the bond service fund and for the application of those 7989  
accounts only to debt service on specific obligations, and for 7990  
other accounts in the bond service fund within the general 7991  
purposes of that fund. 7992

(R) Subject to the bond proceedings pertaining to any 7993  
obligations then outstanding in accordance with their terms, the 7994  
issuing authority may in the bond proceedings pledge all, or such 7995  
portion as the issuing authority determines, of the moneys in the 7996  
bond service fund to the payment of debt service on particular 7997  
obligations, and for the establishment and maintenance of any 7998  
reserves for payment of particular debt service. 7999

(S)(1) Unless otherwise provided in any applicable bond 8000  
proceedings, moneys to the credit of special funds may be invested 8001  
by or on behalf of the issuing authority only in one or more of 8002  
the following: 8003

(a) Notes, bonds, or other direct obligations of the United 8004  
States or of any agency or instrumentality of the United States, 8005  
or in no-front-end-load money market mutual funds consisting 8006  
exclusively of those obligations, or in repurchase agreements, 8007  
including those issued by any fiduciary, secured by those 8008  
obligations, or in collective investment funds consisting 8009  
exclusively of those obligations; 8010

(b) Obligations of this state or any political subdivision of 8011  
this state; 8012

(c) Certificates of deposit of any national bank located in 8013  
this state and any bank, as defined in section 1101.01 of the 8014  
Revised Code, subject to inspection by the superintendent of 8015



financial institutions; 8016

(d) The treasurer of state's pooled investment program under 8017  
section 135.45 of the Revised Code; 8018

(e) Other investment agreements or repurchase agreements that 8019  
are consistent with the ratings on the obligations. 8020

(2) The income from investments referred to in division 8021  
(S)(1) of this section shall be credited to special funds or 8022  
otherwise as the issuing authority determines in the bond 8023  
proceedings. Those investments may be sold or exchanged at times 8024  
as the issuing authority determines, provides for, or authorizes. 8025

(T) The treasurer of state shall have responsibility for 8026  
keeping records, making reports, and making payments, relating to 8027  
any arbitrage rebate requirements under the applicable bond 8028  
proceedings. 8029

**Sec. 183.52. (A) There is hereby created a body, both** 8030  
**corporate and politic, constituting an agency and instrumentality** 8031  
**of this state and performing essential functions of the state, to** 8032  
**be known as the Ohio tobacco settlement financing authority, which** 8033  
**in that name may contract and be contracted with, sue and be sued,** 8034  
**and exercise all other authority vested in that authority by this** 8035  
**section and section 183.51 of the Revised Code. The authority is** 8036  
**created for the sole purpose of purchasing and receiving any** 8037  
**assignment of the tobacco settlement receipts and issuing** 8038  
**obligations, all as provided for in section 183.51 of the Revised** 8039  
**Code, to provide financing of essential functions and facilities.** 8040  
**The property of the authority and its income and operations shall** 8041  
**be exempt from taxation involving the state or by the state and** 8042  
**any political subdivision of the state. All income of the** 8043  
**authority, after the payment of necessary expenses, shall accrue** 8044  
**to the state.** 8045

(B) The authority shall consist of, in each case ex officio, 8046  
the governor, the director of budget and management, the tax 8047  
commissioner, the treasurer of state, and the auditor of state. 8048  
The governor shall serve as the chair of the authority, the 8049  
director of budget and management shall serve as its secretary, 8050  
and the authority shall have such other officers as it determines, 8051  
who may but need not be members of the authority. Four members of 8052  
the authority constitute a quorum and the affirmative vote of four 8053  
members is necessary for any action taken by vote of the 8054  
authority. No vacancy in the membership of the authority shall 8055  
impair the rights of a quorum by such vote to exercise all the 8056  
rights and perform all the duties of the authority. Each of the 8057  
members above identified may designate an employee or officer of 8058  
their office to attend meetings of the authority when that member 8059  
is absent or unable for any reason to attend and that designee, 8060  
when present, shall be counted in determining whether a quorum is 8061  
present at any meeting and may vote and participate in all 8062  
proceedings and actions of the authority. A designee may not 8063  
execute or cause a facsimile signature to be placed on any 8064  
obligation. That designation shall be in writing, executed by the 8065  
designating member, and be filed with the secretary of the 8066  
authority. A designation may be changed from time to time by a 8067  
similar written designation. The authority may delegate to such of 8068  
its members, officers, employees, or staff as it determines those 8069  
powers and duties as it deems appropriate. No member of the 8070  
authority or designee shall, by reason of being or serving as a 8071  
member of the authority, be required to abstain from action in any 8072  
other capacity as an incumbent of a state office or position or 8073  
from any action as a member of the authority in any matter 8074  
affecting or in any way pertaining to both that office or position 8075  
and the authority, or for any purpose be deemed to be disqualified 8076  
from either such office or position or as a member of the 8077  
authority by reason of so acting or to have violated any law by 8078

reason thereof. The authority may adopt and alter bylaws and rules 8079  
for the conduct of its affairs, including provisions for meetings, 8080  
and for the manner in which its powers and functions are to be 8081  
exercised and embodied, and may adopt and alter at will an 8082  
official seal to be affixed to official documents, provided that 8083  
the failure to affix any such seal shall not affect the legality 8084  
of such documents. Members of the authority shall receive no added 8085  
compensation for their services as such members but may be 8086  
reimbursed, as determined by the authority, for their necessary 8087  
and actual expenses incurred in the conduct of the authority's 8088  
business. The office of budget and management shall provide staff 8089  
support to the authority. 8090

Notwithstanding the existence of common management, the 8091  
authority shall be treated and accounted for as a separate and 8092  
independent legal entity with its separate purposes as set forth 8093  
in this section and section 183.51 of the Revised Code. The 8094  
assets, liabilities, and funds of the authority shall not be 8095  
consolidated or commingled with those of the state, and contracts 8096  
entered into by the authority shall be entered into in the name of 8097  
the authority and not in the name of the state. 8098

(C) In connection with the exercise of its powers pursuant to 8099  
this section and section 183.51 of the Revised Code, the authority 8100  
may enter into contracts and execute all instruments necessary or 8101  
incidental to the performance of the issuing authority's duties 8102  
and the execution of the issuing authority's powers and do all 8103  
other acts necessary or proper to the fulfillment of the issuing 8104  
authority's purposes and to carry out the powers expressly granted 8105  
in this section and section 183.51 of the Revised Code. 8106

(D) Unless otherwise provided in Article IV of the Ohio 8107  
Constitution, any action, suit, or special proceeding brought 8108  
against the issuing authority or the state concerning or relating 8109  
to the bond proceedings, section 183.51 of the Revised Code, or 8110

this section, shall be filed and determined in the court of claims 8111  
under Chapter 2743. of the Revised Code. Any special proceeding 8112  
brought against the issuing authority or the state in which the 8113  
court of appeals has original jurisdiction shall be filed and 8114  
determined in the court of appeals of Franklin county. Any such 8115  
action or proceeding to which the issuing authority or the state 8116  
is a party shall be preferred over all other civil causes of 8117  
action or cases, except election causes of action or cases, 8118  
irrespective of position on the calendar. 8119

**Sec. 307.021.** (A) It is hereby declared to be a public 8120  
purpose and function of the state, and a matter of urgent 8121  
necessity, that the state acquire, construct, or renovate capital 8122  
facilities for use as county, multicounty, municipal-county, and 8123  
multicounty-municipal jail facilities or workhouses, as 8124  
single-county or district community-based correctional facilities 8125  
authorized under section 2301.51 of the Revised Code, as minimum 8126  
security misdemeanor jails under sections 341.34 and 753.21 of 8127  
the Revised Code, and as single-county or joint-county juvenile 8128  
facilities authorized under section 2151.65 of the Revised Code in 8129  
order to comply with constitutional standards and laws for the 8130  
incarceration of alleged and convicted offenders against state and 8131  
local laws, and for use as county family court centers. For these 8132  
purposes, counties and municipal corporations are designated as 8133  
state agencies to perform duties of the state in relation to such 8134  
facilities, workhouses, jails, and centers, and such facilities, 8135  
workhouses, jails, and centers are designated as state capital 8136  
facilities. The Ohio building authority is authorized to issue 8137  
revenue obligations under sections 152.09 to 152.33 of the Revised 8138  
Code to pay all or part of the cost of such state capital 8139  
facilities as are designated by law. 8140

The office of the sheriff, due to its responsibilities 8141  
concerning alleged and convicted offenders against state laws, is 8142

designated as the state agency having jurisdiction over such jail, 8143  
workhouse, community-based correctional, or county minimum 8144  
security misdemeanor jail capital facilities in any one county or 8145  
over any district community-based correctional facilities. The 8146  
corrections commission, due to its responsibilities in relation to 8147  
such offenders, is designated as the state agency having 8148  
jurisdiction over any such multicounty, municipal-county, or 8149  
multicounty-municipal jail, workhouse, or correctional capital 8150  
facilities. The office of the chief of police or marshal of a 8151  
municipal corporation, due to its responsibilities concerning 8152  
certain alleged and convicted criminal offenders, is designated as 8153  
the state agency having jurisdiction over any such municipal 8154  
corporation minimum security misdemeanor jail capital facilities 8155  
in the municipal corporation. The juvenile court, as defined in 8156  
section 2151.011 of the Revised Code, is designated as the branch 8157  
of state government having jurisdiction over any such family court 8158  
center or single-county or joint-county juvenile capital 8159  
facilities. It is hereby determined and declared that such capital 8160  
facilities are for the purpose of housing such state agencies, 8161  
their functions, equipment, and personnel. 8162

(B) The capital facilities provided for in this section may 8163  
be included in capital facilities in which one or more 8164  
governmental entities are participating or in which other 8165  
facilities of the county or counties, or any municipal 8166  
corporations, are included pursuant to section 152.31 or 152.33 of 8167  
the Revised Code or in an agreement between any county or counties 8168  
and any municipal corporation or municipal corporations for 8169  
participating in the joint construction, acquisition, or 8170  
improvement of public works, public buildings, or improvements 8171  
benefiting the parties in the same manner as set forth in section 8172  
153.61 of the Revised Code. 8173

(C) A county or counties or a municipal corporation or 8174

municipal corporations may contribute to the cost of capital 8175  
facilities authorized under this section. 8176

(D) A county or counties, and any municipal corporations, 8177  
shall lease capital facilities described in this section that are 8178  
constructed, reconstructed, otherwise improved, or financed by the 8179  
Ohio building authority pursuant to sections 152.09 to 152.33 of 8180  
the Revised Code for the use of the county or counties and any 8181  
municipal corporations, and may enter into other agreements 8182  
ancillary to the construction, reconstruction, improvement, 8183  
financing, leasing, or operation of such capital facilities, 8184  
including, but not limited to, any agreements required by the 8185  
applicable bond proceedings authorized by sections 152.09 to 8186  
152.33 of the Revised Code. 8187

Such lease may obligate the county or counties and any 8188  
municipal corporation, as using state agencies under Chapter 152. 8189  
of the Revised Code, to occupy and operate such capital facilities 8190  
for such period of time as may be specified by law and to pay such 8191  
rent as the authority determines to be appropriate. 8192  
Notwithstanding any other section of the Revised Code, any county 8193  
or counties or municipal corporation may enter into such a lease, 8194  
and any such lease is legally sufficient to obligate the political 8195  
subdivision for the term stated in the lease. Any such lease 8196  
constitutes an agreement described in division (E) of section 8197  
152.24 of the Revised Code. 8198

(E) If rental payments required from the county or counties 8199  
or municipal corporation by a lease established pursuant to this 8200  
section are not paid in accordance with such lease, the funds 8201  
which otherwise would be apportioned to the lessees from the 8202  
county undivided local ~~government~~ communities fund, pursuant to 8203  
sections 5747.51 to 5747.53 of the Revised Code, shall be reduced 8204  
by the amount of rent payable to the authority. The county 8205  
treasurer immediately shall pay the amount of such reductions to 8206

the authority. 8207

(F) Any lease of capital facilities authorized by this 8208  
section, the rentals of which are payable in whole or in part from 8209  
appropriations made by the general assembly, is governed by 8210  
division (D) of section 152.24 of the Revised Code. Such rentals 8211  
constitute available receipts as defined in section 152.09 of the 8212  
Revised Code and may be pledged for the payment of bond service 8213  
charges as provided in section 152.10 of the Revised Code. 8214

(G) Any provision of section 152.21, 152.22, or 152.26 of the 8215  
Revised Code that applies to buildings and facilities described in 8216  
section 152.19 of the Revised Code also applies to the buildings 8217  
and facilities described in this section, unless it is 8218  
inconsistent with this section. 8219

**Sec. 307.37.** (A) As used in division (B)(3) of this section, 8220  
"proposed new construction" means a proposal to erect, construct, 8221  
repair, alter, redevelop, or maintain a single-family, two-family, 8222  
or three-family dwelling or any structure that is regulated by the 8223  
Ohio building code. 8224

(B)(1)(a) The board of county commissioners may adopt local 8225  
residential building regulations governing residential buildings 8226  
as defined in section 3781.06 of the Revised Code, to be enforced 8227  
within the unincorporated area of the county or within districts 8228  
the board establishes in any part of the unincorporated area. No 8229  
local residential building regulation shall differ from the state 8230  
residential building code the board of building standards 8231  
establishes pursuant to Chapter 3781. of the Revised Code unless 8232  
the regulation addresses subject matter not addressed by the state 8233  
residential building code or is adopted pursuant to section 8234  
3781.01 of the Revised Code. 8235

(b) The board of county commissioners may, by resolution, 8236  
adopt, administer, and enforce within the unincorporated area of 8237

the county, or within districts the board establishes in the 8238  
unincorporated area, an existing structures code pertaining to the 8239  
repair and continued maintenance of structures and the premises of 8240  
those structures provided that the existing structures code 8241  
governs subject matter not addressed by, and is not in conflict 8242  
with, the state residential building code adopted pursuant to 8243  
Chapter 3781. of the Revised Code. The board may adopt by 8244  
incorporation by reference a model or standard code prepared and 8245  
promulgated by the state, any agency of this state, or any private 8246  
organization that publishes a recognized or standard existing 8247  
structures code. 8248

(c) The board shall assign the duties of administering and 8249  
enforcing any local residential building regulations or existing 8250  
structures code to a county officer or employee who is trained and 8251  
qualified for those duties and shall establish by resolution the 8252  
minimum qualifications necessary to perform those duties. 8253

(2) The board may adopt regulations for participation in the 8254  
national flood insurance program as defined in section 1521.01 of 8255  
the Revised Code and regulations for the purposes of section 8256  
1506.04 or 1506.07 of the Revised Code governing the prohibition, 8257  
location, erection, construction, redevelopment, or floodproofing 8258  
of new buildings or structures, substantial improvements to 8259  
existing buildings or structures, or other development in 8260  
unincorporated territory within flood hazard areas identified 8261  
under the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 8262  
42 U.S.C.A. 4002, as amended, or within Lake Erie coastal erosion 8263  
areas identified under section 1506.06 of the Revised Code, 8264  
including, but not limited to, residential, commercial, 8265  
institutional, or industrial buildings or structures or other 8266  
permanent structures, as defined in section 1506.01 of the Revised 8267  
Code. Rules adopted under division (B)(2) of this section shall 8268  
not conflict with the state residential and nonresidential 8269



building codes adopted pursuant to section 3781.10 of the Revised Code. 8270  
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(3)(a) A board may adopt regulations that provide for a review of the specific effects of a proposed new construction on existing surface or subsurface drainage. The regulations may require reasonable drainage mitigation and reasonable alteration of a proposed new construction before a building permit is issued in order to prevent or correct any adverse effects that the proposed new construction may have on existing surface or subsurface drainage. The regulations shall not be inconsistent with, more stringent than, or broader in scope than standards adopted by the natural resource conservation service in the United States department of agriculture concerning drainage or rules adopted by the environmental protection agency for reducing, controlling, or mitigating storm water runoff from construction sites, where applicable. The regulations shall allow a person who is registered under Chapter 4703. or 4733. of the Revised Code to prepare and submit relevant plans and other documents for review, provided that the person is authorized to prepare the plans and other documents pursuant to the person's registration. 8272  
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(b) If regulations are adopted under division (B)(3) of this section, the board shall specify in the regulations a procedure for the review of the specific effects of a proposed new construction on existing surface or subsurface drainage. The procedure shall include at a minimum all of the following: 8290  
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(i) A meeting at which the proposed new construction shall be examined for those specific effects. The meeting shall be held within thirty days after an application for a building permit is filed or a review is requested unless the applicant agrees in writing to extend that time period or to postpone the meeting to another date, time, or place. The meeting shall be scheduled within five days after an application for a building permit is 8295  
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filed or a review is requested. 8302

(ii) Written notice of the date, time, and place of that 8303  
meeting, sent by regular mail to the applicant. The written notice 8304  
shall be mailed at least seven days before the scheduled meeting 8305  
date. 8306

(iii) Completion of the review by the board of county 8307  
commissioners not later than thirty days after the application for 8308  
a building permit is filed or a review is requested unless the 8309  
applicant has agreed in writing to extend that time period or 8310  
postpone the meeting to a later time, in which case the review 8311  
shall be completed not later than two days after the date of the 8312  
meeting. A complete review shall include the issuance of any order 8313  
of the board of county commissioners regarding necessary 8314  
reasonable drainage mitigation and necessary reasonable 8315  
alterations to the proposed new construction to prevent or correct 8316  
any adverse effects on existing surface or subsurface drainage so 8317  
long as those alterations comply with the state residential and 8318  
nonresidential building codes adopted pursuant to section 3781.10 8319  
of the Revised Code. If the review is not completed within the 8320  
thirty-day period or an extended or postponed period that the 8321  
applicant has agreed to, the proposed new construction shall be 8322  
deemed to have no adverse effects on existing surface or 8323  
subsurface drainage, and those effects shall not be a valid basis 8324  
for the denial of a building permit. 8325

(iv) A written statement, provided to the applicant at the 8326  
meeting or in an order for alterations to a proposed new 8327  
construction, informing the applicant of the right to seek 8328  
appellate review of the denial of a building permit under division 8329  
(B)(3)(b)(iii) of this section by filing a petition in accordance 8330  
with Chapter 2506. of the Revised Code. 8331

(c) The regulations may authorize the board, after obtaining 8332  
the advice of the county engineer, to enter into an agreement with 8333

the county engineer or another qualified person or entity to carry 8334  
out any necessary inspections and make evaluations about what, if 8335  
any, alterations are necessary to prevent or correct any adverse 8336  
effects that a proposed new construction may have on existing 8337  
surface or subsurface drainage. 8338

(d) Regulations adopted pursuant to division (B)(3) of this 8339  
section shall not apply to any property that a platting authority 8340  
has approved under section 711.05, 711.09, or 711.10 of the 8341  
Revised Code and shall not govern the same subject matter as the 8342  
state residential or nonresidential building codes adopted 8343  
pursuant to section 3781.10 of the Revised Code. 8344

(e) As used in division (B)(3) of this section, "subsurface 8345  
drainage" does not include a household sewage ~~treatment~~ disposal 8346  
system as defined in section 3709.091 of the Revised Code. 8347

(C)(1) Any regulation, code, or amendment may be adopted 8348  
under this section only after a public hearing at not fewer than 8349  
two regular or special sessions of the board. The board shall 8350  
cause notice of any public hearing to be published in a newspaper 8351  
of general circulation in the county once a week for the two 8352  
consecutive weeks immediately preceding the hearing, except that 8353  
if the board posts the hearing notice on the board's internet site 8354  
on the world wide web, the board need publish only one notice of 8355  
the hearing in a newspaper of general circulation if that 8356  
newspaper notice includes the board's internet site and a 8357  
statement that the notice is also posted on the internet site. Any 8358  
notice of a public hearing shall include the time, date, and place 8359  
of the hearing. 8360

(2) Any proposed regulation, code, or amendment shall be made 8361  
available to the public at the board office. The regulations or 8362  
amendments shall take effect on the thirty-first day following the 8363  
date of their adoption. 8364

(D)(1) No person shall violate any regulation, code, or amendment the board adopts under sections 307.37 to 307.40 of the Revised Code.

(2) Each day during which an illegal location, erection, construction, floodproofing, repair, alteration, development, redevelopment, or maintenance continues may be considered a separate offense.

(E) Regulations or amendments the board adopts pursuant to this section, with the exception of an existing structures code, do not affect buildings or structures that exist or on which construction has begun on or before the date the board adopts the regulation or amendment.

(F)(1) The board may create a building department and employ the personnel it determines necessary to administer and enforce any local residential building regulations or existing structures code the board adopts pursuant to this section. The building department may enforce the state residential and nonresidential building codes adopted pursuant to Chapter 3781. of the Revised Code if the building department is certified pursuant to section 3781.10 of the Revised Code to enforce those codes.

(2) The board may direct the building department, upon certification, to exercise enforcement authority and to accept and approve plans pursuant to sections 3781.03 and 3791.04 of the Revised Code for the class of building for which the department and personnel are certified.

**Sec. 307.695.** (A) As used in this section:

(1) "Arena" means any structure designed and constructed for the purpose of providing a venue for public entertainment and recreation by the presentation of concerts, sporting and athletic events, and other events and exhibitions, including facilities

intended to house or provide a site for one or more athletic or 8395  
sports teams or activities, spectator facilities, parking 8396  
facilities, walkways, and auxiliary facilities, real and personal 8397  
property, property rights, easements, leasehold estates, and 8398  
interests that may be appropriate for, or used in connection with, 8399  
the operation of the arena. 8400

(2) "Convention center" means any structure expressly 8401  
designed and constructed for the purposes of presenting 8402  
conventions, public meetings, and exhibitions and includes parking 8403  
facilities that serve the center and any personal property used in 8404  
connection with any such structure or facilities. 8405

(3) "Eligible county" means a county having a population of 8406  
at least four hundred thousand but not more than eight hundred 8407  
thousand according to the 2000 federal decennial census and that 8408  
directly borders the geographic boundaries of another state. 8409

(4) "Entity" means a nonprofit corporation, a municipal 8410  
corporation, a port authority created under Chapter 4582. of the 8411  
Revised Code, or a convention facilities authority created under 8412  
Chapter 351. of the Revised Code. 8413

(5) "Lodging taxes" means excise taxes levied under division 8414  
(A)(1), (A)(2), or (C) of section 5739.09 of the Revised Code and 8415  
the revenues arising therefrom. 8416

(6) "Nonprofit corporation" means a nonprofit corporation 8417  
that is organized under the laws of this state and that includes 8418  
within the purposes for which it is incorporated the authorization 8419  
to lease and operate facilities such as a convention center or an 8420  
arena or a combination of an arena and convention center. 8421

(7) "Project" means acquiring, constructing, reconstructing, 8422  
renovating, rehabilitating, expanding, adding to, equipping, 8423  
furnishing or otherwise improving an arena, a convention center, 8424  
or a combination of an arena and convention center. For purposes 8425

of this section, a project is a permanent improvement for one 8426  
purpose under Chapter 133. of the Revised Code. 8427

(8) "Project revenues" means money received by ~~an eligible a~~ 8428  
county with a population of four hundred thousand or more, other 8429  
than money from taxes or from the proceeds of securities secured 8430  
by taxes, in connection with, derived from, related to, or 8431  
resulting from a project, including, but not limited to, rentals 8432  
and other payments received under a lease or agreement with 8433  
respect to the project, ticket charges or surcharges for admission 8434  
to events at a project, charges or surcharges for parking for 8435  
events at a project, charges for the use of a project or any 8436  
portion of a project, including suites and seating rights, the 8437  
sale of naming rights for the project or a portion of the project, 8438  
unexpended proceeds of any county revenue bonds issued for the 8439  
project, and any income and profit from the investment of the 8440  
proceeds of any such revenue bonds or any project revenues. 8441

(9) "Chapter 133. securities," "debt charges," "general 8442  
obligation," "legislation," "one purpose," "outstanding," 8443  
"permanent improvement," "person," and "securities" have the 8444  
meanings given to those terms in section 133.01 of the Revised 8445  
Code. 8446

(B) A board of county commissioners may enter into an 8447  
agreement with a convention and visitors' bureau operating in the 8448  
county under which: 8449

(1) The bureau agrees to construct and equip a convention 8450  
center in the county and to pledge and contribute from the tax 8451  
revenues received by it under division (A) of section 5739.09 of 8452  
the Revised Code, not more than such portion thereof that it is 8453  
authorized to pledge and contribute for the purpose described in 8454  
division (C) of this section; and 8455

(2) The board agrees to levy a tax under division (C) of 8456

section 5739.09 of the Revised Code and pledge and contribute the 8457  
revenues therefrom for the purpose described in division (C) of 8458  
this section. 8459

(C) The purpose of the pledges and contributions described in 8460  
divisions (B)(1) and (2) of this section is payment of principal, 8461  
interest, and premium, if any, on bonds and notes issued by or for 8462  
the benefit of the bureau to finance the construction and 8463  
equipping of a convention center. The pledges and contributions 8464  
provided for in the agreement shall be for the period stated in 8465  
the agreement. Revenues determined from time to time by the board 8466  
to be needed to cover the real and actual costs of administering 8467  
the tax imposed by division (C) of section 5739.09 of the Revised 8468  
Code may not be pledged or contributed. The agreement shall 8469  
provide that any such bonds and notes shall be secured by a trust 8470  
agreement between the bureau or other issuer acting for the 8471  
benefit of the bureau and a corporate trustee that is a trust 8472  
company or bank having the powers of a trust company within or 8473  
without the state, and the trust agreement shall pledge or assign 8474  
to the retirement of the bonds or notes, all moneys paid by the 8475  
county under this section. A tax the revenues from which are 8476  
pledged under an agreement entered into by a board of county 8477  
commissioners under this section shall not be subject to 8478  
diminution by initiative or referendum, or diminution by statute, 8479  
unless provision is made therein for an adequate substitute 8480  
therefor reasonably satisfactory to the trustee under the trust 8481  
agreement that secures the bonds and notes. 8482

(D) A pledge of money by a county under division (B) of this 8483  
section shall not be indebtedness of the county for purposes of 8484  
Chapter 133. of the Revised Code. 8485

(E) If the terms of the agreement so provide, the board of 8486  
county commissioners may acquire and lease real property to the 8487  
convention bureau as the site of the convention center. The lease 8488

shall be on such terms as are set forth in the agreement. The 8489  
purchase and lease are not subject to the limitations of sections 8490  
307.02 and 307.09 of the Revised Code. 8491

(F) In addition to the authority granted to a board of county 8492  
commissioners under divisions (B) to (E) of this section, a board 8493  
of county commissioners in a county with a population of one 8494  
million two hundred thousand or more, or a county with a 8495  
population greater than four hundred thousand but less than five 8496  
hundred thousand, may establish and provide local funding options 8497  
for constructing and equipping a convention center. 8498

(G) The board of county commissioners of ~~an eligible~~ a county 8499  
with a population of four hundred thousand or more may undertake, 8500  
finance, operate, and maintain a project. The board may lease a 8501  
project to an entity on terms that the board determines to be in 8502  
the best interest of the county and in furtherance of the public 8503  
purpose of the project; the lease may be for a term of thirty-five 8504  
years or less and may provide for an option of the entity to renew 8505  
the lease for a term of thirty-five years or less. The board may 8506  
enter into an agreement with an entity with respect to a project 8507  
on terms that the board determines to be in the best interest of 8508  
the county and in furtherance of the public purpose of the 8509  
project. To the extent provided for in an agreement or a lease 8510  
with an entity, the board may authorize the entity to administer 8511  
on behalf of the board any contracts for the project. The board 8512  
may enter into an agreement providing for the sale to a person of 8513  
naming rights to a project or portion of a project, for a period, 8514  
for consideration, and on other terms and conditions that the 8515  
board determines to be in the best interest of the county and in 8516  
furtherance of the public purpose of the project. The board may 8517  
enter into an agreement with a person owning or operating a 8518  
professional athletic or sports team providing for the use by that 8519  
person of a project or portion of a project for that team's 8520



offices, training, practices, and home games for a period, for 8521  
consideration, and on other terms and conditions that the board 8522  
determines to be in the best interest of the county and in 8523  
furtherance of the public purpose of the project. The board may 8524  
establish ticket charges or surcharges for admission to events at 8525  
a project, charges or surcharges for parking for events at a 8526  
project, and charges for the use of a project or any portion of a 8527  
project, including suites and seating rights, and may, as 8528  
necessary, enter into agreements related thereto with persons for 8529  
a period, for consideration, and on other terms and conditions 8530  
that the board determines to be in the best interest of the county 8531  
and in furtherance of the public purpose of the project. A lease 8532  
or agreement authorized by this division is not subject to 8533  
sections 307.02, 307.09, and 307.12 of the Revised Code. 8534

(H) Notwithstanding any contrary provision in Chapter 5739. 8535  
of the Revised Code, after adopting a resolution declaring it to 8536  
be in the best interest of the county to undertake a project as 8537  
described in division (G) of this section, the board of county 8538  
commissioners of an eligible county may adopt a resolution 8539  
enacting or increasing any lodging taxes within the limits 8540  
specified in Chapter 5739. of the Revised Code with respect to 8541  
those lodging taxes and amending any prior resolution under which 8542  
any of its lodging taxes have been imposed in order to provide 8543  
that those taxes, after deducting the real and actual costs of 8544  
administering the taxes and any portion of the taxes returned to 8545  
any municipal corporation or township as provided in division 8546  
(A)(1) of section 5739.09 of the Revised Code, shall be used by 8547  
the board for the purposes of undertaking, financing, operating, 8548  
and maintaining the project, including paying debt charges on any 8549  
securities issued by the board under division (I) of this section, 8550  
or to make contributions to the convention and visitors' bureau 8551  
operating within the county, or to promote, advertise, and market 8552  
the region in which the county is located, all as the board may 8553

determine and make appropriations for from time to time, subject 8554  
to the terms of any pledge to the payment of debt charges on 8555  
outstanding general obligation securities or special obligation 8556  
securities authorized under division (I) of this section. A 8557  
resolution adopted under division (H) of this section shall be 8558  
adopted not earlier than January 15, 2007, and not later than 8559  
January 15, 2008. 8560

A resolution adopted under division (H) of this section may 8561  
direct the board of elections to submit the question of enacting 8562  
or increasing lodging taxes, as the case may be, to the electors 8563  
of the county at a special election held on the date specified by 8564  
the board in the resolution, provided that the election occurs not 8565  
less than seventy-five days after a certified copy of the 8566  
resolution is transmitted to the board of elections and no later 8567  
than January 15, 2008. A resolution submitted to the electors 8568  
under this division shall not go into effect unless it is approved 8569  
by a majority of those voting upon it. A resolution adopted under 8570  
division (H) of this section that is not submitted to the electors 8571  
of the county for their approval or disapproval is subject to a 8572  
referendum as provided in sections 305.31 to 305.41 of the Revised 8573  
Code. 8574

A resolution adopted under division (H) of this section takes 8575  
effect upon its adoption, unless the resolution is submitted to 8576  
the electors of the county for their approval or disapproval, in 8577  
which case the resolution takes effect on the date the board of 8578  
county commissioners receives notification from the board of 8579  
elections of the affirmative vote. Lodging taxes received after 8580  
the effective date of the resolution may be used for the purposes 8581  
described in division (H) of this section, except that lodging 8582  
taxes that have been pledged to the payment of debt charges on any 8583  
bonds or notes issued by or for the benefit of a convention and 8584  
visitors' bureau under division (C) of this section shall be used 8585

exclusively for that purpose until such time as the bonds or notes 8586  
are no longer outstanding under the trust agreement securing those 8587  
bonds or notes. 8588

(I)(1) The board of county commissioners of ~~an eligible a~~ 8589  
county with a population of four hundred thousand or more may 8590  
issue the following securities of the county for the purpose of 8591  
paying costs of the project, refunding any outstanding county 8592  
securities issued for that purpose, refunding any outstanding 8593  
bonds or notes issued by or for the benefit of the bureau under 8594  
division (C) of this section, or for any combination of those 8595  
purposes: 8596

(a) General obligation securities issued under Chapter 133. 8597  
of the Revised Code. The resolution authorizing these securities 8598  
may include covenants to appropriate annually from lawfully 8599  
available lodging taxes, and to continue to levy and collect those 8600  
lodging taxes in, amounts necessary to meet the debt charges on 8601  
those securities. 8602

(b) Special obligation securities issued under Chapter 133. 8603  
of the Revised Code that are secured only by lawfully available 8604  
lodging taxes and any other taxes and revenues pledged to pay the 8605  
debt charges on those securities, except ad valorem property 8606  
taxes. The resolution authorizing those securities shall include a 8607  
pledge of and covenants to appropriate annually from lawfully 8608  
available lodging taxes and any other taxes and revenues pledged 8609  
for such purpose, and to continue to collect any of those revenues 8610  
pledged for such purpose and to levy and collect those lodging 8611  
taxes and any other taxes pledged for such purpose, in amounts 8612  
necessary to meet the debt charges on those securities. The pledge 8613  
is valid and binding from the time the pledge is made, and the 8614  
lodging taxes so pledged and thereafter received by the county are 8615  
immediately subject to the lien of the pledge without any physical 8616  
delivery of the lodging taxes or further act. The lien of any 8617

pledge is valid and binding as against all parties having claims 8618  
of any kind in tort, contract, or otherwise against the county, 8619  
regardless of whether such parties have notice of the lien. 8620  
Neither the resolution nor any trust agreement by which a pledge 8621  
is created or further evidenced is required to be filed or 8622  
recorded except in the records of the board. The special 8623  
obligation securities shall contain a statement on their face to 8624  
the effect that they are not general obligation securities, and, 8625  
unless paid from other sources, are payable from the pledged 8626  
lodging taxes. 8627

(c) Revenue securities authorized under section 133.08 of the 8628  
Revised Code and issued under Chapter 133. of the Revised Code 8629  
that are secured only by lawfully available project revenues 8630  
pledged to pay the debt charges on those securities. 8631

(2) The securities described in division (I)(1) of this 8632  
section are subject to Chapter 133. of the Revised Code. 8633

(3) Section 133.34 of the Revised Code, except for division 8634  
(A) of that section, applies to the issuance of any refunding 8635  
securities authorized under this division. In lieu of division (A) 8636  
of section 133.34 of the Revised Code, the board of county 8637  
commissioners shall establish the maturity date or dates, the 8638  
interest payable on, and other terms of refunding securities as it 8639  
considers necessary or appropriate for their issuance, provided 8640  
that the final maturity of refunding securities shall not exceed 8641  
by more than ten years the final maturity of any bonds refunded by 8642  
refunding securities. 8643

(4) The board may not repeal, rescind, or reduce all or any 8644  
portion of any lodging taxes pledged to the payment of debt 8645  
charges on any outstanding special obligation securities 8646  
authorized under this division, and no portion of any lodging 8647  
taxes that is pledged, or that the board has covenanted to levy, 8648  
collect, and appropriate annually to pay debt charges on any 8649

outstanding securities authorized under this division is subject 8650  
to repeal, rescission, or reduction by the electorate of the 8651  
county. 8652

**Sec. 307.6910.** (A) As used in this section, "contracting 8653  
subdivision" means any political subdivision or taxing district 8654  
that enters into an agreement with a board of county commissioners 8655  
as authorized by this section. 8656

(B) A board of county commissioners may enter into an 8657  
agreement with the legislative authority of one or more political 8658  
subdivisions or taxing districts located wholly or partially 8659  
within the territorial boundaries of the county providing for both 8660  
of the following: 8661

(1) Authorization for the board of county commissioners to 8662  
receive funds due the political subdivision or taxing district 8663  
from the county treasury, other than funds raised by taxes levied 8664  
by the political subdivision or taxing district, including, but 8665  
not limited to, the political subdivision's or taxing district's 8666  
share of the undivided local ~~government~~ communities fund, provided 8667  
those received funds may lawfully be applied to the purpose for 8668  
which money is owed to the county; 8669

(2) The crediting of the funds so received by the county 8670  
against money owed to it by the political subdivision or taxing 8671  
district. 8672

The agreement shall be in writing and include the signature 8673  
of an authorized officer or representative of the county and of 8674  
the political subdivision or taxing district. 8675

(C) Upon entering into an agreement, the board of county 8676  
commissioners shall cause two copies of the agreement, certified 8677  
by an authorized officer or representative of the county and of 8678  
the contracting subdivision, to be transmitted to the county 8679

auditor. The county auditor shall forward one copy of the 8680  
agreement to the county treasurer and shall present the other copy 8681  
of the agreement to the county budget commission. The county 8682  
budget commission shall give effect to the agreement in 8683  
determining or revising the amounts to be credited to the funds of 8684  
the county and the contracting subdivision in the official or 8685  
amended official certificate of estimated resources under sections 8686  
5705.35 and 5705.36 of the Revised Code. 8687

(D) The county auditor may rely on the certified agreement 8688  
entered into under division (B) of this section for the purpose of 8689  
making a certification under division (D) of section 5705.41 of 8690  
the Revised Code for a county contract or order of money incurred 8691  
on behalf of the contracting subdivision if the county auditor 8692  
finds that the amount credited to the county under division (B)(2) 8693  
of this section is available in the amount and at the time 8694  
necessary to meet the obligation. 8695

(E) The county auditor and county treasurer, in carrying out 8696  
their statutory duties regarding the crediting and distribution of 8697  
money to the funds of the parties to agreements entered into under 8698  
this section, shall give effect to any such agreements certified 8699  
to the county auditor under this section. A certified agreement 8700  
shall not affect the time at which moneys otherwise would be 8701  
available by law to the parties to the agreement. 8702

(F) The terms of an agreement entered into under this section 8703  
may be enforced in the court of common pleas of the county that is 8704  
a party to the agreement in an action for a writ of mandamus. For 8705  
purposes of that action, it shall be deemed that the legislative 8706  
authority of the contracting subdivision has a duty to allow 8707  
payments to the county as specified in the agreement, that the 8708  
board of county commissioners of the county has a duty to receive 8709  
those payments in the manner specified in the agreement, and that 8710  
those duties are specifically enjoined by law and result from an 8711

office, trust, or station. 8712

**Sec. 307.98.** ~~Boards~~ As used in this section, "county grantee" 8713  
has the same meaning as in section 5101.21 of the Revised Code. 8714

8715

Each board of county commissioners ~~may~~ and each other county 8716  
grantee of the county shall jointly enter into one or more written 8717  
~~fiscal grant~~ agreements with the director of job and family 8718  
services in accordance with section 5101.21 of the Revised Code. 8719  
~~If a board enters into a fiscal agreement, the~~ The board of county 8720  
commissioners shall enter into the agreement on behalf of the 8721  
county family services agencies, other than a county family 8722  
services agency that is a county ~~signer as defined in section~~ 8723  
~~5101.21 of the Revised Code~~ grantee. 8724

**Sec. 307.981.** (A)(1) As used in the Revised Code: 8725

(a) "County family services agency" means all of the 8726  
following: 8727

(i) A child support enforcement agency; 8728

(ii) A county department of job and family services; 8729

(iii) A public children services agency. 8730

(b) "Family services duty" means a duty state law requires or 8731  
allows a county family services agency to assume, including 8732  
financial and general administrative duties. "Family services 8733  
duty" does not include a duty funded by the United States 8734  
department of labor. 8735

(2) As used in sections 307.981 to 307.989 of the Revised 8736  
Code, "private entity" means an entity other than a government 8737  
entity. 8738

(B) To the extent permitted by federal law, including, when 8739  
applicable, subpart F of 5 C.F.R. part 900, and subject to any 8740

limitations established by the Revised Code, including division 8741  
(H) of this section, a board of county commissioners may designate 8742  
any private or government entity within this state to serve as any 8743  
of the following: 8744

(1) A child support enforcement agency; 8745

(2) A county department of job and family services; 8746

(3) A public children services agency; 8747

(4) A county department of job and family services and one 8748  
other of those county family services agencies; 8749

(5) All three of those county family services agencies. 8750

(C) To the extent permitted by federal law, including, when 8751  
applicable, subpart F of 5 C.F.R. part 900, and subject to any 8752  
limitations of the Revised Code, including division (H) of this 8753  
section, a board of county commissioners may change the 8754  
designation it makes under division (B) of this section by 8755  
designating another private or government entity. 8756

(D) If a designation under division (B) or (C) of this 8757  
section constitutes a change from the designation in a ~~fiscal~~ 8758  
grant agreement between the director of job and family services 8759  
and the board under sections 307.98 and 5101.21 of the Revised 8760  
Code, the director may require that the director and board amend 8761  
the ~~fiscal~~ grant agreement and that the board provide the director 8762  
written assurances that the newly designated private or government 8763  
entity will meet or exceed all requirements of the family services 8764  
duties the entity is to assume. 8765

(E) Not less than sixty days before a board of county 8766  
commissioners designates an entity under division (B) or (C) of 8767  
this section, the board shall notify the director of job and 8768  
family services and publish notice in a newspaper of general 8769  
circulation in the county of the board's intention to make the 8770



designation and reasons for the designation. 8771

(F) A board of county commissioners shall enter into a 8772  
written contract with each entity it designates under division (B) 8773  
or (C) of this section specifying the entity's responsibilities 8774  
and standards the entity is required to meet. 8775

(G) This section does not require a board of county 8776  
commissioners to abolish the child support enforcement agency, 8777  
county department of job and family services, or public children 8778  
services agency serving the county on October 1, 1997, and 8779  
designate a different private or government entity to serve as the 8780  
county's child support enforcement agency, county department of 8781  
job and family services, or public children services agency. 8782

(H) If a county children services board appointed under 8783  
section 5153.03 of the Revised Code serves as a public children 8784  
services agency for a county, the board of county commissioners 8785  
may not redesignate the public children services agency unless the 8786  
board of county commissioners does all of the following: 8787

(1) Notifies the county children services board of its intent 8788  
to redesignate the public children services agency. In its 8789  
notification, the board of county commissioners shall provide the 8790  
county children services board a written explanation of the 8791  
administrative, fiscal, or performance considerations causing the 8792  
board of county commissioners to seek to redesignate the public 8793  
children services agency. 8794

(2) Provides the county children services board an 8795  
opportunity to comment on the proposed redesignation before the 8796  
redesignation occurs; 8797

(3) If the county children services board, not more than 8798  
sixty days after receiving the notice under division (H)(1) of 8799  
this section, notifies the board of county commissioners that the 8800  
county children services board has voted to oppose the 8801

redesignation, votes unanimously to proceed with the 8802  
redesignation. 8803

**Sec. 308.04.** Within sixty days after a regional airport 8804  
authority has been created under section 308.03 of the Revised 8805  
Code, the board of trustees for such regional airport authority 8806  
shall be appointed as provided in the resolution creating it. 8807

Each member of the board of trustees, before entering upon 8808  
~~his~~ the member's official duties, shall take and subscribe to an 8809  
oath or affirmation that ~~he~~ the member will honestly, faithfully, 8810  
and impartially perform the duties of ~~his~~ office, and that ~~he~~ the 8811  
member will not be interested directly or indirectly in any 8812  
contract let by the regional airport authority. Any contract let 8813  
by the regional airport authority in which a member of the board 8814  
of trustees is directly or indirectly interested is void and 8815  
unenforceable. 8816

After each member of the board has taken the oath as 8817  
prescribed by this section the board shall meet and organize by 8818  
electing one of its members as president and another as 8819  
vice-president, who shall hold their respective offices until the 8820  
next annual meeting of the board as provided in its bylaws. At 8821  
each annual meeting thereafter the board shall elect from its 8822  
membership a president and a vice-president who shall serve for a 8823  
term of one year. 8824

The board shall appoint and fix the compensation of a 8825  
secretary-treasurer, who shall not be a member of the board and 8826  
who shall serve at the pleasure of the board. 8827

**Sec. 317.08.** (A) Except as provided in divisions (C) and (D) 8828  
of this section, the county recorder shall keep six separate sets 8829  
of records as follows: 8830

(1) A record of deeds, in which shall be recorded all deeds 8831

and other instruments of writing for the absolute and 8832  
unconditional sale or conveyance of lands, tenements, and 8833  
hereditaments; all notices as provided in sections 5301.47 to 8834  
5301.56 of the Revised Code; all judgments or decrees in actions 8835  
brought under section 5303.01 of the Revised Code; all 8836  
declarations and bylaws, and all amendments to declarations and 8837  
bylaws, as provided in Chapter 5311. of the Revised Code; 8838  
affidavits as provided in sections 5301.252 and 5301.56 of the 8839  
Revised Code; all certificates as provided in section 5311.17 of 8840  
the Revised Code; all articles dedicating archaeological preserves 8841  
accepted by the director of the Ohio historical society under 8842  
section 149.52 of the Revised Code; all articles dedicating nature 8843  
preserves accepted by the director of natural resources under 8844  
section 1517.05 of the Revised Code; all agreements for the 8845  
registration of lands as archaeological or historic landmarks 8846  
under section 149.51 or 149.55 of the Revised Code; all 8847  
conveyances of conservation easements and agricultural easements 8848  
under section 5301.68 of the Revised Code; all instruments 8849  
extinguishing agricultural easements under section 901.21 or 8850  
5301.691 of the Revised Code or pursuant to terms of such an 8851  
easement granted to a charitable organization under section 8852  
5301.68 of the Revised Code; all instruments or orders described 8853  
in division (B)(2)(b) of section 5301.56 of the Revised Code; all 8854  
no further action letters issued under section 122.654 or 3746.11 8855  
of the Revised Code; all covenants not to sue issued under section 8856  
3746.12 of the Revised Code, including all covenants not to sue 8857  
issued pursuant to section 122.654 of the Revised Code; any 8858  
restrictions on the use of property contained in a no further 8859  
action letter issued under section 122.654 of the Revised Code, 8860  
any restrictions on the use of property identified pursuant to 8861  
division (C)(3)(a) of section 3746.10 of the Revised Code, and any 8862  
restrictions on the use of property contained in a deed or other 8863  
instrument as provided in division (E) or (F) of section 3737.882 8864

of the Revised Code; any easement executed or granted under 8865  
section 3734.22, 3734.24, 3734.25, or 3734.26 of the Revised Code; 8866  
any environmental covenant entered into in accordance with 8867  
sections 5301.80 to 5301.92 of the Revised Code; all memoranda of 8868  
trust, as described in division (A) of section 5301.255 of the 8869  
Revised Code, that describe specific real property; and all 8870  
agreements entered into under division (A) of section ~~1521.26~~ 8871  
1506.44 of the Revised Code; 8872

(2) A record of mortgages, in which shall be recorded all of 8873  
the following: 8874

(a) All mortgages, including amendments, supplements, 8875  
modifications, and extensions of mortgages, or other instruments 8876  
of writing by which lands, tenements, or hereditaments are or may 8877  
be mortgaged or otherwise conditionally sold, conveyed, affected, 8878  
or encumbered; 8879

(b) All executory installment contracts for the sale of land 8880  
executed after September 29, 1961, that by their terms are not 8881  
required to be fully performed by one or more of the parties to 8882  
them within one year of the date of the contracts; 8883

(c) All options to purchase real estate, including 8884  
supplements, modifications, and amendments of the options, but no 8885  
option of that nature shall be recorded if it does not state a 8886  
specific day and year of expiration of its validity; 8887

(d) Any tax certificate sold under section 5721.33 of the 8888  
Revised Code, or memorandum of it, that is presented for filing of 8889  
record. 8890

(3) A record of powers of attorney, including all memoranda 8891  
of trust, as described in division (A) of section 5301.255 of the 8892  
Revised Code, that do not describe specific real property; 8893

(4) A record of plats, in which shall be recorded all plats 8894  
and maps of town lots, of the subdivision of town lots, and of 8895

other divisions or surveys of lands, any center line survey of a highway located within the county, the plat of which shall be furnished by the director of transportation or county engineer, and all drawings and amendments to drawings, as provided in Chapter 5311. of the Revised Code;

(5) A record of leases, in which shall be recorded all leases, memoranda of leases, and supplements, modifications, and amendments of leases and memoranda of leases;

(6) A record of declarations executed pursuant to section 2133.02 of the Revised Code and durable powers of attorney for health care executed pursuant to section 1337.12 of the Revised Code.

(B) All instruments or memoranda of instruments entitled to record shall be recorded in the proper record in the order in which they are presented for record. The recorder may index, keep, and record in one volume unemployment compensation liens, internal revenue tax liens and other liens in favor of the United States as described in division (A) of section 317.09 of the Revised Code, personal tax liens, mechanic's liens, agricultural product liens, notices of liens, certificates of satisfaction or partial release of estate tax liens, discharges of recognizances, excise and franchise tax liens on corporations, broker's liens, and liens provided for in sections 1513.33, 1513.37, 3752.13, 5111.022, and 5311.18 of the Revised Code.

The recording of an option to purchase real estate, including any supplement, modification, and amendment of the option, under this section shall serve as notice to any purchaser of an interest in the real estate covered by the option only during the period of the validity of the option as stated in the option.

(C) In lieu of keeping the six separate sets of records required in divisions (A)(1) to (6) of this section and the

records required in division (D) of this section, a county 8927  
recorder may record all the instruments required to be recorded by 8928  
this section in two separate sets of record books. One set shall 8929  
be called the "official records" and shall contain the instruments 8930  
listed in divisions (A)(1), (2), (3), (5), and (6) and (D) of this 8931  
section. The second set of records shall contain the instruments 8932  
listed in division (A)(4) of this section. 8933

(D) Except as provided in division (C) of this section, the 8934  
county recorder shall keep a separate set of records containing 8935  
all corrupt activity lien notices filed with the recorder pursuant 8936  
to section 2923.36 of the Revised Code and a separate set of 8937  
records containing all medicaid fraud lien notices filed with the 8938  
recorder pursuant to section 2933.75 of the Revised Code. 8939

**Sec. 319.202.** Before the county auditor indorses any real 8940  
property conveyance or manufactured or mobile home conveyance 8941  
presented to the auditor pursuant to section 319.20 of the Revised 8942  
Code or registers any manufactured or mobile home conveyance 8943  
pursuant to section 4503.061 of the Revised Code, the grantee or 8944  
the grantee's representative shall submit in triplicate a 8945  
statement, prescribed by the tax commissioner, and other 8946  
information as the county auditor may require, declaring the value 8947  
of real property or manufactured or mobile home conveyed, except 8948  
that when the transfer is exempt under division ~~(F)~~(G)(3) of 8949  
section 319.54 of the Revised Code only a statement of the reason 8950  
for the exemption shall be required. Each statement submitted 8951  
under this section shall contain the information required under 8952  
divisions (A) and (B) of this section. 8953

(A) Each statement submitted under this section shall either: 8954

(1) Contain an affirmation by the grantee that the grantor 8955  
has been asked by the grantee or the grantee's representative 8956  
whether to the best of the grantor's knowledge either the 8957

preceding or the current year's taxes on the real property or the 8958  
current or following year's taxes on the manufactured or mobile 8959  
home conveyed will be reduced under division (A) of section 8960  
323.152 or under section 4503.065 of the Revised Code and that the 8961  
grantor indicated that to the best of the grantor's knowledge the 8962  
taxes will not be so reduced; or 8963

(2) Be accompanied by a sworn or affirmed instrument stating: 8964

(a) To the best of the grantor's knowledge the real property 8965  
or the manufactured or mobile home that is the subject of the 8966  
conveyance is eligible for and will receive a reduction in taxes 8967  
for or payable in the current year under division (A) of section 8968  
323.152 or under section 4503.065 of the Revised Code and that the 8969  
reduction or reductions will be reflected in the grantee's taxes; 8970

(b) The estimated amount of such reductions that will be 8971  
reflected in the grantee's taxes; 8972

(c) That the grantor and the grantee have considered and 8973  
accounted for the total estimated amount of such reductions to the 8974  
satisfaction of both the grantee and the grantor. The auditor 8975  
shall indorse the instrument, return it to the grantee or the 8976  
grantee's representative, and provide a copy of the indorsed 8977  
instrument to the grantor or the grantor's representative. 8978

(B) Each statement submitted under this section shall either: 8979

(1) Contain an affirmation by the grantee that the grantor 8980  
has been asked by the grantee or the grantee's representative 8981  
whether to the best of the grantor's knowledge the real property 8982  
conveyed qualified for the current agricultural use valuation 8983  
under section 5713.30 of the Revised Code either for the preceding 8984  
or the current year and that the grantor indicated that to the 8985  
best of the grantor's knowledge the property conveyed was not so 8986  
qualified; or 8987

(2) Be accompanied by a sworn or affirmed instrument stating: 8988

(a) To the best of the grantor's knowledge the real property 8989  
conveyed was qualified for the current agricultural use valuation 8990  
under section 5713.30 of the Revised Code either for the preceding 8991  
or the current year; 8992

(b) To the extent that the property will not continue to 8993  
qualify for the current agricultural use valuation either for the 8994  
current or the succeeding year, that the property will be subject 8995  
to a recoupment charge equal to the tax savings in accordance with 8996  
section 5713.34 of the Revised Code; 8997

(c) That the grantor and the grantee have considered and 8998  
accounted for the total estimated amount of such recoupment, if 8999  
any, to the satisfaction of both the grantee and the grantor. The 9000  
auditor shall indorse the instrument, forward it to the grantee or 9001  
the grantee's representative, and provide a copy of the indorsed 9002  
instrument to the grantor or the grantor's representative. 9003

(C) The grantor shall pay the fee required by division 9004  
~~(F)~~(G)(3) of section 319.54 of the Revised Code; and, in the event 9005  
the board of county commissioners of the county has levied a real 9006  
property or a manufactured home transfer tax pursuant to Chapter 9007  
322. of the Revised Code, the amount required by the real property 9008  
or manufactured home transfer tax so levied. If the conveyance is 9009  
exempt from the fee provided for in division ~~(F)~~(G)(3) of section 9010  
319.54 of the Revised Code and the tax, if any, levied pursuant to 9011  
Chapter 322. of the Revised Code, the reason for such exemption 9012  
shall be shown on the statement. "Value" means, in the case of any 9013  
deed or certificate of title not a gift in whole or part, the 9014  
amount of the full consideration therefor, paid or to be paid for 9015  
the real estate or manufactured or mobile home described in the 9016  
deed or title, including the amount of any mortgage or vendor's 9017  
lien thereon. If property sold under a land installment contract 9018  
is conveyed by the seller under such contract to a third party and 9019  
the contract has been of record at least twelve months prior to 9020



the date of conveyance, "value" means the unpaid balance owed to 9021  
the seller under the contract at the time of the conveyance, but 9022  
the statement shall set forth the amount paid under such contract 9023  
prior to the date of conveyance. In the case of a gift in whole or 9024  
part, "value" means the estimated price the real estate or 9025  
manufactured or mobile home described in the deed or certificate 9026  
of title would bring in the open market and under the then 9027  
existing and prevailing market conditions in a sale between a 9028  
willing seller and a willing buyer, both conversant with the 9029  
property and with prevailing general price levels. No person shall 9030  
willfully falsify the value of property conveyed. 9031

(D) The auditor shall indorse each conveyance on its face to 9032  
indicate the amount of the conveyance fee and compliance with this 9033  
section. The auditor shall retain the original copy of the 9034  
statement of value, forward to the tax commissioner one copy on 9035  
which shall be noted the most recent assessed value of the 9036  
property, and furnish one copy to the grantee or the grantee's 9037  
representative. 9038

(E) In order to achieve uniform administration and collection 9039  
of the transfer fee required by division ~~(F)~~(G)(3) of section 9040  
319.54 of the Revised Code, the tax commissioner shall adopt and 9041  
promulgate rules for the administration and enforcement of the 9042  
levy and collection of such fee. 9043

**Sec. 319.281.** The county auditor shall place on the general 9044  
tax list and duplicate compiled in accordance with section 319.28 9045  
of the Revised Code the amount certified by the health 9046  
commissioner of a city or general health district pursuant to 9047  
section 3709.091 of the Revised Code of any unpaid operation 9048  
permit or inspection fee for a household sewage ~~treatment~~ disposal 9049  
system ~~or a small flow on site sewage treatment system or any~~ 9050  
~~other unpaid fee levied under Chapter 3718. of the Revised Code~~ 9051

and any accrued late payment penalties, together with any fee 9052  
charged by the county auditor for placing the amount on the 9053  
general tax list and duplicate and for the expenses of its 9054  
collection. The amount placed on the general tax list and 9055  
duplicate shall be a lien on the real property on which the 9056  
household sewage ~~treatment~~ disposal system ~~or small flow on-site~~ 9057  
~~sewage treatment system~~ is located from the date the amount was 9058  
placed on the tax list and duplicate, and shall be charged and 9059  
collected in the same manner as taxes on the list. 9060

**Sec. 319.54.** (A) On all moneys collected by the county 9061  
treasurer on any tax duplicate of the county, other than estate 9062  
tax duplicates, and on all moneys received as advance payments of 9063  
personal property and classified property taxes, the county 9064  
auditor, on settlement with the treasurer and tax commissioner, on 9065  
or before the date prescribed by law for such settlement or any 9066  
lawful extension of such date, shall be allowed as compensation 9067  
for the county auditor's services the following percentages: 9068

(1) On the first one hundred thousand dollars, two and 9069  
one-half per cent; 9070

(2) On the next two million dollars, eight thousand three 9071  
hundred eighteen ten-thousandths of one per cent; 9072

(3) On the next two million dollars, six thousand six hundred 9073  
fifty-five ten-thousandths of one per cent; 9074

(4) On all further sums, one thousand six hundred sixty-three 9075  
ten-thousandths of one per cent. 9076

If any settlement is not made on or before the date 9077  
prescribed by law for such settlement or any lawful extension of 9078  
such date, the aggregate compensation allowed to the auditor shall 9079  
be reduced one per cent for each day such settlement is delayed 9080  
after the prescribed date. No penalty shall apply if the auditor 9081

and treasurer grant all requests for advances up to ninety per 9082  
cent of the settlement pursuant to section 321.34 of the Revised 9083  
Code. The compensation allowed in accordance with this section on 9084  
settlements made before the dates prescribed by law, or the 9085  
reduced compensation allowed in accordance with this section on 9086  
settlements made after the date prescribed by law or any lawful 9087  
extension of such date, shall be apportioned ratably by the 9088  
auditor and deducted from the shares or portions of the revenue 9089  
payable to the state as well as to the county, townships, 9090  
municipal corporations, and school districts. 9091

(B) For the purpose of compensating county auditors for the 9092  
expenses associated with the increased number of applications for 9093  
reductions in real property taxes under sections 323.152 and 9094  
4503.065 of the Revised Code that results from the amendment of 9095  
those sections by H.B. 119 of the 127th general assembly, there 9096  
shall be paid from the general revenue fund to each county auditor 9097  
each year an amount equal to one per cent of the total annual 9098  
amount of property tax relief reimbursement paid to that county 9099  
under sections 323.156 and 4503.068 of the Revised Code. 9100

(C) From all moneys collected by the county treasurer on any 9101  
tax duplicate of the county, other than estate tax duplicates, and 9102  
on all moneys received as advance payments of personal property 9103  
and classified property taxes, there shall be paid into the county 9104  
treasury to the credit of the real estate assessment fund created 9105  
by section 325.31 of the Revised Code, an amount to be determined 9106  
by the county auditor, which shall not exceed the following 9107  
percentages: 9108

(1) On the first one hundred thousand dollars, three and 9109  
one-half per cent; 9110

(2) On the next three million dollars, one and three-eighths 9111  
per cent; 9112

(3) On the next three million dollars, one per cent; 9113

(4) On all further sums not exceeding one hundred fifty 9114  
million dollars, three-quarters of one per cent; 9115

(5) On amounts exceeding one hundred fifty million dollars, 9116  
six-tenths of one per cent. 9117

Such compensation shall be apportioned ratably by the auditor 9118  
and deducted from the shares or portions of the revenue payable to 9119  
the state as well as to the county, townships, municipal 9120  
corporations, and school districts. 9121

~~(C)~~(D) Each county auditor shall receive four per cent of the 9122  
amount of tax collected and paid into the county treasury, on 9123  
property omitted and placed by the county auditor on the tax 9124  
duplicate. 9125

~~(D)~~(E) On all estate tax moneys collected by the county 9126  
treasurer, the county auditor, on settlement semiannually with the 9127  
tax commissioner, shall be allowed, as compensation for the 9128  
auditor's services under Chapter 5731. of the Revised Code, the 9129  
following percentages: 9130

(1) Four per cent on the first one hundred thousand dollars; 9131

(2) One-half of one per cent on all additional sums. 9132

Such percentages shall be computed upon the amount collected 9133  
and reported at each semiannual settlement, and shall be for the 9134  
use of the general fund of the county. 9135

~~(E)~~(F) On all cigarette license moneys collected by the 9136  
county treasurer, the county auditor, on settlement semiannually 9137  
with the treasurer, shall be allowed as compensation for the 9138  
auditor's services in the issuing of such licenses one-half of one 9139  
per cent of such moneys, to be apportioned ratably and deducted 9140  
from the shares of the revenue payable to the county and 9141  
subdivisions, for the use of the general fund of the county. 9142

~~(F)~~(G) The county auditor shall charge and receive fees as 9143  
follows: 9144

(1) For deeds of land sold for taxes to be paid by the 9145  
purchaser, five dollars; 9146

(2) For the transfer or entry of land, lot, or part of lot, 9147  
or the transfer or entry on or after January 1, 2000, of a used 9148  
manufactured home or mobile home as defined in section 5739.0210 9149  
of the Revised Code, fifty cents for each transfer or entry, to be 9150  
paid by the person requiring it; 9151

(3) For receiving statements of value and administering 9152  
section 319.202 of the Revised Code, one dollar, or ten cents for 9153  
each one hundred dollars or fraction of one hundred dollars, 9154  
whichever is greater, of the value of the real property 9155  
transferred or, for sales occurring on or after January 1, 2000, 9156  
the value of the used manufactured home or used mobile home, as 9157  
defined in section 5739.0210 of the Revised Code, transferred, 9158  
except no fee shall be charged when the transfer is made: 9159

(a) To or from the United States, this state, or any 9160  
instrumentality, agency, or political subdivision of the United 9161  
States or this state; 9162

(b) Solely in order to provide or release security for a debt 9163  
or obligation; 9164

(c) To confirm or correct a deed previously executed and 9165  
recorded; 9166

(d) To evidence a gift, in trust or otherwise and whether 9167  
revocable or irrevocable, between husband and wife, or parent and 9168  
child or the spouse of either; 9169

(e) On sale for delinquent taxes or assessments; 9170

(f) Pursuant to court order, to the extent that such transfer 9171  
is not the result of a sale effected or completed pursuant to such 9172

order;	9173
(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;	9174 9175 9176 9177 9178 9179
(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;	9180 9181 9182
(i) By lease, whether or not it extends to mineral or mineral rights, unless the lease is for a term of years renewable forever;	9183 9184
(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;	9185 9186 9187
(k) Of an occupied residential property, including a manufactured or mobile home, being transferred to the builder of a new residence or to the dealer of a new manufactured or mobile home when the former residence is traded as part of the consideration for the new residence or new manufactured or mobile home;	9188 9189 9190 9191 9192 9193
(l) To a grantee other than a dealer in real property or in manufactured or mobile homes, solely for the purpose of, and as a step in, the prompt sale of the real property or manufactured or mobile home to others;	9194 9195 9196 9197
(m) To or from a person when no money or other valuable and tangible consideration readily convertible into money is paid or to be paid for the real estate or manufactured or mobile home and the transaction is not a gift;	9198 9199 9200 9201
(n) Pursuant to division (B) of section 317.22 of the Revised	9202

Code, or section 2113.61 of the Revised Code, between spouses or 9203  
to a surviving spouse pursuant to section 5302.17 of the Revised 9204  
Code as it existed prior to April 4, 1985, between persons 9205  
pursuant to section 5302.17 or 5302.18 of the Revised Code on or 9206  
after April 4, 1985, to a person who is a surviving, survivorship 9207  
tenant pursuant to section 5302.17 of the Revised Code on or after 9208  
April 4, 1985, or pursuant to section 5309.45 of the Revised Code; 9209

(o) To a trustee acting on behalf of minor children of the 9210  
deceased; 9211

(p) Of an easement or right-of-way when the value of the 9212  
interest conveyed does not exceed one thousand dollars; 9213

(q) Of property sold to a surviving spouse pursuant to 9214  
section 2106.16 of the Revised Code; 9215

(r) To or from an organization exempt from federal income 9216  
taxation under section 501(c)(3) of the "Internal Revenue Code of 9217  
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided such 9218  
transfer is without consideration and is in furtherance of the 9219  
charitable or public purposes of such organization; 9220

(s) Among the heirs at law or devisees, including a surviving 9221  
spouse, of a common decedent, when no consideration in money is 9222  
paid or to be paid for the real property or manufactured or mobile 9223  
home; 9224

(t) To a trustee of a trust, when the grantor of the trust 9225  
has reserved an unlimited power to revoke the trust; 9226

(u) To the grantor of a trust by a trustee of the trust, when 9227  
the transfer is made to the grantor pursuant to the exercise of 9228  
the grantor's power to revoke the trust or to withdraw trust 9229  
assets; 9230

(v) To the beneficiaries of a trust if the fee was paid on 9231  
the transfer from the grantor of the trust to the trustee or if 9232

the transfer is made pursuant to trust provisions which became 9233  
irrevocable at the death of the grantor; 9234

(w) To a corporation for incorporation into a sports facility 9235  
constructed pursuant to section 307.696 of the Revised Code; 9236

(x) Between persons pursuant to section 5302.18 of the 9237  
Revised Code. 9238

The auditor shall compute and collect the fee. The auditor 9239  
shall maintain a numbered receipt system, as prescribed by the tax 9240  
commissioner, and use such receipt system to provide a receipt to 9241  
each person paying a fee. The auditor shall deposit the receipts 9242  
of the fees on conveyances in the county treasury daily to the 9243  
credit of the general fund of the county. 9244

The real property transfer fee provided for in division 9245  
(~~F~~)(G)(3) of this section shall be applicable to any conveyance of 9246  
real property presented to the auditor on or after January 1, 9247  
1968, regardless of its time of execution or delivery. 9248

The transfer fee for a used manufactured home or used mobile 9249  
home shall be computed by and paid to the county auditor of the 9250  
county in which the home is located immediately prior to the 9251  
transfer. 9252

**Sec. 321.08.** The county treasurer shall enter on ~~his~~ the 9253  
treasurer's account each day the money received for advance 9254  
payments of taxes and taxes charged on the general and special 9255  
duplicates of the current year in the following manner: 9256

(A) Collections of estate tax to be credited to the 9257  
"undivided estate tax fund;" 9258

(B) Collections of classified property taxes, including 9259  
interest and penalties thereon, shall be credited to the county 9260  
~~library and local government support~~ libraries fund and 9261  
distributed in accordance with section 5747.48 of the Revised 9262



Code;	9263
(C) Collections of other taxes and assessments of whatever kind to be credited to the undivided general tax fund.	9264 9265
<b>Sec. 322.01.</b> As used in sections 322.01 to 322.07 of the Revised Code:	9266 9267
(A) "Value" means, in the case of any deed not a gift in whole or part, the amount of the full consideration therefor, paid or to be paid for the real estate described in the deed, including the amount of any liens thereon, with the following exceptions:	9268 9269 9270 9271
(1) The amount owed on a debt secured by a mortgage which has been of record at least twelve months prior to the date of the conveyance and which is assumed by the purchaser;	9272 9273 9274
(2) The difference between the full amount of consideration and the unpaid balance owed to the seller at the time of the conveyance of property to a third party under a land installment contract that has been of record at least twelve months prior to the date of conveyance.	9275 9276 9277 9278 9279
(B) "Value" means, in the case of a manufactured or mobile home that is not a gift in whole or in part, the amount of the full consideration paid or to be paid for the home, including the amounts of any liens thereon.	9280 9281 9282 9283
(C) "Value" means, in the case of a gift in whole or part, the estimated price the real estate described in the deed, or the manufactured or mobile home, would bring in the open market and under the then existing and prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.	9284 9285 9286 9287 9288 9289
(D) "Deed" means any deed, instrument, or writing by which any real property or any interest in real property is granted, assigned, transferred, or otherwise conveyed except that it does	9290 9291 9292

not include any deed, instrument, or writing which grants, 9293  
assigns, transfers, or otherwise conveys any real property or 9294  
interests in real property exempted from the fee required by 9295  
division ~~(F)~~(G)(3) of section 319.54 of the Revised Code. 9296

(E) "Manufactured home" has the same meaning as in division 9297  
(C)(4) of section 3781.06 of the Revised Code. 9298

(F) "Mobile home" has the same meaning as in division (O) of 9299  
section 4501.01 of the Revised Code. 9300

**Sec. 323.151.** As used in sections 323.151 to 323.159 of the 9301  
Revised Code: 9302

(A) "Homestead" means either of the following: 9303

(1) A dwelling, including a unit in a multiple-unit dwelling 9304  
and a manufactured home or mobile home taxed as real property 9305  
pursuant to division (B) of section 4503.06 of the Revised Code, 9306  
owned and occupied as a home by an individual whose domicile is in 9307  
this state and who has not acquired ownership from a person, other 9308  
than the individual's spouse, related by consanguinity or affinity 9309  
for the purpose of qualifying for the real property tax reduction 9310  
provided in section 323.152 of the Revised Code. 9311

(2) A unit in a housing cooperative that is occupied as a 9312  
home, but not owned, by an individual whose domicile is in this 9313  
state. 9314

The homestead shall include so much of the land surrounding 9315  
it, not exceeding one acre, as is reasonably necessary for the use 9316  
of the dwelling or unit as a home. An owner includes a holder of 9317  
one of the several estates in fee, a vendee in possession under a 9318  
purchase agreement or a land contract, a mortgagor, a life tenant, 9319  
one or more tenants with a right of survivorship, tenants in 9320  
common, and a settlor of a revocable inter vivos trust holding the 9321  
title to a homestead occupied by the settlor as of right under the 9322

trust. The tax commissioner shall adopt rules for the uniform 9323  
classification and valuation of real property or portions of real 9324  
property as homesteads. 9325

(B) "Sixty-five years of age or older" means a person who has 9326  
attained age sixty-four prior to the first day of January of the 9327  
year of application for reduction in real estate taxes. 9328

~~(C) "Total income" means the adjusted gross income of the 9329  
owner and the owner's spouse for the year preceding the year in 9330  
which application for a reduction in taxes is made, as determined 9331  
under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 9332  
U.S.C.A. 1, as amended, adjusted as follows: 9333~~

~~(1) Subtract the amount of disability benefits included in 9334  
adjusted gross income, but not to exceed fifty two hundred 9335  
dollars; 9336~~

~~(2) Add old age and survivors benefits received pursuant to 9337  
the "Social Security Act" that are not included in adjusted gross 9338  
income; 9339~~

~~(3) Add retirement, pension, annuity, or other retirement 9340  
payments or benefits not included in adjusted gross income; 9341~~

~~(4) Add tier I and tier II railroad retirement benefits 9342  
received pursuant to the "Railroad Retirement Act," 50 Stat. 307, 9343  
45 U.S.C.A. 228; 9344~~

~~(5) Add interest on federal, state, and local government 9345  
obligations; 9346~~

~~(6) For a person who received the homestead exemption for a 9347  
prior year on the basis of being permanently and totally disabled 9348  
and whose current application for the exemption is made on the 9349  
basis of age, subtract the following amount: 9350~~

~~(a) If the person received disability benefits that were not 9351  
included in adjusted gross income in the year preceding the first 9352~~

~~year in which the person applied for the exemption on the basis of 9353  
age, subtract an amount equal to the disability benefits the 9354  
person received in that preceding year, to the extent included in 9355  
total income in the current year and not subtracted under division 9356  
(C)(1) of this section in the current year; 9357~~

~~(b) If the person received disability benefits that were 9358  
included in adjusted gross income in the year preceding the first 9359  
year in which the person applied for the exemption on the basis of 9360  
age, subtract an amount equal to the amount of disability benefits 9361  
that were subtracted pursuant to division (C)(1) of this section 9362  
in that preceding year, to the extent included in total income in 9363  
the current year and not subtracted under division (C)(1) of this 9364  
section in the current year. 9365~~

~~Disability benefits that are paid by the department of 9366  
veterans affairs or a branch of the armed forces of the United 9367  
States on account of an injury or disability shall not be included 9368  
in total income. 9369~~

~~(D) "Old age and survivors benefits received pursuant to the 9370  
'Social Security Act'" or "tier I railroad retirement benefits 9371  
received pursuant to the 'Railroad Retirement Act'" means: 9372~~

~~(1) For those persons receiving the homestead exemption for 9373  
the first time for tax years 1976 and earlier, old age benefits 9374  
payable under the social security or railroad retirement laws in 9375  
effect on December 31, 1975, except in those cases where a change 9376  
in social security or railroad retirement benefits would result in 9377  
a reduction in income. 9378~~

~~(2) For those persons receiving the homestead exemption for 9379  
the first time for tax years 1977 and thereafter, old age benefits 9380  
payable under the social security or railroad retirement laws in 9381  
effect on the last day of the calendar year prior to the year for 9382  
which the homestead exemption is first received, or, if no such 9383~~

~~benefits are payable that year, old age benefits payable the first 9384  
succeeding year in which old age benefits under the social 9385  
security or railroad retirement laws are payable, except in those 9386  
cases where a change in social security or railroad retirement 9387  
benefits results in a reduction in income. 9388~~

~~(3) The lesser of: 9389~~

~~(a) Survivors benefits payable under the social security or 9390  
railroad retirement laws in effect on the last day of the calendar 9391  
year prior to the year for which the homestead exemption is first 9392  
received, or, if no such benefits are payable that year, survivors 9393  
benefits payable the first succeeding year in which survivors 9394  
benefits are payable; or 9395~~

~~(b) Old age benefits of the deceased spouse, as determined 9396  
under division (D)(1) or (2) of this section, upon which the 9397  
surviving spouse's survivors benefits are based under the social 9398  
security or railroad retirement laws, except in those cases where 9399  
a change in benefits would cause a reduction in income. 9400~~

~~Survivors benefits are those described in division (D)(3)(b) 9401  
of this section only if the deceased spouse received old age 9402  
benefits in the year in which the deceased spouse died. If the 9403  
deceased spouse did not receive old age benefits in the year in 9404  
which the deceased spouse died, then survivors benefits are those 9405  
described in division (D)(3)(a) of this section. 9406~~

~~(E) "Permanently and totally disabled" means a person who 9407  
has, on the first day of January of the year of application for 9408  
reduction in real estate taxes, some impairment in body or mind 9409  
that makes the person unable to work at any substantially 9410  
remunerative employment that the person is reasonably able to 9411  
perform and that will, with reasonable probability, continue for 9412  
an indefinite period of at least twelve months without any present 9413  
indication of recovery therefrom or has been certified as 9414~~

permanently and totally disabled by a state or federal agency 9415  
having the function of so classifying persons. 9416

~~(F)~~(D) "Housing cooperative" means a housing complex of at 9417  
least two hundred fifty units that is owned and operated by a 9418  
nonprofit corporation that issues a share of the corporation's 9419  
stock to an individual, entitling the individual to live in a unit 9420  
of the complex, and collects a monthly maintenance fee from the 9421  
individual to maintain, operate, and pay the taxes of the complex. 9422

**Sec. 323.152.** In addition to the reduction in taxes required 9423  
under section 319.302 of the Revised Code, taxes shall be reduced 9424  
as provided in divisions (A) and (B) of this section. 9425

(A)(1) Division (A) of this section applies to any of the 9426  
following: 9427

(a) A person who is permanently and totally disabled; 9428

(b) A person who is sixty-five years of age or older; 9429

(c) A person who is the surviving spouse of a deceased person 9430  
who was permanently and totally disabled or sixty-five years of 9431  
age or older and who applied and qualified for a reduction in 9432  
taxes under this division in the year of death, provided the 9433  
surviving spouse is at least fifty-nine but not sixty-five or more 9434  
years of age on the date the deceased spouse dies. 9435

(2) Real property taxes on a homestead owned and occupied, or 9436  
a homestead in a housing cooperative occupied, by a person to whom 9437  
division (A) of this section applies shall be reduced for each 9438  
year for which the owner obtains a certificate of reduction from 9439  
the county auditor under section 323.154 of the Revised Code or 9440  
for which the occupant obtains a certificate of reduction in 9441  
accordance with section 323.159 of the Revised Code. The reduction 9442  
shall equal the amount obtained by multiplying the tax rate for 9443  
the tax year for which the certificate is issued by the reduction 9444

<del>in taxable value shown in the following schedule:</del>		9445
	<del>Reduce Taxable Value</del>	9446
<del>Total Income</del>	<del>by the Lesser of:</del>	9447
<del>\$11,900 or less</del>	<del>\$5,000 or seventy five per cent</del>	9448
<del>More than \$11,900 but not more than \$17,500</del>	<del>\$3,000 or sixty per cent</del>	9449
<del>More than \$17,500 but not more than \$23,000</del>	<del>\$1,000 or twenty five per cent</del>	9450
<del>More than \$23,000</del>	<del>-0-</del>	9451
<del>(3) Each calendar year, the tax commissioner shall adjust the foregoing schedule by completing the following calculations in September of each year:</del>		9452 9453 9454
<del>(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;</del>		9455 9456 9457 9458 9459
<del>(b) Multiply that percentage increase by each of the total income amounts, and by each dollar amount by which taxable value is reduced, for the current tax year;</del>		9460 9461 9462
<del>(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;</del>		9463 9464 9465
<del>(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;</del>		9466 9467 9468
<del>(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.</del>		9469 9470 9471 9472 9473

~~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:~~

(a) Twenty-five thousand dollars of the true value of the property in money;

(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;

(c) The effective tax rate on residential/agricultural real property, where "effective tax rate" is defined as in section 323.08 of the Revised Code, and where "residential/agricultural real property" is defined as in section 5713.041 of the Revised Code;

(d) The quantity equal to one minus the sum of the percentage reductions in taxes allowed by section 319.302 of the Revised Code and division (B) of section 323.152 of the Revised Code.

(B) To provide a partial exemption, real property taxes on any homestead, and manufactured home taxes on any manufactured or mobile home on which a manufactured home tax is assessed pursuant to division (D)(2) of section 4503.06 of the Revised Code, shall be reduced for each year for which the owner obtains a certificate of reduction from the county auditor under section 323.154 of the Revised Code. The amount of the reduction shall equal two and one-half per cent of the amount of taxes to be levied on the



homestead or the manufactured or mobile home after applying 9505  
section 319.301 of the Revised Code. 9506

(C) The reductions granted by this section do not apply to 9507  
special assessments or respread of assessments levied against the 9508  
homestead, and if there is a transfer of ownership subsequent to 9509  
the filing of an application for a reduction in taxes, such 9510  
reductions are not forfeited for such year by virtue of such 9511  
transfer. 9512

(D) The reductions in taxable value referred to in this 9513  
section shall be applied solely as a factor for the purpose of 9514  
computing the reduction of taxes under this section and shall not 9515  
affect the total value of property in any subdivision or taxing 9516  
district as listed and assessed for taxation on the tax lists and 9517  
duplicates, or any direct or indirect limitations on indebtedness 9518  
of a subdivision or taxing district. If after application of 9519  
sections 5705.31 and 5705.32 of the Revised Code, including the 9520  
allocation of all levies within the ten-mill limitation to debt 9521  
charges to the extent therein provided, there would be 9522  
insufficient funds for payment of debt charges not provided for by 9523  
levies in excess of the ten-mill limitation, the reduction of 9524  
taxes provided for in sections 323.151 to 323.159 of the Revised 9525  
Code shall be proportionately adjusted to the extent necessary to 9526  
provide such funds from levies within the ten-mill limitation. 9527

(E) No reduction shall be made on the taxes due on the 9528  
homestead of any person convicted of violating division (C) or (D) 9529  
of section 323.153 of the Revised Code for a period of three years 9530  
following the conviction. 9531

**Sec. 323.153.** (A) To obtain a reduction in real property 9532  
taxes under division (A) or (B) of section 323.152 of the Revised 9533  
Code or in manufactured home taxes under division (B) of section 9534  
323.152 of the Revised Code, the owner shall file an application 9535

with the county auditor of the county in which the owner's 9536  
homestead is located. 9537

To obtain a reduction in real property taxes under division 9538  
(A) of section 323.152 of the Revised Code, the occupant of a 9539  
homestead in a housing cooperative shall file an application with 9540  
the nonprofit corporation that owns and operates the housing 9541  
cooperative, in accordance with this paragraph. Not later than the 9542  
first day of March each year, the corporation shall obtain 9543  
applications from the county auditor's office and provide one to 9544  
each new occupant. Not later than the first day of May, any 9545  
occupant who may be eligible for a reduction in taxes under 9546  
division (A) of section 323.152 of the Revised Code shall submit 9547  
the completed application to the corporation. Not later than the 9548  
fifteenth day of May, the corporation shall file all completed 9549  
applications, and the information required by division (B) of 9550  
section 323.159 of the Revised Code, with the county auditor of 9551  
the county in which the occupants' homesteads are located. 9552  
Continuing applications shall be furnished to an occupant in the 9553  
manner provided in division (C)(4) of this section. 9554

(1) An application for reduction based upon a physical 9555  
disability shall be accompanied by a certificate signed by a 9556  
physician, and an application for reduction based upon a mental 9557  
disability shall be accompanied by a certificate signed by a 9558  
physician or psychologist licensed to practice in this state, 9559  
attesting to the fact that the applicant is permanently and 9560  
totally disabled. The certificate shall be in a form that the tax 9561  
commissioner requires and shall include the definition of 9562  
permanently and totally disabled as set forth in section 323.151 9563  
of the Revised Code. An application for reduction based upon a 9564  
disability certified as permanent and total by a state or federal 9565  
agency having the function of so classifying persons shall be 9566  
accompanied by a certificate from that agency. ~~Such an~~ 9567

An application for a reduction under division (A) of section 323.152 of the Revised Code constitutes a continuing application for a reduction in taxes for each year in which the dwelling is the applicant's homestead ~~and the amount of the reduction in taxable value to which the applicant is entitled does not exceed either the amount or percentage of the reduction to which the applicant was entitled for the year in which the application was first filed.~~

(2) An application for a reduction in taxes under division (B) of section 323.152 of the Revised Code shall be filed only if the homestead or manufactured or mobile home was transferred in the preceding year or did not qualify for and receive the reduction in taxes under that division for the preceding tax year. The application for homesteads transferred in the preceding year shall be incorporated into any form used by the county auditor to administer the tax law in respect to the conveyance of real property pursuant to section 319.20 of the Revised Code or of used manufactured homes or used mobile homes as defined in section 5739.0210 of the Revised Code. The owner of a manufactured or mobile home who has elected under division (D)(4) of section 4503.06 of the Revised Code to be taxed under division (D)(2) of that section for the ensuing year may file the application at the time of making that election. The application shall contain a statement that failure by the applicant to affirm on the application that the dwelling on the property conveyed is the applicant's homestead prohibits the owner from receiving the reduction in taxes until a proper application is filed within the period prescribed by division (A)(3) of this section. Such an application constitutes a continuing application for a reduction in taxes for each year in which the dwelling is the applicant's homestead.

(3) Failure to receive a new application filed under division

(A)(1) or (2) or notification under division (C) of this section 9600  
after a certificate of reduction has been issued under section 9601  
323.154 of the Revised Code, or failure to receive a new 9602  
application filed under division (A)(1) or notification under 9603  
division (C) of this section after a certificate of reduction has 9604  
been issued under section 323.159 of the Revised Code, is 9605  
prima-facie evidence that the original applicant is entitled to 9606  
the reduction in taxes calculated on the basis of the information 9607  
contained in the original application. The original application 9608  
and any subsequent application, including any late application, 9609  
shall be in the form of a signed statement and shall be filed 9610  
after the first Monday in January and not later than the first 9611  
Monday in June. The original application and any subsequent 9612  
application for a reduction in real property taxes shall be filed 9613  
in the year for which the reduction is sought. The original 9614  
application and any subsequent application for a reduction in 9615  
manufactured home taxes shall be filed in the year preceding the 9616  
year for which the reduction is sought. The statement shall be on 9617  
a form, devised and supplied by the tax commissioner, which shall 9618  
require no more information than is necessary to establish the 9619  
applicant's eligibility for the reduction in taxes and the amount 9620  
of the reduction, and, for a certificate of reduction issued under 9621  
section 323.154 of the Revised Code, shall include an affirmation 9622  
by the applicant that ownership of the homestead was not acquired 9623  
from a person, other than the applicant's spouse, related to the 9624  
owner by consanguinity or affinity for the purpose of qualifying 9625  
for the real property or manufactured home tax reduction provided 9626  
for in division (A) or (B) of section 323.152 of the Revised Code. 9627  
The form shall contain a statement that conviction of willfully 9628  
falsifying information to obtain a reduction in taxes or failing 9629  
to comply with division (C) of this section results in the 9630  
revocation of the right to the reduction for a period of three 9631  
years. ~~In the case of an application for a reduction in taxes~~ 9632

~~under division (A) of section 323.152 of the Revised Code, the 9633  
form shall contain a statement that signing the application 9634  
constitutes a delegation of authority by the applicant to the 9635  
county auditor to examine any financial records relating to income 9636  
earned by the applicant as stated on the application for the 9637  
purpose of determining a possible violation of division (D) or (E) 9638  
of this section. 9639~~

(B) A late application for a tax reduction for the year 9640  
preceding the year in which an original application is filed, or 9641  
for a reduction in manufactured home taxes for the year in which 9642  
an original application is filed, may be filed with the original 9643  
application. If the county auditor determines the information 9644  
contained in the late application is correct, the auditor shall 9645  
determine the amount of the reduction in taxes to which the 9646  
applicant would have been entitled for the preceding tax year had 9647  
the applicant's application been timely filed and approved in that 9648  
year. 9649

The amount of such reduction shall be treated by the auditor 9650  
as an overpayment of taxes by the applicant and shall be refunded 9651  
in the manner prescribed in section 5715.22 of the Revised Code 9652  
for making refunds of overpayments. On the first day of July of 9653  
each year, the county auditor shall certify the total amount of 9654  
the reductions in taxes made in the current year under this 9655  
division to the tax commissioner, who shall treat the full amount 9656  
thereof as a reduction in taxes for the preceding tax year and 9657  
shall make reimbursement to the county therefor in the manner 9658  
prescribed by section 323.156 of the Revised Code, from money 9659  
appropriated for that purpose. 9660

(C)(1) If, in any year after an application has been filed 9661  
under division (A)(1) or (2) of this section, the owner does not 9662  
qualify for a reduction in taxes on the homestead or on the 9663  
manufactured or mobile home set forth on such application, ~~or~~ 9664

~~qualifies for a reduction in taxes that is to be based upon a 9665  
reduction in taxable value less than either the percentage or 9666  
amount of the reduction in taxable value to which the owner was 9667  
entitled in the year the application was filed, the owner shall 9668  
notify the county auditor that the owner is not qualified for a 9669  
reduction in taxes or file a new application under division (A)(1) 9670  
or (2) of this section. 9671~~

(2) If, in any year after an application has been filed under 9672  
division (A)~~(1)~~ of this section, the occupant of a homestead in a 9673  
housing cooperative does not qualify for a reduction in taxes on 9674  
the homestead, the occupant shall notify the county auditor that 9675  
the occupant is not qualified for a reduction in taxes or file a 9676  
new application under division (A)~~(1)~~ of this section. 9677

(3) If the county auditor or county treasurer discovers that 9678  
the owner of property not entitled to the reduction in taxes under 9679  
division (B) of section 323.152 of the Revised Code failed to 9680  
notify the county auditor as required by division (C)(1) of this 9681  
section, a charge shall be imposed against the property in the 9682  
amount by which taxes were reduced under that division for each 9683  
tax year the county auditor ascertains that the property was not 9684  
entitled to the reduction and was owned by the current owner. 9685  
Interest shall accrue in the manner prescribed by division (B) of 9686  
section 323.121 or division (G)(2) of section 4503.06 of the 9687  
Revised Code on the amount by which taxes were reduced for each 9688  
such tax year as if the reduction became delinquent taxes at the 9689  
close of the last day the second installment of taxes for that tax 9690  
year could be paid without penalty. The county auditor shall 9691  
notify the owner, by ordinary mail, of the charge, of the owner's 9692  
right to appeal the charge, and of the manner in which the owner 9693  
may appeal. The owner may appeal the imposition of the charge and 9694  
interest by filing an appeal with the county board of revision not 9695  
later than the last day prescribed for payment of real and public 9696

utility property taxes under section 323.12 of the Revised Code 9697  
following receipt of the notice and occurring at least ninety days 9698  
after receipt of the notice. The appeal shall be treated in the 9699  
same manner as a complaint relating to the valuation or assessment 9700  
of real property under Chapter 5715. of the Revised Code. The 9701  
charge and any interest shall be collected as other delinquent 9702  
taxes. 9703

(4) Each year during January, the county auditor shall 9704  
furnish by ordinary mail a continuing application to each person 9705  
issued a certificate of reduction under section 323.154 or 323.159 9706  
of the Revised Code with respect to a reduction in taxes under 9707  
division (A) of section 323.152 of the Revised Code. The 9708  
continuing application shall be used to report ~~changes in total~~ 9709  
~~income that would have the effect of increasing or decreasing the~~ 9710  
~~reduction in taxable value to which the person is entitled,~~ 9711  
changes in ownership or occupancy of the homestead, including 9712  
changes in or revocation of a revocable inter vivos trust, changes 9713  
in disability, and other changes in the information earlier 9714  
furnished the auditor relative to the reduction in taxes on the 9715  
property. The continuing application shall be returned to the 9716  
auditor not later than the first Monday in June; provided, that if 9717  
such changes do not affect the status of the homestead exemption 9718  
or the amount of the reduction to which the owner is entitled 9719  
under division (A) of section 323.152 of the Revised Code or to 9720  
which the occupant is entitled under section 323.159 of the 9721  
Revised Code, the application does not need to be returned. 9722

(5) Each year during February, the county auditor, except as 9723  
otherwise provided in this paragraph, shall furnish by ordinary 9724  
mail an original application to the owner, as of the first day of 9725  
January of that year, of a homestead or a manufactured or mobile 9726  
home that transferred during the preceding calendar year and that 9727  
qualified for and received a reduction in taxes under division (B) 9728

of section 323.152 of the Revised Code for the preceding tax year. 9729  
In order to receive the reduction under that division, the owner 9730  
shall file the application with the county auditor not later than 9731  
the first Monday in June. If the application is not timely filed, 9732  
the auditor shall not grant a reduction in taxes for the homestead 9733  
for the current year, and shall notify the owner that the 9734  
reduction in taxes has not been granted, in the same manner 9735  
prescribed under section 323.154 of the Revised Code for 9736  
notification of denial of an application. Failure of an owner to 9737  
receive an application does not excuse the failure of the owner to 9738  
file an original application. The county auditor is not required 9739  
to furnish an application under this paragraph for any homestead 9740  
for which application has previously been made on a form 9741  
incorporated into any form used by the county auditor to 9742  
administer the tax law in respect to the conveyance of real 9743  
property or of used manufactured homes or used mobile homes, and 9744  
an owner who previously has applied on such a form is not required 9745  
to return an application furnished under this paragraph. 9746

(D) No person shall knowingly make a false statement for the 9747  
purpose of obtaining a reduction in the person's real property or 9748  
manufactured home taxes under section 323.152 of the Revised Code. 9749

(E) No person shall knowingly fail to notify the county 9750  
auditor of changes required by division (C) of this section that 9751  
have the effect of maintaining or securing a reduction ~~in taxable~~ 9752  
~~value of homestead property or a reduction~~ in taxes ~~in excess of~~ 9753  
~~the reduction allowed~~ under section 323.152 of the Revised Code. 9754

(F) No person shall knowingly make a false statement or 9755  
certification attesting to any person's physical or mental 9756  
condition for purposes of qualifying such person for tax relief 9757  
pursuant to sections 323.151 to 323.159 of the Revised Code. 9758

**Sec. 323.154.** On or before the day the county auditor has 9759



completed the duties imposed by sections 319.30 to 319.302 of the Revised Code, the auditor shall issue a certificate of reduction in taxes in triplicate for each person who has complied with section 323.153 of the Revised Code and whose homestead, as defined in division (A)(1) of section 323.151 of the Revised Code, or manufactured or mobile home the auditor finds is entitled to a reduction in real property or manufactured home taxes for that year under section 323.152 of the Revised Code. Except as provided in section 323.159 of the Revised Code, in the case of a homestead entitled to a reduction under division (A) of that section, the certificate shall state the taxable value of the homestead on the first day of January of that year, the ~~amount of the reduction in taxable value and the~~ total reduction in taxes for that year under that section, the tax rate that is applicable against such homestead for that year, and any other information the tax commissioner requires. In the case of a homestead or a manufactured or mobile home entitled to a reduction under division (B) of that section, the certificate shall state the total amount of the reduction in taxes for that year under that section and any other information the tax commissioner requires. The certificate for reduction in taxes shall be on a form approved by the commissioner. Upon issuance of such a certificate, the county auditor shall forward one copy and the original to the county treasurer and retain one copy. The county auditor also shall record the amount of reduction in taxes in the appropriate column on the general tax list and duplicate of real and public utility property and on the manufactured home tax list.

If an application, late application, or continuing application is not approved, or if the county auditor otherwise determines that a homestead or a manufactured or mobile home does not qualify for a reduction in taxes under division (A) or (B) of section 323.152 of the Revised Code, the auditor shall notify the applicant of the reasons for denial not later than the first

Monday in October. If an applicant believes that the application 9793  
for reduction has been improperly denied or that the reduction is 9794  
for less than that to which the applicant is entitled, the 9795  
applicant may file an appeal with the county board of revision not 9796  
later than the date of closing of the collection for the first 9797  
half of real and public utility property taxes or manufactured 9798  
home taxes. The appeal shall be treated in the same manner as a 9799  
complaint relating to the valuation or assessment of real property 9800  
under Chapter 5715. of the Revised Code. 9801

**Sec. 325.31.** (A) On the first business day of each month, and 9802  
at the end of the officer's term of office, each officer named in 9803  
section 325.27 of the Revised Code shall pay into the county 9804  
treasury, to the credit of the general county fund, on the warrant 9805  
of the county auditor, all fees, costs, penalties, percentages, 9806  
allowances, and perquisites collected by the officer's office 9807  
during the preceding month or part thereof for official services, 9808  
except the fees allowed the county auditor by division ~~(B)~~(C) of 9809  
section 319.54 of the Revised Code, which shall be paid into the 9810  
county treasury to the credit of the real estate assessment fund 9811  
hereby created. 9812

(B) Moneys to the credit of the real estate assessment fund 9813  
may be expended, upon appropriation by the board of county 9814  
commissioners, for the purpose of defraying one or more of the 9815  
following: 9816

(1) The cost incurred by the county auditor in assessing real 9817  
estate pursuant to Chapter 5713. of the Revised Code and 9818  
manufactured and mobile homes pursuant to Chapter 4503. of the 9819  
Revised Code; 9820

(2) At the county auditor's discretion, costs and expenses 9821  
incurred by the county auditor in preparing the list of real and 9822  
public utility property, in administering laws related to the 9823

taxation of real property and the levying of special assessments 9824  
on real property, including administering reductions under 9825  
Chapters 319. and 323. and section 4503.065 of the Revised Code, 9826  
and to support assessments of real property in any administrative 9827  
or judicial proceeding; 9828

(3) At the county auditor's discretion, the expenses incurred 9829  
by the county board of revision under Chapter 5715. of the Revised 9830  
Code; 9831

(4) At the county auditor's discretion, the expenses incurred 9832  
by the county auditor for geographic information systems, mapping 9833  
programs, and technological advances in those or similar systems 9834  
or programs; 9835

(5) At the county auditor's discretion, expenses incurred by 9836  
the county auditor in compiling the general tax list of tangible 9837  
personal property and administering tangible personal property 9838  
taxes under Chapters 5711. and 5719. of the Revised Code; 9839

(6) At the county auditor's discretion, costs, expenses, and 9840  
fees incurred by the county auditor in the administration of 9841  
estate taxes under Chapter 5731. of the Revised Code and the 9842  
amounts incurred under section 5731.41 of the Revised Code. 9843

Any expenditures made from the real estate assessment fund 9844  
shall comply with rules that the tax commissioner adopts under 9845  
division (0) of section 5703.05 of the Revised Code. Those rules 9846  
shall include a requirement that a copy of any appraisal plans, 9847  
progress of work reports, contracts, or other documents required 9848  
to be filed with the tax commissioner shall be filed also with the 9849  
board of county commissioners. 9850

The board of county commissioners shall not transfer moneys 9851  
required to be deposited in the real estate assessment fund to any 9852  
other fund. Following an assessment of real property pursuant to 9853  
Chapter 5713. of the Revised Code, or an assessment of a 9854

manufactured or mobile home pursuant to Chapter 4503. of the 9855  
Revised Code, any moneys not expended for the purpose of defraying 9856  
the cost incurred in assessing real estate or manufactured or 9857  
mobile homes or for the purpose of defraying the expenses 9858  
described in divisions (B)(2), (3), (4), (5), and (6) of this 9859  
section, and thereby remaining to the credit of the real estate 9860  
assessment fund, shall be apportioned ratably and distributed to 9861  
those taxing authorities that contributed to the fund. However, no 9862  
such distribution shall be made if the amount of such unexpended 9863  
moneys remaining to the credit of the real estate assessment fund 9864  
does not exceed five thousand dollars. 9865

(C) None of the officers named in section 325.27 of the 9866  
Revised Code shall collect any fees from the county. Each of such 9867  
officers shall, at the end of each calendar year, make and file a 9868  
sworn statement with the board of county commissioners of all such 9869  
fees, costs, penalties, percentages, allowances, and perquisites 9870  
which have been due in the officer's office and unpaid for more 9871  
than one year prior to the date such statement is required to be 9872  
made. 9873

**Sec. 329.04.** (A) The county department of job and family 9874  
services shall have, exercise, and perform the following powers 9875  
and duties: 9876

(1) Perform any duties assigned by the state department of 9877  
job and family services regarding the provision of public family 9878  
services, including the provision of the following services to 9879  
prevent or reduce economic or personal dependency and to 9880  
strengthen family life: 9881

(a) Services authorized by a Title IV-A program, as defined 9882  
in section 5101.80 of the Revised Code; 9883

(b) Social services authorized by Title XX of the "Social 9884  
Security Act" and provided for by section 5101.46 or 5101.461 of 9885

the Revised Code; 9886

(c) If the county department is designated as the child 9887  
support enforcement agency, services authorized by Title IV-D of 9888  
the "Social Security Act" and provided for by Chapter 3125. of the 9889  
Revised Code. The county department may perform the services 9890  
itself or contract with other government entities, and, pursuant 9891  
to division (C) of section 2301.35 and section 2301.42 of the 9892  
Revised Code, private entities, to perform the Title IV-D 9893  
services. 9894

(d) Duties assigned under section 5111.98 of the Revised 9895  
Code. 9896

(2) Administer disability financial assistance, as required 9897  
by the state department of job and family services under section 9898  
5115.03 of the Revised Code; 9899

(3) Administer disability medical assistance, as required by 9900  
the state department of job and family services under section 9901  
5115.13 of the Revised Code; 9902

(4) Administer burials insofar as the administration of 9903  
burials was, prior to September 12, 1947, imposed upon the board 9904  
of county commissioners and if otherwise required by state law; 9905

(5) Cooperate with state and federal authorities in any 9906  
matter relating to family services and to act as the agent of such 9907  
authorities; 9908

(6) Submit an annual account of its work and expenses to the 9909  
board of county commissioners and to the state department of job 9910  
and family services at the close of each fiscal year; 9911

(7) Exercise any powers and duties relating to family 9912  
services duties or workforce development activities imposed upon 9913  
the county department of job and family services by law, by 9914  
resolution of the board of county commissioners, or by order of 9915

the governor, when authorized by law, to meet emergencies during 9916  
war or peace; 9917

(8) Determine the eligibility for medical assistance of 9918  
recipients of aid under Title XVI of the "Social Security Act"; 9919

(9) If assigned by the state director of job and family 9920  
services under section 5101.515 of the Revised Code, determine 9921  
applicants' eligibility for health assistance under the children's 9922  
health insurance program part II; 9923

(10) Enter into a plan of cooperation with the board of 9924  
county commissioners under section 307.983, consult with the board 9925  
in the development of the transportation work plan developed under 9926  
section 307.985, establish with the board procedures under section 9927  
307.986 for providing services to children whose families relocate 9928  
frequently, and comply with the contracts the board enters into 9929  
under sections 307.981 and 307.982 of the Revised Code that affect 9930  
the county department; 9931

(11) For the purpose of complying with a ~~fiscal~~ grant 9932  
agreement the board of county commissioners enters into under 9933  
~~section~~ sections 307.98 and 5101.21 of the Revised Code, exercise 9934  
the powers and perform the duties the ~~fiscal~~ grant agreement 9935  
assigns to the county department; 9936

(12) If the county department is designated as the workforce 9937  
development agency, provide the workforce development activities 9938  
specified in the contract required by section 330.05 of the 9939  
Revised Code. 9940

(B) The powers and duties of a county department of job and 9941  
family services are, and shall be exercised and performed, under 9942  
the control and direction of the board of county commissioners. 9943  
The board may assign to the county department any power or duty of 9944  
the board regarding family services duties and workforce 9945  
development activities. If the new power or duty necessitates the 9946

state department of job and family services changing its federal 9947  
cost allocation plan, the county department may not implement the 9948  
power or duty unless the United States department of health and 9949  
human services approves the changes. 9950

**Sec. 329.05.** The county department of job and family services 9951  
may administer or assist in administering any state or local 9952  
family services duty in addition to those mentioned in section 9953  
329.04 of the Revised Code, supported wholly or in part by public 9954  
funds from any source provided by agreement between the board of 9955  
county commissioners and the officer, department, board, or agency 9956  
in which the administration of such activity is vested. Such 9957  
officer, department, board, or agency may enter into such 9958  
agreement and confer upon the county department of job and family 9959  
services, to the extent and in particulars specified in the 9960  
agreement, the performance of any duties and the exercise of any 9961  
powers imposed upon or vested in such officer, board, department, 9962  
or agency, with respect to the administration of such activity. 9963  
Such agreement shall be in the form of a resolution of the board 9964  
of county commissioners, accepted in writing by the other party to 9965  
the agreement, and filed in the office of the county auditor, and 9966  
when so filed, shall have the effect of transferring the exercise 9967  
of the powers and duties to which the agreement relates and shall 9968  
exempt the other party from all further responsibility for the 9969  
exercise of the powers and duties so transferred, during the life 9970  
of the agreement. 9971

Such agreement shall be coordinated and not conflict with a 9972  
~~fiscal grant~~ agreement entered into under ~~section~~ sections 307.98 9973  
and 5101.21, a contract entered into under section 307.981 or 9974  
307.982, a plan of cooperation entered into under section 307.983, 9975  
a regional plan of cooperation entered into under section 307.984, 9976  
a transportation work plan developed under section 307.985, or 9977  
procedures for providing services to children whose families 9978

relocate frequently established under section 307.986 of the 9979  
Revised Code. It may be revoked at the option of either party, by 9980  
a resolution or order of the revoking party filed in the office of 9981  
the auditor. Such revocation shall become effective at the end of 9982  
the fiscal year occurring at least six months following the filing 9983  
of the resolution or order. In the absence of such an express 9984  
revocation so filed, the agreement shall continue indefinitely. 9985

This section does not permit a county department of job and 9986  
family services to manage or control hospitals, humane societies, 9987  
detention facilities, jails or probation departments of courts, or 9988  
veterans service commissions. 9989

**Sec. 329.14.** (A) An individual whose household income does 9990  
not exceed ~~one~~ two hundred ~~fifty~~ per cent of the federal poverty 9991  
line is eligible to participate in an individual development 9992  
account program established by the county department of job and 9993  
family services of the county in which the individual resides. An 9994  
eligible individual seeking to be a participant in the program 9995  
shall enter into an agreement with the fiduciary organization 9996  
administering the program. The agreement shall specify the terms 9997  
and conditions of uses of funds deposited, financial documentation 9998  
required to be maintained by the participant, expectations and 9999  
responsibilities of the participant, and services to be provided 10000  
by the fiduciary organization. 10001

(B) A participant may deposit earned income, as defined in 26 10002  
U.S.C. 911(d)(2), as amended, into the account. The fiduciary 10003  
organization may deposit into the account an amount not exceeding 10004  
~~twice~~ four times the amount deposited by the participant except 10005  
that a fiduciary organization may not, pursuant to an agreement 10006  
with an employer, deposit an amount into an account held by a 10007  
participant who is employed by the employer. An account may have 10008  
no more than ten thousand dollars in it at any time. 10009



(C) Notwithstanding eligibility requirements established in 10010  
or pursuant to Chapter 5107., 5108., or 5111. of the Revised Code, 10011  
to the extent permitted by federal statutes and regulations, money 10012  
in an individual development account, including interest, is 10013  
exempt from consideration in determining whether the participant 10014  
or a member of the participant's assistance group is eligible for 10015  
assistance under Chapter 5107., 5108., or 5111. of the Revised 10016  
Code and the amount of assistance the participant or assistance 10017  
group is eligible to receive. 10018

(D)(1) Except as provided in division (D)(2) of this section, 10019  
an individual development account program participant may use 10020  
money in the account only for the following purposes: 10021

(a) Postsecondary educational expenses paid directly from the 10022  
account to an eligible education institution or vendor; 10023

(b) Qualified acquisition expenses of a principal residence, 10024  
as defined in 26 U.S.C. 1034, as amended, paid directly from the 10025  
account to the person or government entity to which the expenses 10026  
are due; 10027

(c) Qualified business capitalization expenses made in 10028  
accordance with a qualified business plan that has been approved 10029  
by a financial institution or by a nonprofit microenterprise 10030  
program having demonstrated business expertise and paid directly 10031  
from the account to the person to whom the expenses are due. 10032

(2) A fiduciary organization shall permit a participant to 10033  
withdraw money deposited by the participant if it is needed to 10034  
deal with a personal emergency of the participant or a member of 10035  
the participant's family or household. Withdrawal shall result in 10036  
the loss of any matching funds in an amount equal to the amount of 10037  
the withdrawal. 10038

(3) Regardless of the reason for the withdrawal, a withdrawal 10039  
from an individual development account may be made only with the 10040

approval of the fiduciary organization. 10041

**Sec. 340.03.** (A) Subject to rules issued by the director of 10042  
mental health after consultation with relevant constituencies as 10043  
required by division (A)(11) of section 5119.06 of the Revised 10044  
Code, with regard to mental health services, the board of alcohol, 10045  
drug addiction, and mental health services shall: 10046

(1) Serve as the community mental health planning agency for 10047  
the county or counties under its jurisdiction, and in so doing it 10048  
shall: 10049

(a) Evaluate the need for facilities and community mental 10050  
health services; 10051

(b) In cooperation with other local and regional planning and 10052  
funding bodies and with relevant ethnic organizations, assess the 10053  
community mental health needs, set priorities, and develop plans 10054  
for the operation of facilities and community mental health 10055  
services; 10056

(c) In accordance with guidelines issued by the director of 10057  
mental health after consultation with board representatives, 10058  
develop and submit to the department of mental health, no later 10059  
than six months prior to the conclusion of the fiscal year in 10060  
which the board's current plan is scheduled to expire, a community 10061  
mental health plan listing community mental health needs, 10062  
including the needs of all residents of the district now residing 10063  
in state mental institutions and severely mentally disabled 10064  
adults, children, and adolescents; all children subject to a 10065  
determination made pursuant to section 121.38 of the Revised Code; 10066  
and all the facilities and community mental health services that 10067  
are or will be in operation or provided during the period for 10068  
which the plan will be in operation in the service district to 10069  
meet such needs. 10070

The plan shall include, but not be limited to, a statement of  
which of the services listed in section 340.09 of the Revised Code  
the board intends to make available. The board must include crisis  
intervention services for individuals in an emergency situation in  
the plan and explain how the board intends to make such services  
available. The plan must also include an explanation of how the  
board intends to make any payments that it may be required to pay  
under section 5119.62 of the Revised Code, a statement of the  
inpatient and community-based services the board proposes that the  
department operate, an assessment of the number and types of  
residential facilities needed, such other information as the  
department requests, and a budget for moneys the board expects to  
receive. The board shall also submit an allocation request for  
state and federal funds. Within sixty days after the department's  
determination that the plan and allocation request are complete,  
the department shall approve or disapprove the plan and request,  
in whole or in part, according to the criteria developed pursuant  
to section 5119.61 of the Revised Code. The department's statement  
of approval or disapproval shall specify the inpatient and the  
community-based services that the department will operate for the  
board. Eligibility

~~Eligibility~~ for state and federal funding shall be contingent  
upon an approved plan or relevant part of a plan. ~~The department~~  
~~may provide state and federal funding for services included in a~~  
~~plan only if the services are for individuals whose focus of~~  
~~treatment or prevention is a mental disorder according to the~~  
~~edition of the American psychiatric association's diagnostic and~~  
~~statistical manual of mental disorders that is current at the time~~  
~~the funding is provided. This shall include such services for~~  
~~individuals who have a mental disorder and a co-occurring~~  
~~substance use disorder, substance-induced disorder, chronic~~  
~~dementing organic mental disorder, mental retardation, or~~  
~~developmental disability. The department may not provide state or~~

~~federal funding under a plan for a service for individuals whose~~ 10104  
~~focus of treatment or prevention is solely a substance use~~ 10105  
~~disorder, substance induced disorder, chronic dementing organic~~ 10106  
~~mental disorder, mental retardation, or developmental disability.~~ 10107

If the director disapproves all or part of any plan, the 10108  
director shall inform the board of the reasons for the disapproval 10109  
and of the criteria that must be met before the plan may be 10110  
approved. The director shall provide the board an opportunity to 10111  
present its case on behalf of the plan. The director shall give 10112  
the board a reasonable time in which to meet the criteria, and 10113  
shall offer the board technical assistance to help it meet the 10114  
criteria. 10115

If the approval of a plan remains in dispute thirty days 10116  
prior to the conclusion of the fiscal year in which the board's 10117  
current plan is scheduled to expire, the board or the director may 10118  
request that the dispute be submitted to a mutually agreed upon 10119  
third-party mediator with the cost to be shared by the board and 10120  
the department. The mediator shall issue to the board and the 10121  
department recommendations for resolution of the dispute. Prior to 10122  
the conclusion of the fiscal year in which the current plan is 10123  
scheduled to expire, the director, taking into consideration the 10124  
recommendations of the mediator, shall make a final determination 10125  
and approve or disapprove the plan, in whole or in part. 10126

If a board determines that it is necessary to amend a plan or 10127  
an allocation request that has been approved under division 10128  
(A)(1)(c) of this section, the board shall submit a proposed 10129  
amendment to the director. The director may approve or disapprove 10130  
all or part of the amendment. If the director does not approve all 10131  
or part of the amendment within thirty days after it is submitted, 10132  
the amendment or part of it shall be considered to have been 10133  
approved. The director shall inform the board of the reasons for 10134  
disapproval of all or part of an amendment and of the criteria 10135

that must be met before the amendment may be approved. The 10136  
director shall provide the board an opportunity to present its 10137  
case on behalf of the amendment. The director shall give the board 10138  
a reasonable time in which to meet the criteria, and shall offer 10139  
the board technical assistance to help it meet the criteria. 10140

The board shall implement the plan approved by the 10141  
department. 10142

(d) Receive, compile, and transmit to the department of 10143  
mental health applications for state reimbursement; 10144

(e) Promote, arrange, and implement working agreements with 10145  
social agencies, both public and private, and with judicial 10146  
agencies. 10147

(2) Investigate, or request another agency to investigate, 10148  
any complaint alleging abuse or neglect of any person receiving 10149  
services from a community mental health agency as defined in 10150  
section 5122.01 of the Revised Code, or from a residential 10151  
facility licensed under section 5119.22 of the Revised Code. If 10152  
the investigation substantiates the charge of abuse or neglect, 10153  
the board shall take whatever action it determines is necessary to 10154  
correct the situation, including notification of the appropriate 10155  
authorities. Upon request, the board shall provide information 10156  
about such investigations to the department. 10157

(3) For the purpose of section 5119.611 of the Revised Code, 10158  
cooperate with the director of mental health in visiting and 10159  
evaluating whether the services of a community mental health 10160  
agency satisfy the certification standards established by rules 10161  
adopted under that section; 10162

(4) In accordance with criteria established under division 10163  
(G) of section 5119.61 of the Revised Code, review and evaluate 10164  
the quality, effectiveness, and efficiency of services provided 10165  
through its community mental health plan and submit its findings 10166

and recommendations to the department of mental health; 10167

(5) In accordance with section 5119.22 of the Revised Code, 10168  
review applications for residential facility licenses and 10169  
recommend to the department of mental health approval or 10170  
disapproval of applications; 10171

(6) Audit, in accordance with rules adopted by the auditor of 10172  
state pursuant to section 117.20 of the Revised Code, at least 10173  
annually all programs and services provided under contract with 10174  
the board. In so doing, the board may contract for or employ the 10175  
services of private auditors. A copy of the fiscal audit report 10176  
shall be provided to the director of mental health, the auditor of 10177  
state, and the county auditor of each county in the board's 10178  
district. 10179

(7) Recruit and promote local financial support for mental 10180  
health programs from private and public sources; 10181

(8)(a) Enter into contracts with public and private 10182  
facilities for the operation of facility services included in the 10183  
board's community mental health plan and enter into contracts with 10184  
public and private community mental health agencies for the 10185  
provision of community mental health services that are listed in 10186  
section 340.09 of the Revised Code and included in the board's 10187  
community mental health plan. The board may not contract with a 10188  
community mental health agency to provide community mental health 10189  
services included in the board's community mental health plan 10190  
unless the services are certified by the director of mental health 10191  
under section 5119.611 of the Revised Code. Section 307.86 of the 10192  
Revised Code does not apply to contracts entered into under this 10193  
division. In contracting with a community mental health agency, a 10194  
board shall consider the cost effectiveness of services provided 10195  
by that agency and the quality and continuity of care, and may 10196  
review cost elements, including salary costs, of the services to 10197  
be provided. A utilization review process shall be established as 10198

part of the contract for services entered into between a board and 10199  
a community mental health agency. The board may establish this 10200  
process in a way that is most effective and efficient in meeting 10201  
local needs. In the case of a contract with a community mental 10202  
health facility, as defined in section 5111.023 of the Revised 10203  
Code, to provide services listed in division (B) of that section, 10204  
the contract shall provide for the facility to be paid in 10205  
accordance with the contract entered into between the departments 10206  
of job and family services and mental health under section 5111.91 10207  
of the Revised Code and any rules adopted under division (A) of 10208  
section 5119.61 of the Revised Code. 10209

If either the board or a facility or community mental health 10210  
agency with which the board contracts under division (A)(8)(a) of 10211  
this section proposes not to renew the contract or proposes 10212  
substantial changes in contract terms, the other party shall be 10213  
given written notice at least one hundred twenty days before the 10214  
expiration date of the contract. During the first sixty days of 10215  
this one hundred twenty-day period, both parties shall attempt to 10216  
resolve any dispute through good faith collaboration and 10217  
negotiation in order to continue to provide services to persons in 10218  
need. If the dispute has not been resolved sixty days before the 10219  
expiration date of the contract, either party may notify the 10220  
department of mental health of the unresolved dispute. The 10221  
director may require both parties to submit the dispute to a third 10222  
party with the cost to be shared by the board and the facility or 10223  
community mental health agency. The third party shall issue to the 10224  
board, the facility or agency, and the department recommendations 10225  
on how the dispute may be resolved twenty days prior to the 10226  
expiration date of the contract, unless both parties agree to a 10227  
time extension. The director shall adopt rules establishing the 10228  
procedures of this dispute resolution process. 10229

(b) With the prior approval of the director of mental health, 10230

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 director determines that it is not feasible to have the department operate the facility or provide the service.

The director shall not give a board approval to operate a facility or provide a community mental health service under division (A)(8)(b)(iii) of this section unless the director determines that the board will provide greater administrative efficiency and more or better services than would be available if the board contracted with a private or public facility or



community mental health agency. 10262

The director shall not give a board approval to operate a 10263  
facility previously operated by a person or other government 10264  
entity unless the board has established to the director's 10265  
satisfaction that the person or other government entity cannot 10266  
effectively operate the facility or that the person or other 10267  
government entity has requested the board to take over operation 10268  
of the facility. The director shall not give a board approval to 10269  
provide a community mental health service previously provided by a 10270  
community mental health agency unless the board has established to 10271  
the director's satisfaction that the agency cannot effectively 10272  
provide the service or that the agency has requested the board 10273  
take over providing the service. 10274

The director shall review and evaluate a board's operation of 10275  
a facility and provision of community mental health service under 10276  
division (A)(8)(b) of this section. 10277

Nothing in division (A)(8)(b) of this section authorizes a 10278  
board to administer or direct the daily operation of any facility 10279  
or community mental health agency, but a facility or agency may 10280  
contract with a board to receive administrative services or staff 10281  
direction from the board under the direction of the governing body 10282  
of the facility or agency. 10283

(9) Approve fee schedules and related charges or adopt a unit 10284  
cost schedule or other methods of payment for contract services 10285  
provided by community mental health agencies in accordance with 10286  
guidelines issued by the department as necessary to comply with 10287  
state and federal laws pertaining to financial assistance; 10288

(10) Submit to the director and the county commissioners of 10289  
the county or counties served by the board, and make available to 10290  
the public, an annual report of the programs under the 10291  
jurisdiction of the board, including a fiscal accounting; 10292

(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 families, friends, consumers of mental health services, and others;

(i) Recognition and encouragement of families, friends, neighborhood networks, especially networks that include racial and ethnic minorities, churches, community organizations, and meaningful employment as natural supports for consumers of mental health services;

(j) Grievance procedures and protection of the rights of

consumers of mental health services; 10323

(k) Case management, which includes continual individualized 10324  
assistance and advocacy to ensure that needed services are offered 10325  
and procured. 10326

(12) Designate the treatment program, agency, or facility for 10327  
each person involuntarily committed to the board pursuant to 10328  
Chapter 5122. of the Revised Code and authorize payment for such 10329  
treatment. The board shall provide the least restrictive and most 10330  
appropriate alternative that is available for any person 10331  
involuntarily committed to it and shall assure that the services 10332  
listed in section 340.09 of the Revised Code are available to 10333  
severely mentally disabled persons residing within its service 10334  
district. The board shall establish the procedure for authorizing 10335  
payment for services, which may include prior authorization in 10336  
appropriate circumstances. The board may provide for services 10337  
directly to a severely mentally disabled person when life or 10338  
safety is endangered and when no community mental health agency is 10339  
available to provide the service. 10340

(13) Establish a method for evaluating referrals for 10341  
involuntary commitment and affidavits filed pursuant to section 10342  
5122.11 of the Revised Code in order to assist the probate 10343  
division of the court of common pleas in determining whether there 10344  
is probable cause that a respondent is subject to involuntary 10345  
hospitalization and what alternative treatment is available and 10346  
appropriate, if any; 10347

(14) Ensure that apartments or rooms built, subsidized, 10348  
renovated, rented, owned, or leased by the board or a community 10349  
mental health agency have been approved as meeting minimum fire 10350  
safety standards and that persons residing in the rooms or 10351  
apartments are receiving appropriate and necessary services, 10352  
including culturally relevant services, from a community mental 10353  
health agency. This division does not apply to residential 10354

facilities licensed pursuant to section 5119.22 of the Revised Code. 10355  
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(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; 10357  
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(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. 10361  
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(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. 10370  
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(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 which the board is established, and may hold and apply it according to the terms of the gift, grant, or bequest. All money received, including accrued interest, by gift, grant, or bequest shall be deposited in the treasury of the county, the treasurer of which is custodian of the alcohol, drug addiction, and mental health services funds to the credit of the board and shall be available for use by the board for purposes stated by the donor or grantor. 10374  
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(D) No board member or employee of a board of alcohol, drug 10385

addiction, and mental health services shall be liable for injury 10386  
or damages caused by any action or inaction taken within the scope 10387  
of the board member's official duties or the employee's 10388  
employment, whether or not such action or inaction is expressly 10389  
authorized by this section, section 340.033, or any other section 10390  
of the Revised Code, unless such action or inaction constitutes 10391  
willful or wanton misconduct. Chapter 2744. of the Revised Code 10392  
applies to any action or inaction by a board member or employee of 10393  
a board taken within the scope of the board member's official 10394  
duties or employee's employment. For the purposes of this 10395  
division, the conduct of a board member or employee shall not be 10396  
considered willful or wanton misconduct if the board member or 10397  
employee acted in good faith and in a manner that the board member 10398  
or employee reasonably believed was in or was not opposed to the 10399  
best interests of the board and, with respect to any criminal 10400  
action or proceeding, had no reasonable cause to believe the 10401  
conduct was unlawful. 10402

(E) The meetings held by any committee established by a board 10403  
of alcohol, drug addiction, and mental health services shall be 10404  
considered to be meetings of a public body subject to section 10405  
121.22 of the Revised Code. 10406

**Sec. 505.376.** When any expenditure of a fire and ambulance 10407  
district, other than for the compensation of district employees, 10408  
exceeds ~~twenty-five~~ fifty thousand dollars, the contract for the 10409  
expenditure shall be in writing and made with the lowest and best 10410  
bidder after advertising for not less than two nor more than four 10411  
consecutive weeks in a newspaper of general circulation within the 10412  
district. The bids shall be opened and shall be publicly read by 10413  
the clerk of the district, or the clerk's designee, at the time, 10414  
date, and place specified in the advertisement to bidders or the 10415  
specifications. The time, date, and place of bid openings may be 10416  
extended to a later date by the board of trustees of the district, 10417

provided that written or oral notice of the change shall be given 10418  
to all persons who have received or requested specifications no 10419  
later than ninety-six hours prior to the original time and date 10420  
fixed for the opening. 10421

Each bid on any contract shall contain the full name of every 10422  
person interested in the bid. If the bid is for a contract for the 10423  
construction, demolition, alteration, repair, or reconstruction of 10424  
an improvement, it shall meet the requirements of section 153.54 10425  
of the Revised Code. If the bid is for any other contract, it 10426  
shall be accompanied by a sufficient bond or certified check, 10427  
cashier's check, or money order on a solvent bank or savings and 10428  
loan association that, if the bid is accepted, a contract will be 10429  
entered into and the performance of it will be properly secured. 10430  
If the bid for work embraces both labor and material, it shall be 10431  
separately stated, with the price of the labor and the material. 10432  
The board may reject any and all bids. The contract shall be 10433  
between the district and the bidder, and the district shall pay 10434  
the contract price in cash. When a bonus is offered for completion 10435  
of a contract prior to a specified date, the board may exact a 10436  
prorated penalty in like sum for each day of delay beyond the 10437  
specified date. When there is reason to believe there is collusion 10438  
or combination among bidders, the bids of those concerned shall be 10439  
rejected. 10440

**Sec. 517.08.** The proceeds arising from the sale of cemetery 10441  
lots under section 517.07 of the Revised Code shall be used in 10442  
maintaining, improving, beautifying, and embellishing such 10443  
grounds, except that upon unanimous consent of the board of 10444  
township trustees, such proceeds may be used in the purchase or 10445  
appropriation of additional land for cemetery purposes in 10446  
accordance with sections 517.01 and 517.13 of the Revised Code; 10447  
and the board of township trustees may build and maintain proper 10448  
and secure fences around all such cemeteries, to be paid for from 10449

the township funds. 10450

**Sec. 521.01.** (A) As used in this chapter, "private sewage 10451  
collection tile" means any tile, ditch, pipe, or other improvement 10452  
installed by a private person to receive and convey sewage and 10453  
sewage effluent from at least five household sewage ~~treatment~~ 10454  
disposal systems, as those systems are defined in rules adopted by 10455  
the public health council under section ~~3718.01~~ 3701.34 of the 10456  
Revised Code. 10457

(B) A board of township trustees may maintain and repair 10458  
private sewage collection tiles located within a township road 10459  
right-of-way in the township, where the expenditure from the 10460  
township general fund for materials to maintain and repair the 10461  
tiles does not exceed two hundred dollars for any one project. No 10462  
maintenance or repair shall be performed that is paid for from the 10463  
township general fund under this division until the board adopts a 10464  
resolution authorizing the maintenance or repair. If material 10465  
costs would exceed two hundred dollars, the board may proceed 10466  
under this chapter to maintain and repair the tiles by assessing 10467  
the cost against property based on the special benefits the 10468  
property receives from the project. 10469

**Sec. 709.191.** In lieu of making any of the payments required 10470  
by section 709.19 of the Revised Code and for any proposed 10471  
annexation which does not require payments under that section, the 10472  
legislative authority of a municipal corporation which proposes to 10473  
annex unincorporated territory of a township may enter into an 10474  
agreement with the board of township trustees of the township in 10475  
which the territory to be annexed is located, whereby the 10476  
municipal corporation agrees to make an annual payment to the 10477  
township to compensate for lost tax revenues. The agreement shall 10478  
set forth the amount of the annual payment and the number of 10479  
payments to be made. 10480

If a municipal corporation fails to make an annual payment 10481  
pursuant to an agreement entered into under this section, the 10482  
board of township trustees shall notify the county budget 10483  
commission in writing of the amount owed by the municipal 10484  
corporation to the township. The county budget commission shall 10485  
reduce the amount apportioned to the municipal corporation from 10486  
the undivided local ~~government~~ communities fund pursuant to 10487  
section 5747.51 or 5747.53 of the Revised Code by the amount of 10488  
the payment due the township under the municipal-township 10489  
agreement and shall increase, by an amount equal to this 10490  
reduction, the amount apportioned to the township from the 10491  
undivided local ~~government~~ communities fund. 10492

**Sec. 711.05.** (A) Upon the submission of a plat for approval, 10493  
in accordance with section 711.041 of the Revised Code, the board 10494  
of county commissioners shall certify on it the date of the 10495  
submission. Within five days of submission of the plat, the board 10496  
shall schedule a meeting to consider the plat and send a written 10497  
notice by regular mail to the fiscal officer of the board of 10498  
township trustees of the township in which the plat is located ~~and~~ 10499  
~~the board of health of the health district in which the plat is~~ 10500  
~~located.~~ The notice shall inform the trustees ~~and the board of~~ 10501  
~~health~~ of the submission of the plat and of the date, time, and 10502  
location of any meeting at which the board of county commissioners 10503  
will consider or act upon the proposed plat. The meeting shall 10504  
take place within thirty days of submission of the plat, and no 10505  
meeting shall be held until at least seven days have passed from 10506  
the date the notice was sent by the board of county commissioners. 10507  
The approval of the board required by section 711.041 of the 10508  
Revised Code or the refusal to approve shall take place within 10509  
thirty days from the date of submission or such further time as 10510  
the applying party may agree to in writing; otherwise, the plat is 10511  
deemed approved and may be recorded as if bearing such approval. 10512



(B) The board may adopt general rules governing plats and subdivisions of land falling within its jurisdiction, to secure and provide for the coordination of the streets within the subdivision with existing streets and roads or with existing county highways, for the proper amount of open spaces for traffic, circulation, and utilities, and for the avoidance of future congestion of population detrimental to the public health, safety, or welfare, but shall not impose a greater minimum lot area than forty-eight hundred square feet. Before the board may amend or adopt rules, it shall notify all the townships in the county of the proposed amendments or rules by regular mail at least thirty days before the public meeting at which the proposed amendments or rules are to be considered.

The rules may require the ~~board~~ county department of health to review and comment on a plat before the board of county commissioners acts upon it and may also require proof of compliance with any applicable zoning resolutions, ~~and with household sewage treatment rules adopted under section 3718.02 of the Revised Code,~~ as a basis for approval of a plat. Where under section 711.101 of the Revised Code the board of county commissioners has set up standards and specifications for the construction of streets, utilities, and other improvements for common use, the general rules may require the submission of appropriate plans and specifications for approval. The board shall not require the person submitting the plat to alter the plat or any part of it as a condition for approval, as long as the plat is in accordance with general rules governing plats and subdivisions of land, adopted by the board as provided in this section, in effect at the time the plat was submitted and the plat is in accordance with any standards and specifications set up under section 711.101 of the Revised Code, in effect at the time the plat was submitted.

(C) The ground of refusal to approve any plat, submitted in accordance with section 711.041 of the Revised Code, shall be stated upon the record of the board, and, within sixty days thereafter, the person submitting any plat that the board refuses to approve may file a petition in the court of common pleas of the county in which the land described in the plat is situated to review the action of the board. A board of township trustees is not entitled to appeal a decision of the board of county commissioners under this section.

**Sec. 711.10.** (A) Whenever a county planning commission or a regional planning commission adopts a plan for the major streets or highways of the county or region, no plat of a subdivision of land within the county or region, other than land within a municipal corporation or land within three miles of a city or one and one-half miles of a village as provided in section 711.09 of the Revised Code, shall be recorded until it is approved by the county or regional planning commission under division (C) of this section and the approval is endorsed in writing on the plat.

(B) A county or regional planning commission may require the submission of a preliminary plan for each plat sought to be recorded. If the commission requires this submission, it shall provide for a review process for the preliminary plan. Under this review process, the planning commission shall give its approval, its approval with conditions, or its disapproval of each preliminary plan. The commission's decision shall be in writing, shall be under the signature of the secretary of the commission, and shall be issued within thirty-five business days after the submission of the preliminary plan to the commission. The disapproval of a preliminary plan shall state the reasons for the disapproval. A decision of the commission under this division is preliminary to and separate from the commission's decision to approve, conditionally approve, or refuse to approve a plat under

division (C) of this section. 10577

(C) Within five calendar days after the submission of a plat 10578  
for approval under this division, the county or regional planning 10579  
commission shall schedule a meeting to consider the plat and send 10580  
a notice by regular mail or by electronic mail to the fiscal 10581  
officer of the board of township trustees of the township in which 10582  
the plat is located ~~and the board of health of the health district~~ 10583  
~~in which the plat is located.~~ The notice shall inform the trustees 10584  
~~and the board of health~~ of the submission of the plat and of the 10585  
date, time, and location of any meeting at which the county or 10586  
regional planning commission will consider or act upon the plat. 10587  
The meeting shall take place within thirty calendar days after 10588  
submission of the plat, and no meeting shall be held until at 10589  
least seven calendar days have passed from the date the planning 10590  
commission sent the notice. 10591

The approval of the county or regional planning commission, 10592  
the commission's conditional approval as described in this 10593  
division, or the refusal of the commission to approve shall be 10594  
endorsed on the plat within thirty calendar days after the 10595  
submission of the plat for approval under this division or within 10596  
such further time as the applying party may agree to in writing; 10597  
otherwise that plat is deemed approved, and the certificate of the 10598  
commission as to the date of the submission of the plat for 10599  
approval under this division and the failure to take action on it 10600  
within that time shall be sufficient in lieu of the written 10601  
endorsement or evidence of approval required by this division. 10602

A county or regional planning commission may grant 10603  
conditional approval under this division to a plat by requiring a 10604  
person submitting the plat to alter the plat or any part of it, 10605  
within a specified period after the end of the thirty calendar 10606  
days, as a condition for final approval under this division. Once 10607  
all the conditions have been met within the specified period, the 10608

commission shall cause its final approval under this division to 10609  
be endorsed on the plat. No plat shall be recorded until it is 10610  
endorsed with the commission's final or unconditional approval 10611  
under this division. 10612

The ground of refusal of approval of any plat submitted under 10613  
this division, including citation of or reference to the rule 10614  
violated by the plat, shall be stated upon the record of the 10615  
county or regional planning commission. Within sixty calendar days 10616  
after the refusal under this division, the person submitting any 10617  
plat that the commission refuses to approve under this division 10618  
may file a petition in the court of common pleas of the proper 10619  
county, and the proceedings on the petition shall be governed by 10620  
section 711.09 of the Revised Code as in the case of the refusal 10621  
of a planning authority to approve a plat. A board of township 10622  
trustees is not entitled to appeal a decision of the commission 10623  
under this division. 10624

A county or regional planning commission shall adopt general 10625  
rules, of uniform application, governing plats and subdivisions of 10626  
land falling within its jurisdiction, to secure and provide for 10627  
the proper arrangement of streets or other highways in relation to 10628  
existing or planned streets or highways or to the county or 10629  
regional plan, for adequate and convenient open spaces for 10630  
traffic, utilities, access of firefighting apparatus, recreation, 10631  
light, and air, and for the avoidance of congestion of population. 10632  
The rules may provide for their modification by the commission in 10633  
specific cases where unusual topographical and other exceptional 10634  
conditions require the modification. The rules may require the 10635  
~~board~~ county department of health to review and comment on a plat 10636  
before the commission acts upon it and also may require proof of 10637  
compliance with any applicable zoning resolutions, ~~and with~~ 10638  
~~household sewage treatment rules adopted under section 3718.02 of~~ 10639  
~~the Revised Code,~~ as a basis for approval of a plat. 10640

Before adoption of its rules or amendment of its rules, the 10641  
commission shall hold a public hearing on the adoption or 10642  
amendment. Notice of the public hearing shall be sent to all 10643  
townships in the county or region by regular mail or electronic 10644  
mail at least thirty business days before the hearing. No county 10645  
or regional planning commission shall adopt any rules requiring 10646  
actual construction of streets or other improvements or facilities 10647  
or assurance of that construction as a condition precedent to the 10648  
approval of a plat of a subdivision unless the requirements have 10649  
first been adopted by the board of county commissioners after a 10650  
public hearing. A copy of the rules shall be certified by the 10651  
planning commission to the county recorders of the appropriate 10652  
counties. 10653

After a county or regional street or highway plan has been 10654  
adopted as provided in this section, the approval of plats and 10655  
subdivisions provided for in this section shall be in lieu of any 10656  
approvals provided for in other sections of the Revised Code, 10657  
insofar as the territory within the approving jurisdiction of the 10658  
county or regional planning commission, as provided in this 10659  
section, is concerned. Approval of a plat shall not be an 10660  
acceptance by the public of the dedication of any street, highway, 10661  
or other way or open space shown upon the plat. 10662

No county or regional planning commission shall require a 10663  
person submitting a plat to alter the plat or any part of it as 10664  
long as the plat is in accordance with the general rules governing 10665  
plats and subdivisions of land, adopted by the commission as 10666  
provided in this section, in effect at the time the plat is 10667  
submitted. 10668

A county or regional planning commission and a city or 10669  
village planning commission, or platting commissioner or 10670  
legislative authority of a village, with subdivision regulation 10671  
jurisdiction over unincorporated territory within the county or 10672

region may cooperate and agree by written agreement that the 10673  
approval of a plat by the city or village planning commission, or 10674  
platting commissioner or legislative authority of a village, as 10675  
provided in section 711.09 of the Revised Code, shall be 10676  
conditioned upon receiving advice from or approval by the county 10677  
or regional planning commission. 10678

(D) As used in this section, "business day" means a day of 10679  
the week excluding Saturday, Sunday, or a legal holiday as defined 10680  
in section 1.14 of the Revised Code. 10681

**Sec. 711.131.** (A) Notwithstanding sections 711.001 to 711.13 10682  
of the Revised Code and except as provided in division (C) of this 10683  
section, unless the rules adopted under section 711.05, 711.09, or 10684  
711.10 of the Revised Code are amended pursuant to division (B) of 10685  
this section, a proposed division of a parcel of land along an 10686  
existing public street, not involving the opening, widening, or 10687  
extension of any street or road, and involving no more than five 10688  
lots after the original tract has been completely subdivided, may 10689  
be submitted to the planning authority having approving 10690  
jurisdiction of plats under section 711.05, 711.09, or 711.10 of 10691  
the Revised Code for approval without plat. If the authority 10692  
acting through a properly designated representative finds that a 10693  
proposed division is not contrary to applicable platting, 10694  
subdividing, zoning, health, sanitary, or access management 10695  
regulations, or regulations adopted under division (B)(3) of 10696  
section 307.37 of the Revised Code regarding existing surface or 10697  
subsurface drainage, ~~or household sewage treatment rules adopted~~ 10698  
~~under section 3718.02 of the Revised Code, including, but not~~ 10699  
~~limited to, rules governing household sewage disposal systems,~~ it 10700  
shall approve the proposed division within seven business days 10701  
after its submission and, on presentation of a conveyance of the 10702  
parcel, shall stamp the conveyance "approved by (planning 10703  
authority); no plat required" and have it signed by its clerk, 10704

secretary, or other official as may be designated by it. The 10705  
planning authority may require the submission of a sketch and 10706  
other information that is pertinent to its determination under 10707  
this division. 10708

(B) For a period of up to two years after ~~the effective date~~ 10709  
~~of this amendment~~ April 15, 2005, the rules adopted under section 10710  
711.05, 711.09, or 711.10 of the Revised Code may be amended 10711  
within that period to authorize the planning authority involved to 10712  
approve proposed divisions of parcels of land without plat under 10713  
this division. If an authority so amends its rules, it may approve 10714  
no more than five lots without a plat from an original tract as 10715  
that original tract exists on the effective date of the amendment 10716  
to the rules. The authority shall make the findings and approve a 10717  
proposed division in the time and manner specified in division (A) 10718  
of this section. 10719

(C) This section does not apply to parcels subject to section 10720  
711.133 of the Revised Code. 10721

(D) As used in this section: 10722

~~(1)~~, "Business business day" means a day of the week 10723  
excluding Saturday, Sunday, or a legal holiday as defined in 10724  
section 1.14 of the Revised Code. 10725

~~(2) "Household sewage disposal system" has the same meaning~~ 10726  
~~as in section 3709.091 of the Revised Code.~~ 10727

**Sec. 718.13.** (A) Any information gained as a result of 10728  
returns, investigations, hearings, or verifications required or 10729  
authorized by this chapter or by a charter or ordinance of a 10730  
municipal corporation levying an income tax pursuant to this 10731  
chapter is confidential, and no person shall disclose such 10732  
information except in accordance with a proper judicial order or 10733  
in connection with the performance of that person's official 10734

duties or the official business of the municipal corporation as 10735  
authorized by this chapter or the charter or ordinance authorizing 10736  
the levy. The tax administrator of the municipal corporation may 10737  
furnish copies of returns filed under this chapter to the internal 10738  
revenue service and to the tax commissioner. 10739

(B) This section does not prohibit the legislative authority 10740  
of a municipal corporation, by ordinance or resolution, from 10741  
authorizing the tax administrator to publish statistics in a form 10742  
that does not disclose information with respect to particular 10743  
taxpayers. 10744

**Sec. 742.301.** Each employer shall promptly pay the amount due 10745  
on the accrued liability on the dates fixed by the board of 10746  
trustees of the Ohio police and fire pension fund. Upon 10747  
certification by the board that payment of an employer's accrued 10748  
liability has not been paid within thirty days following the date 10749  
a payment is due, a penalty of five per cent of the amount due 10750  
shall be assessed against such employer. If the payment and 10751  
penalty have not been paid within ninety days following the date a 10752  
payment is due, annual interest at six per cent shall be assessed 10753  
against the payment and penalty from the date that the payment is 10754  
due. 10755

Upon certification by the board to the superintendent of 10756  
liquor control or the county auditor of an amount due from any 10757  
employer who is subject to this chapter by reason of such 10758  
employer's delinquency in making payments on the accrued 10759  
liability, the amount due shall be withheld from the employer from 10760  
liquor control permit fees to be distributed to that employer 10761  
according to Chapter 4301. of the Revised Code or from the local 10762  
~~government~~ communities fund allocated for distribution to that 10763  
employer by the county budget commission in accordance with 10764  
Chapter 5739. of the Revised Code. Upon receipt of the 10765



certification from the board, the superintendent or county auditor 10766  
shall provide for payment against such funds in favor of the Ohio 10767  
police and fire pension fund for the certified amount due and any 10768  
penalty and interest thereon. 10769

Sec. 901.261. The director of agriculture, in conducting 10770  
investigations, inquiries, or hearings, may assess the party to an 10771  
action that is brought before the department of agriculture 10772  
pursuant to Chapter 119. of the Revised Code the actual costs 10773  
incurred by the department for depositions, investigations, 10774  
issuance and service of subpoenas, witness fees, employment of a 10775  
stenographer and hearing officer, and the production of books, 10776  
accounts, papers, records, documents, and testimony if the 10777  
applicable hearing officer determines that the party to the action 10778  
has failed to comply with any chapter of the Revised Code or any 10779  
rule adopted under any of those chapters that is administered by 10780  
the director or if the hearing officer determines that the action 10781  
was frivolous conduct by the party. Assessment of costs under this 10782  
section may be appealed to a court of competent jurisdiction. 10783

Sec. 991.08. The Ohio expositions commission shall use not 10784  
less than thirty-five per cent of the revenue that it receives 10785  
from lease payments and parking fees related to events held at the 10786  
Columbus crew stadium, as it is named on the effective date of 10787  
this section, for the purpose of improving and maintaining parking 10788  
facilities that are utilized for events at the stadium. 10789

Sec. 1503.05. (A) The chief of the division of forestry may 10790  
sell timber and other forest products from the state forest and 10791  
state forest nurseries whenever the chief considers such a sale 10792  
desirable and, with the approval of the attorney general and the 10793  
director of natural resources, may sell portions of the state 10794  
forest lands when such a sale is advantageous to the state. 10795

(B) Except as otherwise provided in this section, a timber sale agreement shall not be executed unless the person or governmental entity bidding on the sale executes and files a surety bond conditioned on completion of the timber sale in accordance with the terms of the agreement in an amount equal to twenty-five per cent of the highest value cutting section. All bonds shall be given in a form prescribed by the chief and shall run to the state as obligee.

The chief shall not approve any bond until it is personally signed and acknowledged by both principal and surety, or as to either by the attorney in fact thereof, with a certified copy of the power of attorney attached. The chief shall not approve the bond unless there is attached a certificate of the superintendent of insurance that the company is authorized to transact a fidelity and surety business in this state.

In lieu of a bond, the bidder may deposit any of the following:

(1) Cash in an amount equal to the amount of the bond;

(2) United States government securities having a par value equal to or greater than the amount of the bond;

(3) Negotiable certificates of deposit or irrevocable letters of credit issued by any bank organized or transacting business in this state having a par value equal to or greater than the amount of the bond.

The cash or securities shall be deposited on the same terms as bonds. If one or more certificates of deposit are deposited in lieu of a bond, the chief shall require the bank that issued any of the certificates to pledge securities of the aggregate market value equal to the amount of the certificate or certificates that is in excess of the amount insured by the federal deposit insurance corporation. The securities to be pledged shall be those

designated as eligible under section 135.18 of the Revised Code. 10827  
The securities shall be security for the repayment of the 10828  
certificate or certificates of deposit. 10829

Immediately upon a deposit of cash, securities, certificates 10830  
of deposit, or letters of credit, the chief shall deliver them to 10831  
the treasurer of state, who shall hold them in trust for the 10832  
purposes for which they have been deposited. The treasurer of 10833  
state is responsible for the safekeeping of the deposits. A bidder 10834  
making a deposit of cash, securities, certificates of deposit, or 10835  
letters of credit may withdraw and receive from the treasurer of 10836  
state, on the written order of the chief, all or any portion of 10837  
the cash, securities, certificates of deposit, or letters of 10838  
credit upon depositing with the treasurer of state cash, other 10839  
United States government securities, or other negotiable 10840  
certificates of deposit or irrevocable letters of credit issued by 10841  
any bank organized or transacting business in this state, equal in 10842  
par value to the par value of the cash, securities, certificates 10843  
of deposit, or letters of credit withdrawn. 10844

A bidder may demand and receive from the treasurer of state 10845  
all interest or other income from any such securities or 10846  
certificates as it becomes due. If securities so deposited with 10847  
and in the possession of the treasurer of state mature or are 10848  
called for payment by their issuer, the treasurer of state, at the 10849  
request of the bidder who deposited them, shall convert the 10850  
proceeds of the redemption or payment of the securities into other 10851  
United States government securities, negotiable certificates of 10852  
deposit, or cash as the bidder designates. 10853

When the chief finds that a person or governmental agency has 10854  
failed to comply with the conditions of the person's or 10855  
governmental agency's bond, the chief shall make a finding of that 10856  
fact and declare the bond, cash, securities, certificates, or 10857  
letters of credit forfeited. The chief thereupon shall certify the 10858

total forfeiture to the attorney general, who shall proceed to 10859  
collect the amount of the bond, cash, securities, certificates, or 10860  
letters of credit. 10861

In lieu of total forfeiture, the surety, at its option, may 10862  
cause the timber sale to be completed or pay to the treasurer of 10863  
state the cost thereof. 10864

All moneys collected as a result of forfeitures of bonds, 10865  
cash, securities, certificates, and letters of credit under this 10866  
section shall be credited to the state forest fund created in this 10867  
section. 10868

(C) The chief may grant easements and leases on portions of 10869  
the state forest lands and state forest nurseries under terms that 10870  
are advantageous to the state, and the chief may grant mineral 10871  
rights on a royalty basis on those lands and nurseries, with the 10872  
approval of the attorney general and the director. 10873

(D) All moneys received from the sale of state forest lands, 10874  
or in payment for easements or leases on or as rents from those 10875  
lands or from state forest nurseries, shall be paid into the state 10876  
treasury to the credit of the state forest fund, which is hereby 10877  
created. In addition, all moneys received from federal grants, 10878  
payments, and reimbursements, from the sale of reforestation tree 10879  
stock, from the sale of forest products, other than standing 10880  
timber, and from the sale of minerals taken from the state forest 10881  
lands and state forest nurseries, together with royalties from 10882  
mineral rights, shall be paid into the state treasury to the 10883  
credit of the state forest fund. Any other revenues derived from 10884  
the operation of the state forests and related facilities or 10885  
equipment also shall be paid into the state treasury to the credit 10886  
of the state forest fund, as shall contributions received for the 10887  
issuance of Smokey Bear license plates under section 4503.574 of 10888  
the Revised Code and any other moneys required by law to be 10889  
deposited in the fund. 10890

The state forest fund shall not be expended for any purpose 10891  
other than the administration, operation, maintenance, 10892  
development, or utilization of the state forests, forest 10893  
nurseries, and forest programs, for facilities or equipment 10894  
incident to them, or for the further purchase of lands for state 10895  
forest or forest nursery purposes and, in the case of 10896  
contributions received pursuant to section 4503.574 of the Revised 10897  
Code, for fire prevention purposes. 10898

All moneys received from the sale of standing timber taken 10899  
from state forest lands and state forest nurseries shall be 10900  
deposited into the state treasury to the credit of the forestry 10901  
holding account redistribution fund, which is hereby created. The 10902  
moneys shall remain in the fund until they are redistributed in 10903  
accordance with this division. 10904

The redistribution shall occur at least once each year. To 10905  
begin the redistribution, the chief first shall determine the 10906  
amount of all standing timber sold from state forest lands and 10907  
state forest nurseries, together with the amount of the total sale 10908  
proceeds, in each county, in each township within the county, and 10909  
in each school district within the county. The chief next shall 10910  
determine the amount of the direct costs that the division of 10911  
forestry incurred in association with the sale of that standing 10912  
timber. The amount of the direct costs shall be subtracted from 10913  
the amount of the total sale proceeds and shall be transferred 10914  
from the forestry holding account redistribution fund to the state 10915  
forest fund. 10916

The remaining amount of the total sale proceeds equals the 10917  
net value of the standing timber that was sold. The chief shall 10918  
determine the net value of standing timber sold from state forest 10919  
lands and state forest nurseries in each county, in each township 10920  
within the county, and in each school district within the county 10921  
and shall send to each county treasurer a copy of the 10922

determination at the time that moneys are paid to the county treasurer under this division. 10923  
10924

Twenty-five per cent of the net value of standing timber sold from state forest lands and state forest nurseries located in a county shall be transferred from the forestry holding account redistribution fund to the state forest fund. Ten per cent of that net value shall be transferred from the forestry holding account redistribution fund to the general revenue fund. The remaining sixty-five per cent of the net value shall be transferred from the forestry holding account redistribution fund and paid to the county treasurer for the use of the general fund of that county. 10925  
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The county auditor shall do all of the following: 10934

(1) Retain for the use of the general fund of the county one-fourth of the amount received by the county under division (D) of this section; 10935  
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(2) Pay into the general fund of any township located within the county and containing such lands and nurseries one-fourth of the amount received by the county from standing timber sold from lands and nurseries located in the township; 10938  
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(3) Request the board of education of any school district located within the county and containing such lands and nurseries to identify which fund or funds of the district should receive the moneys available to the school district under division (D)(3) of this section. After receiving notice from the board, the county auditor shall pay into the fund or funds so identified one-half of the amount received by the county from standing timber sold from lands and nurseries located in the school district, distributed proportionately as identified by the board. 10942  
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The division of forestry shall not supply logs, lumber, or other forest products or minerals, taken from the state forest lands or state forest nurseries, to any other agency or 10951  
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subdivision of the state unless payment is made therefor in the 10954  
amount of the actual prevailing value thereof. This section is 10955  
applicable to the moneys so received. 10956

**Sec. 1504.02.** (A) The division of real estate and land 10957  
management shall do all of the following: 10958

(1) Except as otherwise provided in the Revised Code, 10959  
coordinate and conduct all real estate functions for the 10960  
department of natural resources, including at least acquisitions 10961  
by purchase, lease, gift, devise, bequest, appropriation, or 10962  
otherwise; grants through sales, leases, exchanges, easements, and 10963  
licenses; inventories of land; and other related general 10964  
management duties; 10965

(2) Assist the department and its divisions by providing 10966  
department-wide planning, including at least master planning, 10967  
comprehensive planning, capital improvements planning, and special 10968  
purpose planning such as trails coordination and planning under 10969  
section 1519.03 of the Revised Code; 10970

~~(3) On behalf of the director of natural resources, 10971  
administer the coastal management program established under 10972  
sections 1506.01 to 1506.03 and 1506.05 to 1506.09 of the Revised 10973  
Code and consult with and provide coordination among state 10974  
agencies, political subdivisions, the United States and agencies 10975  
of it, and interstate, regional, and areawide agencies to assist 10976  
the director in executing the director's duties and 10977  
responsibilities under that program and to assist the department 10978  
as the lead agency for the development and implementation of the 10979  
program; 10980~~

~~(4) On behalf of the director, administer sections 1506.10 10981  
and 1506.11 and sections 1506.31 to 1506.36 of the Revised Code; 10982~~

~~(5) Cooperate with the United States and agencies of it and 10983~~

with political subdivisions in administering federal recreation 10984  
moneys under the "Land and Water Conservation Fund Act of 1965," 10985  
78 Stat. 897, 16 U.S.C.A. 4601-8, as amended; prepare and 10986  
distribute the statewide comprehensive outdoor recreation plan; 10987  
and administer the state recreational vehicle fund created in 10988  
section 4519.11 of the Revised Code; 10989

~~(6)~~(4)(a) Support the geographic information system needs for 10990  
the department as requested by the director, which shall include, 10991  
but not be limited to, all of the following: 10992

(i) Assisting in the training and education of department 10993  
resource managers, administrators, and other staff in the 10994  
application and use of geographic information system technology; 10995

(ii) Providing technical support to the department in the 10996  
design, preparation of data, and use of appropriate geographic 10997  
information system applications in order to help solve resource 10998  
related problems and to improve the effectiveness and efficiency 10999  
of department delivered services; 11000

(iii) Creating, maintaining, and documenting spatial digital 11001  
data bases for the division and for other divisions as assigned by 11002  
the director. 11003

(b) Provide information to and otherwise assist government 11004  
officials, planners, and resource managers in understanding land 11005  
use planning and resource management; 11006

(c) Provide continuing assistance to local government 11007  
officials and others in natural resource digital data base 11008  
development and in applying and utilizing the geographic 11009  
information system for land use planning, current agricultural use 11010  
value assessment, development reviews, coastal management, and 11011  
other resource management activities; 11012

(d) Coordinate and administer the remote sensing needs of the 11013  
department, including the collection and analysis of aerial 11014



photography, satellite data, and other data pertaining to land, 11015  
water, and other resources of the state; 11016

(e) Prepare and publish maps and digital data relating to the 11017  
state's land use and land cover over time on a local, regional, 11018  
and statewide basis; 11019

(f) Locate and distribute hard copy maps, digital data, 11020  
aerial photography, and other resource data and information to 11021  
government agencies and the public. 11022

~~(7)~~(5) Prepare special studies and execute any other duties, 11023  
functions, and responsibilities requested by the director. 11024

(B) The division may do any of the following: 11025

(1) Coordinate such environmental matters concerning the 11026  
department and the state as are necessary to comply with the 11027  
"National Environmental Policy Act of 1969," 83 Stat. 852, 42 11028  
U.S.C.A. 4321, as amended, the "Intergovernmental Cooperation Act 11029  
of 1968," 82 Stat. 1098, 31 U.S.C.A. 6506, and the "Federal Water 11030  
Pollution Control Act," 91 Stat. 1566 (1977), 33 U.S.C.A. 1251, as 11031  
amended, and regulations adopted under those acts; 11032

(2) With the approval of the director, coordinate and 11033  
administer compensatory mitigation grant programs and other 11034  
programs for streams and wetlands as approved in accordance with 11035  
certifications and permits issued under sections 401 and 404 of 11036  
the "Federal Water Pollution Control Act", 91 Stat. 1566(1977), 33 11037  
U.S.C.A. 1251, as amended, by the environmental protection agency 11038  
and the United States army corps of engineers; 11039

(3) Administer any state or federally funded grant program 11040  
that is related to natural resources and recreation as considered 11041  
necessary by the director. 11042

**Sec. 1506.01.** As used in this chapter: 11043

(A) "Coastal area" means the waters of Lake Erie, the islands 11044

in the lake, and the lands under and adjacent to the lake, 11045  
including transitional areas, wetlands, and beaches. The coastal 11046  
area extends in Lake Erie to the international boundary line 11047  
between the United States and Canada and landward only to the 11048  
extent necessary to include shorelands, the uses of which have a 11049  
direct and significant impact on coastal waters as determined by 11050  
the director of natural resources. 11051

(B) "Coastal management program" means the comprehensive 11052  
action of the state and its political subdivisions cooperatively 11053  
to preserve, protect, develop, restore, or enhance the resources 11054  
of the coastal area and to ensure wise use of the land and water 11055  
resources of the coastal area, giving attention to natural, 11056  
cultural, historic, and aesthetic values; agricultural, 11057  
recreational, energy, and economic needs; and the national 11058  
interest. "Coastal management program" includes the establishment 11059  
of objectives, policies, standards, and criteria concerning, 11060  
without limitation, protection of air, water, wildlife, rare and 11061  
endangered species, wetlands and natural areas, and other natural 11062  
resources in the coastal area; management of coastal development 11063  
and redevelopment; preservation and restoration of historic, 11064  
cultural, and aesthetic coastal features; and public access to the 11065  
coastal area for recreation purposes. 11066

(C) "Coastal management program document" means a 11067  
comprehensive statement consisting of, without limitation, text, 11068  
maps, and illustrations that is adopted by the director in 11069  
accordance with this chapter, describes the objectives, policies, 11070  
standards, and criteria of the coastal management program for 11071  
guiding public and private uses of lands and waters in the coastal 11072  
area, lists the governmental agencies, including, without 11073  
limitation, state agencies, involved in implementing the coastal 11074  
management program, describes their applicable policies and 11075  
programs, and cites the statutes and rules under which they may 11076

adopt and implement those policies and programs. 11077

(D) "Person" means any agency of this state, any political 11078  
subdivision of this state or of the United States, and any legal 11079  
entity defined as a person under section 1.59 of the Revised Code. 11080

(E) "Director" means the director of natural resources or the 11081  
director's designee. 11082

(F) "Permanent structure" means any residential, commercial, 11083  
industrial, institutional, or agricultural building, any mobile 11084  
home as defined in division (O) of section 4501.01 of the Revised 11085  
Code, any manufactured home as defined in division (C)(4) of 11086  
section 3781.06 of the Revised Code, and any septic system that 11087  
receives sewage from a single-family, two-family, or three-family 11088  
dwelling, but does not include any recreational vehicle as defined 11089  
in section 4501.01 of the Revised Code. 11090

(G) "State agency" or "agency of the state" has the same 11091  
meaning as "agency" as defined in section 111.15 of the Revised 11092  
Code. 11093

(H) "Coastal flood hazard area" means any territory within 11094  
the coastal area that has been identified as a flood hazard area 11095  
under the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 11096  
42 U.S.C.A. 4002, as amended. 11097

(I) "Coastal erosion area" means any territory included in 11098  
Lake Erie coastal erosion areas identified by the director under 11099  
section 1506.06 of the Revised Code. 11100

(J) "Conservancy district" means a conservancy district that 11101  
is established under Chapter 6101. of the Revised Code. 11102

(K) "Park board" means the board of park commissioners of a 11103  
park district that is created under Chapter 1545. of the Revised 11104  
Code. 11105

(L) "Erosion control structure" means a structure that is 11106

designed solely and specifically to reduce or control erosion of 11107  
the shore along or near Lake Erie, including, without limitation, 11108  
revetments, seawalls, bulkheads, certain breakwaters, and similar 11109  
structures. 11110

(M) "Shore structure" includes, but is not limited to, 11111  
beaches; groins; revetments; bulkheads; seawalls; breakwaters; 11112  
certain dikes designated by the chief of the division of water; 11113  
piers; docks; jetties; wharves; marinas; boat ramps; any 11114  
associated fill or debris used as part of the construction of 11115  
shore structures that may affect shore erosion, wave action, or 11116  
inundation; and fill or debris that is placed along or near the 11117  
shore, including bluffs, banks, or beach ridges, for the purpose 11118  
of stabilizing slopes. 11119

**Sec. ~~1521.20~~ 1506.38.** The ehief director of the ~~division of~~ 11120  
~~water~~ natural resources shall act as the erosion agent of the 11121  
state for the purpose of cooperating with the secretary of the 11122  
army, acting through the chief of engineers of the United States 11123  
army corps of engineers in the department of defense. The ~~ehief~~ 11124  
director shall cooperate with the secretary in carrying out, and 11125  
may conduct, investigations and studies of conditions along the 11126  
shorelines of Lake Erie and of the bays and projections therefrom, 11127  
and of the islands therein, within the territorial waters of the 11128  
state, with a view to devising and perfecting economical and 11129  
effective methods and works for preventing, correcting, and 11130  
controlling shore erosion and damage therefrom and controlling the 11131  
inundation of improved property by the waters of Lake Erie, its 11132  
bays, and associated inlets. 11133

**Sec. ~~1521.21~~ 1506.39.** The ehief director of the ~~division of~~ 11134  
~~water~~ natural resources, in the discharge of the ~~ehief's~~ 11135  
director's duties under sections ~~1507.20~~ 1506.38 to ~~1507.30~~ 11136  
1506.48 of the Revised Code, may call to the ~~ehief's~~ director's 11137

assistance, temporarily, any engineers or other employees in any 11138  
state department, or in the Ohio state university or other 11139  
educational institutions financed wholly or in part by the state, 11140  
for the purpose of devising the most effective and economical 11141  
methods of controlling shore erosion and damage from it and 11142  
controlling the inundation of improved property by the waters of 11143  
Lake Erie and its bays and associated inlets. 11144

Such engineers and employees shall not receive any additional 11145  
compensation over that which they receive from the departments or 11146  
institutions by which they are employed, but they shall be 11147  
reimbursed for their actual necessary expenses incurred while 11148  
working under the direction of the ~~chief~~ director on erosion and 11149  
inundation projects. 11150

**Sec. ~~1521.22~~ 1506.40.** No person shall construct a beach, 11151  
groin, or other structure to control erosion, wave action, or 11152  
inundation along or near the Ohio shoreline of Lake Erie, 11153  
including related islands, bays, and inlets, without first 11154  
obtaining a shore structure permit from the ~~chief of the division~~ 11155  
director of water. ~~The natural resources.~~ 11156

The application for a ~~shore structure~~ permit shall include 11157  
detailed plans and specifications prepared by a professional 11158  
engineer registered under Chapter 4733. of the Revised Code. An 11159  
applicant shall provide appropriate evidence of compliance with 11160  
any applicable provisions of this chapter and Chapters 1505. and 11161  
~~1506.~~ 1521. of the Revised Code, as determined by the ~~chief~~ 11162  
director. A temporary shore structure permit may be issued by the 11163  
~~chief or an authorized representative of the chief~~ director if it 11164  
is determined necessary to safeguard life, health, or property. 11165

Each application or reapplication for a permit under this 11166  
section shall be accompanied by a non-refundable fee as the ~~chief~~ 11167  
director shall prescribe by rule. 11168

If the application is approved, the ~~chief~~ director shall 11169  
issue a permit to the applicant authorizing construction of the 11170  
project. If requested in writing by the applicant within thirty 11171  
days of issuance of a notice of disapproval of the application, 11172  
the ~~chief~~ director shall conduct an adjudication hearing under 11173  
Chapter 119. of the Revised Code, except sections 119.12 and 11174  
119.121 of the Revised Code. After reviewing the record of the 11175  
hearing, the ~~chief~~ director shall issue a final order approving 11176  
the application, disapproving it, or approving it conditioned on 11177  
the making of specified revisions in the plans and specifications. 11178

The ~~chief~~ director, by rule, shall limit the period during 11179  
which a construction permit issued under this section is valid and 11180  
shall establish reapplication requirements governing a 11181  
construction permit that expires before construction is completed. 11182

In accordance with Chapter 119. of the Revised Code, the 11183  
~~chief~~ director shall adopt, and may amend or rescind, such rules 11184  
as are necessary for the administration, implementation, and 11185  
enforcement of this section. 11186

**Sec. ~~1521.23~~ 1506.41.** All moneys derived from the granting of 11187  
permits and leases under section 1505.07 of the Revised Code for 11188  
the removal of sand, gravel, stone, gas, oil, and other minerals 11189  
and substances from and under the bed of Lake Erie and from 11190  
applications for shore structure permits submitted under section 11191  
~~1521.22~~ 1506.40 of the Revised Code shall be paid into the state 11192  
treasury to the credit of the permit and lease fund, which is 11193  
hereby created. Notwithstanding any section of the Revised Code 11194  
relating to the distribution or crediting of fines for violations 11195  
of the Revised Code, all fines imposed under division (A) of 11196  
section 1505.99 of the Revised Code and under division (C) of 11197  
section ~~1521.99~~ 1506.99 of the Revised Code shall be paid into 11198  
that fund. The fund shall be administered by the department of 11199

natural resources for the protection of Lake Erie shores and 11200  
waters; investigation and control of erosion; the planning, 11201  
development, and construction of facilities for recreational use 11202  
of Lake Erie; implementation of section ~~1521.22~~ 1506.40 of the 11203  
Revised Code; preparation of the state shore erosion plan under 11204  
section ~~1521.29~~ 1506.47 of the Revised Code; and state 11205  
administration of Lake Erie coastal erosion areas under sections 11206  
1506.06 and 1506.07 of the Revised Code. 11207

**Sec. ~~1521.24~~ 1506.42.** The state, acting through the ~~chief~~ 11208  
~~director of the division of water~~ natural resources, subject to 11209  
section ~~1521.28~~ 1506.46 of the Revised Code, may enter into 11210  
agreements with counties, townships, municipal corporations, park 11211  
boards, and conservancy districts, other political subdivisions, 11212  
or any state departments or divisions for the purpose of 11213  
constructing and maintaining projects to control erosion along the 11214  
Ohio shoreline of Lake Erie and in any rivers and bays that are 11215  
connected with Lake Erie and any other watercourses that flow into 11216  
Lake Erie. Such projects also may be constructed on any Lake Erie 11217  
island that is situated within the boundaries of the state. 11218

The cost of such shore erosion projects that are for the 11219  
benefit of public littoral property shall be prorated on the basis 11220  
of two-thirds of the total cost to the state through 11221  
appropriations made to the ~~division~~ department of ~~water~~ natural 11222  
resources and one-third of the cost to the counties, townships, 11223  
municipal corporations, park boards, conservancy districts, or 11224  
other political subdivisions. 11225

If a shore erosion emergency is declared by the governor, the 11226  
state, acting through the ~~chief~~ director, may spend whatever state 11227  
funds are available to alleviate shore erosion, without 11228  
participation by any political subdivision, regardless of whether 11229  
the project will benefit public or private littoral property. 11230

A board of county commissioners, acting for the county over which it has jurisdiction, may enter into and carry out agreements with the ~~chief~~ director for the construction and maintenance of projects to control shore erosion. In providing the funds for the county's proportionate share of the cost of constructing and maintaining the projects referred to in this section, the board shall be governed by and may issue and refund bonds in accordance with Chapter 133. of the Revised Code.

A municipal corporation or a township, acting through the legislative authority or the board of township trustees, may enter into and carry out agreements with the ~~chief~~ director for the purpose of constructing and maintaining projects to control shore erosion. In providing the funds for the municipal corporation's or township's proportionate share of the cost of constructing and maintaining the projects referred to in this section, a municipal corporation or township may issue and refund bonds in accordance with Chapter 133. of the Revised Code. The contract shall be executed on behalf of the municipal corporation or township by the mayor, city manager, or other chief executive officer who has the authority to act for the municipal corporation or township.

Conservancy districts may enter into and carry out agreements with the ~~chief~~ director, in accordance with the intent of this section, under the powers conferred upon conservancy districts under Chapter 6101. of the Revised Code.

Park boards may enter into and carry out agreements with the ~~chief~~ director, in accordance with the intent of this section, and issue bonds for that purpose under the powers conferred upon park districts under Chapter 1545. of the Revised Code.

The ~~chief~~ director shall approve and supervise all projects that are to be constructed in accordance with this section. The ~~chief~~ director shall not proceed with the construction of any project until all funds that are to be paid by the county,



township, municipal corporation, park board, or conservancy 11263  
district, in accordance with the terms of the agreement entered 11264  
into between the ~~chief~~ director and the county, township, 11265  
municipal corporation, park board, or conservancy district, are in 11266  
the ~~chief's~~ director's possession and deposited in the shore 11267  
erosion fund, which is hereby created in the state treasury. If 11268  
the ~~chief~~ director finds it to be in the best interests of the 11269  
state to construct projects as set forth in this section by the 11270  
state itself, without the financial contribution of counties, 11271  
townships, municipal corporations, park boards, or conservancy 11272  
districts, the ~~chief~~ director may construct the projects. 11273

In deciding whether to assist a county or municipal 11274  
corporation in constructing and maintaining a project under this 11275  
section, the state, acting through the ~~chief~~ director, shall 11276  
consider, among other factors, whether the county or municipal 11277  
corporation has adopted or is in the process of adopting a Lake 11278  
Erie coastal erosion area resolution or ordinance under division 11279  
(D) of section 1506.07 of the Revised Code. 11280

All projects constructed by the state in conformity with 11281  
sections ~~1521.20~~ 1506.38 to ~~1521.28~~ 1506.46 of the Revised Code 11282  
shall be constructed subject to sections 153.01 to 153.20 of the 11283  
Revised Code, except that the state architect and engineer is not 11284  
required to prepare the plans and specifications for those 11285  
projects. 11286

**Sec. ~~1521.25~~ 1506.43.** The ~~chief~~ director of the ~~division of~~ 11287  
~~water~~ natural resources may enter into a contract with any county, 11288  
township, municipal corporation, conservancy district, or park 11289  
board that has an agreement with the state in accordance with 11290  
section ~~1521.24~~ 1506.42 of the Revised Code for the construction 11291  
of a shore erosion project. No contract shall be let until all 11292  
money that is to be paid by the political subdivision entering 11293

into the agreement has been deposited in the shore erosion fund 11294  
created in that section ~~1521.24~~ of the Revised Code, and no 11295  
~~contract shall be valid until approved by the director of natural~~ 11296  
~~resources.~~ 11297

**Sec. ~~1521.26~~ 1506.44.** (A) A board of county commissioners may 11298  
use a loan obtained under division (C) of this section to provide 11299  
financial assistance to any person who owns real property in a 11300  
coastal erosion area, ~~as defined in section 1506.01 of the Revised~~ 11301  
~~Code,~~ and who has received a permit under section ~~1521.22~~ 1506.40 11302  
of the Revised Code to construct an erosion control structure in 11303  
that coastal erosion area. The board shall enter into an agreement 11304  
with the person that complies with all of the following 11305  
requirements: 11306

(1) The agreement shall identify the person's real property 11307  
for which the erosion control structure is being constructed and 11308  
shall include a legal description of that property and a reference 11309  
to the volume and page of the deed record in which the title of 11310  
that person to that property is recorded. 11311

(2) In accordance with rules adopted by the Ohio water 11312  
development authority under division (V) of section 6121.04 of the 11313  
Revised Code for the purposes of division (C) of this section and 11314  
pursuant to an agreement between the board and the authority under 11315  
that division, the board shall agree to cause payments to be made 11316  
by the authority to the contractor hired by the person to 11317  
construct an erosion control structure in amounts not to exceed 11318  
the total amount specified in the agreement between the board and 11319  
the person. 11320

(3) The person shall agree to pay to the board, or to the 11321  
authority as the assignee pursuant to division (C) of this 11322  
section, the total amount of the payments plus administrative or 11323  
other costs of the board or the authority at times, in 11324

installments, and bearing interest as specified in the agreement. 11325

The agreement may contain additional provisions that the 11326  
board determines necessary to safeguard the interests of the 11327  
county or to comply with an agreement entered into under division 11328  
(C) of this section. 11329

(B) Upon entering into an agreement under division (A) of 11330  
this section, the board shall do all of the following: 11331

(1) Cause the agreement to be recorded in the county deed 11332  
records in the office of the county recorder of the county in 11333  
which the real property is situated. Failure to record the 11334  
agreement does not affect the validity of the agreement or the 11335  
collection of any amounts due under the agreement. 11336

(2) Establish by resolution an erosion control repayment fund 11337  
into which shall be deposited all amounts collected under division 11338  
(B)(3) of this section. Moneys in that fund shall be used by the 11339  
board for the repayment of the loan and for administrative or 11340  
other costs of the board or the authority as specified in an 11341  
agreement entered into under division (C) of this section. If the 11342  
amount of money in the fund is inadequate to repay the loan when 11343  
due, the board of county commissioners, by resolution, may advance 11344  
money from any other fund in order to repay the loan if that use 11345  
of the money from the other fund is not in conflict with law. If 11346  
the board so advances money in order to repay the loan, the board 11347  
subsequently shall reimburse each fund from which the board 11348  
advances money with moneys from the erosion control repayment 11349  
fund. 11350

(3) Bill and collect all amounts when due under the agreement 11351  
entered into under division (A) of this section. The board shall 11352  
certify amounts not paid when due to the county auditor, who shall 11353  
enter the amounts on the real property tax list and duplicate 11354  
against the property identified under division (A)(1) of this 11355

section. The amounts not paid when due shall be a lien on that 11356  
property from the date on which the amounts are placed on the tax 11357  
list and duplicate and shall be collected in the same manner as 11358  
other taxes. 11359

(C) A board may apply to the authority for a loan for the 11360  
purpose of entering into agreements under division (A) of this 11361  
section. The loan shall be for an amount and on the terms 11362  
established in an agreement between the board and the authority. 11363  
The board may assign any agreements entered into under division 11364  
(A) of this section to the authority in order to provide for the 11365  
repayment of the loan and may pledge any lawfully available 11366  
revenues to the repayment of the loan, provided that no moneys 11367  
raised by taxation shall be obligated or pledged by the board for 11368  
the repayment of the loan. Any agreement with the authority 11369  
pursuant to this division is not subject to Chapter 133. of the 11370  
Revised Code or any requirements or limitations established in 11371  
that chapter. 11372

(D) The authority, as assignee of any agreement pursuant to 11373  
division (C) of this section, may enforce and compel the board and 11374  
the county auditor by mandamus pursuant to Chapter 2731. of the 11375  
Revised Code to comply with division (B) of this section in a 11376  
timely manner. 11377

(E) The construction of an erosion control structure by a 11378  
contractor hired by an individual homeowner, group of individual 11379  
homeowners, or homeowners association that enters into an 11380  
agreement with a board under division (A) of this section is not a 11381  
public improvement, as defined in section 4115.03 of the Revised 11382  
Code, and is not subject to competitive bidding or public bond 11383  
laws. 11384

**Sec. ~~1521.27~~ 1506.45.** The state, or any county, township, 11385  
municipal corporation, conservancy district, or park board that 11386

has entered into a contract under section ~~1521.25~~ 1506.43 of the 11387  
Revised Code, may acquire lands by gift or devise, purchase, or 11388  
appropriation. In case of appropriation, the proceedings shall be 11389  
instituted in the name of the state or the political subdivision 11390  
and shall be conducted in the manner provided for the 11391  
appropriation of private property by the state or the political 11392  
subdivision insofar as those proceedings are applicable. Either 11393  
the fee or any lesser interest may be acquired as the state or the 11394  
political subdivision considers advisable. 11395

**Sec. ~~1521.28~~ 1506.46.** Any action taken by the ~~chief director~~ 11396  
of ~~the division of water~~ natural resources under sections ~~1521.20~~ 11397  
1506.38 to ~~1521.30~~ 1506.48 of the Revised Code shall not be deemed 11398  
in conflict with certain powers and duties conferred upon and 11399  
delegated to federal agencies and to municipal corporations under 11400  
Section 7 of Article XVIII, Ohio Constitution, or as provided by 11401  
sections 721.04 to 721.11 of the Revised Code. 11402

**Sec. ~~1521.29~~ 1506.47.** The ~~chief director~~ of ~~the division of~~ 11403  
~~water~~ natural resources, in cooperation with appropriate offices 11404  
and divisions, including the division of geological survey, may 11405  
prepare a plan for the management of shore erosion in the state 11406  
along Lake Erie, its bays, and associated inlets, revise the plan 11407  
whenever it can be made more effective, and make the plan 11408  
available for public inspection. In the preparation of the plan, 11409  
the ~~chief director~~ may employ such existing plans as are 11410  
available. 11411

The ~~chief director~~ also may establish a program to provide 11412  
technical assistance on shore erosion control measures to 11413  
municipal corporations, counties, townships, conservancy 11414  
districts, park boards, and shoreline property owners. 11415

**Sec. ~~1521.30~~ 1506.48.** Upon application of any owner of real 11416

property damaged or destroyed by shore erosion, the county auditor 11417  
of the county in which the real property is situated shall cause a 11418  
reappraisal to be made and shall place the property on the tax 11419  
list at its true value in money. 11420

Whenever the county auditor finds that ninety per cent or 11421  
more of the area of any littoral parcel of land appearing upon the 11422  
tax duplicate has been eroded and lies within the natural 11423  
boundaries of Lake Erie and that the remainder of the parcel, if 11424  
any, has no taxable value, the auditor may certify that finding to 11425  
the county board of revision. Upon consideration thereof, the 11426  
board may authorize removal of the parcel from the tax duplicate 11427  
and cancellation of all current and delinquent taxes, assessments, 11428  
interest, and penalties charged against the parcel. 11429

**Sec. 1506.99.** (A) Whoever violates division (A) of section 11430  
1506.09 of the Revised Code shall be fined not less than one 11431  
hundred nor more than five hundred dollars for each offense. 11432

(B) Whoever violates division (K) of section 1506.32 of the 11433  
Revised Code is guilty of a misdemeanor of the third degree. 11434

(C) Whoever violates sections 1506.38 to 1506.48 of the 11435  
Revised Code shall be fined not less than one hundred dollars nor 11436  
more than five hundred dollars for each offense. Each day of 11437  
violation constitutes a separate offense. 11438

**Sec. 1521.01.** As used in sections 1521.01 to 1521.05, and 11439  
1521.13 to 1521.18, ~~and 1521.20 to 1521.30~~ of the Revised Code: 11440

(A) "Consumptive use," "diversion," "Lake Erie drainage 11441  
basin," "other great lakes states and provinces," "water 11442  
resources," and "waters of the state" have the same meanings as in 11443  
section 1501.30 of the Revised Code. 11444

(B) "Well" means any excavation, regardless of design or 11445  
method of construction, created for any of the following purposes: 11446

(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;	11447 11448 11449 11450 11451
(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;	11452 11453 11454 11455
(3) Removing or exchanging heat from ground water, excluding horizontal trenches that are installed for water source heat pump systems.	11456 11457 11458
(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.	11459 11460 11461 11462
(D) "Ground water" means all water occurring in an aquifer.	11463
(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.	11464 11465 11466 11467
(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.	11468 11469 11470 11471 11472
(G) "State agency" or "agency of the state" has the same meaning as "agency" in section 111.15 of the Revised Code.	11473 11474
(H) "Development" means any artificial change to improved or unimproved real estate, including the construction of buildings	11475 11476

and other structures, any substantial improvement of a structure, 11477  
mining, dredging, filling, grading, paving, excavating, and 11478  
drilling operations, and storage of equipment or materials. 11479

(I) "Floodplain" means the area adjoining any river, stream, 11480  
watercourse, or lake that has been or may be covered by flood 11481  
water. 11482

(J) "Floodplain management" means the implementation of an 11483  
overall program of corrective and preventive measures for reducing 11484  
flood damage, including the collection and dissemination of flood 11485  
information, construction of flood control works, nonstructural 11486  
flood damage reduction techniques, and adoption of rules, 11487  
ordinances, or resolutions governing development in floodplains. 11488

(K) "One-hundred-year flood" means a flood having a one per 11489  
cent chance of being equaled or exceeded in any given year. 11490

(L) "One-hundred-year floodplain" means that portion of a 11491  
floodplain inundated by a one-hundred-year flood. 11492

(M) "Structure" means a walled and roofed building, 11493  
including, without limitation, gas or liquid storage tanks, mobile 11494  
homes, and manufactured homes. 11495

(N) "Substantial improvement" means any reconstruction, 11496  
rehabilitation, addition, or other improvement of a structure, the 11497  
cost of which equals or exceeds fifty per cent of the market value 11498  
of the structure before the start of construction of the 11499  
improvement. "Substantial improvement" includes repairs to 11500  
structures that have incurred substantial damage regardless of the 11501  
actual repair work performed. "Substantial improvement" does not 11502  
include either of the following: 11503

(1) Any project for the improvement of a structure to correct 11504  
existing violations of state or local health, sanitary, or safety 11505  
code specifications that have been identified by the state or 11506  
local code enforcement official having jurisdiction and that are 11507



the minimum necessary to ensure safe living conditions; 11508

(2) Any alteration of an historic structure designated or 11509  
listed pursuant to federal or state law, provided that the 11510  
alteration will not preclude the structure's continued listing or 11511  
designation as an historic structure. 11512

~~(O) "Shore structure" includes, but is not limited to:~~ 11513  
~~beaches; groins; revetments; bulkheads; seawalls; breakwaters;~~ 11514  
~~certain dikes designated by the chief of the division of water;~~ 11515  
~~piers; docks; jetties; wharves; marinas; boat ramps; any~~ 11516  
~~associated fill or debris used as part of the construction of~~ 11517  
~~shore structures that may affect shore erosion, wave action, or~~ 11518  
~~inundation; and fill or debris placed along or near the shore,~~ 11519  
~~including bluffs, banks, or beach ridges, for the purpose of~~ 11520  
~~stabilizing slopes.~~ 11521

~~(P)~~ "Substantial damage" means damage of any origin that is 11522  
sustained by a structure if the cost of restoring the structure to 11523  
its condition prior to the damage would equal or exceed fifty per 11524  
cent of the market value of the structure before the damage 11525  
occurred. 11526

~~(Q)~~(P) "National flood insurance program" means the national 11527  
flood insurance program established in the "National Flood 11528  
Insurance Act of 1968," 82 Stat. 572, 42 U.S.C. 4001, as amended, 11529  
and regulations adopted under it. 11530

~~(R)~~(O) "Conservancy district" means a conservancy district 11531  
established under Chapter 6101. of the Revised Code. 11532

~~(S)~~ "Park board" means the board of park commissioners of a 11533  
park district created under Chapter 1545. of the Revised Code. 11534

~~(T)~~ "Erosion control structure" means anything that is 11535  
designed primarily to reduce or control erosion of the shore along 11536  
or near lake erie, including, but not limited to, revetments, 11537  
seawalls, bulkheads, certain breakwaters designated by the chief, 11538

~~and similar structures. "Erosion control structure" does not 11539  
include wharves, piers, docks, marinas, boat ramps, and other 11540  
similar structures. 11541~~

**Sec. 1521.99.** (A) Whoever violates division (E)(1) of section 11542  
1521.05 or division (E)(1) of section 1521.16 of the Revised Code 11543  
is guilty of a misdemeanor of the fourth degree. 11544

(B) Whoever violates section 1521.06 or 1521.062 of the 11545  
Revised Code shall be fined not less than one hundred dollars nor 11546  
more than one thousand dollars for each offense. Each day of 11547  
violation constitutes a separate offense. 11548

~~(C) Whoever violates sections 1521.20 to 1521.30 of the 11549  
Revised Code shall be fined not less than one hundred dollars nor 11550  
more than one thousand dollars for each offense. Each day of 11551  
violation constitutes a separate offense. 11552~~

**Sec. 1531.06.** (A) The chief of the division of wildlife, with 11553  
the approval of the director of natural resources, may acquire by 11554  
gift, lease, purchase, or otherwise lands or surface rights upon 11555  
lands and waters or surface rights upon waters for wild animals, 11556  
fish or game management, preservation, propagation, and 11557  
protection, outdoor and nature activities, public fishing and 11558  
hunting grounds, and flora and fauna preservation. The chief, with 11559  
the approval of the director, may receive by grant, devise, 11560  
bequest, donation, or assignment evidences of indebtedness, the 11561  
proceeds of which are to be used for the purchase of such lands or 11562  
surface rights upon lands and waters or surface rights upon 11563  
waters. 11564

(B)(1) The chief shall adopt rules for the protection of 11565  
state-owned or leased lands and waters and property under the 11566  
control of the division of wildlife against wrongful use or 11567  
occupancy that will ensure the carrying out of the intent of this 11568

section, protect those lands, waters, and property from 11569  
depredations, and preserve them from molestation, spoilation, 11570  
destruction, or any improper use or occupancy thereof, including 11571  
rules with respect to recreational activities and for the 11572  
government and use of such lands, waters, and property. 11573

(2) The chief may adopt rules benefiting wild animals, fish 11574  
or game management, preservation, propagation, and protection, 11575  
outdoor and nature activities, public fishing and hunting grounds, 11576  
and flora and fauna preservation, and regulating the taking and 11577  
possession of wild animals on any lands or waters owned or leased 11578  
or under the division's supervision and control and, for a 11579  
specified period of years, may prohibit or recall the taking and 11580  
possession of any wild animal on any portion of such lands or 11581  
waters. The division clearly shall define and mark the boundaries 11582  
of the lands and waters owned or leased or under its supervision 11583  
and control upon which the taking of any wild animal is 11584  
prohibited. 11585

(C) The chief, with the approval of the director, may acquire 11586  
by gift, lease, or purchase land for the purpose of establishing 11587  
state fish hatcheries and game farms and may erect on it buildings 11588  
or structures that are necessary. 11589

The title to or lease of such lands and waters shall be taken 11590  
by the chief in the name of the state. The lease or purchase price 11591  
of all such lands and waters may be paid from hunting and trapping 11592  
and fishing licenses and any other funds. 11593

(D) To provide more public recreation, stream and lake 11594  
agreements for public fishing only may be obtained under rules 11595  
adopted by the chief. 11596

(E) The chief, with the approval of the director, may 11597  
establish user fees for the use of special public facilities or 11598  
participation in special activities on lands and waters 11599

administered by the division. The special facilities and 11600  
activities may include hunting or fishing on special designated 11601  
public lands and waters intensively managed or stocked with 11602  
artificially propagated game birds or fish, field trial 11603  
facilities, wildlife nature centers, firearm ranges, boat mooring 11604  
facilities, camping sites, and other similar special facilities 11605  
and activities. The chief shall determine whether the user fees 11606  
are refundable and shall ensure that that information is provided 11607  
at the time the user fees are paid. 11608

(F) The chief, with the approval of the director, may enter 11609  
into lease agreements for rental of concessions or other special 11610  
projects situated on state-owned or leased lands or waters or 11611  
other property under the division's control. The chief shall set 11612  
and collect the fees for concession rentals or other special 11613  
projects; regulate through contracts between the division and 11614  
concessionaires the sale of tangible objects at concessions or 11615  
other special projects; and keep a record of all such fee payments 11616  
showing the amount received, from whom received, and for what 11617  
purpose the fee was collected. 11618

(G) The chief may sell or donate conservation-related items 11619  
or items that promote wildlife conservation, including, but not 11620  
limited to, stamps, pins, badges, books, bulletins, maps, 11621  
publications, calendars, and any other educational article or 11622  
artifact pertaining to wild animals; sell confiscated or forfeited 11623  
items; and sell surplus structures and equipment, and timber or 11624  
crops from lands owned, administered, leased, or controlled by the 11625  
division. The chief, with the approval of the director, also may 11626  
engage in campaigns and special events that promote wildlife 11627  
conservation by selling or donating wildlife-related materials, 11628  
memberships, and other items of promotional value. 11629

(H) The chief may sell, lease, or transfer minerals or 11630  
mineral rights, with the approval of the director, when the chief 11631

and the director determine it to be in the best interest of the state. Upon approval of the director, the chief may make, execute, and deliver contracts, including leases, to mine, drill, or excavate iron ore, stone, coal, petroleum, gas, salt, and other minerals upon and under lands owned by the state and administered by the division to any person who complies with the terms of such a contract. No such contract shall be valid for more than fifty years from its effective date. Consideration for minerals and mineral rights shall be by rental or royalty basis as prescribed by the chief and payable as prescribed by contract. Moneys collected under this division shall be paid into the state treasury to the credit of the wildlife habitat fund created in section 1531.33 of the Revised Code. Contracts entered into under this division also may provide for consideration for minerals or mineral rights in the form of acquisition of lands as provided under divisions (A) and (C) of this section.

(I) All moneys received under divisions (E), (F), and (G) of this section shall be paid into the state treasury to the credit of a fund that shall be used for the purposes outlined in section 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 11664  
chemicals to noncaptive wild animals. No person shall administer 11665  
contraceptive chemicals to noncaptive wild animals without a 11666  
permit issued by the chief. 11667

(L) All fees set by the chief under this section shall be 11668  
approved by the wildlife council. 11669

(M) Information contained in the wildlife diversity database 11670  
that is established pursuant to division (B)(2) of this section 11671  
and section 1531.25 of the Revised Code may be made available to 11672  
any individual or public or private agency for research, 11673  
educational, environmental, land management, or other similar 11674  
purposes that are not detrimental to the conservation of a species 11675  
or feature. Information regarding sensitive site locations of 11676  
species that are listed pursuant to section 1531.25 of the Revised 11677  
Code and of features that are included in the wildlife diversity 11678  
database is not subject to section 149.43 of the Revised Code if 11679  
the chief determines that the release of the information could be 11680  
detrimental to the conservation of a species or feature. 11681

**Sec. 1531.35.** The wildlife boater angler fund is hereby 11682  
created in the state treasury. The fund shall consist of money 11683  
credited to the fund pursuant to section 5735.051 of the Revised 11684  
Code and other money contributed to the division of wildlife for 11685  
the purposes of the fund. The fund shall be used for boating 11686  
access construction, improvements, and maintenance, and to pay for 11687  
equipment and personnel costs involved with those activities, on 11688  
lakes on which the operation of gasoline-powered watercraft is 11689  
permissible. However, not more than two hundred thousand dollars 11690  
of the annual expenditures from the fund may be used to pay for 11691  
the equipment and personnel costs. 11692

**Sec. 1548.06.** (A)(1) Application for a certificate of title 11693

for a watercraft or outboard motor shall be made upon a form 11694  
prescribed by the chief of the division of watercraft and shall be 11695  
sworn to before a notary public or other officer empowered to 11696  
administer oaths. The application shall be filed with the clerk of 11697  
any court of common pleas. An application for a certificate of 11698  
title may be filed electronically by any electronic means approved 11699  
by the chief in any county with the clerk of the court of common 11700  
pleas of that county. The application shall be accompanied by the 11701  
fee prescribed in section 1548.10 of the Revised Code. The fee 11702  
shall be retained by the clerk who issues the certificate of title 11703  
and shall be distributed in accordance with that section. If a 11704  
clerk of a court of common pleas, other than the clerk of the 11705  
court of common pleas of an applicant's county of residence, 11706  
issues a certificate of title to the applicant, the clerk shall 11707  
transmit data related to the transaction to the automated title 11708  
processing system. 11709

(2) If a certificate of title previously has been issued for 11710  
the watercraft or outboard motor, the application for a 11711  
certificate of title also shall be accompanied by the certificate 11712  
of title duly assigned unless otherwise provided in this chapter. 11713  
If a certificate of title previously has not been issued for the 11714  
watercraft or outboard motor in this state, the application, 11715  
unless otherwise provided in this chapter, shall be accompanied by 11716  
a manufacturer's or importer's certificate; by a sworn statement 11717  
of ownership if the watercraft or outboard motor was purchased by 11718  
the applicant on or before October 9, 1963, or if the watercraft 11719  
is less than fourteen feet long with a permanently affixed 11720  
mechanical means of propulsion and was purchased by the applicant 11721  
on or before January 1, 2000; or by a certificate of title, bill 11722  
of sale, or other evidence of ownership required by the law of 11723  
another state from which the watercraft or outboard motor was 11724  
brought into this state. Evidence of ownership of a watercraft or 11725  
outboard motor for which an Ohio certificate of title previously 11726

has not been issued and which watercraft or outboard motor does 11727  
not have permanently affixed to it a manufacturer's serial number 11728  
shall be accompanied by the certificate of assignment of a hull 11729  
identification number assigned by the chief as provided in section 11730  
1548.07 of the Revised Code. 11731

(3) The clerk shall retain the evidence of title presented by 11732  
the applicant and on which the certificate of title is issued, 11733  
except that, if an application for a certificate of title is filed 11734  
electronically, by a vendor on behalf of a purchaser of a 11735  
watercraft or outboard motor, the clerk shall retain the completed 11736  
electronic record to which the vendor converted the certificate of 11737  
title application and other required documents. The chief, after 11738  
consultation with the attorney general, shall adopt rules that 11739  
govern the location at which, and the manner in which, are stored 11740  
the actual application and all other documents relating to the 11741  
sale of a watercraft or outboard motor when a vendor files the 11742  
application for a certificate of title electronically on behalf of 11743  
a purchaser. 11744

(B) The clerk shall use reasonable diligence in ascertaining 11745  
whether the facts in the application are true by checking the 11746  
application and documents accompanying it or the electronic record 11747  
to which a vendor converted the application and accompanying 11748  
documents with the records of watercraft and outboard motors in 11749  
the clerk's office. If the clerk is satisfied that the applicant 11750  
is the owner of the watercraft or outboard motor and that the 11751  
application is in the proper form, the clerk shall issue a 11752  
physical certificate of title over the clerk's signature and 11753  
sealed with the clerk's seal unless the applicant specifically 11754  
requests the clerk not to issue a physical certificate of title 11755  
and instead to issue an electronic certificate of title. However, 11756  
if the evidence indicates and an investigation shows that one or 11757  
more Ohio titles already exist for the watercraft or outboard 11758



motor, the chief may cause the redundant title or titles to be 11759  
canceled. 11760

(C) In the case of the sale of a watercraft or outboard motor 11761  
by a vendor to a general purchaser or user, the certificate of 11762  
title shall be obtained in the name of the purchaser by the vendor 11763  
upon application signed by the purchaser. In all other cases, the 11764  
certificate shall be obtained by the purchaser. In all cases of 11765  
transfer of watercraft or outboard motors, the application for 11766  
certificate of title shall be filed within thirty days after the 11767  
later of the date of purchase or assignment of ownership of the 11768  
watercraft or outboard motor. If the application for certificate 11769  
of title is not filed within thirty days after the later of the 11770  
date of purchase or assignment of ownership of the watercraft or 11771  
outboard motor, the clerk shall charge a late penalty fee of five 11772  
dollars in addition to the fee prescribed by section 1548.10 of 11773  
the Revised Code. The clerk shall retain the entire amount of each 11774  
late penalty fee. 11775

(D) The clerk shall refuse to accept an application for 11776  
certificate of title unless the applicant either tenders with the 11777  
application payment of all taxes levied by or pursuant to Chapter 11778  
5739. or 5741. of the Revised Code based on the applicant's county 11779  
of residence ~~less, in the case of a sale by a vendor, any discount~~ 11780  
~~to which the vendor is entitled under section 5739.12 of the~~ 11781  
~~Revised Code,~~ or submits any of the following: 11782

(1) A receipt issued by the tax commissioner or a clerk of 11783  
courts showing payment of the tax; 11784

(2) A copy of the unit certificate of exemption completed by 11785  
the purchaser at the time of sale as provided in section 5739.03 11786  
of the Revised Code; 11787

(3) An exemption certificate, in a form prescribed by the tax 11788  
commissioner, that specifies why the purchase is not subject to 11789

the tax imposed by Chapter 5739. or 5741. of the Revised Code. 11790

Payment of the tax shall be in accordance with rules issued 11791  
by the tax commissioner, and the clerk shall issue a receipt in 11792  
the form prescribed by the tax commissioner to any applicant who 11793  
tenders payment of the tax with the application for the 11794  
certificate of title. 11795

(E)(1) For receiving and disbursing the taxes paid to the 11796  
clerk by a resident of the clerk's county, the clerk may retain a 11797  
poundage fee of one and one one-hundredth per cent of the taxes 11798  
collected, which shall be paid into the certificate of title 11799  
administration fund created by section 325.33 of the Revised Code. 11800  
The clerk shall not retain a poundage fee from payments of taxes 11801  
by persons who do not reside in the clerk's county. 11802

(2) A clerk, however, may retain from the taxes paid to the 11803  
clerk an amount equal to the poundage fees associated with 11804  
certificates of title issued by other clerks of courts of common 11805  
pleas to applicants who reside in the first clerk's county. The 11806  
chief of the division of watercraft, in consultation with the tax 11807  
commissioner and the clerks of the courts of common pleas, shall 11808  
develop a report from the automated title processing system that 11809  
informs each clerk of the amount of the poundage fees that the 11810  
clerk is permitted to retain from those taxes because of 11811  
certificates of title issued by the clerks of other counties to 11812  
applicants who reside in the first clerk's county. 11813

(F) In the case of casual sales of watercraft or outboard 11814  
motors that are subject to the tax imposed by Chapter 5739. or 11815  
5741. of the Revised Code, the purchase price for the purpose of 11816  
determining the tax shall be the purchase price on an affidavit 11817  
executed and filed with the clerk by the vendor on a form to be 11818  
prescribed by the chief, which shall be prima-facie evidence of 11819  
the price for the determination of the tax. In addition to the 11820  
information required by section 1548.08 of the Revised Code, each 11821

certificate of title shall contain in bold lettering the following 11822  
notification and statements: "WARNING TO TRANSFEROR AND TRANSFEREE 11823  
(SELLER AND BUYER). You are required by law to state the true 11824  
selling price. A false statement is a violation of section 2921.13 11825  
of the Revised Code and is punishable by six months imprisonment 11826  
or a fine of up to one thousand dollars, or both. All transfers 11827  
are audited by the department of taxation. The seller and buyer 11828  
must provide any information requested by the department of 11829  
taxation. The buyer may be assessed any additional tax found to be 11830  
due." 11831

(G) Each county clerk of courts shall forward to the 11832  
treasurer of state all sales and use tax collections resulting 11833  
from sales of titled watercraft and outboard motors during a 11834  
calendar week on or before the Friday following the close of that 11835  
week. If, on any Friday, the offices of the clerk of courts or the 11836  
state are not open for business, the tax shall be forwarded to the 11837  
treasurer of state on or before the next day on which the offices 11838  
are open. Every remittance of tax under this division shall be 11839  
accompanied by a remittance report in such form as the tax 11840  
commissioner prescribes. Upon receipt of a tax remittance and 11841  
remittance report, the treasurer of state shall date stamp the 11842  
report and forward it to the tax commissioner. If the tax due for 11843  
any week is not remitted by a clerk of courts as required under 11844  
this division, the clerk shall forfeit the poundage fees for the 11845  
sales made during that week. The treasurer of state may require 11846  
the clerks of courts to transmit tax collections and remittance 11847  
reports electronically. 11848

(H) For purposes of a transfer of a certificate of title, if 11849  
the clerk is satisfied that a secured party has discharged a lien 11850  
but has not canceled the lien notation with a clerk, the clerk may 11851  
cancel the lien notation on the automated title processing system 11852  
and notify the clerk of the county of origin. 11853

(I) Every clerk shall have the capability to transact by 11854  
electronic means all procedures and transactions relating to the 11855  
issuance of watercraft or outboard motor certificates of title 11856  
that are described in the Revised Code as being accomplished by 11857  
electronic means. 11858

**Sec. 1555.08.** (A) Subject to the limitations provided in 11859  
Section 15 of Article VIII, Ohio Constitution, the commissioners 11860  
of the sinking fund, upon certification by the director of the 11861  
Ohio coal development office of the amount of moneys or additional 11862  
moneys needed in the coal research and development fund for the 11863  
purpose of making grants or loans for allowable costs, or needed 11864  
for capitalized interest, for funding reserves, and for paying 11865  
costs and expenses incurred in connection with the issuance, 11866  
carrying, securing, paying, redeeming, or retirement of the 11867  
obligations or any obligations refunded thereby, including payment 11868  
of costs and expenses relating to letters of credit, lines of 11869  
credit, insurance, put agreements, standby purchase agreements, 11870  
indexing, marketing, remarketing and administrative arrangements, 11871  
interest swap or hedging agreements, and any other credit 11872  
enhancement, liquidity, remarketing, renewal, or refunding 11873  
arrangements, all of which are authorized by this section, or 11874  
providing moneys for loan guarantees, shall issue obligations of 11875  
the state under this section in amounts authorized by the general 11876  
assembly; provided that such obligations may be issued to the 11877  
extent necessary to satisfy the covenants in contracts of 11878  
guarantee made under section 1555.05 of the Revised Code to issue 11879  
obligations to meet such guarantees, notwithstanding limitations 11880  
otherwise applicable to the issuance of obligations under this 11881  
section except the one-hundred-million-dollar limitation provided 11882  
in Section 15 of Article VIII, Ohio Constitution. The proceeds of 11883  
such obligations, except for the portion to be deposited in the 11884  
coal research and development bond service fund as may be provided 11885

in the bond proceedings, shall as provided in the bond proceedings 11886  
be deposited in the coal research and development fund. The 11887  
commissioners of the sinking fund may appoint trustees, paying 11888  
agents, and transfer agents and may retain the services of 11889  
financial advisors, accounting experts, and attorneys, and retain 11890  
or contract for the services of marketing, remarketing, indexing, 11891  
and administrative agents, other consultants, and independent 11892  
contractors, including printing services, as are necessary in 11893  
their judgment to carry out this section. 11894

(B) The full faith and credit of the state of Ohio is hereby 11895  
pledged to obligations issued under this section. The right of the 11896  
holders and owners to payment of bond service charges is limited 11897  
to all or that portion of the moneys pledged thereto pursuant to 11898  
the bond proceedings in accordance with this section, and each 11899  
such obligation shall bear on its face a statement to that effect. 11900

(C) Obligations shall be authorized by resolution of the 11901  
commissioners of the sinking fund on request of the director of 11902  
the Ohio coal development office as provided in section 1555.02 of 11903  
the Revised Code and the bond proceedings shall provide for the 11904  
purpose thereof and the principal amount or amounts, and shall 11905  
provide for or authorize the manner or agency for determining the 11906  
principal maturity or maturities, not exceeding forty years from 11907  
the date of issuance, the interest rate or rates or the maximum 11908  
interest rate, the date of the obligations and the dates of 11909  
payment of interest thereon, their denomination, and the 11910  
establishment within or without the state of a place or places of 11911  
payment of bond service charges. Sections 9.98 to 9.983 of the 11912  
Revised Code apply to obligations issued under this section. The 11913  
purpose of such obligations may be stated in the bond proceedings 11914  
in terms describing the general purpose or purposes to be served. 11915  
The bond proceedings shall also provide, subject to the provisions 11916  
of any other applicable bond proceedings, for the pledge of all, 11917

or such part as the commissioners of the sinking fund may 11918  
determine, of the moneys credited to the coal research and 11919  
development bond service fund to the payment of bond service 11920  
charges, which pledges may be made either prior or subordinate to 11921  
other expenses, claims, or payments and may be made to secure the 11922  
obligations on a parity with obligations theretofore or thereafter 11923  
issued, if and to the extent provided in the bond proceedings. The 11924  
moneys so pledged and thereafter received by the state are 11925  
immediately subject to the lien of such pledge without any 11926  
physical delivery thereof or further act, and the lien of any such 11927  
pledges is valid and binding against all parties having claims of 11928  
any kind against the state or any governmental agency of the 11929  
state, irrespective of whether such parties have notice thereof, 11930  
and shall create a perfected security interest for all purposes of 11931  
Chapter 1309. of the Revised Code, without the necessity for 11932  
separation or delivery of funds or for the filing or recording of 11933  
the bond proceedings by which such pledge is created or any 11934  
certificate, statement or other document with respect thereto; and 11935  
the pledge of such moneys is effective and the money therefrom and 11936  
thereof may be applied to the purposes for which pledged without 11937  
necessity for any act of appropriation. Every pledge, and every 11938  
covenant and agreement made with respect thereto, made in the bond 11939  
proceedings may therein be extended to the benefit of the owners 11940  
and holders of obligations authorized by this section, and to any 11941  
trustee therefor, for the further security of the payment of the 11942  
bond service charges. 11943

(D) The bond proceedings may contain additional provisions as 11944  
to: 11945

(1) The redemption of obligations prior to maturity at the 11946  
option of the commissioners of the sinking fund at such price or 11947  
prices and under such terms and conditions as are provided in the 11948  
bond proceedings; 11949

(2) Other terms of the obligations;	11950
(3) Limitations on the issuance of additional obligations;	11951
(4) The terms of any trust agreement or indenture securing the obligations or under which the obligations may be issued;	11952 11953
(5) The deposit, investment, and application of the coal research and development bond service fund, 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 moneys; provided, that any bank or trust company which acts as depository of any moneys in the fund may furnish such indemnifying bonds or may pledge such securities as required by the commissioners of the sinking fund;	11954 11955 11956 11957 11958 11959 11960 11961
(6) Any other provision of the bond proceedings being binding upon the commissioners of the sinking fund, or such other body or person 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;	11962 11963 11964 11965 11966
(7) Any provision which may be made in a trust agreement or indenture;	11967 11968
(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 this chapter.	11969 11970 11971 11972 11973
(E) The obligations may have the great seal of the state or a facsimile thereof affixed thereto or printed thereon. The obligations shall be signed by such members of the commissioners of the sinking fund as are designated in the resolution authorizing the obligations or bear the facsimile signatures of such members. Any coupons attached to the obligations shall bear the facsimile signature of the treasurer of state. Any obligations	11974 11975 11976 11977 11978 11979 11980

may be executed by the persons who, on the date of execution, are 11981  
the commissioners although on the date of such bonds the persons 11982  
were not the commissioners. Any coupons may be executed by the 11983  
person who, on the date of execution, is the treasurer of state 11984  
although on the date of such coupons the person was not the 11985  
treasurer of state. In case any officer or commissioner whose 11986  
signature or a facsimile of whose signature appears on any such 11987  
obligations or any coupons ceases to be such officer or 11988  
commissioner before delivery thereof, such signature or facsimile 11989  
is nevertheless valid and sufficient for all purposes as if the 11990  
individual had remained such officer or commissioner until such 11991  
delivery; and in case the seal to be affixed to obligations has 11992  
been changed after a facsimile of the seal has been imprinted on 11993  
such obligations, such facsimile seal shall continue to be 11994  
sufficient as to such obligations and obligations issued in 11995  
substitution or exchange therefor. 11996

(F) All obligations except loan guarantees are negotiable 11997  
instruments and securities under Chapter 1308. of the Revised 11998  
Code, subject to the provisions of the bond proceedings as to 11999  
registration. The obligations may be issued in coupon or in 12000  
registered form, or both, as the commissioners of the sinking fund 12001  
determine. Provision may be made for the registration of any 12002  
obligations with coupons attached thereto as to principal alone or 12003  
as to both principal and interest, their exchange for obligations 12004  
so registered, and for the conversion or reconversion into 12005  
obligations with coupons attached thereto of any obligations 12006  
registered as to both principal and interest, and for reasonable 12007  
charges for such registration, exchange, conversion, and 12008  
reconversion. 12009

(G) Obligations may be sold at public sale or at private 12010  
sale, as determined in the bond proceedings. 12011

(H) Pending preparation of definitive obligations, the 12012



commissioners of the sinking fund may issue interim receipts or 12013  
certificates which shall be exchanged for such definitive 12014  
obligations. 12015

(I) In the discretion of the commissioners of the sinking 12016  
fund, obligations may be secured additionally by a trust agreement 12017  
or indenture between the commissioners and a corporate trustee, 12018  
which may be any trust company or bank having ~~its principal a~~ 12019  
place of business within the state. Any such agreement or 12020  
indenture may contain the resolution authorizing the issuance of 12021  
the obligations, any provisions that may be contained in any bond 12022  
proceedings, and other provisions that are customary or 12023  
appropriate in an agreement or indenture of such type, including, 12024  
but not limited to: 12025

(1) Maintenance of each pledge, trust agreement, indenture, 12026  
or other instrument comprising part of the bond proceedings until 12027  
the state has fully paid the bond service charges on the 12028  
obligations secured thereby, or provision therefor has been made; 12029

(2) In the event of default in any payments required to be 12030  
made by the bond proceedings, or any other agreement of the 12031  
commissioners of the sinking fund made as a part of the contract 12032  
under which the obligations were issued, enforcement of such 12033  
payments or agreement by mandamus, the appointment of a receiver, 12034  
suit in equity, action at law, or any combination of the 12035  
foregoing; 12036

(3) The rights and remedies of the holders of obligations and 12037  
of the trustee, and provisions for protecting and enforcing them, 12038  
including limitations on rights of individual holders of 12039  
obligations; 12040

(4) The replacement of any obligations that become mutilated 12041  
or are destroyed, lost, or stolen; 12042

(5) Such other provisions as the trustee and the 12043

commissioners of the sinking fund agree upon, including 12044  
limitations, conditions, or qualifications relating to any of the 12045  
foregoing. 12046

(J) Any holder of obligations or a trustee under the bond 12047  
proceedings, except to the extent that the holder's rights are 12048  
restricted by the bond proceedings, may by any suitable form of 12049  
legal proceedings protect and enforce any rights under the laws of 12050  
this state or granted by such bond proceedings. Such rights 12051  
include the right to compel the performance of all duties of the 12052  
commissioners of the sinking fund, the Ohio air quality 12053  
development authority, or the Ohio coal development office 12054  
required by this chapter and Chapter 1551. of the Revised Code or 12055  
the bond proceedings; to enjoin unlawful activities; and in the 12056  
event of default with respect to the payment of any bond service 12057  
charges on any obligations or in the performance of any covenant 12058  
or agreement on the part of the commissioners, the authority, or 12059  
the office in the bond proceedings, to apply to a court having 12060  
jurisdiction of the cause to appoint a receiver to receive and 12061  
administer the moneys pledged, other than those in the custody of 12062  
the treasurer of state, that are pledged to the payment of the 12063  
bond service charges on such obligations or that are the subject 12064  
of the covenant or agreement, with full power to pay, and to 12065  
provide for payment of bond service charges on, such obligations, 12066  
and with such powers, subject to the direction of the court, as 12067  
are accorded receivers in general equity cases, excluding any 12068  
power to pledge additional revenues or receipts or other income or 12069  
moneys of the commissioners of the sinking fund or the state or 12070  
governmental agencies of the state to the payment of such 12071  
principal and interest and excluding the power to take possession 12072  
of, mortgage, or cause the sale or otherwise dispose of any 12073  
project. 12074

Each duty of the commissioners of the sinking fund and their 12075

employees, and of each governmental agency and its officers, 12076  
members, or employees, undertaken pursuant to the bond proceedings 12077  
or any grant, loan, or loan guarantee agreement made under 12078  
authority of this chapter, and in every agreement by or with the 12079  
commissioners, is hereby established as a duty of the 12080  
commissioners, and of each such officer, member, or employee 12081  
having authority to perform such duty, specifically enjoined by 12082  
the law resulting from an office, trust, or station within the 12083  
meaning of section 2731.01 of the Revised Code. 12084

The persons who are at the time the commissioners of the 12085  
sinking fund, or their employees, are not liable in their personal 12086  
capacities on any obligations issued by the commissioners or any 12087  
agreements of or with the commissioners. 12088

(K) Obligations issued under this section are lawful 12089  
investments for banks, societies for savings, savings and loan 12090  
associations, deposit guarantee associations, trust companies, 12091  
trustees, fiduciaries, insurance companies, including domestic for 12092  
life and domestic not for life, trustees or other officers having 12093  
charge of sinking and bond retirement or other special funds of 12094  
political subdivisions and taxing districts of this state, the 12095  
commissioners of the sinking fund of the state, the administrator 12096  
of workers' compensation, the state teachers retirement system, 12097  
the public employees retirement system, the school employees 12098  
retirement system, and the Ohio police and fire pension fund, 12099  
notwithstanding any other provisions of the Revised Code or rules 12100  
adopted pursuant thereto by any governmental agency of the state 12101  
with respect to investments by them, and are also acceptable as 12102  
security for the deposit of public moneys. 12103

(L) If the law or the instrument creating a trust pursuant to 12104  
division (I) of this section expressly permits investment in 12105  
direct obligations of the United States or an agency of the United 12106  
States, unless expressly prohibited by the instrument, such moneys 12107

also may be invested in no-front-end-load money market mutual 12108  
funds consisting exclusively of obligations of the United States 12109  
or an agency of the United States and in repurchase agreements, 12110  
including those issued by the fiduciary itself, secured by 12111  
obligations of the United States or an agency of the United 12112  
States; and in collective investment funds established in 12113  
accordance with section 1111.14 of the Revised Code and consisting 12114  
exclusively of any such securities, notwithstanding division 12115  
(A)(1)(c) of that section. The income from such investments shall 12116  
be credited to such funds as the commissioners of the sinking fund 12117  
determine, and such investments may be sold at such times as the 12118  
commissioners determine or authorize. 12119

(M) Provision may be made in the applicable bond proceedings 12120  
for the establishment of separate accounts in the bond service 12121  
fund and for the application of such accounts only to the 12122  
specified bond service charges on obligations pertinent to such 12123  
accounts and bond service fund and for other accounts therein 12124  
within the general purposes of such fund. Moneys to the credit of 12125  
the bond service fund shall be disbursed on the order of the 12126  
treasurer of state; provided, that no such order is required for 12127  
the payment from the bond service fund when due of bond service 12128  
charges on obligations. 12129

(N) The commissioners of the sinking fund may pledge all, or 12130  
such portion as they determine, of the receipts of the bond 12131  
service fund to the payment of bond service charges on obligations 12132  
issued under this section, and for the establishment and 12133  
maintenance of any reserves, as provided in the bond proceedings, 12134  
and make other provisions therein with respect to pledged receipts 12135  
as authorized by this chapter, which provisions control 12136  
notwithstanding any other provisions of law pertaining thereto. 12137

(O) The commissioners of the sinking fund may covenant in the 12138  
bond proceedings, and any such covenants control notwithstanding 12139

any other provision of law, that the state and applicable officers 12140  
and governmental agencies of the state, including the general 12141  
assembly, so long as any obligations are outstanding, shall: 12142

(1) Maintain statutory authority for and cause to be levied 12143  
and collected taxes so that the pledged receipts are sufficient in 12144  
amount to meet bond service charges, and the establishment and 12145  
maintenance of any reserves and other requirements provided for in 12146  
the bond proceedings, and, as necessary, to meet covenants 12147  
contained in any loan guarantees made under this chapter; 12148

(2) Take or permit no action, by statute or otherwise, that 12149  
would impair the exemption from federal income taxation of the 12150  
interest on the obligations. 12151

(P) All moneys received by or on account of the state and 12152  
required by the applicable bond proceedings, consistent with this 12153  
section, to be deposited, transferred, or credited to the coal 12154  
research and development bond service fund, and all other moneys 12155  
transferred or allocated to or received for the purposes of the 12156  
fund, shall be credited to such fund and to any separate accounts 12157  
therein, subject to applicable provisions of the bond proceedings, 12158  
but without necessity for any act of appropriation. During the 12159  
period beginning with the date of the first issuance of 12160  
obligations and continuing during such time as any such 12161  
obligations are outstanding, and so long as moneys in the bond 12162  
service fund are insufficient to pay all bond service charges on 12163  
such obligations becoming due in each year, a sufficient amount of 12164  
moneys of the state are committed and shall be paid to the bond 12165  
service fund in each year for the purpose of paying the bond 12166  
service charges becoming due in that year without necessity for 12167  
further act of appropriation for such purpose. The bond service 12168  
fund is a trust fund and is hereby pledged to the payment of bond 12169  
service charges to the extent provided in the applicable bond 12170  
proceedings, and payment thereof from such fund shall be made or 12171

provided for by the treasurer of state in accordance with such 12172  
bond proceedings without necessity for any act of appropriation. 12173  
All investment earnings of the fund shall be credited to the fund. 12174

(Q) For purposes of establishing the limitations contained in 12175  
Section 15 of Article VIII, Ohio Constitution, the "principal 12176  
amount" refers to the aggregate of the offering price of the bonds 12177  
or notes. "Principal amount" does not refer to the aggregate value 12178  
at maturity or redemption of the bonds or notes. 12179

(R) This section applies only with respect to obligations 12180  
issued and delivered prior to September 30, 2000. 12181

**Sec. 1557.03.** (A)(1) The commissioners of the sinking fund 12182  
are authorized to issue and sell, as provided in this section and 12183  
in amounts from time to time authorized by the general assembly, 12184  
general obligations of this state for the purpose of financing or 12185  
assisting in the financing of the costs of projects. The full 12186  
faith and credit, revenues, and taxing power of the state are and 12187  
shall be pledged to the timely payment of debt charges on 12188  
outstanding obligations, all in accordance with Section 21 of 12189  
Article VIII, Ohio Constitution, and Chapter 1557. of the Revised 12190  
Code, excluding from that pledge fees, excises, or taxes relating 12191  
to the registration, operation, or use of vehicles on the public 12192  
highways, or to fuels used for propelling those vehicles, and so 12193  
long as such obligations are outstanding there shall be levied and 12194  
collected excises and taxes, excluding those excepted above, in 12195  
amount sufficient to pay the debt charges on such obligations and 12196  
financing costs relating to credit enhancement facilities. 12197

(2) For meetings of the commissioners of the sinking fund 12198  
pertaining to the obligations under this chapter, each of the 12199  
commissioners may designate an employee or officer of that 12200  
commissioner's office to attend meetings when that commissioner is 12201  
absent for any reason, and such designee, when present, shall be 12202

counted in determining whether a quorum is present at any meeting 12203  
and may vote and participate in all proceedings and actions of the 12204  
commissioners at that meeting pertaining to the obligations, 12205  
provided, that such designee shall not execute or cause a 12206  
facsimile of the designee's signature to be placed on any 12207  
obligation, or execute any trust agreement or indenture of the 12208  
commissioners. Such designation shall be in writing, executed by 12209  
the designating member, and shall be filed with the secretary of 12210  
the commissioners and such designation may be changed from time to 12211  
time by a similar written designation. 12212

(B) The total principal amount of obligations outstanding at 12213  
any one time shall not exceed two hundred million dollars, and not 12214  
more than fifty million dollars in principal amount of obligations 12215  
to pay costs of projects may be issued in any fiscal year, all 12216  
determined as provided in Chapter 1557. of the Revised Code. 12217

(C) The state may participate by grants or contributions in 12218  
financing projects under this section made by local government 12219  
entities. Of the proceeds of the first two hundred million dollars 12220  
principal amount in obligations issued under this section to pay 12221  
costs of projects, at least twenty per cent shall be allocated in 12222  
accordance with section 1557.06 of the Revised Code to grants or 12223  
contributions to local government entities. The director of budget 12224  
and management shall establish and maintain records in such manner 12225  
as to show that the proceeds credited to the Ohio parks and 12226  
natural resources fund have been expended for the purposes and in 12227  
accordance with the limitations set forth herein. 12228

(D) Each issue of obligations shall be authorized by 12229  
resolution of the commissioners of the sinking fund. The bond 12230  
proceedings shall provide for the principal amount or maximum 12231  
principal amount of obligations of an issue, and shall provide for 12232  
or authorize the manner or agency for determining the principal 12233  
maturity or maturities, not exceeding the earlier of twenty-five 12234

years from the date the debt represented by the particular 12235  
obligations was originally contracted, the interest rate or rates, 12236  
the date of and the dates of payment of interest on the 12237  
obligations, their denominations, and the establishment within or 12238  
without the state of a place or places of payment of debt charges. 12239  
Sections 9.96 and 9.98 to 9.983 of the Revised Code are applicable 12240  
to the obligations. The purpose of the obligations may be stated 12241  
in the bond proceedings as "financing or assisting in the 12242  
financing of projects as provided in Section 21 of Article VIII, 12243  
Ohio Constitution." 12244

(E) The proceeds of the obligations, except for any portion 12245  
to be deposited in special funds, or in escrow funds for the 12246  
purpose of refunding outstanding obligations, all as may be 12247  
provided in the bond proceedings, shall be deposited in the Ohio 12248  
parks and natural resources fund established by section 1557.02 of 12249  
the Revised Code. 12250

(F) The commissioners of the sinking fund may appoint paying 12251  
agents, bond registrars, securities depositories, and transfer 12252  
agents, and may retain the services of financial advisers and 12253  
accounting experts, and retain or contract for the services of 12254  
marketing, remarketing, indexing, and administrative agents, other 12255  
consultants, and independent contractors, including printing 12256  
services, as are necessary in the judgment of the commissioners to 12257  
carry out this chapter of the Revised Code. Financing costs are 12258  
payable, as provided in the bond proceedings, from the proceeds of 12259  
the obligations, from special funds, or from other moneys 12260  
available for the purpose. 12261

(G) The bond proceedings, including any trust agreement, may 12262  
contain additional provisions customary or appropriate to the 12263  
financing or to the obligations or to particular obligations, 12264  
including, but not limited to: 12265

(1) The redemption of obligations prior to maturity at the 12266



option of the state or of the holder or upon the occurrence of 12267  
certain conditions at such price or prices and under such terms 12268  
and conditions as are provided in the bond proceedings; 12269

(2) The form of and other terms of the obligations; 12270

(3) The establishment, deposit, investment, and application 12271  
of special funds, and the safeguarding of moneys on hand or on 12272  
deposit, without regard to Chapter 131. or 135. of the Revised 12273  
Code, provided that any bank or trust company that acts as a 12274  
depository of any moneys in special funds may furnish such 12275  
indemnifying bonds or may pledge such securities as required by 12276  
the commissioners of the sinking fund; 12277

(4) Any or every provision of the bond proceedings binding 12278  
upon the commissioners of the sinking fund and such state agency 12279  
or local government entities, officer, board, commission, 12280  
authority, agency, department, or other person or body as may from 12281  
time to time have the authority under law to take such actions as 12282  
may be necessary to perform all or any part of the duty required 12283  
by such provision; 12284

(5) The maintenance of each pledge, any trust agreement, or 12285  
other instrument composing part of the bond proceedings until the 12286  
state has fully paid or provided for the payment of the debt 12287  
charges on the obligations or met other stated conditions; 12288

(6) In the event of default in any payments required to be 12289  
made by the bond proceedings, or any other agreement of the 12290  
commissioners of the sinking fund made as part of a contract under 12291  
which the obligations were issued or secured, the enforcement of 12292  
such payments or agreements by mandamus, suit in equity, action at 12293  
law, or any combination of the foregoing; 12294

(7) The rights and remedies of the holders of obligations and 12295  
of the trustee under any trust agreement, and provisions for 12296  
protecting and enforcing them, including limitations on rights of 12297

individual holders of obligations;	12298
(8) The replacement of any obligations that become mutilated or are destroyed, lost, or stolen;	12299 12300
(9) Provision for the funding, refunding, or advance refunding or other provision for payment of obligations which will then no longer be or be deemed to be outstanding for purposes of this section or of the bond proceedings;	12301 12302 12303 12304
(10) Any provision that may be made in bond proceedings or a trust agreement, including provision for amendment of the bond proceedings;	12305 12306 12307
(11) Such other provisions as the commissioners of the sinking fund determine, including limitations, conditions, or qualifications relating to any of the foregoing;	12308 12309 12310
(12) Any other or additional agreements with the holders of the obligations relating to the obligations or the security for the obligations.	12311 12312 12313
(H) The great seal of the state or a facsimile of that seal may be affixed to or printed on the obligations. The obligations shall be signed by or bear the facsimile signatures of two or more of the commissioners of the sinking fund 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 a commissioner. In case the individual whose signature or a facsimile of whose signature appears on any obligation ceases to be a commissioner before delivery of the obligation, such signature or facsimile is nevertheless valid and sufficient for all purposes as if the individual 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	12314 12315 12316 12317 12318 12319 12320 12321 12322 12323 12324 12325 12326 12327 12328

seal shall continue to be sufficient as to those obligations and 12329  
obligations issued in substitution or exchange therefor. 12330

(I) Obligations may be issued in coupon or in fully 12331  
registered form, or both, as the commissioners of the sinking fund 12332  
determine. Provision may be made for the registration of any 12333  
obligations with coupons attached as to principal alone or as to 12334  
both principal and interest, their exchange for obligations so 12335  
registered, and for the conversion or reconversion into 12336  
obligations with coupons attached of any obligations registered as 12337  
to both principal and interest, and for reasonable charges for 12338  
such registration, exchange, conversion, and reconversion. Pending 12339  
preparation of definitive obligations, the commissioners of the 12340  
sinking fund may issue interim receipts or certificates which 12341  
shall be exchanged for such definitive obligations. 12342

(J) Obligations may be sold at public sale or at private 12343  
sale, and at such price at, above, or below par, as determined by 12344  
the commissioners of the sinking fund in the bond proceedings. 12345

(K) In the discretion of the commissioners of the sinking 12346  
fund, obligations may be secured additionally by a trust agreement 12347  
between the state and a corporate trustee which may be any trust 12348  
company or bank having ~~its principal~~ a place of business within 12349  
the state. Any trust agreement may contain the resolution 12350  
authorizing the issuance of the obligations, any provisions that 12351  
may be contained in the bond proceedings, and other provisions 12352  
that are customary or appropriate in an agreement of the type. 12353

(L) Except to the extent that their rights are restricted by 12354  
the bond proceedings, any holder of obligations, or a trustee 12355  
under the bond proceedings, may by any suitable form of legal 12356  
proceedings protect and enforce any rights under the laws of this 12357  
state or granted by the bond proceedings. Such rights include the 12358  
right to compel the performance of all duties of the commissioners 12359  
and the state. Each duty of the commissioners and employees of the 12360

commissioners, and of each state agency and local public entity 12361  
and its officers, members, or employees, undertaken pursuant to 12362  
the bond proceedings, is hereby established as a duty of the 12363  
commissioners, and of each such agency, local government entity, 12364  
officer, member, or employee having authority to perform such 12365  
duty, specifically enjoined by the law and resulting from an 12366  
office, trust, or station within the meaning of section 2731.01 of 12367  
the Revised Code. The persons who are at the time the 12368  
commissioners, or employees of the commissioners, are not liable 12369  
in their personal capacities on any obligations or any agreements 12370  
of or with the commissioners relating to obligations or under the 12371  
bond proceedings. 12372

(M) Obligations are lawful investments for banks, societies 12373  
for savings, savings and loan associations, deposit guarantee 12374  
associations, trust companies, trustees, fiduciaries, insurance 12375  
companies, including domestic for life and domestic not for life, 12376  
trustees or other officers having charge of sinking and bond 12377  
retirement or other special funds of political subdivisions and 12378  
taxing districts of this state, the commissioners of the sinking 12379  
fund, the administrator of workers' compensation, the state 12380  
teachers retirement system, the public employees retirement 12381  
system, the school employees retirement system, and the Ohio 12382  
police and fire pension fund, notwithstanding any other provisions 12383  
of the Revised Code or rules adopted pursuant thereto by any state 12384  
agency with respect to investments by them, and are also 12385  
acceptable as security for the deposit of public moneys. 12386

(N) Unless otherwise provided in any applicable bond 12387  
proceedings, moneys to the credit of or in the special funds 12388  
established by or pursuant to this section may be invested by or 12389  
on behalf of the commissioners of the sinking fund only in notes, 12390  
bonds, or other direct obligations of the United States or of any 12391  
agency or instrumentality of the United States, in obligations of 12392

this state or any political subdivision of this state, in 12393  
certificates of deposit of any national bank located in this state 12394  
and any bank, as defined in section 1101.01 of the Revised Code, 12395  
subject to inspection by the superintendent of financial 12396  
institutions, in the Ohio subdivision's fund established pursuant 12397  
to section 135.45 of the Revised Code, in no-front-end-load money 12398  
market mutual funds consisting exclusively of direct obligations 12399  
of the United States or of an agency or instrumentality of the 12400  
United States, and in repurchase agreements, including those 12401  
issued by any fiduciary, secured by direct obligations of the 12402  
United States or an agency or instrumentality of the United 12403  
States, and in collective investment funds established in 12404  
accordance with section 1111.14 of the Revised Code and consisting 12405  
exclusively of direct obligations of the United States or of an 12406  
agency or instrumentality of the United States, notwithstanding 12407  
division (A)(1)(c) of that section. The income from investments 12408  
shall be credited to such special funds or otherwise as the 12409  
commissioners of the sinking fund determine in the bond 12410  
proceedings, and the investments may be sold or exchanged at such 12411  
times as the commissioners determine or authorize. 12412

(O) Unless otherwise provided in any applicable bond 12413  
proceedings, moneys to the credit of or in a special fund shall be 12414  
disbursed on the order of the commissioners of the sinking fund, 12415  
provided that no such order is required for the payment from the 12416  
bond service fund or other special fund when due of debt charges 12417  
or required payments under credit enhancement facilities. 12418

(P) The commissioners of the sinking fund may covenant in the 12419  
bond proceedings, and any such covenants shall be controlling 12420  
notwithstanding any other provision of law, that the state and the 12421  
applicable officers and agencies of the state, including the 12422  
general assembly, so long as any obligations are outstanding in 12423  
accordance with their terms, shall maintain statutory authority 12424

for and cause to be charged and collected taxes, excises, and 12425  
other receipts of the state so that the receipts to the bond 12426  
service fund shall be sufficient in amounts to meet debt charges 12427  
and for the establishment and maintenance of any reserves and 12428  
other requirements, including payment of the costs of credit 12429  
enhancement facilities, provided for in the bond proceedings. 12430

(Q) The obligations, the transfer thereof, and the interest, 12431  
other accreted amounts, and other income therefrom, including any 12432  
profit made on the sale thereof, at all times shall be free from 12433  
taxation, direct or indirect, within the state. 12434

(R) This section applies only with respect to obligations 12435  
issued and delivered before September 30, 2000. 12436

Sec. 1713.031. The Ohio board of regents shall review an 12437  
application for a certificate of authorization from a school 12438  
described in division (E) of section 3332.01 of the Revised Code 12439  
within twenty-two weeks. 12440

**Sec. 1901.34.** (A) Except as provided in divisions (B) and (D) 12441  
of this section, the village solicitor, city director of law, or 12442  
similar chief legal officer for each municipal corporation within 12443  
the territory of a municipal court shall prosecute all cases 12444  
brought before the municipal court for criminal offenses occurring 12445  
within the municipal corporation for which that person is the 12446  
solicitor, director of law, or similar chief legal officer. Except 12447  
as provided in division (B) of this section, the village 12448  
solicitor, city director of law, or similar chief legal officer of 12449  
the municipal corporation in which a municipal court is located 12450  
shall prosecute all criminal cases brought before the court 12451  
arising in the unincorporated areas within the territory of the 12452  
municipal court. 12453

(B) The Auglaize county, Brown county, Clermont county, 12454

Hocking county, Holmes county, Jackson county, Morrow county, 12455  
Ottawa county, and Portage county prosecuting attorneys shall 12456  
prosecute in municipal court all violations of state law arising 12457  
in their respective counties. The Carroll county, Crawford county, 12458  
Hamilton county, Madison county, and Wayne county prosecuting 12459  
attorneys and beginning January 1, 2008, the Erie county 12460  
prosecuting attorney shall prosecute all violations of state law 12461  
arising within the unincorporated areas of their respective 12462  
counties. The Columbiana county prosecuting attorney shall 12463  
prosecute in the Columbiana county municipal court all violations 12464  
of state law arising in the county, except for violations arising 12465  
in the municipal corporation of East Liverpool, Liverpool 12466  
township, or St. Clair township. The Darke county prosecuting 12467  
attorney shall prosecute in the Darke county municipal court all 12468  
violations of state law arising in the county, except for 12469  
violations of state law arising in the municipal corporation of 12470  
Greenville and violations of state law arising in the village of 12471  
Versailles. The Greene county ~~prosecuting attorney may, with the~~ 12472  
~~concurrence of the Greene county board of county commissioners,~~ 12473  
~~prosecute in the Fairborn municipal court~~ may provide for the 12474  
prosecution of all violations of state law arising within the 12475  
~~unincorporated areas of Bath and Beaverreek townships in Greene~~ 12476  
~~county and prosecute in the Xenia municipal court all violations~~ 12477  
~~of state law arising within the unincorporated areas of~~ 12478  
~~Ceasar creek, Cedarville, Jefferson, Miami, New Jasper, Ross,~~ 12479  
~~Silvercreek, Spring Valley, Sugarcreek, and Xenia townships~~ 12480  
territorial jurisdiction of any municipal court located in Greene 12481  
county. 12482

The prosecuting attorney of any county given the duty of 12483  
prosecuting in municipal court violations of state law shall 12484  
receive no additional compensation for assuming these additional 12485  
duties, except that the prosecuting attorney of Hamilton, Portage, 12486  
and Wayne counties shall receive compensation at the rate of four 12487

thousand eight hundred dollars per year, and the prosecuting attorney of Auglaize county shall receive compensation at the rate of one thousand eight hundred dollars per year, each payable from the county treasury of the respective counties in semimonthly installments.

(C) The village solicitor, city director of law, or similar chief legal officer shall perform the same duties, insofar as they are applicable to the village solicitor, city director of law, or similar chief legal officer, as are required of the prosecuting attorney of the county. The village solicitor, city director of law, similar chief legal officer or any assistants who may be appointed shall receive for such services additional compensation to be paid from the treasury of the county as the board of county commissioners prescribes.

(D) ~~The~~ (1) Subject to division (D)(2) of this section, the prosecuting attorney of any county, other than Auglaize, Brown, Clermont, Hocking, Holmes, Jackson, Morrow, Ottawa, or Portage county, may enter into an agreement with any municipal corporation in the county in which the prosecuting attorney serves pursuant to which the prosecuting attorney prosecutes all criminal cases brought before the municipal court that has territorial jurisdiction over that municipal corporation for criminal offenses occurring within the municipal corporation. The prosecuting attorney of Auglaize, Brown, Clermont, Hocking, Holmes, Jackson, Morrow, Ottawa, or Portage county may enter into an agreement with any municipal corporation in the county in which the prosecuting attorney serves pursuant to which the respective prosecuting attorney prosecutes all cases brought before the Auglaize county, Brown county, Clermont county, Hocking county, Holmes county, Jackson county, Morrow county, Ottawa county, or Portage county municipal court for violations of the ordinances of the municipal corporation or for criminal offenses other than violations of



state law occurring within the municipal corporation. For 12520  
prosecuting these cases, the prosecuting attorney and the 12521  
municipal corporation may agree upon a fee to be paid by the 12522  
municipal corporation, which fee shall be paid into the county 12523  
treasury, to be used to cover expenses of the office of the 12524  
prosecuting attorney. 12525

(2) Any agreement entered into by the Greene county 12526  
prosecuting attorney under division (D)(1) of this section is 12527  
subject to the authority under division (B) of this section of the 12528  
Greene county board of county commissioners to provide for the 12529  
prosecution of violations of state law in municipal courts located 12530  
in Greene county. 12531

**Sec. 2151.362.** (A)(1) In the manner prescribed by division 12532  
(C)(1) or (2) of section 3313.64 of the Revised Code, as 12533  
applicable, the court, at the time of making any order that 12534  
removes a child from the child's own home or that vests legal or 12535  
permanent custody of the child in a person other than the child's 12536  
parent or a government agency, shall determine the school district 12537  
that is to bear the cost of educating the child. The court shall 12538  
make the determination a part of the order that provides for the 12539  
child's placement or commitment. That school district shall bear 12540  
the cost of educating the child unless and until the ~~court~~ 12541  
~~modifies its order~~ department of education determines that a 12542  
different district shall be responsible for bearing that cost 12543  
pursuant to division (A)(2) of this section. The court's order 12544  
shall state that the determination of which school district is 12545  
responsible to bear the cost of educating the child is subject to 12546  
re-determination by the department pursuant to that division. 12547

(2) If, while the child is in the custody of a person other 12548  
than the child's parent or a government agency, the department of 12549  
education ~~notifies the court~~ determines that the place of 12550

residence of the child's parent has changed since the court issued 12551  
its initial order, the ~~court~~ department may ~~modify its order to~~ 12552  
name a different school district to bear the cost of educating the 12553  
child. The department ~~may submit the notice to the court upon~~ 12554  
~~receipt,~~ shall make this new determination, and any future 12555  
determinations, based on evidence received from the school 12556  
district ~~initially ordered~~ currently responsible to bear the cost 12557  
of educating the child, ~~of evidence acceptable to the department.~~ 12558  
If the department finds that the evidence demonstrates to its 12559  
satisfaction that the residence of the child's parent has changed 12560  
since the court issued its initial order. ~~In the notice to the~~ 12561  
~~court, the department shall recommend to the court whether a~~ 12562  
~~different district should be ordered to bear the cost of educating~~ 12563  
~~the child and, if so, which district should be so ordered. The~~ 12564  
under division (A)(1) of this section, or since the department 12565  
last made a determination under division (A)(2) of this section, 12566  
the department shall recommend to the court name the district in 12567  
which the child's parent currently resides or, if the parent's 12568  
residence is not known, the district in which the parent's last 12569  
known residence is located. If the department cannot determine any 12570  
Ohio district in which the parent currently resides or has 12571  
resided, the school district designated in the initial court order 12572  
under division (A)(1) of this section, or in the most recent 12573  
determination made by the department under division (A)(2) of this 12574  
section, shall continue to bear the cost of educating the child. 12575

~~The court may consider the content of a notice by the~~ 12576  
~~department of education under division (A)(2) of this section as~~ 12577  
~~conclusive evidence as to which school district should bear the~~ 12578  
~~cost of educating the child and may amend its order accordingly.~~ 12579

(B) Whenever a child is placed in a detention facility 12580  
established under section 2152.41 of the Revised Code or a 12581  
juvenile facility established under section 2151.65 of the Revised 12582

Code, the child's school district as determined by the court or 12583  
the department, in the same manner as prescribed in division (A) 12584  
of this section, shall pay the cost of educating the child based 12585  
on the per capita cost of the educational facility within the 12586  
detention home or juvenile facility. 12587

(C) Whenever a child is placed by the court in a private 12588  
institution, school, or residential treatment center or any other 12589  
private facility, the state shall pay to the court a subsidy to 12590  
help defray the expense of educating the child in an amount equal 12591  
to the product of the daily per capita educational cost of the 12592  
private facility, as determined pursuant to this section, and the 12593  
number of days the child resides at the private facility, provided 12594  
that the subsidy shall not exceed twenty-five hundred dollars per 12595  
year per child. The daily per capita educational cost of a private 12596  
facility shall be determined by dividing the actual program cost 12597  
of the private facility or twenty-five hundred dollars, whichever 12598  
is less, by three hundred sixty-five days or by three hundred 12599  
sixty-six days for years that include February twenty-ninth. The 12600  
state shall pay seventy-five per cent of the total subsidy for 12601  
each year quarterly to the court. The state may adjust the 12602  
remaining twenty-five per cent of the total subsidy to be paid to 12603  
the court for each year to an amount that is less than twenty-five 12604  
per cent of the total subsidy for that year based upon the 12605  
availability of funds appropriated to the department of education 12606  
for the purpose of subsidizing courts that place a child in a 12607  
private institution, school, or residential treatment center or 12608  
any other private facility and shall pay that adjusted amount to 12609  
the court at the end of the year. 12610

**Sec. 2913.40.** (A) As used in this section: 12611

(1) "Statement or representation" means any oral, written, 12612  
electronic, electronic impulse, or magnetic communication that is 12613

used to identify an item of goods or a service for which 12614  
reimbursement may be made under the medical assistance program or 12615  
that states income and expense and is or may be used to determine 12616  
a rate of reimbursement under the medical assistance program. 12617

(2) "Medical assistance program" means the program 12618  
established by the department of job and family services to 12619  
provide medical assistance under section 5111.01 of the Revised 12620  
Code and the medicaid program of Title XIX of the "Social Security 12621  
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. 12622

(3) "Provider" means any person who has signed a provider 12623  
agreement with the department of job and family services to 12624  
provide goods or services pursuant to the medical assistance 12625  
program or any person who has signed an agreement with a party to 12626  
such a provider agreement under which the person agrees to provide 12627  
goods or services that are reimbursable under the medical 12628  
assistance program. 12629

(4) "Provider agreement" means an oral or written agreement 12630  
between the department of job and family services and a person in 12631  
which the person agrees to provide goods or services under the 12632  
medical assistance program. 12633

(5) "Recipient" means any individual who receives goods or 12634  
services from a provider under the medical assistance program. 12635

(6) "Records" means any medical, professional, financial, or 12636  
business records relating to the treatment or care of any 12637  
recipient, to goods or services provided to any recipient, or to 12638  
rates paid for goods or services provided to any recipient and any 12639  
records that are required by the rules of the director of job and 12640  
family services to be kept for the medical assistance program. 12641

(B) No person shall knowingly make or cause to be made a 12642  
false or misleading statement or representation for use in 12643  
obtaining reimbursement from the medical assistance program. 12644

(C) No person, with purpose to commit fraud or knowing that the person is facilitating a fraud, shall do either of the following:

(1) Contrary to the terms of the person's provider agreement, charge, solicit, accept, or receive for goods or services that the person provides under the medical assistance program any property, money, or other consideration in addition to the amount of reimbursement under the medical assistance program and the person's provider agreement for the goods or services and any ~~deductibles or co-payments~~ cost-sharing expenses authorized by section 5111.0112 of the Revised Code or rules adopted pursuant to section 5111.01, 5111.011, or 5111.02 of the Revised Code.

(2) Solicit, offer, or receive any remuneration, other than any ~~deductibles or co-payments~~ cost-sharing expenses authorized by section 5111.0112 of the Revised Code or rules adopted under section 5111.01, 5111.011, or 5111.02 of the Revised Code, in cash or in kind, including, but not limited to, a kickback or rebate, in connection with the furnishing of goods or services for which whole or partial reimbursement is or may be made under the medical assistance program.

(D) No person, having submitted a claim for or provided goods or services under the medical assistance program, shall do either of the following for a period of at least six years after a reimbursement pursuant to that claim, or a reimbursement for those goods or services, is received under the medical assistance program:

(1) Knowingly alter, falsify, destroy, conceal, or remove any records that are necessary to fully disclose the nature of all goods or services for which the claim was submitted, or for which reimbursement was received, by the person;

(2) Knowingly alter, falsify, destroy, conceal, or remove any

records that are necessary to disclose fully all income and 12676  
expenditures upon which rates of reimbursements were based for the 12677  
person. 12678

(E) Whoever violates this section is guilty of medicaid 12679  
fraud. Except as otherwise provided in this division, medicaid 12680  
fraud is a misdemeanor of the first degree. If the value of 12681  
property, services, or funds obtained in violation of this section 12682  
is five hundred dollars or more and is less than five thousand 12683  
dollars, medicaid fraud is a felony of the fifth degree. If the 12684  
value of property, services, or funds obtained in violation of 12685  
this section is five thousand dollars or more and is less than one 12686  
hundred thousand dollars, medicaid fraud is a felony of the fourth 12687  
degree. If the value of the property, services, or funds obtained 12688  
in violation of this section is one hundred thousand dollars or 12689  
more, medicaid fraud is a felony of the third degree. 12690

(F) Upon application of the governmental agency, office, or 12691  
other entity that conducted the investigation and prosecution in a 12692  
case under this section, the court shall order any person who is 12693  
convicted of a violation of this section for receiving any 12694  
reimbursement for furnishing goods or services under the medical 12695  
assistance program to which the person is not entitled to pay to 12696  
the applicant its cost of investigating and prosecuting the case. 12697  
The costs of investigation and prosecution that a defendant is 12698  
ordered to pay pursuant to this division shall be in addition to 12699  
any other penalties for the receipt of that reimbursement that are 12700  
provided in this section, section 5111.03 of the Revised Code, or 12701  
any other provision of law. 12702

(G) The provisions of this section are not intended to be 12703  
exclusive remedies and do not preclude the use of any other 12704  
criminal or civil remedy for any act that is in violation of this 12705  
section. 12706

Sec. 2921.42. (A) No public official shall knowingly do any 12707  
of the following: 12708

(1) Authorize, or employ the authority or influence of ~~his~~ 12709  
the public official's office to secure authorization of any public 12710  
contract in which ~~he~~ the public official, a member of ~~his~~ the 12711  
public official's family, or any of ~~his~~ the public official's 12712  
business associates has an interest; 12713

(2) Authorize, or employ the authority or influence of ~~his~~ 12714  
the public official's office to secure the investment of public 12715  
funds in any share, bond, mortgage, or other security, with 12716  
respect to which ~~he~~ the public official, a member of ~~his~~ the 12717  
public official's family, or any of ~~his~~ the public official's 12718  
business associates either has an interest, is an underwriter, or 12719  
receives any brokerage, origination, or servicing fees; 12720

(3) During ~~his~~ the public official's term of office or within 12721  
one year thereafter, occupy any position of profit in the 12722  
prosecution of a public contract authorized by ~~him~~ the public 12723  
official or by a legislative body, commission, or board of which 12724  
~~he~~ the public official was a member at the time of authorization, 12725  
unless the contract was let by competitive bidding to the lowest 12726  
and best bidder; 12727

(4) Have an interest in the profits or benefits of a public 12728  
contract entered into by or for the use of the political 12729  
subdivision or governmental agency or instrumentality with which 12730  
~~he~~ the public official is connected; 12731

(5) Have an interest in the profits or benefits of a public 12732  
contract that is not let by competitive bidding if required by law 12733  
and that involves more than one hundred fifty dollars. 12734

(B) In the absence of bribery or a purpose to defraud, a 12735  
public official, member of ~~his~~ a public official's family, or any 12736

of ~~his~~ a public official's business associates shall not be 12737  
considered as having an interest in a public contract or the 12738  
investment of public funds, if all of the following apply: 12739

(1) The interest of that person is limited to owning or 12740  
controlling shares of the corporation, or being a creditor of the 12741  
corporation or other organization, that is the contractor on the 12742  
public contract involved, or that is the issuer of the security in 12743  
which public funds are invested; 12744

(2) The shares owned or controlled by that person do not 12745  
exceed five per cent of the outstanding shares of the corporation, 12746  
and the amount due that person as creditor does not exceed five 12747  
per cent of the total indebtedness of the corporation or other 12748  
organization; 12749

(3) That person, prior to the time the public contract is 12750  
entered into, files with the political subdivision or governmental 12751  
agency or instrumentality involved, an affidavit giving ~~his~~ that 12752  
person's exact status in connection with the corporation or other 12753  
organization. 12754

(C) This section does not apply to a public contract in which 12755  
a public official, member of ~~his~~ a public official's family, or 12756  
one of ~~his~~ a public official's business associates has an 12757  
interest, when all of the following apply: 12758

(1) The subject of the public contract is necessary supplies 12759  
or services for the political subdivision or governmental agency 12760  
or instrumentality involved; 12761

(2) The supplies or services are unobtainable elsewhere for 12762  
the same or lower cost, or are being furnished to the political 12763  
subdivision or governmental agency or instrumentality as part of a 12764  
continuing course of dealing established prior to the public 12765  
official's becoming associated with the political subdivision or 12766  
governmental agency or instrumentality involved; 12767



(3) The treatment accorded the political subdivision or governmental agency or instrumentality is either preferential to or the same as that accorded other customers or clients in similar transactions;

(4) The entire transaction is conducted at arm's length, with full knowledge by the political subdivision or governmental agency or instrumentality involved, of the interest of the public official, member of ~~his~~ the public official's family, or business associate, and the public official takes no part in the deliberations or decision of the political subdivision or governmental agency or instrumentality with respect to the public contract.

(D) Division (A)(4) of this section does not prohibit participation by a public employee in any housing program funded by public moneys if the public employee otherwise qualifies for the program and does not use the authority or influence of ~~his~~ the public employee's office or employment to secure benefits from the program and if the moneys are to be used on the primary residence of the public employee. Such participation does not constitute an unlawful interest in a public contract in violation of this section.

(E) Whoever violates this section is guilty of having an unlawful interest in a public contract. Violation of division (A)(1) or (2) of this section is a felony of the fourth degree. Violation of division (A)(3), (4), or (5) of this section is a misdemeanor of the first degree.

(F) It is not a violation of this section for a prosecuting attorney to appoint assistants and employees in accordance with sections 309.06 and 2921.421 of the Revised Code, for a chief legal officer of a municipal corporation or an official designated as prosecutor in a municipal corporation to appoint assistants and employees in accordance with sections 733.621 and 2921.421 of the

Revised Code, or for a township law director appointed under 12800  
section 504.15 of the Revised Code to appoint assistants and 12801  
employees in accordance with sections 504.151 and 2921.421 of the 12802  
Revised Code. 12803

~~(F)~~(G) This section does not apply to a public contract in 12804  
which a township trustee in a township with a population of five 12805  
thousand or less in its unincorporated area, a member of the 12806  
township trustee's family, or one of ~~his~~ the township trustee's 12807  
business associates has an interest, if all of the following 12808  
apply: 12809

(1) The subject of the public contract is necessary supplies 12810  
or services for the township and the amount of the contract is 12811  
less than five thousand dollars per year; 12812

(2) The supplies or services are being furnished to the 12813  
township as part of a continuing course of dealing established 12814  
before the township trustee held that office with the township; 12815

(3) The treatment accorded the township is either 12816  
preferential to or the same as that accorded other customers or 12817  
clients in similar transactions; 12818

(4) The entire transaction is conducted with full knowledge 12819  
by the township of the interest of the township trustee, member of 12820  
~~his~~ the township trustee's family, or ~~his~~ the township trustee's 12821  
business associate. 12822

~~(G)~~(H) Any public contract in which a public official, a 12823  
member of the public official's family, or any of the public 12824  
official's business associates has an interest in violation of 12825  
this section is void and unenforceable. Any contract securing the 12826  
investment of public funds in which a public official, a member of 12827  
the public official's family, or any of the public official's 12828  
business associates has an interest, is an underwriter, or 12829  
receives any brokerage, origination, or servicing fees and that 12830

<u>was entered into in violation of this section is void and</u>	12831
<u>unenforceable.</u>	12832
<u>(I)</u> As used in this section:	12833
(1) "Public contract" means any of the following:	12834
(a) The purchase or acquisition, or a contract for the	12835
purchase or acquisition, of property or services by or for the use	12836
of the state, any of its political subdivisions, or any agency or	12837
instrumentality of either, including the employment of an	12838
individual by the state, any of its political subdivisions, or any	12839
agency or instrumentality of either;	12840
(b) A contract for the design, construction, alteration,	12841
repair, or maintenance of any public property.	12842
(2) "Chief legal officer" has the same meaning as in section	12843
733.621 of the Revised Code.	12844
<b>Sec. 2927.023.</b> (A) As used in this section "authorized	12845
recipient of tobacco products" means a person who is:	12846
(1) Licensed as a cigarette wholesale dealer under section	12847
5743.15 of the Revised Code;	12848
(2) Licensed as a <del>distributor of tobacco products under</del>	12849
<del>section 5743.61 of the Revised Code</del> <u>retail dealer as long as the</u>	12850
<u>person purchases cigarettes with the appropriate tax stamp</u>	12851
<u>affixed;</u>	12852
(3) An export warehouse proprietor as defined in section 5702	12853
of the Internal Revenue Code;	12854
(4) An operator of a customs bonded warehouse under 19 U.S.C.	12855
1311 or 19 U.S.C. 1555;	12856
(5) An officer, employee, or agent of the federal government	12857
or of this state acting in the person's official capacity;	12858
(6) A department, agency, instrumentality, or political	12859

subdivision of the federal government or of this state; 12860

(7) A person having a consent for consumer shipment issued by 12861  
the tax commissioner under section 5743.71 of the Revised Code. 12862

The purpose of this section is to prevent the sale of 12863  
cigarettes to minors and to ensure compliance with the Master 12864  
Settlement Agreement, as defined in section 1346.01 of the Revised 12865  
Code. 12866

(B)(1) No person shall cause to be shipped any cigarettes to 12867  
any person in this state other than an authorized recipient of 12868  
tobacco products. 12869

(2) No common carrier, contract carrier, or other person 12870  
shall knowingly transport cigarettes to any person in this state 12871  
that the carrier or other person reasonably believes is not an 12872  
authorized recipient of tobacco products. If cigarettes are 12873  
transported to a home or residence, it shall be presumed that the 12874  
common carrier, contract carrier, or other person knew that the 12875  
person to whom the cigarettes were delivered was not an authorized 12876  
recipient of tobacco products. 12877

(C) No person engaged in the business of selling cigarettes 12878  
who ships or causes to be shipped cigarettes to any person in this 12879  
state in any container or wrapping other than the original 12880  
container or wrapping of the cigarettes shall fail to plainly and 12881  
visibly mark the exterior of the container or wrapping in which 12882  
the cigarettes are shipped with the words "cigarettes." 12883

(D) A court shall impose a fine of up to one thousand dollars 12884  
for each violation of division (B)(1), (B)(2), or (C) of this 12885  
section. 12886

**Sec. 2935.03.** (A)(1) A sheriff, deputy sheriff, marshal, 12887  
deputy marshal, municipal police officer, township constable, 12888  
police officer of a township or joint township police district, 12889

member of a police force employed by a metropolitan housing 12890  
authority under division (D) of section 3735.31 of the Revised 12891  
Code, member of a police force employed by a regional transit 12892  
authority under division (Y) of section 306.35 of the Revised 12893  
Code, state university law enforcement officer appointed under 12894  
section 3345.04 of the Revised Code, veterans' home police officer 12895  
appointed under section 5907.02 of the Revised Code, special 12896  
police officer employed by a port authority under section 4582.04 12897  
or 4582.28 of the Revised Code, or a special police officer 12898  
employed by a municipal corporation at a municipal airport, or 12899  
other municipal air navigation facility, that has scheduled 12900  
operations, as defined in section 119.3 of Title 14 of the Code of 12901  
Federal Regulations, 14 C.F.R. 119.3, as amended, and that is 12902  
required to be under a security program and is governed by 12903  
aviation security rules of the transportation security 12904  
administration of the United States department of transportation 12905  
as provided in Parts 1542. and 1544. of Title 49 of the Code of 12906  
Federal Regulations, as amended, shall arrest and detain, until a 12907  
warrant can be obtained, a person found violating, within the 12908  
limits of the political subdivision, metropolitan housing 12909  
authority housing project, regional transit authority facilities 12910  
or areas of a municipal corporation that have been agreed to by a 12911  
regional transit authority and a municipal corporation located 12912  
within its territorial jurisdiction, college, university, 12913  
veterans' home operated under Chapter 5907. of the Revised Code, 12914  
port authority, or municipal airport or other municipal air 12915  
navigation facility, in which the peace officer is appointed, 12916  
employed, or elected, a law of this state, an ordinance of a 12917  
municipal corporation, or a resolution of a township. 12918

(2) A peace officer of the department of natural resources or 12919  
an individual designated to perform law enforcement duties under 12920  
section 511.232, 1545.13, or 6101.75 of the Revised Code shall 12921  
arrest and detain, until a warrant can be obtained, a person found 12922

violating, within the limits of the peace officer's or 12923  
individual's territorial jurisdiction, a law of this state. 12924

(3) The house sergeant at arms if the house sergeant at arms 12925  
has arrest authority pursuant to division (E)(1) of section 12926  
101.311 of the Revised Code and an assistant house sergeant at 12927  
arms shall arrest and detain, until a warrant can be obtained, a 12928  
person found violating, within the limits of the sergeant at 12929  
arms's or assistant sergeant at arms's territorial jurisdiction 12930  
specified in division (D)(1)(a) of section 101.311 of the Revised 12931  
Code or while providing security pursuant to division (D)(1)(f) of 12932  
section 101.311 of the Revised Code, a law of this state, an 12933  
ordinance of a municipal corporation, or a resolution of a 12934  
township. 12935

(B)(1) When there is reasonable ground to believe that an 12936  
offense of violence, the offense of criminal child enticement as 12937  
defined in section 2905.05 of the Revised Code, the offense of 12938  
public indecency as defined in section 2907.09 of the Revised 12939  
Code, the offense of domestic violence as defined in section 12940  
2919.25 of the Revised Code, the offense of violating a protection 12941  
order as defined in section 2919.27 of the Revised Code, the 12942  
offense of menacing by stalking as defined in section 2903.211 of 12943  
the Revised Code, the offense of aggravated trespass as defined in 12944  
section 2911.211 of the Revised Code, a theft offense as defined 12945  
in section 2913.01 of the Revised Code, or a felony drug abuse 12946  
offense as defined in section 2925.01 of the Revised Code, has 12947  
been committed within the limits of the political subdivision, 12948  
metropolitan housing authority housing project, regional transit 12949  
authority facilities or those areas of a municipal corporation 12950  
that have been agreed to by a regional transit authority and a 12951  
municipal corporation located within its territorial jurisdiction, 12952  
college, university, veterans' home operated under Chapter 5907. 12953  
of the Revised Code, port authority, or municipal airport or other 12954

municipal air navigation facility, in which the peace officer is 12955  
appointed, employed, or elected or within the limits of the 12956  
territorial jurisdiction of the peace officer, a peace officer 12957  
described in division (A) of this section may arrest and detain 12958  
until a warrant can be obtained any person who the peace officer 12959  
has reasonable cause to believe is guilty of the violation. 12960

(2) For purposes of division (B)(1) of this section, the 12961  
execution of any of the following constitutes reasonable ground to 12962  
believe that the offense alleged in the statement was committed 12963  
and reasonable cause to believe that the person alleged in the 12964  
statement to have committed the offense is guilty of the 12965  
violation: 12966

(a) A written statement by a person alleging that an alleged 12967  
offender has committed the offense of menacing by stalking or 12968  
aggravated trespass; 12969

(b) A written statement by the administrator of the 12970  
interstate compact on mental health appointed under section 12971  
5119.51 of the Revised Code alleging that a person who had been 12972  
hospitalized, institutionalized, or confined in any facility under 12973  
an order made pursuant to or under authority of section 2945.37, 12974  
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 12975  
Revised Code has escaped from the facility, from confinement in a 12976  
vehicle for transportation to or from the facility, or from 12977  
supervision by an employee of the facility that is incidental to 12978  
hospitalization, institutionalization, or confinement in the 12979  
facility and that occurs outside of the facility, in violation of 12980  
section 2921.34 of the Revised Code; 12981

(c) A written statement by the administrator of any facility 12982  
in which a person has been hospitalized, institutionalized, or 12983  
confined under an order made pursuant to or under authority of 12984  
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 12985  
2945.402 of the Revised Code alleging that the person has escaped 12986

from the facility, from confinement in a vehicle for 12987  
transportation to or from the facility, or from supervision by an 12988  
employee of the facility that is incidental to hospitalization, 12989  
institutionalization, or confinement in the facility and that 12990  
occurs outside of the facility, in violation of section 2921.34 of 12991  
the Revised Code. 12992

(3)(a) For purposes of division (B)(1) of this section, a 12993  
peace officer described in division (A) of this section has 12994  
reasonable grounds to believe that the offense of domestic 12995  
violence or the offense of violating a protection order has been 12996  
committed and reasonable cause to believe that a particular person 12997  
is guilty of committing the offense if any of the following 12998  
occurs: 12999

(i) A person executes a written statement alleging that the 13000  
person in question has committed the offense of domestic violence 13001  
or the offense of violating a protection order against the person 13002  
who executes the statement or against a child of the person who 13003  
executes the statement. 13004

(ii) No written statement of the type described in division 13005  
(B)(3)(a)(i) of this section is executed, but the peace officer, 13006  
based upon the peace officer's own knowledge and observation of 13007  
the facts and circumstances of the alleged incident of the offense 13008  
of domestic violence or the alleged incident of the offense of 13009  
violating a protection order or based upon any other information, 13010  
including, but not limited to, any reasonably trustworthy 13011  
information given to the peace officer by the alleged victim of 13012  
the alleged incident of the offense or any witness of the alleged 13013  
incident of the offense, concludes that there are reasonable 13014  
grounds to believe that the offense of domestic violence or the 13015  
offense of violating a protection order has been committed and 13016  
reasonable cause to believe that the person in question is guilty 13017  
of committing the offense. 13018



(iii) No written statement of the type described in division 13019  
(B)(3)(a)(i) of this section is executed, but the peace officer 13020  
witnessed the person in question commit the offense of domestic 13021  
violence or the offense of violating a protection order. 13022

(b) If pursuant to division (B)(3)(a) of this section a peace 13023  
officer has reasonable grounds to believe that the offense of 13024  
domestic violence or the offense of violating a protection order 13025  
has been committed and reasonable cause to believe that a 13026  
particular person is guilty of committing the offense, it is the 13027  
preferred course of action in this state that the officer arrest 13028  
and detain that person pursuant to division (B)(1) of this section 13029  
until a warrant can be obtained. 13030

If pursuant to division (B)(3)(a) of this section a peace 13031  
officer has reasonable grounds to believe that the offense of 13032  
domestic violence or the offense of violating a protection order 13033  
has been committed and reasonable cause to believe that family or 13034  
household members have committed the offense against each other, 13035  
it is the preferred course of action in this state that the 13036  
officer, pursuant to division (B)(1) of this section, arrest and 13037  
detain until a warrant can be obtained the family or household 13038  
member who committed the offense and whom the officer has 13039  
reasonable cause to believe is the primary physical aggressor. 13040  
There is no preferred course of action in this state regarding any 13041  
other family or household member who committed the offense and 13042  
whom the officer does not have reasonable cause to believe is the 13043  
primary physical aggressor, but, pursuant to division (B)(1) of 13044  
this section, the peace officer may arrest and detain until a 13045  
warrant can be obtained any other family or household member who 13046  
committed the offense and whom the officer does not have 13047  
reasonable cause to believe is the primary physical aggressor. 13048

(c) If a peace officer described in division (A) of this 13049  
section does not arrest and detain a person whom the officer has 13050

reasonable cause to believe committed the offense of domestic 13051  
violence or the offense of violating a protection order when it is 13052  
the preferred course of action in this state pursuant to division 13053  
(B)(3)(b) of this section that the officer arrest that person, the 13054  
officer shall articulate in the written report of the incident 13055  
required by section 2935.032 of the Revised Code a clear statement 13056  
of the officer's reasons for not arresting and detaining that 13057  
person until a warrant can be obtained. 13058

(d) In determining for purposes of division (B)(3)(b) of this 13059  
section which family or household member is the primary physical 13060  
aggressor in a situation in which family or household members have 13061  
committed the offense of domestic violence or the offense of 13062  
violating a protection order against each other, a peace officer 13063  
described in division (A) of this section, in addition to any 13064  
other relevant circumstances, should consider all of the 13065  
following: 13066

(i) Any history of domestic violence or of any other violent 13067  
acts by either person involved in the alleged offense that the 13068  
officer reasonably can ascertain; 13069

(ii) If violence is alleged, whether the alleged violence was 13070  
caused by a person acting in self-defense; 13071

(iii) Each person's fear of physical harm, if any, resulting 13072  
from the other person's threatened use of force against any person 13073  
or resulting from the other person's use or history of the use of 13074  
force against any person, and the reasonableness of that fear; 13075

(iv) The comparative severity of any injuries suffered by the 13076  
persons involved in the alleged offense. 13077

(e)(i) A peace officer described in division (A) of this 13078  
section shall not require, as a prerequisite to arresting or 13079  
charging a person who has committed the offense of domestic 13080  
violence or the offense of violating a protection order, that the 13081

victim of the offense specifically consent to the filing of 13082  
charges against the person who has committed the offense or sign a 13083  
complaint against the person who has committed the offense. 13084

(ii) If a person is arrested for or charged with committing 13085  
the offense of domestic violence or the offense of violating a 13086  
protection order and if the victim of the offense does not 13087  
cooperate with the involved law enforcement or prosecuting 13088  
authorities in the prosecution of the offense or, subsequent to 13089  
the arrest or the filing of the charges, informs the involved law 13090  
enforcement or prosecuting authorities that the victim does not 13091  
wish the prosecution of the offense to continue or wishes to drop 13092  
charges against the alleged offender relative to the offense, the 13093  
involved prosecuting authorities, in determining whether to 13094  
continue with the prosecution of the offense or whether to dismiss 13095  
charges against the alleged offender relative to the offense and 13096  
notwithstanding the victim's failure to cooperate or the victim's 13097  
wishes, shall consider all facts and circumstances that are 13098  
relevant to the offense, including, but not limited to, the 13099  
statements and observations of the peace officers who responded to 13100  
the incident that resulted in the arrest or filing of the charges 13101  
and of all witnesses to that incident. 13102

(f) In determining pursuant to divisions (B)(3)(a) to (g) of 13103  
this section whether to arrest a person pursuant to division 13104  
(B)(1) of this section, a peace officer described in division (A) 13105  
of this section shall not consider as a factor any possible 13106  
shortage of cell space at the detention facility to which the 13107  
person will be taken subsequent to the person's arrest or any 13108  
possibility that the person's arrest might cause, contribute to, 13109  
or exacerbate overcrowding at that detention facility or at any 13110  
other detention facility. 13111

(g) If a peace officer described in division (A) of this 13112  
section intends pursuant to divisions (B)(3)(a) to (g) of this 13113

section to arrest a person pursuant to division (B)(1) of this 13114  
section and if the officer is unable to do so because the person 13115  
is not present, the officer promptly shall seek a warrant for the 13116  
arrest of the person. 13117

(h) If a peace officer described in division (A) of this 13118  
section responds to a report of an alleged incident of the offense 13119  
of domestic violence or an alleged incident of the offense of 13120  
violating a protection order and if the circumstances of the 13121  
incident involved the use or threatened use of a deadly weapon or 13122  
any person involved in the incident brandished a deadly weapon 13123  
during or in relation to the incident, the deadly weapon that was 13124  
used, threatened to be used, or brandished constitutes contraband, 13125  
and, to the extent possible, the officer shall seize the deadly 13126  
weapon as contraband pursuant to Chapter 2981. of the Revised 13127  
Code. Upon the seizure of a deadly weapon pursuant to division 13128  
(B)(3)(h) of this section, section 2981.12 of the Revised Code 13129  
shall apply regarding the treatment and disposition of the deadly 13130  
weapon. For purposes of that section, the "underlying criminal 13131  
offense" that was the basis of the seizure of a deadly weapon 13132  
under division (B)(3)(h) of this section and to which the deadly 13133  
weapon had a relationship is any of the following that is 13134  
applicable: 13135

(i) The alleged incident of the offense of domestic violence 13136  
or the alleged incident of the offense of violating a protection 13137  
order to which the officer who seized the deadly weapon responded; 13138

(ii) Any offense that arose out of the same facts and 13139  
circumstances as the report of the alleged incident of the offense 13140  
of domestic violence or the alleged incident of the offense of 13141  
violating a protection order to which the officer who seized the 13142  
deadly weapon responded. 13143

(4) If, in the circumstances described in divisions (B)(3)(a) 13144  
to (g) of this section, a peace officer described in division (A) 13145

of this section arrests and detains a person pursuant to division 13146  
(B)(1) of this section, or if, pursuant to division (B)(3)(h) of 13147  
this section, a peace officer described in division (A) of this 13148  
section seizes a deadly weapon, the officer, to the extent 13149  
described in and in accordance with section 9.86 or 2744.03 of the 13150  
Revised Code, is immune in any civil action for damages for 13151  
injury, death, or loss to person or property that arises from or 13152  
is related to the arrest and detention or the seizure. 13153

(C) When there is reasonable ground to believe that a 13154  
violation of division (A)(1), (2), (3), (4), or (5) of section 13155  
4506.15 or a violation of section 4511.19 of the Revised Code has 13156  
been committed by a person operating a motor vehicle subject to 13157  
regulation by the public utilities commission of Ohio under Title 13158  
XLIX of the Revised Code, a peace officer with authority to 13159  
enforce that provision of law may stop or detain the person whom 13160  
the officer has reasonable cause to believe was operating the 13161  
motor vehicle in violation of the division or section and, after 13162  
investigating the circumstances surrounding the operation of the 13163  
vehicle, may arrest and detain the person. 13164

(D) If a sheriff, deputy sheriff, marshal, deputy marshal, 13165  
municipal police officer, member of a police force employed by a 13166  
metropolitan housing authority under division (D) of section 13167  
3735.31 of the Revised Code, member of a police force employed by 13168  
a regional transit authority under division (Y) of section 306.35 13169  
of the Revised Code, special police officer employed by a port 13170  
authority under section 4582.04 or 4582.28 of the Revised Code, 13171  
special police officer employed by a municipal corporation at a 13172  
municipal airport or other municipal air navigation facility 13173  
described in division (A) of this section, township constable, 13174  
police officer of a township or joint township police district, 13175  
state university law enforcement officer appointed under section 13176  
3345.04 of the Revised Code, peace officer of the department of 13177

natural resources, individual designated to perform law 13178  
enforcement duties under section 511.232, 1545.13, or 6101.75 of 13179  
the Revised Code, the house sergeant at arms if the house sergeant 13180  
at arms has arrest authority pursuant to division (E)(1) of 13181  
section 101.311 of the Revised Code, or an assistant house 13182  
sergeant at arms is authorized by division (A) or (B) of this 13183  
section to arrest and detain, within the limits of the political 13184  
subdivision, metropolitan housing authority housing project, 13185  
regional transit authority facilities or those areas of a 13186  
municipal corporation that have been agreed to by a regional 13187  
transit authority and a municipal corporation located within its 13188  
territorial jurisdiction, port authority, municipal airport or 13189  
other municipal air navigation facility, college, or university in 13190  
which the officer is appointed, employed, or elected or within the 13191  
limits of the territorial jurisdiction of the peace officer, a 13192  
person until a warrant can be obtained, the peace officer, outside 13193  
the limits of that territory, may pursue, arrest, and detain that 13194  
person until a warrant can be obtained if all of the following 13195  
apply: 13196

(1) The pursuit takes place without unreasonable delay after 13197  
the offense is committed; 13198

(2) The pursuit is initiated within the limits of the 13199  
political subdivision, metropolitan housing authority housing 13200  
project, regional transit authority facilities or those areas of a 13201  
municipal corporation that have been agreed to by a regional 13202  
transit authority and a municipal corporation located within its 13203  
territorial jurisdiction, port authority, municipal airport or 13204  
other municipal air navigation facility, college, or university in 13205  
which the peace officer is appointed, employed, or elected or 13206  
within the limits of the territorial jurisdiction of the peace 13207  
officer; 13208

(3) The offense involved is a felony, a misdemeanor of the 13209

first degree or a substantially equivalent municipal ordinance, a 13210  
misdemeanor of the second degree or a substantially equivalent 13211  
municipal ordinance, or any offense for which points are 13212  
chargeable pursuant to section 4510.036 of the Revised Code. 13213

(E) In addition to the authority granted under division (A) 13214  
or (B) of this section: 13215

(1) A sheriff or deputy sheriff may arrest and detain, until 13216  
a warrant can be obtained, any person found violating section 13217  
4503.11, 4503.21, or 4549.01, sections 4549.08 to 4549.12, section 13218  
4549.62, or Chapter 4511. or 4513. of the Revised Code on the 13219  
portion of any street or highway that is located immediately 13220  
adjacent to the boundaries of the county in which the sheriff or 13221  
deputy sheriff is elected or appointed. 13222

(2) A member of the police force of a township police 13223  
district created under section 505.48 of the Revised Code, a 13224  
member of the police force of a joint township police district 13225  
created under section 505.481 of the Revised Code, or a township 13226  
constable appointed in accordance with section 509.01 of the 13227  
Revised Code, who has received a certificate from the Ohio peace 13228  
officer training commission under section 109.75 of the Revised 13229  
Code, may arrest and detain, until a warrant can be obtained, any 13230  
person found violating any section or chapter of the Revised Code 13231  
listed in division (E)(1) of this section, other than sections 13232  
4513.33 and 4513.34 of the Revised Code, on the portion of any 13233  
street or highway that is located immediately adjacent to the 13234  
boundaries of the township police district or joint township 13235  
police district, in the case of a member of a township police 13236  
district or joint township police district police force, or the 13237  
unincorporated territory of the township, in the case of a 13238  
township constable. However, if the population of the township 13239  
that created the township police district served by the member's 13240  
police force, or the townships that created the joint township 13241

police district served by the member's police force, or the 13242  
township that is served by the township constable, is sixty 13243  
thousand or less, the member of the township police district or 13244  
joint police district police force or the township constable may 13245  
not make an arrest under division (E)(2) of this section on a 13246  
state highway that is included as part of the interstate system. 13247

(3) A police officer or village marshal appointed, elected, 13248  
or employed by a municipal corporation may arrest and detain, 13249  
until a warrant can be obtained, any person found violating any 13250  
section or chapter of the Revised Code listed in division (E)(1) 13251  
of this section on the portion of any street or highway that is 13252  
located immediately adjacent to the boundaries of the municipal 13253  
corporation in which the police officer or village marshal is 13254  
appointed, elected, or employed. 13255

(4) A peace officer of the department of natural resources or 13256  
an individual designated to perform law enforcement duties under 13257  
section 511.232, 1545.13, or 6101.75 of the Revised Code may 13258  
arrest and detain, until a warrant can be obtained, any person 13259  
found violating any section or chapter of the Revised Code listed 13260  
in division (E)(1) of this section, other than sections 4513.33 13261  
and 4513.34 of the Revised Code, on the portion of any street or 13262  
highway that is located immediately adjacent to the boundaries of 13263  
the lands and waters that constitute the territorial jurisdiction 13264  
of the peace officer. 13265

(F)(1) A department of mental health special police officer 13266  
or a department of mental retardation and developmental 13267  
disabilities special police officer may arrest without a warrant 13268  
and detain until a warrant can be obtained any person found 13269  
committing on the premises of any institution under the 13270  
jurisdiction of the particular department a misdemeanor under a 13271  
law of the state. 13272

A department of mental health special police officer or a 13273



department of mental retardation and developmental disabilities 13274  
special police officer may arrest without a warrant and detain 13275  
until a warrant can be obtained any person who has been 13276  
hospitalized, institutionalized, or confined in an institution 13277  
under the jurisdiction of the particular department pursuant to or 13278  
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 13279  
2945.40, 2945.401, or 2945.402 of the Revised Code and who is 13280  
found committing on the premises of any institution under the 13281  
jurisdiction of the particular department a violation of section 13282  
2921.34 of the Revised Code that involves an escape from the 13283  
premises of the institution. 13284

(2)(a) If a department of mental health special police 13285  
officer or a department of mental retardation and developmental 13286  
disabilities special police officer finds any person who has been 13287  
hospitalized, institutionalized, or confined in an institution 13288  
under the jurisdiction of the particular department pursuant to or 13289  
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 13290  
2945.40, 2945.401, or 2945.402 of the Revised Code committing a 13291  
violation of section 2921.34 of the Revised Code that involves an 13292  
escape from the premises of the institution, or if there is 13293  
reasonable ground to believe that a violation of section 2921.34 13294  
of the Revised Code has been committed that involves an escape 13295  
from the premises of an institution under the jurisdiction of the 13296  
department of mental health or the department of mental 13297  
retardation and developmental disabilities and if a department of 13298  
mental health special police officer or a department of mental 13299  
retardation and developmental disabilities special police officer 13300  
has reasonable cause to believe that a particular person who has 13301  
been hospitalized, institutionalized, or confined in the 13302  
institution pursuant to or under authority of section 2945.37, 13303  
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 13304  
Revised Code is guilty of the violation, the special police 13305  
officer, outside of the premises of the institution, may pursue, 13306

arrest, and detain that person for that violation of section 13307  
2921.34 of the Revised Code, until a warrant can be obtained, if 13308  
both of the following apply: 13309

(i) The pursuit takes place without unreasonable delay after 13310  
the offense is committed; 13311

(ii) The pursuit is initiated within the premises of the 13312  
institution from which the violation of section 2921.34 of the 13313  
Revised Code occurred. 13314

(b) For purposes of division (F)(2)(a) of this section, the 13315  
execution of a written statement by the administrator of the 13316  
institution in which a person had been hospitalized, 13317  
institutionalized, or confined pursuant to or under authority of 13318  
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 13319  
2945.402 of the Revised Code alleging that the person has escaped 13320  
from the premises of the institution in violation of section 13321  
2921.34 of the Revised Code constitutes reasonable ground to 13322  
believe that the violation was committed and reasonable cause to 13323  
believe that the person alleged in the statement to have committed 13324  
the offense is guilty of the violation. 13325

(G) As used in this section: 13326

(1) A "department of mental health special police officer" 13327  
means a special police officer of the department of mental health 13328  
designated under section 5119.14 of the Revised Code who is 13329  
certified by the Ohio peace officer training commission under 13330  
section 109.77 of the Revised Code as having successfully 13331  
completed an approved peace officer basic training program. 13332

(2) A "department of mental retardation and developmental 13333  
disabilities special police officer" means a special police 13334  
officer of the department of mental retardation and developmental 13335  
disabilities designated under section 5123.13 of the Revised Code 13336  
who is certified by the Ohio peace officer training council under 13337

section 109.77 of the Revised Code as having successfully completed an approved peace officer basic training program. 13338  
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(3) "Deadly weapon" has the same meaning as in section 2923.11 of the Revised Code. 13340  
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(4) "Family or household member" has the same meaning as in section 2919.25 of the Revised Code. 13342  
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(5) "Street" or "highway" has the same meaning as in section 4511.01 of the Revised Code. 13344  
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(6) "Interstate system" has the same meaning as in section 5516.01 of the Revised Code. 13346  
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(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. 13348  
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(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. 13358  
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**Sec. 3109.04.** (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 13361  
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the parental rights and responsibilities for the care of the minor 13368  
children of the marriage. Subject to division (D)(2) of this 13369  
section, the court may allocate the parental rights and 13370  
responsibilities for the care of the children in either of the 13371  
following ways: 13372

(1) If neither parent files a pleading or motion in 13373  
accordance with division (G) of this section, if at least one 13374  
parent files a pleading or motion under that division but no 13375  
parent who filed a pleading or motion under that division also 13376  
files a plan for shared parenting, or if at least one parent files 13377  
both a pleading or motion and a shared parenting plan under that 13378  
division but no plan for shared parenting is in the best interest 13379  
of the children, the court, in a manner consistent with the best 13380  
interest of the children, shall allocate the parental rights and 13381  
responsibilities for the care of the children primarily to one of 13382  
the parents, designate that parent as the residential parent and 13383  
the legal custodian of the child, and divide between the parents 13384  
the other rights and responsibilities for the care of the 13385  
children, including, but not limited to, the responsibility to 13386  
provide support for the children and the right of the parent who 13387  
is not the residential parent to have continuing contact with the 13388  
children. 13389

(2) If at least one parent files a pleading or motion in 13390  
accordance with division (G) of this section and a plan for shared 13391  
parenting pursuant to that division and if a plan for shared 13392  
parenting is in the best interest of the children and is approved 13393  
by the court in accordance with division (D)(1) of this section, 13394  
the court may allocate the parental rights and responsibilities 13395  
for the care of the children to both parents and issue a shared 13396  
parenting order requiring the parents to share all or some of the 13397  
aspects of the physical and legal care of the children in 13398  
accordance with the approved plan for shared parenting. If the 13399

court issues a shared parenting order under this division and it 13400  
is necessary for the purpose of receiving public assistance, the 13401  
court shall designate which one of the parents' residences is to 13402  
serve as the child's home. The child support obligations of the 13403  
parents under a shared parenting order issued under this division 13404  
shall be determined in accordance with Chapters 3119., 3121., 13405  
3123., and 3125. of the Revised Code. 13406

(B)(1) When making the allocation of the parental rights and 13407  
responsibilities for the care of the children under this section 13408  
in an original proceeding or in any proceeding for modification of 13409  
a prior order of the court making the allocation, the court shall 13410  
take into account that which would be in the best interest of the 13411  
children. In determining the child's best interest for purposes of 13412  
making its allocation of the parental rights and responsibilities 13413  
for the care of the child and for purposes of resolving any issues 13414  
related to the making of that allocation, the court, in its 13415  
discretion, may and, upon the request of either party, shall 13416  
interview in chambers any or all of the involved children 13417  
regarding their wishes and concerns with respect to the 13418  
allocation. 13419

(2) If the court interviews any child pursuant to division 13420  
(B)(1) of this section, all of the following apply: 13421

(a) The court, in its discretion, may and, upon the motion of 13422  
either parent, shall appoint a guardian ad litem for the child. 13423

(b) The court first shall determine the reasoning ability of 13424  
the child. If the court determines that the child does not have 13425  
sufficient reasoning ability to express the child's wishes and 13426  
concern with respect to the allocation of parental rights and 13427  
responsibilities for the care of the child, it shall not determine 13428  
the child's wishes and concerns with respect to the allocation. If 13429  
the court determines that the child has sufficient reasoning 13430  
ability to express the child's wishes or concerns with respect to 13431

the allocation, it then shall determine whether, because of 13432  
special circumstances, it would not be in the best interest of the 13433  
child to determine the child's wishes and concerns with respect to 13434  
the allocation. If the court determines that, because of special 13435  
circumstances, it would not be in the best interest of the child 13436  
to determine the child's wishes and concerns with respect to the 13437  
allocation, it shall not determine the child's wishes and concerns 13438  
with respect to the allocation and shall enter its written 13439  
findings of fact and opinion in the journal. If the court 13440  
determines that it would be in the best interests of the child to 13441  
determine the child's wishes and concerns with respect to the 13442  
allocation, it shall proceed to make that determination. 13443

(c) The interview shall be conducted in chambers, and no 13444  
person other than the child, the child's attorney, the judge, any 13445  
necessary court personnel, and, in the judge's discretion, the 13446  
attorney of each parent shall be permitted to be present in the 13447  
chambers during the interview. 13448

(3) No person shall obtain or attempt to obtain from a child 13449  
a written or recorded statement or affidavit setting forth the 13450  
child's wishes and concerns regarding the allocation of parental 13451  
rights and responsibilities concerning the child. No court, in 13452  
determining the child's best interest for purposes of making its 13453  
allocation of the parental rights and responsibilities for the 13454  
care of the child or for purposes of resolving any issues related 13455  
to the making of that allocation, shall accept or consider a 13456  
written or recorded statement or affidavit that purports to set 13457  
forth the child's wishes and concerns regarding those matters. 13458

(C) Prior to trial, the court may cause an investigation to 13459  
be made as to the character, family relations, past conduct, 13460  
earning ability, and financial worth of each parent and may order 13461  
the parents and their minor children to submit to medical, 13462  
psychological, and psychiatric examinations. The report of the 13463

investigation and examinations shall be made available to either 13464  
parent or the parent's counsel of record not less than five days 13465  
before trial, upon written request. The report shall be signed by 13466  
the investigator, and the investigator shall be subject to 13467  
cross-examination by either parent concerning the contents of the 13468  
report. The court may tax as costs all or any part of the expenses 13469  
for each investigation. 13470

If the court determines that either parent previously has 13471  
been convicted of or pleaded guilty to any criminal offense 13472  
involving any act that resulted in a child being a neglected 13473  
child, that either parent previously has been determined to be the 13474  
perpetrator of the neglectful act that is the basis of an 13475  
adjudication that a child is a neglected child, or that there is 13476  
reason to believe that either parent has acted in a manner 13477  
resulting in a child being a neglected child, the court shall 13478  
consider that fact against naming that parent the residential 13479  
parent and against granting a shared parenting decree. When the 13480  
court allocates parental rights and responsibilities for the care 13481  
of children or determines whether to grant shared parenting in any 13482  
proceeding, it shall consider whether either parent or any member 13483  
of the household of either parent has been convicted of or pleaded 13484  
guilty to a violation of section 2919.25 of the Revised Code or a 13485  
sexually oriented offense involving a victim who at the time of 13486  
the commission of the offense was a member of the family or 13487  
household that is the subject of the proceeding, has been 13488  
convicted of or pleaded guilty to any sexually oriented offense or 13489  
other offense involving a victim who at the time of the commission 13490  
of the offense was a member of the family or household that is the 13491  
subject of the proceeding and caused physical harm to the victim 13492  
in the commission of the offense, or has been determined to be the 13493  
perpetrator of the abusive act that is the basis of an 13494  
adjudication that a child is an abused child. If the court 13495  
determines that either parent has been convicted of or pleaded 13496

guilty to a violation of section 2919.25 of the Revised Code or a 13497  
sexually oriented offense involving a victim who at the time of 13498  
the commission of the offense was a member of the family or 13499  
household that is the subject of the proceeding, has been 13500  
convicted of or pleaded guilty to any sexually oriented offense or 13501  
other offense involving a victim who at the time of the commission 13502  
of the offense was a member of the family or household that is the 13503  
subject of the proceeding and caused physical harm to the victim 13504  
in the commission of the offense, or has been determined to be the 13505  
perpetrator of the abusive act that is the basis of an 13506  
adjudication that a child is an abused child, it may designate 13507  
that parent as the residential parent and may issue a shared 13508  
parenting decree or order only if it determines that it is in the 13509  
best interest of the child to name that parent the residential 13510  
parent or to issue a shared parenting decree or order and it makes 13511  
specific written findings of fact to support its determination. 13512

(D)(1)(a) Upon the filing of a pleading or motion by either 13513  
parent or both parents, in accordance with division (G) of this 13514  
section, requesting shared parenting and the filing of a shared 13515  
parenting plan in accordance with that division, the court shall 13516  
comply with division (D)(1)(a)(i), (ii), or (iii) of this section, 13517  
whichever is applicable: 13518

(i) If both parents jointly make the request in their 13519  
pleadings or jointly file the motion and also jointly file the 13520  
plan, the court shall review the parents' plan to determine if it 13521  
is in the best interest of the children. If the court determines 13522  
that the plan is in the best interest of the children, the court 13523  
shall approve it. If the court determines that the plan or any 13524  
part of the plan is not in the best interest of the children, the 13525  
court shall require the parents to make appropriate changes to the 13526  
plan to meet the court's objections to it. If changes to the plan 13527  
are made to meet the court's objections, and if the new plan is in 13528



the best interest of the children, the court shall approve the 13529  
plan. If changes to the plan are not made to meet the court's 13530  
objections, or if the parents attempt to make changes to the plan 13531  
to meet the court's objections, but the court determines that the 13532  
new plan or any part of the new plan still is not in the best 13533  
interest of the children, the court may reject the portion of the 13534  
parents' pleadings or deny their motion requesting shared 13535  
parenting of the children and proceed as if the request in the 13536  
pleadings or the motion had not been made. The court shall not 13537  
approve a plan under this division unless it determines that the 13538  
plan is in the best interest of the children. 13539

(ii) If each parent makes a request in the parent's pleadings 13540  
or files a motion and each also files a separate plan, the court 13541  
shall review each plan filed to determine if either is in the best 13542  
interest of the children. If the court determines that one of the 13543  
filed plans is in the best interest of the children, the court may 13544  
approve the plan. If the court determines that neither filed plan 13545  
is in the best interest of the children, the court may order each 13546  
parent to submit appropriate changes to the parent's plan or both 13547  
of the filed plans to meet the court's objections, or may select 13548  
one of the filed plans and order each parent to submit appropriate 13549  
changes to the selected plan to meet the court's objections. If 13550  
changes to the plan or plans are submitted to meet the court's 13551  
objections, and if any of the filed plans with the changes is in 13552  
the best interest of the children, the court may approve the plan 13553  
with the changes. If changes to the plan or plans are not 13554  
submitted to meet the court's objections, or if the parents submit 13555  
changes to the plan or plans to meet the court's objections but 13556  
the court determines that none of the filed plans with the 13557  
submitted changes is in the best interest of the children, the 13558  
court may reject the portion of the parents' pleadings or deny 13559  
their motions requesting shared parenting of the children and 13560  
proceed as if the requests in the pleadings or the motions had not 13561

been made. If the court approves a plan under this division, 13562  
either as originally filed or with submitted changes, or if the 13563  
court rejects the portion of the parents' pleadings or denies 13564  
their motions requesting shared parenting under this division and 13565  
proceeds as if the requests in the pleadings or the motions had 13566  
not been made, the court shall enter in the record of the case 13567  
findings of fact and conclusions of law as to the reasons for the 13568  
approval or the rejection or denial. Division (D)(1)(b) of this 13569  
section applies in relation to the approval or disapproval of a 13570  
plan under this division. 13571

(iii) If each parent makes a request in the parent's 13572  
pleadings or files a motion but only one parent files a plan, or 13573  
if only one parent makes a request in the parent's pleadings or 13574  
files a motion and also files a plan, the court in the best 13575  
interest of the children may order the other parent to file a plan 13576  
for shared parenting in accordance with division (G) of this 13577  
section. The court shall review each plan filed to determine if 13578  
any plan is in the best interest of the children. If the court 13579  
determines that one of the filed plans is in the best interest of 13580  
the children, the court may approve the plan. If the court 13581  
determines that no filed plan is in the best interest of the 13582  
children, the court may order each parent to submit appropriate 13583  
changes to the parent's plan or both of the filed plans to meet 13584  
the court's objections or may select one filed plan and order each 13585  
parent to submit appropriate changes to the selected plan to meet 13586  
the court's objections. If changes to the plan or plans are 13587  
submitted to meet the court's objections, and if any of the filed 13588  
plans with the changes is in the best interest of the children, 13589  
the court may approve the plan with the changes. If changes to the 13590  
plan or plans are not submitted to meet the court's objections, or 13591  
if the parents submit changes to the plan or plans to meet the 13592  
court's objections but the court determines that none of the filed 13593  
plans with the submitted changes is in the best interest of the 13594

children, the court may reject the portion of the parents' 13595  
pleadings or deny the parents' motion or reject the portion of the 13596  
parents' pleadings or deny their motions requesting shared 13597  
parenting of the children and proceed as if the request or 13598  
requests or the motion or motions had not been made. If the court 13599  
approves a plan under this division, either as originally filed or 13600  
with submitted changes, or if the court rejects the portion of the 13601  
pleadings or denies the motion or motions requesting shared 13602  
parenting under this division and proceeds as if the request or 13603  
requests or the motion or motions had not been made, the court 13604  
shall enter in the record of the case findings of fact and 13605  
conclusions of law as to the reasons for the approval or the 13606  
rejection or denial. Division (D)(1)(b) of this section applies in 13607  
relation to the approval or disapproval of a plan under this 13608  
division. 13609

(b) The approval of a plan under division (D)(1)(a)(ii) or 13610  
(iii) of this section is discretionary with the court. The court 13611  
shall not approve more than one plan under either division and 13612  
shall not approve a plan under either division unless it 13613  
determines that the plan is in the best interest of the children. 13614  
If the court, under either division, does not determine that any 13615  
filed plan or any filed plan with submitted changes is in the best 13616  
interest of the children, the court shall not approve any plan. 13617

(c) Whenever possible, the court shall require that a shared 13618  
parenting plan approved under division (D)(1)(a)(i), (ii), or 13619  
(iii) of this section ensure the opportunity for both parents to 13620  
have frequent and continuing contact with the child, unless 13621  
frequent and continuing contact with any parent would not be in 13622  
the best interest of the child. 13623

(d) If a court approves a shared parenting plan under 13624  
division (D)(1)(a)(i), (ii), or (iii) of this section, the 13625  
approved plan shall be incorporated into a final shared parenting 13626

decree granting the parents the shared parenting of the children. 13627  
Any final shared parenting decree shall be issued at the same time 13628  
as and shall be appended to the final decree of dissolution, 13629  
divorce, annulment, or legal separation arising out of the action 13630  
out of which the question of the allocation of parental rights and 13631  
responsibilities for the care of the children arose. 13632

No provisional shared parenting decree shall be issued in 13633  
relation to any shared parenting plan approved under division 13634  
(D)(1)(a)(i), (ii), or (iii) of this section. A final shared 13635  
parenting decree issued under this division has immediate effect 13636  
as a final decree on the date of its issuance, subject to 13637  
modification or termination as authorized by this section. 13638

(2) If the court finds, with respect to any child under 13639  
eighteen years of age, that it is in the best interest of the 13640  
child for neither parent to be designated the residential parent 13641  
and legal custodian of the child, it may commit the child to a 13642  
relative of the child or certify a copy of its findings, together 13643  
with as much of the record and the further information, in 13644  
narrative form or otherwise, that it considers necessary or as the 13645  
juvenile court requests, to the juvenile court for further 13646  
proceedings, and, upon the certification, the juvenile court has 13647  
exclusive jurisdiction. 13648

(E)(1)(a) The court shall not modify a prior decree 13649  
allocating parental rights and responsibilities for the care of 13650  
children unless it finds, based on facts that have arisen since 13651  
the prior decree or that were unknown to the court at the time of 13652  
the prior decree, that a change has occurred in the circumstances 13653  
of the child, the child's residential parent, or either of the 13654  
parents subject to a shared parenting decree, and that the 13655  
modification is necessary to serve the best interest of the child. 13656  
In applying these standards, the court shall retain the 13657  
residential parent designated by the prior decree or the prior 13658

shared parenting decree, unless a modification is in the best interest of the child and one of the following applies:

(i) The residential parent agrees to a change in the residential parent or both parents under a shared parenting decree agree to a change in the designation of residential parent.

(ii) The child, with the consent of the residential parent or of both parents under a shared parenting decree, has been integrated into the family of the person seeking to become the residential parent.

(iii) The harm likely to be caused by a change of environment is outweighed by the advantages of the change of environment to the child.

(b) One or both of the parents under a prior decree allocating parental rights and responsibilities for the care of children that is not a shared parenting decree may file a motion requesting that the prior decree be modified to give both parents shared rights and responsibilities for the care of the children. The motion shall include both a request for modification of the prior decree and a request for a shared parenting order that complies with division (G) of this section. Upon the filing of the motion, if the court determines that a modification of the prior decree is authorized under division (E)(1)(a) of this section, the court may modify the prior decree to grant a shared parenting order, provided that the court shall not modify the prior decree to grant a shared parenting order unless the court complies with divisions (A) and (D)(1) of this section and, in accordance with those divisions, approves the submitted shared parenting plan and determines that shared parenting would be in the best interest of the children.

(2) In addition to a modification authorized under division (E)(1) of this section:

(a) Both parents under a shared parenting decree jointly may 13690  
modify the terms of the plan for shared parenting approved by the 13691  
court and incorporated by it into the shared parenting decree. 13692  
Modifications under this division may be made at any time. The 13693  
modifications to the plan shall be filed jointly by both parents 13694  
with the court, and the court shall include them in the plan, 13695  
unless they are not in the best interest of the children. If the 13696  
modifications are not in the best interests of the children, the 13697  
court, in its discretion, may reject the modifications or make 13698  
modifications to the proposed modifications or the plan that are 13699  
in the best interest of the children. Modifications jointly 13700  
submitted by both parents under a shared parenting decree shall be 13701  
effective, either as originally filed or as modified by the court, 13702  
upon their inclusion by the court in the plan. Modifications to 13703  
the plan made by the court shall be effective upon their inclusion 13704  
by the court in the plan. 13705

(b) The court may modify the terms of the plan for shared 13706  
parenting approved by the court and incorporated by it into the 13707  
shared parenting decree upon its own motion at any time if the 13708  
court determines that the modifications are in the best interest 13709  
of the children or upon the request of one or both of the parents 13710  
under the decree. Modifications under this division may be made at 13711  
any time. The court shall not make any modification to the plan 13712  
under this division, unless the modification is in the best 13713  
interest of the children. 13714

(c) The court may terminate a prior final shared parenting 13715  
decree that includes a shared parenting plan approved under 13716  
division (D)(1)(a)(i) of this section upon the request of one or 13717  
both of the parents or whenever it determines that shared 13718  
parenting is not in the best interest of the children. The court 13719  
may terminate a prior final shared parenting decree that includes 13720  
a shared parenting plan approved under division (D)(1)(a)(ii) or 13721

(iii) of this section if it determines, upon its own motion or 13722  
upon the request of one or both parents, that shared parenting is 13723  
not in the best interest of the children. If modification of the 13724  
terms of the plan for shared parenting approved by the court and 13725  
incorporated by it into the final shared parenting decree is 13726  
attempted under division (E)(2)(a) of this section and the court 13727  
rejects the modifications, it may terminate the final shared 13728  
parenting decree if it determines that shared parenting is not in 13729  
the best interest of the children. 13730

(d) Upon the termination of a prior final shared parenting 13731  
decree under division (E)(2)(c) of this section, the court shall 13732  
proceed and issue a modified decree for the allocation of parental 13733  
rights and responsibilities for the care of the children under the 13734  
standards applicable under divisions (A), (B), and (C) of this 13735  
section as if no decree for shared parenting had been granted and 13736  
as if no request for shared parenting ever had been made. 13737

(F)(1) In determining the best interest of a child pursuant 13738  
to this section, whether on an original decree allocating parental 13739  
rights and responsibilities for the care of children or a 13740  
modification of a decree allocating those rights and 13741  
responsibilities, the court shall consider all relevant factors, 13742  
including, but not limited to: 13743

(a) The wishes of the child's parents regarding the child's 13744  
care; 13745

(b) If the court has interviewed the child in chambers 13746  
pursuant to division (B) of this section regarding the child's 13747  
wishes and concerns as to the allocation of parental rights and 13748  
responsibilities concerning the child, the wishes and concerns of 13749  
the child, as expressed to the court; 13750

(c) The child's interaction and interrelationship with the 13751  
child's parents, siblings, and any other person who may 13752

significantly affect the child's best interest; 13753

(d) The child's adjustment to the child's home, school, and 13754  
community; 13755

(e) The mental and physical health of all persons involved in 13756  
the situation; 13757

(f) The parent more likely to honor and facilitate 13758  
court-approved parenting time rights or visitation and 13759  
companionship rights; 13760

(g) Whether either parent has failed to make all child 13761  
support payments, including all arrearages, that are required of 13762  
that parent pursuant to a child support order under which that 13763  
parent is an obligor; 13764

(h) Whether either parent or any member of the household of 13765  
either parent previously has been convicted of or pleaded guilty 13766  
to any criminal offense involving any act that resulted in a child 13767  
being an abused child or a neglected child; whether either parent, 13768  
in a case in which a child has been adjudicated an abused child or 13769  
a neglected child, previously has been determined to be the 13770  
perpetrator of the abusive or neglectful act that is the basis of 13771  
an adjudication; whether either parent or any member of the 13772  
household of either parent previously has been convicted of or 13773  
pleaded guilty to a violation of section 2919.25 of the Revised 13774  
Code or a sexually oriented offense involving a victim who at the 13775  
time of the commission of the offense was a member of the family 13776  
or household that is the subject of the current proceeding; 13777  
whether either parent or any member of the household of either 13778  
parent previously has been convicted of or pleaded guilty to any 13779  
offense involving a victim who at the time of the commission of 13780  
the offense was a member of the family or household that is the 13781  
subject of the current proceeding and caused physical harm to the 13782  
victim in the commission of the offense; and whether there is 13783



reason to believe that either parent has acted in a manner 13784  
resulting in a child being an abused child or a neglected child; 13785

(i) Whether the residential parent or one of the parents 13786  
subject to a shared parenting decree has continuously and 13787  
willfully denied the other parent's right to parenting time in 13788  
accordance with an order of the court; 13789

(j) Whether either parent has established a residence, or is 13790  
planning to establish a residence, outside this state. 13791

(2) In determining whether shared parenting is in the best 13792  
interest of the children, the court shall consider all relevant 13793  
factors, including, but not limited to, the factors enumerated in 13794  
division (F)(1) of this section, the factors enumerated in section 13795  
3119.23 of the Revised Code, and all of the following factors: 13796

(a) The ability of the parents to cooperate and make 13797  
decisions jointly, with respect to the children; 13798

(b) The ability of each parent to encourage the sharing of 13799  
love, affection, and contact between the child and the other 13800  
parent; 13801

(c) Any history of, or potential for, child abuse, spouse 13802  
abuse, other domestic violence, or parental kidnapping by either 13803  
parent; 13804

(d) The geographic proximity of the parents to each other, as 13805  
the proximity relates to the practical considerations of shared 13806  
parenting; 13807

(e) The recommendation of the guardian ad litem of the child, 13808  
if the child has a guardian ad litem. 13809

(3) When allocating parental rights and responsibilities for 13810  
the care of children, the court shall not give preference to a 13811  
parent because of that parent's financial status or condition. 13812

(G) Either parent or both parents of any children may file a 13813

pleading or motion with the court requesting the court to grant 13814  
both parents shared parental rights and responsibilities for the 13815  
care of the children in a proceeding held pursuant to division (A) 13816  
of this section. If a pleading or motion requesting shared 13817  
parenting is filed, the parent or parents filing the pleading or 13818  
motion also shall file with the court a plan for the exercise of 13819  
shared parenting by both parents. If each parent files a pleading 13820  
or motion requesting shared parenting but only one parent files a 13821  
plan or if only one parent files a pleading or motion requesting 13822  
shared parenting and also files a plan, the other parent as 13823  
ordered by the court shall file with the court a plan for the 13824  
exercise of shared parenting by both parents. The plan for shared 13825  
parenting shall be filed with the petition for dissolution of 13826  
marriage, if the question of parental rights and responsibilities 13827  
for the care of the children arises out of an action for 13828  
dissolution of marriage, or, in other cases, at a time at least 13829  
thirty days prior to the hearing on the issue of the parental 13830  
rights and responsibilities for the care of the children. A plan 13831  
for shared parenting shall include provisions covering all factors 13832  
that are relevant to the care of the children, including, but not 13833  
limited to, provisions covering factors such as physical living 13834  
arrangements, child support obligations, provision for the 13835  
children's medical and dental care, school placement, and the 13836  
parent with which the children will be physically located during 13837  
legal holidays, school holidays, and other days of special 13838  
importance. 13839

(H) If an appeal is taken from a decision of a court that 13840  
grants or modifies a decree allocating parental rights and 13841  
responsibilities for the care of children, the court of appeals 13842  
shall give the case calendar priority and handle it expeditiously. 13843

(I) Upon receipt of an order to active military service in 13844  
the uniformed services, a parent who is subject to an order 13845

allocating parental rights and responsibilities or in relation to 13846  
whom an action to allocate parental rights and responsibilities is 13847  
pending and who is ordered to active military service shall notify 13848  
the other parent who is subject to the order or in relation to 13849  
whom the case is pending of the order to active military service. 13850  
Either parent may apply to the court for a hearing to expedite an 13851  
allocation or modification proceeding. The application shall 13852  
include the date on which the active military service begins. 13853

The court shall schedule a hearing upon receipt of the 13854  
application and hold the hearing not later than thirty days after 13855  
receipt of the application, except that the court shall give the 13856  
case calendar priority and handle the case expeditiously if 13857  
exigent circumstances exist in the case. 13858

The court shall not modify a prior decree allocating parental 13859  
rights and responsibilities unless the court determines by clear 13860  
and convincing evidence that there has been a change in 13861  
circumstances of the child, the child's residential parent, or 13862  
either of the parents subject to a shared parenting decree, and 13863  
that modification is necessary to serve the best interest of the 13864  
child. The court shall not consider active military service in the 13865  
uniformed services in determining whether a change in 13866  
circumstances exists under this section. 13867

Nothing in this division shall prevent a court from issuing a 13868  
temporary order allocating or modifying parental rights and 13869  
responsibilities for the duration of the parent's active military 13870  
service. 13871

(J) As used in this section: 13872

(1) "Abused child" has the same meaning as in section 13873  
2151.031 of the Revised Code, and "neglected, 13874

(2) "Active military service" means the performance of active 13875  
military duty by a member of the uniformed services for a period 13876

of more than thirty days. 13877

(3) "Neglected child" has the same meaning as in section 13878  
2151.03 of the Revised Code. 13879

~~(2)~~(4) "Sexually oriented offense" has the same meaning as in 13880  
section 2950.01 of the Revised Code. 13881

(5) "Uniformed services" means the United States armed 13882  
forces, army national guard and air national guard when engaged in 13883  
active duty for training, or the commissioned corps of the United 13884  
States public health service. 13885

~~(J)~~(K) As used in the Revised Code, "shared parenting" means 13886  
that the parents share, in the manner set forth in the plan for 13887  
shared parenting that is approved by the court under division 13888  
(D)(1) and described in division ~~(K)~~(L)(6) of this section, all or 13889  
some of the aspects of physical and legal care of their children. 13890

~~(K)~~(L) For purposes of the Revised Code: 13891

(1) A parent who is granted the care, custody, and control of 13892  
a child under an order that was issued pursuant to this section 13893  
prior to April 11, 1991, and that does not provide for shared 13894  
parenting has "custody of the child" and "care, custody, and 13895  
control of the child" under the order, and is the "residential 13896  
parent," the "residential parent and legal custodian," or the 13897  
"custodial parent" of the child under the order. 13898

(2) A parent who primarily is allocated the parental rights 13899  
and responsibilities for the care of a child and who is designated 13900  
as the residential parent and legal custodian of the child under 13901  
an order that is issued pursuant to this section on or after April 13902  
11, 1991, and that does not provide for shared parenting has 13903  
"custody of the child" and "care, custody, and control of the 13904  
child" under the order, and is the "residential parent," the 13905  
"residential parent and legal custodian," or the "custodial 13906  
parent" of the child under the order. 13907

(3) A parent who is not granted custody of a child under an order that was issued pursuant to this section prior to 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.

(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.

(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.

(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.

(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 13940  
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 13941  
1, as amended, or as the residential parent for purposes of 13942  
receiving public assistance pursuant to division (A)(2) of this 13943  
section, does not affect the designation pursuant to division 13944  
~~(K)~~(L)(6) of this section of each parent as the "residential 13945  
parent," the "residential parent and legal custodian," or the 13946  
"custodial parent" of the child. 13947

~~(L)~~(M) The court shall require each parent of a child to file 13948  
an affidavit attesting as to whether the parent, and the members 13949  
of the parent's household, have been convicted of or pleaded 13950  
guilty to any of the offenses identified in divisions (C) and 13951  
(F)(1)(h) of this section. 13952

**Sec. 3109.041.** (A) Parties to any custody decree issued 13953  
pursuant to section 3109.04 of the Revised Code prior to ~~the~~ 13954  
~~effective date of this amendment~~ April 11, 1991, may file a motion 13955  
with the court that issued the decree requesting the issuance of a 13956  
shared parenting decree in accordance with division (G) of section 13957  
3109.04 of the Revised Code. Upon the filing of the motion, the 13958  
court shall determine whether to grant the parents shared rights 13959  
and responsibilities for the care of the children in accordance 13960  
with divisions (A), (D)(1), ~~and~~ (E)(1), and (I) of section 3109.04 13961  
of the Revised Code. 13962

(B) A custody decree issued pursuant to section 3109.04 of 13963  
the Revised Code prior to ~~the effective date of this amendment~~ 13964  
April 11, 1991, that granted joint care, custody, and control of 13965  
the children to the parents shall not be affected or invalidated 13966  
by, and shall not be construed as being affected or invalidated 13967  
by, the provisions of section 3109.04 of the Revised Code relative 13968  
to the granting of a shared parenting decree or a decree 13969  
allocating parental rights and responsibilities for the care of 13970

children on and after ~~the effective date of this amendment~~ April 13971  
11, 1991. The decree issued prior to ~~the effective date of this~~ 13972  
~~amendment~~ April 11, 1991 shall remain in full force and effect, 13973  
subject to modification or termination pursuant to section 3109.04 13974  
of the Revised Code as that section exists on and after ~~the~~ 13975  
~~effective date of this amendment~~ April 11, 1991. 13976

(C) As used in this section, "joint custody" and "joint care, 13977  
custody, and control" have the same meaning as "shared parenting." 13978

**Sec. 3119.022.** When a court or child support enforcement 13979  
agency calculates the amount of child support to be paid pursuant 13980  
to a child support order in a proceeding in which one parent is 13981  
the residential parent and legal custodian of all of the children 13982  
who are the subject of the child support order or in which the 13983  
court issues a shared parenting order, the court or agency shall 13984  
use a worksheet identical in content and form to the following: 13985

CHILD SUPPORT COMPUTATION WORKSHEET 13986

SOLE RESIDENTIAL PARENT OR SHARED PARENTING ORDER 13987

Name of parties ..... 13988

Case No. .... 13989

Number of minor children ..... 13990

The following parent was designated as residential parent and 13991

legal custodian: ..... mother ..... father ..... shared 13992

Column I Column II Column III 13993

Father Mother Combined 13994

INCOME: 13995

1.a. Annual gross income from 13996

employment or, when 13997

determined appropriate 13998

by the court or agency, 13999

average annual gross income 14000

from employment over a	14001
reasonable period of years.	14002
(Exclude overtime, bonuses,	14003
self-employment income, or	14004
commissions)..... \$..... \$.....	14005
b. Amount of overtime,	14006
bonuses, and commissions	14007
(year 1 representing the	14008
most recent year)	14009
Father	14010
Yr. 3 \$.....	14011
(Three years ago)	14012
Yr. 2 \$.....	14013
(Two years ago)	14014
Yr. 1 \$.....	14015
(Last calendar year)	14016
Average \$.....	14017
Mother	14018
Yr. 3 \$.....	14019
(Three years ago)	14020
Yr. 2 \$.....	14021
(Two years ago)	14022
Yr. 1 \$.....	14023
(Last calendar year)	14024
Average \$.....	14025
(Include in Col. I and/or	14026
Col. II the average of the	14027
three years or the year 1	14028
amount, whichever is less,	14029
if there exists a reasonable	14030
expectation that the total	14031
earnings from overtime and/or	14032
bonuses during the current	14033
calendar year will meet or	
exceed the amount that is	
the lower of the average	
of the three years or the	
year 1 amount. If, however,	
there exists a reasonable	
expectation that the total	
earnings from overtime/	



bonuses during the current			14034
calendar year will be less			14035
than the lower of the average			14036
of the 3 years or the year 1			14037
amount, include only the			14038
amount reasonably expected			14039
to be earned this year.)... \$..... \$.....			14040
			14041
2. For self-employment income:			14042
a. Gross receipts from			14043
business..... \$..... \$.....			14044
b. Ordinary and necessary			14045
business expenses..... \$..... \$.....			14046
c. 5.6% of adjusted gross			14047
income or the actual			14048
marginal difference between			14049
the actual rate paid by the			14050
self-employed individual			14051
and the F.I.C.A. rate ..... \$..... \$.....			14052
d. Adjusted gross income from			14053
self-employment (subtract			14054
the sum of 2b and 2c from			14055
2a)..... \$..... \$.....			14056
			14057
3. Annual income from interest			14058
and dividends (whether or			14059
not taxable)..... \$..... \$.....			14060
			14061
4. Annual income from			14062
unemployment compensation... \$..... \$.....			14063
			14064
5. Annual income from workers'			14065
compensation, disability			14066

insurance benefits, or social			14067
security disability/			14068
retirement benefits.....	\$.....	\$.....	14069
			14070
6. Other annual income			14071
(identify).....	\$.....	\$.....	14072
			14073
7.a. Total annual gross income			14074
(add lines 1a, 1b, 2d, and			14075
3-6).....	\$.....	\$.....	14076
b. <u>Health care maximum (multiply</u>			14077
<u>line 7a by 5%)</u>	<u>\$.....</u>	<u>\$.....</u>	14078
			14079
ADJUSTMENTS TO INCOME:			14080
8. Adjustment for minor children			14081
born to or adopted by either			14082
parent and another parent who			14083
are living with this parent;			14084
adjustment does not apply			14085
to stepchildren (number of			14086
children times federal income			14087
tax exemption less child			14088
support received, not to			14089
exceed the federal tax			14090
exemption).....	\$.....	\$.....	14091
			14092
9. Annual court-ordered support			14093
paid for other children....	\$.....	\$.....	14094
			14095
10. Annual court-ordered spousal			14096
support paid to any spouse			14097
or former spouse.....	\$.....	\$.....	14098
			14099

11. Amount of local income taxes			14100
actually paid or estimated			14101
to be paid.....	\$.....	\$.....	14102
			14103
12. Mandatory work-related			14104
deductions such as union			14105
dues, uniform fees, etc.			14106
(not including taxes, social			14107
security, or retirement)...	\$.....	\$.....	14108
			14109
13. Total gross income			14110
adjustments (add lines			14111
8 through 12).....	\$.....	\$.....	14112
			14113
14. Adjusted annual gross			14114
income (subtract line 13			14115
from line 7a).....	\$.....	\$.....	14116
			14117
15. Combined annual income that			14118
is basis for child support			14119
order (add line 14, Col. I			14120
and Col. II).....		\$.....	14121
			14122
16. Percentage of parent's			14123
income to total income			14124
a. Father (divide line 14,			14125
Col. I, by line 15, Col.			14126
III).....%			14127
b. Mother (divide line 14,			14128
Col. II, by line 15, Col.			14129
III).....%			14130
			14131
17. Basic combined child			14132

support obligation (refer		14133
to schedule, first column,		14134
locate the amount nearest		14135
to the amount on line 15,		14136
Col. III, then refer to		14137
column for number of		14138
children in this family.		14139
If the income of the		14140
parents is more than one		14141
sum but less than another,		14142
you may calculate the		14143
difference.).....	\$.....	14144
		14145
18. Annual support obligation per parent		14146
a. Father (multiply line 17,		14147
Col. III, by line 16a).....	\$.....	14148
b. Mother (multiply line 17,		14149
Col. III, by line 16b).....	\$.....	14150
		14151
19. Annual child care expenses		14152
for children who are the		14153
subject of this order that		14154
are work-, employment		14155
training-, or education-		14156
related, as approved by		14157
the court or agency		14158
(deduct tax credit from		14159
annual cost, whether or		14160
not claimed).....	\$.....	14161
	\$.....	14162
20. <del>Marginal, out of pocket</del>		14163
<del>costs, necessary to provide</del>		14164
<del>for health insurance for</del>		14165

<del>the children who are the</del>	14166
<del>subject of this order</del>	14167
<u>Actual out-of-pocket</u>	14168
<u>health insurance cost</u>	14169
<u>to parent for the children</u>	14170
<u>who are the subject of</u>	14171
<u>this order, if the parent</u>	14172
<u>is ordered to provide</u>	14173
<u>health insurance</u> ..... \$..... \$.....	14174
	14175

21. ADJUSTMENTS TO CHILD SUPPORT WHEN HEALTH INSURANCE IS PROVIDED:

Father (only if obligor	Mother (only if obligor	14177
or shared parenting)	or shared parenting)	14178
a. Additions: line 16a	b. Additions: line 16b	14179
times sum of amounts	times sum of amounts	14180
shown on line 19, Col. II	shown on line 19, Col. I	14181
and line 20, Col. II	and line 20, Col. I	14182
\$.....	\$.....	14183
c. Subtractions: line 16b	d. Subtractions: line 16a	14184
times sum of amounts	times sum of amounts	14185
shown on line 19, Col. I	shown on line 19, Col. II	14186
and line 20, Col. I	and line 20, Col. II	14187
\$.....	\$.....	14188
		14189

22. OBLIGATION AFTER ADJUSTMENTS TO CHILD SUPPORT WHEN HEALTH INSURANCE IS PROVIDED:

a. Father: line 18a plus or	14191
minus the difference between	14192
line 21a minus line 21c	14193
..... \$.....	14194
b. Mother: line 18b plus or	14195
minus the difference between	14196
line 21b minus line 21d	14197

.....	\$.....	14198
		14199
23. ACTUAL ANNUAL OBLIGATION <u>WHEN HEALTH INSURANCE IS PROVIDED:</u>		14200
a. (Line 22a or 22b, whichever		14201
line corresponds to the		14202
parent who is the obligor). \$.....		14203
b. Any non-means-tested		14204
benefits, including social		14205
security and veterans'		14206
benefits, paid to and		14207
received by a child or a		14208
person on behalf of the		14209
child due to death,		14210
disability, or retirement		14211
of the parent..... \$.....		14212
c. Actual annual obligation		14213
(subtract line 23b from		14214
line 23a)..... \$.....		14215
		14216
24. ADJUSTMENTS TO CHILD SUPPORT WHEN HEALTH INSURANCE IS NOT		14217
PROVIDED:		
<u>Father (only if obligor</u>	<u>Mother (only if obligor</u>	14218
<u>or shared parenting)</u>	<u>or shared parenting)</u>	14219
a. <u>Additions: line 16a times</u>	b. <u>Additions: line 16b times</u>	14220
<u>amount shown on line 19,</u>	<u>amount shown on line 19,</u>	14221
<u>Col. II</u>	<u>Col. I</u>	14222
<u>\$.....</u>	<u>\$.....</u>	14223
c. <u>Subtractions: line 16b</u>	d. <u>Subtractions: line 16a</u>	14224
<u>times amount shown on</u>	<u>times amount shown on</u>	14225
<u>line 19, Col. I</u>	<u>line 19, Col. II</u>	14226
<u>\$.....</u>	<u>\$.....</u>	14227
		14228
<u>25. OBLIGATION AFTER ADJUSTMENTS TO CHILD SUPPORT</u>		14229

<u>WHEN HEALTH INSURANCE IS NOT PROVIDED:</u>	14230
a. <u>Father: line 18a plus or</u>	14231
<u>minus the difference between</u>	
<u>line 24a minus line 24c</u>	
..... \$.....	14232
b. <u>Mother: line 18b plus or</u>	14233
<u>minus the difference between</u>	
<u>line 24b and 24d</u>	
..... \$.....	14234
	14235
26. <u>ACTUAL ANNUAL OBLIGATION WHEN HEALTH INSURANCE IS NOT PROVIDED:</u>	14236
a. <u>(Line 25a or 25b, whichever</u>	14237
<u>line corresponds to the</u>	
<u>parent who is the</u>	
<u>obligor)</u>	\$..... 14238
b. <u>Any non-means-tested</u>	14239
<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>	\$..... 14240
c. <u>Actual annual obligation</u>	14241
<u>(subtract line 26b from line</u>	
<u>26a</u>	\$..... 14242
	14243
27.a. <u>Deviation from sole residential parent support amount shown</u>	14244
<u>on line 23c if amount would be unjust or inappropriate: (see</u>	14245
<u>section 3119.23 of the Revised Code.) (Specific facts and</u>	14246
<u>monetary value must be stated.)</u>	14247
.....	14248





annual share, line 25 <u>28</u> , by			
12) plus any processing			
charge			
.....	\$.....	<u>\$.....</u>	14267
			14268
<u>30. FINAL CASH MEDICAL SUPPORT</u>			14269
<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>	14270
			14271
<u>31. FOR DECREE: Cash medical</u>			14272
<u>support per month (divide</u>			
<u>line 30 by 12)</u>		<u>\$.....</u>	14273
Prepared by:			14274
Counsel: .....	Pro se: .....		14275
(For mother/father)			14276
CSEA: .....	Other: .....		14277
Worksheet Has Been Reviewed and Agreed To:			14278
.....	.....		14279
Mother	Date		14280
.....	.....		14281
Father	Date		14282
<b>Sec. 3119.023.</b> When a court or child support enforcement			14283
agency calculates the amount of child support to be paid pursuant			14284
to a court child support order in a proceeding in which the			14285
parents have split parental rights and responsibilities with			14286

respect to the children who are the subject of the child support	14287
order, the court or child support enforcement agency shall use a	14288
worksheet that is identical in content and form to the following:	14289
CHILD SUPPORT COMPUTATION WORKSHEET	14290
SPLIT PARENTAL RIGHTS AND RESPONSIBILITIES	14291
Name of parties .....	14292
Case No. ....	14293
Number of minor children .....	14294
Number of minor children with mother .....	14295
Column I	14296
Column II	14296
Column III	14296
Father	14297
Mother	14297
Combined	14297
INCOME:	14298
1.a. Annual gross income from	14299
employment or, when	14300
determined appropriate	14301
by the court or agency,	14302
average annual gross income	14303
from employment over a	14304
reasonable period of years.	14305
(Exclude overtime, bonuses,	14306
self-employment income, or	14307
commissions).....	14308
\$.....	14308
\$.....	14308
b. Amount of overtime,	14309
bonuses, and commissions	14310
(year 1 representing the	14311
most recent year)	14312
Father	14313
Mother	14313
Yr. 3 \$.....	14314
(Three years ago)	14315
Yr. 2 \$.....	14316
(Two years ago)	14317
Yr. 3 \$.....	14314
(Three years ago)	14315
Yr. 2 \$.....	14316
(Two years ago)	14317

Yr. 1 \$.....	Yr. 1 \$.....	14318
(Last calendar year)	(Last calendar year)	14319
Average \$.....	\$.....	14320
(Include in Col. I and/or		14321
Col. II the average of the		14322
three years or the year 1		14323
amount, whichever is less,		14324
if there exists a reasonable		14325
expectation that the total		14326
earnings from overtime and/or		14327
bonuses during the current		14328
calendar year will meet or		14329
exceed the amount that is		14330
the lower of the average		14331
of the three years or the		14332
year 1 amount. If, however,		14333
there exists a reasonable		14334
expectation that the total		14335
earnings from overtime/		14336
bonuses during the current		14337
calendar year will be less		14338
than the lower of the average		14339
of the 3 years or the year 1		14340
amount, include only the		14341
amount reasonably expected		14342
to be earned this year.)... \$..... \$.....		14343
		14344
2. For self-employment income		14345
a. Gross receipts from		14346
business..... \$..... \$.....		14347
b. Ordinary and necessary		14348
business expenses..... \$..... \$.....		14349
c. 5.6% of adjusted gross		14350

income or the actual			14351
marginal difference between			14352
the actual rate paid by the			14353
self-employed individual			14354
and the F.I.C.A. rate .....	\$.....	\$.....	14355
d. Adjusted gross income from			14356
self-employment (subtract			14357
the sum of 2b and 2c from			14358
2a).....	\$.....	\$.....	14359
			14360
3. Annual income from interest			14361
and dividends (whether or			14362
not taxable).....	\$.....	\$.....	14363
			14364
4. Annual income from			14365
unemployment compensation...	\$.....	\$.....	14366
			14367
5. Annual income from workers'			14368
compensation, disability			14369
insurance benefits or social			14370
security disability			14371
retirement benefits.....	\$.....	\$.....	14372
			14373
6. Other annual income			14374
(identify).....	\$.....	\$.....	14375
			14376
7. <u>a.</u> Total annual gross income			14377
(add lines 1a, 1b, 2d, and			14378
3-6).....	\$.....	\$.....	14379
b. <u>Health care maximum</u>			14380
<u>(multiply line 7a</u>			14381
<u>by 5%)</u>	<u>\$.....</u>	<u>\$.....</u>	14382
			14383

ADJUSTMENTS TO INCOME:			14384
8. Adjustment for minor children			14385
born to or adopted by either			14386
parent and another parent who			14387
are living with this parent;			14388
adjustment does not apply			14389
to stepchildren (number of			14390
children times federal income			14391
tax exemption less child			14392
support received, not to			14393
exceed the federal tax			14394
exemption).....	\$.....	\$.....	14395
			14396
9. Annual court-ordered support			14397
paid for other children....	\$.....	\$.....	14398
			14399
10. Annual court-ordered spousal			14400
support paid to any spouse			14401
or former spouse.....	\$.....	\$.....	14402
			14403
11. Amount of local income taxes			14404
actually paid or estimated			14405
to be paid.....	\$.....	\$.....	14406
			14407
12. Mandatory work-related			14408
deductions such as union			14409
dues, uniform fees, etc.			14410
(not including taxes, social			14411
security, or retirement)...	\$.....	\$.....	14412
			14413
13. Total gross income			14414
adjustments (add lines			14415
8 through 12).....	\$.....	\$.....	14416

	14417
14. Adjusted annual gross	14418
income (subtract line 13	14419
from 7a)..... \$..... \$.....	14420
	14421
15. Combined annual income that	14422
is basis for child support	14423
order (add line 14, Col. I	14424
and Col. II)..... \$.....	14425
	14426
16. Percentage of parent's	14427
income to total income	14428
a. Father (divide line 14,	14429
Col. I, by line 15, Col.	14430
III).....%	14431
b. Mother (divide line 14,	14432
Col. II, by line 15, Col.	14433
III).....%	14434
	14435
17. Basic combined child	14436
support obligation (refer	14437
to schedule, first column,	14438
locate the amount nearest	14439
to the amount on line 15,	14440
Col. III, then refer to	14441
column for number of	14442
children with this parent.	14443
If the income of the	14444
parents is more than one	14445
sum but less than another,	14446
you may calculate the	14447
difference).....	14448
	14449

	For children	For children	14450
	for whom the	for whom the	14451
	mother is the	father is the	14452
	residential	residential	14453
	parent and	parent and	14454
	legal custodian	legal custodian	14455
	\$.....	\$.....	14456
			14457
18.	Annual support obligation per parent		14458
a.	Of father for children for		14459
	whom mother is the		14460
	residential parent and		14461
	legal custodian (multiply		14462
	line 17, Col. I, by line		14463
	16a).....	\$.....	14464
b.	Of mother for children for		14465
	whom the father is the		14466
	residential parent and		14467
	legal custodian (multiply		14468
	line 17, Col. II, by line		14469
	16b).....	\$.....	14470
			14471
19.	Annual child care expenses		14472
	for children who are the		14473
	subject of this order that		14474
	are work-, employment		14475
	training-, or education-		14476
	related, as approved by		14477
	the court or agency		14478
	(deduct tax credit from		14479
	annual cost whether or		14480
	not claimed).....	Paid by	14481
		father	14482
		mother	

	\$.....	\$.....	14483
			14484
20. <del>Marginal, out-of-pocket</del>			14485
<del>costs, necessary to provide</del>			14486
<del>for health insurance for</del>			14487
<del>the children who are the</del>			14488
<del>subject of this order.....</del>			14489
<u>Actual out-of-pocket health</u>			14490
<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	Paid by	14491
	father	mother	14492
	\$.....	\$.....	14493
			14494
21. ADJUSTMENTS TO CHILD SUPPORT <u>WHEN HEALTH INSURANCE IS</u>			14495
<u>PROVIDED:</u>			
Father	Mother		14496
a. Additions: line 16a	b. Additions: line 16b		14497
times sum of amounts	times sum of amounts		14498
shown on line 19, Col. II	shown on line 19, Col. I		14499
and line 20, Col. II	and line 20, Col. I		14500
\$.....	\$.....		14501
c. Subtractions: line 16b	d. Subtractions: line 16a		14502
times sum of amounts	times sum of amounts		14503
shown on line 19, Col. I	shown on line 19, Col. II		14504
and line 20, Col. I	and line 20, Col. II		14505
\$.....	\$.....		14506
			14507
22. ACTUAL ANNUAL OBLIGATION <u>WHEN HEALTH INSURANCE IS PROVIDED:</u>			14508
a. Father: line 18a plus line			14509
21a minus line 21c (if the			14510



amount on line 21c is	14511
greater than or equal to	14512
the amount on line 21a--	14513
enter the number on line	14514
18a in Col. I)..... \$.....	14515
b. Any non-means-tested	14516
benefits, including social	14517
security and veterans'	14518
benefits, paid to and	14519
received by children for	14520
whom the mother is the	14521
residential parent and	14522
legal custodian or a person	14523
on behalf of those children	14524
due to death, disability,	14525
or retirement of the	14526
father..... \$.....	14527
c. Actual annual obligation of	14528
father (subtract line 22b	14529
from line 22a)..... \$.....	14530
d. Mother: line 18b plus line	14531
21b minus line 21d (if the	14532
amount on line 21d is	14533
greater than or equal to	14534
the amount on line	14535
21b--enter the number on	14536
line 18b in Col. II)..... \$.....	14537
e. Any non-means-tested	14538
benefits, including social	14539
security and veterans'	14540
benefits, paid to and	14541
received by children for	14542
whom the father is the	14543

residential parent and		14544
legal custodian or a person		14545
on behalf of those children		14546
due to death, disability,		14547
or retirement of the		14548
mother.....	\$.....	14549
f. Actual annual obligation		14550
of mother (subtract line 22e		14551
from line 22d).....	\$.....	14552
g. Actual annual obligation		14553
payable (subtract lesser		14554
actual annual obligation		14555
from greater actual annual		14556
obligation using amounts in		14557
lines 22c and 22f to		14558
determine net child support		14559
payable).....	\$..... \$.....	14560
		14561
23. <u>ADJUSTMENTS TO CHILD SUPPORT WHEN HEALTH INSURANCE IS NOT</u>		14562
<u>PROVIDED:</u>		
<u>Father</u>	<u>Mother</u>	14563
a. <u>Additions: line 16a times</u>	b. <u>Additions: line 16b times</u>	14564
<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>	14565
c. <u>Subtractions: line 16b</u>	d. <u>Subtractions: line 16a times</u>	14566
<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>	14567
		14568
24. <u>ACTUAL ANNUAL OBLIGATION WHEN HEALTH INSURANCE IS NOT PROVIDED:</u>		14569
a. <u>Father: line 18a plus line</u>		14570
<u>23a minus line 23c (if the</u>		

	<u>amount on line 23c is greater than or equal to the amount on line 23a, enter the number on line 18a in Col. I)</u>	\$.....	14571
b.	<u>Any non-means-tested benefits, including social security and veterans' benefits, paid to and received by a child for whom the mother is the residential parent and legal custodian, or a person on behalf of the child, due to death, disability, or retirement of the father</u>	\$.....	14572
c.	<u>Actual annual obligation of the father (subtract line 24b from line 24a)</u>	\$.....	14573
d.	<u>Mother: line 18b plus line 23b minus 23d (if the amount on line 23d is greater than or equal to the amount on line 23b, enter the number on line 18b in Col. II)</u>	\$.....	14574
	.....	\$.....	14575
e.	<u>Any non-means-tested benefits, including social security and veterans' benefits, paid to and received by a child for whom the father is the residential parent and legal custodian,</u>		14576

	<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>		
	.....	\$.....	14579
f.	<u>Actual annual obligation of</u>		14580
	<u>the mother (subtract line 24e</u>		
	<u>from line 24d)</u>	\$.....	14581
g.	<u>Actual annual obligation</u>		14582
	<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>		
	.....	\$.....	\$.....
			14583
h.	<u>Add line 7b, Col. I, to line</u>		14584
	<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>		
	.....	\$.....	\$.....
			14585
			14586
25.	<u>Deviation from split residential parent guideline amount</u>		14587
	<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>		
	.....		14588
	.....		14589
	.....		14590
	.....		14591
		<u>WHEN</u>	<u>WHEN</u>
			14592



	14601
29. <u>FOR DECREE: Cash medical</u>	14602
<u>support per month (divide</u>	
<u>line 28 by 12)</u>	
<u>.....</u>	<u>\$.....</u> 14603
Prepared by:	14604
Counsel: .....	Pro se: ..... 14605
(For mother/father)	14606
CSEA: .....	Other: ..... 14607
Worksheet Has Been Reviewed and Agreed To:	14608
.....	..... 14609
Mother	Date 14610
.....	..... 14611
Father	Date 14612
<b>Sec. 3119.27. (A)</b> A court that issues or modifies a court	14613
support order, or an administrative agency that issues or modifies	14614
an administrative child support order, shall impose on the obligor	14615
under the support order a processing charge that is the greater of	14616
two per cent of the support payment to be collected under a	14617
support order or one dollar per month. No court or agency may call	14618
the charge a poundage fee.	14619
<u>(B) In each child support case that is a Title IV-D case, the</u>	14620
<u>department of job and family services shall claim twenty-five</u>	14621
<u>dollars from the processing charge described in division (A) of</u>	14622
<u>this section for federal reporting purposes if the obligee has</u>	14623
<u>never received assistance under Title IV-A and the department has</u>	14624
<u>collected at least five hundred dollars of child support for the</u>	14625
<u>obligee. The director of job and family services shall adopt rules</u>	14626
<u>under Chapter 119. of the Revised Code to implement this division,</u>	14627
<u>and the department shall implement this division not later than</u>	14628
<u>March 31, 2008.</u>	14629
<u>(C) As used in this section:</u>	14630

<u>(1) "Annual" means the period as defined in regulations</u>	14631
<u>issued by the United States secretary of health and human services</u>	14632
<u>to implement the Deficit Reduction Act of 2005 (P.L. 109-171).</u>	14633
<u>(2) "Title IV-A" has the same meaning as in section 5107.02</u>	14634
<u>of the Revised Code.</u>	14635
<u>(3) "Title IV-D case" has the same meaning as in section</u>	14636
<u>3125.01 of the Revised Code.</u>	14637
<b>Sec. 3119.29. (A)</b> As used in this section and sections	14638
3119.30 to 3119.56 of the Revised Code:	14639
<del>(A)</del> <u>(1) "Cash medical support" means an amount ordered to be</u>	14640
<u>paid in a child support order toward the cost of health insurance</u>	14641
<u>provided by a public entity, another parent, or person with whom</u>	14642
<u>the child resides, through employment or otherwise, or for other</u>	14643
<u>medical cost not covered by insurance.</u>	14644
<u>(2) "Federal poverty line" has the same meaning as defined in</u>	14645
<u>section 5104.01 of the Revised Code.</u>	14646
<u>(3) "Health care" means such medical support that includes</u>	14647
<u>coverage under a health insurance plan, payment of costs of</u>	14648
<u>premiums, co-payments, and deductibles, or payment for medical</u>	14649
<u>expenses incurred on behalf of the child.</u>	14650
<u>(4) "Health insurance coverage" means accessible health</u>	14651
<u>insurance that provides primary care services within either thirty</u>	14652
<u>miles or thirty minutes driving time from the residence of the</u>	14653
<u>child subject to the child support order.</u>	14654
<u>(5) "Health plan administrator" means any entity authorized</u>	14655
under Title XXXIX of the Revised Code to engage in the business of	14656
insurance in this state, any health insuring corporation, any	14657
legal entity that is self-insured and provides benefits to its	14658
employees or members, and the administrator of any such entity or	14659
corporation.	14660

~~(B)~~(6) "National medical support notice" means a form 14661  
required by the "Child Support Performance and Incentive Act of 14662  
1998," P.L. 105-200, 112 Stat. 659, 42 U.S.C. 666(a)(19), as 14663  
amended, and jointly developed and promulgated by the secretary of 14664  
health and human services and the secretary of labor in federal 14665  
regulations adopted under that act as modified by the department 14666  
of job and family services under section 3119.291 of the Revised 14667  
Code. 14668

~~(C)~~(7) "Person required to provide health insurance coverage" 14669  
means the obligor, obligee, or both, required by the court under a 14670  
court child support order or by the child support enforcement 14671  
agency under an administrative child support order to provide 14672  
health insurance coverage pursuant to section 3119.30 of the 14673  
Revised Code. 14674

(8) Subject to division (B) of this section, "reasonable 14675  
cost" means the cost of private family health insurance that does 14676  
not exceed an amount equal to five per cent of the annual gross 14677  
income of the person responsible for the health care of the 14678  
children subject to the child support order. 14679

(9) "Title XIX" has the same meaning as defined in section 14680  
5111.20 of the Revised Code. 14681

(B) If the United States secretary of health and human 14682  
services issues a regulation defining "reasonable cost" or a 14683  
similar term or phrase relevant to the provisions in child support 14684  
orders relating to the provision of health care for children 14685  
subject to the orders, and if that definition is substantively 14686  
different from the meaning of "reasonable cost" as defined in 14687  
division (A) of this section, "reasonable cost" as used in this 14688  
section shall have the meaning as defined by the United States 14689  
secretary of health and human services. 14690

**Sec. 3119.30. (A)** In any action or proceeding in which a 14691



child support order is issued or modified, the court, with respect 14692  
to court child support orders, and the child support enforcement 14693  
agency, with respect to administrative child support orders, shall 14694  
determine the person responsible for the health care of the 14695  
children subject to the child support order. The determination 14696  
shall be based on information provided to the court or to the 14697  
child support enforcement agency under section 3119.31 of the 14698  
Revised Code. The order shall include ~~one of the following:~~ 14699

~~(A) A requirement that the obligor under the child support 14700  
order obtain health insurance coverage for the children if 14701  
coverage is available at a reasonable cost through a group policy, 14702  
contract, or plan offered by the obligor's employer or through any 14703  
other group policy, contract, or plan available to the obligor and 14704  
is not available for a more reasonable cost through a group 14705  
policy, contract, or plan available to the obligee;~~ 14706

~~(B)(1) A requirement that the obligee obtain health insurance 14707  
coverage for the children if coverage is available through a group 14708  
policy, contract, or plan offered by the obligee's employer or 14709  
through any other group policy, contract, or plan available to the 14710  
obligee and is available at a more reasonable cost than coverage 14711  
is available to the obligor;~~ 14712

(C)(2) A requirement that the obligor under the child support 14713  
order obtain health insurance coverage for the children if 14714  
coverage is available at a reasonable cost through any group 14715  
policy, contract, or plan available to the obligor and, in the 14716  
alternative, if the court or child support enforcement agency 14717  
determines that health insurance coverage is not available at a 14718  
reasonable cost to the obligee or obligor, and that the gross 14719  
income of the obligor is over one hundred fifty per cent of the 14720  
federal poverty line, pay cash medical support that is five per 14721  
cent of the obligor's annual gross income to either the office of 14722  
child support in the department of job and family services to 14723

defray the cost of expenditures under Title XIX to provide health 14724  
care for the children, or the obligee if the children are not 14725  
receiving assistance under Title XIX; 14726

(3) If health insurance coverage for the children is not 14727  
available at a reasonable cost ~~through a group policy, contract,~~ 14728  
~~or plan offered by the obligor's or obligee's employer or through~~ 14729  
~~any other group policy, contract, or plan available to the obligor~~ 14730  
or the obligee, a requirement that the obligor and the obligee 14731  
share liability for the cost of the ~~medical and~~ health care needs 14732  
of the children, under an equitable formula established by the 14733  
court, with respect to a court child support order, or the child 14734  
support enforcement agency, with respect to an administrative 14735  
child support order, with appropriate offset of the amount of any 14736  
cash medical payment ordered pursuant to division (A)(2) of this 14737  
section, and a requirement that if, after the issuance of the 14738  
order, health insurance coverage for the children becomes 14739  
available at a reasonable cost ~~through a group policy, contract,~~ 14740  
~~or plan offered by the obligor's or obligee's employer or through~~ 14741  
any ~~other~~ group policy, contract, or plan available to the obligor 14742  
or obligee, the obligor or obligee to whom the coverage becomes 14743  
available immediately inform the court, with respect to a court 14744  
child support order, or the child support enforcement agency, with 14745  
respect to an administrative child support order; 14746

~~(D)~~(4) A requirement that both the obligor and the obligee 14747  
obtain health insurance coverage for the children if coverage is 14748  
available for the children at a reasonable cost to both the 14749  
obligor and the obligee and dual coverage would provide for 14750  
coordination of medical benefits without unnecessary duplication 14751  
of coverage. 14752

(B) The court, with respect to court child support orders, 14753  
and the child support enforcement agency, with respect to 14754  
administrative child support orders, may determine and include in 14755

an order issued under division (A) of this section that longer 14756  
travel times are permissible if residents in part or all of the 14757  
service area customarily travel distances farther than thirty 14758  
miles or thirty minutes driving time or that primary care services 14759  
are accessible only by public transportation. 14760

**Sec. 3123.23.** (A) The director of job and family services 14761  
shall adopt rules under Chapter 119. of the Revised Code to 14762  
implement a program to collect arrearages owed under child support 14763  
orders from insurance claims, settlements, awards, and payments 14764  
based on information obtained pursuant to Title IV-D of the Social 14765  
Security Act, 42 U.S.C. 652. 14766

(B) Any insurer and any director, agent, or employee 14767  
authorized to act on behalf of an insurer, that releases 14768  
information or makes a disclosure in accordance with rules adopted 14769  
pursuant to this section shall be immune from liability in a civil 14770  
action for harm resulting from the disclosure. 14771

(C) As used in this section, "insurer" has the same meaning 14772  
as in section 3901.32 of the Revised Code. 14773

**Sec. 3125.12.** Each child support enforcement agency shall 14774  
enter into a plan of cooperation with the board of county 14775  
commissioners under section 307.983 of the Revised Code and comply 14776  
with each ~~fiscal grant~~ agreement the board enters into under 14777  
~~section~~ sections 307.98 and 5101.21 and contracts the board enters 14778  
into under sections 307.981 and 307.982 of the Revised Code that 14779  
affect the agency. 14780

**Sec. 3301.0711.** (A) The department of education shall: 14781  
(1) Annually furnish to, grade, and score all tests required 14782  
by section 3301.0710 of the Revised Code to be administered by 14783  
city, local, exempted village, and joint vocational school 14784

districts, except that each district shall score any test 14785  
administered pursuant to division (B)(10) of this section. Each 14786  
test so furnished shall include the data verification code of the 14787  
student to whom the test will be administered, as assigned 14788  
pursuant to division (D)(2) of section 3301.0714 of the Revised 14789  
Code. In furnishing the practice versions of Ohio graduation tests 14790  
prescribed by division (F) of section 3301.0710 of the Revised 14791  
Code, the department shall make the tests available on its web 14792  
site for reproduction by districts. In awarding contracts for 14793  
grading tests, the department shall give preference to Ohio-based 14794  
entities employing Ohio residents. 14795

(2) Adopt rules for the ethical use of tests and prescribing 14796  
the manner in which the tests prescribed by section 3301.0710 of 14797  
the Revised Code shall be administered to students. 14798

(B) Except as provided in divisions (C) and (J) of this 14799  
section, the board of education of each city, local, and exempted 14800  
village school district shall, in accordance with rules adopted 14801  
under division (A) of this section: 14802

(1) Administer the reading test prescribed under division 14803  
(A)(1)(a) of section 3301.0710 of the Revised Code twice annually 14804  
to all students in the third grade who have not attained the score 14805  
designated for that test under division (A)(2)(c) of section 14806  
3301.0710 of the Revised Code. 14807

(2) Administer the mathematics test prescribed under division 14808  
(A)(1)(a) of section 3301.0710 of the Revised Code at least once 14809  
annually to all students in the third grade. 14810

(3) Administer the tests prescribed under division (A)(1)(b) 14811  
of section 3301.0710 of the Revised Code at least once annually to 14812  
all students in the fourth grade. 14813

(4) Administer the tests prescribed under division (A)(1)(c) 14814  
of section 3301.0710 of the Revised Code at least once annually to 14815

all students in the fifth grade. 14816

(5) Administer the tests prescribed under division (A)(1)(d) 14817  
of section 3301.0710 of the Revised Code at least once annually to 14818  
all students in the sixth grade. 14819

(6) Administer the tests prescribed under division (A)(1)(e) 14820  
of section 3301.0710 of the Revised Code at least once annually to 14821  
all students in the seventh grade. 14822

(7) Administer the tests prescribed under division (A)(1)(f) 14823  
of section 3301.0710 of the Revised Code at least once annually to 14824  
all students in the eighth grade. 14825

(8) Except as provided in division (B)(9) of this section, 14826  
administer any test prescribed under division (B) of section 14827  
3301.0710 of the Revised Code as follows: 14828

(a) At least once annually to all tenth grade students and at 14829  
least twice annually to all students in eleventh or twelfth grade 14830  
who have not yet attained the score on that test designated under 14831  
that division; 14832

(b) To any person who has successfully completed the 14833  
curriculum in any high school or the individualized education 14834  
program developed for the person by any high school pursuant to 14835  
section 3323.08 of the Revised Code but has not received a high 14836  
school diploma and who requests to take such test, at any time 14837  
such test is administered in the district. 14838

(9) In lieu of the board of education of any city, local, or 14839  
exempted village school district in which the student is also 14840  
enrolled, the board of a joint vocational school district shall 14841  
administer any test prescribed under division (B) of section 14842  
3301.0710 of the Revised Code at least twice annually to any 14843  
student enrolled in the joint vocational school district who has 14844  
not yet attained the score on that test designated under that 14845  
division. A board of a joint vocational school district may also 14846

administer such a test to any student described in division 14847  
(B)(8)(b) of this section. 14848

(10) If the district has been declared to be under an 14849  
academic watch or in a state of academic emergency pursuant to 14850  
section 3302.03 of the Revised Code or has a three-year average 14851  
graduation rate of not more than seventy-five per cent, administer 14852  
each test prescribed by division (F) of section 3301.0710 of the 14853  
Revised Code in September to all ninth grade students, beginning 14854  
in the school year that starts July 1, 2005. 14855

(C)(1)(a) Any student receiving special education services 14856  
under Chapter 3323. of the Revised Code may be excused from taking 14857  
any particular test required to be administered under this section 14858  
if the individualized education program developed for the student 14859  
pursuant to section 3323.08 of the Revised Code excuses the 14860  
student from taking that test and instead specifies an alternate 14861  
assessment method approved by the department of education as 14862  
conforming to requirements of federal law for receipt of federal 14863  
funds for disadvantaged pupils. To the extent possible, the 14864  
individualized education program shall not excuse the student from 14865  
taking a test unless no reasonable accommodation can be made to 14866  
enable the student to take the test. 14867

(b) Any alternate assessment approved by the department for a 14868  
student under this division shall produce measurable results 14869  
comparable to those produced by the tests which the alternate 14870  
assessments are replacing in order to allow for the student's 14871  
assessment results to be included in the data compiled for a 14872  
school district or building under section 3302.03 of the Revised 14873  
Code. 14874

(c) Any student enrolled in a chartered nonpublic school who 14875  
has been identified, based on an evaluation conducted in 14876  
accordance with section 3323.03 of the Revised Code or section 504 14877  
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 14878

794, as amended, as a child with a disability shall be excused 14879  
from taking any particular test required to be administered under 14880  
this section if a plan developed for the student pursuant to rules 14881  
adopted by the state board excuses the student from taking that 14882  
test. In the case of any student so excused from taking a test, 14883  
the chartered nonpublic school shall not prohibit the student from 14884  
taking the test. 14885

(2) A district board may, for medical reasons or other good 14886  
cause, excuse a student from taking a test administered under this 14887  
section on the date scheduled, but any such test shall be 14888  
administered to such excused student not later than nine days 14889  
following the scheduled date. The board shall annually report the 14890  
number of students who have not taken one or more of the tests 14891  
required by this section to the state board of education not later 14892  
than the thirtieth day of June. 14893

(3) As used in this division, "limited English proficient 14894  
student" has the same meaning as in 20 U.S.C. 7801. 14895

No school district board shall excuse any limited English 14896  
proficient student from taking any particular test required to be 14897  
administered under this section, except that any limited English 14898  
proficient student who has been enrolled in United States schools 14899  
for less than one full school year shall not be required to take 14900  
any such reading or writing test. However, no board shall prohibit 14901  
a limited English proficient student who is not required to take a 14902  
test under this division from taking the test. A board may permit 14903  
any limited English proficient student to take any test required 14904  
to be administered under this section with appropriate 14905  
accommodations, as determined by the department. For each limited 14906  
English proficient student, each school district shall annually 14907  
assess that student's progress in learning English, in accordance 14908  
with procedures approved by the department. 14909

The governing authority of a chartered nonpublic school may 14910

excuse a limited English proficient student from taking any test 14911  
administered under this section. However, no governing authority 14912  
shall prohibit a limited English proficient student from taking 14913  
the test. 14914

(D)(1) In the school year next succeeding the school year in 14915  
which the tests prescribed by division (A)(1) or (B) of section 14916  
3301.0710 of the Revised Code or former division (A)(1), (A)(2), 14917  
or (B) of section 3301.0710 of the Revised Code as it existed 14918  
prior to September 11, 2001, are administered to any student, the 14919  
board of education of any school district in which the student is 14920  
enrolled in that year shall provide to the student intervention 14921  
services commensurate with the student's test performance, 14922  
including any intensive intervention required under section 14923  
3313.608 of the Revised Code, in any skill in which the student 14924  
failed to demonstrate at least a score at the proficient level on 14925  
the test. 14926

(2) Following any administration of the tests prescribed by 14927  
division (F) of section 3301.0710 of the Revised Code to ninth 14928  
grade students, each school district that has a three-year average 14929  
graduation rate of not more than seventy-five per cent shall 14930  
determine for each high school in the district whether the school 14931  
shall be required to provide intervention services to any students 14932  
who took the tests. In determining which high schools shall 14933  
provide intervention services based on the resources available, 14934  
the district shall consider each school's graduation rate and 14935  
scores on the practice tests. The district also shall consider the 14936  
scores received by ninth grade students on the reading and 14937  
mathematics tests prescribed under division (A)(1)(f) of section 14938  
3301.0710 of the Revised Code in the eighth grade in determining 14939  
which high schools shall provide intervention services. 14940

Each high school selected to provide intervention services 14941  
under this division shall provide intervention services to any 14942



student whose test results indicate that the student is failing to 14943  
make satisfactory progress toward being able to attain scores at 14944  
the proficient level on the Ohio graduation tests. Intervention 14945  
services shall be provided in any skill in which a student 14946  
demonstrates unsatisfactory progress and shall be commensurate 14947  
with the student's test performance. Schools shall provide the 14948  
intervention services prior to the end of the school year, during 14949  
the summer following the ninth grade, in the next succeeding 14950  
school year, or at any combination of those times. 14951

(E) Except as provided in section 3313.608 of the Revised 14952  
Code and division (M) of this section, no school district board of 14953  
education shall utilize any student's failure to attain a 14954  
specified score on any test administered under this section as a 14955  
factor in any decision to deny the student promotion to a higher 14956  
grade level. However, a district board may choose not to promote 14957  
to the next grade level any student who does not take any test 14958  
administered under this section or make up such test as provided 14959  
by division (C)(2) of this section and who is not exempt from the 14960  
requirement to take the test under division (C)(3) of this 14961  
section. 14962

(F) No person shall be charged a fee for taking any test 14963  
administered under this section. 14964

(G)(1) Each school district board shall ~~submit~~ designate one 14965  
location for the collection of tests administered in the spring 14966  
under division (B)(1) of this section and the tests administered 14967  
under divisions (B)(2) to (7) of this section. Each district board 14968  
shall submit the tests to the entity with which the department 14969  
contracts for the scoring of the tests as follows: 14970

(a) If the district's total enrollment in grades kindergarten 14971  
through twelve during the first full school week of October was 14972  
less than two thousand five hundred, not later than the Friday 14973  
after the tests are administered, ~~except that;~~ 14974

(b) If the district's total enrollment in grades kindergarten through twelve during the first full school week of October was two thousand five hundred or more, but less than seven thousand, not later than the Monday after the tests are administered; 14975  
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(c) If the district's total enrollment in grades kindergarten through twelve during the first full school week of October was seven thousand or more, not later than the Tuesday after the tests are administered. 14979  
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However, any such test that a student takes during the make-up period described in division (C)(2) of this section shall be submitted not later than the Friday following the day the student takes the test. 14983  
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(2) The department or an entity with which the department contracts for the scoring of the test shall send to each school district board a list of the individual test scores of all persons taking any test prescribed by division (A)(1) or (B) of section 3301.0710 of the Revised Code within sixty days after its administration, but in no case shall the scores be returned later than the fifteenth day of June following the administration. For any tests administered under this section by a joint vocational school district, the department or entity shall also send to each city, local, or exempted village school district a list of the individual test scores of any students of such city, local, or exempted village school district who are attending school in the joint vocational school district. 14987  
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(H) Individual test scores on any tests administered under this section shall be released by a district board only in accordance with section 3319.321 of the Revised Code and the rules adopted under division (A) of this section. No district board or its employees shall utilize individual or aggregate test results in any manner that conflicts with rules for the ethical use of tests adopted pursuant to division (A) of this section. 15000  
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(I) Except as provided in division (G) of this section, the department or an entity with which the department contracts for the scoring of the test shall not release any individual test scores on any test administered under this section. The state board of education shall adopt rules to ensure the protection of student confidentiality at all times. The rules may require the use of the data verification codes assigned to students pursuant to division (D)(2) of section 3301.0714 of the Revised Code to protect the confidentiality of student test scores.

(J) Notwithstanding division (D) of section 3311.52 of the Revised Code, this section does not apply to the board of education of any cooperative education school district except as provided under rules adopted pursuant to this division.

(1) In accordance with rules that the state board of education shall adopt, the board of education of any city, exempted village, or local school district with territory in a cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code may enter into an agreement with the board of education of the cooperative education school district for administering any test prescribed under this section to students of the city, exempted village, or local school district who are attending school in the cooperative education school district.

(2) In accordance with rules that the state board of education shall adopt, the board of education of any city, exempted village, or local school district with territory in a cooperative education school district established pursuant to section 3311.521 of the Revised Code shall enter into an agreement with the cooperative district that provides for the administration of any test prescribed under this section to both of the following:

(a) Students who are attending school in the cooperative

district and who, if the cooperative district were not 15039  
established, would be entitled to attend school in the city, 15040  
local, or exempted village school district pursuant to section 15041  
3313.64 or 3313.65 of the Revised Code; 15042

(b) Persons described in division (B)(8)(b) of this section. 15043

Any testing of students pursuant to such an agreement shall 15044  
be in lieu of any testing of such students or persons pursuant to 15045  
this section. 15046

(K)(1) Any chartered nonpublic school may participate in the 15047  
testing program by administering any of the tests prescribed by 15048  
section 3301.0710 or 3301.0712 of the Revised Code if the chief 15049  
administrator of the school specifies which tests the school 15050  
wishes to administer. Such specification shall be made in writing 15051  
to the superintendent of public instruction prior to the first day 15052  
of August of any school year in which tests are administered and 15053  
shall include a pledge that the nonpublic school will administer 15054  
the specified tests in the same manner as public schools are 15055  
required to do under this section and rules adopted by the 15056  
department. 15057

(2) The department of education shall furnish the tests 15058  
prescribed by section 3301.0710 or 3301.0712 of the Revised Code 15059  
to any chartered nonpublic school electing to participate under 15060  
this division. 15061

(L)(1) The superintendent of the state school for the blind 15062  
and the superintendent of the state school for the deaf shall 15063  
administer the tests described by section 3301.0710 of the Revised 15064  
Code. Each superintendent shall administer the tests in the same 15065  
manner as district boards are required to do under this section 15066  
and rules adopted by the department of education and in conformity 15067  
with division (C)(1)(a) of this section. 15068

(2) The department of education shall furnish the tests 15069

described by section 3301.0710 of the Revised Code to each 15070  
superintendent. 15071

(M) Notwithstanding division (E) of this section, a school 15072  
district may use a student's failure to attain a score in at least 15073  
the basic range on the mathematics test described by division 15074  
(A)(1)(a) of section 3301.0710 of the Revised Code or on any of 15075  
the tests described by division (A)(1)(b), (c), (d), (e), or (f) 15076  
of section 3301.0710 of the Revised Code as a factor in retaining 15077  
that student in the current grade level. 15078

(N)(1) In the manner specified in divisions (N)(3) to (5) of 15079  
this section, the tests required by section 3301.0710 of the 15080  
Revised Code shall become public records pursuant to section 15081  
149.43 of the Revised Code on the first day of July following the 15082  
school year that the test was administered. 15083

(2) The department may field test proposed test questions 15084  
with samples of students to determine the validity, reliability, 15085  
or appropriateness of test questions for possible inclusion in a 15086  
future year's test. The department also may use anchor questions 15087  
on tests to ensure that different versions of the same test are of 15088  
comparable difficulty. 15089

Field test questions and anchor questions shall not be 15090  
considered in computing test scores for individual students. Field 15091  
test questions and anchor questions may be included as part of the 15092  
administration of any test required by section 3301.0710 of the 15093  
Revised Code. 15094

(3) Any field test question or anchor question administered 15095  
under division (N)(2) of this section shall not be a public 15096  
record. Such field test questions and anchor questions shall be 15097  
redacted from any tests which are released as a public record 15098  
pursuant to division (N)(1) of this section. 15099

(4) This division applies to the tests prescribed by division 15100

(A) of section 3301.0710 of the Revised Code. 15101

(a) The first administration of each test, as specified in 15102  
section 3301.0712 of the Revised Code, shall be a public record. 15103

(b) For subsequent administrations of each test, not less 15104  
than forty per cent of the questions on the test that are used to 15105  
compute a student's score shall be a public record. The department 15106  
shall determine which questions will be needed for reuse on a 15107  
future test and those questions shall not be public records and 15108  
shall be redacted from the test prior to its release as a public 15109  
record. However, for each redacted question, the department shall 15110  
inform each city, local, and exempted village school district of 15111  
the statewide academic standard adopted by the state board of 15112  
education under section 3301.079 of the Revised Code and the 15113  
corresponding benchmark to which the question relates. The 15114  
preceding sentence does not apply to field test questions that are 15115  
redacted under division (N)(3) of this section. 15116

(5) Each test prescribed by division (B) of section 3301.0710 15117  
of the Revised Code that is administered in the spring shall be a 15118  
public record. Each test prescribed by that division that is 15119  
administered in the fall or summer shall not be a public record. 15120

(0) As used in this section: 15121

(1) "Three-year average" means the average of the most recent 15122  
consecutive three school years of data. 15123

(2) "Dropout" means a student who withdraws from school 15124  
before completing course requirements for graduation and who is 15125  
not enrolled in an education program approved by the state board 15126  
of education or an education program outside the state. "Dropout" 15127  
does not include a student who has departed the country. 15128

(3) "Graduation rate" means the ratio of students receiving a 15129  
diploma to the number of students who entered ninth grade four 15130  
years earlier. Students who transfer into the district are added 15131

to the calculation. Students who transfer out of the district for 15132  
reasons other than dropout are subtracted from the calculation. If 15133  
a student who was a dropout in any previous year returns to the 15134  
same school district, that student shall be entered into the 15135  
calculation as if the student had entered ninth grade four years 15136  
before the graduation year of the graduating class that the 15137  
student joins. 15138

**Sec. 3301.0714.** (A) The state board of education shall adopt 15139  
rules for a statewide education management information system. The 15140  
rules shall require the state board to establish guidelines for 15141  
the establishment and maintenance of the system in accordance with 15142  
this section and the rules adopted under this section. The 15143  
guidelines shall include: 15144

(1) Standards identifying and defining the types of data in 15145  
the system in accordance with divisions (B) and (C) of this 15146  
section; 15147

(2) Procedures for annually collecting and reporting the data 15148  
to the state board in accordance with division (D) of this 15149  
section; 15150

(3) Procedures for annually compiling the data in accordance 15151  
with division (G) of this section; 15152

(4) Procedures for annually reporting the data to the public 15153  
in accordance with division (H) of this section. 15154

(B) The guidelines adopted under this section shall require 15155  
the data maintained in the education management information system 15156  
to include at least the following: 15157

(1) Student participation and performance data, for each 15158  
grade in each school district as a whole and for each grade in 15159  
each school building in each school district, that includes: 15160

(a) The numbers of students receiving each category of 15161

instructional service offered by the school district, such as 15162  
regular education instruction, vocational education instruction, 15163  
specialized instruction programs or enrichment instruction that is 15164  
part of the educational curriculum, instruction for gifted 15165  
students, instruction for handicapped students, and remedial 15166  
instruction. The guidelines shall require instructional services 15167  
under this division to be divided into discrete categories if an 15168  
instructional service is limited to a specific subject, a specific 15169  
type of student, or both, such as regular instructional services 15170  
in mathematics, remedial reading instructional services, 15171  
instructional services specifically for students gifted in 15172  
mathematics or some other subject area, or instructional services 15173  
for students with a specific type of handicap. The categories of 15174  
instructional services required by the guidelines under this 15175  
division shall be the same as the categories of instructional 15176  
services used in determining cost units pursuant to division 15177  
(C)(3) of this section. 15178

(b) The numbers of students receiving support or 15179  
extracurricular services for each of the support services or 15180  
extracurricular programs offered by the school district, such as 15181  
counseling services, health services, and extracurricular sports 15182  
and fine arts programs. The categories of services required by the 15183  
guidelines under this division shall be the same as the categories 15184  
of services used in determining cost units pursuant to division 15185  
(C)(4)(a) of this section. 15186

(c) Average student grades in each subject in grades nine 15187  
through twelve; 15188

(d) Academic achievement levels as assessed by the testing of 15189  
student achievement under sections 3301.0710 and 3301.0711 of the 15190  
Revised Code; 15191

(e) The number of students designated as having a 15192  
handicapping condition pursuant to division (C)(1) of section 15193



3301.0711 of the Revised Code;	15194
(f) The numbers of students reported to the state board	15195
pursuant to division (C)(2) of section 3301.0711 of the Revised	15196
Code;	15197
(g) Attendance rates and the average daily attendance for the	15198
year. For purposes of this division, a student shall be counted as	15199
present for any field trip that is approved by the school	15200
administration.	15201
(h) Expulsion rates;	15202
(i) Suspension rates;	15203
(j) The percentage of students receiving corporal punishment;	15204
(k) Dropout rates;	15205
(l) Rates of retention in grade;	15206
(m) For pupils in grades nine through twelve, the average	15207
number of carnegie units, as calculated in accordance with state	15208
board of education rules;	15209
(n) Graduation rates, to be calculated in a manner specified	15210
by the department of education that reflects the rate at which	15211
students who were in the ninth grade three years prior to the	15212
current year complete school and that is consistent with	15213
nationally accepted reporting requirements;	15214
(o) Results of diagnostic assessments administered to	15215
kindergarten students as required under section 3301.0715 of the	15216
Revised Code to permit a comparison of the academic readiness of	15217
kindergarten students. However, no district shall be required to	15218
report to the department the results of any diagnostic assessment	15219
administered to a kindergarten student if the parent of that	15220
student requests the district not to report those results.	15221
(2) Personnel and classroom enrollment data for each school	15222
district, including:	15223

(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to division (C)(3) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.

(b) The total number of employees and the number of full-time equivalent employees providing each category of service used pursuant to divisions (C)(4)(a) and (b) of this section, and the total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category used pursuant to division (C)(4)(c) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.

(c) The total number of regular classroom teachers teaching classes of regular education and the average number of pupils enrolled in each such class, in each of grades kindergarten through five in the district as a whole and in each school building in the school district.

(d) The number of master teachers employed by each school district and each school building, once a definition of master teacher has been developed by the educator standards board pursuant to section 3319.61 of the Revised Code.

(3)(a) Student demographic data for each school district,

including information regarding the gender ratio of the school 15256  
district's pupils, the racial make-up of the school district's 15257  
pupils, the number of limited English proficient students in the 15258  
district, and an appropriate measure of the number of the school 15259  
district's pupils who reside in economically disadvantaged 15260  
households. The demographic data shall be collected in a manner to 15261  
allow correlation with data collected under division (B)(1) of 15262  
this section. Categories for data collected pursuant to division 15263  
(B)(3) of this section shall conform, where appropriate, to 15264  
standard practices of agencies of the federal government. 15265

(b) With respect to each student entering kindergarten, 15266  
whether the student previously participated in a public preschool 15267  
program, a private preschool program, or a head start program, and 15268  
the number of years the student participated in each of these 15269  
programs. 15270

(4) Any data required to be collected pursuant to federal 15271  
law. 15272

(C) The education management information system shall include 15273  
cost accounting data for each district as a whole and for each 15274  
school building in each school district. The guidelines adopted 15275  
under this section shall require the cost data for each school 15276  
district to be maintained in a system of mutually exclusive cost 15277  
units and shall require all of the costs of each school district 15278  
to be divided among the cost units. The guidelines shall require 15279  
the system of mutually exclusive cost units to include at least 15280  
the following: 15281

(1) Administrative costs for the school district as a whole. 15282  
The guidelines shall require the cost units under this division 15283  
(C)(1) to be designed so that each of them may be compiled and 15284  
reported in terms of average expenditure per pupil in formula ADM 15285  
in the school district, as determined pursuant to section 3317.03 15286  
of the Revised Code. 15287

(2) Administrative costs for each school building in the 15288  
school district. The guidelines shall require the cost units under 15289  
this division (C)(2) to be designed so that each of them may be 15290  
compiled and reported in terms of average expenditure per 15291  
full-time equivalent pupil receiving instructional or support 15292  
services in each building. 15293

(3) Instructional services costs for each category of 15294  
instructional service provided directly to students and required 15295  
by guidelines adopted pursuant to division (B)(1)(a) of this 15296  
section. The guidelines shall require the cost units under 15297  
division (C)(3) of this section to be designed so that each of 15298  
them may be compiled and reported in terms of average expenditure 15299  
per pupil receiving the service in the school district as a whole 15300  
and average expenditure per pupil receiving the service in each 15301  
building in the school district and in terms of a total cost for 15302  
each category of service and, as a breakdown of the total cost, a 15303  
cost for each of the following components: 15304

(a) The cost of each instructional services category required 15305  
by guidelines adopted under division (B)(1)(a) of this section 15306  
that is provided directly to students by a classroom teacher; 15307

(b) The cost of the instructional support services, such as 15308  
services provided by a speech-language pathologist, classroom 15309  
aide, multimedia aide, or librarian, provided directly to students 15310  
in conjunction with each instructional services category; 15311

(c) The cost of the administrative support services related 15312  
to each instructional services category, such as the cost of 15313  
personnel that develop the curriculum for the instructional 15314  
services category and the cost of personnel supervising or 15315  
coordinating the delivery of the instructional services category. 15316

(4) Support or extracurricular services costs for each 15317  
category of service directly provided to students and required by 15318

guidelines adopted pursuant to division (B)(1)(b) of this section. 15319  
The guidelines shall require the cost units under division (C)(4) 15320  
of this section to be designed so that each of them may be 15321  
compiled and reported in terms of average expenditure per pupil 15322  
receiving the service in the school district as a whole and 15323  
average expenditure per pupil receiving the service in each 15324  
building in the school district and in terms of a total cost for 15325  
each category of service and, as a breakdown of the total cost, a 15326  
cost for each of the following components: 15327

(a) The cost of each support or extracurricular services 15328  
category required by guidelines adopted under division (B)(1)(b) 15329  
of this section that is provided directly to students by a 15330  
licensed employee, such as services provided by a guidance 15331  
counselor or any services provided by a licensed employee under a 15332  
supplemental contract; 15333

(b) The cost of each such services category provided directly 15334  
to students by a nonlicensed employee, such as janitorial 15335  
services, cafeteria services, or services of a sports trainer; 15336

(c) The cost of the administrative services related to each 15337  
services category in division (C)(4)(a) or (b) of this section, 15338  
such as the cost of any licensed or nonlicensed employees that 15339  
develop, supervise, coordinate, or otherwise are involved in 15340  
administering or aiding the delivery of each services category. 15341

(D)(1) The guidelines adopted under this section shall 15342  
require school districts to collect information about individual 15343  
students, staff members, or both in connection with any data 15344  
required by division (B) or (C) of this section or other reporting 15345  
requirements established in the Revised Code. The guidelines may 15346  
also require school districts to report information about 15347  
individual staff members in connection with any data required by 15348  
division (B) or (C) of this section or other reporting 15349  
requirements established in the Revised Code. The guidelines shall 15350

not authorize school districts to request social security numbers 15351  
of individual students. The guidelines shall prohibit the 15352  
reporting under this section of a student's name, address, and 15353  
social security number to the state board of education or the 15354  
department of education. The guidelines shall also prohibit the 15355  
reporting under this section of any personally identifiable 15356  
information about any student, except for the purpose of assigning 15357  
the data verification code required by division (D)(2) of this 15358  
section, to any other person unless such person is employed by the 15359  
school district or the information technology center operated 15360  
under section 3301.075 of the Revised Code and is authorized by 15361  
the district or technology center to have access to such 15362  
information or is employed by an entity with which the department 15363  
contracts for the scoring of tests administered under section 15364  
3301.0711 or 3301.0712 of the Revised Code. The guidelines may 15365  
require school districts to provide the social security numbers of 15366  
individual staff members. 15367

(2) The guidelines shall provide for each school district or 15368  
community school to assign a data verification code that is unique 15369  
on a statewide basis over time to each student whose initial Ohio 15370  
enrollment is in that district or school and to report all 15371  
required individual student data for that student utilizing such 15372  
code. The guidelines shall also provide for assigning data 15373  
verification codes to all students enrolled in districts or 15374  
community schools on the effective date of the guidelines 15375  
established under this section. 15376

Individual student data shall be reported to the department 15377  
through the information technology centers utilizing the code but, 15378  
except as provided in section 3310.11 of the Revised Code, at no 15379  
time shall the state board or the department have access to 15380  
information that would enable any data verification code to be 15381  
matched to personally identifiable student data. 15382

Each school district shall ensure that the data verification 15383  
code is included in the student's records reported to any 15384  
subsequent school district or community school in which the 15385  
student enrolls. Any such subsequent district or school shall 15386  
utilize the same identifier in its reporting of data under this 15387  
section. 15388

The director of health shall request and receive, pursuant to 15389  
sections 3301.0723 and 3701.62 of the Revised Code, a data 15390  
verification code for a child who is receiving services under 15391  
division (A)(2) of section 3701.61 of the Revised Code. 15392

A school district or community school shall submit to the 15393  
eTech Ohio commission the data verification code for each of its 15394  
enrolled students who is also enrolled in a course offered through 15395  
the clearinghouse established under section 3353.21 of the Revised 15396  
Code. 15397

(E) The guidelines adopted under this section may require 15398  
school districts to collect and report data, information, or 15399  
reports other than that described in divisions (A), (B), and (C) 15400  
of this section for the purpose of complying with other reporting 15401  
requirements established in the Revised Code. The other data, 15402  
information, or reports may be maintained in the education 15403  
management information system but are not required to be compiled 15404  
as part of the profile formats required under division (G) of this 15405  
section or the annual statewide report required under division (H) 15406  
of this section. 15407

(F) Beginning with the school year that begins July 1, 1991, 15408  
the board of education of each school district shall annually 15409  
collect and report to the state board, in accordance with the 15410  
guidelines established by the board, the data required pursuant to 15411  
this section. A school district may collect and report these data 15412  
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 15413

(G) The state board shall, in accordance with the procedures 15414  
it adopts, annually compile the data reported by each school 15415  
district pursuant to division (D) of this section. The state board 15416  
shall design formats for profiling each school district as a whole 15417  
and each school building within each district and shall compile 15418  
the data in accordance with these formats. These profile formats 15419  
shall: 15420

(1) Include all of the data gathered under this section in a 15421  
manner that facilitates comparison among school districts and 15422  
among school buildings within each school district; 15423

(2) Present the data on academic achievement levels as 15424  
assessed by the testing of student achievement maintained pursuant 15425  
to division (B)(1)(d) of this section. 15426

(H)(1) The state board shall, in accordance with the 15427  
procedures it adopts, annually prepare a statewide report for all 15428  
school districts and the general public that includes the profile 15429  
of each of the school districts developed pursuant to division (G) 15430  
of this section. Copies of the report shall be sent to each school 15431  
district. 15432

(2) The state board shall, in accordance with the procedures 15433  
it adopts, annually prepare an individual report for each school 15434  
district and the general public that includes the profiles of each 15435  
of the school buildings in that school district developed pursuant 15436  
to division (G) of this section. Copies of the report shall be 15437  
sent to the superintendent of the district and to each member of 15438  
the district board of education. 15439

(3) Copies of the reports received from the state board under 15440  
divisions (H)(1) and (2) of this section shall be made available 15441  
to the general public at each school district's offices. Each 15442  
district board of education shall make copies of each report 15443  
available to any person upon request and payment of a reasonable 15444



fee for the cost of reproducing the report. The board shall 15445  
annually publish in a newspaper of general circulation in the 15446  
school district, at least twice during the two weeks prior to the 15447  
week in which the reports will first be available, a notice 15448  
containing the address where the reports are available and the 15449  
date on which the reports will be available. 15450

(I) Any data that is collected or maintained pursuant to this 15451  
section and that identifies an individual pupil is not a public 15452  
record for the purposes of section 149.43 of the Revised Code. 15453

(J) As used in this section: 15454

~~(1) "School district" means any city, local, exempted 15455  
village, or joint vocational school district. 15456~~

~~(2) "Cost", "cost" means any expenditure for operating 15457  
expenses made by a school district excluding any expenditures for 15458  
debt retirement except for payments made to any commercial lending 15459  
institution for any loan approved pursuant to section 3313.483 of 15460  
the Revised Code. 15461~~

(K) Any person who removes data from the information system 15462  
established under this section for the purpose of releasing it to 15463  
any person not entitled under law to have access to such 15464  
information is subject to section 2913.42 of the Revised Code 15465  
prohibiting tampering with data. 15466

~~(L) Any time the department of education determines that a 15467  
school district has taken any of the actions described under 15468  
division (L)(1), (2), or (3) of this section, it shall make a 15469  
report of the actions of the district, send a copy of the report 15470  
to the superintendent of such school district, and maintain a copy 15471  
of the report in its files: 15472~~

~~(1) The school district fails to meet any deadline 15473  
established pursuant to this section for the reporting of any data 15474  
to the education management information system: 15475~~

~~(2) The school district fails to meet any deadline established pursuant to this section for the correction of any data reported to the education management information system;~~ 15476  
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~~(3) The school district reports data to the education management information system in a condition, as determined by the department, that indicates that the district did not make a good faith effort in reporting the data to the system.~~ 15479  
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~~Any report made under this division shall include recommendations for corrective action by the school district.~~ 15483  
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~~Upon making a report for the first time in a fiscal year, the department shall withhold ten per cent of the total amount due during that fiscal year under Chapter 3317. of the Revised Code to the school district to which the report applies. Upon making a second report in a fiscal year, the department shall withhold an additional twenty per cent of such total amount due during that fiscal year to the school district to which the report applies. The department shall not release such funds unless it determines that the district has taken corrective action. However, no such release of funds shall occur if the district fails to take corrective action within forty five days of the date upon which the report was made by the department.~~ 15485  
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(1) In accordance with division (L)(2) of this section, the department of education may sanction any school district that reports incomplete or inaccurate data, reports data that does not conform to data requirements and descriptions published by the department, fails to report data in a timely manner, or otherwise does not make a good faith effort to report data as required by this section. 15497  
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(2) If the department decides to sanction a school district under this division, the department shall take the following sequential actions: 15504  
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(a) Notify the district in writing that the department has 15507  
determined that data has not been reported as required under this 15508  
section and require the district to review its data submission and 15509  
submit corrected data by a deadline established by the department. 15510  
The department also may require the district to develop a 15511  
corrective action plan, which shall include provisions for the 15512  
district to provide mandatory staff training on data reporting 15513  
procedures. 15514

(b) Withhold up to ten per cent of the total amount due to 15515  
the district under Chapter 3317. of the Revised Code for the 15516  
current fiscal year and, if not previously required under division 15517  
(L)(2)(a) of this section, require the district to develop a 15518  
corrective action plan in accordance with that division; 15519

(c) Withhold an additional amount of up to twenty per cent of 15520  
the total amount due to the district under Chapter 3317. of the 15521  
Revised Code for the current fiscal year; 15522

(d) Direct department staff or an outside entity to 15523  
investigate the district's data reporting practices and make 15524  
recommendations for subsequent actions. The recommendations may 15525  
include one or more of the following actions: 15526

(i) Arrange for an audit of the district's data reporting 15527  
practices by department staff or an outside entity; 15528

(ii) Conduct a site visit and evaluation of the district; 15529

(iii) Withhold an additional amount of up to thirty per cent 15530  
of the total amount due to the district under Chapter 3317. of the 15531  
Revised Code for the current fiscal year; 15532

(iv) Continue monitoring the district's data reporting; 15533

(v) Assign department staff to supervise the district's data 15534  
management system; 15535

(vi) Conduct an investigation to determine whether to suspend 15536

or revoke the license of any district employee in accordance with 15537  
division (N) of this section; 15538

(vii) Indicate on the report card issued for the district 15539  
under section 3302.03 of the Revised Code that the district has 15540  
been sanctioned for failing to report data as required by this 15541  
section; 15542

(viii) If incomplete or inaccurate data submitted by the 15543  
district likely caused the district to receive a higher 15544  
performance rating than it deserved under section 3302.03 of the 15545  
Revised Code, issue a revised report card for the district; 15546

(ix) Any other action designed to correct the district's data 15547  
reporting problems. 15548

(3) Any time the department takes an action against a school 15549  
district under division (L)(2) of this section, the department 15550  
shall make a report of the circumstances that prompted the action. 15551  
The department shall send a copy of the report to the district 15552  
superintendent and maintain a copy of the report in its files. 15553

(4) If any action taken under division (L)(2) of this section 15554  
resolves a school district's data reporting problems to the 15555  
department's satisfaction, the department shall not take any 15556  
further actions described by that division. If the department 15557  
withheld funds from the district under that division, the 15558  
department may release those funds to the district, except that if 15559  
the department withheld funding under division (L)(2)(c) of this 15560  
section, the department shall not release the funds withheld under 15561  
division (L)(2)(b) of this section and, if the department withheld 15562  
funding under division (L)(2)(d) of this section, the department 15563  
shall not release the funds withheld under division (L)(2)(b) or 15564  
(c) of this section. 15565

(5) Notwithstanding anything in this section to the contrary, 15566  
the department may use its own staff or an outside entity to 15567

conduct an audit of a school district's data reporting practices 15568  
any time the department has reason to believe the district has not 15569  
made a good faith effort to report data as required by this 15570  
section. If any audit conducted by an outside entity under 15571  
division (L)(2)(d)(i) or (5) of this section confirms that a 15572  
district has not made a good faith effort to report data as 15573  
required by this section, the district shall reimburse the 15574  
department for the full cost of the audit. The department may 15575  
withhold funds due to the district under Chapter 3317. of the 15576  
Revised Code for this purpose. 15577

(6) Prior to issuing a revised report card for a school 15578  
district under division (L)(2)(d)(viii) of this section, the 15579  
department may hold a hearing to provide the district with an 15580  
opportunity to demonstrate that it made a good faith effort to 15581  
report data as required by this section. The hearing shall be 15582  
conducted by a referee appointed by the department. Based on the 15583  
information provided in the hearing, the referee shall recommend 15584  
whether the department should issue a revised report card for the 15585  
district. If the referee affirms the department's contention that 15586  
the district did not make a good faith effort to report data as 15587  
required by this section, the district shall bear the full cost of 15588  
conducting the hearing and of issuing any revised report card. 15589

(7) If the department determines that any inaccurate data 15590  
reported under this section caused a school district to receive 15591  
excess funds under Chapter 3317. of the Revised Code in any fiscal 15592  
year, the district shall reimburse the department an amount equal 15593  
to the excess funds, in accordance with a payment schedule 15594  
determined by the department. The department may withhold funds 15595  
due to the district under Chapter 3317. of the Revised Code for 15596  
this purpose. 15597

(8) Any school district that has funds withheld under 15598  
division (L)(2) of this section may appeal the withholding in 15599

accordance with Chapter 119. of the Revised Code. 15600

(9) In all cases of a disagreement between the department and 15601  
a school district regarding the appropriateness of an action taken 15602  
under division (L)(2) of this section, the burden of proof shall 15603  
be on the district to demonstrate that it made a good faith effort 15604  
to report data as required by this section. 15605

(M) No information technology center or school district shall 15606  
acquire, change, or update its student administration software 15607  
package to manage and report data required to be reported to the 15608  
department unless it converts to a student software package that 15609  
is certified by the department. 15610

(N) The state board of education, in accordance with sections 15611  
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 15612  
license as defined under division (A) of section 3319.31 of the 15613  
Revised Code that has been issued to any school district employee 15614  
found to have willfully reported erroneous, inaccurate, or 15615  
incomplete data to the education management information system. 15616

(O) No person shall release or maintain any information about 15617  
any student in violation of this section. Whoever violates this 15618  
division is guilty of a misdemeanor of the fourth degree. 15619

(P) The department shall disaggregate the data collected 15620  
under division (B)(1)(o) of this section according to the race and 15621  
socioeconomic status of the students assessed. No data collected 15622  
under that division shall be included on the report cards required 15623  
by section 3302.03 of the Revised Code. 15624

(Q) If the department cannot compile any of the information 15625  
required by division (C)(5) of section 3302.03 of the Revised Code 15626  
based upon the data collected under this section, the department 15627  
shall develop a plan and a reasonable timeline for the collection 15628  
of any data necessary to comply with that division. 15629

Sec. 3301.162. (A) If the governing authority of a chartered nonpublic school intends to close the school, the governing authority shall notify all of the following of that intent prior to closing the school: 15630  
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(1) The department of education; 15634

(2) The school district that receives auxiliary services funding under division (I) of section 3317.024 of the Revised Code on behalf of the students enrolled in the school; 15635  
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(3) The accrediting association that most recently accredited the school for purposes of chartering the school in accordance with the rules of the state board of education, if applicable. 15638  
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The notice shall include the school year and, if possible, the actual date the school will close. 15641  
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(B) The chief administrator of each chartered nonpublic school that closes shall deposit the school's records with the school district that received auxiliary services funding under division (I) of section 3317.024 of the Revised Code on behalf of the students enrolled in the school. 15643  
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The school district that receives the records may charge for and receive a one-time reimbursement from auxiliary services funding under division (I) of section 3317.024 of the Revised Code for costs the district incurred to store the records. 15648  
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Sec. 3301.53. (A) ~~Not later than July 1, 1988,~~ the The state board of education, in consultation with the director of job and family services, shall formulate and prescribe by rule adopted under Chapter 119. of the Revised Code minimum standards to be applied to preschool programs operated by school district boards of education, county MR/DD boards, or eligible nonpublic schools. The rules shall include the following: 15652  
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- (1) Standards ensuring that the preschool program is located 15659  
in a safe and convenient facility that accommodates the enrollment 15660  
of the program, is of the quality to support the growth and 15661  
development of the children according to the program objectives, 15662  
and meets the requirements of section 3301.55 of the Revised Code; 15663
- (2) Standards ensuring that supervision, discipline, and 15664  
programs will be administered according to established objectives 15665  
and procedures; 15666
- (3) Standards ensuring that preschool staff members and 15667  
nonteaching employees are recruited, employed, assigned, 15668  
evaluated, and provided inservice education without discrimination 15669  
on the basis of age, color, national origin, race, or sex; and 15670  
that preschool staff members and nonteaching employees are 15671  
assigned responsibilities in accordance with written position 15672  
descriptions commensurate with their training and experience; 15673
- (4) A requirement that boards of education intending to 15674  
establish a preschool program ~~on or after March 17, 1989,~~ 15675  
demonstrate a need for a preschool program ~~that is not being met~~ 15676  
~~by any existing program providing child care,~~ prior to 15677  
establishing the program; 15678
- (5) Requirements that children participating in preschool 15679  
programs have been immunized to the extent considered appropriate 15680  
by the state board to prevent the spread of communicable disease; 15681
- (6) Requirements that the parents of preschool children 15682  
complete the emergency medical authorization form specified in 15683  
section 3313.712 of the Revised Code. 15684
- (B) The state board of education in consultation with the 15685  
director of job and family services shall ensure that the rules 15686  
adopted by the state board under sections 3301.52 to 3301.58 of 15687  
the Revised Code are consistent with and meet or exceed the 15688  
requirements of Chapter 5104. of the Revised Code with regard to 15689



child day-care centers. The state board and the director of job 15690  
and family services shall review all such rules at least once 15691  
every five years. 15692

(C) ~~On or before January 1, 1992, the~~ The state board of 15693  
education, in consultation with the director of job and family 15694  
services, shall adopt rules for school child programs that are 15695  
consistent with and meet or exceed the requirements of the rules 15696  
adopted for school child day-care centers under Chapter 5104. of 15697  
the Revised Code. 15698

**Sec. 3302.03.** (A) Annually the department of education shall 15699  
report for each school district and each school building in a 15700  
district all of the following: 15701

(1) The extent to which the school district or building meets 15702  
each of the applicable performance indicators created by the state 15703  
board of education under section 3302.02 of the Revised Code and 15704  
the number of applicable performance indicators that have been 15705  
achieved; 15706

(2) The performance index score of the school district or 15707  
building; 15708

(3) Whether the school district or building has made adequate 15709  
yearly progress; 15710

(4) Whether the school district or building is excellent, 15711  
effective, needs continuous improvement, is under an academic 15712  
watch, or is in a state of academic emergency. 15713

(B) Except as otherwise provided in ~~division~~ divisions (B)(6) 15714  
and (7) of this section: 15715

(1) A school district or building shall be declared excellent 15716  
if it fulfills one of the following requirements: 15717

(a) It makes adequate yearly progress and either meets at 15718  
least ninety-four per cent of the applicable state performance 15719

indicators or has a performance index score established by the 15720  
department. 15721

(b) It has failed to make adequate yearly progress for not 15722  
more than two consecutive years and either meets at least 15723  
ninety-four per cent of the applicable state performance 15724  
indicators or has a performance index score established by the 15725  
department. 15726

(2) A school district or building shall be declared effective 15727  
if it fulfills one of the following requirements: 15728

(a) It makes adequate yearly progress and either meets at 15729  
least seventy-five per cent but less than ninety-four per cent of 15730  
the applicable state performance indicators or has a performance 15731  
index score established by the department. 15732

(b) It does not make adequate yearly progress and either 15733  
meets at least seventy-five per cent of the applicable state 15734  
performance indicators or has a performance index score 15735  
established by the department, except that if it does not make 15736  
adequate yearly progress for three consecutive years, it shall be 15737  
declared in need of continuous improvement. 15738

(3) A school district or building shall be declared to be in 15739  
need of continuous improvement if it fulfills one of the following 15740  
requirements: 15741

(a) It makes adequate yearly progress, meets less than 15742  
seventy-five per cent of the applicable state performance 15743  
indicators, and has a performance index score established by the 15744  
department. 15745

(b) It does not make adequate yearly progress and either 15746  
meets at least fifty per cent but less than seventy-five per cent 15747  
of the applicable state performance indicators or has a 15748  
performance index score established by the department. 15749

(4) A school district or building shall be declared to be under an academic watch if it does not make adequate yearly progress and either meets at least thirty-one per cent but less than fifty per cent of the applicable state performance indicators or has a performance index score established by the department.

(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 15782  
a higher performance rating than in a state of academic emergency 15783  
if more than twenty per cent of the enrolled students do not take 15784  
all achievement tests prescribed for their grade level under 15785  
section 3301.0710 of the Revised Code from which they are not 15786  
excused pursuant to division (C)(1) or (3) of section 3301.0711 of 15787  
the Revised Code. 15788

(C)(1) The department shall issue annual report cards for 15789  
each school district, each building within each district, and for 15790  
the state as a whole reflecting performance on the indicators 15791  
created by the state board under section 3302.02 of the Revised 15792  
Code, the performance index score, and adequate yearly progress. 15793

(2) The department shall include on the report card for each 15794  
district information pertaining to any change from the previous 15795  
year made by the school district or school buildings within the 15796  
district on any performance indicator. 15797

(3) When reporting data on student performance, the 15798  
department shall disaggregate that data according to the following 15799  
categories: 15800

(a) Performance of students by age group; 15801

(b) Performance of students by race and ethnic group; 15802

(c) Performance of students by gender; 15803

(d) Performance of students grouped by those who have been 15804  
enrolled in a district or school for three or more years; 15805

(e) Performance of students grouped by those who have been 15806  
enrolled in a district or school for more than one year and less 15807  
than three years; 15808

(f) Performance of students grouped by those who have been 15809  
enrolled in a district or school for one year or less; 15810

(g) Performance of students grouped by those who are 15811

economically disadvantaged;	15812
(h) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	15813 15814 15815
(i) Performance of students grouped by those who are classified as limited English proficient;	15816 15817
(j) Performance of students grouped by those who have disabilities;	15818 15819
(k) Performance of students grouped by those who are classified as migrants;	15820 15821
(l) Performance of students grouped by those who are identified as gifted pursuant to Chapter 3324. of the Revised Code.	15822 15823 15824
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.	15825 15826 15827 15828 15829 15830
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.	15831 15832 15833 15834 15835 15836 15837
(4) The department may include with the report cards any additional education and fiscal performance data it deems valuable.	15838 15839 15840
(5) The department shall include on each report card a list	15841

of additional information collected by the department that is 15842  
available regarding the district or building for which the report 15843  
card is issued. When available, such additional information shall 15844  
include student mobility data disaggregated by race and 15845  
socioeconomic status, college enrollment data, and the reports 15846  
prepared under section 3302.031 of the Revised Code. 15847

The department shall maintain a site on the world wide web. 15848  
The report card shall include the address of the site and shall 15849  
specify that such additional information is available to the 15850  
public at that site. The department shall also provide a copy of 15851  
each item on the list to the superintendent of each school 15852  
district. The district superintendent shall provide a copy of any 15853  
item on the list to anyone who requests it. 15854

(6)(a) This division does not apply to conversion community 15855  
schools that primarily enroll students between sixteen and 15856  
twenty-two years of age who dropped out of high school or are at 15857  
risk of dropping out of high school due to poor attendance, 15858  
disciplinary problems, or suspensions. 15859

For any district that sponsors a conversion community school 15860  
under Chapter 3314. of the Revised Code, the department shall 15861  
combine data regarding the academic performance of students 15862  
enrolled in the community school with comparable data from the 15863  
schools of the district for the purpose of calculating the 15864  
performance of the district as a whole on the report card issued 15865  
for the district. 15866

(b) Any district that leases a building to a community school 15867  
located in the district or that enters into an agreement with a 15868  
community school located in the district whereby the district and 15869  
the school endorse each other's programs may elect to have data 15870  
regarding the academic performance of students enrolled in the 15871  
community school combined with comparable data from the schools of 15872  
the district for the purpose of calculating the performance of the 15873

district as a whole on the district report card. Any district that 15874  
so elects shall annually file a copy of the lease or agreement 15875  
with the department. 15876

(7) The department shall include on each report card the 15877  
percentage of teachers in the district or building who are highly 15878  
qualified, as defined by the "No Child Left Behind Act of 2001," 15879  
and a comparison of that percentage with the percentages of such 15880  
teachers in similar districts and buildings. 15881

(8) The department shall include on the report card the 15882  
number of master teachers employed by each district and each 15883  
building once the data is available from the education management 15884  
information system established under section 3301.0714 of the 15885  
Revised Code. 15886

(D)(1) In calculating reading, writing, mathematics, social 15887  
studies, or science proficiency or achievement test passage rates 15888  
used to determine school district or building performance under 15889  
this section, the department shall include all students taking a 15890  
test with accommodation or to whom an alternate assessment is 15891  
administered pursuant to division (C)(1) or (3) of section 15892  
3301.0711 of the Revised Code. 15893

(2) In calculating performance index scores, rates of 15894  
achievement on the performance indicators established by the state 15895  
board under section 3302.02 of the Revised Code, and adequate 15896  
yearly progress for school districts and buildings under this 15897  
section, the department shall do all of the following: 15898

(a) Include for each district or building only those students 15899  
who are included in the ADM certified for the first full school 15900  
week of October and are continuously enrolled in the district or 15901  
building through the time of the spring administration of any test 15902  
prescribed by section 3301.0710 of the Revised Code that is 15903  
administered to the student's grade level; 15904

(b) Include cumulative totals from both the fall and spring 15905  
administrations of the third grade reading achievement test; 15906

(c) Except as required by the "No Child Left Behind Act of 15907  
2001" for the calculation of adequate yearly progress, exclude for 15908  
each district or building any limited English proficient student 15909  
who has been enrolled in United States schools for less than one 15910  
full school year. 15911

**Sec. 3302.10.** (A) Beginning July 1, 2007, the superintendent 15912  
of public instruction ~~shall~~ may establish an academic distress 15913  
commission for ~~each~~ any school district that has been declared to 15914  
be in a state of academic emergency pursuant to section 3302.03 of 15915  
the Revised Code and has failed to make adequate yearly progress 15916  
for four or more consecutive school years. Each commission shall 15917  
assist the district for which it was established in improving the 15918  
district's academic performance. 15919

Each commission is a body both corporate and politic, 15920  
constituting an agency and instrumentality of the state and 15921  
performing essential governmental functions of the state. A 15922  
commission shall be known as the "academic distress commission for 15923  
..... (name of school district)," and, in that name, may 15924  
exercise all authority vested in such a commission by this 15925  
section. A separate commission shall be established for each 15926  
school district designated by the superintendent of public 15927  
instruction. 15928

(B) Each academic distress commission shall consist of five 15929  
voting members, three of whom shall be appointed by the 15930  
superintendent of public instruction and two of whom shall be 15931  
residents of the applicable school district appointed by the 15932  
president of the district board of education ~~of the applicable~~ 15933  
~~school district.~~ When a school district becomes subject to this 15934  
section, the superintendent of public instruction shall provide 15935



written notification of that fact to the district board of 15936  
education and shall request the president of the district board to 15937  
submit to the superintendent of public instruction, in writing, 15938  
the names of the president's appointees to the commission. The 15939  
superintendent of public instruction and the president of the 15940  
district board shall make appointments to the commission within 15941  
thirty days after the district is notified that it is subject to 15942  
this section. 15943

Members of the commission shall serve at the pleasure of 15944  
their appointing authority during the life of the commission. In 15945  
the event of the death, resignation, incapacity, removal, or 15946  
ineligibility to serve of a member, the appointing authority shall 15947  
appoint a successor within fifteen days after the vacancy occurs. 15948  
Members shall serve without compensation, but shall be paid by the 15949  
commission their necessary and actual expenses incurred while 15950  
engaged in the business of the commission. 15951

(C) Immediately after appointment of the initial members of 15952  
an academic distress commission, the superintendent of public 15953  
instruction shall call the first meeting of the commission and 15954  
shall cause written notice of the time, date, and place of that 15955  
meeting to be given to each member of the commission at least 15956  
forty-eight hours in advance of the meeting. The first meeting 15957  
shall include an overview of the commission's roles and 15958  
responsibilities, the requirements of section 2921.42 and Chapter 15959  
102. of the Revised Code as they pertain to commission members, 15960  
the requirements of section 121.22 of the Revised Code, and the 15961  
provisions of division (F) of this section. At its first meeting, 15962  
the commission shall adopt temporary bylaws in accordance with 15963  
division (D) of this section to govern its operations until the 15964  
adoption of permanent bylaws. 15965

The superintendent of public instruction shall designate a 15966  
chairperson for the commission from among the members appointed by 15967

the superintendent. The chairperson shall call and conduct 15968  
meetings, set meeting agendas, and serve as a liaison between the 15969  
commission and the district board of education. The chairperson 15970  
also shall appoint a secretary, who shall not be a member of the 15971  
commission. 15972

The department of education shall provide administrative 15973  
support for the commission, provide data requested by the 15974  
commission, and inform the commission of available state resources 15975  
that could assist the commission in its work. 15976

(D) Each academic distress commission may adopt and alter 15977  
bylaws and rules, which shall not be subject to section 111.15 or 15978  
Chapter 119. of the Revised Code, for the conduct of its affairs 15979  
and for the manner, subject to this section, in which its powers 15980  
and functions shall be exercised and embodied. 15981

(E) Three members of an academic distress commission 15982  
constitute a quorum of the commission. The affirmative vote of 15983  
three members of the commission is necessary for any action taken 15984  
by vote of the commission. No vacancy in the membership of the 15985  
commission shall impair the rights of a quorum by such vote to 15986  
exercise all the rights and perform all the duties of the 15987  
commission. Members of the commission are not disqualified from 15988  
voting by reason of the functions of any other office they hold 15989  
and are not disqualified from exercising the functions of the 15990  
other office with respect to the school district, its officers, or 15991  
the commission. 15992

(F) The members of an academic distress commission, the 15993  
superintendent of public instruction, and any person authorized to 15994  
act on behalf of or assist them shall not be personally liable or 15995  
subject to any suit, judgment, or claim for damages resulting from 15996  
the exercise of or failure to exercise the powers, duties, and 15997  
functions granted to them in regard to their functioning under 15998  
this section, but the commission, superintendent of public 15999

instruction, and such other persons shall be subject to mandamus 16000  
proceedings to compel performance of their duties under this 16001  
section. 16002

(G) The members of an academic distress commission are not 16003  
subject to section 102.02 of the Revised Code, except that a 16004  
member who is subject to that section by virtue of holding another 16005  
office or position shall comply with that section with respect to 16006  
that other office or position. However, each member of the 16007  
commission shall file with the Ohio ethics commission a signed 16008  
written statement setting forth the general nature of sales of 16009  
goods, property, or services or of loans to the applicable school 16010  
district, in which the commission member has a pecuniary interest 16011  
or in which any member of the commission member's immediate 16012  
family, as defined in section 102.01 of the Revised Code, or any 16013  
corporation, partnership, or enterprise of which the commission 16014  
member is an officer, director, or partner, or of which the 16015  
commission member or a member of the commission member's immediate 16016  
family owns more than a five per cent interest, has a pecuniary 16017  
interest, and of which sale, loan, or interest the commission 16018  
member has knowledge. The statement shall be supplemented from 16019  
time to time to reflect changes in the general nature of any such 16020  
sales or loans. 16021

(H) Meetings of each academic distress commission shall be 16022  
subject to section 121.22 of the Revised Code. 16023

(I)(1) Within one hundred twenty days after the first meeting 16024  
of an academic distress commission, the commission shall adopt an 16025  
academic recovery plan to improve academic performance in the 16026  
school district. The plan shall address academic problems at both 16027  
the district and school levels. The plan shall include the 16028  
following: 16029

(a) Short-term and long-term actions to be taken to improve 16030  
the district's academic performance, including any actions 16031

required by section 3302.04 of the Revised Code; 16032

(b) The sequence and timing of the actions described in 16033  
division (I)(1)(a) of this section and the persons responsible for 16034  
implementing the actions; 16035

(c) Resources that will be applied toward improvement 16036  
efforts; 16037

(d) Procedures for monitoring and evaluating improvement 16038  
efforts; 16039

(e) Requirements for reporting to the commission and the 16040  
district board of education on the status of improvement efforts. 16041

(2) The commission may amend the academic recovery plan 16042  
subsequent to adoption. The commission shall update the plan at 16043  
least annually. 16044

(3) The commission shall submit the academic recovery plan it 16045  
adopts or updates to the superintendent of public instruction for 16046  
approval immediately following its adoption or updating. The 16047  
superintendent shall evaluate the plan and either approve or 16048  
disapprove it within thirty days after its submission. If the plan 16049  
is disapproved, the superintendent shall recommend modifications 16050  
that will render it acceptable. No academic distress commission 16051  
shall implement an academic recovery plan unless the 16052  
superintendent has approved it. 16053

(4) County, state, and school district officers and employees 16054  
shall assist the commission diligently and promptly in the 16055  
implementation of the academic recovery plan. 16056

(J) Each academic distress commission shall seek input from 16057  
the district board of education regarding ways to improve the 16058  
district's academic performance, but any decision of the 16059  
commission related to any authority granted to the commission 16060  
under this section shall be final. 16061

The commission may do any of the following: 16062

(1) Appoint school building administrators and reassign 16063  
administrative personnel; 16064

(2) Terminate the contracts of administrators or 16065  
administrative personnel. The commission shall not be required to 16066  
comply with section 3319.16 of the Revised Code with respect to 16067  
any contract terminated under this division. 16068

(3) Contract with a private entity to perform school or 16069  
district management functions; 16070

(4) Establish a budget for the district and approve district 16071  
appropriations and expenditures, unless a financial planning and 16072  
supervision commission has been established for the district 16073  
pursuant to section 3316.05 of the Revised Code. 16074

~~(D)~~(K) If the board of education of a district for which an 16075  
academic distress commission has been established under this 16076  
section renews any collective bargaining agreement under Chapter 16077  
4117. of the Revised Code during the existence of the commission, 16078  
the district board shall not enter into any agreement that would 16079  
render any decision of the commission unenforceable. Section 16080  
3302.08 of the Revised Code does not apply to this division. 16081

Notwithstanding any provision to the contrary in Chapter 16082  
4117. of the Revised Code, if the board of education has entered 16083  
into a collective bargaining agreement after ~~the effective date of~~ 16084  
~~this section~~ September 29, 2005, that contains stipulations 16085  
relinquishing one or more of the rights or responsibilities listed 16086  
in division (C) of section 4117.08 of the Revised Code, those 16087  
stipulations are not enforceable and the district board shall 16088  
resume holding those rights or responsibilities as if it had not 16089  
relinquished them in that agreement until such time as both the 16090  
academic distress commission ceases to exist and the district 16091  
board agrees to relinquish those rights or responsibilities in a 16092

new collective bargaining agreement. The provisions of this 16093  
paragraph apply to a collective bargaining agreement entered into 16094  
after ~~the effective date of this section~~ September 29, 2005, and 16095  
those provisions are deemed to be part of that agreement 16096  
regardless of whether the district satisfied the conditions 16097  
prescribed in division (A) of this section at the time the 16098  
district entered into that agreement. 16099

~~(E)~~(L) An academic distress commission shall cease to exist 16100  
when the district for which it was established receives a 16101  
performance rating under section 3302.03 of the Revised Code of in 16102  
need of continuous improvement or better for two ~~out~~ of the three 16103  
prior school years; however, the superintendent of public 16104  
instruction may dissolve the commission earlier if the 16105  
superintendent determines that the district can perform adequately 16106  
without the supervision of the commission. Upon termination of the 16107  
commission, the department of education shall compile a final 16108  
report of the commission's activities to assist other academic 16109  
distress commissions in the conduct of their functions. 16110

Sec. 3303.20. The superintendent of public instruction shall 16111  
appoint a supervisor of agricultural education within the 16112  
department of education. The supervisor shall be responsible for 16113  
administering and disseminating to school districts information 16114  
about agricultural education. 16115

The department shall maintain an appropriate number of 16116  
full-time employees focusing on agricultural education. The 16117  
department shall employ at least three program consultants who 16118  
shall be available to provide assistance to school districts on a 16119  
regional basis throughout the state. At least one consultant may 16120  
coordinate local activities of the student organization known as 16121  
the future farmers of America. 16122

Sec. 3310.51. As used in sections 3310.51 to 3310.63 of the 16123  
Revised Code: 16124

(A) "Alternative public provider" means either of the 16125  
following providers that agrees to enroll a child in the 16126  
provider's special education program to implement the child's 16127  
individualized education program and to which the eligible 16128  
applicant owes fees for the services provided to the child: 16129

(1) A school district that is not the school district in 16130  
which the child is entitled to attend school or the child's school 16131  
district of residence, if different; 16132

(2) A public entity other than a school district. 16133

(B) "Applicable special education weight" means the multiple 16134  
specified in section 3317.013 of the Revised Code for a handicap 16135  
described in that section. 16136

(C) "Category one through six special education ADM" means 16137  
the respective categories prescribed in divisions (F)(1) to (6) of 16138  
section 3317.02 of the Revised Code. 16139

(D) "Eligible applicant" means any of the following: 16140

(1) Either of the natural or adoptive parents of a qualified 16141  
special education child, except as otherwise specified in this 16142  
division. When the marriage of the natural or adoptive parents of 16143  
the student has been terminated by a divorce, dissolution of 16144  
marriage, or annulment, or when the natural or adoptive parents of 16145  
the student are living separate and apart under a legal separation 16146  
decree, and a court has issued an order allocating the parental 16147  
rights and responsibilities with respect to the child, "eligible 16148  
applicant" means the residential parent as designated by the 16149  
court. If the court issues a shared parenting decree, "eligible 16150  
applicant" means either parent. "Eligible applicant" does not mean 16151  
a parent whose custodial rights have been terminated. 16152

(2) The custodian of a qualified special education child, 16153  
when a court has granted temporary, legal, or permanent custody of 16154  
the child to an individual other than either of the natural or 16155  
adoptive parents of the child or to a government agency; 16156

(3) The guardian of a qualified special education child, when 16157  
a court has appointed a guardian for the child; 16158

(4) The grandparent of a qualified special education child, 16159  
when the grandparent is the child's attorney in fact under a power 16160  
of attorney executed under sections 3109.51 to 3109.62 of the 16161  
Revised Code or when the grandparent has executed a caregiver 16162  
authorization affidavit under sections 3109.65 to 3109.73 of the 16163  
Revised Code; 16164

(5) The surrogate parent appointed for a qualified special 16165  
education child pursuant to division (B) of section 3323.05 and 16166  
section 3323.051 of the Revised Code; 16167

(6) A qualified special education child, if the child does 16168  
not have a custodian or guardian and the child is at least 16169  
eighteen years of age. 16170

(E) "Entitled to attend school" means entitled to attend 16171  
school in a school district under sections 3313.64 and 3313.65 of 16172  
the Revised Code. 16173

(F) "Formula ADM" and "formula amount" have the same meanings 16174  
as in section 3317.02 of the Revised Code. 16175

(G) "Handicapped child," "individualized education program," 16176  
and "special education program" have the same meanings as in 16177  
section 3323.01 of the Revised Code. 16178

(H) "Qualified special education child" is a child for whom 16179  
all of the following conditions apply: 16180

(1) The child is at least five years of age and less than 16181  
twenty-two years of age; 16182



(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; 16183  
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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; 16186  
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(4) The child either: 16190

(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; 16191  
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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. 16195  
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(I) "Registered private provider" means a nonpublic school or other nonpublic entity that has been registered by the superintendent of public instruction under section 3310.58 of the Revised Code. 16199  
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(J) "Scholarship" means a scholarship awarded under the special education scholarship pilot program pursuant to sections 3310.51 to 3310.63 of the Revised Code. 16203  
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(K) "School district of residence" has the same meaning as in section 3323.01 of the Revised Code. A community school established under Chapter 3314. of the Revised Code is not a "school district of residence" for purposes of sections 3310.51 to 3310.63 of the Revised Code. 16206  
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(L) "School year" has the same meaning as in section 3313.62 of the Revised Code. 16211  
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Sec. 3310.52. (A) The special education scholarship pilot program is hereby established. Under the program, in fiscal years 2008 through 2013, subject to division (B) of this section, the department of education annually shall pay a scholarship to an alternative public provider or a registered private provider on behalf of an eligible applicant for services provided for a qualified special education child. The scholarship shall be used only to pay all or part of the fees for the child to attend the special education program operated by the alternative public provider or registered private provider to implement the child's individualized education program in lieu of the child's attending the special education program operated by the school district in which the child is entitled to attend school.

(B) The number of scholarships awarded under the pilot program in any fiscal year shall not exceed three per cent of the total number of students residing in the state identified as handicapped children during the previous fiscal year.

Sec. 3310.53. (A) Except for development of the child's individualized education program, as specified in division (B) of this section, the school district in which a qualified special education child is entitled to attend school and the child's school district of residence, if different, are not obligated to provide the child with a free appropriate public education under Chapter 3323. of the Revised Code for as long as the child continues to attend the special education program operated by either an alternative public provider or a registered private provider for which a scholarship is awarded under the special education scholarship pilot program. If at any time, the eligible applicant for the child decides no longer to accept scholarship payments and enrolls the child in the special education program of the school district in which the child is entitled to attend

school, that district shall provide the child with a free 16244  
appropriate public education under Chapter 3323. of the Revised 16245  
Code. 16246

(B) Each eligible applicant and each qualified special 16247  
education child have a continuing right to the development of an 16248  
individualized education program for the child that complies with 16249  
Chapter 3323. of the Revised Code, 20 U.S.C. 1400 et seq., and 16250  
administrative rules or guidelines adopted by the Ohio department 16251  
of education or the United States department of education. The 16252  
school district in which a qualified special education child is 16253  
entitled to attend school, or the child's school district of 16254  
residence if different, shall develop each individualized 16255  
education program for the child in accordance with those 16256  
provisions. 16257

(C) Each school district shall notify an eligible applicant 16258  
of the applicant's and qualified special education child's rights 16259  
under sections 3310.51 to 3310.63 of the Revised Code by providing 16260  
to each eligible applicant the comparison document prescribed in 16261  
section 3323.052 of the Revised Code. An eligible applicant's 16262  
receipt of that document, as acknowledged in a format prescribed 16263  
by the department of education, shall constitute notice that the 16264  
eligible applicant has been informed of those rights. Upon receipt 16265  
of that document, subsequent acceptance of a scholarship 16266  
constitutes the eligible applicant's informed consent to the 16267  
provisions of sections 3310.51 to 3310.63 of the Revised Code. 16268

Sec. 3310.54. As prescribed in divisions (A)(2)(h), 16269  
(B)(3)(g), and (B)(5) to (10) of section 3317.03 of the Revised 16270  
Code, a qualified special education child in any of grades 16271  
kindergarten through twelve for whom a scholarship is awarded 16272  
under the special education scholarship pilot program shall be 16273  
counted in the formula ADM and category one through six special 16274

education ADM, as appropriate, of the school district in which the 16275  
child is entitled to attend school. A qualified special education 16276  
child shall not be counted in the formula ADM or category one 16277  
through six special education ADM of any other school district. 16278

Sec. 3310.55. The department of education shall deduct from 16279  
the amounts paid to each school district under Chapter 3317. of 16280  
the Revised Code, and, if necessary, sections 321.24 and 323.156 16281  
of the Revised Code, the aggregate amount of scholarships paid 16282  
under section 3310.57 of the Revised Code for qualified special 16283  
education children included in the formula ADM and the category 16284  
one through six special education ADM of that school district. 16285

Sec. 3310.56. The amount of the scholarship awarded and paid 16286  
on behalf of an eligible applicant for services for a qualified 16287  
special education child under the special education scholarship 16288  
pilot program in each school year shall be the lesser of the 16289  
following: 16290

(A) The amount of fees charged for that school year by the 16291  
alternative public provider or registered private provider; 16292

(B) The sum of the amounts calculated under divisions (B)(1) 16293  
and (2) of this section: 16294

(1) The sum of the formula amount plus the per pupil amount 16295  
of the base funding supplements specified in divisions (C)(1) to 16296  
(4) of section 3317.012 of the Revised Code. 16297

(2) The formula amount times the applicable special education 16298  
weight for the child's disability. 16299

Sec. 3310.57. The department of education shall make periodic 16300  
payments to an alternative public provider or a registered private 16301  
provider on behalf of an eligible applicant for services for each 16302  
qualified special education child for whom a scholarship has been 16303

awarded. The total of all payments made on behalf of an applicant 16304  
in each school year shall not exceed the amount calculated for the 16305  
child under section 3310.56 of the Revised Code. 16306

The scholarship amount shall be proportionately reduced in 16308  
the case of a child who is not enrolled in the special education 16309  
program of an alternative public provider or a registered private 16310  
provider for the entire school year. 16311

In accordance with division (A) of section 3310.62 of the 16312  
Revised Code, the department shall make no payments on behalf of 16313  
an applicant for a first-time scholarship for a qualified special 16314  
education child while any administrative or judicial mediation or 16315  
proceedings with respect to the content of the child's 16316  
individualized education program are pending. 16317

**Sec. 3310.58.** No nonpublic school or entity shall receive 16318  
payments for services for a qualified special education child 16319  
under the special education scholarship pilot program until the 16320  
school or entity registers with the superintendent of public 16321  
instruction. The superintendent shall register and designate as a 16322  
registered private provider any nonpublic school or entity that 16323  
meets the following requirements: 16324

(A) The special education program operated by the school or 16325  
entity meets the minimum education standards established by the 16326  
state board of education. 16327

(B) The school or entity does not discriminate on the basis 16328  
of race, ethnicity, national origin, religion, sex, disability, 16329  
age, or ancestry. 16330

(C) If the school or entity is not chartered by the state 16331  
board under section 3301.16 of the Revised Code, the school or 16332  
entity agrees to comply with section 3319.39 of the Revised Code 16333

as if it were a school district. 16334

(D) The teaching and nonteaching professionals employed by 16335  
the school or entity, or employed by any subcontractors of the 16336  
school or entity, hold credentials determined by the state board 16337  
to be appropriate for the qualified special education children 16338  
enrolled in the special education program it operates. 16339

(E) The school or entity meets applicable health and safety 16340  
standards established by law for school buildings. 16341

(F) The school or entity agrees to retain on file 16342  
documentation as required by the department of education. 16343

(G) The school or entity demonstrates fiscal soundness to the 16344  
satisfaction of the department. 16345

(H) The school or entity agrees to meet other requirements 16346  
established by rule of the state board under section 3310.63 of 16347  
the Revised Code. 16348

**Sec. 3310.59.** The superintendent of public instruction shall 16349  
revoke the registration of any school or entity if, after a 16350  
hearing, the superintendent determines that the school or entity 16351  
is in violation of any provision of section 3310.58 of the Revised 16352  
Code. 16353

**Sec. 3310.60.** A qualified special education child attending a 16354  
special education program at an alternative public provider or a 16355  
registered private provider with a scholarship shall be entitled 16356  
to transportation to and from that program in the manner 16357  
prescribed by law for any handicapped child attending a nonpublic 16358  
special education program. 16359

**Sec. 3310.61.** An eligible applicant on behalf of a child who 16360  
currently attends a public special education program under a 16361  
contract, compact, or other bilateral agreement, or on behalf of a 16362

child who currently attends a community school, shall not be 16363  
prohibited from applying for and accepting a scholarship so that 16364  
the applicant may withdraw the child from that program or 16365  
community school and use the scholarship for the child to attend a 16366  
special education program operated by an alternative public 16367  
provider or a registered private provider. 16368

**Sec. 3310.62.** (A) A scholarship under the special education 16369  
scholarship pilot program shall not be awarded for the first time 16370  
to an eligible applicant on behalf of a qualified special 16371  
education child while the child's individualized education program 16372  
is being developed by the school district in which the child is 16373  
entitled to attend school, or by the child's school district of 16374  
residence if different, or while any administrative or judicial 16375  
mediation or proceedings with respect to the content of that 16376  
individualized education program are pending. 16377

(B) Development of individualized education programs 16378  
subsequent to the one developed for the child the first time a 16379  
scholarship was awarded on behalf of the child and the 16380  
prosecuting, by the eligible applicant on behalf of the child, of 16381  
administrative or judicial mediation or proceedings with respect 16382  
to any of those subsequent individualized education programs do 16383  
not affect the applicant's and the child's continued eligibility 16384  
for scholarship payments. 16385

(C) In the case of any child for whom a scholarship has been 16386  
awarded, if the school district in which the child is entitled to 16387  
attend school has agreed to provide some services for the child 16388  
under an agreement entered into with the eligible applicant or 16389  
with the alternative public provider or registered private 16390  
provider implementing the child's individualized education 16391  
program, or if the district is required by law to provide some 16392  
services for the child, including transportation services under 16393

sections 3310.60 and 3327.01 of the Revised Code, the district shall not discontinue the services it is providing pending completion of any administrative proceedings regarding those services. The prosecuting, by the eligible applicant on behalf of the child, of administrative proceedings regarding the services provided by the district does not affect the applicant's and the child's continued eligibility for scholarship payments. 16394  
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(D) The department of education shall continue to make payments to the alternative public provider or registered private provider on behalf of the eligible applicant under section 3310.57 of the Revised Code while either of the following are pending: 16401  
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(1) Administrative or judicial mediation or proceedings with respect to a subsequent individualized education program for the child referred to in division (B) of this section; 16405  
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(2) Administrative proceedings regarding services provided by the district under division (C) of this section. 16408  
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**Sec. 3310.63.** The state board of education shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing procedures necessary to implement sections 3310.51 to 3310.62 of the Revised Code including, but not limited to, procedures and deadlines for parents to apply for scholarships, standards for registered private providers, and procedures for registration of private providers. 16410  
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**Sec. 3311.24.** (A)(1) Except as provided in division (B) of this section, ~~if~~ the board of education of a city, exempted village, or local school district ~~deems it advisable~~ shall file with the state board of education a proposal to transfer territory from such district to an adjoining city, exempted village, or local school district, ~~or if a~~ in any of the following circumstances: 16417  
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(a) The district board deems the transfer advisable; 16424

(b) A petition, signed by seventy-five per cent of the 16425  
qualified electors residing within that portion of a city, 16426  
exempted village, or local school district proposed to be 16427  
transferred voting at the last general election, requests such a 16428  
transfer,~~the~~ 16429

(c) If no qualified electors reside in that portion of the 16430  
district proposed to be transferred, a petition, signed by 16431  
seventy-five per cent of the owners of parcels of real property on 16432  
the tax duplicate within that portion of the district, requests 16433  
such a transfer. 16434

(2) The board of education of the district in which such 16435  
proposal originates shall file such proposal, together with a map 16436  
showing the boundaries of the territory proposed to be 16437  
transferred, with the state board of education prior to the first 16438  
day of April in any even-numbered year. The state board of 16439  
education may, if it is advisable, provide for a hearing in any 16440  
suitable place in any of the school districts affected by such 16441  
proposed transfer of territory. The state board of education or 16442  
its representatives shall preside at any such hearing. 16443

(3) A board of education of a city, exempted village, or 16444  
local school district that receives a petition of transfer signed 16445  
by electors of the district under ~~this~~ division (A)(1)(b) of this 16446  
section shall cause the board of elections to check the 16447  
sufficiency of signatures on the petition. A board of education of 16448  
a city, exempted village, or local school district that receives a 16449  
petition of transfer signed by owners of parcels of real property 16450  
under division (A)(1)(c) of this section shall cause the county 16451  
auditor to check the sufficiency of signatures on the petition. 16452

(4) Not later than the first day of September the state board 16453  
of education shall either approve or disapprove a proposed 16454

transfer of territory filed with it as provided by this section 16455  
and shall notify, in writing, the boards of education of the 16456  
districts affected by such proposed transfer of territory of its 16457  
decision. 16458

If the decision of the state board of education is an 16459  
approval of the proposed transfer of territory then the board of 16460  
education of the district in which the territory is located shall, 16461  
within thirty days after receiving the state board of education's 16462  
decision, adopt a resolution transferring the territory and shall 16463  
forthwith submit a copy of such resolution to the treasurer of the 16464  
board of education of the city, exempted village, or local school 16465  
district to which the territory is transferred. Such transfer 16466  
shall not be complete however, until: 16467

~~(1)~~(a) A resolution accepting the transfer has been passed by 16468  
a majority vote of the full membership of the board of education 16469  
of the city, exempted village, or local school district to which 16470  
the territory is transferred; 16471

~~(2)~~(b) An equitable division of the funds and indebtedness 16472  
between the districts involved has been made by the board of 16473  
education making the transfer; 16474

~~(3)~~(c) A map showing the boundaries of the territory 16475  
transferred has been filed, by the board of education accepting 16476  
the transfer, with the county auditor of each county affected by 16477  
the transfer. 16478

When such transfer is complete the legal title of the school 16479  
property in the territory transferred shall be vested in the board 16480  
of education or governing board of the school district to which 16481  
the territory is transferred. 16482

(B) Whenever the transfer of territory pursuant to this 16483  
section is initiated by a board of education, the board shall, 16484  
before filing a proposal for transfer with the state board of 16485

education under this section, make a good faith effort to 16486  
negotiate the terms of transfer with any other school district 16487  
whose territory would be affected by the transfer. Before the 16488  
state board may hold a hearing on the transfer, or approve or 16489  
disapprove any such transfer, it must receive the following: 16490

(1) A resolution requesting approval of the transfer, passed 16491  
by the school district submitting the proposal; 16492

(2) Evidence determined to be sufficient by the state board 16493  
to show that good faith negotiations have taken place or that the 16494  
district requesting the transfer has made a good faith effort to 16495  
hold such negotiations; 16496

(3) If any negotiations took place, a statement signed by all 16497  
boards that participated in the negotiations, listing the terms 16498  
agreed on and the points on which no agreement could be reached. 16499

Negotiations held pursuant to this section shall be governed 16500  
by the rules adopted by the state board under division (D) of 16501  
section 3311.06 of the Revised Code. Districts involved in a 16502  
transfer under division (B) of this section may agree to share 16503  
revenues from the property included in the territory to be 16504  
transferred, establish cooperative programs between the 16505  
participating districts, and establish mechanisms for the 16506  
settlement of any future boundary disputes. 16507

**Sec. 3313.41.** (A) Except as provided in divisions (C), (D), 16508  
(F), and (G) of this section, when a board of education decides to 16509  
dispose of real or personal property that it owns in its corporate 16510  
capacity and that exceeds in value ten thousand dollars, it shall 16511  
sell the property at public auction, after giving at least thirty 16512  
days' notice of the auction by publication in a newspaper of 16513  
general circulation or by posting notices in five of the most 16514  
public places in the school district in which the property, if it 16515  
is real property, is situated, or, if it is personal property, in 16516

the school district of the board of education that owns the 16517  
property. The board may offer real property for sale as an entire 16518  
tract or in parcels. 16519

(B) When the board of education has offered real or personal 16520  
property for sale at public auction at least once pursuant to 16521  
division (A) of this section, and the property has not been sold, 16522  
the board may sell it at a private sale. Regardless of how it was 16523  
offered at public auction, at a private sale, the board shall, as 16524  
it considers best, sell real property as an entire tract or in 16525  
parcels, and personal property in a single lot or in several lots. 16526

(C) If a board of education decides to dispose of real or 16527  
personal property that it owns in its corporate capacity and that 16528  
exceeds in value ten thousand dollars, it may sell the property to 16529  
the adjutant general; to any subdivision or taxing authority as 16530  
respectively defined in divisions (A) and (C) of section 5705.01 16531  
of the Revised Code, township park district, board of park 16532  
commissioners established under Chapter 755. of the Revised Code, 16533  
or park district established under Chapter 1545. of the Revised 16534  
Code; to a wholly or partially tax-supported university, 16535  
university branch, or college; or to the board of trustees of a 16536  
school district library, upon such terms as are agreed upon. The 16537  
sale of real or personal property to the board of trustees of a 16538  
school district library is limited, in the case of real property, 16539  
to a school district library within whose boundaries the real 16540  
property is situated, or, in the case of personal property, to a 16541  
school district library whose boundaries lie in whole or in part 16542  
within the school district of the selling board of education. 16543

(D) When a board of education decides to trade as a part or 16544  
an entire consideration, an item of personal property on the 16545  
purchase price of an item of similar personal property, it may 16546  
trade the same upon such terms as are agreed upon by the parties 16547  
to the trade. 16548

(E) The president and the treasurer of the board of education shall execute and deliver deeds or other necessary instruments of conveyance to complete any sale or trade under this section.

(F) When a board of education has identified a parcel of real property that it determines is needed for school purposes, the board may, upon a majority vote of the members of the board, acquire that property by exchanging real property that the board owns in its corporate capacity for the identified real property or by using real property that the board owns in its corporate capacity as part or an entire consideration for the purchase price of the identified real property. Any exchange or acquisition made pursuant to this division shall be made by a conveyance executed by the president and the treasurer of the board.

(G)(1) When a school district board of education decides to dispose of real property suitable for use as classroom space, prior to disposing of that property under divisions (A) to (F) of this section, it shall first offer that property for sale to the governing authorities of the start-up community schools established under Chapter 3314. of the Revised Code located within the territory of the school district, at a price that is not higher than the appraised fair market value of that property. If more than one community school governing authority accepts the offer made by the school district board, the board shall sell the property to the governing authority that accepted the offer first in time. If no community school governing authority accepts the offer within sixty days after the offer is made by the school district board, the board may dispose of the property in the applicable manner prescribed under divisions (A) to (F) of this section.

(2) When a school district board of education has not used real property at least seventy-five per cent of a building suitable for classroom space for academic instruction,

administration, storage, or any other educational purpose for one 16581  
full at least seventy-five per cent of a school year and has not 16582  
adopted a resolution outlining a plan for using at least 16583  
seventy-five per cent of that property building for ~~any of these~~ 16584  
~~purposes within~~ academic instruction for at least seventy-five per 16585  
cent of the next three school years year, it shall offer that 16586  
property building for sale to the governing authorities of the 16587  
start-up community schools established under Chapter 3314. of the 16588  
Revised Code located within the territory of the school district, 16589  
at a price that is not higher than the appraised fair market value 16590  
of that property. If more than one community school governing 16591  
authority accepts the offer made by the school district board, the 16592  
board shall sell the property to the governing authority that 16593  
accepted the offer first in time. 16594

(H) When a school district board of education has property 16595  
that the board, by resolution, finds is not needed for school 16596  
district use, is obsolete, or is unfit for the use for which it 16597  
was acquired, the board may donate that property in accordance 16598  
with this division if the fair market value of the property is, in 16599  
the opinion of the board, two thousand five hundred dollars or 16600  
less. 16601

The property may be donated to an eligible nonprofit 16602  
organization that is located in this state and is exempt from 16603  
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 16604  
Before donating any property under this division, the board shall 16605  
adopt a resolution expressing its intent to make unneeded, 16606  
obsolete, or unfit-for-use school district property available to 16607  
these organizations. The resolution shall include guidelines and 16608  
procedures the board considers to be necessary to implement the 16609  
donation program and shall indicate whether the school district 16610  
will conduct the donation program or the board will contract with 16611  
a representative to conduct it. If a representative is known when 16612

the resolution is adopted, the resolution shall provide contact 16613  
information such as the representative's name, address, and 16614  
telephone number. 16615

The resolution shall include within its procedures a 16616  
requirement that any nonprofit organization desiring to obtain 16617  
donated property under this division shall submit a written notice 16618  
to the board or its representative. The written notice shall 16619  
include evidence that the organization is a nonprofit organization 16620  
that is located in this state and is exempt from federal income 16621  
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 16622  
the organization's primary purpose; a description of the type or 16623  
types of property the organization needs; and the name, address, 16624  
and telephone number of a person designated by the organization's 16625  
governing board to receive donated property and to serve as its 16626  
agent. 16627

After adoption of the resolution, the board shall publish, in 16628  
a newspaper of general circulation in the school district, notice 16629  
of its intent to donate unneeded, obsolete, or unfit-for-use 16630  
school district property to eligible nonprofit organizations. The 16631  
notice shall include a summary of the information provided in the 16632  
resolution and shall be published at least twice. The second and 16633  
any subsequent notice shall be published not less than ten nor 16634  
more than twenty days after the previous notice. A similar notice 16635  
also shall be posted continually in the board's office, and, if 16636  
the school district maintains a web site on the internet, the 16637  
notice shall be posted continually at that web site. 16638

The board or its representatives shall maintain a list of all 16639  
nonprofit organizations that notify the board or its 16640  
representative of their desire to obtain donated property under 16641  
this division and that the board or its representative determines 16642  
to be eligible, in accordance with the requirements set forth in 16643  
this section and in the donation program's guidelines and 16644

procedures, to receive donated property. 16645

The board or its representative also shall maintain a list of 16646  
all school district property the board finds to be unneeded, 16647  
obsolete, or unfit for use and to be available for donation under 16648  
this division. The list shall be posted continually in a 16649  
conspicuous location in the board's office, and, if the school 16650  
district maintains a web site on the internet, the list shall be 16651  
posted continually at that web site. An item of property on the 16652  
list shall be donated to the eligible nonprofit organization that 16653  
first declares to the board or its representative its desire to 16654  
obtain the item unless the board previously has established, by 16655  
resolution, a list of eligible nonprofit organizations that shall 16656  
be given priority with respect to the item's donation. Priority 16657  
may be given on the basis that the purposes of a nonprofit 16658  
organization have a direct relationship to specific school 16659  
district purposes of programs provided or administered by the 16660  
board. A resolution giving priority to certain nonprofit 16661  
organizations with respect to the donation of an item of property 16662  
shall specify the reasons why the organizations are given that 16663  
priority. 16664

Members of the board shall consult with the Ohio ethics 16665  
commission, and comply with Chapters 102. and 2921. of the Revised 16666  
Code, with respect to any donation under this division to a 16667  
nonprofit organization of which a board member, any member of a 16668  
board member's family, or any business associate of a board member 16669  
is a trustee, officer, board member, or employee. 16670

**Sec. 3313.603.** (A) As used in this section: 16671

(1) "One unit" means a minimum of one hundred twenty hours of 16672  
course instruction, except that for a laboratory course, "one 16673  
unit" means a minimum of one hundred fifty hours of course 16674  
instruction. 16675



(2) "One-half unit" means a minimum of sixty hours of course instruction, except that for physical education courses, "one-half unit" means a minimum of one hundred twenty hours of course instruction.

(B) Beginning September 15, 2001, except as required in division (C) of this section and division (C) of section 3313.614 of the Revised Code, the requirements for graduation from every high school shall include twenty units earned in grades nine through twelve and shall be distributed as follows:

(1) English language arts, four units;

(2) Health, one-half unit;

(3) Mathematics, three units;

(4) Physical education, one-half unit;

(5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the following:

(a) Biological sciences, one unit;

(b) Physical sciences, one unit.

(6) Social studies, three units, which shall include both of the following:

(a) American history, one-half unit;

(b) American government, one-half unit.

(7) Elective units, seven units until September 15, 2003, and six units thereafter.

Each student's electives shall include at least one unit, or two half units, chosen from among the areas of business/technology, fine arts, and/or foreign language.

(C) Beginning with students who enter ninth grade for the first time on or after July 1, 2010, except as provided in

divisions (D) to (F) of this section, the requirements for 16705  
graduation from every public and chartered nonpublic high school 16706  
shall include twenty units that are designed to prepare students 16707  
for the workforce and college. The units shall be distributed as 16708  
follows: 16709

- (1) English language arts, four units; 16710
- (2) Health, one-half unit; 16711
- (3) Mathematics, four units, which shall include one unit of 16712  
algebra II or the equivalent of algebra II; 16713
- (4) Physical education, one-half unit; 16714
- (5) Science, three units with inquiry-based laboratory 16715  
experience that engages students in asking valid scientific 16716  
questions and gathering and analyzing information, which shall 16717  
include the following, or their equivalent: 16718

  - (a) Physical sciences, one unit; 16719
  - (b) ~~Biology~~ Life sciences, one unit; 16720
  - (c) Advanced study in one or more of the following sciences, 16721  
one unit: 16722

    - (i) Chemistry, physics, or other physical science; 16723
    - (ii) Advanced biology or other life science; 16724
    - (iii) Astronomy, physical geology, or other earth or space 16725  
science. 16726

  - (6) Social studies, three units, which shall include both of 16727  
the following: 16728

    - (a) American history, one-half unit; 16729
    - (b) American government, one-half unit. 16730

Each school shall integrate the study of economics and 16731  
financial literacy, as expressed in the social studies academic 16732

content standards adopted by the state board of education under 16733  
section 3301.079 of the Revised Code, into one or more existing 16734  
social studies credits required under division (C)(6) of this 16735  
section, or into the content of another class, so that every high 16736  
school student receives instruction in those concepts. In 16737  
developing the curriculum required by this paragraph, schools 16738  
shall use available public-private partnerships and resources and 16739  
materials that exist in business, industry, and through the 16740  
centers for economics education at institutions of higher 16741  
education in the state. 16742

(7) Five units consisting of one or any combination of 16743  
foreign language, fine arts, business, career-technical education, 16744  
family and consumer sciences, technology, agricultural education, 16745  
or English language arts, mathematics, science, or social studies 16746  
courses not otherwise required under division (C) of this section. 16747

Ohioans must be prepared to apply increased knowledge and 16748  
skills in the workplace and to adapt their knowledge and skills 16749  
quickly to meet the rapidly changing conditions of the 16750  
twenty-first century. National studies indicate that all high 16751  
school graduates need the same academic foundation, regardless of 16752  
the opportunities they pursue after graduation. The goal of Ohio's 16753  
system of elementary and secondary education is to prepare all 16754  
students for and seamlessly connect all students to success in 16755  
life beyond high school graduation, regardless of whether the next 16756  
step is entering the workforce, beginning an apprenticeship, 16757  
engaging in post-secondary training, serving in the military, or 16758  
pursuing a college degree. 16759

The Ohio core curriculum is the standard expectation for all 16760  
students entering ninth grade for the first time at a public or 16761  
chartered nonpublic high school on or after July 1, 2010. A 16762  
student may satisfy this expectation through a variety of methods, 16763  
including, but not limited to, integrated, applied, 16764

career-technical, and traditional coursework. 16765

Whereas teacher quality is essential for student success in 16766  
completing the Ohio core curriculum, the general assembly shall 16767  
appropriate funds for strategic initiatives designed to strengthen 16768  
schools' capacities to hire and retain highly qualified teachers 16769  
in the subject areas required by the curriculum. Such initiatives 16770  
are expected to require an investment of \$120,000,000 over five 16771  
years. 16772

Stronger coordination between high schools and institutions 16773  
of higher education is necessary to prepare students for more 16774  
challenging academic endeavors and to lessen the need for academic 16775  
remediation in college, thereby reducing the costs of higher 16776  
education for Ohio's students, families, and the state. The state 16777  
board of education, the Ohio board of regents, and the partnership 16778  
for continued learning shall develop policies to ensure that only 16779  
in rare instances will students who complete the Ohio core 16780  
curriculum require academic remediation after high school. 16781

School districts, community schools, and chartered nonpublic 16782  
schools shall integrate technology into learning experiences 16783  
whenever practicable across the curriculum in order to maximize 16784  
efficiency, enhance learning, and prepare students for success in 16785  
the technology-driven twenty-first century. Districts and schools 16786  
may use distance and web-based course delivery as a method of 16787  
providing or augmenting all instruction required under this 16788  
division, including laboratory experience in science. Districts 16789  
and schools shall whenever practicable utilize technology access 16790  
and electronic learning opportunities provided by the eTech Ohio 16791  
commission, the Ohio learning network, education technology 16792  
centers, public television stations, and other public and private 16793  
providers. 16794

(D) Except as provided in division (E) of this section, a 16795  
student who enters ninth grade on or after July 1, 2010, and 16796

before July 1, 2014, may qualify for graduation from a public or 16797  
chartered nonpublic high school even though the student has not 16798  
completed the Ohio core curriculum prescribed in division (C) of 16799  
this section if all of the following conditions are satisfied: 16800

(1) After the student has attended high school for two years, 16801  
as determined by the school, the student and the student's parent, 16802  
guardian, or custodian sign and file with the school a written 16803  
statement asserting the parent's, guardian's, or custodian's 16804  
consent to the student's graduating without completing the Ohio 16805  
core curriculum and acknowledging that one consequence of not 16806  
completing the Ohio core curriculum is ineligibility to enroll in 16807  
most state universities in Ohio without further coursework. 16808

(2) The student and parent, guardian, or custodian fulfill 16809  
any procedural requirements the school stipulates to ensure the 16810  
student's and parent's, guardian's, or custodian's informed 16811  
consent and to facilitate orderly filing of statements under 16812  
division (D)(1) of this section. 16813

(3) The student and the student's parent, guardian, or 16814  
custodian and a representative of the student's high school 16815  
jointly develop an individual career plan for the student that 16816  
specifies the student matriculating to a two-year degree program, 16817  
acquiring a business and industry credential, or entering an 16818  
apprenticeship. 16819

(4) The student's high school provides counseling and support 16820  
for the student related to the plan developed under division 16821  
(D)(3) of this section during the remainder of the student's high 16822  
school experience. 16823

(5) The student successfully completes, at a minimum, the 16824  
curriculum prescribed in division (B) of this section. 16825

The partnership for continued learning, in collaboration with 16826  
the department of education and the Ohio board of regents, shall 16827

analyze student performance data to determine if there are 16828  
mitigating factors that warrant extending the exception permitted 16829  
by division (D) of this section to high school classes beyond 16830  
those entering ninth grade before July 1, 2014. The partnership 16831  
shall submit its findings and any recommendations not later than 16832  
August 1, 2014, to the speaker and minority leader of the house of 16833  
representatives, the president and minority leader of the senate, 16834  
the chairpersons and ranking minority members of the standing 16835  
committees of the house of representatives and the senate that 16836  
consider education legislation, the state board of education, and 16837  
the superintendent of public instruction. 16838

(E) Each school district and chartered nonpublic school 16839  
retains the authority to require an even more rigorous minimum 16840  
curriculum for high school graduation than specified in division 16841  
(B) or (C) of this section. A school district board of education, 16842  
through the adoption of a resolution, or the governing authority 16843  
of a chartered nonpublic school may stipulate any of the 16844  
following: 16845

(1) A minimum high school curriculum that requires more than 16846  
twenty units of academic credit to graduate; 16847

(2) An exception to the district's or school's minimum high 16848  
school curriculum that is comparable to the exception provided in 16849  
division (D) of this section but with additional requirements, 16850  
which may include a requirement that the student successfully 16851  
complete more than the minimum curriculum prescribed in division 16852  
(B) of this section; 16853

(3) That no exception comparable to that provided in division 16854  
(D) of this section is available. 16855

(F) A student enrolled in a dropout prevention and recovery 16856  
program, which program has received a waiver from the department 16857  
of education, may qualify for graduation from high school by 16858

successfully completing a competency-based instructional program 16859  
administered by the dropout prevention and recovery program in 16860  
lieu of completing the Ohio core curriculum prescribed in division 16861  
(C) of this section. The department shall grant a waiver to a 16862  
dropout prevention and recovery program, within sixty days after 16863  
the program applies for the waiver, if the program meets all of 16864  
the following conditions: 16865

(1) The program serves only students not younger than sixteen 16866  
years of age and not older than twenty-one years of age. 16867

(2) The program enrolls students who, at the time of their 16868  
initial enrollment, either, or both, are at least one grade level 16869  
behind their cohort age groups or experience crises that 16870  
significantly interfere with their academic progress such that 16871  
they are prevented from continuing their traditional programs. 16872

(3) The program requires students to attain at least the 16873  
applicable score designated for each of the tests prescribed under 16874  
division (B) of section 3301.0710 of the Revised Code. 16875

(4) The program develops an individual career plan for the 16876  
student that specifies the student's matriculating to a two-year 16877  
degree program, acquiring a business and industry credential, or 16878  
entering an apprenticeship. 16879

(5) The program provides counseling and support for the 16880  
student related to the plan developed under division (F)(4) of 16881  
this section during the remainder of the student's high school 16882  
experience. 16883

(6) The program requires the student and the student's 16884  
parent, guardian, or custodian to sign and file, in accordance 16885  
with procedural requirements stipulated by the program, a written 16886  
statement asserting the parent's, guardian's, or custodian's 16887  
consent to the student's graduating without completing the Ohio 16888  
core curriculum and acknowledging that one consequence of not 16889

completing the Ohio core curriculum is ineligibility to enroll in 16890  
most state universities in Ohio without further coursework. 16891

(7) Prior to receiving the waiver, the program has submitted 16892  
to the department an instructional plan that demonstrates how the 16893  
academic content standards adopted by the state board of education 16894  
under section 3301.079 of the Revised Code will be taught and 16895  
assessed. 16896

If the department does not act either to grant the waiver or 16897  
to reject the program application for the waiver within sixty days 16898  
as required under this section, the waiver shall be considered to 16899  
be granted. 16900

(G) Every high school may permit students below the ninth 16901  
grade to take advanced work for high school credit. A high school 16902  
shall count such advanced work toward the graduation requirements 16903  
of division (B) or (C) of this section if the advanced work was 16904  
both: 16905

(1) Taught by a person who possesses a license or certificate 16906  
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 16907  
Code that is valid for teaching high school; 16908

(2) Designated by the board of education of the city, local, 16909  
or exempted village school district, the board of the cooperative 16910  
education school district, or the governing authority of the 16911  
chartered nonpublic school as meeting the high school curriculum 16912  
requirements. 16913

Each high school shall record on the student's high school 16914  
transcript all high school credit awarded under division (G) of 16915  
this section. In addition, if the student completed a seventh- or 16916  
eighth-grade fine arts course described in division (K) of this 16917  
section and the course qualified for high school credit under that 16918  
division, the high school shall record that course on the 16919  
student's high school transcript. 16920



(H) The department shall make its individual academic career plan available through its Ohio career information system web site for districts and schools to use as a tool for communicating with and providing guidance to students and families in selecting high school courses.

(I) Units earned in English language arts, mathematics, science, and social studies that are delivered through integrated academic and career-technical instruction are eligible to meet the graduation requirements of division (B) or (C) of this section.

(J) The state board of education, in consultation with the Ohio board of regents and the partnership for continued learning, shall adopt a statewide plan implementing methods for students to earn units of high school credit based on a demonstration of subject area competency, instead of or in combination with completing hours of classroom instruction. The state board shall adopt the plan not later than March 31, 2009, and commence phasing in the plan during the 2009-2010 school year. The plan shall include a standard method for recording demonstrated proficiency on high school transcripts. Each school district, community school, and chartered nonpublic school shall comply with the state board's plan adopted under this division and award units of high school credit in accordance with the plan. The state board may adopt existing methods for earning high school credit based on a demonstration of subject area competency as necessary prior to the 2009-2010 school year.

(K) This division does not apply to students who qualify for graduation from high school under division (D) or (F) of this section, or to students pursuing a career-technical instructional track as determined by the school district board of education or the chartered nonpublic school's governing authority. Nevertheless, the general assembly encourages such students to consider enrolling in a fine arts course as an elective.

Beginning with students who enter ninth grade for the first 16953  
time on or after July 1, 2010, each student enrolled in a public 16954  
or chartered nonpublic high school shall complete two semesters or 16955  
the equivalent of fine arts to graduate from high school. The 16956  
coursework may be completed in any of grades seven to twelve. Each 16957  
student who completes a fine arts course in grade seven or eight 16958  
may elect to count that course toward the five units of electives 16959  
required for graduation under division (C)(7) of this section, if 16960  
the course satisfied the requirements of division (G) of this 16961  
section. In that case, the high school shall award the student 16962  
high school credit for the course and count the course toward the 16963  
five units required under division (C)(7) of this section. If the 16964  
course in grade seven or eight did not satisfy the requirements of 16965  
division (G) of this section, the high school shall not award the 16966  
student high school credit for the course but shall count the 16967  
course toward the two semesters or the equivalent of fine arts 16968  
required by this division. 16969

(L) Notwithstanding anything to the contrary in this section, 16970  
the board of education of each school district and the governing 16971  
authority of each chartered nonpublic school may adopt a policy to 16972  
excuse from the high school physical education requirement each 16973  
student who, during high school, has participated in 16974  
interscholastic athletics, marching band, or cheerleading for at 16975  
least two full seasons. If the board or authority adopts such a 16976  
policy, the board or authority shall not require the student to 16977  
complete any physical education course as a condition to graduate. 16978  
However, the student shall be required to complete one-half unit, 16979  
consisting of at least sixty hours of instruction, in another 16980  
course of study. 16981

**Sec. 3313.615.** This section shall apply to diplomas awarded 16982  
after September 15, 2006, to students who are required to take the 16983  
five Ohio graduation tests prescribed by division (B) of section 16984

3301.0710 of the Revised Code. 16985

(A) As an alternative to the requirement that a person attain 16986  
the scores designated under division (B) of section 3301.0710 of 16987  
the Revised Code on all the tests required under that division in 16988  
order to be eligible for a high school diploma or an honors 16989  
diploma under sections 3313.61, 3313.612, or 3325.08 of the 16990  
Revised Code or for a diploma of adult education under section 16991  
3313.611 of the Revised Code, a person who has attained at least 16992  
the applicable scores designated under division (B) of section 16993  
3301.0710 of the Revised Code on all but one of the tests required 16994  
by that division and from which the person was not excused or 16995  
exempted, pursuant to division ~~(H)~~ or (L) of section 3313.61, 16996  
division (B)(1) of section 3313.612, or section 3313.532 of the 16997  
Revised Code, may be awarded a diploma or honors diploma if the 16998  
person has satisfied all of the following conditions: 16999

(1) On the one test required under division (B) of section 17000  
3301.0710 of the Revised Code for which the person failed to 17001  
attain the designated score, the person missed that score by ten 17002  
points or less; 17003

(2) Has a ninety-seven per cent school attendance rate in 17004  
each of the last four school years, excluding any excused 17005  
absences; 17006

(3) Has not been expelled from school under section 3313.66 17007  
of the Revised Code in any of the last four school years; 17008

(4) Has a grade point average of at least 2.5 out of 4.0, or 17009  
its equivalent as designated in rules adopted by the state board 17010  
of education, in the subject area of the test required under 17011  
division (B) of section 3301.0710 of the Revised Code for which 17012  
the person failed to attain the designated score; 17013

(5) Has completed the high school curriculum requirements 17014  
prescribed in section 3313.603 of the Revised Code or has 17015

qualified under division (D) or (F) of that section; 17016

(6) Has taken advantage of any intervention programs provided 17017  
by the school district or school in the subject area described in 17018  
division (A)(4) of this section and has a ninety-seven per cent 17019  
attendance rate, excluding any excused absences, in any of those 17020  
programs that are provided at times beyond the normal school day, 17021  
school week, or school year or has received comparable 17022  
intervention services from a source other than the school district 17023  
or school; 17024

(7) Holds a letter recommending graduation from each of the 17025  
person's high school teachers in the subject area described in 17026  
division (A)(4) of this section and from the person's high school 17027  
principal. 17028

(B) The state board of education shall establish rules 17029  
designating grade point averages equivalent to the average 17030  
specified in division (A)(4) of this section for use by school 17031  
districts and schools with different grading systems. 17032

(C) Any student who is exempt from attaining the applicable 17033  
score designated under division (B) of section 3301.0710 of the 17034  
Revised Code on the Ohio graduation test in social studies 17035  
pursuant to division (H) of section 3313.61 or division (B)(2) of 17036  
section 3313.612 of the Revised Code shall not qualify for a high 17037  
school diploma under this section, unless, notwithstanding the 17038  
exemption, the student attains the applicable score on that test. 17039  
If the student attains the applicable score on that test, the 17040  
student may qualify for a diploma under this section in the same 17041  
manner as any other student who is required to take the five Ohio 17042  
graduation tests prescribed by division (B) of section 3301.0710 17043  
of the Revised Code. 17044

**Sec. 3313.64.** (A) As used in this section and in section 17045  
3313.65 of the Revised Code: 17046

(1)(a) Except as provided in division (A)(1)(b) of this section, "parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian of the child. When a child is in the legal custody of a government agency or a person other than the child's natural or adoptive parent, "parent" means the parent with residual parental rights, privileges, and responsibilities. When a child is in the permanent custody of a government agency or a person other than the child's natural or adoptive parent, "parent" means the parent who was divested of parental rights and responsibilities for the care of the child and the right to have the child live with the parent and be the legal custodian of the child and all residual parental rights, privileges, and responsibilities.

(b) When a child is the subject of a power of attorney executed under sections 3109.51 to 3109.62 of the Revised Code, "parent" means the grandparent designated as attorney in fact under the power of attorney. When a child is the subject of a caretaker authorization affidavit executed under sections 3109.64 to 3109.73 of the Revised Code, "parent" means the grandparent that executed the affidavit.

(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. 17079  
17080  
17081
- (b) The home is operated by a person who is licensed, certified, or approved by the state to operate the home for such purpose. 17082  
17083  
17084
- (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. 17085  
17086  
17087
- (d) The home is a children's home created under section 5153.21 or 5153.36 of the Revised Code. 17088  
17089
- (5) "Agency" means all of the following: 17090
- (a) A public children services agency; 17091
- (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; 17092  
17093  
17094  
17095  
17096  
17097
- (c) Comparable agencies of other states or countries that have complied with applicable requirements of section 2151.39, or sections 5103.20 to 5103.22 of the Revised Code. 17098  
17099  
17100
- (6) A child is placed for adoption if either of the following occurs: 17101  
17102
- (a) An agency to which the child has been permanently committed or surrendered enters into an agreement with a person pursuant to section 5103.16 of the Revised Code for the care and adoption of the child. 17103  
17104  
17105  
17106
- (b) The child's natural parent places the child pursuant to section 5103.16 of the Revised Code with a person who will care 17107  
17108

for and adopt the child. 17109

(7) "Handicapped preschool child" means a handicapped child, 17110  
as defined by division (A) of section 3323.01 of the Revised Code, 17111  
who is at least three years of age but is not of compulsory school 17112  
age, as defined in section 3321.01 of the Revised Code, and who is 17113  
not currently enrolled in kindergarten. 17114

(8) "Child," unless otherwise indicated, includes handicapped 17115  
preschool children. 17116

(9) "Active duty" means active duty pursuant to an executive 17117  
order of the president of the United States, an act of the 17118  
congress of the United States, or section 5919.29 or 5923.21 of 17119  
the Revised Code. 17120

(B) Except as otherwise provided in section 3321.01 of the 17121  
Revised Code for admittance to kindergarten and first grade, a 17122  
child who is at least five but under twenty-two years of age and 17123  
any handicapped preschool child shall be admitted to school as 17124  
provided in this division. 17125

(1) A child shall be admitted to the schools of the school 17126  
district in which the child's parent resides. 17127

(2) A child who does not reside in the district where the 17128  
child's parent resides shall be admitted to the schools of the 17129  
district in which the child resides if any of the following 17130  
applies: 17131

(a) The child is in the legal or permanent custody of a 17132  
government agency or a person other than the child's natural or 17133  
adoptive parent. 17134

(b) The child resides in a home. 17135

(c) The child requires special education. 17136

(3) A child who is not entitled under division (B)(2) of this 17137  
section to be admitted to the schools of the district where the 17138

child resides and who is residing with a resident of this state 17139  
with whom the child has been placed for adoption shall be admitted 17140  
to the schools of the district where the child resides unless 17141  
either of the following applies: 17142

(a) The placement for adoption has been terminated. 17143

(b) Another school district is required to admit the child 17144  
under division (B)(1) of this section. 17145

Division (B) of this section does not prohibit the board of 17146  
education of a school district from placing a handicapped child 17147  
who resides in the district in a special education program outside 17148  
of the district or its schools in compliance with Chapter 3323. of 17149  
the Revised Code. 17150

(C) A district shall not charge tuition for children admitted 17151  
under division (B)(1) or (3) of this section. If the district 17152  
admits a child under division (B)(2) of this section, tuition 17153  
shall be paid to the district that admits the child as follows: 17154

(1) If the child receives special education in accordance 17155  
with Chapter 3323. of the Revised Code, the school district of 17156  
residence, as defined in section 3323.01 of the Revised Code, 17157  
shall pay tuition for the child in accordance with section 17158  
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 17159  
regardless of who has custody of the child or whether the child 17160  
resides in a home. 17161

(2) For a child that does not receive special education in 17162  
accordance with Chapter 3323. of the Revised Code, except as 17163  
otherwise provided in division (C)(2)(d) of this section, if the 17164  
child is in the permanent or legal custody of a government agency 17165  
or person other than the child's parent, tuition shall be paid by: 17166

(a) The district in which the child's parent resided at the 17167  
time the court removed the child from home or at the time the 17168  
court vested legal or permanent custody of the child in the person 17169



or government agency, whichever occurred first; 17170

(b) If the parent's residence at the time the court removed 17171  
the child from home or placed the child in the legal or permanent 17172  
custody of the person or government agency is unknown, tuition 17173  
shall be paid by the district in which the child resided at the 17174  
time the child was removed from home or placed in legal or 17175  
permanent custody, whichever occurred first; 17176

(c) If a school district cannot be established under division 17177  
(C)(2)(a) or (b) of this section, tuition shall be paid by the 17178  
district determined as required by section 2151.362 of the Revised 17179  
Code by the court at the time it vests custody of the child in the 17180  
person or government agency; 17181

(d) If at the time the court removed the child from home or 17182  
vested legal or permanent custody of the child in the person or 17183  
government agency, whichever occurred first, one parent was in a 17184  
residential or correctional facility or a juvenile residential 17185  
placement and the other parent, if living and not in such a 17186  
facility or placement, was not known to reside in this state, 17187  
tuition shall be paid by the district determined under division 17188  
(D) of section 3313.65 of the Revised Code as the district 17189  
required to pay any tuition while the parent was in such facility 17190  
or placement; 17191

(e) If the ~~court has modified its order as to which district~~ 17192  
department of education has determined, pursuant to division 17193  
(A)(2) of section 2151.362 of the Revised Code, that a school 17194  
district other than the one named in the court's initial order, or 17195  
in a prior determination of the department, is responsible to bear 17196  
the cost of educating the child ~~pursuant to division (A)(2) of~~ 17197  
~~section 2151.362 of the Revised Code, the district so determined~~ 17198  
~~to shall be responsible for that cost in the order so modified.~~ 17199

(3) If the child is not in the permanent or legal custody of 17200

a government agency or person other than the child's parent and 17201  
the child resides in a home, tuition shall be paid by one of the 17202  
following: 17203

(a) The school district in which the child's parent resides; 17204

(b) If the child's parent is not a resident of this state, 17205  
the home in which the child resides. 17206

(D) Tuition required to be paid under divisions (C)(2) and 17207  
(3)(a) of this section shall be computed in accordance with 17208  
section 3317.08 of the Revised Code. Tuition required to be paid 17209  
under division (C)(3)(b) of this section shall be computed in 17210  
accordance with section 3317.081 of the Revised Code. If a home 17211  
fails to pay the tuition required by division (C)(3)(b) of this 17212  
section, the board of education providing the education may 17213  
recover in a civil action the tuition and the expenses incurred in 17214  
prosecuting the action, including court costs and reasonable 17215  
attorney's fees. If the prosecuting attorney or city director of 17216  
law represents the board in such action, costs and reasonable 17217  
attorney's fees awarded by the court, based upon the prosecuting 17218  
attorney's, director's, or one of their designee's time spent 17219  
preparing and presenting the case, shall be deposited in the 17220  
county or city general fund. 17221

(E) A board of education may enroll a child free of any 17222  
tuition obligation for a period not to exceed sixty days, on the 17223  
sworn statement of an adult resident of the district that the 17224  
resident has initiated legal proceedings for custody of the child. 17225

(F) In the case of any individual entitled to attend school 17226  
under this division, no tuition shall be charged by the school 17227  
district of attendance and no other school district shall be 17228  
required to pay tuition for the individual's attendance. 17229  
Notwithstanding division (B), (C), or (E) of this section: 17230

(1) All persons at least eighteen but under twenty-two years 17231

of age who live apart from their parents, support themselves by 17232  
their own labor, and have not successfully completed the high 17233  
school curriculum or the individualized education program 17234  
developed for the person by the high school pursuant to section 17235  
3323.08 of the Revised Code, are entitled to attend school in the 17236  
district in which they reside. 17237

(2) Any child under eighteen years of age who is married is 17238  
entitled to attend school in the child's district of residence. 17239

(3) A child is entitled to attend school in the district in 17240  
which either of the child's parents is employed if the child has a 17241  
medical condition that may require emergency medical attention. 17242  
The parent of a child entitled to attend school under division 17243  
(F)(3) of this section shall submit to the board of education of 17244  
the district in which the parent is employed a statement from the 17245  
child's physician certifying that the child's medical condition 17246  
may require emergency medical attention. The statement shall be 17247  
supported by such other evidence as the board may require. 17248

(4) Any child residing with a person other than the child's 17249  
parent is entitled, for a period not to exceed twelve months, to 17250  
attend school in the district in which that person resides if the 17251  
child's parent files an affidavit with the superintendent of the 17252  
district in which the person with whom the child is living resides 17253  
stating all of the following: 17254

(a) That the parent is serving outside of the state in the 17255  
armed services of the United States; 17256

(b) That the parent intends to reside in the district upon 17257  
returning to this state; 17258

(c) The name and address of the person with whom the child is 17259  
living while the parent is outside the state. 17260

(5) Any child under the age of twenty-two years who, after 17261  
the death of a parent, resides in a school district other than the 17262

district in which the child attended school at the time of the 17263  
parent's death is entitled to continue to attend school in the 17264  
district in which the child attended school at the time of the 17265  
parent's death for the remainder of the school year, subject to 17266  
approval of that district board. 17267

(6) A child under the age of twenty-two years who resides 17268  
with a parent who is having a new house built in a school district 17269  
outside the district where the parent is residing is entitled to 17270  
attend school for a period of time in the district where the new 17271  
house is being built. In order to be entitled to such attendance, 17272  
the parent shall provide the district superintendent with the 17273  
following: 17274

(a) A sworn statement explaining the situation, revealing the 17275  
location of the house being built, and stating the parent's 17276  
intention to reside there upon its completion; 17277

(b) A statement from the builder confirming that a new house 17278  
is being built for the parent and that the house is at the 17279  
location indicated in the parent's statement. 17280

(7) A child under the age of twenty-two years residing with a 17281  
parent who has a contract to purchase a house in a school district 17282  
outside the district where the parent is residing and who is 17283  
waiting upon the date of closing of the mortgage loan for the 17284  
purchase of such house is entitled to attend school for a period 17285  
of time in the district where the house is being purchased. In 17286  
order to be entitled to such attendance, the parent shall provide 17287  
the district superintendent with the following: 17288

(a) A sworn statement explaining the situation, revealing the 17289  
location of the house being purchased, and stating the parent's 17290  
intent to reside there; 17291

(b) A statement from a real estate broker or bank officer 17292  
confirming that the parent has a contract to purchase the house, 17293

that the parent is waiting upon the date of closing of the 17294  
mortgage loan, and that the house is at the location indicated in 17295  
the parent's statement. 17296

The district superintendent shall establish a period of time 17297  
not to exceed ninety days during which the child entitled to 17298  
attend school under division (F)(6) or (7) of this section may 17299  
attend without tuition obligation. A student attending a school 17300  
under division (F)(6) or (7) of this section shall be eligible to 17301  
participate in interscholastic athletics under the auspices of 17302  
that school, provided the board of education of the school 17303  
district where the student's parent resides, by a formal action, 17304  
releases the student to participate in interscholastic athletics 17305  
at the school where the student is attending, and provided the 17306  
student receives any authorization required by a public agency or 17307  
private organization of which the school district is a member 17308  
exercising authority over interscholastic sports. 17309

(8) A child whose parent is a full-time employee of a city, 17310  
local, or exempted village school district, or of an educational 17311  
service center, may be admitted to the schools of the district 17312  
where the child's parent is employed, or in the case of a child 17313  
whose parent is employed by an educational service center, in the 17314  
district that serves the location where the parent's job is 17315  
primarily located, provided the district board of education 17316  
establishes such an admission policy by resolution adopted by a 17317  
majority of its members. Any such policy shall take effect on the 17318  
first day of the school year and the effective date of any 17319  
amendment or repeal may not be prior to the first day of the 17320  
subsequent school year. The policy shall be uniformly applied to 17321  
all such children and shall provide for the admission of any such 17322  
child upon request of the parent. No child may be admitted under 17323  
this policy after the first day of classes of any school year. 17324

(9) A child who is with the child's parent under the care of 17325

a shelter for victims of domestic violence, as defined in section 17326  
3113.33 of the Revised Code, is entitled to attend school free in 17327  
the district in which the child is with the child's parent, and no 17328  
other school district shall be required to pay tuition for the 17329  
child's attendance in that school district. 17330

The enrollment of a child in a school district under this 17331  
division shall not be denied due to a delay in the school 17332  
district's receipt of any records required under section 3313.672 17333  
of the Revised Code or any other records required for enrollment. 17334  
Any days of attendance and any credits earned by a child while 17335  
enrolled in a school district under this division shall be 17336  
transferred to and accepted by any school district in which the 17337  
child subsequently enrolls. The state board of education shall 17338  
adopt rules to ensure compliance with this division. 17339

(10) Any child under the age of twenty-two years whose parent 17340  
has moved out of the school district after the commencement of 17341  
classes in the child's senior year of high school is entitled, 17342  
subject to the approval of that district board, to attend school 17343  
in the district in which the child attended school at the time of 17344  
the parental move for the remainder of the school year and for one 17345  
additional semester or equivalent term. A district board may also 17346  
adopt a policy specifying extenuating circumstances under which a 17347  
student may continue to attend school under division (F)(10) of 17348  
this section for an additional period of time in order to 17349  
successfully complete the high school curriculum for the 17350  
individualized education program developed for the student by the 17351  
high school pursuant to section 3323.08 of the Revised Code. 17352

(11) As used in this division, "grandparent" means a parent 17353  
of a parent of a child. A child under the age of twenty-two years 17354  
who is in the custody of the child's parent, resides with a 17355  
grandparent, and does not require special education is entitled to 17356  
attend the schools of the district in which the child's 17357

grandparent resides, provided that, prior to such attendance in 17358  
any school year, the board of education of the school district in 17359  
which the child's grandparent resides and the board of education 17360  
of the school district in which the child's parent resides enter 17361  
into a written agreement specifying that good cause exists for 17362  
such attendance, describing the nature of this good cause, and 17363  
consenting to such attendance. 17364

In lieu of a consent form signed by a parent, a board of 17365  
education may request the grandparent of a child attending school 17366  
in the district in which the grandparent resides pursuant to 17367  
division (F)(11) of this section to complete any consent form 17368  
required by the district, including any authorization required by 17369  
sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised 17370  
Code. Upon request, the grandparent shall complete any consent 17371  
form required by the district. A school district shall not incur 17372  
any liability solely because of its receipt of a consent form from 17373  
a grandparent in lieu of a parent. 17374

Division (F)(11) of this section does not create, and shall 17375  
not be construed as creating, a new cause of action or substantive 17376  
legal right against a school district, a member of a board of 17377  
education, or an employee of a school district. This section does 17378  
not affect, and shall not be construed as affecting, any 17379  
immunities from defenses to tort liability created or recognized 17380  
by Chapter 2744. of the Revised Code for a school district, 17381  
member, or employee. 17382

(12) A child under the age of twenty-two years is entitled to 17383  
attend school in a school district other than the district in 17384  
which the child is entitled to attend school under division (B), 17385  
(C), or (E) of this section provided that, prior to such 17386  
attendance in any school year, both of the following occur: 17387

(a) The superintendent of the district in which the child is 17388  
entitled to attend school under division (B), (C), or (E) of this 17389

section contacts the superintendent of another district for 17390  
purposes of this division; 17391

(b) The superintendents of both districts enter into a 17392  
written agreement that consents to the attendance and specifies 17393  
that the purpose of such attendance is to protect the student's 17394  
physical or mental well-being or to deal with other extenuating 17395  
circumstances deemed appropriate by the superintendents. 17396

While an agreement is in effect under this division for a 17397  
student who is not receiving special education under Chapter 3323. 17398  
of the Revised Code and notwithstanding Chapter 3327. of the 17399  
Revised Code, the board of education of neither school district 17400  
involved in the agreement is required to provide transportation 17401  
for the student to and from the school where the student attends. 17402

A student attending a school of a district pursuant to this 17403  
division shall be allowed to participate in all student 17404  
activities, including interscholastic athletics, at the school 17405  
where the student is attending on the same basis as any student 17406  
who has always attended the schools of that district while of 17407  
compulsory school age. 17408

(13) All school districts shall comply with the 17409  
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 17410  
seq., for the education of homeless children. Each city, local, 17411  
and exempted village school district shall comply with the 17412  
requirements of that act governing the provision of a free, 17413  
appropriate public education, including public preschool, to each 17414  
homeless child. 17415

When a child loses permanent housing and becomes a homeless 17416  
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 17417  
such a homeless person changes temporary living arrangements, the 17418  
child's parent or guardian shall have the option of enrolling the 17419  
child in either of the following: 17420



(a) The child's school of origin, as defined in 42 U.S.C.A. 17421  
11432(g)(3)(C); 17422

(b) The school that is operated by the school district in 17423  
which the shelter where the child currently resides is located and 17424  
that serves the geographic area in which the shelter is located. 17425

(14) A child under the age of twenty-two years who resides 17426  
with a person other than the child's parent is entitled to attend 17427  
school in the school district in which that person resides if both 17428  
of the following apply: 17429

(a) That person has been appointed, through a military power 17430  
of attorney executed under section 574(a) of the "National Defense 17431  
Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 17432  
U.S.C. 1044b, or through a comparable document necessary to 17433  
complete a family care plan, as the parent's agent for the care, 17434  
custody, and control of the child while the parent is on active 17435  
duty as a member of the national guard or a reserve unit of the 17436  
armed forces of the United States or because the parent is a 17437  
member of the armed forces of the United States and is on a duty 17438  
assignment away from the parent's residence. 17439

(b) The military power of attorney or comparable document 17440  
includes at least the authority to enroll the child in school. 17441

The entitlement to attend school in the district in which the 17442  
parent's agent under the military power of attorney or comparable 17443  
document resides applies until the end of the school year in which 17444  
the military power of attorney or comparable document expires. 17445

(G) A board of education, after approving admission, may 17446  
waive tuition for students who will temporarily reside in the 17447  
district and who are either of the following: 17448

(1) Residents or domiciliaries of a foreign nation who 17449  
request admission as foreign exchange students; 17450

(2) Residents or domiciliaries of the United States but not of Ohio who request admission as participants in an exchange program operated by a student exchange organization.

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 3327.04, and 3327.06 of the Revised Code, a child may attend school or participate in a special education program in a school district other than in the district where the child is entitled to attend school under division (B) of this section.

(I)(1) Notwithstanding anything to the contrary in this section or section 3313.65 of the Revised Code, a child under twenty-two years of age may attend school in the school district in which the child, at the end of the first full week of October of the school year, was entitled to attend school as otherwise provided under this section or section 3313.65 of the Revised Code, if at that time the child was enrolled in the schools of the district but since that time the child or the child's parent has relocated to a new address located outside of that school district and within the same county as the child's or parent's address immediately prior to the relocation. The child may continue to attend school in the district, and at the school to which the child was assigned at the end of the first full week of October of the current school year, for the balance of the school year. Division (I)(1) of this section applies only if both of the following conditions are satisfied:

(a) The board of education of the school district in which the child was entitled to attend school at the end of the first full week in October and of the district to which the child or child's parent has relocated each has adopted a policy to enroll children described in division (I)(1) of this section.

(b) The child's parent provides written notification of the relocation outside of the school district to the superintendent of each of the two school districts.

(2) At the beginning of the school year following the school year in which the child or the child's parent relocated outside of the school district as described in division (I)(1) of this section, the child is not entitled to attend school in the school district under that division.

(3) Any person or entity owing tuition to the school district on behalf of the child at the end of the first full week in October, as provided in division (C) of this section, shall continue to owe such tuition to the district for the child's attendance under division (I)(1) of this section for the lesser of the balance of the school year or the balance of the time that the child attends school in the district under division (I)(1) of this section.

(4) A pupil who may attend school in the district under division (I)(1) of this section shall be entitled to transportation services pursuant to an agreement between the district and the district in which the child or child's parent has relocated unless the districts have not entered into such agreement, in which case the child shall be entitled to transportation services in the same manner as a pupil attending school in the district under interdistrict open enrollment as described in division (H) of section 3313.981 of the Revised Code, regardless of whether the district has adopted an open enrollment policy as described in division (B)(1)(b) or (c) of section 3313.98 of the Revised Code.

(J) This division does not apply to a child receiving special education.

A school district required to pay tuition pursuant to division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount deducted under division (F) of section 3317.023 of the Revised Code equal to its own tuition rate for the same period of attendance. A school district entitled to

receive tuition pursuant to division (C)(2) or (3) of this section 17515  
or section 3313.65 of the Revised Code shall have an amount 17516  
credited under division (F) of section 3317.023 of the Revised 17517  
Code equal to its own tuition rate for the same period of 17518  
attendance. If the tuition rate credited to the district of 17519  
attendance exceeds the rate deducted from the district required to 17520  
pay tuition, the department of education shall pay the district of 17521  
attendance the difference from amounts deducted from all 17522  
districts' payments under division (F) of section 3317.023 of the 17523  
Revised Code but not credited to other school districts under such 17524  
division and from appropriations made for such purpose. The 17525  
treasurer of each school district shall, by the fifteenth day of 17526  
January and July, furnish the superintendent of public instruction 17527  
a report of the names of each child who attended the district's 17528  
schools under divisions (C)(2) and (3) of this section or section 17529  
3313.65 of the Revised Code during the preceding six calendar 17530  
months, the duration of the attendance of those children, the 17531  
school district responsible for tuition on behalf of the child, 17532  
and any other information that the superintendent requires. 17533

Upon receipt of the report the superintendent, pursuant to 17534  
division (F) of section 3317.023 of the Revised Code, shall deduct 17535  
each district's tuition obligations under divisions (C)(2) and (3) 17536  
of this section or section 3313.65 of the Revised Code and pay to 17537  
the district of attendance that amount plus any amount required to 17538  
be paid by the state. 17539

(K) In the event of a disagreement, the superintendent of 17540  
public instruction shall determine the school district in which 17541  
the parent resides. 17542

(L) Nothing in this section requires or authorizes, or shall 17543  
be construed to require or authorize, the admission to a public 17544  
school in this state of a pupil who has been permanently excluded 17545  
from public school attendance by the superintendent of public 17546

instruction pursuant to sections 3301.121 and 3313.662 of the Revised Code. 17547  
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(M) In accordance with division (B)(1) of this section, a child whose parent is a member of the national guard or a reserve unit of the armed forces of the United States and is called to active duty, or a child whose parent is a member of the armed forces of the United States and is ordered to a temporary duty assignment outside of the district, may continue to attend school in the district in which the child's parent lived before being called to active duty or ordered to a temporary duty assignment outside of the district, as long as the child's parent continues to be a resident of that district, and regardless of where the child lives as a result of the parent's active duty status or temporary duty assignment. However, the district is not responsible for providing transportation for the child if the child lives outside of the district as a result of the parent's active duty status or temporary duty assignment. 17549  
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**Sec. 3313.646.** (A) The board of education of a school district, except a cooperative education district established pursuant to section 3311.521 of the Revised Code, may establish and operate a preschool program ~~except that no such program shall be established after March 17, 1989, unless both of the following apply at the time the program is established:~~ 17564  
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~~(1) The, provided the board has demonstrated a need for the program-~~ 17570  
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~~(2) Unless it is a cooperative education district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code, the school district is eligible for moneys distributed by the department of education pursuant to section 3317.029 of the Revised Code. A board may use school funds in support of preschool programs. The board shall maintain, operate, and admit children to~~ 17572  
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any such program pursuant to rules adopted by such board and the 17578  
rules of the state board of education adopted under sections 17579  
3301.52 to 3301.57 of the Revised Code. 17580

A board of education may establish fees or tuition, which may 17581  
be graduated in proportion to family income, for participation in 17582  
a preschool program. In cases where payment of fees or tuition 17583  
would create a hardship for the child's parent or guardian, the 17584  
board may waive any such fees or tuition. 17585

(B) No board of education that is not receiving funds under 17586  
the "Head Start Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, on 17587  
March 17, 1989, shall compete for funds under the "Head Start Act" 17588  
with any grantee receiving funds under that act. 17589

(C) A board of education may contract with any of the 17590  
following preschool providers to provide preschool programs, other 17591  
than programs for units described by divisions (B) and (C) of 17592  
section 3317.05 of the Revised Code, for children of the school 17593  
district: 17594

(1) Any organization receiving funds under the "Head Start 17595  
Act"; 17596

(2) Any nonsectarian eligible nonpublic school as defined in 17597  
division (H) of section 3301.52 of the Revised Code; 17598

(3) Any child care provider licensed under Chapter 5104. of 17599  
the Revised Code. 17600

Boards may contract to provide preschool programs only with 17601  
such organizations whose staff meet the requirements of rules 17602  
adopted under section 3301.53 of the Revised Code or those of the 17603  
child development associate credential established by the national 17604  
association for the education of young children. 17605

(D) A contract entered into under division (C) of this 17606  
section may provide for the board of education to lease school 17607

facilities to the preschool provider or to furnish transportation, 17608  
utilities, or staff for the preschool program. 17609

(E) The treasurer of any board of education operating a 17610  
preschool program pursuant to this section shall keep an account 17611  
of all funds used to operate the program in the same manner as ~~he~~ 17612  
the treasurer would any other funds of the district pursuant to 17613  
this chapter. 17614

**Sec. 3313.66.** (A) Except as provided under division (B)(2) of 17615  
this section, the superintendent of schools of a city, exempted 17616  
village, or local school district, or the principal of a public 17617  
school may suspend a pupil from school for not more than ten 17618  
school days. The board of education of a city, exempted village, 17619  
or local school district may adopt a policy granting assistant 17620  
principals and other administrators the authority to suspend a 17621  
pupil from school for a period of time as specified in the policy 17622  
of the board of education, not to exceed ten school days. If at 17623  
the time a suspension is imposed there are fewer than ten school 17624  
days remaining in the school year in which the incident that gives 17625  
rise to the suspension takes place, the superintendent may apply 17626  
any remaining part or all of the period of the suspension to the 17627  
following school year. Except in the case of a pupil given an 17628  
in-school suspension, no pupil shall be suspended unless prior to 17629  
the suspension such superintendent or principal does both of the 17630  
following: 17631

(1) Gives the pupil written notice of the intention to 17632  
suspend the pupil and the reasons for the intended suspension and, 17633  
if the proposed suspension is based on a violation listed in 17634  
division (A) of section 3313.662 of the Revised Code and if the 17635  
pupil is sixteen years of age or older, includes in the notice a 17636  
statement that the superintendent may seek to permanently exclude 17637  
the pupil if the pupil is convicted of or adjudicated a delinquent 17638

child for that violation; 17639

(2) Provides the pupil an opportunity to appear at an 17640  
informal hearing before the principal, assistant principal, 17641  
superintendent, or superintendent's designee and challenge the 17642  
reason for the intended suspension or otherwise to explain the 17643  
pupil's actions. 17644

(B)(1) Except as provided under division (B)(2), (3), or (4) 17645  
of this section, the superintendent of schools of a city, exempted 17646  
village, or local school district may expel a pupil from school 17647  
for a period not to exceed the greater of eighty school days or 17648  
the number of school days remaining in the semester or term in 17649  
which the incident that gives rise to the expulsion takes place, 17650  
unless the expulsion is extended pursuant to division (F) of this 17651  
section. If at the time an expulsion is imposed there are fewer 17652  
than eighty school days remaining in the school year in which the 17653  
incident that gives rise to the expulsion takes place, the 17654  
superintendent may apply any remaining part or all of the period 17655  
of the expulsion to the following school year. 17656

(2)(a) Unless a pupil is permanently excluded pursuant to 17657  
section 3313.662 of the Revised Code, the superintendent of 17658  
schools of a city, exempted village, or local school district 17659  
shall expel a pupil from school for a period of one year for 17660  
bringing a firearm to a school operated by the board of education 17661  
of the district or onto any other property owned or controlled by 17662  
the board, except that the superintendent may reduce this 17663  
requirement on a case-by-case basis in accordance with the policy 17664  
adopted by the board under section 3313.661 of the Revised Code. 17665

(b) The superintendent of schools of a city, exempted 17666  
village, or local school district may expel a pupil from school 17667  
for a period of one year for bringing a firearm to an 17668  
interscholastic competition, an extracurricular event, or any 17669  
other school program or activity that is not located in a school 17670



or on property that is owned or controlled by the district. The 17671  
superintendent may reduce this disciplinary action on a 17672  
case-by-case basis in accordance with the policy adopted by the 17673  
board under section 3313.661 of the Revised Code. 17674

(c) Any expulsion pursuant to division (B)(2) of this section 17675  
shall extend, as necessary, into the school year following the 17676  
school year in which the incident that gives rise to the expulsion 17677  
takes place. As used in this division, "firearm" has the same 17678  
meaning as provided pursuant to the "Gun-Free Schools Act of 17679  
1994," ~~108~~ 115 Stat. ~~270~~ 1762, 20 U.S.C. ~~8001(a)(2)~~ 7151. 17680

(3) The board of education of a city, exempted village, or 17681  
local school district may adopt a resolution authorizing the 17682  
superintendent of schools to expel a pupil from school for a 17683  
period not to exceed one year for bringing a knife to a school 17684  
operated by the board, onto any other property owned or controlled 17685  
by the board, or to an interscholastic competition, an 17686  
extracurricular event, or any other program or activity sponsored 17687  
by the school district or in which the district is a participant, 17688  
or for possessing a firearm or knife at a school, on any other 17689  
property owned or controlled by the board, or at an 17690  
interscholastic competition, an extracurricular event, or any 17691  
other school program or activity, which firearm or knife was 17692  
initially brought onto school board property by another person. 17693  
The resolution may authorize the superintendent to extend such an 17694  
expulsion, as necessary, into the school year following the school 17695  
year in which the incident that gives rise to the expulsion takes 17696  
place. 17697

(4) The board of education of a city, exempted village, or 17698  
local school district may adopt a resolution establishing a policy 17699  
under section 3313.661 of the Revised Code that authorizes the 17700  
superintendent of schools to expel a pupil from school for a 17701  
period not to exceed one year for committing an act that is a 17702

criminal offense when committed by an adult and that results in 17703  
serious physical harm to persons as defined in division (A)(5) of 17704  
section 2901.01 of the Revised Code or serious physical harm to 17705  
property as defined in division (A)(6) of section 2901.01 of the 17706  
Revised Code while the pupil is at school, on any other property 17707  
owned or controlled by the board, or at an interscholastic 17708  
competition, an extracurricular event, or any other school program 17709  
or activity. Any expulsion under this division shall extend, as 17710  
necessary, into the school year following the school year in which 17711  
the incident that gives rise to the expulsion takes place. 17712

(5) The board of education of any city, exempted village, or 17713  
local school district may adopt a resolution establishing a policy 17714  
under section 3313.661 of the Revised Code that authorizes the 17715  
superintendent of schools to expel a pupil from school for a 17716  
period not to exceed one year for making a bomb threat to a school 17717  
building or to any premises at which a school activity is 17718  
occurring at the time of the threat. Any expulsion under this 17719  
division shall extend, as necessary, into the school year 17720  
following the school year in which the incident that gives rise to 17721  
the expulsion takes place. 17722

(6) No pupil shall be expelled under division (B)(1), (2), 17723  
(3), (4), or (5) of this section unless, prior to the pupil's 17724  
expulsion, the superintendent does both of the following: 17725

(a) Gives the pupil and the pupil's parent, guardian, or 17726  
custodian written notice of the intention to expel the pupil; 17727

(b) Provides the pupil and the pupil's parent, guardian, 17728  
custodian, or representative an opportunity to appear in person 17729  
before the superintendent or the superintendent's designee to 17730  
challenge the reasons for the intended expulsion or otherwise to 17731  
explain the pupil's actions. 17732

The notice required in this division shall include the 17733

reasons for the intended expulsion, notification of the 17734  
opportunity of the pupil and the pupil's parent, guardian, 17735  
custodian, or representative to appear before the superintendent 17736  
or the superintendent's designee to challenge the reasons for the 17737  
intended expulsion or otherwise to explain the pupil's action, and 17738  
notification of the time and place to appear. The time to appear 17739  
shall not be earlier than three nor later than five school days 17740  
after the notice is given, unless the superintendent grants an 17741  
extension of time at the request of the pupil or the pupil's 17742  
parent, guardian, custodian, or representative. If an extension is 17743  
granted after giving the original notice, the superintendent shall 17744  
notify the pupil and the pupil's parent, guardian, custodian, or 17745  
representative of the new time and place to appear. If the 17746  
proposed expulsion is based on a violation listed in division (A) 17747  
of section 3313.662 of the Revised Code and if the pupil is 17748  
sixteen years of age or older, the notice shall include a 17749  
statement that the superintendent may seek to permanently exclude 17750  
the pupil if the pupil is convicted of or adjudicated a delinquent 17751  
child for that violation. 17752

(7) A superintendent of schools of a city, exempted village, 17753  
or local school district shall initiate expulsion proceedings 17754  
pursuant to this section with respect to any pupil who has 17755  
committed an act warranting expulsion under the district's policy 17756  
regarding expulsion even if the pupil has withdrawn from school 17757  
for any reason after the incident that gives rise to the hearing 17758  
but prior to the hearing or decision to impose the expulsion. If, 17759  
following the hearing, the pupil would have been expelled for a 17760  
period of time had the pupil still been enrolled in the school, 17761  
the expulsion shall be imposed for the same length of time as on a 17762  
pupil who has not withdrawn from the school. 17763

(C) If a pupil's presence poses a continuing danger to 17764  
persons or property or an ongoing threat of disrupting the 17765

academic process taking place either within a classroom or 17766  
elsewhere on the school premises, the superintendent or a 17767  
principal or assistant principal may remove a pupil from 17768  
curricular activities or from the school premises, and a teacher 17769  
may remove a pupil from curricular activities under the teacher's 17770  
supervision, without the notice and hearing requirements of 17771  
division (A) or (B) of this section. As soon as practicable after 17772  
making such a removal, the teacher shall submit in writing to the 17773  
principal the reasons for such removal. 17774

If a pupil is removed under this division from a curricular 17775  
activity or from the school premises, written notice of the 17776  
hearing and of the reason for the removal shall be given to the 17777  
pupil as soon as practicable prior to the hearing, which shall be 17778  
held within three school days from the time the initial removal is 17779  
ordered. The hearing shall be held in accordance with division (A) 17780  
of this section unless it is probable that the pupil may be 17781  
subject to expulsion, in which case a hearing in accordance with 17782  
division (B) of this section shall be held, except that the 17783  
hearing shall be held within three school days of the initial 17784  
removal. The individual who ordered, caused, or requested the 17785  
removal to be made shall be present at the hearing. 17786

If the superintendent or the principal reinstates a pupil in 17787  
a curricular activity under the teacher's supervision prior to the 17788  
hearing following a removal under this division, the teacher, upon 17789  
request, shall be given in writing the reasons for such 17790  
reinstatement. 17791

(D) The superintendent or principal, within one school day 17792  
after the time of a pupil's expulsion or suspension, shall notify 17793  
in writing the parent, guardian, or custodian of the pupil and the 17794  
treasurer of the board of education of the expulsion or 17795  
suspension. The notice shall include the reasons for the expulsion 17796  
or suspension, notification of the right of the pupil or the 17797

pupil's parent, guardian, or custodian to appeal the expulsion or 17798  
suspension to the board of education or to its designee, to be 17799  
represented in all appeal proceedings, to be granted a hearing 17800  
before the board or its designee in order to be heard against the 17801  
suspension or expulsion, and to request that the hearing be held 17802  
in executive session, notification that the expulsion may be 17803  
subject to extension pursuant to division (F) of this section if 17804  
the pupil is sixteen years of age or older, and notification that 17805  
the superintendent may seek the pupil's permanent exclusion if the 17806  
suspension or expulsion was based on a violation listed in 17807  
division (A) of section 3313.662 of the Revised Code that was 17808  
committed when the child was sixteen years of age or older and if 17809  
the pupil is convicted of or adjudicated a delinquent child for 17810  
that violation. 17811

In accordance with the policy adopted by the board of 17812  
education under section 3313.661 of the Revised Code, the notice 17813  
provided under this division shall specify the manner and date by 17814  
which the pupil or the pupil's parent, guardian, or custodian 17815  
shall notify the board of the pupil's, parent's, guardian's, or 17816  
custodian's intent to appeal the expulsion or suspension to the 17817  
board or its designee. 17818

Any superintendent expelling a pupil under this section for 17819  
more than twenty school days or for any period of time if the 17820  
expulsion will extend into the following semester or school year 17821  
shall, in the notice required under this division, provide the 17822  
pupil and the pupil's parent, guardian, or custodian with 17823  
information about services or programs offered by public and 17824  
private agencies that work toward improving those aspects of the 17825  
pupil's attitudes and behavior that contributed to the incident 17826  
that gave rise to the pupil's expulsion. The information shall 17827  
include the names, addresses, and phone numbers of the appropriate 17828  
public and private agencies. 17829

(E) A pupil or the pupil's parent, guardian, or custodian may appeal the pupil's expulsion by a superintendent or suspension by a superintendent, principal, assistant principal, or other administrator to the board of education or to its designee. If the pupil or the pupil's parent, guardian, or custodian intends to appeal the expulsion or suspension to the board or its designee, the pupil or the pupil's parent, guardian, or custodian shall notify the board in the manner and by the date specified in the notice provided under division (D) of this section. The pupil or the pupil's parent, guardian, or custodian may be represented in all appeal proceedings and shall be granted a hearing before the board or its designee in order to be heard against the suspension or expulsion. At the request of the pupil or of the pupil's parent, guardian, custodian, or attorney, the board or its designee may hold the hearing in executive session but shall act upon the suspension or expulsion only at a public meeting. The board, by a majority vote of its full membership or by the action of its designee, may affirm the order of suspension or expulsion, reinstate the pupil, or otherwise reverse, vacate, or modify the order of suspension or expulsion.

The board or its designee shall make a verbatim record of hearings held under this division. The decisions of the board or its designee may be appealed under Chapter 2506. of the Revised Code.

This section shall not be construed to require notice and hearing in accordance with division (A), (B), or (C) of this section in the case of normal disciplinary procedures in which a pupil is removed from a curricular activity for a period of less than one school day and is not subject to suspension or expulsion.

(F)(1) If a pupil is expelled pursuant to division (B) of this section for committing any violation listed in division (A) of section 3313.662 of the Revised Code and the pupil was sixteen

years of age or older at the time of committing the violation, if 17862  
a complaint, indictment, or information is filed alleging that the 17863  
pupil is a delinquent child based upon the commission of the 17864  
violation or the pupil is prosecuted as an adult for the 17865  
commission of the violation, and if the resultant juvenile court 17866  
or criminal proceeding is pending at the time that the expulsion 17867  
terminates, the superintendent of schools that expelled the pupil 17868  
may file a motion with the court in which the proceeding is 17869  
pending requesting an order extending the expulsion for the lesser 17870  
of an additional eighty days or the number of school days 17871  
remaining in the school year. Upon the filing of the motion, the 17872  
court immediately shall schedule a hearing and give written notice 17873  
of the time, date, and location of the hearing to the 17874  
superintendent and to the pupil and the pupil's parent, guardian, 17875  
or custodian. At the hearing, the court shall determine whether 17876  
there is reasonable cause to believe that the pupil committed the 17877  
alleged violation that is the basis of the expulsion and, upon 17878  
determining that reasonable cause to believe the pupil committed 17879  
the violation does exist, shall grant the requested extension. 17880

(2) If a pupil has been convicted of or adjudicated a 17881  
delinquent child for a violation listed in division (A) of section 17882  
3313.662 of the Revised Code for an act that was committed when 17883  
the child was sixteen years of age or older, if the pupil has been 17884  
expelled pursuant to division (B) of this section for that 17885  
violation, and if the board of education of the school district of 17886  
the school from which the pupil was expelled has adopted a 17887  
resolution seeking the pupil's permanent exclusion, the 17888  
superintendent may file a motion with the court that convicted the 17889  
pupil or adjudicated the pupil a delinquent child requesting an 17890  
order to extend the expulsion until an adjudication order or other 17891  
determination regarding permanent exclusion is issued by the 17892  
superintendent of public instruction pursuant to section 3301.121 17893  
and division (D) of section 3313.662 of the Revised Code. Upon the 17894

filing of the motion, the court immediately shall schedule a 17895  
hearing and give written notice of the time, date, and location of 17896  
the hearing to the superintendent of the school district, the 17897  
pupil, and the pupil's parent, guardian, or custodian. At the 17898  
hearing, the court shall determine whether there is reasonable 17899  
cause to believe the pupil's continued attendance in the public 17900  
school system may endanger the health and safety of other pupils 17901  
or school employees and, upon making that determination, shall 17902  
grant the requested extension. 17903

(G) The failure of the superintendent or the board of 17904  
education to provide the information regarding the possibility of 17905  
permanent exclusion in the notice required by divisions (A), (B), 17906  
and (D) of this section is not jurisdictional, and the failure 17907  
shall not affect the validity of any suspension or expulsion 17908  
procedure that is conducted in accordance with this section or the 17909  
validity of a permanent exclusion procedure that is conducted in 17910  
accordance with sections 3301.121 and 3313.662 of the Revised 17911  
Code. 17912

(H) With regard to suspensions and expulsions pursuant to 17913  
divisions (A) and (B) of this section by the board of education of 17914  
any city, exempted village, or local school district, this section 17915  
shall apply to any student, whether or not the student is enrolled 17916  
in the district, attending or otherwise participating in any 17917  
curricular program provided in a school operated by the board or 17918  
provided on any other property owned or controlled by the board. 17919

(I) Whenever a student is expelled under this section, the 17920  
expulsion shall result in removal of the student from the 17921  
student's regular school setting. However, during the period of 17922  
the expulsion, the board of education of the school district that 17923  
expelled the student or any board of education admitting the 17924  
student during that expulsion period may provide educational 17925  
services to the student in an alternative setting. 17926



(J)(1) Notwithstanding sections 3109.51 to 3109.80, 3313.64, 17927  
and 3313.65 of the Revised Code, any school district, after 17928  
offering an opportunity for a hearing, may temporarily deny 17929  
admittance to any pupil if one of the following applies: 17930

(a) The pupil has been suspended from the schools of another 17931  
district under division (A) of this section and the period of 17932  
suspension, as established under that division, has not expired; 17933

(b) The pupil has been expelled from the schools of another 17934  
district under division (B) of this section and the period of the 17935  
expulsion, as established under that division or as extended under 17936  
division (F) of this section, has not expired. 17937

If a pupil is temporarily denied admission under this 17938  
division, the pupil shall be admitted to school in accordance with 17939  
sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the Revised 17940  
Code no later than upon expiration of the suspension or expulsion 17941  
period, as applicable. 17942

(2) Notwithstanding sections 3109.51 to 3109.80, 3313.64, and 17943  
3313.65 of the Revised Code, any school district, after offering 17944  
an opportunity for a hearing, may temporarily deny admittance to 17945  
any pupil if the pupil has been expelled or otherwise removed for 17946  
disciplinary purposes from a public school in another state and 17947  
the period of expulsion or removal has not expired. If a pupil is 17948  
temporarily denied admission under this division, the pupil shall 17949  
be admitted to school in accordance with sections 3109.51 to 17950  
3109.80, 3313.64, or 3313.65 of the Revised Code no later than the 17951  
earlier of the following: 17952

(a) Upon expiration of the expulsion or removal period 17953  
imposed by the out-of-state school; 17954

(b) Upon expiration of a period established by the district, 17955  
beginning with the date of expulsion or removal from the 17956  
out-of-state school, that is no greater than the period of 17957

expulsion that the pupil would have received under the policy 17958  
adopted by the district under section 3313.661 of the Revised Code 17959  
had the offense that gave rise to the expulsion or removal by the 17960  
out-of-state school been committed while the pupil was enrolled in 17961  
the district. 17962

(K) As used in this section: 17963

(1) "Permanently exclude" and "permanent exclusion" have the 17964  
same meanings as in section 3313.662 of the Revised Code. 17965

(2) "In-school suspension" means the pupil will serve all of 17966  
the suspension in a school setting. 17967

**Sec. 3313.661.** (A) The board of education of each city, 17968  
exempted village, and local school district shall adopt a policy 17969  
regarding suspension, expulsion, removal, and permanent exclusion 17970  
that specifies the types of misconduct for which a pupil may be 17971  
suspended, expelled, or removed. The types of misconduct may 17972  
include misconduct by a pupil that occurs off of property owned or 17973  
controlled by the district but that is connected to activities or 17974  
incidents that have occurred on property owned or controlled by 17975  
that district and misconduct by a pupil that, regardless of where 17976  
it occurs, is directed at a district official or employee, or the 17977  
property of such official or employee. The policy shall specify 17978  
the reasons for which the superintendent of the district may 17979  
reduce the expulsion requirement in division (B)(2) of section 17980  
3313.66 of the Revised Code. If a board of education adopts a 17981  
resolution pursuant to division (B)(3) of section 3313.66 of the 17982  
Revised Code, the policy shall define the term "knife" or 17983  
"firearm," as applicable, for purposes of expulsion under that 17984  
resolution and shall specify any reasons for which the 17985  
superintendent of the district may reduce any required expulsion 17986  
period on a case-by-case basis. If a board of education adopts a 17987  
resolution pursuant to division (B)(4) or (5) of section 3313.66 17988

of the Revised Code, the policy shall specify any reasons for 17989  
which the superintendent of the district may reduce any required 17990  
expulsion period on a case-by-case basis. The policy also shall 17991  
set forth the acts listed in section 3313.662 of the Revised Code 17992  
for which a pupil may be permanently excluded. 17993

The policy adopted under this division shall specify the date 17994  
and manner by which a pupil or a pupil's parent, guardian, or 17995  
custodian may notify the board of the pupil's, parent's, 17996  
guardian's, or custodian's intent to appeal an expulsion or 17997  
suspension to the board or its designee pursuant to division (E) 17998  
of section 3313.66 of the Revised Code. In the case of any 17999  
expulsion, the policy shall not specify a date that is less than 18000  
fourteen days after the date of the notice provided to the pupil 18001  
or the pupil's parent, guardian, or custodian under division (D) 18002  
of that section. 18003

A copy of the policy shall be posted in a central location in 18004  
the school and made available to pupils upon request. No pupil 18005  
shall be suspended, expelled, or removed except in accordance with 18006  
the policy adopted by the board of education of the school 18007  
district in which the pupil attends school, and no pupil shall be 18008  
permanently excluded except in accordance with sections 3301.121 18009  
and 3313.662 of the Revised Code. 18010

(B) A board of education may establish a program and adopt 18011  
guidelines under which a superintendent may require a pupil to 18012  
perform community service in conjunction with a suspension or 18013  
expulsion imposed under section 3313.66 of the Revised Code or in 18014  
place of a suspension or expulsion imposed under section 3313.66 18015  
of the Revised Code except for an expulsion imposed pursuant to 18016  
division (B)(2) of that section. If a board adopts guidelines 18017  
under this division, they shall permit, except with regard to an 18018  
expulsion pursuant to division (B)(2) of section 3313.66 of the 18019  
Revised Code, a superintendent to impose a community service 18020

requirement beyond the end of the school year in lieu of applying 18021  
the suspension or expulsion into the following school year. Any 18022  
guidelines adopted shall be included in the policy adopted under 18023  
this section. 18024

(C) The written policy of each board of education that is 18025  
adopted pursuant to section 3313.20 of the Revised Code shall be 18026  
posted in a central location in each school that is subject to the 18027  
policy and shall be made available to pupils upon request. 18028

(D) Any policy, program, or guideline adopted by a board of 18029  
education under this section with regard to suspensions or 18030  
expulsions pursuant to division (A) or (B) of section 3313.66 of 18031  
the Revised Code shall apply to any student, whether or not the 18032  
student is enrolled in the district, attending or otherwise 18033  
participating in any curricular program provided in a school 18034  
operated by the board or provided on any other property owned or 18035  
controlled by the board. 18036

(E) As used in this section, "permanently exclude" and 18037  
"permanent exclusion" have the same meanings as in section 18038  
3313.662 of the Revised Code. 18039

**Sec. 3313.98.** Notwithstanding division (D) of section 3311.19 18040  
and division (D) of section 3311.52 of the Revised Code, the 18041  
provisions of this section and sections 3313.981 to 3313.983 of 18042  
the Revised Code that apply to a city school district do not apply 18043  
to a joint vocational or cooperative education school district 18044  
unless expressly specified. 18045

(A) As used in this section and sections 3313.981 to 3313.983 18046  
of the Revised Code: 18047

(1) "Parent" means either of the natural or adoptive parents 18048  
of a student, except under the following conditions: 18049

(a) When the marriage of the natural or adoptive parents of 18050

the student has been terminated by a divorce, dissolution of 18051  
marriage, or annulment or the natural or adoptive parents of the 18052  
student are living separate and apart under a legal separation 18053  
decree and the court has issued an order allocating the parental 18054  
rights and responsibilities with respect to the student, "parent" 18055  
means the residential parent as designated by the court except 18056  
that "parent" means either parent when the court issues a shared 18057  
parenting decree. 18058

(b) When a court has granted temporary or permanent custody 18059  
of the student to an individual or agency other than either of the 18060  
natural or adoptive parents of the student, "parent" means the 18061  
legal custodian of the child. 18062

(c) When a court has appointed a guardian for the student, 18063  
"parent" means the guardian of the student. 18064

(2) "Native student" means a student entitled under section 18065  
3313.64 or 3313.65 of the Revised Code to attend school in a 18066  
district adopting a resolution under this section. 18067

(3) "Adjacent district" means a city, exempted village, or 18068  
local school district having territory that abuts the territory of 18069  
a district adopting a resolution under this section. 18070

(4) "Adjacent district student" means a student entitled 18071  
under section 3313.64 or 3313.65 of the Revised Code to attend 18072  
school in an adjacent district. 18073

(5) "Adjacent district joint vocational student" means an 18074  
adjacent district student who enrolls in a city, exempted village, 18075  
or local school district pursuant to this section and who also 18076  
enrolls in a joint vocational school district that does not 18077  
contain the territory of the district for which that student is a 18078  
native student and does contain the territory of the city, 18079  
exempted village, or local district in which the student enrolls. 18080

(6) "Formula amount" has the same meaning as in section 18081

3317.02 of the Revised Code. 18082

(7) "Adjusted formula amount" means the ~~greater of the~~ 18083  
~~following:~~ 18084

~~(a) The fiscal year 2005 formula amount multiplied by the~~ 18085  
~~fiscal year 2005 cost of doing business factor for a district~~ 18086  
~~defined in the version of section 3317.02 of the Revised Code in~~ 18087  
~~effect that year;~~ 18088

~~(b) The sum of (the current formula amount times the current~~ 18089  
~~cost of doing business factor as defined in section 3317.02 of the~~ 18090  
~~Revised Code)~~ plus the per pupil amount of the base funding 18091  
supplements specified in divisions (C)(1) to (4) of section 18092  
3317.012 of the Revised Code. 18093

(8) "Poverty line" means the poverty line established by the 18094  
director of the United States office of management and budget as 18095  
revised by the director of the office of community services in 18096  
accordance with section 673(2) of the "Community Services Block 18097  
Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902, as amended. 18098

(9) "IEP" means an individualized education program defined 18099  
by division (E) of section 3323.01 of the Revised Code. 18100

(10) "Other district" means a city, exempted village, or 18101  
local school district having territory outside of the territory of 18102  
a district adopting a resolution under this section. 18103

(11) "Other district student" means a student entitled under 18104  
section 3313.64 or 3313.65 of the Revised Code to attend school in 18105  
an other district. 18106

(12) "Other district joint vocational student" means a 18107  
student who is enrolled in any city, exempted village, or local 18108  
school district and who also enrolls in a joint vocational school 18109  
district that does not contain the territory of the district for 18110  
which that student is a native student in accordance with a policy 18111

adopted under section 3313.983 of the Revised Code. 18112

(B)(1) The board of education of each city, local, and 18113  
exempted village school district shall adopt a resolution 18114  
establishing for the school district one of the following 18115  
policies: 18116

(a) A policy that entirely prohibits the enrollment of 18117  
students from adjacent districts or other districts, other than 18118  
students for whom tuition is paid in accordance with section 18119  
3317.08 of the Revised Code; 18120

(b) A policy that permits enrollment of students from all 18121  
adjacent districts in accordance with policy statements contained 18122  
in the resolution; 18123

(c) A policy that permits enrollment of students from all 18124  
other districts in accordance with policy statements contained in 18125  
the resolution. 18126

(2) A policy permitting enrollment of students from adjacent 18127  
or from other districts, as applicable, shall provide for all of 18128  
the following: 18129

(a) Application procedures, including deadlines for 18130  
application and for notification of students and the 18131  
superintendent of the applicable district whenever an adjacent or 18132  
other district student's application is approved. 18133

(b) Procedures for admitting adjacent or other district 18134  
applicants free of any tuition obligation to the district's 18135  
schools, including, but not limited to: 18136

(i) The establishment of district capacity limits by grade 18137  
level, school building, and education program; 18138

(ii) A requirement that all native students wishing to be 18139  
enrolled in the district will be enrolled and that any adjacent or 18140  
other district students previously enrolled in the district shall 18141

receive preference over first-time applicants;	18142
(iii) Procedures to ensure that an appropriate racial balance is maintained in the district schools.	18143 18144
(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:	18145 18146 18147
(1) Any requirement of academic ability, or any level of athletic, artistic, or other extracurricular skills;	18148 18149
(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;	18150 18151 18152 18153 18154
(3) A requirement that the student be proficient in the English language;	18155 18156
(4) Rejection of any applicant because the student has been subject to disciplinary proceedings, except that if an applicant has been suspended or expelled by the student's district for ten consecutive days or more in the term for which admission is sought or in the term immediately preceding the term for which admission is sought, the procedures may include a provision denying admission of such applicant.	18157 18158 18159 18160 18161 18162 18163
(D)(1) Each school board permitting only enrollment of adjacent district students shall provide information about the policy adopted under this section, including the application procedures and deadlines, to the superintendent and the board of education of each adjacent district and, upon request, to the parent of any adjacent district student.	18164 18165 18166 18167 18168 18169
(2) Each school board permitting enrollment of other district students shall provide information about the policy adopted under	18170 18171



this section, including the application procedures and deadlines, 18172  
upon request, to the board of education of any other school 18173  
district or to the parent of any student anywhere in the state. 18174

(E) Any school board shall accept all credits toward 18175  
graduation earned in adjacent or other district schools by an 18176  
adjacent or other district student or a native student. 18177

(F)(1) No board of education may adopt a policy discouraging 18178  
or prohibiting its native students from applying to enroll in the 18179  
schools of an adjacent or any other district that has adopted a 18180  
policy permitting such enrollment, except that: 18181

(a) A district may object to the enrollment of a native 18182  
student in an adjacent or other district in order to maintain an 18183  
appropriate racial balance. 18184

(b) The board of education of a district receiving funds 18185  
under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, 18186  
may adopt a resolution objecting to the enrollment of its native 18187  
students in adjacent or other districts if at least ten per cent 18188  
of its students are included in the determination of the United 18189  
States secretary of education made under section 20 U.S.C.A. 18190  
238(a). 18191

(2) If a board objects to enrollment of native students under 18192  
this division, any adjacent or other district shall refuse to 18193  
enroll such native students unless tuition is paid for the 18194  
students in accordance with section 3317.08 of the Revised Code. 18195  
An adjacent or other district enrolling such students may not 18196  
receive funding for those students in accordance with section 18197  
3313.981 of the Revised Code. 18198

(G) The state board of education shall monitor school 18199  
districts to ensure compliance with this section and the 18200  
districts' policies. The board may adopt rules requiring uniform 18201  
application procedures, deadlines for application, notification 18202

procedures, and record-keeping requirements for all school boards 18203  
that adopt policies permitting the enrollment of adjacent or other 18204  
district students, as applicable. If the state board adopts such 18205  
rules, no school board shall adopt a policy that conflicts with 18206  
those rules. 18207

(H) A resolution adopted by a board of education under this 18208  
section that entirely prohibits the enrollment of students from 18209  
adjacent and from other school districts does not abrogate any 18210  
agreement entered into under section 3313.841 or 3313.92 of the 18211  
Revised Code or any contract entered into under section 3313.90 of 18212  
the Revised Code between the board of education adopting the 18213  
resolution and the board of education of any adjacent or other 18214  
district or prohibit these boards of education from entering into 18215  
any such agreement or contract. 18216

(I) Nothing in this section shall be construed to permit or 18217  
require the board of education of a city, exempted village, or 18218  
local school district to exclude any native student of the 18219  
district from enrolling in the district. 18220

**Sec. 3314.015.** (A) The department of education shall be 18221  
responsible for the oversight of sponsors of the community schools 18222  
established under this chapter and shall provide technical 18223  
assistance to schools and sponsors in their compliance with 18224  
applicable laws and the terms of the contracts entered into under 18225  
section 3314.03 of the Revised Code and in the development and 18226  
start-up activities of those schools. In carrying out its duties 18227  
under this section, the department shall do all of the following: 18228

(1) In providing technical assistance to proposing parties, 18229  
governing authorities, and sponsors, conduct training sessions and 18230  
distribute informational materials; 18231

(2) Approve entities to be sponsors of community schools and 18232  
monitor the effectiveness of those sponsors in their oversight of 18233

the schools with which they have contracted; 18234

(3) By December thirty-first of each year, issue a report to 18235  
the governor, the speaker of the house of representatives, the 18236  
president of the senate, and the chairpersons of the house and 18237  
senate committees principally responsible for education matters 18238  
regarding the effectiveness of academic programs, operations, and 18239  
legal compliance and of the financial condition of all community 18240  
schools established under this chapter; 18241

(4) From time to time, make legislative recommendations to 18242  
the general assembly designed to enhance the operation and 18243  
performance of community schools. 18244

(B)(1) No entity listed in division (C)(1) of section 3314.02 18245  
of the Revised Code shall enter into a preliminary agreement under 18246  
division (C)(2) of section 3314.02 of the Revised Code until it 18247  
has received approval from the department of education to sponsor 18248  
community schools under this chapter and has entered into a 18249  
written agreement with the department regarding the manner in 18250  
which the entity will conduct such sponsorship. The department 18251  
shall adopt in accordance with Chapter 119. of the Revised Code 18252  
rules containing criteria, procedures, and deadlines for 18253  
processing applications for such approval, for oversight of 18254  
sponsors, for revocation of the approval of sponsors, and for 18255  
entering into written agreements with sponsors. The rules shall 18256  
require an entity to submit evidence of the entity's ability and 18257  
willingness to comply with the provisions of division (D) of 18258  
section 3314.03 of the Revised Code. The rules also shall require 18259  
entities approved as sponsors on and after June 30, 2005, to 18260  
demonstrate a record of financial responsibility and successful 18261  
implementation of educational programs. If an entity seeking 18262  
approval on or after June 30, 2005, to sponsor community schools 18263  
in this state sponsors or operates schools in another state, at 18264  
least one of the schools sponsored or operated by the entity must 18265

be comparable to or better than the performance of Ohio schools in 18266  
~~a state of academic watch~~ need of continuous improvement under 18267  
section 3302.03 of the Revised Code, as determined by the 18268  
department. 18269

An entity that sponsors community schools may enter into 18270  
preliminary agreements and sponsor schools as follows, provided 18271  
each school and the contract for sponsorship meets the 18272  
requirements of this chapter: 18273

(a) An entity that sponsored fifty or fewer schools that were 18274  
open for operation as of May 1, 2005, may sponsor not more than 18275  
fifty schools. 18276

(b) An entity that sponsored more than fifty but not more 18277  
than seventy-five schools that were open for operation as of May 18278  
1, 2005, may sponsor not more than the number of schools the 18279  
entity sponsored that were open for operation as of May 1, 2005. 18280

(c) Until June 30, 2006, an entity that sponsored more than 18281  
seventy-five schools that were open for operation as of May 1, 18282  
2005, may sponsor not more than the number of schools the entity 18283  
sponsored that were open for operation as of May 1, 2005. After 18284  
June 30, 2006, such an entity may sponsor not more than 18285  
seventy-five schools. 18286

Upon approval of an entity to be a sponsor under this 18287  
division, the department shall notify the entity of the number of 18288  
schools the entity may sponsor. 18289

The limit imposed on an entity to which division (B)(1) of 18290  
this section applies shall be decreased by one for each school 18291  
sponsored by the entity that permanently closes. 18292

If at any time an entity exceeds the number of schools it may 18293  
sponsor under this division, the department shall assist the 18294  
schools in excess of the entity's limit in securing new sponsors. 18295  
If a school is unable to secure a new sponsor, the department 18296

shall assume sponsorship of the school in accordance with division 18297  
(C) of this section. Those schools for which another sponsor or 18298  
the department assumes sponsorship shall be the schools that most 18299  
recently entered into contracts with the entity under section 18300  
3314.03 of the Revised Code. 18301

(2) The department of education shall determine, pursuant to 18302  
criteria adopted by rule of the department, whether the mission 18303  
proposed to be specified in the contract of a community school to 18304  
be sponsored by a state university board of trustees or the 18305  
board's designee under division (C)(1)(e) of section 3314.02 of 18306  
the Revised Code complies with the requirements of that division. 18307  
Such determination of the department is final. 18308

(3) The department of education shall determine, pursuant to 18309  
criteria adopted by rule of the department, if any tax-exempt 18310  
entity under section 501(c)(3) of the Internal Revenue Code that 18311  
is proposed to be a sponsor of a community school is an 18312  
education-oriented entity for purpose of satisfying the condition 18313  
prescribed in division (C)(1)(f)(iii) of section 3314.02 of the 18314  
Revised Code. Such determination of the department is final. 18315

(C) If at any time the state board of education finds that a 18316  
sponsor is not in compliance or is no longer willing to comply 18317  
with its contract with any community school or with the 18318  
department's rules for sponsorship, the state board or designee 18319  
shall conduct a hearing in accordance with Chapter 119. of the 18320  
Revised Code on that matter. If after the hearing, the state board 18321  
or designee has confirmed the original finding, the department of 18322  
education may revoke the sponsor's approval to sponsor community 18323  
schools and may assume the sponsorship of any schools with which 18324  
the sponsor has contracted until the earlier of the expiration of 18325  
two school years or until a new sponsor as described in division 18326  
(C)(1) of section 3314.02 of the Revised Code is secured by the 18327  
school's governing authority. The department may extend the term 18328

of the contract in the case of a school for which it has assumed 18329  
sponsorship under this division as necessary to accommodate the 18330  
term of the department's authorization to sponsor the school 18331  
specified in this division. 18332

(D) The decision of the department to disapprove an entity 18333  
for sponsorship of a community school or to revoke approval for 18334  
such sponsorship, as provided in division (C) of this section, may 18335  
be appealed by the entity in accordance with section 119.12 of the 18336  
Revised Code. 18337

(E) The department shall adopt procedures for use by a 18338  
community school governing authority and sponsor when the school 18339  
permanently closes and ceases operation, which shall include at 18340  
least procedures for data reporting to the department, handling of 18341  
student records, distribution of assets in accordance with section 18342  
3314.074 of the Revised Code, and other matters related to ceasing 18343  
operation of the school. 18344

(F) In carrying out its duties under this chapter, the 18345  
department shall not impose requirements on community schools or 18346  
their sponsors that are not permitted by law or duly adopted 18347  
rules. 18348

Sec. 3314.016. (A) After June 30, 2007, a new start-up school 18349  
may be established under this chapter only if the school's 18350  
governing authority enters into a contract with an operator that 18351  
manages other schools in the United States that perform at a level 18352  
higher than academic watch. The governing authority of the 18353  
community school may sign a contract with an operator only if the 18354  
operator has fewer contracts with the governing authorities of new 18355  
start-up schools established under this chapter after June 30, 18356  
2007, than the number of schools managed by the operator in the 18357  
United States that perform at a level higher than academic watch, 18358  
as determined by the department of education. 18359

(B) Notwithstanding division (A) of this section, the governing authority of a start-up school sponsored by an entity described in divisions (C)(1)(b) to (f) of section 3314.02 of the Revised Code may establish one additional school serving the same grade levels and providing the same educational program as the current start-up school and may open that additional school in the 2007-2008 school year, if both of the following conditions are met:

(1) The governing authority entered into another contract with the same sponsor or a different sponsor described in divisions (C)(1)(b) to (f) of section 3314.02 of the Revised Code and filed a copy of that contract with the superintendent of public instruction prior to March 15, 2006.

(2) The governing authority's current school satisfies all of the following conditions:

(a) The school currently is rated as excellent or effective pursuant to section 3302.03 of the Revised Code.

(b) The school made adequate yearly progress, as defined in section 3302.01 of the Revised Code, for the previous school year.

(c) The school has been in operation for at least four school years.

(d) The school is not managed by an operator.

**Sec. 3314.02.** (A) As used in this chapter:

(1) "Sponsor" means an entity listed in division (C)(1) of this section, which has been approved by the department of education to sponsor community schools and with which the governing authority of the proposed community school enters into a contract pursuant to this section.

(2) "Pilot project area" means the school districts included in the territory of the former community school pilot project

established by former Section 50.52 of Am. Sub. H.B. No. 215 of the 122nd general assembly. 18390  
18391

(3) "Challenged school district" means any of the following: 18392

(a) A school district that is part of the pilot project area; 18393

(b) A school district that is either in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code; 18394  
18395  
18396

(c) A big eight school district. 18397

(4) "Big eight school district" means a school district that for fiscal year 1997 had both of the following: 18398  
18399

(a) A percentage of children residing in the district and participating in the predecessor of Ohio works first greater than thirty per cent, as reported pursuant to section 3317.10 of the Revised Code; 18400  
18401  
18402  
18403

(b) An average daily membership greater than twelve thousand, as reported pursuant to former division (A) of section 3317.03 of the Revised Code. 18404  
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(5) "New start-up school" means a community school other than one created by converting all or part of an existing public school, as designated in the school's contract pursuant to division (A)(17) of section 3314.03 of the Revised Code. 18407  
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(6) "Urban school district" means one of the state's twenty-one urban school districts as defined in division (O) of section 3317.02 of the Revised Code as that section existed prior to July 1, 1998. 18411  
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(7) "Internet- or computer-based community school" means a community school established under this chapter in which the enrolled students work primarily from their residences on assignments in nonclassroom-based learning opportunities provided via an internet- or other computer-based instructional method that 18415  
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does not rely on regular classroom instruction or via 18420  
comprehensive instructional methods that include internet-based, 18421  
other computer-based, and noncomputer-based learning 18422  
opportunities. 18423

(B) Any person or group of individuals may initially propose 18424  
under this division the conversion of all or a portion of a public 18425  
school to a community school. The proposal shall be made to the 18426  
board of education of the city, local, or exempted village school 18427  
district in which the public school is proposed to be converted. 18428  
Upon receipt of a proposal, a board may enter into a preliminary 18429  
agreement with the person or group proposing the conversion of the 18430  
public school, indicating the intention of the board of education 18431  
to support the conversion to a community school. A proposing 18432  
person or group that has a preliminary agreement under this 18433  
division may proceed to finalize plans for the school, establish a 18434  
governing authority for the school, and negotiate a contract with 18435  
the board of education. Provided the proposing person or group 18436  
adheres to the preliminary agreement and all provisions of this 18437  
chapter, the board of education shall negotiate in good faith to 18438  
enter into a contract in accordance with section 3314.03 of the 18439  
Revised Code and division (C) of this section. 18440

(C)(1) Any person or group of individuals may propose under 18441  
this division the establishment of a new start-up school to be 18442  
located in a challenged school district. The proposal may be made 18443  
to any of the following entities: 18444

(a) The board of education of the district in which the 18445  
school is proposed to be located; 18446

(b) The board of education of any joint vocational school 18447  
district with territory in the county in which is located the 18448  
majority of the territory of the district in which the school is 18449  
proposed to be located; 18450

(c) The board of education of any other city, local, or 18451  
exempted village school district having territory in the same 18452  
county where the district in which the school is proposed to be 18453  
located has the major portion of its territory; 18454

(d) The governing board of any educational service center, as 18455  
long as the proposed school will be located in a county within the 18456  
territory of the service center or in a county contiguous to such 18457  
county; 18458

(e) A sponsoring authority designated by the board of 18459  
trustees of any of the thirteen state universities listed in 18460  
section 3345.011 of the Revised Code or the board of trustees 18461  
itself as long as a mission of the proposed school to be specified 18462  
in the contract under division (A)(2) of section 3314.03 of the 18463  
Revised Code and as approved by the department of education under 18464  
division (B)(2) of section 3314.015 of the Revised Code will be 18465  
the practical demonstration of teaching methods, educational 18466  
technology, or other teaching practices that are included in the 18467  
curriculum of the university's teacher preparation program 18468  
approved by the state board of education; 18469

(f) Any qualified tax-exempt entity under section 501(c)(3) 18470  
of the Internal Revenue Code as long as all of the following 18471  
conditions are satisfied: 18472

(i) The entity has been in operation for at least five years 18473  
prior to applying to be a community school sponsor. 18474

(ii) The entity has assets of at least five hundred thousand 18475  
dollars and a demonstrated record of financial responsibility. 18476

(iii) The department of education has determined that the 18477  
entity is an education-oriented entity under division (B)(3) of 18478  
section 3314.015 of the Revised Code and the entity has a 18479  
demonstrated record of successful implementation of educational 18480  
programs. 18481

(iv) The entity is not a community school. 18482

Any entity described in division (C)(1) of this section may 18483  
enter into a preliminary agreement pursuant to division (C)(2) of 18484  
this section with the proposing person or group. 18485

(2) A preliminary agreement indicates the intention of an 18486  
entity described in division (C)(1) of this section to sponsor the 18487  
community school. A proposing person or group that has such a 18488  
preliminary agreement may proceed to finalize plans for the 18489  
school, establish a governing authority as described in division 18490  
(E) of this section for the school, and negotiate a contract with 18491  
the entity. Provided the proposing person or group adheres to the 18492  
preliminary agreement and all provisions of this chapter, the 18493  
entity shall negotiate in good faith to enter into a contract in 18494  
accordance with section 3314.03 of the Revised Code. 18495

(3) A new start-up school that is established in a school 18496  
district while that district is either in a state of academic 18497  
emergency or in a state of academic watch under section 3302.03 of 18498  
the Revised Code may continue in existence once the school 18499  
district is no longer in a state of academic emergency or academic 18500  
watch, provided there is a valid contract between the school and a 18501  
sponsor. 18502

(4) A copy of every preliminary agreement entered into under 18503  
this division shall be filed with the superintendent of public 18504  
instruction. 18505

(D) A majority vote of the board of a sponsoring entity and a 18506  
majority vote of the members of the governing authority of a 18507  
community school shall be required to adopt a contract and convert 18508  
the public school to a community school or establish the new 18509  
start-up school. Beginning September 29, 2005, adoption of the 18510  
contract shall occur not later than the fifteenth day of March, 18511  
and signing of the contract shall occur not later than the 18512

fifteenth day of May, prior to the school year in which the school will open. The governing authority shall notify the department of education when the contract has been signed. Subject to sections 3314.013 ~~and~~, 3314.014, and 3314.016 of the Revised Code, an unlimited number of community schools may be established in any school district provided that a contract is entered into for each community school pursuant to this chapter.

(E)(1) As used in this division, "immediate relatives" are limited to spouses, children, parents, grandparents, siblings, and in-laws.

Each new start-up community school established under this chapter shall be under the direction of a governing authority which shall consist of a board of not less than five individuals .

No person shall serve on the governing authority or operate the community school under contract with the governing authority so long as the person owes the state any money or is in a dispute over whether the person owes the state any money concerning the operation of a community school that has closed.

(2) No person shall serve on the governing authorities of more than two start-up community schools at the same time.

(3) No present or former member, or immediate relative of a present or former member, of the governing authority of any community school established under this chapter shall be an owner, employee, or consultant of any nonprofit or for-profit operator of a community school, ~~as defined in section 3314.014 of the Revised Code,~~ unless at least one year has elapsed since the conclusion of the person's membership.

(F) Nothing in this chapter shall be construed to permit the establishment of a community school in more than one school district under the same contract.

(G)(1) A new start-up school that is established prior to

August 15, 2003, in an urban school district that is not also a 18544  
big-eight school district may continue to operate after that date 18545  
and the contract between the school's governing authority and the 18546  
school's sponsor may be renewed, as provided under this chapter, 18547  
after that date, but no additional new start-up schools may be 18548  
established in such a district unless the district is a challenged 18549  
school district as defined in this section as it exists on and 18550  
after that date. 18551

(2) A community school that was established prior to June 29, 18552  
1999, and is located in a county contiguous to the pilot project 18553  
area and in a school district that is not a challenged school 18554  
district may continue to operate after that date, provided the 18555  
school complies with all provisions of this chapter. The contract 18556  
between the school's governing authority and the school's sponsor 18557  
may be renewed, but no additional start-up community school may be 18558  
established in that district unless the district is a challenged 18559  
school district. 18560

(3) Any educational service center that, on the effective 18561  
date of this amendment, sponsors a community school that is not 18562  
located in a county within the territory of the service center or 18563  
in a county contiguous to such county may continue to sponsor that 18564  
community school on and after the effective date of this amendment 18565  
and may renew its contract with the school. However, the 18566  
educational service center shall not enter into a contract with 18567  
any additional community school unless the school is located in a 18568  
county within the territory of the service center or in a county 18569  
contiguous to such county. 18570

**Sec. 3314.074.** Divisions (A) and (B) of this section apply 18571  
only to the extent permitted under Chapter 1702. of the Revised 18572  
Code. 18573

(A) If any community school established under this chapter 18574

permanently closes and ceases its operation as a community school, 18575  
the assets of that school shall be distributed first to the 18576  
retirement funds of employees of the school, employees of the 18577  
school, and private creditors who are owed compensation, and then 18578  
any remaining funds shall be paid to the ~~state treasury to the~~ 18579  
~~credit of the general revenue fund~~ department of education for 18580  
redistribution to the school districts in which the students who 18581  
were enrolled in the school at the time it ceased operation were 18582  
entitled to attend school under section 3313.64 or 3313.65 of the 18583  
Revised Code. The amount distributed to each school district shall 18584  
be proportional to the district's share of the total enrollment in 18585  
the community school. 18586

(B) If a community school closes and ceases to operate as a 18587  
community school and the school has received computer hardware or 18588  
software from the former Ohio SchoolNet commission or the eTech 18589  
Ohio commission, such hardware or software shall be returned to 18590  
the eTech Ohio commission, and the eTech Ohio commission shall 18591  
redistribute the hardware and software, to the extent such 18592  
redistribution is possible, to school districts in conformance 18593  
with the provisions of the programs operated and administered by 18594  
the eTech Ohio commission. 18595

(C) If the assets of the school are insufficient to pay all 18596  
persons or entities to whom compensation is owed, the 18597  
prioritization of the distribution of the assets to individual 18598  
persons or entities within each class of payees may be determined 18599  
by decree of a court in accordance with this section and Chapter 18600  
1702. of the Revised Code. 18601

**Sec. 3314.08.** (A) As used in this section: 18602

(1) "Base formula amount" means the amount specified as such 18603  
in a community school's financial plan for a school year pursuant 18604  
to division (A)(15) of section 3314.03 of the Revised Code. 18605

(2) ~~"Cost of doing business factor" has the same meaning as~~ 18606  
~~in section 3317.02 of the Revised Code.~~ 18607

~~(3)~~ "IEP" means an individualized education program as 18608  
defined in section 3323.01 of the Revised Code. 18609

~~(4)~~(3) "Applicable special education weight" means the 18610  
multiple specified in section 3317.013 of the Revised Code for a 18611  
handicap described in that section. 18612

~~(5)~~(4) "Applicable vocational education weight" means: 18613

(a) For a student enrolled in vocational education programs 18614  
or classes described in division (A) of section 3317.014 of the 18615  
Revised Code, the multiple specified in that division; 18616

(b) For a student enrolled in vocational education programs 18617  
or classes described in division (B) of section 3317.014 of the 18618  
Revised Code, the multiple specified in that division. 18619

~~(6)~~(5) "Entitled to attend school" means entitled to attend 18620  
school in a district under section 3313.64 or 3313.65 of the 18621  
Revised Code. 18622

~~(7)~~(6) A community school student is "included in the poverty 18623  
student count" of a school district if the student is entitled to 18624  
attend school in the district and the student's family receives 18625  
assistance under the Ohio works first program. 18626

~~(8)~~(7) "Poverty-based assistance reduction factor" means the 18627  
percentage figure, if any, for reducing the per pupil amount of 18628  
poverty-based assistance a community school is entitled to receive 18629  
pursuant to divisions (D)(5) ~~and (6)~~ to (9) of this section in any 18630  
year, as specified in the school's financial plan for the year 18631  
pursuant to division (A)(15) of section 3314.03 of the Revised 18632  
Code. 18633

~~(9)~~(8) "All-day kindergarten" has the same meaning as in 18634  
section 3317.029 of the Revised Code. 18635

~~(10) "SF-3 payment" means the sum of the payments to a school district in a fiscal year under divisions (A), (C)(1), (C)(4), (D), (E), and (F) of section 3317.022, divisions (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 18667  
an IEP; 18668

(c) The number of students reported under division (B)(2)(b) 18669  
of this section receiving special education and related services 18670  
pursuant to an IEP for a handicap described in each of divisions 18671  
(A) to (F) of section 3317.013 of the Revised Code; 18672

(d) The full-time equivalent number of students reported 18673  
under divisions (B)(2)(a) and (b) of this section who are enrolled 18674  
in vocational education programs or classes described in each of 18675  
divisions (A) and (B) of section 3317.014 of the Revised Code that 18676  
are provided by the community school; 18677

(e) Twenty per cent of the number of students reported under 18678  
divisions (B)(2)(a) and (b) of this section who are not reported 18679  
under division (B)(2)(d) of this section but who are enrolled in 18680  
vocational education programs or classes described in each of 18681  
divisions (A) and (B) of section 3317.014 of the Revised Code at a 18682  
joint vocational school district under a contract between the 18683  
community school and the joint vocational school district and are 18684  
entitled to attend school in a city, local, or exempted village 18685  
school district whose territory is part of the territory of the 18686  
joint vocational district; 18687

(f) The number of enrolled preschool handicapped students 18688  
receiving special education services in a state-funded unit; 18689

(g) The community school's base formula amount; 18690

(h) For each student, the city, exempted village, or local 18691  
school district in which the student is entitled to attend school; 18692

(i) Any poverty-based assistance reduction factor that 18693  
applies to a school year. 18694

(C) From the ~~SF-3 payment made to~~ state education aid 18695  
calculated for a city, exempted village, or local school district 18696

and, if necessary, from the payment made to the district under 18697  
sections 321.24 and 323.156 of the Revised Code, the department of 18698  
education shall annually subtract the sum of the amounts described 18699  
in divisions (C)(1) to (9) of this section. However, when 18700  
deducting payments on behalf of students enrolled in internet- or 18701  
computer-based community schools, the department shall deduct only 18702  
those amounts described in divisions (C)(1) and (2) of this 18703  
section. Furthermore, the aggregate amount deducted under this 18704  
division shall not exceed the sum of the district's ~~SF-3 payment~~ 18705  
state education aid and its payment under sections 321.24 and 18706  
323.156 of the Revised Code. 18707

(1) An amount equal to the sum of the amounts obtained when, 18708  
for each community school where the district's students are 18709  
enrolled, the number of the district's students reported under 18710  
divisions (B)(2)(a), (b), and (e) of this section who are enrolled 18711  
in grades one through twelve, and one-half the number of students 18712  
reported under those divisions who are enrolled in kindergarten, 18713  
in that community school is multiplied by the ~~greater of the~~ 18714  
~~following:~~ 18715

~~(a) The fiscal year 2005 base formula amount of that 18716  
community school as adjusted by the school district's fiscal year 18717  
2005 cost of doing business factor;~~ 18718

~~(b) The sum of (the ~~current~~ base formula amount of that 18719  
community school ~~times the school district's current~~ 18720  
~~cost of doing business factor~~) plus the per pupil amount of the 18721  
base funding supplements specified in divisions (C)(1) to (4) of 18722  
section 3317.012 of the Revised Code. 18723~~

(2) The sum of the amounts calculated under divisions 18724  
(C)(2)(a) and (b) of this section: 18725

(a) For each of the district's students reported under 18726  
division (B)(2)(c) of this section as enrolled in a community 18727

school in grades one through twelve and receiving special 18728  
education and related services pursuant to an IEP for a handicap 18729  
described in section 3317.013 of the Revised Code, the product of 18730  
the applicable special education weight times the community 18731  
school's base formula amount; 18732

(b) For each of the district's students reported under 18733  
division (B)(2)(c) of this section as enrolled in kindergarten in 18734  
a community school and receiving special education and related 18735  
services pursuant to an IEP for a handicap described in section 18736  
3317.013 of the Revised Code, one-half of the amount calculated as 18737  
prescribed in division (C)(2)(a) of this section. 18738

(3) For each of the district's students reported under 18739  
division (B)(2)(d) of this section for whom payment is made under 18740  
division (D)(4) of this section, the amount of that payment; 18741

(4) An amount equal to the sum of the amounts obtained when, 18742  
for each community school where the district's students are 18743  
enrolled, the number of the district's students enrolled in that 18744  
community school who are included in the district's poverty 18745  
student count is multiplied by the per pupil amount of 18746  
poverty-based assistance the school district receives that year 18747  
pursuant to division ~~(B) or~~ (C) of section 3317.029 of the Revised 18748  
Code, as adjusted by any poverty-based assistance reduction factor 18749  
of that community school. ~~If the district receives poverty based~~ 18750  
~~assistance under division (B) of that section, the per pupil~~ 18751  
~~amount of that aid is the quotient of the amount the district~~ 18752  
~~received under that division divided by the district's poverty~~ 18753  
~~student count, as defined in that section. If the district~~ 18754  
~~receives poverty based assistance under division (C) of section~~ 18755  
~~3317.029 of the Revised Code, the~~ The per pupil amount of that aid 18756  
for the district shall be calculated by the department. 18757

(5) An amount equal to the sum of the amounts obtained when, 18758  
for each community school where the district's students are 18759

enrolled, the district's per pupil amount of aid received under 18760  
division (E) of section 3317.029 of the Revised Code, as adjusted 18761  
by any poverty-based assistance reduction factor of the community 18762  
school, is multiplied by the sum of the following: 18763

(a) The number of the district's students reported under 18764  
division (B)(2)(a) of this section who are enrolled in grades one 18765  
to three in that community school and who are not receiving 18766  
special education and related services pursuant to an IEP; 18767

(b) One-half of the district's students who are enrolled in 18768  
all-day or any other kindergarten class in that community school 18769  
and who are not receiving special education and related services 18770  
pursuant to an IEP; 18771

(c) One-half of the district's students who are enrolled in 18772  
all-day kindergarten in that community school and who are not 18773  
receiving special education and related services pursuant to an 18774  
IEP. 18775

The district's per pupil amount of aid under division (E) of 18776  
section 3317.029 of the Revised Code is the quotient of the amount 18777  
the district received under that division divided by the 18778  
district's kindergarten through third grade ADM, as defined in 18779  
that section. 18780

(6) An amount equal to the sum of the amounts obtained when, 18781  
for each community school where the district's students are 18782  
enrolled, the district's per pupil amount received under division 18783  
(F) of section 3317.029 of the Revised Code, as adjusted by any 18784  
poverty-based assistance reduction factor of that community 18785  
school, is multiplied by the number of the district's students 18786  
enrolled in the community school who are identified as 18787  
limited-English proficient. 18788

(7) An amount equal to the sum of the amounts obtained when, 18789  
for each community school where the district's students are 18790

enrolled, the district's per pupil amount received under division 18791  
(G) of section 3317.029 of the Revised Code, as adjusted by any 18792  
poverty-based assistance reduction factor of that community 18793  
school, is multiplied by the sum of the following: 18794

(a) The number of the district's students enrolled in grades 18795  
one through twelve in that community school; 18796

(b) One-half of the number of the district's students 18797  
enrolled in kindergarten in that community school. 18798

The district's per pupil amount under division (G) of section 18799  
3317.029 of the Revised Code is the district's amount per teacher 18800  
calculated under division (G)(1) or (2) of that section divided by 18801  
~~17, times a multiple of 0.40 in fiscal year 2006 and 0.70 in~~ 18802  
~~fiscal year 2007.~~ 18803

(8) An amount equal to the sum of the amounts obtained when, 18804  
for each community school where the district's students are 18805  
enrolled, the district's per pupil amount received under divisions 18806  
(H) and (I) of section 3317.029 of the Revised Code, as adjusted 18807  
by any poverty-based assistance reduction factor of that community 18808  
school, is multiplied by the sum of the following: 18809

(a) The number of the district's students enrolled in grades 18810  
one through twelve in that community school; 18811

(b) One-half of the number of the district's students 18812  
enrolled in kindergarten in that community school. 18813

The district's per pupil amount under divisions (H) and (I) 18814  
of section 3317.029 of the Revised Code is the amount calculated 18815  
under each division divided by the district's formula ADM, as 18816  
defined in section 3317.02 of the Revised Code. 18817

(9) An amount equal to the per pupil state parity aid funding 18818  
calculated for the school district under either division (C) or 18819  
(D) of section 3317.0217 of the Revised Code multiplied by the sum 18820

of the number of students in grades one through twelve, and 18821  
one-half of the number of students in kindergarten, who are 18822  
entitled to attend school in the district and are enrolled in a 18823  
community school as reported under division (B)(1) of this 18824  
section. 18825

(D) The department shall annually pay to a community school 18826  
established under this chapter the sum of the amounts described in 18827  
divisions (D)(1) to (10) of this section. However, the department 18828  
shall calculate and pay to each internet- or computer-based 18829  
community school only the amounts described in divisions (D)(1) to 18830  
(3) of this section. Furthermore, the sum of the payments to all 18831  
community schools under divisions (D)(1), (2), and (4) to (10) of 18832  
this section for the students entitled to attend school in any 18833  
particular school district shall not exceed the sum of that 18834  
district's ~~SF-3 payment~~ state education aid and its payment under 18835  
sections 321.24 and 323.156 of the Revised Code. If the sum of the 18836  
payments calculated under those divisions for the students 18837  
entitled to attend school in a particular school district exceeds 18838  
the sum of that district's ~~SF-3 payment~~ state education aid and 18839  
its payment under sections 321.24 and 323.156 of the Revised Code, 18840  
the department shall calculate and apply a proration factor to the 18841  
payments to all community schools under those divisions for the 18842  
students entitled to attend school in that district. 18843

(1) Subject to section 3314.085 of the Revised Code, an 18844  
amount equal to the sum of the amounts obtained when the number of 18845  
students enrolled in grades one through twelve, plus one-half of 18846  
the kindergarten students in the school, reported under divisions 18847  
(B)(2)(a), (b), and (e) of this section who are not receiving 18848  
special education and related services pursuant to an IEP for a 18849  
handicap described in section 3317.013 of the Revised Code is 18850  
multiplied by the ~~greater of the following:~~ 18851

~~(a) The community school's fiscal year 2005 base formula 18852~~

~~amount, as adjusted by the fiscal year 2005 cost of doing business~~ 18853  
~~factor of the school district in which the student is entitled to~~ 18854  
~~attend school;~~ 18855

~~(b) The sum of (the community school's current base formula~~ 18856  
~~amount times the current cost of doing business factor of the~~ 18857  
~~school district in which the student is entitled to attend school)~~ 18858  
plus the per pupil amount of the base funding supplements 18859  
specified in divisions (C)(1) to (4) of section 3317.012 of the 18860  
Revised Code. 18861

(2) Prior to fiscal year 2007, the greater of the amount 18862  
calculated under division (D)(2)(a) or (b) of this section, and in 18863  
fiscal year 2007 and thereafter, the amount calculated under 18864  
division (D)(2)(b) of this section: 18865

(a) The aggregate amount that the department paid to the 18866  
community school in fiscal year 1999 for students receiving 18867  
special education and related services pursuant to IEPs, excluding 18868  
federal funds and state disadvantaged pupil impact aid funds; 18869

(b) The sum of the amounts calculated under divisions 18870  
(D)(2)(b)(i) and (ii) of this section: 18871

(i) For each student reported under division (B)(2)(c) of 18872  
this section as enrolled in the school in grades one through 18873  
twelve and receiving special education and related services 18874  
pursuant to an IEP for a handicap described in section 3317.013 of 18875  
the Revised Code, the following amount: 18876

~~the greater of (the community school's fiscal year 2005~~ 18877

~~base formula amount X the fiscal year 2005~~ 18878

~~cost of doing business factor of the district~~ 18879

~~where the student is entitled to attend school)~~ 18880

~~or [(the school's current base formula amount times~~ 18881

~~the current cost of doing business factor of the school district~~ 18882

~~where the student is entitled to attend school) plus~~ 18883

the per pupil amount of the base funding supplements specified in 18884  
divisions (C)(1) to (4) of section 3317.012 of the Revised Code~~)} 18885  
+ (the applicable special education weight X the 18886  
community school's base formula amount); 18887~~

(ii) For each student reported under division (B)(2)(c) of 18888  
this section as enrolled in kindergarten and receiving special 18889  
education and related services pursuant to an IEP for a handicap 18890  
described in section 3317.013 of the Revised Code, one-half of the 18891  
amount calculated under the formula prescribed in division 18892  
(D)(2)(b)(i) of this section. 18893

(3) An amount received from federal funds to provide special 18894  
education and related services to students in the community 18895  
school, as determined by the superintendent of public instruction. 18896

(4) For each student reported under division (B)(2)(d) of 18897  
this section as enrolled in vocational education programs or 18898  
classes that are described in section 3317.014 of the Revised 18899  
Code, are provided by the community school, and are comparable as 18900  
determined by the superintendent of public instruction to school 18901  
district vocational education programs and classes eligible for 18902  
state weighted funding under section 3317.014 of the Revised Code, 18903  
an amount equal to the applicable vocational education weight 18904  
times the community school's base formula amount times the 18905  
percentage of time the student spends in the vocational education 18906  
programs or classes. 18907

(5) An amount equal to the sum of the amounts obtained when, 18908  
for each school district where the community school's students are 18909  
entitled to attend school, the number of that district's students 18910  
enrolled in the community school who are included in the 18911  
district's poverty student count is multiplied by the per pupil 18912  
amount of poverty-based assistance that school district receives 18913  
that year pursuant to division ~~(B)~~ (C) of section 3317.029 of 18914  
the Revised Code, as adjusted by any poverty-based assistance 18915



reduction factor of the community school. The per pupil amount of aid shall be determined as described in division (C)(4) of this section.

(6) An amount equal to the sum of the amounts obtained when, for each school district where the community school's students are entitled to attend school, the district's per pupil amount of aid received under division (E) of section 3317.029 of the Revised Code, as adjusted by any poverty-based assistance reduction factor of the community school, is multiplied by the sum of the following:

(a) The number of the district's students reported under division (B)(2)(a) of this section who are enrolled in grades one to three in that community school and who are not receiving special education and related services pursuant to an IEP;

(b) One-half of the district's students who are enrolled in all-day or any other kindergarten class in that community school and who are not receiving special education and related services pursuant to an IEP;

(c) One-half of the district's students who are enrolled in all-day kindergarten in that community school and who are not receiving special education and related services pursuant to an IEP.

The district's per pupil amount of aid under division (E) of section 3317.029 of the Revised Code shall be determined as described in division (C)(5) of this section.

(7) An amount equal to the sum of the amounts obtained when, for each school district where the community school's students are entitled to attend school, the number of that district's students enrolled in the community school who are identified as limited-English proficient is multiplied by the district's per pupil amount received under division (F) of section 3317.029 of

the Revised Code, as adjusted by any poverty-based assistance 18947  
reduction factor of the community school. 18948

(8) An amount equal to the sum of the amounts obtained when, 18949  
for each school district where the community school's students are 18950  
entitled to attend school, the district's per pupil amount 18951  
received under division (G) of section 3317.029 of the Revised 18952  
Code, as adjusted by any poverty-based assistance reduction factor 18953  
of the community school, is multiplied by the sum of the 18954  
following: 18955

(a) The number of the district's students enrolled in grades 18956  
one through twelve in that community school; 18957

(b) One-half of the number of the district's students 18958  
enrolled in kindergarten in that community school. 18959

The district's per pupil amount under division (G) of section 18960  
3317.029 of the Revised Code shall be determined as described in 18961  
division (C)(7) of this section. 18962

(9) An amount equal to the sum of the amounts obtained when, 18963  
for each school district where the community school's students are 18964  
entitled to attend school, the district's per pupil amount 18965  
received under divisions (H) and (I) of section 3317.029 of the 18966  
Revised Code, as adjusted by any poverty-based assistance 18967  
reduction factor of the community school, is multiplied by the sum 18968  
of the following: 18969

(a) The number of the district's students enrolled in grades 18970  
one through twelve in that community school; 18971

(b) One-half of the number of the district's students 18972  
enrolled in kindergarten in that community school. 18973

The district's per pupil amount under divisions (H) and (I) 18974  
of section 3317.029 of the Revised Code shall be determined as 18975  
described in division (C)(8) of this section. 18976

(10) An amount equal to the sum of the amounts obtained when, 18977  
for each school district where the community school's students are 18978  
entitled to attend school, the district's per pupil amount of 18979  
state parity aid funding calculated under either division (C) or 18980  
(D) of section 3317.0217 of the Revised Code is multiplied by the 18981  
sum of the number of that district's students enrolled in grades 18982  
one through twelve, and one-half of the number of that district's 18983  
students enrolled in kindergarten, in the community school as 18984  
reported under division (B)(2)(a) and (b) of this section. 18985

(E)(1) If a community school's costs for a fiscal year for a 18986  
student receiving special education and related services pursuant 18987  
to an IEP for a handicap described in divisions (B) to (F) of 18988  
section 3317.013 of the Revised Code exceed the threshold 18989  
catastrophic cost for serving the student as specified in division 18990  
(C)(3)(b) of section 3317.022 of the Revised Code, the school may 18991  
submit to the superintendent of public instruction documentation, 18992  
as prescribed by the superintendent, of all its costs for that 18993  
student. Upon submission of documentation for a student of the 18994  
type and in the manner prescribed, the department shall pay to the 18995  
community school an amount equal to the school's costs for the 18996  
student in excess of the threshold catastrophic costs. 18997

(2) The community school shall only report under division 18998  
(E)(1) of this section, and the department shall only pay for, the 18999  
costs of educational expenses and the related services provided to 19000  
the student in accordance with the student's individualized 19001  
education program. Any legal fees, court costs, or other costs 19002  
associated with any cause of action relating to the student may 19003  
not be included in the amount. 19004

(F) A community school may apply to the department of 19005  
education for preschool handicapped or gifted unit funding the 19006  
school would receive if it were a school district. Upon request of 19007  
its governing authority, a community school that received unit 19008

funding as a school district-operated school before it became a 19009  
community school shall retain any units awarded to it as a school 19010  
district-operated school provided the school continues to meet 19011  
eligibility standards for the unit. 19012

A community school shall be considered a school district and 19013  
its governing authority shall be considered a board of education 19014  
for the purpose of applying to any state or federal agency for 19015  
grants that a school district may receive under federal or state 19016  
law or any appropriations act of the general assembly. The 19017  
governing authority of a community school may apply to any private 19018  
entity for additional funds. 19019

(G) A board of education sponsoring a community school may 19020  
utilize local funds to make enhancement grants to the school or 19021  
may agree, either as part of the contract or separately, to 19022  
provide any specific services to the community school at no cost 19023  
to the school. 19024

(H) A community school may not levy taxes or issue bonds 19025  
secured by tax revenues. 19026

(I) No community school shall charge tuition for the 19027  
enrollment of any student. 19028

(J)(1)(a) A community school may borrow money to pay any 19029  
necessary and actual expenses of the school in anticipation of the 19030  
receipt of any portion of the payments to be received by the 19031  
school pursuant to division (D) of this section. The school may 19032  
issue notes to evidence such borrowing. The proceeds of the notes 19033  
shall be used only for the purposes for which the anticipated 19034  
receipts may be lawfully expended by the school. 19035

(b) A school may also borrow money for a term not to exceed 19036  
fifteen years for the purpose of acquiring facilities. 19037

(2) Except for any amount guaranteed under section 3318.50 of 19038  
the Revised Code, the state is not liable for debt incurred by the 19039

governing authority of a community school. 19040

(K) For purposes of determining the number of students for 19041  
which divisions (D)(5) and (6) of this section applies in any 19042  
school year, a community school may submit to the department of 19043  
job and family services, no later than the first day of March, a 19044  
list of the students enrolled in the school. For each student on 19045  
the list, the community school shall indicate the student's name, 19046  
address, and date of birth and the school district where the 19047  
student is entitled to attend school. Upon receipt of a list under 19048  
this division, the department of job and family services shall 19049  
determine, for each school district where one or more students on 19050  
the list is entitled to attend school, the number of students 19051  
residing in that school district who were included in the 19052  
department's report under section 3317.10 of the Revised Code. The 19053  
department shall make this determination on the basis of 19054  
information readily available to it. Upon making this 19055  
determination and no later than ninety days after submission of 19056  
the list by the community school, the department shall report to 19057  
the state department of education the number of students on the 19058  
list who reside in each school district who were included in the 19059  
department's report under section 3317.10 of the Revised Code. In 19060  
complying with this division, the department of job and family 19061  
services shall not report to the state department of education any 19062  
personally identifiable information on any student. 19063

(L) The department of education shall adjust the amounts 19064  
subtracted and paid under divisions (C) and (D) of this section to 19065  
reflect any enrollment of students in community schools for less 19066  
than the equivalent of a full school year. The state board of 19067  
education within ninety days after April 8, 2003, shall adopt in 19068  
accordance with Chapter 119. of the Revised Code rules governing 19069  
the payments to community schools under this section including 19070  
initial payments in a school year and adjustments and reductions 19071

made in subsequent periodic payments to community schools and 19072  
corresponding deductions from school district accounts as provided 19073  
under divisions (C) and (D) of this section. For purposes of this 19074  
section: 19075

(1) A student shall be considered enrolled in the community 19076  
school for any portion of the school year the student is 19077  
participating at a college under Chapter 3365. of the Revised 19078  
Code. 19079

(2) A student shall be considered to be enrolled in a 19080  
community school during a school year for the period of time 19081  
beginning on the later of the date on which the school both has 19082  
received documentation of the student's enrollment from a parent 19083  
and the student has commenced participation in learning 19084  
opportunities as defined in the contract with the sponsor, or 19085  
thirty days prior to the date on which the student is entered into 19086  
the education management information system established under 19087  
section 3301.0714 of the Revised Code. For purposes of applying 19088  
this division to a community school student, "learning 19089  
opportunities" shall be defined in the contract, which shall 19090  
describe both classroom-based and non-classroom-based learning 19091  
opportunities and shall be in compliance with criteria and 19092  
documentation requirements for student participation which shall 19093  
be established by the department. Any student's instruction time 19094  
in non-classroom-based learning opportunities shall be certified 19095  
by an employee of the community school. A student's enrollment 19096  
shall be considered to cease on the date on which any of the 19097  
following occur: 19098

(a) The community school receives documentation from a parent 19099  
terminating enrollment of the student. 19100

(b) The community school is provided documentation of a 19101  
student's enrollment in another public or private school. 19102

(c) The community school ceases to offer learning 19103  
opportunities to the student pursuant to the terms of the contract 19104  
with the sponsor or the operation of any provision of this 19105  
chapter. 19106

(3) A student's percentage of full-time equivalency shall be 19107  
considered to be the percentage the hours of learning opportunity 19108  
offered to that student is of nine hundred ~~and~~ twenty hours. 19109  
However, no internet- or computer-based community school shall be 19110  
credited for any time a student spends participating in learning 19111  
opportunities beyond ten hours within any period of twenty-four 19112  
consecutive hours. 19113

(M) The department of education shall reduce the amounts paid 19114  
under division (D) of this section to reflect payments made to 19115  
colleges under division (B) of section 3365.07 of the Revised 19116  
Code. 19117

(N)(1) No student shall be considered enrolled in any 19118  
internet- or computer-based community school or, if applicable to 19119  
the student, in any community school that is required to provide 19120  
the student with a computer pursuant to division (C) of section 19121  
3314.22 of the Revised Code, unless both of the following 19122  
conditions are satisfied: 19123

(a) The student possesses or has been provided with all 19124  
required hardware and software materials and all such materials 19125  
are operational so that the student is capable of fully 19126  
participating in the learning opportunities specified in the 19127  
contract between the school and the school's sponsor as required 19128  
by division (A)(23) of section 3314.03 of the Revised Code; 19129

(b) The school is in compliance with division (A) of section 19130  
3314.22 of the Revised Code, relative to such student. 19131

(2) In accordance with policies adopted jointly by the 19132  
superintendent of public instruction and the auditor of state, the 19133

department shall reduce the amounts otherwise payable under 19134  
division (D) of this section to any community school that includes 19135  
in its program the provision of computer hardware and software 19136  
materials to any student, if such hardware and software materials 19137  
have not been delivered, installed, and activated for each such 19138  
student in a timely manner or other educational materials or 19139  
services have not been provided according to the contract between 19140  
the individual community school and its sponsor. 19141

The superintendent of public instruction and the auditor of 19142  
state shall jointly establish a method for auditing any community 19143  
school to which this division pertains to ensure compliance with 19144  
this section. 19145

The superintendent, auditor of state, and the governor shall 19146  
jointly make recommendations to the general assembly for 19147  
legislative changes that may be required to assure fiscal and 19148  
academic accountability for such schools. 19149

(O)(1) The department shall not withhold payments to a 19150  
community school based on a challenge brought by a school district 19151  
concerning the community school's enrollment and student residency 19152  
reports submitted to the department without first providing the 19153  
governing authority of the community school written notice stating 19154  
the specific grounds for the challenge and requiring the school 19155  
district to submit evidence supporting its claim that a particular 19156  
student should not be included in the community school's 19157  
enrollment or that payment for that student otherwise should be 19158  
denied. The department also shall permit the governing authority 19159  
to submit documentation the governing authority believes confirms 19160  
or corrects its earlier reports that are subject to challenge. The 19161  
school district bears the burden of proof. The department shall 19162  
set a reasonable deadline for the school district and community 19163  
school to submit documentation regarding the challenge. The 19164  
department shall not withhold payments pending that deadline. The 19165



department immediately shall dismiss any challenge regarding a particular student if the department finds that the school district has not timely submitted evidence as required under this division or otherwise has not met its burden of proof or that the documentation submitted by the governing authority confirms or corrects its earlier reports regarding that student.

(2) If the department finds that the school district has timely submitted evidence and has met its burden of proof and, accordingly, that the particular student for which the district brought the challenge should not be included in the community school's enrollment or that payment otherwise should be denied for that student, the department shall withhold payments to the community school for that student.

If the governing authority of the community school subsequently submits documentation that the department finds confirms or corrects the earlier reports regarding that student, the department shall resume payments to the community school for that student and, if appropriate, shall include payment for the prior months that were withheld.

(3) The department shall not withhold any other payments from a community school without first providing to the governing authority of the community school written notice stating the amount to be withheld, reasons for withholding, and offering an opportunity for a hearing in accordance with division (P)(2) of this section.

(P)(1) If the department determines that a review of a community school's enrollment is necessary, such review shall be completed and written notice of the findings shall be provided to the governing authority of the community school and its sponsor within ninety days of the end of the community school's fiscal year, unless extended for a period not to exceed thirty additional days for one of the following reasons:

(a) The department and the community school mutually agree to the extension. 19198  
19199

(b) Delays in data submission caused by either a community school or its sponsor. 19200  
19201

(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: 19202  
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19204  
19205  
19206

(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. 19207  
19208  
19209

(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. 19210  
19211  
19212  
19213

(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. 19214  
19215  
19216  
19217

(d) Any decision made by the board under this division is final. 19218  
19219

(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. 19220  
19221  
19222  
19223

~~(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: 19224  
19225  
19226  
19227

(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any student who is not a resident of the state;

(3) Any student who was enrolled in the community school during the previous school year when tests were administered under section 3301.0711 of the Revised Code but did not take one or more of the tests required by that section and was not excused pursuant to division (C)(1) or (3) of that section, unless the superintendent of public instruction grants the student a waiver from the requirement to take the test and a parent is not paying tuition for the student pursuant to section 3314.26 of the Revised Code. The superintendent may grant a waiver only for good cause in accordance with rules adopted by the state board of education.

(4) Any student who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who apply for enrollment in a community school not later than four years after termination of war or their honorable discharge. If, however, any such veteran elects to enroll in special courses organized for veterans for whom tuition is paid under federal law, or otherwise, the department shall not subtract from a school district's state aid account under division (C) of this section and shall not pay to a community school under division (D) of this section any amount for that veteran.

Sec. 3314.086. If the department of education 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 community school established under this chapter, the department shall deduct the amount of that payment

from the amount calculated for payment to the community school 19259  
under section 3314.08 of the Revised Code. 19260

Sec. 3314.087. (A) As used in this section: 19261

(1) "Career-technical program" means vocational programs or 19262  
classes described in division (A) or (B) of section 3317.014 of 19263  
the Revised Code in which a student is enrolled. 19264

(2) "Formula ADM," "category one or two vocational education 19265  
ADM," and "FTE basis" have the same meanings as in section 3317.02 19266  
of the Revised Code. 19267

(3) "Resident school district" means the city, exempted 19268  
village, or local school district in which a student is entitled 19269  
to attend school under section 3313.64 or 3313.65 of the Revised 19270  
Code. 19271

(B) Notwithstanding anything to the contrary in this chapter 19272  
or Chapter 3317. of the Revised Code, a student enrolled in a 19273  
community school may simultaneously enroll in the career-technical 19274  
program operated by the student's resident school district. On an 19275  
FTE basis, the student's resident school district shall count the 19276  
student in the category one or two vocational education ADM for 19277  
the proportion of the time the student is enrolled in the 19278  
district's career-technical program and, accordingly, the 19279  
department of education shall calculate funds under Chapter 3317. 19280  
for the district attributable to the student for the proportion of 19281  
time the student attends the career-technical program. The 19282  
community school shall count the student in its enrollment report 19283  
under section 3314.08 of the Revised Code and shall report to the 19284  
department the proportion of time that the student attends classes 19285  
at the community school. The department shall pay the community 19286  
school and deduct from the student's resident school district the 19287  
amount computed for the student under section 3314.08 of the 19288  
Revised Code in proportion to the fraction of the time on an FTE 19289

basis that the student attends classes at the community school. 19290  
"Full-time equivalency" for a community school student, as defined 19291  
in division (L) of section 3314.08 of the Revised Code, does not 19292  
apply to the student. 19293

**Sec. 3314.19.** The sponsor of each community school annually 19294  
shall provide the following assurances in writing to the 19295  
department of education not later than ten business days prior to 19296  
the opening of the school: 19297

(A) That a current copy of the contract between the sponsor 19298  
and the governing authority of the school entered into under 19299  
section 3314.03 of the Revised Code has been filed with the state 19300  
office of community schools established under section 3314.11 of 19301  
the Revised Code and that any subsequent modifications to that 19302  
contract will be filed with the office; 19303

(B) That the school has submitted to the sponsor a plan for 19304  
providing special education and related services to students with 19305  
disabilities and has demonstrated the capacity to provide those 19306  
services in accordance with Chapter 3323. of the Revised Code and 19307  
federal law; 19308

(C) That the school has a plan and procedures for 19309  
administering the achievement tests and diagnostic assessments 19310  
prescribed by sections 3301.0710 and 3301.0715 of the Revised 19311  
Code; 19312

(D) That school personnel have the necessary training, 19313  
knowledge, and resources to properly use and submit information to 19314  
all databases maintained by the department for the collection of 19315  
education data, including the education management information 19316  
system established under section 3301.0714 of the Revised Code in 19317  
accordance with methods and timelines established under section 19318  
3314.17 of the Revised Code; 19319

(E) That all required information about the school has been submitted to the Ohio education directory system or any successor system; 19320  
19321  
19322

(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; 19323  
19324  
19325  
19326

(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; 19327  
19328  
19329  
19330

(H) That the school's fiscal officer is in compliance with section 3314.011 of the Revised Code; 19331  
19332

(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; 19333  
19334  
19335  
19336  
19337

(J) That the school holds all of the following: 19338

(1) Proof of property ownership or a lease for the facilities used by the school; 19339  
19340

(2) A certificate of occupancy; 19341

(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; 19342  
19343  
19344  
19345

(4) A satisfactory health and safety inspection; 19346

(5) A satisfactory fire inspection; 19347

(6) A valid food permit, if applicable. 19348

(K) That the sponsor has conducted a pre-opening site visit 19349  
to the school for the school year for which the assurances are 19350  
provided; 19351

(L) That the school has designated a date it will open for 19352  
the school year for which the assurances are provided that is in 19353  
compliance with division (A)(25) of section 3314.03 of the Revised 19354  
Code; 19355

(M) That the school has met all of the sponsor's requirements 19356  
for opening and any other requirements of the sponsor. 19357

**Sec. 3314.26.** (A) Each internet- or computer-based community 19358  
school shall withdraw from the school any student who, for two 19359  
consecutive school years, has failed to participate in the spring 19360  
administration of any test prescribed under section 3301.0710 or 19361  
3301.0712 of the Revised Code for the student's grade level and 19362  
was not excused from the test pursuant to division (C)(1) or (3) 19363  
of section 3301.0711 of the Revised Code, regardless of whether a 19364  
waiver was granted for the student under division ~~(P)~~(Q)(3) of 19365  
section 3314.08 of the Revised Code. The school shall report any 19366  
such student's data verification code, as assigned pursuant to 19367  
section 3301.0714 of the Revised Code, to the department of 19368  
education. The department shall maintain a list of all data 19369  
verification codes reported under this division and section 19370  
3313.6410 of the Revised Code and provide that list to each 19371  
internet- or computer-based community school and to each school to 19372  
which section 3313.6410 of the Revised Code applies. 19373

(B) No internet- or computer-based community school shall 19374  
receive any state funds under this chapter for any enrolled 19375  
student whose data verification code appears on the list 19376  
maintained by the department under division (A) of this section. 19377

Notwithstanding any provision of the Revised Code to the 19378  
contrary, the parent of any such student shall pay tuition to the 19379

internet- or computer-based community school in an amount equal to 19380  
the state funds the school otherwise would receive for that 19381  
student, as determined by the department. An internet- or 19382  
computer-based community school may withdraw any student for whom 19383  
the parent does not pay tuition as required by this division. 19384

**Sec. 3317.01.** As used in this section and section 3317.011 of 19385  
the Revised Code, "school district," unless otherwise specified, 19386  
means any city, local, exempted village, joint vocational, or 19387  
cooperative education school district and any educational service 19388  
center. 19389

This chapter shall be administered by the state board of 19390  
education. The superintendent of public instruction shall 19391  
calculate the amounts payable to each school district and shall 19392  
certify the amounts payable to each eligible district to the 19393  
treasurer of the district as provided by this chapter. As soon as 19394  
possible after such amounts are calculated, the superintendent 19395  
shall certify to the treasurer of each school district the 19396  
district's adjusted charge-off increase, as defined in section 19397  
5705.211 of the Revised Code. No moneys shall be distributed 19398  
pursuant to this chapter without the approval of the controlling 19399  
board. 19400

The state board of education shall, in accordance with 19401  
appropriations made by the general assembly, meet the financial 19402  
obligations of this chapter. 19403

Annually, the department of education shall calculate and 19404  
report to each school district the district's total state and 19405  
local funds for providing an adequate basic education to the 19406  
district's nonhandicapped students, utilizing the determination in 19407  
section 3317.012 of the Revised Code. In addition, the department 19408  
shall calculate and report separately for each school district the 19409  
district's total state and local funds for providing an adequate 19410



education for its handicapped students, utilizing the 19411  
determinations in both sections 3317.012 and 3317.013 of the 19412  
Revised Code. 19413

Not later than the thirty-first day of August of each fiscal 19414  
year, the department of education shall provide to each school 19415  
district and county MR/DD board a preliminary estimate of the 19416  
amount of funding that the department calculates the district will 19417  
receive under each of divisions (C)(1) and (4) of section 3317.022 19418  
of the Revised Code. No later than the first day of December of 19419  
each fiscal year, the department shall update that preliminary 19420  
estimate. 19421

Moneys distributed pursuant to this chapter shall be 19422  
calculated and paid on a fiscal year basis, beginning with the 19423  
first day of July and extending through the thirtieth day of June. 19424  
The moneys appropriated for each fiscal year shall be distributed 19425  
at least monthly to each school district unless otherwise provided 19426  
for. The state board shall submit a yearly distribution plan to 19427  
the controlling board at its first meeting in July. The state 19428  
board shall submit any proposed midyear revision of the plan to 19429  
the controlling board in January. Any year-end revision of the 19430  
plan shall be submitted to the controlling board in June. If 19431  
moneys appropriated for each fiscal year are distributed other 19432  
than monthly, such distribution shall be on the same basis for 19433  
each school district. 19434

The total amounts paid each month shall constitute, as nearly 19435  
as possible, one-twelfth of the total amount payable for the 19436  
entire year. 19437

~~Until fiscal year 2007, payments~~ Payments made during the 19438  
first six months of the fiscal year may be based on an estimate of 19439  
the amounts payable for the entire year. Payments made in the last 19440  
six months shall be based on the final calculation of the amounts 19441  
payable to each school district for that fiscal year. Payments 19442

made in the last six months may be adjusted, if necessary, to 19443  
correct the amounts distributed in the first six months, and to 19444  
reflect enrollment increases when such are at least three per 19445  
cent. 19446

~~Beginning in fiscal year 2007, payments shall be calculated 19447  
to reflect the biannual reporting of average daily membership. In 19448  
fiscal year 2007 and in each fiscal year thereafter, annualized 19449  
periodic payments for each school district shall be based on the 19450  
district's student counts certified pursuant to section 3317.03 of 19451  
the Revised Code as follows: 19452~~

~~the sum of one half of the number of students reported 19453  
for the first full week in October plus one half of the 19454  
average of the numbers reported for the first full week 19455  
in October and for the first full week in February 19456~~

Except as otherwise provided, payments under this chapter 19457  
shall be made only to those school districts in which: 19458

(A) The school district, except for any educational service 19459  
center and any joint vocational or cooperative education school 19460  
district, levies for current operating expenses at least twenty 19461  
mills. Levies for joint vocational or cooperative education school 19462  
districts or county school financing districts, limited to or to 19463  
the extent apportioned to current expenses, shall be included in 19464  
this qualification requirement. School district income tax levies 19465  
under Chapter 5748. of the Revised Code, limited to or to the 19466  
extent apportioned to current operating expenses, shall be 19467  
included in this qualification requirement to the extent 19468  
determined by the tax commissioner under division (D) of section 19469  
3317.021 of the Revised Code. 19470

(B) The school year next preceding the fiscal year for which 19471  
such payments are authorized meets the requirement of section 19472  
3313.48 or 3313.481 of the Revised Code, with regard to the 19473  
minimum number of days or hours school must be open for 19474

instruction with pupils in attendance, for individualized 19475  
parent-teacher conference and reporting periods, and for 19476  
professional meetings of teachers. This requirement shall be 19477  
waived by the superintendent of public instruction if it had been 19478  
necessary for a school to be closed because of disease epidemic, 19479  
hazardous weather conditions, inoperability of school buses or 19480  
other equipment necessary to the school's operation, damage to a 19481  
school building, or other temporary circumstances due to utility 19482  
failure rendering the school building unfit for school use, 19483  
provided that for those school districts operating pursuant to 19484  
section 3313.48 of the Revised Code the number of days the school 19485  
was actually open for instruction with pupils in attendance and 19486  
for individualized parent-teacher conference and reporting periods 19487  
is not less than one hundred seventy-five, or for those school 19488  
districts operating on a trimester plan the number of days the 19489  
school was actually open for instruction with pupils in attendance 19490  
not less than seventy-nine days in any trimester, for those school 19491  
districts operating on a quarterly plan the number of days the 19492  
school was actually open for instruction with pupils in attendance 19493  
not less than fifty-nine days in any quarter, or for those school 19494  
districts operating on a pentamester plan the number of days the 19495  
school was actually open for instruction with pupils in attendance 19496  
not less than forty-four days in any pentamester. 19497

A school district shall not be considered to have failed to 19498  
comply with this division or section 3313.481 of the Revised Code 19499  
because schools were open for instruction but either twelfth grade 19500  
students were excused from attendance for up to three days or only 19501  
a portion of the kindergarten students were in attendance for up 19502  
to three days in order to allow for the gradual orientation to 19503  
school of such students. 19504

The superintendent of public instruction shall waive the 19505  
requirements of this section with reference to the minimum number 19506

of days or hours school must be in session with pupils in 19507  
attendance for the school year succeeding the school year in which 19508  
a board of education initiates a plan of operation pursuant to 19509  
section 3313.481 of the Revised Code. The minimum requirements of 19510  
this section shall again be applicable to such a district 19511  
beginning with the school year commencing the second July 19512  
succeeding the initiation of one such plan, and for each school 19513  
year thereafter. 19514

A school district shall not be considered to have failed to 19515  
comply with this division or section 3313.48 or 3313.481 of the 19516  
Revised Code because schools were open for instruction but the 19517  
length of the regularly scheduled school day, for any number of 19518  
days during the school year, was reduced by not more than two 19519  
hours due to hazardous weather conditions. 19520

(C) The school district has on file, and is paying in 19521  
accordance with, a teachers' salary schedule which complies with 19522  
section 3317.13 of the Revised Code. 19523

A board of education or governing board of an educational 19524  
service center which has not conformed with other law and the 19525  
rules pursuant thereto, shall not participate in the distribution 19526  
of funds authorized by sections 3317.022 to 3317.0211, 3317.11, 19527  
3317.16, 3317.17, and 3317.19 of the Revised Code, except for good 19528  
and sufficient reason established to the satisfaction of the state 19529  
board of education and the state controlling board. 19530

All funds allocated to school districts under this chapter, 19531  
except those specifically allocated for other purposes, shall be 19532  
used to pay current operating expenses only. 19533

**Sec. 3317.012.** (A) The general assembly, having deliberated 19534  
on the model with which to calculate the base cost of an adequate 19535  
education per pupil, has made a policy decision to calculate that 19536  
amount as consisting of the following building blocks: 19537

(1) Base classroom teachers; 19538

(2) Other personnel support, which includes additional 19539  
teachers, such as music, arts, and physical education teachers 19540  
funded by state, local, or federal funds or other funds that are 19541  
above the base cost funding level, and other school personnel 19542  
including administrators; 19543

(3) Nonpersonnel support. 19544

This model reflects policy decisions made by the general 19545  
assembly concerning the cost of base classroom teachers, which 19546  
decisions entail two policy variables: the number of students per 19547  
base classroom teacher necessary for an adequate education and the 19548  
average compensation for a base classroom teacher necessary for an 19549  
adequate education. The model requires the general assembly to 19550  
decide the amount of other personnel support necessary for an 19551  
adequate education, ~~and increase that amount from year to year by~~ 19552  
~~the same percentage as it increases the average compensation for~~ 19553  
~~base classroom teachers.~~ The model finally requires the general 19554  
assembly to decide the nonpersonnel costs necessary for an 19555  
adequate education and to inflate the nonpersonnel costs from year 19556  
to year using the projected inflationary measure for the gross 19557  
domestic product deflator (all items) prepared by the bureau of 19558  
labor statistics of the United States department of labor. 19559

(B)(1) For fiscal year ~~2006~~ 2008, the general assembly has 19560  
resolved that a ratio of one base classroom teacher per twenty 19561  
students is necessary for an adequate education. The general 19562  
assembly has made a policy decision that the average compensation 19563  
for base classroom teachers is ~~\$53,680~~ \$56,754 for fiscal year 19564  
~~2006~~ 2008, which includes an amount for the value of fringe 19565  
benefits. For fiscal year ~~2007~~ 2009, the general assembly has 19566  
resolved that a ratio of one base classroom teacher per twenty 19567  
students is necessary for an adequate education. The general 19568  
assembly has made a policy decision that the average compensation 19569

for base classroom teachers is ~~\$54,941~~ \$58,621 for fiscal year 19570  
2009, which includes an amount for the value of fringe benefits. 19571  
Based on a ratio of twenty students per base classroom teacher, 19572  
these amounts equal ~~\$2,684~~ \$2,838 per pupil in fiscal year ~~2006~~ 19573  
2008 and ~~\$2,747~~ \$2,931 per pupil in fiscal year ~~2007~~ 2009. 19574

(2) The general assembly has made a policy decision that the 19575  
per pupil cost of salary and benefits of other personnel support 19576  
is ~~\$1,807~~ \$1,905 in fiscal year ~~2006~~ 2008. Based on the percentage 19577  
increase for the ~~average compensation of base classroom teachers~~ 19578  
per pupil cost of salary and benefits of other personnel support 19579  
from fiscal year ~~2006~~ 2007 to fiscal year ~~2007~~ 2008, the per pupil 19580  
cost of other personnel support is ~~\$1,850~~ \$1,962 in fiscal year 19581  
~~2007~~ 2009. 19582

(3) The general assembly has made a policy decision that the 19583  
per pupil cost of nonpersonnel support is ~~\$792~~ \$822 in fiscal year 19584  
~~2006~~ 2008 and ~~\$806~~ \$839 in fiscal year ~~2007~~ 2009. The amount for 19585  
fiscal year ~~2007~~ 2009 reflects the projected inflationary measure 19586  
for the gross domestic product deflator (all items) of ~~1.80%~~ 19587  
2.00%. 19588

(4) Based on the determinations specified in divisions (B)(1) 19589  
to (3) of this section, the per-pupil base cost is ~~\$5,283~~ \$5,565 19590  
in fiscal year ~~2006~~ 2008 and ~~\$5,403~~ \$5,732 in fiscal year ~~2007~~ 19591  
2009. 19592

(C) In addition to the per-pupil base cost as determined 19593  
under divisions (A) and (B) of this section, the general assembly 19594  
determines that the following base funding supplements shall be 19595  
paid to each school district: 19596

(1) Base funding for large-group academic intervention for 19597  
all students, based on 25 hours per group of students per year at 19598  
an hourly rate of ~~\$20.00~~ \$21.01 in fiscal year ~~2006~~ 2008 and 19599  
~~\$20.40~~ \$21.64 in fiscal year ~~2007~~ 2009, as follows: 19600

large-group intervention units X 25 hours X hourly rate 19601

Where: 19602

(a) "Large-group intervention units" equals the district's 19603  
formula ADM divided by 20; 19604

(b) "Hourly rate" equals ~~\$20.00~~ \$21.01 in fiscal year ~~2006~~ 19605  
2008 and ~~\$20.40~~ \$21.64 in fiscal year ~~2007~~ 2009. 19606

(2) Base funding for professional development, phased in 19607  
according to the following formula: 19608

district's teacher factor X 0.045 X 19609  
formula amount X phase-in percentage 19610

Where: 19611

(a) For each school district, the district's "teacher factor" 19612  
is the district's formula ADM divided by 17; 19613

(b) "Phase-in percentage" equals ~~0.25 in fiscal year 2006 and~~ 19614  
~~0.75 in fiscal year 2007.~~ 19615

(3) Base funding for data-based decision making, calculated 19616  
according to the following formula: 19617

0.001 X formula amount X formula ADM 19618

(4) Base funding for professional development regarding 19619  
data-based decision making, calculated according to the following 19620  
formula: 19621

(0.20 X the district's teacher factor X 0.08 X formula amount) + 19622  
(the district's principal factor X 19623  
0.08 X formula amount) 19624

Where: 19625

(a) For each school district, the district's "teacher factor" 19626  
is the district's formula ADM divided by 17; 19627

(b) For each school district, the district's "principal 19628  
factor" is the district's formula ADM divided by 340. 19629

(D) The general assembly intends that school districts spend the state funds calculated and paid for each component of the building blocks methodology described in divisions (B)(1) to (3) and (C)(1) to (4) of this section according to the purposes described in those divisions.

**Sec. 3317.013.** Except for a handicapped preschool child for whom a scholarship has been awarded under section 3310.41 of the Revised Code, this section does not apply to handicapped preschool students.

Analysis of special education cost data has resulted in a finding that the average special education additional cost per pupil, including the costs of related services, can be expressed as a multiple of the base cost per pupil calculated under section 3317.012 of the Revised Code. The multiples for the following categories of special education programs, as these programs are defined for purposes of Chapter 3323. of the Revised Code, and adjusted as provided in this section, are as follows:

(A) A multiple of 0.2892 for students whose primary or only identified handicap is a speech and language handicap, as this term is defined pursuant to Chapter 3323. of the Revised Code;

(B) A multiple of 0.3691 for students identified as specific learning disabled or developmentally handicapped, as these terms are defined pursuant to Chapter 3323. of the Revised Code, or other health handicapped-minor;

(C) A multiple of 1.7695 for students identified as hearing handicapped, vision impaired, or severe behavior handicapped, as these terms are defined pursuant to Chapter 3323. of the Revised Code;

(D) A multiple of 2.3646 for students identified as orthopedically handicapped, as this term is defined pursuant to



Chapter 3323. of the Revised Code or other health handicapped - 19660  
major; 19661

(E) A multiple of 3.1129 for students identified as 19662  
multihandicapped, as this term is defined pursuant to Chapter 19663  
3323. of the Revised Code; 19664

(F) A multiple of 4.7342 for students identified as autistic, 19665  
having traumatic brain injuries, or as both visually and hearing 19666  
disabled, as these terms are defined pursuant to Chapter 3323. of 19667  
the Revised Code. 19668

In fiscal ~~year 2004~~ years 2008 and 2009, the multiples 19669  
specified in divisions (A) to (F) of this section ~~shall be~~ 19670  
~~adjusted by multiplying them by 0.88. In fiscal years 2005, 2006,~~ 19671  
~~and 2007, the multiples specified in those divisions shall be~~ 19672  
adjusted by multiplying them by 0.90. 19673

Not later than the thirtieth day of ~~May~~ December in ~~2004,~~ 19674  
~~2005, 2006, and 2007,~~ 2008, and 2009, the department of education 19675  
shall submit to the office of budget and management a report that 19676  
specifies for each city, local, exempted village, and joint 19677  
vocational school district the fiscal year allocation of the state 19678  
and local shares of special education and related services 19679  
additional weighted funding and federal special education funds 19680  
passed through to the district. 19681

Not later than January 31, 2009, and the thirty-first day of 19682  
January of each odd-numbered year thereafter, the department shall 19683  
prepare an analysis of whether the multiples specified in this 19684  
section continue to accurately reflect the cost of providing 19685  
special education, including the costs of related services, for 19686  
students in each of the respective categories of programs 19687  
specified in this section. 19688

**Sec. 3317.014.** The average vocational education additional 19689

cost per pupil can be expressed as a multiple of the base cost per pupil calculated under section 3317.012 of the Revised Code. ~~the~~ The multiples for the following categories of vocational education programs are as follows:

(A) A multiple of 0.57 for students enrolled in vocational education job-training and workforce development programs approved by the department of education in accordance with rules adopted under section 3313.90 of the Revised Code.

(B) A multiple of 0.28 for students enrolled in vocational education classes other than job-training and workforce development programs.

Vocational education associated services costs can be expressed as a multiple of 0.05 of the base cost per pupil calculated under section 3317.012 of the Revised Code.

~~The general assembly has adjusted the multiples specified in this section for calculating payments beginning in fiscal year 2002 in recognition that its policy change regarding the application of the cost of doing business factor produces a higher base cost amount than would exist if no change were made to its application. The adjustment maintains the same weighted costs as would exist if no change were made to the application of the cost of doing business factor.~~

~~The~~ By the thirtieth day of each December, the department of education shall ~~annually~~ report to the ~~governor~~ office of budget and management and the general assembly the amount of weighted funding for vocational education and associated services that ~~is~~ was spent by each city, local, exempted village, and joint vocational school district specifically for vocational educational and associated services during the previous fiscal year.

**Sec. 3317.015.** (A) In addition to the information certified

to the department of education and the office of budget and 19720  
management under division (A) of section 3317.021 of the Revised 19721  
Code, the tax commissioner shall, at the same time, certify the 19722  
following information to the department and the office of budget 19723  
and management for each city, exempted village, and local school 19724  
district to be used for the same purposes as described under that 19725  
division: 19726

(1) The taxable value of the school district's carryover 19727  
property, as defined in section 319.301 of the Revised Code, for 19728  
the preceding tax year; 19729

(2) The increase in such carryover value, if any, between the 19730  
second preceding tax year and the preceding tax year as used in 19731  
calculating the percentage reduction under section 319.301 of the 19732  
Revised Code. 19733

(B) For each fiscal year the department of education shall 19734  
calculate each school district's recognized valuation in the 19735  
following manner: 19736

(1) For a school district located in a county in which a 19737  
reappraisal or triennial update occurred in the preceding tax 19738  
year, the recognized valuation equals the district's total taxable 19739  
value for the preceding tax year minus two-thirds times the 19740  
increase in the carryover value from the second preceding tax year 19741  
to the preceding tax year. 19742

(2) For a school district located in a county in which a 19743  
reappraisal or triennial update occurred in the second preceding 19744  
tax year, the recognized valuation equals the district's total 19745  
taxable value for the preceding tax year minus one-third times the 19746  
increase in the carryover value from the third preceding tax year 19747  
to the second preceding tax year. 19748

(3) For a school district located in a county in which a 19749  
reappraisal or triennial update occurred in the third preceding 19750

tax year, the recognized valuation equals the district's total 19751  
taxable value for the preceding tax year. 19752

**Sec. 3317.016.** In addition to its form SF-3, or any successor 19753  
to that form, the department of education shall publish on its web 19754  
site a spreadsheet for each school district that specifies the 19755  
constituent components of the district's "building blocks" funds, 19756  
as follows: 19757

(A) For compensation of base classroom teachers, as described 19758  
in division (B)(1) of section 3317.012 of the Revised Code, each 19759  
spreadsheet shall specify the district's aggregate and per pupil 19760  
amounts of state funds and of combined state and local funds, the 19761  
average compensation decided by the general assembly for base 19762  
classroom teachers, as specified in that division, and the number 19763  
of base classroom teachers attributable to the district based on 19764  
the student-teacher ratio decided by the general assembly, as 19765  
specified in that division. 19766

(B) Each spreadsheet shall specify the district's aggregate 19767  
and per pupil amounts of state funds and of combined state and 19768  
local funds for each of the following: 19769

(1) Other personnel support, as described in division (B)(2) 19770  
of section 3317.012 of the Revised Code; 19771

(2) Nonpersonnel support, as described in division (B)(3) of 19772  
that section; 19773

(3) Academic intervention services, as described in division 19774  
(C)(1) of that section; 19775

(4) Professional development, as described in division (C)(2) 19776  
of that section; 19777

(5) Data-based decision making, as described in division 19778  
(C)(3) of that section; 19779

(6) Professional development for data-based decision making, 19780

as described in division (C)(4) of that section. 19781

(C) Each spreadsheet shall separately specify the district's 19782  
aggregate and per pupil state funds for each of the following 19783  
components of poverty-based assistance under section 3317.029 of 19784  
the Revised Code: 19785

~~(1) Poverty based assistance guarantee payment under division~~ 19786  
~~(B) of that section;~~ 19787

~~(2) Academic intervention funding under division (C) of that~~ 19788  
~~section;~~ 19789

~~(3)~~(2) All-day kindergarten under division (D) of that 19790  
section; 19791

~~(4) Class size reduction~~ (3) Increased classroom learning 19792  
opportunities under division (E) of that section; 19793

~~(5)~~(4) Services to limited English proficient students under 19794  
division (F) of that section; 19795

~~(6)~~(5) Professional development, under division (G) of that 19796  
section; 19797

~~(7)~~(6) Dropout prevention under division (H) of that section; 19798

~~(8)~~(7) Community outreach under division (I) of that section; 19799

(8) Assistance in closing the achievement gap under division 19800  
(J) of that section. 19801

**Sec. 3317.017.** (A) Not later than July 1, 2006, the 19802  
superintendent of public instruction shall adopt a rule under 19803  
which the superintendent may issue an order with respect to the 19804  
spending, by a school district declared to be under an academic 19805  
watch or in a state of academic emergency under section 3302.03 of 19806  
the Revised Code, of the following state building block funds 19807  
intended to pay instructional-related costs: 19808

(1) State funds for compensation of base classroom teachers, 19809

as described in division (B)(1) of section 3317.012 of the Revised Code; 19810  
19811

(2) State funds for academic intervention services under 19812  
division (C)(1) of section 3317.012 and division (C) of section 19813  
3317.029 of the Revised Code; 19814

(3) State funds for professional development under divisions 19815  
(C)(2) and (4) of section 3317.012 and division (G) of section 19816  
3317.029 of the Revised Code; 19817

(4) State funds for data based decision making under division 19818  
(C)(3) of section 3317.012 of the Revised Code; 19819

~~(5) The poverty based assistance guarantee payment under 19820  
division (B) of section 3317.029 of the Revised Code; 19821~~

~~(6)~~ State funds for all-day kindergarten under division (D) 19822  
of section 3317.029 of the Revised Code; 19823

~~(7)~~(6) State funds for class-size reduction increased 19824  
classroom learning opportunities under division (E) of section 19825  
3317.029 of the Revised Code; 19826

~~(8)~~(7) State funds for services to limited English proficient 19827  
students under division (F) of section 3317.029 of the Revised 19828  
Code; 19829

~~(9)~~(8) State funds for dropout prevention under division (H) 19830  
of section 3317.029 of the Revised Code; 19831

~~(10)~~(9) State funds for community outreach under division (I) 19832  
of section 3317.029 of the Revised Code; 19833

(10) State funds for assistance in closing the achievement 19834  
gap under division (J) of section 3317.029 of the Revised Code. 19835

(B) The rule shall authorize the superintendent of public 19836  
instruction to issue an order that does one or a combination of 19837  
the following: 19838

(1) Requires the school district to periodically report to 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 19869  
adopting its rules under this division, the department shall 19870  
provide for counting any student in category one, two, three, 19871  
four, five, or six special education ADM or in category one or two 19872  
vocational education ADM in the same proportion the student is 19873  
counted in formula ADM. 19874

(D) "Formula ADM" means, for a city, local, or exempted 19875  
village school district, the final number verified by the 19876  
superintendent of public instruction, based on the number reported 19877  
pursuant to division (A) of section 3317.03 of the Revised Code, 19878  
~~and~~ as adjusted, if so ordered, under division (K) of that 19879  
section. "Formula ADM" means, for a joint vocational school 19880  
district, the final number verified by the superintendent of 19881  
public instruction, based on the number reported pursuant to 19882  
division (D) of section 3317.03 of the Revised Code. ~~Beginning in~~ 19883  
~~fiscal year 2007, for payments in which formula ADM is a factor,~~ 19884  
~~the formula ADM for each school district for the fiscal year is~~ 19885  
~~the sum of one half of the number reported for October of that~~ 19886  
~~fiscal year plus one half of the average of the numbers reported~~ 19887  
~~for October and February of that fiscal year, as adjusted, if so~~ 19888  
~~ordered, under division (K) of that section.~~ 19889

(E) "Three-year average formula ADM" means the average of 19890  
formula ADMs for the ~~current and~~ preceding ~~two~~ three fiscal years. 19891

(F)(1) "Category one special education ADM" means the average 19892  
daily membership of handicapped children receiving special 19893  
education services for the handicap specified in division (A) of 19894  
section 3317.013 of the Revised Code and reported under division 19895  
(B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code. 19896  
~~Beginning in fiscal year 2007, the district's category one special~~ 19897  
~~education ADM for a fiscal year is the sum of one half of the~~ 19898  
~~number reported for October of that fiscal year plus one half of~~ 19899  
~~the average of the numbers reported for October and February of~~ 19900



~~that fiscal year.~~ 19901

(2) "Category two special education ADM" means the average 19902  
daily membership of handicapped children receiving special 19903  
education services for those handicaps specified in division (B) 19904  
of section 3317.013 of the Revised Code and reported under 19905  
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 19906  
Code. ~~Beginning in fiscal year 2007, the district's category two~~ 19907  
~~special education ADM for a fiscal year is the sum of one half of~~ 19908  
~~the number reported for October of that fiscal year plus one half~~ 19909  
~~of the average of the numbers reported for October and February of~~ 19910  
~~that fiscal year.~~ 19911

(3) "Category three special education ADM" means the average 19912  
daily membership of students receiving special education services 19913  
for those handicaps specified in division (C) of section 3317.013 19914  
of the Revised Code, and reported under division (B)(7) or 19915  
(D)(2)(d) of section 3317.03 of the Revised Code. ~~Beginning in~~ 19916  
~~fiscal year 2007, the district's category three special education~~ 19917  
~~ADM for a fiscal year is the sum of one half of the number~~ 19918  
~~reported for October of that fiscal year plus one half of the~~ 19919  
~~average of the numbers reported for October and February of that~~ 19920  
~~fiscal year.~~ 19921

(4) "Category four special education ADM" means the average 19922  
daily membership of students receiving special education services 19923  
for those handicaps specified in division (D) of section 3317.013 19924  
of the Revised Code and reported under division (B)(8) or 19925  
(D)(2)(e) of section 3317.03 of the Revised Code. ~~Beginning in~~ 19926  
~~fiscal year 2007, the district's category four special education~~ 19927  
~~ADM for a fiscal year is the sum of one half of the number~~ 19928  
~~reported for October of that fiscal year plus one half of the~~ 19929  
~~average of the numbers reported for October and February of that~~ 19930  
~~fiscal year.~~ 19931

(5) "Category five special education ADM" means the average 19932

daily membership of students receiving special education services 19933  
for the handicap specified in division (E) of section 3317.013 of 19934  
the Revised Code and reported under division (B)(9) or (D)(2)(f) 19935  
of section 3317.03 of the Revised Code. ~~Beginning in fiscal year~~ 19936  
~~2007, the district's category five special education ADM for a~~ 19937  
~~fiscal year is the sum of one half of the number reported for~~ 19938  
~~October of that fiscal year plus one half of the average of the~~ 19939  
~~numbers reported for October and February of that fiscal year.~~ 19940

(6) "Category six special education ADM" means the average 19941  
daily membership of students receiving special education services 19942  
for the handicap specified in division (F) of section 3317.013 of 19943  
the Revised Code and reported under division (B)(10) or (D)(2)(g) 19944  
of section 3317.03 of the Revised Code. ~~Beginning in fiscal year~~ 19945  
~~2007, the district's category six special education ADM for a~~ 19946  
~~fiscal year is the sum of one half of the number reported for~~ 19947  
~~October of that fiscal year plus one half of the average of the~~ 19948  
~~numbers reported for October and February of that fiscal year.~~ 19949

(7) "Category one vocational education ADM" means the average 19950  
daily membership of students receiving vocational education 19951  
services described in division (A) of section 3317.014 of the 19952  
Revised Code and reported under division (B)(11) or (D)(2)(h) of 19953  
section 3317.03 of the Revised Code. ~~Beginning in fiscal year~~ 19954  
~~2007, the district's category one vocational education ADM for a~~ 19955  
~~fiscal year is the sum of one half of the number reported for~~ 19956  
~~October of that fiscal year plus one half of the average of the~~ 19957  
~~numbers reported for October and February of that fiscal year.~~ 19958

(8) "Category two vocational education ADM" means the average 19959  
daily membership of students receiving vocational education 19960  
services described in division (B) of section 3317.014 of the 19961  
Revised Code and reported under division (B)(12) or (D)(2)(i) of 19962  
section 3317.03 of the Revised Code. ~~Beginning in fiscal year~~ 19963  
~~2007, the district's category two vocational education ADM for a~~ 19964

~~fiscal year is the sum of one half of the number reported for  
October of that fiscal year plus one half of the average of the  
numbers reported for October and February of that fiscal year.~~

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(G) "Handicapped preschool child" means a handicapped child,  
as defined in section 3323.01 of the Revised Code, who is at least  
age three but is not of compulsory school age, as defined in  
section 3321.01 of the Revised Code, and who is not currently  
enrolled in kindergarten.

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(H) "County MR/DD board" means a county board of mental  
retardation and developmental disabilities.

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(I) "Recognized valuation" means the amount calculated for a  
school district pursuant to section 3317.015 of the Revised Code.

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~~(J) "Transportation ADM" means the number of children  
reported under division (B)(13) of section 3317.03 of the Revised  
Code.~~

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~~(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.~~

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~~(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.

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~~(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.

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~~(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~~

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19993  
19994

~~school district is located. If a city, local, or exempted village school district is located in more than one county, the factor is the amount indicated for the county to which the district is assigned by the state department of education. If a joint vocational school district is located in more than one county, the factor is the amount indicated for the county in which the joint vocational school with the greatest formula ADM operated by the district is located.~~

~~(1) In fiscal year 2006, the cost of doing business factor for each county is:~~

<del>COST OF DOING BUSINESS</del>		
<del>COUNTY</del>	<del>FACTOR AMOUNT</del>	
<del>Adams</del>	<del>1.00233</del>	20007
<del>Allen</del>	<del>1.01373</del>	20008
<del>Ashland</del>	<del>1.01980</del>	20009
<del>Ashtabula</del>	<del>1.02647</del>	20010
<del>Athens</del>	<del>1.00093</del>	20011
<del>Auglaize</del>	<del>1.01647</del>	20012
<del>Belmont</del>	<del>1.00427</del>	20013
<del>Brown</del>	<del>1.01180</del>	20014
<del>Butler</del>	<del>1.04307</del>	20015
<del>Carroll</del>	<del>1.00913</del>	20016
<del>Champaign</del>	<del>1.02973</del>	20017
<del>Clark</del>	<del>1.02980</del>	20018
<del>Clermont</del>	<del>1.03607</del>	20019
<del>Clinton</del>	<del>1.02193</del>	20020
<del>Columbiana</del>	<del>1.01427</del>	20021
<del>Coshocton</del>	<del>1.01153</del>	20022
<del>Crawford</del>	<del>1.01093</del>	20023
<del>Cuyahoga</del>	<del>1.04173</del>	20024
<del>Darke</del>	<del>1.02253</del>	20025
<del>Defiance</del>	<del>1.00973</del>	20026

Delaware	1.03520	20027
Erie	1.02587	20028
Fairfield	1.02440	20029
Fayette	1.02127	20030
Franklin	1.04053	20031
Fulton	1.0220	20032
Gallia	1.00000	20033
Geauga	1.03340	20034
Greene	1.02960	20035
Guernsey	1.00440	20036
Hamilton	1.05000	20037
Hancock	1.01433	20038
Hardin	1.02373	20039
Harrison	1.00493	20040
Henry	1.02120	20041
Highland	1.00987	20042
Hocking	1.01253	20043
Holmes	1.01187	20044
Huron	1.01953	20045
Jackson	1.00920	20046
Jefferson	1.00487	20047
Knox	1.01860	20048
Lake	1.03493	20049
Lawrence	1.00540	20050
Licking	1.02540	20051
Logan	1.02567	20052
Lorain	1.03433	20053
Lucas	1.02600	20054
Madison	1.03253	20055
Mahoning	1.02307	20056
Marion	1.02040	20057
Medina	1.03573	20058
Meigs	1.00173	20059

Mercer	1.01353	20060
Miami	1.02740	20061
Monroe	1.00333	20062
Montgomery	1.03020	20063
Morgan	1.00593	20064
Morrow	1.02007	20065
Muskingum	1.00847	20066
Noble	1.00487	20067
Ottawa	1.03240	20068
Paulding	1.00767	20069
Perry	1.01067	20070
Pickaway	1.02607	20071
Pike	1.00687	20072
Portage	1.03147	20073
Preble	1.02947	20074
Putnam	1.01440	20075
Richland	1.01327	20076
Ross	1.01007	20077
Sandusky	1.02140	20078
Scioto	1.00080	20079
Seneca	1.01487	20080
Shelby	1.01853	20081
Stark	1.01700	20082
Summit	1.03613	20083
Trumbull	1.02340	20084
Tuscarawas	1.00593	20085
Union	1.03333	20086
Van Wert	1.00887	20087
Vinton	1.00633	20088
Warren	1.04387	20089
Washington	1.00400	20090
Wayne	1.02320	20091
Williams	1.01520	20092

Wood	1.02400	20093
Wyandot	1.01140	20094

~~(2) In fiscal year 2007, the cost of doing business factor for each county is:~~ 20095  
20096

~~COST OF DOING BUSINESS~~ 20097

<del>COUNTY</del>	<del>FACTOR AMOUNT</del>	
<del>Adams</del>	<del>1.00117</del>	<del>20099</del>
<del>Allen</del>	<del>1.00687</del>	<del>20100</del>
<del>Ashland</del>	<del>1.00990</del>	<del>20101</del>
<del>Ashtabula</del>	<del>1.01323</del>	<del>20102</del>
<del>Athens</del>	<del>1.00047</del>	<del>20103</del>
<del>Auglaize</del>	<del>1.00823</del>	<del>20104</del>
<del>Belmont</del>	<del>1.00213</del>	<del>20105</del>
<del>Brown</del>	<del>1.00590</del>	<del>20106</del>
<del>Butler</del>	<del>1.02153</del>	<del>20107</del>
<del>Carroll</del>	<del>1.00457</del>	<del>20108</del>
<del>Champaign</del>	<del>1.01487</del>	<del>20109</del>
<del>Clark</del>	<del>1.01490</del>	<del>20110</del>
<del>Clermont</del>	<del>1.01803</del>	<del>20111</del>
<del>Clinton</del>	<del>1.01097</del>	<del>20112</del>
<del>Columbiana</del>	<del>1.00713</del>	<del>20113</del>
<del>Coshocton</del>	<del>1.00577</del>	<del>20114</del>
<del>Crawford</del>	<del>1.00547</del>	<del>20115</del>
<del>Cuyahoga</del>	<del>1.02087</del>	<del>20116</del>
<del>Darke</del>	<del>1.01127</del>	<del>20117</del>
<del>Defiance</del>	<del>1.00487</del>	<del>20118</del>
<del>Delaware</del>	<del>1.01760</del>	<del>20119</del>
<del>Erie</del>	<del>1.01293</del>	<del>20120</del>
<del>Fairfield</del>	<del>1.01220</del>	<del>20121</del>
<del>Fayette</del>	<del>1.01063</del>	<del>20122</del>
<del>Franklin</del>	<del>1.02027</del>	<del>20123</del>
<del>Fulton</del>	<del>1.01100</del>	<del>20124</del>
<del>Gallia</del>	<del>1.00000</del>	<del>20125</del>

Geauga	1.01670	20126
Greene	1.01480	20127
Guernsey	1.00220	20128
Hamilton	1.02500	20129
Hancock	1.00717	20130
Hardin	1.01187	20131
Harrison	1.00247	20132
Henry	1.01060	20133
Highland	1.00493	20134
Hocking	1.00627	20135
Holmes	1.00593	20136
Huron	1.00977	20137
Jackson	1.00460	20138
Jefferson	1.00243	20139
Knox	1.00930	20140
Lake	1.01747	20141
Lawrence	1.00270	20142
Licking	1.01270	20143
Logan	1.01283	20144
Lorain	1.01717	20145
Lucas	1.01300	20146
Madison	1.01627	20147
Mahoning	1.01153	20148
Marion	1.01020	20149
Medina	1.01787	20150
Meigs	1.00087	20151
Mercer	1.00677	20152
Miami	1.01370	20153
Monroe	1.00167	20154
Montgomery	1.01510	20155
Morgan	1.00297	20156
Morrow	1.01003	20157
Muskingum	1.00423	20158



Noble	<del>1.00243</del>	20159
Ottawa	<del>1.01620</del>	20160
Paulding	<del>1.00383</del>	20161
Perry	<del>1.00533</del>	20162
Pickaway	<del>1.01303</del>	20163
Pike	<del>1.00343</del>	20164
Portage	<del>1.01573</del>	20165
Preble	<del>1.01473</del>	20166
Putnam	<del>1.00720</del>	20167
Richland	<del>1.00663</del>	20168
Ross	<del>1.00503</del>	20169
Sandusky	<del>1.01070</del>	20170
Scioto	<del>1.00040</del>	20171
Seneca	<del>1.00743</del>	20172
Shelby	<del>1.00927</del>	20173
Stark	<del>1.00850</del>	20174
Summit	<del>1.01807</del>	20175
Trumbull	<del>1.01170</del>	20176
Tuscarawas	<del>1.00297</del>	20177
Union	<del>1.01667</del>	20178
Van Wert	<del>1.00443</del>	20179
Vinton	<del>1.00317</del>	20180
Warren	<del>1.02193</del>	20181
Washington	<del>1.00200</del>	20182
Wayne	<del>1.01160</del>	20183
Williams	<del>1.00760</del>	20184
Wood	<del>1.01200</del>	20185
Wyandot	<del>1.00570</del>	20186

~~(O)~~(L) "Tax exempt value" of a school district means the amount certified for a school district under division (A)(4) of section 3317.021 of the Revised Code.

~~(P)~~(M) "Potential value" of a school district means the recognized valuation of a school district plus the tax exempt

value of the district. 20192

~~(Q)~~(N) "District median income" means the median Ohio 20193  
adjusted gross income certified for a school district. On or 20194  
before the first day of July of each year, the tax commissioner 20195  
shall certify to the department of education and the office of 20196  
budget and management for each city, exempted village, and local 20197  
school district the median Ohio adjusted gross income of the 20198  
residents of the school district determined on the basis of tax 20199  
returns filed for the second preceding tax year by the residents 20200  
of the district. 20201

~~(R)~~(O) "Statewide median income" means the median district 20202  
median income of all city, exempted village, and local school 20203  
districts in the state. 20204

~~(S)~~(P) "Income factor" for a city, exempted village, or local 20205  
school district means the quotient obtained by dividing that 20206  
district's median income by the statewide median income. 20207

~~(T)~~(Q) "Medically fragile child" means a child to whom all of 20208  
the following apply: 20209

(1) The child requires the services of a doctor of medicine 20210  
or osteopathic medicine at least once a week due to the 20211  
instability of the child's medical condition. 20212

(2) The child requires the services of a registered nurse on 20213  
a daily basis. 20214

(3) The child is at risk of institutionalization in a 20215  
hospital, skilled nursing facility, or intermediate care facility 20216  
for the mentally retarded. 20217

~~(U)~~(R) A child may be identified as "other health 20218  
handicapped-major" if the child's condition meets the definition 20219  
of "other health impaired" established in rules adopted by the 20220  
state board of education prior to July 1, 2001, and if either of 20221

the following apply: 20222

(1) The child is identified as having a medical condition 20223  
that is among those listed by the superintendent of public 20224  
instruction as conditions where a substantial majority of cases 20225  
fall within the definition of "medically fragile child." The 20226  
superintendent of public instruction shall issue an initial list 20227  
no later than September 1, 2001. 20228

(2) The child is determined by the superintendent of public 20229  
instruction to be a medically fragile child. A school district 20230  
superintendent may petition the superintendent of public 20231  
instruction for a determination that a child is a medically 20232  
fragile child. 20233

~~(V)~~(S) A child may be identified as "other health 20234  
handicapped-minor" if the child's condition meets the definition 20235  
of "other health impaired" established in rules adopted by the 20236  
state board of education prior to July 1, 2001, but the child's 20237  
condition does not meet either of the conditions specified in 20238  
division ~~(U)~~(R)(1) or (2) of this section. 20239

~~(W)~~ "SF 3 payment" means the sum of the payments to a school 20240  
district in a fiscal year under divisions (A), (C)(1), (C)(4), 20241  
~~(D), (E), and (F) of section 3317.022, divisions (G), (L), and (N)~~ 20242  
~~of section 3317.024, and sections 3317.029, 3317.0216, 3317.0217,~~ 20243  
~~3317.04, 3317.05, 3317.052, and 3317.053 of the Revised Code after~~ 20244  
~~making the adjustments required by sections 3313.981 and 3313.979~~ 20245  
~~of the Revised Code, divisions (B), (C), (D), (E), (K), (L), (M),~~ 20246  
~~(N), and (O) of section 3317.023, and division (C) of section~~ 20247  
3317.20 (T) "State education aid" has the same meaning as in 20248  
section 5751.20 of the Revised Code. 20249

~~(X)~~(U) "Property exemption value" means zero in fiscal year 20250  
2006, and in fiscal year 2007 and each fiscal year thereafter, the 20251  
amount certified for a school district under divisions (A)(6) and 20252

(7) of section 3317.021 of the Revised Code. 20253

(V) "Internet- or computer-based community school" has the 20254

same meaning as in section 3314.02 of the Revised Code. 20255

**Sec. 3317.021.** (A) On or before the first day of June of each 20256  
year, the tax commissioner shall certify to the department of 20257  
education and the office of budget and management the information 20258  
described in divisions (A)(1) to (8) of this section for each 20259  
city, exempted village, and local school district, and the 20260  
information required by divisions (A)(1) and (2) of this section 20261  
for each joint vocational school district, and it shall be used, 20262  
along with the information certified under division (B) of this 20263  
section, in making the computations for the district under 20264  
sections 3317.022, 3317.0216, and 3317.0217 or section 3317.16 of 20265  
the Revised Code. 20266

(1) The taxable value of real and public utility real 20267  
property in the school district subject to taxation in the 20268  
preceding tax year, by class and by county of location. 20269

(2) The taxable value of tangible personal property, 20270  
including public utility personal property, subject to taxation by 20271  
the district for the preceding tax year. 20272

(3)(a) The total property tax rate and total taxes charged 20273  
and payable for the current expenses for the preceding tax year 20274  
and the total property tax rate and the total taxes charged and 20275  
payable to a joint vocational district for the preceding tax year 20276  
that are limited to or to the extent apportioned to current 20277  
expenses. 20278

(b) The portion of the amount of taxes charged and payable 20279  
reported for each city, local, and exempted village school 20280  
district under division (A)(3)(a) of this section attributable to 20281  
a joint vocational school district. 20282

(4) The value of all real and public utility real property in 20283  
the school district exempted from taxation minus both of the 20284  
following: 20285

(a) The value of real and public utility real property in the 20286  
district owned by the United States government and used 20287  
exclusively for a public purpose; 20288

(b) The value of real and public utility real property in the 20289  
district exempted from taxation under Chapter 725. or 1728. or 20290  
section 3735.67, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632, 20291  
5709.73, or 5709.78 of the Revised Code. 20292

(5) The total federal adjusted gross income of the residents 20293  
of the school district, based on tax returns filed by the 20294  
residents of the district, for the most recent year for which this 20295  
information is available. 20296

(6) The sum of the school district compensation value as 20297  
indicated on the list of exempted property for the preceding tax 20298  
year under section 5713.08 of the Revised Code as if such property 20299  
had been assessed for taxation that year and the other 20300  
compensation value for the school district, minus the amounts 20301  
described in divisions (A)(6)(c) to (i) of this section. The 20302  
portion of school district compensation value or other 20303  
compensation value attributable to an incentive district exemption 20304  
may be subtracted only once even if that incentive district 20305  
satisfies more than one of the criteria in divisions (A)(6)(c) to 20306  
(i) of this section. 20307

(a) "School district compensation value" means the aggregate 20308  
value of real property in the school district exempted from 20309  
taxation pursuant to an ordinance or resolution adopted under 20310  
division (C) of section 5709.40, division (C) of section 5709.73, 20311  
or division (B) of section 5709.78 of the Revised Code to the 20312  
extent that the exempted value results in the charging of payments 20313

in lieu of taxes required to be paid to the school district under 20314  
division (D)(1) or (2) of section 5709.40, division (D) of section 20315  
5709.73, or division (C) of section 5709.78 of the Revised Code. 20316

(b) "Other compensation value" means the quotient that 20317  
results from dividing (i) the dollar value of compensation 20318  
received by the school district during the preceding tax year 20319  
pursuant to division (B), (C), or (D) of section 5709.82 of the 20320  
Revised Code and the amounts received pursuant to an agreement as 20321  
specified in division (D)(2) of section 5709.40, division (D) of 20322  
section 5709.73, or division (C) of section 5709.78 of the Revised 20323  
Code to the extent those amounts were not previously reported or 20324  
included in division (A)(6)(a) of this section, and so that any 20325  
such amount is reported only once under division (A)(6)(b) of this 20326  
section, in relation to exemptions from taxation granted pursuant 20327  
to an ordinance or resolution adopted under division (C) of 20328  
section 5709.40, division (C) of section 5709.73, or division (B) 20329  
of section 5709.78 of the Revised Code, by (ii) the real property 20330  
tax rate in effect for the preceding tax year for 20331  
nonresidential/agricultural real property after making the 20332  
reductions required by section 319.301 of the Revised Code. 20333

(c) The portion of school district compensation value or 20334  
other compensation value that was exempted from taxation pursuant 20335  
to such an ordinance or resolution for the preceding tax year, if 20336  
the ordinance or resolution is adopted prior to January 1, 2006, 20337  
and the legislative authority or board of township trustees or 20338  
county commissioners, prior to January 1, 2006, executes a 20339  
contract or agreement with a developer, whether for-profit or 20340  
not-for-profit, with respect to the development of a project 20341  
undertaken or to be undertaken and identified in the ordinance or 20342  
resolution, and upon which parcels such project is being, or will 20343  
be, undertaken; 20344

(d) The portion of school district compensation value that 20345

was exempted from taxation for the preceding tax year and for 20346  
which payments in lieu of taxes for the preceding tax year were 20347  
provided to the school district under division (D)(1) of section 20348  
5709.40 of the Revised Code. 20349

(e) The portion of school district compensation value that 20350  
was exempted from taxation for the preceding tax year pursuant to 20351  
such an ordinance or resolution, if and to the extent that, on or 20352  
before April 1, 2006, the fiscal officer of the municipal 20353  
corporation that adopted the ordinance, or of the township or 20354  
county that adopted the resolution, certifies and provides 20355  
appropriate supporting documentation to the tax commissioner and 20356  
the director of development that, based on hold-harmless 20357  
provisions in any agreement between the school district and the 20358  
legislative authority of the municipal corporation, board of 20359  
township trustees, or board of county commissioners that was 20360  
entered into on or before June 1, 2005, the ability or obligation 20361  
of the municipal corporation, township, or county to repay bonds, 20362  
notes, or other financial obligations issued or entered into prior 20363  
to January 1, 2006, will be impaired, including obligations to or 20364  
of any other body corporate and politic with whom the legislative 20365  
authority of the municipal corporation or board of township 20366  
trustees or county commissioners has entered into an agreement 20367  
pertaining to the use of service payments derived from the 20368  
improvements exempted; 20369

(f) The portion of school district compensation value that 20370  
was exempted from taxation for the preceding tax year pursuant to 20371  
such an ordinance or resolution, if the ordinance or resolution is 20372  
adopted prior to January 1, 2006, in a municipal corporation with 20373  
a population that exceeds one hundred thousand, as shown by the 20374  
most recent federal decennial census, that includes a major 20375  
employment center and that is adjacent to historically distressed 20376  
neighborhoods, if the legislative authority of the municipal 20377

corporation that exempted the property prepares an economic 20378  
analysis that demonstrates that all taxes generated within the 20379  
incentive district accruing to the state by reason of improvements 20380  
constructed within the district during its existence exceed the 20381  
amount the state pays the school district under section 3317.022 20382  
of the Revised Code attributable to such property exemption from 20383  
the school district's recognized valuation. The analysis shall be 20384  
submitted to and approved by the department of development prior 20385  
to January 1, 2006, and the department shall not unreasonably 20386  
withhold approval. 20387

(g) The portion of school district compensation value that 20388  
was exempted from taxation for the preceding tax year under such 20389  
an ordinance or resolution, if the ordinance or resolution is 20390  
adopted prior to January 1, 2006, and if service payments have 20391  
been pledged to be used for mixed-use riverfront entertainment 20392  
development in any county with a population that exceeds six 20393  
hundred thousand, as shown by the most recent federal decennial 20394  
census; 20395

(h) The portion of school district compensation value that 20396  
was exempted from taxation for the preceding tax year under such 20397  
an ordinance or resolution, if, prior to January 1, 2006, the 20398  
legislative authority of a municipal corporation, board of 20399  
township trustees, or board of county commissioners has pledged 20400  
service payments for a designated transportation capacity project 20401  
approved by the transportation review advisory council under 20402  
Chapter 5512. of the Revised Code; 20403

(i) The portion of school district compensation value that 20404  
was exempted from taxation for the preceding tax year under such 20405  
an ordinance or resolution if the legislative authority of a 20406  
municipal corporation, board of township trustees, or board of 20407  
county commissioners have, by January 1, 2006, pledged proceeds 20408  
for designated transportation improvement projects that involve 20409



federal funds for which the proceeds are used to meet a local 20410  
share match requirement for such funding. 20411

As used in division (A)(6) of this section, "project" has the 20412  
same meaning as in section 5709.40 of the Revised Code. 20413

(7) The aggregate value of real property in the school 20414  
district for which an exemption from taxation is granted by an 20415  
ordinance or resolution adopted on or after January 1, 2006, under 20416  
Chapter 725. or 1728., sections 3735.65 to 3735.70, or section 20417  
5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the Revised 20418  
Code, as indicated on the list of exempted property for the 20419  
preceding tax year under section 5713.08 of the Revised Code and 20420  
as if such property had been assessed for taxation that year, 20421  
minus the product determined by multiplying (a) the aggregate 20422  
value of the real property in the school district exempted from 20423  
taxation for the preceding tax year under any of the chapters or 20424  
sections specified in this division, by (b) a fraction, the 20425  
numerator of which is the difference between (i) the amount of 20426  
anticipated revenue such school district would have received for 20427  
the preceding tax year if the real property exempted from taxation 20428  
had not been exempted from taxation and (ii) the aggregate amount 20429  
of payments in lieu of taxes on the exempt real property for the 20430  
preceding tax year and other compensation received for the 20431  
preceding tax year by the school district pursuant to any 20432  
agreements entered into on or after January 1, 2006, under section 20433  
5709.82 of the Revised Code between the school district and the 20434  
legislative authority of a political subdivision that acted under 20435  
the authority of a chapter or statute specified in this division, 20436  
that were entered into in relation to such exemption, and the 20437  
denominator of which is the amount of anticipated revenue such 20438  
school district would have received in the preceding fiscal year 20439  
if the real property exempted from taxation had not been exempted. 20440

(8) For each school district receiving payments under 20441

division (B) or (C) of section 3317.0216 of the Revised Code 20442  
during the current fiscal year, as included on the most recent 20443  
list of such districts sent to the tax commissioner under division 20444  
(F) of that section, the following: 20445

(a) The portion of the total amount of taxes charged and 20446  
payable for current expenses certified under division (A)(3)(a) of 20447  
this section that is attributable to each new levy approved and 20448  
charged in the preceding tax year and the respective tax rate of 20449  
each of those new levies; 20450

(b) The portion of the total taxes collected for current 20451  
expenses under a school district income tax adopted pursuant to 20452  
section 5748.03 or 5748.08 of the Revised Code, as certified under 20453  
division (A)(2) of section 3317.08 of the Revised Code, that is 20454  
attributable to each new school district income tax first 20455  
effective in the current taxable year or in the preceding taxable 20456  
year. 20457

(B) On or before the first day of May each year, the tax 20458  
commissioner shall certify to the department of education and the 20459  
office of budget and management the total taxable real property 20460  
value of railroads and, separately, the total taxable tangible 20461  
personal property value of all public utilities for the preceding 20462  
tax year, by school district and by county of location. 20463

(C) If a public utility has properly and timely filed a 20464  
petition for reassessment under section 5727.47 of the Revised 20465  
Code with respect to an assessment issued under section 5727.23 of 20466  
the Revised Code affecting taxable property apportioned by the tax 20467  
commissioner to a school district, the taxable value of public 20468  
utility tangible personal property included in the certification 20469  
under divisions (A)(2) and (B) of this section for the school 20470  
district shall include only the amount of taxable value on the 20471  
basis of which the public utility paid tax for the preceding year 20472  
as provided in division (B)(1) or (2) of section 5727.47 of the 20473

Revised Code. 20474

(D) If on the basis of the information certified under 20475  
division (A) of this section, the department determines that any 20476  
district fails in any year to meet the qualification requirement 20477  
specified in division (A) of section 3317.01 of the Revised Code, 20478  
the department shall immediately request the tax commissioner to 20479  
determine the extent to which any school district income tax 20480  
levied by the district under Chapter 5748. of the Revised Code 20481  
shall be included in meeting that requirement. Within five days of 20482  
receiving such a request from the department, the tax commissioner 20483  
shall make the determination required by this division and report 20484  
the quotient obtained under division (D)(3) of this section to the 20485  
department and the office of budget and management. This quotient 20486  
represents the number of mills that the department shall include 20487  
in determining whether the district meets the qualification 20488  
requirement of division (A) of section 3317.01 of the Revised 20489  
Code. 20490

The tax commissioner shall make the determination required by 20491  
this division as follows: 20492

(1) Multiply one mill times the total taxable value of the 20493  
district as determined in divisions (A)(1) and (2) of this 20494  
section; 20495

(2) Estimate the total amount of tax liability for the 20496  
current tax year under taxes levied by Chapter 5748. of the 20497  
Revised Code that are apportioned to current operating expenses of 20498  
the district; 20499

(3) Divide the amount estimated under division (D)(2) of this 20500  
section by the product obtained under division (D)(1) of this 20501  
section. 20502

(E)(1) On or before June 1, 2006, and the first day of April 20503  
of each year thereafter, the director of development shall report 20504

to the department of education ~~and~~, the tax commissioner, and the 20505  
director of budget and management the total amounts of payments 20506  
received by each city, local, exempted village, or joint 20507  
vocational school district for the preceding tax year pursuant to 20508  
division (D) of section 5709.40, division (D) of section 5709.73, 20509  
division (C) of section 5709.78, or division (B)(1), (B)(2), (C), 20510  
or (D) of section 5709.82 of the Revised Code in relation to 20511  
exemptions from taxation granted pursuant to an ordinance adopted 20512  
by the legislative authority of a municipal corporation under 20513  
division (C) of section 5709.40 of the Revised Code, or a 20514  
resolution adopted by a board of township trustees or board of 20515  
county commissioners under division (C) of section 5709.73 or 20516  
division (B) of section 5709.78 of the Revised Code, respectively. 20517  
On or before April 1, 2006, and the first day of March of each 20518  
year thereafter, the treasurer of each city, local, exempted 20519  
village, or joint vocational school district that has entered into 20520  
such an agreement shall report to the director of development the 20521  
total amounts of such payments the district received for the 20522  
preceding tax year as provided in this section. The state board of 20523  
education, in accordance with sections 3319.31 and 3319.311 of the 20524  
Revised Code, may suspend or revoke the license of a treasurer 20525  
found to have willfully reported erroneous, inaccurate, or 20526  
incomplete data under this division. 20527

(2) On or before April 1, 2007, and the first day of April of 20528  
each year thereafter, the director of development shall report to 20529  
the department of education ~~and to~~, the tax commissioner, and the 20530  
director of budget and management the total amounts of payments 20531  
received by each city, local, exempted village, or joint 20532  
vocational school district for the preceding tax year pursuant to 20533  
divisions (B), (C), and (D) of section 5709.82 of the Revised Code 20534  
in relation to exemptions from taxation granted pursuant to 20535  
ordinances or resolutions adopted on or after January 1, 2006, 20536  
under Chapter 725. or 1728., sections 3735.65 to 3735.70, or 20537

section 5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the Revised Code. On or before March 1, 2007, and the first day of March of each year thereafter, the treasurer of each city, local, exempted village, or joint vocational school district that has entered into such an agreement shall report to the director of development the total amounts of such payments the district received for the preceding tax year as provided by this section. The state board of education, in accordance with sections 3319.31 and 3319.311 of the Revised Code, may suspend or revoke the license of a treasurer found to have willfully reported erroneous, inaccurate, or incomplete data under this division.

**Sec. 3317.022.** (A)(1) The department of education shall compute and distribute state base cost funding to each eligible school district for the fiscal year using the ~~information obtained under section 3317.021 of the Revised Code in the calendar year in which the fiscal year begins.~~

~~(1) Compute the following for each eligible district formula:~~  
    ~~{[~~cost of doing business factor X~~~~  
        the formula amount X (formula ADM +  
          preschool scholarship ADM)] +  
    the sum of the base funding supplements  
        prescribed in divisions (C)(1) to (4)  
of section 3317.012 of the Revised Code} -  
    [.023 x (the sum of recognized valuation  
        and property exemption value)]  $\pm$   
    the amounts calculated for the district under  
    sections 3317.029 and 3317.0217 of the Revised Code

If the difference obtained is a negative number, the district's computation shall be zero.

~~(2) Compute both of the following for each school district:~~

~~(a) The difference of (i) the district's fiscal year 2005~~

~~base cost payment under the version of division (A)(1) 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 (A)(1) of this section;~~ 20569  
20570  
20571  
20572

~~(b) The following amount:~~ 20573

~~{(fiscal year 2005 base cost payment/fiscal~~ 20574

~~year 2005 formula ADM) X~~ 20575

~~(current year formula ADM + preschool scholarship ADM)}~~ 20576

~~minus the amount computed for the district~~ 20577

~~under current division (A)(1) of this section~~ 20578

~~If one of the amounts computed under division (A)(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 (A)(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 (A)(1) of this section.~~ 20579  
20580  
20581  
20582  
20583  
20584  
20585

~~(3)(a) For each school district for which the tax exempt value of the district equals or exceeds twenty-five per cent of the potential value of the district, the department of education shall calculate the difference between the district's tax exempt value and twenty-five per cent of the district's potential value.~~ 20586  
20587  
20588  
20589  
20590

~~(b) For each school district to which division (A)(3)(2)(a) of this section applies, the department shall adjust the recognized valuation used in the calculation under division (A)(1) of this section by subtracting from it the amount calculated under division (A)(3)(2)(a) of this section.~~ 20591  
20592  
20593  
20594  
20595

~~(B) As used in this section:~~ 20596

~~(1) The "total special education weight" for a district means the sum of the following amounts:~~ 20597  
20598

~~(a) The district's category one special education ADM~~ 20599

multiplied by the multiple specified in division (A) of section 20600  
3317.013 of the Revised Code; 20601

(b) The district's category two special education ADM 20602  
multiplied by the multiple specified in division (B) of section 20603  
3317.013 of the Revised Code; 20604

(c) The district's category three special education ADM 20605  
multiplied by the multiple specified in division (C) of section 20606  
3317.013 of the Revised Code; 20607

(d) The district's category four special education ADM 20608  
multiplied by the multiple specified in division (D) of section 20609  
3317.013 of the Revised Code; 20610

(e) The district's category five special education ADM 20611  
multiplied by the multiple specified in division (E) of section 20612  
3317.013 of the Revised Code; 20613

(f) The district's category six special education ADM 20614  
multiplied by the multiple specified in division (F) of section 20615  
3317.013 of the Revised Code. 20616

(2) "State share percentage" means the percentage calculated 20617  
for a district as follows: 20618

(a) Calculate the state base cost funding amount for the 20619  
district for the fiscal year under division (A) of this section. 20620  
If the district would not receive any state base cost funding for 20621  
that year under that division, the district's state share 20622  
percentage is zero. 20623

(b) If the district would receive state base cost funding 20624  
under that division, divide that amount by an amount equal to the 20625  
following: 20626

~~(Cost of doing business factor X~~ 20627  
the formula amount X formula ADM) + 20628  
the sum of the base funding supplements 20629

prescribed in divisions (C)(1) to (4) 20630  
of section 3317.012 of the Revised Code ± 20631  
the sum of the amounts calculated for the district under 20632  
sections 3317.029 and 3317.0217 of the Revised Code 20633

The resultant number is the district's state share 20634  
percentage. 20635

(3) "Related services" includes: 20636

(a) Child study, special education supervisors and 20637  
coordinators, speech and hearing services, adaptive physical 20638  
development services, occupational or physical therapy, teacher 20639  
assistants for handicapped children whose handicaps are described 20640  
in division (B) of section 3317.013 or division (F)(3) of section 20641  
3317.02 of the Revised Code, behavioral intervention, interpreter 20642  
services, work study, nursing services, and specialized 20643  
integrative services as those terms are defined by the department; 20644

(b) Speech and language services provided to any student with 20645  
a handicap, including any student whose primary or only handicap 20646  
is a speech and language handicap; 20647

(c) Any related service not specifically covered by other 20648  
state funds but specified in federal law, including but not 20649  
limited to, audiology and school psychological services; 20650

(d) Any service included in units funded under former 20651  
division (O)(1) of section ~~3317.023~~ 3317.024 of the Revised Code; 20652

(e) Any other related service needed by handicapped children 20653  
in accordance with their individualized education plans. 20654

(4) The "total vocational education weight" for a district 20655  
means the sum of the following amounts: 20656

(a) The district's category one vocational education ADM 20657  
multiplied by the multiple specified in division (A) of section 20658  
3317.014 of the Revised Code; 20659



(b) The district's category two vocational education ADM multiplied by the multiple specified in division (B) of section 3317.014 of the Revised Code.

(5) "Preschool scholarship ADM" means the number of handicapped preschool children reported under division (B)(3)(h) of section 3317.03 of the Revised Code.

(C)(1) The department shall compute and distribute state special education and related services additional weighted costs funds to each school district in accordance with the following formula:

The district's state share percentage X  
the formula amount for the year for which  
the aid is calculated X the district's  
total special education weight

(2) The attributed local share of special education and related services additional weighted costs equals:

(1 - the district's state share percentage) X the district's  
total special education weight X the formula amount

(3)(a) The department shall compute and pay in accordance with this division additional state aid to school districts for students in categories two through six special education ADM. If a district's costs for the fiscal year for a student in its categories two through six special education ADM exceed the threshold catastrophic cost for serving the student, the district may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the district an amount equal to the sum of the following:

(i) One-half of the district's costs for the student in

excess of the threshold catastrophic cost; 20691

(ii) The product of one-half of the district's costs for the 20692  
student in excess of the threshold catastrophic cost multiplied by 20693  
the district's state share percentage. 20694

(b) For purposes of division (C)(3)(a) of this section, the 20695  
threshold catastrophic cost for serving a student equals: 20696

(i) For a student in the school district's category two, 20697  
three, four, or five special education ADM, ~~twenty five thousand~~ 20698  
~~dollars in fiscal year 2002, twenty five thousand seven hundred~~ 20699  
~~dollars in fiscal years 2003, 2004, and 2005, and twenty six~~ 20700  
~~thousand five hundred dollars in fiscal years 2006 and 2007~~ 20701  
twenty-seven thousand three hundred seventy-five dollars in fiscal 20702  
years 2008 and 2009; 20703

(ii) For a student in the district's category six special 20704  
education ADM, ~~thirty thousand dollars in fiscal year 2002, thirty~~ 20705  
~~thousand eight hundred forty dollars in fiscal years 2003, 2004,~~ 20706  
~~and 2005, and thirty one thousand eight hundred dollars in fiscal~~ 20707  
~~years 2006 and 2007~~ thirty-two thousand eight hundred fifty 20708  
dollars in fiscal years 2008 and 2009. 20709

(c) The district shall only report under division (C)(3)(a) 20710  
of this section, and the department shall only pay for, the costs 20711  
of educational expenses and the related services provided to the 20712  
student in accordance with the student's individualized education 20713  
program. Any legal fees, court costs, or other costs associated 20714  
with any cause of action relating to the student may not be 20715  
included in the amount. 20716

(4)(a) As used in this division, the "personnel allowance" 20717  
means thirty thousand dollars in fiscal years ~~2002, 2003, 2004,~~ 20718  
~~2005, 2006, and 2007~~ 2008 and 2009. 20719

(b) For the provision of speech language pathology services 20720  
to students, including students who do not have individualized 20721

education programs prepared for them under Chapter 3323. of the 20722  
Revised Code, and for no other purpose, the department of 20723  
education shall pay each school district an amount calculated 20724  
under the following formula: 20725

(formula ADM divided by 2000) X 20726  
the personnel allowance X 20727  
the state share percentage 20728

(5) In any fiscal year, a school district shall spend for 20729  
purposes that the department designates as approved for special 20730  
education and related services expenses at least the amount 20731  
calculated as follows: 20732

~~(cost of doing business factor X~~ 20733  
formula amount X the sum of categories 20734  
one through six special education ADM) + 20735  
(total special education weight X formula amount) 20736

The purposes approved by the department for special education 20737  
expenses shall include, but shall not be limited to, 20738  
identification of handicapped children, compliance with state 20739  
rules governing the education of handicapped children and 20740  
prescribing the continuum of program options for handicapped 20741  
children, provision of speech language pathology services, and the 20742  
portion of the school district's overall administrative and 20743  
overhead costs that are attributable to the district's special 20744  
education student population. 20745

The scholarships deducted from the school district's account 20746  
under section 3310.41 or 3310.55 of the Revised Code shall be 20747  
considered to be an approved special education and related 20748  
services expense for the purpose of the school district's 20749  
compliance with division (C)(5) of this section. 20750

The department shall require school districts to report data 20751  
annually to allow for monitoring compliance with division (C)(5) 20752  
of this section. The department shall annually report to the 20753

governor and the general assembly the amount of money spent by 20754  
each school district for special education and related services. 20755

(6) In any fiscal year, a school district shall spend for the 20756  
provision of speech language pathology services not less than the 20757  
sum of the amount calculated under division (C)(1) of this section 20758  
for the students in the district's category one special education 20759  
ADM and the amount calculated under division (C)(4) of this 20760  
section. 20761

The scholarships deducted from the school district's account 20762  
under section 3310.55 of the Revised Code for students counted in 20763  
the district's category one special education ADM shall be 20764  
considered to be an approved speech language pathology services 20765  
expense for the purpose of the school district's compliance with 20766  
division (C)(6) of this section. 20767

(D)(1) As used in this division: 20768

~~(a) "Daily bus miles per student" equals the number of bus 20769~~  
~~miles traveled per day, divided by transportation base. 20770~~

~~(b) "Transportation base" equals total student count as 20771~~  
~~defined in section 3301.011 of the Revised Code, minus the number 20772~~  
~~of students enrolled in preschool handicapped units, plus the 20773~~  
~~number of nonpublic school students included in transportation 20774~~  
~~ADM. 20775~~

~~(c) "Transported student percentage" equals transportation 20776~~  
~~ADM divided by transportation base. 20777~~

~~(d) "Transportation cost per student" equals total operating 20778~~  
~~costs for board owned or contractor operated school buses divided 20779~~  
~~by transportation base. 20780~~

~~(2) Analysis of student transportation cost data has resulted 20781~~  
~~in a finding that an average efficient transportation use cost per 20782~~  
~~student can be calculated by means of a regression formula that 20783~~

~~has as its two independent variables the number of daily bus miles per student and the transported student percentage. For fiscal year 1998 transportation cost data, the average efficient transportation use cost per student is expressed as follows:~~

$$\begin{aligned} & \del{51.79027 + (139.62626 \times \text{daily bus miles per student}) +} \\ & \del{(116.25573 \times \text{transported student percentage})} \end{aligned}$$

~~The department of education shall annually determine the average efficient transportation use cost per student in accordance with the principles stated in division (D)(2) of this section, updating the intercept and regression coefficients of the regression formula modeled in this division, based on an annual statewide analysis of each school district's daily bus miles per student, transported student percentage, and transportation cost per student data. The department shall conduct the annual update using data, including daily bus miles per student, transported student percentage, and transportation cost per student data, from the prior fiscal year. The department shall notify the office of budget and management of such update by the fifteenth day of February of each year.~~

~~(3) In addition to funds paid under divisions (A), (C), and (E) of this section, each district with a transported student percentage greater than zero shall receive a payment equal to a percentage of the product of the district's transportation base from the prior fiscal year times the annually updated average efficient transportation use cost per student, times an inflation factor of two and eight tenths per cent to account for the one year difference between the data used in updating the formula and calculating the payment and the year in which the payment is made. The percentage shall be the following percentage of that product specified for the corresponding fiscal year:~~

FISCAL YEAR	PERCENTAGE
2000	52.5%

2001	55%	20816
2002	57.5%	20817
<del>2003 and thereafter</del>	<del>The greater of 60% or the district's state share percentage</del>	20818

~~The payments made under division (D)(3) of this section each year shall be calculated based on all of the same prior year's data used to update the formula.~~ 20819  
20820  
20821

~~(4) In addition to funds paid under divisions (D)(2) and (3) of this section, a school district shall receive a rough road subsidy if both of the following apply:~~ 20822  
20823  
20824

~~(a) Its county rough road percentage is higher than the statewide rough road percentage, as those terms are defined in division (D)(5) of this section;~~ 20825  
20826  
20827

~~(b) Its district student density is lower than the statewide student density, as those terms are defined in that division.~~ 20828  
20829

~~(5) The rough road subsidy paid to each district meeting the qualifications of division (D)(4) of this section shall be calculated in accordance with the following formula:~~ 20830  
20831  
20832

~~(per rough mile subsidy X total rough road miles)  
X density multiplier~~ 20833  
20834

~~where:~~ 20835

~~(a) "Per rough mile subsidy" equals the amount calculated in accordance with the following formula:~~ 20836  
20837

~~$0.75 - \{0.75 \times [(\text{maximum rough road percentage} - \text{county rough road percentage}) / (\text{maximum rough road percentage} - \text{statewide rough road percentage})]\}$~~  20838  
20839  
20840

~~(i) "Maximum rough road percentage" means the highest county rough road percentage in the state.~~ 20841  
20842

~~(ii) "County rough road percentage" equals the percentage of~~ 20843

~~the mileage of state, municipal, county, and township roads that  
is rated by the department of transportation as type A, B, C, E2,  
or F in the county in which the school district is located or, if  
the district is located in more than one county, the county to  
which it is assigned for purposes of determining its  
cost of doing business factor.~~

~~(iii) "Statewide rough road percentage" means the percentage  
of the statewide total mileage of state, municipal, county, and  
township roads that is rated as type A, B, C, E2, or F by the  
department of transportation.~~

~~(b) "Total rough road miles" means a school district's total  
bus miles traveled in one year times its county rough road  
percentage.~~

~~(c) "Density multiplier" means a figure calculated in  
accordance with the following formula:~~

$$1 - \left[ \frac{\text{minimum student density} - \text{district student density}}{\text{minimum student density} - \text{statewide student density}} \right]$$

~~(i) "Minimum student density" means the lowest district  
student density in the state.~~

~~(ii) "District student density" means a school district's  
transportation base divided by the number of square miles in the  
district.~~

~~(iii) "Statewide student density" means the sum of the  
transportation bases for all school districts divided by the sum  
of the square miles in all school districts.~~

~~(6)(a) "Total cost of transportation" is equal to the cost of  
transporting qualifying riders using the following types of  
transportation:~~

~~(i) Board-owned, leased, and operated school buses;~~

(ii) School bus service contracted from another school, 20874  
including transportation in a consortium arrangement on buses 20875  
managed and reported by another district or entity; 20876

(iii) Contractor-owned, leased, and operated school buses. 20877

(b) "Qualifying riders" are students transported living over 20878  
one mile from school in grades kindergarten through twelve, 20879  
including students with dual enrollment in a joint vocational or 20880  
cooperative education district, nonpublic school students, and 20881  
community school students. Only students eligible for a 20882  
transportation payment under section 3327.01 of the Revised Code 20883  
shall be included in this count. This count shall be determined as 20884  
the average number of students transported during the first full 20885  
week of October, and reported as required by the department of 20886  
education. Adjustments to this count may be made only in 20887  
accordance with rules adopted by the department. 20888

(c) "Nontraditional riders" are those qualifying riders being 20889  
educated in a community school or a nonpublic school. 20890

(d) "Total miles" is the total miles driven for all types of 20891  
transportation as listed under division (D)(1)(a) of this section. 20892

(e) "Transportation state share percentage" is the district's 20893  
state share percentage, as defined in division (B)(2) of this 20894  
section, as determined by the department for the district's second 20895  
June state education aid payment of the previous fiscal year. 20896

(f) "Assigned bus" means a bus used for transporting regular 20897  
education qualifying riders. 20898

(2) For each school district, the department shall determine 20899  
the statewide average cost per student as follows: 20900

(a) Determine the district's cost per student by dividing the 20901  
total costs of transportation in the previous fiscal year by total 20902  
qualifying riders in the previous fiscal year for each district. 20903



(b) Exclude from the determination under division (D)(2)(a) of this section the ten districts with the highest cost per student and the ten districts with the lowest cost per student. 20904  
20905  
20906

(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. 20907  
20908  
20909  
20910

(3) For each school district, the department shall determine the statewide average cost per mile as follows: 20911  
20912

(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. 20913  
20914  
20915

(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. 20916  
20917  
20918

(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. 20919  
20920  
20921  
20922

(4) For each school district, the department shall determine each district's base calculation as follows: 20923  
20924

(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. 20925  
20926  
20927  
20928

(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. 20929  
20930  
20931

(c) Determine the current year base by multiplying the greater of the amount determined under division (D)(4)(a) or (b) 20932  
20933

of this section by the greater of sixty per cent or the district's 20934  
transportation state share percentage as defined under division 20935  
(D)(1) of this section. 20936

(5) For each school district, the department calculate the 20937  
district's nontraditional student adjustment as follows: 20938

(a) Determine the district's nontraditional student ratio by 20939  
dividing total nontraditional riders by total qualifying riders. 20940

(b) Multiply the ratio determined under division (D)(5)(a) of 20941  
this section by 0.1. 20942

(c) Multiply the product calculated under division (D)(5)(b) 20943  
of this section by the district's current year base. 20944

(6) If a district provides any of the types of transportation 20945  
listed in division (D)(1)(a) of this section to all of its high 20946  
school students, the department shall multiply the district's 20947  
current year base by 0.025. 20948

(7) If a district provides any of the types of transportation 20949  
listed in division (D)(1)(a) of this section to students in grades 20950  
kindergarten to eight living less than two miles from school but 20951  
greater than one mile from school, the district's current year 20952  
base shall be multiplied by 0.025. 20953

(8) For each school district, the department shall calculate 20954  
an adjustment based upon efficiency. "Efficiency" means the 20955  
ability to exceed a target number of riders per assigned bus. The 20956  
target value shall be recalculated each year based upon current 20957  
year data, and based upon the median riders per assigned bus. 20958

(a) Each district's efficiency target shall be adjusted based 20959  
upon its ridership density, using a formula that compares its 20960  
ridership density with other districts, and adjusts the ridership 20961  
target based upon that relative density. 20962

(b) The efficiency index for each district shall be 20963

determined by dividing each district's current year qualifying riders per assigned bus by its target riders per assigned bus. 20964  
20965

(c) The efficiency adjustment for each district shall be as follows: 20966  
20967

(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. 20968  
20969  
20970

(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: 20971  
20972  
20973

[(the district's efficiency index minus one) divided by five] times the current year base. 20974  
20975

(iii) If the district's efficiency index is less than 1.0, the district's efficiency adjustment is zero. 20976  
20977

(d) The department shall publish on its web site the efficiency index for each district and the details of how the index was calculated. 20978  
20979  
20980

(9) Each district shall be paid the lesser of the amount described in division (D)(9)(a) or (b) of this section: 20981  
20982

(a) The sum of the amounts determined under divisions (D)(4)(c), (5)(c), (6), (7), and (8)(c) of this section; 20983  
20984

(b) The district's total actual cost from the prior fiscal year. 20985  
20986

(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 20987  
20988  
20989  
20990  
20991  
20992  
20993

of such students. 20994

(E)(1) The department shall compute and distribute state 20995  
vocational education additional weighted costs funds to each 20996  
school district in accordance with the following formula: 20997

state share percentage X 20998

the formula amount X 20999

total vocational education weight 21000

In any fiscal year, a school district receiving funds under 21001  
division (E)(1) of this section shall spend those funds only for 21002  
the purposes that the department designates as approved for 21003  
vocational education expenses. Vocational educational expenses 21004  
approved by the department shall include only expenses connected 21005  
to the delivery of career-technical programming to 21006  
career-technical students. The department shall require the school 21007  
district to report data annually so that the department may 21008  
monitor the district's compliance with the requirements regarding 21009  
the manner in which funding received under division (E)(1) of this 21010  
section may be spent. 21011

(2) The department shall compute for each school district 21012  
state funds for vocational education associated services in 21013  
accordance with the following formula: 21014

state share percentage X .05 X the formula amount X 21015

the sum of categories one and two vocational education ADM 21016

In any fiscal year, a school district receiving funds under 21017  
division (E)(2) of this section, or through a transfer of funds 21018  
pursuant to division (L) of section 3317.023 of the Revised Code, 21019  
shall spend those funds only for the purposes that the department 21020  
designates as approved for vocational education associated 21021  
services expenses, which may include such purposes as 21022  
apprenticeship coordinators, coordinators for other vocational 21023  
education services, vocational evaluation, and other purposes 21024  
designated by the department. The department may deny payment 21025

under division (E)(2) of this section to any district that the department determines is not operating those services or is using funds paid 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, for other purposes.

(F) The actual local share in any fiscal year for the combination of special education and related services additional weighted costs funding calculated under division (C)(1) of this section, transportation funding calculated under divisions (D)(2) and (3) of this section, and vocational education and associated services additional weighted costs funding calculated under divisions (E)(1) and (2) of this section shall not exceed for any school district the product of three and three-tenths mills times the district's recognized valuation. The department annually shall pay each school district as an excess cost supplement any amount by which the sum of the district's attributed local shares for that funding exceeds that product. For purposes of calculating the excess cost supplement:

(1) The attributed local share for special education and related services additional weighted costs funding is the amount specified in division (C)(2) of this section.

(2) The attributed local share of transportation funding equals ~~the difference of the total amount calculated for the district using the formula developed under division (D)(2) of this section minus the actual amount paid to the district after applying the percentage specified in division (D)(3) of this section~~ one hundred one per cent of the district's local share of transportation funding calculated by the department for the previous fiscal year.

(3) The attributed local share of vocational education and associated services additional weighted costs funding is the amount determined as follows:

(1 - state share percentage) X 21058  
[(total vocational education weight X 21059  
the formula amount) + the payment under 21060  
division (E)(2) of this section] 21061

**Sec. 3317.023.** (A) Notwithstanding section 3317.022 of the 21062  
Revised Code, the amounts required to be paid to a district under 21063  
this chapter shall be adjusted by the amount of the computations 21064  
made under divisions (B) to ~~(O)~~(P) of this section. 21065

As used in this section: 21066

(1) "Classroom teacher" means a licensed employee who 21067  
provides direct instruction to pupils, excluding teachers funded 21068  
from money paid to the district from federal sources; educational 21069  
service personnel; and vocational and special education teachers. 21070

(2) "Educational service personnel" shall not include such 21071  
specialists funded from money paid to the district from federal 21072  
sources or assigned full-time to vocational or special education 21073  
students and classes and may only include those persons employed 21074  
in the eight specialist areas in a pattern approved by the 21075  
department of education under guidelines established by the state 21076  
board of education. 21077

(3) "Annual salary" means the annual base salary stated in 21078  
the state minimum salary schedule for the performance of the 21079  
teacher's regular teaching duties that the teacher earns for 21080  
services rendered for the first full week of October of the fiscal 21081  
year for which the adjustment is made under division (C) of this 21082  
section. It shall not include any salary payments for supplemental 21083  
teachers contracts. 21084

(4) "Regular student population" means the formula ADM plus 21085  
the number of students reported as enrolled in the district 21086  
pursuant to division (A)(1) of section 3313.981 of the Revised 21087  
Code; minus the number of students reported under division (A)(2) 21088

of section 3317.03 of the Revised Code; minus the FTE of students 21089  
reported under division (B)(6), (7), (8), (9), (10), (11), or (12) 21090  
of that section who are enrolled in a vocational education class 21091  
or receiving special education; and minus twenty per cent of the 21092  
students enrolled concurrently in a joint vocational school 21093  
district. 21094

(5) "State share percentage" has the same meaning as in 21095  
section 3317.022 of the Revised Code. 21096

(6) "VEPD" means a school district or group of school 21097  
districts designated by the department of education as being 21098  
responsible for the planning for and provision of vocational 21099  
education services to students within the district or group. 21100

(7) "Lead district" means a school district, including a 21101  
joint vocational school district, designated by the department as 21102  
a VEPD, or designated to provide primary vocational education 21103  
leadership within a VEPD composed of a group of districts. 21104

(B) If the district employs less than one full-time 21105  
equivalent classroom teacher for each twenty-five pupils in the 21106  
regular student population in any school district, deduct the sum 21107  
of the amounts obtained from the following computations: 21108

(1) Divide the number of the district's full-time equivalent 21109  
classroom teachers employed by one twenty-fifth; 21110

(2) Subtract the quotient in (1) from the district's regular 21111  
student population; 21112

(3) Multiply the difference in (2) by seven hundred fifty-two 21113  
dollars. 21114

(C) If a positive amount, add one-half of the amount obtained 21115  
by multiplying the number of full-time equivalent classroom 21116  
teachers by: 21117

(1) The mean annual salary of all full-time equivalent 21118

classroom teachers employed by the district at their respective 21119  
training and experience levels minus; 21120

(2) The mean annual salary of all such teachers at their 21121  
respective levels in all school districts receiving payments under 21122  
this section. 21123

The number of full-time equivalent classroom teachers used in 21124  
this computation shall not exceed one twenty-fifth of the 21125  
district's regular student population. In calculating the 21126  
district's mean salary under this division, those full-time 21127  
equivalent classroom teachers with the highest training level 21128  
shall be counted first, those with the next highest training level 21129  
second, and so on, in descending order. Within the respective 21130  
training levels, teachers with the highest years of service shall 21131  
be counted first, the next highest years of service second, and so 21132  
on, in descending order. 21133

(D) This division does not apply to a school district that 21134  
has entered into an agreement under division (A) of section 21135  
3313.42 of the Revised Code. Deduct the amount obtained from the 21136  
following computations if the district employs fewer than five 21137  
full-time equivalent educational service personnel, including 21138  
elementary school art, music, and physical education teachers, 21139  
counselors, librarians, visiting teachers, school social workers, 21140  
and school nurses for each one thousand pupils in the regular 21141  
student population: 21142

(1) Divide the number of full-time equivalent educational 21143  
service personnel employed by the district by five 21144  
one-thousandths; 21145

(2) Subtract the quotient in (1) from the district's regular 21146  
student population; 21147

(3) Multiply the difference in (2) by ninety-four dollars. 21148

(E) If a local school district, or a city or exempted village 21149



school district to which a governing board of an educational 21150  
service center provides services pursuant to section 3313.843 of 21151  
the Revised Code, deduct the amount of the payment required for 21152  
the reimbursement of the governing board under section 3317.11 of 21153  
the Revised Code. 21154

(F)(1) If the district is required to pay to or entitled to 21155  
receive tuition from another school district under division (C)(2) 21156  
or (3) of section 3313.64 or section 3313.65 of the Revised Code, 21157  
or if the superintendent of public instruction is required to 21158  
determine the correct amount of tuition and make a deduction or 21159  
credit under section 3317.08 of the Revised Code, deduct and 21160  
credit such amounts as provided in division (J) of section 3313.64 21161  
or section 3317.08 of the Revised Code. 21162

(2) For each child for whom the district is responsible for 21163  
tuition or payment under division (A)(1) of section 3317.082 or 21164  
section 3323.091 of the Revised Code, deduct the amount of tuition 21165  
or payment for which the district is responsible. 21166

(G) If the district has been certified by the superintendent 21167  
of public instruction under section 3313.90 of the Revised Code as 21168  
not in compliance with the requirements of that section, deduct an 21169  
amount equal to ten per cent of the amount computed for the 21170  
district under section 3317.022 of the Revised Code. 21171

(H) If the district has received a loan from a commercial 21172  
lending institution for which payments are made by the 21173  
superintendent of public instruction pursuant to division (E)(3) 21174  
of section 3313.483 of the Revised Code, deduct an amount equal to 21175  
such payments. 21176

(I)(1) If the district is a party to an agreement entered 21177  
into under division (D), (E), or (F) of section 3311.06 or 21178  
division (B) of section 3311.24 of the Revised Code and is 21179  
obligated to make payments to another district under such an 21180

agreement, deduct an amount equal to such payments if the district  
school board notifies the department in writing that it wishes to  
have such payments deducted.

(2) If the district is entitled to receive payments from  
another district that has notified the department to deduct such  
payments under division (I)(1) of this section, add the amount of  
such payments.

(J) If the district is required to pay an amount of funds to  
a cooperative education district pursuant to a provision described  
by division (B)(4) of section 3311.52 or division (B)(8) of  
section 3311.521 of the Revised Code, deduct such amounts as  
provided under that provision and credit those amounts to the  
cooperative education district for payment to the district under  
division (B)(1) of section 3317.19 of the Revised Code.

(K)(1) If a district is educating a student entitled to  
attend school in another district pursuant to a shared education  
contract, compact, or cooperative education agreement other than  
an agreement entered into pursuant to section 3313.842 of the  
Revised Code, credit to that educating district on an FTE basis  
both of the following:

(a) An amount equal to the ~~greater of the following:~~

~~(i) The fiscal year 2005 formula amount times the fiscal year  
2005 cost of doing business factor of the school district where  
the student is entitled to attend school pursuant to section  
3313.64 or 3313.65 of the Revised Code;~~

~~(ii) The sum of (the current formula amount times the current  
cost of doing business factor of the school district when the  
student is entitled to attend school pursuant to section 3313.64  
or 3313.65 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.~~

(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, 21274  
to the institutions defined under section 3317.082 of the Revised 21275  
Code providing elementary or secondary education programs to 21276  
children other than children receiving special education under 21277  
section 3323.091 of the Revised Code. The following shall be 21278  
distributed monthly, quarterly, or annually as may be determined 21279  
by the state board of education: 21280

(A) An amount for each island school district and each joint 21281  
state school district for the operation of each high school and 21282  
each elementary school maintained within such district and for 21283  
capital improvements for such schools. Such amounts shall be 21284  
determined on the basis of standards adopted by the state board of 21285  
education. 21286

(B) An amount for each school district operating classes for 21287  
children of migrant workers who are unable to be in attendance in 21288  
an Ohio school during the entire regular school year. The amounts 21289  
shall be determined on the basis of standards adopted by the state 21290  
board of education, except that payment shall be made only for 21291  
subjects regularly offered by the school district providing the 21292  
classes. 21293

(C) An amount for each school district with guidance, 21294  
testing, and counseling programs approved by the state board of 21295  
education. The amount shall be determined on the basis of 21296  
standards adopted by the state board of education. 21297

(D) An amount for the emergency purchase of school buses as 21298  
provided for in section 3317.07 of the Revised Code; 21299

(E) An amount for each school district required to pay 21300  
tuition for a child in an institution maintained by the department 21301  
of youth services pursuant to section 3317.082 of the Revised 21302  
Code, provided the child was not included in the calculation of 21303  
the district's average daily membership for the preceding school 21304

year. 21305

(F) An amount for adult basic literacy education for each 21306  
district participating in programs approved by the state board of 21307  
education. The amount shall be determined on the basis of 21308  
standards adopted by the state board of education. 21309

(G) An amount for the approved cost of transporting eligible 21310  
pupils with disabilities attending a special education program 21311  
approved by the department of education whom it is impossible or 21312  
impractical to transport by regular school bus in the course of 21313  
regular route transportation provided by the district or service 21314  
center. No district or service center is eligible to receive a 21315  
payment under this division for the cost of transporting any pupil 21316  
whom it transports by regular school bus and who is included in 21317  
the district's transportation ADM. The state board of education 21318  
shall establish standards and guidelines for use by the department 21319  
of education in determining the approved cost of such 21320  
transportation for each district or service center. 21321

(H) An amount to each school district, including each 21322  
cooperative education school district, pursuant to section 3313.81 21323  
of the Revised Code to assist in providing free lunches to needy 21324  
children and an amount to assist needy school districts in 21325  
purchasing necessary equipment for food preparation. The amounts 21326  
shall be determined on the basis of rules adopted by the state 21327  
board of education. 21328

(I) An amount to each school district, for each pupil 21329  
attending a chartered nonpublic elementary or high school within 21330  
the district. The amount shall equal the amount appropriated for 21331  
the implementation of section 3317.06 of the Revised Code divided 21332  
by the average daily membership in grades kindergarten through 21333  
twelve in nonpublic elementary and high schools within the state 21334  
as determined during the first full week in October of each school 21335  
year. 21336

(J) An amount for each county MR/DD board, distributed on the 21337  
basis of standards adopted by the state board of education, for 21338  
the approved cost of transportation required for children 21339  
attending special education programs operated by the county MR/DD 21340  
board under section 3323.09 of the Revised Code; 21341

(K) An amount for each school district that establishes a 21342  
mentor teacher program that complies with rules of the state board 21343  
of education. No school district shall be required to establish or 21344  
maintain such a program in any year unless sufficient funds are 21345  
appropriated to cover the district's total costs for the program. 21346

(L) An amount to each school district or educational service 21347  
center for the total number of gifted units approved pursuant to 21348  
section 3317.05 of the Revised Code. The amount for each such unit 21349  
shall be the sum of the minimum salary for the teacher of the 21350  
unit, calculated on the basis of the teacher's training level and 21351  
years of experience pursuant to the salary schedule prescribed in 21352  
the version of section 3317.13 of the Revised Code in effect prior 21353  
to July 1, 2001, plus fifteen per cent of that minimum salary 21354  
amount, plus two thousand six hundred seventy-eight dollars. 21355

(M) An amount to each institution defined under section 21356  
3317.082 of the Revised Code providing elementary or secondary 21357  
education to children other than children receiving special 21358  
education under section 3323.091 of the Revised Code. This amount 21359  
for any institution in any fiscal year shall equal the total of 21360  
all tuition amounts required to be paid to the institution under 21361  
division (A)(1) of section 3317.082 of the Revised Code. 21362

(N) A grant to each school district and joint vocational 21363  
school district that operates a "graduation, reality, and 21364  
dual-role skills" (GRADS) program for pregnant and parenting 21365  
students that is approved by the department. The amount of the 21366  
payment shall be the district's state share percentage, as defined 21367  
in section 3317.022 or 3317.16 of the Revised Code, times the 21368

GRADS personnel allowance times the full-time-equivalent number of 21369  
GRADS teachers approved by the department. The GRADS personnel 21370  
allowance is \$47,555 in fiscal years ~~2004, 2005, 2006, and 2007~~ 21371  
2008 and 2009. 21372

The state board of education or any other board of education 21373  
or governing board may provide for any resident of a district or 21374  
educational service center territory any educational service for 21375  
which funds are made available to the board by the United States 21376  
under the authority of public law, whether such funds come 21377  
directly or indirectly from the United States or any agency or 21378  
department thereof or through the state or any agency, department, 21379  
or political subdivision thereof. 21380

**Sec. 3317.025.** On or before the first day of June of each 21381  
year, the tax commissioner shall certify the following information 21382  
to the department of education and the office of budget and 21383  
management, for each school district in which the value of the 21384  
property described under division (A) of this section exceeds one 21385  
per cent of the taxable value of all real and tangible personal 21386  
property in the district or in which is located tangible personal 21387  
property designed for use or used in strip mining operations, 21388  
whose taxable value exceeds five million dollars, and the taxes 21389  
upon which the district is precluded from collecting by virtue of 21390  
legal proceedings to determine the value of such property: 21391

(A) The total taxable value of all property in the district 21392  
owned by a public utility or railroad that has filed a petition 21393  
for reorganization under the "Bankruptcy Act," 47 Stat. 1474 21394  
(1898), 11 U.S.C. 205, as amended, and all tangible personal 21395  
property in the district designed for use or used in strip mining 21396  
operations whose taxable value exceeds five million dollars upon 21397  
which have not been paid in full on or before the first day of 21398  
April of that calendar year all real and tangible personal 21399



property taxes levied for the preceding calendar year and which 21400  
the district was precluded from collecting by virtue of 21401  
proceedings under section 205 of said act or by virtue of legal 21402  
proceedings to determine the tax liability of such strip mining 21403  
equipment; 21404

(B) The percentage of the total operating taxes charged and 21405  
payable for school district purposes levied against such valuation 21406  
for the preceding calendar year that have not been paid by such 21407  
date; 21408

(C) The product obtained by multiplying the value certified 21409  
under division (A) of this section by the percentage certified 21410  
under division (B) of this section. If the value certified under 21411  
division (A) of this section includes taxable property owned by a 21412  
public utility or railroad that has filed a petition for 21413  
reorganization under the bankruptcy act, the amount used in making 21414  
the calculation under this division shall be reduced by one per 21415  
cent of the total value of all real and tangible personal property 21416  
in the district or the value of the utility's or railroad's 21417  
property, whichever is less. 21418

Upon receipt of the certification, the department shall 21419  
recompute the payments required under section 3317.022 of the 21420  
Revised Code in the manner the payments would have been computed 21421  
if: 21422

(1) The amount certified under division (C) of this section 21423  
was not subject to taxation by the district and was not included 21424  
in the certification made under division (A)(1), (A)(2), or (D) of 21425  
section 3317.021 of the Revised Code. 21426

(2) The amount of taxes charged and payable and unpaid and 21427  
used to make the computation under division (B) of this section 21428  
had not been levied and had not been used in the computation 21429  
required by division (B) of section 3317.021 of the Revised Code. 21430

The department shall pay the district that amount in the ensuing 21431  
fiscal year in lieu of the amounts computed under section 3317.022 21432  
of the Revised Code. 21433

If a school district received a grant from the catastrophic 21434  
expenditures account pursuant to division (C) of section 3316.20 21435  
of the Revised Code on the basis of the same circumstances for 21436  
which a recomputation is made under this section, the amount of 21437  
the recomputation shall be reduced and transferred in accordance 21438  
with division (C) of section 3316.20 of the Revised Code. 21439

**Sec. 3317.026.** (A) As used in this section, "refunded taxes" 21440  
means taxes charged and payable from real and tangible personal 21441  
property, including public utility property, that have been found 21442  
to have been overpaid as the result of reductions in the taxable 21443  
value of such property and that have been refunded, including any 21444  
interest or penalty refunded with those taxes. If taxes are 21445  
refunded over a period of time pursuant to division (B)(2), (3), 21446  
or (4) of section 319.36 or division (C) of section 5727.471 of 21447  
the Revised Code, the total amount of taxes required to be 21448  
refunded, excluding any interest accruing after the day the 21449  
undertaking is entered into, shall be considered to have been 21450  
refunded on the day the first portion of the overpayment is paid 21451  
or credited. 21452

(B) Not later than the last day of February each year, each 21453  
county auditor shall certify to the tax commissioner, for each 21454  
school district in the county, the amount of refunded taxes 21455  
refunded in the preceding calendar year and the reductions in 21456  
taxable value that resulted in those refunds, except for 21457  
reductions in taxable value that previously have been reported to 21458  
the tax commissioner on an abstract. If the tax commissioner 21459  
determines that the amount of refunded taxes certified for a 21460  
school district exceeds three per cent of the total taxes charged 21461

and payable for current expenses of the school district for the 21462  
calendar year in which those taxes were refunded, the tax 21463  
commissioner shall certify the reductions in taxable value that 21464  
resulted in those refunds on or before the first day of June to 21465  
the department of education and the office of budget and 21466  
management. Upon receiving the certification by the tax 21467  
commissioner, the department of education shall reduce the total 21468  
taxable value of the school district, as defined in section 21469  
3317.02 of the Revised Code, by the total amount of the reductions 21470  
in taxable value that resulted in those refunds for the purpose of 21471  
computing the ~~SF-3 payment~~ state education aid for the school 21472  
district for the current fiscal year. The increase in the amount 21473  
of such aid resulting from the adjustment required by this section 21474  
shall be paid to the school district ~~on or before the thirty-first~~ 21475  
~~day of July of the following fiscal year.~~ The payment date shall 21476  
be determined by the director of budget and management. The 21477  
director shall select a payment date that is not earlier than the 21478  
first day of June of the current fiscal year and not later than 21479  
the thirty-first day of July of the following fiscal year. The 21480  
department of education shall not pay the district under this 21481  
section prior to approval by the director of budget and management 21482  
to make that payment. 21483

If an adjustment is made under this division in the amount of 21484  
state aid paid to a school district, the tax value reductions from 21485  
which that adjustment results shall not be used in recomputing aid 21486  
to a school district under section 3317.027 of the Revised Code. 21487

(C) If a school district received a grant from the 21488  
catastrophic expenditures account pursuant to division (C) of 21489  
section 3316.20 of the Revised Code on the basis of the same 21490  
circumstances for which an adjustment is made under this section, 21491  
the amount of the adjustment shall be reduced and transferred in 21492  
accordance with division (C) of section 3316.20 of the Revised 21493

Code. 21494

(D) Not later than the first day of June each year, the tax 21495  
commissioner shall certify to the department of education and the 21496  
office of budget and management for each school district the total 21497  
of the increases in taxable value above the amount of taxable 21498  
value on which tax was paid, as provided in division (B)(1) or (2) 21499  
of section 5727.47 of the Revised Code, as determined by the 21500  
commissioner, and for which a notification was sent pursuant to 21501  
section 5727.471 of the Revised Code, in the preceding calendar 21502  
year. Upon receiving the certification, the department shall 21503  
increase the total taxable value, as defined in section 3317.02 of 21504  
the Revised Code, of the school district by the total amount of 21505  
the increase in taxable value certified by the commissioner for 21506  
the school district for the purpose of computing the school 21507  
district's ~~SF-3 payment~~ state education aid for the following 21508  
fiscal year. 21509

**Sec. 3317.027.** On or before the fifteenth day of May of each 21510  
year, the tax commissioner shall certify to the department of 21511  
education and the office of budget and management: 21512

(A) The amount by which applications filed under section 21513  
5713.38 of the Revised Code or complaints filed under section 21514  
5715.19 of the Revised Code resulted in a reduction in the second 21515  
preceding year's taxable value in each school district in which 21516  
such a reduction occurred, and the amount by which such reduction 21517  
reduced the district's taxes charged and payable for such year; 21518  
and 21519

(B) The taxes charged and payable for the second preceding 21520  
tax year that were remitted under section 5713.081 of the Revised 21521  
Code and the taxable value against which such taxes were imposed. 21522

Upon receipt of such certifications, the department shall 21523  
recompute the district's ~~SF-3 payment~~ state education aid and 21524

determine the amount that the ~~SF-3 payment~~ state education aid 21525  
would have been ~~paid~~ had the taxable value not been used in the 21526  
computation made under division (A)(1) of section 3317.021 of the 21527  
Revised Code and had the taxes charged and payable not been 21528  
included in the certification made under division (A)(3) of such 21529  
section. The department shall calculate the amount that the 21530  
remainder of the fiscal year's payments should have been for the 21531  
fiscal year including the amount of the ~~SF-3 payment~~ state  
education aid as recomputed. The increase or decrease in the 21532  
amount of aid resulting from the adjustment required under this 21533  
section shall be paid to the school district ~~on or before the~~ 21534  
~~thirty-first day of July of the following fiscal year.~~ The payment  
date shall be determined by the director of budget and management. 21535  
The director shall select a payment date that is not earlier than 21536  
the first day of June of the current fiscal year and not later 21537  
than the thirty-first day of July of the following fiscal year. 21538  
The department of education shall not pay the district under this 21539  
section prior to approval by the director of budget and management 21540  
to make that payment. 21541  
21542  
21543

If a school district received a grant from the catastrophic 21544  
expenditures account pursuant to division (C) of section 3316.20 21545  
of the Revised Code on the basis of the same circumstances for 21546  
which a recomputation is made under this section, the amount of 21547  
the recomputation shall be reduced and transferred in accordance 21548  
with division (C) of section 3316.20 of the Revised Code. 21549

**Sec. 3317.028.** (A) On or before the fifteenth day of May in 21550  
each calendar year prior to calendar year 2007, the tax 21551  
commissioner shall determine for each school district whether the 21552  
taxable value of all tangible personal property, including utility 21553  
tangible personal property, subject to taxation by the district in 21554  
the preceding tax year was less or greater than the taxable value 21555  
of such property during the second preceding tax year. If any such 21556

decrease exceeds five per cent of the district's tangible personal 21557  
property taxable value included in the total taxable value used in 21558  
computing the district's ~~SF-3 payment~~ state education aid for the 21559  
fiscal year that ends in the current calendar year, or if any such 21560  
increase exceeds five per cent of the district's total taxable 21561  
value used in computing the district's ~~SF-3 payment~~ state 21562  
education aid for the fiscal year that ends in the current 21563  
calendar year, the tax commissioner shall certify both of the 21564  
following to the department of education and the office of budget 21565  
and management: 21566

(1) The taxable value of the tangible personal property 21567  
increase or decrease, including utility tangible personal property 21568  
increase or decrease, which shall be considered a change in 21569  
valuation; 21570

(2) The decrease or increase in taxes charged and payable on 21571  
such change in taxable value calculated in the same manner as in 21572  
division (A)(3) of section 3317.021 of the Revised Code. 21573

(B) On or before May 15, 2007, and the fifteenth day of May 21574  
in each calendar year thereafter, the tax commissioner shall 21575  
determine for each school district whether the taxable value of 21576  
all utility tangible personal property subject to taxation by the 21577  
district in the preceding tax year was less or greater than the 21578  
taxable value of such property during the second preceding tax 21579  
year. If any decrease exceeds five per cent of the district's 21580  
tangible personal property taxable value included in the total 21581  
taxable value used in the district's state aid computation for the 21582  
fiscal year that ends in the current calendar year, or if any 21583  
increase exceeds five per cent of the district's total taxable 21584  
value used in the district's state education aid computation for 21585  
the fiscal year that ends in the current calendar year, the tax 21586  
commissioner shall certify both of the following to the department 21587  
of education and the office of budget and management: 21588

(1) The taxable value of the utility tangible personal 21589  
property increase or decrease, which shall be considered a change 21590  
in valuation; 21591

(2) The decrease or increase in taxes charged and payable on 21592  
such change in taxable value calculated in the same manner as in 21593  
division (A)(3) of section 3317.021 of the Revised Code. 21594

(C) Upon receipt of a certification specified in this 21595  
section, the department of education shall reduce or increase by 21596  
the respective amounts certified and the taxable value and the 21597  
taxes charged and payable that were used in computing the 21598  
district's ~~SF-3 payment~~ state education aid for the fiscal year 21599  
that ends in the current calendar year and shall recompute the 21600  
~~SF-3 payment~~ state education aid for such fiscal year. The 21601  
department shall pay ~~the district a sum equal to one-half of the~~ 21602  
~~recomputed payments in lieu of the payments otherwise required~~ 21603  
~~under that section on or before the thirty first day of July of~~ 21604  
~~the following fiscal year~~ to or deduct from the district an amount 21605  
equal to one-half of the difference between the district's state 21606  
education aid prior to the recomputation under this section and 21607  
the district's recomputed state education aid. The payment date 21608  
shall be determined by the director of budget and management. The 21609  
director shall select a payment date that is not earlier than the 21610  
first day of June of the current fiscal year and not later than 21611  
the thirty-first day of July of the following fiscal year. The 21612  
department of education shall not pay the district under this 21613  
section prior to approval by the director of budget and management 21614  
to make that payment. 21615

(D) If a school district received a grant from the 21616  
catastrophic expenditures account pursuant to division (C) of 21617  
section 3316.20 of the Revised Code on the basis of the same 21618  
circumstances for which a recomputation is made under this 21619  
section, the amount of the recomputation shall be reduced and 21620

transferred in accordance with division (C) of section 3316.20 of 21621  
the Revised Code. 21622

**Sec. 3317.029.** (A) As used in this section: 21623

(1) "Poverty percentage" means the quotient obtained by 21624  
dividing the ~~five-year~~ average number of children ages five to 21625  
seventeen residing in the school district and living in a family 21626  
receiving assistance under the Ohio works first program or an 21627  
antecedent program known as TANF or ADC for the preceding five 21628  
years, as certified or adjusted under section 3317.10 of the 21629  
Revised Code, by the district's three-year average formula ADM. 21630

(2) "Statewide poverty percentage" means the ~~five-year~~ 21631  
average of the total number of children ages five to seventeen 21632  
years residing in the state and receiving assistance under the 21633  
Ohio works first program or an antecedent program known as TANF or 21634  
ADC for the preceding five years, divided by the sum of the 21635  
three-year average formula ADMs for all school districts in the 21636  
state. 21637

(3) "Poverty index" means the quotient obtained by dividing 21638  
the school district's poverty percentage by the statewide poverty 21639  
percentage. 21640

(4) "Poverty student count" means the ~~five-year~~ average 21641  
number of children ages five to seventeen residing in the school 21642  
district and living in a family receiving assistance under the 21643  
Ohio works first program or an antecedent program known as TANF or 21644  
ADC for the preceding five years, as certified under section 21645  
3317.10 of the Revised Code. 21646

(5) "Kindergarten ADM" means the number of students reported 21647  
under section 3317.03 of the Revised Code as enrolled in 21648  
kindergarten, excluding any kindergarten students reported under 21649  
division (B)(3)(e), (f), or (g) of section 3317.03 of the Revised 21650



Code. 21651

(6) "Kindergarten through third grade ADM" means the amount 21652  
calculated as follows: 21653

(a) Multiply the kindergarten ADM by the sum of one plus the 21654  
all-day kindergarten percentage; 21655

(b) Add the number of students in grades one through three; 21656

(c) Subtract from the sum calculated under division (A)(6)(b) 21657  
of this section the number of special education students in grades 21658  
kindergarten through three. 21659

"Kindergarten through third grade ADM" shall not include any 21660  
students reported under division (B)(3)(e), (f), or (g) of section 21661  
3317.03 of the Revised Code. 21662

(7) "All-day kindergarten" means a kindergarten class that is 21663  
in session five days per week for not less than the same number of 21664  
clock hours each day as for pupils in grades one through six. 21665

(8) "All-day kindergarten percentage" means the percentage of 21666  
a district's actual total number of students enrolled in 21667  
kindergarten who are enrolled in all-day kindergarten. 21668

(9) "All-day kindergarten ADM" means the number of students 21669  
reported under section 3317.03 of the Revised Code as enrolled in 21670  
all-day kindergarten, excluding any kindergarten students reported 21671  
under division (B)(3)(e), (f), or (g) of that section. 21672

(10) "Academic distress percentage" means the quotient of the 21673  
number of district-operated buildings in the school district 21674  
designated under section 3302.03 of the Revised Code as in a state 21675  
of academic watch or academic emergency, divided by the total 21676  
number of buildings in the district that were open for instruction 21677  
during the same school year to which the ratings apply. 21678

(11) "Statewide academic distress percentage" means the 21679  
quotient of the statewide number of school district buildings and 21680

community schools designated under section 3302.03 of the Revised 21681  
Code as in a state of academic watch or academic emergency, 21682  
divided by the statewide total number of school district buildings 21683  
and community schools that were open for instruction during the 21684  
same school year to which the ratings apply. 21685

(12) "Academic distress index" means the quotient of the 21686  
school district's academic distress percentage, divided by the 21687  
statewide academic distress percentage. 21688

(13) "Buildings with the highest concentration of need" means 21689  
the school buildings in a district with that meet either of the 21690  
following criteria: 21691

(a) Are in school improvement status pursuant to the "No 21692  
Child Left Behind Act of 2001," as defined in section 3302.01 of 21693  
the Revised Code; 21694

(b) Have percentages of students in grades kindergarten 21695  
through three receiving assistance under Ohio works first at least 21696  
as high as the district-wide percentage of students receiving such 21697  
assistance. However, the district shall give priority to any of 21698  
those buildings that have been declared to be in a state of 21699  
academic watch or academic emergency under section 3302.03 of the 21700  
Revised Code. 21701

If, in any fiscal year, the information provided by the 21702  
department of job and family services under section 3317.10 of the 21703  
Revised Code is insufficient to determine the Ohio works first 21704  
percentage in each building, "buildings with the highest 21705  
concentration of need" has the meaning given in rules that the 21706  
department of education shall adopt. The rules shall base the 21707  
definition of "buildings with the highest concentration of need" 21708  
on family income of students in grades kindergarten through three 21709  
in a manner that, to the extent possible with available data, 21710  
approximates the intent of this division and division (K) of this 21711

~~section~~ to designate buildings where the Ohio works first 21712  
percentage ~~in those grades~~ equals or exceeds the district-wide 21713  
Ohio works first percentage. 21714

(B) ~~In addition to the amounts required to be paid to a~~ 21715  
~~school district under section 3317.022 of the Revised Code, the~~ 21716  
The department of education shall compute ~~and distribute to for~~ 21717  
each school district for poverty-based assistance the ~~greater of~~ 21718  
~~the following:~~ 21719

~~(1) The amount the district received in fiscal year 2005 for~~ 21720  
~~disadvantaged pupil impact aid pursuant to Section 41.10 of Am.~~ 21721  
~~Sub. H.B. 95 of the 125th general assembly, as amended, minus the~~ 21722  
~~amount deducted from the district under Section 16 of Am. Sub.~~ 21723  
~~S.B. 2 of the 125th general assembly that year for payments to~~ 21724  
~~internet and computer based community schools;~~ 21725

~~(2) The sum of the computations made under divisions (C) to~~ 21726  
~~(I)(J) of this section and shall pay that sum to the district in~~ 21727  
accordance with division (A) of section 3317.022 of the Revised 21728  
Code. 21729

(C) A payment for academic intervention programs, if the 21730  
district's poverty index is greater than or equal to 0.25, 21731  
calculated as follows: 21732

(1) If the district's poverty index is greater than or equal 21733  
to 0.25, calculate the district's level one amount for large-group 21734  
academic intervention for all students as follows: 21735

(a) If the district's poverty index is greater than or equal 21736  
to 0.25 but less than 0.75: 21737

large-group intervention units X hourly rate X 21738

level one hours X [(poverty index - 0.25)/0.5] 21739

~~X phase in percentage~~ 21740

Where: 21741

(i) "Large-group intervention units" equals the district's formula ADM divided by 20;	21742 21743
(ii) "Hourly rate" equals <del>\$20.00</del> <u>\$21.01</u> in fiscal year <del>2006</del> <u>2008</u> and <del>\$20.40</del> <u>\$21.64</u> in fiscal year <del>2007</del> <u>2009</u> ;	21744 21745
(iii) "Level one hours" equals 25 hours <del>7</del>	21746
<del>(iv) "Phase in percentage" equals 0.60 in fiscal year 2006 and 1.00 in fiscal year 2007.</del>	21747 21748
(b) If the district's poverty index is greater than or equal to 0.75:	21749 21750
large-group intervention units X hourly rate X	21751
level one hours <del>X phase in percentage</del>	21752
Where "large-group intervention units," "hourly rate," <u>and</u> "level one hours <del>7</del> ," <del>and "phase in percentage"</del> have the same meanings as in division (C)(1)(a) of this section.	21753 21754 21755
(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:	21756 21757 21758
(a) If the district's poverty index is greater than or equal to 0.75 but less than 1.50:	21759 21760
medium-group intervention units X hourly rate	21761
X {level one hours + [25 hours X ((poverty index - 0.75)/0.75)]}	21762
<del>X phase in percentage</del>	21763
Where:	21764
(i) "Medium group intervention units" equals the district's formula ADM divided by 15;	21765 21766
(ii) "Hourly rate <del>7</del> ," <u>and</u> "level one hours <del>7</del> ," <del>and "phase in percentage"</del> have the same meanings as in division (C)(1)(a) of this section.	21767 21768 21769
(b) If the district's poverty index is greater than or equal to 1.50:	21770 21771

medium-group intervention units X hourly rate X 21772

level two hours X ~~phase in percentage~~ 21773

Where: 21774

(i) "Medium group intervention units" has the same meaning as 21775  
in division (C)(2)(a)(i) of this section; 21776

(ii) "Hourly rate" ~~and "phase in percentage"~~ have has the 21777  
same ~~meanings~~ meaning as in division (C)(1)(a) of this section; 21778

(iii) "Level two hours" equals 50 hours. 21779

(3) If the district's poverty index is greater than or equal 21780  
to 1.50, calculate the district's level three amount for 21781  
small-group academic intervention for impoverished students as 21782  
follows: 21783

(a) If the district's poverty index is greater than or equal 21784  
to 1.50 but less than 2.50: 21785

small group intervention units X hourly rate X 21786

{level one hours + [level three hours X 21787

(poverty index - 1.50)]} X ~~phase in percentage~~ 21788

Where: 21789

(i) "Small group intervention units" equals the quotient of 21790  
(the district's poverty student count times 3) divided by 10; 21791

(ii) "Hourly rate," and "level one hours," ~~and "phase in~~ 21792  
~~percentage"~~ have the same meanings as in division (C)(1)(a) of 21793  
this section; 21794

(iii) "Level three hours" equals 135 hours. 21795

(b) If the district's poverty index is greater than or equal 21796  
to 2.50: 21797

small group intervention units X hourly rate 21798

X level three hours X ~~phase in percentage~~ 21799

Where: 21800

(i) "Small group intervention units" has the same meaning as 21801  
in division (C)(3)(a)(i) of this section; 21802

(ii) "Hourly rate" ~~and "phase-in percentage"~~ have has the 21803  
same ~~meanings~~ meaning as in division (C)(1)(a) of this section; 21804

(iii) "Level three hours" equals 160 hours. 21805

Any district that receives funds under division (C)(2) or (3) 21806  
of this section annually shall submit to the department of 21807  
education by a date established by the department a plan 21808  
describing how the district will deploy those funds. The 21809  
deployment measures described in that plan shall comply with any 21810  
applicable spending requirements prescribed in ~~division (J)(6)~~ of 21811  
this section or with any order issued by the superintendent of 21812  
public instruction under section 3317.017 of the Revised Code. 21813

(D) A payment for all-day kindergarten if the poverty index 21814  
of the school district is greater than or equal to 1.0 or if the 21815  
district's three-year average formula ADM exceeded seventeen 21816  
thousand five hundred. In addition, the department shall make a 21817  
payment under this division to any school district that, in a 21818  
prior fiscal year, qualified for this payment and provided all-day 21819  
kindergarten, regardless of changes to the district's poverty 21820  
index. The department shall calculate the payment under this 21821  
division by multiplying the all-day ~~kindergarten percentage by the~~ 21822  
kindergarten ADM ~~and multiplying that product~~ by the formula 21823  
amount. 21824

(E) A ~~class-size reduction~~ payment for increased classroom 21825  
learning opportunities based on calculating the number of new 21826  
teachers necessary to achieve a lower student-teacher ratio, as 21827  
follows: 21828

(1) Determine or calculate a formula number of teachers per 21829  
one thousand students based on the poverty index of the school 21830  
district as follows: 21831

(a) If the poverty index of the school district is less than 21832  
1.0, the formula number of teachers is 50.0, which is the number 21833  
of teachers per one thousand students at a student-teacher ratio 21834  
of twenty to one; 21835

(b) If the poverty index of the school district is greater 21836  
than or equal to 1.0, but less than 1.5, the formula number of 21837  
teachers is calculated as follows: 21838

$$50.0 + \{[(\text{poverty index} - 1.0)/0.5] \times 16.667\} \quad 21839$$

Where 50.0 is the number of teachers per one thousand 21840  
students at a student-teacher ratio of twenty to one; 0.5 is the 21841  
interval from a poverty index of 1.0 to a poverty index of 1.5; 21842  
and 16.667 is the difference in the number of teachers per one 21843  
thousand students at a student-teacher ratio of fifteen to one and 21844  
the number of teachers per one thousand students at a 21845  
student-teacher ratio of twenty to one. 21846

(c) If the poverty index of the school district is greater 21847  
than or equal to 1.5, the formula number of teachers is 66.667, 21848  
which is the number of teachers per one thousand students at a 21849  
student-teacher ratio of fifteen to one. 21850

(2) Multiply the formula number of teachers determined or 21851  
calculated in division (E)(1) of this section by the kindergarten 21852  
through third grade ADM for the district and divide that product 21853  
by one thousand; 21854

(3) Calculate the number of new teachers as follows: 21855

(a) Multiply the kindergarten through third grade ADM by 21856  
50.0, which is the number of teachers per one thousand students at 21857  
a student-teacher ratio of twenty to one, and divide that product 21858  
by one thousand; 21859

(b) Subtract the quotient obtained in division (E)(3)(a) of 21860  
this section from the product in division (E)(2) of this section. 21861

(4) Multiply the greater of the difference obtained under 21862  
division (E)(3) of this section or zero by the statewide average 21863  
teachers compensation. For this purpose, the "statewide average 21864  
teacher compensation" is ~~\$53,680~~ \$56,754 in fiscal year ~~2006~~ 2008 21865  
and ~~\$54,941~~ \$58,621 in fiscal year ~~2007~~ 2009, which includes an 21866  
amount for the value of fringe benefits. 21867

(F) A payment for services to limited English proficient 21868  
students, if the district's poverty index is greater than or equal 21869  
to 1.0 and the proportion of its students who are limited English 21870  
proficient, as reported in 2003 on its school district report 21871  
issued under section 3302.03 of the Revised Code for the 2002-2003 21872  
school year, is greater than or equal to 2.0%, calculated as 21873  
follows: 21874

(1) If the district's poverty index is greater than or equal 21875  
to 1.0, but less than 1.75, determine the amount per limited 21876  
English proficient student as follows: 21877

$$\{0.125 + [0.125 \times ((\text{poverty index} - 1.0)/0.75)]\} \quad 21878$$

X formula amount 21879

(2) If the district's poverty index is greater than or equal 21880  
to 1.75, the amount per limited English proficient student equals: 21881  
0.25 X formula amount 21882

(3) Multiply the per student amount determined for the 21883  
district under division (F)(1) or (2) of this section by the 21884  
number of the district's limited English proficient students, 21885  
times a phase-in percentage of ~~0.40 in fiscal year 2006~~ and 0.70 21886  
in fiscal ~~year 2007~~ years 2008 and 2009. For purposes of this 21887  
calculation, the number of limited English proficient students for 21888  
each district shall be the number determined by the department 21889  
when it calculated the district's percentage of limited English 21890  
proficient students for its school district report card issued in 21891  
2003 for the 2002-2003 school year. 21892



~~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 21954  
section, and in division (O) of this section, each such district 21955  
shall use funds paid under this section only for one or more of 21956  
the following purposes: 21957

(1) ~~Each school district subject to this division shall first~~ 21958  
~~utilize funds received under this section so that, when combined~~ 21959  
~~with other funds of the district, sufficient funds exist to~~ To 21960  
provide all-day kindergarten to at least the number of children in 21961  
the district's all-day kindergarten percentage. ~~To satisfy this~~ 21962  
~~requirement, a district may use funds paid under division (C),~~ 21963  
~~(F), (G), (H), or (I) of this section to provide all day~~ 21964  
kindergarten in addition to the all day kindergarten payment under 21965  
division (D) of this section. ADM; 21966

(2) ~~Except as permitted under division (J)(1) of this~~ 21967  
~~section, each school district shall use its payment under division~~ 21968  
~~(F) of this section for~~ To provide services to students with 21969  
limited English proficiency through one or more of the following 21970  
purposes activities: 21971

(a) ~~To hire~~ Hiring teachers for limited English proficient 21972  
students or other personnel to provide intervention services for 21973  
those students; 21974

(b) ~~To contract~~ Contracting for intervention services for 21975  
those students; 21976

(c) ~~To provide~~ Providing other services to assist those 21977  
students in passing the third-grade reading achievement test, and 21978  
to provide for those students the intervention services required 21979  
by section 3313.608 of the Revised Code. 21980

(3) ~~Except as permitted under division (J)(1) of this~~ 21981  
~~section, each school district shall use its payment under division~~ 21982  
~~(C) of this section for~~ To provide professional development of 21983  
teachers or other licensed personnel providing educational 21984

services to students only in one or more of the following areas: 21985

(a) Data-based decision making; 21986

(b) Standards-based curriculum models; 21987

(c) ~~Job-embedded~~ High quality professional development 21988  
activities that are research-based, as defined ~~in federal law by~~ 21989  
state standards developed under section 3319.61 of the Revised 21990  
Code; 21991

(d) Professional learning communities. 21992

In addition, each district that elects to use funds paid 21993  
under this section for professional development shall ~~use the~~ 21994  
~~payment~~ only to implement programs identified on a list of 21995  
eligible professional development programs provided by the 21996  
department of education. The department annually shall provide the 21997  
list to each district receiving a payment under ~~division (G) of~~ 21998  
this section. ~~However, a district may apply to the department for~~ 21999  
~~a waiver to implement an alternative professional development~~ 22000  
~~program in one or more of the areas specified in divisions~~ 22001  
~~(J)(3)(a) to (c) of this section. If the department grants the~~ 22002  
~~waiver, the district may use its payment under division (G) of~~ 22003  
~~this section to implement the alternative program.~~ 22004

(4) ~~Except as permitted under division (J)(1) of this~~ 22005  
~~section, each big eight school district shall use its payment~~ 22006  
~~under division (H) of this section either for~~ For preventing 22007  
at-risk students from dropping out of school, ~~for safety and~~ 22008  
~~security measures described in division (J)(5)(b) of this section,~~ 22009  
~~for academic intervention services described in division (J)(6) of~~ 22010  
~~this section, or for a combination of those purposes. Not later~~ 22011  
than September 1, ~~2005~~ 2007, the department of education shall 22012  
provide each ~~big eight~~ school district receiving a payment under 22013  
this section with a list of dropout prevention programs that it 22014  
has determined are successful. The department subsequently may 22015

update the list. Each district that elects to use its payment 22016  
under ~~division (H) of this section for dropout prevention shall~~ 22017  
use the payment only to implement a dropout prevention program 22018  
specified on the department's list. ~~However, a district may apply~~ 22019  
~~to the department for a waiver to implement an alternative dropout~~ 22020  
~~prevention program. If the department grants the waiver, the~~ 22021  
~~district may use its payment under division (H) of this section to~~ 22022  
~~implement the alternative program.~~ 22023

(5) ~~Except as permitted under division (J)(1) of this~~ 22024  
~~section, each urban school district that has a poverty index~~ 22025  
~~greater than or equal to 1.0 shall use its payment under division~~ 22026  
~~(I) of this section for~~ For one or a combination both of the 22027  
following purposes: 22028

(a) To hire or contract for community liaison officers, 22029  
attendance or truant officers, or safety and security personnel; 22030

(b) To implement programs designed to ensure that schools are 22031  
free of drugs and violence and have a disciplined environment 22032  
conducive to learning; 22033

~~(c) To implement academic intervention services described in~~ 22034  
~~division (J)(6) of this section.~~ 22035

(6) ~~Except as permitted under division (J)(1) of this~~ 22036  
~~section, each school district with a poverty index greater than or~~ 22037  
~~equal to 1.0 shall use the amount of its payment under division~~ 22038  
~~(C) of this section, and may use any amount of its payment under~~ 22039  
~~division (H) or (I) of this section, for~~ For academic intervention 22040  
services for students who have failed or are in danger of failing 22041  
any of the tests administered pursuant to section 3301.0710 of the 22042  
Revised Code, including intervention services required by section 22043  
3313.608 of the Revised Code. ~~Except as permitted under division~~ 22044  
~~(J)(1) of this section, no district shall spend any portion of its~~ 22045  
~~payment under division (C) of this section for any other purpose.~~ 22046

~~Notwithstanding any provision to the contrary in Chapter 4117. of 22047  
the Revised Code, no collective bargaining agreement entered into 22048  
after June 30, 2005, shall require use of the payment for any 22049  
other purpose. 22050~~

~~(7) Except as otherwise required by division (K) or permitted 22051  
under division (O) of this section, all remaining funds 22052  
distributed under this section to districts with a poverty index 22053  
greater than or equal to 1.0 shall be utilized for the purpose of 22054  
the third grade guarantee. The third grade guarantee consists of 22055  
For increased classroom learning opportunities by increasing the 22056  
amount of instructional attention received per pupil in 22057  
kindergarten through third grade, either by reducing the ratio of 22058  
students to instructional personnel or by increasing the amount of 22059  
instruction and curriculum-related activities by extending the 22060  
length of the school day or the school year. 22061~~

School districts may implement a reduction of the ratio of 22062  
students to instructional personnel through any or all of the 22063  
following methods: 22064

(a) Reducing the number of students in a classroom taught by 22065  
a single teacher; 22066

(b) Employing full-time educational aides or educational 22067  
paraprofessionals issued a permit or license under section 22068  
3319.088 of the Revised Code; 22069

(c) Instituting a team-teaching method that will result in a 22070  
lower student-teacher ratio in a classroom. 22071

Districts may extend the school day either by increasing the 22072  
amount of time allocated for each class, increasing the number of 22073  
classes provided per day, offering optional academic-related 22074  
after-school programs, providing curriculum-related extra 22075  
curricular activities, or establishing tutoring or remedial 22076  
services for students who have demonstrated an educational need. 22077

In accordance with section 3319.089 of the Revised Code, a 22078  
district extending the school day pursuant to this division may 22079  
utilize a participant of the work experience program who has a 22080  
child enrolled in a public school in that district and who is 22081  
fulfilling the work requirements of that program by volunteering 22082  
or working in that public school. If the work experience program 22083  
participant is compensated, the school district may use the funds 22084  
distributed under this section for all or part of the 22085  
compensation. 22086

Districts may extend the school year either through adding 22087  
regular days of instruction to the school calendar or by providing 22088  
summer programs. 22089

~~(K) Each district shall not expend any funds received under 22090  
division (E) of this section in any school buildings that are not 22091  
buildings with the highest concentration of need, unless there is 22092  
a ratio of instructional personnel to students of no more than 22093  
fifteen to one in each kindergarten and first grade class in all 22094  
buildings with the highest concentration of need. This division 22095  
does not require that the funds used in buildings with the highest 22096  
concentration of need be spent solely to reduce the ratio of 22097  
instructional personnel to students in kindergarten and first 22098  
grade. A school district may spend the funds in those buildings in 22099  
any manner permitted by division (J)(7) of this section, but may 22100  
not spend the money in other buildings unless the fifteen to one 22101  
ratio required by this division is attained. 22102~~

~~(L)(1) By the first day of August of each fiscal year, each 22103  
(8) For early childhood programs or early learning programs, as 22104  
defined by the department of education, for children age three or 22105  
four who are not eligible for kindergarten; 22106~~

(9) To furnish, free of charge, materials used in courses of 22107  
instruction, except for the necessary textbooks or electronic 22108  
textbooks required to be furnished without charge pursuant to 22109

section 3329.06 of the Revised Code, to pupils living in families 22110  
participating in Ohio works first in accordance with section 22111  
3313.642 of the Revised Code; 22112

(10) For programs designed to reduce nonacademic barriers to 22113  
learning, in accordance with guidelines developed by the 22114  
department of education; 22115

(11) For school nutrition programs provided pursuant to 22116  
section 3313.813 of the Revised Code. 22117

However, a school district may apply to the department, in 22118  
the form and manner prescribed by the department, for a waiver to 22119  
spend funds paid under this section for programs not described in 22120  
divisions (K)(1) to (11) of this section. The waiver application 22121  
shall specify the rationale for the alternative expenditure and 22122  
the intended benefits for disadvantaged students. If the 22123  
department grants the waiver, the district may use funds paid 22124  
under this section to implement the alternative program. 22125

(L) This division applies only to funds paid under division 22126  
(J)(2)(b) of this section. 22127

(1) If applicable, each school district shall use the funds 22128  
for any necessary expenses for the continued operation of a school 22129  
district academic distress commission appointed under section 22130  
3302.10 of the Revised Code. 22131

(2) After satisfying the requirement of division (L)(1) of 22132  
this section, each district shall spend the remaining funds only 22133  
for one or more of the following purposes and only in buildings 22134  
with the highest concentration of need: 22135

(a) Assistance in improving student performance; 22136

(b) Professional development for teachers and administrators; 22137

(c) Assistance in recruiting and retaining teachers and 22138  
administrators. 22139



~~(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.~~ 22140  
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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.~~ 22148  
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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~~ 22168  
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~~exist division to provide all-day kindergarten to at least the~~ 22172  
~~number of children in the district's all day kindergarten~~ 22173  
~~percentage. To satisfy this requirement, a district may use funds~~ 22174  
~~paid under division (C) or (I) of this section to provide all day~~ 22175  
~~kindergarten in addition to the all day kindergarten payment under~~ 22176  
~~division (D) of this section.~~ 22177

~~(2) Except as permitted under division (M)(1) of this~~ 22178  
~~section, each school district with a poverty index less than 1.0~~ 22179  
~~that receives a payment under division (C) of this section shall~~ 22180  
~~use its payment under that division in accordance with all~~ 22181  
~~requirements of division (J)(6) of this section.~~ 22182

~~(3) Except as permitted under division (M)(1) of this~~ 22183  
~~section, each school district with a poverty index less than 1.0~~ 22184  
~~that receives a payment under division (I) of this section shall~~ 22185  
~~use its payment under that division for one or a combination of~~ 22186  
~~the following purposes:~~ 22187

~~(a) To hire or contract for community liaison officers,~~ 22188  
~~attendance or truant officers, or safety and security personnel;~~ 22189

~~(b) To implement programs designed to ensure that schools are~~ 22190  
~~free of drugs and violence and have a disciplined environment~~ 22191  
~~conducive to learning;~~ 22192

~~(c) To implement academic intervention services described in~~ 22193  
~~division (J)(6) of this section.~~ 22194

~~(4) Each school district to which division (M)(1), (2), or~~ 22195  
~~(3) of this section applies shall expend the remaining funds~~ 22196  
~~received under this section, and any other district with a poverty~~ 22197  
~~index less than 1.0 shall expend all funds received under this~~ 22198  
~~section, for any of the following purposes:~~ 22199

~~(a) The purchase of technology for instructional purposes for~~ 22200  
~~remediation;~~ 22201

<del>(b) All-day kindergarten;</del>	22202
<del>(c) Reduction of class sizes in grades kindergarten through three, as described in division (J)(7) of this section;</del>	22203 22204
<del>(d) Summer school remediation;</del>	22205
<del>(e) Dropout prevention programs approved by the department of education under division (J)(4) of this section;</del>	22206 22207
<del>(f) Guaranteeing that all third graders are ready to progress to more advanced work;</del>	22208 22209
<del>(g) Summer education and work programs;</del>	22210
<del>(h) Adolescent pregnancy programs;</del>	22211
<del>(i) Head start, preschool, early childhood education, or early learning programs;</del>	22212 22213
<del>(j) Reading improvement and remediation programs described by the department of education;</del>	22214 22215
<del>(k) Programs designed to ensure that schools are free of drugs and violence and have a disciplined environment conducive to learning;</del>	22216 22217 22218
<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>	22219 22220 22221 22222 22223 22224
<del>(m) School breakfasts provided pursuant to section 3313.813 of the Revised Code.</del>	22225 22226
(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	22227 22228 22229 22230

year, the superintendent shall withhold from the funds otherwise 22231  
due the district under this section a proportional amount as 22232  
determined by the difference in the certified all-day kindergarten 22233  
~~percentage ADM and the percentage actually enrolled in actual~~ 22234  
all-day kindergarten ADM. 22235

The superintendent shall also withhold an appropriate amount 22236  
of funds otherwise due a district for any other misuse of funds 22237  
not in accordance with this section. 22238

(O)(1) A district may use a portion of the funds ~~calculated~~ 22239  
~~for it paid~~ under ~~division (D)~~ of this section to modify or 22240  
purchase classroom space to provide all-day kindergarten, if both 22241  
of the following conditions are met: 22242

(a) The district certifies to the department, in a manner 22243  
acceptable to the department, that it has a shortage of space for 22244  
providing all-day kindergarten. 22245

(b) The district provides all-day kindergarten to the number 22246  
of children in the all-day kindergarten percentage it certified 22247  
under this section. 22248

(2) A district may use a portion of the funds ~~described in~~ 22249  
~~division (J)(7) of~~ paid under this section to modify or purchase 22250  
classroom space to enable it to further reduce class size in 22251  
grades kindergarten through two with a goal of attaining class 22252  
sizes of fifteen students per licensed teacher. To do so, the 22253  
district must certify its need for additional space to the 22254  
department, in a manner satisfactory to the department. 22255

(P) Not later than the thirtieth day of September each year, 22256  
each school district paid under this section shall report to the 22257  
department, in the form and manner prescribed by the department, 22258  
how the district deployed funds received under this section in the 22259  
prior fiscal year. If a school district does not meet adequate 22260  
progress standards as defined by the department, the department 22261

shall make recommendations to the district for deploying funds 22262  
under this section in a more effective manner. 22263

**Sec. 3317.0216.** (A) As used in this section: 22264

(1) "Total taxes charged and payable for current expenses" 22265  
means the sum of the taxes charged and payable as certified under 22266  
division (A)(3)(a) of section 3317.021 of the Revised Code less 22267  
any amounts reported under division (A)(3)(b) of that section, and 22268  
the tax distribution for the preceding year under any school 22269  
district income tax levied by the district pursuant to Chapter 22270  
5748. of the Revised Code to the extent the revenue from the 22271  
income tax is allocated or apportioned to current expenses. 22272

(2) "Charge-off amount" means two and three-tenths per cent 22273  
multiplied by (the sum of recognized valuation and property 22274  
exemption value). 22275

(3) Until fiscal year 2003, the "actual local share of 22276  
special education, transportation, and vocational education 22277  
funding" for any school district means the sum of the district's 22278  
attributed local shares described in divisions (F)(1) to (3) of 22279  
section 3317.022 of the Revised Code. Beginning in fiscal year 22280  
2003, the "actual local share of special education, 22281  
transportation, and vocational education funding" means that sum 22282  
minus the amount of any excess cost supplement payment calculated 22283  
for the district under division (F) of section 3317.022 of the 22284  
Revised Code. 22285

~~(4) "Current expense revenues from the tangible property tax 22286  
replacement fund" means payments received from the school district 22287  
tangible property tax replacement fund or the general revenue fund 22288  
under section 5751.21 of the Revised Code for fixed rate levies 22289  
for current expenses and for fixed sum levies for current 22290  
expenses, including school district emergency levies under 22291  
sections 5705.194 to 5705.197 of the Revised Code.~~ 22292

(B) Upon receiving the certifications under section 3317.021 22293  
of the Revised Code, the department of education shall determine 22294  
for each city, local, and exempted village school district whether 22295  
the district's charge-off amount is greater than ~~the sum of the~~ 22296  
district's total taxes charged and payable for current expenses 22297  
~~and current expense revenues from the tangible property tax~~ 22298  
~~replacement fund~~, and if the charge-off amount is greater, shall 22299  
pay the district the amount of the difference. A payment shall not 22300  
be made to any school district for which the computation under 22301  
division (A) of section 3317.022 of the Revised Code equals zero. 22302

(C)(1) If a district's charge-off amount is equal to or 22303  
greater than ~~the sum of~~ its total taxes charged and payable for 22304  
current expenses ~~and current expense revenues from the tangible~~ 22305  
~~property tax replacement fund~~, the department shall, in addition 22306  
to the payment required under division (B) of this section, pay 22307  
the district the amount of its actual local share of special 22308  
education, transportation, and vocational education funding. 22309

(2) If a district's charge-off amount is less than ~~the sum of~~ 22310  
its total taxes charged and payable for current expenses ~~and~~ 22311  
~~current expense revenues from the tangible property tax~~ 22312  
~~replacement fund~~, the department shall pay the district any amount 22313  
by which its actual local share of special education, 22314  
transportation, and vocational education funding exceeds ~~the sum~~ 22315  
~~of~~ its total taxes charged and payable for current expenses ~~and~~ 22316  
~~current expense revenues from the tangible property tax~~ 22317  
~~replacement fund~~ minus its charge-off amount. 22318

(D) If a school district that received a payment under 22319  
division (B) or (C) of this section in the prior fiscal year is 22320  
ineligible for payment under those divisions in the current fiscal 22321  
year, the department shall determine if the ineligibility is the 22322  
result of a property tax or income tax levy approved by the 22323  
district's voters to take effect in tax year 2005 or thereafter. 22324

If the department determines that is the case, and calculates that 22325  
the levy causing the ineligibility exceeded by at least one mill 22326  
the equivalent millage of the prior year's payment under divisions 22327  
(B) and (C) of this section, the department shall make a payment 22328  
to the district for the first three years that the district loses 22329  
eligibility for payment under divisions (B) and (C) of this 22330  
section, as follows: 22331

(1) In the first year of ineligibility, the department shall 22332  
pay the district seventy-five per cent of the amount it last paid 22333  
the district under divisions (B) and (C) of this section. 22334

(2) In the second year of ineligibility, the department shall 22335  
pay the district fifty per cent of the amount it last paid the 22336  
district under those divisions. 22337

(3) In the third year of ineligibility, the department shall 22338  
pay the district twenty-five per cent of the amount it last paid 22339  
the district under those divisions. 22340

(E) A district that receives payment under division (D) of 22341  
this section and subsequently qualifies for payment under division 22342  
(B) or (C) of this section is ineligible for future payments under 22343  
division (D) of this section. 22344

(F) To enable the department of education to make the 22345  
determinations and to calculate payments under division (D) of 22346  
this section, on ~~the effective date of this amendment~~ March 30, 22347  
2006, and on or before the first day of March of each year 22348  
thereafter, the department shall send to the tax commissioner a 22349  
list of school districts receiving payments under division (B) or 22350  
(C) of this section for the current fiscal year. On or before the 22351  
first day of the following June, the tax commissioner shall 22352  
certify to the department of education for those school districts 22353  
the information required by division (A)(8) of section 3317.021 of 22354  
the Revised Code. 22355

Sec. 3317.0217. The Payment of the amount calculated for a 22356  
school district under this section shall be made under division 22357  
(A) of section 3317.022 of the Revised Code. 22358

The department of education shall annually compute and pay 22359  
state parity aid to school districts, as follows: 22360

(A) Calculate the local wealth per pupil of each school 22361  
district, which equals the following sum: 22362

(1) Two-thirds times the quotient of (a) the district's 22363  
recognized valuation divided by (b) its formula ADM; plus 22364

(2) One-third times the quotient of (a) the average of the 22365  
total federal adjusted gross income of the school district's 22366  
residents for the three years most recently reported under section 22367  
3317.021 of the Revised Code divided by (b) its formula ADM. 22368

(B) Rank all school districts in order of local wealth per 22369  
pupil, from the district with the lowest local wealth per pupil to 22370  
the district with the highest local wealth per pupil. 22371

(C) Compute the per pupil state parity aid funding for each 22372  
eligible school district in accordance with the following formula: 22373

(threshold local wealth 22374  
per pupil - the district's local 22375  
wealth per pupil) X ~~0.0075~~ parity millage 22376

Where: 22377

(1) ~~Seven and one half mills (0.0075) is an adjustment to the~~ 22378  
~~original parity aid standard of nine and one half mills, to~~ 22379  
~~account for the general assembly's policy decision to phase out~~ 22380  
~~use of the cost of doing business factor in the base cost formula~~ 22381  
In fiscal year 2008, an "eligible school district" means a school 22382  
district with a local wealth per pupil less than that of the 22383  
school district with the four-hundred-eleventh lowest local wealth 22384  
per pupil. In fiscal year 2009, an "eligible school district" 22385



means a school district with a local wealth per pupil less than 22386  
that of the school district with the three-hundred-sixty-eighth 22387  
lowest local wealth per pupil. 22388

(2) The "threshold local wealth per pupil" is the local 22389  
wealth per pupil of the school district with the 22390  
four-hundred-ninetieth lowest local wealth per pupil. 22391

(3) "Parity millage," in fiscal year 2008, equals 0.0080 and, 22392  
in fiscal year 2009, equals 0.0085. 22393

If the result of the calculation for a school district under 22394  
division (C) of this section is less than zero, the district's per 22395  
pupil parity aid shall be zero. 22396

(D) Compute the per pupil alternative parity aid for each 22397  
school district that has a combination of an income factor of 1.0 22398  
or less, a poverty index of 1.0 or greater, and a fiscal year 2005 22399  
cost-of-doing-business factor of 1.0375 or greater, in accordance 22400  
with the following formula: 22401

$$\begin{aligned} & \text{Payment percentage} \times \$60,000 \times & 22402 \\ & (1 - \text{income factor}) \times 4/15 \times 0.023 & 22403 \end{aligned}$$

Where: 22404

(1) "Poverty index" has the same meaning as in section 22405  
3317.029 of the Revised Code. 22406

(2) "Payment percentage," for purposes of division (D) of 22407  
this section, equals 50% in fiscal year 2002 and 100% after fiscal 22408  
year 2002. 22409

(3) "Fiscal year 2005 cost-of-doing-business factor" means 22410  
the cost-of-doing-business factor in effect for fiscal year 2005 22411  
designated under former division (N) of section 3317.02 of the 22412  
Revised Code as that division existed in fiscal year 2005. 22413

(E) Pay each district that has a combination of an income 22414  
factor of 1.0 or less, a poverty index of 1.0 or greater, and a 22415

fiscal year 2005 cost-of-doing-business factor of 1.0375 or greater, the greater of the following:

(1) The product of the district's per pupil parity aid calculated under division (C) of this section times its net formula ADM;

(2) The product of its per pupil alternative parity aid calculated under division (D) of this section times its net formula ADM.

(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.

(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.

**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.

(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~~

~~hazardous weather conditions or other circumstances described in 22446  
the first paragraph of division (B) of section 3317.01 of the 22447  
Revised Code, the superintendent may apply to the superintendent 22448  
of public instruction for a waiver, under which the superintendent 22449  
of public instruction may exempt the district superintendent from 22450  
certifying the formula ADM for that school for that week and 22451  
specify an alternate week for certifying the formula ADM of that 22452  
school. 22453~~

The formula ADM shall consist of the average daily membership 22454  
during such week of the sum of the following: 22455

(1) On an FTE basis, the number of students in grades 22456  
kindergarten through twelve receiving any educational services 22457  
from the district, except that the following categories of 22458  
students shall not be included in the determination: 22459

(a) Students enrolled in adult education classes; 22460

(b) Adjacent or other district students enrolled in the 22461  
district under an open enrollment policy pursuant to section 22462  
3313.98 of the Revised Code; 22463

(c) Students receiving services in the district pursuant to a 22464  
compact, cooperative education agreement, or a contract, but who 22465  
are entitled to attend school in another district pursuant to 22466  
section 3313.64 or 3313.65 of the Revised Code; 22467

(d) Students for whom tuition is payable pursuant to sections 22468  
3317.081 and 3323.141 of the Revised Code; 22469

(e) Students receiving services in the district through a 22470  
scholarship awarded under either section 3310.41 or sections 22471  
3310.51 to 3310.63 of the Revised Code. 22472

(2) On an FTE basis, except as provided in division (A)(2)(h) 22473  
of this section, the number of students entitled to attend school 22474  
in the district pursuant to section 3313.64 or 3313.65 of the 22475

Revised Code, but receiving educational services in grades	22476
kindergarten through twelve from one or more of the following	22477
entities:	22478
(a) A community school pursuant to Chapter 3314. of the	22479
Revised Code, including any participation in a college pursuant to	22480
Chapter 3365. of the Revised Code while enrolled in such community	22481
school;	22482
(b) An alternative school pursuant to sections 3313.974 to	22483
3313.979 of the Revised Code as described in division (I)(2)(a) or	22484
(b) of this section;	22485
(c) A college pursuant to Chapter 3365. of the Revised Code,	22486
except when the student is enrolled in the college while also	22487
enrolled in a community school pursuant to Chapter 3314. of the	22488
Revised Code;	22489
(d) An adjacent or other school district under an open	22490
enrollment policy adopted pursuant to section 3313.98 of the	22491
Revised Code;	22492
(e) An educational service center or cooperative education	22493
district;	22494
(f) Another school district under a cooperative education	22495
agreement, compact, or contract;	22496
(g) A chartered nonpublic school with a scholarship paid	22497
under section 3310.08 of the Revised Code;	22498
(h) An alternative public provider or a registered private	22499
provider with a scholarship awarded under <u>either</u> section 3310.41	22500
<u>or sections 3310.51 to 3310.63</u> of the Revised Code. Each such	22501
scholarship student who is enrolled in kindergarten shall be	22502
counted as one full-time-equivalent student.	22503
As used in this section, "alternative public provider" and	22504
"registered private provider" have the same meanings as in section	22505

3310.41 or 3310.51 of the Revised Code, as applicable. 22506

(3) Twenty per cent of the number of students enrolled in a 22507  
joint vocational school district or under a vocational education 22508  
compact, excluding any students entitled to attend school in the 22509  
district under section 3313.64 or 3313.65 of the Revised Code who 22510  
are enrolled in another school district through an open enrollment 22511  
policy as reported under division (A)(2)(d) of this section and 22512  
then enroll in a joint vocational school district or under a 22513  
vocational education compact; 22514

(4) The number of handicapped children, other than 22515  
handicapped preschool children, entitled to attend school in the 22516  
district pursuant to section 3313.64 or 3313.65 of the Revised 22517  
Code who are placed by the district with a county MR/DD board, 22518  
minus the number of such children placed with a county MR/DD board 22519  
in fiscal year 1998. If this calculation produces a negative 22520  
number, the number reported under division (A)(4) of this section 22521  
shall be zero. 22522

~~(5) Beginning in fiscal year 2007, in the case of the report 22523  
submitted for the first full week in February, or the alternative 22524  
week if specified by the superintendent of public instruction, the 22525  
number of students reported under division (A)(1) or (2) of this 22526  
section for the first full week of the preceding October but who 22527  
since that week have received high school diplomas. 22528~~

(B) To enable the department of education to obtain the data 22529  
needed to complete the calculation of payments pursuant to this 22530  
chapter, in addition to the formula ADM, each superintendent shall 22531  
report separately the following student counts for the same week 22532  
for which formula ADM is certified: 22533

(1) The total average daily membership in regular day classes 22534  
included in the report under division (A)(1) or (2) of this 22535  
section for kindergarten, and each of grades one through twelve in 22536

schools under the superintendent's supervision;	22537
(2) The number of all handicapped preschool children enrolled	22538
as of the first day of December in classes in the district that	22539
are eligible for approval under division (B) of section 3317.05 of	22540
the Revised Code and the number of those classes, which shall be	22541
reported not later than the fifteenth day of December, in	22542
accordance with rules adopted under that section;	22543
(3) The number of children entitled to attend school in the	22544
district pursuant to section 3313.64 or 3313.65 of the Revised	22545
Code who are:	22546
(a) Participating in a pilot project scholarship program	22547
established under sections 3313.974 to 3313.979 of the Revised	22548
Code as described in division (I)(2)(a) or (b) of this section;	22549
(b) Enrolled in a college under Chapter 3365. of the Revised	22550
Code, except when the student is enrolled in the college while	22551
also enrolled in a community school pursuant to Chapter 3314. of	22552
the Revised Code;	22553
(c) Enrolled in an adjacent or other school district under	22554
section 3313.98 of the Revised Code;	22555
(d) Enrolled in a community school established under Chapter	22556
3314. of the Revised Code that is not an internet- or	22557
computer-based community school as defined in section 3314.02 of	22558
the Revised Code, including any participation in a college	22559
pursuant to Chapter 3365. of the Revised Code while enrolled in	22560
such community school;	22561
(e) Enrolled in an internet- or computer-based community	22562
school, as defined in section 3314.02 of the Revised Code,	22563
including any participation in a college pursuant to Chapter 3365.	22564
of the Revised Code while enrolled in the school;	22565
(f) Enrolled in a chartered nonpublic school with a	22566

scholarship paid under section 3310.08 of the Revised Code;	22567
(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;	22568 22569 22570 22571
(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;	22572 22573 22574
(i) Participating in a program operated by a county MR/DD board or a state institution.	22575 22576
(4) The number of pupils enrolled in joint vocational schools;	22577 22578
(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>	22579 22580 22581 22582 22583 22584 22585 22586
(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>	22587 22588 22589 22590 22591 22592 22593 22594
(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	22595 22596 22597

described in division (C) of section 3317.013 of the Revised Code, 22598  
including children attending a special education program operated 22599  
by an alternative public provider or a registered private provider 22600  
with a scholarship awarded under sections 3310.51 to 3310.63 of 22601  
the Revised Code; 22602

(8) The combined average daily membership of handicapped 22603  
children reported under division (A)(1) or (2) of this section 22604  
receiving special education services for category four handicaps 22605  
described in division (D) of section 3317.013 of the Revised Code, 22606  
including children attending a special education program operated 22607  
by an alternative public provider or a registered private provider 22608  
with a scholarship awarded under sections 3310.51 to 3310.63 of 22609  
the Revised Code; 22610

(9) The combined average daily membership of handicapped 22611  
children reported under division (A)(1) or (2) of this section 22612  
receiving special education services for the category five 22613  
handicap described in division (E) of section 3317.013 of the 22614  
Revised Code, including children attending a special education 22615  
program operated by an alternative public provider or a registered 22616  
private provider with a scholarship awarded under sections 3310.51 22617  
to 3310.63 of the Revised Code; 22618

(10) The combined average daily membership of handicapped 22619  
children reported under division (A)(1) or (2) and under division 22620  
(B)(3)(h) of this section receiving special education services for 22621  
category six handicaps described in division (F) of section 22622  
3317.013 of the Revised Code, including children attending a 22623  
special education program operated by an alternative public 22624  
provider or a registered private provider with a scholarship 22625  
awarded under either section 3310.41 or sections 3310.51 to 22626  
3310.63 of the Revised Code; 22627

(11) The average daily membership of pupils reported under 22628  
division (A)(1) or (2) of this section enrolled in category one 22629



vocational education programs or classes, described in division 22630  
(A) of section 3317.014 of the Revised Code, operated by the 22631  
school district or by another district, other than a joint 22632  
vocational school district, or by an educational service center, 22633  
excluding any student reported under division (B)(3)(e) of this 22634  
section as enrolled in an internet- or computer-based community 22635  
school, notwithstanding division (C) of section 3317.02 of the 22636  
Revised Code and division (C)(3) of this section; 22637

(12) The average daily membership of pupils reported under 22638  
division (A)(1) or (2) of this section enrolled in category two 22639  
vocational education programs or services, described in division 22640  
(B) of section 3317.014 of the Revised Code, operated by the 22641  
school district or another school district, other than a joint 22642  
vocational school district, or by an educational service center, 22643  
excluding any student reported under division (B)(3)(e) of this 22644  
section as enrolled in an internet- or computer-based community 22645  
school, notwithstanding division (C) of section 3317.02 of the 22646  
Revised Code and division (C)(3) of this section; 22647

(13) The average number of children transported by the school 22648  
district on board-owned or contractor-owned and -operated buses, 22649  
reported in accordance with rules adopted by the department of 22650  
education; 22651

(14)(a) The number of children, other than handicapped 22652  
preschool children, the district placed with a county MR/DD board 22653  
in fiscal year 1998; 22654

(b) The number of handicapped children, other than 22655  
handicapped preschool children, placed with a county MR/DD board 22656  
in the current fiscal year to receive special education services 22657  
for the category one handicap described in division (A) of section 22658  
3317.013 of the Revised Code; 22659

(c) The number of handicapped children, other than 22660

handicapped preschool children, placed with a county MR/DD board 22661  
in the current fiscal year to receive special education services 22662  
for category two handicaps described in division (B) of section 22663  
3317.013 of the Revised Code; 22664

(d) The number of handicapped children, other than 22665  
handicapped preschool children, placed with a county MR/DD board 22666  
in the current fiscal year to receive special education services 22667  
for category three handicaps described in division (C) of section 22668  
3317.013 of the Revised Code; 22669

(e) The number of handicapped children, other than 22670  
handicapped preschool children, placed with a county MR/DD board 22671  
in the current fiscal year to receive special education services 22672  
for category four handicaps described in division (D) of section 22673  
3317.013 of the Revised Code; 22674

(f) The number of handicapped children, other than 22675  
handicapped preschool children, placed with a county MR/DD board 22676  
in the current fiscal year to receive special education services 22677  
for the category five handicap described in division (E) of 22678  
section 3317.013 of the Revised Code; 22679

(g) The number of handicapped children, other than 22680  
handicapped preschool children, placed with a county MR/DD board 22681  
in the current fiscal year to receive special education services 22682  
for category six handicaps described in division (F) of section 22683  
3317.013 of the Revised Code. 22684

(C)(1) Except as otherwise provided in this section for 22685  
kindergarten students, the average daily membership in divisions 22686  
(B)(1) to (12) of this section shall be based upon the number of 22687  
full-time equivalent students. The state board of education shall 22688  
adopt rules defining full-time equivalent students and for 22689  
determining the average daily membership therefrom for the 22690  
purposes of divisions (A), (B), and (D) of this section. 22691

(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. 22724

(D)(1) The superintendent of each joint vocational school 22725  
district shall certify to the superintendent of public instruction 22726  
on or before the fifteenth day of October in each year for the 22727  
first full school week in October the formula ADM. ~~Beginning in~~ 22728  
~~fiscal year 2007, each superintendent also shall certify to the~~ 22729  
~~state superintendent the formula ADM for the first full week in~~ 22730  
~~February. If a school operated by the joint vocational school~~ 22731  
~~district is closed for one or more days during that week due to~~ 22732  
~~hazardous weather conditions or other circumstances described in~~ 22733  
~~the first paragraph of division (B) of section 3317.01 of the~~ 22734  
~~Revised Code, the superintendent may apply to the superintendent~~ 22735  
~~of public instruction for a waiver, under which the superintendent~~ 22736  
~~of public instruction may exempt the district superintendent from~~ 22737  
~~certifying the formula ADM for that school for that week and~~ 22738  
~~specify an alternate week for certifying the formula ADM of that~~ 22739  
~~school.~~ 22740

The formula ADM, except as otherwise provided in this 22741  
division, shall consist of the average daily membership during 22742  
such week, on an FTE basis, of the number of students receiving 22743  
any educational services from the district, including students 22744  
enrolled in a community school established under Chapter 3314. of 22745  
the Revised Code who are attending the joint vocational district 22746  
under an agreement between the district board of education and the 22747  
governing authority of the community school and are entitled to 22748  
attend school in a city, local, or exempted village school 22749  
district whose territory is part of the territory of the joint 22750  
vocational district. ~~Beginning in fiscal year 2007, in the case of~~ 22751  
~~the report submitted for the first week in February, or the~~ 22752  
~~alternative week if specified by the superintendent of public~~ 22753  
~~instruction, the superintendent of the joint vocational school~~ 22754  
~~district may include the number of students reported under~~ 22755

~~division (D)(1) of this section for the first full week of the 22756  
preceding October but who since that week have received high 22757  
school diplomas. 22758~~

The following categories of students shall not be included in 22759  
the determination made under division (D)(1) of this section: 22760

(a) Students enrolled in adult education classes; 22761

(b) Adjacent or other district joint vocational students 22762  
enrolled in the district under an open enrollment policy pursuant 22763  
to section 3313.98 of the Revised Code; 22764

(c) Students receiving services in the district pursuant to a 22765  
compact, cooperative education agreement, or a contract, but who 22766  
are entitled to attend school in a city, local, or exempted 22767  
village school district whose territory is not part of the 22768  
territory of the joint vocational district; 22769

(d) Students for whom tuition is payable pursuant to sections 22770  
3317.081 and 3323.141 of the Revised Code. 22771

(2) To enable the department of education to obtain the data 22772  
needed to complete the calculation of payments pursuant to this 22773  
chapter, in addition to the formula ADM, each superintendent shall 22774  
report separately the average daily membership included in the 22775  
report under division (D)(1) of this section for each of the 22776  
following categories of students for the same week for which 22777  
formula ADM is certified: 22778

(a) Students enrolled in each grade included in the joint 22779  
vocational district schools; 22780

(b) Handicapped children receiving special education services 22781  
for the category one handicap described in division (A) of section 22782  
3317.013 of the Revised Code; 22783

(c) Handicapped children receiving special education services 22784  
for the category two handicaps described in division (B) of 22785

section 3317.013 of the Revised Code;	22786
(d) Handicapped children receiving special education services for category three handicaps described in division (C) of section 3317.013 of the Revised Code;	22787 22788 22789
(e) Handicapped children receiving special education services for category four handicaps described in division (D) of section 3317.013 of the Revised Code;	22790 22791 22792
(f) Handicapped children receiving special education services for the category five handicap described in division (E) of section 3317.013 of the Revised Code;	22793 22794 22795
(g) Handicapped children receiving special education services for category six handicaps described in division (F) of section 3317.013 of the Revised Code;	22796 22797 22798
(h) Students receiving category one vocational education services, described in division (A) of section 3317.014 of the Revised Code;	22799 22800 22801
(i) Students receiving category two vocational education services, described in division (B) of section 3317.014 of the Revised Code.	22802 22803 22804
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.	22805 22806 22807 22808 22809
(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	22810 22811 22812 22813 22814 22815

any school shall not include any pupils except those pupils 22816  
described by division (A) of this section. The record of 22817  
membership for each school shall be maintained in such manner that 22818  
no pupil shall be counted as in membership prior to the actual 22819  
date of entry in the school and also in such manner that where for 22820  
any cause a pupil permanently withdraws from the school that pupil 22821  
shall not be counted as in membership from and after the date of 22822  
such withdrawal. There shall not be included in the membership of 22823  
any school any of the following: 22824

(1) Any pupil who has graduated from the twelfth grade of a 22825  
public or nonpublic high school; 22826

(2) Any pupil who is not a resident of the state; 22827

(3) Any pupil who was enrolled in the schools of the district 22828  
during the previous school year when tests were administered under 22829  
section 3301.0711 of the Revised Code but did not take one or more 22830  
of the tests required by that section and was not excused pursuant 22831  
to division (C)(1) or (3) of that section; 22832

(4) Any pupil who has attained the age of twenty-two years, 22833  
except for veterans of the armed services whose attendance was 22834  
interrupted before completing the recognized twelve-year course of 22835  
the public schools by reason of induction or enlistment in the 22836  
armed forces and who apply for reenrollment in the public school 22837  
system of their residence not later than four years after 22838  
termination of war or their honorable discharge. 22839

If, however, any veteran described by division (E)(4) of this 22840  
section elects to enroll in special courses organized for veterans 22841  
for whom tuition is paid under the provisions of federal laws, or 22842  
otherwise, that veteran shall not be included in average daily 22843  
membership. 22844

Notwithstanding division (E)(3) of this section, the 22845  
membership of any school may include a pupil who did not take a 22846

test required by section 3301.0711 of the Revised Code if the 22847  
superintendent of public instruction grants a waiver from the 22848  
requirement to take the test to the specific pupil and a parent is 22849  
not paying tuition for the pupil pursuant to section 3313.6410 of 22850  
the Revised Code. The superintendent may grant such a waiver only 22851  
for good cause in accordance with rules adopted by the state board 22852  
of education. 22853

Except as provided in divisions (B)(2) and (F) of this 22854  
section, the average daily membership figure of any local, city, 22855  
exempted village, or joint vocational school district shall be 22856  
determined by dividing the figure representing the sum of the 22857  
number of pupils enrolled during each day the school of attendance 22858  
is actually open for instruction during the week for which the 22859  
formula ADM is being certified by the total number of days the 22860  
school was actually open for instruction during that week. For 22861  
purposes of state funding, "enrolled" persons are only those 22862  
pupils who are attending school, those who have attended school 22863  
during the current school year and are absent for authorized 22864  
reasons, and those handicapped children currently receiving home 22865  
instruction. 22866

The average daily membership figure of any cooperative 22867  
education school district shall be determined in accordance with 22868  
rules adopted by the state board of education. 22869

(F)(1) If the formula ADM for the first full school week in 22870  
February is at least three per cent greater than that certified 22871  
for the first full school week in the preceding October, the 22872  
superintendent of schools of any city, exempted village, or joint 22873  
vocational school district or educational service center shall 22874  
certify such increase to the superintendent of public instruction. 22875  
Such certification shall be submitted no later than the fifteenth 22876  
day of February. For the balance of the fiscal year, beginning 22877  
with the February payments, the superintendent of public 22878



instruction shall use the increased formula ADM in calculating or 22879  
recalculating the amounts to be allocated in accordance with 22880  
section 3317.022 or 3317.16 of the Revised Code. In no event shall 22881  
the superintendent use an increased membership certified to the 22882  
superintendent after the fifteenth day of February. ~~Division~~ 22883  
~~(F)(1) of this section does not apply after fiscal year 2006.~~ 22884

(2) If on the first school day of April the total number of 22885  
classes or units for handicapped preschool children that are 22886  
eligible for approval under division (B) of section 3317.05 of the 22887  
Revised Code exceeds the number of units that have been approved 22888  
for the year under that division, the superintendent of schools of 22889  
any city, exempted village, or cooperative education school 22890  
district or educational service center shall make the 22891  
certifications required by this section for that day. If the 22892  
department determines additional units can be approved for the 22893  
fiscal year within any limitations set forth in the acts 22894  
appropriating moneys for the funding of such units, the department 22895  
shall approve additional units for the fiscal year on the basis of 22896  
such average daily membership. For each unit so approved, the 22897  
department shall pay an amount computed in the manner prescribed 22898  
in section 3317.052 or 3317.19 and section 3317.053 of the Revised 22899  
Code. 22900

(3) If a student attending a community school under Chapter 22901  
3314. of the Revised Code is not included in the formula ADM 22902  
certified for the school district in which the student is entitled 22903  
to attend school under section 3313.64 or 3313.65 of the Revised 22904  
Code, the department of education shall adjust the formula ADM of 22905  
that school district to include the community school student in 22906  
accordance with division (C)(2) of this section, and shall 22907  
recalculate the school district's payments under this chapter for 22908  
the entire fiscal year on the basis of that adjusted formula ADM. 22909  
This requirement applies regardless of whether the student was 22910

enrolled, as defined in division (E) of this section, in the 22911  
community school during the week for which the formula ADM is 22912  
being certified. 22913

(4) If a student awarded an educational choice scholarship is 22914  
not included in the formula ADM of the school district from which 22915  
the department deducts funds for the scholarship under section 22916  
3310.08 of the Revised Code, the department shall adjust the 22917  
formula ADM of that school district to include the student to the 22918  
extent necessary to account for the deduction, and shall 22919  
recalculate the school district's payments under this chapter for 22920  
the entire fiscal year on the basis of that adjusted formula ADM. 22921  
This requirement applies regardless of whether the student was 22922  
enrolled, as defined in division (E) of this section, in the 22923  
chartered nonpublic school, the school district, or a community 22924  
school during the week for which the formula ADM is being 22925  
certified. 22926

(G)(1)(a) The superintendent of an institution operating a 22927  
special education program pursuant to section 3323.091 of the 22928  
Revised Code shall, for the programs under such superintendent's 22929  
supervision, certify to the state board of education, in the 22930  
manner prescribed by the superintendent of public instruction, 22931  
both of the following: 22932

(i) The average daily membership of all handicapped children 22933  
other than handicapped preschool children receiving services at 22934  
the institution for each category of handicap described in 22935  
divisions (A) to (F) of section 3317.013 of the Revised Code; 22936

(ii) The average daily membership of all handicapped 22937  
preschool children in classes or programs approved annually by the 22938  
department of education for unit funding under section 3317.05 of 22939  
the Revised Code. 22940

(b) The superintendent of an institution with vocational 22941

education units approved under division (A) of section 3317.05 of 22942  
the Revised Code shall, for the units under the superintendent's 22943  
supervision, certify to the state board of education the average 22944  
daily membership in those units, in the manner prescribed by the 22945  
superintendent of public instruction. 22946

(2) The superintendent of each county MR/DD board that 22947  
maintains special education classes under section 3317.20 of the 22948  
Revised Code or units approved pursuant to section 3317.05 of the 22949  
Revised Code shall do both of the following: 22950

(a) Certify to the state board, in the manner prescribed by 22951  
the board, the average daily membership in classes under section 22952  
3317.20 of the Revised Code for each school district that has 22953  
placed children in the classes; 22954

(b) Certify to the state board, in the manner prescribed by 22955  
the board, the number of all handicapped preschool children 22956  
enrolled as of the first day of December in classes eligible for 22957  
approval under division (B) of section 3317.05 of the Revised 22958  
Code, and the number of those classes. 22959

(3)(a) If on the first school day of April the number of 22960  
classes or units maintained for handicapped preschool children by 22961  
the county MR/DD board that are eligible for approval under 22962  
division (B) of section 3317.05 of the Revised Code is greater 22963  
than the number of units approved for the year under that 22964  
division, the superintendent shall make the certification required 22965  
by this section for that day. 22966

(b) If the department determines that additional classes or 22967  
units can be approved for the fiscal year within any limitations 22968  
set forth in the acts appropriating moneys for the funding of the 22969  
classes and units described in division (G)(3)(a) of this section, 22970  
the department shall approve and fund additional units for the 22971  
fiscal year on the basis of such average daily membership. For 22972

each unit so approved, the department shall pay an amount computed 22973  
in the manner prescribed in sections 3317.052 and 3317.053 of the 22974  
Revised Code. 22975

(H) Except as provided in division (I) of this section, when 22976  
any city, local, or exempted village school district provides 22977  
instruction for a nonresident pupil whose attendance is 22978  
unauthorized attendance as defined in section 3327.06 of the 22979  
Revised Code, that pupil's membership shall not be included in 22980  
that district's membership figure used in the calculation of that 22981  
district's formula ADM or included in the determination of any 22982  
unit approved for the district under section 3317.05 of the 22983  
Revised Code. The reporting official shall report separately the 22984  
average daily membership of all pupils whose attendance in the 22985  
district is unauthorized attendance, and the membership of each 22986  
such pupil shall be credited to the school district in which the 22987  
pupil is entitled to attend school under division (B) of section 22988  
3313.64 or section 3313.65 of the Revised Code as determined by 22989  
the department of education. 22990

(I)(1) A city, local, exempted village, or joint vocational 22991  
school district admitting a scholarship student of a pilot project 22992  
district pursuant to division (C) of section 3313.976 of the 22993  
Revised Code may count such student in its average daily 22994  
membership. 22995

(2) In any year for which funds are appropriated for pilot 22996  
project scholarship programs, a school district implementing a 22997  
state-sponsored pilot project scholarship program that year 22998  
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 22999  
count in average daily membership: 23000

(a) All children residing in the district and utilizing a 23001  
scholarship to attend kindergarten in any alternative school, as 23002  
defined in section 3313.974 of the Revised Code; 23003

(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 23067  
revised valuations were entered on the tax list and duplicate. 23068  
Notwithstanding sections 3311.22, 3311.231, 3311.26, 3311.37, and 23069  
3311.38 of the Revised Code, this minimum guarantee is applicable 23070  
only during the fiscal year immediately following the reassessment 23071  
or application. 23072~~

Notwithstanding sections 3311.22, 3311.231, 3311.26, 3311.37, 23073  
and 3311.38 of the Revised Code, the minimum guarantees prescribed 23074  
by divisions (A) and (B) of this section shall not affect the 23075  
amount of aid received by a school district for more than three 23076  
consecutive years. 23077

**Sec. 3317.06.** Moneys paid to school districts under division 23078  
(I) of section 3317.024 of the Revised Code shall be used for the 23079  
following independent and fully severable purposes: 23080

(A) To purchase such secular textbooks or electronic 23081  
textbooks as have been approved by the superintendent of public 23082  
instruction for use in public schools in the state and to loan 23083  
such textbooks or electronic textbooks to pupils attending 23084  
nonpublic schools within the district or to their parents and to 23085  
hire clerical personnel to administer such lending program. Such 23086  
loans shall be based upon individual requests submitted by such 23087  
nonpublic school pupils or parents. Such requests shall be 23088  
submitted to the school district in which the nonpublic school is 23089  
located. Such individual requests for the loan of textbooks or 23090  
electronic textbooks shall, for administrative convenience, be 23091  
submitted by the nonpublic school pupil or the pupil's parent to 23092  
the nonpublic school, which shall prepare and submit collective 23093  
summaries of the individual requests to the school district. As 23094  
used in this section: 23095

(1) "Textbook" means any book or book substitute that a pupil 23096  
uses as a consumable or nonconsumable text, text substitute, or 23097

text supplement in a particular class or program in the school the 23098  
pupil regularly attends. 23099

(2) "Electronic textbook" means computer software, 23100  
interactive videodisc, magnetic media, CD-ROM, computer 23101  
courseware, local and remote computer assisted instruction, 23102  
on-line service, electronic medium, or other means of conveying 23103  
information to the student or otherwise contributing to the 23104  
learning process through electronic means. 23105

(B) To provide speech and hearing diagnostic services to 23106  
pupils attending nonpublic schools within the district. Such 23107  
service shall be provided in the nonpublic school attended by the 23108  
pupil receiving the service. 23109

(C) To provide physician, nursing, dental, and optometric 23110  
services to pupils attending nonpublic schools within the 23111  
district. Such services shall be provided in the school attended 23112  
by the nonpublic school pupil receiving the service. 23113

(D) To provide diagnostic psychological services to pupils 23114  
attending nonpublic schools within the district. Such services 23115  
shall be provided in the school attended by the pupil receiving 23116  
the service. 23117

(E) To provide therapeutic psychological and speech and 23118  
hearing services to pupils attending nonpublic schools within the 23119  
district. Such services shall be provided in the public school, in 23120  
nonpublic schools, in public centers, or in mobile units located 23121  
on or off of the nonpublic premises. If such services are provided 23122  
in the public school or in public centers, transportation to and 23123  
from such facilities shall be provided by the school district in 23124  
which the nonpublic school is located. 23125

(F) To provide guidance and counseling services to pupils 23126  
attending nonpublic schools within the district. Such services 23127  
shall be provided in the public school, in nonpublic schools, in 23128



public centers, or in mobile units located on or off of the 23129  
nonpublic premises. If such services are provided in the public 23130  
school or in public centers, transportation to and from such 23131  
facilities shall be provided by the school district in which the 23132  
nonpublic school is located. 23133

(G) To provide remedial services to pupils attending 23134  
nonpublic schools within the district. Such services shall be 23135  
provided in the public school, in nonpublic schools, in public 23136  
centers, or in mobile units located on or off of the nonpublic 23137  
premises. If such services are provided in the public school or in 23138  
public centers, transportation to and from such facilities shall 23139  
be provided by the school district in which the nonpublic school 23140  
is located. 23141

(H) To supply for use by pupils attending nonpublic schools 23142  
within the district such standardized tests and scoring services 23143  
as are in use in the public schools of the state; 23144

(I) To provide programs for children who attend nonpublic 23145  
schools within the district and are handicapped children as 23146  
defined in division (A) of section 3323.01 of the Revised Code or 23147  
gifted children. Such programs shall be provided in the public 23148  
school, in nonpublic schools, in public centers, or in mobile 23149  
units located on or off of the nonpublic premises. If such 23150  
programs are provided in the public school or in public centers, 23151  
transportation to and from such facilities shall be provided by 23152  
the school district in which the nonpublic school is located. 23153

(J) To hire clerical personnel to assist in the 23154  
administration of programs pursuant to divisions (B), (C), (D), 23155  
(E), (F), (G), and (I) of this section and to hire supervisory 23156  
personnel to supervise the providing of services and textbooks 23157  
pursuant to this section. 23158

(K) To purchase or lease any secular, neutral, and 23159

nonideological computer software (including site-licensing), 23160  
prerecorded video laserdiscs, digital video on demand (DVD), 23161  
compact discs, and video cassette cartridges, wide area 23162  
connectivity and related technology as it relates to internet 23163  
access, mathematics or science equipment and materials, 23164  
instructional materials, and school library materials that are in 23165  
general use in the public schools of the state and loan such items 23166  
to pupils attending nonpublic schools within the district or to 23167  
their parents, and to hire clerical personnel to administer the 23168  
lending program. Only such items that are incapable of diversion 23169  
to religious use and that are susceptible of loan to individual 23170  
pupils and are furnished for the use of individual pupils shall be 23171  
purchased and loaned under this division. As used in this section, 23172  
"instructional materials" means prepared learning materials that 23173  
are secular, neutral, and nonideological in character and are of 23174  
benefit to the instruction of school children, and may include 23175  
educational resources and services developed by the eTech Ohio 23176  
commission. 23177

(L) To purchase or lease instructional equipment, including 23178  
computer hardware and related equipment in general use in the 23179  
public schools of the state, for use by pupils attending nonpublic 23180  
schools within the district and to loan such items to pupils 23181  
attending nonpublic schools within the district or to their 23182  
parents, and to hire clerical personnel to administer the lending 23183  
program. 23184

(M) To purchase mobile units to be used for the provision of 23185  
services pursuant to divisions (E), (F), (G), and (I) of this 23186  
section and to pay for necessary repairs and operating costs 23187  
associated with these units. 23188

(N) To reimburse costs the district incurred to store the 23189  
records of a chartered nonpublic school that closes. 23190  
Reimbursements under this division shall be made one time only for 23191

each chartered nonpublic school that closes. 23192

Clerical and supervisory personnel hired pursuant to division 23193  
(J) of this section shall perform their services in the public 23194  
schools, in nonpublic schools, public centers, or mobile units 23195  
where the services are provided to the nonpublic school pupil, 23196  
except that such personnel may accompany pupils to and from the 23197  
service sites when necessary to ensure the safety of the children 23198  
receiving the services. 23199

All services provided pursuant to this section may be 23200  
provided under contract with educational service centers, the 23201  
department of health, city or general health districts, or private 23202  
agencies whose personnel are properly licensed by an appropriate 23203  
state board or agency. 23204

Transportation of pupils provided pursuant to divisions (E), 23205  
(F), (G), and (I) of this section shall be provided by the school 23206  
district from its general funds and not from moneys paid to it 23207  
under division (I) of section 3317.024 of the Revised Code unless 23208  
a special transportation request is submitted by the parent of the 23209  
child receiving service pursuant to such divisions. If such an 23210  
application is presented to the school district, it may pay for 23211  
the transportation from moneys paid to it under division (I) of 23212  
section 3317.024 of the Revised Code. 23213

No school district shall provide health or remedial services 23214  
to nonpublic school pupils as authorized by this section unless 23215  
such services are available to pupils attending the public schools 23216  
within the district. 23217

Materials, equipment, computer hardware or software, 23218  
textbooks, electronic textbooks, and health and remedial services 23219  
provided for the benefit of nonpublic school pupils pursuant to 23220  
this section and the admission of pupils to such nonpublic schools 23221  
shall be provided without distinction as to race, creed, color, or 23222

national origin of such pupils or of their teachers. 23223

No school district shall provide services, materials, or 23224  
equipment that contain religious content for use in religious 23225  
courses, devotional exercises, religious training, or any other 23226  
religious activity. 23227

As used in this section, "parent" includes a person standing 23228  
in loco parentis to a child. 23229

Notwithstanding section 3317.01 of the Revised Code, payments 23230  
shall be made under this section to any city, local, or exempted 23231  
village school district within which is located one or more 23232  
nonpublic elementary or high schools and any payments made to 23233  
school districts under division (I) of section 3317.024 of the 23234  
Revised Code for purposes of this section may be disbursed without 23235  
submission to and approval of the controlling board. 23236

The allocation of payments for materials, equipment, 23237  
textbooks, electronic textbooks, health services, and remedial 23238  
services to city, local, and exempted village school districts 23239  
shall be on the basis of the state board of education's estimated 23240  
annual average daily membership in nonpublic elementary and high 23241  
schools located in the district. 23242

Payments made to city, local, and exempted village school 23243  
districts under this section shall be equal to specific 23244  
appropriations made for the purpose. All interest earned by a 23245  
school district on such payments shall be used by the district for 23246  
the same purposes and in the same manner as the payments may be 23247  
used. 23248

The department of education shall adopt guidelines and 23249  
procedures under which such programs and services shall be 23250  
provided, under which districts shall be reimbursed for 23251  
administrative costs incurred in providing such programs and 23252  
services, and under which any unexpended balance of the amounts 23253

appropriated by the general assembly to implement this section may 23254  
be transferred to the auxiliary services personnel unemployment 23255  
compensation fund established pursuant to section 4141.47 of the 23256  
Revised Code. The department shall also adopt guidelines and 23257  
procedures limiting the purchase and loan of the items described 23258  
in division (K) of this section to items that are in general use 23259  
in the public schools of the state, that are incapable of 23260  
diversion to religious use, and that are susceptible to individual 23261  
use rather than classroom use. Within thirty days after the end of 23262  
each biennium, each board of education shall remit to the 23263  
department all moneys paid to it under division (I) of section 23264  
3317.024 of the Revised Code and any interest earned on those 23265  
moneys that are not required to pay expenses incurred under this 23266  
section during the biennium for which the money was appropriated 23267  
and during which the interest was earned. If a board of education 23268  
subsequently determines that the remittal of moneys leaves the 23269  
board with insufficient money to pay all valid expenses incurred 23270  
under this section during the biennium for which the remitted 23271  
money was appropriated, the board may apply to the department of 23272  
education for a refund of money, not to exceed the amount of the 23273  
insufficiency. If the department determines the expenses were 23274  
lawfully incurred and would have been lawful expenditures of the 23275  
refunded money, it shall certify its determination and the amount 23276  
of the refund to be made to the director of job and family 23277  
services who shall make a refund as provided in section 4141.47 of 23278  
the Revised Code. 23279

Each school district shall label materials, equipment, 23280  
computer hardware or software, textbooks, and electronic textbooks 23281  
purchased or leased for loan to a nonpublic school under this 23282  
section, acknowledging that they were purchased or leased with 23283  
state funds under this section. However, a district need not label 23284  
materials, equipment, computer hardware or software, textbooks, or 23285  
electronic textbooks that the district determines are consumable 23286

in nature or have a value of less than two hundred dollars. 23287

**Sec. 3317.08.** A board of education may admit to its schools a 23288  
child it is not required by section 3313.64 or 3313.65 of the 23289  
Revised Code to admit, if tuition is paid for the child. 23290

Unless otherwise provided by law, tuition shall be computed 23291  
in accordance with this section. A district's tuition charge for a 23292  
school year shall be one of the following: 23293

(A) For any child, except a handicapped preschool child 23294  
described in division (B) of this section, the quotient obtained 23295  
by dividing the sum of the amounts described in divisions (A)(1) 23296  
and (2) of this section by the district's formula ADM. 23297

(1) The district's total taxes charged and payable for 23298  
current expenses for the tax year preceding the tax year in which 23299  
the school year begins as certified under division (A)(3) of 23300  
section 3317.021 of the Revised Code. 23301

(2) The district's total taxes collected for current expenses 23302  
under a school district income tax adopted pursuant to section 23303  
5748.03 or 5748.08 of the Revised Code that are disbursed to the 23304  
district during the fiscal year. On or before the first day of 23305  
June of each year, the tax commissioner shall certify the amount 23306  
to be used in the calculation under this division for the next 23307  
fiscal year to the department of education and the office of 23308  
budget and management for each city, local, and exempted village 23309  
school district that levies a school district income tax. 23310

(B) For any handicapped preschool child not included in a 23311  
unit approved under division (B) of section 3317.05 of the Revised 23312  
Code, an amount computed for the school year as follows: 23313

(1) For each type of special education service provided to 23314  
the child for whom tuition is being calculated, determine the 23315  
amount of the district's operating expenses in providing that type 23316

of service to all handicapped preschool children not included in 23317  
units approved under division (B) of section 3317.05 of the 23318  
Revised Code; 23319

(2) For each type of special education service for which 23320  
operating expenses are determined under division (B)(1) of this 23321  
section, determine the amount of such operating expenses that was 23322  
paid from any state funds received under this chapter; 23323

(3) For each type of special education service for which 23324  
operating expenses are determined under division (B)(1) of this 23325  
section, divide the difference between the amount determined under 23326  
division (B)(1) of this section and the amount determined under 23327  
division (B)(2) of this section by the total number of handicapped 23328  
preschool children not included in units approved under division 23329  
(B) of section 3317.05 of the Revised Code who received that type 23330  
of service; 23331

(4) Determine the sum of the quotients obtained under 23332  
division (B)(3) of this section for all types of special education 23333  
services provided to the child for whom tuition is being 23334  
calculated. 23335

The state board of education shall adopt rules defining the 23336  
types of special education services and specifying the operating 23337  
expenses to be used in the computation under this section. 23338

If any child for whom a tuition charge is computed under this 23339  
section for any school year is enrolled in a district for only 23340  
part of that school year, the amount of the district's tuition 23341  
charge for the child for the school year shall be computed in 23342  
proportion to the number of school days the child is enrolled in 23343  
the district during the school year. 23344

Except as otherwise provided in division (J) of section 23345  
3313.64 of the Revised Code, whenever a district admits a child to 23346  
its schools for whom tuition computed in accordance with this 23347

section is an obligation of another school district, the amount of 23348  
the tuition shall be certified by the treasurer of the board of 23349  
education of the district of attendance, to the board of education 23350  
of the district required to pay tuition for its approval and 23351  
payment. If agreement as to the amount payable or the district 23352  
required to pay the tuition cannot be reached, or the board of 23353  
education of the district required to pay the tuition refuses to 23354  
pay that amount, the board of education of the district of 23355  
attendance shall notify the superintendent of public instruction. 23356  
The superintendent shall determine the correct amount and the 23357  
district required to pay the tuition and shall deduct that amount, 23358  
if any, under division (G) of section 3317.023 of the Revised 23359  
Code, from the district required to pay the tuition and add that 23360  
amount to the amount allocated to the district attended under such 23361  
division. The superintendent of public instruction shall send to 23362  
the district required to pay the tuition an itemized statement 23363  
showing such deductions at the time of such deduction. 23364

When a political subdivision owns and operates an airport, 23365  
welfare, or correctional institution or other project or facility 23366  
outside its corporate limits, the territory within which the 23367  
facility is located is exempt from taxation by the school district 23368  
within which such territory is located, and there are school age 23369  
children residing within such territory, the political subdivision 23370  
owning such tax exempt territory shall pay tuition to the district 23371  
in which such children attend school. The tuition for these 23372  
children shall be computed as provided for in this section. 23373

**Sec. 3317.16.** (A) As used in this section: 23374

(1) "State share percentage" means the percentage calculated 23375  
for a joint vocational school district as follows: 23376

(a) Calculate the state base cost funding amount for the 23377  
district under division (B) of this section. If the district would 23378



not receive any base cost funding for that year under that 23379  
division, the district's state share percentage is zero. 23380

(b) If the district would receive base cost funding under 23381  
that division, divide that base cost amount by an amount equal to 23382  
the following: 23383

~~cost of doing business factor X~~ 23384

the formula amount X 23385

formula ADM 23386

The resultant number is the district's state share 23387  
percentage. 23388

(2) The "total special education weight" for a joint 23389  
vocational school district shall be calculated in the same manner 23390  
as prescribed in division (B)(1) of section 3317.022 of the 23391  
Revised Code. 23392

(3) The "total vocational education weight" for a joint 23393  
vocational school district shall be calculated in the same manner 23394  
as prescribed in division (B)(4) of section 3317.022 of the 23395  
Revised Code. 23396

(4) The "total recognized valuation" of a joint vocational 23397  
school district shall be determined by adding the recognized 23398  
valuations of all its constituent school districts for the 23399  
applicable fiscal year. 23400

(5) "Resident district" means the city, local, or exempted 23401  
village school district in which a student is entitled to attend 23402  
school under section 3313.64 or 3313.65 of the Revised Code. 23403

(6) "Community school" means a community school established 23404  
under Chapter 3314. of the Revised Code. 23405

(B) The department of education shall compute and distribute 23406  
state base cost funding to each joint vocational school district 23407  
for the fiscal year in accordance with ~~division (B) of this~~ 23408

<del>section.</del>	23409
<del>(1) Compute the following for each eligible district <u>formula</u>:</del>	23410
<del>(cost of doing business factor X</del>	23411
<del>formula amount X</del>	23412
<del>formula ADM) -</del>	23413
<del>(.0005 X total recognized valuation)</del>	23414
<del>If the difference obtained under this division is a negative</del>	23415
<del>number, the district's computation shall be zero.</del>	23416
<del>(2) Compute both of the following for each district:</del>	23417
<del>(a) The difference of (i) the district's fiscal year 2005</del>	23418
<del>base cost payment under the version of division (B) of this</del>	23419
<del>section in effect in fiscal year 2005, minus (ii) the amount</del>	23420
<del>computed for the district for the current fiscal year under</del>	23421
<del>current division (B)(1) of this section;</del>	23422
<del>(b) The following amount:</del>	23423
<del>{(fiscal year 2005 base cost payment/fiscal year 2005 formula</del>	23424
<del>ADM) X current year formula ADM] minus the amount computed for</del>	23425
<del>the district under current division (B)(1) of this section</del>	23426
<del>If one of the amounts computed under division (B)(2)(a) or</del>	23427
<del>(b) of this section is a positive amount, the department shall pay</del>	23428
<del>the district that amount in addition to the amount calculated</del>	23429
<del>under division (B)(1) of this section. If both amounts are</del>	23430
<del>positive amounts, the department shall pay the district the lesser</del>	23431
<del>of the two amounts in addition to the amount calculated under</del>	23432
<del>division (B)(1) of this section.</del>	23433
<del>(C)(1) The department shall compute and distribute state</del>	23434
<del>vocational education additional weighted costs funds to each joint</del>	23435
<del>vocational school district in accordance with the following</del>	23436
<del>formula:</del>	23437
<del>state share percentage X formula amount X</del>	23438

total vocational education weight 23439

In each fiscal year, a joint vocational school district 23440  
receiving funds under division (C)(1) of this section shall spend 23441  
those funds only for the purposes the department designates as 23442  
approved for vocational education expenses. Vocational educational 23443  
expenses approved by the department shall include only expenses 23444  
connected to the delivery of career-technical programming to 23445  
career-technical students. The department shall require the joint 23446  
vocational school district to report data annually so that the 23447  
department may monitor the district's compliance with the 23448  
requirements regarding the manner in which funding received under 23449  
division (C)(1) of this section may be spent. 23450

(2) The department shall compute for each joint vocational 23451  
school district state funds for vocational education associated 23452  
services costs in accordance with the following formula: 23453

state share percentage X .05 X 23454  
the formula amount X the sum of 23455  
categories one and two vocational 23456  
education ADM 23457

In any fiscal year, a joint vocational school district 23458  
receiving funds under division (C)(2) of this section, or through 23459  
a transfer of funds pursuant to division (L) of section 3317.023 23460  
of the Revised Code, shall spend those funds only for the purposes 23461  
that the department designates as approved for vocational 23462  
education associated services expenses, which may include such 23463  
purposes as apprenticeship coordinators, coordinators for other 23464  
vocational education services, vocational evaluation, and other 23465  
purposes designated by the department. The department may deny 23466  
payment under division (C)(2) of this section to any district that 23467  
the department determines is not operating those services or is 23468  
using funds paid under division (C)(2) of this section, or through 23469  
a transfer of funds pursuant to division (L) of section 3317.023 23470

of the Revised Code, for other purposes. 23471

(D)(1) The department shall compute and distribute state 23472  
special education and related services additional weighted costs 23473  
funds to each joint vocational school district in accordance with 23474  
the following formula: 23475

state share percentage X formula amount X 23476

total special education weight 23477

(2)(a) As used in this division, the "personnel allowance" 23478  
means thirty thousand dollars in fiscal years ~~2002, 2003, 2004,~~ 23479  
~~2005, 2006, and 2007~~ 2008 and 2009. 23480

(b) For the provision of speech language pathology services 23481  
to students, including students who do not have individualized 23482  
education programs prepared for them under Chapter 3323. of the 23483  
Revised Code, and for no other purpose, the department shall pay 23484  
each joint vocational school district an amount calculated under 23485  
the following formula: 23486

(formula ADM divided by 2000) X the personnel 23487

allowance X state share percentage 23488

(3) In any fiscal year, a joint vocational school district 23489  
shall spend for purposes that the department designates as 23490  
approved for special education and related services expenses at 23491  
least the amount calculated as follows: 23492

~~(cost of doing business factor X formula amount~~ 23493

X the sum of categories one through 23494

six special education ADM) + 23495

(total special education weight X 23496

formula amount) 23497

The purposes approved by the department for special education 23498  
expenses shall include, but shall not be limited to, compliance 23499  
with state rules governing the education of handicapped children, 23500  
providing services identified in a student's individualized 23501

education program as defined in section 3323.01 of the Revised Code, provision of speech language pathology services, and the portion of the district's overall administrative and overhead costs that are attributable to the district's special education student population.

The department shall require joint vocational school districts to report data annually to allow for monitoring compliance with division (D)(3) of this section. The department shall annually report to the governor and the general assembly the amount of money spent by each joint vocational school district for special education and related services.

(4) In any fiscal year, a joint vocational school district shall spend for the provision of speech language pathology services not less than the sum of the amount calculated under division (D)(1) of this section for the students in the district's category one special education ADM and the amount calculated under division (D)(2) of this section.

(E)(1) If a joint vocational school district's costs for a fiscal year for a student in its categories two through six special education ADM exceed the threshold catastrophic cost for serving the student, as specified in division (C)(3)(b) of section 3317.022 of the Revised Code, the district may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all of its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the district an amount equal to the sum of the following:

(a) One-half of the district's costs for the student in excess of the threshold catastrophic cost;

(b) The product of one-half of the district's costs for the student in excess of the threshold catastrophic cost multiplied by

the district's state share percentage. 23533

(2) The district shall only report under division (E)(1) of 23534  
this section, and the department shall only pay for, the costs of 23535  
educational expenses and the related services provided to the 23536  
student in accordance with the student's individualized education 23537  
program. Any legal fees, court costs, or other costs associated 23538  
with any cause of action relating to the student may not be 23539  
included in the amount. 23540

(F) Each fiscal year, the department shall pay each joint 23541  
vocational school district an amount for adult technical and 23542  
vocational education and specialized consultants. 23543

(G)(1) A joint vocational school district's local share of 23544  
special education and related services additional weighted costs 23545  
equals: 23546

(1 - state share percentage) X 23547  
Total special education weight X 23548  
the formula amount 23549

(2) For each handicapped student receiving special education 23550  
and related services under an individualized education program, as 23551  
defined in section 3323.01 of the Revised Code, at a joint 23552  
vocational district, the resident district or, if the student is 23553  
enrolled in a community school, the community school shall be 23554  
responsible for the amount of any costs of providing those special 23555  
education and related services to that student that exceed the sum 23556  
of the amount calculated for those services attributable to that 23557  
student under divisions (B), (D), (E), and (G)(1) of this section. 23558

Those excess costs shall be calculated by subtracting the sum 23559  
of the following from the actual cost to provide special education 23560  
and related services to the student: 23561

(a) The ~~product of the~~ formula amount ~~times the~~ 23562  
~~cost of doing business factor;~~ 23563

(b) The product of the formula amount times the applicable multiple specified in section 3317.013 of the Revised Code;	23564 23565
(c) Any funds paid under division (E) of this section for the student;	23566 23567
(d) Any other funds received by the joint vocational school district under this chapter to provide special education and related services to the student, not including the amount calculated under division (G)(2) of this section.	23568 23569 23570 23571
(3) The board of education of the joint vocational school district may report the excess costs calculated under division (G)(2) of this section to the department of education.	23572 23573 23574
(4) If the board of education of the joint vocational school district reports excess costs under division (G)(3) of this section, the department shall pay the amount of excess cost calculated under division (G)(2) of this section to the joint vocational school district and shall deduct that amount as provided in division (G)(4)(a) or (b) of this section, as applicable:	23575 23576 23577 23578 23579 23580 23581
(a) If the student is not enrolled in a community school, the department shall deduct the amount from the account of the student's resident district pursuant to division (M) of section 3317.023 of the Revised Code.	23582 23583 23584 23585
(b) If the student is enrolled in a community school, the department shall deduct the amount from the account of the community school pursuant to section 3314.083 of the Revised Code.	23586 23587 23588
<u>Sec. 3317.161. If the department of education 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 joint vocational school district, the</u>	23589 23590 23591 23592 23593

department shall deduct the amount of that payment from the amount 23594  
calculated for the joint vocational school district under section 23595  
3317.16 of the Revised Code. 23596

**Sec. 3317.20.** This section does not apply to handicapped 23597  
preschool children. 23598

(A) As used in this section: 23599

(1) "Applicable weight" means the multiple specified in 23600  
section 3317.013 of the Revised Code for a handicap described in 23601  
that section. 23602

(2) "Child's school district" means the school district in 23603  
which a child is entitled to attend school pursuant to section 23604  
3313.64 or 3313.65 of the Revised Code. 23605

(3) "State share percentage" means the state share percentage 23606  
of the child's school district as defined in section 3317.022 of 23607  
the Revised Code. 23608

(B) Except as provided in division (C) of this section, the 23609  
department shall annually pay each county MR/DD board for each 23610  
handicapped child, other than a handicapped preschool child, for 23611  
whom the county MR/DD board provides special education and related 23612  
services ~~the greater of the amount calculated under division~~ 23613  
~~(B)(1) or (2) of this section;~~ 23614

~~(1) (The formula amount for fiscal year 2005 X the~~ 23615  
~~cost of doing business factor for the child's school district for~~ 23616  
~~fiscal year 2005) + (state share percentage for fiscal year 2005 X~~ 23617  
~~formula amount for fiscal year 2005 X the applicable weight);~~ 23618

~~(2) (The current an amount equal to the formula amount ~~times~~~~ 23619  
~~the current cost of doing business factor for the child's school~~ 23620  
~~district) + (state share percentage X ~~current~~ formula amount X the~~ 23621  
applicable weight). 23622

(C) If any school district places with a county MR/DD board 23623



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.

(D) The department shall calculate for each county MR/DD board receiving payments under divisions (B) and (C) of this section the following amounts:

(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;

(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.

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.

**Sec. 3317.201.** This section does not apply to handicapped preschool children.

(A) As used in this section, the "total special education weight" for an institution means the sum of the following amounts:

(1) The number of children reported by the institution under

division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 23654  
receiving services for a handicap described in division (A) of 23655  
section 3317.013 of the Revised Code multiplied by the multiple 23656  
specified in that division; 23657

(2) The number of children reported by the institution under 23658  
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 23659  
receiving services for a handicap described in division (B) of 23660  
section 3317.013 of the Revised Code multiplied by the multiple 23661  
specified in that division; 23662

(3) The number of children reported by the institution under 23663  
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 23664  
receiving services for a handicap described in division (C) of 23665  
section 3317.013 of the Revised Code multiplied by the multiple 23666  
specified in that division; 23667

(4) The number of children reported by the institution under 23668  
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 23669  
receiving services for a handicap described in division (D) of 23670  
section 3317.013 of the Revised Code multiplied by the multiple 23671  
specified in that division; 23672

(5) The number of children reported by the institution under 23673  
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 23674  
receiving services for a handicap described in division (E) of 23675  
section 3317.013 of the Revised Code multiplied by the multiple 23676  
specified in that division; 23677

(6) The number of children reported by the institution under 23678  
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 23679  
receiving services for a handicap described in division (F) of 23680  
section 3317.013 of the Revised Code multiplied by the multiple 23681  
specified in that division. 23682

(B) ~~The~~ For each fiscal year, the department of education 23683  
~~annually~~ shall pay each state institution required to provide 23684

special education services under division (A) of section 3323.091 23685  
of the Revised Code an amount equal to the greater of: 23686

(1) The formula amount times the institution's total special 23687  
education weight; 23688

(2) The aggregate amount of special education and related 23689  
services unit funding the institution received for all handicapped 23690  
children other than handicapped preschool children in fiscal year 23691  
2005 under sections 3317.052 and 3317.053 of the Revised Code, as 23692  
those sections existed prior to ~~the effective date of this section~~ 23693  
June 30, 2005. 23694

**Sec. 3318.12.** (A) The Ohio school facilities commission shall 23695  
cause to be transferred to the school district's project 23696  
construction fund the necessary amounts from amounts appropriated 23697  
by the general assembly and set aside for such purpose, from time 23698  
to time as may be necessary to pay obligations chargeable to such 23699  
fund when due. All investment earnings of a school district's 23700  
project construction fund shall be credited to the fund. 23701

(B)(1) The treasurer of the school district board shall 23702  
disburse funds from the school district's project construction 23703  
fund, including investment earnings credited to the fund, only 23704  
upon the approval of the commission or the commission's designated 23705  
representative. The commission or the commission's designated 23706  
representative shall issue vouchers against such fund, in such 23707  
amounts, and at such times as required by the contracts for 23708  
construction of the project. 23709

(2) Notwithstanding anything to the contrary in division 23710  
(B)(1) of this section, the school district board may, by a duly 23711  
adopted resolution, choose to use all or part of the investment 23712  
earnings of the district's project construction fund that are 23713  
attributable to the district's contribution to the fund to pay the 23714  
cost of classroom facilities or portions or components of 23715

classroom facilities that are not included in the district's basic 23716  
project cost but that are related to the district's project. If 23717  
the district board adopts a resolution in favor of using those 23718  
investment earnings as authorized under division (B)(2) of this 23719  
section, the treasurer shall disburse the amount as designated and 23720  
directed by the board. However, if the district board chooses to 23721  
use any part of the investment earnings for classroom facilities 23722  
or portions or components of classroom facilities that are not 23723  
included in the basic project cost, as authorized under division 23724  
(B)(2) of this section, and, subsequently, the cost of the project 23725  
exceeds the amount in the project construction fund, the district 23726  
board shall restore to the project construction fund the full 23727  
amount of the investment earnings used under division (B)(2) of 23728  
this section before any additional state moneys shall be released 23729  
for the project. 23730

(C) After the project has been completed: 23731

(1) ~~Any~~ At the discretion of the school district board, any 23732  
investment earnings remaining in the project construction fund 23733  
that are attributable to the school district's contribution to the 23734  
fund shall be ~~transferred~~: 23735

(a) Retained in the project construction fund for future 23736  
projects; 23737

(b) Transferred to the district's maintenance fund required 23738  
by division (B) of section 3318.05 or section 3318.43 of the 23739  
Revised Code, and the money so transferred shall be used solely 23740  
for maintaining the classroom facilities included in the project; 23741

(c) Transferred to the district's permanent improvement fund. 23742

(2) Any investment earnings remaining in the project 23743  
construction fund that are attributable to the state's 23744  
contribution to the fund shall be transferred to the commission 23745  
for expenditure pursuant to sections 3318.01 to 3318.20 or 23746

sections 3318.40 to 3318.45 of the Revised Code. 23747

(3) Any other surplus remaining in the school district's 23748  
project construction fund after the project has been completed 23749  
shall be transferred to the commission and the school district 23750  
board in proportion to their respective contributions to the fund. 23751  
The commission shall use the money transferred to it under this 23752  
division for expenditure pursuant to sections 3318.01 to 3318.20 23753  
or sections 3318.40 to 3318.45 of the Revised Code. 23754

(D) Pursuant to appropriations of the general assembly, any 23755  
moneys transferred to the commission under division (C)(2) or (3) 23756  
of this section from a project construction fund for a project 23757  
under sections 3318.40 to 3318.45 of the Revised Code may be used 23758  
for future expenditures for projects under sections 3318.40 to 23759  
3318.45 of the Revised Code, notwithstanding the two per cent 23760  
annual limit specified in division (B) of section 3318.40 of the 23761  
Revised Code. 23762

**Sec. 3318.15.** There is hereby created the public school 23763  
building fund within the state treasury consisting of any moneys 23764  
transferred or appropriated to the fund by the general assembly, 23765  
moneys paid into or transferred in accordance with section 3318.47 23766  
of the Revised Code, and any grants, gifts, or contributions 23767  
received by the Ohio school facilities commission to be used for 23768  
the purposes of the fund. All investment earnings of the fund 23769  
shall be credited to the fund. 23770

Moneys transferred or appropriated to the fund by the general 23771  
assembly and moneys in the fund from grants, gifts, and 23772  
contributions shall be used for the purposes of Chapter 3318. of 23773  
the Revised Code as prescribed by the general assembly. 23774

**Sec. 3318.26.** (A) The provisions of this section apply only 23775  
to obligations issued by the issuing authority prior to December 23776

1, 1999. 23777

(B) Subject to the limitations provided in section 3318.29 of 23778  
the Revised Code, the issuing authority, upon the certification by 23779  
the Ohio school facilities commission to the issuing authority of 23780  
the amount of moneys or additional moneys needed in the school 23781  
building program assistance fund for the purposes of sections 23782  
3318.01 to 3318.20 and sections 3318.40 to 3318.45 of the Revised 23783  
Code, or needed for capitalized interest, for funding reserves, 23784  
and for paying costs and expenses incurred in connection with the 23785  
issuance, carrying, securing, paying, redeeming, or retirement of 23786  
the obligations or any obligations refunded thereby, including 23787  
payment of costs and expenses relating to letters of credit, lines 23788  
of credit, insurance, put agreements, standby purchase agreements, 23789  
indexing, marketing, remarketing and administrative arrangements, 23790  
interest swap or hedging agreements, and any other credit 23791  
enhancement, liquidity, remarketing, renewal, or refunding 23792  
arrangements, all of which are authorized by this section, shall 23793  
issue obligations of the state under this section in the required 23794  
amount. The proceeds of such obligations, except for obligations 23795  
issued to provide moneys for the school building program 23796  
assistance fund shall be deposited by the treasurer of state in 23797  
special funds, including reserve funds, as provided in the bond 23798  
proceedings. The issuing authority may appoint trustees, paying 23799  
agents, and transfer agents and may retain the services of 23800  
financial advisors and accounting experts and retain or contract 23801  
for the services of marketing, remarketing, indexing, and 23802  
administrative agents, other consultants, and independent 23803  
contractors, including printing services, as are necessary in the 23804  
issuing authority's judgment to carry out this section. The costs 23805  
of such services are payable from the school building program 23806  
assistance fund or any special fund determined by the issuing 23807  
authority. 23808

(C) The holders or owners of such obligations shall have no 23809  
right to have moneys raised by taxation obligated or pledged, and 23810  
moneys raised by taxation shall not be obligated or pledged, for 23811  
the payment of bond service charges. Such holders or owners shall 23812  
have no rights to payment of bond service charges from any money 23813  
or property received by the commission, treasurer of state, or the 23814  
state, or from any other use of the proceeds of the sale of the 23815  
obligations, and no such moneys may be used for the payment of 23816  
bond service charges, except for accrued interest, capitalized 23817  
interest, and reserves funded from proceeds received upon the sale 23818  
of the obligations and except as otherwise expressly provided in 23819  
the applicable bond proceedings pursuant to written directions by 23820  
the treasurer of state. The right of such holders and owners to 23821  
payment of bond service charges shall be limited to all or that 23822  
portion of the pledged receipts and those special funds pledged 23823  
thereto pursuant to the bond proceedings in accordance with this 23824  
section, and each such obligation shall bear on its face a 23825  
statement to that effect. 23826

(D) Obligations shall be authorized by resolution or order of 23827  
the issuing authority and the bond proceedings shall provide for 23828  
the purpose thereof and the principal amount or amounts, and shall 23829  
provide for or authorize the manner or agency for determining the 23830  
principal maturity or maturities, not exceeding the limits 23831  
specified in section 3318.29 of the Revised Code, the interest 23832  
rate or rates or the maximum interest rate, the date of the 23833  
obligations and the dates of payment of interest thereon, their 23834  
denomination, and the establishment within or without the state of 23835  
a place or places of payment of bond service charges. Sections 23836  
9.98 to 9.983 of the Revised Code are applicable to obligations 23837  
issued under this section, subject to any applicable limitation 23838  
under section 3318.29 of the Revised Code. The purpose of such 23839  
obligations may be stated in the bond proceedings in terms 23840  
describing the general purpose or purposes to be served. The bond 23841

proceedings shall also provide, subject to the provisions of any 23842  
other applicable bond proceedings, for the pledge of all, or such 23843  
part as the issuing authority may determine, of the pledged 23844  
receipts and the applicable special fund or funds to the payment 23845  
of bond service charges, which pledges may be made either prior or 23846  
subordinate to other expenses, claims, or payments, and may be 23847  
made to secure the obligations on a parity with obligations 23848  
theretofore or thereafter issued, if and to the extent provided in 23849  
the bond proceedings. The pledged receipts and special funds so 23850  
pledged and thereafter received by the state are immediately 23851  
subject to the lien of such pledge without any physical delivery 23852  
thereof or further act, and the lien of any such pledges is valid 23853  
and binding against all parties having claims of any kind against 23854  
the state or any governmental agency of the state, irrespective of 23855  
whether such parties have notice thereof, and shall create a 23856  
perfected security interest for all purposes of Chapter 1309. of 23857  
the Revised Code, without the necessity for separation or delivery 23858  
of funds or for the filing or recording of the bond proceedings by 23859  
which such pledge is created or any certificate, statement or 23860  
other document with respect thereto; and the pledge of such 23861  
pledged receipts and special funds is effective and the money 23862  
therefrom and thereof may be applied to the purposes for which 23863  
pledged without necessity for any act of appropriation, except as 23864  
required by section 3770.06 of the Revised Code. Every pledge, and 23865  
every covenant and agreement made with respect thereto, made in 23866  
the bond proceedings may therein be extended to the benefit of the 23867  
owners and holders of obligations authorized by this section, and 23868  
to any trustee therefor, for the further security of the payment 23869  
of the bond service charges. 23870

(E) The bond proceedings may contain additional provisions as 23871  
to: 23872

(1) The redemption of obligations prior to maturity at the 23873



option of the issuing authority at such price or prices and under	23874
such terms and conditions as are provided in the bond proceedings;	23875
(2) Other terms of the obligations;	23876
(3) Limitations on the issuance of additional obligations;	23877
(4) The terms of any trust agreement or indenture securing	23878
the obligations or under which the same may be issued;	23879
(5) The deposit, investment and application of special funds,	23880
and the safeguarding of moneys on hand or on deposit, without	23881
regard to Chapter 131., 133., or 135. of the Revised Code, but	23882
subject to any special provisions of sections 3318.21 to 3318.29	23883
of the Revised Code, with respect to particular funds or moneys,	23884
provided that any bank or trust company that acts as depository of	23885
any moneys in the special funds may furnish such indemnifying	23886
bonds or may pledge such securities as required by the issuing	23887
authority;	23888
(6) Any or every provision of the bond proceedings being	23889
binding upon such officer, board, commission, authority, agency,	23890
department, or other person or body as may from time to time have	23891
the authority under law to take such actions as may be necessary	23892
to perform all or any part of the duty required by such provision;	23893
(7) Any provision that may be made in a trust agreement or	23894
indenture;	23895
(8) The lease or sublease of any interest of the school	23896
district or the state in one or more projects as defined in	23897
division (C) of section 3318.01 of the Revised Code, or in one or	23898
more permanent improvements, to or from the issuing authority, as	23899
provided in one or more lease or sublease agreements between the	23900
school or the state and the issuing authority;	23901
(9) Any other or additional agreements with the holders of	23902
the obligations, or the trustee therefor, relating to the	23903

obligations or the security therefor. 23904

(F) The obligations may have the great seal of the state or a 23905  
facsimile thereof affixed thereto or printed thereon. The 23906  
obligations and any coupons pertaining to obligations shall be 23907  
signed or bear the facsimile signature of the issuing authority. 23908  
Any obligations or coupons may be executed by the person who, on 23909  
the date of execution, is the proper issuing authority although on 23910  
the date of such bonds or coupons such person was not the issuing 23911  
authority. In case the issuing authority whose signature or a 23912  
facsimile of whose signature appears on any such obligation or 23913  
coupon ceases to be the issuing authority before delivery thereof, 23914  
such signature or facsimile is nevertheless valid and sufficient 23915  
for all purposes as if the issuing authority had remained the 23916  
issuing authority until such delivery; and in case the seal to be 23917  
affixed to obligations has been changed after a facsimile of the 23918  
seal has been imprinted on such obligations, such facsimile seal 23919  
shall continue to be sufficient as to such obligations and 23920  
obligations issued in substitution or exchange therefor. 23921

(G) All obligations are negotiable instruments and securities 23922  
under Chapter 1308. of the Revised Code, subject to the provisions 23923  
of the bond proceedings as to registration. The obligations may be 23924  
issued in coupon or in registered form, or both, as the issuing 23925  
authority determines. Provision may be made for the registration 23926  
of any obligations with coupons attached thereto as to principal 23927  
alone or as to both principal and interest, their exchange for 23928  
obligations so registered, and for the conversion or reconversion 23929  
into obligations with coupons attached thereto of any obligations 23930  
registered as to both principal and interest, and for reasonable 23931  
charges for such registration, exchange, conversion, and 23932  
reconversion. 23933

(H) Obligations may be sold at public sale or at private 23934  
sale, as determined in the bond proceedings. 23935

(I) Pending preparation of definitive obligations, the 23936  
issuing authority may issue interim receipts or certificates which 23937  
shall be exchanged for such definitive obligations. 23938

(J) In the discretion of the issuing authority, obligations 23939  
may be secured additionally by a trust agreement or indenture 23940  
between the issuing authority and a corporate trustee which may be 23941  
any trust company or bank having ~~its principal~~ a place of business 23942  
within the state. Any such agreement or indenture may contain the 23943  
resolution or order authorizing the issuance of the obligations, 23944  
any provisions that may be contained in any bond proceedings, and 23945  
other provisions that are customary or appropriate in an agreement 23946  
or indenture of such type, including, but not limited to: 23947

(1) Maintenance of each pledge, trust agreement, indenture, 23948  
or other instrument comprising part of the bond proceedings until 23949  
the state has fully paid the bond service charges on the 23950  
obligations secured thereby, or provision therefor has been made; 23951

(2) In the event of default in any payments required to be 23952  
made by the bond proceedings, or any other agreement of the 23953  
issuing authority made as a part of the contract under which the 23954  
obligations were issued, enforcement of such payments or agreement 23955  
by mandamus, the appointment of a receiver, suit in equity, action 23956  
at law, or any combination of the foregoing; 23957

(3) The rights and remedies of the holders of obligations and 23958  
of the trustee, and provisions for protecting and enforcing them, 23959  
including limitations on rights of individual holders of 23960  
obligations; 23961

(4) The replacement of any obligations that become mutilated 23962  
or are destroyed, lost, or stolen; 23963

(5) Such other provisions as the trustee and the issuing 23964  
authority agree upon, including limitations, conditions, or 23965  
qualifications relating to any of the foregoing. 23966

(K) Any holder of obligations or a trustee under the bond 23967  
proceedings, except to the extent that the holder's or trustee's 23968  
rights are restricted by the bond proceedings, may by any suitable 23969  
form of legal proceedings, protect and enforce any rights under 23970  
the laws of this state or granted by such bond proceedings. Such 23971  
rights include the right to compel the performance of all duties 23972  
of the issuing authority, the commission, or the director of 23973  
budget and management required by sections 3318.21 to 3318.29 of 23974  
the Revised Code or the bond proceedings; to enjoin unlawful 23975  
activities; and in the event of default with respect to the 23976  
payment of any bond service charges on any obligations or in the 23977  
performance of any covenant or agreement on the part of the 23978  
issuing authority, the commission, or the director of budget and 23979  
management in the bond proceedings, to apply to a court having 23980  
jurisdiction of the cause to appoint a receiver to receive and 23981  
administer the pledged receipts and special funds, other than 23982  
those in the custody of the treasurer of state or the commission, 23983  
which are pledged to the payment of the bond service charges on 23984  
such obligations or which are the subject of the covenant or 23985  
agreement, with full power to pay, and to provide for payment of 23986  
bond service charges on, such obligations, and with such powers, 23987  
subject to the direction of the court, as are accorded receivers 23988  
in general equity cases, excluding any power to pledge additional 23989  
revenues or receipts or other income or moneys of the issuing 23990  
authority or the state or governmental agencies of the state to 23991  
the payment of such principal and interest and excluding the power 23992  
to take possession of, mortgage, or cause the sale or otherwise 23993  
dispose of any permanent improvement. 23994

Each duty of the issuing authority and the issuing 23995  
authority's officers and employees, and of each governmental 23996  
agency and its officers, members, or employees, undertaken 23997  
pursuant to the bond proceedings or any agreement or loan made 23998  
under authority of sections 3318.21 to 3318.29 of the Revised 23999

Code, and in every agreement by or with the issuing authority, is 24000  
hereby established as a duty of the issuing authority, and of each 24001  
such officer, member, or employee having authority to perform such 24002  
duty, specifically enjoined by the law resulting from an office, 24003  
trust, or station within the meaning of section 2731.01 of the 24004  
Revised Code. 24005

The person who is at the time the issuing authority, or the 24006  
issuing authority's officers or employees, are not liable in their 24007  
personal capacities on any obligations issued by the issuing 24008  
authority or any agreements of or with the issuing authority. 24009

(L) Obligations issued under this section are lawful 24010  
investments for banks, societies for savings, savings and loan 24011  
associations, deposit guarantee associations, trust companies, 24012  
trustees, fiduciaries, insurance companies, including domestic for 24013  
life and domestic not for life, trustees or other officers having 24014  
charge of sinking and bond retirement or other special funds of 24015  
political subdivisions and taxing districts of this state, the 24016  
commissioners of the sinking fund of the state, the administrator 24017  
of workers' compensation, the state teachers retirement system, 24018  
the public employees retirement system, the school employees 24019  
retirement system, and the Ohio police and fire pension fund, 24020  
notwithstanding any other provisions of the Revised Code or rules 24021  
adopted pursuant thereto by any governmental agency of the state 24022  
with respect to investments by them, and also are acceptable as 24023  
security for the deposit of public moneys. 24024

(M) Unless otherwise provided in any applicable bond 24025  
proceedings, moneys to the credit of or in the special funds 24026  
established by or pursuant to this section may be invested by or 24027  
on behalf of the issuing authority only in notes, bonds, or other 24028  
obligations of the United States, or of any agency or 24029  
instrumentality of the United States, obligations guaranteed as to 24030  
principal and interest by the United States, obligations of this 24031

state or any political subdivision of this state, and certificates 24032  
of deposit of any national bank located in this state and any 24033  
bank, as defined in section 1101.01 of the Revised Code, subject 24034  
to inspection by the superintendent of financial institutions. If 24035  
the law or the instrument creating a trust pursuant to division 24036  
(J) of this section expressly permits investment in direct 24037  
obligations of the United States or an agency of the United 24038  
States, unless expressly prohibited by the instrument, such moneys 24039  
also may be invested in no front end load money market mutual 24040  
funds consisting exclusively of obligations of the United States 24041  
or an agency of the United States and in repurchase agreements, 24042  
including those issued by the fiduciary itself, secured by 24043  
obligations of the United States or an agency of the United 24044  
States; and in collective investment funds established in 24045  
accordance with section 1111.14 of the Revised Code and consisting 24046  
exclusively of any such securities, notwithstanding division 24047  
(B)(1)(c) of that section. The income from such investments shall 24048  
be credited to such funds as the issuing authority determines, and 24049  
such investments may be sold at such times as the issuing 24050  
authority determines or authorizes. 24051

(N) Provision may be made in the applicable bond proceedings 24052  
for the establishment of separate accounts in the bond service 24053  
fund and for the application of such accounts only to the 24054  
specified bond service charges on obligations pertinent to such 24055  
accounts and bond service fund and for other accounts therein 24056  
within the general purposes of such fund. Unless otherwise 24057  
provided in any applicable bond proceedings, moneys to the credit 24058  
of or in the several special funds established pursuant to this 24059  
section shall be disbursed on the order of the treasurer of state, 24060  
provided that no such order is required for the payment from the 24061  
bond service fund when due of bond service charges on obligations. 24062

(O) The issuing authority may pledge all, or such portion as 24063

the issuing authority determines, of the pledged receipts to the 24064  
payment of bond service charges on obligations issued under this 24065  
section, and for the establishment and maintenance of any 24066  
reserves, as provided in the bond proceedings, and make other 24067  
provisions therein with respect to pledged receipts as authorized 24068  
by this chapter, which provisions shall be controlling 24069  
notwithstanding any other provisions of law pertaining thereto. 24070

(P) The issuing authority may covenant in the bond 24071  
proceedings, and any such covenants shall be controlling 24072  
notwithstanding any other provision of law, that the state and 24073  
applicable officers and governmental agencies of the state, 24074  
including the general assembly, so long as any obligations are 24075  
outstanding, shall: 24076

(1) Maintain statutory authority for and cause to be operated 24077  
the state lottery, including the transfers to and from the lottery 24078  
profits education fund created in section 3770.06 of the Revised 24079  
Code so that the pledged receipts shall be sufficient in amount to 24080  
meet bond service charges, and the establishment and maintenance 24081  
of any reserves and other requirements provided for in the bond 24082  
proceedings; 24083

(2) Take or permit no action, by statute or otherwise, that 24084  
would impair the exclusion from gross income for federal income 24085  
tax purposes of the interest on any obligations designated by the 24086  
bond proceeding as tax-exempt obligations. 24087

(Q) There is hereby created the school building program bond 24088  
service fund, which shall be in the custody of the treasurer of 24089  
state but shall be separate and apart from and not a part of the 24090  
state treasury. All moneys received by or on account of the 24091  
issuing authority or state agencies and required by the applicable 24092  
bond proceedings, consistent with this section, to be deposited, 24093  
transferred, or credited to the school building program bond 24094  
service fund, and all other moneys transferred or allocated to or 24095

received for the purposes of the fund, shall be deposited and 24096  
credited to such fund and to any separate accounts therein, 24097  
subject to applicable provisions of the bond proceedings, but 24098  
without necessity for any act of appropriation, except as required 24099  
by section 3770.06 of the Revised Code. During the period 24100  
beginning with the date of the first issuance of obligations and 24101  
continuing during such time as any such obligations are 24102  
outstanding, and so long as moneys in the school building program 24103  
bond service fund are insufficient to pay all bond service charges 24104  
on such obligations becoming due in each year, a sufficient amount 24105  
of the moneys from the lottery profits education fund included in 24106  
pledged receipts, subject to appropriation for such purpose as 24107  
provided in section 3770.06 of the Revised Code, are committed and 24108  
shall be paid to the school building program bond service fund in 24109  
each year for the purpose of paying the bond service charges 24110  
becoming due in that year. The school building program bond 24111  
service fund is a trust fund and is hereby pledged to the payment 24112  
of bond service charges solely on obligations issued to provide 24113  
moneys for the school building program assistance fund to the 24114  
extent provided in the applicable bond proceedings, and payment 24115  
thereof from such fund shall be made or provided for by the 24116  
treasurer of state in accordance with such bond proceedings 24117  
without necessity for any act of appropriation except as required 24118  
by section 3770.06 of the Revised Code. 24119

(R) The obligations, the transfer thereof, and the income 24120  
therefrom, including any profit made on the sale thereof, at all 24121  
times shall be free from taxation within the state. 24122

Sec. 3318.47. (A) On the effective date of this section, the 24123  
director of budget and management shall transfer any amount on 24124  
hand in the fund established under former section 3318.47 of the 24125  
Revised Code, as that section existed prior to the effective date 24126  
of this section, into the fund established under section 3318.15 24127



of the Revised Code. 24128

(B) On or after the effective date of this section, any 24129  
amounts received from school districts in repayment of loans made 24130  
under former sections 3318.47 to 3318.49, as those sections 24131  
existed prior to the effective date of this section, shall be 24132  
deposited into the fund established under section 3318.15 of the 24133  
Revised Code. 24134

**Sec. 3319.55.** (A) A grant program is hereby established to 24135  
recognize and reward teachers in public and chartered nonpublic 24136  
schools who hold valid teaching certificates or licenses issued by 24137  
the national board for professional teaching standards. The 24138  
superintendent of public instruction shall administer this program 24139  
in accordance with this section and rules which the state board of 24140  
education shall adopt in accordance with Chapter 119. of the 24141  
Revised Code. 24142

In each fiscal year that the general assembly appropriates 24143  
funds for purposes of this section, the superintendent of public 24144  
instruction shall award a grant to each person who, by the first 24145  
day of April of that year and in accordance with the rules adopted 24146  
under this section, submits to the superintendent evidence 24147  
indicating ~~all~~ both of the following: 24148

(1) The person holds a valid certificate or license issued by 24149  
the national board for professional teaching standards; 24150

(2) The person has been employed full-time as a teacher by 24151  
the board of education of a school district or by a chartered 24152  
nonpublic school in this state during the current school year; 24153

~~(3) The date the person was accepted into the national board~~ 24154  
~~certification or licensure program.~~ 24155

An individual may receive a grant under this section in each 24156  
fiscal year the person is eligible for a grant and submits 24157

evidence of that eligibility in accordance with this section. No 24158  
person may receive a grant after the expiration of the person's 24159  
initial certification or license issued by the national board. 24160

(B) The amount of the grant awarded to each eligible person 24161  
under division (A) of this section in any fiscal year shall equal 24162  
~~the following:~~ 24163

~~(1) Two two thousand five hundred dollars for any teacher 24164  
accepted as a candidate for certification or licensure by the 24165  
national board on or before May 31, 2003, and issued a certificate 24166  
or license by the national board on or before December 31, 2004;~~ 24167

~~(2) One thousand dollars for any other teacher issued a 24168  
certificate or license by the national board.~~ 24169

~~However.~~ However, if the funds appropriated for purposes of 24170  
this section in any fiscal year are not sufficient to award the 24171  
full grant amount to each person who is eligible in that fiscal 24172  
year, the superintendent shall prorate the amount of the grant 24173  
awarded in that fiscal year to each eligible person. 24174

**Sec. 3323.01.** As used in this chapter and Chapter 3321. of 24175  
the Revised Code: 24176

(A) "Handicapped child" means a person under twenty-two years 24177  
of age who is developmentally handicapped, hearing handicapped, 24178  
speech handicapped, visually disabled, severe behavior 24179  
handicapped, orthopedically handicapped, multihandicapped, other 24180  
health handicapped, specific learning disabled, autistic, or 24181  
traumatic brain injured, and by reason thereof requires special 24182  
education. 24183

(B) "Special education program" means the required related 24184  
services and instruction specifically designed to meet the unique 24185  
needs of a handicapped child, including classroom instruction, 24186  
home instruction, and instruction in hospitals and institutions 24187

and in other settings. 24188

(C) "Related services" means transportation, and such 24189  
developmental, corrective, and other supportive services as may be 24190  
required to assist a handicapped child to benefit from special 24191  
education, including the early identification and assessment of 24192  
handicapped conditions in children, speech pathology and 24193  
audiology, psychological services, occupational and physical 24194  
therapy, physical education, recreation, counseling services 24195  
including rehabilitative counseling, and medical services, except 24196  
that such medical services shall be for diagnostic and evaluation 24197  
purposes only. 24198

(D) "Appropriate public education" means special education 24199  
and related services that: 24200

(1) Are provided at public expense and under public 24201  
supervision; 24202

(2) Meet the standards of the state board of education; 24203

(3) Include an appropriate preschool, elementary, or 24204  
secondary education; 24205

(4) Are provided in conformity with the individualized 24206  
education program required under this chapter. 24207

(E) "Individualized education program" means a written 24208  
statement for each handicapped child designed to meet the unique 24209  
needs of a handicapped child, which statement shall include: 24210

(1) A statement of the present levels of educational 24211  
performance of such child; 24212

(2) A statement of annual goals, including short-term 24213  
instructional objectives; 24214

(3) A statement of the specific educational services to be 24215  
provided to such child, and the extent to which such child will be 24216  
able to participate in regular educational programs; 24217

(4) A statement of the transition services needed for such	24218
child beginning no later than age sixteen and annually thereafter	24219
(and, when determined appropriate for such child, beginning at age	24220
fourteen or younger), including, when appropriate, a statement of	24221
the interagency responsibilities and linkages before the student	24222
leaves the school setting;	24223
(5) The projected date for initiation and anticipated	24224
duration of such services;	24225
(6) Appropriate objective criteria and evaluation procedures	24226
and schedules for determining, on at least an annual basis,	24227
whether instructional objectives are being achieved, and whether	24228
current placement is appropriate.	24229
(F) "Other educational agency" means a department, division,	24230
bureau, office, institution, board, commission, committee,	24231
authority, or other state or local agency, other than a school	24232
district or an agency administered by the department of mental	24233
retardation and developmental disabilities, that provides or seeks	24234
to provide special education or related services to handicapped	24235
children.	24236
(G) "School district" means a city, local, or exempted	24237
village school district.	24238
(H) "Parents" means either parent. If the parents are	24239
separated or divorced, "parent" means the parent who is the	24240
residential parent and legal custodian of the handicapped child.	24241
Except as used in division (I) of this section and in sections	24242
3323.09 and 3323.141 of the Revised Code, "parents" includes a	24243
child's guardian or custodian. This definition does not apply to	24244
Chapter 3321. of the Revised Code.	24245
(I) As used in sections 3323.09, 3323.091, 3323.13, and	24246
3323.14 of the Revised Code, "school district of residence" means:	24247
(1) The school district in which the child's parents reside;	24248

(2) If the school district specified in division (I)(1) of this section cannot be determined, the last school district in which the child's parents are known to have resided if the parents' whereabouts are unknown;

(3) If the school district specified in division (I)(2) of this section cannot be determined, the school district determined ~~by the court~~ under section 2151.362 of the Revised Code, or if no district has been so determined, the school district as determined by the probate court of the county in which the child resides. The school district of residence that had been established under this section on December 12, 1983, shall remain the child's school district of residence unless a district of residence can be determined under division (I)(1) or (2) of this section.

(4) Notwithstanding divisions (I)(1) to (3) of this section, if a school district is required by section 3313.65 of the Revised Code to pay tuition for a child, that district shall be the child's school district of residence.

(J) "County MR/DD board" means a county board of mental retardation and developmental disabilities.

(K) "Handicapped preschool child" means a handicapped child who is at least three years of age but is not of compulsory school age, as defined under section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten.

(L) "Transition services" means a coordinated set of activities for a student, designed within an outcome-oriented process, that:

(1) Promotes movement from school to post-school activities, including post-secondary education; vocational training; integrated employment, including supported employment; continuing and adult education; adult services; independent living; and community participation;

(2) Is based upon the individual student's needs, including taking into account the student's preferences and interests;	24280 24281
(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.	24282 24283 24284 24285
(M) "Visual disability" for any individual means that one of the following applies to the individual:	24286 24287
(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.	24288 24289 24290 24291
(2) The individual has a medically indicated expectation of meeting the requirements of division (M)(1) of this section over a period of time.	24292 24293 24294
(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.	24295 24296 24297 24298 24299
(N) "Student with a visual disability" means any person under twenty-two years of age who has a visual disability.	24300 24301
(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.	24302 24303 24304
<u>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,</u>	24305 24306 24307 24308 24309

established in sections 3310.51 to 3310.63 of the Revised Code, 24310  
including the provisions of divisions (A) and (B) of section 24311  
3310.53 of the Revised Code. The department shall revise that 24312  
document as necessary to reflect any pertinent changes in state or 24313  
federal statutory law, rule, or regulation enacted or adopted 24314  
after the initial document is developed. The department and each 24315  
school district shall ensure that the document prescribed in this 24316  
section is included in, appended to, or otherwise distributed in 24317  
conjunction with the notice required under 20 U.S.C. 1415(d), and 24318  
any provision of the Code of Federal Regulations implementing that 24319  
requirement, in the manner and at all the times specified for such 24320  
notice in federal law or regulation. 24321

**Sec. 3323.11.** Teachers in education programs under this 24322  
chapter shall possess the usual qualifications required of ~~special~~ 24323  
~~education teachers~~ intervention specialists in the public schools. 24324

**Sec. 3327.05.** (A) Except as provided in division (B) of this 24325  
section, no board of education of any school district shall 24326  
provide transportation for any pupil who is a school resident of 24327  
another school district unless the pupil is enrolled pursuant to 24328  
section 3313.98 of the Revised Code or the board of the other 24329  
district has given its written consent thereto. If the board of 24330  
any school district files with the state board of education a 24331  
written complaint that transportation for resident pupils is being 24332  
provided by the board of another school district contrary to this 24333  
division, the state board of education shall make an investigation 24334  
of such complaint. If the state board of education finds that 24335  
transportation is being provided contrary to this section, it may 24336  
withdraw from state funds due the offending district any part of 24337  
the amount that has been approved for transportation pursuant to 24338  
division (D) of section 3317.022 of the Revised Code. 24339

(B) Notwithstanding division (D) of section 3311.19 and 24340

division (D) of section 3311.52 of the Revised Code, this division 24341  
does not apply to any joint vocational or cooperative education 24342  
school district. 24343

A board of education may provide transportation to and from 24344  
the nonpublic ~~high~~ school of attendance if both of the following 24345  
apply: 24346

(1) The parent, guardian, or other person in charge of the 24347  
pupil agrees to pay the board for all costs incurred in providing 24348  
the transportation that are not reimbursed pursuant to Chapter 24349  
3317. of the Revised Code; 24350

(2) The pupil's school district of residence does not provide 24351  
transportation for public school pupils of the same grade as the 24352  
pupil being transported under this division, or that district is 24353  
not required under section 3327.01 of the Revised Code to 24354  
transport the pupil to and from the nonpublic school because the 24355  
direct travel time to the nonpublic school is more than thirty 24356  
minutes. 24357

Upon receipt of the request to provide transportation, the 24358  
board shall review the request and determine whether the board 24359  
will accommodate the request. If the board agrees to transport the 24360  
pupil, the board may transport the pupil to and from the nonpublic 24361  
school and a collection point in the district, as determined by 24362  
the board. If the board transports the pupil, the board may 24363  
include the pupil in the district's transportation ADM reported to 24364  
the department of education under section 3317.03 of the Revised 24365  
Code and, accordingly, may receive a state payment under division 24366  
(D) of section 3317.022 of the Revised Code for transporting the 24367  
pupil. 24368

If the board declines to transport the pupil, the board, in a 24369  
written communication to the parent, guardian, or other person in 24370  
charge of the pupil, shall state the reasons for declining the 24371



request. 24372

Sec. 3327.17. The department of development shall establish a 24373  
biodiesel school bus program under which the director of 24374  
development shall make grants to school districts that use 24375  
biodiesel fuel for pupil transportation to help offset incremental 24376  
costs incurred by using biodiesel instead of one hundred per cent 24377  
petroleum diesel. 24378

As used in this section, "biodiesel" has the same meaning as 24379  
in section 122.075 of the Revised Code. 24380

Sec. 3333.04. The Ohio board of regents shall: 24381

(A) Make studies of state policy in the field of higher 24382  
education and formulate a master plan for higher education for the 24383  
state, considering the needs of the people, the needs of the 24384  
state, and the role of individual public and private institutions 24385  
within the state in fulfilling these needs; 24386

(B)(1) Report annually to the governor and the general 24387  
assembly on the findings from its studies and the master plan for 24388  
higher education for the state; 24389

(2) Report at least semiannually to the general assembly and 24390  
the governor the enrollment numbers at each state-assisted 24391  
institution of higher education. 24392

(C) Approve or disapprove the establishment of new branches 24393  
or academic centers of state colleges and universities; 24394

(D) Approve or disapprove the establishment of state 24395  
technical colleges or any other state institution of higher 24396  
education; 24397

(E) Recommend the nature of the programs, undergraduate, 24398  
graduate, professional, state-financed research, and public 24399  
services which should be offered by the state colleges, 24400

universities, and other state-assisted institutions of higher 24401  
education in order to utilize to the best advantage their 24402  
facilities and personnel; 24403

(F) Recommend to the state colleges, universities, and other 24404  
state-assisted institutions of higher education graduate or 24405  
professional programs, including, but not limited to, doctor of 24406  
philosophy, doctor of education, and juris doctor programs, that 24407  
could be eliminated because they constitute unnecessary 24408  
duplication, as shall be determined using the process developed 24409  
pursuant to this section, or for other good and sufficient cause. 24410  
For purposes of determining the amounts of any state instructional 24411  
subsidies paid to these colleges, universities, and institutions, 24412  
the board may exclude students enrolled in any program that the 24413  
board has recommended for elimination pursuant to this division 24414  
except that the board shall not exclude any such student who 24415  
enrolled in the program prior to the date on which the board 24416  
initially commences to exclude students under this division. The 24417  
board of regents and these colleges, universities, and 24418  
institutions shall jointly develop a process for determining which 24419  
existing graduate or professional programs constitute unnecessary 24420  
duplication. 24421

(G) Recommend to the state colleges, universities, and other 24422  
state-assisted institutions of higher education programs which 24423  
should be added to their present programs; 24424

(H) Conduct studies for the state colleges, universities, and 24425  
other state-assisted institutions of higher education to assist 24426  
them in making the best and most efficient use of their existing 24427  
facilities and personnel; 24428

(I) Make recommendations to the governor and general assembly 24429  
concerning the development of state-financed capital plans for 24430  
higher education; the establishment of new state colleges, 24431  
universities, and other state-assisted institutions of higher 24432

education; and the establishment of new programs at the existing 24433  
state colleges, universities, and other institutions of higher 24434  
education; 24435

(J) Review the appropriation requests of the public community 24436  
colleges and the state colleges and universities and submit to the 24437  
office of budget and management and to the chairpersons of the 24438  
finance committees of the house of representatives and of the 24439  
senate its recommendations in regard to the biennial higher 24440  
education appropriation for the state, including appropriations 24441  
for the individual state colleges and universities and public 24442  
community colleges. For the purpose of determining the amounts of 24443  
instructional subsidies to be paid to state-assisted colleges and 24444  
universities, the board shall define "full-time equivalent 24445  
student" by program per academic year. The definition may take 24446  
into account the establishment of minimum enrollment levels in 24447  
technical education programs below which support allowances will 24448  
not be paid. Except as otherwise provided in this section, the 24449  
board shall make no change in the definition of "full-time 24450  
equivalent student" in effect on November 15, 1981, which would 24451  
increase or decrease the number of subsidy-eligible full-time 24452  
equivalent students, without first submitting a fiscal impact 24453  
statement to the president of the senate, the speaker of the house 24454  
of representatives, the legislative service commission, and the 24455  
director of budget and management. The board shall work in close 24456  
cooperation with the director of budget and management in this 24457  
respect and in all other matters concerning the expenditures of 24458  
appropriated funds by state colleges, universities, and other 24459  
institutions of higher education. 24460

(K) Seek the cooperation and advice of the officers and 24461  
trustees of both public and private colleges, universities, and 24462  
other institutions of higher education in the state in performing 24463  
its duties and making its plans, studies, and recommendations; 24464

(L) Appoint advisory committees consisting of persons	24465
associated with public or private secondary schools, members of	24466
the state board of education, or personnel of the state department	24467
of education;	24468
(M) Appoint advisory committees consisting of college and	24469
university personnel, or other persons knowledgeable in the field	24470
of higher education, or both, in order to obtain their advice and	24471
assistance in defining and suggesting solutions for the problems	24472
and needs of higher education in this state;	24473
(N) Approve or disapprove all new degrees and new degree	24474
programs at all state colleges, universities, and other	24475
state-assisted institutions of higher education;	24476
(O) Adopt such rules as are necessary to carry out its duties	24477
and responsibilities;	24478
(P) Establish and submit to the governor and the general	24479
assembly a clear and measurable set of goals and timetables for	24480
their achievement for each program under the supervision of the	24481
board that is designed to accomplish any of the following:	24482
(1) Increased access to higher education;	24483
(2) Job training;	24484
(3) Adult literacy;	24485
(4) Research;	24486
(5) Excellence in higher education;	24487
(6) Reduction in the number of graduate programs within the	24488
same subject area.	24489
In July of each odd-numbered year, the board of regents shall	24490
submit to the governor and the general assembly a report on	24491
progress made toward these goals.	24492
(Q) Make recommendations to the governor and the general	24493

assembly regarding the design and funding of the student financial 24494  
aid programs specified in sections 3333.12, 3333.122, 3333.21 to 24495  
3333.27, and 5910.02 of the Revised Code; 24496

(R) Participate in education-related state or federal 24497  
programs on behalf of the state and assume responsibility for the 24498  
administration of such programs in accordance with applicable 24499  
state or federal law; 24500

(S) Adopt rules for student financial aid programs as 24501  
required by sections 3333.12, 3333.122, 3333.21 to 3333.27, 24502  
3333.28, ~~3333.29~~, and 5910.02 of the Revised Code, and perform any 24503  
other administrative functions assigned to the board by those 24504  
sections; 24505

(T) Administer contracts under sections 3702.74 and 3702.75 24506  
of the Revised Code in accordance with rules adopted by the 24507  
director of health under section 3702.79 of the Revised Code; 24508

(U) Conduct enrollment audits of state-supported institutions 24509  
of higher education; 24510

(V) Appoint consortiums of college and university personnel 24511  
to participate in the development and operation of statewide 24512  
collaborative efforts, including the Ohio supercomputer center, 24513  
the Ohio academic resources network, OhioLink, and the Ohio 24514  
learning network. For each consortium, the board shall designate a 24515  
college or university to serve as that consortium's fiscal agent, 24516  
financial officer, and employer. Any funds appropriated to the 24517  
board for consortiums shall be distributed to the fiscal agents 24518  
for the operation of the consortiums. A consortium shall follow 24519  
the rules of the college or university that serves as its fiscal 24520  
agent. 24521

**Sec. 3333.122.** (A) As used in this section: 24522

(1) "Eligible student" means a student who is: 24523

(a) An Ohio resident who first enrolls in an undergraduate program in the 2006-2007 academic year or thereafter;

(b) Enrolled If the student first enrolled in an undergraduate program in the 2006-2007 or 2007-2008 academic year, the student is enrolled in either of the following:

(i) An accredited institution of higher education in this state that meets the requirements of Title VI of the Civil Rights Act of 1964 and is state-assisted, is nonprofit and has a certificate of authorization from the Ohio board of regents pursuant to Chapter 1713. of the Revised Code, has a certificate of registration from the state board of career colleges and schools and program authorization to award an associate or bachelor's degree, or is a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code. Students who attend an institution that holds a certificate of registration shall be enrolled in a program leading to an associate or bachelor's degree for which associate or bachelor's degree program the institution has program authorization issued under section 3332.05 of the Revised Code.

(ii) A technical education program of at least two years duration sponsored by a private institution of higher education in this state that meets the requirements of Title VI of the Civil Rights Act of 1964.

(c) If the student first enrolled in an undergraduate program after the 2007-2008 academic year, the student is enrolled in either of the following:

(i) An accredited institution of higher education in this state that meets the requirements of Title VI of the Civil Rights Act of 1964 and is state-assisted, is nonprofit and has a certificate of authorization from the board of regents pursuant to

Chapter 1713. of the Revised Code, or is a private institution 24555  
exempt from regulation under Chapter 3332. of the Revised Code as 24556  
prescribed in section 3333.046 of the Revised Code; 24557

(ii) An education program of at least two years duration 24558  
sponsored by a private institution of higher education in this 24559  
state that meets the requirements of Title VI of the Civil Rights 24560  
Act of 1964 and has a certificate of authorization from the board 24561  
of regents pursuant to Chapter 1713. of the Revised Code. 24562

(2) A student who participated in either the early college 24563  
high school program administered by the department of education or 24564  
in the post-secondary enrollment options program pursuant to 24565  
Chapter 3365. of the Revised Code before the 2006-2007 academic 24566  
year shall not be excluded from eligibility for a ~~need-based~~ 24567  
needs-based financial aid grant under this section. 24568

(3) "Resident," "expected family contribution" or "EFC," 24569  
"full-time student," "three-quarters-time student," "half-time 24570  
student," "one-quarter-time student," and "accredited" shall be 24571  
defined by rules adopted by the board. 24572

(B) The Ohio board of regents shall establish and administer 24573  
a needs-based financial aid program based on the United States 24574  
department of education's method of determining financial need and 24575  
may adopt rules to carry out this section. The program shall be 24576  
known as the Ohio college opportunity grant program. The general 24577  
assembly shall support the needs-based financial aid program by 24578  
such sums and in such manner as it may provide, but the board may 24579  
also receive funds from other sources to support the program. If 24580  
the amounts available for support of the program are inadequate to 24581  
provide grants to all eligible students, preference in the payment 24582  
of grants shall be given in terms of expected family contribution, 24583  
beginning with the lowest expected family contribution category 24584  
and proceeding upward by category to the highest expected family 24585  
contribution category. 24586

A needs-based financial aid grant shall be paid to an eligible student through the institution in which the student is enrolled, except that no needs-based financial aid grant shall be paid to any person serving a term of imprisonment. Applications for such grants shall be made as prescribed by the board, and such applications may be made in conjunction with and upon the basis of information provided in conjunction with student assistance programs funded by agencies of the United States government or from financial resources of the institution of higher education. The institution shall certify that the student applicant meets the requirements set forth in divisions (A)(1)(a) and (b) of this section. Needs-based financial aid grants shall be provided to an eligible student only as long as the student is making appropriate progress toward a nursing diploma or an associate or bachelor's degree. No student shall be eligible to receive a grant for more than ten semesters, fifteen quarters, or the equivalent of five academic years. A grant made to an eligible student on the basis of less than full-time enrollment shall be based on the number of credit hours for which the student is enrolled and shall be computed in accordance with a formula adopted by the board. No student shall receive more than one grant on the basis of less than full-time enrollment.

A needs-based financial aid grant shall not exceed the total instructional and general charges of the institution.

(C) The tables in this division prescribe the maximum grant amounts covering two semesters, three quarters, or a comparable portion of one academic year. Grant amounts for additional terms in the same academic year shall be determined under division (D) of this section.

As used in the tables in division (C) of this section:

(1) "Private institution" means an institution that is nonprofit and has a certificate of authorization from the Ohio



board of regents pursuant to Chapter 1713. of the Revised Code. 24619

(2) "Career college" means either an institution that holds a 24620  
certificate of registration from the state board of career 24621  
colleges and schools or a private institution exempt from 24622  
regulation under Chapter 3332. of the Revised Code as prescribed 24623  
in section 3333.046 of the Revised Code. 24624

Full-time students shall be eligible to receive awards 24625  
according to the following table: 24626

Full-Time Enrollment 24627

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	24629
2,001	2,100	402	798	642	24630
1,901	2,000	498	1,002	798	24631
1,801	1,900	600	1,200	960	24632
1,701	1,800	702	1,398	1,122	24633
1,601	1,700	798	1,602	1,278	24634
1,501	1,600	900	1,800	1,440	24635
1,401	1,500	1,002	1,998	1,602	24636
1,301	1,400	1,098	2,202	1,758	24637
1,201	1,300	1,200	2,400	1,920	24638
1,101	1,200	1,302	2,598	2,082	24639
1,001	1,100	1,398	2,802	2,238	24640
901	1,000	1,500	3,000	2,400	24641
801	900	1,602	3,198	2,562	24642
701	800	1,698	3,402	2,718	24643

601	700	1,800	3,600	2,280	24644
501	600	1,902	3,798	3,042	24645
401	500	1,998	4,002	3,198	24646
301	400	2,100	4,200	3,360	24647
201	300	2,202	4,398	3,522	24648
101	200	2,298	4,602	3,678	24649
1	100	2,400	4,800	3,840	24650
0	0	2,496	4,992	3,996	24651

Three-quarters-time students shall be eligible to receive awards according to the following table: 24652  
24653

Three-Quarters-Time Enrollment 24654

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	24655 24656
2,001	2,100	300	600	480	24657
1,901	2,000	372	750	600	24658
1,801	1,900	450	900	720	24659
1,701	1,800	528	1,050	840	24660
1,601	1,700	600	1,200	960	24661
1,501	1,600	678	1,350	1,080	24662
1,401	1,500	750	1,500	1,200	24663
1,301	1,400	822	1,650	1,320	24664
1,201	1,300	900	1,800	1,440	24665
1,101	1,200	978	1,950	1,560	24666
1,001	1,100	1,050	2,100	1,680	24667
901	1,000	1,128	2,250	1,800	24668
801	900	1,200	2,400	1,920	24669

701	800	1,272	2,550	2,040	24670
601	700	1,350	2,700	2,160	24671
501	600	1,428	2,850	2,280	24672
401	500	1,500	3,000	2,400	24673
301	400	1,578	3,150	2,520	24674
201	300	1,650	3,300	2,640	24675
101	200	1,722	3,450	2,760	24676
1	100	1,800	3,600	2,880	24677
0	0	1,872	3,744	3,000	24678

Half-time students shall be eligible to receive awards 24679  
according to the following table: 24680

Half-Time Enrollment 24681

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	24682
2,001	2,100	204	402	324	24683
1,901	2,000	252	504	402	24684
1,801	1,900	300	600	480	24685
1,701	1,800	354	702	564	24686
1,601	1,700	402	804	642	24687
1,501	1,600	450	900	720	24688
1,401	1,500	504	1,002	804	24689
1,301	1,400	552	1,104	882	24690
1,201	1,300	600	1,200	960	24691
1,101	1,200	654	1,302	1,044	24692
1,001	1,100	702	1,404	1,122	24693
901	1,000	750	1,500	1,200	24694

801	900	804	1,602	1,284	24696
701	800	852	1,704	1,362	24697
601	700	900	1,800	1,440	24698
501	600	954	1,902	1,524	24699
401	500	1,002	2,004	1,602	24700
301	400	1,050	2,100	1,680	24701
201	300	1,104	2,202	1,764	24702
101	200	1,152	2,304	1,842	24703
1	100	1,200	2,400	1,920	24704
0	0	1,248	2,496	1,998	24705

One-quarter-time students shall be eligible to receive awards 24706  
according to the following table: 24707

One-Quarter-Time Enrollment 24708

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:	24709
\$2,101	\$2,190	\$78	\$150	\$120	24710
2,001	2,100	102	198	162	24711
1,901	2,000	126	252	198	24712
1,801	1,900	150	300	240	24713
1,701	1,800	174	348	282	24714
1,601	1,700	198	402	318	24715
1,501	1,600	228	450	360	24716
1,401	1,500	252	498	402	24717
1,301	1,400	276	552	438	24718
1,201	1,300	300	600	480	24719
1,101	1,200	324	648	522	24720
1,001	1,100	348	702	558	24721

901	1,000	378	750	600	24722
801	900	402	798	642	24723
701	800	426	852	678	24724
601	700	450	900	720	24725
501	600	474	948	762	24726
401	500	498	1,002	798	24727
301	400	528	1,050	840	24728
201	300	552	1,098	882	24729
101	200	576	1,152	918	24730
1	100	600	1,200	960	24731
0	0	624	1,248	1,002	24732

(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. 24754

(2) Division (F)(1) of this section does not apply to the 24755  
following: 24756

(a) Any student enrolled in an institution that under the 24757  
federal law appeals its loss of eligibility for federal financial 24758  
aid and the United States secretary of education determines its 24759  
cohort default rate after recalculation is lower than the rate 24760  
specified in division (F)(1) of this section or the secretary 24761  
determines due to mitigating circumstances the institution may 24762  
continue to participate in federal financial aid programs. The 24763  
board shall adopt rules requiring institutions to provide 24764  
information regarding an appeal to the board. 24765

(b) Any student who has previously received a grant under 24766  
this section who meets all other requirements of this section. 24767

(3) The board shall adopt rules for the notification of all 24768  
institutions whose students will be ineligible to participate in 24769  
the grant program pursuant to division (F)(1) of this section. 24770

(4) A student's attendance at an institution whose students 24771  
lose eligibility for grants under division (F)(1) of this section 24772  
shall not affect that student's eligibility to receive a grant 24773  
when enrolled in another institution. 24774

(G) Institutions of higher education that enroll students 24775  
receiving needs-based financial aid grants under this section 24776  
shall report to the board all students who have received 24777  
needs-based financial aid grants but are no longer eligible for 24778  
all or part of such grants and shall refund any moneys due the 24779  
state within thirty days after the beginning of the quarter or 24780  
term immediately following the quarter or term in which the 24781  
student was no longer eligible to receive all or part of the 24782  
student's grant. There shall be an interest charge of one per cent 24783  
per month on all moneys due and payable after such thirty-day 24784

period. The board shall immediately notify the office of budget 24785  
and management and the legislative service commission of all 24786  
refunds so received. 24787

**Sec. 3333.38.** (A) As used in this section: 24788

(1) "Institution of higher education" includes all of the 24789  
following: 24790

(a) A state institution of higher education, as defined in 24791  
section 3345.011 of the Revised Code; 24792

(b) A nonprofit institution issued a certificate of 24793  
authorization by the Ohio board of regents under Chapter 1713. of 24794  
the Revised Code; 24795

(c) A private institution exempt from regulation under 24796  
Chapter 3332. of the Revised Code, as prescribed in section 24797  
3333.046 of the Revised Code; 24798

(d) An institution of higher education with a certificate of 24799  
registration from the state board of career colleges and schools 24800  
under Chapter 3332. of the Revised Code. 24801

(2) "Student financial assistance supported by state funds" 24802  
includes assistance granted under sections 3315.33, 3333.12, 24803  
3333.122, 3333.21, 3333.26, 3333.27, 3333.28, ~~3333.29~~, 3333.372, 24804  
5910.03, 5910.032, and 5919.34 of the Revised Code and any other 24805  
post-secondary student financial assistance supported by state 24806  
funds. 24807

(B) An individual who is convicted of, pleads guilty to, or 24808  
is adjudicated a delinquent child for one of the following 24809  
violations shall be ineligible to receive any student financial 24810  
assistance supported by state funds at an institution of higher 24811  
education for two calendar years from the time the individual 24812  
applies for assistance of that nature: 24813

(1) A violation of section 2917.02 or 2917.03 of the Revised 24814

Code; 24815

(2) A violation of section 2917.04 of the Revised Code that 24816  
is a misdemeanor of the fourth degree; 24817

(3) A violation of section 2917.13 of the Revised Code that 24818  
is a misdemeanor of the fourth or first degree and occurs within 24819  
the proximate area where four or more others are acting in a 24820  
course of conduct in violation of section 2917.11 of the Revised 24821  
Code. 24822

(C) If an individual is convicted of, pleads guilty to, or is 24823  
adjudicated a delinquent child for committing a violation of 24824  
section 2917.02 or 2917.03 of the Revised Code, and if the 24825  
individual is enrolled in a state-supported institution of higher 24826  
education, the institution in which the individual is enrolled 24827  
shall immediately dismiss the individual. No state-supported 24828  
institution of higher education shall admit an individual of that 24829  
nature for one academic year after the individual applies for 24830  
admission to a state-supported institution of higher education. 24831  
This division does not limit or affect the ability of a 24832  
state-supported institution of higher education to suspend or 24833  
otherwise discipline its students. 24834

Sec. 3333.50. The Ohio board of regents, in consultation with 24835  
the governor and the department of development, shall develop a 24836  
critical needs rapid response system to respond quickly to 24837  
critical workforce shortages in the state. Not later than ninety 24838  
days after a critical workforce shortage is identified, the 24839  
chancellor of the board shall submit to the governor a proposal 24840  
for addressing the shortage through initiatives of the board or 24841  
institutions of higher education. 24842

Sec. 3333.55. (A) The health information and imaging 24843  
technology workforce development pilot project is hereby 24844



established. Under the project, in fiscal years 2008 through 2010, 24845  
the Ohio board of regents shall design and implement a three-year 24846  
pilot program to test, in the vicinity of Clark, Greene, and 24847  
Montgomery counties, how a P-16 public-private education and 24848  
workforce development collaborative may address each of the 24849  
following goals: 24850

(1) Increase the number of students taking and mastering 24851  
high-level science, technology, engineering, or mathematics 24852  
courses and pursuing careers in those subjects, in all demographic 24853  
regions of the state; 24854

(2) Increase the number of students pursuing professional 24855  
careers in health information and imaging technology upon 24856  
receiving related technical education and professional experience, 24857  
in all demographic regions of the state; 24858

(3) Unify efforts among schools, career centers, 24859  
post-secondary programs, and employers in a region for career and 24860  
workforce development, preservation, and public education. 24861

(B) The project shall focus on enhancing P-16 education and 24862  
workforce development in the field of health information and 24863  
imaging technology through such activities as increased academic 24864  
intervention in related areas of study, after-school and summer 24865  
intervention programs, tutoring, career and job fairs and other 24866  
promotional and recruitment activities, externships, professional 24867  
development, field trips, academic competitions, development of 24868  
related specialized study modules, development of honors programs, 24869  
and development and enhancement of dual high school and college 24870  
enrollment programs. 24871

(C) Project participants shall include Clark-Shawnee local 24872  
school district, Springfield city school district, Greene county 24873  
career center, Clark state community college, Central state 24874  
university, Wright state university, Cedarville university, 24875

Wittenberg university, the university of Dayton, and private 24876  
employers in the health information and imaging technology 24877  
industry in the vicinity of Clark, Greene, and Montgomery 24878  
counties, selected by the board of regents. 24879

For the third year of the project, the board of regents may 24880  
add as participants the Dayton city school district and Xenia city 24881  
school district. 24882

(D) Wittenberg university shall be the lead coordinating 24883  
agent and Clark state community college shall be the fiscal agent 24884  
for the project. 24885

(E) The board of regents shall create an advisory council 24886  
made up of representatives of the participating entities to 24887  
coordinate, monitor, and evaluate the project. The advisory 24888  
council shall submit an annual activity report to the board of 24889  
regents by a date specified by the board of regents. 24890

**Sec. 3345.02.** As used in this section, "state institution of 24891  
higher education" has the same meaning as in section 3345.011 of 24892  
the Revised Code. 24893

Beginning in the 2008-2009 academic year, each state 24894  
institution of higher education shall include in each statement of 24895  
estimated or actual charges owed by a student enrolled in the 24896  
institution an itemized list of the instructional fees, general 24897  
fees, special purpose fees, service charges, fines, and any other 24898  
fees or surcharges applicable to the student. 24899

**Sec. 3353.20.** As used in sections 3353.20 to 3353.30 of the 24900  
Revised Code: 24901

(A) "Clearinghouse" means the clearinghouse established under 24902  
section 3353.21 of the Revised Code. 24903

(B) "Data verification code" means the code assigned to a 24904

student under division (D)(2) of section 3301.0714 of the Revised Code. 24905  
24906

(C) "One-half unit" of instruction has the same meaning as in section 3313.603 of the Revised Code. 24907  
24908

(D) A "student's community school" means the community school established under Chapter 3314. of the Revised Code in which the student is enrolled instead of being enrolled in a school operated by a school district. 24909  
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(E) A "student's school district" means the school district operating the school in which the student is lawfully enrolled. 24913  
24914

**Sec. 3353.21.** (A) The eTech Ohio commission shall establish a clearinghouse of interactive distance learning courses and other distance learning courses delivered via a computer-based method offered by school districts for sharing with other school districts and community schools for the fee set pursuant to section 3353.24 of the Revised Code. The commission shall not be responsible for the content of courses offered through the clearinghouse; however, all such courses shall be delivered only in accordance with technical specifications approved by the commission. 24915  
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(B) To offer a course through the clearinghouse, a school district shall apply to the commission in a form and manner prescribed by the commission. The application for each course shall describe the course of study in as much detail as required by the commission, the qualification and credentials of the teacher, the number of hours of instruction, the technology required to deliver and receive the course, the technical capacity of the school district to deliver the course, the times that the school district plans to deliver the course, and any other information required by the commission. The commission may require school districts to include in their applications information 24925  
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recommended by the state board of education under section 3353.30 24936  
of the Revised Code. 24937

(C) The commission shall review the technical specifications 24938  
of each application submitted under division (B) of this section 24939  
and shall approve a course offered if the commission determines 24940  
that the school district can satisfactorily deliver the course 24941  
through the technology necessary for that delivery. In reviewing 24942  
applications, the commission may consult with the department of 24943  
education; however, the responsibility to either approve or not 24944  
approve a course for the clearinghouse belongs to the commission. 24945  
The commission may request additional information from a school 24946  
district that submits an application under division (B) of this 24947  
section, if the commission determines that such information is 24948  
necessary. The commission may negotiate changes in the proposal to 24949  
offer a course, if the commission determines that changes are 24950  
necessary in order to approve the course. 24951

(D) The commission shall catalog each course approved for the 24952  
clearinghouse, through a print or electronic medium, displaying 24953  
the following: 24954

(1) Information necessary for a student and the student's 24955  
parent, guardian, or custodian and the student's school district 24956  
or community school to decide whether to enroll in the course; 24957

(2) Instructions for enrolling in that course, including 24958  
deadlines for enrollment. 24959

**Sec. 3353.22.** (A) A student who is enrolled in a school 24960  
operated by a school district or in a community school may enroll 24961  
in a course included in the clearinghouse only if both of the 24962  
following conditions are satisfied: 24963

(1) The student's enrollment in the course is approved by the 24964  
student's school district or the student's community school. 24965

(2) The student's school district or the student's community school agrees to accept for credit the grade assigned by the district that is delivering the course. 24966  
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(B) For each student enrolling in a course, the student's school district or the student's community school shall transmit to the eTech Ohio commission only the student's data verification code and not the student's name. The commission shall transmit that student's code to the school district delivering the course. 24969  
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The district delivering the course may request from the student's school district or the student's community school the student's name and other information from the student's school record. The student's school district or the student's community school shall provide the requested information only in accordance with section 3319.321 of the Revised Code. 24974  
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(C) The student's school district or the student's community school shall determine the manner in which and facilities at which the student shall participate in the course consistent with specifications for technology and connectivity adopted by the commission. 24980  
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(D) A student may withdraw from a course prior to the end of the course only by a date and in a manner prescribed by the student's school district or community school. 24985  
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(E) A student who is enrolled in a school operated by a school district or in a community school and who takes a course included in the clearinghouse shall be counted in the formula ADM of a school district under section 3317.03 of the Revised Code as if the student were taking the course from the student's school district or the student's community school. 24988  
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Sec. 3353.23. (A) The eTech Ohio commission shall keep a record of each student enrolled in each course included in the 24994  
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clearinghouse using the student's data verification code. 24996

(B) The commission shall report to the department of education the data verification code for each student enrolled in a course, the name of the school district delivering the course, the name of the student's school district or the name of the student's community school, the fee for the course, and the beginning and ending date of the course. 24997  
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**Sec. 3353.24.** (A) Unless the eTech Ohio commission sets a different fee amount pursuant to division (B) of this section, the fee for each course that is the equivalent of one-half unit of instruction offered through the clearinghouse shall be one hundred seventy-five dollars per student. The commission shall set the fee for a course that is either less than or greater than one-half unit of instruction based on the proportional amount the course is either less than or greater than one-half unit of instruction. 25003  
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(B) The commission, by rule adopted in accordance with Chapter 119. of the Revised Code, may set a fee for courses offered through the clearinghouse at a rate other than the one specified in division (A) of this section. 25011  
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(C) The commission shall proportionally reduce the fee for any student who withdraws from a course prior to the end of the course pursuant to division (D) of section 3353.22 of the Revised Code. 25015  
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**Sec. 3353.25.** For each student enrolled in a course included in the clearinghouse, in accordance with information reported under division (B) of section 3353.23 of the Revised Code and not later than the last day of that course, the department of education shall deduct the amount of the fee for that course from the student's school district or the student's community school, under division (P) of section 3317.023 or section 3314.086 or 25019  
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3317.161 of the Revised Code, and shall pay that amount to the 25026  
school district delivering the course. 25027

Sec. 3353.26. The grade for a student who enrolls in a course 25028  
included in the clearinghouse shall be assigned by the school 25029  
district that delivers the course and shall be transmitted by that 25030  
district to the student's school district or the student's 25031  
community school. 25032

Sec. 3353.27. The eTech Ohio commission may determine the 25033  
manner in which a course included in the clearinghouse may be 25034  
offered as a dual enrollment program as defined in section 25035  
3313.6013 of the Revised Code, may be offered to students who are 25036  
enrolled in nonpublic schools or are instructed at home pursuant 25037  
to section 3321.04 of the Revised Code, or may be offered at times 25038  
outside the normal school day or school week, including any 25039  
necessary additional fees and methods of payment for a course so 25040  
offered. 25041

Sec. 3353.28. The eTech Ohio commission shall adopt rules in 25042  
accordance with Chapter 119. of the Revised Code prescribing 25043  
procedures for the implementation of sections 3353.20 to 3353.27 25044  
of the Revised Code. 25045

Sec. 3353.29. Nothing in sections 3353.20 to 3353.28 of the 25046  
Revised Code, or in rules implementing those sections, shall 25047  
prohibit a school district from offering an interactive distance 25048  
learning course or other distance learning course using a 25049  
computer-based method through any means other than the 25050  
clearinghouse established and maintained under those sections. 25051

Sec. 3353.30. Not later than six months after the effective 25052  
date of this section, the state board of education shall adopt a 25053

resolution recommending to the eTech Ohio commission the types of 25054  
information about a distance learning course that the commission 25055  
might require school districts to submit with their applications 25056  
to include the course in the clearinghouse. 25057

**Sec. 3357.01.** As used in sections 3357.01 to 3357.19, 25058  
inclusive, of the Revised Code: 25059

(A) "Technical college" means an institution of education 25060  
beyond the high school, including an institution of higher 25061  
education, organized for the principal purpose of providing for 25062  
the residents of the technical college district, wherein such 25063  
college is situated, any one or more of the instructional programs 25064  
defined in this section as "~~technical college~~ technical college," 25065  
or "adult-education technical programs," normally not exceeding 25066  
two years duration and not leading to a baccalaureate degree. 25067

(B) "Technical college district" means a political 25068  
subdivision of the state and a body corporate with all the powers 25069  
of a corporation, comprised of the territory of a city school 25070  
district or a county, or two or more contiguous school districts 25071  
or counties, which meets the standards prescribed by the Ohio 25072  
board of regents pursuant to section 3357.02 of the Revised Code, 25073  
and which is organized for the purpose of establishing, owning, 25074  
and operating one or more technical colleges within the territory 25075  
of such district. 25076

(C) "Contiguous school districts or counties" means school 25077  
districts or counties so located that each such school district or 25078  
county shares at least one boundary or a portion thereof in common 25079  
with at least one other such school district or county in the 25080  
group of school districts or counties referred to as being 25081  
"contiguous." 25082

(D) "Technical college program" means a post high school 25083  
curricular program provided within a technical college, planned 25084



and intended to qualify students, after satisfactory completion of 25085  
such a program normally two years in duration, to pursue careers 25086  
in which they provide immediate technical assistance to 25087  
professional or managerial persons generally required to hold 25088  
baccalaureate or higher academic degrees in technical or 25089  
professional fields. The technical and professional fields 25090  
referred to in this section include, but are not limited to, 25091  
engineering and physical, medical, or other sciences. 25092

(E) "Adult-education technical program" means the 25093  
dissemination of post high school technical education service and 25094  
knowledge, for the occupational, or general educational benefit of 25095  
adult persons. 25096

(F) "Charter amendment" means a change in the official plan 25097  
of a technical college for the purpose of acquiring additional 25098  
lands or structures, disposing of or transferring lands or 25099  
structures, erecting structures, creating or abolishing technical 25100  
college or adult education technical curricular programs. 25101

(G) "Baccalaureate-oriented program" means a curricular 25102  
program of not more than two years' duration that is planned and 25103  
intended to enable students to gain academic credit for courses 25104  
comparable to first- and second-year courses offered by accredited 25105  
colleges and universities. The purpose of baccalaureate-oriented 25106  
coursework in technical colleges is to enable students to transfer 25107  
to colleges and universities and earn baccalaureate degrees or to 25108  
enable students to terminate academic study after two years with a 25109  
proportionate recognition of academic achievement through receipt 25110  
of an associate degree. 25111

Sec. 3357.13. As used in this section, "state institution of 25112  
higher education" has the same meaning as in section 3345.011 of 25113  
the Revised Code. 25114

A technical college may offer baccalaureate-oriented programs 25115

regardless of its co-location with another state institution of 25116  
higher education. 25117

**Sec. 3365.01.** As used in this chapter: 25118

(A) "College" means any state-assisted college or university 25119  
described in section 3333.041 of the Revised Code, any nonprofit 25120  
institution holding a certificate of authorization pursuant to 25121  
Chapter 1713. of the Revised Code, any private institution exempt 25122  
from regulation under Chapter 3332. of the Revised Code as 25123  
prescribed in section 3333.046 of the Revised Code, and any 25124  
institution holding a certificate of registration from the state 25125  
board of career colleges and schools and program authorization for 25126  
an associate or bachelor's degree program issued under section 25127  
3332.05 of the Revised Code. 25128

(B) "School district," except as specified in division (G) of 25129  
this section, means any school district to which a student is 25130  
admitted under section 3313.64, 3313.65, 3313.98, or 3317.08 of 25131  
the Revised Code and does not include a joint vocational or 25132  
cooperative education school district. 25133

(C) "Parent" has the same meaning as in section 3313.64 of 25134  
the Revised Code. 25135

(D) "Participant" means a student enrolled in a college under 25136  
the post-secondary enrollment options program established by this 25137  
chapter. 25138

(E) "Secondary grade" means the ninth through twelfth grades. 25139

(F) "School foundation payments" means the amount required to 25140  
be paid to a school district for a fiscal year under Chapter 3317. 25141  
of the Revised Code. 25142

(G) "Tuition base" means, with respect to a participant's 25143  
school district, the ~~greater of the following:~~ 25144

~~(1) The fiscal year 2005 formula amount defined in section~~ 25145

~~3317.02 of the Revised Code multiplied by the district's fiscal year 2005 cost of doing business factor defined in that section;~~ 25146  
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~~(2) The sum of (the current formula amount times the current cost of doing business factor defined in section 3317.02 of the Revised Code)~~ plus the per pupil amount of the base funding supplements specified in divisions (C)(1) to (4) of section 3317.012 of the Revised Code. 25148  
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The participant's "school district" in the case of a participant enrolled in a community school shall be the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 25153  
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(H) "Educational program" means enrollment in one or more school districts, in a nonpublic school, or in a college under division (B) of section 3365.04 of the Revised Code. 25157  
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(I) "Nonpublic school" means a chartered or nonchartered school for which minimum standards are prescribed by the state board of education pursuant to division (D) of section 3301.07 of the Revised Code. 25160  
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(J) "School year" means the year beginning on the first day of July and ending on the thirtieth day of June. 25164  
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(K) "Community school" means any school established pursuant to Chapter 3314. of the Revised Code that includes secondary grades. 25166  
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(L) "Community school payments" means payments made by the department of education to a community school pursuant to division (D) of section 3314.08 of the Revised Code. 25169  
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**Sec. 3375.05.** The board of trustees of any public library receiving money from a county's ~~library and local government support libraries~~ fund that desires to render public library service by means of branches, library stations, or traveling 25172  
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library service to the inhabitants of any school district, other 25176  
than a school district situated within the territorial boundaries 25177  
of the subdivision or district over which said board has 25178  
jurisdiction of free public library service, may make application 25179  
to the state library board, upon forms provided by said board, for 25180  
the establishment of such service. Said application shall set 25181  
forth the total number of people being served by said library on 25182  
the date of said application; an inventory of the books owned by 25183  
said library; the number of branches, library stations, and 25184  
traveling library service maintained by said library on the date 25185  
of said application; the number and classification of the 25186  
employees of said library and such other information as the state 25187  
library board deems pertinent. Such application shall be 25188  
accompanied by a financial statement of the library making the 25189  
application covering the two fiscal years next preceding the date 25190  
of said application. Upon receipt of said application by the state 25191  
library board, the state librarian, or an employee of the state 25192  
library board designated by such librarian, shall visit the 25193  
library making the application for the purpose of determining 25194  
whether or not the establishment of branches, library stations, or 25195  
traveling library service as requested in said application will 25196  
promote better library service in the district covered by said 25197  
application. Upon the completion of such inspection, the 25198  
librarian, or the person designated by the librarian to make such 25199  
inspection, shall prepare a written report setting forth ~~his~~ the 25200  
librarian's or designee's recommendations pertaining to the 25201  
establishment of the branches, stations, or traveling library 25202  
service as set forth in the application. Such report shall be 25203  
submitted to the state library board within ninety days after the 25204  
receipt of such application by the state library board. Within 25205  
thirty days after such report has been filed with the state 25206  
library board, said board shall either approve or disapprove, in 25207  
whole or in part, the establishment of branches, library stations, 25208

or traveling library service as requested in said application. The 25209  
decision of the state library board shall be final. Within ten 25210  
days after final action has been taken by the state library board, 25211  
upon such application, the librarian shall notify in writing the 25212  
board of trustees of the public library making such application of 25213  
the decision of the state library board. 25214

The state library board may withdraw its approval of library 25215  
service rendered by any library to the inhabitants of a school 25216  
district other than the school district in which the main library 25217  
of such library is located. At least thirty days before the 25218  
approval of such service may be withdrawn, the state library board 25219  
shall give written notice to the board of trustees of the library 25220  
rendering the service and the board of education of the school 25221  
district to which such service is being rendered. Such notice 25222  
shall set forth the reasons for the withdrawal of the approval of 25223  
such service. If the board of trustees of the library rendering 25224  
such service, or the board of education of a school district to 25225  
which such service is being rendered, objects to the withdrawal of 25226  
such approval it may, within twenty days of the receipt of such 25227  
notice, request, in writing, the state library board to hold a 25228  
hearing for the purpose of hearing protests to the withdrawal of 25229  
such approval. Upon the receipt of such request, the state library 25230  
board shall set the time and place of such hearing which shall be 25231  
held within the territorial boundaries of the school district 25232  
being served by the branch, station, or traveling library service 25233  
whose continued operation is in question. Such hearing shall be 25234  
held not less than thirty days after the receipt by the state 25235  
library board of the request for such hearing. The state library 25236  
board shall take no action on the withdrawal of approval of such 25237  
service until after the holding of such hearing. The decision of 25238  
the state library board shall be final. 25239

**Sec. 3375.121.** (A) In any municipal corporation, not located 25240

in a county library district, which has a population of not less 25241  
than twenty-five thousand, and within which there is not located a 25242  
main library of a township, municipal, school district, 25243  
association, or county free public library, a library district may 25244  
be created by a resolution adopted by the legislative authority of 25245  
that municipal corporation. No such resolution shall be adopted 25246  
after one year from June 20, 1977. Upon the adoption of such a 25247  
resolution, any branches of an existing library that are located 25248  
in that municipal corporation shall become the property of the 25249  
municipal library district created. 25250

The municipal corporation and the board of trustees of the 25251  
public library maintaining any existing branches in that municipal 25252  
corporation shall forthwith take appropriate action transferring 25253  
all title and interest in all real and personal property located 25254  
in that municipal corporation in the name of the library district 25255  
maintaining those branches in that municipal corporation to the 25256  
municipal corporation adopting the appropriate resolution. Upon 25257  
transfer of all title and interest in that property, the branches 25258  
shall become a part of, and be operated by, the board of library 25259  
trustees appointed by the mayor. 25260

(B) In any municipal corporation that has a population of 25261  
less than twenty-five thousand and that has not less than one 25262  
hundred thousand dollars available from a bequest for the 25263  
establishment of a municipal library, the legislative authority of 25264  
that municipal corporation may adopt, within one year after June 25265  
20, 1977, a resolution creating a library district. Upon the 25266  
establishment of any such library district, the board of trustees 25267  
of any library operating a branch library in that municipal 25268  
corporation shall not be required to transfer any property to the 25269  
newly established library. 25270

(C) The board of library trustees of any library district 25271  
created under this section shall be composed of six members. Those 25272

trustees shall be appointed by the mayor, to serve without 25273  
compensation, for a term of four years. In the first instance, 25274  
three of those trustees shall be appointed for a term of two 25275  
years, and three of them shall be appointed for a term of four 25276  
years. Vacancies shall be filled by like appointment for the 25277  
unexpired term. A library district created under this section 25278  
shall be governed in accordance with and exercise the authority 25279  
provided for in sections 3375.32 to 3375.41 of the Revised Code. 25280

Notwithstanding any contrary provision of section 3.24 of the 25281  
Revised Code, the president of a board of township trustees may 25282  
administer the oath of office to a person or persons representing 25283  
the township on the board of library trustees of any library 25284  
district created under this section, even if the geographical 25285  
limits of the library district do not fall within the geographical 25286  
limits of the township. 25287

(D) Any library district created under this section is 25288  
eligible to participate in the proceeds of the county ~~library and~~ 25289  
local ~~government support~~ libraries fund in accordance with section 25290  
5705.28 of the Revised Code. 25291

(E) A municipal corporation may establish and operate a free 25292  
public library regardless of whether the municipal corporation is 25293  
located in a county library district or school library district, 25294  
if all of the following conditions are met: 25295

(1) The facility in which the library is principally located 25296  
is transferred to the municipal corporation from the county 25297  
library district or school library district in which it is located 25298  
prior to January 1, 1996. 25299

(2) The population of the municipal corporation is less than 25300  
five hundred when the library is transferred from the county 25301  
library district or school library district to the municipal 25302  
corporation. 25303

(3) The municipal corporation does not establish a municipal library district under this section. 25304  
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(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. 25306  
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**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: 25309  
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(A) Hold title to and have the custody of all real and personal property of the free public library under its jurisdiction; 25312  
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(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; 25315  
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(C) Purchase, lease, construct, remodel, renovate, or otherwise improve, equip, and furnish buildings or parts of buildings and other real property, and purchase, lease, or otherwise acquire motor vehicles and other personal property, necessary for the proper maintenance and operation of the free public library under its jurisdiction, and pay their costs in installments or otherwise. Financing of these costs may be provided through the issuance of notes, through an installment sale, or through a lease-purchase agreement. Any such notes shall be issued pursuant to section 3375.404 of the Revised Code. 25322  
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(D) Purchase, lease, lease with an option to purchase, or erect buildings or parts of buildings to be used as main 25332  
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libraries, branch libraries, or library stations pursuant to 25334  
section 3375.41 of the Revised Code; 25335

(E) Establish and maintain a main library, branches, library 25336  
stations, and traveling library service within the territorial 25337  
boundaries of the political subdivision or district over which it 25338  
has jurisdiction of free public library service; 25339

(F) Except as otherwise provided in this division, establish 25340  
and maintain branches, library stations, and traveling library 25341  
service in any school district, outside the territorial boundaries 25342  
of the political subdivision or district over which it has 25343  
jurisdiction of free public library service, upon application to 25344  
and approval of the state library board, pursuant to section 25345  
3375.05 of the Revised Code. The board of library trustees of any 25346  
free public library maintaining branches, stations, or traveling 25347  
library service, outside the territorial boundaries of the 25348  
political subdivision or district over which it has jurisdiction 25349  
of free public library service, on September 4, 1947, may continue 25350  
to maintain and operate those branches, those stations, and that 25351  
traveling library service without the approval of the state 25352  
library board. 25353

(G) Appoint and fix the compensation of all of the employees 25354  
of the free public library under its jurisdiction, pay the 25355  
reasonable cost of tuition for any of its employees who enroll in 25356  
a course of study the board considers essential to the duties of 25357  
the employee or to the improvement of the employee's performance, 25358  
and reimburse applicants for employment for any reasonable 25359  
expenses they incur by appearing for a personal interview; 25360

(H) Make and publish rules for the proper operation and 25361  
management of the free public library and facilities under its 25362  
jurisdiction, including rules pertaining to the provision of 25363  
library services to individuals, corporations, or institutions 25364  
that are not inhabitants of the county; 25365

(I) Assess uniform fees for the provision of services to patrons of the library, but no fee shall be assessed for the circulation of printed materials held by the library except for the assessment of fines for materials not returned in accordance with the board's rules;

(J) Establish and maintain a museum in connection with and as an adjunct to the free public library under its jurisdiction;

(K) By the adoption of a resolution, accept any bequest, gift, or endowment upon the conditions connected with the bequest, gift, or endowment. No such bequest, gift, or endowment shall be accepted by the board if its conditions remove any portion of the free public library under the board's jurisdiction from the control of the board or if the conditions, in any manner, limit the free use of the library or any part of it by the residents of the counties in which the library is located.

(L) At the end of any fiscal year, by a two-thirds vote of its full membership, set aside any unencumbered surplus remaining in the general fund of the free public library under its jurisdiction for any purpose, including creating or increasing a special building and repair fund, or for operating the library or acquiring equipment and supplies;

(M) Procure and pay all or part of the cost of group term life, hospitalization, surgical, major medical, disability benefit, dental care, eye care, hearing aids, or prescription drug insurance or coverage, or a combination of any of those types of insurance or coverage, whether issued by an insurance company or a health insuring corporation duly licensed by the state, covering its employees, and, in the case of group term life, hospitalization, surgical, major medical, dental care, eye care, hearing aids, or prescription drug insurance or coverage, also covering the dependents and spouses of its employees, and, in the case of disability benefits, also covering the spouses of its

employees.	25398
(N) Pay reasonable dues and expenses for the free public library and library trustees in library associations.	25399 25400
Any instrument by which real property is acquired pursuant to this section shall identify the agency of the state that has the use and benefit of the real property as specified in section 5301.012 of the Revised Code.	25401 25402 25403 25404
<b>Sec. 3375.85.</b> An interstate library district lying partly within this state may claim and be entitled to receive state aid, other than aid from the <del>library and local government support libraries</del> fund, in support of any of its functions to the same extent and in the same manner as such functions are eligible for <del>support</del> <u>support</u> when carried on by entities wholly within this state. For the purposes of computing and apportioning such state aid to an interstate library district, this state will consider that portion of the area which lies within this state as an independent entity for the performance of the aided function or functions and compute and apportion the aid accordingly. Any library association that was organized and operated prior to January 1, 1968, and which pursuant to the authority granted in section 3375.83 of the Revised Code, has become part of an interstate library district shall be considered a library association under section 5705.28 of the Revised Code and entitled to participate in the county <del>library and local government support libraries</del> fund and other public funds. Subject to any applicable laws of this state, such a district also may apply for and be entitled to receive any federal aid for which it may be eligible.	25405 25406 25407 25408 25409 25410 25411 25412 25413 25414 25415 25416 25417 25418 25419 25420 25421 25422 25423 25424
<b>Sec. 3381.04.</b> (A) In lieu of the procedure set forth in section 3381.03 of the Revised Code, any county with a population of five hundred thousand or more, at any time before the creation	25425 25426 25427

of a regional arts and cultural district under that section, may 25428  
create a regional arts and cultural district by adoption of a 25429  
resolution by the board of county commissioners of that county. 25430  
The resolution shall state all of the following: 25431

(1) The purposes for the creation of the district; 25432

(2) That the territory of the district shall be coextensive 25433  
with the territory of the county; 25434

(3) The official name by which the district shall be known; 25435

(4) The location of the principal office of the district or 25436  
the manner in which the location shall be selected. 25437

(B) The district provided for in the resolution shall be 25438  
created upon the adoption of the resolution by the board of county 25439  
commissioners of that county. Upon the adoption of the resolution, 25440  
the county and the municipal corporations and townships contained 25441  
in the county shall not thereafter be a part of any other regional 25442  
arts and cultural district. 25443

(C) The board of trustees of any regional arts and cultural 25444  
district formed in accordance with this section shall be comprised 25445  
of ~~three~~ five members appointed by the board of county 25446  
commissioners. 25447

**Sec. 3501.17.** (A) The expenses of the board of elections 25448  
shall be paid from the county treasury, in pursuance of 25449  
appropriations by the board of county commissioners, in the same 25450  
manner as other county expenses are paid. If the board of county 25451  
commissioners fails to appropriate an amount sufficient to provide 25452  
for the necessary and proper expenses of the board of elections 25453  
pertaining to the conduct of elections, the board of elections may 25454  
apply to the court of common pleas within the county, which shall 25455  
fix the amount necessary to be appropriated and the amount shall 25456  
be appropriated. Payments shall be made upon vouchers of the board 25457

of elections certified to by its chairperson or acting chairperson 25458  
and the director or deputy director, upon warrants of the county 25459  
auditor. 25460

The board of elections shall not incur any obligation 25461  
involving the expenditure of money unless there are moneys 25462  
sufficient in the funds appropriated therefor to meet the 25463  
obligation. If the board of elections requests a transfer of funds 25464  
from one of its appropriation items to another, the board of 25465  
county commissioners shall adopt a resolution providing for the 25466  
transfer except as otherwise provided in section 5705.40 of the 25467  
Revised Code. The expenses of the board of elections shall be 25468  
apportioned among the county and the various subdivisions as 25469  
provided in this section, and the amount chargeable to each 25470  
subdivision shall be withheld by the auditor from the moneys 25471  
payable thereto at the time of the next tax settlement. At the 25472  
time of submitting budget estimates in each year, the board of 25473  
elections shall submit to the taxing authority of each 25474  
subdivision, upon the request of the subdivision, an estimate of 25475  
the amount to be withheld from the subdivision during the next 25476  
fiscal year. 25477

(B) Except as otherwise provided in division (F) of this 25478  
section, the ~~entire~~ compensation of the members of the board of 25479  
elections and of the director, deputy director, and ~~other~~ regular 25480  
employees in the board's offices, other than compensation for 25481  
overtime worked; the expenditures for the rental, furnishing, and 25482  
equipping of the office of the board and for the necessary office 25483  
supplies for the use of the board; the expenditures for the 25484  
acquisition, repair, care, and custody of the polling places, 25485  
booths, guardrails, and other equipment for polling places; the 25486  
cost of ~~pollbooks~~, tally sheets, maps, flags, ballot boxes, and 25487  
all other permanent records and equipment; the cost of all 25488  
elections held in and for the state and county; and all other 25489

expenses of the board which are not chargeable to a political 25490  
subdivision in accordance with this section shall be paid in the 25491  
same manner as other county expenses are paid. 25492

(C) The compensation of judges ~~and~~ of elections, clerks of 25493  
elections, and intermittent employees in the board's offices; the 25494  
cost of renting, moving, heating, and lighting polling places and 25495  
of placing and removing ballot boxes and other fixtures and 25496  
equipment thereof, including voting machines, marking devices, and 25497  
automatic tabulating equipment; the cost of printing and 25498  
delivering ballots, cards of instructions, registration lists 25499  
required under section 3503.23 of the Revised Code, and other 25500  
election supplies, including the supplies required to comply with 25501  
division (H) of section 3506.01 of the Revised Code; the cost of 25502  
contractors engaged by the board to prepare, program, test, and 25503  
operate voting machines, marking devices, and automatic tabulating 25504  
equipment; and all other expenses of conducting primaries and 25505  
elections in the odd-numbered years shall be charged to the 25506  
subdivisions in and for which such primaries or elections are 25507  
held. The charge for each primary or general election in 25508  
odd-numbered years for each subdivision shall be determined in the 25509  
following manner: first, the total cost of all chargeable items 25510  
used in conducting such elections shall be ascertained; second, 25511  
the total charge shall be divided by the number of precincts 25512  
participating in such election, in order to fix the cost per 25513  
precinct; third, the cost per precinct shall be prorated by the 25514  
board of elections to the subdivisions conducting elections for 25515  
the nomination or election of offices in such precinct; fourth, 25516  
the total cost for each subdivision shall be determined by adding 25517  
the charges prorated to it in each precinct within the 25518  
subdivision. 25519

(D) The entire cost of special elections held on a day other 25520  
than the day of a primary or general election, both in 25521

odd-numbered or in even-numbered years, shall be charged to the 25522  
subdivision. Where a special election is held on the same day as a 25523  
primary or general election in an even-numbered year, the 25524  
subdivision submitting the special election shall be charged only 25525  
for the cost of ballots and advertising. Where a special election 25526  
is held on the same day as a primary or general election in an 25527  
odd-numbered year, the subdivision submitting the special election 25528  
shall be charged for the cost of ballots and advertising for such 25529  
special election, in addition to the charges prorated to such 25530  
subdivision for the election or nomination of candidates in each 25531  
precinct within the subdivision, as set forth in the preceding 25532  
paragraph. 25533

(E) Where a special election is held on the day specified by 25534  
division (E) of section 3501.01 of the Revised Code for the 25535  
holding of a primary election, for the purpose of submitting to 25536  
the voters of the state constitutional amendments proposed by the 25537  
general assembly, and a subdivision conducts a special election on 25538  
the same day, the entire cost of the special election shall be 25539  
divided proportionally between the state and the subdivision based 25540  
upon a ratio determined by the number of issues placed on the 25541  
ballot by each, except as otherwise provided in division (G) of 25542  
this section. Such proportional division of cost shall be made 25543  
only to the extent funds are available for such purpose from 25544  
amounts appropriated by the general assembly to the secretary of 25545  
state. If a primary election is also being conducted in the 25546  
subdivision, the costs shall be apportioned as otherwise provided 25547  
in this section. 25548

(F) When a precinct is open during a general, primary, or 25549  
special election solely for the purpose of submitting to the 25550  
voters a statewide ballot issue, the state shall bear the entire 25551  
cost of the election in that precinct and shall reimburse the 25552  
county for all expenses incurred in opening the precinct. 25553

(G) The state shall bear the entire cost of advertising in newspapers statewide ballot issues, explanations of those issues, and arguments for or against those issues, as required by Section 1g of Article II and Section 1 of Article XVI, Ohio Constitution, and any other section of law and shall reimburse the counties for all expenses they incur for such advertising.

(H) The cost of renting, heating, and lighting registration places; the cost of the necessary books, forms, and supplies for the conduct of registration; and the cost of printing and posting precinct registration lists shall be charged to the subdivision in which such registration is held.

(I) As used in this section, ~~"statewide:~~

(1) "Political subdivision" and "subdivision" mean any board of county commissioners, board of township trustees, legislative authority of a municipal corporation, board of education, or any other board, commission, district, or authority that is empowered to levy taxes or permitted to receive the proceeds of a tax levy, regardless of whether the entity receives tax settlement moneys as described in division (A) of this section;

(2) "Statewide ballot issue" means any ballot issue, whether proposed by the general assembly or by initiative or referendum, that is submitted to the voters throughout the state.

**Sec. 3701.135.** (A) The autism diagnosis education pilot program is hereby established in the department of health. The program shall have the following goals:

(1) To educate health care professionals, teachers and other educational personnel, child care providers, parents, early intervention and developmental disabilities providers, and other community-based services providers in this state regarding the diagnosis of autism spectrum disorders, including the range of



<u>symptoms that may indicate autism spectrum disorders and screening</u>	25584
<u>tools;</u>	25585
<u>(2) To promote appropriate standards for the diagnosis of</u>	25586
<u>autism spectrum disorders in children, including screening tools</u>	25587
<u>and treatment planning for children diagnosed with autism spectrum</u>	25588
<u>disorders;</u>	25589
<u>(3) To encourage physicians and other health care</u>	25590
<u>professionals with expertise in screening, diagnosing, and</u>	25591
<u>treating autism spectrum disorders to share that information with</u>	25592
<u>other health care professionals in this state;</u>	25593
<u>(4) To encourage the regional coordination of services to</u>	25594
<u>facilitate the effective, timely treatment of children diagnosed</u>	25595
<u>with autism spectrum disorders.</u>	25596
<u>(B) The director of health shall contract with a public or</u>	25597
<u>private entity to conduct or administer the autism diagnosis</u>	25598
<u>education pilot program.</u>	25599
<b>Sec. 3701.74.</b> (A) As used in this section and section	25600
3701.741 of the Revised Code:	25601
(1) "Ambulatory care facility" means a facility that provides	25602
medical, diagnostic, or surgical treatment to patients who do not	25603
require hospitalization, including a dialysis center, ambulatory	25604
surgical facility, cardiac catheterization facility, diagnostic	25605
imaging center, extracorporeal shock wave lithotripsy center, home	25606
health agency, inpatient hospice, birthing center, radiation	25607
therapy center, emergency facility, and an urgent care center.	25608
"Ambulatory care facility" does not include the private office of	25609
a physician or dentist, whether the office is for an individual or	25610
group practice.	25611
(2) "Chiropractor" means an individual licensed under Chapter	25612
4734. of the Revised Code to practice chiropractic.	25613

(3) "Emergency facility" means a hospital emergency department or any other facility that provides emergency medical services.	25614 25615 25616
(4) "Health care practitioner" means all of the following:	25617
(a) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;	25618 25619
(b) A registered or licensed practical nurse licensed under Chapter 4723. of the Revised Code;	25620 25621
(c) An optometrist licensed under Chapter 4725. of the Revised Code;	25622 25623
(d) A dispensing optician, spectacle dispensing optician, contact lens dispensing optician, or spectacle-contact lens dispensing optician licensed under Chapter 4725. of the Revised Code;	25624 25625 25626 25627
(e) A pharmacist licensed under Chapter 4729. of the Revised Code;	25628 25629
(f) A physician;	25630
(g) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;	25631 25632
(h) A practitioner of a limited branch of medicine issued a certificate under Chapter 4731. of the Revised Code;	25633 25634
(i) A psychologist licensed under Chapter 4732. of the Revised Code;	25635 25636
(j) A chiropractor;	25637
(k) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	25638 25639
(l) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	25640 25641
(m) An occupational therapist or occupational therapy	25642

assistant licensed under Chapter 4755. of the Revised Code;	25643
(n) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	25644 25645
(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;	25646 25647 25648 25649
(p) A dietitian licensed under Chapter 4759. of the Revised Code;	25650 25651
(q) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	25652 25653
(r) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code.	25654 25655 25656
(5) "Health care provider" means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency facility, or health care practitioner.	25657 25658 25659
(6) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.	25660 25661
(7) "Long-term care facility" means a nursing home, residential care facility, or home for the aging, as those terms are defined in section 3721.01 of the Revised Code; an adult care facility, as defined in section 3722.01 of the Revised Code; a nursing facility or intermediate care facility for the mentally retarded, as those terms are defined in section 5111.20 of the Revised Code; a facility or portion of a facility certified as a skilled nursing facility under Title XVIII of the "Social Security Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended.	25662 25663 25664 25665 25666 25667 25668 25669 25670
(8) "Medical record" means data in any form that pertains to a patient's medical history, diagnosis, prognosis, or medical	25671 25672

condition and that is generated and maintained by a health care 25673  
provider in the process of the patient's health care treatment. 25674

(9) "Medical records company" means a person who stores, 25675  
locates, or copies medical records for a health care provider, or 25676  
is compensated for doing so by a health care provider, and charges 25677  
a fee for providing medical records to a patient or patient's 25678  
representative. 25679

(10) "Patient" means either of the following: 25680

(a) An individual who received health care treatment from a 25681  
health care provider; 25682

(b) A guardian, as defined in section 1337.11 of the Revised 25683  
Code, of an individual described in division (A)(10)(a) of this 25684  
section. 25685

(11) "Patient's personal representative" means a minor 25686  
patient's parent or other person acting in loco parentis, a 25687  
court-appointed guardian, or a person with durable power of 25688  
attorney for health care for a patient, the executor or 25689  
administrator of the patient's estate, or the person responsible 25690  
for the patient's estate if it is not to be probated. "Patient's 25691  
personal representative" does not include an insurer authorized 25692  
under Title XXXIX of the Revised Code to do the business of 25693  
sickness and accident insurance in this state, a health insuring 25694  
corporation holding a certificate of authority under Chapter 1751. 25695  
of the Revised Code, or any other person not named in this 25696  
division. 25697

(12) "Pharmacy" has the same meaning as in section 4729.01 of 25698  
the Revised Code. 25699

(13) "Physician" means a person authorized under Chapter 25700  
4731. of the Revised Code to practice medicine and surgery, 25701  
osteopathic medicine and surgery, or podiatric medicine and 25702  
surgery. 25703

(14) "Authorized person" means a person to whom a patient has given written authorization to act on the patient's behalf regarding the patient's medical record.

(B) A patient, a patient's personal representative or an authorized person who wishes to examine or obtain a copy of part or all of a medical record shall submit to the health care provider a written request signed by the patient, personal representative, or authorized person dated not more than ~~sixty days~~ one year before the date on which it is submitted. The request shall indicate whether the copy is to be sent to the requestor, physician or chiropractor, or held for the requestor at the office of the health care provider. Within a reasonable time after receiving a request that meets the requirements of this division and includes sufficient information to identify the record requested, a health care provider that has the patient's medical records shall permit the patient to examine the record during regular business hours without charge or, on request, shall provide a copy of the record in accordance with section 3701.741 of the Revised Code, except that if a physician or chiropractor who has treated the patient determines for clearly stated treatment reasons that disclosure of the requested record is likely to have an adverse effect on the patient, the health care provider shall provide the record to a physician or chiropractor designated by the patient. The health care provider shall take reasonable steps to establish the identity of the person making the request to examine or obtain a copy of the patient's record.

(C) If a health care provider fails to furnish a medical record as required by division (B) of this section, the patient, personal representative, or authorized person who requested the record may bring a civil action to enforce the patient's right of access to the record.

(D)(1) This section does not apply to medical records whose

release is covered by section 173.20 or 3721.13 of the Revised Code, by Chapter 1347. or 5122. of the Revised Code, by 42 C.F.R. part 2, "Confidentiality of Alcohol and Drug Abuse Patient Records," or by 42 C.F.R. 483.10.

(2) Nothing in this section is intended to supersede the confidentiality provisions of sections 2305.24, 2305.25, 2305.251, and 2305.252 of the Revised Code.

**Sec. 3701.741.** (A) Through December 31, 2008, each health care provider and medical records company shall provide copies of medical records in accordance with this section.

(B) Except as provided in divisions (C) and (E) of this section, a health care provider or medical records company that receives a request for a copy of a patient's medical record shall charge not more than the amounts set forth in this section.

(1) If the request is made 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:

(a) With respect to data recorded on paper, the following amounts:

(i) Two dollars and fifty cents per page for the first ten pages;

(ii) Fifty-one cents per page for pages eleven through fifty;

(iii) Twenty cents per page for pages fifty-one and higher;

(b) With respect to data recorded other than on paper, one dollar and seventy cents per page;

(c) The actual cost of any related postage incurred by the health care provider or medical records company.

(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 25765  
following: 25766

(a) An initial fee of fifteen dollars and thirty-five cents, 25767  
which shall compensate for the records search; 25768

(b) With respect to data recorded on paper, the following 25769  
amounts: 25770

(i) One dollar and two cents per page for the first ten 25771  
pages; 25772

(ii) Fifty-one cents per page for pages eleven through fifty; 25773

(iii) Twenty cents per page for pages fifty-one and higher. 25774

(c) With respect to data recorded other than on paper, one 25775  
dollar and seventy cents per page; 25776

(d) The actual cost of any related postage incurred by the 25777  
health care provider or medical records company. 25778

(C)(1) A health care provider or medical records company 25779  
shall provide one copy without charge to the following: 25780

(a) The bureau of workers' compensation, in accordance with 25781  
Chapters 4121. and 4123. of the Revised Code and the rules adopted 25782  
under those chapters; 25783

(b) The industrial commission, in accordance with Chapters 25784  
4121. and 4123. of the Revised Code and the rules adopted under 25785  
those chapters; 25786

(c) The department of job and family services or a county 25787  
department of job and family services, in accordance with ~~Chapter~~ 25788  
Chapters 5101. and 5111. of the Revised Code and the rules adopted 25789  
under those chapters; 25790

(d) The attorney general, in accordance with sections 2743.51 25791  
to 2743.72 of the Revised Code and any rules that may be adopted 25792  
under those sections; 25793

(e) A patient or patient's personal representative if the 25794  
medical record is necessary to support a claim under Title II or 25795  
Title XVI of the "Social Security Act," 49 Stat. 620 (1935), 42 25796  
U.S.C.A. 401 and 1381, as amended, and the request is accompanied 25797  
by documentation that a claim has been filed. 25798

(2) Nothing in division (C)(1) of this section requires a 25799  
health care provider or medical records company to provide a copy 25800  
without charge to any person or entity not listed in division 25801  
(C)(1) of this section. 25802

(D) Division (C) of this section shall not be construed to 25803  
supersede any rule of the bureau of workers' compensation, the 25804  
industrial commission, or the department of job and family 25805  
services. 25806

(E) A health care provider or medical records company may 25807  
enter into a contract with either of the following for the copying 25808  
of medical records at a fee other than as provided in division (B) 25809  
of this section: 25810

(1) A patient, a patient's personal representative, or an 25811  
authorized person; 25812

(2) An insurer authorized under Title XXXIX of the Revised 25813  
Code to do the business of sickness and accident insurance in this 25814  
state or health insuring corporations holding a certificate of 25815  
authority under Chapter 1751. of the Revised Code. 25816

(F) This section does not apply to medical records the 25817  
copying of which is covered by section 173.20 of the Revised Code 25818  
or by 42 C.F.R. 483.10. 25819

**Sec. 3701.83.** (A) There is hereby created in the state 25820  
treasury the general operations fund. Moneys in the fund shall be 25821  
used for the purposes specified in sections 3701.04, 3701.344, 25822  
3702.20, 3710.15, 3711.021, 3717.45, ~~3718.06~~, 3721.02, 3722.04, 25823



3729.07, 3733.04, 3733.25, 3733.43, 3748.04, 3748.05, 3748.07, 25824  
3748.12, 3748.13, 3749.04, 3749.07, 4747.04, 4751.04, and 4769.09 25825  
of the Revised Code. 25826

(B) The alcohol testing program fund is hereby created in the 25827  
state treasury. The director of health shall use the fund to 25828  
administer and enforce the alcohol testing and permit program 25829  
authorized by section 3701.143 of the Revised Code. 25830

The fund shall receive transfers from the liquor control fund 25831  
created under section 4301.12 of the Revised Code. All investment 25832  
earnings of the alcohol testing program fund shall be credited to 25833  
the fund. 25834

**Sec. 3702.52.** The director of health shall administer a state 25835  
certificate of need program in accordance with sections 3702.51 to 25836  
3702.62 of the Revised Code and rules adopted under those 25837  
sections. 25838

(A) The director shall issue rulings on whether a particular 25839  
proposed project is a reviewable activity. The director shall 25840  
issue a ruling not later than forty-five days after receiving a 25841  
request for a ruling accompanied by the information needed to make 25842  
the ruling. If the director does not issue a ruling in that time, 25843  
the project shall be considered to have been ruled not a 25844  
reviewable activity. 25845

(B) The director shall review applications for certificates 25846  
of need. Each application shall be submitted to the director on 25847  
forms prescribed by the director, shall include all information 25848  
required by rules adopted under division (B) of section 3702.57 of 25849  
the Revised Code, and shall be accompanied by the application fee 25850  
established in rules adopted under division (G) of that section. 25851

Application 25852

Application fees received by the director under this division 25853

shall be deposited into the state treasury to the credit of the 25854  
certificate of need fund, which is hereby created. The director 25855  
shall use the fund only to pay the costs of administering sections 25856  
3702.11 to 3702.20, 3702.30, and 3702.51 to 3702.62 of the Revised 25857  
Code and rules adopted under those sections. 25858

The director shall mail to the applicant a written notice 25859  
that the application meets the criteria for a complete application 25860  
specified in rules adopted under section 3702.57 of the Revised 25861  
Code, or a written request for additional information, not later 25862  
than ~~fifteen~~ thirty days after receiving an application or a 25863  
response to an earlier request for information. The director shall 25864  
not make more than two requests for additional information. 25865

The director may conduct a public informational hearing in 25866  
the course of reviewing any application for a certificate of need, 25867  
and shall conduct one if requested to do so by any affected person 25868  
not later than fifteen days after the director mails the notice 25869  
that the application is complete. The hearing shall be conducted 25870  
in the community in which the activities authorized by the 25871  
certificate of need would be carried out. Any affected person may 25872  
testify at the hearing. The director may, with the health service 25873  
agency's consent, designate a health service agency to conduct the 25874  
hearing. 25875

Except during a public hearing or as necessary to comply with 25876  
a subpoena issued under division (F) of this section, after a 25877  
notice of completeness has been received, no person shall 25878  
knowingly discuss in person or by telephone the merits of the 25879  
application with the director. If one or more persons request a 25880  
meeting in person or by telephone, the director shall make a 25881  
reasonable effort to invite interested parties to the meeting or 25882  
conference call. 25883

~~(C) Divisions (C)(1) to (7) of this section apply to 25884  
certificate of need applications for which the director had not 25885~~

~~issued a written decision prior to April 20, 1995, unless the~~ 25886  
~~director was required, under the version of this section in effect~~ 25887  
~~immediately prior to June 30, 1995, to grant a certificate of need~~ 25888  
~~prior to June 30, 1995, because of a lack of written objections~~ 25889  
~~from any affected person. Divisions (C)(1) to (7) of this section~~ 25890  
~~do not invalidate any certificate of need that the director was~~ 25891  
~~required to grant prior to June 30, 1995, under that circumstance.~~ 25892

~~(1) The~~ All of the following apply to the process of granting 25893  
or denying a certificate of need: 25894

(1) If the project proposed in a certificate of need 25895  
application meets all of the applicable certificate of need 25896  
criteria for approval under sections 3702.51 to 3702.62 of the 25897  
Revised Code and the rules adopted under those sections, the 25898  
director shall grant a certificate of need for the entire project 25899  
that is the subject of the application immediately after both of 25900  
the following conditions are met: 25901

(a) The board of trustees of the health service agency of the 25902  
health service area in which the reviewable activity is proposed 25903  
to be conducted recommends, prior to the deadline specified in 25904  
division (C)(4) of this section or any extension of it under 25905  
division (C)(5) of this section, that the certificate of need be 25906  
granted; 25907

(b) The director ~~receives no~~ does not receive any written 25908  
objections to the application from any affected person by the 25909  
~~later of May 20, 1995, or thirty days~~ thirtieth day after the 25910  
director mails the notice of completeness. 25911

(2) In the case of certificate of need applications under 25912  
comparative review, if the projects proposed in the applications 25913  
meet all of the applicable certificate of need criteria for 25914  
approval under sections 3702.51 to 3702.62 of the Revised Code and 25915  
the rules adopted under those sections, the director shall grant 25916

certificates of need for the entire projects that are the subject 25917  
of the applications immediately after both of the following 25918  
conditions are met: 25919

(a) The board of trustees of the health service agency of 25920  
each health service area in which the reviewable activities are 25921  
proposed to be conducted recommends, prior to the deadline 25922  
specified in division (C)(4) of this section or any extension of 25923  
it under division (C)(5) of this section, that certificates of 25924  
need be granted for each of the reviewable activities to be 25925  
conducted in its health service area; 25926

(b) The director ~~receives no~~ does not receive any written 25927  
objections to any of the applications from any affected person by 25928  
the ~~later of May 20, 1995, or thirty days~~ thirtieth day after the 25929  
director mails the last notice of completeness. 25930

The director's grant of a certificate of need under division 25931  
(C)(1) or (2) of this section does not affect, and sets no 25932  
precedent for, the director's decision to grant or deny other 25933  
applications for similar reviewable activities proposed to be 25934  
conducted in the same or different health service areas. 25935

(3) If the director receives written objections to an 25936  
application from any affected person by the ~~later of May 20, 1995,~~ 25937  
~~or thirty days~~ thirtieth day after mailing the notice of 25938  
completeness, regardless of the health service agency's 25939  
recommendation, the director shall notify the applicant and assign 25940  
a hearing examiner to conduct an adjudication hearing concerning 25941  
the application in accordance with Chapter 119. of the Revised 25942  
Code. In the case of applications under comparative review, if the 25943  
director receives written objections to any of the applications 25944  
from any affected person by the ~~later of May 20, 1995, or thirty~~ 25945  
~~days~~ thirtieth day after the director mails the last notice of 25946  
completeness, regardless of the health service agencies' 25947  
recommendation, the director shall notify all of the applicants 25948

and appoint a hearing examiner to conduct a consolidated 25949  
adjudication hearing concerning the applications in accordance 25950  
with Chapter 119. of the Revised Code. The hearing examiner shall 25951  
be employed by or under contract with the department of health. 25952

The adjudication hearings may be conducted in the health 25953  
service area in which the reviewable activity is proposed to be 25954  
conducted. Consolidated adjudication hearings for applications in 25955  
comparative review may be conducted in the geographic region in 25956  
which all of the reviewable activities will be conducted. The 25957  
applicant, the director, and the affected persons that filed 25958  
objections to the application shall be parties to the hearing. If 25959  
none of the affected persons that submitted written objections to 25960  
the application appears or prosecutes the hearing, the hearing 25961  
examiner shall dismiss the hearing and the director shall grant a 25962  
certificate of need for the entire project that is the subject of 25963  
the application if the proposed project meets all of the 25964  
applicable certificate of need criteria for approval under 25965  
sections 3702.51 to 3702.62 of the Revised Code and the rules 25966  
adopted under those sections. The affected persons bear the burden 25967  
of proving by a preponderance of evidence that the project is not 25968  
needed or that granting the certificate would not be in accordance 25969  
with sections 3702.51 to 3702.62 of the Revised Code or the rules 25970  
adopted under ~~section 3702.57 of the Revised Code~~ those sections. 25971

(4) Except as provided in divisions (C)(1) and (2) of this 25972  
section, the director shall grant or deny certificate of need 25973  
applications for which an adjudication hearing is not conducted 25974  
under division (C)(3) of this section not later than ~~ninety~~ sixty 25975  
days after mailing the notice of completeness or, in the case of 25976  
an application proposing addition of long-term care beds, not 25977  
later than ~~ninety~~ sixty days after such other time as is specified 25978  
in rules adopted under section 3702.57 of the Revised Code. The 25979  
director shall grant or deny certificate of need applications for 25980

which an adjudication hearing is conducted under division (C)(3) 25981  
of this section not later than thirty days after the expiration of 25982  
the time for filing objections to the report and recommendation of 25983  
the hearing examiner under section 119.09 of the Revised Code. The 25984  
director shall base decisions concerning applications for which an 25985  
adjudication hearing is conducted under division (C)(3) of this 25986  
section on the report and recommendations of the hearing examiner. 25987

(5) Except as otherwise provided in division (C)(1), (2), or 25988  
(6) of this section, the director or the applicant may extend the 25989  
deadline prescribed in division (C)(4) of this section once, for 25990  
no longer than thirty days, by written notice before the end of 25991  
the original thirty-day period. An extension by the director under 25992  
division (C)(5) of this section shall apply to all applications 25993  
that are in comparative review. 25994

(6) No applicant in a comparative review may extend the 25995  
deadline specified in division (C)(4) of this section. 25996

(7) Except as provided in divisions (C)(1) and (2) of this 25997  
section, the director may grant a certificate of need for all or 25998  
part of the project that is the subject of an application. If the 25999  
director does not grant or deny the certificate by the applicable 26000  
deadline specified in division (C)(4) of this section or any 26001  
extension of it under division (C)(5) of this section, the 26002  
certificate shall be considered to have been granted. ~~The~~ 26003  
~~director, in reviewing certificate of need applications for solid~~ 26004  
~~organ transplantation services, may ask for assistance from a~~ 26005  
~~statewide transplantation advisory group consisting of qualified~~ 26006  
~~professionals and administrators. Such consultation shall not~~ 26007  
~~cause the review period for any application to be extended beyond~~ 26008  
~~the applicable deadline specified in division (C)(4) of this~~ 26009  
~~section or any extension of it under division (C)(5) of this~~ 26010  
~~section.~~ 26011

~~(D)~~(8) In granting a certificate of need, the director shall 26012

specify as the maximum capital expenditure the certificate holder 26013  
may obligate under the certificate a figure equal to one hundred 26014  
ten per cent of the approved project cost. 26015

~~(E)~~(9) In granting a certificate of need, the director may 26016  
grant the certificate with conditions that must be met by the 26017  
holder of the certificate. 26018

(D) The director shall monitor the activities of persons 26019  
granted certificates of need concerning long-term care beds during 26020  
the period beginning with the granting of the certificate of need 26021  
and ending five years after implementation of the activity for 26022  
which the certificate was granted. 26023

In the case of any other certificate of need, the director 26024  
shall monitor the activities of persons granted certificates of 26025  
need during the period beginning with the granting of the 26026  
certificate of need and ending when the activity for which the 26027  
certificate was granted ceases to be a reviewable activity in 26028  
accordance with section 3702.511 of the Revised Code. 26029

~~(F)~~(E) When reviewing applications for certificates of need 26030  
or monitoring activities of persons granted certificates of need, 26031  
the director may issue and enforce, in the manner provided in 26032  
section 119.09 of the Revised Code, subpoenas duces tecum to 26033  
compel the production of documents relevant to review of the 26034  
application or monitoring of the activities. In addition, the 26035  
director or the director's designee, which may include a health 26036  
service agency, may visit the sites where the activities are or 26037  
will be conducted. 26038

~~(G)~~(F) The director may withdraw certificates of need. 26039

~~(H)~~(G) The director shall conduct, on a regular basis, health 26040  
system data collection and analysis activities and prepare 26041  
reports. The director shall make recommendations based upon these 26042  
activities to the public health council concerning the adoption of 26043

appropriate rules under section 3702.57 of the Revised Code. All 26044  
health care facilities and other health care providers shall 26045  
submit to the director, upon request, any information that is 26046  
necessary to conduct reviews of certificate of need applications 26047  
and to develop recommendations for criteria for reviews, and that 26048  
is prescribed by rules adopted under division (H) of section 26049  
3702.57 of the Revised Code. 26050

~~(I)~~(H) Any decision to grant or deny a certificate of need 26051  
shall consider the special needs and circumstances resulting from 26052  
moral and ethical values and the free exercise of religious rights 26053  
of health care facilities administered by religious organizations, 26054  
and the special needs and circumstances of children's hospitals, 26055  
inner city hospitals, and small rural hospitals. 26056

**Sec. 3702.5211.** Notwithstanding any conflicting provision of 26057  
sections 3702.51 to ~~3702.68~~ 3702.62 of the Revised Code, the 26058  
veterans' home operated under Chapter 5907. of the Revised Code 26059  
that is located in Sandusky, including the Secrest nursing home 26060  
and Giffin care facility, is not required to obtain a certificate 26061  
of need for the addition of up to fifty-two additional nursing 26062  
home beds to be licensed under Chapter 3721. of the Revised Code 26063  
if the additional beds are placed in service prior to June 30, 26064  
1999. 26065

**Sec. 3702.5212.** (A) This section applies to each long-term 26066  
care facility that meets the following requirements: 26067

(1) The facility has been in continuous operation for not 26068  
less than one hundred twenty years prior to the effective date of 26069  
this section; 26070

(2) The facility is located in an inner city area; 26071

(3) The facility is operating as a nonprofit entity organized 26072  
under Chapter 1702. of the Revised Code or the nonprofit law of 26073



another state. 26074

(B) Notwithstanding any conflicting provision of sections 26075  
3702.51 to ~~3702.68~~ 3702.62 of the Revised Code, the owner or 26076  
operator of a long-term care facility described in division (A) of 26077  
this section is not required to obtain a certificate of need for 26078  
the addition of up to thirty long-term care beds to be licensed 26079  
under Chapter 3721. of the Revised Code. The exemption shall apply 26080  
only as long as the beds are owned and operated by the facility to 26081  
which the exemption is granted. 26082

**Sec. 3702.5213.** Notwithstanding any conflicting provision of 26083  
sections 3702.51 to ~~3702.68~~ 3702.62 of the Revised Code, the 26084  
veterans' home operated under Chapter 5907. of the Revised Code 26085  
that is located in Brown county is not required to obtain a 26086  
certificate of need for the addition of up to one hundred 26087  
sixty-eight additional nursing home beds to be licensed under 26088  
Chapter 3721. of the Revised Code if the additional beds are 26089  
placed in service prior to December 31, 2004. 26090

**Sec. 3702.57.** (A) The public health council shall adopt rules 26091  
establishing procedures and criteria for reviews of applications 26092  
for certificates of need and issuance, denial, or withdrawal of 26093  
certificates. 26094

(1) The rules shall require that, in addition to any other 26095  
applicable review requirements of sections 3702.51 to 3702.62 of 26096  
the Revised Code and rules adopted thereunder, any application for 26097  
a certificate of need from an osteopathic hospital be reviewed on 26098  
the basis of the need for and the availability in the community of 26099  
services and hospitals for osteopathic physicians and their 26100  
patients, and in terms of its impact on existing and proposed 26101  
institutional training programs for doctors of osteopathy and 26102  
doctors of medicine at the student, internship, and residency 26103

training levels. 26104

(2) In adopting rules that establish criteria for reviews of 26105  
applications of certificates of need, the council shall consider 26106  
the availability of and need for long-term care beds to provide 26107  
care and treatment to persons diagnosed as having traumatic brain 26108  
injuries and shall prescribe criteria for reviewing applications 26109  
that propose to add long-term care beds to provide care and 26110  
treatment to persons diagnosed as having traumatic brain injuries. 26111

(3) The criteria for reviews of applications for certificates 26112  
of need shall relate to the need for the reviewable activity and 26113  
shall pertain to all of the following matters: 26114

(a) The impact of the reviewable activity on the cost and 26115  
quality of health services in the relevant geographic area, 26116  
including, but not limited, to the historical and projected 26117  
utilization of the services to which the application pertains and 26118  
the effect of the reviewable activity on utilization of other 26119  
providers of similar services; 26120

(b) The quality of the services to be provided as the result 26121  
of the activity, as evidenced by the historical performance of the 26122  
persons that will be involved in providing the services and by the 26123  
provisions that are proposed in the application to ensure quality, 26124  
including but not limited to adequate available personnel, 26125  
available ancillary and support services, available equipment, 26126  
size and configuration of physical plant, and relations with other 26127  
providers; 26128

(c) The impact of the reviewable activity on the availability 26129  
and accessibility of the type of services proposed in the 26130  
application to the population of the relevant geographic area, and 26131  
the level of access to the services proposed in the application 26132  
that will be provided to medically underserved individuals such as 26133  
recipients of public assistance and individuals who have no health 26134

insurance or whose health insurance is insufficient;	26135
(d) The activity's short- and long-term financial feasibility	26136
and cost-effectiveness, the impact of the activity on the	26137
applicant's costs and charges, and a comparison of the applicant's	26138
costs and charges with those of providers of similar services in	26139
the applicant's proposed service area;	26140
(e) The advantages, disadvantages, and costs of alternatives	26141
to the reviewable activity;	26142
(f) The impact of the activity on all other providers of	26143
similar services in the health service area or other relevant	26144
geographic area, including the impact on their utilization, market	26145
share, and financial status;	26146
(g) The historical performance of the applicant and related	26147
or affiliated parties in complying with previously granted	26148
certificates of need and any applicable certification,	26149
accreditation, or licensure requirements;	26150
(h) The relationship of the activity to the current edition	26151
of the state health resources plan issued under section 3702.521	26152
of the Revised Code;	26153
(i) The historical performance of the applicant and related	26154
or affiliated parties in providing cost-effective health care	26155
services;	26156
(j) The special needs and circumstances of the applicant or	26157
population proposed to be served by the proposed project,	26158
including research activities, prevalence of particular diseases,	26159
unusual demographic characteristics, cost-effective contractual	26160
affiliations, and other special circumstances;	26161
(k) The appropriateness of the zoning status of the proposed	26162
site of the activity;	26163
(l) The participation by the applicant in research conducted	26164

by the United States food and drug administration or clinical 26165  
trials sponsored by the national institutes of health. 26166

(4) The criteria for reviews of applications may include 26167  
formulas for determining need for beds and services. 26168

(a) The criteria prescribing formulas shall not, either by 26169  
themselves or in conjunction with any established occupancy 26170  
guidelines, require, as a condition of being granted a certificate 26171  
of need, that a hospital reduce its complement of registered beds 26172  
or discontinue any service that is not related to the service or 26173  
project for which the certificate of need is sought. 26174

(b) With respect to applications to conduct reviewable 26175  
activities that are affected directly by the inpatient occupancy 26176  
of a health care facility, including addition, relocation, or 26177  
recategorization of beds or renovation or other construction 26178  
activities relating to inpatient services, the rules shall 26179  
prescribe criteria for determining whether the scope of the 26180  
proposed project is appropriate in light of the historical and 26181  
reasonably projected occupancy rates for the beds related to the 26182  
project. 26183

(c) Any rules prescribing criteria that establish ratios of 26184  
beds, services, or equipment to population shall specify the bases 26185  
for establishing the ratios or mitigating factors or exceptions to 26186  
the ratios. 26187

(B) The council shall adopt rules specifying all of the 26188  
following: 26189

(1) Information that must be provided in applications for 26190  
certificates of need, which shall include a plan for obligating 26191  
the capital expenditure or implementing the proposed project on a 26192  
timely basis in accordance with section 3702.525 of the Revised 26193  
Code; 26194

(2) Procedures for reviewing applications for completeness of 26195

information; 26196

(3) Criteria for determining that the application is 26197  
complete. 26198

(C) The council shall adopt rules specifying requirements 26199  
that holders of certificates of need must meet in order for the 26200  
certificates to remain valid and establishing definitions and 26201  
requirements for obligation of capital expenditures and 26202  
implementation of projects authorized by certificates of need. 26203

(D) The council shall adopt rules establishing criteria and 26204  
procedures under which the director of health may withdraw a 26205  
certificate of need if the holder fails to meet requirements for 26206  
continued validity of the certificate. 26207

(E) The council shall adopt rules establishing procedures 26208  
under which the department of health shall monitor project 26209  
implementation activities of holders of certificates of need. The 26210  
rules adopted under this division also may establish procedures 26211  
for monitoring implementation activities of persons that have 26212  
received nonreviewability rulings. 26213

(F) The council shall adopt rules establishing procedures 26214  
under which the director of health shall review certificates of 26215  
need whose holders exceed or appear likely to exceed an 26216  
expenditure maximum specified in a certificate. 26217

(G) The council shall adopt rules establishing certificate of 26218  
need application fees sufficient to pay the costs incurred by the 26219  
department for administering sections 3702.51 to 3702.62 of the 26220  
Revised Code and to pay health service agencies for the functions 26221  
they perform under division (D)(5) of section 3702.58 of the 26222  
Revised Code. Unless rules are adopted under this division 26223  
establishing different application fees, the application fee for a 26224  
project not involving a capital expenditure shall be three 26225  
thousand dollars and the application fee for a project involving a 26226

capital expenditure shall be nine-tenths of one per cent of the 26227  
capital expenditure proposed subject to a minimum of three 26228  
thousand dollars and a maximum of twenty thousand dollars. 26229

(H) The council shall adopt rules specifying information that 26230  
is necessary to conduct reviews of certificate of need 26231  
applications and to develop recommendations for criteria for 26232  
reviews that health care facilities and other health care 26233  
providers are to submit to the director under division ~~(H)~~(G) of 26234  
section 3702.52 of the Revised Code. 26235

(I) The council shall adopt rules defining "affiliated 26236  
person," "related person," and "ultimate controlling interest" for 26237  
purposes of section 3702.524 of the Revised Code. 26238

(J) The council shall adopt rules prescribing requirements 26239  
for holders of certificates of need to demonstrate to the director 26240  
under section 3702.526 of the Revised Code that reasonable 26241  
progress is being made toward completion of the reviewable 26242  
activity and establishing standards by which the director shall 26243  
determine whether reasonable progress is being made. 26244

(K) The council shall adopt rules defining high-risk cardiac 26245  
catheterization patients. High-risk patients shall include 26246  
patients with significant ischemic syndromes or unstable 26247  
myocardial infarction, patients who need intervention such as 26248  
angioplasty or bypass surgery, patients who may require difficult 26249  
or complex catheterization procedures such as transeptal 26250  
assessment of valvular dysfunction, patients with critical aortic 26251  
stenosis or congestive heart failure, and other patients specified 26252  
by the council. 26253

(L) The public health council shall adopt all rules under 26254  
divisions (A) to (K) of this section in accordance with Chapter 26255  
119. of the Revised Code. The council may adopt other rules as 26256  
necessary to carry out the purposes of sections 3702.51 to 3702.62 26257

of the Revised Code. 26258

**Sec. ~~3702.68~~ 3702.59.** (A) Notwithstanding any conflicting provision of sections 3702.51 to 3702.62 of the Revised Code, other than the provisions of sections 3702.5210, 3702.5211, 3702.5212, and 3702.5213 of the Revised Code, both of the following apply under the certificate of need program: 26259  
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(1) Divisions (B) to (E) of this section applies apply to the review of certificate of need applications during the period beginning July 1, 1993, and ending June 30, ~~2007~~ 2009. 26264  
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~~As used in this section, "existing health care facility" has the same meaning as in section 3702.51 of the Revised Code (2)~~ 26267  
Beginning July 1, 2009, the director of health shall not accept for review under section 3702.52 of the Revised Code any application for a certificate of need to recategorize hospital beds as described in section 3702.522 of the Revised Code. 26268  
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(B)(1) Except as provided in division (B)(2) of this section, the director of health shall neither grant nor deny any application for a certificate of need submitted prior to July 1, 1993, if the application was for any of the following and the director had not issued a written decision concerning the application prior to that date: 26273  
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(a) Approval of beds in a new health care facility or an increase of beds in an existing health care facility, if the beds are proposed to be licensed as nursing home beds under Chapter 3721. of the Revised Code; 26279  
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26281  
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(b) Approval of beds in a new county home or new county nursing home as defined in section 5155.31 of the Revised Code, or an increase of beds in an existing county home or existing county nursing home, if the beds are proposed to be certified as skilled nursing facility beds under Title XVIII or nursing facility beds 26283  
26284  
26285  
26286  
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under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 26288  
42 U.S.C.A. 301, as amended; 26289

(c) Recategorization of hospital beds as described in section 26290  
3702.522 of the Revised Code, an increase of hospital beds 26291  
registered pursuant to section 3701.07 of the Revised Code as 26292  
long-term care beds or skilled nursing facility beds, or a 26293  
recategorization of hospital beds that would result in an increase 26294  
of beds registered pursuant to that section as long-term care beds 26295  
or skilled nursing facility beds. 26296

On July 1, 1993, the director shall return each such 26297  
application to the applicant and, notwithstanding section 3702.52 26298  
of the Revised Code regarding the uses of the certificate of need 26299  
fund, shall refund to the applicant the application fee paid under 26300  
that section. Applications returned under division (B)(1) of this 26301  
section may be resubmitted in accordance with section 3702.52 of 26302  
the Revised Code no sooner than July 1, ~~2007~~ 2009. 26303

(2) The director shall continue to review and shall issue a 26304  
decision regarding any application submitted prior to July 1, 26305  
1993, to increase beds for either of the purposes described in 26306  
division (B)(1)(a) or (b) of this section if the proposed increase 26307  
in beds is attributable solely to a replacement or relocation of 26308  
existing beds within the same county. The director shall authorize 26309  
under such an application no additional beds beyond those being 26310  
replaced or relocated. 26311

(C)(1) Except as provided in division (C)(2) of this section, 26312  
the director, during the period beginning July 1, 1993, and ending 26313  
June 30, ~~2007~~ 2009, shall not accept for review under section 26314  
3702.52 of the Revised Code any application for a certificate of 26315  
need for any of the purposes described in divisions (B)(1)(a) to 26316  
(c) of this section. 26317

(2)(a) The director shall accept for review any application 26318



for either of the purposes described in division (B)(1)(a) or (b) 26319  
of this section if the proposed increase in beds is attributable 26320  
solely to a replacement or relocation of existing beds from an 26321  
existing health care facility within the same county. The director 26322  
shall authorize under such an application no additional beds 26323  
beyond those being replaced or relocated. 26324

The director shall not approve an application for a 26325  
certificate of need for addition of long-term care beds to an 26326  
existing health care facility by relocation of beds or for the 26327  
development of a new health care facility by relocation of beds 26328  
unless all of the following conditions are met: 26329

(i) The existing health care facility to which the beds are 26330  
being relocated has no waivers for life safety code waivers 26331  
deficiencies, no state fire code violations, and no state building 26332  
code violations, or the project identified in the application 26333  
proposes to correct all life safety code deficiencies for which a 26334  
waiver has been granted, all state fire code violations, and all 26335  
state building code violations at the existing health care 26336  
facility to which the beds are being relocated; 26337

(ii) During the sixty-month period preceding the filing of 26338  
the application, no notice of proposed revocation of the 26339  
facility's license was issued under section 3721.03 of the Revised 26340  
Code to the operator of the existing facility to which the beds 26341  
are being relocated or to any health care facility owned or 26342  
operated by the applicant or any principal participant in the same 26343  
corporation or other business; 26344

(iii) Neither the existing health care facility to which the 26345  
beds are being relocated nor any health care facility owned or 26346  
operated by the applicant or any principal participant in the same 26347  
corporation or other business has had a long-standing pattern of 26348  
violations of this chapter or deficiencies that caused one or more 26349  
residents physical, emotional, mental, or psychosocial harm. 26350

(b) The director also shall accept for review any application 26351  
for the conversion of infirmary beds to long-term care beds if the 26352  
infirmary meets all of the following conditions: 26353

(i) Is operated exclusively by a religious order; 26354

(ii) Provides care exclusively to members of religious orders 26355  
who take vows of celibacy and live by virtue of their vows within 26356  
the orders as if related; 26357

(iii) Was providing care exclusively to members of such a 26358  
religious order on January 1, 1994. 26359

(D) The director shall issue a decision regarding any case 26360  
remanded by a court as the result of a decision issued by the 26361  
director prior to July 1, 1993, to grant, deny, or withdraw a 26362  
certificate of need for any of the purposes described in divisions 26363  
(B)(1)(a) to (c) of this section. 26364

(E) The director shall not project the need for beds listed 26365  
in division (B)(1) of this section for the period beginning July 26366  
1, 1993, and ending June 30, ~~2007~~ 2009. 26367

~~This section is an interim section effective until July 1,~~ 26368  
~~2007.~~ 26369

**Sec. ~~3702.63~~ 3702.591.** As specified in former Section 11 of 26370  
Am. Sub. S.B. 50 of the 121st general assembly, as amended by Am. 26371  
Sub. H.B. 405 of the 124th general assembly, all of the following 26372  
apply: 26373

(A) The removal of former divisions (E) and (F) of section 26374  
3702.52 of the Revised Code by Sections 1 and 2 of Am. Sub. S.B. 26375  
50 of the 121st general assembly does not release the holders of 26376  
certificates of need issued under those divisions from complying 26377  
with any conditions on which the granting of the certificates of 26378  
need was based, including the requirement of former division 26379  
(E)(6) of that section that the holders not enter into provider 26380

agreements under Chapter 5111. of the Revised Code and Title XIX 26381  
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, 26382  
as amended, for at least ten years following initial licensure of 26383  
the long-term care facilities for which the certificates were 26384  
granted. 26385

(B) The repeal of section 3702.55 of the Revised Code by 26386  
Section 2 of Am. Sub. S.B. 50 of the 121st general assembly does 26387  
not release the holders of certificates of need issued under that 26388  
section from complying with any conditions on which the granting 26389  
of the certificates of need was based, other than the requirement 26390  
of division (A)(6) of that section that the holders not seek 26391  
certification under Title XVIII of the "Social Security Act" for 26392  
beds recategorized under the certificates. That repeal also does 26393  
not eliminate the requirement that the director of health revoke 26394  
the licensure of the beds under Chapter 3721. of the Revised Code 26395  
if a person to which their ownership is transferred fails, as 26396  
required by division (A)(6) of the repealed section, to file 26397  
within ten days after the transfer a sworn statement not to seek 26398  
certification under Title XIX of the "Social Security Act" for 26399  
beds recategorized under the certificates of need. 26400

(C) The repeal of section 3702.56 of the Revised Code by 26401  
Section 2 of Am. Sub. S.B. 50 of the 121st general assembly does 26402  
not release the holders of certificates of need issued under that 26403  
section from complying with any conditions on which the granting 26404  
of the certificates of need was based. 26405

**Sec. 3704.03.** The director of environmental protection may do 26406  
any of the following: 26407

(A) Develop programs for the prevention, control, and 26408  
abatement of air pollution; 26409

(B) Advise, consult, contract, and cooperate with any 26410  
governmental or private agency in the furtherance of the purposes 26411

of this chapter;	26412
(C) Encourage, participate in, or conduct studies,	26413
investigations, and research relating to air pollution, collect	26414
and disseminate information, and conduct education and training	26415
programs relating to the causes, prevention, control, and	26416
abatement of air pollution;	26417
(D) Adopt, modify, and rescind rules prescribing ambient air	26418
quality standards for the state as a whole or for various areas of	26419
the state that are consistent with and no more stringent than the	26420
national ambient air quality standards in effect under the federal	26421
Clean Air Act;	26422
(E) Adopt, modify, suspend, and rescind rules for the	26423
prevention, control, and abatement of air pollution, including	26424
rules prescribing for the state as a whole or for various areas of	26425
the state emission standards for air contaminants, and other	26426
necessary rules for the purpose of achieving and maintaining	26427
compliance with ambient air quality standards in all areas within	26428
the state as expeditiously as practicable, but not later than any	26429
deadlines applicable under the federal Clean Air Act; rules for	26430
the prevention or control of the emission of hazardous or toxic	26431
air contaminants; rules prescribing fugitive dust limitations and	26432
standards that are related, on an areawide basis, to attainment	26433
and maintenance of ambient air quality standards; rules	26434
prescribing shade, density, or opacity limitations and standards	26435
for emissions, provided that with regard to air contaminant	26436
sources for which there are particulate matter emission standards	26437
in addition to a shade, density, or opacity rule, upon	26438
demonstration by such a source of compliance with those other	26439
standards, the shade, density, or opacity rule shall provide for	26440
establishment of a shade, density, or opacity limitation for that	26441
source that does not require the source to reduce emissions below	26442
the level specified by those other standards; rules for the	26443

prevention or control of odors and air pollution nuisances; rules 26444  
that prevent significant deterioration of air quality to the 26445  
extent required by the federal Clean Air Act; rules for the 26446  
protection of visibility as required by the federal Clean Air Act; 26447  
and rules prescribing open burning limitations and standards. In 26448  
adopting, modifying, suspending, or rescinding any such rules, the 26449  
director, to the extent consistent with the federal Clean Air Act, 26450  
shall hear and give consideration to evidence relating to all of 26451  
the following: 26452

(1) Conditions calculated to result from compliance with the 26453  
rules, the overall cost within this state of compliance with the 26454  
rules, and their relation to benefits to the people of the state 26455  
to be derived from that compliance; 26456

(2) The quantity and characteristics of air contaminants, the 26457  
frequency and duration of their presence in the ambient air, and 26458  
the dispersion and dilution of those contaminants; 26459

(3) Topography, prevailing wind directions and velocities, 26460  
physical conditions, and other factors that may or may combine to 26461  
affect air pollution. 26462

Consistent with division (K) of section 3704.036 of the 26463  
Revised Code, the director shall consider alternative emission 26464  
limits proposed by the owner or operator of an air contaminant 26465  
source that is subject to an emission limit established in rules 26466  
adopted under this division and shall accept those alternative 26467  
emission limits that the director determines to be equivalent to 26468  
emission limits established in rules adopted under this division. 26469

(F)(1) Adopt, modify, suspend, and rescind rules consistent 26470  
with the purposes of this chapter prohibiting the location, 26471  
installation, construction, or modification of any air contaminant 26472  
source or any machine, equipment, device, apparatus, or physical 26473  
facility intended primarily to prevent or control the emission of 26474

air contaminants unless an installation permit therefor has been 26475  
obtained from the director or the director's authorized 26476  
representative. 26477

(2) Applications for installation permits shall be 26478  
accompanied by plans, specifications, construction schedules, and 26479  
such other pertinent information and data, including data on 26480  
ambient air quality impact and a demonstration of best available 26481  
technology, as the director may require. Installation permits 26482  
shall be issued for a period specified by the director and are 26483  
transferable. The director shall specify in each permit the 26484  
applicable emission standards and that the permit is conditioned 26485  
upon payment of the applicable fees as required by section 3745.11 26486  
of the Revised Code and upon the right of the director's 26487  
authorized representatives to enter upon the premises of the 26488  
person to whom the permit has been issued, at any reasonable time 26489  
and subject to safety requirements of the person in control of the 26490  
premises, for the purpose of determining compliance with such 26491  
standards, this chapter, the rules adopted thereunder, and the 26492  
conditions of any permit, variance, or order issued thereunder. 26493  
Each proposed new or modified air contaminant source shall provide 26494  
such notice of its proposed installation or modification to other 26495  
states as is required under the federal Clean Air Act. 26496  
Installation permits shall include the authorization to operate 26497  
sources installed and operated in accordance with terms and 26498  
conditions of the installation permits for a period not to exceed 26499  
one year from commencement of operation, which authorization shall 26500  
constitute an operating permit under division (G) of this section 26501  
and rules adopted under it. 26502

No installation permit shall be required for activities that 26503  
are subject to and in compliance with a plant-wide applicability 26504  
limit issued by the director in accordance with rules adopted 26505  
under this section. 26506

No installation permit shall be issued except in accordance 26507  
with all requirements of this chapter and rules adopted 26508  
thereunder. No application shall be denied or permit revoked or 26509  
modified without a written order stating the findings upon which 26510  
denial, revocation, or modification is based. A copy of the order 26511  
shall be sent to the applicant or permit holder by certified mail. 26512

(3) Not later than two years after ~~the effective date of this~~ 26513  
~~amendment~~ August 3, 2006, the director shall adopt a rule in 26514  
accordance with Chapter 119. of the Revised Code specifying that a 26515  
permit to install is required only for new or modified air 26516  
contaminant sources that emit any of the following air 26517  
contaminants: 26518

(a) An air contaminant or precursor of an air contaminant for 26519  
which a national ambient air quality standard has been adopted 26520  
under the federal Clean Air Act; 26521

(b) An air contaminant for which the air contaminant source 26522  
is regulated under the federal Clean Air Act; 26523

(c) An air contaminant that presents, or may present, through 26524  
inhalation or other routes of exposure, a threat of adverse human 26525  
health effects, including, but not limited to, substances that are 26526  
known to be, or may reasonably be anticipated to be, carcinogenic, 26527  
mutagenic, teratogenic, or neurotoxic, that cause reproductive 26528  
dysfunction, or that are acutely or chronically toxic, or a threat 26529  
of adverse environmental effects whether through ambient 26530  
concentrations, bioaccumulation, deposition, or otherwise, and 26531  
that is identified in the rule by chemical name and chemical 26532  
abstract service number. 26533

The director may modify the rule adopted under division 26534  
(F)(3)(c) of this section for the purpose of adding or deleting 26535  
air contaminants. For each air contaminant that is contained in or 26536  
deleted from the rule adopted under division (F)(3)(c) of this 26537

section, the director shall include in a notice accompanying any 26538  
proposed or final rule an explanation of the director's 26539  
determination that the air contaminant meets the criteria 26540  
established in that division and should be added to, or no longer 26541  
meets the criteria and should be deleted from, the list of air 26542  
contaminants. The explanation shall include an identification of 26543  
the scientific evidence on which the director relied in making the 26544  
determination. Until adoption of the rule under division (F)(3)(c) 26545  
of this section, nothing shall affect the director's authority to 26546  
issue, deny, modify, or revoke permits to install under this 26547  
chapter and rules adopted under it. 26548

(4)(a) Applications for permits to install new or modified 26549  
air contaminant sources shall contain sufficient information 26550  
regarding air contaminants for which the director may require a 26551  
permit to install to determine conformity with the environmental 26552  
protection agency's document entitled "Review of New Sources of 26553  
Air Toxics Emissions, Option A," dated May 1986, which the 26554  
director shall use to evaluate toxic emissions from new or 26555  
modified air contaminant sources. The director shall make copies 26556  
of the document available to the public upon request at no cost 26557  
and post the document on the environmental protection agency's web 26558  
site. Any inconsistency between the document and division (F)(4) 26559  
of this section shall be resolved in favor of division (F)(4) of 26560  
this section. 26561

(b) The maximum acceptable ground level concentration of an 26562  
air contaminant shall be calculated in accordance with the 26563  
document entitled "Review of New Sources of Air Toxics Emissions, 26564  
Option A." Modeling shall be conducted to determine the increase 26565  
in the ground level concentration of an air contaminant beyond the 26566  
facility's boundary caused by the emissions from a new or modified 26567  
source that is the subject of an application for a permit to 26568  
install. Modeling shall be based on the maximum hourly rate of 26569



emissions from the source using information including, but not 26570  
limited to, any emission control devices or methods, operational 26571  
restrictions, stack parameters, and emission dispersion devices or 26572  
methods that may affect ground level concentrations, either 26573  
individually or in combination. The director shall determine 26574  
whether the activities for which a permit to install is sought 26575  
will cause an increase in the ground level concentration of one or 26576  
more relevant air contaminants beyond the facility's boundary by 26577  
an amount in excess of the maximum acceptable ground level 26578  
concentration. In making the determination as to whether the 26579  
maximum acceptable ground level concentration will be exceeded, 26580  
the director shall give consideration to the modeling conducted 26581  
under division (F)(4)(b) of this section and other relevant 26582  
information submitted by the applicant. 26583

(c) If the modeling conducted under division (F)(4)(b) of 26584  
this section with respect to an application for a permit to 26585  
install demonstrates that the maximum ground level concentration 26586  
from a new or modified source will be greater than or equal to 26587  
eighty per cent, but less than one hundred per cent of the maximum 26588  
acceptable ground level concentration for an air contaminant, the 26589  
director may establish terms and conditions in the permit to 26590  
install for the air contaminant source that will require the owner 26591  
or operator of the air contaminant source to maintain emissions of 26592  
that air contaminant commensurate with the modeled level, which 26593  
shall be expressed as allowable emissions per day. In order to 26594  
calculate the allowable emissions per day, the director shall 26595  
multiply the hourly emission rate modeled under division (F)(4)(b) 26596  
of this section to determine the ground level concentration by the 26597  
operating schedule that has been identified in the permit to 26598  
install application. Terms and conditions imposed under division 26599  
(F)(4)(c) of this section are not federally enforceable 26600  
requirements and, if included in a Title V permit, shall be placed 26601  
in the portion of the permit that is only enforceable by the 26602

state. 26603

(d) If the modeling conducted under division (F)(4)(b) of 26604  
this section with respect to an application for a permit to 26605  
install demonstrates that the maximum ground level concentration 26606  
from a new or modified source will be less than eighty per cent of 26607  
the maximum acceptable ground level concentration, the owner or 26608  
operator of the source annually shall report to the director, on a 26609  
form prescribed by the director, whether operations of the source 26610  
are consistent with the information regarding the operations that 26611  
was used to conduct the modeling with regard to the permit to 26612  
install application. The annual report to the director shall be in 26613  
lieu of an emission limit or other permit terms and conditions 26614  
imposed pursuant to division (F)(4) of this section. The director 26615  
may consider any significant departure from the operations of the 26616  
source described in the permit to install application that results 26617  
in greater emissions than the emissions rate modeled to determine 26618  
the ground level concentration as a modification and require the 26619  
owner or operator to submit a permit to install application for 26620  
the increased emissions. The requirements established in division 26621  
(F)(4)(d) of this section are not federally enforceable 26622  
requirements and, if included in a Title V permit, shall be placed 26623  
in the portion of the permit that is only enforceable by the 26624  
state. 26625

(e) Division (F)(4) of this section and the document entitled 26626  
"Review of New Sources of Air Toxics Emissions, Option A" shall 26627  
not be included in the state implementation plan under section 110 26628  
of the federal Clean Air Act and do not apply to an air 26629  
contaminant source that is subject to a maximum achievable control 26630  
technology standard or residual risk standard under section 112 of 26631  
the federal Clean Air Act, to a particular air contaminant 26632  
identified under 40 C.F.R. 51.166, division (b)(23), for which the 26633  
director has determined that the owner or operator of the source 26634

is required to install best available control technology for that 26635  
particular air contaminant, or to a particular air contaminant for 26636  
which the director has determined that the source is required to 26637  
meet the lowest achievable emission rate, as defined in 40 C.F.R. 26638  
part 51, Appendix S, for that particular air contaminant. 26639

(f)(i) Division (F)(4) of this section and the document 26640  
entitled "Review of New Sources of Air Toxics Emissions, Option A" 26641  
do not apply to parking lots, storage piles, storage tanks, 26642  
transfer operations, grain silos, grain dryers, emergency 26643  
generators, gasoline dispensing operations, air contaminant 26644  
sources that emit air contaminants solely from the combustion of 26645  
fossil fuels, or the emission of wood dust, sand, glass dust, coal 26646  
dust, silica, and grain dust. 26647

(ii) Notwithstanding division (F)(4)(f)(i) of this section, 26648  
the director may require an individual air contaminant source that 26649  
is within one of the source categories identified in division 26650  
(F)(4)(f)(i) of this section to submit information in an 26651  
application for a permit to install a new or modified source in 26652  
order to determine the source's conformity to the document if the 26653  
director has information to conclude that the particular new or 26654  
modified source will potentially cause an increase in ground level 26655  
concentration beyond the facility's boundary that exceeds the 26656  
maximum acceptable ground level concentration as set forth in the 26657  
document. 26658

(iii) The director may adopt rules in accordance with Chapter 26659  
119. of the Revised Code that are consistent with the purposes of 26660  
this chapter and that add to or delete from the source category 26661  
exemptions established in division (F)(4)(f)(i) of this section. 26662

(5) Not later than one year after ~~the effective date of this~~ 26663  
~~amendment~~ August 3, 2006, the director shall adopt rules in 26664  
accordance with Chapter 119. of the Revised Code specifying 26665  
activities that do not, by themselves, constitute beginning actual 26666

construction activities related to the installation or 26667  
modification of an air contaminant source for which a permit to 26668  
install is required such as the grading and clearing of land, 26669  
on-site storage of portable parts and equipment, and the 26670  
construction of foundations or buildings that do not themselves 26671  
emit air contaminants. The rules also shall allow specified 26672  
initial activities that are part of the installation or 26673  
modification of an air contaminant source, such as the 26674  
installation of electrical and other utilities for the source, 26675  
prior to issuance of a permit to install, provided that the owner 26676  
or operator of the source has filed a complete application for a 26677  
permit to install, the director or the director's designee has 26678  
determined that the application is complete, and the owner or 26679  
operator of the source has notified the director that this 26680  
activity will be undertaken prior to the issuance of a permit to 26681  
install. Any activity that is undertaken by the source under those 26682  
rules shall be at the risk of the owner or operator. The rules 26683  
shall not apply to activities that are precluded prior to permit 26684  
issuance under section 111, section 112, Part C of Title I, and 26685  
Part D of Title I of the federal Clean Air Act. 26686

(G) Adopt, modify, suspend, and rescind rules prohibiting the 26687  
operation or other use of any new, modified, or existing air 26688  
contaminant source unless an operating permit has been obtained 26689  
from the director or the director's authorized representative, or 26690  
the air contaminant source is being operated in compliance with 26691  
the conditions of a variance issued pursuant to division (H) of 26692  
this section. Applications for operating permits shall be 26693  
accompanied by such plans, specifications, and other pertinent 26694  
information as the director may require. Operating permits may be 26695  
issued for a period determined by the director not to exceed five 26696  
ten years, are renewable, and are transferable. The director shall 26697  
specify in each operating permit that the permit is conditioned 26698  
upon payment of the applicable fees as required by section 3745.11 26699

of the Revised Code and upon the right of the director's 26700  
authorized representatives to enter upon the premises of the 26701  
person to whom the permit has been issued, at any reasonable time 26702  
and subject to safety requirements of the person in control of the 26703  
premises, for the purpose of determining compliance with this 26704  
chapter, the rules adopted thereunder, and the conditions of any 26705  
permit, variance, or order issued thereunder. Operating permits 26706  
may be denied or revoked for failure to comply with this chapter 26707  
or the rules adopted thereunder. An operating permit shall be 26708  
issued only upon a showing satisfactory to the director or the 26709  
director's representative that the air contaminant source is being 26710  
operated in compliance with applicable emission standards and 26711  
other rules or upon submission of a schedule of compliance 26712  
satisfactory to the director for a source that is not in 26713  
compliance with all applicable requirements at the time of permit 26714  
issuance, provided that the compliance schedule shall be 26715  
consistent with and at least as stringent as that contained in any 26716  
judicial consent decree or administrative order to which the air 26717  
contaminant source is subject. The rules shall provide for the 26718  
issuance of conditional operating permits for such reasonable 26719  
periods as the director may determine to allow the holder of an 26720  
installation permit, who has constructed, installed, located, or 26721  
modified a new air contaminant source in accordance with the 26722  
provisions of an installation permit, to make adjustments or 26723  
modifications necessary to enable the new air contaminant source 26724  
to comply with applicable emission standards and other rules. 26725  
Terms and conditions of operating permits issued pursuant to this 26726  
division shall be federally enforceable for the purpose of 26727  
establishing the potential to emit of a stationary source and 26728  
shall be expressly designated as federally enforceable. Any such 26729  
federally enforceable restrictions on a source's potential to emit 26730  
shall include both an annual limit and a short-term limit of not 26731  
more than thirty days for each pollutant to be restricted together 26732

with adequate methods for establishing compliance with the 26733  
restrictions. In other respects, operating permits issued pursuant 26734  
to this division are enforceable as state law only. No application 26735  
shall be denied or permit revoked or modified without a written 26736  
order stating the findings upon which denial, revocation, or 26737  
modification is based. A copy of the order shall be sent to the 26738  
applicant or permit holder by certified mail. 26739

(H) Adopt, modify, and rescind rules governing the issuance, 26740  
revocation, modification, or denial of variances that authorize 26741  
emissions in excess of the applicable emission standards. 26742

No variance shall be issued except pursuant to those rules. 26743  
The rules shall prescribe conditions and criteria in furtherance 26744  
of the purposes of this chapter and consistent with the federal 26745  
Clean Air Act governing eligibility for issuance of variances, 26746  
which shall include all of the following: 26747

(1) Provisions requiring consistency of emissions authorized 26748  
by a variance with timely attainment and maintenance of ambient 26749  
air quality standards; 26750

(2) Provisions prescribing the classes and categories of air 26751  
contaminants and air contaminant sources for which variances may 26752  
be issued; 26753

(3) Provisions defining the circumstances under which an 26754  
applicant shall demonstrate that compliance with applicable 26755  
emission standards is technically infeasible, economically 26756  
unreasonable, or impossible because of conditions beyond the 26757  
control of the applicant; 26758

(4) Other provisions prescribed in furtherance of the goals 26759  
of this chapter. 26760

The rules shall prohibit the issuance of variances from any 26761  
emission limitation that was applicable to a source pursuant to an 26762  
installation permit and shall prohibit issuance of variances that 26763

conflict with the federal Clean Air Act. 26764

Applications for variances shall be accompanied by such 26765  
information as the director may require. In issuing variances, the 26766  
director may order the person to whom a variance is issued to 26767  
furnish plans and specifications and such other information and 26768  
data, including interim reports, as the director may require and 26769  
to proceed to take such action within such time as the director 26770  
may determine to be appropriate and reasonable to prevent, 26771  
control, or abate the person's existing emissions of air 26772  
contaminants. The director shall specify in each variance that the 26773  
variance is conditioned upon payment of the applicable fees as 26774  
required by section 3745.11 of the Revised Code and upon the right 26775  
of the director's authorized representatives to enter upon the 26776  
premises of the person to whom the variance has been issued, at 26777  
any reasonable time and subject to safety requirements of the 26778  
person in control of the premises, for the purpose of determining 26779  
compliance with this chapter, the rules adopted thereunder, and 26780  
the conditions of any permit, variance, or order issued 26781  
thereunder. 26782

The director may hold a public hearing on an application for 26783  
a variance or renewal thereof at a location in the county where 26784  
the variance is sought. The director shall give not less than 26785  
twenty days' notice of the hearing to the applicant by certified 26786  
mail and cause at least one publication of notice in a newspaper 26787  
with general circulation in the county where the variance is 26788  
sought. The director shall keep available for public inspection at 26789  
the principal office of the environmental protection agency a 26790  
current schedule of pending applications for variances and a 26791  
current schedule of pending variance hearings. The director shall 26792  
make a complete stenographic record of testimony and other 26793  
evidence submitted at the hearing. The director shall make a 26794  
written determination to issue, renew, or deny the variance and 26795

shall enter the determination and the basis therefor into the 26796  
record of the hearing. The director shall issue, renew, or deny an 26797  
application for a variance or renewal thereof, or issue a proposed 26798  
action upon the application pursuant to section 3745.07 of the 26799  
Revised Code, within six months of the date upon which the 26800  
director receives a complete application with all pertinent 26801  
information and data required by the director. 26802

Any variance granted pursuant to rules adopted under this 26803  
division shall be for a period specified by the director, not to 26804  
exceed three years, and may be renewed from time to time on such 26805  
terms and for such periods, not to exceed three years each, as the 26806  
director determines to be appropriate. A variance may be revoked, 26807  
or renewal denied, for failure to comply with conditions specified 26808  
in the variance. No variance shall be issued, denied, revoked, or 26809  
modified without a written order stating the findings upon which 26810  
the issuance, denial, revocation, or modification is based. A copy 26811  
of the order shall be sent to the applicant or variance holder by 26812  
certified mail. 26813

(I) Require the owner or operator of an air contaminant 26814  
source to install, employ, maintain, and operate such emissions, 26815  
ambient air quality, meteorological, or other monitoring devices 26816  
or methods as the director shall prescribe; to sample those 26817  
emissions at such locations, at such intervals, and in such manner 26818  
as the director prescribes; to maintain records and file periodic 26819  
reports with the director containing information as to location, 26820  
size, and height of emission outlets, rate, duration, and 26821  
composition of emissions, and any other pertinent information the 26822  
director prescribes; and to provide such written notice to other 26823  
states as the director shall prescribe. In requiring monitoring 26824  
devices, records, and reports, the director, to the extent 26825  
consistent with the federal Clean Air Act, shall give 26826  
consideration to technical feasibility and economic reasonableness 26827



and allow reasonable time for compliance. For sources where a 26828  
specific monitoring, record-keeping, or reporting requirement is 26829  
specified for a particular air contaminant from a particular air 26830  
contaminant source in an applicable regulation adopted by the 26831  
United States environmental protection agency under the federal 26832  
Clean Air Act or in an applicable rule adopted by the director, 26833  
the director shall not impose an additional requirement in a 26834  
permit that is a different monitoring, record-keeping, or 26835  
reporting requirement other than the requirement specified in the 26836  
applicable regulation or rule for that air contaminant except as 26837  
otherwise agreed to by the owner or operator of the air 26838  
contaminant source and the director. If two or more regulations or 26839  
rules impose different monitoring, record-keeping, or reporting 26840  
requirements for the same air contaminant from the same air 26841  
contaminant source, the director may impose permit terms and 26842  
conditions that consolidate or streamline the monitoring, 26843  
record-keeping, or reporting requirements in a manner that 26844  
conforms with each applicable requirement. To the extent 26845  
consistent with the federal Clean Air Act and except as otherwise 26846  
agreed to by the owner or operator of an air contaminant source 26847  
and the director, the director shall not require an operating 26848  
restriction that has the practical effect of increasing the 26849  
stringency of an existing applicable emission limitation or 26850  
standard. 26851

(J) Establish, operate, and maintain monitoring stations and 26852  
other devices designed to measure air pollution and enter into 26853  
contracts with any public or private agency for the establishment, 26854  
operation, or maintenance of such stations and devices; 26855

(K) By rule adopt procedures for giving reasonable public 26856  
notice and conducting public hearings on any plans for the 26857  
prevention, control, and abatement of air pollution that the 26858  
director is required to submit to the federal government; 26859

(L) Through any employee, agent, or authorized representative 26860  
of the director or the environmental protection agency, enter upon 26861  
private or public property, including improvements thereon, at any 26862  
reasonable time, to make inspections, take samples, conduct tests, 26863  
and examine records or reports pertaining to any emission of air 26864  
contaminants and any monitoring equipment or methods and to 26865  
determine if there are any actual or potential emissions from such 26866  
premises and, if so, to determine the sources, amounts, contents, 26867  
and extent of those emissions, or to ascertain whether there is 26868  
compliance with this chapter, any orders issued or rules adopted 26869  
thereunder, or any other determination of the director. The 26870  
director, at reasonable times, may have access to and copy any 26871  
such records. If entry or inspection authorized by this division 26872  
is refused, hindered, or thwarted, the director or the director's 26873  
authorized representative may by affidavit apply for, and any 26874  
judge of a court of record may issue, an appropriate inspection 26875  
warrant necessary to achieve the purposes of this chapter within 26876  
the court's territorial jurisdiction. 26877

(M) Accept and administer gifts or grants from the federal 26878  
government and from any other source, public or private, for 26879  
carrying out any of the functions under this chapter; 26880

(N) Obtain necessary scientific, technical, and laboratory 26881  
services; 26882

(O) Establish advisory boards in accordance with section 26883  
121.13 of the Revised Code; 26884

(P) Delegate to any city or general health district or 26885  
political subdivision of the state any of the director's 26886  
enforcement and monitoring powers and duties, other than 26887  
rule-making powers, as the director elects to delegate, and in 26888  
addition employ, compensate, and prescribe the powers and duties 26889  
of such officers, employees, and consultants as are necessary to 26890  
enable the director to exercise the authority and perform duties 26891

imposed upon the director by law. Technical and other services 26892  
shall be performed, insofar as practical, by personnel of the 26893  
environmental protection agency. 26894

(Q) Certify to the government of the United States or any 26895  
agency thereof that an industrial air pollution facility is in 26896  
conformity with the state program or requirements for control of 26897  
air pollution whenever such certificate is required for a taxpayer 26898  
pursuant to any federal law or requirements; 26899

(R) Issue, modify, or revoke orders requiring abatement of or 26900  
prohibiting emissions that violate applicable emission standards 26901  
or other requirements of this chapter and rules adopted 26902  
thereunder, or requiring emission control devices or measures in 26903  
order to comply with applicable emission standards or other 26904  
requirements of this chapter and rules adopted thereunder. Any 26905  
such order shall require compliance with applicable emission 26906  
standards by a specified date and shall not conflict with any 26907  
requirement of the federal Clean Air Act. In the making of such 26908  
orders, the director, to the extent consistent with the federal 26909  
Clean Air Act, shall give consideration to, and base the 26910  
determination on, evidence relating to the technical feasibility 26911  
and economic reasonableness of compliance with such orders and 26912  
their relation to benefits to the people of the state to be 26913  
derived from such compliance. If, under the federal Clean Air Act, 26914  
any such order shall provide for the posting of a bond or surety 26915  
to secure compliance with the order as a condition of issuance of 26916  
the order, the order shall so provide, but only to the extent 26917  
required by the federal Clean Air Act. 26918

(S) To the extent provided by the federal Clean Air Act, 26919  
adopt, modify, and rescind rules providing for the administrative 26920  
assessment and collection of monetary penalties, not in excess of 26921  
those required pursuant to the federal Clean Air Act, for failure 26922  
to comply with any emission limitation or standard, compliance 26923

schedule, or other requirement of any rule, order, permit, or 26924  
variance issued or adopted under this chapter or required under 26925  
the applicable implementation plan whether or not the source is 26926  
subject to a federal or state consent decree. The director may 26927  
require the submission of compliance schedules, calculations of 26928  
penalties for noncompliance, and related information. Any orders, 26929  
payments, sanctions, or other requirements imposed pursuant to 26930  
rules adopted under this division shall be in addition to any 26931  
other permits, orders, payments, sanctions, or other requirements 26932  
established under this chapter and shall not affect any civil or 26933  
criminal enforcement proceedings brought under any provision of 26934  
this chapter or any other provision of state or local law. This 26935  
division does not apply to any requirement of this chapter 26936  
regarding the prevention or abatement of odors. 26937

(T) Require new or modified air contaminant sources to 26938  
install best available technology, but only in accordance with 26939  
this division. With respect to permits issued pursuant to division 26940  
(F) of this section beginning three years after ~~the effective date~~ 26941  
~~of this amendment~~ August 3, 2006, best available technology for 26942  
air contaminant sources and air contaminants emitted by those 26943  
sources that are subject to standards adopted under section 112, 26944  
Part C of Title I, and Part D of Title I of the federal Clean Air 26945  
Act shall be equivalent to and no more stringent than those 26946  
standards. For an air contaminant or precursor of an air 26947  
contaminant for which a national ambient air quality standard has 26948  
been adopted under the federal Clean Air Act, best available 26949  
technology only shall be required to the extent required by rules 26950  
adopted under Chapter 119. of the Revised Code for permit to 26951  
install applications filed three or more years after ~~the effective~~ 26952  
~~date of this amendment~~ August 3, 2006. 26953

Best available technology requirements established in rules 26954  
adopted under this division shall be expressed only in one of the 26955

following ways that is most appropriate for the applicable source 26956  
or source categories: 26957

(1) Work practices; 26958

(2) Source design characteristics or design efficiency of 26959  
applicable air contaminant control devices; 26960

(3) Raw material specifications or throughput limitations 26961  
averaged over a twelve-month rolling period; 26962

(4) Monthly allowable emissions averaged over a twelve-month 26963  
rolling period. 26964

Best available technology requirements shall not apply to an 26965  
air contaminant source that has the potential to emit, taking into 26966  
account air pollution controls installed on the source, less than 26967  
ten tons per year of emissions of an air contaminant or precursor 26968  
of an air contaminant for which a national ambient air quality 26969  
standard has been adopted under the federal Clean Air Act. In 26970  
addition, best available technology requirements established in 26971  
rules adopted under this division shall not apply to any existing, 26972  
new, or modified air contaminant source that is subject to a 26973  
plant-wide applicability limit that has been approved by the 26974  
director. Further, best available technology requirements 26975  
established in rules adopted under this division shall not apply 26976  
to general permits issued prior to January 1, 2006, under rules 26977  
adopted under this chapter. 26978

For permits to install issued three or more years after ~~the~~ 26979  
~~effective date of this amendment~~ August 3, 2006, any new or 26980  
modified air contaminant source that has the potential to emit, 26981  
taking into account air pollution controls installed on the 26982  
source, ten or more tons per year of volatile organic compounds or 26983  
nitrogen oxides shall meet, at a minimum, the requirements of any 26984  
applicable reasonably available control technology rule in effect 26985  
as of January 1, 2006, regardless of the location of the source. 26986

(U) Consistent with section 507 of the federal Clean Air Act, 26987  
adopt, modify, suspend, and rescind rules for the establishment of 26988  
a small business stationary source technical and environmental 26989  
compliance assistance program as provided in section 3704.18 of 26990  
the Revised Code; 26991

(V) Provide for emissions trading, marketable permits, 26992  
auctions of emission rights, and economic incentives that would 26993  
reduce the cost or increase the efficiency of achieving a 26994  
specified level of environmental protection; 26995

(W) Provide for the construction of an air contaminant source 26996  
prior to obtaining a permit to install pursuant to division (F) of 26997  
this section if the applicant demonstrates that the source will be 26998  
installed to comply with all applicable emission limits and will 26999  
not adversely affect public health or safety or the environment 27000  
and if the director determines that such an action will avoid an 27001  
unreasonable hardship on the owner or operator of the source. Any 27002  
such determination shall be consistent with the federal Clean Air 27003  
Act. 27004

(X) Exercise all incidental powers, including adoption of 27005  
rules, required to carry out this chapter. 27006

The environmental protection agency shall develop a plan to 27007  
control air pollution resulting from state-operated facilities and 27008  
property. 27009

**Sec. 3704.14.** (A) The director of environmental protection 27010  
shall continue to implement an enhanced motor vehicle inspection 27011  
and maintenance program for a period of two years beginning on 27012  
January 1, ~~2006~~ 2008, and ending on December 31, ~~2007~~ 2009, in 27013  
counties in which a motor vehicle inspection and maintenance 27014  
program is federally mandated. The program shall be substantially 27015  
similar to the enhanced program implemented in those counties 27016  
under a contract that is scheduled to expire on December 31, ~~2005~~ 27017

2007. The program, at a minimum, shall do all of the following: 27018

(1) Comply with the federal Clean Air Act; 27019

(2) Provide for the extension of a contract for a period of 27020  
two years, beginning on January 1, ~~2006~~ 2008, and ending on 27021  
December 31, ~~2007~~ 2009, with the contractor who conducted the 27022  
enhanced motor vehicle inspection and maintenance program in those 27023  
~~federally mandated~~ counties where the program was in operation on 27024  
January 3, 2006, pursuant to a contract entered into ~~under former~~ 27025  
~~section 3704.14 of the Revised Code as that section existed prior~~ 27026  
~~to its repeal and reenactment by Am. Sub. H.B. 66 of the 126th~~ 27027  
~~General Assembly with the state;~~ 27028

(3) Provide for the issuance of inspection certificates; 27029

(4) Provide for a new car exemption for motor vehicles four 27030  
years old or newer and provide that a new motor vehicle is exempt 27031  
for four years regardless of whether legal title to the motor 27032  
vehicle is transferred during that period. 27033

~~(B) The director shall not implement a motor vehicle 27034  
inspection and maintenance program in any county other than a 27035  
county in which a motor vehicle inspection and maintenance program 27036  
is federally mandated. 27037~~

~~(C)~~ The director shall adopt rules in accordance with Chapter 27038  
119. of the Revised Code that the director determines are 27039  
necessary to implement this section. The director may continue to 27040  
implement and enforce rules pertaining to the enhanced motor 27041  
vehicle inspection and maintenance program previously implemented 27042  
under former section 3704.14 of the Revised Code as that section 27043  
existed prior to its repeal and reenactment by Am. Sub. H.B. 66 of 27044  
the 126th general assembly, provided that the rules do not 27045  
conflict with this section. 27046

~~(D)~~(C) There is hereby created in the state treasury the 27047  
motor vehicle inspection and maintenance fund, which shall consist 27048

of money received by the director from any fees for inspections 27049  
that are established in rules adopted under this section. The 27050  
director shall use money in the fund solely for the 27051  
implementation, supervision, administration, operation, and 27052  
enforcement of the enhanced motor vehicle inspection and 27053  
maintenance program established under this section. 27054

~~(E)~~(D) The enhanced motor vehicle inspection and maintenance 27055  
program established under this section expires on December 31, 27056  
~~2007~~ 2009, and shall not be continued beyond that date unless 27057  
otherwise federally mandated. 27058

(E) Notwithstanding divisions (A) to (D) of this section, the 27059  
director shall not implement an enhanced motor vehicle inspection 27060  
and maintenance program and no such program shall be operated in 27061  
an area of the state where such a program was not in operation on 27062  
January 3, 2006, pursuant to a contract entered into by this state 27063  
unless both of following apply: 27064

(1) The program is required in the approved state 27065  
implementation plan; and 27066

(2) After January 3, 2006, the United States environmental 27067  
protection agency has expressly notified the director in writing 27068  
that the failure to operate the program in a specific area will 27069  
result in the imposition of sanctions under the federal Clean Air 27070  
Act. 27071

**Sec. 3705.24.** (A)(1) The public health council shall, in 27072  
accordance with section 111.15 of the Revised Code, adopt rules 27073  
prescribing fees for the following services provided by the state 27074  
office of vital statistics: 27075

(a) Except as provided in division (A)(4) of this section: 27076

(i) A certified copy of a vital record or a certification of 27077  
birth; 27078



(ii) A search by the office of vital statistics of its files and records pursuant to a request for information, regardless of whether a copy of a record is provided; 27079  
27080  
27081

(iii) A copy of a record provided pursuant to a request; 27082

(b) Replacement of a birth certificate following an adoption, legitimation, paternity determination or acknowledgement, or court order; 27083  
27084  
27085

(c) Filing of a delayed registration of a vital record; 27086

(d) Amendment of a vital record that is requested later than one year after the filing date of the vital record; 27087  
27088

(e) Any other documents or services for which the public health council considers the charging of a fee appropriate. 27089  
27090

(2) Fees prescribed under division (A)(1)(a) of this section shall not be less than seven dollars. 27091  
27092

(3) Fees prescribed under division (A)(1) of this section shall be collected in addition to any fees required by sections 3109.14 and 3705.242 of the Revised Code. 27093  
27094  
27095

(4) Fees prescribed under division (A) of this section shall not apply to certifications issued under division (H) of this section or copies provided under section 3705.241 of the Revised Code. 27096  
27097  
27098  
27099

(B) In addition to the fees prescribed under division (A) of this section or section 3709.09 of the Revised Code, the office of vital statistics or the board of health of a city or general health district shall charge a five-dollar fee for each certified copy of a vital record and each certification of birth. This fee shall be deposited in the general operations fund created under section 3701.83 of the Revised Code and be used ~~solely toward~~ to support the operations, the modernization, and the automation of the ~~system of~~ vital records program in this state. A board of 27100  
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27108

health shall forward all fees collected under this division to the 27109  
department of health not later than thirty days after the end of 27110  
each calendar quarter. 27111

(C) Except as otherwise provided in division (H) of this 27112  
section, and except as provided in section 3705.241 of the Revised 27113  
Code, fees collected by the director of health under sections 27114  
3705.01 to 3705.29 of the Revised Code shall be paid into the 27115  
state treasury to the credit of the general operations fund 27116  
created by section 3701.83 of the Revised Code. Except as provided 27117  
in division (B) of this section, money generated by the fees shall 27118  
be used only for administration and enforcement of this chapter 27119  
and the rules adopted under it. Amounts submitted to the 27120  
department of health for copies of vital records or services in 27121  
excess of the fees imposed by this section shall be dealt with as 27122  
follows: 27123

(1) An overpayment of two dollars or less shall be retained 27124  
by the department and deposited in the state treasury to the 27125  
credit of the general operations fund created by section 3701.83 27126  
of the Revised Code. 27127

(2) An overpayment in excess of two dollars shall be returned 27128  
to the person who made the overpayment. 27129

(D) If a local registrar is a salaried employee of a city or 27130  
a general health district, any fees the local registrar receives 27131  
pursuant to section 3705.23 of the Revised Code shall be paid into 27132  
the general fund of the city or the health fund of the general 27133  
health district. 27134

Each local registrar of vital statistics, or each health 27135  
district where the local registrar is a salaried employee of the 27136  
district, shall be entitled to a fee for each birth, fetal death, 27137  
death, or military service certificate properly and completely 27138  
made out and registered with the local registrar or district and 27139

correctly copied and forwarded to the office of vital statistics 27140  
in accordance with the population of the primary registration 27141  
district at the last federal census. The fee for each birth, fetal 27142  
death, death, or military service certificate shall be: 27143

(1) In primary registration districts of over two hundred 27144  
fifty thousand, twenty cents; 27145

(2) In primary registration districts of over one hundred 27146  
twenty-five thousand and less than two hundred fifty thousand, 27147  
sixty cents; 27148

(3) In primary registration districts of over fifty thousand 27149  
and less than one hundred twenty-five thousand, eighty cents; 27150

(4) In primary registration districts of less than fifty 27151  
thousand, one dollar. 27152

(E) The director of health shall annually certify to the 27153  
county treasurers of the several counties the number of birth, 27154  
fetal death, death, and military service certificates registered 27155  
from their respective counties with the names of the local 27156  
registrars and the amounts due each registrar and health district 27157  
at the rates fixed in this section. Such amounts shall be paid by 27158  
the treasurer of the county in which the registration districts 27159  
are located. No fees shall be charged or collected by registrars 27160  
except as provided by this chapter and section 3109.14 of the 27161  
Revised Code. 27162

(F) A probate judge shall be paid a fee of fifteen cents for 27163  
each certified abstract of marriage prepared and forwarded by the 27164  
probate judge to the department of health pursuant to section 27165  
3705.21 of the Revised Code. The fee shall be in addition to the 27166  
fee paid for a marriage license and shall be paid by the 27167  
applicants for the license. 27168

(G) The clerk of a court of common pleas shall be paid a fee 27169  
of one dollar for each certificate of divorce, dissolution, and 27170

annulment of marriage prepared and forwarded by the clerk to the 27171  
department pursuant to section 3705.21 of the Revised Code. The 27172  
fee for the certified abstract of divorce, dissolution, or 27173  
annulment of marriage shall be added to the court costs allowed in 27174  
these cases. 27175

(H) The fee for an heirloom certification of birth issued 27176  
pursuant to division (B)(2) of section 3705.23 of the Revised Code 27177  
shall be an amount prescribed by rule by the director of health 27178  
plus any fee required by section 3109.14 of the Revised Code. In 27179  
setting the amount of the fee, the director shall establish a 27180  
surcharge in addition to an amount necessary to offset the expense 27181  
of processing heirloom certifications of birth. The fee prescribed 27182  
by the director of health pursuant to this division shall be 27183  
deposited into the state treasury to the credit of the heirloom 27184  
certification of birth fund which is hereby created. Money 27185  
credited to the fund shall be used by the office of vital 27186  
statistics to offset the expense of processing heirloom 27187  
certifications of birth. However, the money collected for the 27188  
surcharge, subject to the approval of the controlling board, shall 27189  
be used for the purposes specified by the family and children 27190  
first council pursuant to section 121.37 of the Revised Code. 27191

**Sec. 3709.09.** (A) The board of health of a city or general 27192  
health district may, by rule, establish a uniform system of fees 27193  
to pay the costs of any services provided by the board. 27194

The fee for issuance of a certified copy of a vital record or 27195  
a certification of birth shall not be less than the fee prescribed 27196  
for the same service under division (A)(1) of section 3705.24 of 27197  
the Revised Code and shall include the fees required by division 27198  
(B) of section 3705.24 and section 3109.14 of the Revised Code. 27199

Fees for services provided by the board for purposes 27200  
specified in sections 3701.344, 3711.05, ~~3718.06~~, 3729.07, 27201

3730.03, 3733.04, 3733.25, and 3749.04 of the Revised Code shall 27202  
be established in accordance with rules adopted under division (B) 27203  
of this section. The district advisory council, in the case of a 27204  
general health district, and the legislative authority of the 27205  
city, in the case of a city health district, may disapprove any 27206  
fee established by the board of health under this division, and 27207  
any such fee, as disapproved, shall not be charged by the board of 27208  
health. 27209

(B) The public health council shall adopt rules under section 27210  
111.15 of the Revised Code that establish fee categories and 27211  
uniform methodologies for use in calculating the costs of services 27212  
provided for purposes specified in sections 3701.344, 3711.05, 27213  
~~3718.06~~, 3729.07, 3730.03, 3733.04, 3733.25, and 3749.04 of the 27214  
Revised Code. In adopting the rules, the public health council 27215  
shall consider recommendations it receives from advisory boards 27216  
established either by statute or the director of health for 27217  
entities subject to the fees. 27218

(C) At least thirty days prior to establishing a fee for a 27219  
service provided by the board for a purpose specified in section 27220  
3701.344, 3711.05, ~~3718.06~~, 3729.07, 3730.03, 3733.04, 3733.25, or 27221  
3749.04 of the Revised Code, a board of health shall notify any 27222  
entity that would be affected by the proposed fee of the amount of 27223  
the proposed fee. 27224

**Sec. 3709.091.** (A) As used in this section: 27225

(1) "Household sewage ~~treatment~~ disposal system" means any 27226  
sewage disposal or treatment system, or part of such a system, for 27227  
a single-family, two-family, or three-family dwelling that 27228  
receives sewage. 27229

(2) "Sewage" means any liquid waste containing animal or 27230  
vegetable matter in suspension or solution that originates from 27231  
~~humans and human activities. "Sewage" includes liquids containing~~ 27232

~~household chemicals in solution commonly discharged from a~~ 27233  
~~residence or from commercial, institutional, or other similar~~ 27234  
~~facilities.~~ 27235

~~(3) "Small flow on site sewage treatment system" means a~~ 27236  
~~system, other than a household sewage treatment system, that~~ 27237  
~~treats not more than one thousand gallons of sewage per day and~~ 27238  
~~that does not require a national pollutant discharge elimination~~ 27239  
~~system permit issued under section 6111.03 of the Revised Code or~~ 27240  
~~an injection well drilling or operating permit issued under~~ 27241  
~~section 6111.043 of the Revised Code water closets, urinals,~~ 27242  
~~lavatories, bathtubs, laundry tubs or devices, floor drains,~~ 27243  
~~drinking fountains, or other sanitary fixtures and may include~~ 27244  
~~liquid containing chemicals in solution.~~ 27245

(B) If any owner, leaseholder, or assignee of real property 27246  
fails to pay a fee as required by rule of a board of health of a 27247  
city or general health district pursuant to section 3709.09 of the 27248  
Revised Code for an operation permit for, or for inspection of, a 27249  
household sewage treatment disposal system ~~or a small flow on site~~ 27250  
~~sewage treatment system~~ located on the real property, the health 27251  
commissioner of the city or general health district or the 27252  
commissioner's designated representative shall notify the owner, 27253  
leaseholder, or assignee of the real property of the amount of the 27254  
fee and any accrued penalties for late payment of the fee. The 27255  
notice shall state, in boldface letters: "You have 30 days to 27256  
object to the amount of the unpaid operation permit or inspection 27257  
fee for your household sewage treatment disposal system ~~or small~~ 27258  
~~flow on site sewage treatment system, as applicable,~~ as designated 27259  
in this notice, which may include accrued penalties for late 27260  
payment of the fee. If you do not pay this amount as instructed 27261  
herein within 30 days of receipt of this notice or object to this 27262  
amount during that time period in accordance with the procedures 27263  
set forth herein, the amount will be placed as a lien on your real 27264

property." The notice also shall explain how the owner, 27265  
leaseholder, or assignee may pay the amount, or object to the 27266  
amount in accordance with the procedures established by divisions 27267  
(C) and (D) of this section. 27268

Notice to the owner, leaseholder, or assignee shall be made 27269  
by either of the following: 27270

(1) Certified mail, overnight delivery service, hand 27271  
delivery, or any other method that includes written evidence of 27272  
receipt; 27273

(2) The sheriff of the county in which the owner, 27274  
leaseholder, or assignee to be served resides, in one or more of 27275  
the methods provided in the Ohio Rules of Civil Procedure. The 27276  
sheriff may charge reasonable fees for that service. 27277

(C) Not later than thirty days after receipt under division 27278  
(B) of this section of notification of the amount of an unpaid 27279  
operation permit or inspection fee and any accrued late payment 27280  
penalties, the owner, leaseholder, or assignee may object to the 27281  
amount by delivering a written notice of objection to the health 27282  
commissioner by any of the means provided for in division (B)(1) 27283  
of this section. Not later than sixty days after receipt of the 27284  
notice of objection, the county prosecutor, on behalf of the city 27285  
or general health district, may file a civil action in the court 27286  
of common pleas against the owner, leaseholder, or assignee. If 27287  
the county prosecutor fails to commence suit within the sixty-day 27288  
period, or if the action is commenced, but dismissed with 27289  
prejudice before adjudication, the unpaid fee and any accrued late 27290  
payment penalties are void and cannot be placed on the general tax 27291  
list and duplicate as a lien against the real property. 27292

(D) If, in accordance with division (C) of this section, the 27293  
owner, leaseholder, or assignee objects to the amount of the 27294  
unpaid operation permit or inspection fee and any accrued late 27295

payment penalties and the county prosecutor commences suit and 27296  
prevails in the action, the owner, leaseholder, or assignee 27297  
objecting shall pay the amount of the fee, any accrued late 27298  
payment penalties, and the costs of the action, as determined by 27299  
the court. 27300

(E) If the owner, leaseholder, or assignee on which the 27301  
notice required by division (B) of this section was served does 27302  
not pay to the city or general health district the amount of an 27303  
unpaid operation permit or inspection fee and any accrued late 27304  
payment penalties within thirty days after receipt of the notice, 27305  
or does not object to the amount in the manner provided in 27306  
division (C) of this section, the health commissioner of the city 27307  
or general health district or the commissioner's designated 27308  
representative may certify, on or before the first Monday of 27309  
September, the amount of the unpaid fee and any accrued late 27310  
payment penalties to the county auditor to be placed on the 27311  
general tax list and duplicate as provided in section 319.281 of 27312  
the Revised Code. 27313

**Sec. 3721.51.** The department of job and family services shall 27314  
do all of the following: 27315

(A) Subject to division (C) of this section and for the 27316  
purposes specified in sections 3721.56 and 3721.561 of the Revised 27317  
Code, determine an annual franchise permit fee on each nursing 27318  
home in an amount equal to six dollars and twenty-five cents ~~for~~ 27319  
~~fiscal years 2006 and 2007 and one dollar for each fiscal year~~ 27320  
~~thereafter~~, multiplied by the product of the following: 27321

(1) The number of beds licensed as nursing home beds, plus 27322  
any other beds certified as skilled nursing facility beds under 27323  
Title XVIII or nursing facility beds under Title XIX on the first 27324  
day of May of the calendar year in which the fee is determined 27325  
pursuant to division (A) of section 3721.53 of the Revised Code; 27326



(2) The number of days in the fiscal year beginning on the 27327  
first day of July of the calendar year in which the fee is 27328  
determined pursuant to division (A) of section 3721.53 of the 27329  
Revised Code. 27330

(B) Subject to division (C) of this section and for the 27331  
purposes specified in sections 3721.56 and 3721.561 of the Revised 27332  
Code, determine an annual franchise permit fee on each hospital in 27333  
an amount equal to six dollars and twenty-five cents ~~for fiscal~~ 27334  
~~years 2006 and 2007 and one dollar for each fiscal year~~ 27335  
~~thereafter~~, multiplied by the product of the following: 27336

(1) The number of beds registered pursuant to section 3701.07 27337  
of the Revised Code as skilled nursing facility beds or long-term 27338  
care beds, plus any other beds licensed as nursing home beds under 27339  
section 3721.02 or 3721.09 of the Revised Code, on the first day 27340  
of May of the calendar year in which the fee is determined 27341  
pursuant to division (A) of section 3721.53 of the Revised Code; 27342

(2) The number of days in the fiscal year beginning on the 27343  
first day of July of the calendar year in which the fee is 27344  
determined pursuant to division (A) of section 3721.53 of the 27345  
Revised Code. 27346

(C) If the United States centers for medicare and medicaid 27347  
services determines that the franchise permit fee established by 27348  
sections 3721.50 to 3721.58 of the Revised Code is an 27349  
impermissible health care related tax under section 1903(w) of the 27350  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 1396b(w), as 27351  
amended, take all necessary actions to cease implementation of 27352  
sections 3721.50 to 3721.58 of the Revised Code in accordance with 27353  
rules adopted under section 3721.58 of the Revised Code. 27354

**Sec. 3721.541.** (A) In addition to assessing a penalty 27355  
pursuant to section 3721.54 of the Revised Code, the department of 27356  
job and family services may do either or both of the following if 27357

a nursing facility or hospital fails to pay the full amount of a franchise permit fee installment when due: 27358  
27359

(1) ~~Withheld~~ Offset an amount less than or equal to the 27360  
installment and penalty assessed under section 3721.54 of the 27361  
Revised Code from a medicaid payment due the nursing facility or 27362  
hospital ~~until the nursing facility or hospital pays the~~ 27363  
~~installment and penalty;~~ 27364

(2) Terminate the nursing facility or hospital's medicaid 27365  
provider agreement. 27366

(B) The department may ~~withheld~~ offset a medicaid payment 27367  
under division (A)(1) of this section without providing notice to 27368  
the nursing facility or hospital and without conducting an 27369  
adjudication under Chapter 119. of the Revised Code. 27370

**Sec. 3721.56.** There is hereby created in the state treasury 27371  
the home- and community-based services for the aged fund. Sixteen 27372  
per cent of all payments and penalties paid by nursing homes and 27373  
hospitals under sections 3721.53 and 3721.54 of the Revised Code 27374  
~~for fiscal years 2006 and 2007, and all such payments and~~ 27375  
~~penalties paid for subsequent fiscal years,~~ shall be deposited 27376  
into the fund. The departments of job and family services and 27377  
aging shall use the moneys in the fund to fund the following in 27378  
accordance with rules adopted under section 3721.58 of the Revised 27379  
Code: 27380

(A) The medicaid program established under Chapter 5111. of 27381  
the Revised Code, including the PASSPORT program established under 27382  
section 173.40 of the Revised Code; 27383

(B) The residential state supplement program established 27384  
under section 173.35 of the Revised Code. 27385

**Sec. 3734.57.** (A) The following fees are hereby levied on the 27386  
transfer or disposal of solid wastes in this state: 27387

(1) One dollar per ton on and after July 1, 2003, through 27388  
June 30, ~~2008~~ 2010, one-half of the proceeds of which shall be 27389  
deposited in the state treasury to the credit of the hazardous 27390  
waste facility management fund created in section 3734.18 of the 27391  
Revised Code and one-half of the proceeds of which shall be 27392  
deposited in the state treasury to the credit of the hazardous 27393  
waste clean-up fund created in section 3734.28 of the Revised 27394  
Code; 27395

(2) An additional one dollar per ton on and after July 1, 27396  
2003, through June 30, ~~2008~~ 2010, the proceeds of which shall be 27397  
deposited in the state treasury to the credit of the solid waste 27398  
fund, which is hereby created. The environmental protection agency 27399  
shall use money in the solid waste fund to pay the costs of 27400  
administering and enforcing the laws pertaining to solid wastes, 27401  
infectious wastes, and construction and demolition debris, 27402  
including, without limitation, ground water evaluations related to 27403  
solid wastes, infectious wastes, and construction and demolition 27404  
debris, under this chapter and Chapter 3714. of the Revised Code 27405  
and any rules adopted under them, providing compliance assistance 27406  
to small businesses, and paying a share of the administrative 27407  
costs of the environmental protection agency pursuant to section 27408  
3745.014 of the Revised Code. 27409

(3) An additional one dollar and fifty cents per ton on and 27410  
after July 1, 2005, through June 30, ~~2008~~ 2010, the proceeds of 27411  
which shall be deposited in the state treasury to the credit of 27412  
the environmental protection fund created in section 3745.015 of 27413  
the Revised Code. 27414

In the case of solid wastes that are taken to a solid waste 27415  
transfer facility located in this state prior to being transported 27416  
for disposal at a solid waste disposal facility located in this 27417  
state or outside of this state, the fees levied under this 27418  
division shall be collected by the owner or operator of the 27419

transfer facility as a trustee for the state. The amount of fees 27420  
required to be collected under this division at such a transfer 27421  
facility shall equal the total tonnage of solid wastes received at 27422  
the facility multiplied by the fees levied under this division. In 27423  
the case of solid wastes that are not taken to a solid waste 27424  
transfer facility located in this state prior to being transported 27425  
to a solid waste disposal facility, the fees shall be collected by 27426  
the owner or operator of the solid waste disposal facility as a 27427  
trustee for the state. The amount of fees required to be collected 27428  
under this division at such a disposal facility shall equal the 27429  
total tonnage of solid wastes received at the facility that was 27430  
not previously taken to a solid waste transfer facility located in 27431  
this state multiplied by the fees levied under this division. Fees 27432  
levied under this division do not apply to materials separated 27433  
from a mixed waste stream for recycling by a generator or 27434  
materials removed from the solid waste stream through recycling, 27435  
as "recycling" is defined in rules adopted under section 3734.02 27436  
of the Revised Code. 27437

The owner or operator of a solid waste transfer facility or 27438  
disposal facility, as applicable, shall prepare and file with the 27439  
director of environmental protection each month a return 27440  
indicating the total tonnage of solid wastes received at the 27441  
facility during that month and the total amount of the fees 27442  
required to be collected under this division during that month. In 27443  
addition, the owner or operator of a solid waste disposal facility 27444  
shall indicate on the return the total tonnage of solid wastes 27445  
received from transfer facilities located in this state during 27446  
that month for which the fees were required to be collected by the 27447  
transfer facilities. The monthly returns shall be filed on a form 27448  
prescribed by the director. Not later than thirty days after the 27449  
last day of the month to which a return applies, the owner or 27450  
operator shall mail to the director the return for that month 27451  
together with the fees required to be collected under this 27452

division during that month as indicated on the return. If the  
return is filed and the amount of the fees due is paid in a timely  
manner as required in this division, the owner or operator may  
retain a discount of three-fourths of one per cent of the total  
amount of the fees that are required to be paid as indicated on  
the return.

The owner or operator may request an extension of not more  
than thirty days for filing the return and remitting the fees,  
provided that the owner or operator has submitted such a request  
in writing to the director together with a detailed description of  
why the extension is requested, the director has received the  
request not later than the day on which the return is required to  
be filed, and the director has approved the request. If the fees  
are not remitted within thirty days after the last day of the  
month to which the return applies or are not remitted by the last  
day of an extension approved by the director, the owner or  
operator shall not retain the three-fourths of one per cent  
discount and shall pay an additional ten per cent of the amount of  
the fees for each month that they are late. For purposes of  
calculating the late fee, the first month in which fees are late  
begins on the first day after the deadline has passed for timely  
submitting the return and fees, and one additional month shall be  
counted every thirty days thereafter.

The owner or operator of a solid waste facility may request a  
refund or credit of fees levied under this division and remitted  
to the director that have not been paid to the owner or operator.  
Such a request shall be made only if the fees have not been  
collected by the owner or operator, have become a debt that has  
become worthless or uncollectable for a period of six months or  
more, and may be claimed as a deduction, including a deduction  
claimed if the owner or operator keeps accounts on an accrual  
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26

U.S.C. 166, as amended, and regulations adopted under it. Prior to 27485  
making a request for a refund or credit, an owner or operator 27486  
shall make reasonable efforts to collect the applicable fees. A 27487  
request for a refund or credit shall not include any costs 27488  
resulting from those efforts to collect unpaid fees. 27489

A request for a refund or credit of fees shall be made in 27490  
writing, on a form prescribed by the director, and shall be 27491  
supported by evidence that may be required in rules adopted by the 27492  
director under this chapter. After reviewing the request, and if 27493  
the request and evidence submitted with the request indicate that 27494  
a refund or credit is warranted, the director shall grant a refund 27495  
to the owner or operator or shall permit a credit to be taken by 27496  
the owner or operator on a subsequent monthly return submitted by 27497  
the owner or operator. The amount of a refund or credit shall not 27498  
exceed an amount that is equal to ninety days' worth of fees owed 27499  
to an owner or operator by a particular debtor of the owner or 27500  
operator. A refund or credit shall not be granted by the director 27501  
to an owner or operator more than once in any twelve-month period 27502  
for fees owed to the owner or operator by a particular debtor. 27503

If, after receiving a refund or credit from the director, an 27504  
owner or operator receives payment of all or part of the fees, the 27505  
owner or operator shall remit the fees with the next monthly 27506  
return submitted to the director together with a written 27507  
explanation of the reason for the submittal. 27508

For purposes of computing the fees levied under this division 27509  
or division (B) of this section, any solid waste transfer or 27510  
disposal facility that does not use scales as a means of 27511  
determining gate receipts shall use a conversion factor of three 27512  
cubic yards per ton of solid waste or one cubic yard per ton for 27513  
baled waste, as applicable. 27514

The fees levied under this division and divisions (B) and (C) 27515  
of this section are in addition to all other applicable fees and 27516

taxes and shall be paid by the customer or a political subdivision 27517  
to the owner or operator of a solid waste transfer or disposal 27518  
facility notwithstanding the existence of any provision in a 27519  
contract that the customer or a political subdivision may have 27520  
with the owner or operator or with a transporter of waste to the 27521  
facility that would not require or allow such payment. 27522

(B) For the purposes specified in division (G) of this 27523  
section, the solid waste management policy committee of a county 27524  
or joint solid waste management district may levy fees upon the 27525  
following activities: 27526

(1) The disposal at a solid waste disposal facility located 27527  
in the district of solid wastes generated within the district; 27528

(2) The disposal at a solid waste disposal facility within 27529  
the district of solid wastes generated outside the boundaries of 27530  
the district, but inside this state; 27531

(3) The disposal at a solid waste disposal facility within 27532  
the district of solid wastes generated outside the boundaries of 27533  
this state. 27534

The solid waste management plan of the county or joint 27535  
district approved under section 3734.521 or 3734.55 of the Revised 27536  
Code and any amendments to it, or the resolution adopted under 27537  
this division, as appropriate, shall establish the rates of the 27538  
fees levied under divisions (B)(1), (2), and (3) of this section, 27539  
if any, and shall specify whether the fees are levied on the basis 27540  
of tons or cubic yards as the unit of measurement. A solid waste 27541  
management district that levies fees under this division on the 27542  
basis of cubic yards shall do so in accordance with division (A) 27543  
of this section. 27544

The fee levied under division (B)(1) of this section shall be 27545  
not less than one dollar per ton nor more than two dollars per 27546  
ton, the fee levied under division (B)(2) of this section shall be 27547

not less than two dollars per ton nor more than four dollars per 27548  
ton, and the fee levied under division (B)(3) of this section 27549  
shall be not more than the fee levied under division (B)(1) of 27550  
this section. 27551

Prior to the approval of the solid waste management plan of a 27552  
district under section 3734.55 of the Revised Code, the solid 27553  
waste management policy committee of a district may levy fees 27554  
under this division by adopting a resolution establishing the 27555  
proposed amount of the fees. Upon adopting the resolution, the 27556  
committee shall deliver a copy of the resolution to the board of 27557  
county commissioners of each county forming the district and to 27558  
the legislative authority of each municipal corporation and 27559  
township under the jurisdiction of the district and shall prepare 27560  
and publish the resolution and a notice of the time and location 27561  
where a public hearing on the fees will be held. Upon adopting the 27562  
resolution, the committee shall deliver written notice of the 27563  
adoption of the resolution; of the amount of the proposed fees; 27564  
and of the date, time, and location of the public hearing to the 27565  
director and to the fifty industrial, commercial, or institutional 27566  
generators of solid wastes within the district that generate the 27567  
largest quantities of solid wastes, as determined by the 27568  
committee, and to their local trade associations. The committee 27569  
shall make good faith efforts to identify those generators within 27570  
the district and their local trade associations, but the 27571  
nonprovision of notice under this division to a particular 27572  
generator or local trade association does not invalidate the 27573  
proceedings under this division. The publication shall occur at 27574  
least thirty days before the hearing. After the hearing, the 27575  
committee may make such revisions to the proposed fees as it 27576  
considers appropriate and thereafter, by resolution, shall adopt 27577  
the revised fee schedule. Upon adopting the revised fee schedule, 27578  
the committee shall deliver a copy of the resolution doing so to 27579  
the board of county commissioners of each county forming the 27580



district and to the legislative authority of each municipal 27581  
corporation and township under the jurisdiction of the district. 27582  
Within sixty days after the delivery of a copy of the resolution 27583  
adopting the proposed revised fees by the policy committee, each 27584  
such board and legislative authority, by ordinance or resolution, 27585  
shall approve or disapprove the revised fees and deliver a copy of 27586  
the ordinance or resolution to the committee. If any such board or 27587  
legislative authority fails to adopt and deliver to the policy 27588  
committee an ordinance or resolution approving or disapproving the 27589  
revised fees within sixty days after the policy committee 27590  
delivered its resolution adopting the proposed revised fees, it 27591  
shall be conclusively presumed that the board or legislative 27592  
authority has approved the proposed revised fees. The committee 27593  
shall determine if the resolution has been ratified in the same 27594  
manner in which it determines if a draft solid waste management 27595  
plan has been ratified under division (B) of section 3734.55 of 27596  
the Revised Code. 27597

The committee may amend the schedule of fees levied pursuant 27598  
to a resolution adopted and ratified under this division by 27599  
adopting a resolution establishing the proposed amount of the 27600  
amended fees. The committee may repeal the fees levied pursuant to 27601  
such a resolution by adopting a resolution proposing to repeal 27602  
them. Upon adopting such a resolution, the committee shall proceed 27603  
to obtain ratification of the resolution in accordance with this 27604  
division. 27605

Not later than fourteen days after declaring the new fees to 27606  
be ratified or the fees to be repealed under this division, the 27607  
committee shall notify by certified mail the owner or operator of 27608  
each solid waste disposal facility that is required to collect the 27609  
fees of the ratification and the amount of the fees or of the 27610  
repeal of the fees. Collection of any fees shall commence or 27611  
collection of repealed fees shall cease on the first day of the 27612

second month following the month in which notification is sent to 27613  
the owner or operator. 27614

Fees levied under this division also may be established, 27615  
amended, or repealed by a solid waste management policy committee 27616  
through the adoption of a new district solid waste management 27617  
plan, the adoption of an amended plan, or the amendment of the 27618  
plan or amended plan in accordance with sections 3734.55 and 27619  
3734.56 of the Revised Code or the adoption or amendment of a 27620  
district plan in connection with a change in district composition 27621  
under section 3734.521 of the Revised Code. 27622

Not later than fourteen days after the director issues an 27623  
order approving a district's solid waste management plan, amended 27624  
plan, or amendment to a plan or amended plan that establishes, 27625  
amends, or repeals a schedule of fees levied by the district, the 27626  
committee shall notify by certified mail the owner or operator of 27627  
each solid waste disposal facility that is required to collect the 27628  
fees of the approval of the plan or amended plan, or the amendment 27629  
to the plan, as appropriate, and the amount of the fees, if any. 27630  
In the case of an initial or amended plan approved under section 27631  
3734.521 of the Revised Code in connection with a change in 27632  
district composition, other than one involving the withdrawal of a 27633  
county from a joint district, the committee, within fourteen days 27634  
after the change takes effect pursuant to division (G) of that 27635  
section, shall notify by certified mail the owner or operator of 27636  
each solid waste disposal facility that is required to collect the 27637  
fees that the change has taken effect and of the amount of the 27638  
fees, if any. Collection of any fees shall commence or collection 27639  
of repealed fees shall cease on the first day of the second month 27640  
following the month in which notification is sent to the owner or 27641  
operator. 27642

If, in the case of a change in district composition involving 27643  
the withdrawal of a county from a joint district, the director 27644

completes the actions required under division (G)(1) or (3) of 27645  
section 3734.521 of the Revised Code, as appropriate, forty-five 27646  
days or more before the beginning of a calendar year, the policy 27647  
committee of each of the districts resulting from the change that 27648  
obtained the director's approval of an initial or amended plan in 27649  
connection with the change, within fourteen days after the 27650  
director's completion of the required actions, shall notify by 27651  
certified mail the owner or operator of each solid waste disposal 27652  
facility that is required to collect the district's fees that the 27653  
change is to take effect on the first day of January immediately 27654  
following the issuance of the notice and of the amount of the fees 27655  
or amended fees levied under divisions (B)(1) to (3) of this 27656  
section pursuant to the district's initial or amended plan as so 27657  
approved or, if appropriate, the repeal of the district's fees by 27658  
that initial or amended plan. Collection of any fees set forth in 27659  
such a plan or amended plan shall commence on the first day of 27660  
January immediately following the issuance of the notice. If such 27661  
an initial or amended plan repeals a schedule of fees, collection 27662  
of the fees shall cease on that first day of January. 27663

If, in the case of a change in district composition involving 27664  
the withdrawal of a county from a joint district, the director 27665  
completes the actions required under division (G)(1) or (3) of 27666  
section 3734.521 of the Revised Code, as appropriate, less than 27667  
forty-five days before the beginning of a calendar year, the 27668  
director, on behalf of each of the districts resulting from the 27669  
change that obtained the director's approval of an initial or 27670  
amended plan in connection with the change proceedings, shall 27671  
notify by certified mail the owner or operator of each solid waste 27672  
disposal facility that is required to collect the district's fees 27673  
that the change is to take effect on the first day of January 27674  
immediately following the mailing of the notice and of the amount 27675  
of the fees or amended fees levied under divisions (B)(1) to (3) 27676  
of this section pursuant to the district's initial or amended plan 27677

as so approved or, if appropriate, the repeal of the district's 27678  
fees by that initial or amended plan. Collection of any fees set 27679  
forth in such a plan or amended plan shall commence on the first 27680  
day of the second month following the month in which notification 27681  
is sent to the owner or operator. If such an initial or amended 27682  
plan repeals a schedule of fees, collection of the fees shall 27683  
cease on the first day of the second month following the month in 27684  
which notification is sent to the owner or operator. 27685

If the schedule of fees that a solid waste management 27686  
district is levying under divisions (B)(1) to (3) of this section 27687  
is amended or repealed, the fees in effect immediately prior to 27688  
the amendment or repeal shall continue to be collected until 27689  
collection of the amended fees commences or collection of the 27690  
repealed fees ceases, as applicable, as specified in this 27691  
division. In the case of a change in district composition, money 27692  
so received from the collection of the fees of the former 27693  
districts shall be divided among the resulting districts in 27694  
accordance with division (B) of section 343.012 of the Revised 27695  
Code and the agreements entered into under division (B) of section 27696  
343.01 of the Revised Code to establish the former and resulting 27697  
districts and any amendments to those agreements. 27698

For the purposes of the provisions of division (B) of this 27699  
section establishing the times when newly established or amended 27700  
fees levied by a district are required to commence and the 27701  
collection of fees that have been amended or repealed is required 27702  
to cease, "fees" or "schedule of fees" includes, in addition to 27703  
fees levied under divisions (B)(1) to (3) of this section, those 27704  
levied under section 3734.573 or 3734.574 of the Revised Code. 27705

(C) For the purposes of defraying the added costs to a 27706  
municipal corporation or township of maintaining roads and other 27707  
public facilities and of providing emergency and other public 27708  
services, and compensating a municipal corporation or township for 27709

reductions in real property tax revenues due to reductions in real 27710  
property valuations resulting from the location and operation of a 27711  
solid waste disposal facility within the municipal corporation or 27712  
township, a municipal corporation or township in which such a 27713  
solid waste disposal facility is located may levy a fee of not 27714  
more than twenty-five cents per ton on the disposal of solid 27715  
wastes at a solid waste disposal facility located within the 27716  
boundaries of the municipal corporation or township regardless of 27717  
where the wastes were generated. 27718

The legislative authority of a municipal corporation or 27719  
township may levy fees under this division by enacting an 27720  
ordinance or adopting a resolution establishing the amount of the 27721  
fees. Upon so doing the legislative authority shall mail a 27722  
certified copy of the ordinance or resolution to the board of 27723  
county commissioners or directors of the county or joint solid 27724  
waste management district in which the municipal corporation or 27725  
township is located or, if a regional solid waste management 27726  
authority has been formed under section 343.011 of the Revised 27727  
Code, to the board of trustees of that regional authority, the 27728  
owner or operator of each solid waste disposal facility in the 27729  
municipal corporation or township that is required to collect the 27730  
fee by the ordinance or resolution, and the director of 27731  
environmental protection. Although the fees levied under this 27732  
division are levied on the basis of tons as the unit of 27733  
measurement, the legislative authority, in its ordinance or 27734  
resolution levying the fees under this division, may direct that 27735  
the fees be levied on the basis of cubic yards as the unit of 27736  
measurement based upon a conversion factor of three cubic yards 27737  
per ton generally or one cubic yard per ton for baled wastes. 27738

Not later than five days after enacting an ordinance or 27739  
adopting a resolution under this division, the legislative 27740  
authority shall so notify by certified mail the owner or operator 27741

of each solid waste disposal facility that is required to collect 27742  
the fee. Collection of any fee levied on or after March 24, 1992, 27743  
shall commence on the first day of the second month following the 27744  
month in which notification is sent to the owner or operator. 27745

(D)(1) The fees levied under divisions (A), (B), and (C) of 27746  
this section do not apply to the disposal of solid wastes that: 27747

(a) Are disposed of at a facility owned by the generator of 27748  
the wastes when the solid waste facility exclusively disposes of 27749  
solid wastes generated at one or more premises owned by the 27750  
generator regardless of whether the facility is located on a 27751  
premises where the wastes are generated; 27752

(b) Are disposed of at facilities that exclusively dispose of 27753  
wastes that are generated from the combustion of coal, or from the 27754  
combustion of primarily coal in combination with scrap tires, that 27755  
is not combined in any way with garbage at one or more premises 27756  
owned by the generator. 27757

(2) Except as provided in section 3734.571 of the Revised 27758  
Code, any fees levied under division (B)(1) of this section apply 27759  
to solid wastes originating outside the boundaries of a county or 27760  
joint district that are covered by an agreement for the joint use 27761  
of solid waste facilities entered into under section 343.02 of the 27762  
Revised Code by the board of county commissioners or board of 27763  
directors of the county or joint district where the wastes are 27764  
generated and disposed of. 27765

(3) When solid wastes, other than solid wastes that consist 27766  
of scrap tires, are burned in a disposal facility that is an 27767  
incinerator or energy recovery facility, the fees levied under 27768  
divisions (A), (B), and (C) of this section shall be levied upon 27769  
the disposal of the fly ash and bottom ash remaining after burning 27770  
of the solid wastes and shall be collected by the owner or 27771  
operator of the sanitary landfill where the ash is disposed of. 27772

(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 processed at a scrap tire 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 or other solid wastes remaining after the processing of the scrap tires and shall be collected by the owner or operator of the solid waste disposal facility where the ash or other solid wastes are disposed of.

(8) The director of environmental protection may issue an order exempting from the fees levied under this section solid wastes, including, but not limited to, scrap tires, that are generated, transferred, or disposed of as a result of a contract providing for the expenditure of public funds entered into by the

administrator or regional administrator of the United States 27805  
environmental protection agency, the director of environmental 27806  
protection, or the director of administrative services on behalf 27807  
of the director of environmental protection for the purpose of 27808  
remediating conditions at a hazardous waste facility, solid waste 27809  
facility, or other location at which the administrator or regional 27810  
administrator or the director of environmental protection has 27811  
reason to believe that there is a substantial threat to public 27812  
health or safety or the environment or that the conditions are 27813  
causing or contributing to air or water pollution or soil 27814  
contamination. An order issued by the director of environmental 27815  
protection under division (D)(8) of this section shall include a 27816  
determination that the amount of the fees not received by a solid 27817  
waste management district as a result of the order will not 27818  
adversely impact the implementation and financing of the 27819  
district's approved solid waste management plan and any approved 27820  
amendments to the plan. Such an order is a final action of the 27821  
director of environmental protection. 27822

(E) The fees levied under divisions (B) and (C) of this 27823  
section shall be collected by the owner or operator of the solid 27824  
waste disposal facility where the wastes are disposed of as a 27825  
trustee for the county or joint district and municipal corporation 27826  
or township where the wastes are disposed of. Moneys from the fees 27827  
levied under division (B) of this section shall be forwarded to 27828  
the board of county commissioners or board of directors of the 27829  
district in accordance with rules adopted under division (H) of 27830  
this section. Moneys from the fees levied under division (C) of 27831  
this section shall be forwarded to the treasurer or such other 27832  
officer of the municipal corporation as, by virtue of the charter, 27833  
has the duties of the treasurer or to the fiscal officer of the 27834  
township, as appropriate, in accordance with those rules. 27835

(F) Moneys received by the treasurer or other officer of the 27836



municipal corporation under division (E) of this section shall be 27837  
paid into the general fund of the municipal corporation. Moneys 27838  
received by the fiscal officer of the township under that division 27839  
shall be paid into the general fund of the township. The treasurer 27840  
or other officer of the municipal corporation or the township 27841  
fiscal officer, as appropriate, shall maintain separate records of 27842  
the moneys received from the fees levied under division (C) of 27843  
this section. 27844

(G) Moneys received by the board of county commissioners or 27845  
board of directors under division (E) of this section or section 27846  
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 27847  
shall be paid to the county treasurer, or other official acting in 27848  
a similar capacity under a county charter, in a county district or 27849  
to the county treasurer or other official designated by the board 27850  
of directors in a joint district and kept in a separate and 27851  
distinct fund to the credit of the district. If a regional solid 27852  
waste management authority has been formed under section 343.011 27853  
of the Revised Code, moneys received by the board of trustees of 27854  
that regional authority under division (E) of this section shall 27855  
be kept by the board in a separate and distinct fund to the credit 27856  
of the district. Moneys in the special fund of the county or joint 27857  
district arising from the fees levied under division (B) of this 27858  
section and the fee levied under division (A) of section 3734.573 27859  
of the Revised Code shall be expended by the board of county 27860  
commissioners or directors of the district in accordance with the 27861  
district's solid waste management plan or amended plan approved 27862  
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 27863  
exclusively for the following purposes: 27864

(1) Preparation of the solid waste management plan of the 27865  
district under section 3734.54 of the Revised Code, monitoring 27866  
implementation of the plan, and conducting the periodic review and 27867  
amendment of the plan required by section 3734.56 of the Revised 27868

Code by the solid waste management policy committee;	27869
(2) Implementation of the approved solid waste management	27870
plan or amended plan of the district, including, without	27871
limitation, the development and implementation of solid waste	27872
recycling or reduction programs;	27873
(3) Providing financial assistance to boards of health within	27874
the district, if solid waste facilities are located within the	27875
district, for enforcement of this chapter and rules, orders, and	27876
terms and conditions of permits, licenses, and variances adopted	27877
or issued under it, other than the hazardous waste provisions of	27878
this chapter and rules adopted and orders and terms and conditions	27879
of permits issued under those provisions;	27880
(4) Providing financial assistance to each county within the	27881
district to defray the added costs of maintaining roads and other	27882
public facilities and of providing emergency and other public	27883
services resulting from the location and operation of a solid	27884
waste facility within the county under the district's approved	27885
solid waste management plan or amended plan;	27886
(5) Pursuant to contracts entered into with boards of health	27887
within the district, if solid waste facilities contained in the	27888
district's approved plan or amended plan are located within the	27889
district, for paying the costs incurred by those boards of health	27890
for collecting and analyzing samples from public or private water	27891
wells on lands adjacent to those facilities;	27892
(6) Developing and implementing a program for the inspection	27893
of solid wastes generated outside the boundaries of this state	27894
that are disposed of at solid waste facilities included in the	27895
district's approved solid waste management plan or amended plan;	27896
(7) Providing financial assistance to boards of health within	27897
the district for the enforcement of section 3734.03 of the Revised	27898
Code or to local law enforcement agencies having jurisdiction	27899

within the district for enforcing anti-littering laws and 27900  
ordinances; 27901

(8) Providing financial assistance to boards of health of 27902  
health districts within the district that are on the approved list 27903  
under section 3734.08 of the Revised Code to defray the costs to 27904  
the health districts for the participation of their employees 27905  
responsible for enforcement of the solid waste provisions of this 27906  
chapter and rules adopted and orders and terms and conditions of 27907  
permits, licenses, and variances issued under those provisions in 27908  
the training and certification program as required by rules 27909  
adopted under division (L) of section 3734.02 of the Revised Code; 27910

(9) Providing financial assistance to individual municipal 27911  
corporations and townships within the district to defray their 27912  
added costs of maintaining roads and other public facilities and 27913  
of providing emergency and other public services resulting from 27914  
the location and operation within their boundaries of a 27915  
composting, energy or resource recovery, incineration, or 27916  
recycling facility that either is owned by the district or is 27917  
furnishing solid waste management facility or recycling services 27918  
to the district pursuant to a contract or agreement with the board 27919  
of county commissioners or directors of the district; 27920

(10) Payment of any expenses that are agreed to, awarded, or 27921  
ordered to be paid under section 3734.35 of the Revised Code and 27922  
of any administrative costs incurred pursuant to that section. In 27923  
the case of a joint solid waste management district, if the board 27924  
of county commissioners of one of the counties in the district is 27925  
negotiating on behalf of affected communities, as defined in that 27926  
section, in that county, the board shall obtain the approval of 27927  
the board of directors of the district in order to expend moneys 27928  
for administrative costs incurred. 27929

Prior to the approval of the district's solid waste 27930  
management plan under section 3734.55 of the Revised Code, moneys 27931

in the special fund of the district arising from the fees shall be 27932  
expended for those purposes in the manner prescribed by the solid 27933  
waste management policy committee by resolution. 27934

Notwithstanding division (G)(6) of this section as it existed 27935  
prior to October 29, 1993, or any provision in a district's solid 27936  
waste management plan prepared in accordance with division 27937  
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 27938  
prior to that date, any moneys arising from the fees levied under 27939  
division (B)(3) of this section prior to January 1, 1994, may be 27940  
expended for any of the purposes authorized in divisions (G)(1) to 27941  
(10) of this section. 27942

(H) The director shall adopt rules in accordance with Chapter 27943  
119. of the Revised Code prescribing procedures for collecting and 27944  
forwarding the fees levied under divisions (B) and (C) of this 27945  
section to the boards of county commissioners or directors of 27946  
county or joint solid waste management districts and to the 27947  
treasurers or other officers of municipal corporations and the 27948  
fiscal officers of townships. The rules also shall prescribe the 27949  
dates for forwarding the fees to the boards and officials and may 27950  
prescribe any other requirements the director considers necessary 27951  
or appropriate to implement and administer divisions (A), (B), and 27952  
(C) of this section. 27953

**Sec. 3735.672.** (A) On or before the thirty-first day of March 27954  
each year, a legislative authority that has entered into an 27955  
agreement with a party under section 3735.671 of the Revised Code 27956  
shall submit to the director of development and the board of 27957  
education of each school district of which a municipal corporation 27958  
or township to which such an agreement applies is a part a report 27959  
on all such agreements in effect during the preceding calendar 27960  
year. The report shall include the following information: 27961

(1) The designation, assigned by the director of development, 27962

of each community reinvestment area within the municipal 27963  
corporation or county, and the total population of each area 27964  
according to the most recent data available; 27965

(2) The number of agreements and the number of full-time 27966  
employees subject to those agreements within each area, each 27967  
according to the most recent data available and identified and 27968  
categorized by the appropriate standard industrial code, and the 27969  
rate of unemployment in the municipal corporation or county in 27970  
which the area is located for each year since the area was 27971  
certified; 27972

(3) The number of agreements approved and executed during the 27973  
calendar year for which the report is submitted, the total number 27974  
of agreements in effect on the thirty-first day of December of the 27975  
preceding calendar year, the number of agreements that expired 27976  
during the calendar year for which the report is submitted, and 27977  
the number of agreements scheduled to expire during the calendar 27978  
year in which the report is submitted. For each agreement that 27979  
expired during the calendar year for which the report is 27980  
submitted, the legislative authority shall include the amount of 27981  
taxes exempted under the agreement. 27982

(4) The number of agreements receiving compliance reviews by 27983  
the tax incentive review council in the municipal corporation or 27984  
county during the calendar year for which the report is submitted, 27985  
including all of the following information: 27986

(a) The number of agreements the terms of which the party has 27987  
complied with, indicating separately for each such agreement the 27988  
value of the real property exempted pursuant to the agreement and 27989  
a comparison of the stipulated and actual schedules for hiring new 27990  
employees, for retaining existing employees, and for the amount of 27991  
payroll of the party attributable to these employees; 27992

(b) The number of agreements the terms of which a party has 27993

failed to comply with, indicating separately for each such 27994  
agreement the value of the real and personal property exempted 27995  
pursuant to the agreement and a comparison of the stipulated and 27996  
actual schedules for hiring new employees, for retaining existing 27997  
employees, and for the amount of payroll of the enterprise 27998  
attributable to these employees; 27999

(c) The number of agreements about which the tax incentive 28000  
review council made recommendations to the legislative authority, 28001  
and the number of such recommendations that have not been 28002  
followed; 28003

(d) The number of agreements rescinded during the calendar 28004  
year for which the report is submitted. 28005

(5) The number of parties subject to agreements that expanded 28006  
within each area, including the number of new employees hired and 28007  
existing employees retained by that party, and the number of new 28008  
parties subject to agreements that established within each area, 28009  
including the number of new employees hired by each party; 28010

(6) For each agreement in effect during any part of the 28011  
preceding year, the number of employees employed by the party at 28012  
the property that is the subject of the agreement immediately 28013  
prior to formal approval of the agreement, the number of employees 28014  
employed by the party at that property on the thirty-first day of 28015  
December of the preceding year, the payroll of the party for the 28016  
preceding year, the amount of taxes paid on real property that was 28017  
exempted under the agreement, and the amount of such taxes that 28018  
were not paid because of the exemption. 28019

(B) Upon the failure of a municipal corporation or county to 28020  
comply with division (A) of this section: 28021

(1) Beginning on the first day of April of the calendar year 28022  
in which the municipal corporation or county fails to comply with 28023  
that division, the municipal corporation or county shall not enter 28024

into any agreements under section 3735.671 of the Revised Code 28025  
until the municipal corporation or county has complied with 28026  
division (A) of this section. 28027

(2) On the first day of each ensuing calendar month until the 28028  
municipal corporation or county complies with that division, the 28029  
director of development shall either order the proper county 28030  
auditor to deduct from the next succeeding payment of taxes to the 28031  
municipal corporation or county under section 321.31, 321.32, 28032  
321.33, or 321.34 of the Revised Code an amount equal to five 28033  
hundred dollars for each calendar month the municipal corporation 28034  
or county fails to comply with that division, or order the county 28035  
auditor to deduct such an amount from the next succeeding payment 28036  
to the municipal corporation or county from the undivided local 28037  
~~government~~ communities fund under section 5747.51 of the Revised 28038  
Code. At the time such a payment is made, the county auditor shall 28039  
comply with the director's order by issuing a warrant, drawn on 28040  
the fund from which such money would have been paid, to the 28041  
director of development, who shall deposit the warrant into the 28042  
state community reinvestment area program administration fund 28043  
created in division (C) of this section. 28044

(C) The director, by rule, shall establish the state's 28045  
application fee for applications submitted to a municipal 28046  
corporation or county to enter into an agreement under section 28047  
3735.671 of the Revised Code. In establishing the amount of the 28048  
fee, the director shall consider the state's cost of administering 28049  
the community reinvestment area program, including the cost of 28050  
reviewing the reports required under division (A) of this section. 28051  
The director may change the amount of the fee at such times and in 28052  
such increments as ~~he~~ the director considers necessary. Any 28053  
municipal corporation or county that receives an application shall 28054  
collect the application fee and remit the fee for deposit in the 28055  
state treasury to the credit of the ~~state community reinvestment~~ 28056

~~area program administration fund, which is hereby created. Money 28057  
credited to the fund shall be used by the department of 28058  
development to pay the costs of administering the community 28059  
reinvestment area program, including the cost of reviewing the 28060  
reports required under division (A) of this section tax incentive 28061  
programs operating fund created in section 122.174 of the Revised 28062  
Code. 28063~~

**Sec. 3745.11.** (A) Applicants for and holders of permits, 28064  
licenses, variances, plan approvals, and certifications issued by 28065  
the director of environmental protection pursuant to Chapters 28066  
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 28067  
to the environmental protection agency for each such issuance and 28068  
each application for an issuance as provided by this section. No 28069  
fee shall be charged for any issuance for which no application has 28070  
been submitted to the director. 28071

(B) Each person who is issued a permit to install prior to 28072  
July 1, 2003, pursuant to rules adopted under division (F) of 28073  
section 3704.03 of the Revised Code shall pay the fees specified 28074  
in the following schedules: 28075

(1) Fuel-burning equipment (boilers) 28076  
Input capacity (maximum) 28077  
(million British thermal units per hour) Permit to install 28078  
Greater than 0, but less than 10 \$ 200 28079  
10 or more, but less than 100 400 28080  
100 or more, but less than 300 800 28081  
300 or more, but less than 500 1500 28082  
500 or more, but less than 1000 2500 28083  
1000 or more, but less than 5000 4000 28084  
5000 or more 6000 28085

Units burning exclusively natural gas, number two fuel oil, 28086  
or both shall be assessed a fee that is one-half of the applicable 28087



amount established in division (F)(1) of this section.		28088
(2) Incinerators		28089
Input capacity (pounds per hour)	Permit to install	28090
0 to 100	\$ 100	28091
101 to 500	400	28092
501 to 2000	750	28093
2001 to 20,000	1000	28094
more than 20,000	2500	28095
(3)(a) Process		28096
Process weight rate (pounds per hour)	Permit to install	28097
0 to 1000	\$ 200	28098
1001 to 5000	400	28099
5001 to 10,000	600	28100
10,001 to 50,000	800	28101
more than 50,000	1000	28102
In any process where process weight rate cannot be		28103
ascertained, the minimum fee shall be assessed.		28104
(b) Notwithstanding division (B)(3)(a) of this section, any		28105
person issued a permit to install pursuant to rules adopted under		28106
division (F) of section 3704.03 of the Revised Code shall pay the		28107
fees established in division (B)(3)(c) of this section for a		28108
process used in any of the following industries, as identified by		28109
the applicable four-digit standard industrial classification code		28110
according to the Standard Industrial Classification Manual		28111
published by the United States office of management and budget in		28112
the executive office of the president, 1972, as revised:		28113
1211 Bituminous coal and lignite mining;		28114
1213 Bituminous coal and lignite mining services;		28115
1411 Dimension stone;		28116
1422 Crushed and broken limestone;		28117

1427 Crushed and broken stone, not elsewhere classified;		28118
1442 Construction sand and gravel;		28119
1446 Industrial sand;		28120
3281 Cut stone and stone products;		28121
3295 Minerals and earth, ground or otherwise treated.		28122
(c) The fees established in the following schedule apply to		28123
the issuance of a permit to install pursuant to rules adopted		28124
under division (F) of section 3704.03 of the Revised Code for a		28125
process listed in division (B)(3)(b) of this section:		28126
Process weight rate (pounds per hour)	Permit to install	28127
0 to 1000	\$ 200	28128
10,001 to 50,000	300	28129
50,001 to 100,000	400	28130
100,001 to 200,000	500	28131
200,001 to 400,000	600	28132
400,001 or more	700	28133
(4) Storage tanks		28134
Gallons (maximum useful capacity)	Permit to install	28135
0 to 20,000	\$ 100	28136
20,001 to 40,000	150	28137
40,001 to 100,000	200	28138
100,001 to 250,000	250	28139
250,001 to 500,000	350	28140
500,001 to 1,000,000	500	28141
1,000,001 or greater	750	28142
(5) Gasoline/fuel dispensing facilities		28143
For each gasoline/fuel dispensing	Permit to install	28144
facility	\$ 100	28145
(6) Dry cleaning facilities		28146
For each dry cleaning facility	Permit to install	28147

(includes all units at the facility)	\$ 100	28148
(7) Registration status		28149
For each source covered	Permit to install	28150
by registration status	\$ 75	28151
(C)(1) Except as otherwise provided in division (C)(2) of		28152
this section, beginning July 1, 1994, each person who owns or		28153
operates an air contaminant source and who is required to apply		28154
for and obtain a Title V permit under section 3704.036 of the		28155
Revised Code shall pay the fees set forth in division (C)(1) of		28156
this section. For the purposes of that division, total emissions		28157
of air contaminants may be calculated using engineering		28158
calculations, emissions factors, material balance calculations, or		28159
performance testing procedures, as authorized by the director.		28160
The following fees shall be assessed on the total actual		28161
emissions from a source in tons per year of the regulated		28162
pollutants particulate matter, sulfur dioxide, nitrogen oxides,		28163
organic compounds, and lead:		28164
(a) Fifteen dollars per ton on the total actual emissions of		28165
each such regulated pollutant during the period July through		28166
December 1993, to be collected no sooner than July 1, 1994;		28167
(b) Twenty dollars per ton on the total actual emissions of		28168
each such regulated pollutant during calendar year 1994, to be		28169
collected no sooner than April 15, 1995;		28170
(c) Twenty-five dollars per ton on the total actual emissions		28171
of each such regulated pollutant in calendar year 1995, and each		28172
subsequent calendar year, to be collected no sooner than the		28173
fifteenth day of April of the year next succeeding the calendar		28174
year in which the emissions occurred.		28175
The fees levied under division (C)(1) of this section do not		28176
apply to that portion of the emissions of a regulated pollutant at		28177
a facility that exceed four thousand tons during a calendar year.		28178

(2) The fees assessed under division (C)(1) of this section 28179  
are for the purpose of providing funding for the Title V permit 28180  
program. 28181

(3) The fees assessed under division (C)(1) of this section 28182  
do not apply to emissions from any electric generating unit 28183  
designated as a Phase I unit under Title IV of the federal Clean 28184  
Air Act prior to calendar year 2000. Those fees shall be assessed 28185  
on the emissions from such a generating unit commencing in 28186  
calendar year 2001 based upon the total actual emissions from the 28187  
generating unit during calendar year 2000 and shall continue to be 28188  
assessed each subsequent calendar year based on the total actual 28189  
emissions from the generating unit during the preceding calendar 28190  
year. 28191

(4) The director shall issue invoices to owners or operators 28192  
of air contaminant sources who are required to pay a fee assessed 28193  
under division (C) or (D) of this section. Any such invoice shall 28194  
be issued no sooner than the applicable date when the fee first 28195  
may be collected in a year under the applicable division, shall 28196  
identify the nature and amount of the fee assessed, and shall 28197  
indicate that the fee is required to be paid within thirty days 28198  
after the issuance of the invoice. 28199

(D)(1) Except as provided in division (D)(3) of this section, 28200  
from January 1, 1994, through December 31, 2003, each person who 28201  
owns or operates an air contaminant source; who is required to 28202  
apply for a permit to operate pursuant to rules adopted under 28203  
division (G), or a variance pursuant to division (H), of section 28204  
3704.03 of the Revised Code; and who is not required to apply for 28205  
and obtain a Title V permit under section 3704.036 of the Revised 28206  
Code shall pay a single fee based upon the sum of the actual 28207  
annual emissions from the facility of the regulated pollutants 28208  
particulate matter, sulfur dioxide, nitrogen oxides, organic 28209  
compounds, and lead in accordance with the following schedule: 28210

Total tons per year		28211
of regulated pollutants	Annual fee	28212
emitted	per facility	28213
More than 0, but less than 50	\$ 75	28214
50 or more, but less than 100	300	28215
100 or more	700	28216

(2) Except as provided in division (D)(3) of this section, 28217  
beginning January 1, 2004, each person who owns or operates an air 28218  
contaminant source; who is required to apply for a permit to 28219  
operate pursuant to rules adopted under division (G), or a 28220  
variance pursuant to division (H), of section 3704.03 of the 28221  
Revised Code; and who is not required to apply for and obtain a 28222  
Title V permit under section 3704.03 of the Revised Code shall pay 28223  
a single fee based upon the sum of the actual annual emissions 28224  
from the facility of the regulated pollutants particulate matter, 28225  
sulfur dioxide, nitrogen oxides, organic compounds, and lead in 28226  
accordance with the following schedule: 28227

Total tons per year		28228
of regulated pollutants	Annual fee	28229
emitted	per facility	28230
More than 0, but less than 10	\$ 100	28231
10 or more, but less than 50	200	28232
50 or more, but less than 100	300	28233
100 or more	700	28234

(3)(a) As used in division (D) of this section, "synthetic 28235  
minor facility" means a facility for which one or more permits to 28236  
install or permits to operate have been issued for the air 28237  
contaminant sources at the facility that include terms and 28238  
conditions that lower the facility's potential to emit air 28239  
contaminants below the major source thresholds established in 28240  
rules adopted under section 3704.036 of the Revised Code. 28241

(b) Beginning January 1, 2000, through June 30, ~~2008~~ 2010, 28242

each person who owns or operates a synthetic minor facility shall 28243  
pay an annual fee based on the sum of the actual annual emissions 28244  
from the facility of particulate matter, sulfur dioxide, nitrogen 28245  
dioxide, organic compounds, and lead in accordance with the 28246  
following schedule: 28247

Combined total tons 28248	Annual fee 28249
per year of all regulated 28249	per facility 28250
pollutants emitted 28250	
Less than 10 28251	\$ 170 28251
10 or more, but less than 20 28252	340 28252
20 or more, but less than 30 28253	670 28253
30 or more, but less than 40 28254	1,010 28254
40 or more, but less than 50 28255	1,340 28255
50 or more, but less than 60 28256	1,680 28256
60 or more, but less than 70 28257	2,010 28257
70 or more, but less than 80 28258	2,350 28258
80 or more, but less than 90 28259	2,680 28259
90 or more, but less than 100 28260	3,020 28260
100 or more 28261	3,350 28261

(4) The fees assessed under division (D)(1) of this section 28262  
shall be collected annually no sooner than the fifteenth day of 28263  
April, commencing in 1995. The fees assessed under division (D)(2) 28264  
of this section shall be collected annually no sooner than the 28265  
fifteenth day of April, commencing in 2005. The fees assessed 28266  
under division (D)(3) of this section shall be collected no sooner 28267  
than the fifteenth day of April, commencing in 2000. The fees 28268  
assessed under division (D) of this section in a calendar year 28269  
shall be based upon the sum of the actual emissions of those 28270  
regulated pollutants during the preceding calendar year. For the 28271  
purpose of division (D) of this section, emissions of air 28272  
contaminants may be calculated using engineering calculations, 28273  
emission factors, material balance calculations, or performance 28274  
testing procedures, as authorized by the director. The director, 28275

by rule, may require persons who are required to pay the fees 28276  
assessed under division (D) of this section to pay those fees 28277  
biennially rather than annually. 28278

(E)(1) Consistent with the need to cover the reasonable costs 28279  
of the Title V permit program, the director annually shall 28280  
increase the fees prescribed in division (C)(1) of this section by 28281  
the percentage, if any, by which the consumer price index for the 28282  
most recent calendar year ending before the beginning of a year 28283  
exceeds the consumer price index for calendar year 1989. Upon 28284  
calculating an increase in fees authorized by division (E)(1) of 28285  
this section, the director shall compile revised fee schedules for 28286  
the purposes of division (C)(1) of this section and shall make the 28287  
revised schedules available to persons required to pay the fees 28288  
assessed under that division and to the public. 28289

(2) For the purposes of division (E)(1) of this section: 28290

(a) The consumer price index for any year is the average of 28291  
the consumer price index for all urban consumers published by the 28292  
United States department of labor as of the close of the 28293  
twelve-month period ending on the thirty-first day of August of 28294  
that year. 28295

(b) If the 1989 consumer price index is revised, the director 28296  
shall use the revision of the consumer price index that is most 28297  
consistent with that for calendar year 1989. 28298

(F) Each person who is issued a permit to install pursuant to 28299  
rules adopted under division (F) of section 3704.03 of the Revised 28300  
Code on or after July 1, 2003, shall pay the fees specified in the 28301  
following schedules: 28302

(1) Fuel-burning equipment (boilers, furnaces, or process 28303  
heaters used in the process of burning fuel for the primary 28304  
purpose of producing heat or power by indirect heat transfer) 28305  
Input capacity (maximum) 28306

(million British thermal units per hour)	Permit to install	28307
Greater than 0, but less than 10	\$ 200	28308
10 or more, but less than 100	400	28309
100 or more, but less than 300	1000	28310
300 or more, but less than 500	2250	28311
500 or more, but less than 1000	3750	28312
1000 or more, but less than 5000	6000	28313
5000 or more	9000	28314
Units burning exclusively natural gas, number two fuel oil, or both shall be assessed a fee that is one-half the applicable amount shown in division (F)(1) of this section.		28315 28316 28317
(2) Combustion turbines and stationary internal combustion engines designed to generate electricity		28318 28319
Generating capacity (mega watts)	Permit to install	28320
0 or more, but less than 10	\$ 25	28321
10 or more, but less than 25	150	28322
25 or more, but less than 50	300	28323
50 or more, but less than 100	500	28324
100 or more, but less than 250	1000	28325
250 or more	2000	28326
(3) Incinerators		28327
Input capacity (pounds per hour)	Permit to install	28328
0 to 100	\$ 100	28329
101 to 500	500	28330
501 to 2000	1000	28331
2001 to 20,000	1500	28332
more than 20,000	3750	28333
(4)(a) Process		28334
Process weight rate (pounds per hour)	Permit to install	28335
0 to 1000	\$ 200	28336
1001 to 5000	500	28337
5001 to 10,000	750	28338



10,001 to 50,000	1000	28339
more than 50,000	1250	28340

In any process where process weight rate cannot be 28341  
ascertained, the minimum fee shall be assessed. A boiler, furnace, 28342  
combustion turbine, stationary internal combustion engine, or 28343  
process heater designed to provide direct heat or power to a 28344  
process not designed to generate electricity shall be assessed a 28345  
fee established in division (F)(4)(a) of this section. A 28346  
combustion turbine or stationary internal combustion engine 28347  
designed to generate electricity shall be assessed a fee 28348  
established in division (F)(2) of this section. 28349

(b) Notwithstanding division (F)(4)(a) of this section, any 28350  
person issued a permit to install pursuant to rules adopted under 28351  
division (F) of section 3704.03 of the Revised Code shall pay the 28352  
fees set forth in division (F)(4)(c) of this section for a process 28353  
used in any of the following industries, as identified by the 28354  
applicable two-digit, three-digit, or four-digit standard 28355  
industrial classification code according to the Standard 28356  
Industrial Classification Manual published by the United States 28357  
office of management and budget in the executive office of the 28358  
president, 1987, as revised: 28359

- Major group 10, metal mining; 28360
- Major group 12, coal mining; 28361
- Major group 14, mining and quarrying of nonmetallic minerals; 28362
- Industry group 204, grain mill products; 28363
- 2873 Nitrogen fertilizers; 28364
- 2874 Phosphatic fertilizers; 28365
- 3281 Cut stone and stone products; 28366
- 3295 Minerals and earth, ground or otherwise treated; 28367
- 4221 Grain elevators (storage only); 28368

5159 Farm related raw materials;		28369
5261 Retail nurseries and lawn and garden supply stores.		28370
(c) The fees set forth in the following schedule apply to the		28371
issuance of a permit to install pursuant to rules adopted under		28372
division (F) of section 3704.03 of the Revised Code for a process		28373
identified in division (F)(4)(b) of this section:		28374
Process weight rate (pounds per	Permit to install	28375
hour)		
0 to 10,000	\$ 200	28376
10,001 to 50,000	400	28377
50,001 to 100,000	500	28378
100,001 to 200,000	600	28379
200,001 to 400,000	750	28380
400,001 or more	900	28381
(5) Storage tanks		28382
Gallons (maximum useful capacity)	Permit to install	28383
0 to 20,000	\$ 100	28384
20,001 to 40,000	150	28385
40,001 to 100,000	250	28386
100,001 to 500,000	400	28387
500,001 or greater	750	28388
(6) Gasoline/fuel dispensing facilities		28389
For each gasoline/fuel		28390
dispensing facility (includes all	Permit to install	28391
units at the facility)	\$ 100	28392
(7) Dry cleaning facilities		28393
For each dry cleaning		28394
facility (includes all units	Permit to install	28395
at the facility)	\$ 100	28396
(8) Registration status		28397
For each source covered	Permit to install	28398

by registration status \$ 75 28399

(G) An owner or operator who is responsible for an asbestos 28400  
demolition or renovation project pursuant to rules adopted under 28401  
section 3704.03 of the Revised Code shall pay the fees set forth 28402  
in the following schedule: 28403

Action	Fee	
Each notification	\$75	28405
Asbestos removal	\$3/unit	28406
Asbestos cleanup	\$4/cubic yard	28407

For purposes of this division, "unit" means any combination of 28408  
linear feet or square feet equal to fifty. 28409

(H) A person who is issued an extension of time for a permit 28410  
to install an air contaminant source pursuant to rules adopted 28411  
under division (F) of section 3704.03 of the Revised Code shall 28412  
pay a fee equal to one-half the fee originally assessed for the 28413  
permit to install under this section, except that the fee for such 28414  
an extension shall not exceed two hundred dollars. 28415

(I) A person who is issued a modification to a permit to 28416  
install an air contaminant source pursuant to rules adopted under 28417  
section 3704.03 of the Revised Code shall pay a fee equal to 28418  
one-half of the fee that would be assessed under this section to 28419  
obtain a permit to install the source. The fee assessed by this 28420  
division only applies to modifications that are initiated by the 28421  
owner or operator of the source and shall not exceed two thousand 28422  
dollars. 28423

(J) Notwithstanding division (B) or (F) of this section, a 28424  
person who applies for or obtains a permit to install pursuant to 28425  
rules adopted under division (F) of section 3704.03 of the Revised 28426  
Code after the date actual construction of the source began shall 28427  
pay a fee for the permit to install that is equal to twice the fee 28428  
that otherwise would be assessed under the applicable division 28429  
unless the applicant received authorization to begin construction 28430

under division (W) of section 3704.03 of the Revised Code. This 28431  
division only applies to sources for which actual construction of 28432  
the source begins on or after July 1, 1993. The imposition or 28433  
payment of the fee established in this division does not preclude 28434  
the director from taking any administrative or judicial 28435  
enforcement action under this chapter, Chapter 3704., 3714., 28436  
3734., or 6111. of the Revised Code, or a rule adopted under any 28437  
of them, in connection with a violation of rules adopted under 28438  
division (F) of section 3704.03 of the Revised Code. 28439

As used in this division, "actual construction of the source" 28440  
means the initiation of physical on-site construction activities 28441  
in connection with improvements to the source that are permanent 28442  
in nature, including, without limitation, the installation of 28443  
building supports and foundations and the laying of underground 28444  
pipework. 28445

(K) Fifty cents per ton of each fee assessed under division 28446  
(C) of this section on actual emissions from a source and received 28447  
by the environmental protection agency pursuant to that division 28448  
shall be deposited into the state treasury to the credit of the 28449  
small business assistance fund created in section 3706.19 of the 28450  
Revised Code. The remainder of the moneys received by the division 28451  
pursuant to that division and moneys received by the agency 28452  
pursuant to divisions (D), (F), (G), (H), (I), and (J) of this 28453  
section shall be deposited in the state treasury to the credit of 28454  
the clean air fund created in section 3704.035 of the Revised 28455  
Code. 28456

(L)(1)(a) Except as otherwise provided in division (L)(1)(b) 28457  
or (c) of this section, a person issued a water discharge permit 28458  
or renewal of a water discharge permit pursuant to Chapter 6111. 28459  
of the Revised Code shall pay a fee based on each point source to 28460  
which the issuance is applicable in accordance with the following 28461  
schedule: 28462

Design flow discharge (gallons per day)	Fee	
0 to 1000	\$ 0	28464
1,001 to 5000	100	28465
5,001 to 50,000	200	28466
50,001 to 100,000	300	28467
100,001 to 300,000	525	28468
over 300,000	750	28469

(b) Notwithstanding the fee schedule specified in division 28470  
(L)(1)(a) of this section, the fee for a water discharge permit 28471  
that is applicable to coal mining operations regulated under 28472  
Chapter 1513. of the Revised Code shall be two hundred fifty 28473  
dollars per mine. 28474

(c) Notwithstanding the fee schedule specified in division 28475  
(L)(1)(a) of this section, the fee for a water discharge permit 28476  
for a public discharger identified by I in the third character of 28477  
the permittee's NPDES permit number shall not exceed seven hundred 28478  
fifty dollars. 28479

(2) A person applying for a plan approval for a wastewater 28480  
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 28481  
of the Revised Code shall pay a fee of one hundred dollars plus 28482  
sixty-five one-hundredths of one per cent of the estimated project 28483  
cost through June 30, ~~2008~~ 2010, and one hundred dollars plus 28484  
two-tenths of one per cent of the estimated project cost on and 28485  
after July 1, ~~2008~~ 2010, except that the total fee shall not 28486  
exceed fifteen thousand dollars through June 30, ~~2008~~ 2010, and 28487  
five thousand dollars on and after July 1, ~~2008~~ 2010. The fee 28488  
shall be paid at the time the application is submitted. 28489

(3) A person issued a modification of a water discharge 28490  
permit shall pay a fee equal to one-half the fee that otherwise 28491  
would be charged for a water discharge permit, except that the fee 28492  
for the modification shall not exceed four hundred dollars. 28493

(4) A person who has entered into an agreement with the 28494

director under section 6111.14 of the Revised Code shall pay an 28495  
administrative service fee for each plan submitted under that 28496  
section for approval that shall not exceed the minimum amount 28497  
necessary to pay administrative costs directly attributable to 28498  
processing plan approvals. The director annually shall calculate 28499  
the fee and shall notify all persons who have entered into 28500  
agreements under that section, or who have applied for agreements, 28501  
of the amount of the fee. 28502

(5)(a)(i) Not later than January 30, ~~2006~~ 2008, and January 28503  
30, ~~2007~~ 2009, a person holding an NPDES discharge permit issued 28504  
pursuant to Chapter 6111. of the Revised Code with an average 28505  
daily discharge flow of five thousand gallons or more shall pay a 28506  
nonrefundable annual discharge fee. Any person who fails to pay 28507  
the fee at that time shall pay an additional amount that equals 28508  
ten per cent of the required annual discharge fee. 28509

(ii) The billing year for the annual discharge fee 28510  
established in division (L)(5)(a)(i) of this section shall consist 28511  
of a twelve-month period beginning on the first day of January of 28512  
the year preceding the date when the annual discharge fee is due. 28513  
In the case of an existing source that permanently ceases to 28514  
discharge during a billing year, the director shall reduce the 28515  
annual discharge fee, including the surcharge applicable to 28516  
certain industrial facilities pursuant to division (L)(5)(c) of 28517  
this section, by one-twelfth for each full month during the 28518  
billing year that the source was not discharging, but only if the 28519  
person holding the NPDES discharge permit for the source notifies 28520  
the director in writing, not later than the first day of October 28521  
of the billing year, of the circumstances causing the cessation of 28522  
discharge. 28523

(iii) The annual discharge fee established in division 28524  
(L)(5)(a)(i) of this section, except for the surcharge applicable 28525  
to certain industrial facilities pursuant to division (L)(5)(c) of 28526

this section, shall be based upon the average daily discharge flow 28527  
in gallons per day calculated using first day of May through 28528  
thirty-first day of October flow data for the period two years 28529  
prior to the date on which the fee is due. In the case of NPDES 28530  
discharge permits for new sources, the fee shall be calculated 28531  
using the average daily design flow of the facility until actual 28532  
average daily discharge flow values are available for the time 28533  
period specified in division (L)(5)(a)(iii) of this section. The 28534  
annual discharge fee may be prorated for a new source as described 28535  
in division (L)(5)(a)(ii) of this section. 28536

(b) An NPDES permit holder that is a public discharger shall 28537  
pay the fee specified in the following schedule: 28538

Average daily	Fee due by	
discharge flow	January 30,	
	<del>2006</del> <u>2008</u> , and	
	January 30, <del>2007</del>	
	<u>2009</u>	
5,000 to 49,999	\$ 200	28543
50,000 to 100,000	500	28544
100,001 to 250,000	1,050	28545
250,001 to 1,000,000	2,600	28546
1,000,001 to 5,000,000	5,200	28547
5,000,001 to 10,000,000	10,350	28548
10,000,001 to 20,000,000	15,550	28549
20,000,001 to 50,000,000	25,900	28550
50,000,001 to 100,000,000	41,400	28551
100,000,001 or more	62,100	28552

Public dischargers owning or operating two or more publicly 28553  
owned treatment works serving the same political subdivision, as 28554  
"treatment works" is defined in section 6111.01 of the Revised 28555  
Code, and that serve exclusively political subdivisions having a 28556  
population of fewer than one hundred thousand shall pay an annual 28557

discharge fee under division (L)(5)(b) of this section that is 28558  
based on the combined average daily discharge flow of the 28559  
treatment works. 28560

(c) An NPDES permit holder that is an industrial discharger, 28561  
other than a coal mining operator identified by P in the third 28562  
character of the permittee's NPDES permit number, shall pay the 28563  
fee specified in the following schedule: 28564

Average daily	Fee due by	
discharge flow	January 30,	
	<del>2006</del> <u>2008</u> , and	
	January 30, <del>2007</del>	
	<u>2009</u>	
5,000 to 49,999	\$ 250	28569
50,000 to 250,000	1,200	28570
250,001 to 1,000,000	2,950	28571
1,000,001 to 5,000,000	5,850	28572
5,000,001 to 10,000,000	8,800	28573
10,000,001 to 20,000,000	11,700	28574
20,000,001 to 100,000,000	14,050	28575
100,000,001 to 250,000,000	16,400	28576
250,000,001 or more	18,700	28577

In addition to the fee specified in the above schedule, an 28578  
NPDES permit holder that is an industrial discharger classified as 28579  
a major discharger during all or part of the annual discharge fee 28580  
billing year specified in division (L)(5)(a)(ii) of this section 28581  
shall pay a nonrefundable annual surcharge of seven thousand five 28582  
hundred dollars not later than January 30, ~~2006~~ 2008, and not 28583  
later than January 30, ~~2007~~ 2009. Any person who fails to pay the 28584  
surcharge at that time shall pay an additional amount that equals 28585  
ten per cent of the amount of the surcharge. 28586

(d) Notwithstanding divisions (L)(5)(b) and (c) of this 28587  
section, a public discharger identified by I in the third 28588



character of the permittee's NPDES permit number and an industrial 28589  
discharger identified by I, J, L, V, W, X, Y, or Z in the third 28590  
character of the permittee's NPDES permit number shall pay a 28591  
nonrefundable annual discharge fee of one hundred eighty dollars 28592  
not later than January 30, ~~2006~~ 2008, and not later than January 28593  
30, ~~2007~~ 2009. Any person who fails to pay the fee at that time 28594  
shall pay an additional amount that equals ten per cent of the 28595  
required fee. 28596

(6) Each person obtaining a national pollutant discharge 28597  
elimination system general or individual permit for municipal 28598  
storm water discharge shall pay a nonrefundable storm water 28599  
discharge fee of one hundred dollars per square mile of area 28600  
permitted. The fee shall not exceed ten thousand dollars and shall 28601  
be payable on or before January 30, 2004, and the thirtieth day of 28602  
January of each year thereafter. Any person who fails to pay the 28603  
fee on the date specified in division (L)(6) of this section shall 28604  
pay an additional amount per year equal to ten per cent of the 28605  
annual fee that is unpaid. 28606

(7) The director shall transmit all moneys collected under 28607  
division (L) of this section to the treasurer of state for deposit 28608  
into the state treasury to the credit of the surface water 28609  
protection fund created in section 6111.038 of the Revised Code. 28610

(8) As used in division (L) of this section: 28611

(a) "NPDES" means the federally approved national pollutant 28612  
discharge elimination system program for issuing, modifying, 28613  
revoking, reissuing, terminating, monitoring, and enforcing 28614  
permits and imposing and enforcing pretreatment requirements under 28615  
Chapter 6111. of the Revised Code and rules adopted under it. 28616

(b) "Public discharger" means any holder of an NPDES permit 28617  
identified by P in the second character of the NPDES permit number 28618  
assigned by the director. 28619

(c) "Industrial discharger" means any holder of an NPDES permit identified by I in the second character of the NPDES permit number assigned by the director. 28620  
28621  
28622

(d) "Major discharger" means any holder of an NPDES permit classified as major by the regional administrator of the United States environmental protection agency in conjunction with the director. 28623  
28624  
28625  
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(M) Through June 30, ~~2008~~ 2010, a person applying for a license or license renewal to operate a public water system under section 6109.21 of the Revised Code shall pay the appropriate fee established under this division at the time of application to the director. 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. 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. 28627  
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Except as provided in division (M)(4) of this section, fees required under this division shall be calculated and paid in accordance with the following schedule: 28637  
28638  
28639

(1) For the initial license required under division (A)(1) of section 6109.21 of the Revised Code for any public water system that is a community water system as defined in section 6109.01 of the Revised Code, and for each license renewal required for such a system prior to January 31, ~~2008~~ 2010, the fee is: 28640  
28641  
28642  
28643  
28644

Number of service connections	Fee amount	
Not more than 49	\$ 112	28645 28646
50 to 99	176	28647
Number of service connections	Average cost per connection	
100 to 2,499	\$ 1.92	28648 28649
2,500 to 4,999	1.48	28650

5,000 to 7,499	1.42	28651
7,500 to 9,999	1.34	28652
10,000 to 14,999	1.16	28653
15,000 to 24,999	1.10	28654
25,000 to 49,999	1.04	28655
50,000 to 99,999	.92	28656
100,000 to 149,999	.86	28657
150,000 to 199,999	.80	28658
200,000 or more	.76	28659

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis.

As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

(2) For the initial license required under division (A)(2) of section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system prior to January 31, ~~2008~~ 2010, the fee is:

Population served	Fee amount	
Fewer than 150	\$ 112	28673
150 to 299	176	28674
300 to 749	384	28675
750 to 1,499	628	28676
1,500 to 2,999	1,268	28677
3,000 to 7,499	2,816	28678
7,500 to 14,999	5,510	28679
15,000 to 22,499	9,048	28680
22,500 to 29,999	12,430	28681

30,000 or more 16,820 28683

As used in division (M)(2) of this section, "population 28684  
served" means the total number of individuals receiving water from 28685  
the water supply during a twenty-four-hour period for at least 28686  
sixty days during any calendar year. In the absence of a specific 28687  
population count, that number shall be calculated at the rate of 28688  
three individuals per service connection. 28689

(3) For the initial license required under division (A)(3) of 28690  
section 6109.21 of the Revised Code for any public water system 28691  
that is not a community water system and serves a transient 28692  
population, and for each license renewal required for such a 28693  
system prior to January 31, ~~2008~~ 2010, the fee is: 28694

Number of wells supplying system	Fee amount	
1	\$112	28696
2	112	28697
3	176	28698
4	278	28699
5	568	28700
System designated as using a		28701
surface water source	792	28702

As used in division (M)(3) of this section, "number of wells 28703  
supplying system" means those wells that are physically connected 28704  
to the plumbing system serving the public water system. 28705

(4) A public water system designated as using a surface water 28706  
source shall pay a fee of seven hundred ninety-two dollars or the 28707  
amount calculated under division (M)(1) or (2) of this section, 28708  
whichever is greater. 28709

(N)(1) A person applying for a plan approval for a public 28710  
water supply system under section 6109.07 of the Revised Code 28711  
shall pay a fee of one hundred fifty dollars plus thirty-five 28712  
hundredths of one per cent of the estimated project cost, except 28713  
that the total fee shall not exceed twenty thousand dollars 28714

through June 30, ~~2008~~ 2010, and fifteen thousand dollars on and 28715  
after July 1, ~~2008~~ 2010. The fee shall be paid at the time the 28716  
application is submitted. 28717

(2) A person who has entered into an agreement with the 28718  
director under division (A)(2) of section 6109.07 of the Revised 28719  
Code shall pay an administrative service fee for each plan 28720  
submitted under that section for approval that shall not exceed 28721  
the minimum amount necessary to pay administrative costs directly 28722  
attributable to processing plan approvals. The director annually 28723  
shall calculate the fee and shall notify all persons that have 28724  
entered into agreements under that division, or who have applied 28725  
for agreements, of the amount of the fee. 28726

(3) Through June 30, ~~2008~~ 2010, the following fee, on a per 28727  
survey basis, shall be charged any person for services rendered by 28728  
the state in the evaluation of laboratories and laboratory 28729  
personnel for compliance with accepted analytical techniques and 28730  
procedures established pursuant to Chapter 6109. of the Revised 28731  
Code for determining the qualitative characteristics of water: 28732

microbiological		28733
MMO-MUG	\$2,000	28734
MF	2,100	28735
MMO-MUG and MF	2,550	28736
organic chemical	5,400	28737
trace metals	5,400	28738
standard chemistry	2,800	28739
limited chemistry	1,550	28740

On and after July 1, ~~2008~~ 2010, the following fee, on a per 28741  
survey basis, shall be charged any such person: 28742

microbiological	\$ 1,650	28743
organic chemicals	3,500	28744
trace metals	3,500	28745
standard chemistry	1,800	28746

limited chemistry 1,000 28747

The fee for those services shall be paid at the time the request 28748  
for the survey is made. Through June 30, ~~2008~~ 2010, an individual 28749  
laboratory shall not be assessed a fee under this division more 28750  
than once in any three-year period unless the person requests the 28751  
addition of analytical methods or analysts, in which case the 28752  
person shall pay eighteen hundred dollars for each additional 28753  
survey requested. 28754

As used in division (N)(3) of this section: 28755

(a) "MF" means microfiltration. 28756

(b) "MMO" means minimal medium ONPG. 28757

(c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide. 28758

(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 28759

The director shall transmit all moneys collected under this 28760  
division to the treasurer of state for deposit into the drinking 28761  
water protection fund created in section 6109.30 of the Revised 28762  
Code. 28763

(O) Any person applying to the director for examination for 28764  
certification as an operator of a water supply system or 28765  
wastewater system under Chapter 6109. or 6111. of the Revised 28766  
Code, at the time the application is submitted, shall pay an 28767  
application fee of forty-five dollars through November 30, ~~2008~~ 28768  
2010, and twenty-five dollars on and after December 1, ~~2008~~ 2010. 28769  
Upon approval from the director that the applicant is eligible to 28770  
take the examination therefor, the applicant shall pay a fee in 28771  
accordance with the following schedule through November 30, ~~2008~~ 28772  
2010: 28773

Class A operator \$35 28774

Class I operator 60 28775

Class II operator 75 28776

Class III operator	85	28777
Class IV operator	100	28778

On and after December 1, ~~2008~~ 2010, the applicant shall pay a fee in accordance with the following schedule:

Class A operator	\$25	28781
Class I operator	\$45	28782
Class II operator	55	28783
Class III operator	65	28784
Class IV operator	75	28785

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	28789
Class I operator	35	28790
Class II operator	45	28791
Class III operator	55	28792
Class IV operator	65	28793

If a certification renewal fee is received by the director more than thirty days, but not more than one year after the expiration date of the certification, the person shall pay a certification renewal fee in accordance with the following schedule:

Class A operator	\$45	28799
Class I operator	55	28800
Class II operator	65	28801
Class III operator	75	28802
Class IV operator	85	28803

A person who requests a replacement certificate shall pay a fee of twenty-five dollars at the time the request is made.

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised

Code. 28809

(P) Any person submitting an application for an industrial 28810  
water pollution control certificate under section 6111.31 of the 28811  
Revised Code, as that section existed before its repeal by H.B. 95 28812  
of the 125th general assembly, shall pay a nonrefundable fee of 28813  
five hundred dollars at the time the application is submitted. The 28814  
director shall transmit all moneys collected under this division 28815  
to the treasurer of state for deposit into the surface water 28816  
protection fund created in section 6111.038 of the Revised Code. A 28817  
person paying a certificate fee under this division shall not pay 28818  
an application fee under division (S)(1) of this section. On and 28819  
after June 26, 2003, persons shall file such applications and pay 28820  
the fee as required under sections 5709.20 to 5709.27 of the 28821  
Revised Code, and proceeds from the fee shall be credited as 28822  
provided in section 5709.212 of the Revised Code. 28823

(Q) Except as otherwise provided in division (R) of this 28824  
section, a person issued a permit by the director for a new solid 28825  
waste disposal facility other than an incineration or composting 28826  
facility, a new infectious waste treatment facility other than an 28827  
incineration facility, or a modification of such an existing 28828  
facility that includes an increase in the total disposal or 28829  
treatment capacity of the facility pursuant to Chapter 3734. of 28830  
the Revised Code shall pay a fee of ten dollars per thousand cubic 28831  
yards of disposal or treatment capacity, or one thousand dollars, 28832  
whichever is greater, except that the total fee for any such 28833  
permit shall not exceed eighty thousand dollars. A person issued a 28834  
modification of a permit for a solid waste disposal facility or an 28835  
infectious waste treatment facility that does not involve an 28836  
increase in the total disposal or treatment capacity of the 28837  
facility shall pay a fee of one thousand dollars. A person issued 28838  
a permit to install a new, or modify an existing, solid waste 28839  
transfer facility under that chapter shall pay a fee of two 28840



thousand five hundred dollars. A person issued a permit to install 28841  
a new or to modify an existing solid waste incineration or 28842  
composting facility, or an existing infectious waste treatment 28843  
facility using incineration as its principal method of treatment, 28844  
under that chapter shall pay a fee of one thousand dollars. The 28845  
increases in the permit fees under this division resulting from 28846  
the amendments made by Amended Substitute House Bill 592 of the 28847  
117th general assembly do not apply to any person who submitted an 28848  
application for a permit to install a new, or modify an existing, 28849  
solid waste disposal facility under that chapter prior to 28850  
September 1, 1987; any such person shall pay the permit fee 28851  
established in this division as it existed prior to June 24, 1988. 28852  
In addition to the applicable permit fee under this division, a 28853  
person issued a permit to install or modify a solid waste facility 28854  
or an infectious waste treatment facility under that chapter who 28855  
fails to pay the permit fee to the director in compliance with 28856  
division (V) of this section shall pay an additional ten per cent 28857  
of the amount of the fee for each week that the permit fee is 28858  
late. 28859

Permit and late payment fees paid to the director under this 28860  
division shall be credited to the general revenue fund. 28861

(R)(1) A person issued a registration certificate for a scrap 28862  
tire collection facility under section 3734.75 of the Revised Code 28863  
shall pay a fee of two hundred dollars, except that if the 28864  
facility is owned or operated by a motor vehicle salvage dealer 28865  
licensed under Chapter 4738. of the Revised Code, the person shall 28866  
pay a fee of twenty-five dollars. 28867

(2) A person issued a registration certificate for a new 28868  
scrap tire storage facility under section 3734.76 of the Revised 28869  
Code shall pay a fee of three hundred dollars, except that if the 28870  
facility is owned or operated by a motor vehicle salvage dealer 28871  
licensed under Chapter 4738. of the Revised Code, the person shall 28872

pay a fee of twenty-five dollars. 28873

(3) A person issued a permit for a scrap tire storage 28874  
facility under section 3734.76 of the Revised Code shall pay a fee 28875  
of one thousand dollars, except that if the facility is owned or 28876  
operated by a motor vehicle salvage dealer licensed under Chapter 28877  
4738. of the Revised Code, the person shall pay a fee of fifty 28878  
dollars. 28879

(4) A person issued a permit for a scrap tire monocell or 28880  
monofill facility under section 3734.77 of the Revised Code shall 28881  
pay a fee of ten dollars per thousand cubic yards of disposal 28882  
capacity or one thousand dollars, whichever is greater, except 28883  
that the total fee for any such permit shall not exceed eighty 28884  
thousand dollars. 28885

(5) A person issued a registration certificate for a scrap 28886  
tire recovery facility under section 3734.78 of the Revised Code 28887  
shall pay a fee of one hundred dollars. 28888

(6) A person issued a permit for a scrap tire recovery 28889  
facility under section 3734.78 of the Revised Code shall pay a fee 28890  
of one thousand dollars. 28891

(7) In addition to the applicable registration certificate or 28892  
permit fee under divisions (R)(1) to (6) of this section, a person 28893  
issued a registration certificate or permit for any such scrap 28894  
tire facility who fails to pay the registration certificate or 28895  
permit fee to the director in compliance with division (V) of this 28896  
section shall pay an additional ten per cent of the amount of the 28897  
fee for each week that the fee is late. 28898

(8) The registration certificate, permit, and late payment 28899  
fees paid to the director under divisions (R)(1) to (7) of this 28900  
section shall be credited to the scrap tire management fund 28901  
created in section 3734.82 of the Revised Code. 28902

(S)(1) Except as provided by divisions (L), (M), (N), (O), 28903

(P), and (S)(2) of this section, division (A)(2) of section 28904  
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 28905  
and rules adopted under division (T)(1) of this section, any 28906  
person applying for a registration certificate under section 28907  
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 28908  
variance, or plan approval under Chapter 3734. of the Revised Code 28909  
shall pay a nonrefundable fee of fifteen dollars at the time the 28910  
application is submitted. 28911

Except as otherwise provided, any person applying for a 28912  
permit, variance, or plan approval under Chapter 6109. or 6111. of 28913  
the Revised Code shall pay a nonrefundable fee of one hundred 28914  
dollars at the time the application is submitted through June 30, 28915  
~~2008~~ 2010, and a nonrefundable fee of fifteen dollars at the time 28916  
the application is submitted on and after July 1, ~~2008~~ 2010. 28917  
Through June 30, ~~2008~~ 2010, any person applying for a national 28918  
pollutant discharge elimination system permit under Chapter 6111. 28919  
of the Revised Code shall pay a nonrefundable fee of two hundred 28920  
dollars at the time of application for the permit. On and after 28921  
July 1, ~~2008~~ 2010, such a person shall pay a nonrefundable fee of 28922  
fifteen dollars at the time of application. 28923

In addition to the application fee established under division 28924  
(S)(1) of this section, any person applying for a national 28925  
pollutant discharge elimination system general storm water 28926  
construction permit shall pay a nonrefundable fee of twenty 28927  
dollars per acre for each acre that is permitted above five acres 28928  
at the time the application is submitted. However, the per acreage 28929  
fee shall not exceed three hundred dollars. In addition, any 28930  
person applying for a national pollutant discharge elimination 28931  
system general storm water industrial permit shall pay a 28932  
nonrefundable fee of one hundred fifty dollars at the time the 28933  
application is submitted. 28934

The director shall transmit all moneys collected under 28935

division (S)(1) of this section pursuant to Chapter 6109. of the 28936  
Revised Code to the treasurer of state for deposit into the 28937  
drinking water protection fund created in section 6109.30 of the 28938  
Revised Code. 28939

The director shall transmit all moneys collected under 28940  
division (S)(1) of this section pursuant to Chapter 6111. of the 28941  
Revised Code to the treasurer of state for deposit into the 28942  
surface water protection fund created in section 6111.038 of the 28943  
Revised Code. 28944

If a registration certificate is issued under section 28945  
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 28946  
the application fee paid shall be deducted from the amount of the 28947  
registration certificate fee due under division (R)(1), (2), or 28948  
(5) of this section, as applicable. 28949

If a person submits an electronic application for a 28950  
registration certificate, permit, variance, or plan approval for 28951  
which an application fee is established under division (S)(1) of 28952  
this section, the person shall pay the applicable application fee 28953  
as expeditiously as possible after the submission of the 28954  
electronic application. An application for a registration 28955  
certificate, permit, variance, or plan approval for which an 28956  
application fee is established under division (S)(1) of this 28957  
section shall not be reviewed or processed until the applicable 28958  
application fee, and any other fees established under this 28959  
division, are paid. 28960

(2) Division (S)(1) of this section does not apply to an 28961  
application for a registration certificate for a scrap tire 28962  
collection or storage facility submitted under section 3734.75 or 28963  
3734.76 of the Revised Code, as applicable, if the owner or 28964  
operator of the facility or proposed facility is a motor vehicle 28965  
salvage dealer licensed under Chapter 4738. of the Revised Code. 28966

(T) The director may adopt, amend, and rescind rules in accordance with Chapter 119. of the Revised Code that do all of the following:

(1) Prescribe fees to be paid by applicants for and holders of any license, permit, variance, plan approval, or certification required or authorized by Chapter 3704., 3734., 6109., or 6111. of the Revised Code that are not specifically established in this section. The fees shall be designed to defray the cost of processing, issuing, revoking, modifying, denying, and enforcing the licenses, permits, variances, plan approvals, and certifications.

The director shall transmit all moneys collected under rules adopted under division (T)(1) of this section pursuant to Chapter 6109. of the Revised Code to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

The director shall transmit all moneys collected under rules adopted under division (T)(1) of this section pursuant to Chapter 6111. of the Revised Code to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code.

(2) Exempt the state and political subdivisions thereof, including education facilities or medical facilities owned by the state or a political subdivision, or any person exempted from taxation by section 5709.07 or 5709.12 of the Revised Code, from any fee required by this section;

(3) Provide for the waiver of any fee, or any part thereof, otherwise required by this section whenever the director determines that the imposition of the fee would constitute an unreasonable cost of doing business for any applicant, class of applicants, or other person subject to the fee;

(4) Prescribe measures that the director considers necessary 28998  
to carry out this section. 28999

(U) When the director reasonably demonstrates that the direct 29000  
cost to the state associated with the issuance of a permit to 29001  
install, license, variance, plan approval, or certification 29002  
exceeds the fee for the issuance or review specified by this 29003  
section, the director may condition the issuance or review on the 29004  
payment by the person receiving the issuance or review of, in 29005  
addition to the fee specified by this section, the amount, or any 29006  
portion thereof, in excess of the fee specified under this 29007  
section. The director shall not so condition issuances for which 29008  
fees are prescribed in divisions (B)(7) and (L)(1)(b) of this 29009  
section. 29010

(V) Except as provided in divisions (L), (M), and (P) of this 29011  
section or unless otherwise prescribed by a rule of the director 29012  
adopted pursuant to Chapter 119. of the Revised Code, all fees 29013  
required by this section are payable within thirty days after the 29014  
issuance of an invoice for the fee by the director or the 29015  
effective date of the issuance of the license, permit, variance, 29016  
plan approval, or certification. If payment is late, the person 29017  
responsible for payment of the fee shall pay an additional ten per 29018  
cent of the amount due for each month that it is late. 29019

(W) As used in this section, "fuel-burning equipment," 29020  
"fuel-burning equipment input capacity," "incinerator," 29021  
"incinerator input capacity," "process," "process weight rate," 29022  
"storage tank," "gasoline dispensing facility," "dry cleaning 29023  
facility," "design flow discharge," and "new source treatment 29024  
works" have the meanings ascribed to those terms by applicable 29025  
rules or standards adopted by the director under Chapter 3704. or 29026  
6111. of the Revised Code. 29027

(X) As used in divisions (B), (C), (D), (E), (F), (H), (I), 29028  
and (J) of this section, and in any other provision of this 29029

section pertaining to fees paid pursuant to Chapter 3704. of the Revised Code: (29030-29031)

(1) "Facility," "federal Clean Air Act," "person," and "Title V permit" have the same meanings as in section 3704.01 of the Revised Code. (29032-29034)

(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: (29035-29037)

(a) Preparing and adopting, if applicable, generally applicable rules or guidance regarding the permit program or its implementation or enforcement; (29038-29040)

(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; (29041-29044)

(c) Administering the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry; (29045-29047)

(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; (29048-29050)

(e) Emission and ambient monitoring; (29051)

(f) Modeling, analyses, or demonstrations; (29052)

(g) Preparing inventories and tracking emissions; (29053)

(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 (29054-29059)

Revised Code. 29060

(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) 29061  
of this section, each sewage sludge facility shall pay a 29062  
nonrefundable annual sludge fee equal to three dollars and fifty 29063  
cents per dry ton of sewage sludge, including the dry tons of 29064  
sewage sludge in materials derived from sewage sludge, that the 29065  
sewage sludge facility treats or disposes of in this state. The 29066  
annual volume of sewage sludge treated or disposed of by a sewage 29067  
sludge facility shall be calculated using the first day of January 29068  
through the thirty-first day of December of the calendar year 29069  
preceding the date on which payment of the fee is due. 29070

(2)(a) Except as provided in division (Y)(2)(d) of this 29071  
section, each sewage sludge facility shall pay a minimum annual 29072  
sewage sludge fee of one hundred dollars. 29073

(b) The annual sludge fee required to be paid by a sewage 29074  
sludge facility that treats or disposes of exceptional quality 29075  
sludge in this state shall be thirty-five per cent less per dry 29076  
ton of exceptional quality sludge than the fee assessed under 29077  
division (Y)(1) of this section, subject to the following 29078  
exceptions: 29079

(i) Except as provided in division (Y)(2)(d) of this section, 29080  
a sewage sludge facility that treats or disposes of exceptional 29081  
quality sludge shall pay a minimum annual sewage sludge fee of one 29082  
hundred dollars. 29083

(ii) A sewage sludge facility that treats or disposes of 29084  
exceptional quality sludge shall not be required to pay the annual 29085  
sludge fee for treatment or disposal in this state of exceptional 29086  
quality sludge generated outside of this state and contained in 29087  
bags or other containers not greater than one hundred pounds in 29088  
capacity. 29089

A thirty-five per cent reduction for exceptional quality 29090



sludge applies to the maximum annual fees established under 29091  
division (Y)(3) of this section. 29092

(c) A sewage sludge facility that transfers sewage sludge to 29093  
another sewage sludge facility in this state for further treatment 29094  
prior to disposal in this state shall not be required to pay the 29095  
annual sludge fee for the tons of sewage sludge that have been 29096  
transferred. In such a case, the sewage sludge facility that 29097  
disposes of the sewage sludge shall pay the annual sludge fee. 29098  
However, the facility transferring the sewage sludge shall pay the 29099  
one-hundred-dollar minimum fee required under division (Y)(2)(a) 29100  
of this section. 29101

In the case of a sewage sludge facility that treats sewage 29102  
sludge in this state and transfers it out of this state to another 29103  
entity for disposal, the sewage sludge facility in this state 29104  
shall be required to pay the annual sludge fee for the tons of 29105  
sewage sludge that have been transferred. 29106

(d) A sewage sludge facility that generates sewage sludge 29107  
resulting from an average daily discharge flow of less than five 29108  
thousand gallons per day is not subject to the fees assessed under 29109  
division (Y) of this section. 29110

(3) No sewage sludge facility required to pay the annual 29111  
sludge fee shall be required to pay more than the maximum annual 29112  
fee for each disposal method that the sewage sludge facility uses. 29113  
The maximum annual fee does not include the additional amount that 29114  
may be charged under division (Y)(5) of this section for late 29115  
payment of the annual sludge fee. The maximum annual fee for the 29116  
following methods of disposal of sewage sludge is as follows: 29117

(a) Incineration: five thousand dollars; 29118

(b) Preexisting land reclamation project or disposal in a 29119  
landfill: five thousand dollars; 29120

(c) Land application, land reclamation, surface disposal, or 29121

any other disposal method not specified in division (Y)(3)(a) or 29122  
(b) of this section: twenty thousand dollars. 29123

(4)(a) In the case of an entity that generates sewage sludge 29124  
or a sewage sludge facility that treats sewage sludge and 29125  
transfers the sewage sludge to an incineration facility for 29126  
disposal, the incineration facility, and not the entity generating 29127  
the sewage sludge or the sewage sludge facility treating the 29128  
sewage sludge, shall pay the annual sludge fee for the tons of 29129  
sewage sludge that are transferred. However, the entity or 29130  
facility generating or treating the sewage sludge shall pay the 29131  
one-hundred-dollar minimum fee required under division (Y)(2)(a) 29132  
of this section. 29133

(b) In the case of an entity that generates sewage sludge and 29134  
transfers the sewage sludge to a landfill for disposal or to a 29135  
sewage sludge facility for land reclamation or surface disposal, 29136  
the entity generating the sewage sludge, and not the landfill or 29137  
sewage sludge facility, shall pay the annual sludge fee for the 29138  
tons of sewage sludge that are transferred. 29139

(5) Not later than the first day of April of the calendar 29140  
year following March 17, 2000, and each first day of April 29141  
thereafter, the director shall issue invoices to persons who are 29142  
required to pay the annual sludge fee. The invoice shall identify 29143  
the nature and amount of the annual sludge fee assessed and state 29144  
the first day of May as the deadline for receipt by the director 29145  
of objections regarding the amount of the fee and the first day of 29146  
July as the deadline for payment of the fee. 29147

Not later than the first day of May following receipt of an 29148  
invoice, a person required to pay the annual sludge fee may submit 29149  
objections to the director concerning the accuracy of information 29150  
regarding the number of dry tons of sewage sludge used to 29151  
calculate the amount of the annual sludge fee or regarding whether 29152  
the sewage sludge qualifies for the exceptional quality sludge 29153

discount established in division (Y)(2)(b) of this section. The 29154  
director may consider the objections and adjust the amount of the 29155  
fee to ensure that it is accurate. 29156

If the director does not adjust the amount of the annual 29157  
sludge fee in response to a person's objections, the person may 29158  
appeal the director's determination in accordance with Chapter 29159  
119. of the Revised Code. 29160

Not later than the first day of June, the director shall 29161  
notify the objecting person regarding whether the director has 29162  
found the objections to be valid and the reasons for the finding. 29163  
If the director finds the objections to be valid and adjusts the 29164  
amount of the annual sludge fee accordingly, the director shall 29165  
issue with the notification a new invoice to the person 29166  
identifying the amount of the annual sludge fee assessed and 29167  
stating the first day of July as the deadline for payment. 29168

Not later than the first day of July, any person who is 29169  
required to do so shall pay the annual sludge fee. Any person who 29170  
is required to pay the fee, but who fails to do so on or before 29171  
that date shall pay an additional amount that equals ten per cent 29172  
of the required annual sludge fee. 29173

(6) The director shall transmit all moneys collected under 29174  
division (Y) of this section to the treasurer of state for deposit 29175  
into the surface water protection fund created in section 6111.038 29176  
of the Revised Code. The moneys shall be used to defray the costs 29177  
of administering and enforcing provisions in Chapter 6111. of the 29178  
Revised Code and rules adopted under it that govern the use, 29179  
storage, treatment, or disposal of sewage sludge. 29180

(7) Beginning in fiscal year 2001, and every two years 29181  
thereafter, the director shall review the total amount of moneys 29182  
generated by the annual sludge fees to determine if that amount 29183  
exceeded six hundred thousand dollars in either of the two 29184

preceding fiscal years. If the total amount of moneys in the fund 29185  
exceeded six hundred thousand dollars in either fiscal year, the 29186  
director, after review of the fee structure and consultation with 29187  
affected persons, shall issue an order reducing the amount of the 29188  
fees levied under division (Y) of this section so that the 29189  
estimated amount of moneys resulting from the fees will not exceed 29190  
six hundred thousand dollars in any fiscal year. 29191

If, upon review of the fees under division (Y)(7) of this 29192  
section and after the fees have been reduced, the director 29193  
determines that the total amount of moneys collected and 29194  
accumulated is less than six hundred thousand dollars, the 29195  
director, after review of the fee structure and consultation with 29196  
affected persons, may issue an order increasing the amount of the 29197  
fees levied under division (Y) of this section so that the 29198  
estimated amount of moneys resulting from the fees will be 29199  
approximately six hundred thousand dollars. Fees shall never be 29200  
increased to an amount exceeding the amount specified in division 29201  
(Y)(7) of this section. 29202

Notwithstanding section 119.06 of the Revised Code, the 29203  
director may issue an order under division (Y)(7) of this section 29204  
without the necessity to hold an adjudicatory hearing in 29205  
connection with the order. The issuance of an order under this 29206  
division is not an act or action for purposes of section 3745.04 29207  
of the Revised Code. 29208

(8) As used in division (Y) of this section: 29209

(a) "Sewage sludge facility" means an entity that performs 29210  
treatment on or is responsible for the disposal of sewage sludge. 29211

(b) "Sewage sludge" means a solid, semi-solid, or liquid 29212  
residue generated during the treatment of domestic sewage in a 29213  
treatment works as defined in section 6111.01 of the Revised Code. 29214  
"Sewage sludge" includes, but is not limited to, scum or solids 29215

removed in primary, secondary, or advanced wastewater treatment 29216  
processes. "Sewage sludge" does not include ash generated during 29217  
the firing of sewage sludge in a sewage sludge incinerator, grit 29218  
and screenings generated during preliminary treatment of domestic 29219  
sewage in a treatment works, animal manure, residue generated 29220  
during treatment of animal manure, or domestic septage. 29221

(c) "Exceptional quality sludge" means sewage sludge that 29222  
meets all of the following qualifications: 29223

(i) Satisfies the class A pathogen standards in 40 C.F.R. 29224  
503.32(a); 29225

(ii) Satisfies one of the vector attraction reduction 29226  
requirements in 40 C.F.R. 503.33(b)(1) to (b)(8); 29227

(iii) Does not exceed the ceiling concentration limitations 29228  
for metals listed in table one of 40 C.F.R. 503.13; 29229

(iv) Does not exceed the concentration limitations for metals 29230  
listed in table three of 40 C.F.R. 503.13. 29231

(d) "Treatment" means the preparation of sewage sludge for 29232  
final use or disposal and includes, but is not limited to, 29233  
thickening, stabilization, and dewatering of sewage sludge. 29234

(e) "Disposal" means the final use of sewage sludge, 29235  
including, but not limited to, land application, land reclamation, 29236  
surface disposal, or disposal in a landfill or an incinerator. 29237

(f) "Land application" means the spraying or spreading of 29238  
sewage sludge onto the land surface, the injection of sewage 29239  
sludge below the land surface, or the incorporation of sewage 29240  
sludge into the soil for the purposes of conditioning the soil or 29241  
fertilizing crops or vegetation grown in the soil. 29242

(g) "Land reclamation" means the returning of disturbed land 29243  
to productive use. 29244

(h) "Surface disposal" means the placement of sludge on an 29245

area of land for disposal, including, but not limited to, 29246  
monofills, surface impoundments, lagoons, waste piles, or 29247  
dedicated disposal sites. 29248

(i) "Incinerator" means an entity that disposes of sewage 29249  
sludge through the combustion of organic matter and inorganic 29250  
matter in sewage sludge by high temperatures in an enclosed 29251  
device. 29252

(j) "Incineration facility" includes all incinerators owned 29253  
or operated by the same entity and located on a contiguous tract 29254  
of land. Areas of land are considered to be contiguous even if 29255  
they are separated by a public road or highway. 29256

(k) "Annual sludge fee" means the fee assessed under division 29257  
(Y)(1) of this section. 29258

(l) "Landfill" means a sanitary landfill facility, as defined 29259  
in rules adopted under section 3734.02 of the Revised Code, that 29260  
is licensed under section 3734.05 of the Revised Code. 29261

(m) "Preexisting land reclamation project" means a 29262  
property-specific land reclamation project that has been in 29263  
continuous operation for not less than five years pursuant to 29264  
approval of the activity by the director and includes the 29265  
implementation of a community outreach program concerning the 29266  
activity. 29267

**Sec. 3769.087.** (A) In addition to the commission of eighteen 29268  
per cent retained by each permit holder as provided in section 29269  
3769.08 of the Revised Code, each permit holder shall retain an 29270  
additional amount equal to four per cent of the total of all 29271  
moneys wagered on each racing day on all wagering pools other than 29272  
win, place, and show, of which amount retained an amount equal to 29273  
three per cent of the total of all moneys wagered on each racing 29274  
day on those pools shall be paid by check, draft, or money order 29275

to the tax commissioner, as a tax. Subject to the restrictions 29276  
contained in divisions (B), (C), and (M) of section 3769.08 of the 29277  
Revised Code, from such additional moneys paid to the tax 29278  
commissioner: 29279

(1) Four-sixths shall be allocated to fund distribution as 29280  
provided in division (M) of section 3769.08 of the Revised Code. 29281

(2) One-twelfth shall be paid into the Ohio fairs fund 29282  
created by section 3769.082 of the Revised Code. 29283

(3) One-twelfth of the additional moneys paid to the tax 29284  
commissioner by thoroughbred racing permit holders shall be paid 29285  
into the Ohio thoroughbred race fund created by section 3769.083 29286  
of the Revised Code. 29287

(4) One-twelfth of the additional moneys paid to the tax 29288  
commissioner by harness horse racing permit holders shall be paid 29289  
to the Ohio standardbred development fund created by section 29290  
3769.085 of the Revised Code. 29291

(5) One-twelfth of the additional moneys paid to the tax 29292  
commissioner by quarter horse racing permit holders shall be paid 29293  
to the Ohio quarter horse development fund created by section 29294  
3769.086 of the Revised Code. 29295

(6) One-sixth shall be paid into the state racing commission 29296  
operating fund created by section 3769.03 of the Revised Code. 29297

The remaining one per cent that is retained of the total of 29298  
all moneys wagered on each racing day on all pools other than win, 29299  
place, and show, shall be retained by racing permit holders, and, 29300  
except as otherwise provided in section 3769.089 of the Revised 29301  
Code, racing permit holders shall use one-half for purse money and 29302  
retain one-half. 29303

(B) In addition to the commission of eighteen per cent 29304  
retained by each permit holder as provided in section 3769.08 of 29305

the Revised Code and the additional amount retained by each permit holder as provided in division (A) of this section, each permit holder shall retain an additional amount equal to one-half of one per cent of the total of all moneys wagered on each racing day on all wagering pools other than win, place, and show. ~~Except as provided in division (C) of this section, from the~~ The additional amount retained under this division, ~~each permit holder shall retain an amount equal to one quarter of one per cent of the total of all moneys wagered on each racing day on all pools other than win, place, and show and shall pay that amount~~ shall be paid by check, draft, or money order to the tax commissioner, as a tax. The tax commissioner shall pay the amount of the tax received under this division to the state racing commission operating fund created by section 3769.03 of the Revised Code.

~~Except as provided in division (C) of this section, the remaining one quarter of one per cent that is retained from the total of all moneys wagered on each racing day on all pools other than win, place, and show shall be retained by the permit holder, and the permit holder shall use one half for purse money and retain one half.~~

~~(C) During the period commencing on July 1, 2006, and ending on and including June 30, 2007, the additional amount retained by each permit holder under division (B) of this section shall be paid by check, draft, or money order to the tax commissioner, as a tax. The tax commissioner shall pay the amount of the tax received under this division to the state racing commission operating fund created by section 3769.03 of the Revised Code.~~

**Sec. 3770.03.** (A) The state lottery commission shall promulgate rules under which a statewide lottery may be conducted. The rules shall be promulgated pursuant to Chapter 119. of the Revised Code, except that instant game rules shall be promulgated



pursuant to section 111.15 of the Revised Code but are not subject 29337  
to division (D) of that section. Subjects covered in these rules 29338  
shall include, but need not be limited to, the following: 29339

(1) The type of lottery to be conducted; 29340

(2) The prices of tickets in the lottery; 29341

(3) The number, nature, and value of prize awards, the manner 29342  
and frequency of prize drawings, and the manner in which prizes 29343  
shall be awarded to holders of winning tickets. No rule shall 29344  
authorize drawings on a Sunday for any lottery game unless the 29345  
rule is approved by an executive order of the governor. 29346

(B) The commission shall promulgate rules, in addition to 29347  
those described in division (A) of this section, pursuant to 29348  
Chapter 119. of the Revised Code under which a statewide lottery 29349  
and statewide joint lottery games may be conducted. Subjects 29350  
covered in these rules shall include, but not be limited to, the 29351  
following: 29352

(1) The locations at which lottery tickets may be sold and 29353  
the manner in which they are to be sold. These rules may authorize 29354  
the sale of lottery tickets by commission personnel or other 29355  
licensed individuals from traveling show wagons at the state fair, 29356  
and at any other expositions the director of the commission 29357  
considers acceptable. These rules shall prohibit commission 29358  
personnel or other licensed individuals from soliciting from an 29359  
exposition the right to sell lottery tickets at that exposition, 29360  
but shall allow commission personnel or other licensed individuals 29361  
to sell lottery tickets at an exposition if the exposition 29362  
requests commission personnel or licensed individuals to do so. 29363  
These rules may also address the accessibility of sales agent 29364  
locations to commission products in accordance with the "Americans 29365  
with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101 29366  
et seq. 29367

(2) The manner in which lottery sales revenues are to be collected, including authorization for the director to impose penalties for failure by lottery sales agents to transfer revenues to the commission in a timely manner;

(3) The amount of compensation to be paid licensed lottery sales agents;

(4) The substantive criteria for the licensing of lottery sales agents consistent with section 3770.05 of the Revised Code, and procedures for revoking or suspending their licenses consistent with Chapter 119. of the Revised Code. If circumstances, such as the nonpayment of funds owed by a lottery sales agent, or other circumstances related to the public safety, convenience, or trust, require immediate action, the director may suspend a license without affording an opportunity for a prior hearing under section 119.07 of the Revised Code.

(5) Special game rules to implement any agreements signed by the governor that the director enters into with other lottery jurisdictions under division (J) of section 3770.02 of the Revised Code to conduct statewide joint lottery games. The rules shall require that the entire net proceeds of those games that remain, after associated operating expenses, prize disbursements, lottery sales agent bonuses, commissions, and reimbursements, and any other expenses necessary to comply with the agreements or the rules are deducted from the gross proceeds of those games, be transferred to the lottery profits education fund under division (B) of section 3770.06 of the Revised Code.

(C) The commission may promulgate rules, in addition to those described in divisions (A) and (B) of this section, that establish standards governing the display of advertising and celebrity images on lottery tickets and on other items that are used in the conduct of, or to promote, the statewide lottery and statewide joint lottery games. Any revenue derived from the sale of

advertising displayed on lottery tickets and on those other items 29400  
shall be considered, for purposes of section 3770.06 of the 29401  
Revised Code, to be related proceeds in connection with the 29402  
statewide lottery or gross proceeds from statewide joint lottery 29403  
games, as applicable. 29404

(D)(1) The commission shall meet with the director at least 29405  
once each month and shall convene other meetings at the request of 29406  
the chairperson or any five of the members. No action taken by the 29407  
commission shall be binding unless at least five of the members 29408  
present vote in favor of the action. A written record shall be 29409  
made of the proceedings of each meeting and shall be transmitted 29410  
forthwith to the governor, the president of the senate, the senate 29411  
minority leader, the speaker of the house of representatives, and 29412  
the house minority leader. 29413

(2) The director shall present to the commission a report 29414  
each month, showing the total revenues, prize disbursements, and 29415  
operating expenses of the state lottery for the preceding month. 29416  
As soon as practicable after the end of each fiscal year, the 29417  
commission shall prepare and transmit to the governor and the 29418  
general assembly a report of lottery revenues, prize 29419  
disbursements, and operating expenses for the preceding fiscal 29420  
year and any recommendations for legislation considered necessary 29421  
by the commission. 29422

**Sec. 3770.06.** (A) There is hereby created the state lottery 29423  
gross revenue fund, which shall be in the custody of the treasurer 29424  
of state but shall not be part of the state treasury. All gross 29425  
revenues received from sales of lottery tickets, fines, fees, and 29426  
related proceeds in connection with the statewide lottery and all 29427  
gross proceeds from statewide joint lottery games shall be 29428  
deposited into the fund. The treasurer of state shall invest any 29429  
portion of the fund not needed for immediate use in the same 29430

manner as, and subject to all provisions of law with respect to 29431  
the investment of, state funds. The treasurer of state shall 29432  
disburse money from the fund on order of the director of the state 29433  
lottery commission or the director's designee. 29434

Except for gross proceeds from statewide joint lottery games, 29435  
all revenues of the state lottery gross revenue fund that are not 29436  
paid to holders of winning lottery tickets, that are not required 29437  
to meet short-term prize liabilities, that are not credited to 29438  
lottery sales agents in the form of bonuses, commissions, or 29439  
reimbursements, that are not paid to financial institutions to 29440  
reimburse those institutions for sales agent nonsufficient funds, 29441  
and that are collected from sales agents for remittance to 29442  
insurers under contract to provide sales agent bonding services 29443  
shall be transferred to the state lottery fund, which is hereby 29444  
created in the state treasury. In addition, all revenues of the 29445  
state lottery gross revenue fund that represent the gross proceeds 29446  
from the statewide joint lottery games and that are not paid to 29447  
holders of winning lottery tickets, that are not required to meet 29448  
short-term prize liabilities, that are not credited to lottery 29449  
sales agents in the form of bonuses, commissions, or 29450  
reimbursements, and that are not necessary to cover operating 29451  
expenses associated with those games or to otherwise comply with 29452  
the agreements signed by the governor that the director enters 29453  
into under division (J) of section 3770.02 of the Revised Code or 29454  
the rules the commission adopts under division (B)(5) of section 29455  
3770.03 of the Revised Code shall be transferred to the state 29456  
lottery fund. All investment earnings of the fund shall be 29457  
credited to the fund. Moneys shall be disbursed from the fund 29458  
pursuant to vouchers approved by the director. Total disbursements 29459  
for monetary prize awards to holders of winning lottery tickets in 29460  
connection with the statewide lottery and purchases of goods and 29461  
services awarded as prizes to holders of winning lottery tickets 29462  
shall be of an amount equal to at least fifty per cent of the 29463

total revenue accruing from the sale of lottery tickets. 29464

(B) Pursuant to Section 6 of Article XV, Ohio Constitution, 29465  
there is hereby established in the state treasury the lottery 29466  
profits education fund. Whenever, in the judgment of the director 29467  
of budget and management, the amount to the credit of the state 29468  
lottery fund that does not represent proceeds from statewide joint 29469  
lottery games is in excess of that needed to meet the maturing 29470  
obligations of the commission and as working capital for its 29471  
further operations, the director shall transfer the excess to the 29472  
lottery profits education fund in connection with the statewide 29473  
lottery. In addition, whenever, in the judgment of the director of 29474  
budget and management, the amount to the credit of the state 29475  
lottery fund that represents proceeds from statewide joint lottery 29476  
games equals the entire net proceeds of those games as described 29477  
in division (B)(5) of section 3770.03 of the Revised Code and the 29478  
rules adopted under that division, the director shall transfer 29479  
those proceeds to the lottery profits education fund. There shall 29480  
also be credited to the fund any repayments of moneys loaned from 29481  
the educational excellence investment fund. Investment earnings of 29482  
the lottery profits education fund shall be credited to the fund. 29483

The lottery profits education fund shall be used solely for 29484  
the support of elementary, secondary, vocational, and special 29485  
education programs as determined in appropriations made by the 29486  
general assembly, or as provided in applicable bond proceedings 29487  
for the payment of debt service on obligations issued to pay costs 29488  
of capital facilities, including those for a system of common 29489  
schools throughout the state pursuant to section 2n of Article 29490  
VIII, Ohio Constitution. When determining the availability of 29491  
money in the lottery profits education fund, the director of 29492  
budget and management may consider all balances and estimated 29493  
revenues of the fund. 29494

~~From the amounts that the director of budget and management~~ 29495

~~transfers in any fiscal year from the state lottery fund to the 29496  
lottery profits education fund, the director shall transfer the 29497  
initial ten million dollars of those amounts from the lottery 29498  
profits education fund to the school building program bond service 29499  
fund created in division (Q) of section 3318.26 of the Revised 29500  
Code to be pledged for the purpose of paying bond service charges 29501  
as defined in division (C) of section 3318.21 of the Revised Code 29502  
on one or more issuances of obligations, which obligations are 29503  
issued to provide moneys for the school building program 29504  
assistance fund created in section 3318.25 of the Revised Code. 29505~~

(C) There is hereby established in the state treasury the 29506  
deferred prizes trust fund. With the approval of the director of 29507  
budget and management, an amount sufficient to fund annuity prizes 29508  
shall be transferred from the state lottery fund and credited to 29509  
the trust fund. The treasurer of state shall credit all earnings 29510  
arising from investments purchased under this division to the 29511  
trust fund. Within sixty days after the end of each fiscal year, 29512  
the treasurer of state shall certify to the director of budget and 29513  
management whether the actuarial amount of the trust fund is 29514  
sufficient over the fund's life for continued funding of all 29515  
remaining deferred prize liabilities as of the last day of the 29516  
fiscal year just ended. Also, within that sixty days, the director 29517  
of budget and management shall certify the amount of investment 29518  
earnings necessary to have been credited to the trust fund during 29519  
the fiscal year just ending to provide for such continued funding 29520  
of deferred prizes. Any earnings credited in excess of ~~this~~ the 29521  
latter certified amount shall be transferred to the lottery 29522  
profits education fund. 29523

To provide all or a part of the amounts necessary to fund 29524  
deferred prizes awarded by the commission in connection with the 29525  
statewide lottery, the treasurer of state, in consultation with 29526  
the commission, may invest moneys contained in the deferred prizes 29527

trust fund which represents proceeds from the statewide lottery in 29528  
obligations of the type permitted for the investment of state 29529  
funds but whose maturities are thirty years or less. 29530  
Notwithstanding the requirements of any other section of the 29531  
Revised Code, to provide all or part of the amounts necessary to 29532  
fund deferred prizes awarded by the commission in connection with 29533  
statewide joint lottery games, the treasurer of state, in 29534  
consultation with the commission, may invest moneys in the trust 29535  
fund which represent proceeds derived from the statewide joint 29536  
lottery games in accordance with the rules the commission adopts 29537  
under division (B)(5) of section 3770.03 of the Revised Code. 29538  
Investments of the trust fund are not subject to the provisions of 29539  
division (A)(10) of section 135.143 of the Revised Code limiting 29540  
to twenty-five per cent the amount of the state's total average 29541  
portfolio that may be invested in debt interests and limiting to 29542  
one-half of one per cent the amount that may be invested in debt 29543  
interests of a single issuer. 29544

All purchases made under this division shall be effected on a 29545  
delivery versus payment method and shall be in the custody of the 29546  
treasurer of state. 29547

The treasurer of state may retain an investment advisor, if 29548  
necessary. The commission shall pay any costs incurred by the 29549  
treasurer of state in retaining an investment advisor. 29550

(D) The auditor of state shall conduct annual audits of all 29551  
funds and any other audits as the auditor of state or the general 29552  
assembly considers necessary. The auditor of state may examine all 29553  
records, files, and other documents of the commission, and records 29554  
of lottery sales agents that pertain to their activities as 29555  
agents, for purposes of conducting authorized audits. 29556

The state lottery commission shall establish an internal 29557  
audit program before the beginning of each fiscal year, subject to 29558  
the approval of the auditor of state. At the end of each fiscal 29559

year, the commission shall prepare and submit an annual report to 29560  
the auditor of state for the auditor of state's review and 29561  
approval, specifying the internal audit work completed by the end 29562  
of that fiscal year and reporting on compliance with the annual 29563  
internal audit program. The form and content of the report shall 29564  
be prescribed by the auditor of state under division (C) of 29565  
section 117.20 of the Revised Code. 29566

(E) Whenever, in the judgment of the director of budget and 29567  
management, an amount of net state lottery proceeds is necessary 29568  
to be applied to the payment of debt service on obligations, all 29569  
as defined in sections 151.01 and 151.03 of the Revised Code, the 29570  
director shall transfer that amount directly from the state 29571  
lottery fund or from the lottery profits education fund to the 29572  
bond service fund defined in those sections. The provisions of 29573  
this division are subject to any prior pledges or obligation of 29574  
those amounts to the payment of bond service charges as defined in 29575  
division (C) of section 3318.21 of the Revised Code, as referred 29576  
to in division (B) of this section. 29577

**Sec. 3905.36.** (A) Except as provided in divisions (B) and (C) 29578  
of this section, every insured association, company, corporation, 29579  
or other person that enters, directly or indirectly, into any 29580  
agreements with any insurance company, association, individual, 29581  
firm, underwriter, or Lloyd's, not authorized to do business in 29582  
this state, whereby the insured shall procure, continue, or renew 29583  
contracts of insurance covering subjects of insurance resident, 29584  
located, or to be performed within this state, with such 29585  
unauthorized insurance company, association, individual, firm, 29586  
underwriter, or Lloyd's, for which insurance there is a gross 29587  
premium, membership fee, assessment, dues, or other consideration 29588  
charged or collected, shall annually, on or before the 29589  
thirty-first day of January, return to the superintendent of 29590  
insurance a statement under oath showing the name and address of 29591



the insured, name and address of the insurer, subject of the 29592  
insurance, general description of the coverage, and amount of 29593  
gross premium, fee, assessment, dues, or other consideration for 29594  
such insurance for the preceding twelve-month period and shall at 29595  
the same time pay to the treasurer of state a tax of five per cent 29596  
of such gross premium, fee, assessment, dues, or other 29597  
consideration, after a deduction for return premium, if any, as 29598  
calculated on a form prescribed by the treasurer of state. All 29599  
taxes collected under this section by the treasurer of state shall 29600  
be paid into the general revenue fund. If the tax is not paid when 29601  
due, the tax shall be increased by a penalty of twenty-five per 29602  
cent. An interest charge computed as set forth in section 5725.221 29603  
of the Revised Code shall be made on the entire sum of the tax 29604  
plus penalty, which interest shall be computed from the date the 29605  
tax is due until it is paid. For purposes of this section, payment 29606  
is considered made when it is received by the treasurer of state, 29607  
irrespective of any United States postal service marking or other 29608  
stamp or mark indicating the date on which the payment may have 29609  
been mailed. 29610

(B) This section does not apply to: 29611

(1) Transactions in this state involving a policy solicited, 29612  
written, and delivered outside this state covering only subjects 29613  
of insurance not resident, located, or to be performed in this 29614  
state at the time of issuance, provided such transactions are 29615  
subsequent to the issuance of the policy; 29616

(2) Attorneys-at-law acting on behalf of their clients in the 29617  
adjustment of claims or losses; 29618

(3) Transactions involving policies issued by a captive 29619  
insurer. For this purpose, a "captive insurer" means any of the 29620  
following: 29621

(a) An insurer owned by one or more individuals or 29622

organizations, whose exclusive purpose is to insure risks of one 29623  
or more of the parent organizations or individual owners and risks 29624  
of one or more affiliates of the parent organizations or 29625  
individual owners; 29626

(b) In the case of groups and associations, insurers owned by 29627  
the group or association whose exclusive purpose is to insure 29628  
risks of members of the group or association and affiliates of the 29629  
members; 29630

(c) Other types of insurers, licensed and operated in 29631  
accordance with the captive insurance laws of their jurisdictions 29632  
of domicile and operated in a manner so as to self-insure risks of 29633  
their owners and insureds. 29634

(4) Professional ~~ex~~, medical liability, or other insurance 29635  
procured by a hospital organized under Chapter 3701. of the 29636  
Revised Code or on behalf of an entity that manufactures, 29637  
packages, and sells, as more than fifty per cent of the entity's 29638  
business, pharmaceutical products for human use where the 29639  
production, packaging, and sale of such products are subject to 29640  
regulation by an agency of the United States; 29641

(5) Insurance with an initial policy period of more than 29642  
three years and that is procured to cover known events related to 29643  
environmental remediation that occurred prior to the effective 29644  
date of that insurance. 29645

(C) In transactions that are subject to sections 3905.30 to 29646  
3905.35 of the Revised Code, each person licensed under section 29647  
3905.30 of the Revised Code shall pay to the treasurer of state, 29648  
on or before the thirty-first day of January of each year, five 29649  
per cent of the balance of the gross premiums charged for 29650  
insurance placed or procured under the license after a deduction 29651  
for return premiums, as reported on a form prescribed by the 29652  
treasurer of state. The tax shall be collected from the insured by 29653

the surplus line broker who placed or procured the policy of 29654  
insurance at the time the policy is delivered to the insured. No 29655  
license issued under section 3905.30 of the Revised Code shall be 29656  
renewed until payment is made. If the tax is not paid when due, 29657  
the tax shall be increased by a penalty of twenty-five per cent. 29658  
An interest charge computed as set forth in section 5725.221 of 29659  
the Revised Code shall be made on the entire sum of the tax plus 29660  
penalty, which interest shall be computed from the date the tax is 29661  
due until it is paid. For purposes of this section, payment is 29662  
considered made when it is received by the treasurer of state, 29663  
irrespective of any United States postal service marking or other 29664  
stamp or mark indicating the date on which the payment may have 29665  
been mailed. 29666

**Sec. 4123.35.** (A) Except as provided in this section, every 29667  
employer mentioned in division (B)(2) of section 4123.01 of the 29668  
Revised Code, and every publicly owned utility shall pay 29669  
semiannually in the months of January and July into the state 29670  
insurance fund the amount of annual premium the administrator of 29671  
workers' compensation fixes for the employment or occupation of 29672  
the employer, the amount of which premium to be paid by each 29673  
employer to be determined by the classifications, rules, and rates 29674  
made and published by the administrator. The employer shall pay 29675  
semiannually a further sum of money into the state insurance fund 29676  
as may be ascertained to be due from the employer by applying the 29677  
rules of the administrator, and a receipt or certificate 29678  
certifying that payment has been made, along with a written notice 29679  
as is required in section 4123.54 of the Revised Code, shall be 29680  
mailed immediately to the employer by the bureau of workers' 29681  
compensation. The receipt or certificate is prima-facie evidence 29682  
of the payment of the premium, and the proper posting of the 29683  
notice constitutes the employer's compliance with the notice 29684  
requirement mandated in section 4123.54 of the Revised Code. 29685

The bureau of workers' compensation shall verify with the secretary of state the existence of all corporations and organizations making application for workers' compensation coverage and shall require every such application to include the employer's federal identification number.

An employer as defined in division (B)(2) of section 4123.01 of the Revised Code who has contracted with a subcontractor is liable for the unpaid premium due from any subcontractor with respect to that part of the payroll of the subcontractor that is for work performed pursuant to the contract with the employer.

Division (A) of this section providing for the payment of premiums semiannually does not apply to any employer who was a subscriber to the state insurance fund prior to January 1, 1914, or who may first become a subscriber to the fund in any month other than January or July. Instead, the semiannual premiums shall be paid by those employers from time to time upon the expiration of the respective periods for which payments into the fund have been made by them.

The administrator shall adopt rules to permit employers to make periodic payments of the semiannual premium due under this division. The rules shall include provisions for the assessment of interest charges, where appropriate, and for the assessment of penalties when an employer fails to make timely premium payments. An employer who timely pays the amounts due under this division is entitled to all of the benefits and protections of this chapter. Upon receipt of payment, the bureau immediately shall mail a receipt or certificate to the employer certifying that payment has been made, which receipt is prima-facie evidence of payment. Workers' compensation coverage under this chapter continues uninterrupted upon timely receipt of payment under this division.

Every public employer, except public employers that are self-insuring employers under this section, shall comply with

sections 4123.38 to 4123.41, and 4123.48 of the Revised Code in 29718  
regard to the contribution of moneys to the public insurance fund. 29719

(B) Employers who will abide by the rules of the 29720  
administrator and who may be of sufficient financial ability to 29721  
render certain the payment of compensation to injured employees or 29722  
the dependents of killed employees, and the furnishing of medical, 29723  
surgical, nursing, and hospital attention and services and 29724  
medicines, and funeral expenses, equal to or greater than is 29725  
provided for in sections 4123.52, 4123.55 to 4123.62, and 4123.64 29726  
to 4123.67 of the Revised Code, and who do not desire to insure 29727  
the payment thereof or indemnify themselves against loss sustained 29728  
by the direct payment thereof, upon a finding of such facts by the 29729  
administrator, may be granted the privilege to pay individually 29730  
compensation, and furnish medical, surgical, nursing, and hospital 29731  
services and attention and funeral expenses directly to injured 29732  
employees or the dependents of killed employees, thereby being 29733  
granted status as a self-insuring employer. The administrator may 29734  
charge employers who apply for the status as a self-insuring 29735  
employer a reasonable application fee to cover the bureau's costs 29736  
in connection with processing and making a determination with 29737  
respect to an application. 29738

All employers granted status as self-insuring employers shall 29739  
demonstrate sufficient financial and administrative ability to 29740  
assure that all obligations under this section are promptly met. 29741  
The administrator shall deny the privilege where the employer is 29742  
unable to demonstrate the employer's ability to promptly meet all 29743  
the obligations imposed on the employer by this section. 29744

(1) The administrator shall consider, but is not limited to, 29745  
the following factors, where applicable, in determining the 29746  
employer's ability to meet all of the obligations imposed on the 29747  
employer by this section: 29748

(a) The employer employs a minimum of five hundred employees 29749

in this state; 29750

(b) The employer has operated in this state for a minimum of 29751  
two years, provided that an employer who has purchased, acquired, 29752  
or otherwise succeeded to the operation of a business, or any part 29753  
thereof, situated in this state that has operated for at least two 29754  
years in this state, also shall qualify; 29755

(c) Where the employer previously contributed to the state 29756  
insurance fund or is a successor employer as defined by bureau 29757  
rules, the amount of the buyout, as defined by bureau rules; 29758

(d) The sufficiency of the employer's assets located in this 29759  
state to insure the employer's solvency in paying compensation 29760  
directly; 29761

(e) The financial records, documents, and data, certified by 29762  
a certified public accountant, necessary to provide the employer's 29763  
full financial disclosure. The records, documents, and data 29764  
include, but are not limited to, balance sheets and profit and 29765  
loss history for the current year and previous four years. 29766

(f) The employer's organizational plan for the administration 29767  
of the workers' compensation law; 29768

(g) The employer's proposed plan to inform employees of the 29769  
change from a state fund insurer to a self-insuring employer, the 29770  
procedures the employer will follow as a self-insuring employer, 29771  
and the employees' rights to compensation and benefits; and 29772

(h) The employer has either an account in a financial 29773  
institution in this state, or if the employer maintains an account 29774  
with a financial institution outside this state, ensures that 29775  
workers' compensation checks are drawn from the same account as 29776  
payroll checks or the employer clearly indicates that payment will 29777  
be honored by a financial institution in this state. 29778

The administrator may waive the requirements of divisions 29779

(B)(1)(a) and (b) of this section and the requirement of division 29780  
(B)(1)(e) of this section that the financial records, documents, 29781  
and data be certified by a certified public accountant. The 29782  
administrator shall adopt rules establishing the criteria that an 29783  
employer shall meet in order for the administrator to waive the 29784  
requirement of division (B)(1)(e) of this section. Such rules may 29785  
require additional security of that employer pursuant to division 29786  
(E) of section 4123.351 of the Revised Code. 29787

The administrator shall not grant the status of self-insuring 29788  
employer to the state, except that the administrator may grant the 29789  
status of self-insuring employer to a state institution of higher 29790  
education, excluding its hospitals, that meets the requirements of 29791  
division (B)(2) of this section. 29792

(2) When considering the application of a public employer, 29793  
except for a board of county commissioners described in division 29794  
(G) of section 4123.01 of the Revised Code, a board of a county 29795  
hospital, or a publicly owned utility, the administrator shall 29796  
verify that the public employer satisfies all of the following 29797  
requirements as the requirements apply to that public employer: 29798

(a) For the two-year period preceding application under this 29799  
section, the public employer has maintained an unvoted debt 29800  
capacity equal to at least two times the amount of the current 29801  
annual premium established by the administrator under this chapter 29802  
for that public employer for the year immediately preceding the 29803  
year in which the public employer makes application under this 29804  
section. 29805

(b) For each of the two fiscal years preceding application 29806  
under this section, the unreserved and undesignated year-end fund 29807  
balance in the public employer's general fund is equal to at least 29808  
five per cent of the public employer's general fund revenues for 29809  
the fiscal year computed in accordance with generally accepted 29810  
accounting principles. 29811

(c) For the five-year period preceding application under this section, the public employer, to the extent applicable, has complied fully with the continuing disclosure requirements established in rules adopted by the United States securities and exchange commission under 17 C.F.R. 240.15c 2-12.

(d) For the five-year period preceding application under this section, the public employer has not had its local government or local communities fund distribution withheld on account of the public employer being indebted or otherwise obligated to the state.

(e) For the five-year period preceding application under this section, the public employer has not been under a fiscal watch or fiscal emergency pursuant to section 118.023, 118.04, or 3316.03 of the Revised Code.

(f) For the public employer's fiscal year preceding application under this section, the public employer has obtained an annual financial audit as required under section 117.10 of the Revised Code, which has been released by the auditor of state within seven months after the end of the public employer's fiscal year.

(g) On the date of application, the public employer holds a debt rating of Aa3 or higher according to Moody's investors service, inc., or a comparable rating by an independent rating agency similar to Moody's investors service, inc.

(h) The public employer agrees to generate an annual accumulating book reserve in its financial statements reflecting an actuarially generated reserve adequate to pay projected claims under this chapter for the applicable period of time, as determined by the administrator.

(i) For a public employer that is a hospital, the public employer shall submit audited financial statements showing the



hospital's overall liquidity characteristics, and the 29843  
administrator shall determine, on an individual basis, whether the 29844  
public employer satisfies liquidity standards equivalent to the 29845  
liquidity standards of other public employers. 29846

(j) Any additional criteria that the administrator adopts by 29847  
rule pursuant to division (E) of this section. 29848

The administrator shall not approve the application of a 29849  
public employer, except for a board of county commissioners 29850  
described in division (G) of section 4123.01 of the Revised Code, 29851  
a board of a county hospital, or publicly owned utility, who does 29852  
not satisfy all of the requirements listed in division (B)(2) of 29853  
this section. 29854

(C) A board of county commissioners described in division (G) 29855  
of section 4123.01 of the Revised Code, as an employer, that will 29856  
abide by the rules of the administrator and that may be of 29857  
sufficient financial ability to render certain the payment of 29858  
compensation to injured employees or the dependents of killed 29859  
employees, and the furnishing of medical, surgical, nursing, and 29860  
hospital attention and services and medicines, and funeral 29861  
expenses, equal to or greater than is provided for in sections 29862  
4123.52, 4123.55 to 4123.62, and 4123.64 to 4123.67 of the Revised 29863  
Code, and that does not desire to insure the payment thereof or 29864  
indemnify itself against loss sustained by the direct payment 29865  
thereof, upon a finding of such facts by the administrator, may be 29866  
granted the privilege to pay individually compensation, and 29867  
furnish medical, surgical, nursing, and hospital services and 29868  
attention and funeral expenses directly to injured employees or 29869  
the dependents of killed employees, thereby being granted status 29870  
as a self-insuring employer. The administrator may charge a board 29871  
of county commissioners described in division (G) of section 29872  
4123.01 of the Revised Code that applies for the status as a 29873  
self-insuring employer a reasonable application fee to cover the 29874

bureau's costs in connection with processing and making a 29875  
determination with respect to an application. All employers 29876  
granted such status shall demonstrate sufficient financial and 29877  
administrative ability to assure that all obligations under this 29878  
section are promptly met. The administrator shall deny the 29879  
privilege where the employer is unable to demonstrate the 29880  
employer's ability to promptly meet all the obligations imposed on 29881  
the employer by this section. The administrator shall consider, 29882  
but is not limited to, the following factors, where applicable, in 29883  
determining the employer's ability to meet all of the obligations 29884  
imposed on the board as an employer by this section: 29885

(1) The board as an employer employs a minimum of five 29886  
hundred employees in this state; 29887

(2) The board has operated in this state for a minimum of two 29888  
years; 29889

(3) Where the board previously contributed to the state 29890  
insurance fund or is a successor employer as defined by bureau 29891  
rules, the amount of the buyout, as defined by bureau rules; 29892

(4) The sufficiency of the board's assets located in this 29893  
state to insure the board's solvency in paying compensation 29894  
directly; 29895

(5) The financial records, documents, and data, certified by 29896  
a certified public accountant, necessary to provide the board's 29897  
full financial disclosure. The records, documents, and data 29898  
include, but are not limited to, balance sheets and profit and 29899  
loss history for the current year and previous four years. 29900

(6) The board's organizational plan for the administration of 29901  
the workers' compensation law; 29902

(7) The board's proposed plan to inform employees of the 29903  
proposed self-insurance, the procedures the board will follow as a 29904  
self-insuring employer, and the employees' rights to compensation 29905

and benefits; 29906

(8) The board has either an account in a financial 29907  
institution in this state, or if the board maintains an account 29908  
with a financial institution outside this state, ensures that 29909  
workers' compensation checks are drawn from the same account as 29910  
payroll checks or the board clearly indicates that payment will be 29911  
honored by a financial institution in this state; 29912

(9) The board shall provide the administrator a surety bond 29913  
in an amount equal to one hundred twenty-five per cent of the 29914  
projected losses as determined by the administrator. 29915

(D) The administrator shall require a surety bond from all 29916  
self-insuring employers, issued pursuant to section 4123.351 of 29917  
the Revised Code, that is sufficient to compel, or secure to 29918  
injured employees, or to the dependents of employees killed, the 29919  
payment of compensation and expenses, which shall in no event be 29920  
less than that paid or furnished out of the state insurance fund 29921  
in similar cases to injured employees or to dependents of killed 29922  
employees whose employers contribute to the fund, except when an 29923  
employee of the employer, who has suffered the loss of a hand, 29924  
arm, foot, leg, or eye prior to the injury for which compensation 29925  
is to be paid, and thereafter suffers the loss of any other of the 29926  
members as the result of any injury sustained in the course of and 29927  
arising out of the employee's employment, the compensation to be 29928  
paid by the self-insuring employer is limited to the disability 29929  
suffered in the subsequent injury, additional compensation, if 29930  
any, to be paid by the bureau out of the surplus created by 29931  
section 4123.34 of the Revised Code. 29932

(E) In addition to the requirements of this section, the 29933  
administrator shall make and publish rules governing the manner of 29934  
making application and the nature and extent of the proof required 29935  
to justify a finding of fact by the administrator as to granting 29936  
the status of a self-insuring employer, which rules shall be 29937

general in their application, one of which rules shall provide 29938  
that all self-insuring employers shall pay into the state 29939  
insurance fund such amounts as are required to be credited to the 29940  
surplus fund in division (B) of section 4123.34 of the Revised 29941  
Code. The administrator may adopt rules establishing requirements 29942  
in addition to the requirements described in division (B)(2) of 29943  
this section that a public employer shall meet in order to qualify 29944  
for self-insuring status. 29945

Employers shall secure directly from the bureau central 29946  
offices application forms upon which the bureau shall stamp a 29947  
designating number. Prior to submission of an application, an 29948  
employer shall make available to the bureau, and the bureau shall 29949  
review, the information described in division (B)(1) of this 29950  
section, and public employers shall make available, and the bureau 29951  
shall review, the information necessary to verify whether the 29952  
public employer meets the requirements listed in division (B)(2) 29953  
of this section. An employer shall file the completed application 29954  
forms with an application fee, which shall cover the costs of 29955  
processing the application, as established by the administrator, 29956  
by rule, with the bureau at least ninety days prior to the 29957  
effective date of the employer's new status as a self-insuring 29958  
employer. The application form is not deemed complete until all 29959  
the required information is attached thereto. The bureau shall 29960  
only accept applications that contain the required information. 29961

(F) The bureau shall review completed applications within a 29962  
reasonable time. If the bureau determines to grant an employer the 29963  
status as a self-insuring employer, the bureau shall issue a 29964  
statement, containing its findings of fact, that is prepared by 29965  
the bureau and signed by the administrator. If the bureau 29966  
determines not to grant the status as a self-insuring employer, 29967  
the bureau shall notify the employer of the determination and 29968  
require the employer to continue to pay its full premium into the 29969

state insurance fund. The administrator also shall adopt rules 29970  
establishing a minimum level of performance as a criterion for 29971  
granting and maintaining the status as a self-insuring employer 29972  
and fixing time limits beyond which failure of the self-insuring 29973  
employer to provide for the necessary medical examinations and 29974  
evaluations may not delay a decision on a claim. 29975

(G) The administrator shall adopt rules setting forth 29976  
procedures for auditing the program of self-insuring employers. 29977  
The bureau shall conduct the audit upon a random basis or whenever 29978  
the bureau has grounds for believing that a self-insuring employer 29979  
is not in full compliance with bureau rules or this chapter. 29980

The administrator shall monitor the programs conducted by 29981  
self-insuring employers, to ensure compliance with bureau 29982  
requirements and for that purpose, shall develop and issue to 29983  
self-insuring employers standardized forms for use by the 29984  
self-insuring employer in all aspects of the self-insuring 29985  
employers' direct compensation program and for reporting of 29986  
information to the bureau. 29987

The bureau shall receive and transmit to the self-insuring 29988  
employer all complaints concerning any self-insuring employer. In 29989  
the case of a complaint against a self-insuring employer, the 29990  
administrator shall handle the complaint through the 29991  
self-insurance division of the bureau. The bureau shall maintain a 29992  
file by employer of all complaints received that relate to the 29993  
employer. The bureau shall evaluate each complaint and take 29994  
appropriate action. 29995

The administrator shall adopt as a rule a prohibition against 29996  
any self-insuring employer from harassing, dismissing, or 29997  
otherwise disciplining any employee making a complaint, which rule 29998  
shall provide for a financial penalty to be levied by the 29999  
administrator payable by the offending self-insuring employer. 30000

(H) For the purpose of making determinations as to whether to grant status as a self-insuring employer, the administrator may subscribe to and pay for a credit reporting service that offers financial and other business information about individual employers. The costs in connection with the bureau's subscription or individual reports from the service about an applicant may be included in the application fee charged employers under this section.

(I) The administrator, notwithstanding other provisions of this chapter, may permit a self-insuring employer to resume payment of premiums to the state insurance fund with appropriate credit modifications to the employer's basic premium rate as such rate is determined pursuant to section 4123.29 of the Revised Code.

(J) On the first day of July of each year, the administrator shall calculate separately each self-insuring employer's assessments for the safety and hygiene fund, administrative costs pursuant to section 4123.342 of the Revised Code, and for the portion of the surplus fund under division (B) of section 4123.34 of the Revised Code that is not used for handicapped reimbursement, on the basis of the paid compensation attributable to the individual self-insuring employer according to the following calculation:

(1) The total assessment against all self-insuring employers as a class for each fund and for the administrative costs for the year that the assessment is being made, as determined by the administrator, divided by the total amount of paid compensation for the previous calendar year attributable to all amenable self-insuring employers;

(2) Multiply the quotient in division (J)(1) of this section by the total amount of paid compensation for the previous calendar year that is attributable to the individual self-insuring employer

for whom the assessment is being determined. Each self-insuring 30033  
employer shall pay the assessment that results from this 30034  
calculation, unless the assessment resulting from this calculation 30035  
falls below a minimum assessment, which minimum assessment the 30036  
administrator shall determine on the first day of July of each 30037  
year with the advice and consent of the workers' compensation 30038  
oversight commission, in which event, the self-insuring employer 30039  
shall pay the minimum assessment. 30040

In determining the total amount due for the total assessment 30041  
against all self-insuring employers as a class for each fund and 30042  
the administrative assessment, the administrator shall reduce 30043  
proportionately the total for each fund and assessment by the 30044  
amount of money in the self-insurance assessment fund as of the 30045  
date of the computation of the assessment. 30046

The administrator shall calculate the assessment for the 30047  
portion of the surplus fund under division (B) of section 4123.34 30048  
of the Revised Code that is used for handicapped reimbursement in 30049  
the same manner as set forth in divisions (J)(1) and (2) of this 30050  
section except that the administrator shall calculate the total 30051  
assessment for this portion of the surplus fund only on the basis 30052  
of those self-insuring employers that retain participation in the 30053  
handicapped reimbursement program and the individual self-insuring 30054  
employer's proportion of paid compensation shall be calculated 30055  
only for those self-insuring employers who retain participation in 30056  
the handicapped reimbursement program. The administrator, as the 30057  
administrator determines appropriate, may determine the total 30058  
assessment for the handicapped portion of the surplus fund in 30059  
accordance with sound actuarial principles. 30060

The administrator shall calculate the assessment for the 30061  
portion of the surplus fund under division (B) of section 4123.34 30062  
of the Revised Code that under division (D) of section 4121.66 of 30063  
the Revised Code is used for rehabilitation costs in the same 30064

manner as set forth in divisions (J)(1) and (2) of this section, 30065  
except that the administrator shall calculate the total assessment 30066  
for this portion of the surplus fund only on the basis of those 30067  
self-insuring employers who have not made the election to make 30068  
payments directly under division (D) of section 4121.66 of the 30069  
Revised Code and an individual self-insuring employer's proportion 30070  
of paid compensation only for those self-insuring employers who 30071  
have not made that election. 30072

The administrator shall calculate the assessment for the 30073  
portion of the surplus fund under division (B) of section 4123.34 30074  
of the Revised Code that is used for reimbursement to a 30075  
self-insuring employer under division (H) of section 4123.512 of 30076  
the Revised Code in the same manner as set forth in divisions 30077  
(J)(1) and (2) of this section except that the administrator shall 30078  
calculate the total assessment for this portion of the surplus 30079  
fund only on the basis of those self-insuring employers that 30080  
retain participation in reimbursement to the self-insuring 30081  
employer under division (H) of section 4123.512 of the Revised 30082  
Code and the individual self-insuring employer's proportion of 30083  
paid compensation shall be calculated only for those self-insuring 30084  
employers who retain participation in reimbursement to the 30085  
self-insuring employer under division (H) of section 4123.512 of 30086  
the Revised Code. 30087

An employer who no longer is a self-insuring employer in this 30088  
state or who no longer is operating in this state, shall continue 30089  
to pay assessments for administrative costs and for the portion of 30090  
the surplus fund under division (B) of section 4123.34 of the 30091  
Revised Code that is not used for handicapped reimbursement, based 30092  
upon paid compensation attributable to claims that occurred while 30093  
the employer was a self-insuring employer within this state. 30094

(K) There is hereby created in the state treasury the 30095  
self-insurance assessment fund. All investment earnings of the 30096



fund shall be deposited in the fund. The administrator shall use 30097  
the money in the self-insurance assessment fund only for 30098  
administrative costs as specified in section 4123.341 of the 30099  
Revised Code. 30100

(L) Every self-insuring employer shall certify, in affidavit 30101  
form subject to the penalty for perjury, to the bureau the amount 30102  
of the self-insuring employer's paid compensation for the previous 30103  
calendar year. In reporting paid compensation paid for the 30104  
previous year, a self-insuring employer shall exclude from the 30105  
total amount of paid compensation any reimbursement the 30106  
self-insuring employer receives in the previous calendar year from 30107  
the surplus fund pursuant to section 4123.512 of the Revised Code 30108  
for any paid compensation. The self-insuring employer also shall 30109  
exclude from the paid compensation reported any amount recovered 30110  
under section 4123.931 of the Revised Code and any amount that is 30111  
determined not to have been payable to or on behalf of a claimant 30112  
in any final administrative or judicial proceeding. The 30113  
self-insuring employer shall exclude such amounts from the paid 30114  
compensation reported in the reporting period subsequent to the 30115  
date the determination is made. The administrator shall adopt 30116  
rules, in accordance with Chapter 119. of the Revised Code, that 30117  
provide for all of the following: 30118

(1) Establishing the date by which self-insuring employers 30119  
must submit such information and the amount of the assessments 30120  
provided for in division (J) of this section for employers who 30121  
have been granted self-insuring status within the last calendar 30122  
year; 30123

(2) If an employer fails to pay the assessment when due, the 30124  
administrator may add a late fee penalty of not more than five 30125  
hundred dollars to the assessment plus an additional penalty 30126  
amount as follows: 30127

(a) For an assessment from sixty-one to ninety days past due, 30128

the prime interest rate, multiplied by the assessment due; 30129

(b) For an assessment from ninety-one to one hundred twenty 30130  
days past due, the prime interest rate plus two per cent, 30131  
multiplied by the assessment due; 30132

(c) For an assessment from one hundred twenty-one to one 30133  
hundred fifty days past due, the prime interest rate plus four per 30134  
cent, multiplied by the assessment due; 30135

(d) For an assessment from one hundred fifty-one to one 30136  
hundred eighty days past due, the prime interest rate plus six per 30137  
cent, multiplied by the assessment due; 30138

(e) For an assessment from one hundred eighty-one to two 30139  
hundred ten days past due, the prime interest rate plus eight per 30140  
cent, multiplied by the assessment due; 30141

(f) For each additional thirty-day period or portion thereof 30142  
that an assessment remains past due after it has remained past due 30143  
for more than two hundred ten days, the prime interest rate plus 30144  
eight per cent, multiplied by the assessment due. 30145

(3) An employer may appeal a late fee penalty and penalty 30146  
assessment to the administrator. 30147

For purposes of this division, "prime interest rate" means 30148  
the average bank prime rate, and the administrator shall determine 30149  
the prime interest rate in the same manner as a county auditor 30150  
determines the average bank prime rate under section 929.02 of the 30151  
Revised Code. 30152

The administrator shall include any assessment and penalties 30153  
that remain unpaid for previous assessment periods in the 30154  
calculation and collection of any assessments due under this 30155  
division or division (J) of this section. 30156

(M) As used in this section, "paid compensation" means all 30157  
amounts paid by a self-insuring employer for living maintenance 30158

benefits, all amounts for compensation paid pursuant to sections 30159  
4121.63, 4121.67, 4123.56, 4123.57, 4123.58, 4123.59, 4123.60, and 30160  
4123.64 of the Revised Code, all amounts paid as wages in lieu of 30161  
such compensation, all amounts paid in lieu of such compensation 30162  
under a nonoccupational accident and sickness program fully funded 30163  
by the self-insuring employer, and all amounts paid by a 30164  
self-insuring employer for a violation of a specific safety 30165  
standard pursuant to Section 35 of Article II, Ohio Constitution 30166  
and section 4121.47 of the Revised Code. 30167

(N) Should any section of this chapter or Chapter 4121. of 30168  
the Revised Code providing for self-insuring employers' 30169  
assessments based upon compensation paid be declared 30170  
unconstitutional by a final decision of any court, then that 30171  
section of the Revised Code declared unconstitutional shall revert 30172  
back to the section in existence prior to November 3, 1989, 30173  
providing for assessments based upon payroll. 30174

(O) The administrator may grant a self-insuring employer the 30175  
privilege to self-insure a construction project entered into by 30176  
the self-insuring employer that is scheduled for completion within 30177  
six years after the date the project begins, and the total cost of 30178  
which is estimated to exceed one hundred million dollars or, for 30179  
employers described in division (R) of this section, if the 30180  
construction project is estimated to exceed twenty-five million 30181  
dollars. The administrator may waive such cost and time criteria 30182  
and grant a self-insuring employer the privilege to self-insure a 30183  
construction project regardless of the time needed to complete the 30184  
construction project and provided that the cost of the 30185  
construction project is estimated to exceed fifty million dollars. 30186  
A self-insuring employer who desires to self-insure a construction 30187  
project shall submit to the administrator an application listing 30188  
the dates the construction project is scheduled to begin and end, 30189  
the estimated cost of the construction project, the contractors 30190

and subcontractors whose employees are to be self-insured by the 30191  
self-insuring employer, the provisions of a safety program that is 30192  
specifically designed for the construction project, and a 30193  
statement as to whether a collective bargaining agreement 30194  
governing the rights, duties, and obligations of each of the 30195  
parties to the agreement with respect to the construction project 30196  
exists between the self-insuring employer and a labor 30197  
organization. 30198

A self-insuring employer may apply to self-insure the 30199  
employees of either of the following: 30200

(1) All contractors and subcontractors who perform labor or 30201  
work or provide materials for the construction project; 30202

(2) All contractors and, at the administrator's discretion, a 30203  
substantial number of all the subcontractors who perform labor or 30204  
work or provide materials for the construction project. 30205

Upon approval of the application, the administrator shall 30206  
mail a certificate granting the privilege to self-insure the 30207  
construction project to the self-insuring employer. The 30208  
certificate shall contain the name of the self-insuring employer 30209  
and the name, address, and telephone number of the self-insuring 30210  
employer's representatives who are responsible for administering 30211  
workers' compensation claims for the construction project. The 30212  
self-insuring employer shall post the certificate in a conspicuous 30213  
place at the site of the construction project. 30214

The administrator shall maintain a record of the contractors 30215  
and subcontractors whose employees are covered under the 30216  
certificate issued to the self-insured employer. A self-insuring 30217  
employer immediately shall notify the administrator when any 30218  
contractor or subcontractor is added or eliminated from inclusion 30219  
under the certificate. 30220

Upon approval of the application, the self-insuring employer 30221

is responsible for the administration and payment of all claims 30222  
under this chapter and Chapter 4121. of the Revised Code for the 30223  
employees of the contractor and subcontractors covered under the 30224  
certificate who receive injuries or are killed in the course of 30225  
and arising out of employment on the construction project, or who 30226  
contract an occupational disease in the course of employment on 30227  
the construction project. For purposes of this chapter and Chapter 30228  
4121. of the Revised Code, a claim that is administered and paid 30229  
in accordance with this division is considered a claim against the 30230  
self-insuring employer listed in the certificate. A contractor or 30231  
subcontractor included under the certificate shall report to the 30232  
self-insuring employer listed in the certificate, all claims that 30233  
arise under this chapter and Chapter 4121. of the Revised Code in 30234  
connection with the construction project for which the certificate 30235  
is issued. 30236

A self-insuring employer who complies with this division is 30237  
entitled to the protections provided under this chapter and 30238  
Chapter 4121. of the Revised Code with respect to the employees of 30239  
the contractors and subcontractors covered under a certificate 30240  
issued under this division for death or injuries that arise out 30241  
of, or death, injuries, or occupational diseases that arise in the 30242  
course of, those employees' employment on that construction 30243  
project, as if the employees were employees of the self-insuring 30244  
employer, provided that the self-insuring employer also complies 30245  
with this section. No employee of the contractors and 30246  
subcontractors covered under a certificate issued under this 30247  
division shall be considered the employee of the self-insuring 30248  
employer listed in that certificate for any purposes other than 30249  
this chapter and Chapter 4121. of the Revised Code. Nothing in 30250  
this division gives a self-insuring employer authority to control 30251  
the means, manner, or method of employment of the employees of the 30252  
contractors and subcontractors covered under a certificate issued 30253  
under this division. 30254

The contractors and subcontractors included under a certificate issued under this division are entitled to the protections provided under this chapter and Chapter 4121. of the Revised Code with respect to the contractor's or subcontractor's employees who are employed on the construction project which is the subject of the certificate, for death or injuries that arise out of, or death, injuries, or occupational diseases that arise in the course of, those employees' employment on that construction project.

The contractors and subcontractors included under a certificate issued under this division shall identify in their payroll records the employees who are considered the employees of the self-insuring employer listed in that certificate for purposes of this chapter and Chapter 4121. of the Revised Code, and the amount that those employees earned for employment on the construction project that is the subject of that certificate. Notwithstanding any provision to the contrary under this chapter and Chapter 4121. of the Revised Code, the administrator shall exclude the payroll that is reported for employees who are considered the employees of the self-insuring employer listed in that certificate, and that the employees earned for employment on the construction project that is the subject of that certificate, when determining those contractors' or subcontractors' premiums or assessments required under this chapter and Chapter 4121. of the Revised Code. A self-insuring employer issued a certificate under this division shall include in the amount of paid compensation it reports pursuant to division (L) of this section, the amount of paid compensation the self-insuring employer paid pursuant to this division for the previous calendar year.

Nothing in this division shall be construed as altering the rights of employees under this chapter and Chapter 4121. of the Revised Code as those rights existed prior to September 17, 1996.

Nothing in this division shall be construed as altering the rights 30287  
devolved under sections 2305.31 and 4123.82 of the Revised Code as 30288  
those rights existed prior to September 17, 1996. 30289

As used in this division, "privilege to self-insure a 30290  
construction project" means privilege to pay individually 30291  
compensation, and to furnish medical, surgical, nursing, and 30292  
hospital services and attention and funeral expenses directly to 30293  
injured employees or the dependents of killed employees. 30294

(P) A self-insuring employer whose application is granted 30295  
under division (O) of this section shall designate a safety 30296  
professional to be responsible for the administration and 30297  
enforcement of the safety program that is specifically designed 30298  
for the construction project that is the subject of the 30299  
application. 30300

A self-insuring employer whose application is granted under 30301  
division (O) of this section shall employ an ombudsperson for the 30302  
construction project that is the subject of the application. The 30303  
ombudsperson shall have experience in workers' compensation or the 30304  
construction industry, or both. The ombudsperson shall perform all 30305  
of the following duties: 30306

(1) Communicate with and provide information to employees who 30307  
are injured in the course of, or whose injury arises out of 30308  
employment on the construction project, or who contract an 30309  
occupational disease in the course of employment on the 30310  
construction project; 30311

(2) Investigate the status of a claim upon the request of an 30312  
employee to do so; 30313

(3) Provide information to claimants, third party 30314  
administrators, employers, and other persons to assist those 30315  
persons in protecting their rights under this chapter and Chapter 30316  
4121. of the Revised Code. 30317

A self-insuring employer whose application is granted under 30318  
division (O) of this section shall post the name of the safety 30319  
professional and the ombudsperson and instructions for contacting 30320  
the safety professional and the ombudsperson in a conspicuous 30321  
place at the site of the construction project. 30322

(Q) The administrator may consider all of the following when 30323  
deciding whether to grant a self-insuring employer the privilege 30324  
to self-insure a construction project as provided under division 30325  
(O) of this section: 30326

(1) Whether the self-insuring employer has an organizational 30327  
plan for the administration of the workers' compensation law; 30328

(2) Whether the safety program that is specifically designed 30329  
for the construction project provides for the safety of employees 30330  
employed on the construction project, is applicable to all 30331  
contractors and subcontractors who perform labor or work or 30332  
provide materials for the construction project, and has as a 30333  
component, a safety training program that complies with standards 30334  
adopted pursuant to the "Occupational Safety and Health Act of 30335  
1970," 84 Stat. 1590, 29 U.S.C.A. 651, and provides for continuing 30336  
management and employee involvement; 30337

(3) Whether granting the privilege to self-insure the 30338  
construction project will reduce the costs of the construction 30339  
project; 30340

(4) Whether the self-insuring employer has employed an 30341  
ombudsperson as required under division (P) of this section; 30342

(5) Whether the self-insuring employer has sufficient surety 30343  
to secure the payment of claims for which the self-insuring 30344  
employer would be responsible pursuant to the granting of the 30345  
privilege to self-insure a construction project under division (O) 30346  
of this section. 30347

(R) As used in divisions (O), (P), and (Q), "self-insuring 30348



employer" includes the following employers, whether or not they 30349  
have been granted the status of being a self-insuring employer 30350  
under division (B) of this section: 30351

(1) A state institution of higher education; 30352

(2) A school district; 30353

(3) A county school financing district; 30354

(4) An educational service center; 30355

(5) A community school established under Chapter 3314. of the 30356  
Revised Code. 30357

(S) As used in this section: 30358

(1) "Unvoted debt capacity" means the amount of money that a 30359  
public employer may borrow without voter approval of a tax levy; 30360

(2) "State institution of higher education" means the state 30361  
universities listed in section 3345.011 of the Revised Code, 30362  
community colleges created pursuant to Chapter 3354. of the 30363  
Revised Code, university branches created pursuant to Chapter 30364  
3355. of the Revised Code, technical colleges created pursuant to 30365  
Chapter 3357. of the Revised Code, and state community colleges 30366  
created pursuant to Chapter 3358. of the Revised Code. 30367

**Sec. 4141.09.** (A) There is hereby created an unemployment 30368  
compensation fund to be administered by the state without 30369  
liability on the part of the state beyond the amounts paid into 30370  
the fund and earned by the fund. The unemployment compensation 30371  
fund shall consist of all contributions, payments in lieu of 30372  
contributions described in sections 4141.241 and 4141.242 of the 30373  
Revised Code, reimbursements of the federal share of extended 30374  
benefits described in section 4141.301 of the Revised Code, 30375  
collected under sections 4141.01 to 4141.46 of the Revised Code, 30376  
together with all interest earned upon any moneys deposited with 30377  
the secretary of the treasury of the United States to the credit 30378

of the account of this state in the unemployment trust fund 30379  
established and maintained pursuant to section 904 of the "Social 30380  
Security Act," any property or securities acquired through the use 30381  
of moneys belonging to the fund, and all earnings of such property 30382  
or securities. The unemployment compensation fund shall be used to 30383  
pay benefits and refunds as provided by such sections and for no 30384  
other purpose. 30385

(B) The treasurer of state shall be the custodian of the 30386  
unemployment compensation fund and shall administer such fund in 30387  
accordance with the directions of the director of job and family 30388  
services. All disbursements therefrom shall be paid by the 30389  
treasurer of state on warrants drawn by the director. Such 30390  
warrants may bear the facsimile signature of the director printed 30391  
thereon and that of a deputy or other employee of the director 30392  
charged with the duty of keeping the account of the unemployment 30393  
compensation fund and with the preparation of warrants for the 30394  
payment of benefits to the persons entitled thereto. Moneys in the 30395  
clearing and benefit accounts shall not be commingled with other 30396  
state funds, except as provided in division (C) of this section, 30397  
but shall be maintained in separate accounts on the books of the 30398  
depository bank. Such money shall be secured by the depository 30399  
bank to the same extent and in the same manner as required by 30400  
sections 135.01 to 135.21 of the Revised Code; and collateral 30401  
pledged for this purpose shall be kept separate and distinct from 30402  
any collateral pledged to secure other funds of this state. All 30403  
sums recovered for losses sustained by the unemployment 30404  
compensation fund shall be deposited therein. The treasurer of 30405  
state shall be liable on the treasurer's official bond for the 30406  
faithful performance of the treasurer's duties in connection with 30407  
the unemployment compensation fund, such liability to exist in 30408  
addition to any liability upon any separate bond. 30409

(C) The treasurer of state shall maintain within the 30410

unemployment compensation fund three separate accounts which shall 30411  
be a clearing account, ~~an unemployment~~ a trust fund account, and a 30412  
benefit account. All moneys payable to the unemployment 30413  
compensation fund, upon receipt ~~thereof~~ by the director, shall be 30414  
forwarded to the treasurer of state, who shall immediately deposit 30415  
them in the clearing account. Refunds of contributions, or 30416  
payments in lieu of contributions, payable pursuant to division 30417  
(E) of this section may be paid from the clearing account upon 30418  
warrants signed by a deputy or other employee of the director 30419  
charged with the duty of keeping the record of the clearing 30420  
account and with the preparation of warrants for the payment of 30421  
refunds to persons entitled thereto. After clearance thereof, all 30422  
moneys in the clearing account shall be deposited with the 30423  
secretary of the treasury of the United States to the credit of 30424  
the account of this state in the unemployment trust fund 30425  
established and maintained pursuant to section 904 of the "Social 30426  
Security Act," in accordance with requirements of the "Federal 30427  
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301, 30428  
3304(a)(3), any law in this state relating to the deposit, 30429  
administration, release, or disbursement of moneys in the 30430  
possession or custody of this state to the contrary 30431  
notwithstanding. The benefit account shall consist of all moneys 30432  
requisitioned from this state's account in the unemployment trust 30433  
fund. Federal funds, ~~other than funds received by the director~~ 30434  
~~under divisions (I) and (J) of this section, received for payment~~ 30435  
~~of federal benefits~~ may be deposited, at the director's 30436  
discretion, into the benefit account. Any funds deposited into the 30437  
benefit account shall be disbursed solely for payment of benefits 30438  
under a federal program administered by this state. ~~Moneys so~~ 30439  
~~requisitioned shall be used solely for the payment of benefits and~~ 30440  
for no other purpose. Moneys in the clearing and benefit accounts 30441  
may be deposited by the treasurer of state, under the direction of 30442  
the director, in any bank or public depository in which general 30443

funds of the state may be deposited, but no public deposit 30444  
insurance charge or premium shall be paid out of the fund. 30445

(D) Moneys shall be requisitioned from this state's account 30446  
in the unemployment trust fund solely for the payment of benefits 30447  
and in accordance with regulations prescribed by the director. The 30448  
director shall requisition from the unemployment trust fund such 30449  
amounts, not exceeding the amount standing to this state's account 30450  
therein, as are deemed necessary for the payment of benefits for a 30451  
reasonable future period. Upon receipt thereof, the treasurer of 30452  
state shall deposit such moneys in the benefit account. 30453  
Expenditures of such money in the benefit account and refunds from 30454  
the clearing account shall not require specific appropriations or 30455  
other formal release by state officers of money in their custody. 30456  
Any balance of moneys requisitioned from the unemployment trust 30457  
fund which remains unclaimed or unpaid in the benefit account 30458  
after the expiration of the period for which such sums were 30459  
requisitioned shall either be deducted from estimates for and may 30460  
be utilized for the payment of benefits during succeeding periods, 30461  
or, in the discretion of the director, shall be redeposited with 30462  
the secretary of the treasury of the United States to the credit 30463  
of this state's account in the unemployment trust fund, as 30464  
provided in division (C) of this section. Unclaimed or unpaid 30465  
federal funds redeposited with the secretary of the treasury of 30466  
the United States shall be credited to the appropriate federal 30467  
account. 30468

(E) No claim for an adjustment or a refund on contribution, 30469  
payment in lieu of contributions, interest, or forfeiture alleged 30470  
to have been erroneously or illegally assessed or collected, or 30471  
alleged to have been collected without authority, and no claim for 30472  
an adjustment or a refund of any sum alleged to have been 30473  
excessive or in any manner wrongfully collected shall be allowed 30474  
unless an application, in writing, therefor is made within four 30475

years from the date on which such payment was made. If the 30476  
director determines that such contribution, payment in lieu of 30477  
contributions, interest, or forfeiture, or any portion thereof, 30478  
was erroneously collected, the director shall allow such employer 30479  
to make an adjustment thereof without interest in connection with 30480  
subsequent contribution payments, or payments in lieu of 30481  
contributions, by the employer, or the director may refund said 30482  
amount, without interest, from the clearing account of the 30483  
unemployment compensation fund, except as provided in division (B) 30484  
of section 4141.11 of the Revised Code. For like cause and within 30485  
the same period, adjustment or refund may be so made on the 30486  
director's own initiative. An overpayment of contribution, payment 30487  
in lieu of contributions, interest, or forfeiture for which an 30488  
employer has not made application for refund prior to the date of 30489  
sale of the employer's business shall accrue to the employer's 30490  
successor in interest. 30491

An application for an adjustment or a refund, or any portion 30492  
thereof, that is rejected is binding upon the employer unless, 30493  
within thirty days after the mailing of a written notice of 30494  
rejection to the employer's last known address, or, in the absence 30495  
of mailing of such notice, within thirty days after the delivery 30496  
of such notice, the employer files an application for a review and 30497  
redetermination setting forth the reasons therefor. The director 30498  
shall promptly examine the application for review and 30499  
redetermination, and if a review is granted, the employer shall be 30500  
promptly notified thereof, and shall be granted an opportunity for 30501  
a prompt hearing. 30502

(F) If the director finds that contributions have been paid 30503  
to the director in error, and that such contributions should have 30504  
been paid to a department of another state or of the United States 30505  
charged with the administration of an unemployment compensation 30506  
law, the director may upon request by such department or upon the 30507

director's own initiative transfer to such department the amount 30508  
of such contributions, less any benefits paid to claimants whose 30509  
wages were the basis for such contributions. The director may 30510  
request and receive from such department any contributions or 30511  
adjusted contributions paid in error to such department which 30512  
should have been paid to the director. 30513

(G) In accordance with section 303(c)(3) of the Social 30514  
Security Act, and section 3304(a)(17) of the Internal Revenue Code 30515  
of 1954 for continuing certification of Ohio unemployment 30516  
compensation laws for administrative grants and for tax credits, 30517  
any interest required to be paid on advances under Title XII of 30518  
the Social Security Act shall be paid in a timely manner and shall 30519  
not be paid, directly or indirectly, by an equivalent reduction in 30520  
the Ohio unemployment taxes or otherwise, by the state from 30521  
amounts in the unemployment compensation fund. 30522

(H) The treasurer of state, under the direction of the 30523  
director and in accordance with the "Cash Management Improvement 30524  
Act of 1990," 104 Stat. 1061, 31 U.S.C.A. 335, 6503, shall deposit 30525  
amounts of interest earned by the state on funds in the benefit 30526  
account established pursuant to division (C) of this section into 30527  
the department of job and family services banking fees fund, which 30528  
is hereby created in the state treasury for the purpose of paying 30529  
related banking costs incurred by the state for the period for 30530  
which the interest is calculated, except that if the deposited 30531  
interest exceeds the banking costs incurred by the state for the 30532  
period for which the interest is calculated, the treasurer of 30533  
state shall deposit the excess interest into the unemployment 30534  
trust fund. 30535

~~(I) The treasurer of state, under the direction of the 30536  
director, shall deposit federal funds received by the director for 30537  
the payment of benefits, job search, relocation, transportation, 30538  
and subsistence allowances pursuant to the "Trade Act of 1974," 88 30539~~

~~Stat. 1978, 19 U.S.C.A. 2101, as amended; the "North American Free Trade Implementation Act of 1993," 107 Stat. 2057, 19 U.S.C.A. 3301, as amended; and the "Trade Act of 2002," 116 Stat. 993, 19 U.S.C.A. 3801, as amended, into the Trade Act benefit account, which is hereby created for the purpose of making payments specified under those acts.~~

~~(J) The treasurer of state, under the direction of the director, shall deposit federal funds received by the director for training and administration and for payment of benefits, job search, relocation, transportation, and subsistence allowances pursuant to the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 2101, as amended; the "North American Free Trade Agreement Implementation Act," 107 Stat. 2057 (1993), 19 U.S.C.A. 3301, as amended; and the "Trade Act of 2002," 116 Stat. 993, 19 U.S.C.A. 3801, as amended, into the Trade Act training and administration account, which is hereby created for the purpose of making payments specified under those acts. The treasurer of state, under the direction of the director, may transfer funds from the Trade Act training and administration account to the benefit account for the purpose of making any payments directly to claimants for benefits, job search, relocation, transportation, and subsistence allowances, as specified by those acts.~~

**Sec. 4301.43.** (A) As used in sections 4301.43 to 4301.50 of the Revised Code:

(1) "Gallon" or "wine gallon" means one hundred twenty-eight fluid ounces.

(2) "Sale" or "sell" includes exchange, barter, gift, distribution, and, except with respect to A-4 permit holders, offer for sale.

(B) For the purposes of providing revenues for the support of the state and encouraging the grape industries in the state, a tax

is hereby levied on the sale or distribution of wine in Ohio, 30571  
except for known sacramental purposes, at the rate of thirty cents 30572  
per wine gallon for wine containing not less than four per cent of 30573  
alcohol by volume and not more than fourteen per cent of alcohol 30574  
by volume, ninety-eight cents per wine gallon for wine containing 30575  
more than fourteen per cent but not more than twenty-one per cent 30576  
of alcohol by volume, one dollar and eight cents per wine gallon 30577  
for vermouth, and one dollar and forty-eight cents per wine gallon 30578  
for sparkling and carbonated wine and champagne, the tax to be 30579  
paid by the holders of A-2 and B-5 permits or by any other person 30580  
selling or distributing wine upon which no tax has been paid. From 30581  
the tax paid under this section on wine, vermouth, and sparkling 30582  
and carbonated wine and champagne, the treasurer of state shall 30583  
credit to the Ohio grape industries fund created under section 30584  
924.54 of the Revised Code a sum equal to one cent per gallon for 30585  
each gallon upon which the tax is paid. 30586

(C) For the purpose of providing revenues for the support of 30587  
the state, there is hereby levied a tax on prepared and bottled 30588  
highballs, cocktails, cordials, and other mixed beverages at the 30589  
rate of one dollar and twenty cents per wine gallon to be paid by 30590  
holders of A-4 permits or by any other person selling or 30591  
distributing those products upon which no tax has been paid. Only 30592  
one sale of the same article shall be used in computing the amount 30593  
of tax due. The tax on mixed beverages to be paid by holders of 30594  
A-4 permits under this section shall not attach until the 30595  
ownership of the mixed beverage is transferred for valuable 30596  
consideration to a wholesaler or retailer, and no payment of the 30597  
tax shall be required prior to that time. 30598

(D) During the period of July 1, ~~2005~~ 2007, through June 30, 30599  
~~2007~~ 2009, from the tax paid under this section on wine, vermouth, 30600  
and sparkling and carbonated wine and champagne, the treasurer of 30601  
state shall credit to the Ohio grape industries fund created under 30602



section 924.54 of the Revised Code a sum equal to two cents per 30603  
gallon upon which the tax is paid. The amount credited under this 30604  
division is in addition to the amount credited to the Ohio grape 30605  
industries fund under division (B) of this section. 30606

(E) For the purpose of providing revenues for the support of 30607  
the state, there is hereby levied a tax on cider at the rate of 30608  
twenty-four cents per wine gallon to be paid by the holders of A-2 30609  
and B-5 permits or by any other person selling or distributing 30610  
cider upon which no tax has been paid. Only one sale of the same 30611  
article shall be used in computing the amount of the tax due. 30612

**Sec. 4503.06.** (A) The owner of each manufactured or mobile 30613  
home that has acquired situs in this state shall pay either a real 30614  
property tax pursuant to Title LVII of the Revised Code or a 30615  
manufactured home tax pursuant to division (C) of this section. 30616

(B) The owner of a manufactured or mobile home shall pay real 30617  
property taxes if either of the following applies: 30618

(1) The manufactured or mobile home acquired situs in the 30619  
state or ownership in the home was transferred on or after January 30620  
1, 2000, and all of the following apply: 30621

(a) The home is affixed to a permanent foundation as defined 30622  
in division (C)(5) of section 3781.06 of the Revised Code. 30623

(b) The home is located on land that is owned by the owner of 30624  
the home. 30625

(c) The certificate of title has been inactivated by the 30626  
clerk of the court of common pleas that issued it, pursuant to 30627  
division (H) of section 4505.11 of the Revised Code. 30628

(2) The manufactured or mobile home acquired situs in the 30629  
state or ownership in the home was transferred before January 1, 30630  
2000, and all of the following apply: 30631

(a) The home is affixed to a permanent foundation as defined 30632

in division (C)(5) of section 3781.06 of the Revised Code. 30633

(b) The home is located on land that is owned by the owner of 30634  
the home. 30635

(c) The owner of the home has elected to have the home taxed 30636  
as real property and, pursuant to section 4505.11 of the Revised 30637  
Code, has surrendered the certificate of title to the auditor of 30638  
the county containing the taxing district in which the home has 30639  
its situs, together with proof that all taxes have been paid. 30640

(d) The county auditor has placed the home on the real 30641  
property tax list and delivered the certificate of title to the 30642  
clerk of the court of common pleas that issued it and the clerk 30643  
has inactivated the certificate. 30644

(C)(1) Any mobile or manufactured home that is not taxed as 30645  
real property as provided in division (B) of this section is 30646  
subject to an annual manufactured home tax, payable by the owner, 30647  
for locating the home in this state. The tax as levied in this 30648  
section is for the purpose of supplementing the general revenue 30649  
funds of the local subdivisions in which the home has its situs 30650  
pursuant to this section. 30651

(2) The year for which the manufactured home tax is levied 30652  
commences on the first day of January and ends on the following 30653  
thirty-first day of December. The state shall have the first lien 30654  
on any manufactured or mobile home on the list for the amount of 30655  
taxes, penalties, and interest charged against the owner of the 30656  
home under this section. The lien of the state for the tax for a 30657  
year shall attach on the first day of January to a home that has 30658  
acquired situs on that date. The lien for a home that has not 30659  
acquired situs on the first day of January, but that acquires 30660  
situs during the year, shall attach on the next first day of 30661  
January. The lien shall continue until the tax, including any 30662  
penalty or interest, is paid. 30663

(3)(a) The situs of a manufactured or mobile home located in this state on the first day of January is the local taxing district in which the home is located on that date.

(b) The situs of a manufactured or mobile home not located in this state on the first day of January, but located in this state subsequent to that date, is the local taxing district in which the home is located thirty days after it is acquired or first enters this state.

(4) The tax is collected by and paid to the county treasurer of the county containing the taxing district in which the home has its situs.

(D) The manufactured home tax shall be computed and assessed by the county auditor of the county containing the taxing district in which the home has its situs as follows:

(1) On a home that acquired situs in this state prior to January 1, 2000:

(a) By multiplying the assessable value of the home by the tax rate of the taxing district in which the home has its situs, and deducting from the product thus obtained any reduction authorized under section 4503.065 of the Revised Code. The tax levied under this formula shall not be less than thirty-six dollars, unless the home qualifies for a reduction in assessable value under section 4503.065 of the Revised Code, in which case there shall be no minimum tax and the tax shall be the amount calculated under this division.

(b) The assessable value of the home shall be forty per cent of the amount arrived at by the following computation:

(i) If the cost to the owner, or market value at time of purchase, whichever is greater, of the home includes the furnishings and equipment, such cost or market value shall be multiplied according to the following schedule:

For the first calendar year			30695
in which the			30696
home is owned by the			30697
current owner	x	80%	30698
2nd calendar year	x	75%	30699
3rd "	x	70%	30700
4th "	x	65%	30701
5th "	x	60%	30702
6th "	x	55%	30703
7th "	x	50%	30704
8th "	x	45%	30705
9th "	x	40%	30706
10th and each year thereafter	x	35%	30707

The first calendar year means any period between the first 30708  
day of January and the thirty-first day of December of the first 30709  
year. 30710

(ii) If the cost to the owner, or market value at the time of 30711  
purchase, whichever is greater, of the home does not include the 30712  
furnishings and equipment, such cost or market value shall be 30713  
multiplied according to the following schedule: 30714

For the first calendar year			30715
in which the			30716
home is owned by the			30717
current owner	x	95%	30718
2nd calendar year	x	90%	30719
3rd "	x	85%	30720
4th "	x	80%	30721
5th "	x	75%	30722
6th "	x	70%	30723
7th "	x	65%	30724
8th "	x	60%	30725
9th "	x	55%	30726

10th and each year thereafter x 50% 30727

The first calendar year means any period between the first 30728  
day of January and the thirty-first day of December of the first 30729  
year. 30730

(2) On a home in which ownership was transferred or that 30731  
first acquired situs in this state on or after January 1, 2000: 30732

(a) By multiplying the assessable value of the home by the 30733  
effective tax rate, as defined in section 323.08 of the Revised 30734  
Code, for residential real property of the taxing district in 30735  
which the home has its situs, and deducting from the product thus 30736  
obtained the reductions required or authorized under section 30737  
319.302, division (B) of section 323.152, or section 4503.065 of 30738  
the Revised Code. 30739

(b) The assessable value of the home shall be thirty-five per 30740  
cent of its true value as determined under division (L) of this 30741  
section. 30742

(3) On or before the fifteenth day of January each year, the 30743  
county auditor shall record the assessable value and the amount of 30744  
tax on the manufactured or mobile home on the tax list and deliver 30745  
a duplicate of the list to the county treasurer. In the case of an 30746  
emergency as defined in section 323.17 of the Revised Code, the 30747  
tax commissioner, by journal entry, may extend the times for 30748  
delivery of the duplicate for an additional fifteen days upon 30749  
receiving a written application from the county auditor regarding 30750  
an extension for the delivery of the duplicate, or from the county 30751  
treasurer regarding an extension of the time for the billing and 30752  
collection of taxes. The application shall contain a statement 30753  
describing the emergency that will cause the unavoidable delay and 30754  
must be received by the tax commissioner on or before the last day 30755  
of the month preceding the day delivery of the duplicate is 30756  
otherwise required. When an extension is granted for delivery of 30757  
the duplicate, the time period for payment of taxes shall be 30758

extended for a like period of time. When a delay in the closing of a tax collection period becomes unavoidable, the tax commissioner, upon application by the county auditor and county treasurer, may order the time for payment of taxes to be extended if the tax commissioner determines that penalties have accrued or would otherwise accrue for reasons beyond the control of the taxpayers of the county. The order shall prescribe the final extended date for payment of taxes for that collection period.

(4) After January 1, 1999, the owner of a manufactured or mobile home taxed pursuant to division (D)(1) of this section may elect to have the home taxed pursuant to division (D)(2) of this section by filing a written request with the county auditor of the taxing district in which the home is located on or before the first day of December of any year. Upon the filing of the request, the county auditor shall determine whether all taxes levied under division (D)(1) of this section have been paid, and if those taxes have been paid, the county auditor shall tax the manufactured or mobile home pursuant to division (D)(2) of this section commencing in the next tax year.

(5) A manufactured or mobile home that acquired situs in this state prior to January 1, 2000, shall be taxed pursuant to division (D)(2) of this section if no manufactured home tax had been paid for the home and the home was not exempted from taxation pursuant to division (E) of this section for the year for which the taxes were not paid.

(6)(a) Immediately upon receipt of any manufactured home tax duplicate from the county auditor, but not less than twenty days prior to the last date on which the first one-half taxes may be paid without penalty as prescribed in division (F) of this section, the county treasurer shall cause to be prepared and mailed or delivered to each person charged on that duplicate with taxes, or to an agent designated by such person, the tax bill

prescribed by the tax commissioner under division (D)(7) of this 30791  
section. When taxes are paid by installments, the county treasurer 30792  
shall mail or deliver to each person charged on such duplicate or 30793  
the agent designated by that person a second tax bill showing the 30794  
amount due at the time of the second tax collection. The second 30795  
half tax bill shall be mailed or delivered at least twenty days 30796  
prior to the close of the second half tax collection period. A 30797  
change in the mailing address of any tax bill shall be made in 30798  
writing to the county treasurer. Failure to receive a bill 30799  
required by this section does not excuse failure or delay to pay 30800  
any taxes shown on the bill or, except as provided in division 30801  
(B)(1) of section 5715.39 of the Revised Code, avoid any penalty, 30802  
interest, or charge for such delay. 30803

(b) After delivery of the copy of the delinquent manufactured 30804  
home tax list under division (H) of this section, the county 30805  
treasurer may prepare and mail to each person in whose name a home 30806  
is listed an additional tax bill showing the total amount of 30807  
delinquent taxes charged against the home as shown on the list. 30808  
The tax bill shall include a notice that the interest charge 30809  
prescribed by division (G) of this section has begun to accrue. 30810

(7) Each tax bill prepared and mailed or delivered under 30811  
division (D)(6) of this section shall be in the form and contain 30812  
the information required by the tax commissioner. The commissioner 30813  
may prescribe different forms for each county and may authorize 30814  
the county auditor to make up tax bills and tax receipts to be 30815  
used by the county treasurer. The tax bill shall not contain or be 30816  
mailed or delivered with any information or material that is not 30817  
required by this section or that is not authorized by section 30818  
321.45 of the Revised Code or by the tax commissioner. In addition 30819  
to the information required by the commissioner, each tax bill 30820  
shall contain the following information: 30821

(a) The taxes levied and the taxes charged and payable 30822

against the manufactured or mobile home; 30823

(b) The following notice: "Notice: If the taxes are not paid 30824  
within sixty days after the county auditor delivers the delinquent 30825  
manufactured home tax list to the county treasurer, you and your 30826  
home may be subject to collection proceedings for tax 30827  
delinquency." Failure to provide such notice has no effect upon 30828  
the validity of any tax judgment to which a home may be subjected. 30829

(c) In the case of manufactured or mobile homes taxed under 30830  
division (D)(2) of this section, the following additional 30831  
information: 30832

(i) The effective tax rate. The words "effective tax rate" 30833  
shall appear in boldface type. 30834

(ii) The following notice: "Notice: If the taxes charged 30835  
against this home have been reduced by the 2-1/2 per cent tax 30836  
reduction for residences occupied by the owner but the home is not 30837  
a residence occupied by the owner, the owner must notify the 30838  
county auditor's office not later than March 31 of the year for 30839  
which the taxes are due. Failure to do so may result in the owner 30840  
being convicted of a fourth degree misdemeanor, which is 30841  
punishable by imprisonment up to 30 days, a fine up to \$250, or 30842  
both, and in the owner having to repay the amount by which the 30843  
taxes were erroneously or illegally reduced, plus any interest 30844  
that may apply. 30845

If the taxes charged against this home have not been reduced 30846  
by the 2-1/2 per cent tax reduction and the home is a residence 30847  
occupied by the owner, the home may qualify for the tax reduction. 30848  
To obtain an application for the tax reduction or further 30849  
information, the owner may contact the county auditor's office at 30850  
..... (insert the address and telephone number of the county 30851  
auditor's office)." 30852

(E)(1) A manufactured or mobile home is not subject to this 30853



section when any of the following applies: 30854

(a) It is taxable as personal property pursuant to section 30855  
5709.01 of the Revised Code. Any manufactured or mobile home that 30856  
is used as a residence shall be subject to this section and shall 30857  
not be taxable as personal property pursuant to section 5709.01 of 30858  
the Revised Code. 30859

(b) It bears a license plate issued by any state other than 30860  
this state unless the home is in this state in excess of an 30861  
accumulative period of thirty days in any calendar year. 30862

(c) The annual tax has been paid on the home in this state 30863  
for the current year. 30864

(d) The tax commissioner has determined, pursuant to section 30865  
5715.27 of the Revised Code, that the property is exempt from 30866  
taxation, or would be exempt from taxation under Chapter 5709. of 30867  
the Revised Code if it were classified as real property. 30868

(2) A travel trailer or park trailer, as these terms are 30869  
defined in section 4501.01 of the Revised Code, is not subject to 30870  
this section if it is unused or unoccupied and stored at the 30871  
owner's normal place of residence or at a recognized storage 30872  
facility. 30873

(3) A travel trailer or park trailer, as these terms are 30874  
defined in section 4501.01 of the Revised Code, is subject to this 30875  
section and shall be taxed as a manufactured or mobile home if it 30876  
has a situs longer than thirty days in one location and is 30877  
connected to existing utilities, unless either of the following 30878  
applies: 30879

(a) The situs is in a state facility or a camping or park 30880  
area as defined in division (C), (Q), (S), or (V) of section 30881  
3729.01 of the Revised Code. 30882

(b) The situs is in a camping or park area that is a tract of 30883

land that has been limited to recreational use by deed or zoning 30884  
restrictions and subdivided for sale of five or more individual 30885  
lots for the express or implied purpose of occupancy by either 30886  
self-contained recreational vehicles as defined in division (T) of 30887  
section 3729.01 of the Revised Code or by dependent recreational 30888  
vehicles as defined in division (D) of section 3729.01 of the 30889  
Revised Code. 30890

(F) Except as provided in division (D)(3) of this section, 30891  
the manufactured home tax is due and payable as follows: 30892

(1) When a manufactured or mobile home has a situs in this 30893  
state, as provided in this section, on the first day of January, 30894  
one-half of the amount of the tax is due and payable on or before 30895  
the first day of March and the balance is due and payable on or 30896  
before the thirty-first day of July. At the option of the owner of 30897  
the home, the tax for the entire year may be paid in full on the 30898  
first day of March. 30899

(2) When a manufactured or mobile home first acquires a situs 30900  
in this state after the first day of January, no tax is due and 30901  
payable for that year. 30902

(G)(1)(a) Except as otherwise provided in division (G)(1)(b) 30903  
of this section, if one-half of the current taxes charged under 30904  
this section against a manufactured or mobile home, together with 30905  
the full amount of any delinquent taxes, are not paid on or before 30906  
the first day of March in that year, or on or before the last day 30907  
for such payment as extended pursuant to section 4503.063 of the 30908  
Revised Code, a penalty of ten per cent shall be charged against 30909  
the unpaid balance of such half of the current taxes. If the total 30910  
amount of all such taxes is not paid on or before the thirty-first 30911  
day of July, next thereafter, or on or before the last day for 30912  
payment as extended pursuant to section 4503.063 of the Revised 30913  
Code, a like penalty shall be charged on the balance of the total 30914  
amount of the unpaid current taxes. 30915

(b) After a valid delinquent tax contract that includes 30916  
unpaid current taxes from a first-half collection period described 30917  
in division (F) of this section has been entered into under 30918  
section 323.31 of the Revised Code, no ten per cent penalty shall 30919  
be charged against such taxes after the second-half collection 30920  
period while the delinquent tax contract remains in effect. On the 30921  
day a delinquent tax contract becomes void, the ten per cent 30922  
penalty shall be charged against such taxes and shall equal the 30923  
amount of penalty that would have been charged against unpaid 30924  
current taxes outstanding on the date on which the second-half 30925  
penalty would have been charged thereon under division (G)(1)(a) 30926  
of this section if the contract had not been in effect. 30927

(2)(a) On the first day of the month following the last day 30928  
the second installment of taxes may be paid without penalty 30929  
beginning in 2000, interest shall be charged against and computed 30930  
on all delinquent taxes other than the current taxes that became 30931  
delinquent taxes at the close of the last day such second 30932  
installment could be paid without penalty. The charge shall be for 30933  
interest that accrued during the period that began on the 30934  
preceding first day of December and ended on the last day of the 30935  
month that included the last date such second installment could be 30936  
paid without penalty. The interest shall be computed at the rate 30937  
per annum prescribed by section 5703.47 of the Revised Code and 30938  
shall be entered as a separate item on the delinquent manufactured 30939  
home tax list compiled under division (H) of this section. 30940

(b) On the first day of December beginning in 2000, the 30941  
interest shall be charged against and computed on all delinquent 30942  
taxes. The charge shall be for interest that accrued during the 30943  
period that began on the first day of the month following the last 30944  
date prescribed for the payment of the second installment of taxes 30945  
in the current year and ended on the immediately preceding last 30946  
day of November. The interest shall be computed at the rate per 30947

annum prescribed by section 5703.47 of the Revised Code and shall 30948  
be entered as a separate item on the delinquent manufactured home 30949  
tax list. 30950

(c) After a valid undertaking has been entered into for the 30951  
payment of any delinquent taxes, no interest shall be charged 30952  
against such delinquent taxes while the undertaking remains in 30953  
effect in compliance with section 323.31 of the Revised Code. If a 30954  
valid undertaking becomes void, interest shall be charged against 30955  
the delinquent taxes for the periods that interest was not 30956  
permitted to be charged while the undertaking was in effect. The 30957  
interest shall be charged on the day the undertaking becomes void 30958  
and shall equal the amount of interest that would have been 30959  
charged against the unpaid delinquent taxes outstanding on the 30960  
dates on which interest would have been charged thereon under 30961  
divisions (G)(1) and (2) of this section had the undertaking not 30962  
been in effect. 30963

(3) If the full amount of the taxes due at either of the 30964  
times prescribed by division (F) of this section is paid within 30965  
ten days after such time, the county treasurer shall waive the 30966  
collection of and the county auditor shall remit one-half of the 30967  
penalty provided for in this division for failure to make that 30968  
payment by the prescribed time. 30969

(4) The treasurer shall compile and deliver to the county 30970  
auditor a list of all tax payments the treasurer has received as 30971  
provided in division (G)(3) of this section. The list shall 30972  
include any information required by the auditor for the remission 30973  
of the penalties waived by the treasurer. The taxes so collected 30974  
shall be included in the settlement next succeeding the settlement 30975  
then in process. 30976

(H)(1) Beginning in 2000, the county auditor shall compile 30977  
annually a "delinquent manufactured home tax list" consisting of 30978  
homes the county treasurer's records indicate have taxes that were 30979

not paid within the time prescribed by divisions (D)(3) and (F) of 30980  
this section, have taxes that remain unpaid from prior years, or 30981  
have unpaid tax penalties or interest that have been assessed. 30982

(2) Within thirty days after the settlement under division 30983  
(H)(2) of section 321.24 of the Revised Code beginning in 2000, 30984  
the county auditor shall deliver a copy of the delinquent 30985  
manufactured home tax list to the county treasurer. The auditor 30986  
shall update and publish the delinquent manufactured home tax list 30987  
annually in the same manner as delinquent real property tax lists 30988  
are published. The county auditor shall apportion the cost of 30989  
publishing the list among taxing districts in proportion to the 30990  
amount of delinquent manufactured home taxes so published that 30991  
each taxing district is entitled to receive upon collection of 30992  
those taxes. 30993

(3) When taxes, penalties, or interest are charged against a 30994  
person on the delinquent manufactured home tax list and are not 30995  
paid within sixty days after the list is delivered to the county 30996  
treasurer, the county treasurer shall, in addition to any other 30997  
remedy provided by law for the collection of taxes, penalties, and 30998  
interest, enforce collection of such taxes, penalties, and 30999  
interest by civil action in the name of the treasurer against the 31000  
owner for the recovery of the unpaid taxes following the 31001  
procedures for the recovery of delinquent real property taxes in 31002  
sections 323.25 to 323.28 of the Revised Code. The action may be 31003  
brought in municipal or county court, provided the amount charged 31004  
does not exceed the monetary limitations for original jurisdiction 31005  
for civil actions in those courts. 31006

It is sufficient, having made proper parties to the suit, for 31007  
the county treasurer to allege in the treasurer's bill of 31008  
particulars or petition that the taxes stand chargeable on the 31009  
books of the county treasurer against such person, that they are 31010  
due and unpaid, and that such person is indebted in the amount of 31011

taxes appearing to be due the county. The treasurer need not set 31012  
forth any other matter relating thereto. If it is found on the 31013  
trial of the action that the person is indebted to the state, 31014  
judgment shall be rendered in favor of the county treasurer 31015  
prosecuting the action. The judgment debtor is not entitled to the 31016  
benefit of any law for stay of execution or exemption of property 31017  
from levy or sale on execution in the enforcement of the judgment. 31018

Upon the filing of an entry of confirmation of sale or an 31019  
order of forfeiture in a proceeding brought under this division, 31020  
title to the manufactured or mobile home shall be in the 31021  
purchaser. The clerk of courts shall issue a certificate of title 31022  
to the purchaser upon presentation of proof of filing of the entry 31023  
of confirmation or order and, in the case of a forfeiture, 31024  
presentation of the county auditor's certificate of sale. 31025

(I) The total amount of taxes collected shall be distributed 31026  
in the following manner: four per cent shall be allowed as 31027  
compensation to the county auditor for the county auditor's 31028  
service in assessing the taxes; two per cent shall be allowed as 31029  
compensation to the county treasurer for the services the county 31030  
treasurer renders as a result of the tax levied by this section. 31031  
Such amounts shall be paid into the county treasury, to the credit 31032  
of the county general revenue fund, on the warrant of the county 31033  
auditor. Fees to be paid to the credit of the real estate 31034  
assessment fund shall be collected pursuant to division ~~(B)~~(C) of 31035  
section 319.54 of the Revised Code and paid into the county 31036  
treasury, on the warrant of the county auditor. The balance of the 31037  
taxes collected shall be distributed among the taxing subdivisions 31038  
of the county in which the taxes are collected and paid in the 31039  
same ratio as those taxes were collected for the benefit of the 31040  
taxing subdivision. The taxes levied and revenues collected under 31041  
this section shall be in lieu of any general property tax and any 31042  
tax levied with respect to the privilege of using or occupying a 31043

manufactured or mobile home in this state except as provided in 31044  
sections 4503.04 and 5741.02 of the Revised Code. 31045

(J) An agreement to purchase or a bill of sale for a 31046  
manufactured home shall show whether or not the furnishings and 31047  
equipment are included in the purchase price. 31048

(K) If the county treasurer and the county prosecuting 31049  
attorney agree that an item charged on the delinquent manufactured 31050  
home tax list is uncollectible, they shall certify that 31051  
determination and the reasons to the county board of revision. If 31052  
the board determines the amount is uncollectible, it shall certify 31053  
its determination to the county auditor, who shall strike the item 31054  
from the list. 31055

(L)(1) The county auditor shall appraise at its true value 31056  
any manufactured or mobile home in which ownership is transferred 31057  
or which first acquires situs in this state on or after January 1, 31058  
2000, and any manufactured or mobile home the owner of which has 31059  
elected, under division (D)(4) of this section, to have the home 31060  
taxed under division (D)(2) of this section. The true value shall 31061  
include the value of the home, any additions, and any fixtures, 31062  
but not any furnishings in the home. In determining the true value 31063  
of a manufactured or mobile home, the auditor shall consider all 31064  
facts and circumstances relating to the value of the home, 31065  
including its age, its capacity to function as a residence, any 31066  
obsolete characteristics, and other factors that may tend to prove 31067  
its true value. 31068

(2)(a) If a manufactured or mobile home has been the subject 31069  
of an arm's length sale between a willing seller and a willing 31070  
buyer within a reasonable length of time prior to the 31071  
determination of true value, the county auditor shall consider the 31072  
sale price of the home to be the true value for taxation purposes. 31073

(b) The sale price in an arm's length transaction between a 31074

willing seller and a willing buyer shall not be considered the 31075  
true value of the home if either of the following occurred after 31076  
the sale: 31077

(i) The home has lost value due to a casualty. 31078

(ii) An addition or fixture has been added to the home. 31079

(3) The county auditor shall have each home viewed and 31080  
appraised at least once in each six-year period in the same year 31081  
in which real property in the county is appraised pursuant to 31082  
Chapter 5713. of the Revised Code, and shall update the appraised 31083  
values in the third calendar year following the appraisal. The 31084  
person viewing or appraising a home may enter the home to 31085  
determine by actual view any additions or fixtures that have been 31086  
added since the last appraisal. In conducting the appraisals and 31087  
establishing the true value, the auditor shall follow the 31088  
procedures set forth for appraising real property in sections 31089  
5713.01 and 5713.03 of the Revised Code. 31090

(4) The county auditor shall place the true value of each 31091  
home on the manufactured home tax list upon completion of an 31092  
appraisal. 31093

(5)(a) If the county auditor changes the true value of a 31094  
home, the auditor shall notify the owner of the home in writing, 31095  
delivered by mail or in person. The notice shall be given at least 31096  
thirty days prior to the issuance of any tax bill that reflects 31097  
the change. Failure to receive the notice does not invalidate any 31098  
proceeding under this section. 31099

(b) Any owner of a home or any other person or party listed 31100  
in division (A)(1) of section 5715.19 of the Revised Code may file 31101  
a complaint against the true value of the home as appraised under 31102  
this section. The complaint shall be filed with the county auditor 31103  
on or before the thirty-first day of March of the current tax year 31104  
or the date of closing of the collection for the first half of 31105



manufactured home taxes for the current tax year, whichever is 31106  
later. The auditor shall present to the county board of revision 31107  
all complaints filed with the auditor under this section. The 31108  
board shall hear and investigate the complaint and may take action 31109  
on it as provided under sections 5715.11 to 5715.19 of the Revised 31110  
Code. 31111

(c) If the county board of revision determines, pursuant to a 31112  
complaint against the valuation of a manufactured or mobile home 31113  
filed under this section, that the amount of taxes, assessments, 31114  
or other charges paid was in excess of the amount due based on the 31115  
valuation as finally determined, then the overpayment shall be 31116  
refunded in the manner prescribed in section 5715.22 of the 31117  
Revised Code. 31118

(d) Payment of all or part of a tax under this section for 31119  
any year for which a complaint is pending before the county board 31120  
of revision does not abate the complaint or in any way affect the 31121  
hearing and determination thereof. 31122

(M) If the county auditor determines that any tax or other 31123  
charge or any part thereof has been erroneously charged as a 31124  
result of a clerical error as defined in section 319.35 of the 31125  
Revised Code, the county auditor shall call the attention of the 31126  
county board of revision to the erroneous charges. If the board 31127  
finds that the taxes or other charges have been erroneously 31128  
charged or collected, it shall certify the finding to the auditor. 31129  
Upon receipt of the certification, the auditor shall remove the 31130  
erroneous charges on the manufactured home tax list or delinquent 31131  
manufactured home tax list in the same manner as is prescribed in 31132  
section 319.35 of the Revised Code for erroneous charges against 31133  
real property, and refund any erroneous charges that have been 31134  
collected, with interest, in the same manner as is prescribed in 31135  
section 319.36 of the Revised Code for erroneous charges against 31136  
real property. 31137

(N) As used in this section and section 4503.061 of the Revised Code:	31138 31139
(1) "Manufactured home taxes" includes taxes, penalties, and interest charged under division (C) or (G) of this section and any penalties charged under division (G) or (H)(5) of section 4503.061 of the Revised Code.	31140 31141 31142 31143
(2) "Current taxes" means all manufactured home taxes charged against a manufactured or mobile home that have not appeared on the manufactured home tax list for any prior year. Current taxes become delinquent taxes if they remain unpaid after the last day prescribed for payment of the second installment of current taxes without penalty, whether or not they have been certified delinquent.	31144 31145 31146 31147 31148 31149 31150
(3) "Delinquent taxes" means:	31151
(a) Any manufactured home taxes that were charged against a manufactured or mobile home for a prior year, including any penalties or interest charged for a prior year, and that remain unpaid;	31152 31153 31154 31155
(b) Any current manufactured home taxes charged against a manufactured or mobile home that remain unpaid after the last day prescribed for payment of the second installment of current taxes without penalty, whether or not they have been certified delinquent, including any penalties or interest.	31156 31157 31158 31159 31160
<b>Sec. 4503.061.</b> (A) All manufactured and mobile homes shall be listed on either the real property tax list or the manufactured home tax list of the county in which the home has situs. Each owner shall follow the procedures in this section to identify the home to the county auditor of the county containing the taxing district in which the home has situs so that the auditor may place the home on the appropriate tax list.	31161 31162 31163 31164 31165 31166 31167

(B) When a manufactured or mobile home first acquires situs 31168  
in this state and is subject to real property taxation pursuant to 31169  
division (B)(1) or (2) of section 4503.06 of the Revised Code, the 31170  
owner shall present to the auditor of the county containing the 31171  
taxing district in which the home has its situs the certificate of 31172  
title for the home, together with proof that all taxes due have 31173  
been paid and proof that a relocation notice was obtained for the 31174  
home if required under this section. Upon receiving the 31175  
certificate of title and the required proofs, the auditor shall 31176  
place the home on the real property tax list and proceed to treat 31177  
the home as other properties on that list. After the auditor has 31178  
placed the home on the tax list of real and public utility 31179  
property, the auditor shall deliver the certificate of title to 31180  
the clerk of the court of common pleas that issued it pursuant to 31181  
section 4505.11 of the Revised Code, and the clerk shall 31182  
inactivate the certificate of title. 31183

(C)(1) When a manufactured or mobile home subject to a 31184  
manufactured home tax is relocated to or first acquires situs in 31185  
any county that has adopted a permanent manufactured home 31186  
registration system, as provided in division (F) of this section, 31187  
the owner, within thirty days after the home is relocated or first 31188  
acquires situs under section 4503.06 of the Revised Code, shall 31189  
register the home with the county auditor of the county containing 31190  
the taxing district in which the home has its situs. For the first 31191  
registration in each county of situs, the owner or vendee in 31192  
possession shall present to the county auditor an Ohio certificate 31193  
of title, certified copy of the certificate of title, or 31194  
memorandum certificate of title as such are required by law, and 31195  
proof, as required by the county auditor, that the home, if it has 31196  
previously been occupied and is being relocated, has been 31197  
previously registered, that all taxes due and required to be paid 31198  
under division (H)(1) of this section before a relocation notice 31199  
may be issued have been paid, and that a relocation notice was 31200

obtained for the home if required by division (H) of this section. 31201  
If the owner or vendee does not possess the Ohio certificate of 31202  
title, certified copy of the certificate of title, or memorandum 31203  
certificate of title at the time the owner or vendee first 31204  
registers the home in a county, the county auditor shall register 31205  
the home without presentation of the document, but the owner or 31206  
vendee shall present the certificate of title, certified copy of 31207  
the certificate of title, or memorandum certificate of title to 31208  
the county auditor within fourteen days after the owner or vendee 31209  
obtains possession of the document. 31210

(2) When a manufactured or mobile home is registered for the 31211  
first time in a county and when the total tax due has been paid as 31212  
required by division (F) of section 4503.06 of the Revised Code or 31213  
divisions (E) and (H) of this section, the county treasurer shall 31214  
note by writing or by a stamp on the certificate of title, 31215  
certified copy of certificate of title, or memorandum certificate 31216  
of title that the home has been registered and that the taxes due, 31217  
if any, have been paid for the preceding five years and for the 31218  
current year. The treasurer shall then issue a certificate 31219  
evidencing registration and a decal to be displayed on the street 31220  
side of the home. The certificate is valid in any county in this 31221  
state during the year for which it is issued. 31222

(3) For each year thereafter, the county treasurer shall 31223  
issue a tax bill stating the amount of tax due under section 31224  
4503.06 of the Revised Code, as provided in division (D)(6) of 31225  
that section. When the total tax due has been paid as required by 31226  
division (F) of that section, the county treasurer shall issue a 31227  
certificate evidencing registration that shall be valid in any 31228  
county in this state during the year for which the certificate is 31229  
issued. 31230

(4) The permanent decal issued under this division is valid 31231  
during the period of ownership, except that when a manufactured 31232

home is relocated in another county the owner shall apply for a 31233  
new registration as required by this section and section 4503.06 31234  
of the Revised Code. 31235

(D)(1) All owners of manufactured or mobile homes subject to 31236  
the manufactured home tax being relocated to or having situs in a 31237  
county that has not adopted a permanent registration system, as 31238  
provided in division (F) of this section, shall register the home 31239  
within thirty days after the home is relocated or first acquires 31240  
situs under section 4503.06 of the Revised Code and thereafter 31241  
shall annually register the home with the county auditor of the 31242  
county containing the taxing district in which the home has its 31243  
situs. 31244

(2) Upon the annual registration, the county treasurer shall 31245  
issue a tax bill stating the amount of annual manufactured home 31246  
tax due under section 4503.06 of the Revised Code, as provided in 31247  
division (D)(6) of that section. When a manufactured or mobile 31248  
home is registered and when the tax for the current one-half year 31249  
has been paid as required by division (F) of that section, the 31250  
county treasurer shall issue a certificate evidencing registration 31251  
and a decal. The certificate and decal are valid in any county in 31252  
this state during the year for which they are issued. The decal 31253  
shall be displayed on the street side of the home. 31254

(3) For the first annual registration in each county of 31255  
situs, the county auditor shall require the owner or vendee to 31256  
present an Ohio certificate of title, certified copy of the 31257  
certificate of title, or memorandum certificate of title as such 31258  
are required by law, and proof, as required by the county auditor, 31259  
that the manufactured or mobile home has been previously 31260  
registered, if such registration was required, that all taxes due 31261  
and required to be paid under division (H)(1) of this section 31262  
before a relocation notice may be issued have been paid, and that 31263  
a relocation notice was obtained for the home if required by 31264

division (H) of this section. If the owner or vendee does not 31265  
possess the Ohio certificate of title, certified copy of the 31266  
certificate of title, or memorandum certificate of title at the 31267  
time the owner or vendee first registers the home in a county, the 31268  
county auditor shall register the home without presentation of the 31269  
document, but the owner or vendee shall present the certificate of 31270  
title, certified copy of the certificate of title, or memorandum 31271  
certificate of title to the county auditor within fourteen days 31272  
after the owner or vendee obtains possession of the document. When 31273  
the county treasurer receives the tax payment, the county 31274  
treasurer shall note by writing or by a stamp on the certificate 31275  
of title, certified copy of the certificate of title, or 31276  
memorandum certificate of title that the home has been registered 31277  
for the current year and that the manufactured home taxes due, if 31278  
any, have been paid for the preceding five years and for the 31279  
current year. 31280

(4) For subsequent annual registrations, the auditor may 31281  
require the owner or vendee in possession to present an Ohio 31282  
certificate of title, certified copy of the certificate of title, 31283  
or memorandum certificate of title to the county treasurer upon 31284  
payment of the manufactured home tax that is due. 31285

(E)(1) Upon the application to transfer ownership of a 31286  
manufactured or mobile home for which manufactured home taxes are 31287  
paid pursuant to division (C) of section 4503.06 of the Revised 31288  
Code the clerk of the court of common pleas shall not issue any 31289  
certificate of title that does not contain or have attached both 31290  
of the following: 31291

(a) An endorsement of the county treasurer stating that the 31292  
home has been registered for each year of ownership and that all 31293  
manufactured home taxes imposed pursuant to section 4503.06 of the 31294  
Revised Code have been paid or that no tax is due; 31295

(b) An endorsement of the county auditor that the 31296

manufactured home transfer tax imposed pursuant to section 322.06 31297  
of the Revised Code and any fees imposed under division ~~(F)~~(G) of 31298  
section 319.54 of the Revised Code have been paid. 31299

(2) If all the taxes have not been paid, the clerk shall 31300  
notify the vendee to contact the county treasurer of the county 31301  
containing the taxing district in which the home has its situs at 31302  
the time of the proposed transfer. The county treasurer shall then 31303  
collect all the taxes that are due for the year of the transfer 31304  
and all previous years not exceeding a total of five years. The 31305  
county treasurer shall distribute that part of the collection owed 31306  
to the county treasurer of other counties if the home had its 31307  
situs in another county during a particular year when the unpaid 31308  
tax became due and payable. The burden to prove the situs of the 31309  
home in the years that the taxes were not paid is on the 31310  
transferor of the home. Upon payment of the taxes, the county 31311  
auditor shall remove all remaining taxes from the manufactured 31312  
home tax list and the delinquent manufactured home tax list, and 31313  
the county treasurer shall release all liens for such taxes. The 31314  
clerk of courts shall issue a certificate of title, free and clear 31315  
of all liens for manufactured home taxes, to the transferee of the 31316  
home. 31317

(3) Once the transfer is complete and the certificate of 31318  
title has been issued, the transferee shall register the 31319  
manufactured or mobile home pursuant to division (C) or (D) of 31320  
this section with the county auditor of the county containing the 31321  
taxing district in which the home remains after the transfer or, 31322  
if the home is relocated to another county, with the county 31323  
auditor of the county to which the home is relocated. The 31324  
transferee need not pay the annual tax for the year of acquisition 31325  
if the original owner has already paid the annual tax for that 31326  
year. 31327

(F) The county auditor may adopt a permanent registration 31328

system and issue a permanent decal with the first registration as 31329  
prescribed by the tax commissioner. 31330

(G) When any manufactured or mobile home required to be 31331  
registered by this section is not registered, the county auditor 31332  
shall impose a penalty of one hundred dollars upon the owner and 31333  
deposit the amount to the credit of the county real estate 31334  
assessment fund to be used to pay the costs of administering this 31335  
section and section 4503.06 of the Revised Code. If unpaid, the 31336  
penalty shall constitute a lien on the home and shall be added by 31337  
the county auditor to the manufactured home tax list for 31338  
collection. 31339

(H)(1) Except as otherwise provided in this division, before 31340  
moving a manufactured or mobile home on public roads from one 31341  
address within this state to another address within or outside 31342  
this state, the owner of the home shall obtain a relocation 31343  
notice, as provided by this section, from the auditor of the 31344  
county in which the home is located if the home is currently 31345  
subject to taxation pursuant to section 4503.06 of the Revised 31346  
Code. The auditor shall charge five dollars for the notice, and 31347  
deposit the amount to the credit of the county real estate 31348  
assessment fund to be used to pay the costs of administering this 31349  
section and section 4503.06 of the Revised Code. The auditor shall 31350  
not issue a relocation notice unless all taxes owed on the home 31351  
under section 4503.06 of the Revised Code that were first charged 31352  
to the home during the period of ownership of the owner seeking 31353  
the relocation notice have been paid. If the home is being moved 31354  
by a new owner of the home or by a party taking repossession of 31355  
the home, the auditor shall not issue a relocation notice unless 31356  
all of the taxes due for the preceding five years and for the 31357  
current year have been paid. A relocation notice issued by a 31358  
county auditor is valid until the last day of December of the year 31359  
in which it was issued. 31360



If the home is being moved by a sheriff, police officer, constable, bailiff, or manufactured home park operator, as defined in section 3733.01 of the Revised Code, or any agent of any of these persons, for purposes of removal from a manufactured home park and storage, sale, or destruction under section 1923.14 of the Revised Code, the auditor shall issue a relocation notice without requiring payment of any taxes owed on the home under section 4503.06 of the Revised Code.

(2) If a manufactured or mobile home is not yet subject to taxation under section 4503.06 of the Revised Code, the owner of the home shall obtain a relocation notice from the dealer of the home. Within thirty days after the manufactured or mobile home is purchased, the dealer of the home shall provide the auditor of the county in which the home is to be located written notice of the name of the purchaser of the home, the registration number or vehicle identification number of the home, and the address or location to which the home is to be moved. The county auditor shall provide to each manufactured and mobile home dealer, without charge, a supply of relocation notices to be distributed to purchasers pursuant to this section.

(3) The notice shall be in the form of a one-foot square yellow sign with the words "manufactured home relocation notice" printed prominently on it. The name of the owner of the home, the home's registration number or vehicle identification number, the county and the address or location to which the home is being moved, and the county in which the notice is issued shall also be entered on the notice.

(4) The relocation notice must be attached to the rear of the home when the home is being moved on a public road. Except as provided in divisions (H)(1) and (5) of this section, no person shall drive a motor vehicle moving a manufactured or mobile home on a public road from one address to another address within this

state unless a relocation notice is attached to the rear of the 31393  
home. 31394

(5) If the county auditor determines that a manufactured or 31395  
mobile home has been moved without a relocation notice as required 31396  
under this division, the auditor shall impose a penalty of one 31397  
hundred dollars upon the owner of the home and upon the person who 31398  
moved the home and deposit the amount to the credit of the county 31399  
real estate assessment fund to pay the costs of administering this 31400  
section and section 4503.06 of the Revised Code. If the home was 31401  
relocated from one county in this state to another county in this 31402  
state and the county auditor of the county to which the home was 31403  
relocated imposes the penalty, that county auditor, upon 31404  
collection of the penalty, shall cause an amount equal to the 31405  
penalty to be transmitted from the county real estate assessment 31406  
fund to the county auditor of the county from which the home was 31407  
relocated, who shall deposit the amount to the credit of the 31408  
county real estate assessment fund. If the penalty on the owner is 31409  
unpaid, the penalty shall constitute a lien on the home and the 31410  
auditor shall add the penalty to the manufactured home tax list 31411  
for collection. If the county auditor determines that a dealer 31412  
that has sold a manufactured or mobile home has failed to timely 31413  
provide the information required under this division, the auditor 31414  
shall impose a penalty upon the dealer in the amount of one 31415  
hundred dollars. The penalty shall be credited to the county real 31416  
estate assessment fund and used to pay the costs of administering 31417  
this section and section 4503.06 of the Revised Code. 31418

(I) Whoever violates division (H)(4) of this section is 31419  
guilty of a minor misdemeanor. 31420

**Sec. 4503.064.** As used in sections 4503.064 to 4503.069 of 31421  
the Revised Code: 31422

(A) "Sixty-five years of age or older" means a person who 31423

will be age sixty-five or older in the calendar year following the 31424  
year of application for reduction in the assessable value of the 31425  
person's manufactured or mobile home. 31426

~~(B) "Total income" means the adjusted gross income of the 31427  
owner and the owner's spouse for the year preceding the year in 31428  
which application for a reduction in taxes is made, as determined 31429  
under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 31430  
U.S.C.A. 1, as amended, adjusted as follows: 31431~~

~~(1) Subtract the amount of disability benefits included in 31432  
adjusted gross income but not to exceed five thousand two hundred 31433  
dollars: 31434~~

~~(2) Add old age and survivors benefits received pursuant to 31435  
the "Social Security Act" that are not included in adjusted gross 31436  
income: 31437~~

~~(3) Add retirement, pension, annuity, or other retirement 31438  
payments or benefits not included in adjusted gross income: 31439~~

~~(4) Add tier I and II railroad retirement benefits received 31440  
pursuant to the "Railroad Retirement Act," 50 Stat. 307, 45 U.S.C. 31441  
228: 31442~~

~~(5) Add interest on federal, state, and local government 31443  
obligations: 31444~~

~~(6) For a person who received the homestead exemption for a 31445  
prior year on the basis of being permanently and totally disabled 31446  
and whose current application for the exemption is made on the 31447  
basis of age, subtract the following amount: 31448~~

~~(a) If the person received disability benefits that were not 31449  
included in adjusted gross income in the year preceding the first 31450  
year in which the person applied for the exemption on the basis of 31451  
age, subtract an amount equal to the disability benefits the 31452  
person received in that preceding year, to the extent included in 31453~~

~~total income in the current year and not subtracted under division (B)(1) of this section in the current year;~~ 31454  
31455

~~(b) If the person received disability benefits that were included in adjusted gross income in the year preceding the first year in which the person applied for the exemption on the basis of age, subtract an amount equal to the amount of disability benefits that were subtracted pursuant to division (B)(1) of this section in that preceding year, to the extent included in total income in the current year and not subtracted under division (B)(1) of this section in the current year.~~ 31456  
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~~Disability benefits that are paid by the department of veterans affairs or a branch of the armed forces of the United States on account of an injury or disability shall not be included in total income.~~ 31464  
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~~(C) "Old age and survivors benefits received pursuant to the 'Social Security Act'" or "tier I railroad retirement benefits received pursuant to the 'Railroad Retirement Act'" means:~~ 31468  
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~~(1) The old age benefits payable under the social security or railroad retirement laws in effect on the last day of the calendar year preceding the year in which the applicant's application for reduction is first successfully made, or, if no such benefits are payable that year, old age benefits payable the first succeeding year in which old age benefits under the social security or railroad retirement laws are payable, except in those cases where a change in social security or railroad retirement benefits results in a reduction in income.~~ 31471  
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~~(2) The lesser of:~~ 31480

~~(a) Survivors benefits payable under the social security or railroad retirement laws in effect on the last day of the calendar year preceding the year in which the applicant's application for reduction is first successfully made, or, if no such benefits are~~ 31481  
31482  
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31484

~~payable that year, survivors benefits payable the first succeeding  
year in which survivors benefits are payable; or~~ 31485  
31486

~~(b) Old age benefits of the deceased spouse, as determined  
under division (C)(1) of this section, upon which the surviving  
spouse's survivors benefits are based under the social security or  
railroad retirement laws, except in those cases where a change in  
benefits would cause a reduction in income.~~ 31487  
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~~Survivors benefits are those described in division (C)(2)(b)  
of this section only if the deceased spouse received old age  
benefits in the year in which the deceased died. If the deceased  
spouse did not receive old age benefits in the year in which the  
deceased died, then survivors benefits are those described in  
division (C)(2)(a) of this section.~~ 31492  
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~~(D) "Permanently and totally disabled" means a person who, on  
the first day of January of the year of application, including  
late application, for reduction in the assessable value of a  
manufactured or mobile home, has some impairment in body or mind  
that makes the person unable to work at any substantially  
remunerative employment which the person is reasonably able to  
perform and which will, with reasonable probability, continue for  
an indefinite period of at least twelve months without any present  
indication of recovery therefrom or has been certified as  
permanently and totally disabled by a state or federal agency  
having the function of so classifying persons.~~ 31498  
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~~(E)(C) "Homestead exemption" means the reduction in taxes  
allowed under division (A) of section 323.152 of the Revised Code  
for the year in which an application is filed under section  
4503.066 of the Revised Code.~~ 31509  
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~~(F)(D) "Manufactured home" has the meaning given in division  
(C)(4) of section 3781.06 of the Revised Code, and includes a  
structure consisting of two manufactured homes that were purchased~~ 31513  
31514  
31515

either together or separately and are combined to form a single dwelling, but does not include a manufactured home that is taxed as real property pursuant to division (B) of section 4503.06 of the Revised Code.

~~(G)~~(E) "Mobile home" has the meaning given in division (O) of section 4501.01 of the Revised Code and includes a structure consisting of two mobile homes that were purchased together or separately and combined to form a single dwelling, but does not include a mobile home that is taxed as real property pursuant to division (B) of section 4503.06 of the Revised Code.

~~(H)~~(F) "Late application" means an application filed with an original application under division (A)(3) of section 4503.066 of the Revised Code.

**Sec. 4503.065.** (A) This section applies to any of the following:

- (1) An individual who is permanently and totally disabled;
- (2) An individual who is sixty-five years of age or older;
- (3) An individual who is the surviving spouse of a deceased person who was permanently and totally disabled or sixty-five years of age or older and who applied and qualified for a reduction in assessable value under this section in the year of death, provided the surviving spouse is at least fifty-nine but not sixty-five or more years of age on the date the deceased spouse dies.

(B)~~(1)~~ The manufactured home tax on a manufactured or mobile home that is paid pursuant to division (C) of section 4503.06 of the Revised Code and that is owned and occupied as a home by an individual whose domicile is in this state and to whom this section applies, shall be reduced for any tax year for which the owner obtains a certificate of reduction from the county auditor

under section 4503.067 of the Revised Code, provided the 31546  
individual did not acquire ownership from a person, other than the 31547  
individual's spouse, related by consanguinity or affinity for the 31548  
purpose of qualifying for the reduction ~~in assessable value~~. An 31549  
owner includes a settlor of a revocable inter vivos trust holding 31550  
the title to a manufactured or mobile home occupied by the settlor 31551  
as of right under the trust. The reduction shall equal the ~~amount~~ 31552  
~~obtained by multiplying the tax rate for the tax year for which~~ 31553  
~~the certificate is issued by the reduction in assessable value~~ 31554  
~~shown in the following schedule.~~ 31555

<del>Reduce Assessable Value</del>		31556
<del>Total Income</del>	<del>by the Lesser of:</del>	31557
	<del>Column A      Column B</del>	31558
<del>\$11,900 or less</del>	<del>\$5,000 or seventy five per cent</del>	31559
<del>More than \$11,900 but not more than \$17,500</del>	<del>\$3,000 or sixty per cent</del>	31560
<del>More than \$17,500 but not more than \$23,000</del>	<del>\$1,000 or twenty five per cent</del>	31561
<del>More than \$23,000</del>	<del>-0-</del>	31562

~~(2) Each calendar year, the tax commissioner shall adjust the 31563  
foregoing schedule by completing the following calculations in 31564  
September of each year:~~ 31565

~~(a) Determine the percentage increase in the gross domestic 31566  
product deflator determined by the bureau of economic analysis of 31567  
the United States department of commerce from the first day of 31568  
January of the preceding calendar year to the last day of December 31569  
of the preceding calendar year;~~ 31570

~~(b) Multiply that percentage increase by each of the total 31571  
income amounts, and by each dollar amount by which assessable 31572  
value is reduced, for the ensuing tax year;~~ 31573

~~(c) Add the resulting product to each of the total income 31574  
amounts, and to each of the dollar amounts by which assessable 31575~~

~~value is reduced, for the ensuing tax year;~~ 31576

~~(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;~~ 31577  
31578  
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~~(ii) If rounding the resulting sum to the nearest multiple of one hundred dollars under division (B)(2)(d)(i) of this section does not increase the dollar amounts by which assessable value is reduced, the resulting sum instead shall be rounded to the nearest multiple of ten dollars.~~ 31580  
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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:~~ 31585  
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~~(1) Twenty-five thousand dollars of the true value of the property in money;~~ 31595  
31596

~~(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;~~ 31597  
31598  
31599

~~(3) The effective tax rate on residential/agricultural real property, where "effective tax rate" is defined as in section 323.08 of the Revised Code, and where "residential/agricultural real property" is defined as in section 5713.041 of the Revised Code;~~ 31600  
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31602  
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~~(4) In the case of a manufactured or mobile home for which the tax is computed under division (C)(2) of section 4503.06 of~~ 31605  
31606



the Revised Code, the quantity equal to one minus the sum of the 31607  
percentage reductions in taxes allowed by section 319.302 of the 31608  
Revised Code and division (B) of section 323.152 of the Revised 31609  
Code. 31610

(C) If the owner or the spouse of the owner of a manufactured 31611  
or mobile home is eligible for a homestead exemption on the land 31612  
upon which the home is located, the reduction ~~in assessable value~~ 31613  
to which the owner or spouse is entitled under this section shall 31614  
not exceed the difference between the reduction ~~in assessable~~ 31615  
~~value~~ to which the owner or spouse is entitled under ~~column A of~~ 31616  
~~the above schedule~~ division (B) of this section and the amount of 31617  
the reduction ~~in taxable value that was used to compute~~ under the 31618  
homestead exemption. 31619

(D) No reduction shall be made ~~on the assessable value of~~ 31620  
with respect to the home of any person convicted of violating 31621  
division (C) or (D) of section 4503.066 of the Revised Code for a 31622  
period of three years following the conviction. 31623

**Sec. 4503.066.** (A)(1) To obtain a tax reduction ~~in the~~ 31624  
~~assessable value of a manufactured or mobile home~~ under section 31625  
4503.065 of the Revised Code, the owner of the home shall file an 31626  
application with the county auditor of the county in which the 31627  
home is located. An application for reduction in ~~assessable value~~ 31628  
taxes based upon a physical disability shall be accompanied by a 31629  
certificate signed by a physician, and an application for 31630  
reduction in ~~assessable value~~ taxes based upon a mental disability 31631  
shall be accompanied by a certificate signed by a physician or 31632  
psychologist licensed to practice in this state. The certificate 31633  
shall attest to the fact that the applicant is permanently and 31634  
totally disabled, shall be in a form that the department of 31635  
taxation requires, and shall include the definition of totally and 31636  
permanently disabled as set forth in section 4503.064 of the 31637

Revised Code. An application for reduction in ~~assessable value~~ taxes based upon a disability certified as permanent and total by a state or federal agency having the function of so classifying persons shall be accompanied by a certificate from that agency.

(2) Each application shall constitute a continuing application for a reduction in ~~assessable value~~ taxes for each year in which the manufactured or mobile home is occupied by the applicant ~~and in which the amount of the reduction in assessable value does not exceed either the amount or per cent of the reduction for the year in which the application was first filed.~~ Failure to receive a new application or notification under division (B) of this section after a certificate of reduction has been issued under section 4503.067 of the Revised Code is prima-facie evidence that the original applicant is entitled to the reduction ~~in assessable value~~ calculated on the basis of the information contained in the original application. The original application and any subsequent application shall be in the form of a signed statement and shall be filed not later than the first Monday in June. The statement shall be on a form, devised and supplied by the tax commissioner, that shall require no more information than is necessary to establish the applicant's eligibility for the reduction in ~~assessable value~~ taxes and the amount of the reduction to which the applicant is entitled. ~~The form shall contain a statement that signing such application constitutes a delegation of authority by the applicant to the county auditor to examine any financial records that relate to income earned by the applicant as stated on the application for the purpose of determining eligibility under, or possible violation of, division (C) or (D) of this section.~~ The form also shall contain a statement that conviction of willfully falsifying information to obtain a reduction in ~~assessable value~~ taxes or failing to comply with division (B) of this section shall result in the revocation of the right to the reduction for a period of

three years. 31671

(3) A late application for a reduction in ~~assessable value~~ 31672  
taxes for the year preceding the year for which an original 31673  
application is filed may be filed with an original application. If 31674  
the auditor determines that the information contained in the late 31675  
application is correct, the auditor shall determine both the 31676  
amount of the reduction in ~~assessable value~~ taxes to which the 31677  
applicant would have been entitled for the current tax year had 31678  
the application been timely filed and approved in the preceding 31679  
year, and the amount the taxes levied under section 4503.06 of the 31680  
Revised Code for the current year would have been reduced as a 31681  
result of the reduction in ~~assessable value~~. When an applicant is 31682  
permanently and totally disabled on the first day of January of 31683  
the year in which the applicant files a late application, the 31684  
auditor, in making the determination of the amounts of the 31685  
reduction in ~~assessable value~~ and taxes under division (A)(3) of 31686  
this section, is not required to determine that the applicant was 31687  
permanently and totally disabled on the first day of January of 31688  
the preceding year. 31689

The amount of the reduction in taxes pursuant to a late 31690  
application shall be treated as an overpayment of taxes by the 31691  
applicant. The auditor shall credit the amount of the overpayment 31692  
against the amount of the taxes or penalties then due from the 31693  
applicant, and, at the next succeeding settlement, the amount of 31694  
the credit shall be deducted from the amount of any taxes or 31695  
penalties distributable to the county or any taxing unit in the 31696  
county that has received the benefit of the taxes or penalties 31697  
previously overpaid, in proportion to the benefits previously 31698  
received. If, after the credit has been made, there remains a 31699  
balance of the overpayment, or if there are no taxes or penalties 31700  
due from the applicant, the auditor shall refund that balance to 31701  
the applicant by a warrant drawn on the county treasurer in favor 31702

of the applicant. The treasurer shall pay the warrant from the 31703  
general fund of the county. If there is insufficient money in the 31704  
general fund to make the payment, the treasurer shall pay the 31705  
warrant out of any undivided manufactured or mobile home taxes 31706  
subsequently received by the treasurer for distribution to the 31707  
county or taxing district in the county that received the benefit 31708  
of the overpaid taxes, in proportion to the benefits previously 31709  
received, and the amount paid from the undivided funds shall be 31710  
deducted from the money otherwise distributable to the county or 31711  
taxing district in the county at the next or any succeeding 31712  
distribution. At the next or any succeeding distribution after 31713  
making the refund, the treasurer shall reimburse the general fund 31714  
for any payment made from that fund by deducting the amount of 31715  
that payment from the money distributable to the county or other 31716  
taxing unit in the county that has received the benefit of the 31717  
taxes, in proportion to the benefits previously received. On the 31718  
second Monday in September of each year, the county auditor shall 31719  
certify the total amount of the reductions in taxes made in the 31720  
current year under division (A)(3) of this section to the tax 31721  
commissioner who shall treat that amount as a reduction in taxes 31722  
for the current tax year and shall make reimbursement to the 31723  
county of that amount in the manner prescribed in section 4503.068 31724  
of the Revised Code, from moneys appropriated for that purpose. 31725

(B) If in any year after an application has been filed under 31726  
division (A) of this section the owner no longer qualifies for the 31727  
reduction in ~~assessable value~~ taxes for which the owner was issued 31728  
a certificate ~~or qualifies for a reduction that is less than~~ 31729  
~~either the per cent or amount of the reduction to which the owner~~ 31730  
~~was entitled in the year the application was filed,~~ the owner 31731  
shall notify the county auditor that the owner is not qualified 31732  
for a reduction in ~~the assessable value of the home or file a new~~ 31733  
~~application under division (A) of this section~~ taxes. 31734

During January of each year, the county auditor shall furnish 31735  
each person issued a certificate of reduction ~~in value~~, by 31736  
ordinary mail, a form on which to report any ~~changes in total~~ 31737  
~~income that would have the effect of increasing or decreasing the~~ 31738  
~~reduction to which the person is entitled~~, changes in ownership of 31739  
the home, including changes in or revocation of a revocable inter 31740  
vivos trust, changes in disability, and other changes in the 31741  
information earlier furnished the auditor relative to the 31742  
application. ~~The form shall be completed and returned to the~~ 31743  
~~auditor not later than the first Monday in June if the changes~~ 31744  
~~would affect the level of reduction in assessable value.~~ 31745

(C) No person shall knowingly make a false statement for the 31746  
purpose of obtaining a reduction in ~~assessable value~~ taxes under 31747  
section 4503.065 of the Revised Code. 31748

(D) No person shall knowingly fail to notify the county 31749  
auditor of any change required by division (B) of this section 31750  
that has the effect of maintaining or securing a reduction in 31751  
~~assessable value of the home in excess of the reduction allowed~~ 31752  
taxes under section 4503.065 of the Revised Code. 31753

(E) No person shall knowingly make a false statement or 31754  
certification attesting to any person's physical or mental 31755  
condition for purposes of qualifying such person for tax relief 31756  
pursuant to sections 4503.064 to 4503.069 of the Revised Code. 31757

(F) Whoever violates division (C), (D), or (E) of this 31758  
section is guilty of a misdemeanor of the fourth degree. 31759

**Sec. 4503.067.** (A) At the same time the tax bill for the 31760  
first half of the tax year is issued, the county auditor shall 31761  
issue a certificate of reduction in ~~assessable value of~~ taxes for 31762  
a manufactured or mobile home in triplicate for each person who 31763  
has complied with section 4503.066 of the Revised Code and been 31764  
found by the auditor to be entitled to a reduction ~~of assessable~~ 31765

value in taxes for the succeeding tax year. The certificate shall 31766  
set forth the ~~assessable value of the home~~ calculated under 31767  
~~section 4503.06 of the Revised Code~~ and the amount of the 31768  
reduction in ~~assessable value of the home~~ taxes calculated under 31769  
section 4503.065 of the Revised Code. Upon issuance of the 31770  
certificate, the auditor shall reduce the ~~assessable value of~~ 31771  
manufactured home tax levied on the home for the succeeding tax 31772  
year by the required amount and forward the original and one copy 31773  
of the certificate to the county treasurer. The auditor shall 31774  
retain one copy of the certificate. The treasurer shall retain the 31775  
original certificate and forward the remaining copy to the 31776  
recipient with the tax bill delivered pursuant to division (D)(6) 31777  
of section 4503.06 of the Revised Code. 31778

(B) If the application or a continuing application is not 31779  
approved, the auditor shall notify the applicant of the reasons 31780  
for denial no later than the first Monday in October. If a person 31781  
believes that the person's application for reduction in ~~assessable~~ 31782  
~~value of a home~~ taxes has been improperly denied or is for less 31783  
than that to which the person is entitled, the person may file an 31784  
appeal with the county board of revision no later than the 31785  
thirty-first day of January of the following calendar year. The 31786  
appeal shall be treated in the same manner as a complaint relating 31787  
to the valuation or assessment of real property under Chapter 31788  
5715. of the Revised Code. 31789

**Sec. 4503.10.** (A) The owner of every snowmobile, off-highway 31790  
motorcycle, and all-purpose vehicle required to be registered 31791  
under section 4519.02 of the Revised Code shall file an 31792  
application for registration under section 4519.03 of the Revised 31793  
Code. The owner of a motor vehicle, other than a snowmobile, 31794  
off-highway motorcycle, or all-purpose vehicle, that is not 31795  
designed and constructed by the manufacturer for operation on a 31796  
street or highway may not register it under this chapter except 31797

upon certification of inspection pursuant to section 4513.02 of 31798  
the Revised Code by the sheriff, or the chief of police of the 31799  
municipal corporation or township, with jurisdiction over the 31800  
political subdivision in which the owner of the motor vehicle 31801  
resides. Except as provided in section 4503.103 of the Revised 31802  
Code, every owner of every other motor vehicle not previously 31803  
described in this section and every person mentioned as owner in 31804  
the last certificate of title of a motor vehicle that is operated 31805  
or driven upon the public roads or highways shall cause to be 31806  
filed each year, by mail or otherwise, in the office of the 31807  
registrar of motor vehicles or a deputy registrar, a written or 31808  
electronic application or a preprinted registration renewal notice 31809  
issued under section 4503.102 of the Revised Code, the form of 31810  
which shall be prescribed by the registrar, for registration for 31811  
the following registration year, which shall begin on the first 31812  
day of January of every calendar year and end on the thirty-first 31813  
day of December in the same year. Applications for registration 31814  
and registration renewal notices shall be filed at the times 31815  
established by the registrar pursuant to section 4503.101 of the 31816  
Revised Code. A motor vehicle owner also may elect to apply for or 31817  
renew a motor vehicle registration by electronic means using 31818  
electronic signature in accordance with rules adopted by the 31819  
registrar. Except as provided in division (J) of this section, 31820  
applications for registration shall be made on blanks furnished by 31821  
the registrar for that purpose, containing the following 31822  
information: 31823

(1) A brief description of the motor vehicle to be 31824  
registered, including the year, make, model, and vehicle 31825  
identification number, and, in the case of commercial cars, the 31826  
gross weight of the vehicle fully equipped computed in the manner 31827  
prescribed in section 4503.08 of the Revised Code; 31828

(2) The name and residence address of the owner, and the 31829

township and municipal corporation in which the owner resides; 31830

(3) The district of registration, which shall be determined 31831  
as follows: 31832

(a) In case the motor vehicle to be registered is used for 31833  
hire or principally in connection with any established business or 31834  
branch business, conducted at a particular place, the district of 31835  
registration is the municipal corporation in which that place is 31836  
located or, if not located in any municipal corporation, the 31837  
county and township in which that place is located. 31838

(b) In case the vehicle is not so used, the district of 31839  
registration is the municipal corporation or county in which the 31840  
owner resides at the time of making the application. 31841

(4) Whether the motor vehicle is a new or used motor vehicle; 31842

(5) The date of purchase of the motor vehicle; 31843

(6) Whether the fees required to be paid for the registration 31844  
or transfer of the motor vehicle, during the preceding 31845  
registration year and during the preceding period of the current 31846  
registration year, have been paid. Each application for 31847  
registration shall be signed by the owner, either manually or by 31848  
electronic signature, or pursuant to obtaining a limited power of 31849  
attorney authorized by the registrar for registration, or other 31850  
document authorizing such signature. If the owner elects to apply 31851  
for or renew the motor vehicle registration with the registrar by 31852  
electronic means, the owner's manual signature is not required. 31853

(7) The owner's social security number, if assigned, or, 31854  
where a motor vehicle to be registered is used for hire or 31855  
principally in connection with any established business, the 31856  
owner's federal taxpayer identification number. The bureau of 31857  
motor vehicles shall retain in its records all social security 31858  
numbers provided under this section, but the bureau shall not 31859  
place social security numbers on motor vehicle certificates of 31860



registration. 31861

(B) Except as otherwise provided in this division, each time 31862  
an applicant first registers a motor vehicle in the applicant's 31863  
name, the applicant shall present for inspection a physical 31864  
certificate of title or memorandum certificate showing title to 31865  
the motor vehicle to be registered in the name of the applicant if 31866  
a physical certificate of title or memorandum certificate has been 31867  
issued by a clerk of a court of common pleas. If, under sections 31868  
4505.021, 4505.06, and 4505.08 of the Revised Code, a clerk 31869  
instead has issued an electronic certificate of title for the 31870  
applicant's motor vehicle, that certificate may be presented for 31871  
inspection at the time of first registration in a manner 31872  
prescribed by rules adopted by the registrar. An applicant is not 31873  
required to present a certificate of title to an electronic motor 31874  
vehicle dealer acting as a limited authority deputy registrar in 31875  
accordance with rules adopted by the registrar. When a motor 31876  
vehicle inspection and maintenance program is in effect under 31877  
section 3704.14 of the Revised Code and rules adopted under it, 31878  
each application for registration for a vehicle required to be 31879  
inspected under that section and those rules shall be accompanied 31880  
by an inspection certificate for the motor vehicle issued in 31881  
accordance with that section. The application shall be refused if 31882  
any of the following applies: 31883

(1) The application is not in proper form. 31884

(2) The application is prohibited from being accepted by 31885  
division (D) of section 2935.27, division (A) of section 2937.221, 31886  
division (A) of section 4503.13, division (B) of section 4510.22, 31887  
or division (B)(1) of section 4521.10 of the Revised Code. 31888

(3) A certificate of title or memorandum certificate of title 31889  
is required but does not accompany the application or, in the case 31890  
of an electronic certificate of title, is required but is not 31891  
presented in a manner prescribed by the registrar's rules. 31892

(4) All registration and transfer fees for the motor vehicle, 31893  
for the preceding year or the preceding period of the current 31894  
registration year, have not been paid. 31895

(5) The owner or lessee does not have an inspection 31896  
certificate for the motor vehicle as provided in section 3704.14 31897  
of the Revised Code, and rules adopted under it, if that section 31898  
is applicable. 31899

This section does not require the payment of license or 31900  
registration taxes on a motor vehicle for any preceding year, or 31901  
for any preceding period of a year, if the motor vehicle was not 31902  
taxable for that preceding year or period under sections 4503.02, 31903  
4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the 31904  
Revised Code. When a certificate of registration is issued upon 31905  
the first registration of a motor vehicle by or on behalf of the 31906  
owner, the official issuing the certificate shall indicate the 31907  
issuance with a stamp on the certificate of title or memorandum 31908  
certificate or, in the case of an electronic certificate of title, 31909  
an electronic stamp or other notation as specified in rules 31910  
adopted by the registrar, and with a stamp on the inspection 31911  
certificate for the motor vehicle, if any. The official also shall 31912  
indicate, by a stamp or by other means the registrar prescribes, 31913  
on the registration certificate issued upon the first registration 31914  
of a motor vehicle by or on behalf of the owner the odometer 31915  
reading of the motor vehicle as shown in the odometer statement 31916  
included in or attached to the certificate of title. Upon each 31917  
subsequent registration of the motor vehicle by or on behalf of 31918  
the same owner, the official also shall so indicate the odometer 31919  
reading of the motor vehicle as shown on the immediately preceding 31920  
certificate of registration. 31921

The registrar shall include in the permanent registration 31922  
record of any vehicle required to be inspected under section 31923  
3704.14 of the Revised Code the inspection certificate number from 31924

the inspection certificate that is presented at the time of 31925  
registration of the vehicle as required under this division. 31926

(C)(1) Commencing with each registration renewal with an 31927  
expiration date on or after October 1, 2003, and for each initial 31928  
application for registration received on and after that date, the 31929  
registrar and each deputy registrar shall collect an additional 31930  
fee of eleven dollars for each application for registration and 31931  
registration renewal received. The additional fee is for the 31932  
purpose of defraying the department of public safety's costs 31933  
associated with the administration and enforcement of the motor 31934  
vehicle and traffic laws of Ohio. Each deputy registrar shall 31935  
transmit the fees collected under division (C)(1) of this section 31936  
in the time and manner provided in this section. The registrar 31937  
shall deposit all moneys received under division (C)(1) of this 31938  
section into the state highway safety fund established in section 31939  
4501.06 of the Revised Code. 31940

(2) In addition, a charge of twenty-five cents shall be made 31941  
for each reflectorized safety license plate issued, and a single 31942  
charge of twenty-five cents shall be made for each county 31943  
identification sticker or each set of county identification 31944  
stickers issued, as the case may be, to cover the cost of 31945  
producing the license plates and stickers, including material, 31946  
manufacturing, and administrative costs. Those fees shall be in 31947  
addition to the license tax. If the total cost of producing the 31948  
plates is less than twenty-five cents per plate, or if the total 31949  
cost of producing the stickers is less than twenty-five cents per 31950  
sticker or per set issued, any excess moneys accruing from the 31951  
fees shall be distributed in the same manner as provided by 31952  
section 4501.04 of the Revised Code for the distribution of 31953  
license tax moneys. If the total cost of producing the plates 31954  
exceeds twenty-five cents per plate, or if the total cost of 31955  
producing the stickers exceeds twenty-five cents per sticker or 31956

per set issued, the difference shall be paid from the license tax 31957  
moneys collected pursuant to section 4503.02 of the Revised Code. 31958

(D) Each deputy registrar shall be allowed a fee of two 31959  
dollars and seventy-five cents commencing on July 1, 2001, three 31960  
dollars and twenty-five cents commencing on January 1, 2003, and 31961  
three dollars and fifty cents commencing on January 1, 2004, for 31962  
each application for registration and registration renewal notice 31963  
the deputy registrar receives, which shall be for the purpose of 31964  
compensating the deputy registrar for the deputy registrar's 31965  
services, and such office and rental expenses, as may be necessary 31966  
for the proper discharge of the deputy registrar's duties in the 31967  
receiving of applications and renewal notices and the issuing of 31968  
registrations. 31969

(E) Upon the certification of the registrar, the county 31970  
sheriff or local police officials shall recover license plates 31971  
erroneously or fraudulently issued. 31972

(F) Each deputy registrar, upon receipt of any application 31973  
for registration or registration renewal notice, together with the 31974  
license fee and any local motor vehicle license tax levied 31975  
pursuant to Chapter 4504. of the Revised Code, shall transmit that 31976  
fee and tax, if any, in the manner provided in this section, 31977  
together with the original and duplicate copy of the application, 31978  
to the registrar. The registrar, subject to the approval of the 31979  
director of public safety, may deposit the funds collected by 31980  
those deputies in a local bank or depository to the credit of the 31981  
"state of Ohio, bureau of motor vehicles." Where a local bank or 31982  
depository has been designated by the registrar, each deputy 31983  
registrar shall deposit all moneys collected by the deputy 31984  
registrar into that bank or depository not more than one business 31985  
day after their collection and shall make reports to the registrar 31986  
of the amounts so deposited, together with any other information, 31987  
some of which may be prescribed by the treasurer of state, as the 31988

registrar may require and as prescribed by the registrar by rule. 31989  
The registrar, within three days after receipt of notification of 31990  
the deposit of funds by a deputy registrar in a local bank or 31991  
depository, shall draw on that account in favor of the treasurer 31992  
of state. The registrar, subject to the approval of the director 31993  
and the treasurer of state, may make reasonable rules necessary 31994  
for the prompt transmittal of fees and for safeguarding the 31995  
interests of the state and of counties, townships, municipal 31996  
corporations, and transportation improvement districts levying 31997  
local motor vehicle license taxes. The registrar may pay service 31998  
charges usually collected by banks and depositories for such 31999  
service. If deputy registrars are located in communities where 32000  
banking facilities are not available, they shall transmit the fees 32001  
forthwith, by money order or otherwise, as the registrar, by rule 32002  
approved by the director and the treasurer of state, may 32003  
prescribe. The registrar may pay the usual and customary fees for 32004  
such service. 32005

(G) This section does not prevent any person from making an 32006  
application for a motor vehicle license directly to the registrar 32007  
by mail, by electronic means, or in person at any of the 32008  
registrar's offices, upon payment of a service fee of two dollars 32009  
and seventy-five cents commencing on July 1, 2001, three dollars 32010  
and twenty-five cents commencing on January 1, 2003, and three 32011  
dollars and fifty cents commencing on January 1, 2004, for each 32012  
application. 32013

(H) No person shall make a false statement as to the district 32014  
of registration in an application required by division (A) of this 32015  
section. Violation of this division is falsification under section 32016  
2921.13 of the Revised Code and punishable as specified in that 32017  
section. 32018

(I)(1) Where applicable, the requirements of division (B) of 32019  
this section relating to the presentation of an inspection 32020

certificate issued under section 3704.14 of the Revised Code and 32021  
rules adopted under it for a motor vehicle, the refusal of a 32022  
license for failure to present an inspection certificate, and the 32023  
stamping of the inspection certificate by the official issuing the 32024  
certificate of registration apply to the registration of and 32025  
issuance of license plates for a motor vehicle under sections 32026  
4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 32027  
4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 32028  
4503.47, and 4503.51 of the Revised Code. 32029

(2)(a) The registrar shall adopt rules ensuring that each 32030  
owner registering a motor vehicle in a county where a motor 32031  
vehicle inspection and maintenance program is in effect under 32032  
section 3704.14 of the Revised Code and rules adopted under it 32033  
receives information about the requirements established in that 32034  
section and those rules and about the need in those counties to 32035  
present an inspection certificate with an application for 32036  
registration or preregistration. 32037

(b) Upon request, the registrar shall provide the director of 32038  
environmental protection, or any person that has been awarded a 32039  
contract under ~~division (D)~~ of section 3704.14 of the Revised 32040  
Code, an on-line computer data link to registration information 32041  
for all passenger cars, noncommercial motor vehicles, and 32042  
commercial cars that are subject to that section. The registrar 32043  
also shall provide to the director of environmental protection a 32044  
magnetic data tape containing registration information regarding 32045  
passenger cars, noncommercial motor vehicles, and commercial cars 32046  
for which a multi-year registration is in effect under section 32047  
4503.103 of the Revised Code or rules adopted under it, including, 32048  
without limitation, the date of issuance of the multi-year 32049  
registration, the registration deadline established under rules 32050  
adopted under section 4503.101 of the Revised Code that was 32051  
applicable in the year in which the multi-year registration was 32052

issued, and the registration deadline for renewal of the 32053  
multi-year registration. 32054

(J) Application for registration under the international 32055  
registration plan, as set forth in sections 4503.60 to 4503.66 of 32056  
the Revised Code, shall be made to the registrar on forms 32057  
furnished by the registrar. In accordance with international 32058  
registration plan guidelines and pursuant to rules adopted by the 32059  
registrar, the forms shall include the following: 32060

(1) A uniform mileage schedule; 32061

(2) The gross vehicle weight of the vehicle or combined gross 32062  
vehicle weight of the combination vehicle as declared by the 32063  
registrant; 32064

(3) Any other information the registrar requires by rule. 32065

**Sec. 4503.102.** (A) The registrar of motor vehicles shall 32066  
adopt rules to establish a centralized system of motor vehicle 32067  
registration renewal by mail or by electronic means. Any person 32068  
owning a motor vehicle that was registered in the person's name 32069  
during the preceding registration year shall renew the 32070  
registration of the motor vehicle not more than ninety days prior 32071  
to the expiration date of the registration either by mail or by 32072  
electronic means through the centralized system of registration 32073  
established under this section, or in person at any office of the 32074  
registrar or at a deputy registrar's office. 32075

(B)(1) No less than forty-five days prior to the expiration 32076  
date of any motor vehicle registration, the registrar shall mail a 32077  
renewal notice to the person in whose name the motor vehicle is 32078  
registered. The renewal notice shall clearly state that the 32079  
registration of the motor vehicle may be renewed by mail or 32080  
electronic means through the centralized system of registration or 32081  
in person at any office of the registrar or at a deputy 32082

registrar's office and shall be preprinted with information 32083  
including, but not limited to, the owner's name and residence 32084  
address as shown in the records of the bureau of motor vehicles, a 32085  
brief description of the motor vehicle to be registered, notice of 32086  
the license taxes and fees due on the motor vehicle, the toll-free 32087  
telephone number of the registrar as required under division 32088  
(D)(1) of section 4503.031 of the Revised Code, and any additional 32089  
information the registrar may require by rule. The renewal notice 32090  
shall be sent by regular mail to the owner's last known address as 32091  
shown in the records of the bureau of motor vehicles. 32092

(2) If the application for renewal of the registration of a 32093  
motor vehicle is prohibited from being accepted by the registrar 32094  
or a deputy registrar by division (D) of section 2935.27, division 32095  
(A) of section 2937.221, division (A) of section 4503.13, division 32096  
(B) of section 4510.22, or division (B)(1) of section 4521.10 of 32097  
the Revised Code, the registrar is not required to send a renewal 32098  
notice to the vehicle owner or vehicle lessee. 32099

(C) The owner of the motor vehicle shall verify the 32100  
information contained in the notice, sign it either manually or by 32101  
electronic means, and return it, either by mail or electronic 32102  
means, or the owner may take it in person to any office of the 32103  
registrar or of a deputy registrar, together with a financial 32104  
transaction device number, when permitted by rule of the 32105  
registrar, check, or money order in the amount of the registration 32106  
taxes and fees payable on the motor vehicle and a mail fee of two 32107  
dollars and seventy-five cents commencing on July 1, 2001, three 32108  
dollars and twenty-five cents commencing on January 1, 2003, and 32109  
three dollars and fifty cents commencing on January 1, 2004, plus 32110  
postage as indicated on the notice, if the registration is renewed 32111  
by mail, and an inspection certificate for the motor vehicle as 32112  
provided in section 3704.14 of the Revised Code. If the motor 32113  
vehicle owner chooses to renew the motor vehicle registration by 32114



electronic means, the owner shall proceed in accordance with the 32115  
rules the registrar adopts. 32116

(D) If all registration and transfer fees for the motor 32117  
vehicle for the preceding year or the preceding period of the 32118  
current registration year have not been paid, if division (D) of 32119  
section 2935.27, division (A) of section 2937.221, division (A) of 32120  
section 4503.13, division (B) of section 4510.22, or division 32121  
(B)(1) of section 4521.10 of the Revised Code prohibits acceptance 32122  
of the renewal notice, or if the owner or lessee does not have an 32123  
inspection certificate for the motor vehicle as provided in 32124  
section 3704.14 of the Revised Code, if that section is 32125  
applicable, the license shall be refused, and the registrar or 32126  
deputy registrar shall so notify the owner. This section does not 32127  
require the payment of license or registration taxes on a motor 32128  
vehicle for any preceding year, or for any preceding period of a 32129  
year, if the motor vehicle was not taxable for that preceding year 32130  
or period under section 4503.02, 4503.04, 4503.11, 4503.12, or 32131  
4503.16 or Chapter 4504. of the Revised Code. 32132

(E)(1) Failure to receive a renewal notice does not relieve a 32133  
motor vehicle owner from the responsibility to renew the 32134  
registration for the motor vehicle. Any person who has a motor 32135  
vehicle registered in this state and who does not receive a 32136  
renewal notice as provided in division (B) of this section prior 32137  
to the expiration date of the registration shall request an 32138  
application for registration from the registrar or a deputy 32139  
registrar and sign the application manually or by electronic means 32140  
and submit the application and pay any applicable license taxes 32141  
and fees to the registrar or deputy registrar. 32142

(2) If the owner of a motor vehicle submits an application 32143  
for registration and the registrar is prohibited by division (D) 32144  
of section 2935.27, division (A) of section 2937.221, division (A) 32145  
of section 4503.13, division (B) of section 4510.22, or division 32146

(B)(1) of section 4521.10 of the Revised Code from accepting the application, the registrar shall return the application and the payment to the owner. If the owner of a motor vehicle submits a registration renewal application to the registrar by electronic means and the registrar is prohibited from accepting the application as provided in this division, the registrar shall notify the owner of this fact and deny the application and return the payment or give a credit on the financial transaction device account of the owner in the manner the registrar prescribes by rule adopted pursuant to division (A) of this section.

(F) Every deputy registrar shall post in a prominent place at the deputy's office a notice informing the public of the mail registration system required by this section and also shall post a notice that every owner of a motor vehicle and every chauffeur holding a certificate of registration is required to notify the registrar in writing of any change of residence within ten days after the change occurs. The notice shall be in such form as the registrar prescribes by rule.

(G) The two dollars and seventy-five cents fee collected from July 1, 2001, through December 31, 2002, the three dollars and twenty-five cents fee collected from January 1, 2003, through December 31, 2003, and the three dollars and fifty cents fee collected after January 1, 2004, plus postage and any financial transaction device surcharge collected by the registrar for registration by mail, shall be paid to the credit of the state bureau of motor vehicles fund established by section 4501.25 of the Revised Code.

(H)(1) Pursuant to section 113.40 of the Revised Code, the registrar may implement a program permitting payment of motor vehicle registration taxes and fees, driver's license and commercial driver's license fees, and any other taxes, fees, penalties, or charges imposed or levied by the state by means of a

financial transaction device. The registrar may adopt rules as 32179  
necessary for this purpose. 32180

(2) Not later than December 31, 2007, the registrar shall 32181  
adopt rules to implement a program permitting payment in person at 32182  
the office of a deputy registrar of all motor vehicle registration 32183  
taxes and fees, driver's licenses and commercial driver's license 32184  
fees, and any other taxes, fees, penalties, or charges imposed or 32185  
levied by the state by means of a financial transaction device. A 32186  
deputy registrar may choose, but in no case shall be required, to 32187  
participate in this program. 32188

(I) For persons who reside in counties where tailpipe 32189  
emissions inspections are required under the motor vehicle 32190  
inspection and maintenance program, the notice required by 32191  
division (B) of this section shall also include the toll-free 32192  
telephone number maintained by the Ohio environmental protection 32193  
agency to provide information concerning the locations of 32194  
emissions testing centers. 32195

**Sec. 4503.35.** (A) The motor vehicles furnished by the state 32196  
for use by the elective state officials, and motor vehicles owned 32197  
and operated by political subdivisions of the state, are exempt 32198  
from section 4503.23 of the Revised Code. 32199

(B) The ~~motor~~ following vehicles are exempt from section 32200  
4503.23 of the Revised Code: 32201

(1) Motor vehicles operated by troopers of the state highway 32202  
patrol, ~~and motor;~~ 32203

(2) Motor vehicles operated by or on behalf of any person 32204  
whose responsibilities include involvement in authorized civil or 32205  
criminal investigations requiring that the presence and identity 32206  
of the vehicle occupants be undisclosed, ~~are exempt from section~~ 32207  
~~4503.23 of the Revised Code;~~ 32208

(3) Motor vehicles used to assist crime victims when a state agency determines that the situation warrants it. 32209  
32210

**Sec. 4505.06.** (A)(1) Application for a certificate of title shall be made in 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. Any payments required by this chapter shall be considered as accompanying any electronically transmitted application when payment actually is received by the clerk. Payment of any fee or taxes may be made by electronic transfer of funds. 32211  
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(2) The application for a certificate of title shall be accompanied by the fee prescribed in section 4505.09 of the Revised Code. The fee shall be retained by the clerk who issues the certificate of title and shall be distributed in accordance with that section. If a clerk of a court of common pleas, other than the clerk of the court of common pleas of an applicant's county of residence, issues a certificate of title to the applicant, the clerk shall transmit data related to the transaction to the automated title processing system. 32223  
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(3) If a certificate of title previously has been issued for a motor vehicle in this state, the application for a certificate of title also shall be accompanied by that certificate of title duly assigned, unless otherwise provided in this chapter. If a certificate of title previously has not been issued for the motor vehicle in this state, the application, unless otherwise provided in this chapter, shall be accompanied by a manufacturer's or importer's certificate or by a certificate of title of another 32232  
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state from which the motor vehicle was brought into this state. If 32240  
the application refers to a motor vehicle last previously 32241  
registered in another state, the application also shall be 32242  
accompanied by the physical inspection certificate required by 32243  
section 4505.061 of the Revised Code. If the application is made 32244  
by two persons regarding a motor vehicle in which they wish to 32245  
establish joint ownership with right of survivorship, they may do 32246  
so as provided in section 2131.12 of the Revised Code. If the 32247  
applicant requests a designation of the motor vehicle in 32248  
beneficiary form so that upon the death of the owner of the motor 32249  
vehicle, ownership of the motor vehicle will pass to a designated 32250  
transfer-on-death beneficiary or beneficiaries, the applicant may 32251  
do so as provided in section 2131.13 of the Revised Code. A person 32252  
who establishes ownership of a motor vehicle that is transferable 32253  
on death in accordance with section 2131.13 of the Revised Code 32254  
may terminate that type of ownership or change the designation of 32255  
the transfer-on-death beneficiary or beneficiaries by applying for 32256  
a certificate of title pursuant to this section. The clerk shall 32257  
retain the evidence of title presented by the applicant and on 32258  
which the certificate of title is issued, except that, if an 32259  
application for a certificate of title is filed electronically by 32260  
an electronic motor vehicle dealer on behalf of the purchaser of a 32261  
motor vehicle, the clerk shall retain the completed electronic 32262  
record to which the dealer converted the certificate of title 32263  
application and other required documents. The registrar, after 32264  
consultation with the attorney general, shall adopt rules that 32265  
govern the location at which, and the manner in which, are stored 32266  
the actual application and all other documents relating to the 32267  
sale of a motor vehicle when an electronic motor vehicle dealer 32268  
files the application for a certificate of title electronically on 32269  
behalf of the purchaser. 32270

The clerk shall use reasonable diligence in ascertaining 32271  
whether or not the facts in the application for a certificate of 32272

title are true by checking the application and documents 32273  
accompanying it or the electronic record to which a dealer 32274  
converted the application and accompanying documents with the 32275  
records of motor vehicles in the clerk's office. If the clerk is 32276  
satisfied that the applicant is the owner of the motor vehicle and 32277  
that the application is in the proper form, the clerk, within five 32278  
business days after the application is filed and except as 32279  
provided in section 4505.021 of the Revised Code, shall issue a 32280  
physical certificate of title over the clerk's signature and 32281  
sealed with the clerk's seal, unless the applicant specifically 32282  
requests the clerk not to issue a physical certificate of title 32283  
and instead to issue an electronic certificate of title. For 32284  
purposes of the transfer of a certificate of title, if the clerk 32285  
is satisfied that the secured party has duly discharged a lien 32286  
notation but has not canceled the lien notation with a clerk, the 32287  
clerk may cancel the lien notation on the automated title 32288  
processing system and notify the clerk of the county of origin. 32289

(4) In the case of the sale of a motor vehicle to a general 32290  
buyer or user by a dealer, by a motor vehicle leasing dealer 32291  
selling the motor vehicle to the lessee or, in a case in which the 32292  
leasing dealer subleased the motor vehicle, the sublessee, at the 32293  
end of the lease agreement or sublease agreement, or by a 32294  
manufactured home broker, the certificate of title shall be 32295  
obtained in the name of the buyer by the dealer, leasing dealer, 32296  
or manufactured home broker, as the case may be, upon application 32297  
signed by the buyer. The certificate of title shall be issued, or 32298  
the process of entering the certificate of title application 32299  
information into the automated title processing system if a 32300  
physical certificate of title is not to be issued shall be 32301  
completed, within five business days after the application for 32302  
title is filed with the clerk. If the buyer of the motor vehicle 32303  
previously leased the motor vehicle and is buying the motor 32304  
vehicle at the end of the lease pursuant to that lease, the 32305

certificate of title shall be obtained in the name of the buyer by 32306  
the motor vehicle leasing dealer who previously leased the motor 32307  
vehicle to the buyer or by the motor vehicle leasing dealer who 32308  
subleased the motor vehicle to the buyer under a sublease 32309  
agreement. 32310

In all other cases, except as provided in section 4505.032 32311  
and division (D)(2) of section 4505.11 of the Revised Code, such 32312  
certificates shall be obtained by the buyer. 32313

(5)(a)(i) If the certificate of title is being obtained in 32314  
the name of the buyer by a motor vehicle dealer or motor vehicle 32315  
leasing dealer and there is a security interest to be noted on the 32316  
certificate of title, the dealer or leasing dealer shall submit 32317  
the application for the certificate of title and payment of the 32318  
applicable tax to a clerk within seven business days after the 32319  
later of the delivery of the motor vehicle to the buyer or the 32320  
date the dealer or leasing dealer obtains the manufacturer's or 32321  
importer's certificate, or certificate of title issued in the name 32322  
of the dealer or leasing dealer, for the motor vehicle. Submission 32323  
of the application for the certificate of title and payment of the 32324  
applicable tax within the required seven business days may be 32325  
indicated by postmark or receipt by a clerk within that period. 32326

(ii) Upon receipt of the certificate of title with the 32327  
security interest noted on its face, the dealer or leasing dealer 32328  
shall forward the certificate of title to the secured party at the 32329  
location noted in the financing documents or otherwise specified 32330  
by the secured party. 32331

(iii) A motor vehicle dealer or motor vehicle leasing dealer 32332  
is liable to a secured party for a late fee of ten dollars per day 32333  
for each certificate of title application and payment of the 32334  
applicable tax that is submitted to a clerk more than seven 32335  
business days but less than twenty-one days after the later of the 32336  
delivery of the motor vehicle to the buyer or the date the dealer 32337

or leasing dealer obtains the manufacturer's or importer's 32338  
certificate, or certificate of title issued in the name of the 32339  
dealer or leasing dealer, for the motor vehicle and, from then on, 32340  
twenty-five dollars per day until the application and applicable 32341  
tax are submitted to a clerk. 32342

(b) In all cases of transfer of a motor vehicle, the 32343  
application for certificate of title shall be filed within thirty 32344  
days after the assignment or delivery of the motor vehicle. If an 32345  
application for a certificate of title is not filed within the 32346  
period specified in division (A)(5)(b) of this section, the clerk 32347  
shall collect a fee of five dollars for the issuance of the 32348  
certificate, except that no such fee shall be required from a 32349  
motor vehicle salvage dealer, as defined in division (A) of 32350  
section 4738.01 of the Revised Code, who immediately surrenders 32351  
the certificate of title for cancellation. The fee shall be in 32352  
addition to all other fees established by this chapter, and shall 32353  
be retained by the clerk. The registrar shall provide, on the 32354  
certificate of title form prescribed by section 4505.07 of the 32355  
Revised Code, language necessary to give evidence of the date on 32356  
which the assignment or delivery of the motor vehicle was made. 32357

(6) As used in division (A) of this section, "lease 32358  
agreement," "lessee," and "sublease agreement" have the same 32359  
meanings as in section 4505.04 of the Revised Code. 32360

(B)(1) The clerk, except as provided in this section, shall 32361  
refuse to accept for filing any application for a certificate of 32362  
title and shall refuse to issue a certificate of title unless the 32363  
dealer or manufactured home broker or the applicant, in cases in 32364  
which the certificate shall be obtained by the buyer, submits with 32365  
the application payment of the tax levied by or pursuant to 32366  
Chapters 5739. and 5741. of the Revised Code based on the 32367  
purchaser's county of residence. Upon payment of the tax in 32368  
accordance with division (E) of this section, the clerk shall 32369



issue a receipt prescribed by the registrar and agreed upon by the 32370  
tax commissioner showing payment of the tax or a receipt issued by 32371  
the commissioner showing the payment of the tax. ~~When submitting 32372~~  
~~payment of the tax to the clerk, a dealer shall retain any 32373~~  
~~discount to which the dealer is entitled under section 5739.12 of 32374~~  
~~the Revised Code. 32375~~

(2) For receiving and disbursing such taxes paid to the clerk 32376  
by a resident of the clerk's county, the clerk may retain a 32377  
poundage fee of one and one one-hundredth per cent, and the clerk 32378  
shall pay the poundage fee into the certificate of title 32379  
administration fund created by section 325.33 of the Revised Code. 32380  
The clerk shall not retain a poundage fee from payments of taxes 32381  
by persons who do not reside in the clerk's county. 32382

A clerk, however, may retain from the taxes paid to the clerk 32383  
an amount equal to the poundage fees associated with certificates 32384  
of title issued by other clerks of courts of common pleas to 32385  
applicants who reside in the first clerk's county. The registrar, 32386  
in consultation with the tax commissioner and the clerks of the 32387  
courts of common pleas, shall develop a report from the automated 32388  
title processing system that informs each clerk of the amount of 32389  
the poundage fees that the clerk is permitted to retain from those 32390  
taxes because of certificates of title issued by the clerks of 32391  
other counties to applicants who reside in the first clerk's 32392  
county. 32393

(3) In the case of casual sales of motor vehicles, as defined 32394  
in section 4517.01 of the Revised Code, the price for the purpose 32395  
of determining the tax shall be the purchase price on the assigned 32396  
certificate of title executed by the seller and filed with the 32397  
clerk by the buyer on a form to be prescribed by the registrar, 32398  
which shall be prima-facie evidence of the amount for the 32399  
determination of the tax. 32400

(4) Each county clerk shall forward to the treasurer of state 32401

all sales and use tax collections resulting from sales of motor 32402  
vehicles, off-highway motorcycles, and all-purpose vehicles during 32403  
a calendar week on or before the Friday following the close of 32404  
that week. If, on any Friday, the offices of the clerk of courts 32405  
or the state are not open for business, the tax shall be forwarded 32406  
to the treasurer of state on or before the next day on which the 32407  
offices are open. Every remittance of tax under division (B)(4) of 32408  
this section shall be accompanied by a remittance report in such 32409  
form as the tax commissioner prescribes. Upon receipt of a tax 32410  
remittance and remittance report, the treasurer of state shall 32411  
date stamp the report and forward it to the tax commissioner. If 32412  
the tax due for any week is not remitted by a clerk of courts as 32413  
required under division (B)(4) of this section, the commissioner 32414  
may require the clerk to forfeit the poundage fees for the sales 32415  
made during that week. The treasurer of state may require the 32416  
clerks of courts to transmit tax collections and remittance 32417  
reports electronically. 32418

(C)(1) If the transferor indicates on the certificate of 32419  
title that the odometer reflects mileage in excess of the designed 32420  
mechanical limit of the odometer, the clerk shall enter the phrase 32421  
"exceeds mechanical limits" following the mileage designation. If 32422  
the transferor indicates on the certificate of title that the 32423  
odometer reading is not the actual mileage, the clerk shall enter 32424  
the phrase "nonactual: warning - odometer discrepancy" following 32425  
the mileage designation. The clerk shall use reasonable care in 32426  
transferring the information supplied by the transferor, but is 32427  
not liable for any errors or omissions of the clerk or those of 32428  
the clerk's deputies in the performance of the clerk's duties 32429  
created by this chapter. 32430

The registrar shall prescribe an affidavit in which the 32431  
transferor shall swear to the true selling price and, except as 32432  
provided in this division, the true odometer reading of the motor 32433

vehicle. The registrar may prescribe an affidavit in which the 32434  
seller and buyer provide information pertaining to the odometer 32435  
reading of the motor vehicle in addition to that required by this 32436  
section, as such information may be required by the United States 32437  
secretary of transportation by rule prescribed under authority of 32438  
subchapter IV of the "Motor Vehicle Information and Cost Savings 32439  
Act," 86 Stat. 961 (1972), 15 U.S.C. 1981. 32440

(2) Division (C)(1) of this section does not require the 32441  
giving of information concerning the odometer and odometer reading 32442  
of a motor vehicle when ownership of a motor vehicle is being 32443  
transferred as a result of a bequest, under the laws of intestate 32444  
succession, to a survivor pursuant to section 2106.18, 2131.12, or 32445  
4505.10 of the Revised Code, to a transfer-on-death beneficiary or 32446  
beneficiaries pursuant to section 2131.13 of the Revised Code, in 32447  
connection with the creation of a security interest or for a 32448  
vehicle with a gross vehicle weight rating of more than sixteen 32449  
thousand pounds. 32450

(D) When the transfer to the applicant was made in some other 32451  
state or in interstate commerce, the clerk, except as provided in 32452  
this section, shall refuse to issue any certificate of title 32453  
unless the tax imposed by or pursuant to Chapter 5741. of the 32454  
Revised Code based on the purchaser's county of residence has been 32455  
paid as evidenced by a receipt issued by the tax commissioner, or 32456  
unless the applicant submits with the application payment of the 32457  
tax. Upon payment of the tax in accordance with division (E) of 32458  
this section, the clerk shall issue a receipt prescribed by the 32459  
registrar and agreed upon by the tax commissioner, showing payment 32460  
of the tax. 32461

For receiving and disbursing such taxes paid to the clerk by 32462  
a resident of the clerk's county, the clerk may retain a poundage 32463  
fee of one and one one-hundredth per cent. The clerk shall not 32464  
retain a poundage fee from payments of taxes by persons who do not 32465

reside in the clerk's county. 32466

A clerk, however, may retain from the taxes paid to the clerk 32467  
an amount equal to the poundage fees associated with certificates 32468  
of title issued by other clerks of courts of common pleas to 32469  
applicants who reside in the first clerk's county. The registrar, 32470  
in consultation with the tax commissioner and the clerks of the 32471  
courts of common pleas, shall develop a report from the automated 32472  
title processing system that informs each clerk of the amount of 32473  
the poundage fees that the clerk is permitted to retain from those 32474  
taxes because of certificates of title issued by the clerks of 32475  
other counties to applicants who reside in the first clerk's 32476  
county. 32477

When the vendor is not regularly engaged in the business of 32478  
selling motor vehicles, the vendor shall not be required to 32479  
purchase a vendor's license or make reports concerning those 32480  
sales. 32481

(E) The clerk shall accept any payment of a tax in cash, or 32482  
by cashier's check, certified check, draft, money order, or teller 32483  
check issued by any insured financial institution payable to the 32484  
clerk and submitted with an application for a certificate of title 32485  
under division (B) or (D) of this section. The clerk also may 32486  
accept payment of the tax by corporate, business, or personal 32487  
check, credit card, electronic transfer or wire transfer, debit 32488  
card, or any other accepted form of payment made payable to the 32489  
clerk. The clerk may require bonds, guarantees, or letters of 32490  
credit to ensure the collection of corporate, business, or 32491  
personal checks. Any service fee charged by a third party to a 32492  
clerk for the use of any form of payment may be paid by the clerk 32493  
from the certificate of title administration fund created in 32494  
section 325.33 of the Revised Code, or may be assessed by the 32495  
clerk upon the applicant as an additional fee. Upon collection, 32496  
the additional fees shall be paid by the clerk into that 32497

certificate of title administration fund. 32498

The clerk shall make a good faith effort to collect any 32499  
payment of taxes due but not made because the payment was returned 32500  
or dishonored, but the clerk is not personally liable for the 32501  
payment of uncollected taxes or uncollected fees. The clerk shall 32502  
notify the tax commissioner of any such payment of taxes that is 32503  
due but not made and shall furnish the information to the 32504  
commissioner that the commissioner requires. The clerk shall 32505  
deduct the amount of taxes due but not paid from the clerk's 32506  
periodic remittance of tax payments, in accordance with procedures 32507  
agreed upon by the tax commissioner. The commissioner may collect 32508  
taxes due by assessment in the manner provided in section 5739.13 32509  
of the Revised Code. 32510

Any person who presents payment that is returned or 32511  
dishonored for any reason is liable to the clerk for payment of a 32512  
penalty over and above the amount of the taxes due. The clerk 32513  
shall determine the amount of the penalty, and the penalty shall 32514  
be no greater than that amount necessary to compensate the clerk 32515  
for banking charges, legal fees, or other expenses incurred by the 32516  
clerk in collecting the returned or dishonored payment. The 32517  
remedies and procedures provided in this section are in addition 32518  
to any other available civil or criminal remedies. Subsequently 32519  
collected penalties, poundage fees, and title fees, less any title 32520  
fee due the state, from returned or dishonored payments collected 32521  
by the clerk shall be paid into the certificate of title 32522  
administration fund. Subsequently collected taxes, less poundage 32523  
fees, shall be sent by the clerk to the treasurer of state at the 32524  
next scheduled periodic remittance of tax payments, with 32525  
information as the commissioner may require. The clerk may abate 32526  
all or any part of any penalty assessed under this division. 32527

(F) In the following cases, the clerk shall accept for filing 32528  
an application and shall issue a certificate of title without 32529

requiring payment or evidence of payment of the tax: 32530

(1) When the purchaser is this state or any of its political subdivisions, a church, or an organization whose purchases are exempted by section 5739.02 of the Revised Code; 32531  
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(2) When the transaction in this state is not a retail sale as defined by section 5739.01 of the Revised Code; 32534  
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(3) When the purchase is outside this state or in interstate commerce and the purpose of the purchaser is not to use, store, or consume within the meaning of section 5741.01 of the Revised Code; 32536  
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(4) When the purchaser is the federal government; 32539

(5) When the motor vehicle was purchased outside this state for use outside this state; 32540  
32541

(6) When the motor vehicle is purchased by a nonresident of ~~this state for immediate removal from this state, and will be permanently titled and registered in another state, as provided by division (B)(23) of section 5739.02~~ under the circumstances described in division (B)(1) of section 5739.029 of the Revised Code, and upon presentation of a copy of the affidavit provided by that section, and a copy of the exemption certificate provided by section 5739.03 of the Revised Code. 32542  
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(G) An application, as prescribed by the registrar and agreed to by the tax commissioner, shall be filled out and sworn to by the buyer of a motor vehicle in a casual sale. The application shall contain the following notice in bold lettering: "WARNING TO TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by law to state the true selling price. A false statement is in violation of section 2921.13 of the Revised Code and is punishable by six months' imprisonment or a fine of up to one thousand dollars, or both. All transfers are audited by the department of taxation. The seller and buyer must provide any information requested by the department of taxation. The buyer may be assessed 32550  
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any additional tax found to be due." 32561

(H) For sales of manufactured homes or mobile homes occurring 32562  
on or after January 1, 2000, the clerk shall accept for filing, 32563  
pursuant to Chapter 5739. of the Revised Code, an application for 32564  
a certificate of title for a manufactured home or mobile home 32565  
without requiring payment of any tax pursuant to section 5739.02, 32566  
5741.021, 5741.022, or 5741.023 of the Revised Code, or a receipt 32567  
issued by the tax commissioner showing payment of the tax. For 32568  
sales of manufactured homes or mobile homes occurring on or after 32569  
January 1, 2000, the applicant shall pay to the clerk an 32570  
additional fee of five dollars for each certificate of title 32571  
issued by the clerk for a manufactured or mobile home pursuant to 32572  
division (H) of section 4505.11 of the Revised Code and for each 32573  
certificate of title issued upon transfer of ownership of the 32574  
home. The clerk shall credit the fee to the county certificate of 32575  
title administration fund, and the fee shall be used to pay the 32576  
expenses of archiving those certificates pursuant to division (A) 32577  
of section 4505.08 and division (H)(3) of section 4505.11 of the 32578  
Revised Code. The tax commissioner shall administer any tax on a 32579  
manufactured or mobile home pursuant to Chapters 5739. and 5741. 32580  
of the Revised Code. 32581

(I) Every clerk shall have the capability to transact by 32582  
electronic means all procedures and transactions relating to the 32583  
issuance of motor vehicle certificates of title that are described 32584  
in the Revised Code as being accomplished by electronic means. 32585

**Sec. 4513.263.** (A) As used in this section and in section 32586  
4513.99 of the Revised Code: 32587

(1) "Automobile" means any commercial tractor, passenger car, 32588  
commercial car, or truck that is required to be factory-equipped 32589  
with an occupant restraining device for the operator or any 32590  
passenger by regulations adopted by the United States secretary of 32591

transportation pursuant to the "National Traffic and Motor Vehicle  
Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392. 32592  
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(2) "Occupant restraining device" means a seat safety belt,  
shoulder belt, harness, or other safety device for restraining a  
person who is an operator of or passenger in an automobile and  
that satisfies the minimum federal vehicle safety standards  
established by the United States department of transportation. 32594  
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(3) "Passenger" means any person in an automobile, other than  
its operator, who is occupying a seating position for which an  
occupant restraining device is provided. 32599  
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(4) "Commercial tractor," "passenger car," and "commercial  
car" have the same meanings as in section 4501.01 of the Revised  
Code. 32602  
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(5) "Vehicle" and "motor vehicle," as used in the definitions  
of the terms set forth in division (A)(4) of this section, have  
the same meanings as in section 4511.01 of the Revised Code. 32605  
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(6) "Tort action" means a civil action for damages for  
injury, death, or loss to person or property. "Tort action"  
includes a product liability claim, as defined in section 2307.71  
of the Revised Code, and an asbestos claim, as defined in section  
2307.91 of the Revised Code, but does not include a civil action  
for damages for breach of contract or another agreement between  
persons. 32608  
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(B) No person shall do any of the following: 32615

(1) Operate an automobile on any street or highway unless  
that person is wearing all of the available elements of a properly  
adjusted occupant restraining device, or operate a school bus that  
has an occupant restraining device installed for use in its  
operator's seat unless that person is wearing all of the available  
elements of the device, as properly adjusted; 32616  
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(2) Operate an automobile on any street or highway unless 32622  
each passenger in the automobile who is subject to the requirement 32623  
set forth in division (B)(3) of this section is wearing all of the 32624  
available elements of a properly adjusted occupant restraining 32625  
device; 32626

(3) Occupy, as a passenger, a seating position on the front 32627  
seat of an automobile being operated on any street or highway 32628  
unless that person is wearing all of the available elements of a 32629  
properly adjusted occupant restraining device; 32630

(4) Operate a taxicab on any street or highway unless all 32631  
factory-equipped occupant restraining devices in the taxicab are 32632  
maintained in usable form. 32633

(C) Division (B)(3) of this section does not apply to a 32634  
person who is required by section 4511.81 of the Revised Code to 32635  
be secured in a child restraint device. Division (B)(1) of this 32636  
section does not apply to a person who is an employee of the 32637  
United States postal service or of a newspaper home delivery 32638  
service, during any period in which the person is engaged in the 32639  
operation of an automobile to deliver mail or newspapers to 32640  
addressees. Divisions (B)(1) and (3) of this section do not apply 32641  
to a person who has an affidavit signed by a physician licensed to 32642  
practice in this state under Chapter 4731. of the Revised Code or 32643  
a chiropractor licensed to practice in this state under Chapter 32644  
4734. of the Revised Code that states that the person has a 32645  
physical impairment that makes use of an occupant restraining 32646  
device impossible or impractical. 32647

(D) Notwithstanding any provision of law to the contrary, no 32648  
law enforcement officer shall cause an operator of an automobile 32649  
being operated on any street or highway to stop the automobile for 32650  
the sole purpose of determining whether a violation of division 32651  
(B) of this section has been or is being committed or for the sole 32652  
purpose of issuing a ticket, citation, or summons for a violation 32653

of that nature or causing the arrest of or commencing a 32654  
prosecution of a person for a violation of that nature, and no law 32655  
enforcement officer shall view the interior or visually inspect 32656  
any automobile being operated on any street or highway for the 32657  
sole purpose of determining whether a violation of that nature has 32658  
been or is being committed. 32659

(E) All fines collected for violations of division (B) of 32660  
this section, or for violations of any ordinance or resolution of 32661  
a political subdivision that is substantively comparable to that 32662  
division, shall be forwarded to the treasurer of state for deposit 32663  
as follows: 32664

(1) Eight per cent shall be deposited into the seat belt 32665  
education fund, which is hereby created in the state treasury, and 32666  
shall be used by the department of public safety to establish a 32667  
seat belt education program. 32668

(2) Eight per cent shall be deposited into the elementary 32669  
school program fund, which is hereby created in the state 32670  
treasury, and shall be used by the department of public safety to 32671  
establish and administer elementary school programs that encourage 32672  
seat safety belt use. 32673

(3) Two per cent shall be deposited into the ~~Ohio medical~~ 32674  
~~transportation trust~~ occupational licensing and regulatory fund 32675  
created by section ~~4766.05~~ 4743.05 of the Revised Code. 32676

(4) Twenty-eight per cent shall be deposited into the trauma 32677  
and emergency medical services fund, which is hereby created in 32678  
the state treasury, and shall be used by the department of public 32679  
safety for the administration of the division of emergency medical 32680  
services and the state board of emergency medical services. 32681

(5) Fifty-four per cent shall be deposited into the trauma 32682  
and emergency medical services grants fund, which is hereby 32683  
created in the state treasury, and shall be used by the state 32684

board of emergency medical services to make grants, in accordance 32685  
with section 4765.07 of the Revised Code and rules the board 32686  
adopts under section 4765.11 of the Revised Code. 32687

(F)(1) Subject to division (F)(2) of this section, the 32688  
failure of a person to wear all of the available elements of a 32689  
properly adjusted occupant restraining device in violation of 32690  
division (B)(1) or (3) of this section or the failure of a person 32691  
to ensure that each minor who is a passenger of an automobile 32692  
being operated by that person is wearing all of the available 32693  
elements of a properly adjusted occupant restraining device in 32694  
violation of division (B)(2) of this section shall not be 32695  
considered or used by the trier of fact in a tort action as 32696  
evidence of negligence or contributory negligence. But, the trier 32697  
of fact may determine based on evidence admitted consistent with 32698  
the Ohio ~~rules~~ Rules of ~~evidence~~ Evidence that the failure 32699  
contributed to the harm alleged in the tort action and may 32700  
diminish a recovery of compensatory damages that represents 32701  
noneconomic loss, as defined in section 2307.011 of the Revised 32702  
Code, in a tort action that could have been recovered but for the 32703  
plaintiff's failure to wear all of the available elements of a 32704  
properly adjusted occupant restraining device. Evidence of that 32705  
failure shall not be used as a basis for a criminal prosecution of 32706  
the person other than a prosecution for a violation of this 32707  
section; and shall not be admissible as evidence in a criminal 32708  
action involving the person other than a prosecution for a 32709  
violation of this section. 32710

(2) If, at the time of an accident involving a passenger car 32711  
equipped with occupant restraining devices, any occupant of the 32712  
passenger car who sustained injury or death was not wearing an 32713  
available occupant restraining device, was not wearing all of the 32714  
available elements of such a device, or was not wearing such a 32715  
device as properly adjusted, then, consistent with the Rules of 32716

Evidence, the fact that the occupant was not wearing the available 32717  
occupant restraining device, was not wearing all of the available 32718  
elements of such a device, or was not wearing such a device as 32719  
properly adjusted is admissible in evidence in relation to any 32720  
claim for relief in a tort action to the extent that the claim for 32721  
relief satisfies all of the following: 32722

(a) It seeks to recover damages for injury or death to the 32723  
occupant. 32724

(b) The defendant in question is the manufacturer, designer, 32725  
distributor, or seller of the passenger car. 32726

(c) The claim for relief against the defendant in question is 32727  
that the injury or death sustained by the occupant was enhanced or 32728  
aggravated by some design defect in the passenger car or that the 32729  
passenger car was not crashworthy. 32730

(G)(1) Whoever violates division (B)(1) of this section shall 32731  
be fined thirty dollars. 32732

(2) Whoever violates division (B)(3) of this section shall be 32733  
fined twenty dollars. 32734

(3) Except as otherwise provided in this division, whoever 32735  
violates division (B)(4) of this section is guilty of a minor 32736  
misdemeanor. If the offender previously has been convicted of or 32737  
pleaded guilty to a violation of division (B)(4) of this section, 32738  
whoever violates division (B)(4) of this section is guilty of a 32739  
misdemeanor of the third degree. 32740

**Sec. 4513.35.** (A) All fines collected under sections 4511.01 32741  
to 4511.78, 4511.99, and 4513.01 to 4513.37 of the Revised Code 32742  
shall be paid into the county treasury and, with the exception of 32743  
that portion distributed under section 3375.53 of the Revised 32744  
Code, shall be placed to the credit of the fund for the 32745  
maintenance and repair of the highways within that county, except 32746

that: 32747

(1) All fines for violations of division (B) of section 32748  
4513.263 shall be delivered to the treasurer of state as provided 32749  
in division (E) of section 4513.263 of the Revised Code. 32750

(2) All fines collected from, or moneys arising from bonds 32751  
forfeited by, persons apprehended or arrested by state highway 32752  
patrolmen shall be distributed as provided in section 5503.04 of 32753  
the Revised Code. 32754

(3)(a) Subject to division (E) of section 4513.263 of the 32755  
Revised Code and except as otherwise provided in division 32756  
(A)(3)(b) of this section, one-half of all fines collected from, 32757  
and one-half of all moneys arising from bonds forfeited by, 32758  
persons apprehended or arrested by a township constable or other 32759  
township police officer shall be paid to the township treasury to 32760  
be placed to the credit of the general fund. 32761

(b) All fines collected from, and all moneys arising from 32762  
bonds forfeited by, persons apprehended or arrested by a township 32763  
constable or other township police officer pursuant to division 32764  
(B)(2) of section 4513.39 of the Revised Code for a violation of 32765  
section 4511.21 of the Revised Code or any other law, ordinance, 32766  
or regulation pertaining to speed that occurred on a highway 32767  
included as part of the interstate system, as defined in section 32768  
5516.01 of the Revised Code, shall be paid into the county 32769  
treasury and be credited as provided in the first paragraph of 32770  
this section. 32771

(B) Notwithstanding any other provision of this section or of 32772  
any other section of the Revised Code: 32773

(1) All fines collected from, and all moneys arising from 32774  
bonds forfeited by, persons arrested under division (E)(1) or (2) 32775  
of section 2935.03 of the Revised Code are deemed to be collected, 32776  
and to arise, from arrests made within the jurisdiction in which 32777

the arresting officer is appointed, elected, or employed, for 32778  
violations of one of the sections or chapters of the Revised Code 32779  
listed in division (E)(1) of that section and shall be distributed 32780  
accordingly. 32781

(2) All fines collected from, and all moneys arising from 32782  
bonds forfeited by, persons arrested under division (E)(3) of 32783  
section 2935.03 of the Revised Code are deemed to be collected, 32784  
and to arise, from arrests made within the jurisdiction in which 32785  
the arresting officer is appointed, elected, or employed, for 32786  
violations of municipal ordinances that are substantially 32787  
equivalent to one of the sections or one of the provisions of one 32788  
of the chapters of the Revised Code listed in division (E)(1) of 32789  
that section and for violations of one of the sections or one of 32790  
the provisions of one of the chapters of the Revised Code listed 32791  
in division (E)(1) of that section, and shall be distributed 32792  
accordingly. 32793

**Sec. 4519.55.** Application for a certificate of title for an 32794  
off-highway motorcycle or all-purpose vehicle shall be made upon a 32795  
form prescribed by the registrar of motor vehicles and shall be 32796  
sworn to before a notary public or other officer empowered to 32797  
administer oaths. The application shall be filed with the clerk of 32798  
any court of common pleas. An application for a certificate of 32799  
title may be filed electronically by any electronic means approved 32800  
by the registrar in any county with the clerk of the court of 32801  
common pleas of that county. 32802

If an application for a certificate of title is filed 32803  
electronically by an electronic dealer on behalf of the purchaser 32804  
of an off-highway motorcycle or all-purpose vehicle, the clerk 32805  
shall retain the completed electronic record to which the dealer 32806  
converted the certificate of title application and other required 32807  
documents. The registrar, after consultation with the attorney 32808

general, shall adopt rules that govern the location at which, and 32809  
the manner in which, are stored the actual application and all 32810  
other documents relating to the sale of an off-highway motorcycle 32811  
or all-purpose vehicle when an electronic dealer files the 32812  
application for a certificate of title electronically on behalf of 32813  
the purchaser. 32814

The application shall be accompanied by the fee prescribed in 32815  
section 4519.59 of the Revised Code. The fee shall be retained by 32816  
the clerk who issues the certificate of title and shall be 32817  
distributed in accordance with that section. If a clerk of a court 32818  
of common pleas, other than the clerk of the court of common pleas 32819  
of an applicant's county of residence, issues a certificate of 32820  
title to the applicant, the clerk shall transmit data related to 32821  
the transaction to the automated title processing system. 32822

If a certificate of title previously has been issued for an 32823  
off-highway motorcycle or all-purpose vehicle, the application 32824  
also shall be accompanied by the certificate of title duly 32825  
assigned, unless otherwise provided in this chapter. If a 32826  
certificate of title previously has not been issued for the 32827  
off-highway motorcycle or all-purpose vehicle, the application, 32828  
unless otherwise provided in this chapter, shall be accompanied by 32829  
a manufacturer's or importer's certificate; by a sworn statement 32830  
of ownership; or by a certificate of title, bill of sale, or other 32831  
evidence of ownership required by law of another state from which 32832  
the off-highway motorcycle or all-purpose vehicle was brought into 32833  
this state. The registrar, in accordance with Chapter 119. of the 32834  
Revised Code, shall prescribe the types of additional 32835  
documentation sufficient to establish proof of ownership, 32836  
including, but not limited to, receipts from the purchase of parts 32837  
or components, photographs, and affidavits of other persons. 32838

For purposes of the transfer of a certificate of title, if 32839  
the clerk is satisfied that a secured party has duly discharged a 32840

lien notation but has not canceled the lien notation with a clerk, 32841  
the clerk may cancel the lien notation on the automated title 32842  
processing system and notify the clerk of the county of origin. 32843

In the case of the sale of an off-highway motorcycle or 32844  
all-purpose vehicle by a dealer to a general purchaser or user, 32845  
the certificate of title shall be obtained in the name of the 32846  
purchaser by the dealer upon application signed by the purchaser. 32847  
In all other cases, the certificate shall be obtained by the 32848  
purchaser. In all cases of transfer of an off-highway motorcycle 32849  
or all-purpose vehicle, the application for certificate of title 32850  
shall be filed within thirty days after the later of the date of 32851  
purchase or assignment of ownership of the off-highway motorcycle 32852  
or all-purpose vehicle. If the application for certificate of 32853  
title is not filed within thirty days after the later of the date 32854  
of purchase or assignment of ownership of the off-highway 32855  
motorcycle or all-purpose vehicle, the clerk shall charge a late 32856  
filing fee of five dollars in addition to the fee prescribed by 32857  
section 4519.59 of the Revised Code. The clerk shall retain the 32858  
entire amount of each late filing fee. 32859

Except in the case of an off-highway motorcycle or 32860  
all-purpose vehicle purchased prior to July 1, 1999, the clerk 32861  
shall refuse to accept an application for certificate of title 32862  
unless the applicant either tenders with the application payment 32863  
of all taxes levied by or pursuant to Chapter 5739. or 5741. of 32864  
the Revised Code based on the purchaser's county of residence, or 32865  
submits either of the following: 32866

(A) A receipt issued by the tax commissioner or a clerk of 32867  
courts showing payment of the tax; 32868

(B) An exemption certificate, in any form prescribed by the 32869  
tax commissioner, that specifies why the purchase is not subject 32870  
to the tax imposed by Chapter 5739. or 5741. of the Revised Code. 32871



Payment of the tax shall be made in accordance with division 32872  
(E) of section 4505.06 of the Revised Code and any rules issued by 32873  
the tax commissioner. ~~When a dealer submits payment of the tax to~~ 32874  
~~the clerk, the dealer shall retain any discount to which the~~ 32875  
~~dealer is entitled under section 5739.12 of the Revised Code.~~ The 32876  
clerk shall issue a receipt in the form prescribed by the tax 32877  
commissioner to any applicant who tenders payment of the tax with 32878  
the application for a certificate of title. If the application for 32879  
a certificate of title is for an off-highway motorcycle or 32880  
all-purpose vehicle purchased prior to July 1, 1999, the clerk 32881  
shall accept the application without payment of the taxes levied 32882  
by or pursuant to Chapter 5739. or 5741. of the Revised Code or 32883  
presentation of either of the items listed in division (A) or (B) 32884  
of this section. 32885

For receiving and disbursing such taxes paid to the clerk by 32886  
a resident of the clerk's county, the clerk may retain a poundage 32887  
fee of one and one-hundredth per cent of the taxes collected, 32888  
which shall be paid into the certificate of title administration 32889  
fund created by section 325.33 of the Revised Code. The clerk 32890  
shall not retain a poundage fee from payments of taxes by persons 32891  
who do not reside in the clerk's county. 32892

A clerk, however, may retain from the taxes paid to the clerk 32893  
an amount equal to the poundage fees associated with certificates 32894  
of title issued by other clerks of courts of common pleas to 32895  
applicants who reside in the first clerk's county. The registrar, 32896  
in consultation with the tax commissioner and the clerks of the 32897  
courts of common pleas, shall develop a report from the automated 32898  
title processing system that informs each clerk of the amount of 32899  
the poundage fees that the clerk is permitted to retain from those 32900  
taxes because of certificates of title issued by the clerks of 32901  
other counties to applicants who reside in the first clerk's 32902  
county. 32903

In the case of casual sales of off-highway motorcycles or 32904  
all-purpose vehicles that are subject to the tax imposed by 32905  
Chapter 5739. or 5741. of the Revised Code, the purchase price for 32906  
the purpose of determining the tax shall be the purchase price on 32907  
an affidavit executed and filed with the clerk by the seller on a 32908  
form to be prescribed by the registrar, which shall be prima-facie 32909  
evidence of the price for the determination of the tax. 32910

In addition to the information required by section 4519.57 of 32911  
the Revised Code, each certificate of title shall contain in bold 32912  
lettering the following notification and statements: "WARNING TO 32913  
TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by 32914  
law to state the true selling price. A false statement is in 32915  
violation of section 2921.13 of the Revised Code and is punishable 32916  
by six months imprisonment or a fine of up to one thousand 32917  
dollars, or both. All transfers are audited by the department of 32918  
taxation. The seller and buyer must provide any information 32919  
requested by the department of taxation. The buyer may be assessed 32920  
any additional tax found to be due." 32921

The clerk shall forward all payments of taxes, less poundage 32922  
fees, to the treasurer of state in a manner to be prescribed by 32923  
the tax commissioner and shall furnish information to the 32924  
commissioner as the commissioner may require. 32925

Every clerk shall have the capability to transact by 32926  
electronic means all procedures and transactions relating to the 32927  
issuance of certificates of title for off-highway motorcycles and 32928  
all-purpose vehicles that are described in the Revised Code as 32929  
being accomplished by electronic means. 32930

**Sec. 4715.251.** Each person licensed to practice as a dental 32931  
hygienist and required to register with the state dental board 32932  
shall, each time ~~he~~ the person applies for renewal of registration 32933  
beginning in 1995, be currently certified to perform basic 32934

life-support procedures by having successfully completed a basic 32935  
life-support training course certified by ~~either~~ the American red 32936  
cross ~~or~~, the American heart association, or, if determined 32937  
equivalent by the board, the American safety and health institute. 32938  
An applicant for renewal of registration shall certify on the 32939  
application for renewal of registration prescribed by the board 32940  
under section 4715.24 of the Revised Code that ~~he~~ the applicant 32941  
possesses the certification required by this section. 32942

The board shall, not later than one hundred eighty days after 32943  
the effective date of this amendment, determine whether basic 32944  
life-support training certified by the American safety and health 32945  
institute meets national standards. The board shall compare the 32946  
training certified by the institute with the training certified by 32947  
the American red cross and the American heart association and the 32948  
training of instructors certified by the institute to the training 32949  
of instructors certified by the American red cross and the 32950  
American heart association. 32951

If the board determines that the training certified by the 32952  
American safety and health institute meets national standards and 32953  
is equivalent to the training certified by the American red cross 32954  
and the American heart association, the board shall accept 32955  
training certified by the American safety and health institute in 32956  
fulfillment of the requirements of this section. 32957

**Sec. 4717.07.** (A) The board of embalmers and funeral 32958  
directors shall charge and collect the following fees: 32959

(1) For the initial issuance or biennial renewal of an 32960  
embalmer's or funeral director's license, one hundred forty 32961  
dollars; 32962

(2) For the issuance of an embalmer or funeral director 32963  
registration, twenty-five dollars; 32964

(3) For filing an embalmer or funeral director certificate of apprenticeship, ten dollars;	32965 32966
(4) For the application to take the examination for a license to practice as an embalmer or funeral director, or to retake a section of the examination, thirty-five dollars;	32967 32968 32969
(5) For the initial issuance of a license to operate a funeral home, two hundred fifty dollars and biennial renewal of a license to operate a funeral home, two hundred fifty dollars;	32970 32971 32972
(6) For the reinstatement of a lapsed embalmer's or funeral director's license, the renewal fee prescribed in division (A) <del>(5)</del> <u>(1)</u> of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;	32973 32974 32975 32976
(7) For the reinstatement of a lapsed license to operate a funeral home, the renewal fee prescribed in division (A) <del>(6)</del> <u>(5)</u> of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;	32977 32978 32979 32980
(8) For the initial issuance of a license to operate an embalming facility, two hundred dollars and biennial renewal of a license to operate an embalming facility, two hundred dollars;	32981 32982 32983
(9) For the reinstatement of a lapsed license to operate an embalming facility, the renewal fee prescribed in division (A) <del>(9)</del> <u>(8)</u> of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;	32984 32985 32986 32987
(10) For the initial issuance of a license to operate a crematory facility, two hundred dollars and biennial renewal of a license to operate a crematory facility, two hundred dollars;	32988 32989 32990
(11) For the reinstatement of a lapsed license to operate a crematory facility, the renewal fee prescribed in division (A) <del>(11)</del> <u>(10)</u> of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;	32991 32992 32993 32994

(12) For the issuance of a duplicate of a license issued 32995  
under this chapter, four dollars. 32996

(B) In addition to the fees set forth in division (A) of this 32997  
section, an applicant shall pay the examination fee assessed by 32998  
any examining agency the board uses for any section of an 32999  
examination required under this chapter. 33000

(C) Subject to the approval of the controlling board, the 33001  
board of embalmers and funeral directors may establish fees in 33002  
excess of the amounts set forth in this section, provided that 33003  
these fees do not exceed the amounts set forth in this section by 33004  
more than fifty per cent. 33005

**Sec. 4723.621.** The medication aide advisory council created 33006  
under section 4723.62 of the Revised Code shall make 33007  
recommendations to the board of nursing with respect to all of the 33008  
following: 33009

(A) The design and operation of the medication aide pilot 33010  
program conducted under section 4723.63 of the Revised Code, 33011  
including a method of collecting data through reports submitted by 33012  
participating nursing homes and residential care facilities; 33013

(B) The content of the course of instruction required to 33014  
obtain certification as a medication aide, including the 33015  
examination to be used to evaluate the ability to administer 33016  
prescription medications safely and the score that must be 33017  
attained to pass the examination; 33018

(C) Whether medication aides may administer prescription 33019  
medications through a gastrostomy or jejunostomy tube and the 33020  
amount and type of training a medication aide needs to be 33021  
adequately prepared to administer prescription medications through 33022  
a gastrostomy or jejunostomy tube; 33023

(D) Protection of the health and welfare of the residents of 33024

nursing homes and residential care facilities participating in the 33025  
pilot program and using medication aides pursuant to section 33026  
4723.64 of the Revised Code ~~on or after July 1, 2007;~~ 33027

(E) The board's adoption of rules under section 4723.69 of 33028  
the Revised Code; 33029

(F) Any other issue the council considers relevant to the use 33030  
of medication aides in nursing homes and residential care 33031  
facilities. 33032

**Sec. 4723.63.** (A) In consultation with the medication aide 33033  
advisory council established under section 4723.62 of the Revised 33034  
Code, the board of nursing shall conduct a pilot program for the 33035  
use of medication aides in nursing homes and residential care 33036  
facilities. The board shall conduct the pilot program in a manner 33037  
consistent with human protection and other ethical concerns 33038  
typically associated with research studies involving live 33039  
subjects. The pilot program shall be commenced not later than May 33040  
1, 2006, and shall ~~be conducted until July 1, 2007~~ end on the 33041  
thirty-first day after the report required by division (F)(2) of 33042  
this section is submitted in accordance with that division. 33043

During the period the pilot program is conducted, a nursing 33044  
home or residential care facility participating in the pilot 33045  
program may use one or more medication aides to administer 33046  
prescription medications to its residents, subject to ~~both~~ all of 33047  
the following conditions: 33048

(1) Each individual used as a medication aide must hold a 33049  
current, valid medication aide certificate issued by the board of 33050  
nursing under this chapter. 33051

(2) The nursing home or residential care facility shall 33052  
ensure that the requirements of section 4723.67 of the Revised 33053  
Code are met. 33054

(3) The nursing home or residential care facility shall submit to the board, not later than the thirty-first day after the day the board makes its request under division (F)(1)(a) of this section, the data required by division (F)(1)(a) of this section. 33055  
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(B) The board, in consultation with the medication aide advisory council, shall do all of the following not later than February 1, 2006: 33059  
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(1) Design the pilot program; 33062

(2) Establish standards to govern medication aides and the nursing homes and residential care facilities participating in the pilot program, including standards for the training of medication aides and the staff of participating nursing homes and residential care facilities; 33063  
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(3) Establish standards to protect the health and safety of the residents of the nursing homes and residential care facilities participating in the program; 33068  
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(4) Implement a process for selecting the nursing homes and residential care facilities to participate in the program. 33071  
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(C)(1) A nursing home or residential care facility may volunteer to participate in the pilot program by submitting an application to the board on a form prescribed and provided by the board. From among the applicants, the board shall select eighty nursing homes and forty residential care facilities to participate in the pilot program. When the board denies an application, it shall notify, in writing, the president and minority leader of the senate and the speaker and minority leader of the house of representatives of the denial and the reasons for the denial. 33073  
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(2) To be eligible to participate, a nursing home or residential care facility shall agree to observe the standards established by the board for the use of medication aides. A nursing home is eligible to participate only if the department of 33082  
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health has found in the ~~two~~ most recent ~~surveys~~ survey or 33086  
~~inspections~~ inspection of the home that the home is free from 33087  
deficiencies related to the administration of medication. A 33088  
residential care facility is eligible to participate only if the 33089  
department has found that the facility is free from deficiencies 33090  
related to the provision of skilled nursing care or the 33091  
administration of medication. 33092

(D) As a condition of participation in the pilot program, a 33093  
nursing home and residential care facility selected by the board 33094  
shall pay the participation fee established in rules adopted under 33095  
section 4723.69 of the Revised Code. The participation fee is not 33096  
reimbursable under the medicaid program established under Chapter 33097  
5111. of the Revised Code. 33098

(E) On receipt of evidence found credible by the board that 33099  
continued participation by a nursing home or residential care 33100  
facility poses an imminent danger, risk of serious harm, or 33101  
jeopardy to a resident of the home or facility, the board may 33102  
terminate the authority of the home or facility to participate in 33103  
the pilot program. 33104

(F)(1) With the assistance of the medication aide advisory 33105  
council, the board shall conduct an evaluation of the pilot 33106  
program. In conducting the evaluation, the board shall do all of 33107  
the following: 33108

(a) Request from each nursing home and residential care 33109  
facility participating in the pilot program, on the ninety-first 33110  
day after the day the board issues a medication aide certificate 33111  
under section 4723.651 of the Revised Code to the seventy-fifth 33112  
individual, the data the board requires participating nursing 33113  
homes and residential care facilities to report under rules the 33114  
board adopts under section 4723.69 of the Revised Code. 33115

(b) Assess whether medication aides are able to administer 33116



prescription medications safely to nursing home and residential  
care facility residents; 33117  
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~~(b)~~(c) Determine the financial implications of using 33119  
medication aides in nursing homes and residential care facilities; 33120

~~(e)~~(d) Consider any other issue the board or council 33121  
considers relevant to the evaluation. 33122

(2) Not later than ~~March 1, 2007~~ the one hundred eighty-first 33123  
day after the day the board issues a medication aide certificate 33124  
under section 4723.651 of the Revised Code to the seventy-fifth 33125  
individual, the board shall prepare a report of its findings and 33126  
recommendations derived from the evaluation of the pilot program. 33127  
The board shall submit the report to the governor, president and 33128  
minority leader of the senate, speaker and minority leader of the 33129  
house of representatives, and director of health. 33130

(G) The board shall, on the day it issues a medication aide 33131  
certificate to the seventy-fifth individual, post a notice on its 33132  
web site indicating the date on which any nursing home or 33133  
residential care facility may use medication aides in accordance 33134  
with section 4723.64 of the Revised Code. 33135

**Sec. 4723.64.** On and after ~~July 1, 2007~~ the thirty-first day 33136  
following the board of nursing's submission of the report required 33137  
by division (F)(2) of section 4723.63 of the Revised Code, any 33138  
nursing home or residential care facility may use one or more 33139  
medication aides to administer prescription medications to its 33140  
residents, subject to both of the following conditions: 33141

(A) Each individual used as a medication aide must hold a 33142  
current, valid medication aide certificate issued by the board of 33143  
nursing under this chapter. 33144

(B) The nursing home or residential care facility shall 33145  
ensure that the requirements of section 4723.67 of the Revised 33146

Code are met. 33147

**Sec. 4723.65.** (A) An individual seeking certification as a 33148  
medication aide shall apply to the board of nursing on a form 33149  
prescribed and provided by the board. If the application is 33150  
submitted on or after ~~July 1, 2007~~ the day any nursing home or 33151  
residential care facility may initially use medication aides as 33152  
specified in section 4723.64 of the Revised Code, the application 33153  
shall be accompanied by the certification fee established in rules 33154  
adopted under section 4723.69 of the Revised Code. 33155

(B)(1) Except as provided in division (B)(2) of this section, 33156  
an applicant for a medication aide certificate shall submit a 33157  
request to the bureau of criminal identification and investigation 33158  
for a criminal records check. The request shall be on the form 33159  
prescribed pursuant to division (C)(1) of section 109.572 of the 33160  
Revised Code and shall be accompanied by a standard impression 33161  
sheet to obtain fingerprints prescribed pursuant to division 33162  
(C)(2) of that section. The request shall also be accompanied by 33163  
the fee prescribed pursuant to division (C)(3) of section 109.572 33164  
of the Revised Code. On receipt of the completed form, the 33165  
completed impression sheet, and the fee, the bureau shall conduct 33166  
a criminal records check of the applicant. On completion of the 33167  
criminal records check, the bureau shall send the results of the 33168  
check to the board. An applicant requesting a criminal records 33169  
check under this division who has not lived in this state for at 33170  
least five years shall ask the superintendent of the bureau of 33171  
criminal identification and investigation to also request that the 33172  
federal bureau of investigation provide the superintendent with 33173  
any information it has with respect to the applicant. 33174

(2) If a criminal records check of an applicant was completed 33175  
pursuant to section 3721.121 of the Revised Code not more than 33176  
five years prior to the date the application is submitted, the 33177

applicant may include a certified copy of the criminal records 33178  
check completed pursuant to that section and is not required to 33179  
comply with division (B)(1) of this section. 33180

(3) A criminal records check provided to the board in 33181  
accordance with division (B)(1) or (B)(2) of this section shall 33182  
not be made available to any person or for any purpose other than 33183  
the following: 33184

(a) The results may be made available to any person for use 33185  
in determining whether the individual who is the subject of the 33186  
check should be issued a medication aide certificate. 33187

(b) The results may be made available to the person who is 33188  
the subject of the check or a representative of that person. 33189

**Sec. 4723.66.** (A) A person or government entity seeking 33190  
approval to provide a medication aide training program shall apply 33191  
to the board of nursing on a form prescribed and provided by the 33192  
board. If the application is submitted on or after ~~July 1, 2007~~ 33193  
the day any nursing home or residential care facility may 33194  
initially use medication aides as specified in section 4723.64 of 33195  
the Revised Code, the application shall be accompanied by the fee 33196  
established in rules adopted under section 4723.69 of the Revised 33197  
Code. 33198

(B) The board shall approve the applicant to provide a 33199  
medication aide training program if the content of the course of 33200  
instruction to be provided by the program meets the standards 33201  
specified by the board in rules adopted under section 4723.69 of 33202  
the Revised Code and includes all of the following: 33203

(1) At least seventy clock-hours of instruction, including 33204  
both classroom instruction on medication administration and at 33205  
least twenty clock-hours of supervised clinical practice in 33206  
medication administration; 33207

(2) A mechanism for evaluating whether an individual's reading, writing, and mathematical skills are sufficient for the individual to be able to administer prescription medications safely;

(3) An examination that tests the ability to administer prescription medications safely and that meets the requirements established by the board in rules adopted under section 4723.69 of the Revised Code.

(C) The board may deny, suspend, or revoke the approval granted to the provider of a medication aide training program for reasons specified in rules adopted under section 4723.69 of the Revised Code. All actions taken by the board to deny, suspend, or revoke the approval of a training program shall be taken in accordance with Chapter 119. of the Revised Code.

**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 33239  
foreign medical graduates. 33240

**Sec. 4731.22.** (A) The state medical board, by an affirmative 33241  
vote of not fewer than six of its members, may revoke or may 33242  
refuse to grant a certificate to a person found by the board to 33243  
have committed fraud during the administration of the examination 33244  
for a certificate to practice or to have committed fraud, 33245  
misrepresentation, or deception in applying for or securing any 33246  
certificate to practice or certificate of registration issued by 33247  
the board. 33248

(B) The board, by an affirmative vote of not fewer than six 33249  
members, shall, to the extent permitted by law, limit, revoke, or 33250  
suspend an individual's certificate to practice, refuse to 33251  
register an individual, refuse to reinstate a certificate, or 33252  
reprimand or place on probation the holder of a certificate for 33253  
one or more of the following reasons: 33254

(1) Permitting one's name or one's certificate to practice or 33255  
certificate of registration to be used by a person, group, or 33256  
corporation when the individual concerned is not actually 33257  
directing the treatment given; 33258

(2) Failure to maintain minimal standards applicable to the 33259  
selection or administration of drugs, or failure to employ 33260  
acceptable scientific methods in the selection of drugs or other 33261  
modalities for treatment of disease; 33262

(3) Selling, giving away, personally furnishing, prescribing, 33263  
or administering drugs for other than legal and legitimate 33264  
therapeutic purposes or a plea of guilty to, a judicial finding of 33265  
guilt of, or a judicial finding of eligibility for intervention in 33266  
lieu of conviction of, a violation of any federal or state law 33267  
regulating the possession, distribution, or use of any drug; 33268

(4) Willfully betraying a professional confidence. 33269

For purposes of this division, "willfully betraying a 33270  
professional confidence" does not include providing any 33271  
information, documents, or reports to a child fatality review 33272  
board under sections 307.621 to 307.629 of the Revised Code and 33273  
does not include the making of a report of an employee's use of a 33274  
drug of abuse, or a report of a condition of an employee other 33275  
than one involving the use of a drug of abuse, to the employer of 33276  
the employee as described in division (B) of section 2305.33 of 33277  
the Revised Code. Nothing in this division affects the immunity 33278  
from civil liability conferred by that section upon a physician 33279  
who makes either type of report in accordance with division (B) of 33280  
that section. As used in this division, "employee," "employer," 33281  
and "physician" have the same meanings as in section 2305.33 of 33282  
the Revised Code. 33283

(5) Making a false, fraudulent, deceptive, or misleading 33284  
statement in the solicitation of or advertising for patients; in 33285  
relation to the practice of medicine and surgery, osteopathic 33286  
medicine and surgery, podiatric medicine and surgery, or a limited 33287  
branch of medicine; or in securing or attempting to secure any 33288  
certificate to practice or certificate of registration issued by 33289  
the board. 33290

As used in this division, "false, fraudulent, deceptive, or 33291  
misleading statement" means a statement that includes a 33292  
misrepresentation of fact, is likely to mislead or deceive because 33293  
of a failure to disclose material facts, is intended or is likely 33294  
to create false or unjustified expectations of favorable results, 33295  
or includes representations or implications that in reasonable 33296  
probability will cause an ordinarily prudent person to 33297  
misunderstand or be deceived. 33298

(6) A departure from, or the failure to conform to, minimal 33299  
standards of care of similar practitioners under the same or 33300

similar circumstances, whether or not actual injury to a patient	33301
is established;	33302
(7) Representing, with the purpose of obtaining compensation	33303
or other advantage as personal gain or for any other person, that	33304
an incurable disease or injury, or other incurable condition, can	33305
be permanently cured;	33306
(8) The obtaining of, or attempting to obtain, money or	33307
anything of value by fraudulent misrepresentations in the course	33308
of practice;	33309
(9) A plea of guilty to, a judicial finding of guilt of, or a	33310
judicial finding of eligibility for intervention in lieu of	33311
conviction for, a felony;	33312
(10) Commission of an act that constitutes a felony in this	33313
state, regardless of the jurisdiction in which the act was	33314
committed;	33315
(11) A plea of guilty to, a judicial finding of guilt of, or	33316
a judicial finding of eligibility for intervention in lieu of	33317
conviction for, a misdemeanor committed in the course of practice;	33318
(12) Commission of an act in the course of practice that	33319
constitutes a misdemeanor in this state, regardless of the	33320
jurisdiction in which the act was committed;	33321
(13) A plea of guilty to, a judicial finding of guilt of, or	33322
a judicial finding of eligibility for intervention in lieu of	33323
conviction for, a misdemeanor involving moral turpitude;	33324
(14) Commission of an act involving moral turpitude that	33325
constitutes a misdemeanor in this state, regardless of the	33326
jurisdiction in which the act was committed;	33327
(15) Violation of the conditions of limitation placed by the	33328
board upon a certificate to practice;	33329
(16) Failure to pay license renewal fees specified in this	33330

chapter; 33331

(17) Except as authorized in section 4731.31 of the Revised Code, engaging in the division of fees for referral of patients, or the receiving of a thing of value in return for a specific referral of a patient to utilize a particular service or business;

(18) Subject to section 4731.226 of the Revised Code, violation of any provision of a code of ethics of the American medical association, the American osteopathic association, the American podiatric medical association, or any other national professional organizations that the board specifies by rule. The state medical board shall obtain and keep on file current copies of the codes of ethics of the various national professional organizations. The individual whose certificate is being suspended or revoked shall not be found to have violated any provision of a code of ethics of an organization not appropriate to the individual's profession.

For purposes of this division, a "provision of a code of ethics of a national professional organization" does not include any provision that would preclude the making of a report by a physician of an employee's use of a drug of abuse, or of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by that section upon a physician who makes either type of report in accordance with division (B) of that section. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

(19) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or



perceptive skills. 33363

In enforcing this division, the board, upon a showing of a 33364  
possible violation, may compel any individual authorized to 33365  
practice by this chapter or who has submitted an application 33366  
pursuant to this chapter to submit to a mental examination, 33367  
physical examination, including an HIV test, or both a mental and 33368  
a physical examination. The expense of the examination is the 33369  
responsibility of the individual compelled to be examined. Failure 33370  
to submit to a mental or physical examination or consent to an HIV 33371  
test ordered by the board constitutes an admission of the 33372  
allegations against the individual unless the failure is due to 33373  
circumstances beyond the individual's control, and a default and 33374  
final order may be entered without the taking of testimony or 33375  
presentation of evidence. If the board finds an individual unable 33376  
to practice because of the reasons set forth in this division, the 33377  
board shall require the individual to submit to care, counseling, 33378  
or treatment by physicians approved or designated by the board, as 33379  
a condition for initial, continued, reinstated, or renewed 33380  
authority to practice. An individual affected under this division 33381  
shall be afforded an opportunity to demonstrate to the board the 33382  
ability to resume practice in compliance with acceptable and 33383  
prevailing standards under the provisions of the individual's 33384  
certificate. For the purpose of this division, any individual who 33385  
applies for or receives a certificate to practice under this 33386  
chapter accepts the privilege of practicing in this state and, by 33387  
so doing, shall be deemed to have given consent to submit to a 33388  
mental or physical examination when directed to do so in writing 33389  
by the board, and to have waived all objections to the 33390  
admissibility of testimony or examination reports that constitute 33391  
a privileged communication. 33392

(20) Except when civil penalties are imposed under section 33393  
4731.225 or 4731.281 of the Revised Code, and subject to section 33394

4731.226 of the Revised Code, violating or attempting to violate, 33395  
directly or indirectly, or assisting in or abetting the violation 33396  
of, or conspiring to violate, any provisions of this chapter or 33397  
any rule promulgated by the board. 33398

This division does not apply to a violation or attempted 33399  
violation of, assisting in or abetting the violation of, or a 33400  
conspiracy to violate, any provision of this chapter or any rule 33401  
adopted by the board that would preclude the making of a report by 33402  
a physician of an employee's use of a drug of abuse, or of a 33403  
condition of an employee other than one involving the use of a 33404  
drug of abuse, to the employer of the employee as described in 33405  
division (B) of section 2305.33 of the Revised Code. Nothing in 33406  
this division affects the immunity from civil liability conferred 33407  
by that section upon a physician who makes either type of report 33408  
in accordance with division (B) of that section. As used in this 33409  
division, "employee," "employer," and "physician" have the same 33410  
meanings as in section 2305.33 of the Revised Code. 33411

(21) The violation of section 3701.79 of the Revised Code or 33412  
of any abortion rule adopted by the public health council pursuant 33413  
to section 3701.341 of the Revised Code; 33414

(22) Any of the following actions taken by the agency 33415  
responsible for regulating the practice of medicine and surgery, 33416  
osteopathic medicine and surgery, podiatric medicine and surgery, 33417  
or the limited branches of medicine in another jurisdiction, for 33418  
any reason other than the nonpayment of fees: the limitation, 33419  
revocation, or suspension of an individual's license to practice; 33420  
acceptance of an individual's license surrender; denial of a 33421  
license; refusal to renew or reinstate a license; imposition of 33422  
probation; or issuance of an order of censure or other reprimand; 33423

(23) The violation of section 2919.12 of the Revised Code or 33424  
the performance or inducement of an abortion upon a pregnant woman 33425  
with actual knowledge that the conditions specified in division 33426

(B) of section 2317.56 of the Revised Code have not been satisfied 33427  
or with a heedless indifference as to whether those conditions 33428  
have been satisfied, unless an affirmative defense as specified in 33429  
division (H)(2) of that section would apply in a civil action 33430  
authorized by division (H)(1) of that section; 33431

(24) The revocation, suspension, restriction, reduction, or 33432  
termination of clinical privileges by the United States department 33433  
of defense or department of veterans affairs or the termination or 33434  
suspension of a certificate of registration to prescribe drugs by 33435  
the drug enforcement administration of the United States 33436  
department of justice; 33437

(25) Termination or suspension from participation in the 33438  
medicare or medicaid programs by the department of health and 33439  
human services or other responsible agency for any act or acts 33440  
that also would constitute a violation of division (B)(2), (3), 33441  
(6), (8), or (19) of this section; 33442

(26) Impairment of ability to practice according to 33443  
acceptable and prevailing standards of care because of habitual or 33444  
excessive use or abuse of drugs, alcohol, or other substances that 33445  
impair ability to practice. 33446

For the purposes of this division, any individual authorized 33447  
to practice by this chapter accepts the privilege of practicing in 33448  
this state subject to supervision by the board. By filing an 33449  
application for or holding a certificate to practice under this 33450  
chapter, an individual shall be deemed to have given consent to 33451  
submit to a mental or physical examination when ordered to do so 33452  
by the board in writing, and to have waived all objections to the 33453  
admissibility of testimony or examination reports that constitute 33454  
privileged communications. 33455

If it has reason to believe that any individual authorized to 33456  
practice by this chapter or any applicant for certification to 33457

practice suffers such impairment, the board may compel the 33458  
individual to submit to a mental or physical examination, or both. 33459  
The expense of the examination is the responsibility of the 33460  
individual compelled to be examined. Any mental or physical 33461  
examination required under this division shall be undertaken by a 33462  
treatment provider or physician who is qualified to conduct the 33463  
examination and who is chosen by the board. 33464

Failure to submit to a mental or physical examination ordered 33465  
by the board constitutes an admission of the allegations against 33466  
the individual unless the failure is due to circumstances beyond 33467  
the individual's control, and a default and final order may be 33468  
entered without the taking of testimony or presentation of 33469  
evidence. If the board determines that the individual's ability to 33470  
practice is impaired, the board shall suspend the individual's 33471  
certificate or deny the individual's application and shall require 33472  
the individual, as a condition for initial, continued, reinstated, 33473  
or renewed certification to practice, to submit to treatment. 33474

Before being eligible to apply for reinstatement of a 33475  
certificate suspended under this division, the impaired 33476  
practitioner shall demonstrate to the board the ability to resume 33477  
practice in compliance with acceptable and prevailing standards of 33478  
care under the provisions of the practitioner's certificate. The 33479  
demonstration shall include, but shall not be limited to, the 33480  
following: 33481

(a) Certification from a treatment provider approved under 33482  
section 4731.25 of the Revised Code that the individual has 33483  
successfully completed any required inpatient treatment; 33484

(b) Evidence of continuing full compliance with an aftercare 33485  
contract or consent agreement; 33486

(c) Two written reports indicating that the individual's 33487  
ability to practice has been assessed and that the individual has 33488

been found capable of practicing according to acceptable and 33489  
prevailing standards of care. The reports shall be made by 33490  
individuals or providers approved by the board for making the 33491  
assessments and shall describe the basis for their determination. 33492

The board may reinstate a certificate suspended under this 33493  
division after that demonstration and after the individual has 33494  
entered into a written consent agreement. 33495

When the impaired practitioner resumes practice, the board 33496  
shall require continued monitoring of the individual. The 33497  
monitoring shall include, but not be limited to, compliance with 33498  
the written consent agreement entered into before reinstatement or 33499  
with conditions imposed by board order after a hearing, and, upon 33500  
termination of the consent agreement, submission to the board for 33501  
at least two years of annual written progress reports made under 33502  
penalty of perjury stating whether the individual has maintained 33503  
sobriety. 33504

(27) A second or subsequent violation of section 4731.66 or 33505  
4731.69 of the Revised Code; 33506

(28) Except as provided in division (N) of this section: 33507

(a) Waiving the payment of all or any part of a deductible or 33508  
copayment that a patient, pursuant to a health insurance or health 33509  
care policy, contract, or plan that covers the individual's 33510  
services, otherwise would be required to pay if the waiver is used 33511  
as an enticement to a patient or group of patients to receive 33512  
health care services from that individual; 33513

(b) Advertising that the individual will waive the payment of 33514  
all or any part of a deductible or copayment that a patient, 33515  
pursuant to a health insurance or health care policy, contract, or 33516  
plan that covers the individual's services, otherwise would be 33517  
required to pay. 33518

(29) Failure to use universal blood and body fluid 33519

precautions established by rules adopted under section 4731.051 of the Revised Code; 33520  
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(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; 33522  
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(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; 33527  
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(32) Failure of a physician or podiatrist to enter into a standard care arrangement with a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner with whom the physician or podiatrist is in collaboration pursuant to section 4731.27 of the Revised Code or failure to fulfill the responsibilities of collaboration after entering into a standard care arrangement; 33531  
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(33) Failure to comply with the terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code; 33538  
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(34) Failure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue; 33541  
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(35) Failure to supervise an acupuncturist in accordance with 33550

Chapter 4762. of the Revised Code and the board's rules for supervision of an acupuncturist; 33551  
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(36) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant; 33553  
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(37) Assisting suicide as defined in section 3795.01 of the Revised Code. 33556  
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(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect. 33558  
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If the board takes disciplinary action against an individual under division (B) of this section for a second or subsequent plea of guilty to, or judicial finding of guilt of, a violation of section 2919.123 of the Revised Code, the disciplinary action shall consist of a suspension of the individual's certificate to practice for a period of at least one year or, if determined appropriate by the board, a more serious sanction involving the individual's certificate to practice. Any consent agreement entered into under this division with an individual that pertains to a second or subsequent plea of guilty to, or judicial finding of guilt of, a violation of that section shall provide for a suspension of the individual's certificate to practice for a period of at least one year or, if determined appropriate by the 33570  
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board, a more serious sanction involving the individual's 33583  
certificate to practice. 33584

(D) For purposes of divisions (B)(10), (12), and (14) of this 33585  
section, the commission of the act may be established by a finding 33586  
by the board, pursuant to an adjudication under Chapter 119. of 33587  
the Revised Code, that the individual committed the act. The board 33588  
does not have jurisdiction under those divisions if the trial 33589  
court renders a final judgment in the individual's favor and that 33590  
judgment is based upon an adjudication on the merits. The board 33591  
has jurisdiction under those divisions if the trial court issues 33592  
an order of dismissal upon technical or procedural grounds. 33593

(E) The sealing of conviction records by any court shall have 33594  
no effect upon a prior board order entered under this section or 33595  
upon the board's jurisdiction to take action under this section 33596  
if, based upon a plea of guilty, a judicial finding of guilt, or a 33597  
judicial finding of eligibility for intervention in lieu of 33598  
conviction, the board issued a notice of opportunity for a hearing 33599  
prior to the court's order to seal the records. The board shall 33600  
not be required to seal, destroy, redact, or otherwise modify its 33601  
records to reflect the court's sealing of conviction records. 33602

(F)(1) The board shall investigate evidence that appears to 33603  
show that a person has violated any provision of this chapter or 33604  
any rule adopted under it. Any person may report to the board in a 33605  
signed writing any information that the person may have that 33606  
appears to show a violation of any provision of this chapter or 33607  
any rule adopted under it. In the absence of bad faith, any person 33608  
who reports information of that nature or who testifies before the 33609  
board in any adjudication conducted under Chapter 119. of the 33610  
Revised Code shall not be liable in damages in a civil action as a 33611  
result of the report or testimony. Each complaint or allegation of 33612  
a violation received by the board shall be assigned a case number 33613  
and shall be recorded by the board. 33614



(2) Investigations of alleged violations of this chapter or 33615  
any rule adopted under it shall be supervised by the supervising 33616  
member elected by the board in accordance with section 4731.02 of 33617  
the Revised Code and by the secretary as provided in section 33618  
4731.39 of the Revised Code. The president may designate another 33619  
member of the board to supervise the investigation in place of the 33620  
supervising member. No member of the board who supervises the 33621  
investigation of a case shall participate in further adjudication 33622  
of the case. 33623

(3) In investigating a possible violation of this chapter or 33624  
any rule adopted under this chapter, the board may administer 33625  
oaths, order the taking of depositions, issue subpoenas, and 33626  
compel the attendance of witnesses and production of books, 33627  
accounts, papers, records, documents, and testimony, except that a 33628  
subpoena for patient record information shall not be issued 33629  
without consultation with the attorney general's office and 33630  
approval of the secretary and supervising member of the board. 33631  
Before issuance of a subpoena for patient record information, the 33632  
secretary and supervising member shall determine whether there is 33633  
probable cause to believe that the complaint filed alleges a 33634  
violation of this chapter or any rule adopted under it and that 33635  
the records sought are relevant to the alleged violation and 33636  
material to the investigation. The subpoena may apply only to 33637  
records that cover a reasonable period of time surrounding the 33638  
alleged violation. 33639

On failure to comply with any subpoena issued by the board 33640  
and after reasonable notice to the person being subpoenaed, the 33641  
board may move for an order compelling the production of persons 33642  
or records pursuant to the Rules of Civil Procedure. 33643

A subpoena issued by the board may be served by a sheriff, 33644  
the sheriff's deputy, or a board employee designated by the board. 33645  
Service of a subpoena issued by the board may be made by 33646

delivering a copy of the subpoena to the person named therein, 33647  
reading it to the person, or leaving it at the person's usual 33648  
place of residence. When the person being served is a person whose 33649  
practice is authorized by this chapter, service of the subpoena 33650  
may be made by certified mail, restricted delivery, return receipt 33651  
requested, and the subpoena shall be deemed served on the date 33652  
delivery is made or the date the person refuses to accept 33653  
delivery. 33654

A sheriff's deputy who serves a subpoena shall receive the 33655  
same fees as a sheriff. Each witness who appears before the board 33656  
in obedience to a subpoena shall receive the fees and mileage 33657  
provided for witnesses in civil cases in the courts of common 33658  
pleas. 33659

(4) All hearings and investigations of the board shall be 33660  
considered civil actions for the purposes of section 2305.252 of 33661  
the Revised Code. 33662

(5) Information received by the board pursuant to an 33663  
investigation is confidential and not subject to discovery in any 33664  
civil action. 33665

The board shall conduct all investigations and proceedings in 33666  
a manner that protects the confidentiality of patients and persons 33667  
who file complaints with the board. The board shall not make 33668  
public the names or any other identifying information about 33669  
patients or complainants unless proper consent is given or, in the 33670  
case of a patient, a waiver of the patient privilege exists under 33671  
division (B) of section 2317.02 of the Revised Code, except that 33672  
consent or a waiver of that nature is not required if the board 33673  
possesses reliable and substantial evidence that no bona fide 33674  
physician-patient relationship exists. 33675

The board may share any information it receives pursuant to 33676  
an investigation, including patient records and patient record 33677

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 medical board when the information was in the board's possession. Measures to ensure confidentiality that may be taken by the court include sealing its records or deleting specific information from its records.

(6) On a quarterly basis, the board shall prepare a report that documents the disposition of all cases during the preceding three months. The report shall contain the following information for each case with which the board has completed its activities:

(a) The case number assigned to the complaint or alleged violation;

(b) The type of certificate to practice, if any, held by the individual against whom the complaint is directed;

(c) A description of the allegations contained in the complaint;

(d) The disposition of the case.

The report shall state how many cases are still pending and

shall be prepared in a manner that protects the identity of each 33709  
person involved in each case. The report shall be a public record 33710  
under section 149.43 of the Revised Code. 33711

(G) If the secretary and supervising member determine that 33712  
there is clear and convincing evidence that an individual has 33713  
violated division (B) of this section and that the individual's 33714  
continued practice presents a danger of immediate and serious harm 33715  
to the public, they may recommend that the board suspend the 33716  
individual's certificate to practice without a prior hearing. 33717  
Written allegations shall be prepared for consideration by the 33718  
board. 33719

The board, upon review of those allegations and by an 33720  
affirmative vote of not fewer than six of its members, excluding 33721  
the secretary and supervising member, may suspend a certificate 33722  
without a prior hearing. A telephone conference call may be 33723  
utilized for reviewing the allegations and taking the vote on the 33724  
summary suspension. 33725

The board shall issue a written order of suspension by 33726  
certified mail or in person in accordance with section 119.07 of 33727  
the Revised Code. The order shall not be subject to suspension by 33728  
the court during pendency of any appeal filed under section 119.12 33729  
of the Revised Code. If the individual subject to the summary 33730  
suspension requests an adjudicatory hearing by the board, the date 33731  
set for the hearing shall be within fifteen days, but not earlier 33732  
than seven days, after the individual requests the hearing, unless 33733  
otherwise agreed to by both the board and the individual. 33734

Any summary suspension imposed under this division shall 33735  
remain in effect, unless reversed on appeal, until a final 33736  
adjudicative order issued by the board pursuant to this section 33737  
and Chapter 119. of the Revised Code becomes effective. The board 33738  
shall issue its final adjudicative order within ~~sixty~~ seventy-five 33739  
days after completion of its hearing. A failure to issue the order 33740

within ~~sixty~~ seventy-five days shall result in dissolution of the 33741  
summary suspension order but shall not invalidate any subsequent, 33742  
final adjudicative order. 33743

(H) If the board takes action under division (B)(9), (11), or 33744  
(13) of this section and the judicial finding of guilt, guilty 33745  
plea, or judicial finding of eligibility for intervention in lieu 33746  
of conviction is overturned on appeal, upon exhaustion of the 33747  
criminal appeal, a petition for reconsideration of the order may 33748  
be filed with the board along with appropriate court documents. 33749  
Upon receipt of a petition of that nature and supporting court 33750  
documents, the board shall reinstate the individual's certificate 33751  
to practice. The board may then hold an adjudication under Chapter 33752  
119. of the Revised Code to determine whether the individual 33753  
committed the act in question. Notice of an opportunity for a 33754  
hearing shall be given in accordance with Chapter 119. of the 33755  
Revised Code. If the board finds, pursuant to an adjudication held 33756  
under this division, that the individual committed the act or if 33757  
no hearing is requested, the board may order any of the sanctions 33758  
identified under division (B) of this section. 33759

(I) The certificate to practice issued to an individual under 33760  
this chapter and the individual's practice in this state are 33761  
automatically suspended as of the date of the individual's second 33762  
or subsequent plea of guilty to, or judicial finding of guilt of, 33763  
a violation of section 2919.123 of the Revised Code, or the date 33764  
the individual pleads guilty to, is found by a judge or jury to be 33765  
guilty of, or is subject to a judicial finding of eligibility for 33766  
intervention in lieu of conviction in this state or treatment or 33767  
intervention in lieu of conviction in another jurisdiction for any 33768  
of the following criminal offenses in this state or a 33769  
substantially equivalent criminal offense in another jurisdiction: 33770  
aggravated murder, murder, voluntary manslaughter, felonious 33771  
assault, kidnapping, rape, sexual battery, gross sexual 33772

imposition, aggravated arson, aggravated robbery, or aggravated 33773  
burglary. Continued practice after suspension shall be considered 33774  
practicing without a certificate. 33775

The board shall notify the individual subject to the 33776  
suspension by certified mail or in person in accordance with 33777  
section 119.07 of the Revised Code. If an individual whose 33778  
certificate is automatically suspended under this division fails 33779  
to make a timely request for an adjudication under Chapter 119. of 33780  
the Revised Code, the board shall do whichever of the following is 33781  
applicable: 33782

(1) If the automatic suspension under this division is for a 33783  
second or subsequent plea of guilty to, or judicial finding of 33784  
guilt of, a violation of section 2919.123 of the Revised Code, the 33785  
board shall enter an order suspending the individual's certificate 33786  
to practice for a period of at least one year or, if determined 33787  
appropriate by the board, imposing a more serious sanction 33788  
involving the individual's certificate to practice. 33789

(2) In all circumstances in which division (I)(1) of this 33790  
section does not apply, enter a final order permanently revoking 33791  
the individual's certificate to practice. 33792

(J) If the board is required by Chapter 119. of the Revised 33793  
Code to give notice of an opportunity for a hearing and if the 33794  
individual subject to the notice does not timely request a hearing 33795  
in accordance with section 119.07 of the Revised Code, the board 33796  
is not required to hold a hearing, but may adopt, by an 33797  
affirmative vote of not fewer than six of its members, a final 33798  
order that contains the board's findings. In that final order, the 33799  
board may order any of the sanctions identified under division (A) 33800  
or (B) of this section. 33801

(K) Any action taken by the board under division (B) of this 33802  
section resulting in a suspension from practice shall be 33803

accompanied by a written statement of the conditions under which 33804  
the individual's certificate to practice may be reinstated. The 33805  
board shall adopt rules governing conditions to be imposed for 33806  
reinstatement. Reinstatement of a certificate suspended pursuant 33807  
to division (B) of this section requires an affirmative vote of 33808  
not fewer than six members of the board. 33809

(L) When the board refuses to grant a certificate to an 33810  
applicant, revokes an individual's certificate to practice, 33811  
refuses to register an applicant, or refuses to reinstate an 33812  
individual's certificate to practice, the board may specify that 33813  
its action is permanent. An individual subject to a permanent 33814  
action taken by the board is forever thereafter ineligible to hold 33815  
a certificate to practice and the board shall not accept an 33816  
application for reinstatement of the certificate or for issuance 33817  
of a new certificate. 33818

(M) Notwithstanding any other provision of the Revised Code, 33819  
all of the following apply: 33820

(1) The surrender of a certificate issued under this chapter 33821  
shall not be effective unless or until accepted by the board. 33822  
Reinstatement of a certificate surrendered to the board requires 33823  
an affirmative vote of not fewer than six members of the board. 33824

(2) An application for a certificate made under the 33825  
provisions of this chapter may not be withdrawn without approval 33826  
of the board. 33827

(3) Failure by an individual to renew a certificate of 33828  
registration in accordance with this chapter shall not remove or 33829  
limit the board's jurisdiction to take any disciplinary action 33830  
under this section against the individual. 33831

(N) Sanctions shall not be imposed under division (B)(28) of 33832  
this section against any person who waives deductibles and 33833  
copayments as follows: 33834

(1) In compliance with the health benefit plan that expressly 33835  
allows such a practice. Waiver of the deductibles or copayments 33836  
shall be made only with the full knowledge and consent of the plan 33837  
purchaser, payer, and third-party administrator. Documentation of 33838  
the consent shall be made available to the board upon request. 33839

(2) For professional services rendered to any other person 33840  
authorized to practice pursuant to this chapter, to the extent 33841  
allowed by this chapter and rules adopted by the board. 33842

(O) Under the board's investigative duties described in this 33843  
section and subject to division (F) of this section, the board 33844  
shall develop and implement a quality intervention program 33845  
designed to improve through remedial education the clinical and 33846  
communication skills of individuals authorized under this chapter 33847  
to practice medicine and surgery, osteopathic medicine and 33848  
surgery, and podiatric medicine and surgery. In developing and 33849  
implementing the quality intervention program, the board may do 33850  
all of the following: 33851

(1) Offer in appropriate cases as determined by the board an 33852  
educational and assessment program pursuant to an investigation 33853  
the board conducts under this section; 33854

(2) Select providers of educational and assessment services, 33855  
including a quality intervention program panel of case reviewers; 33856

(3) Make referrals to educational and assessment service 33857  
providers and approve individual educational programs recommended 33858  
by those providers. The board shall monitor the progress of each 33859  
individual undertaking a recommended individual educational 33860  
program. 33861

(4) Determine what constitutes successful completion of an 33862  
individual educational program and require further monitoring of 33863  
the individual who completed the program or other action that the 33864  
board determines to be appropriate; 33865



(5) Adopt rules in accordance with Chapter 119. of the 33866  
Revised Code to further implement the quality intervention 33867  
program. 33868

An individual who participates in an individual educational 33869  
program pursuant to this division shall pay the financial 33870  
obligations arising from that educational program. 33871

**Sec. 4736.01.** As used in this chapter: 33872

(A) "Environmental health science" means the aspect of public 33873  
health science that includes, but is not limited to, the following 33874  
bodies of knowledge: air quality, food quality and protection, 33875  
hazardous and toxic substances, consumer product safety, housing, 33876  
institutional health and safety, community noise control, 33877  
radiation protection, recreational facilities, solid and liquid 33878  
waste management, vector control, drinking water quality, milk 33879  
sanitation, and rabies control. 33880

(B) "Sanitarian" means a person who performs for compensation 33881  
educational, investigational, technical, or administrative duties 33882  
requiring specialized knowledge and skills in the field of 33883  
environmental health science. 33884

(C) "Registered sanitarian" means a person who is registered 33885  
as a sanitarian in accordance with this chapter. 33886

(D) "Sanitarian-in-training" means a person who is registered 33887  
as a sanitarian-in-training in accordance with this chapter. 33888

(E) "Practice of environmental health" means consultation, 33889  
instruction, investigation, inspection, or evaluation by an 33890  
employee of a city health district, a general health district, the 33891  
environmental protection agency, the department of health, or the 33892  
department of agriculture requiring specialized knowledge, 33893  
training, and experience in the field of environmental health 33894  
science, with the primary purpose of improving or conducting 33895

administration or enforcement under any of the following:	33896
(1) Chapter 911., 913., 917., 3717., <del>3718.</del> , 3721., 3729., or 3733. of the Revised Code;	33897 33898
(2) Chapter 3734. of the Revised Code as it pertains to solid waste;	33899 33900
(3) Section 955.26, 3701.344, 3707.01, or 3707.03, sections 3707.38 to 3707.99, or section 3715.21 of the Revised Code;	33901 33902
(4) Rules adopted under section 3701.34 of the Revised Code pertaining to <u>home sewage</u> , rabies control, or swimming pools;	33903 33904
(5) Rules adopted under section 3701.935 of the Revised Code for school health and safety network inspections and rules adopted under section 3707.26 of the Revised Code for sanitary inspections.	33905 33906 33907 33908
"Practice of environmental health" does not include sampling, testing, controlling of vectors, reporting of observations, or other duties that do not require application of specialized knowledge and skills in environmental health science performed under the supervision of a registered sanitarian.	33909 33910 33911 33912 33913
The state board of sanitarian registration may further define environmental health science in relation to specific functions in the practice of environmental health through rules adopted by the board under Chapter 119. of the Revised Code.	33914 33915 33916 33917
<b>Sec. 4743.05.</b> Except as otherwise provided in sections 4701.20, 4723.062, 4723.082, and 4729.65 of the Revised Code, all money collected under Chapters 3773., 4701., 4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 4732., 4733., 4734., 4736., 4741., 4753., 4755., 4757., 4758., 4759., 4761., <u>4766.</u> , 4771., <u>4775.</u> , 4779., and 4781. of the Revised Code shall be paid into the state treasury to the credit of the occupational licensing and regulatory fund, which is hereby created for use in administering	33918 33919 33920 33921 33922 33923 33924 33925

such chapters. 33926

At the end of each quarter, the director of budget and 33927  
management shall transfer from the occupational licensing and 33928  
regulatory fund to the nurse education assistance fund created in 33929  
section 3333.28 of the Revised Code the amount certified to the 33930  
director under division (B) of section 4723.08 of the Revised 33931  
Code. 33932

At the end of each quarter, the director shall transfer from 33933  
the occupational licensing and regulatory fund to the certified 33934  
public accountant education assistance fund created in section 33935  
4701.26 of the Revised Code the amount certified to the director 33936  
under division (H)(2) of section 4701.10 of the Revised Code. 33937

**Sec. 4755.03.** ~~All~~ Except as provided in section 4755.99 of 33938  
the Revised Code, all fees and fines collected and assessed under 33939  
this chapter by the appropriate section of the Ohio occupational 33940  
therapy, physical therapy, and athletic trainers board, shall be 33941  
deposited into the state treasury to the credit of the 33942  
occupational licensing and regulatory fund. 33943

**Sec. 4766.05.** (A) The Ohio medical transportation board shall 33944  
establish by rule a license fee, a permit fee for each ambulance, 33945  
ambulette, rotorcraft air ambulance, fixed wing air ambulance, and 33946  
nontransport vehicle owned or leased by the licensee that is or 33947  
will be used as provided in section 4766.07 of the Revised Code, 33948  
and fees for renewals of licenses and permits, taking into 33949  
consideration the actual costs incurred by the board in carrying 33950  
out its duties under this chapter. However, the fee for each 33951  
license and each renewal of a license shall not exceed one hundred 33952  
dollars, and the fee for each permit and each renewal of a permit 33953  
shall not exceed one hundred dollars for each ambulance, 33954  
rotorcraft air ambulance, fixed wing air ambulance, and 33955

nontransport vehicle. The fee for each permit and each renewal of 33956  
a permit shall be twenty-five dollars for each ambulette for one 33957  
year after ~~the effective date of this amendment~~ March 9, 2004. 33958  
Thereafter, the board shall determine by rule the fee, which shall 33959  
not exceed fifty dollars, for each permit and each renewal of a 33960  
permit for each ambulette. For purposes of establishing fees, 33961  
"actual costs" includes the costs of salaries, expenses, 33962  
inspection equipment, supervision, and program administration. 33963

(B) The board shall deposit all fees and other moneys 33964  
collected pursuant to sections 4766.04, 4766.07, and 4766.08 of 33965  
the Revised Code in the state treasury to the credit of the ~~Ohio~~ 33966  
~~medical transportation trust~~ occupational licensing and regulatory 33967  
fund, which is ~~hereby~~ created by section 4743.05 of the Revised 33968  
Code. All moneys from the fund shall be used solely for the 33969  
salaries and expenses of the board incurred in implementing and 33970  
enforcing this chapter. 33971

(C) The board, subject to the approval of the controlling 33972  
board, may establish fees in excess of the maximum amounts allowed 33973  
under division (A) of this section, but such fees shall not exceed 33974  
those maximum amounts by more than fifty per cent. 33975

**Sec. 4766.22.** (A) Not later than forty-five days after the 33976  
end of each fiscal year, the Ohio medical transportation board 33977  
shall submit a report to the governor and general assembly that 33978  
provides all of the following information for that fiscal year: 33979

(1) The number of each of the following the board issued: 33980

(a) Basic life-support organization licenses; 33981

(b) Intermediate life-support organization licenses; 33982

(c) Advanced life-support organization licenses; 33983

(d) Mobile intensive care unit organization licenses; 33984

(e) Ambulette service licenses; 33985

<u>(f) Air medical service organization licenses;</u>	33986
<u>(g) Ambulance permits;</u>	33987
<u>(h) Nontransport vehicle permits;</u>	33988
<u>(i) Ambulette vehicle permits;</u>	33989
<u>(j) Rotorcraft air ambulance permits;</u>	33990
<u>(k) Fixed wing air ambulance permits.</u>	33991
<u>(2) The amount of fees the board collected for issuing and renewing each type of license and permit specified in division (A)(1) of this section;</u>	33992 33993 33994
<u>(3) The number of inspections the board or a third party on the board's behalf conducted in connection with each type of license and permit specified in division (A)(1) of this section and the amount of fees the board collected for the inspections;</u>	33995 33996 33997 33998
<u>(4) The number of complaints that were submitted to the board;</u>	33999 34000
<u>(5) The number of investigations the board conducted under section 4766.11 of the Revised Code;</u>	34001 34002
<u>(6) The number of adjudication hearings the board held and the outcomes of the adjudications;</u>	34003 34004
<u>(7) The amount of penalties the board imposed and collected under section 4766.08 of the Revised Code;</u>	34005 34006
<u>(8) Other information the board determines reflects the board's operations.</u>	34007 34008
<u>(B) The board shall post the annual report required by this section on its web site and make it available to the public on request.</u>	34009 34010 34011
<b>Sec. 4775.08.</b> (A) The initial and annual renewal fee for a motor vehicle collision repair registration certificate and for a	34012 34013

temporary motor vehicle collision repair registration certificate 34014  
is one hundred fifty dollars for each business location at which 34015  
the motor vehicle collision repair operator conducts business as 34016  
an operator, except that the board of motor vehicle collision 34017  
repair registration, with the approval of the controlling board, 34018  
may establish fees in excess of or less than that amount, provided 34019  
that such fees do not exceed or are not less than that amount by 34020  
more than fifty per cent. 34021

The board shall adjust the fees as necessary in order to 34022  
provide for the expenses associated with carrying out this chapter 34023  
~~without causing an excessive build up of surplus funds in the~~ 34024  
~~motor vehicle collision repair registration fund, which is hereby~~ 34025  
~~created in the state treasury.~~ 34026

(B) If the board has notified or attempted to notify a motor 34027  
vehicle collision repair operator that the operator is required to 34028  
be registered under this chapter, and the operator fails to 34029  
register, the initial fee for the registration of such an 34030  
unregistered operator for each business location at which the 34031  
operator conducts business as an operator, is the initial fee then 34032  
in effect plus an additional amount equal to the initial fee then 34033  
in effect for each calendar year that the operator is not 34034  
registered after the board has notified or attempted to notify the 34035  
operator. 34036

(C) The board shall deposit all fees and fines collected 34037  
under this chapter into the ~~motor vehicle collision repair~~ 34038  
~~registration fund. The board shall use the fund solely for the~~ 34039  
~~administration and enforcement of this chapter~~ occupational 34040  
licensing and regulatory fund created by section 4743.05 of the 34041  
Revised Code. 34042

**Sec. 4921.40.** In accordance with section 4921.04 of the 34043  
Revised Code, the public utilities commission may adopt rules: 34044

(A) Providing for binding estimates by motor transportation companies engaged, for hire, in the business of transporting household goods over a public highway in this state;

(B) Providing for guaranteed-not-to-exceed estimates by such motor transportation companies;

(C) Requiring such motor transportation companies to include their certificate number in all advertising, written estimates, and contracts related to the transportation of household goods in this state;

(D) As are necessary and proper to carry out this chapter with respect to such motor transportation companies;

(E) Providing for the enforcement of the consumer protection provisions of Title 49 of the United States Code related to the delivery and transportation of household goods in interstate commerce, as permitted by 49 U.S.C. 14710. Any fine or penalty imposed as a result of such enforcement shall be deposited into the state treasury to the credit of the general revenue fund.

Sec. 4923.26. There is hereby created in the state treasury the federal commercial vehicle transportation systems fund. The fund shall consist of money received from the United States department of transportation's commercial vehicle intelligent transportation systems infrastructure deployment program. The public utilities commission shall use the fund to deploy the Ohio commercial vehicle information systems networks project and to improve safety of motor carrier operations through electronic exchange of data by means of on-highway electronic systems.

**Sec. 5101.162.** Subject to available federal funds and appropriations made by the general assembly, the department of job and family services may, at its sole discretion, use available federal funds to reimburse county expenditures for county

administration of food stamps or medicaid even though the county 34075  
expenditures meet or exceed the maximum allowable reimbursement 34076  
amount established by rules adopted under section 5101.161 of the 34077  
Revised Code ~~if the board of county commissioners has entered into~~ 34078  
~~a fiscal agreement with the director of job and family services~~ 34079  
~~under section 5101.21 of the Revised Code.~~ The director may adopt 34080  
internal management rules in accordance with section 111.15 of the 34081  
Revised Code to implement this section. 34082

**Sec. 5101.21.** (A) As used in ~~this section,~~ "county signer 34083  
sections 5101.21 to 5101.212 of the Revised Code: 34084

(1) "County grantee" means all of the following: 34085

~~(1)(a)~~ A board of county commissioners; 34086

~~(2)(b)~~ A county children services board appointed under 34087  
section 5153.03 of the Revised Code ~~if required by division (B) of~~ 34088  
~~this section to enter into a fiscal agreement;~~ 34089

~~(3)(c)~~ A county elected official that is a child support 34090  
enforcement agency ~~if required by division (B) of this section to~~ 34091  
~~enter into a fiscal agreement.~~ 34092

(2) "County subgrant" means a grant that a county grantee 34093  
awards to another entity. 34094

(3) "County subgrant agreement" means an agreement between a 34095  
county grantee and another entity under which the county grantee 34096  
awards the other entity one or more county subgrants. 34097

(4) "Fiscal biennial period" means a two-year period 34098  
beginning on the first day of July of an odd-numbered year and 34099  
ending on the last day of June of the next odd-numbered year. 34100

(5) "Grant" means an award for one or more family services 34101  
duties of federal financial assistance that a federal agency 34102  
provides in the form of money, or property in lieu of money, to 34103  
the department of job and family services and that the department 34104



awards to a county grantee. "Grant" may include state funds the 34105  
department awards to a county grantee to match the federal 34106  
financial assistance. "Grant" does not mean either of the 34107  
following: 34108

(a) Technical assistance that provides services instead of 34109  
money; 34110

(b) Other assistance provided in the form of revenue sharing, 34111  
loans, loan guarantees, interest subsidies, or insurance. 34112

(6) "Grant agreement" means an agreement between the 34113  
department of job and family services and a county grantee under 34114  
which the department awards the county grantee one or more grants. 34115

(B) The Effective July 1, 2008, the director of job and 34116  
family services may award grants to counties only through grant 34117  
agreements entered into under this section. 34118

(C) The director shall enter into one or more written fiscal 34119  
grant agreements with boards of the county commissioners under 34120  
which financial assistance is awarded for family services duties 34121  
included in the agreements grantees of each county. Boards of 34122  
county commissioners shall select which family services duties to 34123  
include in a fiscal agreement. If a board of county commissioners 34124  
elects to include family services duties of a public children 34125  
services agency and a county children services board appointed 34126  
under section 5153.03 of the Revised Code serves as the county's 34127  
public children services agency, the board of county commissioners 34128  
and county children services board shall jointly enter into the 34129  
fiscal agreement with the director. If a board of county 34130  
commissioners elects to include family services duties of a child 34131  
support enforcement agency and the entity designated under former 34132  
section 2301.35 of the Revised Code prior to October 1, 1997, or 34133  
designated under section 307.981 of the Revised Code as the 34134  
county's child support enforcement agency is an elected official 34135

~~of the county, the board of county commissioners and county~~ 34136  
~~elected official~~ If a county has multiple county grantees, the 34137  
director shall jointly enter into the ~~fiscal~~ grant agreement with 34138  
~~the director~~ all of the county grantees. The initial grant 34139  
agreement shall be entered into not later than January 31, 2008, 34140  
and shall be in effect for fiscal year 2009. Except as provided in 34141  
rules adopted under this section, subsequent grant agreements 34142  
shall be entered into before the first day of each successive 34143  
fiscal biennial period and shall be in effect for that fiscal 34144  
biennial period or, in the case of a grant agreement entered into 34145  
after the first day of a fiscal biennial period and except as 34146  
provided by section 5101.211 of the Revised Code, for the 34147  
remainder of the fiscal biennial period. A fiscal grant agreement 34148  
shall do all of the following: 34149

(1) Comply with all of the conditions, requirements, and 34150  
restrictions applicable to the family services duties for which 34151  
the grants included in the agreement are awarded, including the 34152  
conditions, requirements, and restrictions established by the 34153  
department, federal or state law, state plans for receipt of 34154  
federal financial participation, agreements between the department 34155  
and a federal agency, and executive orders issued by the governor; 34156

(2) Establish terms and conditions governing the 34157  
accountability for and use of the grants included in the grant 34158  
agreement; 34159

(3) Specify ~~the~~ both of the following: 34160

(a) The family services duties ~~included in the agreement and~~ 34161  
~~the~~ for which the grants included in the agreement are awarded; 34162

(b) The private and government entities designated under 34163  
section 307.981 of the Revised Code to serve as the county family 34164  
services agencies performing the family services duties; 34165

~~(2)~~(4) Provide for the department of job and family services 34166

to award ~~financial assistance for the family services duties~~ 34167  
grants included in the agreement in accordance with a methodology 34168  
for determining the amount of the award established by rules 34169  
adopted under ~~division (D) of~~ this section; 34170

~~(3)(5)~~ Specify the form of the ~~award of financial assistance~~ 34171  
grants which may be ~~an allocation,~~ a cash draw, reimbursement, 34172  
property, advance, working capital advance, or, ~~to the extent~~ 34173  
~~authorized by an appropriation made by the general assembly and to~~ 34174  
~~the extent practicable and not in conflict with a federal or state~~ 34175  
~~law, a consolidated funding allocation for two or more family~~ 34176  
~~services duties included in the agreement~~ other forms specified in 34177  
rules adopted under this section; 34178

~~(4)(6)~~ Provide that the ~~award of financial assistance is~~ 34179  
grants are subject to the availability of federal funds and 34180  
appropriations made by the general assembly; 34181

~~(5)(7)~~ Specify annual financial, administrative, or other 34182  
incentive awards, if any, to be provided in accordance with 34183  
section 5101.23 of the Revised Code; 34184

~~(6)(8)~~ Include the assurance of each county ~~signer~~ grantee 34185  
that the county ~~signer~~ grantee will do all of the following: 34186

(a) Ensure that the ~~financial assistance awarded under~~ grants 34187  
included in the agreement ~~is~~ are used, and the family services 34188  
duties ~~included in for which the agreement~~ grants are awarded are 34189  
performed, in accordance with conditions, requirements for, and 34190  
restrictions applicable to the duties established by the 34191  
department, a federal or state law, ~~or any of the following that~~ 34192  
~~concern the family services duties included in the fiscal~~ 34193  
~~agreement and are published under section 5101.212 of the Revised~~ 34194  
~~Code;~~ state plans for receipt of federal financial participation, 34195  
~~grant~~ agreements between the department and a federal agency, and 34196  
executive orders issued by the governor; 34197

(b) ~~Ensure that the board and county family services agencies~~ 34198  
~~utilize~~ Utilize a financial management system and other 34199  
~~accountability mechanisms for the financial assistance grants~~ 34200  
~~awarded under the agreement that meet requirements the department~~ 34201  
~~establishes;~~ 34202

(c) ~~Require the county family services agencies to do both~~ Do 34203  
all of the following with regard to a county subgrant: 34204

(i) Award the subgrant through a written county subgrant 34205  
agreement that requires the entity awarded the county subgrant to 34206  
comply with all conditions, requirements, and restrictions 34207  
applicable to the county grantee regarding the grant that the 34208  
county grantee subgrants to the entity, including the conditions, 34209  
requirements, and restrictions of this section; 34210

(ii) ~~Monitor all private and government entities~~ the entity 34211  
~~that receive a payment from financial assistance is~~ is awarded under 34212  
~~the agreement~~ subgrant to ensure that each the entity uses the 34213  
~~payment~~ subgrant in accordance with conditions, requirements ~~for,~~ 34214  
and restrictions applicable to the family services duties ~~included~~ 34215  
~~in~~ for which the ~~agreement~~ subgrant is awarded; 34216

~~(ii)~~(iii) Take action to recover ~~payments~~ subgrants that are 34217  
not used in accordance with the conditions, requirements ~~for,~~ or 34218  
restrictions applicable to the family services duties ~~included in~~ 34219  
for which the ~~agreement~~ subgrant is awarded. 34220

(d) ~~Require county family services agencies to promptly~~ 34221  
Promptly reimburse the department the amount that represents the 34222  
amount ~~an agency~~ the county grantee is responsible for, pursuant 34223  
to action the department takes under division (C) of section 34224  
5101.24 of the Revised Code, of funds the department pays to any 34225  
entity because of an adverse audit finding, adverse quality 34226  
control finding, final disallowance of federal financial 34227  
participation, or other sanction or penalty; 34228

(e) ~~Require county family services agencies to take~~ Take 34229  
prompt corrective action, including paying amounts resulting from 34230  
an adverse finding, sanction, or penalty, if the department, 34231  
auditor of state, federal agency, or other entity authorized by 34232  
federal or state law to determine compliance with the conditions, 34233  
requirements ~~for,~~ and restrictions applicable to a family services 34234  
duty for which a grant included in the agreement is awarded 34235  
determines compliance has not been achieved; 34236

(f) Ensure that any matching funds, regardless of the source, 34237  
that the county grantee manages are clearly identified and used in 34238  
accordance with federal and state laws and the agreement. 34239

~~(7)~~(9) Provide for the department taking action pursuant to 34240  
division (C) of section 5101.24 of the Revised Code if authorized 34241  
by division (B)(1), (2), (3), or (4) of that section; 34242

~~(8)~~(10) Provide for timely audits required by federal and 34243  
state law and require prompt release of audit findings and prompt 34244  
action to correct problems identified in an audit; 34245

~~(9)~~ Comply with all of the requirements for the family 34246  
services duties that are included in the agreement and have been 34247  
established by the department, federal or state law, or any of the 34248  
following that concern the family services duties included in the 34249  
fiscal agreement and are published under section 5101.212 of the 34250  
Revised Code: state plans for receipt of federal financial 34251  
participation, grant agreements between the department and a 34252  
federal agency, and executive orders issued by the governor; 34253

~~(10)~~(11) Provide for dispute resolution administrative review 34254  
procedures in accordance with section 5101.24 of the Revised Code; 34255

~~(11)~~(12) Establish the method of amending or terminating the 34256  
agreement and an expedited process for correcting terms or 34257  
conditions of the agreement that the director and each county 34258  
~~signer~~ grantee agree are erroneous; 34259

~~(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.~~ 34260  
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~~(C)(D) A grant agreement does not have to be amended for a county grantee to be required to comply with a new or amended condition, requirement, or restriction for a family services duty established by federal or state law, state plan for receipt of federal financial participation, agreement between the department and a federal agency, or executive order issued by the governor.~~ 34264  
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(E) The department shall make payments authorized by a fiscal grant agreement on vouchers it prepares and may include any funds appropriated or allocated to it for carrying out family services duties for which a grant included in the agreement is awarded, including funds for personal services and maintenance. 34270  
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~~(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 under the grants included in the agreements. The rules also shall establish terms and conditions under which an agreement may be entered into after the first day of July of an odd numbered year a fiscal biennial period. The rules may do any or all of the following:~~ 34275  
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(a) Govern the award of grants included in grant agreements, including the establishment of allocations, and restrictions on, the form of the grants and the distribution of the grants; 34287  
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(b) Specify allowable uses of ~~financial assistance awarded~~ 34290

~~under the grants included in the agreements;~~ 34291

(c) Establish reporting, cash management, audit, and other 34292  
requirements the director determines are necessary to provide 34293  
accountability for the use of ~~financial assistance awarded under~~ 34294  
the grants included in the agreements and determine compliance 34295  
with conditions, requirements, and restrictions established by the 34296  
department, a federal or state law, ~~or any of the following that~~ 34297  
~~concern the family services duties included in the agreements and~~ 34298  
~~are published under section 5101.212 of the Revised Code;~~ state 34299  
plans for receipt of federal financial participation, ~~grant~~ 34300  
agreements between the department and a federal entity agency, and 34301  
executive orders issued by the governor. 34302

(2) A requirement of a ~~fiscal grant~~ agreement established by 34303  
a rule adopted under this division is applicable to a ~~fiscal grant~~ 34304  
agreement without having to be restated in the ~~fiscal grant~~ 34305  
agreement. A requirement established by a grant agreement is 34306  
applicable to the grant agreement without having to be restated in 34307  
a rule. 34308

**Sec. 5101.211.** ~~(A) Except as provided in division (B) of this~~ 34309  
~~section, the~~ The director of job and family services may provide 34310  
for a ~~fiscal grant~~ agreement entered into under section 5101.21 of 34311  
the Revised Code to have a retroactive effective date of the first 34312  
day of July of an odd-numbered year if both of the following are 34313  
the case: 34314

~~(1)~~(A) The agreement is entered into after that date and 34315  
before the last day of that July. 34316

~~(2)~~(B) The board of county commissioners requests the 34317  
retroactive effective date and provides the director good cause 34318  
satisfactory to the director for the reason the agreement was not 34319  
entered into on or before the first day of that July. 34320

~~(B) The director may provide for a fiscal agreement to have a retroactive effective date of July 1, 2003, if both of the following are the case:~~ 34321  
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~~(1) The agreement is entered into after July 1, 2003, and before August 29, 2003.~~ 34324  
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~~(2) The board of county commissioners requests the retroactive effective date.~~ 34326  
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**Sec. 5101.212.** The department of job and family services shall publish in a manner accessible to the public all of the following that concern family services duties for which grants included in ~~fiscal~~ grant agreements entered into under section 5101.21 of the Revised Code are awarded: state plans for receipt of federal financial participation, ~~grant~~ agreements between the department and a federal agency, and executive orders issued by the governor. The department may publish the materials electronically or otherwise. 34328  
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**Sec. 5101.213.** (A) ~~Except as provided in section 5101.211 of the Revised Code, if a fiscal agreement under section 5101.21 of the Revised Code between the director of job and family services and a board of county commissioners is not in effect~~ Until July 1, 2008, all of the following apply: 34337  
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(1) ~~The~~ For each board of county commissioners, the department of job and family services shall award to the county the board serves financial assistance for family services duties in accordance with a methodology for determining the amount of the award established by rules adopted under division (B) of this section. 34342  
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(2) The financial assistance may be provided in the form of allocations, cash draws, reimbursements, and property but may not be made in the form of a consolidated funding allocation. 34348  
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34350



(3) The award of the financial assistance is subject to the 34351  
availability of federal funds and appropriations made by the 34352  
general assembly. 34353

(4) The county family services agencies performing the family 34354  
services duties for which the financial assistance is awarded 34355  
shall do all of the following: 34356

(a) Use the financial assistance, and perform the family 34357  
services duties, in accordance with requirements for the duties 34358  
established by the department, a federal or state law, or any of 34359  
the following that concern the duties: state plans for receipt of 34360  
federal financial participation, grant agreements between the 34361  
department and a federal agency, and executive orders issued by 34362  
the governor; 34363

(b) Utilize a financial management system and other 34364  
accountability mechanisms for the financial assistance that meet 34365  
requirements the department establishes; 34366

(c) Monitor all private and government entities that receive 34367  
a payment from the financial assistance to ensure that each entity 34368  
uses the payment in accordance with requirements for the family 34369  
services duties and take action to recover payments that are not 34370  
used in accordance with the requirements for the family services 34371  
duties; 34372

(d) Promptly reimburse the department the amount that 34373  
represents the amount an agency is responsible for, pursuant to 34374  
action the department takes under division (C) of section 5101.24 34375  
of the Revised Code, of funds the department pays to any entity 34376  
because of an adverse audit finding, adverse quality control 34377  
finding, final disallowance of federal financial participation, or 34378  
other sanction or penalty; 34379

(e) Take prompt corrective action, including paying amounts 34380  
resulting from an adverse finding, sanction, or penalty, if the 34381

department, auditor of state, federal agency, or other entity 34382  
authorized by federal or state law to determine compliance with 34383  
requirements for a family services duty determines compliance has 34384  
not been achieved. 34385

(B) The director shall adopt rules in accordance with section 34386  
111.15 of the Revised Code as necessary to implement this section. 34387  
The director shall adopt the rules as if they were internal 34388  
management rules. Before adopting the rules, the director shall 34389  
give the public an opportunity to review and comment on the 34390  
proposed rules. The rules shall establish methodologies to be used 34391  
to determine the amount of financial assistance to be awarded and 34392  
may do any or all of the following: 34393

(1) Govern the establishment of funding allocations; 34394

(2) Specify allowable uses of financial assistance the 34395  
department awards under this section; 34396

(3) Establish reporting, cash management, audit, and other 34397  
requirements the director determines are necessary to provide 34398  
accountability for the use of the financial assistance and 34399  
determine compliance with requirements established by the 34400  
department, a federal or state law, or any of the following that 34401  
concern the family services duties for which the financial 34402  
assistance is awarded: state plans for receipt of federal 34403  
financial participation, grant agreements between the department 34404  
and a federal entity, and executive orders issued by the governor. 34405

**Sec. 5101.24.** (A) As used in this section, "responsible 34406  
entity county grantee" means ~~a board of county commissioners or a~~ 34407  
~~county family services agency,~~ whichever county grantee, as 34408  
defined in section 5101.21 of the Revised Code, the director of 34409  
job and family services determines is appropriate to take action 34410  
against under division (C) of this section. 34411

(B) Regardless of whether a family services duty is performed 34412  
by a county family services agency, private or government entity 34413  
pursuant to a contract entered into under section 307.982 of the 34414  
Revised Code or division (C)(2) of section 5153.16 of the Revised 34415  
Code, or private or government provider of a family service duty, 34416  
the department of job and family services may take action under 34417  
division (C) of this section against the responsible ~~entity~~ county 34418  
grantee if the department determines any of the following are the 34419  
case: 34420

(1) A requirement of a ~~fiscal grant~~ agreement entered into 34421  
under section 5101.21 of the Revised Code that includes a grant 34422  
for the family services duty, including a requirement for ~~fiscal~~ 34423  
grant agreements established by rules adopted under that section, 34424  
is not complied with; 34425

(2) A county family services agency fails to develop, submit 34426  
to the department, or comply with a corrective action plan under 34427  
division (B) of section 5101.221 of the Revised Code, or the 34428  
department disapproves the agency's corrective action plan 34429  
developed under division (B) of section 5101.221 of the Revised 34430  
Code; 34431

(3) A requirement for the family services duty established by 34432  
the department or any of the following is not complied with: a 34433  
federal or state law, state plan for receipt of federal financial 34434  
participation, grant agreement between the department and a 34435  
federal agency, or executive order issued by the governor; 34436

(4) The responsible ~~entity~~ county grantee is solely or 34437  
partially responsible, as determined by the director of job and 34438  
family services, for an adverse audit finding, adverse quality 34439  
control finding, final disallowance of federal financial 34440  
participation, or other sanction or penalty regarding the family 34441  
services duty. 34442

(C) The department may take one or more of the following 34443  
actions against the responsible ~~entity~~ county grantee when 34444  
authorized by division (B)(1), (2), (3), or (4) of this section: 34445

(1) Require the responsible ~~entity~~ county grantee to comply 34446  
with a corrective action plan pursuant to a time schedule 34447  
specified by the department. The corrective action plan shall be 34448  
established or approved by the department and shall not require a 34449  
county ~~family services agency~~ grantee to commit resources to the 34450  
plan. 34451

(2) Require the responsible ~~entity~~ county grantee to comply 34452  
with a corrective action plan pursuant to a time schedule 34453  
specified by the department. The corrective action plan shall be 34454  
established or approved by the department and require a county 34455  
~~family services agency~~ grantee to commit to the plan existing 34456  
resources identified by the agency. 34457

(3) Require the responsible ~~entity~~ county grantee to do one 34458  
of the following: 34459

(a) Share with the department a final disallowance of federal 34460  
financial participation or other sanction or penalty; 34461

(b) Reimburse the department the final amount the department 34462  
pays to the federal government or another entity that represents 34463  
the amount the responsible ~~entity~~ county grantee is responsible 34464  
for of an adverse audit finding, adverse quality control finding, 34465  
final disallowance of federal financial participation, or other 34466  
sanction or penalty issued by the federal government, auditor of 34467  
state, or other entity; 34468

(c) Pay the federal government or another entity the final 34469  
amount that represents the amount the responsible ~~entity~~ county 34470  
grantee is responsible for of an adverse audit finding, adverse 34471  
quality control finding, final disallowance of federal financial 34472  
participation, or other sanction or penalty issued by the federal 34473

government, auditor of state, or other entity; 34474

(d) Pay the department the final amount that represents the 34475  
amount the responsible ~~entity~~ county grantee is responsible for of 34476  
an adverse audit finding or adverse quality control finding. 34477

(4) Impose an administrative sanction issued by the 34478  
department against the responsible ~~entity~~ county grantee. A 34479  
sanction may be increased if the department has previously taken 34480  
action against the responsible entity under this division. 34481

(5) Perform, or contract with a government or private entity 34482  
for the entity to perform, the family services duty until the 34483  
department is satisfied that the responsible ~~entity~~ county grantee 34484  
ensures that the duty will be performed satisfactorily. If the 34485  
department performs or contracts with an entity to perform a 34486  
family services duty under division (C)(5) of this section, the 34487  
department may do either or both of the following: 34488

(a) Spend funds in the county treasury appropriated by the 34489  
board of county commissioners for the duty; 34490

(b) Withhold funds allocated or reimbursements due to the 34491  
responsible ~~entity~~ county grantee for the duty and spend the funds 34492  
for the duty. 34493

(6) Request that the attorney general bring mandamus 34494  
proceedings to compel the responsible ~~entity~~ county grantee to 34495  
take or cease the action that causes division (B)(1), (2), (3), or 34496  
(4) of this section to apply. The attorney general shall bring 34497  
mandamus proceedings in the Franklin county court of appeals at 34498  
the department's request. 34499

(7) If the department takes action under this division 34500  
because of division (B)(3) of this section, temporarily withhold 34501  
funds allocated or reimbursement due to the responsible ~~entity~~ 34502  
county grantee until the department determines that the 34503  
responsible ~~entity~~ county grantee is in compliance with the 34504

requirement. The department shall release the funds when the 34505  
department determines that compliance has been achieved. 34506

(D) If the department proposes to take action against the 34507  
responsible ~~entity~~ county grantee under division (C) of this 34508  
section, the department shall notify the responsible ~~entity~~ county 34509  
grantee, director of the appropriate county family services 34510  
agency, and county auditor. The notice shall be in writing and 34511  
specify the action the department proposes to take. The department 34512  
shall send the notice by regular United States mail. 34513

Except as provided by division (E) of this section, the 34514  
responsible ~~entity~~ county grantee may request an administrative 34515  
review of a proposed action in accordance with administrative 34516  
review procedures the department shall establish. The 34517  
administrative review procedures shall comply with all of the 34518  
following: 34519

(1) A request for an administrative review shall state 34520  
specifically all of the following: 34521

(a) The proposed action specified in the notice from the 34522  
department for which the review is requested; 34523

(b) The reason why the responsible ~~entity~~ county grantee 34524  
believes the proposed action is inappropriate; 34525

(c) All facts and legal arguments that the responsible ~~entity~~ 34526  
county grantee wants the department to consider; 34527

(d) The name of the person who will serve as the responsible 34528  
~~entity's~~ county grantee's representative in the review. 34529

(2) If the department's notice specifies more than one 34530  
proposed action and the responsible ~~entity~~ county grantee does not 34531  
specify all of the proposed actions in its request pursuant to 34532  
division (D)(1)(a) of this section, the proposed actions not 34533  
specified in the request shall not be subject to administrative 34534

review and the parts of the notice regarding those proposed 34535  
actions shall be final and binding on the responsible ~~entity~~ 34536  
county grantee. 34537

(3) In the case of a proposed action under division (C)(1) of 34538  
this section, the responsible ~~entity~~ county grantee shall have 34539  
fifteen calendar days after the department mails the notice to the 34540  
responsible ~~entity~~ county grantee to send a written request to the 34541  
department for an administrative review. If it receives such a 34542  
request within the required time, the department shall postpone 34543  
taking action under division (C)(1) of this section for fifteen 34544  
calendar days following the day it receives the request or 34545  
extended period of time provided for in division (D)(5) of this 34546  
section to allow a representative of the department and a 34547  
representative of the responsible ~~entity~~ county grantee an 34548  
informal opportunity to resolve any dispute during that 34549  
fifteen-day or extended period. 34550

(4) In the case of a proposed action under division (C)(2), 34551  
(3), (4), (5), or (7) of this section, the responsible ~~entity~~ 34552  
county grantee shall have thirty calendar days after the 34553  
department mails the notice to the responsible ~~entity~~ county 34554  
grantee to send a written request to the department for an 34555  
administrative review. If it receives such a request within the 34556  
required time, the department shall postpone taking action under 34557  
division (C)(2), (3), (4), (5), or (7) of this section for thirty 34558  
calendar days following the day it receives the request or 34559  
extended period of time provided for in division (D)(5) of this 34560  
section to allow a representative of the department and a 34561  
representative of the responsible ~~entity~~ county grantee an 34562  
informal opportunity to resolve any dispute during that thirty-day 34563  
or extended period. 34564

(5) If the informal opportunity provided in division (D)(3) 34565  
or (4) of this section does not result in a written resolution to 34566

the dispute within the fifteen- or thirty-day period, the director 34567  
of job and family services and representative of the responsible 34568  
entity county grantee may enter into a written agreement extending 34569  
the time period for attempting an informal resolution of the 34570  
dispute under division (D)(3) or (4) of this section. 34571

(6) In the case of a proposed action under division (C)(3) of 34572  
this section, the responsible entity county grantee may not 34573  
include in its request disputes over a finding, final disallowance 34574  
of federal financial participation, or other sanction or penalty 34575  
issued by the federal government, auditor of state, or entity 34576  
other than the department. 34577

(7) If the responsible entity county grantee fails to request 34578  
an administrative review within the required time, the responsible 34579  
entity county grantee loses the right to request an administrative 34580  
review of the proposed actions specified in the notice and the 34581  
notice becomes final and binding on the responsible entity county 34582  
grantee. 34583

(8) If the informal opportunity provided in division (D)(3) 34584  
or (4) of this section does not result in a written resolution to 34585  
the dispute within the time provided by division (D)(3), (4), or 34586  
(5) of this section, the director shall appoint an administrative 34587  
review panel to conduct the administrative review. The review 34588  
panel shall consist of department employees and one director or 34589  
other representative of the type of county family services agency 34590  
that is responsible for the kind of family services duty that is 34591  
the subject of the dispute and serves a different county than the 34592  
county served by the responsible entity county grantee. No 34593  
individual involved in the department's proposal to take action 34594  
against the responsible entity county grantee may serve on the 34595  
review panel. The review panel shall review the responsible 34596  
entity's county grantee's request. The review panel may require 34597  
that the department or responsible entity county grantee submit 34598



additional information and schedule and conduct an informal 34599  
hearing to obtain testimony or additional evidence. A review of a 34600  
proposal to take action under division (C)(3) of this section 34601  
shall be limited solely to the issue of the amount the responsible 34602  
entity county grantee shall share with the department, reimburse 34603  
the department, or pay to the federal government, department, or 34604  
other entity under division (C)(3) of this section. The review 34605  
panel is not required to make a stenographic record of its hearing 34606  
or other proceedings. 34607

(9) After finishing an administrative review, an 34608  
administrative review panel appointed under division (D)(8) of 34609  
this section shall submit a written report to the director setting 34610  
forth its findings of fact, conclusions of law, and 34611  
recommendations for action. The director may approve, modify, or 34612  
disapprove the recommendations. If the director modifies or 34613  
disapproves the recommendations, the director shall state the 34614  
reasons for the modification or disapproval and the actions to be 34615  
taken against the responsible entity county grantee. 34616

(10) The director's approval, modification, or disapproval 34617  
under division (D)(9) of this section shall be final and binding 34618  
on the responsible entity county grantee and shall not be subject 34619  
to further departmental review. 34620

(E) The responsible entity county grantee is not entitled to 34621  
an administrative review under division (D) of this section for 34622  
any of the following: 34623

(1) An action taken under division (C)(6) of this section; 34624

(2) An action taken under section 5101.242 of the Revised 34625  
Code; 34626

(3) An action taken under division (C)(3) of this section if 34627  
the federal government, auditor of state, or entity other than the 34628  
department has identified the responsible county ~~family services~~ 34629

~~agency grantee~~ as being solely or partially responsible for an 34630  
adverse audit finding, adverse quality control finding, final 34631  
disallowance of federal financial participation, or other sanction 34632  
or penalty; 34633

(4) An adjustment to an allocation, cash draw, advance, or 34634  
reimbursement to a responsible county ~~family services agency~~ 34635  
grantee that the department determines necessary for budgetary 34636  
reasons; 34637

(5) Withholding of a cash draw or reimbursement due to 34638  
noncompliance with a reporting requirement established in rules 34639  
adopted under section 5101.243 of the Revised Code. 34640

(F) This section does not apply to other actions the 34641  
department takes against the responsible ~~entity~~ county grantee 34642  
pursuant to authority granted by another state law unless the 34643  
other state law requires the department to take the action in 34644  
accordance with this section. 34645

(G) The director of job and family services may adopt rules 34646  
in accordance with Chapter 119. of the Revised Code as necessary 34647  
to implement this section. 34648

**Sec. 5101.242.** The department of job and family services may 34649  
certify a claim to the attorney general under section 131.02 of 34650  
the Revised Code for the attorney general to take action under 34651  
that section against a responsible county grantee or responsible 34652  
entity to recover any funds that the department determines the 34653  
responsible county grantee or responsible entity owes the 34654  
department for actions taken under division (C)(2), (3), (4), or 34655  
(5) of section 5101.24 or 5101.241 of the Revised Code. 34656

**Sec. 5101.244.** If a ~~county family services agency submits an~~ 34657  
~~expenditure report to~~ the department of job and family services 34658  
and the department subsequently determines that a grant awarded to 34659

a county grantee in a grant agreement entered into under section 34660  
5101.21 of the Revised Code, an allocation, advance, or 34661  
reimbursement the department makes to ~~the~~ a county family services 34662  
agency, or a cash draw ~~the~~ a county family services agency makes, 34663  
~~for an expenditure~~ exceeds the allowable amount for the 34664  
~~expenditure~~ grant, allocation, advance, reimbursement, or cash 34665  
draw, the department may adjust, offset, withhold, or reduce an 34666  
allocation, cash draw, advance, reimbursement, or other financial 34667  
assistance to the county grantee or county family services agency 34668  
as necessary to recover the amount of the excess grant, 34669  
allocation, advance, reimbursement, or cash draw. The department 34670  
is not required to make the adjustment, offset, withholding, or 34671  
reduction in accordance with section 5101.24 of the Revised Code. 34672

The director of job and family services may adopt rules under 34673  
section 111.15 of the Revised Code as necessary to implement this 34674  
section. The director shall adopt the rules as if they were 34675  
internal management rules. 34676

**Sec. 5101.51.** In accordance with federal law governing the 34677  
children's health insurance program, the director of job and 34678  
family services may submit a state child health plan to the United 34679  
States secretary of health and human services to provide, except 34680  
as provided in section 5101.516 of the Revised Code, health 34681  
assistance to uninsured individuals under nineteen years of age 34682  
with family incomes above one hundred fifty per cent of the 34683  
federal poverty guidelines but not exceeding ~~two~~ three hundred per 34684  
cent of the federal poverty guidelines. If the director submits 34685  
the plan, the director shall include ~~both~~ all of the following in 34686  
the plan and any subsequent amendments to the plan: 34687

(A) ~~The~~ For individuals with family incomes above one hundred 34688  
fifty per cent but not exceeding two hundred per cent of the 34689  
federal poverty guidelines, the health assistance will not begin 34690

before January 1, 2000. 34691

(B) For individuals with family incomes above two hundred per cent but not exceeding three hundred per cent of the federal poverty guidelines, the health assistance will not begin before January 1, 2008. 34692  
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(C) The health assistance will be available only while federal financial participation is available for it. 34696  
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Sec. 5101.541. The food stamp program fund is hereby created in the state treasury. The fund shall consist of federal reimbursement for food stamp program administrative expenses and other food stamp program expenses. The department of job and family services shall use the money credited to the fund to pay for food stamp program administrative expenses and other food stamp program expenses. 34698  
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Sec. 5101.571. As used in sections 5101.571 to 5101.591 of the Revised Code: 34705  
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(A) "Information" means all of the following: 34707

(1) An individual's name, address, date of birth, and social security number; 34708  
34709

(2) The group or plan number, or other identifier, assigned by a third party to a policy held by an individual or a plan in which the individual participates and the nature of the coverage; 34710  
34711  
34712

(3) Any other data the director of job and family services specifies in rules adopted under section 5101.591 of the Revised Code. 34713  
34714  
34715

(B) "Medical assistance" means medical items or services provided under any of the following: 34716  
34717

(1) Medicaid, as defined in section 5111.01 of the Revised Code; 34718  
34719

(2) The children's health insurance program part I and part 34720  
II established under sections 5101.50 to 5101.5110 of the Revised 34721  
Code; 34722

(3) The disability medical assistance program established 34723  
under Chapter 5115. of the Revised Code. 34724

(C) "Medical support" means support specified as support for 34725  
the purpose of medical care by order of a court or administrative 34726  
agency. 34727

~~(B) "Third party"~~ (D) "Public assistance" means medical 34728  
assistance or assistance under the Ohio works first program 34729  
established under Chapter 5107. of the Revised Code. 34730

(E)(1) Subject to division (E)(2) of this section, and except 34731  
as provided in division (E)(3) of this section, "third party" 34732  
means any health insurer as defined in section 3924.41 of the 34733  
Revised Code, individual, entity, or public or private program, 34734  
that is or may be liable to pay all or part of the medical cost of 34735  
injury, disease, or disability of an applicant or recipient. 34736  
"Third party" includes any such insurer, individual, entity, or 34737  
program that would have been obligated to pay for the service, 34738  
even when such third party limits or excludes payments in the case 34739  
of an individual who is eligible for medicaid. all of the 34740  
following: 34741

(a) A person authorized to engage in the business of sickness 34742  
and accident insurance under Title XXXIX of the Revised Code; 34743

(b) A person or governmental entity providing coverage for 34744  
medical services or items to individuals on a self-insurance 34745  
basis; 34746

(c) A health insuring corporation as defined in section 34747  
1751.01 of the Revised Code; 34748

(d) A group health plan as defined in 29 U.S.C. 1167; 34749

<u>(e) A service benefit plan as referenced in 42 U.S.C.</u>	34750
<u>1396a(a)(25);</u>	34751
<u>(f) A managed care organization;</u>	34752
<u>(g) A pharmacy benefit manager;</u>	34753
<u>(h) A third party administrator;</u>	34754
<u>(i) Any other person or governmental entity that is, by law,</u>	34755
<u>contract, or agreement, responsible for the payment or processing</u>	34756
<u>of a claim for a medical item or service for a public assistance</u>	34757
<u>recipient or participant.</u>	34758
<u>(2) Except when otherwise provided by 42 U.S.C. 1395y(b), a</u>	34759
<u>person or governmental entity listed in division (E)(1) of this</u>	34760
<u>section is a third party even if the person or governmental entity</u>	34761
<u>limits or excludes payments for a medical item or service in the</u>	34762
<u>case of a public assistance recipient.</u>	34763
<u>(3) "Third party" does not include the program for medically</u>	34764
<u>handicapped children established under section 3701.023 of the</u>	34765
<u>Revised Code.</u>	34766
<b>Sec. 5101.572.</b> <del>Upon the request of the department of job and</del>	34767
<del>family services, any (A) A third party as defined in section</del>	34768
<del>5101.571 of the Revised Code shall cooperate with the department</del>	34769
<del>of job and family services in identifying individuals for the</del>	34770
<del>purpose of establishing third party liability pursuant to Title</del>	34771
<del>XIX of the Social Security Act, as amended. The</del>	34772
<u>(B) In furtherance of the requirement in division (A) of this</u>	34773
<u>section and to allow the department to determine any period that</u>	34774
<u>the individual or the individual's spouse or dependent may have</u>	34775
<u>been covered by the third party and the nature of the coverage, a</u>	34776
<u>third party shall provide, as the department so chooses,</u>	34777
<u>information or access to information, or both, in the third</u>	34778
<u>party's electronic data system on the department's request and in</u>	34779

accordance with division (C) of this section. 34780

(C)(1) If the department chooses to receive information 34781  
directly, the third party shall provide the information under all 34782  
of the following circumstances: 34783

(a) In a medium, format, and manner prescribed by the 34784  
director of job and family services in rules adopted under section 34785  
5101.591 of the Revised Code; 34786

(b) Free of charge; 34787

(c) Not later than the end of the thirtieth day after the 34788  
department makes its request, unless a different time is agreed to 34789  
by the director in writing. 34790

(2) If the department chooses to receive access to 34791  
information, the third party shall provide access by a method 34792  
prescribed by the director of job and family services in rules 34793  
adopted under section 5101.591 of the Revised Code. In 34794  
facilitating access, the department may enter into a trading 34795  
partner agreement with the third party to permit the exchange of 34796  
information via "ASC X 12N 270/271 Health Care Eligibility Benefit 34797  
Inquiry and Response" transactions. 34798

(D) All of the following apply with respect to information 34799  
provided by a third party to the department under this section: 34800

(1) The information is confidential and not a public record 34801  
under section 149.43 of the Revised Code. 34802

(2) The release of information to the department is not to be 34803  
considered a violation of any right of confidentiality or contract 34804  
that the third party may have with covered persons including, but 34805  
not limited to, contractees, beneficiaries, heirs, assignees, and 34806  
subscribers. 34807

(3) The third party is immune from any liability that it may 34808  
otherwise incur through its release of information to the 34809

department. 34810

The department of job and family services shall limit its use 34811  
of information gained from third parties to purposes directly 34812  
connected with the administration of the medicaid program. ~~No~~ 34813

(E) No third party shall disclose to other parties or make 34814  
use of any information regarding recipients of aid under Chapter 34815  
5107. or 5111. of the Revised Code that it obtains from the 34816  
~~department of job and family services,~~ except in the manner 34817  
provided for by the director of job and family services in 34818  
administrative rules. ~~Any information provided by a third party to~~ 34819  
~~the department of job and family services shall not be considered~~ 34820  
~~a violation of any right of confidentiality or contract that the~~ 34821  
~~third party may have with covered persons including, but not~~ 34822  
~~limited to, contractees, beneficiaries, heirs, assignees, and~~ 34823  
~~subscribers. The third party is immune from any liability that it~~ 34824  
~~may otherwise incur through its release of information to the~~ 34825  
~~department of job and family services.~~ 34826

Sec. 5101.573. (A) Subject to division (B) of this section, a 34827  
third party shall do all of the following: 34828

(1) Accept the department of job and family services' right 34829  
of recovery under section 5101.58 of the Revised Code and the 34830  
assignment of rights to the department that are described in 34831  
section 5101.59 of the Revised Code. 34832

(2) Respond to an inquiry by the department regarding a claim 34833  
for payment of a medical item or service that was submitted to the 34834  
third party not later than six years after the date of the 34835  
provision of such medical item or service; 34836

(3) Pay a claim described in division (A)(2) of this section; 34837

(4) Not deny a claim submitted by the department solely on 34838  
the basis of the date of submission of the claim, type or format 34839



of the claim form, or a failure by the medical assistance 34840  
recipient who is the subject of the claim to present proper 34841  
documentation of coverage at the time of service, if both of the 34842  
following are true: 34843

(a) The claim was submitted by the department not later than 34844  
six years after the date of the provision of the medical item or 34845  
service; 34846

(b) An action by the department to enforce its right of 34847  
recovery under section 5101.58 of the Revised Code on the claim 34848  
was commenced not later than six years after the department's 34849  
submission of the claim. 34850

(B) For purposes of the requirements in division (A) of this 34851  
section, a third party shall treat a managed care organization as 34852  
the department for a claim in which both of the following are 34853  
true: 34854

(1) The individual who is the subject of the claim received a 34855  
medical item or service through a managed care organization that 34856  
has entered into a contract with the department of job and family 34857  
services under section 5111.16 of the Revised Code; 34858

(2) The department has assigned its right of recovery for the 34859  
claim to the managed care organization. 34860

**Sec. 5101.574.** No third party shall consider whether an 34861  
individual is eligible for or receives medical assistance when 34862  
either of the following applies: 34863

(A) The individual seeks to obtain a policy or enroll in a 34864  
plan or program operated or administered by the third party; 34865

(B) The individual, or a person or governmental entity on the 34866  
individual's behalf, seeks payment for a medical item or service 34867  
provided to the individual. 34868

Sec. 5101.575. If a third party violates section 5101.572,  
5101.573, or 5101.574 of the Revised Code, a governmental entity  
that is responsible for issuing a license, certificate of  
authority, registration, or approval that authorizes the third  
party to do business in this state shall, in accordance with  
Chapter 119. of the Revised Code, deny, revoke, or terminate, as  
determined to be appropriate by the governmental entity, the  
license, certificate, registration, or approval of the third  
party. In addition, the attorney general may petition a court of  
common pleas to enjoin the violation.

~~Sec. 5101.58.~~ ~~As used in this section and section 5101.59 of~~  
~~the Revised Code, "public assistance" means aid provided under~~  
~~Chapter 5111. or 5115. of the Revised Code and participation in~~  
~~the Ohio works first program established under Chapter 5107. of~~  
~~the Revised Code.~~

(A) The acceptance of public assistance gives ~~a~~ an automatic  
right of recovery to the department of job and family services and  
a county department of job and family services against the  
liability of a third party for the cost of medical ~~services and~~  
~~care arising out of injury, disease, or disability~~ assistance paid  
on behalf of the public assistance recipient or participant. When  
an action or claim is brought against a third party by a public  
assistance recipient or participant, ~~the entire amount of any~~  
payment, settlement or compromise of the action or claim, or any  
court award or judgment, is subject to the recovery right of the  
department of job and family services or county department of job  
and family services. Except in the case of a recipient or  
participant who receives medical ~~services or care~~ assistance  
through a managed care organization, the department's or county  
department's claim shall not exceed the amount of medical ~~expenses~~  
assistance paid by ~~the departments~~ a department on behalf of the

recipient or participant. ~~In~~ A payment, settlement, compromise, 34900  
judgment, or award that excludes the cost of medical assistance 34901  
paid for by a department shall not preclude a department from 34902  
enforcing its rights under this section. 34903

(B) In the case of a recipient or participant who receives 34904  
medical ~~services or care~~ assistance through a managed care 34905  
organization, the amount of the department's or county 34906  
department's claim shall be the amount the managed care 34907  
organization pays for medical ~~services or care~~ assistance rendered 34908  
to the recipient or participant, even if that amount is more than 34909  
the amount ~~the departments pay~~ a department pays to the managed 34910  
care organization for the recipient's or participant's medical 34911  
~~services or care. Any settlement, compromise, judgment, or award~~ 34912  
~~that excludes the cost of medical services or care shall not~~ 34913  
~~preclude the departments from enforcing their rights under this~~ 34914  
~~section~~ assistance. 34915

~~Prior to initiating any~~ (C) A recipient or participant, and 34916  
the recipient's or participant's attorney, if any, shall cooperate 34917  
with the departments. In furtherance of this requirement, the 34918  
recipient or participant, or the recipient's or participant's 34919  
attorney, if any, shall, not later than thirty days after 34920  
initiating informal recovery activity or filing a legal recovery 34921  
action, the recipient or participant, or the recipient's or 34922  
participant's representative, shall disclose against a third 34923  
party, provide written notice of the activity or action to the 34924  
appropriate department or departments as follows: 34925

(1) To only the department of job and family services when 34926  
medical assistance under medicaid has been paid; 34927

(2) To the department of job and family services and the 34928  
appropriate county department of job and family services when 34929  
medical assistance under the disability medical assistance program 34930  
has been paid. 34931

(D) The written notice that must be given under division (C) 34932  
of this section shall disclose the identity and address of any 34933  
third party against whom the recipient or participant has or may 34934  
have a right of recovery. ~~Disclosure shall be made to the~~ 34935  
~~department of job and family services when medical expenses have~~ 34936  
~~been paid pursuant to Chapter 5111. or 5115. of the Revised Code.~~ 34937  
~~Disclosure shall be made to both the department of job and family~~ 34938  
~~services and the appropriate county department of job and family~~ 34939  
~~services when medical expenses have been paid pursuant to Chapter~~ 34940  
~~5115. of the Revised Code. No~~ 34941

(E) No settlement, compromise, judgment, or award or any 34942  
recovery in any action or claim by a recipient or participant 34943  
where the departments have a right of recovery shall be made final 34944  
without first giving the appropriate departments written notice as 34945  
described in division (C) of this section and a reasonable 34946  
opportunity to perfect their rights of recovery. If the 34947  
departments are not given the appropriate written notice, the 34948  
recipient or participant ~~is~~ and, if there is one, the recipient's 34949  
or participant's attorney, are liable to reimburse the departments 34950  
for the recovery received to the extent of medical payments made 34951  
by the departments. ~~The~~ 34952

(F) The departments shall be permitted to enforce their 34953  
recovery rights against the third party even though they accepted 34954  
prior payments in discharge of their rights under this section if, 34955  
at the time the departments received such payments, they were not 34956  
aware that additional medical expenses had been incurred but had 34957  
not yet been paid by the departments. The third party becomes 34958  
liable to the department of job and family services or county 34959  
department of job and family services as soon as the third party 34960  
is notified in writing of the valid claims for recovery under this 34961  
section. 34962

The (G)(1) Subject to division (G)(2) of this section, the 34963

right of recovery of a department does not apply to that portion 34964  
of any judgment, award, settlement, or compromise of a claim, to 34965  
the extent of attorneys' fees, costs, or other expenses incurred 34966  
by a recipient or participant in securing the judgment, award, 34967  
settlement, or compromise, or to the extent of medical, surgical, 34968  
and hospital expenses paid by such recipient or participant from 34969  
the recipient's or participant's own resources. ~~Attorney fees and~~ 34970  
~~costs or other expenses in securing any recovery shall not be~~ 34971  
~~assessed against any claims of the departments.~~ 34972

~~To~~ (2) Reasonable attorneys' fees, not to exceed one-third of 34973  
the total judgment, award, settlement, or compromise, plus costs 34974  
and other expenses incurred by the recipient or participant in 34975  
securing the judgment, award, settlement, or compromise, shall 34976  
first be deducted from the total judgment, award, settlement, or 34977  
compromise. After fees, costs, and other expenses are deducted 34978  
from the total judgment, award, settlement, or compromise, the 34979  
department of job and family services or appropriate county 34980  
department of job and family services shall receive no less than 34981  
one-half of the remaining amount, or the actual amount of medical 34982  
assistance paid, whichever is less. 34983

(H) A right of recovery created by this section may be 34984  
enforced separately or jointly by the department of job and family 34985  
services or the appropriate county department of job and family 34986  
services. To enforce their recovery rights, the departments may do 34987  
any of the following: 34988

~~(A)~~(1) Intervene or join in any action or proceeding brought 34989  
by the recipient or participant or on the recipient's or 34990  
participant's behalf against any third party who may be liable for 34991  
the cost of medical ~~services and care arising out of the~~ 34992  
~~recipient's or participant's injury, disease, or disability~~ 34993  
assistance paid; 34994

~~(B)~~(2) Institute and pursue legal proceedings against any 34995

third party who may be liable for the cost of medical ~~services and~~ 34996  
~~care arising out of the recipient's or participant's injury,~~ 34997  
~~disease, or disability assistance paid;~~ 34998

~~(C)(3)~~ Initiate legal proceedings in conjunction with ~~the~~ any 34999  
injured, diseased, or disabled recipient or participant or the 35000  
recipient's or participant's ~~legal~~ attorney or representative. 35001

~~Recovery rights created by this section may be enforced~~ 35002  
~~separately or jointly by the department of job and family services~~ 35003  
~~and the county department of job and family services.~~ 35004

(I) A recipient or participant shall not assess attorney 35005  
fees, costs, or other expenses against the department of job and 35006  
family services or a county department of job and family services 35007  
when the department or county department enforces its right of 35008  
recovery created by this section. 35009

(J) The right of recovery given to the department under this 35010  
section does not include rights to support from any other person 35011  
assigned to the state under sections 5107.20 and 5115.07 of the 35012  
Revised Code, but includes payments made by a third party under 35013  
contract with a person having a duty to support. 35014

~~The director of job and family services may adopt rules in~~ 35015  
~~accordance with Chapter 119. of the Revised Code the department~~ 35016  
~~considers necessary to implement this section.~~ 35017

**Sec. 5101.59.** (A) The application for, or acceptance of, 35018  
public assistance constitutes an automatic assignment of certain 35019  
rights to the department of job and family services. This 35020  
assignment includes the rights of the applicant, recipient, or 35021  
participant and also the rights of any other member of the 35022  
assistance group for whom the applicant, recipient, or participant 35023  
can legally make an assignment. 35024

(B) Pursuant to this section, the applicant, recipient, or 35025

participant assigns to the department any rights to medical 35026  
support available to the applicant, recipient, or participant or 35027  
for other members of the assistance group under an order of a 35028  
court or administrative agency, and any rights to payments ~~from~~ 35029  
~~any by a liable~~ third party ~~liable to pay~~ for the cost of medical 35030  
~~care and services arising out of injury, disease, or disability of~~ 35031  
~~the applicant, recipient, participant, or other members of the~~ 35032  
~~assistance group~~ assistance paid on behalf of a public assistance 35033  
recipient or participant. The recipient or participant shall 35034  
cooperate with the department in obtaining such payments. 35035

Medicare benefits shall not be assigned pursuant to this 35036  
section. Benefits assigned to the department by operation of this 35037  
section are directly reimbursable to the department by liable 35038  
third parties. 35039

~~(B)~~(C) Refusal by the applicant, recipient, or participant to 35040  
cooperate in obtaining medical ~~support and payments~~ assistance 35041  
paid for self or any other member of the assistance group renders 35042  
the applicant, recipient, or participant ineligible for public 35043  
assistance, unless cooperation is waived by the department. 35044  
Eligibility shall continue for any individual who cannot legally 35045  
assign the individual's own rights and who would have been 35046  
eligible for public assistance but for the refusal to assign the 35047  
individual's rights or to cooperate as required by this section by 35048  
another person legally able to assign the individual's rights. 35049

(D) If the applicant, recipient, or participant or any member 35050  
of the assistance group becomes ineligible for public assistance, 35051  
the department shall restore to the applicant, recipient, 35052  
participant, or member of the assistance group any future rights 35053  
to benefits assigned under this section. 35054

(E) The rights of assignment given to the department under 35055  
this section do not include rights to support assigned under 35056  
section 5107.20 or 5115.07 of the Revised Code. 35057

~~(C) The director of job and family services may adopt rules 35058  
in accordance with Chapter 119. of the Revised Code to implement 35059  
this section, including rules that specify what constitutes 35060  
cooperating with efforts to obtain medical support and payments 35061  
and when the cooperation requirement may be waived. 35062~~

Sec. 5101.591. (A) Except as provided in division (B) of this 35063  
section, the director of job and family services may adopt rules 35064  
in accordance with Chapter 119. of the Revised Code to implement 35065  
sections 5101.571 to 5101.59 of the Revised Code, including rules 35066  
that specify what constitutes cooperating with efforts to obtain 35067  
support or payments, or medical assistance payments, and when 35068  
cooperation may be waived. 35069

(B) The department shall adopt rules in accordance with 35070  
Chapter 119. of the Revised Code to do all of the following: 35071

(1) For purposes of the definition of "information" in 35072  
division (A) of section 5101.571 of the Revised Code, any data 35073  
other than the data specified in that division that should be 35074  
included in the definition. 35075

(2) For purposes of division (C)(1)(a) of section 5101.572 of 35076  
the Revised Code, the medium, format, and manner in which a third 35077  
party must provide information to the department. 35078

(3) For purposes of division (C)(2) of section 5101.572 of 35079  
the Revised Code, the method by which a third party must provide 35080  
the department with access to information. 35081

**Sec. 5101.802. (A) As used in this section: 35082**

(1) "Custodian," "guardian," and "minor child" have the same 35083  
meanings as in section 5107.02 of the Revised Code. 35084

(2) "Federal poverty guidelines" has the same meaning as in 35085  
section 5101.46 of the Revised Code. 35086



(3) "Kinship caregiver" has the same meaning as in section 35087  
5101.85 of the Revised Code. 35088

(B) Subject to division (E) of section 5101.801 of the 35089  
Revised Code, there is hereby created the kinship permanency 35090  
incentive program to promote permanency for a minor child in the 35091  
legal and physical custody of a kinship caregiver. The program 35092  
shall provide an initial one-time incentive payment to the kinship 35093  
caregiver to defray the costs of initial placement of the minor 35094  
child in the kinship caregiver's home. The program may provide 35095  
additional permanency incentive payments for the minor child at 35096  
six month intervals for a total period not to exceed thirty-six 35097  
months. 35098

(C) A kinship caregiver may participate in the program if all 35099  
of the following requirements are met: 35100

(1) The kinship caregiver applies to a public children 35101  
services agency in accordance with the application process 35102  
established in rules authorized by division (E) of this section; 35103

~~(2) The minor child the kinship caregiver is caring for is a 35104  
child with special needs as that term is defined in rules adopted 35105  
under section 5153.163 of the Revised Code;~~ 35106

~~(3) A Not earlier than July 1, 2005, a juvenile court ~~has~~ 35107  
~~adjudicated the minor child to be an abused, neglected, dependent,~~ 35108  
~~or unruly child and determined that it is in the child's best~~ 35109  
~~interest to be in the issues an order granting legal custody ~~of to~~ 35110  
the kinship caregiver, ~~or the a probate court has determined that~~ 35111  
~~it is in the child's best interest to be in the guardianship of~~ 35112  
grants guardianship to the kinship caregiver, except that a 35113  
temporary court order is not sufficient to meet this requirement; 35114~~~~

~~(4)~~(3) The kinship caregiver is either the minor child's 35115  
custodian or guardian; 35116

~~(5)~~(4) The minor child resides with the kinship caregiver 35117

pursuant to a placement approval process established in rules 35118  
authorized by division (E) of this section; 35119

~~(6) The~~(5) Excluding any income excluded under rules adopted 35120  
under division (E) of this section, the gross income of the 35121  
kinship caregiver's family, including the minor child, does not 35122  
exceed ~~two~~ three hundred per cent of the federal poverty 35123  
guidelines. 35124

(D) Public children services agencies shall make initial and 35125  
ongoing eligibility determinations for the kinship permanency 35126  
incentive program in accordance with rules authorized by division 35127  
(E) of this section. The director of job and family services shall 35128  
supervise public children services agencies' duties under this 35129  
section. 35130

(E) The director of job and family services shall adopt rules 35131  
under division (C) of section 5101.801 of the Revised Code as 35132  
necessary to implement the kinship permanency incentive program. 35133  
The rules shall establish all of the following: 35134

(1) The application process for the program; 35135

(2) The placement approval process through which a minor 35136  
child is placed with a kinship caregiver for the kinship caregiver 35137  
to be eligible for the program; 35138

(3) The initial and ongoing eligibility determination process 35139  
for the program, including the computation of income eligibility; 35140

(4) The amount of the incentive payments provided under the 35141  
program; 35142

(5) The method by which the incentive payments are provided 35143  
to a kinship caregiver; 35144

~~(6) Anything else the director considers necessary to~~ 35145  
~~implement the program.~~ 35146

~~(F) The director shall begin implementation of the kinship~~ 35147

~~permanency incentive program no later than January 1, 2006.~~ 35148

**Sec. 5101.98.** (A) There is hereby created in the state 35149  
treasury the military injury relief fund, which shall consist of 35150  
money contributed to it under section 5747.113 of the Revised 35151  
Code, of incentive grants authorized by the "Jobs for Veterans 35152  
Act," 116 Stat. 2033 (2002), and of contributions made directly to 35153  
it. Any person or entity may contribute directly to the fund in 35154  
addition to or independently of the income tax refund contribution 35155  
system established in section 5747.113 of the Revised Code. 35156

(B) Upon application, the director of job and family services 35157  
shall grant money in the fund to individuals injured while in 35158  
active service as a member of the armed forces of the United 35159  
States ~~and~~ while serving under operation Iraqi freedom or 35160  
operation enduring freedom and to individuals diagnosed with 35161  
post-traumatic stress disorder while serving, or after having 35162  
served, in operation Iraqi freedom or operation enduring freedom. 35163

(C) An individual who receives a grant under this section is 35164  
~~not~~ precluded from receiving ~~one or more~~ additional grants under 35165  
this section ~~and~~ during the same state fiscal year but is not 35166  
precluded from being considered for or receiving other assistance 35167  
offered by the department of job and family services. 35168

(D) The director shall adopt rules under Chapter 119. of the 35169  
Revised Code establishing: 35170

(1) Forms and procedures by which individuals may apply for a 35171  
grant under this section; 35172

(2) Criteria for reviewing, evaluating, and ~~ranking~~ approving 35173  
or denying grant applications; 35174

(3) Criteria for determining the amount of grants awarded 35175  
under this section; ~~and~~ 35176

(4) Definitions and standards applicable to determining 35177

<u>whether an individual meets the requirements established in</u>	35178
<u>division (B) of this section;</u>	35179
<u>(5) The process for appealing eligibility determinations; and</u>	35180
<u>(6) Any other rules necessary to administer the grant program</u> established in this section.	35181 35182
<u>(E) An eligibility determination, a grant approval, or a</u> <u>grant denial made under this section may not be appealed under</u> <u>Chapter 119., section 5101.35, or any other provision of the</u> <u>Revised Code.</u>	35183 35184 35185 35186
<b>Sec. 5104.30.</b> (A) The department of job and family services is hereby designated as the state agency responsible for administration and coordination of federal and state funding for publicly funded child care in this state. Publicly funded child care shall be provided to the following:	35187 35188 35189 35190 35191
(1) Recipients of transitional child care as provided under section 5104.34 of the Revised Code;	35192 35193
(2) Participants in the Ohio works first program established under Chapter 5107. of the Revised Code;	35194 35195
(3) Individuals who would be participating in the Ohio works first program if not for a sanction under section 5107.16 of the Revised Code and who continue to participate in a work activity, developmental activity, or alternative work activity pursuant to an assignment under section 5107.42 of the Revised Code;	35196 35197 35198 35199 35200
(4) A family receiving publicly funded child care on October 1, 1997, until the family's income reaches one hundred fifty per cent of the federal poverty line;	35201 35202 35203
(5) Subject to available funds, other individuals determined eligible in accordance with rules adopted under section 5104.38 of the Revised Code.	35204 35205 35206

The department shall apply to the United States department of health and human services for authority to operate a coordinated program for publicly funded child care, if the director of job and family services determines that the application is necessary. For purposes of this section, the department of job and family services may enter into agreements with other state agencies that are involved in regulation or funding of child care. The department shall consider the special needs of migrant workers when it administers and coordinates publicly funded child care and shall develop appropriate procedures for accommodating the needs of migrant workers for publicly funded child care.

(B) The department of job and family services shall distribute state and federal funds for publicly funded child care, including appropriations of state funds for publicly funded child care and appropriations of federal funds available under the child care block grant act, Title IV-A, and Title XX. The department may use any state funds appropriated for publicly funded child care as the state share required to match any federal funds appropriated for publicly funded child care.

(C) In the use of federal funds available under the child care block grant act, all of the following apply:

(1) The department may use the federal funds to hire staff to prepare any rules required under this chapter and to administer and coordinate federal and state funding for publicly funded child care.

(2) Not more than five per cent of the aggregate amount of the federal funds received for a fiscal year may be expended for administrative costs.

(3) The department shall allocate and use at least four per cent of the federal funds for the following:

(a) Activities designed to provide comprehensive consumer

education to parents and the public;	35238
(b) Activities that increase parental choice;	35239
(c) Activities, including child care resource and referral services, designed to improve the quality, and increase the supply, of child care;	35240 35241 35242
<u>(d) Establishing a voluntary child care quality-rating program in which participation in the program may allow a child day-care center or type A or B family day-care home to be eligible for grants, technical assistance, training, or other assistance and become eligible for unrestricted monetary awards for maintaining a quality rating.</u>	35243 35244 35245 35246 35247 35248
(4) The department shall ensure that the federal funds will be used only to supplement, and will not be used to supplant, federal, state, and local funds available on the effective date of the child care block grant act for publicly funded child care and related programs. A county department of job and family services may purchase child care from funds obtained through any other means.	35249 35250 35251 35252 35253 35254 35255
(D) The department shall encourage the development of suitable child care throughout the state, especially in areas with high concentrations of recipients of public assistance and families with low incomes. The department shall encourage the development of suitable child care designed to accommodate the special needs of migrant workers. On request, the department, through its employees or contracts with state or community child care resource and referral service organizations, shall provide consultation to groups and individuals interested in developing child care. The department of job and family services may enter into interagency agreements with the department of education, the board of regents, the department of development, and other state agencies and entities whenever the cooperative efforts of the	35256 35257 35258 35259 35260 35261 35262 35263 35264 35265 35266 35267 35268

other state agencies and entities are necessary for the department 35269  
of job and family services to fulfill its duties and 35270  
responsibilities under this chapter. 35271

The department shall develop and maintain a registry of 35272  
persons providing child care. The director shall adopt rules 35273  
pursuant to Chapter 119. of the Revised Code establishing 35274  
procedures and requirements for the registry's administration. 35275

(E)(1) The director shall adopt rules in accordance with 35276  
Chapter 119. of the Revised Code establishing both of the 35277  
following: 35278

(a) Reimbursement ceilings for providers of publicly funded 35279  
child care; 35280

(b) A procedure for reimbursing and paying providers of 35281  
publicly funded child care. 35282

(2) In establishing reimbursement ceilings under division 35283  
(E)(1)(a) of this section, the director shall do all of the 35284  
following: 35285

(a) Use the information obtained under division (B)(3) of 35286  
section 5104.04 of the Revised Code; 35287

(b) Establish an enhanced reimbursement ceiling for providers 35288  
who provide child care for caretaker parents who work 35289  
nontraditional hours; 35290

(c) For a type B family day-care home provider that has 35291  
received limited certification pursuant to rules adopted under 35292  
division (G)(1) of section 5104.011 of the Revised Code, establish 35293  
a reimbursement ceiling that is the following: 35294

(i) If the provider is a person described in division 35295  
(G)(1)(a) of section 5104.011 of the Revised Code, seventy-five 35296  
per cent of the reimbursement ceiling that applies to a type B 35297  
family day-care home certified by the same county department of 35298

job and family services pursuant to section 5104.11 of the Revised Code;	35299 35300
(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.	35301 35302 35303 35304 35305
(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:	35306 35307 35308
(a) Geographic location of the provider;	35309
(b) Type of care provided;	35310
(c) Age of the child served;	35311
(d) Special needs of the child served;	35312
(e) Whether the expanded hours of service are provided;	35313
(f) Whether weekend service is provided;	35314
(g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care;	35315 35316
(h) Any other factors the director considers appropriate.	35317
<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>	35318 35319 35320 35321
<b>Sec. 5107.02.</b> As used in this chapter:	35322
(A) "Adult" means an individual who is not a minor child.	35323
(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.	35324 35325 35326



(C) "Custodian" means an individual who has legal custody, as 35327  
defined in section 2151.011 of the Revised Code, of a minor child 35328  
or comparable status over a minor child created by a court of 35329  
competent jurisdiction in another state. 35330

(D) "Guardian" means an individual that is granted authority 35331  
by a probate court pursuant to Chapter 2111. of the Revised Code, 35332  
or a court of competent jurisdiction in another state, to exercise 35333  
parental rights over a minor child to the extent provided in the 35334  
court's order and subject to residual parental rights of the minor 35335  
child's parents. 35336

(E) "LEAP program" means the learning, earning, and parenting 35337  
program conducted under section 5107.30 of the Revised Code. 35338

(F) "Minor child" means either of the following: 35339

(1) An individual who has not attained age eighteen; 35340

(2) An individual who has not attained age nineteen and is a 35341  
full-time student in a secondary school or in the equivalent level 35342  
of vocational or technical training. 35343

~~(F)~~(G) "Minor head of household" means a minor child who is 35344  
either of the following: 35345

(1) Is married, at least six months pregnant, and a member of 35346  
an assistance group that does not include an adult; 35347

(2) Is married and is a parent of a child included in the 35348  
same assistance group that does not include an adult. 35349

~~(G)~~(H) "Ohio works first" means the program established by 35350  
this chapter known as temporary assistance for needy families in 35351  
Title IV-A. 35352

~~(H)~~(I) "Payment standard" means the amount specified in rules 35353  
adopted under section 5107.05 of the Revised Code that is the 35354  
maximum amount of cash assistance an assistance group may receive 35355  
under Ohio works first from state and federal funds. 35356

<del>(I)</del> (J) "Specified relative" means the following individuals who are age eighteen or older:	35357 35358
(1) The following individuals related by blood or adoption:	35359
(a) Grandparents, including grandparents with the prefix "great," "great-great," or "great-great-great";	35360 35361
(b) Siblings;	35362
(c) Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great," "grand," or "great-grand";	35363 35364 35365
(d) First cousins and first cousins once removed.	35366
(2) Stepparents and stepsiblings;	35367
(3) Spouses and former spouses of individuals named in division <del>(I)</del> (J)(1) or (2) of this section.	35368 35369
<del>(J)</del> (K) "Title IV-A" or "Title IV-D" means Title IV-A or Title IV-D of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended.	35370 35371 35372
<b>Sec. 5107.03.</b> There is hereby established the Ohio works first program. The department of job and family services shall administer the program, as long as federal funds are provided for the program, in accordance with Title IV-A, federal regulations, state law, the Title IV-A state plan submitted to the United States secretary of health and human services under section 5101.80 of the Revised Code, amendments to the plan, and federal waivers granted by the United States secretary.	35373 35374 35375 35376 35377 35378 35379 35380
<del>The department shall make all cash assistance payments for Ohio works first from funds appropriated for the Ohio works first program. A county department of job and family services may use county funds to increase the amount of cash assistance an assistance group receives. An increase in the amount of cash</del>	35381 35382 35383 35384 35385

~~assistance that results from such a use of county funds shall not~~ 35386  
~~be included as countable income, gross earned income, or gross~~ 35387  
~~unearned income of the assistance group.~~ 35388

Sec. 5107.04. As used in this section, "cost-of-living 35389  
adjustment" means the cost-of-living adjustment made by the United 35390  
States commissioner of social security under 42 U.S.C. 415(i) for 35391  
benefits provided under Title II of the "Social Security Act of 35392  
1935." 35393

The department of job and family services shall make all cash 35394  
assistance payments for Ohio works first from funds appropriated 35395  
for the Ohio works first program. The amount of a cash assistance 35396  
payment the department is to make to an assistance group shall be 35397  
determined in accordance with rules adopted under section 5107.05 35398  
of the Revised Code and shall not exceed the payment standard. The 35399  
department shall increase the payment standard on January 1, 2009, 35400  
and the first day of each January thereafter by the cost-of-living 35401  
adjustment made in the immediately preceding December. 35402

A county department of job and family services may use county 35403  
funds to increase the amount of cash assistance an assistance 35404  
group receives. An increase in the amount of cash assistance that 35405  
results from such a use of county funds shall not be included as 35406  
countable income, gross earned income, or gross unearned income of 35407  
the assistance group. 35408

Sec. 5107.05. The director of job and family services shall 35409  
adopt rules to implement this chapter. The rules shall be 35410  
consistent with Title IV-A, Title IV-D, federal regulations, state 35411  
law, the Title IV-A state plan submitted to the United States 35412  
secretary of health and human services under section 5101.80 of 35413  
the Revised Code, amendments to the plan, and waivers granted by 35414  
the United States secretary. Rules governing eligibility, program 35415

participation, and other applicant and participant requirements 35416  
shall be adopted in accordance with Chapter 119. of the Revised 35417  
Code. Rules governing financial and other administrative 35418  
requirements applicable to the department of job and family 35419  
services and county departments of job and family services shall 35420  
be adopted in accordance with section 111.15 of the Revised Code. 35421

(A) The rules shall specify, establish, or govern all of the 35422  
following: 35423

(1) A payment standard for Ohio works first based on federal 35424  
and state appropriations that is increased in accordance with 35425  
section 5107.04 of the Revised Code; 35426

(2) ~~The~~ For the purpose of section 5107.04 of the Revised 35427  
Code, the method of determining the amount of cash assistance an 35428  
assistance group receives under Ohio works first; 35429

(3) Requirements for initial and continued eligibility for 35430  
Ohio works first, including requirements regarding income, 35431  
citizenship, age, residence, and assistance group composition. ~~The~~ 35432  
~~rules regarding income shall specify what is countable income,~~ 35433  
~~gross earned income, and gross unearned income for the purpose of~~ 35434  
~~section 5107.10 of the Revised Code.;~~ 35435

(4) For the purpose of section 5107.12 of the Revised Code, 35436  
application and verification procedures, including the minimum 35437  
information an application must contain. ~~If there are at least two~~ 35438  
~~telephone numbers available that a county department of human~~ 35439  
~~services can call to contact members of an assistance group, which~~ 35440  
~~may include the telephone number of an individual who can contact~~ 35441  
~~an assistance group member for the county department, the minimum~~ 35442  
~~information shall include at least those two telephone numbers.;~~ 35443

(5) The extent to which a participant of Ohio works first 35444  
must notify, pursuant to section 5107.12 of the Revised Code, a 35445  
county department of job and family services of additional income 35446

not previously reported to the county department; 35447

(6) For the purpose of section 5107.16 of the Revised Code, 35448  
standards for the determination of good cause for failure or 35449  
refusal to comply in full with a provision of a self-sufficiency 35450  
contract; 35451

(7) The department of job and family services providing 35452  
written notice of a sanction under section 5107.161 of the Revised 35453  
Code; 35454

~~(7)~~(8) Requirements for the collection and distribution of 35455  
support payments owed participants of Ohio works first pursuant to 35456  
section 5107.20 of the Revised Code; 35457

~~(8)~~(9) For the purpose of section 5107.22 of the Revised 35458  
Code, what constitutes cooperating in establishing a minor child's 35459  
paternity or establishing, modifying, or enforcing a child support 35460  
order and good cause for failure or refusal to cooperate. ~~The rule~~ 35461  
~~shall be consistent with 42 U.S.C.A. 654(29).~~; 35462

~~(9)~~(10) The requirements governing the LEAP program ~~provided~~ 35463  
~~for under section 5107.30 of the Revised Code,~~ including the 35464  
definitions of "equivalent of a high school diploma" and "good 35465  
cause," and the incentives provided under the LEAP program; 35466

~~(10)~~(11) If the director implements section 5107.301 of the 35467  
Revised Code, the requirements governing the award provided under 35468  
that section, including the form that the award is to take and 35469  
requirements an individual must satisfy to receive the award; 35470

~~(11)~~(12) Circumstances under which a county department of job 35471  
and family services may exempt a minor head of household or adult 35472  
from participating in a work activity or developmental activity 35473  
for all or some of the weekly hours otherwise required by section 35474  
5107.43 of the Revised Code. ~~Circumstances shall include that a~~ 35475  
~~school or place of work is closed due to a holiday or weather or~~ 35476  
~~other emergency and that an employer grants the minor head of~~ 35477

~~household or adult leave for illness or earned vacation.~~ 35478

~~(12)~~(13) The maximum amount of time the department will 35479  
subsidize positions created by state agencies and political 35480  
subdivisions under division (C) of section 5107.52 of the Revised 35481  
Code. 35482

(B) The rules adopted under division (A)(3) of this section 35483  
regarding income shall specify what is countable income, gross 35484  
earned income, and gross unearned income for the purpose of 35485  
section 5107.10 of the Revised Code. 35486

The rules adopted under division (A)(9) of this section shall 35487  
be consistent with 42 U.S.C. 654(29). 35488

The rules adopted under division (A)(12) of this section 35489  
shall specify that the circumstances include that a school or 35490  
place of work is closed due to a holiday or weather or other 35491  
emergency and that an employer grants the minor head of household 35492  
or adult leave for illness or earned vacation. 35493

(C) The rules may provide that a county department of job and 35494  
family services is not required to take action under section 35495  
5107.76 of the Revised Code to recover an erroneous payment that 35496  
is below an amount the department specifies. 35497

**Sec. 5107.10.** (A) As used in this section: 35498

(1) "Countable income," "gross earned income," and "gross 35499  
unearned income" have the meanings established in rules adopted 35500  
under section 5107.05 of the Revised Code. 35501

(2) "Federal poverty guidelines" has the same meaning as in 35502  
section 5101.46 of the Revised Code, except that references to a 35503  
person's family in the definition shall be deemed to be references 35504  
to the person's assistance group. 35505

(3) "Gross income" means gross earned income and gross 35506  
unearned income. 35507

(4) ~~"Initial eligibility threshold" means the higher of the following:~~ 35508  
35509

~~(a) Fifty per cent of the federal poverty guidelines;~~ 35510

~~(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.~~ 35511  
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~~(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 stoppage of work by employees in good faith because of dangerous or unhealthful working conditions at the place of employment that are abnormal to the place of employment.~~ 35514  
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(B) Under the Ohio works first program, an assistance group shall receive, except as otherwise provided by this chapter, time-limited cash assistance. In the case of an assistance group that includes a minor head of household or adult, assistance shall be provided in accordance with the self-sufficiency contract entered into under section 5107.14 of the Revised Code. 35523  
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(C) To be eligible to participate in Ohio works first, an assistance group must meet all of the following requirements: 35529  
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(1) The assistance group, except as provided in division (E) of this section, must include at least one of the following: 35531  
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(a) A minor child who, except as provided in section 5107.24 of the Revised Code, resides with a parent, or specified relative caring for the child, or, to the extent permitted by Title IV-A and federal regulations adopted until Title IV-A, resides with a guardian or custodian caring for the child; 35533  
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(b) A parent residing with and caring for the parent's minor child who receives supplemental security income under Title XVI of the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, as amended, or federal, state, or local adoption assistance;

(c) A specified relative residing with and caring for a minor child who is related to the specified relative in a manner that makes the specified relative a specified relative and receives supplemental security income or federal, state, or local foster care or adoption assistance;

(d) A woman at least six months pregnant.

(2) The assistance group must meet the income requirements established by division (D) of this section.

(3) No member of the assistance group may be involved in a strike.

(4) The assistance group must satisfy the requirements for Ohio works first established by this chapter and sections 5101.58, 5101.59, and 5101.83 of the Revised Code.

(5) The assistance group must meet requirements for Ohio works first established by rules adopted under section 5107.05 of the Revised Code.

(D)(1) Except as provided in division (D)(4) of this section, to determine whether an assistance group is initially eligible to participate in Ohio works first, a county department of job and family services shall do the following:

(a) Determine whether the assistance group's gross income exceeds ~~the initial eligibility threshold~~ fifty per cent of the federal poverty guidelines. In making this determination, the county department shall disregard amounts that federal statutes or regulations and sections 5101.17 and 5117.10 of the Revised Code require be disregarded. The assistance group is ineligible to



participate in Ohio works first if the assistance group's gross 35568  
income, less the amounts disregarded, exceeds ~~the initial~~ 35569  
~~eligibility threshold~~ fifty per cent of the federal poverty 35570  
guidelines. 35571

(b) If the assistance group's gross income, less the amounts 35572  
disregarded pursuant to division (D)(1)(a) of this section, does 35573  
not exceed ~~the initial eligibility threshold~~ fifty per cent of the 35574  
federal poverty guidelines, determine whether the assistance 35575  
group's countable income is less than the payment standard. The 35576  
assistance group is ineligible to participate in Ohio works first 35577  
if the assistance group's countable income equals or exceeds the 35578  
payment standard. 35579

(2) For the purpose of determining whether an assistance 35580  
group meets the income requirement established by division 35581  
(D)(1)(a) of this section, the annual revision that the United 35582  
States department of health and human services makes to the 35583  
federal poverty guidelines shall go into effect on the first day 35584  
of July of the year for which the revision is made. 35585

(3) To determine whether an assistance group participating in 35586  
Ohio works first continues to be eligible to participate, a county 35587  
department of job and family services shall determine whether the 35588  
assistance group's countable income continues to be less than the 35589  
payment standard. In making this determination, the county 35590  
department shall disregard the first two hundred fifty dollars and 35591  
fifty per cent of the remainder of the assistance group's gross 35592  
earned income. No amounts shall be disregarded from the assistance 35593  
group's gross unearned income. The assistance group ceases to be 35594  
eligible to participate in Ohio works first if its countable 35595  
income, less the amounts disregarded, equals or exceeds the 35596  
payment standard. 35597

(4) If an assistance group reapplies to participate in Ohio 35598  
works first not more than four months after ceasing to 35599

participate, a county department of job and family services shall 35600  
use the income requirement established by division (D)(3) of this 35601  
section to determine eligibility for resumed participation rather 35602  
than the income requirement established by division (D)(1) of this 35603  
section. 35604

(E)(1) An assistance group may continue to participate in 35605  
Ohio works first even though a public children services agency 35606  
removes the assistance group's minor children from the assistance 35607  
group's home due to abuse, neglect, or dependency if the agency 35608  
does both of the following: 35609

(a) Notifies the county department of job and family services 35610  
at the time the agency removes the children that it believes the 35611  
children will be able to return to the assistance group within six 35612  
months; 35613

(b) Informs the county department at the end of each of the 35614  
first five months after the agency removes the children that the 35615  
parent, guardian, custodian, or specified relative of the children 35616  
is cooperating with the case plans prepared for the children under 35617  
section 2151.412 of the Revised Code and that the agency is making 35618  
reasonable efforts to return the children to the assistance group. 35619

(2) An assistance group may continue to participate in Ohio 35620  
works first pursuant to division (E)(1) of this section for not 35621  
more than six payment months. This division does not affect the 35622  
eligibility of an assistance group that includes a woman at least 35623  
six months pregnant. 35624

**Sec. 5107.12.** An assistance group seeking to participate in 35625  
the Ohio works first program shall apply to a county department of 35626  
job and family services using an application containing 35627  
information the director of job and family services requires 35628  
pursuant to rules adopted under section 5107.05 of the Revised 35629  
Code and any additional information the county department 35630

requires. If cash assistance under the program is to be paid by 35631  
the director of budget and management through the medium of direct 35632  
deposit as provided by section 329.03 of the Revised Code, the 35633  
application shall be accompanied by information the director needs 35634  
to make direct deposits. 35635

When a county department receives an application for 35636  
participation in Ohio works first, it shall promptly make an 35637  
investigation and record of the circumstances of the applicant in 35638  
order to ascertain the facts surrounding the application and to 35639  
obtain such other information as may be required. Upon the 35640  
completion of the investigation, the county department shall 35641  
determine as soon as possible whether the applicant is eligible to 35642  
participate, the amount of cash assistance the applicant should 35643  
receive, and the approximate date when participation shall begin. 35644  
The county department shall not delay making the determination of 35645  
whether the applicant is eligible to participate on the basis that 35646  
the individuals required by section 5107.14 of the Revised Code to 35647  
enter into a written self-sufficiency contract with the county 35648  
department have not yet done that. The amount of cash assistance 35649  
so determined shall be certified to the department of job and 35650  
family services in such form as the department shall prescribe. 35651  
Warrants, direct deposits, or debit cards shall be delivered or 35652  
made payable in the manner the department may prescribe. 35653

To the extent required by rules adopted under section 5107.05 35654  
of the Revised Code, a participant of Ohio works first shall 35655  
notify the county department immediately upon the receipt or 35656  
possession of additional income not previously reported to the 35657  
county department. Any failure to so notify a county department 35658  
shall be regarded as prima-facie evidence of an intent to defraud. 35659

**Sec. 5107.14. (A)** An assistance group is ineligible to 35660  
participate in Ohio works first unless ~~the minor head of household~~ 35661

~~or each adult member of the assistance group, not later than~~ 35662  
~~thirty days after applying for or undergoing a redetermination of~~ 35663  
~~eligibility for the program, enters the following enter~~ into a 35664  
written self-sufficiency contract with the county department of 35665  
job and family services not later than thirty days after the 35666  
assistance group applies for or undergoes a redetermination of 35667  
eligibility for the program: 35668

(1) Each adult member of the assistance group; 35669

(2) The assistance group's minor head of household unless the 35670  
minor head of household is participating in the LEAP program. The 35671

(B) A self-sufficiency contract shall set forth the rights 35672  
and responsibilities of the assistance group as applicants for and 35673  
participants of ~~the program, including work responsibilities~~ 35674  
~~established under sections 5107.40 to 5107.69 of the Revised Code~~ 35675  
~~and other requirements designed to assist the assistance group in~~ 35676  
~~achieving self sufficiency and personal responsibility. The county~~ 35677  
~~department shall provide without charge a copy of the contract to~~ 35678  
~~each assistance group member who signs it.~~ 35679

~~Each~~ Ohio works first. Each self-sufficiency contract shall 35680  
include, based on appraisals conducted under section 5107.41 of 35681  
the Revised Code and assessments conducted under section 5107.70 35682  
of the Revised Code, the following: 35683

~~(A)~~(1) The assistance group's plan, developed under section 35684  
5107.41 of the Revised Code, to achieve the goal of self 35685  
sufficiency and personal responsibility through unsubsidized 35686  
employment within the time limit for participating in Ohio works 35687  
first established by section 5107.18 of the Revised Code; 35688

~~(B)~~(2) Work activities, developmental activities, and 35689  
alternative work activities to which members of the assistance 35690  
group are assigned under sections 5107.40 to 5107.69 of the 35691  
Revised Code; 35692

~~(C)~~(3) The responsibility of a caretaker member of the 35693  
assistance group to cooperate in establishing a minor child's 35694  
paternity and establishing, modifying, and enforcing a support 35695  
order for the child in accordance with section 5107.22 of the 35696  
Revised Code; 35697

~~(D)~~(4) Other responsibilities that members of the assistance 35698  
group must satisfy to participate in Ohio works first and the 35699  
consequences for failure or refusal to satisfy the 35700  
responsibilities; 35701

~~(E)~~(5) An agreement that the assistance group will comply 35702  
with the conditions of participating in Ohio works first 35703  
established by this chapter and sections 5101.58, 5101.59, and 35704  
5101.83 of the Revised Code; 35705

~~(F)~~(6) Assistance and services the county department will 35706  
provide to the assistance group; 35707

~~(G)~~(7) Assistance and services the child support enforcement 35708  
agency and public children services agency will provide to the 35709  
assistance group pursuant to a plan of cooperation entered into 35710  
under section 307.983 of the Revised Code; 35711

~~(H)~~(8) Other provisions designed to assist the assistance 35712  
group in achieving self sufficiency and personal responsibility; 35713

~~(I)~~(9) Procedures for assessing whether responsibilities are 35714  
being satisfied and whether the contract should be amended; 35715

~~(J)~~(10) Procedures for amending the contract. 35716

(C) No self-sufficiency contract shall include provisions 35717  
regarding the LEAP program. 35718

(D) The county department shall provide without charge a copy 35719  
of the self-sufficiency contract to each assistance group member 35720  
who signs it. 35721

**Sec. 5107.16.** (A) If a member of an assistance group fails or 35722  
refuses, without good cause, to comply in full with a provision of 35723  
a self-sufficiency contract entered into under section 5107.14 of 35724  
the Revised Code, a county department of job and family services 35725  
shall sanction the assistance group as follows: 35726

(1) For a first failure or refusal, the county department 35727  
shall deny or terminate the assistance group's eligibility to 35728  
participate in Ohio works first for one payment month ~~or until the~~ 35729  
~~failure or refusal ceases, whichever is longer;~~ 35730

(2) For a second failure or refusal, the county department 35731  
shall deny or terminate the assistance group's eligibility to 35732  
participate in Ohio works first for three payment months ~~or until~~ 35733  
~~the failure or refusal ceases, whichever is longer;~~ 35734

(3) For a third or subsequent failure or refusal, the county 35735  
department shall deny or terminate the assistance group's 35736  
eligibility to participate in Ohio works first for six payment 35737  
months ~~or until the failure or refusal ceases, whichever is~~ 35738  
~~longer.~~ 35739

(B) ~~Each county department~~ The director of job and family 35740  
services shall establish standards for the determination of good 35741  
cause for failure or refusal to comply in full with a provision of 35742  
a self-sufficiency contract in rules adopted under section 5107.05 35743  
of the Revised Code. 35744

~~(1) In the case of a failure or refusal to participate in a~~ 35745  
~~work activity, developmental activity, or alternative work~~ 35746  
~~activity under sections 5107.40 to 5107.69 of the Revised Code,~~ 35747  
~~good cause shall include, except as provided in division (B)(2) of~~ 35748  
~~this section, the following:~~ 35749

~~(a) Failure of the county department to place the member in~~ 35750  
~~an activity;~~ 35751

~~(b) Failure of the county department to provide for the assistance group to receive support services the county department determines under section 5107.66 of the Revised Code to be necessary. In determining whether good cause exists, a county department shall determine that day care is a necessary support service if a single custodial parent caring for a minor child under age six proves a demonstrated inability, as determined by the county department, to obtain needed child care for one or more of the following reasons:~~ 35752  
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~~(i) Unavailability of appropriate child care within a reasonable distance from the parent's home or work site;~~ 35761  
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~~(ii) Unavailability or unsuitability of informal child care by a relative or under other arrangements;~~ 35763  
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~~(iii) Unavailability of appropriate and affordable formal child care arrangements.~~ 35765  
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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.~~ 35767  
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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.~~ 35771  
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~~(D) After sanctioning an assistance group under division (A) of this section, a county department of job and family services~~ 35781  
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shall continue to work with the assistance group ~~to provide the~~ 35783  
~~member of the assistance group who caused the sanction an~~ 35784  
~~opportunity to demonstrate to the county department a willingness~~ 35785  
~~to cease the failure or refusal to comply with the~~ 35786  
~~self-sufficiency contract.~~ 35787

~~(E)~~(D) An adult eligible for ~~medical assistance~~ medicaid 35788  
pursuant to division (A)(1)(a) of section 5111.01 of the Revised 35789  
Code who is sanctioned under division (A)(3) of this section for a 35790  
failure or refusal, without good cause, to comply in full with a 35791  
provision of a self-sufficiency contract related to work 35792  
responsibilities under sections 5107.40 to 5107.69 of the Revised 35793  
Code loses eligibility for ~~medical assistance~~ medicaid unless the 35794  
adult is otherwise eligible for ~~medical assistance~~ medicaid 35795  
pursuant to another division of section 5111.01 of the Revised 35796  
Code. 35797

~~(F)~~ An assistance group that would be participating in Ohio 35798  
works first if not for a sanction under this section shall 35799  
continue to be eligible for all of the following: 35800

(1) Publicly funded child care in accordance with division 35801  
(A)(3) of section 5104.30 of the Revised Code; 35802

(2) Support services in accordance with section 5107.66 of 35803  
the Revised Code; 35804

(3) To the extent permitted by the "Fair Labor Standards Act 35805  
of 1938," 52 Stat. 1060, 29 U.S.C.A. 201, as amended, to 35806  
participate in work activities, developmental activities, and 35807  
alternative work activities in accordance with sections 5107.40 to 35808  
5107.69 of the Revised Code. 35809

**Sec. 5107.17.** An assistance group that resumes participation 35810  
in Ohio works first following a sanction under section 5107.16 of 35811  
the Revised Code is not required to do either of the following: 35812



(A) Reapply under section 5107.12 of the Revised Code, unless 35813  
it is the assistance group's regularly scheduled time for an 35814  
eligibility redetermination; 35815

(B) Enter into a new self-sufficiency contract under section 35816  
5107.14 of the Revised Code, unless the county department of job 35817  
and family services determines it is time for a new appraisal 35818  
under section 5107.41 of the Revised Code or the assistance 35819  
group's circumstances have changed in a manner necessitating an 35820  
amendment to the self-sufficiency contract as determined using 35821  
procedures included in the contract under division ~~(I)~~(B)(9) of 35822  
section 5107.14 of the Revised Code. 35823

**Sec. 5107.281.** A participant of Ohio works first who is 35824  
enrolled in a school district in a county that is participating in 35825  
the learnfare program and is not younger than age six but not 35826  
older than age nineteen shall participate in the learnfare program 35827  
unless one of the following is the case: 35828

(A) The participant is not yet eligible for enrollment in 35829  
first grade; 35830

(B) The participant is subject to the LEAP program ~~under~~ 35831  
~~section 5107.30 of the Revised Code;~~ 35832

(C) The participant has received one of the following: 35833

(1) A high school diploma; 35834

(2) A certificate stating that the participant has achieved 35835  
the equivalent of a high school education as measured by scores 35836  
obtained on the tests of general educational development as 35837  
published by the American council on education. 35838

(D) The participant has been excused from school attendance 35839  
pursuant to section 3321.04 of the Revised Code; 35840

(E) If child care services for a member of the participant's 35841  
household are necessary for the participant to attend school, 35842

child care licensed or certified under Chapter 5104. of the 35843  
Revised Code or under sections 3301.52 to 3301.59 of the Revised 35844  
Code and transportation to and from the child care are not 35845  
available; 35846

(F) The participant has been adjudicated a delinquent or 35847  
unruly child pursuant to section 2151.28 of the Revised Code. 35848

**Sec. 5107.30.** (A) As used in this section: 35849

(1) "Equivalent of a high school diploma" and "good cause" 35850  
have the meanings established in rules adopted under section 35851  
5107.05 of the Revised Code. 35852

(2) ~~"LEAP program" means the learning, earning, and parenting~~ 35853  
~~program.~~ 35854

~~(3)~~ "Participating teen" means an individual to whom all of 35855  
the following apply: 35856

(a) The individual is a participant of Ohio works first; 35857

(b) The individual is under age eighteen or is age eighteen 35858  
and in school and is a natural or adoptive parent or is pregnant; 35859

(c) The individual is subject to the LEAP program's 35860  
requirements. 35861

~~(4)~~(3) "School" means an educational program that is designed 35862  
to lead to the attainment of a high school diploma or the 35863  
equivalent of a high school diploma. 35864

(B) The director of job and family services may conduct a 35865  
program titled the "LEAP program" in accordance with rules adopted 35866  
under section 5107.05 of the Revised Code. The purpose of the LEAP 35867  
program is to encourage teens to complete school. 35868

Every participating teen shall attend school in accordance 35869  
with the requirements governing the LEAP program unless the 35870  
participating teen shows good cause for not attending school. The 35871

department shall provide, in addition to the cash assistance 35872  
payment provided under Ohio works first, an incentive payment, in 35873  
an amount determined by the department, to every participating 35874  
teen who attends school in accordance with the requirements 35875  
governing the LEAP program. In addition to the incentive payment, 35876  
the department may provide other incentives to participating teens 35877  
who attend school in accordance with the LEAP program's 35878  
requirements. The department shall reduce the cash assistance 35879  
payment, in an amount determined by the department, under Ohio 35880  
works first to every participating teen who fails or refuses, 35881  
without good cause, to meet the LEAP program's requirements. 35882

Every participating teen shall enter into a written agreement 35883  
with the county department of job and family services that 35884  
specifies all of the following: 35885

(1) The participating teen, to be eligible to receive the 35886  
incentive payment and other incentives, if any, under this 35887  
section, must meet the requirements of the LEAP program. 35888

(2) The incentive payment and other incentives, if any, will 35889  
be provided if the participating teen meets the requirements of 35890  
the LEAP program. 35891

(3) The participating teen's cash assistance payment under 35892  
Ohio works first will be reduced if the participating teen fails 35893  
or refuses without good cause to attend school in accordance with 35894  
the requirements governing the LEAP program. 35895

(C) A minor head of ~~household who is participating~~ 35896  
household's participation in the LEAP program shall be ~~considered~~ 35897  
~~to be participating in a work activity for the purpose of sections~~ 35898  
~~5107.40 to 5107.69 counted in determining whether a county~~ 35899  
department of job and family services meets the requirement of 35900  
section 5107.44 of the Revised Code. ~~However, the minor head of~~ 35901  
~~household is not subject to the requirements or sanctions of those~~ 35902

~~sections.~~ 35903

(D) Subject to the availability of funds, county departments 35904  
of job and family services shall provide for participating teens 35905  
to receive support services the county department determines to be 35906  
necessary for LEAP participation. Support services may include 35907  
publicly funded child care under Chapter 5104. of the Revised 35908  
Code, transportation, and other services. 35909

**Sec. 5107.36.** An individual is ~~not eligible to participate in~~ 35910  
ineligible for assistance under Ohio works first if either of the 35911  
following apply: 35912

(A) The individual is a fugitive felon as defined in section 35913  
5101.20 of the Revised Code; 35914

(B) The individual is violating a condition of probation, a 35915  
community control sanction, parole, or a post-release control 35916  
sanction imposed under federal or state law. 35917

**Sec. 5107.41.** As soon as possible after an assistance group 35918  
submits an application to participate in Ohio works first, the 35919  
county department of job and family services that receives the 35920  
application shall schedule and conduct an appraisal of each member 35921  
of the assistance group who is a minor head of household or adult, 35922  
other than a minor head of household participating in the LEAP 35923  
program. The appraisal may include an evaluation of the 35924  
employment, educational, physiological, and psychological 35925  
abilities or liabilities, or both, of the minor head of household 35926  
or adult. At the appraisal, the county department shall develop 35927  
with the minor head of household or adult a plan for the 35928  
assistance group to achieve the goal of self sufficiency and 35929  
personal responsibility through unsubsidized employment within the 35930  
time limit for participating in the Ohio works first program 35931  
established by section 5107.18 of the Revised Code. The plan shall 35932

include assignments to one or more work activities, developmental 35933  
activities, or alternative work activities in accordance with 35934  
section 5107.42 of the Revised Code. The county department shall 35935  
include the plan in the self-sufficiency contract entered into 35936  
under section 5107.14 of the Revised Code. 35937

The county department shall conduct more appraisals of the 35938  
minor head of household or adult at times the county department 35939  
determines. 35940

If the minor head of household or adult claims to have a 35941  
medically determinable physiological or psychological impairment, 35942  
illness, or disability, the county department may require that the 35943  
minor head of household or adult undergo an independent medical or 35944  
psychological examination at a time and place reasonably 35945  
convenient to the minor head of household or adult. 35946

**Sec. 5107.42.** (A) Except as provided in divisions (B) and (C) 35947  
of this section, county departments of job and family services 35948  
shall assign each minor head of household and adult participating 35949  
in Ohio works first, other than a minor head of household 35950  
participating in the LEAP program, to one or more work activities 35951  
and developmental activities. 35952

If a county department assigns a minor head of household or 35953  
adult to the work activity established under division (H) of 35954  
section 5107.60 of the Revised Code, the county department shall 35955  
make reasonable efforts to assign the minor head of household or 35956  
adult to at least one other work activity at the same time. If a 35957  
county department assigns a minor head of household or adult to 35958  
the work activity established under section 5107.58 of the Revised 35959  
Code, the county department shall assign the minor head of 35960  
household or adult to at least one other work activity at the same 35961  
time. 35962

A county department may not assign a minor head of household 35963

or adult to a work activity established under division (D) of 35964  
section 5107.60 of the Revised Code for more than twelve months. 35965

(B) If a county department determines that a minor head of 35966  
household or adult has a temporary or permanent barrier to 35967  
participation in a work activity, it may assign the minor head of 35968  
household or adult to one or more alternative work activities 35969  
instead of assigning the minor head of household or adult to one 35970  
or more work activities or developmental activities. A county 35971  
department may not assign more than twenty per cent of minor heads 35972  
of household and adults participating in Ohio works first to an 35973  
alternative work activity. 35974

County departments shall establish standards for determining 35975  
whether a minor head of household or adult has a temporary or 35976  
permanent barrier to participating in a work activity. The 35977  
following are examples of circumstances that a county department 35978  
may consider when it develops its standards: 35979

(1) A minor head of household or adult provides the county 35980  
department documented evidence that one or more members of the 35981  
assistance group have been the victim of domestic violence and are 35982  
in imminent danger of suffering continued domestic violence; 35983

(2) A minor head of household or adult is actively 35984  
participating in an alcohol or drug addiction program certified by 35985  
the department of alcohol and drug addiction services under 35986  
section 3793.06 of the Revised Code; 35987

(3) An assistance group is homeless. 35988

(C) A county department may exempt a minor head of household 35989  
or adult who is unmarried and caring for a minor child under 35990  
twelve months of age from the work requirements of sections 35991  
5107.40 to 5107.69 of the Revised Code for not more than twelve 35992  
months. While exempt, the minor head of household or adult shall 35993  
be disregarded in determining whether the county department is 35994

meeting the requirement of section 5107.44 of the Revised Code. 35995  
The county department shall assign the exempt minor head of 35996  
household or adult to at least one developmental activity for a 35997  
number of hours a week the county department determines. The 35998  
county department may assign the exempt minor head of household or 35999  
adult to one or more work activities, in addition to developmental 36000  
activities, for a number of hours the county department 36001  
determines. Division (B) of section 5107.43 of the Revised Code 36002  
does not apply to the exempt minor head of household or adult. 36003

(D) A county department may reassign a minor head of 36004  
household or adult when the county department determines 36005  
reassignment will aid the assistance group in achieving self 36006  
sufficiency and personal responsibility and shall make 36007  
reassignments when circumstances requiring reassignment occur, 36008  
including when a temporary barrier to participating in a work 36009  
activity is eliminated. 36010

A county department shall include assignments in the 36011  
self-sufficiency contract entered into under section 5107.14 of 36012  
the Revised Code and shall amend the contract when a reassignment 36013  
is made to include the reassignment in the contract. 36014

**Sec. 5111.01.** As used in this chapter, "medical assistance 36015  
program" or "medicaid" means the program that is authorized by 36016  
this chapter and provided by the department of job and family 36017  
services under this chapter, Title XIX of the "Social Security 36018  
Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1396, as amended, and the 36019  
waivers of Title XIX requirements granted to the department by the 36020  
~~health care financing administration~~ centers for medicare and 36021  
medicaid services of the United States department of health and 36022  
human services. 36023

The department of job and family services shall act as the 36024  
single state agency to supervise the administration of the 36025

medicaid program. As the single state agency, the department shall 36026  
comply with 42 C.F.R. 431.10(e). The department's rules governing 36027  
medicaid are binding on other agencies that administer components 36028  
of the medicaid program. No agency may establish, by rule or 36029  
otherwise, a policy governing medicaid that is inconsistent with a 36030  
medicaid policy established, in rule or otherwise, by the director 36031  
of job and family services. 36032

(A) The department of job and family services may provide 36033  
medical assistance under the medicaid program as long as federal 36034  
funds are provided for such assistance, to the following: 36035

(1) Families with children that meet either of the following 36036  
conditions: 36037

(a) The family meets the income, resource, and family 36038  
composition requirements in effect on July 16, 1996, for the 36039  
former aid to dependent children program as those requirements 36040  
were established by Chapter 5107. of the Revised Code, federal 36041  
waivers granted pursuant to requests made under former section 36042  
5101.09 of the Revised Code, and rules adopted by the department 36043  
or any changes the department makes to those requirements in 36044  
accordance with paragraph (a)(2) of section 114 of the "Personal 36045  
Responsibility and Work Opportunity Reconciliation Act of 1996," 36046  
110 Stat. 2177, 42 U.S.C.A. 1396u-1, for the purpose of 36047  
implementing section 5111.019 of the Revised Code. An adult loses 36048  
eligibility for medical assistance under division (A)(1)(a) of 36049  
this section pursuant to division ~~(E)~~(D) of section 5107.16 of the 36050  
Revised Code. 36051

(b) The family does not meet the requirements specified in 36052  
division (A)(1)(a) of this section but is eligible for medical 36053  
assistance pursuant to section 5101.18 of the Revised Code. 36054

(2) Aged, blind, and disabled persons who meet the following 36055  
conditions: 36056



(a) Receive federal aid under Title XVI of the "Social Security Act," or are eligible for but are not receiving such aid, provided that the income from all other sources for individuals with independent living arrangements shall not exceed one hundred seventy-five dollars per month. The income standards hereby established shall be adjusted annually at the rate that is used by the United States department of health and human services to adjust the amounts payable under Title XVI.

(b) Do not receive aid under Title XVI, but meet any of the following criteria:

(i) Would be eligible to receive such aid, except that their income, other than that excluded from consideration as income under Title XVI, exceeds the maximum under division (A)(2)(a) of this section, and incurred expenses for medical care, as determined under federal regulations applicable to section 209(b) of the "Social Security Amendments of 1972," 86 Stat. 1381, 42 U.S.C.A. 1396a(f), as amended, equal or exceed the amount by which their income exceeds the maximum under division (A)(2)(a) of this section;

(ii) Received aid for the aged, aid to the blind, or aid for the permanently and totally disabled prior to January 1, 1974, and continue to meet all the same eligibility requirements;

(iii) Are eligible for medical assistance pursuant to section 5101.18 of the Revised Code.

(3) Persons to whom federal law requires, as a condition of state participation in the medicaid program, that medical assistance be provided;

(4) Persons under age twenty-one who meet the income requirements for the Ohio works first program established under Chapter 5107. of the Revised Code but do not meet other eligibility requirements for the program. The director shall adopt

rules in accordance with Chapter 119. of the Revised Code 36088  
specifying which Ohio works first requirements shall be waived for 36089  
the purpose of providing medicaid eligibility under division 36090  
(A)(4) of this section. 36091

(B) If sufficient funds are appropriated for ~~such purpose by~~ 36092  
~~the general assembly~~ the medical assistance program, the 36093  
department may provide medical assistance to persons in groups 36094  
designated by federal law as groups to which a state, at its 36095  
option, may provide medical assistance under the medicaid program. 36096

(C) The department may expand eligibility for medical 36097  
assistance to include individuals under age nineteen with family 36098  
incomes at or below one hundred fifty per cent of the federal 36099  
poverty guidelines, except that the eligibility expansion shall 36100  
not occur unless the department receives the approval of the 36101  
federal government. The department may implement the eligibility 36102  
expansion authorized under this division on any date selected by 36103  
the department, but not sooner than January 1, 1998. 36104

(D) In addition to any other authority or requirement to 36105  
adopt rules under this chapter, the director may adopt rules in 36106  
accordance with section 111.15 of the Revised Code as the director 36107  
considers necessary to establish standards, procedures, and other 36108  
requirements regarding the provision of medical assistance. The 36109  
rules may establish requirements to be followed in applying for 36110  
medical assistance, making determinations of eligibility for 36111  
medical assistance, and verifying eligibility for medical 36112  
assistance. The rules may include special conditions as the 36113  
department determines appropriate for making applications, 36114  
determining eligibility, and verifying eligibility for any medical 36115  
assistance that the department may provide pursuant to division 36116  
(C) of this section and section 5111.014 or 5111.019 of the 36117  
Revised Code. 36118

**Sec. 5111.014.** (A) The director of job and family services 36119  
shall submit to the United States secretary of health and human 36120  
services an amendment to the state medicaid plan to make an 36121  
individual who meets all of the following requirements eligible 36122  
for medicaid: 36123

(1) The individual is pregnant; 36124

(2) The individual's family income does not exceed ~~one~~ two 36125  
hundred ~~fifty~~ per cent of the federal poverty guidelines; 36126

(3) The individual satisfies all relevant requirements 36127  
established by rules adopted under division (D) of section 5111.01 36128  
of the Revised Code. 36129

(B) If approved by the United States secretary of health and 36130  
human services, the director of job and family services shall 36131  
implement the medicaid plan amendment submitted under division (A) 36132  
of this section as soon as possible after receipt of notice of the 36133  
approval, but not sooner than January 1, ~~2000~~ 2008. 36134

**Sec. 5111.016.** (A) As used in this section, "healthcheck" has 36135  
the same meaning as in section 3313.714 of the Revised Code. 36136

(B) ~~In accordance with federal law and regulations, the~~ The 36137  
department of job and family services shall ~~establish~~ adopt rules 36138  
in accordance with Chapter 119. of the Revised Code establishing a 36139  
combination of written and oral methods designed to provide 36140  
information about healthcheck to all persons eligible for the 36141  
program or their parents or guardians. The department shall ensure 36142  
that its methods of providing information are effective. The 36143  
methods shall comply with federal law and regulations. 36144

Each county department of job and family services or other 36145  
entity that distributes or accepts applications for medical 36146  
assistance shall prominently display ~~in a conspicuous place the~~ 36147  
~~following~~ notice: 36148

~~"Under state and federal law, if you are a Medicaid recipient, your child is entitled to a thorough medical examination provided through Healthcheck. Once this examination is completed, your child is entitled to receive, at no cost to you, any service determined to be medically necessary." that complies with the rules adopted under this division.~~

**Sec. 5111.019.** ~~(A)~~ The director of job and family services shall submit to the United States secretary of health and human services an amendment to the state medicaid plan to make an individual eligible for medicaid who meets all of the following requirements ~~eligible for medicaid for the amount of time provided by division (B) of this section:~~

~~(1)(A)~~ The individual is the parent of a child under nineteen years of age and resides with the child;

~~(2)(B)~~ The individual's family income does not exceed ninety per cent of the federal poverty guidelines;

~~(3)(C)~~ The individual is not otherwise eligible for medicaid;

~~(4)(D)~~ The individual satisfies all relevant requirements established by rules adopted under division (D) of section 5111.01 of the Revised Code.

~~(B) An individual is eligible to receive medicaid under this section for a period that does not exceed two years beginning on the date on which eligibility is established.~~

**Sec. 5111.0112.** (A) ~~Not later than July 1, 2006, the~~ The director of job and family services shall institute a ~~copayment cost-sharing~~ program under the medicaid program. ~~To the extent permitted by federal law, the copayment~~ In instituting the cost-sharing program, the director shall comply with federal law. The cost-sharing program shall establish a copayment requirement for ~~only~~ at least dental services, vision services, nonemergency

emergency department services, and prescription drugs, other than 36179  
generic drugs. The cost-sharing program shall establish 36180  
requirements regarding premiums, enrollment fees, deductions, and 36181  
similar charges. The director shall adopt rules under section 36182  
5111.02 of the Revised Code governing the copayment program. 36183

(B) The ~~copayment~~ cost-sharing program shall, to the extent 36184  
permitted by federal law, provide for all of the following with 36185  
regard to any providers participating in the medicaid program: 36186

(1) No provider shall refuse to provide a service to a 36187  
medicaid recipient who is unable to pay a required copayment for 36188  
the service. 36189

(2) Division (B)(1) of this section shall not be considered 36190  
to do either of the following with regard to a medicaid recipient 36191  
who is unable to pay a required copayment: 36192

(a) Relieve the medicaid recipient from the obligation to pay 36193  
a copayment; 36194

(b) Prohibit the provider from attempting to collect an 36195  
unpaid copayment. 36196

(3) Except as provided in division (C) of this section, no 36197  
provider shall waive a medicaid recipient's obligation to pay the 36198  
provider a copayment. 36199

(4) No provider or drug manufacturer, including the 36200  
manufacturer's representative, employee, independent contractor, 36201  
or agent, shall pay any copayment on behalf of a medicaid 36202  
recipient. 36203

(5) If it is the routine business practice of the provider to 36204  
refuse service to any individual who owes an outstanding debt to 36205  
the provider, the provider may consider an unpaid copayment 36206  
imposed by the ~~copayment~~ cost-sharing program as an outstanding 36207  
debt and may refuse service to a medicaid recipient who owes the 36208

provider an outstanding debt. If the provider intends to refuse 36209  
service to a medicaid recipient who owes the provider an 36210  
outstanding debt, the provider shall notify the individual of the 36211  
provider's intent to refuse services. 36212

(C) In the case of a provider that is a hospital, the 36213  
~~copayment~~ cost-sharing program shall permit the hospital to take 36214  
action to collect a copayment by providing, at the time services 36215  
are rendered to a medicaid recipient, notice that a copayment may 36216  
be owed. If the hospital provides the notice and chooses not to 36217  
take any further action to pursue collection of the copayment, the 36218  
prohibition against waiving copayments specified in division 36219  
(B)(3) of this section does not apply. 36220

(D) The department of job and family services may work with a 36221  
state agency that is administering, pursuant to a contract entered 36222  
into under section 5111.91 of the Revised Code, one or more 36223  
components of the medicaid program or one or more aspects of a 36224  
component as necessary for the state agency to apply the 36225  
cost-sharing program to the components or aspects of the medicaid 36226  
program that the state agency administers. 36227

**Sec. 5111.0119.** (A) The director of job and family services 36228  
shall submit to the United States secretary of health and human 36229  
services an amendment to the state medicaid plan to establish the 36230  
medicaid buy-in program in accordance with 42 U.S.C. 36231  
1396a(a)(10)(A)(ii)(XV) and (XVI). 36232

(B) The director of job and family services shall adopt rules 36233  
under section 5111.011 of the Revised Code to implement this 36234  
section. 36235

**Sec. 5111.023.** (A) As used in this section: 36236

(1) "Community mental health facility" means a community 36237  
mental health facility that has a quality assurance program 36238

accredited by the joint commission on accreditation of healthcare 36239  
organizations or is certified by the department of mental health 36240  
or department of job and family services. 36241

(2) "Mental health professional" means a person qualified to 36242  
work with mentally ill persons under the standards established by 36243  
the director of mental health pursuant to section 5119.611 of the 36244  
Revised Code. 36245

(B) The state medicaid plan shall include provision of the 36246  
following mental health services when provided by community mental 36247  
health facilities: 36248

(1) Outpatient mental health services, including, but not 36249  
limited to, preventive, diagnostic, therapeutic, rehabilitative, 36250  
and palliative interventions rendered to individuals in an 36251  
individual or group setting by a mental health professional in 36252  
accordance with a plan of treatment appropriately established, 36253  
monitored, and reviewed; 36254

(2) Partial-hospitalization mental health services ~~of three~~ 36255  
~~to fourteen hours per service day,~~ rendered by persons directly 36256  
supervised by a mental health professional; 36257

(3) Unscheduled, emergency mental health services of a kind 36258  
ordinarily provided to persons in crisis when rendered by persons 36259  
supervised by a mental health professional; 36260

(4) Subject to receipt of federal approval, assertive 36261  
community treatment and intensive home-based mental health 36262  
services. 36263

(C) The comprehensive annual plan shall certify the 36264  
availability of sufficient unencumbered community mental health 36265  
state subsidy and local funds to match federal medicaid 36266  
reimbursement funds earned by community mental health facilities. 36267

(D) The department of job and family services shall enter 36268

into a separate contract with the department of mental health 36269  
under section 5111.91 of the Revised Code with regard to the 36270  
component of the medicaid program provided for by this section. 36271

(E) Not later than July 21, 2006, the department of job and 36272  
family services shall request federal approval to provide 36273  
assertive community treatment and intensive home-based mental 36274  
health services under medicaid pursuant to this section. 36275

(F) On receipt of federal approval sought under division (E) 36276  
of this section, the director of job and family services shall 36277  
adopt rules in accordance with Chapter 119. of the Revised Code 36278  
for assertive community treatment and intensive home-based mental 36279  
health services provided under medicaid pursuant to this section. 36280  
The director shall consult with the department of mental health in 36281  
adopting the rules. 36282

Sec. 5111.028. (A) Pursuant to section 5111.02 of the Revised 36283  
Code, the director of job and family services shall adopt rules 36284  
establishing the use of time-limited provider agreements under the 36285  
medicaid program. Under the rules, each provider agreement shall 36286  
expire three years from the effective date of the agreement. 36287

(B) The rules for use of time-limited provider agreements 36288  
shall include a process for re-enrollment of providers. All of the 36289  
following apply to the re-enrollment process: 36290

(1) The department may terminate a time-limited provider 36291  
agreement or deny re-enrollment when a provider fails to file an 36292  
application for re-enrollment within the time and in the manner 36293  
required under the re-enrollment process. 36294

(2) If a provider files an application for re-enrollment 36295  
within the time and in the manner required under the re-enrollment 36296  
process, but the provider agreement expires before the department 36297  
acts on the application or before the effective date of the 36298



department's decision on the application, the provider may 36299  
continue operating under the terms of the expired provider 36300  
agreement until the effective date of the department's decision. 36301

(3) A decision by the department to approve an application 36302  
for re-enrollment becomes effective on the date of the 36303  
department's decision. A decision by the department to deny 36304  
re-enrollment shall take effect not sooner than thirty days after 36305  
the date the department mails written notice of the decision to 36306  
the provider. The department shall specify in the notice the date 36307  
on which the provider is required to cease operating under the 36308  
provider agreement. 36309

(C) Pursuant to section 5111.06 of the Revised Code, the 36310  
department is not required to take the actions specified in 36311  
division (B)(1) of this section by issuing an order pursuant to an 36312  
adjudication conducted in accordance with Chapter 119. of the 36313  
Revised Code. 36314

**Sec. 5111.029.** The medicaid program shall cover occupational 36315  
therapy services provided by an occupational therapist licensed 36316  
under section 4755.08 of the Revised Code. Coverage shall not be 36317  
limited to services provided in a hospital or nursing facility. 36318  
Any licensed occupational therapist may enter into a medicaid 36319  
provider agreement with the department of job and family services 36320  
to provide occupational therapy services under the medicaid 36321  
program. 36322

**Sec. 5111.03.** (A) No provider of services or goods 36323  
contracting with the department of job and family services 36324  
pursuant to the medicaid program shall, by deception, obtain or 36325  
attempt to obtain payments under this chapter to which the 36326  
provider is not entitled pursuant to the provider agreement, or 36327  
the rules of the federal government or the department of job and 36328

family services relating to the program. No provider shall 36329  
willfully receive payments to which the provider is not entitled, 36330  
or willfully receive payments in a greater amount than that to 36331  
which the provider is entitled; nor shall any provider falsify any 36332  
report or document required by state or federal law, rule, or 36333  
provider agreement relating to medicaid payments. As used in this 36334  
section, a provider engages in "deception" when the provider, 36335  
acting with actual knowledge of the representation or information 36336  
involved, acting in deliberate ignorance of the truth or falsity 36337  
of the representation or information involved, or acting in 36338  
reckless disregard of the truth or falsity of the representation 36339  
or information involved, deceives another or causes another to be 36340  
deceived by any false or misleading representation, by withholding 36341  
information, by preventing another from acquiring information, or 36342  
by any other conduct, act, or omission that creates, confirms, or 36343  
perpetuates a false impression in another, including a false 36344  
impression as to law, value, state of mind, or other objective or 36345  
subjective fact. No proof of specific intent to defraud is 36346  
required to show, for purposes of this section, that a provider 36347  
has engaged in deception. 36348

(B) Any provider who violates division (A) of this section 36349  
shall be liable, in addition to any other penalties provided by 36350  
law, for all of the following civil penalties: 36351

(1) Payment of interest on the amount of the excess payments 36352  
at the maximum interest rate allowable for real estate mortgages 36353  
under section 1343.01 of the Revised Code on the date the payment 36354  
was made to the provider for the period from the date upon which 36355  
payment was made, to the date upon which repayment is made to the 36356  
state; 36357

(2) Payment of an amount equal to three times the amount of 36358  
any excess payments; 36359

(3) Payment of a sum of not less than five thousand dollars 36360

and not more than ten thousand dollars for each deceptive claim or falsification;

(4) All reasonable expenses which the court determines have been necessarily incurred by the state in the enforcement of this section.

(C) As used in this division, "intermediate care facility for the mentally retarded" and "nursing facility" have the same meanings given in section 5111.20 of the Revised Code.

In addition to the civil penalties provided in division (B) of this section, the director of job and family services, upon the conviction of, or the entry of a judgment in either a criminal or civil action against, a medicaid provider or its owner, officer, authorized agent, associate, manager, or employee in an action brought pursuant to section 109.85 of the Revised Code, shall terminate the provider agreement between the department and the provider and stop reimbursement to the provider for services rendered ~~for a period of up to five years~~ from the date of conviction or entry of judgment. As used in this ~~chapter~~ division, "owner" means any person having at least five per cent ownership in the medicaid provider. No such provider, owner, officer, authorized agent, associate, manager, or employee shall own or provide services to any other medicaid provider or risk contractor or arrange for, render, or order services for medicaid recipients ~~during the period of termination as provided in division (C) of this section, nor, during the period of termination as provided in division (C) of this section,~~ shall such provider, owner, officer, authorized agent, associate, manager, or employee receive reimbursement in the form of direct payments from the department or indirect payments of medicaid funds in the form of salary, shared fees, contracts, kickbacks, or rebates from or through any participating provider or risk contractor. The provider agreement shall not be terminated or reimbursement terminated if the

provider or owner can demonstrate that the provider or owner did 36393  
not directly or indirectly sanction the action of its authorized 36394  
agent, associate, manager, or employee that resulted in the 36395  
conviction or entry of a judgment in a criminal or civil action 36396  
brought pursuant to section 109.85 of the Revised Code. Nothing in 36397  
this division prohibits any owner, officer, authorized agent, 36398  
associate, manager, or employee of a medicaid provider from 36399  
entering into a medicaid provider agreement if the person can 36400  
demonstrate that the person had no knowledge of an action of the 36401  
medicaid provider the person was formerly associated with that 36402  
resulted in the conviction or entry of a judgment in a criminal or 36403  
civil action brought pursuant to section 109.85 of the Revised 36404  
Code. 36405

Nursing facility or intermediate care facility for the 36406  
mentally retarded providers whose agreements are terminated 36407  
pursuant to this section may continue to receive reimbursement for 36408  
up to thirty days after the effective date of the termination if 36409  
the provider makes reasonable efforts to transfer recipients to 36410  
another facility or to alternate care and if federal funds are 36411  
provided for such reimbursement. 36412

(D) For any reason permitted or required by federal law, the 36413  
director of job and family services may deny a provider agreement 36414  
or terminate a provider agreement. 36415

For any reason permitted or required by federal law, the 36416  
director may exclude an individual, provider of services or goods, 36417  
or other entity from participation in the medicaid program. No 36418  
individual, provider, or entity excluded under this division shall 36419  
own or provide services to any other medicaid provider or risk 36420  
contractor or arrange for, render, or order services for medicaid 36421  
recipients during the period of exclusion, nor, during the period 36422  
of exclusion, shall such individual, provider, or entity receive 36423  
reimbursement in the form of direct payments from the department 36424

or indirect payments of medicaid funds in the form of salary, 36425  
shared fees, contracts, kickbacks, or rebates from or through any 36426  
participating provider or risk contractor. An excluded individual, 36427  
provider, or entity may request a reconsideration of the 36428  
exclusion. The director shall adopt rules in accordance with 36429  
Chapter 119. of the Revised Code governing the process for 36430  
requesting a reconsideration. 36431

Nothing in this division limits the applicability of section 36432  
5111.06 of the Revised Code to a medicaid provider. 36433

(E) Any provider of services or goods contracting with the 36434  
department of job and family services pursuant to Title XIX of the 36435  
"Social Security Act," who, without intent, obtains payments under 36436  
this chapter in excess of the amount to which the provider is 36437  
entitled, thereby becomes liable for payment of interest on the 36438  
amount of the excess payments at the maximum real estate mortgage 36439  
rate on the date the payment was made to the provider for the 36440  
period from the date upon which payment was made to the date upon 36441  
which repayment is made to the state. 36442

~~(E)~~(F) The attorney general on behalf of the state may 36443  
commence proceedings to enforce this section in any court of 36444  
competent jurisdiction; and the attorney general may settle or 36445  
compromise any case brought under this section with the approval 36446  
of the department of job and family services. Notwithstanding any 36447  
other provision of law providing a shorter period of limitations, 36448  
the attorney general may commence a proceeding to enforce this 36449  
section at any time within six years after the conduct in 36450  
violation of this section terminates. 36451

~~(F)~~(G) The authority, under state and federal law, of the 36452  
department of job and family services or a county department of 36453  
job and family services to recover excess payments made to a 36454  
provider is not limited by the availability of remedies under 36455  
sections 5111.11 and 5111.12 of the Revised Code for recovering 36456

benefits paid on behalf of recipients of medical assistance. 36457

The penalties under this chapter apply to any overpayment, 36458  
billing, or falsification occurring on and after April 24, 1978. 36459  
All moneys collected by the state pursuant to this section shall 36460  
be deposited in the state treasury to the credit of the general 36461  
revenue fund. 36462

Sec. 5111.031. (A) As used in this section: 36463

(1) "Independent provider" has the same meaning as in section 36464  
5111.034 of the Revised Code. 36465

(2) "Intermediate care facility for the mentally retarded" 36466  
and "nursing facility" have the same meanings as in section 36467  
5111.20 of the Revised Code. 36468

(3) "Noninstitutional medicaid provider" means any person or 36469  
entity with a medicaid provider agreement other than a hospital, 36470  
nursing facility, or intermediate care facility for the mentally 36471  
retarded. 36472

(4) "Owner" means any person having at least five per cent 36473  
ownership in a noninstitutional medicaid provider. 36474

(B) Notwithstanding any provision of this chapter to the 36475  
contrary, the department of job and family services shall take 36476  
action under this section against a noninstitutional medicaid 36477  
provider or its owner, officer, authorized agent, associate, 36478  
manager, or employee. 36479

(C) Except as provided in division (D) of this section and in 36480  
rules adopted by the department under division (H) of this 36481  
section, on receiving notice and a copy of an indictment that is 36482  
issued on or after the effective date of this section and charges 36483  
a noninstitutional medicaid provider or its owner, officer, 36484  
authorized agent, associate, manager, or employee with committing 36485  
an offense specified in division (E) of this section, the 36486

department shall suspend the provider agreement held by the 36487  
noninstitutional medicaid provider. Subject to division (D) of 36488  
this section, the department shall also terminate medicaid 36489  
reimbursement to the provider for services rendered. 36490

The suspension shall continue in effect until the proceedings 36491  
in the criminal case are completed through conviction, dismissal 36492  
of the indictment, plea, or finding of not guilty. If the 36493  
department commences a process to terminate the suspended provider 36494  
agreement, the suspension shall continue in effect until the 36495  
termination process is concluded. Pursuant to section 5111.06 of 36496  
the Revised Code, the department is not required to take action 36497  
under this division by issuing an order pursuant to an 36498  
adjudication conducted in accordance with Chapter 119. of the 36499  
Revised Code. 36500

When subject to a suspension under this division, a provider, 36501  
owner, officer, authorized agent, associate, manager, or employee 36502  
shall not own or provide services to any other medicaid provider 36503  
or risk contractor or arrange for, render, or order services for 36504  
medicaid recipients during the period of suspension. During the 36505  
period of suspension, the provider, owner, officer, authorized 36506  
agent, associate, manager, or employee shall not receive 36507  
reimbursement in the form of direct payments from the department 36508  
or indirect payments of medicaid funds in the form of salary, 36509  
shared fees, contracts, kickbacks, or rebates from or through any 36510  
participating provider or risk contractor. 36511

(D)(1) The department shall not suspend a provider agreement 36512  
or terminate medicaid reimbursement under division (C) of this 36513  
section if the provider or owner can demonstrate that the provider 36514  
or owner did not directly or indirectly sanction the action of its 36515  
authorized agent, associate, manager, or employee that resulted in 36516  
the indictment. 36517

(2) The termination of medicaid reimbursement applies only to 36518

payments for medicaid services rendered subsequent to the date on 36519  
which the notice required under division (F) of this section is 36520  
sent. Claims for reimbursement for medicaid services rendered by 36521  
the provider prior to the issuance of the notice may be subject to 36522  
prepayment review procedures whereby the department reviews claims 36523  
to determine whether they are supported by sufficient 36524  
documentation, are in compliance with state and federal statutes 36525  
and rules, and are otherwise complete. 36526

(E)(1) In the case of a noninstitutional medicaid provider 36527  
that is not an independent provider, the suspension of a provider 36528  
agreement under division (C) of this section applies when an 36529  
indictment charges a person with committing an act that would be a 36530  
felony or misdemeanor under the laws of this state and the act 36531  
relates to or results from either of the following: 36532

(a) Furnishing or billing for medical care, services, or 36533  
supplies under the medicaid program; 36534

(b) Participating in the performance of management or 36535  
administrative services relating to furnishing medical care, 36536  
services, or supplies under the medicaid program. 36537

(2) In the case of a noninstitutional medicaid provider that 36538  
is an independent provider, the suspension of a provider agreement 36539  
under division (C) of this section applies when an indictment 36540  
charges a person with committing an act that would constitute one 36541  
of the offenses specified in division (D) of section 5111.034 of 36542  
the Revised Code. 36543

(F) Not later than five days after suspending a provider 36544  
agreement under division (C) of this section, the department shall 36545  
send notice of the suspension to the affected provider or owner. 36546  
In providing the notice, the department shall do all of the 36547  
following: 36548

(1) Describe the indictment that was the cause of the 36549



suspension, without necessarily disclosing specific information 36550  
concerning any ongoing civil or criminal investigation; 36551

(2) State that the suspension will continue in effect until 36552  
the proceedings in the criminal case are completed through 36553  
conviction, dismissal of the indictment, plea, or finding of not 36554  
guilty and, if the department commences a process to terminate the 36555  
suspended provider agreement, until the termination process is 36556  
concluded; 36557

(3) Inform the provider or owner of the opportunity to submit 36558  
to the department, not later than thirty days after receiving the 36559  
notice, a request for a reconsideration pursuant to division (G) 36560  
of this section. 36561

(G)(1) A noninstitutional medicaid provider or owner subject 36562  
to a suspension under this section may request a reconsideration. 36563  
The request shall be made not later than thirty days after receipt 36564  
of the notice provided under division (F) of this section. The 36565  
reconsideration is not subject to an adjudication hearing pursuant 36566  
to Chapter 119. of the Revised Code. 36567

(2) In requesting a reconsideration, the provider or owner 36568  
shall submit written information and documents to the department. 36569  
The information and documents may pertain to any of the following 36570  
issues: 36571

(a) Whether the determination to suspend the provider 36572  
agreement was based on a mistake of fact, other than the validity 36573  
of the indictment; 36574

(b) Whether any offense charged in the indictment resulted 36575  
from an offense specified in division (E) of this section; 36576

(c) Whether the provider or owner can demonstrate that the 36577  
provider or owner did not directly or indirectly sanction the 36578  
action of its authorized agent, associate, manager, or employee 36579  
that resulted in the indictment. 36580

(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. 36581  
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(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. 36589  
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**Sec. 5111.032. (A) As used in this section:** 36593

(1) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 36594  
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(2) "Department" includes a designee of the department of job and family services. 36596  
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(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. 36598  
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(4) "Provider" means a person, institution, or entity that has a provider agreement with the department of job and family services pursuant to Title XIX of the "Social Security Act," 49 State. 620 (1965), 42 U.S.C. 1396, as amended. 36601  
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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 36605  
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records check as a condition of obtaining a provider agreement, 36611  
continuing to hold a provider agreement, being employed by a 36612  
provider, having an ownership interest in a provider, or being an 36613  
officer or board member of a provider. The department may 36614  
designate the categories of persons who are subject to the 36615  
criminal records check requirement. The department shall designate 36616  
the times at which the criminal records checks must be conducted. 36617

(2) The section does not apply to providers, applicants to be 36618  
providers, employees of a provider, or prospective employees of a 36619  
provider who are subject to criminal records checks under section 36620  
5111.033 or 5111.034 of the Revised Code. 36621

(C)(1) The department shall inform each provider or applicant 36622  
to be a provider whether the provider or applicant is subject to a 36623  
criminal records check requirement under division (B) of this 36624  
section. For providers, the information shall be given at times 36625  
designated in rules adopted under this section. For applicants to 36626  
be providers, the information shall be given at the time of 36627  
initial application. When the information is given, the department 36628  
shall specify which of the provider's or applicant's employees or 36629  
prospective employees, owners or prospective owners, officers or 36630  
prospective officers, or board members or prospective board 36631  
members are subject to the criminal records check requirement. 36632

(2) At times designated in rules adopted under this section, 36633  
a provider that is subject to the criminal records check 36634  
requirement shall inform each person specified by the department 36635  
under division (C)(1) of this section that the person is required, 36636  
as applicable, to submit to a criminal records check for final 36637  
consideration for employment in a full-time, part-time, or 36638  
temporary position; as a condition of continued employment; or as 36639  
a condition of becoming or continuing to be an officer, board 36640  
member or owner of a provider. 36641

(D)(1) If a provider or applicant to be a provider is subject 36642

to a criminal records check under this section, the department 36643  
shall require the conduct of a criminal records check by the 36644  
superintendent of the bureau of criminal identification and 36645  
investigation. If a provider or applicant to be a provider for 36646  
whom a criminal records check is required does not present proof 36647  
of having been a resident of this state for the five-year period 36648  
immediately prior to the date the criminal records check is 36649  
requested or provide evidence that within that five-year period 36650  
the superintendent has requested information about the individual 36651  
from the federal bureau of investigation in a criminal records 36652  
check, the department shall require the provider or applicant to 36653  
request that the superintendent obtain information from the 36654  
federal bureau of investigation as part of the criminal records 36655  
check of the provider or applicant. Even if a provider or 36656  
applicant for whom a criminal records check request is required 36657  
presents proof of having been a resident of this state for the 36658  
five-year period, the department may require that the provider or 36659  
applicant request that the superintendent obtain information from 36660  
the federal bureau of investigation and include it in the criminal 36661  
records check of the provider or applicant. 36662

(2) A provider shall require the conduct of a criminal 36663  
records check by the superintendent with respect to each of the 36664  
persons specified by the department under division (C)(1) of this 36665  
section. If the person for whom a criminal records check is 36666  
required does not present proof of having been a resident of this 36667  
state for the five-year period immediately prior to the date the 36668  
criminal records check is requested or provide evidence that 36669  
within that five-year period the superintendent of the bureau of 36670  
criminal identification and investigation has requested 36671  
information about the individual from the federal bureau of 36672  
investigation in a criminal records check, the individual shall 36673  
request that the superintendent obtain information from the 36674  
federal bureau of investigation as part of the criminal records 36675

check of the individual. Even if an individual for whom a criminal records check request is required presents proof of having been a resident of this state for the five-year period, the department may require the provider to request that the superintendent obtain information from the federal bureau of investigation and include it in the criminal records check of the person. 36676  
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(E)(1) Criminal records checks required under this section for providers or applicants to be providers shall be obtained as follows: 36682  
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(a) The department shall provide each provider or applicant information about accessing and completing the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard fingerprint impression sheet prescribed pursuant to division (C)(2) of that section. 36685  
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(b) The provider or applicant shall submit the required form and one complete set of fingerprint impressions directly to the superintendent for purposes of conducting the criminal records check using the applicable methods prescribed by division (C) of section 109.572 of the Revised Code. The applicant or provider shall pay all fees associated with obtaining the criminal records check. 36690  
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(c) The superintendent shall conduct the criminal records check in accordance with section 109.572 of the Revised Code. The provider or applicant shall instruct the superintendent to submit the report of the criminal records check directly to the director of job and family services. 36697  
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(2) Criminal records checks required under this section for persons specified by the department under division (C)(1) of this section shall be obtained as follows: 36702  
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(a) The provider shall give to each person subject to criminal records check requirement information about accessing and 36705  
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completing the form prescribed pursuant to division (C)(1) of 36707  
section 109.572 of the Revised Code and the standard fingerprint 36708  
impression sheet prescribed pursuant to division (C)(2) of that 36709  
section. 36710

(b) The person shall submit the required form and one 36711  
complete set of fingerprint impressions directly to the 36712  
superintendent for purposes of conducting the criminal records 36713  
check using the applicable methods prescribed by division (C) of 36714  
section 109.572 of the Revised Code. The person shall pay all fees 36715  
associated with obtaining the criminal records check. 36716

(c) The superintendent shall conduct the criminal records 36717  
check in accordance with section 109.572 of the Revised Code. The 36718  
person subject to the criminal records check shall instruct the 36719  
superintendent to submit the report of the criminal records check 36720  
directly to the provider. The department may require the provider 36721  
to submit the report to the department. 36722

(F) If a provider or applicant to be a provider is given the 36723  
information specified in division (E)(1)(a) of this section but 36724  
fails to obtain a criminal records check, the department shall, as 36725  
applicable, terminate the provider agreement or deny the 36726  
application to be a provider. 36727

If a person is given the information specified in division 36728  
(E)(2)(a) of this section but fails to obtain a criminal records 36729  
check, the provider shall not, as applicable, permit the person to 36730  
be an employee, owner, officer, or board member of the provider. 36731

(G) Except as provided in rules adopted under division (J) of 36732  
this section, the department shall terminate the provider 36733  
agreement of a provider or the department shall not issue a 36734  
provider agreement to an applicant if the provider or applicant is 36735  
subject to a criminal records check under this section and the 36736  
provider or applicant has been convicted of, has pleaded guilty 36737

to, or has been found eligible for intervention in lieu of 36738  
conviction for any of the following: 36739

(1) A violation of section 2903.01, 2903.02, 2903.03, 36740  
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 36741  
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 36742  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 36743  
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 36744  
2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 36745  
2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 36746  
2913.40, 2913.43, 2913.47, 2913.48, 2913.49, 2913.51, 2917.11, 36747  
2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 36748  
2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 36749  
2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 36750  
3716.11 of the Revised Code, felonious sexual penetration in 36751  
violation of former section 2907.12 of the Revised Code, a 36752  
violation of section 2905.04 of the Revised Code as it existed 36753  
prior to July 1, 1996, a violation of section 2919.23 of the 36754  
Revised Code that would have been a violation of section 2905.04 36755  
of the Revised Code as it existed prior to July 1, 1996, had the 36756  
violation been committed prior to that date; 36757

(2) An existing or former law of this state, any other state, 36758  
or the United States that is substantially equivalent to any of 36759  
the offenses listed in division (D)(1) of this section. 36760

(H)(1)(a) Except as provided in rules adopted under division 36761  
(J) of this section and subject to division (H)(2) of this 36762  
section, no provider shall permit a person to be an employee, 36763  
owner, officer, or board member of the provider if the person is 36764  
subject to a criminal records check under this section and the 36765  
person has been convicted of, has pleaded guilty to, or has been 36766  
found eligible for intervention in lieu of conviction for any of 36767  
the offenses specified in division (G)(1) or (2) of this section. 36768

(b) No provider shall employ a person who has been excluded 36769

from participating in the medicaid program, the medicare program 36770  
operated pursuant to Title XVIII of the "Social Security Act," or 36771  
any other federal health care program. 36772

(2)(a) A provider may employ conditionally a person for whom 36773  
a criminal records check is required under this section prior to 36774  
obtaining the results of a criminal records check regarding the 36775  
person, but only if the person submits a request for a criminal 36776  
records check not later than five business days after the 36777  
individual begins conditional employment. 36778

(b) A provider that employs a person conditionally under 36779  
authority of division (H)(2)(a) of this section shall terminate 36780  
the person's employment if the results of the criminal records 36781  
check request are not obtained within the period ending sixty days 36782  
after the date the request is made. Regardless of when the results 36783  
of the criminal records check are obtained, if the results 36784  
indicate that the individual has been convicted of, has pleaded 36785  
guilty to, or has been found eligible for intervention in lieu of 36786  
conviction for any of the offenses specified in division (G)(1) or 36787  
(2) of this section, the provider shall terminate the person's 36788  
employment unless the provider chooses to employ the individual 36789  
pursuant to division (J) of this section. 36790

(I) The report of a criminal records check conducted pursuant 36791  
to this section is not a public record for the purposes of section 36792  
149.43 of the Revised Code and shall not be made available to any 36793  
person other than the following: 36794

(1) The person who is the subject of the criminal records 36795  
check or the person's representative; 36796

(2) The director of job and family services and the staff of 36797  
the department in the administration of the medicaid program; 36798

(3) A court, hearing officer, or other necessary individual 36799  
involved in a case dealing with the denial or termination of a 36800



provider agreement; 36801

(4) A court, hearing officer, or other necessary individual 36802  
involved in a case dealing with a person's denial of employment, 36803  
termination of employment, or employment or unemployment benefits. 36804

(J) The department may adopt rules in accordance with Chapter 36805  
119. of the Revised Code to implement this section. The rules may 36806  
specify circumstances under which the department may continue a 36807  
provider agreement or issue a provider agreement to an applicant 36808  
when the provider or applicant has been convicted of, has pleaded 36809  
guilty to, or has been found eligible for intervention in lieu of 36810  
conviction for any of the offenses specified in division (G)(1) or 36811  
(2) of this section. The rules may also specify circumstances 36812  
under which a provider may permit a person to be an employee, 36813  
owner, officer, or board member of the provider, when the person 36814  
has been convicted of, has pleaded guilty to, or has been found 36815  
eligible for intervention in lieu of conviction for any of the 36816  
offenses specified in division (G)(1) or (2) of this section. 36817

**Sec. ~~5111.95~~ 5111.033.** (A) As used in this section: 36818

(1) "Applicant" means a person who is under final 36819  
consideration for employment or, after ~~the effective date of this~~ 36820  
~~section~~ September 26, 2003, an existing employee with a waiver 36821  
agency in a full-time, part-time, or temporary position that 36822  
involves providing home and community-based waiver services to a 36823  
person with disabilities. "Applicant" also means an existing 36824  
employee with a waiver agency in a full-time, part-time, or 36825  
temporary position that involves providing home and 36826  
community-based waiver services to a person with disabilities 36827  
after ~~the effective date of this section~~ September 26, 2003. 36828

(2) "Criminal records check" has the same meaning as in 36829  
section 109.572 of the Revised Code. 36830

(3) "Waiver agency" means a person or government entity that 36831  
is not certified under the medicare program and is accredited by 36832  
the community health accreditation program or the joint commission 36833  
on accreditation of health care organizations or a company that 36834  
provides home and community-based waiver services to persons with 36835  
disabilities through department of job and family services 36836  
administered home and community-based waiver programs. 36837

(4) "Home and community-based waiver services" means services 36838  
furnished under the provision of 42 C.F.R. 441, subpart G, that 36839  
permit individuals to live in a home setting rather than a nursing 36840  
facility or hospital. Home and community-based waiver services are 36841  
approved by the centers for medicare and medicaid for specific 36842  
populations and are not otherwise available under the medicaid 36843  
state plan. 36844

(B)(1) The chief administrator of a waiver agency shall 36845  
require each applicant to request that the superintendent of the 36846  
bureau of criminal identification and investigation conduct a 36847  
criminal records check with respect to ~~each~~ the applicant. If an 36848  
applicant for whom a criminal records check request is required 36849  
under this division does not present proof of having been a 36850  
resident of this state for the five-year period immediately prior 36851  
to the date the criminal records check is requested or provide 36852  
evidence that within that five-year period the superintendent has 36853  
requested information about the applicant from the federal bureau 36854  
of investigation in a criminal records check, the chief 36855  
administrator shall require the applicant to request that the 36856  
superintendent obtain information from the federal bureau of 36857  
investigation as part of the criminal records check of the 36858  
applicant. Even if an applicant for whom a criminal records check 36859  
request is required under this division presents proof of having 36860  
been a resident of this state for the five-year period, the chief 36861  
administrator may require the applicant to request that the 36862

superintendent include information from the federal bureau of 36863  
investigation in the criminal records check. 36864

~~(2) A person required by division (B)(1) of this section to 36865  
request a criminal records check. The chief administrator shall de 36866  
both of provide the following:~~ 36867

~~(a) Provide to each applicant for whom a criminal records 36868  
check request is required under division (B)(1) of this section a 36869  
copy of:~~ 36870

~~(a) Information about accessing, completing, and forwarding 36871  
to the superintendent of the bureau of criminal identification and 36872  
investigation the form prescribed pursuant to division (C)(1) of 36873  
section 109.572 of the Revised Code and a the standard fingerprint 36874  
impression sheet prescribed pursuant to division (C)(2) of that 36875  
section, ~~and obtain the completed form and impression sheet from 36876  
the applicant;~~ 36877~~

~~(b) Forward the completed form and impression sheet to the 36878  
superintendent of the bureau of criminal identification and 36879  
investigation. Written notification that the applicant is to 36880  
instruct the superintendent to submit the completed report of the 36881  
criminal records check directly to the chief administrator.~~ 36882

~~(3) An applicant ~~provided the form and fingerprint impression 36883  
sheet under division (B)(2)(a) of this section who fails to 36884  
complete the form or provide fingerprint impressions given 36885  
information and notification under divisions (B)(2)(a) and (b) of 36886  
this section who fails to access, complete, and forward to the 36887  
superintendent the form or the standard fingerprint impression 36888  
sheet, or who fails to instruct the superintendent to submit the 36889  
completed report of the criminal records check directly to the 36890  
chief administrator,~~ shall not be employed in any position in a 36891  
waiver agency for which a criminal records check is required by 36892  
this section. 36893~~

(C)(1) Except as provided in rules adopted by the department 36894  
of job and family services in accordance with division (F) of this 36895  
section and subject to division (C)(2) of this section, no waiver 36896  
agency shall employ a person in a position that involves providing 36897  
home and community-based waiver services to persons with 36898  
disabilities if the person has been convicted of ~~or~~, has pleaded 36899  
guilty to, or has been found eligible for intervention in lieu of 36900  
conviction for any of the following: 36901

(a) A violation of section 2903.01, 2903.02, 2903.03, 36902  
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 36903  
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 36904  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 36905  
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 36906  
2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 36907  
2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 36908  
2913.40, 2913.43, 2913.47, 2913.48, 2913.49, 2913.51, 2917.11, 36909  
2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 36910  
2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 36911  
2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 36912  
3716.11 of the Revised Code, felonious sexual penetration in 36913  
violation of former section 2907.12 of the Revised Code, a 36914  
violation of section 2905.04 of the Revised Code as it existed 36915  
prior to July 1, 1996, a violation of section 2919.23 of the 36916  
Revised Code that would have been a violation of section 2905.04 36917  
of the Revised Code as it existed prior to July 1, 1996, had the 36918  
violation been committed prior to that date; 36919

(b) An existing or former law of this state, any other state, 36920  
or the United States that is substantially equivalent to any of 36921  
the offenses listed in division (C)(1)(a) of this section. 36922

(2)(a) A waiver agency may employ conditionally an applicant 36923  
for whom a criminal records check request is required under 36924  
division (B) of this section prior to obtaining the results of a 36925

criminal records check regarding the individual, provided that the 36926  
agency shall require the individual to request a criminal records 36927  
check regarding the individual in accordance with division (B)(1) 36928  
of this section not later than five business days after the 36929  
individual begins conditional employment. 36930

(b) A waiver agency that employs an individual conditionally 36931  
under authority of division (C)(2)(a) of this section shall 36932  
terminate the individual's employment if the results of the 36933  
criminal records check request under division (B) of this section, 36934  
other than the results of any request for information from the 36935  
federal bureau of investigation, are not obtained within the 36936  
period ending sixty days after the date the request is made. 36937  
Regardless of when the results of the criminal records check are 36938  
obtained, if the results indicate that the individual has been 36939  
convicted of ~~or~~, has pleaded guilty to, or has been found eligible 36940  
for intervention in lieu of conviction for any of the offenses 36941  
listed or described in division (C)(1) of this section, the agency 36942  
shall terminate the individual's employment unless the agency 36943  
chooses to employ the individual pursuant to division (F) of this 36944  
section. 36945

(D)(1) ~~Each waiver agency shall pay to the bureau of criminal~~ 36946  
~~identification and investigation the~~ The fee prescribed pursuant 36947  
to division (C)(3) of section 109.572 of the Revised Code for each 36948  
criminal records check conducted pursuant to a request made under 36949  
division (B) of this section shall be paid to the bureau of 36950  
criminal identification and investigation by the applicant or the 36951  
waiver agency. 36952

(2) ~~A~~ If a waiver agency pays the fee, it may charge ~~an~~ the 36953  
applicant a fee not exceeding the amount the agency pays under 36954  
division (D)(1) of this section. An agency may collect a fee only 36955  
if the agency notifies the person at the time of initial 36956  
application for employment of the amount of the fee and that, 36957

unless the fee is paid, the person will not be considered for 36958  
employment. 36959

(E) The report of any criminal records check conducted 36960  
pursuant to a request made under this section is not a public 36961  
record for the purposes of section 149.43 of the Revised Code and 36962  
shall not be made available to any person other than the 36963  
following: 36964

(1) The individual who is the subject of the criminal records 36965  
check or the individual's representative; 36966

(2) The chief administrator of the agency requesting the 36967  
criminal records check or the administrator's representative; 36968

(3) An administrator at the department; 36969

(4) A court, hearing officer, or other necessary individual 36970  
involved in a case dealing with a denial of employment of the 36971  
applicant or dealing with employment or unemployment benefits of 36972  
the applicant. 36973

(F) The department shall adopt rules in accordance with 36974  
Chapter 119. of the Revised Code to implement this section. The 36975  
rules shall specify circumstances under which a waiver agency may 36976  
employ a person who has been convicted of ~~or~~, has pleaded guilty 36977  
to, or has been found eligible for intervention in lieu of 36978  
conviction for an offense listed or described in division (C)(1) 36979  
of this section ~~but meets personal character standards set by the~~ 36980  
~~department.~~ 36981

(G) The chief administrator of a waiver agency shall inform 36982  
each person, at the time of initial application for a position 36983  
that involves providing home and community-based waiver services 36984  
to a person with a disability, that the person is required to 36985  
provide a set of fingerprint impressions and that a criminal 36986  
records check is required to be conducted if the person comes 36987  
under final consideration for employment. 36988

(H)(1) A person who, on ~~the effective date of this section~~ September 26, 2003, is an employee of a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based waiver services to a person with disabilities shall comply with this section within sixty days after ~~the effective date of this section~~ September 26, 2003, unless division (H)(2) of this section applies.

(2) This section shall not apply to a person to whom all of the following apply:

(a) On ~~the effective date of this section~~ September 26, 2003, the person is an employee of a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based waiver services to a person with disabilities.

(b) The person previously had been the subject of a criminal background check relating to that position;

(c) The person has been continuously employed in that position since that criminal background check had been conducted.

**Sec. ~~5111.96~~ 5111.034.** (A) As used in this section:

(1) "Anniversary date" means the later of the effective date of the provider agreement relating to the independent provider or sixty days after ~~the effective date of this section~~ September 26, 2003.

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(3) "~~The department~~ Department" ~~means~~ includes a designee of the department of job and family services ~~or its designee~~.

(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 37019  
consumers with disabilities. 37020

(5) "Home and community-based waiver services" has the same 37021  
meaning as in section ~~5111.95~~ 5111.033 of the Revised Code. 37022

(B)(1) The department of job and family services shall inform 37023  
each independent provider, at the time of initial application for 37024  
a provider agreement that involves providing home and 37025  
community-based waiver services to consumers with disabilities, 37026  
that the independent provider is required to provide a set of 37027  
fingerprint impressions and that a criminal records check is 37028  
required to be conducted if the person is to become an independent 37029  
provider in a department administered home and community-based 37030  
waiver program. 37031

(2) Beginning on ~~the effective date of this section~~ September 37032  
26, 2003, the department shall inform each enrolled medicaid 37033  
independent provider on or before time of the anniversary date of 37034  
the provider agreement that involves providing home and 37035  
community-based waiver services to consumers with disabilities 37036  
that the independent provider is required to provide a set of 37037  
fingerprint impressions and that a criminal records check is 37038  
required to be conducted. 37039

(C)(1) The department shall require the independent provider 37040  
to complete a criminal records check prior to entering into a 37041  
provider agreement with the independent provider and at least 37042  
annually thereafter. If an independent provider for whom a 37043  
criminal records check is required under this division does not 37044  
present proof of having been a resident of this state for the 37045  
five-year period immediately prior to the date the criminal 37046  
records check is requested or provide evidence that within that 37047  
five-year period the superintendent of the bureau of criminal 37048  
identification and investigation has requested information about 37049  
the ~~applicant~~ independent provider from the federal bureau of 37050



investigation in a criminal records check, the department shall 37051  
request that the independent provider obtain through the 37052  
superintendent a criminal records request from the federal bureau 37053  
of investigation as part of the criminal records check of the 37054  
independent provider. Even if an independent provider for whom a 37055  
criminal records check request is required under this division 37056  
presents proof of having been a resident of this state for the 37057  
five-year period, the department may request that the independent 37058  
provider obtain information through the superintendent from the 37059  
federal bureau of investigation in the criminal records check. 37060

(2) The department shall ~~do both of~~ provide the following: 37061

~~(a) Provide information~~ to each independent provider for whom 37062  
a criminal records check request is required under division (C)(1) 37063  
of this section ~~about requesting a copy of:~~ 37064

(a) Information about accessing, completing, and forwarding 37065  
to the superintendent of the bureau of criminal identification and 37066  
investigation the form prescribed pursuant to division (C)(1) of 37067  
section 109.572 of the Revised Code and a the standard fingerprint 37068  
impression sheet prescribed pursuant to division (C)(2) of that 37069  
section, ~~and obtain the completed form and impression sheet and~~ 37070  
~~fee from the independent provider;~~ 37071

~~(b) Forward the completed form, impression sheet, and fee to~~ 37072  
~~the superintendent of the bureau of criminal identification and~~ 37073  
~~investigation~~ Written notification that the independent provider 37074  
is to instruct the superintendent to submit the completed report 37075  
of the criminal records check directly to the department. 37076

(3) An independent provider given information ~~about obtaining~~ 37077  
~~the form and fingerprint impression sheet under division (C)(2)(a)~~ 37078  
~~of this section who fails to complete the form or provide~~ 37079  
~~fingerprint impressions~~ and notification under divisions (C)(2)(a) 37080  
and (b) of this section who fails to access, complete, and forward 37081

to the superintendent the form or the standard fingerprint 37082  
impression sheet, or who fails to instruct the superintendent to 37083  
submit the completed report of the criminal records check directly 37084  
to the department, shall not be approved as an independent 37085  
provider. 37086

(D) Except as provided in rules adopted by the department in 37087  
accordance with division (G) of this section, the department shall 37088  
not issue a new provider agreement to, and shall terminate an 37089  
existing provider agreement of, an independent provider if the 37090  
person has been convicted of ~~or~~, has pleaded guilty to, or has 37091  
been found eligible for intervention in lieu of conviction for any 37092  
of the following: 37093

(1) A violation of section 2903.01, 2903.02, 2903.03, 37094  
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 37095  
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 37096  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 37097  
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 37098  
2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 37099  
2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 37100  
2913.40, 2913.43, 2913.47, 2913.48, 2913.49, 2913.51, 2917.11, 37101  
2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 37102  
2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 37103  
2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 37104  
3716.11 of the Revised Code, felonious sexual penetration in 37105  
violation of former section 2907.12 of the Revised Code, a 37106  
violation of section 2905.04 of the Revised Code as it existed 37107  
prior to July 1, 1996, a violation of section 2919.23 of the 37108  
Revised Code that would have been a violation of section 2905.04 37109  
of the Revised Code as it existed prior to July 1, 1996, had the 37110  
violation been committed prior to that date; 37111

(2) An existing or former law of this state, any other state, 37112  
or the United States that is substantially equivalent to any of 37113

the offenses listed in division (D)(1) of this section. 37114

(E) Each independent provider shall pay to the bureau of 37115  
criminal identification and investigation the fee prescribed 37116  
pursuant to division (C)(3) of section 109.572 of the Revised Code 37117  
for each criminal records check conducted pursuant to a request 37118  
made under division (C) of this section. 37119

(F) The report of any criminal records check conducted by the 37120  
bureau of criminal identification and investigation in accordance 37121  
with section 109.572 of the Revised Code and pursuant to a request 37122  
made under division (C) of this section is not a public record for 37123  
the purposes of section 149.43 of the Revised Code and shall not 37124  
be made available to any person other than the following: 37125

(1) The person who is the subject of the criminal records 37126  
check or the person's representative; 37127

(2) ~~The An~~ administrator at the department ~~who is requesting~~ 37128  
~~the criminal records check~~ or the administrator's representative; 37129

(3) ~~Any A~~ court, hearing officer, or other necessary 37130  
individual involved in a case dealing with a denial or termination 37131  
of a provider agreement related to the criminal records check. 37132

(G) The department shall adopt rules in accordance with 37133  
Chapter 119. of the Revised Code to implement this section. The 37134  
rules shall specify circumstances under which the department may 37135  
either issue a provider agreement to an independent provider ~~who~~ 37136  
or allow an independent provider to maintain an existing provider 37137  
agreement when the independent provider has been convicted of ~~or,~~ 37138  
has pleaded guilty to, or has been found eligible for intervention 37139  
in lieu of conviction for an offense listed or described in 37140  
division (C)(1) of this section ~~but meets personal character~~ 37141  
~~standards set by the department.~~ 37142

**Sec. 5111.06.** (A)(1) As used in this section and in sections 37143

5111.061 and 5111.062 of the Revised Code:	37144
(a) "Provider" means any person, institution, or entity that furnishes medicaid services under a provider agreement with the department of job and family services pursuant to Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended.	37145 37146 37147 37148 37149
(b) "Party" has the same meaning as in division (G) of section 119.01 of the Revised Code.	37150 37151
(c) "Adjudication" has the same meaning as in division (D) of section 119.01 of the Revised Code.	37152 37153
(2) This section does not apply to any action taken by the department of job and family services under sections 5111.35 to 5111.62 of the Revised Code.	37154 37155 37156
(B) Except as provided in division (D) of this section and section 5111.914 of the Revised Code, the department shall do either of the following by issuing an order pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code:	37157 37158 37159 37160 37161
(1) Enter into or refuse to enter into a provider agreement with a provider, or suspend, terminate, renew, or refuse to renew an existing provider agreement with a provider;	37162 37163 37164
(2) Take any action based upon a final fiscal audit of a provider.	37165 37166
(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.	37167 37168 37169 37170
(D) The department is not required to comply with division (B)(1) of this section whenever any of the following occur:	37171 37172
(1) The terms of a provider agreement require the provider to	37173

~~have hold~~ a license, permit, or certificate or maintain a 37174  
certification issued by an official, board, commission, 37175  
department, division, bureau, or other agency of state or federal 37176  
government other than the department of job and family services, 37177  
and the license, permit, ~~or~~ certificate, or certification has been 37178  
denied ~~or~~, revoked, not renewed, suspended, or otherwise limited. 37179

(2) The terms of a provider agreement require the provider to 37180  
hold a license, permit, or certificate or maintain certification 37181  
issued by an official, board, commission, department, division, 37182  
bureau, or other agency of state or federal government other than 37183  
the department of job and family services, and the provider has 37184  
not obtained the license, permit, certificate, or certification. 37185

(3) The provider agreement is denied, terminated, or not 37186  
renewed due to the termination, refusal to renew, or denial of a 37187  
license, permit, certificate, or certification by an official, 37188  
board, commission, department, division, bureau, or other agency 37189  
of this state other than the department of job and family 37190  
services, notwithstanding the fact that the provider may hold a 37191  
license, permit, certificate, or certification from an official, 37192  
board, commission, department, division, bureau, or other agency 37193  
of another state. 37194

~~(2)~~(4) The provider agreement is denied, terminated, or not 37195  
renewed pursuant to division (C) or ~~(E)~~(F) of section 5111.03 of 37196  
the Revised Code; 37197

~~(3)~~(5) The provider agreement is denied, terminated, or not 37198  
renewed due to the provider's termination, suspension, or 37199  
exclusion from the medicare program established under Title XVIII 37200  
of the "Social Security Act," and the termination, suspension, or 37201  
exclusion is binding on the provider's participation in the 37202  
medicaid program; 37203

~~(4)~~(6) The provider agreement is denied, terminated, or not 37204

renewed due to the provider's pleading guilty to or being 37205  
convicted of a criminal activity materially related to either the 37206  
medicare or medicaid program; 37207

~~(5)~~(7) The provider agreement is denied, terminated, or 37208  
suspended as a result of action by the United States department of 37209  
health and human services and that action is binding on the 37210  
provider's participation in the medicaid program; 37211

~~(6)~~(8) The provider agreement is suspended pursuant to 37212  
section 5111.031 of the Revised Code pending indictment of the 37213  
provider. 37214

(9) The provider agreement is denied, terminated, or not 37215  
renewed because the provider has been convicted of one of the 37216  
offenses that caused the provider agreement to be suspended 37217  
pursuant to section 5111.031 of the Revised Code. 37218

(10) The provider agreement is terminated or an application 37219  
for re-enrollment is denied because the provider has failed to 37220  
apply for re-enrollment within the time or in the manner specified 37221  
for re-enrollment pursuant to section 5111.028 of the Revised 37222  
Code. 37223

(11) The provider agreement is terminated or not renewed 37224  
because the provider has not billed or otherwise submitted a 37225  
medicaid claim to the department for two years or longer, and the 37226  
department has determined that the provider has moved from the 37227  
address on record with the department without leaving an active 37228  
forwarding address with the department. 37229

In the case of a provider described in division (D)~~(6)~~(11) of 37230  
this section, the department may terminate or not renew the 37231  
provider agreement by sending a notice explaining the department's 37232  
proposed action to the address on record with the department. The 37233  
notice may be sent by regular mail. 37234

(E) The department may withhold payments for services 37235

rendered by a medicaid provider under the medical assistance 37236  
program during the pendency of proceedings initiated under 37237  
division (B)(1) of this section. If the proceedings are initiated 37238  
under division (B)(2) of this section, the department may withhold 37239  
payments only to the extent that they equal amounts determined in 37240  
a final fiscal audit as being due the state. This division does 37241  
not apply if the department fails to comply with section 119.07 of 37242  
the Revised Code, requests a continuance of the hearing, or does 37243  
not issue a decision within thirty days after the hearing is 37244  
completed. This division does not apply to nursing facilities and 37245  
intermediate care facilities for the mentally retarded as defined 37246  
in section 5111.20 of the Revised Code. 37247

**Sec. 5111.084.** There is hereby established the pharmacy and 37248  
therapeutics committee of the department of job and family 37249  
services. The committee shall consist of nine members and shall be 37250  
appointed by the director of job and family services. The 37251  
membership of the committee shall include: three pharmacists 37252  
licensed under Chapter 4729. of the Revised Code; two doctors of 37253  
medicine and two doctors of osteopathy licensed under Chapter 37254  
4731. of the Revised Code; a registered nurse licensed under 37255  
Chapter 4723. of the Revised Code; and a pharmacologist who has a 37256  
doctoral degree. At least one of the members who is a doctor of 37257  
medicine or doctor of osteopathy shall be a psychiatrist. The 37258  
committee shall elect one of its members as chairperson. 37259

**Sec. 5111.085.** (A) As used in this section, "mental health 37260  
drug" means a drug that meets one of the following requirements: 37261

(1) Is classified as an antianxiety, antidepressant, 37262  
anticonvulsant, or antipsychotic central nervous system drug in 37263  
the most recent edition of one of the following publications: 37264

(a) The American psychiatric press textbook of 37265

<u>psychopharmacology;</u>	37266
<u>(b) Current clinical strategies for psychiatry;</u>	37267
<u>(c) Drug facts and comparisons;</u>	37268
<u>(d) A publication with a focus and content comparable to the</u>	37269
<u>publications described in divisions (A)(1)(a) to (c) of this</u>	37270
<u>section as determined by the director of job and family services.</u>	37271
<u>(2) Is classified in one of the publications described in</u>	37272
<u>division (A)(1) of this section as a central nervous system drug</u>	37273
<u>in a category or classification that is created after the</u>	37274
<u>effective date of this section;</u>	37275
<u>(3) Is classified in one of the publications described in</u>	37276
<u>division (A)(1) of this section as a cross-indicated drug for any</u>	37277
<u>of the central nervous system drugs specified in division (A)(1)</u>	37278
<u>or (2) of this section because the drug's use in that capacity is</u>	37279
<u>generally held to be reasonable, appropriate, and within the</u>	37280
<u>community standards of care even though the use is not included in</u>	37281
<u>the United States food and drug administration's approved labeling</u>	37282
<u>for the drug;</u>	37283
<u>(4) Is recommended for the treatment of a mental illness or</u>	37284
<u>mental disorder, as those terms are defined in the most recent</u>	37285
<u>edition of the American psychiatric association's diagnostic and</u>	37286
<u>statistical manual of mental disorders.</u>	37287
<u>(B) The only mental health drugs that may be subjected to a</u>	37288
<u>prior authorization requirement, preferred drug list, or</u>	37289
<u>therapeutic substitution requirement under the medicaid program</u>	37290
<u>are mental health drugs that are brand name and for which there</u>	37291
<u>are generic equivalents.</u>	37292
<b>Sec. 5111.10.</b> The director of job and family services may	37293
conduct reviews of the medicaid program. The reviews may include	37294
physical inspections of records and sites where medicaid-funded	37295



services are provided and interviews of providers and recipients 37296  
of the services. If the director determines pursuant to a review 37297  
that a person or government entity has violated a rule governing 37298  
the medicaid program, the director may establish a corrective 37299  
action plan for the violator and impose fiscal, administrative, or 37300  
both types of sanctions on the violator in accordance with rules 37301  
governing the medicaid program. ~~Such action to be taken against a~~ 37302  
~~responsible entity, as defined in section 5101.24 of the Revised~~ 37303  
~~Code, shall be taken in accordance with that section.~~ 37304

**Sec. 5111.101.** (A) As used in this section, ~~"federal";~~ 37305

"Agent" and "contractor" include any agent, contractor, 37306  
subcontractor, or other person who, on behalf of an entity, 37307  
furnishes or authorizes the furnishing of health care items or 37308  
services under the medicaid program, performs billing or coding 37309  
functions, or is involved in monitoring of health care that an 37310  
entity provides. 37311

"Employee" includes any officer or employee (including 37312  
management employees) of an entity. 37313

"Entity" includes a governmental entity or an organization, 37314  
unit, corporation, partnership, or other business arrangement, 37315  
including any medicaid managed care organization, irrespective of 37316  
the form of business structure or arrangement by which it exists, 37317  
whether for-profit or not-for-profit. "Entity" does not include a 37318  
government entity that administers one or more components of the 37319  
medicaid program, unless the government entity receives medicaid 37320  
payments for providing items or services. 37321

"Federal health care programs" has the same meaning as in 42 37322  
U.S.C. 1320a-7b(f). 37323

(B) ~~Each person and government~~ entity that receives or makes 37324  
~~medicaid~~ in a federal fiscal year payments in a calendar year that 37325

~~total~~ under the medicaid program, either through the state 37326  
medicaid plan or a federal medicaid waiver, totaling at least five 37327  
million dollars ~~or more~~ shall, as a condition of receiving such 37328  
payments, do all of the following not later than the first day of 37329  
the succeeding calendar year: 37330

(1) ~~Provide each of the person or government entity's~~ 37331  
Establish written policies for all of the entity's employees 37332  
~~(including management employees),~~ contractors, and agents, that 37333  
provide detailed, ~~written~~ information about the role of all of the 37334  
following in preventing and detecting fraud, waste, and abuse in 37335  
federal health care programs: 37336

(a) Federal false claims law under 31 U.S.C. 3729 to 3733; 37337

(b) Federal administrative remedies for false claims and 37338  
statements available under 31 U.S.C. 3801 to 3812; 37339

(c) Sections 124.341, 2913.40, 2913.401, and 2921.13 of the 37340  
Revised Code and any other state laws pertaining to civil or 37341  
criminal penalties for false claims and statements; 37342

(d) Whistleblower protections under the laws specified in 37343  
divisions (B)(1)(a) to (c) of this section. 37344

(2) ~~Include in as part of the written information provided~~ 37345  
under policies required by division (B)(1) of this section 37346  
detailed ~~information about~~ provisions regarding the ~~person or~~ 37347  
~~government~~ entity's policies and procedures for preventing and 37348  
detecting fraud, waste, and abuse. 37349

(3) ~~Include~~ Disseminate the written policies required by 37350  
division (B)(1) of this section to each of the entity's employees, 37351  
contractors, and agents in a paper or electronic form and make the 37352  
written policies readily available to the entity's employees, 37353  
contractors, and agents. 37354

(4) If the entity has an employee handbook, include in the 37355

~~person or government~~ entity's employee handbook a specific 37356  
discussion of the laws specified in division (B)(1) of this 37357  
section, the rights of employees to be protected as 37358  
whistleblowers, and the ~~person or government~~ entity's policies and 37359  
procedures for preventing and detecting fraud, waste, and abuse. 37360

(5) Require the entity's contractors and agents to adopt the 37361  
entity's written policies required by division (B)(1) of this 37362  
section. 37363

(C) An entity that furnishes items or services at multiple 37364  
locations or under multiple contractual or other payment 37365  
arrangements is required to comply with division (B) of this 37366  
section if the entity receives in a federal fiscal year medicaid 37367  
payments totaling in the aggregate at least five million dollars. 37368  
This applies regardless of whether the entity submits claims for 37369  
medicaid payments using multiple provider identification or tax 37370  
identification numbers. 37371

**Sec. 5111.102.** As used in this section, "state agency" has 37372  
the same meaning as in section 9.23 of the Revised Code. 37373

No provision of Title LI of the Revised Code or any other law 37374  
of this state that incorporates any provision of federal Medicaid 37375  
law, Title XIX of the Social Security Act, 79 Stat. 286 (1965), 42 37376  
U.S.C. 1396, or that may be construed as requiring the state, a 37377  
state agency, or any state official or employee to comply with 37378  
that federal provision, shall be construed as creating a cause of 37379  
action to enforce such state law beyond the causes of action 37380  
available under federal law for enforcement of the provision of 37381  
federal law. 37382

**Sec. 5111.163.** (A) As used in this section: 37383

(1) "Emergency services" has the same meaning as in section 37384  
1932(b)(2) of the "Social Security Act," 79 Stat. 286 (1965), 42 37385

U.S.C. 1396u-2(b)(2), as amended. 37386

(2) "Medicaid managed care organization" has the same meaning 37387  
as in section 5111.162 of the Revised Code. 37388

(3) "Provider" ~~has the same meaning as in section 5111.06 of~~ 37389  
~~the Revised Code~~ means any person, institution, or entity that 37390  
furnishes emergency services to a medicaid recipient enrolled in a 37391  
medicaid managed care organization, regardless of whether the 37392  
person, institution, or entity has a provider agreement with the 37393  
department of job and family services pursuant to Title XIX of the 37394  
"Social Security Act." 37395

(B) When a participant in the care management system 37396  
established under section 5111.16 of the Revised Code is enrolled 37397  
in a medicaid managed care organization and receives emergency 37398  
services on or after January 1, 2007, from a provider that is not 37399  
under contract with the organization, the provider shall accept 37400  
from the organization, as payment in full, not more than the 37401  
amounts (less any payments for indirect costs of medical education 37402  
and direct costs of graduate medical education) that the provider 37403  
could collect if the participant received medicaid other than 37404  
through enrollment in a managed care organization. 37405

**Sec. 5111.165.** In the case of individuals who receive 37406  
medicaid on the basis of being included in the category identified 37407  
by the department of job and family services as covered families 37408  
and children, the department shall develop and implement a 37409  
reimbursement system based on a risk-adjusted rate structure. The 37410  
risk-adjusted reimbursement rates shall be applied individually 37411  
and shall apply starting one year after the individual enrolls in 37412  
the medicaid program. 37413

**Sec. 5111.17.** (A) The department of job and family services 37414  
may enter into contracts with managed care organizations, 37415

including health insuring corporations, under which the 37416  
organizations are authorized to provide, or arrange for the 37417  
provision of, health care services to medical assistance 37418  
recipients who are required or permitted to obtain health care 37419  
services through managed care organizations as part of the care 37420  
management system established under section 5111.16 of the Revised 37421  
Code. 37422

~~(B) The department shall develop and implement a financial 37423  
incentive program to improve and reward positive health outcomes 37424  
through the managed care organization contracts entered into under 37425  
this section. In developing and implementing the program, the 37426  
department may take into consideration the recommendations 37427  
regarding the program made by the medicaid care management working 37428  
group created under section 5111.161~~ (1) For purposes of making 37429  
payments to health insuring corporations under contract pursuant 37430  
to this section, the department shall develop, certify, and 37431  
implement actuarially sound capitation rates, as defined in 42 37432  
C.F.R. 438.6. In taking these actions, the department shall comply 37433  
with all applicable requirements of 42 C.F.R. 438.6 and Title XIX 37434  
of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 37435  
1396b(m), as amended. 37436

(2) Before the department may submit proposed capitation 37437  
rates for approval by the United States centers for medicare and 37438  
medicaid services, the department shall submit the proposed rates 37439  
to the superintendent of insurance for review. On each submission, 37440  
the superintendent shall conduct a review of the proposed rates 37441  
and provide written notice to the department of the results of the 37442  
review. 37443

(3) The department may not submit the proposed rates for 37444  
approval by the centers for medicare and medicaid services unless 37445  
the superintendent specifies in the results of the review that the 37446  
proposed rates will do none of the following with respect to the 37447

health insuring corporation that will receive payments according 37448  
to the proposed rates: 37449

(a) Negatively impact the financial solvency of the health 37450  
insuring corporation; 37451

(b) Cause a change in the health insuring corporation's RBC 37452  
levels, as defined in section 3903.81 of the Revised Code; 37453

(c) Require that an application for a certificate of 37454  
authority include the parent company's guaranty, as specified in 37455  
division (A)(27) of section 1751.03 of the Revised Code. 37456

(C) The director of job and family services may adopt rules 37457  
in accordance with Chapter 119. of the Revised Code to implement 37458  
this section. 37459

**Sec. 5111.172.** (A) When contracting under section 5111.17 of 37460  
the Revised Code with a managed care organization that is a health 37461  
insuring corporation, the department of job and family services 37462  
may require the health insuring corporation to provide coverage of 37463  
prescription drugs for medicaid recipients enrolled in the health 37464  
insuring corporation. In providing the required coverage, the 37465  
health insuring corporation may, subject to the department's 37466  
approval and the limitations provided under division (C) of this 37467  
section, use strategies for the management of drug utilization. 37468

(B) As used in this division, "controlled substance" has the 37469  
same meaning as in section 3719.01 of the Revised Code. 37470

If a health insuring corporation is required under this 37471  
section to provide coverage of prescription drugs, the department 37472  
shall permit the health insuring corporation to develop and 37473  
implement a pharmacy utilization management program under which 37474  
prior authorization through the program is established as a 37475  
condition of obtaining a controlled substance pursuant to a 37476  
prescription. The program may include processes for requiring 37477

medicaid recipients at high risk for fraud or abuse involving 37478  
controlled substances to have their prescriptions for controlled 37479  
substances filled by a pharmacy, medical provider, or health care 37480  
facility designated by the program. 37481

(C) As used in this division, "mental health drug" has the 37482  
same meaning as in section 5111.085 of the Revised Code. 37483

If a contract under section 5111.17 of the Revised Code 37484  
requires a health insuring corporation to provide prescription 37485  
drug coverage for medicaid recipients as described in division (A) 37486  
of this section, the contract shall include terms under which the 37487  
only mental health drugs that may be subjected to a prior 37488  
authorization requirement, preferred drug list, or therapeutic 37489  
substitution requirement are mental health drugs that are brand 37490  
name and for which there are generic equivalents. 37491

**Sec. 5111.20.** As used in sections 5111.20 to 5111.34 of the 37492  
Revised Code: 37493

(A) "Allowable costs" are those costs determined by the 37494  
department of job and family services to be reasonable and do not 37495  
include fines paid under sections 5111.35 to 5111.61 and section 37496  
5111.99 of the Revised Code. 37497

(B) "Ancillary and support costs" means all reasonable costs 37498  
incurred by a nursing facility other than direct care costs or 37499  
capital costs. "Ancillary and support costs" includes, but is not 37500  
limited to, costs of activities, social services, pharmacy 37501  
consultants, habilitation supervisors, qualified mental 37502  
retardation professionals, program directors, medical and 37503  
habilitation records, program supplies, incontinence supplies, 37504  
food, enterals, dietary supplies and personnel, laundry, 37505  
housekeeping, security, administration, medical equipment, 37506  
utilities, liability insurance, bookkeeping, purchasing 37507  
department, human resources, communications, travel, dues, license 37508

fees, subscriptions, home office costs not otherwise allocated, 37509  
legal services, accounting services, minor equipment, maintenance 37510  
and repairs, help-wanted advertising, informational advertising, 37511  
start-up costs, organizational expenses, other interest, property 37512  
insurance, employee training and staff development, employee 37513  
benefits, payroll taxes, and workers' compensation premiums or 37514  
costs for self-insurance claims and related costs as specified in 37515  
rules adopted by the director of job and family services under 37516  
section 5111.02 of the Revised Code, for personnel listed in this 37517  
division. "Ancillary and support costs" also means the cost of 37518  
equipment, including vehicles, acquired by operating lease 37519  
executed before December 1, 1992, if the costs are reported as 37520  
administrative and general costs on the facility's cost report for 37521  
the cost reporting period ending December 31, 1992. 37522

(C) "Capital costs" means costs of ownership and, in the case 37523  
of an intermediate care facility for the mentally retarded, costs 37524  
of nonextensive renovation. 37525

(1) "Cost of ownership" means the actual expense incurred for 37526  
all of the following: 37527

(a) Depreciation and interest on any capital assets that cost 37528  
five hundred dollars or more per item, including the following: 37529

(i) Buildings; 37530

(ii) Building improvements that are not approved as 37531  
nonextensive renovations under section 5111.251 of the Revised 37532  
Code; 37533

(iii) Except as provided in division (B) of this section, 37534  
equipment; 37535

(iv) In the case of an intermediate care facility for the 37536  
mentally retarded, extensive renovations; 37537

(v) Transportation equipment. 37538



(b) Amortization and interest on land improvements and leasehold improvements;	37539 37540
(c) Amortization of financing costs;	37541
(d) Except as provided in division (K) of this section, lease and rent of land, building, and equipment.	37542 37543
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.	37544 37545 37546
(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.	37547 37548 37549 37550
(D) "Capital lease" and "operating lease" shall be construed in accordance with generally accepted accounting principles.	37551 37552
(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.	37553 37554 37555 37556 37557
(F) <u>(1)</u> "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.	37558 37559 37560 37561 37562 37563 37564 37565 37566 37567
<del>(1)</del> If nursing home beds licensed under Chapter 3721. of the	37568

Revised Code or residential facility beds licensed under section 37569  
5123.19 of the Revised Code were not required by law to be 37570  
licensed when they were originally used to provide nursing home or 37571  
residential facility services, "date of licensure" means the date 37572  
the beds first were used to provide nursing home or residential 37573  
facility services, regardless of the date the present provider 37574  
obtained licensure. 37575

~~(2)~~ If a facility adds nursing home beds or residential 37576  
facility beds or extensively renovates all or part of the facility 37577  
after its original date of licensure, it will have a different 37578  
date of licensure for the additional beds or extensively renovated 37579  
portion of the facility, unless the beds are added in a space that 37580  
was constructed at the same time as the previously licensed beds 37581  
but was not licensed under Chapter 3721. or section 5123.19 of the 37582  
Revised Code at that time. 37583

(2) The definition of "date of licensure" in this section 37584  
applies in determinations of the medicaid reimbursement rate for a 37585  
nursing facility or intermediate care facility for the mentally 37586  
retarded but does not apply in determinations of the franchise 37587  
permit fee for a nursing facility or intermediate care facility 37588  
for the mentally retarded. 37589

(G) "Desk-reviewed" means that costs as reported on a cost 37590  
report submitted under section 5111.26 of the Revised Code have 37591  
been subjected to a desk review under division (A) of section 37592  
5111.27 of the Revised Code and preliminarily determined to be 37593  
allowable costs. 37594

(H) "Direct care costs" means all of the following: 37595

(1)(a) Costs for registered nurses, licensed practical 37596  
nurses, and nurse aides employed by the facility; 37597

(b) Costs for direct care staff, administrative nursing 37598  
staff, medical directors, respiratory therapists, and except as 37599

provided in division (H)(2) of this section, other persons holding	37600
degrees qualifying them to provide therapy;	37601
(c) Costs of purchased nursing services;	37602
(d) Costs of quality assurance;	37603
(e) Costs of training and staff development, employee	37604
benefits, payroll taxes, and workers' compensation premiums or	37605
costs for self-insurance claims and related costs as specified in	37606
rules adopted by the director of job and family services in	37607
accordance with Chapter 119. of the Revised Code, for personnel	37608
listed in divisions (H)(1)(a), (b), and (d) of this section;	37609
(f) Costs of consulting and management fees related to direct	37610
care;	37611
(g) Allocated direct care home office costs.	37612
(2) In addition to the costs specified in division (H)(1) of	37613
this section, for nursing facilities only, direct care costs	37614
include costs of habilitation staff (other than habilitation	37615
supervisors), medical supplies, emergency oxygen, habilitation	37616
supplies, and universal precautions supplies.	37617
(3) In addition to the costs specified in division (H)(1) of	37618
this section, for intermediate care facilities for the mentally	37619
retarded only, direct care costs include both of the following:	37620
(a) Costs for physical therapists and physical therapy	37621
assistants, occupational therapists and occupational therapy	37622
assistants, speech therapists, audiologists, habilitation staff	37623
(including habilitation supervisors), qualified mental retardation	37624
professionals, program directors, social services staff,	37625
activities staff, <u>off-site day programming</u> , psychologists and	37626
psychology assistants, and social workers and counselors;	37627
(b) Costs of training and staff development, employee	37628
benefits, payroll taxes, and workers' compensation premiums or	37629

costs for self-insurance claims and related costs as specified in 37630  
rules adopted under section 5111.02 of the Revised Code, for 37631  
personnel listed in division (H)(3)(a) of this section. 37632

(4) Costs of other direct-care resources that are specified 37633  
as direct care costs in rules adopted under section 5111.02 of the 37634  
Revised Code. 37635

(I) "Fiscal year" means the fiscal year of this state, as 37636  
specified in section 9.34 of the Revised Code. 37637

(J) "Franchise permit fee" means the following: 37638

(1) In the context of nursing facilities, the fee imposed by 37639  
sections 3721.50 to 3721.58 of the Revised Code; 37640

(2) In the context of intermediate care facilities for the 37641  
mentally retarded, the fee imposed by sections 5112.30 to 5112.39 37642  
of the Revised Code. 37643

(K) "Indirect care costs" means all reasonable costs incurred 37644  
by an intermediate care facility for the mentally retarded other 37645  
than direct care costs, other protected costs, or capital costs. 37646  
"Indirect care costs" includes but is not limited to costs of 37647  
habilitation supplies, pharmacy consultants, medical and 37648  
habilitation records, program supplies, incontinence supplies, 37649  
food, enterals, dietary supplies and personnel, laundry, 37650  
housekeeping, security, administration, liability insurance, 37651  
bookkeeping, purchasing department, human resources, 37652  
communications, travel, dues, license fees, subscriptions, home 37653  
office costs not otherwise allocated, legal services, accounting 37654  
services, minor equipment, maintenance and repairs, help-wanted 37655  
advertising, informational advertising, start-up costs, 37656  
organizational expenses, other interest, property insurance, 37657  
employee training and staff development, employee benefits, 37658  
payroll taxes, and workers' compensation premiums or costs for 37659  
self-insurance claims and related costs as specified in rules 37660

adopted under section 5111.02 of the Revised Code, for personnel 37661  
listed in this division. Notwithstanding division (C)(1) of this 37662  
section, "indirect care costs" also means the cost of equipment, 37663  
including vehicles, acquired by operating lease executed before 37664  
December 1, 1992, if the costs are reported as administrative and 37665  
general costs on the facility's cost report for the cost reporting 37666  
period ending December 31, 1992. 37667

(L) "Inpatient days" means all days during which a resident, 37668  
regardless of payment source, occupies a bed in a nursing facility 37669  
or intermediate care facility for the mentally retarded that is 37670  
included in the facility's certified capacity under Title XIX. 37671  
Therapeutic or hospital leave days for which payment is made under 37672  
section 5111.33 of the Revised Code are considered inpatient days 37673  
proportionate to the percentage of the facility's per resident per 37674  
day rate paid for those days. 37675

(M) "Intermediate care facility for the mentally retarded" 37676  
means an intermediate care facility for the mentally retarded 37677  
certified as in compliance with applicable standards for the 37678  
medicaid program by the director of health in accordance with 37679  
Title XIX. 37680

(N) "Maintenance and repair expenses" means, except as 37681  
provided in division (BB)(2) of this section, expenditures that 37682  
are necessary and proper to maintain an asset in a normally 37683  
efficient working condition and that do not extend the useful life 37684  
of the asset two years or more. "Maintenance and repair expenses" 37685  
includes but is not limited to the cost of ordinary repairs such 37686  
as painting and wallpapering. 37687

(O) "Medicaid days" means all days during which a resident 37688  
who is a Medicaid recipient eligible for nursing facility services 37689  
occupies a bed in a nursing facility that is included in the 37690  
nursing facility's certified capacity under Title XIX. Therapeutic 37691  
or hospital leave days for which payment is made under section 37692

5111.33 of the Revised Code are considered Medicaid days 37693  
proportionate to the percentage of the nursing facility's per 37694  
resident per day rate paid for those days. 37695

(P) "Nursing facility" means a facility, or a distinct part 37696  
of a facility, that is certified as a nursing facility by the 37697  
director of health in accordance with Title XIX and is not an 37698  
intermediate care facility for the mentally retarded. "Nursing 37699  
facility" includes a facility, or a distinct part of a facility, 37700  
that is certified as a nursing facility by the director of health 37701  
in accordance with Title XIX and is certified as a skilled nursing 37702  
facility by the director in accordance with Title XVIII. 37703

(Q) "Operator" means the person or government entity 37704  
responsible for the daily operating and management decisions for a 37705  
nursing facility or intermediate care facility for the mentally 37706  
retarded. 37707

(R) "Other protected costs" means costs incurred by an 37708  
intermediate care facility for the mentally retarded for medical 37709  
supplies; real estate, franchise, and property taxes; natural gas, 37710  
fuel oil, water, electricity, sewage, and refuse and hazardous 37711  
medical waste collection; allocated other protected home office 37712  
costs; and any additional costs defined as other protected costs 37713  
in rules adopted under section 5111.02 of the Revised Code. 37714

(S)(1) "Owner" means any person or government entity that has 37715  
at least five per cent ownership or interest, either directly, 37716  
indirectly, or in any combination, in any of the following 37717  
regarding a nursing facility or intermediate care facility for the 37718  
mentally retarded: 37719

(a) The land on which the facility is located; 37720

(b) The structure in which the facility is located; 37721

(c) Any mortgage, contract for deed, or other obligation 37722  
secured in whole or in part by the land or structure on or in 37723

which the facility is located; 37724

(d) Any lease or sublease of the land or structure on or in 37725  
which the facility is located. 37726

(2) "Owner" does not mean a holder of a debenture or bond 37727  
related to the nursing facility or intermediate care facility for 37728  
the mentally retarded and purchased at public issue or a regulated 37729  
lender that has made a loan related to the facility unless the 37730  
holder or lender operates the facility directly or through a 37731  
subsidiary. 37732

(T) "Patient" includes "resident." 37733

(U) Except as provided in divisions (U)(1) and (2) of this 37734  
section, "per diem" means a nursing facility's or intermediate 37735  
care facility for the mentally retarded's actual, allowable costs 37736  
in a given cost center in a cost reporting period, divided by the 37737  
facility's inpatient days for that cost reporting period. 37738

(1) When calculating indirect care costs for the purpose of 37739  
establishing rates under section 5111.241 of the Revised Code, 37740  
"per diem" means an intermediate care facility for the mentally 37741  
retarded's actual, allowable indirect care costs in a cost 37742  
reporting period divided by the greater of the facility's 37743  
inpatient days for that period or the number of inpatient days the 37744  
facility would have had during that period if its occupancy rate 37745  
had been eighty-five per cent. 37746

(2) When calculating capital costs for the purpose of 37747  
establishing rates under section 5111.251 of the Revised Code, 37748  
"per diem" means a facility's actual, allowable capital costs in a 37749  
cost reporting period divided by the greater of the facility's 37750  
inpatient days for that period or the number of inpatient days the 37751  
facility would have had during that period if its occupancy rate 37752  
had been ninety-five per cent. 37753

(V) "Provider" means an operator with a provider agreement. 37754

(W) "Provider agreement" means a contract between the department of job and family services and the operator of a nursing facility or intermediate care facility for the mentally retarded for the provision of nursing facility services or intermediate care facility services for the mentally retarded under the medicaid program.

(X) "Purchased nursing services" means services that are provided in a nursing facility by registered nurses, licensed practical nurses, or nurse aides who are not employees of the facility.

(Y) "Reasonable" means that a cost is an actual cost that is appropriate and helpful to develop and maintain the operation of patient care facilities and activities, including normal standby costs, and that does not exceed what a prudent buyer pays for a given item or services. Reasonable costs may vary from provider to provider and from time to time for the same provider.

(Z) "Related party" means an individual or organization that, to a significant extent, has common ownership with, is associated or affiliated with, has control of, or is controlled by, the provider.

(1) An individual who is a relative of an owner is a related party.

(2) Common ownership exists when an individual or individuals possess significant ownership or equity in both the provider and the other organization. Significant ownership or equity exists when an individual or individuals possess five per cent ownership or equity in both the provider and a supplier. Significant ownership or equity is presumed to exist when an individual or individuals possess ten per cent ownership or equity in both the provider and another organization from which the provider purchases or leases real property.



(3) Control exists when an individual or organization has the power, directly or indirectly, to significantly influence or direct the actions or policies of an organization.

(4) An individual or organization that supplies goods or services to a provider shall not be considered a related party if all of the following conditions are met:

(a) The supplier is a separate bona fide organization.

(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.

(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.

(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.

(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:

(1) Spouse;

(2) Natural parent, child, or sibling;

(3) Adopted parent, child, or sibling;

(4) Stepparent, stepchild, stepbrother, or stepsister;

(5) Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law;

(6) Grandparent or grandchild;	37815
(7) Foster caregiver, foster child, foster brother, or foster sister.	37816 37817
(BB) "Renovation" and "extensive renovation" mean:	37818
(1) Any betterment, improvement, or restoration of an intermediate care facility for the mentally retarded started before July 1, 1993, that meets the definition of a renovation or extensive renovation established in rules adopted by the director of job and family services in effect on December 22, 1992.	37819 37820 37821 37822 37823
(2) In the case of betterments, improvements, and restorations of intermediate care facilities for the mentally retarded started on or after July 1, 1993:	37824 37825 37826
(a) "Renovation" means the betterment, improvement, or restoration of an intermediate care facility for the mentally retarded beyond its current functional capacity through a structural change that costs at least five hundred dollars per bed. A renovation may include betterment, improvement, restoration, or replacement of assets that are affixed to the building and have a useful life of at least five years. A renovation may include costs that otherwise would be considered maintenance and repair expenses if they are an integral part of the structural change that makes up the renovation project. "Renovation" does not mean construction of additional space for beds that will be added to a facility's licensed or certified capacity.	37827 37828 37829 37830 37831 37832 37833 37834 37835 37836 37837 37838 37839
(b) "Extensive renovation" means a renovation that costs more than sixty-five per cent and no more than eighty-five per cent of the cost of constructing a new bed and that extends the useful life of the assets for at least ten years.	37840 37841 37842 37843
For the purposes of division (BB)(2) of this section, the cost of constructing a new bed shall be considered to be forty	37844 37845

thousand dollars, adjusted for the estimated rate of inflation 37846  
from January 1, 1993, to the end of the calendar year during which 37847  
the renovation is completed, using the consumer price index for 37848  
shelter costs for all urban consumers for the north central 37849  
region, as published by the United States bureau of labor 37850  
statistics. 37851

The department of job and family services may treat a 37852  
renovation that costs more than eighty-five per cent of the cost 37853  
of constructing new beds as an extensive renovation if the 37854  
department determines that the renovation is more prudent than 37855  
construction of new beds. 37856

(CC) "Title XIX" means Title XIX of the "Social Security 37857  
Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended. 37858

(DD) "Title XVIII" means Title XVIII of the "Social Security 37859  
Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended. 37860

Sec. 5111.84. The director of job and family services may not 37861  
submit a request to the United States secretary of health and 37862  
human services for a medicaid waiver under section 1115 of the 37863  
"Social Security Act of 1935," 42 U.S.C. 1315, unless the director 37864  
provides the speaker of the house of representatives and president 37865  
of the senate written notice of the director's intent to submit 37866  
the request at least ten days before the date the director submits 37867  
the request to the United States secretary. The notice shall 37868  
include a detailed explanation of the medicaid waiver the director 37869  
proposes to seek. 37870

Sec. 5111.861. (A) "Home and community-based services 37871  
medicaid waiver component" has the same meaning as in section 37872  
5111.851 of the Revised Code. 37873

(B) The director shall submit a request to the United States 37874  
secretary of health and human services to approve amendments to 37875

one or more home and community-based services medicaid waiver 37876  
components to do one or more of the following: 37877

(1) Allow a participant receiving services under a component 37878  
to retain eligibility for those services while participating in 37879  
the medicaid buy-in program established under section 5111.0119 of 37880  
the Revised Code. 37881

(2) Make changes to one or more components so that the 37882  
component or components contains one or more features of the 37883  
medicaid buy-in program established under section 5111.0119 of the 37884  
Revised Code. 37885

**Sec. 5111.871.** The department of job and family services 37886  
shall enter into a contract with the department of mental 37887  
retardation and developmental disabilities under section 5111.91 37888  
of the Revised Code with regard to one or more of the components 37889  
of the medicaid program established by the department of job and 37890  
family services under one or more of the medicaid waivers sought 37891  
under section 5111.87 of the Revised Code. The contract shall 37892  
provide for the department of mental retardation and developmental 37893  
disabilities to administer the components in accordance with the 37894  
terms of the waivers. The directors of job and family services and 37895  
mental retardation and developmental disabilities shall adopt 37896  
rules in accordance with Chapter 119. of the Revised Code 37897  
governing the components. 37898

If the department of mental retardation and developmental 37899  
disabilities or the department of job and family services denies 37900  
an individual's application for home and community-based services 37901  
provided under any of these medicaid components, the department 37902  
that denied the services shall give timely notice to the 37903  
individual that the individual may request a hearing under section 37904  
5101.35 of the Revised Code. 37905

The departments of mental retardation and developmental 37906

disabilities and job and family services may approve, reduce, 37907  
deny, or terminate a service included in the individualized 37908  
service plan developed for a medicaid recipient eligible for home 37909  
and community-based services provided under any of these medicaid 37910  
components. The departments shall consider the recommendations a 37911  
county board of mental retardation and developmental disabilities 37912  
makes under division (A)(1)(c) of section 5126.055 of the Revised 37913  
Code. If either department approves, reduces, denies, or 37914  
terminates a service, that department shall give timely notice to 37915  
the medicaid recipient that the recipient may request a hearing 37916  
under section 5101.35 of the Revised Code. 37917

If supported living ~~or residential services~~, as defined in 37918  
section 5126.01 of the Revised Code, ~~are~~ is to be provided as a 37919  
service under any of these components, any person or government 37920  
entity with a current, valid medicaid provider agreement and a 37921  
current, valid ~~license under section 5123.19 or~~ certificate under 37922  
section ~~5123.16 or 5126.431~~ 5123.161 of the Revised Code may 37923  
provide the ~~services~~ service. 37924

If a service is to be provided under any of these components 37925  
by a residential facility, as defined in section 5123.19 of the 37926  
Revised Code, any person or government entity with a current, 37927  
valid medicaid provider agreement and a current, valid license 37928  
under section 5123.19 of the Revised Code may provide the service. 37929

**Sec. 5111.8814.** An intermediate care facility for the 37930  
mentally retarded that converts in whole to providing home and 37931  
community-based services under the ICF/MR conversion pilot program 37932  
shall either be licensed as a residential facility under section 37933  
5123.19 of the Revised Code or certified to provide supported 37934  
living under section ~~5126.431~~ 5123.161 of the Revised Code. If an 37935  
intermediate care facility for the mentally retarded converts in 37936  
part to providing such home and community-based services, the 37937

distinct part of the facility that provides the home and 37938  
community-based services shall either be licensed as a residential 37939  
facility under section 5123.19 of the Revised Code or certified to 37940  
provide supported living under section ~~5126.431~~ 5123.161 of the 37941  
Revised Code. The facility or distinct part of the facility shall 37942  
be licensed as a residential facility rather than certified to 37943  
provide supported living if it meets the definition of 37944  
"residential facility" in section 5123.19 of the Revised Code. 37945

**Sec. 5111.891.** To be eligible for the assisted living 37946  
program, an individual must meet all of the following 37947  
requirements: 37948

(A) Need an intermediate level of care as determined under 37949  
rule 5101:3-3-06 of the Administrative Code; 37950

(B) At the time the individual applies for the assisted 37951  
living program, be one of the following: 37952

(1) A nursing facility resident who is seeking to move to a 37953  
residential care facility and would remain in a nursing facility 37954  
for long term care if not for the assisted living program; 37955

(2) A participant of any of the following medicaid waiver 37956  
components who would move to a nursing facility if not for the 37957  
assisted living program: 37958

(a) The PASSPORT program created under section 173.40 of the 37959  
Revised Code; 37960

(b) The medicaid waiver component called the choices program 37961  
that the department of aging administers; 37962

(c) A medicaid waiver component that the department of job 37963  
and family services administers. 37964

(3) A resident of a residential care facility who has resided 37965  
in a residential care facility for at least six months immediately 37966  
before the date the individual applies for the assisted living 37967

program. 37968

(C) At the time the individual receives assisted living services under the assisted living program, reside in a residential care facility, including both of the following: 37969  
37970  
37971

(1) A residential care facility that is owned or operated by a metropolitan housing authority that has a contract with the United States department of housing and urban development to receive an operating subsidy or rental assistance for the residents of the facility; 37972  
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(2) A county or district home licensed as a residential care facility. 37977  
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(D) Meet all other eligibility requirements for the assisted living program established in rules adopted under section 5111.85 of the Revised Code. 37979  
37980  
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**Sec. 5112.341.** (A) In addition to assessing a penalty pursuant to section 5112.34 of the Revised Code, the department of job and family services may do either or both of the following if an intermediate care facility for the mentally retarded fails to pay the full amount of a franchise permit fee installment when due: 37982  
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(1) ~~Withhold~~ Offset an amount less than or equal to the installment and penalty assessed under section 5112.34 of the Revised Code from a medicaid payment due the facility ~~until the facility pays the installment and penalty;~~ 37988  
37989  
37990  
37991

(2) Terminate the facility's medicaid provider agreement. 37992

(B) The department may ~~withhold~~ offset a medicaid payment under division (A)(1) of this section without providing notice to the intermediate care facility for the mentally retarded and without conducting an adjudication under Chapter 119. of the Revised Code. 37993  
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**Sec. 5115.12.** (A) The director of job and family services 37998  
shall adopt rules in accordance with section 111.15 of the Revised 37999  
Code governing the disability medical assistance program. The 38000  
rules may establish or specify any or all of the following: 38001

(1) Income, resource, citizenship, age, residence, living 38002  
arrangement, and other eligibility requirements; 38003

(2) Health services to be included in the program; 38004

(3) The maximum authorized amount, scope, duration, or limit 38005  
of payment for services; 38006

(4) Limits on the length of time an individual may receive 38007  
disability medical assistance; 38008

(5) Limits on the total number of individuals in the state 38009  
who may receive disability medical assistance; 38010

(6) Limits on the number and types of providers eligible to 38011  
be reimbursed for services provided to individuals enrolled in the 38012  
program. 38013

(B) For purposes of limiting the cost of the disability 38014  
medical assistance program, the director may do either of the 38015  
following: 38016

(1) Adopt rules in accordance with section 111.15 of the 38017  
Revised Code that revise the program's eligibility requirements; 38018  
the maximum authorized amount, scope, duration, or limit of 38019  
payment for services included in the program; or any other 38020  
requirement or standard established or specified by rules adopted 38021  
under division (A) of this section or under section 5115.10 of the 38022  
Revised Code; 38023

(2) Suspend acceptance of applications for disability medical 38024  
assistance. While a suspension is in effect, no person shall 38025  
receive a determination or redetermination of eligibility for 38026  
disability medical assistance unless the person was receiving the 38027



assistance during the month immediately preceding the suspension's 38028  
effective date or the person submitted an application prior to the 38029  
suspension's effective date and receives a determination of 38030  
eligibility based on that application. The director may adopt 38031  
rules in accordance with section 111.15 of the Revised Code 38032  
establishing requirements and specifying procedures applicable to 38033  
the suspension of acceptance of applications. 38034

**Sec. 5119.611.** (A) A community mental health agency that 38035  
seeks certification of its community mental health services shall 38036  
submit an application to the director of mental health. On receipt 38037  
of the application, the director may visit and shall evaluate the 38038  
agency to determine whether its services satisfy the standards 38039  
established by rules adopted under division ~~(D)~~(C) of this 38040  
section. The director shall make the evaluation, and, if the 38041  
director visits the agency, shall make the visit, in cooperation 38042  
with the board of alcohol, drug addiction, and mental health 38043  
services with which the agency seeks to contract under division 38044  
(A)(8)(a) of section 340.03 of the Revised Code. 38045

~~Subject to divisions (B) and (C) of this section~~ If the 38046  
director determines that a community mental health agency's 38047  
services satisfy the standards and the agency has paid the fee 38048  
required under division (B) of this section, the director shall 38049  
certify ~~a community mental health agency's~~ the services ~~that the~~ 38050  
~~director determines satisfy the standards.~~ 38051

If the director determines that a community mental health 38052  
agency's services do not satisfy the standards, the director shall 38053  
identify the areas of noncompliance, specify what action is 38054  
necessary to satisfy the standards, and offer technical assistance 38055  
to the board of alcohol, drug addiction, and mental health 38056  
services so that the board may assist the agency in satisfying the 38057  
standards. The director shall give the agency a reasonable time 38058

within which to demonstrate that its services satisfy the 38059  
standards or to bring the services into compliance with the 38060  
standards. If the director concludes that the services continue to 38061  
fail to satisfy the standards, the director may request that the 38062  
board reallocate the funds for the community mental health 38063  
services the agency was to provide to another community mental 38064  
health agency whose community mental health services satisfy the 38065  
standards. If the board does not reallocate those funds in a 38066  
reasonable period of time, the director may withhold state and 38067  
federal funds for the community mental health services and 38068  
allocate those funds directly to a community mental health agency 38069  
whose community mental health services satisfy the standards. 38070

(B) Each community mental health agency seeking certification 38071  
of its community mental health services under this section shall 38072  
pay a fee for the certification review required by this section. 38073  
Fees shall be paid into the sale of goods and services fund 38074  
created pursuant to section 5119.161 of the Revised Code. 38075

~~(C) The director may certify a community mental health 38076  
service only if the service is for individuals whose focus of 38077  
treatment is a mental disorder according to the edition of the 38078  
American psychiatric association's diagnostic and statistical 38079  
manual of mental disorders that is current at the time the 38080  
director issues the certification, including such services for 38081  
individuals who have a mental disorder and a co-occurring 38082  
substance use disorder, substance induced disorder, chronic 38083  
dementing organic mental disorder, mental retardation, or 38084  
developmental disability. The director may not certify a service 38085  
that is for individuals whose focus of treatment is solely a 38086  
substance use disorder, substance induced disorder, chronic 38087  
dementing organic mental disorder, mental retardation, or 38088  
developmental disability. 38089~~

~~(D)~~ The director shall adopt rules in accordance with Chapter 38090

119. of the Revised Code to implement this section. The rules 38091  
shall do all of the following: 38092

(1) Establish certification standards for community mental 38093  
health services, including assertive community treatment and 38094  
intensive home-based mental health services, that are consistent 38095  
with nationally recognized applicable standards and facilitate 38096  
participation in federal assistance programs. The rules shall 38097  
include as certification standards only requirements that improve 38098  
the quality of services or the health and safety of clients of 38099  
community mental health services. The standards shall address at a 38100  
minimum all of the following: 38101

(a) Reporting major unusual incidents to the director; 38102

(b) Procedures for applicants for and clients of community 38103  
mental health services to file grievances and complaints; 38104

(c) Seclusion; 38105

(d) Restraint; 38106

(e) Development of written policies addressing the rights of 38107  
clients, including all of the following: 38108

(i) The right to a copy of the written policies addressing 38109  
client rights; 38110

(ii) The right at all times to be treated with consideration 38111  
and respect for the client's privacy and dignity; 38112

(iii) The right to have access to the client's own 38113  
psychiatric, medical, or other treatment records unless access is 38114  
specifically restricted in the client's treatment plan for clear 38115  
treatment reasons; 38116

(iv) The right to have a client rights officer provided by 38117  
the agency or board of alcohol, drug addiction, and mental health 38118  
services advise the client of the client's rights, including the 38119  
client's rights under Chapter 5122. of the Revised Code if the 38120

client is committed to the agency or board.	38121
(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;	38122 38123 38124
(3) Establish the process for certification of community mental health services;	38125 38126
(4) Set the amount of certification review fees based on a portion of the cost of performing the review;	38127 38128
(5) Specify the type of notice and hearing to be provided prior to a decision on whether to reallocate funds.	38129 38130
<b>Sec. 5123.01.</b> As used in this chapter:	38131
(A) "Chief medical officer" means the licensed physician appointed by the managing officer of an institution for the mentally retarded with the approval of the director of mental retardation and developmental disabilities to provide medical treatment for residents of the institution.	38132 38133 38134 38135 38136
(B) "Chief program director" means a person with special training and experience in the diagnosis and management of the mentally retarded, certified according to division (C) of this section in at least one of the designated fields, and appointed by the managing officer of an institution for the mentally retarded with the approval of the director to provide habilitation and care for residents of the institution.	38137 38138 38139 38140 38141 38142 38143
(C) "Comprehensive evaluation" means a study, including a sequence of observations and examinations, of a person leading to conclusions and recommendations formulated jointly, with dissenting opinions if any, by a group of persons with special training and experience in the diagnosis and management of persons with mental retardation or a developmental disability, which group shall include individuals who are professionally qualified in the	38144 38145 38146 38147 38148 38149 38150

fields of medicine, psychology, and social work, together with 38151  
such other specialists as the individual case may require. 38152

(D) "Education" means the process of formal training and 38153  
instruction to facilitate the intellectual and emotional 38154  
development of residents. 38155

(E) "Habilitation" means the process by which the staff of 38156  
the institution assists the resident in acquiring and maintaining 38157  
those life skills that enable the resident to cope more 38158  
effectively with the demands of the resident's own person and of 38159  
the resident's environment and in raising the level of the 38160  
resident's physical, mental, social, and vocational efficiency. 38161  
Habilitation includes but is not limited to programs of formal, 38162  
structured education and training. 38163

(F) "Health officer" means any public health physician, 38164  
public health nurse, or other person authorized or designated by a 38165  
city or general health district. 38166

(G) "Home and community-based services" means medicaid-funded 38167  
home and community-based services specified in division (B)(1) of 38168  
section 5111.87 of the Revised Code provided under the medicaid 38169  
waiver components the department of mental retardation and 38170  
developmental disabilities administers pursuant to section 38171  
5111.871 of the Revised Code. 38172

(H) "Indigent person" means a person who is unable, without 38173  
substantial financial hardship, to provide for the payment of an 38174  
attorney and for other necessary expenses of legal representation, 38175  
including expert testimony. 38176

(I) "Institution" means a public or private facility, or a 38177  
part of a public or private facility, that is licensed by the 38178  
appropriate state department and is equipped to provide 38179  
residential habilitation, care, and treatment for the mentally 38180  
retarded. 38181

(J) "Licensed physician" means a person who holds a valid certificate issued under Chapter 4731. of the Revised Code authorizing the person to practice medicine and surgery or osteopathic medicine and surgery, or a medical officer of the government of the United States while in the performance of the officer's official duties.

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

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

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

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

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

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

(2) The person needs and is susceptible to significant

habilitation in an institution. 38213

(P) "A person who is at least moderately mentally retarded" 38214  
means a person who is found, following a comprehensive evaluation, 38215  
to be impaired in adaptive behavior to a moderate degree and to be 38216  
functioning at the moderate level of intellectual functioning in 38217  
accordance with standard measurements as recorded in the most 38218  
current revision of the manual of terminology and classification 38219  
in mental retardation published by the American association on 38220  
mental retardation. 38221

(Q) As used in this division, "substantial functional 38222  
limitation," "developmental delay," and "established risk" have 38223  
the meanings established pursuant to section 5123.011 of the 38224  
Revised Code. 38225

"Developmental disability" means a severe, chronic disability 38226  
that is characterized by all of the following: 38227

(1) It is attributable to a mental or physical impairment or 38228  
a combination of mental and physical impairments, other than a 38229  
mental or physical impairment solely caused by mental illness as 38230  
defined in division (A) of section 5122.01 of the Revised Code. 38231

(2) It is manifested before age twenty-two. 38232

(3) It is likely to continue indefinitely. 38233

(4) It results in one of the following: 38234

(a) In the case of a person under three years of age, at 38235  
least one developmental delay or an established risk; 38236

(b) In the case of a person at least three years of age but 38237  
under six years of age, at least two developmental delays or an 38238  
established risk; 38239

(c) In the case of a person six years of age or older, a 38240  
substantial functional limitation in at least three of the 38241  
following areas of major life activity, as appropriate for the 38242

person's age: self-care, receptive and expressive language, 38243  
learning, mobility, self-direction, capacity for independent 38244  
living, and, if the person is at least sixteen years of age, 38245  
capacity for economic self-sufficiency. 38246

(5) It causes the person to need a combination and sequence 38247  
of special, interdisciplinary, or other type of care, treatment, 38248  
or provision of services for an extended period of time that is 38249  
individually planned and coordinated for the person. 38250

(R) "Developmentally disabled person" means a person with a 38251  
developmental disability. 38252

(S) "State institution" means an institution that is 38253  
tax-supported and under the jurisdiction of the department. 38254

(T) "Residence" and "legal residence" have the same meaning 38255  
as "legal settlement," which is acquired by residing in Ohio for a 38256  
period of one year without receiving general assistance prior to 38257  
July 17, 1995, under former Chapter 5113. of the Revised Code, 38258  
financial assistance under Chapter 5115. of the Revised Code, or 38259  
assistance from a private agency that maintains records of 38260  
assistance given. A person having a legal settlement in the state 38261  
shall be considered as having legal settlement in the assistance 38262  
area in which the person resides. No adult person coming into this 38263  
state and having a spouse or minor children residing in another 38264  
state shall obtain a legal settlement in this state as long as the 38265  
spouse or minor children are receiving public assistance, care, or 38266  
support at the expense of the other state or its subdivisions. For 38267  
the purpose of determining the legal settlement of a person who is 38268  
living in a public or private institution or in a home subject to 38269  
licensing by the department of job and family services, the 38270  
department of mental health, or the department of mental 38271  
retardation and developmental disabilities, the residence of the 38272  
person shall be considered as though the person were residing in 38273  
the county in which the person was living prior to the person's 38274



entrance into the institution or home. Settlement once acquired 38275  
shall continue until a person has been continuously absent from 38276  
Ohio for a period of one year or has acquired a legal residence in 38277  
another state. A woman who marries a man with legal settlement in 38278  
any county immediately acquires the settlement of her husband. The 38279  
legal settlement of a minor is that of the parents, surviving 38280  
parent, sole parent, parent who is designated the residential 38281  
parent and legal custodian by a court, other adult having 38282  
permanent custody awarded by a court, or guardian of the person of 38283  
the minor, provided that: 38284

(1) A minor female who marries shall be considered to have 38285  
the legal settlement of her husband and, in the case of death of 38286  
her husband or divorce, she shall not thereby lose her legal 38287  
settlement obtained by the marriage. 38288

(2) A minor male who marries, establishes a home, and who has 38289  
resided in this state for one year without receiving general 38290  
assistance prior to July 17, 1995, under former Chapter 5113. of 38291  
the Revised Code, financial assistance under Chapter 5115. of the 38292  
Revised Code, or assistance from a private agency that maintains 38293  
records of assistance given shall be considered to have obtained a 38294  
legal settlement in this state. 38295

(3) The legal settlement of a child under eighteen years of 38296  
age who is in the care or custody of a public or private child 38297  
caring agency shall not change if the legal settlement of the 38298  
parent changes until after the child has been in the home of the 38299  
parent for a period of one year. 38300

No person, adult or minor, may establish a legal settlement 38301  
in this state for the purpose of gaining admission to any state 38302  
institution. 38303

(U)(1) "Resident" means, subject to division (R)(2) of this 38304  
section, a person who is admitted either voluntarily or 38305

involuntarily to an institution or other facility pursuant to 38306  
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 38307  
Code subsequent to a finding of not guilty by reason of insanity 38308  
or incompetence to stand trial or under this chapter who is under 38309  
observation or receiving habilitation and care in an institution. 38310

(2) "Resident" does not include a person admitted to an 38311  
institution or other facility under section 2945.39, 2945.40, 38312  
2945.401, or 2945.402 of the Revised Code to the extent that the 38313  
reference in this chapter to resident, or the context in which the 38314  
reference occurs, is in conflict with any provision of sections 38315  
2945.37 to 2945.402 of the Revised Code. 38316

(V) "Respondent" means the person whose detention, 38317  
commitment, or continued commitment is being sought in any 38318  
proceeding under this chapter. 38319

(W) "Working day" and "court day" mean Monday, Tuesday, 38320  
Wednesday, Thursday, and Friday, except when such day is a legal 38321  
holiday. 38322

(X) "Prosecutor" means the prosecuting attorney, village 38323  
solicitor, city director of law, or similar chief legal officer 38324  
who prosecuted a criminal case in which a person was found not 38325  
guilty by reason of insanity, who would have had the authority to 38326  
prosecute a criminal case against a person if the person had not 38327  
been found incompetent to stand trial, or who prosecuted a case in 38328  
which a person was found guilty. 38329

(Y) "Court" means the probate division of the court of common 38330  
pleas. 38331

(Z) "Supported living" has the same meaning as in section 38332  
5126.01 of the Revised Code. 38333

Sec. 5123.033. The program fee fund is hereby created in the 38334  
state treasury. All fees collected pursuant to sections 5123.161, 38335

5123.164, 5123.19, and 5126.25 of the Revised Code shall be 38336  
credited to the fund. Money credited to the fund shall be used 38337  
solely for the department of mental retardation and developmental 38338  
disabilities' duties under sections 5123.16 to 5123.169, 5123.19, 38339  
and 5126.25 of the Revised Code and to provide continuing 38340  
education and professional training to employees of county boards 38341  
of mental retardation and developmental disabilities for the 38342  
purpose of section 5126.25 of the Revised Code and other providers 38343  
of services to individuals with mental retardation or a 38344  
developmental disability. If the money credited to the fund is 38345  
inadequate to pay all of the department's costs in performing 38346  
those duties and providing the continuing education and 38347  
professional training, the department may use other available 38348  
funds appropriated to the department to pay the remaining costs of 38349  
performing those duties and providing the continuing education and 38350  
professional training. 38351

**Sec. 5123.043.** (A) The director of mental retardation and 38352  
developmental disabilities shall adopt rules establishing 38353  
procedures for administrative resolution of complaints filed under 38354  
division (B) of this section and section 5126.06 of the Revised 38355  
Code. The rules shall be adopted in accordance with Chapter 119. 38356  
of the Revised Code. 38357

(B) Except as provided in division (C) of this section, any 38358  
person or county board of mental retardation and developmental 38359  
disabilities that has a complaint involving any of the programs, 38360  
services, policies, or administrative practices of the department 38361  
of mental retardation and developmental disabilities or any of the 38362  
entities under contract with the department, may file a complaint 38363  
with the department. Prior to commencing a civil action regarding 38364  
the complaint, a person or county board shall attempt to have the 38365  
complaint resolved through the administrative resolution process 38366  
established in the rules adopted under this section. After 38367

exhausting the administrative resolution process, the person or 38368  
county board may commence a civil action if the complaint is not 38369  
settled to the person's or county board's satisfaction. 38370

(C) An employee of the department may not file under this 38371  
section a complaint related to the terms and conditions of 38372  
employment for the employee. 38373

~~(D) This section does not apply to a conflict between a 38374  
county board of mental retardation and developmental disabilities 38375  
and a person or government entity that provides or seeks to 38376  
provide services to an individual with mental retardation or other 38377  
developmental disability. Section 5126.036 of the Revised Code 38378  
applies to such a conflict. 38379~~

**Sec. 5123.045.** No person or government entity shall receive 38380  
payment for providing home and community-based services unless the 38381  
person or government entity is one of the following: 38382

(A) Certified under section ~~5123.16~~ 5123.161 of the Revised 38383  
Code; 38384

(B) Licensed as a residential facility under section 5123.19 38385  
of the Revised Code. 38386

**Sec. 5123.047.** ~~(A)~~ The department of mental retardation and 38387  
developmental disabilities shall pay the nonfederal share of 38388  
medicaid expenditures for medicaid case management services ~~if the 38389  
services are provided to an individual with mental retardation or 38390  
other developmental disability who a county board of mental 38391  
retardation and developmental disabilities has determined under 38392  
section 5126.041 of the Revised Code is not eligible for county 38393  
board services. 38394~~

~~(B) The department shall pay the nonfederal share of medicaid 38395  
expenditures for and home and community-based services ~~if any of 38396  
the following apply: 38397~~~~

~~(1) The services are provided to an individual with mental 38398  
retardation or other developmental disability who a county board 38399  
has determined under section 5126.041 of the Revised Code is not 38400  
eligible for county board services; 38401~~

~~(2) The services are provided to an individual with mental 38402  
retardation or other developmental disability given priority for 38403  
the services pursuant to division (D)(3) of section 5126.042 of 38404  
the Revised Code. The department shall pay the nonfederal share of 38405  
medicaid expenditures for home and community based services 38406  
provided to such an individual for as long as the individual 38407  
continues to be eligible for and receive the services, regardless 38408  
of whether the services are provided after June 30, 2003. 38409~~

~~(3) An agreement entered into under section 5123.048 of the 38410  
Revised Code requires that the department pay the nonfederal share 38411  
of medicaid expenditures for the services for which no county 38412  
board of mental retardation and developmental disabilities is 38413  
required by section 5126.059 or 5126.0510 of the Revised Code to 38414  
pay. 38415~~

**Sec. 5123.048.** The director of mental retardation and 38416  
developmental disabilities may enter into an agreement with a 38417  
county board of mental retardation and developmental disabilities 38418  
under which the department of mental retardation and developmental 38419  
disabilities is to pay the nonfederal share of medicaid 38420  
expenditures for one or more of the home and community-based 38421  
services ~~provided to individuals with mental retardation or other 38422  
developmental disability residing in the county served by that the 38423  
county board would, if not for the agreement, be required by 38424  
section 5126.0510 of the Revised Code to pay. The agreement shall 38425  
specify which home and community-based services the agreement 38426  
covers. The department shall pay the nonfederal share of medicaid 38427  
expenditures for the home and community-based services that the 38428~~

agreement covers as long as the agreement is in effect. 38429

**Sec. 5123.049.** The director of mental retardation and 38430  
developmental disabilities shall adopt rules in accordance with 38431  
Chapter 119. of the Revised Code governing the authorization and 38432  
payment of home and community-based services and medicaid case 38433  
management services. The rules shall provide for private providers 38434  
of the services to receive one hundred per cent of the medicaid 38435  
allowable payment amount and for government providers of the 38436  
services to receive the federal share of the medicaid allowable 38437  
payment, less the amount withheld as a fee under section 5123.0412 38438  
of the Revised Code and any amount that may be required by rules 38439  
adopted under section 5123.0413 of the Revised Code to be 38440  
deposited into the state MR/DD risk fund. The rules shall 38441  
establish the process by which county boards of mental retardation 38442  
and developmental disabilities shall certify and provide the 38443  
nonfederal share of medicaid expenditures that the county board is 38444  
required by ~~division (A) of section 5126.057~~ sections 5126.059 and 38445  
5126.0510 of the Revised Code to pay. The process shall require a 38446  
county board to certify that the county board has funding 38447  
available at one time for two months costs for those expenditures. 38448  
The process may permit a county board to certify that the county 38449  
board has funding available at one time for more than two months 38450  
costs for those expenditures. 38451

**Sec. 5123.0411.** The department of mental retardation and 38452  
developmental disabilities may bring a mandamus action against a 38453  
county board of mental retardation and developmental disabilities 38454  
that fails to pay the nonfederal share of medicaid expenditures 38455  
that the county board is required by ~~division (A) of section~~ 38456  
~~5126.057~~ sections 5126.059 and 5126.0510 of the Revised Code to 38457  
pay. The department may bring the mandamus action in the court of 38458  
common pleas of the county served by the county board or in the 38459

Franklin county court of common pleas. 38460

Sec. 5123.0414. (A) When the director of mental retardation 38461  
and developmental disabilities, under section 119.07 of the 38462  
Revised Code, sends a party a notice by registered mail, return 38463  
receipt requested, that the director intends to take action 38464  
against the party authorized by section 5123.082, 5123.166, 38465  
5123.168, 5123.19, 5123.45, 5123.51, or 5126.25 of the Revised 38466  
Code and the notice is returned to the director with an 38467  
endorsement indicating that the notice was refused or unclaimed, 38468  
the director shall resend the notice by ordinary mail to the 38469  
party. 38470

(B) If the original notice was refused, the notice shall be 38471  
deemed received as of the date the director resends the notice. 38472

(C) If the original notice was unclaimed, the notice shall be 38473  
deemed received as of the date the director resends the notice 38474  
unless, not later than thirty days after the date the director 38475  
sent the original notice, the resent notice is returned to the 38476  
director for failure of delivery. 38477

If the notice concerns taking action under section 5123.51 of 38478  
the Revised Code and the resent notice is returned to the director 38479  
for failure of delivery not later than thirty days after the date 38480  
the director sent the original notice, the director shall cause 38481  
the notice to be published in a newspaper of general circulation 38482  
in the county of the party's last known residence or business and 38483  
shall mail a dated copy of the published notice to the party at 38484  
the last known address. The notice shall be deemed received as of 38485  
the date of the publication. 38486

If the notice concerns taking action under section 5123.082, 38487  
5123.166, 5123.168, 5123.19, 5123.45, or 5126.25 of the Revised 38488  
Code and the resent notice is returned to the director for failure 38489  
of delivery not later than thirty days after the date the director 38490

sent the original notice, the director shall resend the notice to 38491  
the party a second time. The notice shall be deemed received as of 38492  
the date the director resends the notice the second time. 38493

Sec. 5123.0415. As used in this section, "license" means a 38494  
license, certificate, or evidence of registration. 38495

Each person and government entity that applies for or holds a 38496  
valid license issued under section 5123.082, 5123.161, 5123.19, 38497  
5123.45, 5126.25, or 5126.252 of the Revised Code shall notify the 38498  
director of mental retardation and developmental disabilities of 38499  
any change in the person or government entity's address. 38500

Sec. 5123.0416. (A) Subject to the availability of funds 38501  
appropriated to the department of mental retardation and 38502  
developmental disabilities for medicaid waiver state match, the 38503  
department shall expend, in fiscal year 2009 and each fiscal year 38504  
thereafter, not less than the amount appropriated in appropriation 38505  
item 322-416, medicaid waiver - state match, in fiscal year 2008 38506  
to do both of the following: 38507

(1) Pay the nonfederal share of medicaid expenditures for 38508  
home and community-based services that section 5123.047 of the 38509  
Revised Code requires the department to pay; 38510

(2) Assist county boards of mental retardation and 38511  
developmental disabilities in paying the nonfederal share of 38512  
medicaid expenditures for home and community-based services that 38513  
section 5126.0510 of the Revised Code requires county boards to 38514  
pay. 38515

(B) The department may make the expenditures required by 38516  
division (A)(2) of this section in the form of allocations to 38517  
county boards or by other means. If the department makes the 38518  
expenditures in the form of allocations, the process for making 38519  
the allocations shall conform to a process the department shall 38520



establish after consulting with representatives of county boards. 38521

**Sec. 5123.051.** (A) If the department of mental retardation 38522  
and developmental disabilities determines pursuant to an audit 38523  
conducted under section 5123.05 of the Revised Code or a 38524  
reconciliation conducted under section 5123.18 ~~or 5123.199~~ of the 38525  
Revised Code that money is owed the state by a provider of a 38526  
service or program, the department may enter into a payment 38527  
agreement with the provider. The agreement shall include the 38528  
following: 38529

(1) A schedule of installment payments whereby the money owed 38530  
the state is to be paid in full within a period not to exceed one 38531  
year; 38532

(2) A provision that the provider may pay the entire balance 38533  
owed at any time during the term of the agreement; 38534

(3) A provision that if any installment is not paid in full 38535  
within forty-five days after it is due, the entire balance owed is 38536  
immediately due and payable; 38537

(4) Any other terms and conditions that are agreed to by the 38538  
department and the provider. 38539

(B) The department may include a provision in a payment 38540  
agreement that requires the provider to pay interest on the money 38541  
owed the state. The department, in its discretion, shall determine 38542  
whether to require the payment of interest and, if it so requires, 38543  
the rate of interest. Neither the obligation to pay interest nor 38544  
the rate of interest is subject to negotiation between the 38545  
department and the provider. 38546

(C) If the provider fails to pay any installment in full 38547  
within forty-five days after its due date, the department shall 38548  
certify the entire balance owed to the attorney general for 38549  
collection under section 131.02 of the Revised Code. The 38550

department may withhold funds from payments made to a provider 38551  
under section 5123.18 ~~or 5123.199~~ of the Revised Code to satisfy a 38552  
judgment secured by the attorney general. 38553

(D) The purchase of service fund is hereby created. Money 38554  
credited to the fund shall be used solely for purposes of section 38555  
5123.05 of the Revised Code. 38556

Sec. 5123.16. (A) As used in sections 5123.16 to 5123.169 of 38557  
the Revised Code: 38558

(1) "Provider" means a person or government entity certified 38559  
by the director of mental retardation and developmental 38560  
disabilities to provide supported living. 38561

(2) "Related party" means any of the following: 38562

(a) In the case of a provider who is an individual, any of 38563  
the following: 38564

(i) The spouse of the provider; 38565

(ii) A parent or stepparent of the provider or provider's 38566  
spouse; 38567

(iii) A child of the provider or provider's spouse; 38568

(iv) A sibling, half sibling, or stepsibling of the provider 38569  
or provider's spouse; 38570

(v) A grandparent of the provider or provider's spouse; 38571

(vi) A grandchild of the provider or provider's spouse; 38572

(vii) An employee or employer of the provider or provider's 38573  
spouse. 38574

(b) In the case of a provider that is a person other than an 38575  
individual, any of the following: 38576

(i) An employee of the person; 38577

(ii) An officer of the provider, including the chief 38578

<u>executive officer, president, vice-president, secretary, and</u>	38579
<u>treasurer;</u>	38580
<u>(iii) A member of the provider's board of directors or</u>	38581
<u>trustees;</u>	38582
<u>(iv) A person owning a financial interest of five per cent or</u>	38583
<u>more in the provider;</u>	38584
<u>(v) A corporation that has a subsidiary relationship with the</u>	38585
<u>provider;</u>	38586
<u>(vi) A person or government entity that has control over the</u>	38587
<u>provider's day-to-day operation;</u>	38588
<u>(vii) A person over which the provider has control of the</u>	38589
<u>day-to-day operation.</u>	38590
<u>(c) In the case of a provider that is a government entity,</u>	38591
<u>any of the following:</u>	38592
<u>(i) An employee of the provider;</u>	38593
<u>(ii) An officer of the provider;</u>	38594
<u>(iii) A member of the provider's governing board;</u>	38595
<u>(iv) A government entity that has control over the provider's</u>	38596
<u>day-to-day operation;</u>	38597
<u>(v) A person or government entity over which the provider has</u>	38598
<u>control of the day-to-day operation.</u>	38599
<u>(B) No person or government entity may provide supported</u>	38600
<u>living without a valid supported living certificate issued by the</u>	38601
<u>director of mental retardation and developmental disabilities.</u>	38602
<u>(C) A county board of mental retardation and developmental</u>	38603
<u>disabilities may provide supported living only to the extent</u>	38604
<u>permitted by rules adopted under section 5123.169 of the Revised</u>	38605
<u>Code.</u>	38606

Sec. 5123.161. A person or government entity that seeks to 38607  
provide supported living shall apply to the director of mental 38608  
retardation and developmental disabilities for a supported living 38609  
certificate. 38610

Except as provided in section 5123.166 of the Revised Code, 38611  
the director shall issue the applicant a supported living 38612  
certificate if the applicant follows the application process 38613  
established in rules adopted under section 5123.169 of the Revised 38614  
Code, meets the applicable certification standards established in 38615  
those rules, and pays the certification fee established in those 38616  
rules. 38617

Sec. 5123.162. The director of mental retardation and 38618  
developmental disabilities may conduct surveys of persons and 38619  
government entities that seek a supported living certificate to 38620  
determine whether the persons and government entities meet the 38621  
certification standards. The director may also conduct surveys of 38622  
providers to determine whether the providers continue to meet the 38623  
certification standards. The director shall conduct the surveys in 38624  
accordance with rules adopted under section 5123.169 of the 38625  
Revised Code. 38626

The records of surveys conducted under this section are 38627  
public records for the purpose of section 149.43 of the Revised 38628  
Code and shall be made available on the request of any person or 38629  
government entity. 38630

Sec. 5123.163. A supported living certificate is valid for a 38631  
period of time established in rules adopted under section 5123.169 38632  
of the Revised Code, unless any of the following occur before the 38633  
end of that period of time: 38634

(A) The director of mental retardation and developmental 38635  
disabilities issues an order requiring that action be taken 38636

against the certificate holder under section 5123.166 of the 38637  
Revised Code. 38638

(B) The director issues an order terminating the certificate 38639  
under section 5123.168 of the Revised Code. 38640

(C) The certificate holder voluntarily surrenders the 38641  
certificate to the director. 38642

Sec. 5123.164. Except as provided in section 5123.166 of the 38643  
Revised Code, the director of mental retardation and developmental 38644  
disabilities shall renew a supported living certificate if the 38645  
certificate holder follows the renewal process established in 38646  
rules adopted under section 5123.169 of the Revised Code, 38647  
continues to meet the applicable certification standards 38648  
established in those rules, and pays the renewal fee established 38649  
in those rules. 38650

Sec. 5123.165. (A) Except as provided in division (B) of this 38651  
section, no person or government entity may provide supported 38652  
living to an individual with mental retardation or a developmental 38653  
disability if the person or government entity or a related party 38654  
of the person or government entity also provides the individual a 38655  
residence. 38656

(B) A person may provide supported living to an individual 38657  
with mental retardation or a developmental disability even though 38658  
the person or a related party of the person also provides the 38659  
individual a residence if either of the following apply: 38660

(1) The person also resides in the residence with the 38661  
individual and does not provide at any one time supported living 38662  
to more than a total of three individuals with mental retardation 38663  
or a developmental disability who reside in that residence; 38664

(2) The person is an association of family members related to 38665  
two or more of the individuals with mental retardation or a 38666

developmental disability who reside in the residence and does not 38667  
provide at any one time supported living to more than a total of 38668  
four individuals with mental retardation or a developmental 38669  
disability who reside in that residence. 38670

**Sec. 5123.166.** (A) If good cause exists as specified in 38671  
division (B) of this section and determined in accordance with 38672  
procedures established in rules adopted under section 5123.169 of 38673  
the Revised Code, the director of mental retardation and 38674  
developmental disabilities may issue an adjudication order 38675  
requiring that one of the following actions be taken against a 38676  
person or government entity seeking or holding a supported living 38677  
certificate: 38678

(1) Refusal to issue or renew a supported living certificate; 38679

(2) Revocation of a supported living certificate; 38680

(3) Suspension of a supported living certificate holder's 38681  
authority to do either or both of the following: 38682

(a) Continue to provide supported living to one or more 38683  
individuals from one or more counties who receive supported living 38684  
from the certificate holder at the time the director takes the 38685  
action; 38686

(b) Begin to provide supported living to one or more 38687  
individuals from one or more counties who do not receive supported 38688  
living from the certificate holder at the time the director takes 38689  
the action. 38690

(B) The following constitute good cause for taking action 38691  
under division (A) of this section against a person or government 38692  
entity seeking or holding a supported living certificate: 38693

(1) The person or government entity's failure to meet or 38694  
continue to meet the applicable certification standards 38695  
established in rules adopted under section 5123.169 of the Revised 38696

<u>Code;</u>	38697
<u>(2) The person or government entity violates section 5123.165 of the Revised Code;</u>	38698
<u>(3) The person or government entity's failure to satisfy the requirements of section 5123.52, 5126.28, or 5126.281 of the Revised Code;</u>	38700
<u>(4) Misfeasance;</u>	38703
<u>(5) Malfeasance;</u>	38704
<u>(6) Nonfeasance;</u>	38705
<u>(7) Confirmed abuse or neglect;</u>	38706
<u>(8) Financial irresponsibility;</u>	38707
<u>(9) Other conduct the director determines is or would be injurious to individuals who receive or would receive supported living from the person or government entity.</u>	38708
<u>(C) Except as provided in division (D) of this section, the director shall issue an adjudication order under division (A) of this section in accordance with Chapter 119. of the Revised Code.</u>	38711
<u>(D)(1) The director may issue an order requiring that action specified in division (A)(3) of this section be taken before a provider is provided notice and an opportunity for a hearing if all of the following are the case:</u>	38714
<u>(a) The director determines such action is warranted by the provider's failure to continue to meet the applicable certification standards;</u>	38715
<u>(b) The director determines that the failure either represents a pattern of serious noncompliance or creates a substantial risk to the health or safety of an individual who receives or would receive supported living from the provider;</u>	38716
<u>(c) If the order will suspend the provider's authority to</u>	38717
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continue to provide supported living to an individual who receives 38726  
supported living from the provider at the time the director issues 38727  
the order, both of the following are the case: 38728

(i) The director makes the individual, or the individual's 38729  
guardian, aware of the director's determination under division 38730  
(D)(1)(b) of this section and the individual or guardian does not 38731  
select another provider. 38732

(ii) A county board of mental retardation and developmental 38733  
disabilities has filed a complaint with a probate court under 38734  
section 5123.33 of the Revised Code that includes facts describing 38735  
the nature of abuse or neglect that the individual has suffered 38736  
due to the provider's actions that are the basis for the director 38737  
making the determination under division (D)(1)(b) of this section 38738  
and the probate court does not issue an order authorizing the 38739  
county board to arrange services for the individual pursuant to an 38740  
individualized service plan developed for the individual under 38741  
section 5123.31 of the Revised Code. 38742

(2) If the director issues an order under division (D)(1) of 38743  
this section, sections 119.091 to 119.13 of the Revised Code and 38744  
all of the following apply: 38745

(a) The director shall send the provider notice of the order 38746  
by registered mail, return receipt requested, not later than 38747  
twenty-four hours after issuing the order and shall include in the 38748  
notice the reasons for the order, the citation to the law or rule 38749  
directly involved, and a statement that the provider will be 38750  
afforded a hearing if the provider requests it within ten days of 38751  
the time of receiving the notice. 38752

(b) If the provider requests a hearing within the required 38753  
time and the provider has provided the director the provider's 38754  
current address, the director shall immediately set, and notify 38755  
the provider of, the date, time, and place for the hearing. 38756



(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. 38757  
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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: 38760  
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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. 38762  
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(ii) If the director appoints a referee or examiner to conduct the hearing, the referee or examiner, not later than ten days after the date the referee or examiner receives a transcript of the testimony and evidence presented at the hearing or, if the referee or examiner does not receive the transcript or no such transcript is made, the date that the referee or examiner closes the record of the hearing, shall submit to the director a written report setting forth the referee or examiner's findings of fact and conclusions of law and a recommendation of the action the director should take. 38765  
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(iii) The provider may, not later than five days after the date the director, in accordance with section 119.09 of the Revised Code, sends the provider or the provider's attorney or other representative of record a copy of the referee or examiner's report and recommendation, file with the director written objections to the report and recommendation. 38775  
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(iv) The director shall approve, modify, or disapprove the referee or examiner's report and recommendation not earlier than six days, and not later than fifteen days, after the date the director, in accordance with section 119.09 of the Revised Code, sends a copy of the report and recommendation to the provider or the provider's attorney or other representative of record. 38781  
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(3) The director may lift an order issued under division 38787

(D)(1) of this section even though a hearing regarding the order 38788  
is occurring or pending if the director determines that the 38789  
provider has taken action eliminating the good cause for issuing 38790  
the order. The hearing shall proceed unless the provider withdraws 38791  
the request for the hearing in a written letter to the director. 38792

(4) The director shall lift an order issued under division 38793  
(D)(1) of this section if both of the following are the case: 38794

(a) The provider provides the director a plan of compliance 38795  
the director determines is acceptable. 38796

(b) The director determines that the provider has implemented 38797  
the plan of compliance correctly. 38798

Sec. 5123.167. If the director of mental retardation and 38799  
developmental disabilities issues an adjudication order under 38800  
section 5123.166 of the Revised Code refusing to issue a supported 38801  
living certificate to a person or government entity or to renew a 38802  
person or government entity's supported living certificate, 38803  
neither the person or government entity nor a related party of the 38804  
person or government entity may apply for another supported living 38805  
certificate earlier than the date that is one year after the date 38806  
the order is issued. If the director issues an adjudication order 38807  
under that section revoking a person or government entity's 38808  
supported living certificate, neither the person or government 38809  
entity nor a related party of the person or government entity may 38810  
apply for another supported living certificate earlier than the 38811  
date that is five years after the date the order is issued. 38812

Sec. 5123.168. The director of mental retardation and 38813  
developmental disabilities may issue an adjudication order in 38814  
accordance with Chapter 119. of the Revised Code to terminate a 38815  
supported living certificate if the certificate holder has not 38816  
billed for supported living for twelve consecutive months. 38817

Sec. 5123.169. The director of mental retardation and 38818  
developmental disabilities shall adopt rules under Chapter 119. of 38819  
the Revised Code establishing all of the following: 38820

(A) The extent to which a county board of mental retardation 38821  
and developmental disabilities may provide supported living; 38822

(B) The application process for obtaining a supported living 38823  
certificate under section 5123.161 of the Revised Code; 38824

(C) The certification standards a person or government entity 38825  
must meet to obtain a supported living certificate to provide 38826  
supported living; 38827

(D) The certification fee for a supported living certificate, 38828  
which shall be deposited into the program fee fund created under 38829  
section 5123.033 of the Revised Code; 38830

(E) The period of time a supported living certificate is 38831  
valid; 38832

(F) The process for renewing a supported living certificate 38833  
under section 5123.164 of the Revised Code; 38834

(G) The renewal fee for a supported living certificate, which 38835  
shall be deposited into the program fee fund created under section 38836  
5123.033 of the Revised Code; 38837

(H) Procedures for conducting surveys under section 5123.162 38838  
of the Revised Code; 38839

(I) Procedures for determining whether there is good cause to 38840  
take action under section 5123.166 of the Revised Code against a 38841  
person or government entity seeking or holding a supported living 38842  
certificate. 38843

**Sec. 5123.19.** (A) As used in this section and in sections 38844  
5123.191, 5123.194, 5123.196, 5123.198, and 5123.20 of the Revised 38845  
Code: 38846

(1)(a) "Residential facility" means a home or facility in which a mentally retarded or developmentally disabled person resides, except the home of a relative or legal guardian in which a mentally retarded or developmentally disabled person resides, a respite care home certified under section 5126.05 of the Revised Code, a county home or district home operated pursuant to Chapter 5155. of the Revised Code, or a dwelling in which the only mentally retarded or developmentally disabled residents are in an independent living arrangement or are being provided supported living.

(b) "Intermediate care facility for the mentally retarded" means a residential facility that is considered an intermediate care facility for the mentally retarded for the purposes of Chapter 5111. of the Revised Code.

(2) "Political subdivision" means a municipal corporation, county, or township.

(3) "Independent living arrangement" means an arrangement in which a mentally retarded or developmentally disabled person resides in an individualized setting chosen by the person or the person's guardian, which is not dedicated principally to the provision of residential services for mentally retarded or developmentally disabled persons, and for which no financial support is received for rendering such service from any governmental agency by a provider of residential services.

~~(4) "Supported living" has the same meaning as in section 5126.01 of the Revised Code.~~

~~(5) "Licensee" means the person or government agency that has applied for a license to operate a residential facility and to which the license was issued under this section.~~

(5) "Related party" has the same meaning as in section 5123.16 of the Revised Code except that "provider" as used in the

definition of "related party" means a person or government entity 38878  
that held or applied for a license to operate a residential 38879  
facility, rather than a person or government entity certified to 38880  
provide supported living. 38881

(B) Every person or government agency desiring to operate a 38882  
residential facility shall apply for licensure of the facility to 38883  
the director of mental retardation and developmental disabilities 38884  
unless the residential facility is subject to section 3721.02, 38885  
3722.04, 5103.03, or 5119.20 of the Revised Code. Notwithstanding 38886  
Chapter 3721. of the Revised Code, a nursing home that is 38887  
certified as an intermediate care facility for the mentally 38888  
retarded under Title XIX of the "Social Security Act," 79 Stat. 38889  
286 (1965), 42 U.S.C.A. 1396, as amended, shall apply for 38890  
licensure of the portion of the home that is certified as an 38891  
intermediate care facility for the mentally retarded. 38892

(C) Subject to section 5123.196 of the Revised Code, the 38893  
director of mental retardation and developmental disabilities 38894  
shall license the operation of residential facilities. An initial 38895  
license shall be issued for a period that does not exceed one 38896  
year, unless the director denies the license under division (D) of 38897  
this section. A license shall be renewed for a period that does 38898  
not exceed three years, unless the director refuses to renew the 38899  
license under division (D) of this section. The director, when 38900  
issuing or renewing a license, shall specify the period for which 38901  
the license is being issued or renewed. A license remains valid 38902  
for the length of the licensing period specified by the director, 38903  
unless the license is terminated, revoked, or voluntarily 38904  
surrendered. 38905

(D) If it is determined that an applicant or licensee is not 38906  
in compliance with a provision of this chapter that applies to 38907  
residential facilities or the rules adopted under such a 38908  
provision, the director may deny issuance of a license, refuse to 38909

renew a license, terminate a license, revoke a license, issue an order for the suspension of admissions to a facility, issue an order for the placement of a monitor at a facility, issue an order for the immediate removal of residents, or take any other action the director considers necessary consistent with the director's authority under this chapter regarding residential facilities. In the director's selection and administration of the sanction to be imposed, all of the following apply:

(1) The director may deny, refuse to renew, or revoke a license, if the director determines that the applicant or licensee has demonstrated a pattern of serious noncompliance or that a violation creates a substantial risk to the health and safety of residents of a residential facility.

(2) The director may terminate a license if more than twelve consecutive months have elapsed since the residential facility was last occupied by a resident or a notice required by division ~~(J)~~(K) of this section is not given.

(3) The director may issue an order for the suspension of admissions to a facility for any violation that may result in sanctions under division (D)(1) of this section and for any other violation specified in rules adopted under division ~~(G)~~(H)(2) of this section. If the suspension of admissions is imposed for a violation that may result in sanctions under division (D)(1) of this section, the director may impose the suspension before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The director shall lift an order for the suspension of admissions when the director determines that the violation that formed the basis for the order has been corrected.

(4) The director may order the placement of a monitor at a residential facility for any violation specified in rules adopted under division ~~(G)~~(H)(2) of this section. The director shall lift the order when the director determines that the violation that

formed the basis for the order has been corrected. 38942

(5) If the director determines that two or more residential 38943  
facilities owned or operated by the same person or government 38944  
entity are not being operated in compliance with a provision of 38945  
this chapter that applies to residential facilities or the rules 38946  
adopted under such a provision, and the director's findings are 38947  
based on the same or a substantially similar action, practice, 38948  
circumstance, or incident that creates a substantial risk to the 38949  
health and safety of the residents, the director shall conduct a 38950  
survey as soon as practicable at each residential facility owned 38951  
or operated by that person or government entity. The director may 38952  
take any action authorized by this section with respect to any 38953  
facility found to be operating in violation of a provision of this 38954  
chapter that applies to residential facilities or the rules 38955  
adopted under such a provision. 38956

(6) When the director initiates license revocation 38957  
proceedings, no opportunity for submitting a plan of correction 38958  
shall be given. The director shall notify the licensee by letter 38959  
of the initiation of the proceedings. The letter shall list the 38960  
deficiencies of the residential facility and inform the licensee 38961  
that no plan of correction will be accepted. The director shall 38962  
also ~~notify each affected resident, the resident's guardian if the~~ 38963  
~~resident is an adult for whom a guardian has been appointed, the~~ 38964  
~~resident's parent or guardian if the resident is a minor, and the~~ 38965  
~~county board of mental retardation and developmental disabilities~~ 38966  
send a copy of the letter to the county board of mental 38967  
retardation and developmental disabilities. The county board shall 38968  
send a copy of the letter to each of the following: 38969

(a) Each resident who receives services from the licensee; 38970

(b) The guardian of each resident who receives services from 38971  
the licensee if the resident has a guardian; 38972

(c) The parent or guardian of each resident who receives services from the licensee if the resident is a minor. 38973  
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(7) Pursuant to rules which shall be adopted in accordance with Chapter 119. of the Revised Code, the director may order the immediate removal of residents from a residential facility whenever conditions at the facility present an immediate danger of physical or psychological harm to the residents. 38975  
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(8) In determining whether a residential facility is being operated in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, or whether conditions at a residential facility present an immediate danger of physical or psychological harm to the residents, the director may rely on information obtained by a county board of mental retardation and developmental disabilities or other governmental agencies. 38980  
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(9) In proceedings initiated to deny, refuse to renew, or revoke licenses, the director may deny, refuse to renew, or revoke a license regardless of whether some or all of the deficiencies that prompted the proceedings have been corrected at the time of the hearing. 38988  
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(E) The director shall establish a program under which public notification may be made when the director has initiated license revocation proceedings or has issued an order for the suspension of admissions, placement of a monitor, or removal of residents. The director shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this division. The rules shall establish the procedures by which the public notification will be made and specify the circumstances for which the notification must be made. The rules shall require that public notification be made if the director has taken action against the facility in the eighteen-month period immediately preceding the director's latest action against the facility and the latest action is being taken 38993  
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for the same or a substantially similar violation of a provision 39005  
of this chapter that applies to residential facilities or the 39006  
rules adopted under such a provision. The rules shall specify a 39007  
method for removing or amending the public notification if the 39008  
director's action is found to have been unjustified or the 39009  
violation at the residential facility has been corrected. 39010

(F)(1) Except as provided in division (F)(2) of this section, 39011  
appeals from proceedings initiated to impose a sanction under 39012  
division (D) of this section shall be conducted in accordance with 39013  
Chapter 119. of the Revised Code. 39014

(2) Appeals from proceedings initiated to order the 39015  
suspension of admissions to a facility shall be conducted in 39016  
accordance with Chapter 119. of the Revised Code, unless the order 39017  
was issued before providing an opportunity for an adjudication, in 39018  
which case all of the following apply: 39019

(a) The licensee may request a hearing not later than ten 39020  
days after receiving the notice specified in section 119.07 of the 39021  
Revised Code. 39022

(b) If a timely request for a hearing that includes the 39023  
licensee's current address is made, the hearing shall commence not 39024  
later than thirty days after the department receives the request. 39025

(c) After commencing, the hearing shall continue 39026  
uninterrupted, except for Saturdays, Sundays, and legal holidays, 39027  
unless other interruptions are agreed to by the licensee and the 39028  
director. 39029

(d) If the hearing is conducted by a hearing examiner, the 39030  
hearing examiner shall file a report and recommendations not later 39031  
than ten days after the last of the following: 39032

(i) The close of the hearing; 39033

(ii) If a transcript of the proceedings is ordered, the 39034

hearing examiner receives the transcript; 39035

(iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs. 39036  
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(e) A copy of the written report and recommendation of the hearing examiner shall be sent, by certified mail, to the licensee and the licensee's attorney, if applicable, not later than five days after the report is filed. 39038  
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(f) Not later than five days after the hearing examiner files the report and recommendations, the licensee may file objections to the report and recommendations. 39042  
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~~(f)~~(g) Not later than fifteen days after the hearing examiner files the report and recommendations, the director shall issue an order approving, modifying, or disapproving the report and recommendations. 39045  
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~~(g)~~(h) Notwithstanding the pendency of the hearing, the director shall lift the order for the suspension of admissions when the director determines that the violation that formed the basis for the order has been corrected. 39049  
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(G) Neither a person or government agency whose application for a license to operate a residential facility is denied nor a related party of the person or government agency may apply for a license to operate a residential facility before the date that is one year after the date of the denial. Neither a licensee whose residential facility license is revoked nor a related party of the licensee may apply for a residential facility license before the date that is five years after the date of the revocation. 39053  
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(H) In accordance with Chapter 119. of the Revised Code, the director shall adopt and may amend and rescind rules for licensing and regulating the operation of residential facilities, including intermediate care facilities for the mentally retarded. The rules for intermediate care facilities for the mentally retarded may 39061  
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differ from those for other residential facilities. The rules shall establish and specify the following:

(1) Procedures and criteria for issuing and renewing licenses, including procedures and criteria for determining the length of the licensing period that the director must specify for each license when it is issued or renewed;

(2) Procedures and criteria for denying, refusing to renew, terminating, and revoking licenses and for ordering the suspension of admissions to a facility, placement of a monitor at a facility, and the immediate removal of residents from a facility;

(3) Fees for issuing and renewing licenses, which shall be deposited into the program fee fund created under section 5123.033 of the Revised Code;

(4) Procedures for surveying residential facilities;

(5) Requirements for the training of residential facility personnel;

(6) Classifications for the various types of residential facilities;

(7) Certification procedures for licensees and management contractors that the director determines are necessary to ensure that they have the skills and qualifications to properly operate or manage residential facilities;

(8) The maximum number of persons who may be served in a particular type of residential facility;

(9) Uniform procedures for admission of persons to and transfers and discharges of persons from residential facilities;

(10) Other standards for the operation of residential facilities and the services provided at residential facilities;

(11) Procedures for waiving any provision of any rule adopted under this section.

~~(H)~~(I) Before issuing a license, the director of the 39096  
department or the director's designee shall conduct a survey of 39097  
the residential facility for which application is made. The 39098  
director or the director's designee shall conduct a survey of each 39099  
licensed residential facility at least once during the period the 39100  
license is valid and may conduct additional inspections as needed. 39101  
A survey includes but is not limited to an on-site examination and 39102  
evaluation of the residential facility, its personnel, and the 39103  
services provided there. 39104

In conducting surveys, the director or the director's 39105  
designee shall be given access to the residential facility; all 39106  
records, accounts, and any other documents related to the 39107  
operation of the facility; the licensee; the residents of the 39108  
facility; and all persons acting on behalf of, under the control 39109  
of, or in connection with the licensee. The licensee and all 39110  
persons on behalf of, under the control of, or in connection with 39111  
the licensee shall cooperate with the director or the director's 39112  
designee in conducting the survey. 39113

Following each survey, unless the director initiates a 39114  
license revocation proceeding, the director or the director's 39115  
designee shall provide the licensee with a report listing any 39116  
deficiencies, specifying a timetable within which the licensee 39117  
shall submit a plan of correction describing how the deficiencies 39118  
will be corrected, and, when appropriate, specifying a timetable 39119  
within which the licensee must correct the deficiencies. After a 39120  
plan of correction is submitted, the director or the director's 39121  
designee shall approve or disapprove the plan. A copy of the 39122  
report and any approved plan of correction shall be provided to 39123  
any person who requests it. 39124

The director shall initiate disciplinary action against any 39125  
department employee who notifies or causes the notification to any 39126  
unauthorized person of an unannounced survey of a residential 39127

facility by an authorized representative of the department. 39128

~~(I)~~(J) In addition to any other information which may be 39129  
required of applicants for a license pursuant to this section, the 39130  
director shall require each applicant to provide a copy of an 39131  
approved plan for a proposed residential facility pursuant to 39132  
section 5123.042 of the Revised Code. This division does not apply 39133  
to renewal of a license. 39134

~~(J)~~(K) A licensee shall notify the owner of the building in 39135  
which the licensee's residential facility is located of any 39136  
significant change in the identity of the licensee or management 39137  
contractor before the effective date of the change if the licensee 39138  
is not the owner of the building. 39139

Pursuant to rules which shall be adopted in accordance with 39140  
Chapter 119. of the Revised Code, the director may require 39141  
notification to the department of any significant change in the 39142  
ownership of a residential facility or in the identity of the 39143  
licensee or management contractor. If the director determines that 39144  
a significant change of ownership is proposed, the director shall 39145  
consider the proposed change to be an application for development 39146  
by a new operator pursuant to section 5123.042 of the Revised Code 39147  
and shall advise the applicant within sixty days of the 39148  
notification that the current license shall continue in effect or 39149  
a new license will be required pursuant to this section. If the 39150  
director requires a new license, the director shall permit the 39151  
facility to continue to operate under the current license until 39152  
the new license is issued, unless the current license is revoked, 39153  
refused to be renewed, or terminated in accordance with Chapter 39154  
119. of the Revised Code. 39155

~~(K)~~(L) A county board of mental retardation and developmental 39156  
disabilities, the legal rights service, and any interested person 39157  
may file complaints alleging violations of statute or department 39158  
rule relating to residential facilities with the department. All 39159

complaints shall be in writing and shall state the facts 39160  
constituting the basis of the allegation. The department shall not 39161  
reveal the source of any complaint unless the complainant agrees 39162  
in writing to waive the right to confidentiality or until so 39163  
ordered by a court of competent jurisdiction. 39164

The department shall adopt rules in accordance with Chapter 39165  
119. of the Revised Code establishing procedures for the receipt, 39166  
referral, investigation, and disposition of complaints filed with 39167  
the department under this division. 39168

~~(L)~~(M) The department shall establish procedures for the 39169  
notification of interested parties of the transfer or interim care 39170  
of residents from residential facilities that are closing or are 39171  
losing their license. 39172

~~(M)~~(N) Before issuing a license under this section to a 39173  
residential facility that will accommodate at any time more than 39174  
one mentally retarded or developmentally disabled individual, the 39175  
director shall, by first class mail, notify the following: 39176

(1) If the facility will be located in a municipal 39177  
corporation, the clerk of the legislative authority of the 39178  
municipal corporation; 39179

(2) If the facility will be located in unincorporated 39180  
territory, the clerk of the appropriate board of county 39181  
commissioners and the fiscal officer of the appropriate board of 39182  
township trustees. 39183

The director shall not issue the license for ten days after 39184  
mailing the notice, excluding Saturdays, Sundays, and legal 39185  
holidays, in order to give the notified local officials time in 39186  
which to comment on the proposed issuance. 39187

Any legislative authority of a municipal corporation, board 39188  
of county commissioners, or board of township trustees that 39189  
receives notice under this division of the proposed issuance of a 39190

license for a residential facility may comment on it in writing to 39191  
the director within ten days after the director mailed the notice, 39192  
excluding Saturdays, Sundays, and legal holidays. If the director 39193  
receives written comments from any notified officials within the 39194  
specified time, the director shall make written findings 39195  
concerning the comments and the director's decision on the 39196  
issuance of the license. If the director does not receive written 39197  
comments from any notified local officials within the specified 39198  
time, the director shall continue the process for issuance of the 39199  
license. 39200

~~(N)~~(O) Any person may operate a licensed residential facility 39201  
that provides room and board, personal care, habilitation 39202  
services, and supervision in a family setting for at least six but 39203  
not more than eight persons with mental retardation or a 39204  
developmental disability as a permitted use in any residential 39205  
district or zone, including any single-family residential district 39206  
or zone, of any political subdivision. These residential 39207  
facilities may be required to comply with area, height, yard, and 39208  
architectural compatibility requirements that are uniformly 39209  
imposed upon all single-family residences within the district or 39210  
zone. 39211

~~(O)~~(P) Any person may operate a licensed residential facility 39212  
that provides room and board, personal care, habilitation 39213  
services, and supervision in a family setting for at least nine 39214  
but not more than sixteen persons with mental retardation or a 39215  
developmental disability as a permitted use in any multiple-family 39216  
residential district or zone of any political subdivision, except 39217  
that a political subdivision that has enacted a zoning ordinance 39218  
or resolution establishing planned unit development districts may 39219  
exclude these residential facilities from those districts, and a 39220  
political subdivision that has enacted a zoning ordinance or 39221  
resolution may regulate these residential facilities in 39222

multiple-family residential districts or zones as a conditionally 39223  
permitted use or special exception, in either case, under 39224  
reasonable and specific standards and conditions set out in the 39225  
zoning ordinance or resolution to: 39226

(1) Require the architectural design and site layout of the 39227  
residential facility and the location, nature, and height of any 39228  
walls, screens, and fences to be compatible with adjoining land 39229  
uses and the residential character of the neighborhood; 39230

(2) Require compliance with yard, parking, and sign 39231  
regulation; 39232

(3) Limit excessive concentration of these residential 39233  
facilities. 39234

~~(P)~~(O) This section does not prohibit a political subdivision 39235  
from applying to residential facilities nondiscriminatory 39236  
regulations requiring compliance with health, fire, and safety 39237  
regulations and building standards and regulations. 39238

~~(Q)~~(R) Divisions ~~(N)~~(O) and ~~(O)~~(P) of this section are not 39239  
applicable to municipal corporations that had in effect on June 39240  
15, 1977, an ordinance specifically permitting in residential 39241  
zones licensed residential facilities by means of permitted uses, 39242  
conditional uses, or special exception, so long as such ordinance 39243  
remains in effect without any substantive modification. 39244

~~(R)~~(S)(1) The director may issue an interim license to 39245  
operate a residential facility to an applicant for a license under 39246  
this section if either of the following is the case: 39247

(a) The director determines that an emergency exists 39248  
requiring immediate placement of persons in a residential 39249  
facility, that insufficient licensed beds are available, and that 39250  
the residential facility is likely to receive a permanent license 39251  
under this section within thirty days after issuance of the 39252  
interim license. 39253



(b) The director determines that the issuance of an interim license is necessary to meet a temporary need for a residential facility. 39254  
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(2) To be eligible to receive an interim license, an applicant must meet the same criteria that must be met to receive a permanent license under this section, except for any differing procedures and time frames that may apply to issuance of a permanent license. 39257  
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(3) An interim license shall be valid for thirty days and may be renewed by the director for a period not to exceed one hundred fifty days. 39262  
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(4) The director shall adopt rules in accordance with Chapter 119. of the Revised Code as the director considers necessary to administer the issuance of interim licenses. 39265  
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~~(S)~~(T) Notwithstanding rules adopted pursuant to this section establishing the maximum number of persons who may be served in a particular type of residential facility, a residential facility shall be permitted to serve the same number of persons being served by the facility on the effective date of the rules or the number of persons for which the facility is authorized pursuant to a current application for a certificate of need with a letter of support from the department of mental retardation and developmental disabilities and which is in the review process prior to April 4, 1986. 39268  
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~~(T)~~(U) The director or the director's designee may enter at any time, for purposes of investigation, any home, facility, or other structure that has been reported to the director or that the director has reasonable cause to believe is being operated as a residential facility without a license issued under this section. 39278  
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The director may petition the court of common pleas of the county in which an unlicensed residential facility is located for 39283  
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an order enjoining the person or governmental agency operating the facility from continuing to operate without a license. The court may grant the injunction on a showing that the person or governmental agency named in the petition is operating a residential facility without a license. The court may grant the injunction, regardless of whether the residential facility meets the requirements for receiving a license under this section.

**Sec. 5123.196.** (A) Except as provided in division (F) of this section, the director of mental retardation and developmental disabilities shall not issue a license under section 5123.19 of the Revised Code on or after July 1, 2003, if issuance will result in there being more beds in all residential facilities licensed under that section than is permitted under division (B) of this section.

(B) Except as provided in division (D) of this section, the maximum number of beds for the purpose of division (A) of this section shall not exceed ten thousand eight hundred thirty-eight minus, except as provided in division (C) of this section, both of the following:

(1) The number of such beds that cease to be residential facility beds on or after July 1, 2003, because a residential facility license is revoked, terminated, or not renewed for any reason or is surrendered in accordance with section 5123.19 of the Revised Code and after the issuance of an adjudication order pursuant to Chapter 119. of the Revised Code;

(2) The number of such beds for which a licensee voluntarily converts to use for supported living on or after July 1, 2003.

(C) The director is not required to reduce the maximum number of beds pursuant to division (B) of this section by a bed that ceases to be a residential facility bed if the director determines that the bed is needed to provide services to an individual with

mental retardation or a developmental disability who resided in 39316  
the residential facility in which the bed was located unless the 39317  
reason the bed ceases to be a residential facility bed is because 39318  
it is converted to providing home and community-based services 39319  
under the ICF/MR conversion pilot program that is authorized by a 39320  
waiver sought under division (B)(1) of section 5111.88 of the 39321  
Revised Code. 39322

(D) The director shall increase the number of beds determined 39323  
under division (B) of this section if necessary to enable the 39324  
operator of a residential facility to do either of the following: 39325

(1) Obtain a residential facility license as required by 39326  
section 5111.8814 of the Revised Code; 39327

(2) Reconvert beds to providing ICF/MR services under section 39328  
5111.8811 of the Revised Code. 39329

(E) The director shall maintain an up-to-date written record 39330  
of the maximum number of residential facility beds provided for by 39331  
division (B) of this section. 39332

(F) The director may issue an interim license under division 39333  
~~(R)~~(S) of section 5123.19 of the Revised Code and issue, pursuant 39334  
to rules adopted under division ~~(G)~~(H)(11) of that section, a 39335  
waiver allowing a residential facility to admit more residents 39336  
than the facility is licensed to admit regardless of whether the 39337  
interim license or waiver will result in there being more beds in 39338  
all residential facilities licensed under that section than is 39339  
permitted under division (B) of this section. 39340

**Sec. 5123.198.** (A) As used in this section, "date of the 39341  
commitment" means the date that an individual specified in 39342  
division (B) of this section begins to reside in a state-operated 39343  
intermediate care facility for the mentally retarded after being 39344  
committed to the facility pursuant to sections 5123.71 to 5123.76 39345

of the Revised Code. 39346

(B) Except as provided in division (C) of this section, 39347  
whenever a resident of a residential facility is committed to a 39348  
state-operated intermediate care facility for the mentally 39349  
retarded pursuant to sections 5123.71 to 5123.76 of the Revised 39350  
Code, the department of mental retardation and developmental 39351  
disabilities, pursuant to an adjudication order issued in 39352  
accordance with Chapter 119. of the Revised Code, shall reduce by 39353  
one the number of residents for which the facility in which the 39354  
resident resided is licensed. 39355

(C) The department shall not reduce under division (B) of 39356  
this section the number of residents for which a residential 39357  
facility is licensed if any of the following are the case: 39358

(1) The resident of the residential facility who is committed 39359  
to a state-operated intermediate care facility for the mentally 39360  
retarded resided in the residential facility because of the 39361  
closure, on or after ~~the effective date of this section~~ June 26, 39362  
2003, of another state-operated intermediate care facility for the 39363  
mentally retarded; 39364

(2) The residential facility admits within ninety days of the 39365  
date of the commitment an individual who resides on the date of 39366  
the commitment in a state-operated intermediate care facility for 39367  
the mentally retarded or another residential facility; 39368

(3) The department fails to do either of the following within 39369  
ninety days of the date of the commitment: 39370

(a) Identify an individual to whom all of the following 39371  
applies: 39372

(i) Resides on the date of the commitment in a state-operated 39373  
intermediate care facility for the mentally retarded or another 39374  
residential facility; 39375

(ii) Has indicated to the department an interest in 39376  
relocating to the residential facility or has a parent or guardian 39377  
who has indicated to the department an interest for the individual 39378  
to relocate to the residential facility; 39379

(iii) The department determines the individual has needs that 39380  
the residential facility can meet. 39381

(b) Provide the residential facility with information about 39382  
the individual identified under division (C)(2)(a) of this section 39383  
that the residential facility needs in order to determine whether 39384  
the facility can meet the individual's needs. 39385

(4) If the department completes the actions specified in 39386  
divisions (C)(3)(a) and (b) of this section not later than ninety 39387  
days after the date of the commitment and except as provided in 39388  
division (D) of this section, the residential facility does all of 39389  
the following not later than ninety days after the date of the 39390  
commitment: 39391

(a) Evaluates the information provided by the department; 39392

(b) Assesses the identified individual's needs; 39393

(c) Determines that the residential facility cannot meet the 39394  
identified individual's needs. 39395

(5) If the department completes the actions specified in 39396  
divisions (C)(3)(a) and (b) of this section not later than ninety 39397  
days after the date of the commitment and the residential facility 39398  
determines that the residential facility can meet the identified 39399  
individual's needs, the individual, or a parent or guardian of the 39400  
individual, refuses placement in the residential facility. 39401

(D) The department may reduce under division (B) of this 39402  
section the number of residents for which a residential facility 39403  
is licensed even though the residential facility completes the 39404  
actions specified in division (C)(4) of this section not later 39405

than ninety days after the date of the commitment if all of the 39406  
following are the case: 39407

(1) The department disagrees with the residential facility's 39408  
determination that the residential facility cannot meet the 39409  
identified individual's needs. 39410

(2) The department issues a written decision pursuant to the 39411  
uniform procedures for admissions, transfers, and discharges 39412  
established by rules adopted under division ~~(G)~~(H)(9) of section 39413  
5123.19 of the Revised Code that the residential facility should 39414  
admit the identified individual. 39415

(3) After the department issues the written decision 39416  
specified in division (D)(2) of this section, the residential 39417  
facility refuses to admit the identified individual. 39418

(E) A residential facility that admits, refuses to admit, 39419  
transfers, or discharges a resident under this section shall 39420  
comply with the uniform procedures for admissions, transfers, and 39421  
discharges established by rules adopted under division ~~(G)~~(H)(9) 39422  
of section 5123.19 of the Revised Code. 39423

(F) The department of mental retardation and developmental 39424  
disabilities may notify the department of job and family services 39425  
of any reduction under this section in the number of residents for 39426  
which a residential facility that is an intermediate care facility 39427  
for the mentally retarded is licensed. On receiving the notice, 39428  
the department of job and family services may transfer to the 39429  
department of mental retardation and developmental disabilities 39430  
the savings in the nonfederal share of medicaid expenditures for 39431  
each fiscal year after the year of the commitment to be used for 39432  
costs of the resident's care in the state-operated intermediate 39433  
care facility for the mentally retarded. In determining the amount 39434  
saved, the department of job and family services shall consider 39435  
medicaid payments for the remaining residents of the facility in 39436

which the resident resided. 39437

~~Sec. 5123.20. As used in this section, "supported living" has 39438  
the same meaning as in section 5126.01 of the Revised Code. 39439~~

No person or government agency shall operate a residential 39440  
facility or receive a mentally retarded or developmentally 39441  
disabled person as a resident of a residential facility unless the 39442  
facility is licensed under section 5123.19 of the Revised Code, 39443  
and no person or governmental agency shall operate a respite care 39444  
home or receive a mentally retarded or developmentally disabled 39445  
person in a respite care home unless the home is certified under 39446  
section 5126.05 of the Revised Code. 39447

~~No person or government agency shall provide supported living 39448  
unless that person or government agency is certified under section 39449  
5126.431 of the Revised Code. 39450~~

**Sec. 5123.211.** (A) As used in this section, "residential 39451  
services" and "~~supported living~~" have has the same meanings 39452  
meaning as in section 5126.01 of the Revised Code. 39453

(B) The department of mental retardation and developmental 39454  
disabilities shall provide or arrange provision of residential 39455  
services for each person who, on or after July 1, 1989, ceases to 39456  
be a resident of a state institution because of closure of the 39457  
institution or a reduction in the institution's population by 39458  
forty per cent or more within a period of one year. The services 39459  
shall be provided in the county in which the person chooses to 39460  
reside and shall consist of one of the following as determined 39461  
appropriate by the department in consultation with the county 39462  
board of mental retardation and developmental disabilities of the 39463  
county in which the services are to be provided: 39464

(1) Residential services provided pursuant to section 5123.18 39465  
of the Revised Code; 39466

(2) ~~Supported living provided pursuant to section 5123.182 of~~ 39467  
~~the Revised Code;~~ 39468

~~(3)~~ Residential services for which reimbursement is made 39469  
under the medical assistance program established under section 39470  
5111.01 of the Revised Code; 39471

~~(4)~~(3) Residential services provided in a manner or setting 39472  
approved by the director of mental retardation and developmental 39473  
disabilities. 39474

(C) Not less than six months prior to closing a state 39475  
institution or reducing a state institution's population by forty 39476  
per cent or more within a period of one year, the department shall 39477  
identify those counties in which individuals leaving the 39478  
institution have chosen to reside and notify the county boards of 39479  
mental retardation and developmental disabilities in those 39480  
counties of the need to develop the services specified in division 39481  
(B) of this section. The notice shall specify the number of 39482  
individuals requiring services who plan to reside in the county 39483  
and indicate the amount of funds the department will use to 39484  
provide or arrange services for those individuals. 39485

(D) In each county in which one or more persons receive 39486  
residential services pursuant to division (B) of this section, the 39487  
department shall provide or arrange provision of residential 39488  
services, or shall distribute moneys to the county board of mental 39489  
retardation and developmental disabilities to provide or arrange 39490  
provision of residential services, for an equal number of persons 39491  
with mental retardation or developmental disabilities in that 39492  
county who the county board has determined need residential 39493  
services but are not receiving them. 39494

**Sec. 5123.38.** (A) Except as provided in division (B) and (C) 39495  
of this section, if an individual receiving supported living or 39496  
home and community-based services, ~~as defined in section 5126.01~~ 39497



~~of the Revised Code,~~ funded by a county board of mental 39498  
retardation and developmental disabilities is committed to a 39499  
state-operated intermediate care facility for the mentally 39500  
retarded pursuant to sections 5123.71 to 5123.76 of the Revised 39501  
Code, the department of mental retardation and developmental 39502  
disabilities shall use the funds otherwise allocated to the county 39503  
board as the nonfederal share of medicaid expenditures for the 39504  
individual's care in the state-operated facility. 39505

(B) Division (A) of this section does not apply if the county 39506  
board, not later than ninety days after the date of the commitment 39507  
of a person receiving supported services, commences funding of 39508  
supported living for an individual who resides in a state-operated 39509  
intermediate care facility for the mentally retarded on the date 39510  
of the commitment or another eligible individual designated by the 39511  
department. 39512

(C) Division (A) of this section does not apply if the county 39513  
board, not later than ninety days after the date of the commitment 39514  
of a person receiving home and community-based services, commences 39515  
funding of home and community-based services for an individual who 39516  
resides in a state-operated intermediate care facility for the 39517  
mentally retarded on the date of the commitment or another 39518  
eligible individual designated by the department. 39519

**Sec. 5123.41.** As used in this section and sections 5123.42 to 39520  
5123.47 of the Revised Code: 39521

(A) "Adult services" has the same meaning as in section 39522  
5126.01 of the Revised Code. 39523

~~(B) "Certified home and community based services provider" 39524  
means a person or government entity certified under section 39525  
5123.16 of the Revised Code. 39526~~

~~(C) "Certified supported living provider" means a person or 39527~~

government entity certified under section ~~5126.431~~ 5123.161 of the Revised Code.

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

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

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

(1) Taking vital signs;

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

(3) Basic measurement of bodily intake and output;

(4) Oral suctioning;

(5) Use of glucometers;

(6) External urinary catheter care;

(7) Emptying and replacing colostomy bags;

(8) Collection of specimens by noninvasive means.

~~(G)~~(F) "Licensed health professional authorized to prescribe drugs" has the same meaning as in section 4729.01 of the Revised Code.

~~(H) "Medicaid" has the same meaning as in section 5111.01 of the Revised Code.~~

~~(I)~~(G) "MR/DD personnel" means the employees and the workers under contract who provide specialized services to individuals with mental retardation and developmental disabilities. "MR/DD personnel" includes those who provide the services as follows:

(1) Through direct employment with the department of mental retardation and developmental disabilities or a county board of mental retardation and developmental disabilities;

(2) Through an entity under contract with the department of 39556  
mental retardation and developmental disabilities or a county 39557  
board of mental retardation and developmental disabilities; 39558

(3) Through direct employment or by being under contract with 39559  
private entities, including private entities that operate 39560  
residential facilities. 39561

~~(J)~~(H) "Nursing delegation" means the process established in 39562  
rules adopted by the board of nursing pursuant to Chapter 4723. of 39563  
the Revised Code under which a registered nurse or licensed 39564  
practical nurse acting at the direction of a registered nurse 39565  
transfers the performance of a particular nursing activity or task 39566  
to another person who is not otherwise authorized to perform the 39567  
activity or task. 39568

~~(K)~~(I) "Prescribed medication" means a drug that is to be 39569  
administered according to the instructions of a licensed health 39570  
professional authorized to prescribe drugs. 39571

~~(L)~~(J) "Residential facility" means a facility licensed under 39572  
section 5123.19 of the Revised Code or subject to section 5123.192 39573  
of the Revised Code. 39574

~~(M)~~(K) "Specialized services" has the same meaning as in 39575  
section 5123.50 of the Revised Code. 39576

~~(N)~~(L) "Tube feeding" means the provision of nutrition to an 39577  
individual through a gastrostomy tube or a jejunostomy tube. 39578

**Sec. 5123.51.** (A) In addition to any other action required by 39579  
sections 5123.61 and 5126.31 of the Revised Code, the department 39580  
of mental retardation and developmental disabilities shall review 39581  
each report the department receives of abuse or neglect of an 39582  
individual with mental retardation or a developmental disability 39583  
or misappropriation of an individual's property that includes an 39584  
allegation that an MR/DD employee committed or was responsible for 39585

the abuse, neglect, or misappropriation. The department shall 39586  
review a report it receives from a public children services agency 39587  
only after the agency completes its investigation pursuant to 39588  
section 2151.421 of the Revised Code. On receipt of a notice under 39589  
section 2930.061 or 5123.541 of the Revised Code, the department 39590  
shall review the notice. 39591

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(B) The department shall do both of the following: 39593

(1) Investigate the allegation or adopt the findings of an 39594  
investigation or review of the allegation conducted by another 39595  
person or government entity and determine whether there is a 39596  
reasonable basis for the allegation; 39597

(2) If the department determines that there is a reasonable 39598  
basis for the allegation, conduct an adjudication pursuant to 39599  
Chapter 119. of the Revised Code. 39600

(C)(1) The department shall appoint an independent hearing 39601  
officer to conduct any hearing conducted pursuant to division 39602  
(B)(2) of this section, except that, if the hearing is regarding 39603  
an employee of the department who is represented by a union, the 39604  
department and a representative of the union shall jointly select 39605  
the hearing officer. 39606

(2)(a) Except as provided in division (C)(2)(b) of this 39607  
section, no hearing shall be conducted under division (B)(2) of 39608  
this section until any criminal proceeding or collective 39609  
bargaining arbitration concerning the same allegation has 39610  
concluded. 39611

(b) The department may conduct a hearing pursuant to division 39612  
(B)(2) of this section before a criminal proceeding concerning the 39613  
same allegation is concluded if both of the following are the 39614  
case: 39615

(i) The department notifies the prosecutor responsible for 39616

the criminal proceeding that the department proposes to conduct a hearing. 39617  
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(ii) The prosecutor consents to the hearing. 39619

(3) In conducting a hearing pursuant to division (B)(2) of this section, the hearing officer shall do all of the following: 39620  
39621

(a) Determine whether there is clear and convincing evidence that the MR/DD employee has done any of the following: 39622  
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(i) Misappropriated property of one or more individuals with mental retardation or a developmental disability that has a value, either separately or taken together, of one hundred dollars or more; 39624  
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(ii) Misappropriated property of an individual with mental retardation or a developmental disability that is designed to be used as a check, draft, negotiable instrument, credit card, charge card, or device for initiating an electronic fund transfer at a point of sale terminal, automated teller machine, or cash dispensing machine; 39628  
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(iii) Knowingly abused such an individual; 39634

(iv) Recklessly abused or neglected such an individual, with resulting physical harm; 39635  
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(v) Negligently abused or neglected such an individual, with resulting serious physical harm; 39637  
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(vi) Recklessly neglected such an individual, creating a substantial risk of serious physical harm; 39639  
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(vii) Engaged in sexual conduct or had sexual contact with an individual with mental retardation or another developmental disability who was not the MR/DD employee's spouse and for whom the MR/DD employee was employed or under a contract to provide care; 39641  
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(viii) Unreasonably failed to make a report pursuant to 39646

division (C) of section 5123.61 of the Revised Code when the 39647  
employee knew or should have known that the failure would result 39648  
in a substantial risk of harm to an individual with mental 39649  
retardation or a developmental disability. 39650

(b) Give weight to the decision in any collective bargaining 39651  
arbitration regarding the same allegation; 39652

(c) Give weight to any relevant facts presented at the 39653  
hearing. 39654

(D)(1) Unless the director of mental retardation and 39655  
developmental disabilities determines that there are extenuating 39656  
circumstances and except as provided in division (E) of this 39657  
section, if the director, after considering all of the factors 39658  
listed in division (C)(3) of this section, finds that there is 39659  
clear and convincing evidence that an MR/DD employee has done one 39660  
or more of the things described in division (C)(3)(a) of this 39661  
section the director shall include the name of the employee in the 39662  
registry established under section 5123.52 of the Revised Code. 39663

(2) Extenuating circumstances the director must consider 39664  
include the use of physical force by an MR/DD employee that was 39665  
necessary as self-defense. 39666

(3) If the director includes an MR/DD employee in the 39667  
registry established under section 5123.52 of the Revised Code, 39668  
the director shall notify the employee, the person or government 39669  
entity that employs or contracts with the employee, the individual 39670  
with mental retardation or a developmental disability who was the 39671  
subject of the report and that individual's legal guardian, if 39672  
any, the attorney general, and the prosecuting attorney or other 39673  
law enforcement agency. If the MR/DD employee holds a license, 39674  
certificate, registration, or other authorization to engage in a 39675  
profession issued pursuant to Title XLVII of the Revised Code, the 39676  
director shall notify the appropriate agency, board, department, 39677

or other entity responsible for regulating the employee's professional practice. 39678  
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(4) If an individual whose name appears on the registry is involved in a court proceeding or arbitration arising from the same facts as the allegation resulting in the individual's placement on the registry, the disposition of the proceeding or arbitration shall be noted in the registry next to the individual's name. 39680  
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(E) In the case of an allegation concerning an employee of the department, after the hearing conducted pursuant to division (B)(2) of this section, the director of health or that director's designee shall review the decision of the hearing officer to determine whether the standard described in division (C)(3) of this section has been met. If the director or designee determines that the standard has been met and that no extenuating circumstances exist, the director or designee shall notify the director of mental retardation and developmental disabilities that the MR/DD employee is to be included in the registry established under section 5123.52 of the Revised Code. If the director of mental retardation and developmental disabilities receives such notification, the director shall include the MR/DD employee in the registry and shall provide the notification described in division (D)(3) of this section. 39686  
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(F) If the department is required by Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and the MR/DD employee subject to the notice does not timely request a hearing in accordance with section 119.07 or 5123.0414 of the Revised Code, the department is not required to hold a hearing. 39701  
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(G) Files and records of investigations conducted pursuant to this section are not public records as defined in section 149.43 of the Revised Code, but, on request, the department shall provide copies of those files and records to the attorney general, a 39706  
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prosecuting attorney, or a law enforcement agency. 39710

**Sec. 5123.60.** (A) A legal rights service is hereby created 39711  
and established to protect and advocate the rights of mentally ill 39712  
persons, mentally retarded persons, developmentally disabled 39713  
persons, and other disabled persons who may be represented by the 39714  
service pursuant to division (L) of this section; to receive and 39715  
act upon complaints concerning institutional and hospital 39716  
practices and conditions of institutions for mentally retarded or 39717  
developmentally disabled persons and hospitals for the mentally 39718  
ill; and to assure that all persons detained, hospitalized, 39719  
discharged, or institutionalized, and all persons whose detention, 39720  
hospitalization, discharge, or institutionalization is sought or 39721  
has been sought under this chapter or Chapter 5122. of the Revised 39722  
Code are fully informed of their rights and adequately represented 39723  
by counsel in proceedings under this chapter or Chapter 5122. of 39724  
the Revised Code and in any proceedings to secure the rights of 39725  
those persons. ~~Notwithstanding the definitions of "mentally~~ 39726  
~~retarded person" and "developmentally disabled person" in section~~ 39727  
~~5123.01 of the Revised Code, the legal rights service shall~~ 39728  
~~determine who is a mentally retarded or developmentally disabled~~ 39729  
~~person for purposes of this section and sections 5123.601 to~~ 39730  
~~5123.604 of the Revised Code. If the legal rights service obtains~~ 39731  
~~any information in furtherance of its duties and state or federal~~ 39732  
~~law requires the source of that information to maintain the~~ 39733  
~~information confidentially, the legal rights service shall~~ 39734  
~~maintain that information confidentially in accordance with the~~ 39735  
~~law applicable to the source of the information. The legal rights~~ 39736  
~~service may disclose such information only in accordance with the~~ 39737  
~~law applicable to the source of the information.~~ 39738

(B)(1) In regard to those persons detained, hospitalized, or 39739  
institutionalized under Chapter 5122. of the Revised Code, the 39740  
legal rights service shall undertake formal representation only of 39741



those persons who are involuntarily detained, hospitalized, or 39742  
institutionalized pursuant to sections 5122.10 to 5122.15 of the 39743  
Revised Code, and those voluntarily detained, hospitalized, or 39744  
institutionalized who are minors, who have been adjudicated 39745  
incompetent, who have been detained, hospitalized, or 39746  
institutionalized in a public hospital, or who have requested 39747  
representation by the legal rights service. ~~If~~ 39748

(2) If a person referred to in division (A) of this section 39749  
voluntarily requests in writing that the legal rights service 39750  
terminate participation in the person's case, such involvement 39751  
shall cease. 39752

(3) Persons described in divisions (A) and (B)(1) of this 39753  
section who are formally represented by the legal rights service 39754  
are clients of the legal rights service. 39755

(C) Any person voluntarily hospitalized or institutionalized 39756  
in a public hospital under division (A) of section 5122.02 of the 39757  
Revised Code, after being fully informed of the person's rights 39758  
under division (A) of this section, may, by written request, waive 39759  
assistance by the legal rights service if the waiver is knowingly 39760  
and intelligently made, without duress or coercion. 39761

The waiver may be rescinded at any time by the voluntary 39762  
patient or resident, or by the voluntary patient's or resident's 39763  
legal guardian. 39764

(D)(1) The legal rights service commission is hereby created 39765  
for the purposes of appointing an administrator of the legal 39766  
rights service, advising the administrator, assisting the 39767  
administrator in developing a budget, advising the administrator 39768  
in establishing and annually reviewing a strategic plan, creating 39769  
a procedure for filing and determination of grievances against the 39770  
legal rights service, and establishing general policy guidelines, 39771  
including guidelines for the commencement of litigation, for the 39772

legal rights service. The commission may adopt rules to carry 39773  
these purposes into effect and may receive and act upon appeals of 39774  
personnel decisions by the administrator. 39775

(2) The commission shall consist of seven members. One 39776  
member, who shall serve as chairperson, shall be appointed by the 39777  
chief justice of the supreme court, three members shall be 39778  
appointed by the speaker of the house of representatives, and 39779  
three members shall be appointed by the president of the senate. 39780  
At least two members shall have experience in the field of 39781  
developmental disabilities, and at least two members shall have 39782  
experience in the field of mental health. No member shall be a 39783  
provider or related to a provider of services to mentally 39784  
retarded, developmentally disabled, or mentally ill persons. 39785

(3) Terms of office of the members of the commission shall be 39786  
for three years, each term ending on the same day of the month of 39787  
the year as did the term which it succeeds. Each member shall 39788  
serve subsequent to the expiration of the member's term until a 39789  
successor is appointed and qualifies, or until sixty days has 39790  
elapsed, whichever occurs first. No member shall serve more than 39791  
two consecutive terms. 39792

All vacancies in the membership of the commission shall be 39793  
filled in the manner prescribed for regular appointments to the 39794  
commission and shall be limited to the unexpired terms. 39795

(4) The commission shall meet at least four times each year. 39796  
Members shall be reimbursed for their necessary and actual 39797  
expenses incurred in the performance of their official duties. 39798

(5) The administrator of the legal rights service shall serve 39799  
at the pleasure of the commission. 39800

The administrator shall be a person who has had special 39801  
training and experience in the type of work with which the legal 39802  
rights service is charged. If the administrator is not an 39803

attorney, the administrator shall seek legal counsel when 39804  
appropriate. The salary of the administrator shall be established 39805  
in accordance with section 124.14 of the Revised Code. 39806

(E) The legal rights service shall be completely independent 39807  
of the department of mental health and the department of mental 39808  
retardation and developmental disabilities and, notwithstanding 39809  
section 109.02 of the Revised Code, shall also be independent of 39810  
the office of the attorney general. The administrator of the legal 39811  
rights service, ~~staff, and attorneys designated by the~~ 39812  
~~administrator to represent persons detained, hospitalized, or~~ 39813  
~~institutionalized under this chapter or Chapter 5122. of the~~ 39814  
~~Revised Code shall have ready access to the following:~~ 39815

~~(1) During normal business hours and at other reasonable~~ 39816  
~~times, all records relating to expenditures of state and federal~~ 39817  
~~funds or to the commitment, care, treatment, and habilitation of~~ 39818  
~~all persons represented by the legal rights service, including~~ 39819  
~~those who may be represented pursuant to division (L) of this~~ 39820  
~~section, or persons detained, hospitalized, institutionalized, or~~ 39821  
~~receiving services under this chapter or Chapter 340., 5119.,~~ 39822  
~~5122., or 5126. of the Revised Code that are records maintained by~~ 39823  
~~the following entities providing services for those persons:~~ 39824  
~~departments; institutions; hospitals; community residential~~ 39825  
~~facilities; boards of alcohol, drug addiction, and mental health~~ 39826  
~~services; county boards of mental retardation and developmental~~ 39827  
~~disabilities; contract agencies of those boards; and any other~~ 39828  
~~entity providing services to persons who may be represented by the~~ 39829  
~~service pursuant to division (L) of this section;~~ 39830

~~(2) Any records maintained in computerized data banks of the~~ 39831  
~~departments or boards or, in the case of persons who may be~~ 39832  
~~represented by the service pursuant to division (L) of this~~ 39833  
~~section, any other entity that provides services to those persons;~~ 39834

~~(3) During their normal working hours, personnel of the~~ 39835

~~departments, facilities, boards, agencies, institutions,~~ 39836  
~~hospitals, and other service providing entities;~~ 39837

~~(4) At any time, all persons detained, hospitalized, or~~ 39838  
~~institutionalized; persons receiving services under this chapter~~ 39839  
~~or Chapter 340., 5119., 5122., or 5126. of the Revised Code; and~~ 39840  
~~persons who may be represented by the service pursuant to division~~ 39841  
~~(L) of this section all records of mentally ill persons, mentally~~ 39842  
~~retarded persons, and developmentally disabled persons in~~ 39843  
~~accordance with 42 U.S.C. 10805 and 15043.~~ 39844

(F) The administrator of the legal rights service shall do 39845  
the following: 39846

(1) Administer and organize the work of the legal rights 39847  
service and establish administrative or geographic divisions as 39848  
the administrator considers necessary, proper, and expedient; 39849

(2) Adopt and promulgate rules that are not in conflict with 39850  
rules adopted by the commission and prescribe duties for the 39851  
efficient conduct of the business and general administration of 39852  
the legal rights service; 39853

(3) Appoint and discharge employees, and hire experts, 39854  
consultants, advisors, or other professionally qualified persons 39855  
as the administrator considers necessary to carry out the duties 39856  
of the legal rights service; 39857

(4) Apply for and accept grants of funds, and accept 39858  
charitable gifts and bequests; 39859

(5) Prepare and submit a budget to the general assembly for 39860  
the operation of the legal rights service. At least thirty days 39861  
prior to submitting the budget to the general assembly, the 39862  
administrator shall provide a copy of the budget to the commission 39863  
for review and comment. When submitting the budget to the general 39864  
assembly, the administrator shall include a copy of any written 39865  
comments returned by the commission to the administrator. 39866

(6) Enter into contracts and make expenditures necessary for the efficient operation of the legal rights service;

(7) Annually prepare a report of activities and submit copies of the report to the governor, the chief justice of the supreme court, the president of the senate, the speaker of the house of representatives, the director of mental health, and the director of mental retardation and developmental disabilities, and make the report available to the public;

(8) Upon request of the commission or of the chairperson of the commission, report to the commission on specific litigation issues or activities.

(G)(1) The legal rights service may act directly or contract with other organizations or individuals for the provision of the services envisioned under this section.

(2) Whenever possible, the administrator shall attempt to facilitate the resolution of complaints through administrative channels. Subject to division (G)(3) of this section, if attempts at administrative resolution prove unsatisfactory, the administrator may pursue any legal, administrative, and other appropriate remedies or approaches that may be necessary to accomplish the purposes of this section.

(3) The administrator may not pursue a class action lawsuit under division (G)(2) of this section when attempts at administrative resolution of a complaint prove unsatisfactory under that division unless both of the following have first occurred:

(a) At least four members of the commission, by their affirmative vote, have consented to the pursuit of the class action lawsuit;

(b) At least five members of the commission are present at the meeting of the commission at which that consent is obtained.

(4) Subject to division (G)(5) of this section, relationships 39898  
between personnel and the agents of the legal rights service and 39899  
its clients shall be fiduciary relationships, and all 39900  
communications shall be confidential, as if between attorney and 39901  
client. 39902

(5) Any person who has been represented by the legal rights 39903  
service or who has applied for and been denied representation and 39904  
who files a grievance with the service concerning the 39905  
representation or application may appeal the decision of the 39906  
service on the grievance to the commission. The person may appeal 39907  
notwithstanding any objections of the person's legal guardian. The 39908  
commission may examine any records relevant to the appeal and 39909  
shall maintain the confidentiality of any records that are 39910  
required to be kept confidential. 39911

(H) The legal rights service, on the order of the 39912  
administrator, with the approval by an affirmative vote of at 39913  
least four members of the commission, may compel by subpoena the 39914  
appearance and sworn testimony of any person the administrator 39915  
reasonably believes may be able to provide information or to 39916  
produce any documents, books, records, papers, or other 39917  
information necessary to carry out its duties. 39918

(I) The legal rights service may conduct public hearings. 39919

(J) The legal rights service may request from any 39920  
governmental agency any cooperation, assistance, services, or data 39921  
that will enable it to perform its duties. 39922

(K) In any malpractice action filed against the administrator 39923  
of the legal rights service, a member of the staff of the legal 39924  
rights service, or an attorney designated by the administrator to 39925  
perform legal services under division (E) of this section, the 39926  
state shall, when the administrator, member, or attorney has acted 39927  
in good faith and in the scope of employment, indemnify the 39928

administrator, member, or attorney for any judgment awarded or 39929  
amount negotiated in settlement, and for any court costs or legal 39930  
fees incurred in defense of the claim. 39931

This division does not limit or waive, and shall not be 39932  
construed to limit or waive, any defense that is available to the 39933  
legal rights service, its administrator or employees, persons 39934  
under a personal services contract with it, or persons designated 39935  
under division (E) of this section, including, but not limited to, 39936  
any defense available under section 9.86 of the Revised Code. 39937

(L) In addition to providing services to mentally ill, 39938  
mentally retarded, or developmentally disabled persons, when a 39939  
grant authorizing the provision of services to other individuals 39940  
is accepted pursuant to division (F)(4) of this section, the legal 39941  
rights service and its ombudsperson section may provide advocacy 39942  
or ombudsperson services to those other individuals and exercise 39943  
any other authority granted by this section or sections 5123.601 39944  
to 5123.604 of the Revised Code on behalf of those individuals. 39945  
Determinations of whether an individual is eligible for services 39946  
under this division shall be made by the legal rights service. 39947

(M) As used in this section and sections 5123.601 to 5123.604 39948  
of the Revised Code, "mentally ill person" means a person to whom 39949  
both of the following apply: 39950

(1) The person has a significant mental illness or emotional 39951  
impairment, as determined by a mental health professional 39952  
qualified under the laws and rules of this state. 39953

(2) One of the following applies to the person: 39954

(a) The person is an inpatient or resident in a facility 39955  
rendering care or treatment, even if the whereabouts of the person 39956  
are unknown. 39957

(b) The person is in the process of being admitted to a 39958  
facility rendering care or treatment, including persons being 39959

transported to such a facility. 39960

(c) The person is involuntarily confined in a municipal 39961  
detention facility for reasons other than serving a sentence 39962  
resulting from conviction of or plea of guilty to a criminal 39963  
offense. 39964

(d) The person lives in a community setting, including the 39965  
person's own home. 39966

**Sec. 5123.602.** The ~~ombudsman~~ ombudsperson section of the 39967  
legal rights service ~~may, in order to carry out its duties under 39968  
this chapter, make necessary inquiries and obtain information it 39969  
considers necessary. For those purposes the section shall have 39970  
ready access to the premises and records of all providers of 39971  
services to mentally retarded, developmentally disabled, or 39972  
mentally ill persons and shall have the right to communicate in a 39973  
private and confidential setting with any mentally retarded, 39974  
developmentally disabled, or mentally ill persons, and with their 39975  
parents, guardians, or advocates, ~~and with employees of any 39976  
provider.~~ 39977~~

**Sec. 5123.603.** The ~~ombudsman~~ ombudsperson section of the 39978  
legal rights service shall: 39979

(A) Publicize its existence, functions, and activities, and 39980  
the procedures for filing a complaint under section 5123.601 of 39981  
the Revised Code, and send this information in written form to 39982  
each provider with instructions that the information is to be 39983  
posted in a conspicuous place accessible to residents, visitors, 39984  
and employees; 39985

(B) ~~Maintain the confidentiality of all its records and 39986  
files;~~ 39987

~~(C) Not be required to testify in any court with respect to 39988  
any matters it is required to maintain as confidential;~~ 39989



~~(D)~~(C) Collect, compile, and analyze data relating to 39990  
complaints, investigations, or other actions or conditions, for 39991  
the purpose of helping prepare the annual report required by 39992  
division (F)(7) of section 5123.60 of the Revised Code and 39993  
identifying and resolving significant systemic problems affecting 39994  
mentally retarded, developmentally disabled, or mentally ill 39995  
persons; 39996

~~(E)~~(D) Recommend or propose to other governmental agencies 39997  
changes in policies and rules that affect mentally retarded, 39998  
developmentally disabled, or mentally ill persons; 39999

~~(F)~~(E) Establish, maintain, and publicize a toll-free number 40000  
for receiving complaints. 40001

**Sec. 5123.604.** (A) No one shall take a discriminatory, 40002  
disciplinary, or retaliatory action against any officer or 40003  
employee of a provider, any mentally retarded, developmentally 40004  
disabled, or mentally ill person, the parents or guardian of a 40005  
mentally retarded, developmentally disabled, or mentally ill 40006  
person, or any volunteer or advocate for a mentally retarded, 40007  
developmentally disabled, or mentally ill person, for any 40008  
communication these persons make or information they disclose in 40009  
good faith to the ombudsperson section of the legal rights 40010  
service. 40011

(B) No person shall knowingly interfere with lawful actions 40012  
of the ombudsperson section, refuse entry to its representatives, 40013  
fail to comply with its lawful demands, or offer any compensation, 40014  
gratuity, or promise thereof in an effort to influence the outcome 40015  
of any matter being considered by the section. 40016

(C) The department of mental retardation and developmental 40017  
disabilities shall immediately notify the ombudsperson section of 40018  
all investigations of major unusual incidents or life-threatening 40019  
situations, as defined in rules adopted by the department, 40020

involving mentally retarded and developmentally disabled persons, 40021  
and shall furnish copies of all relevant reports within 40022  
forty-eight hours after receipt. The department of mental health 40023  
shall notify the ombudsperson section of all ~~major unusual~~ 40024  
reportable incidents ~~or life-threatening situations~~, as defined in 40025  
rules adopted by the department, involving mentally ill persons 40026  
within forty-eight hours after receipt of the report of the 40027  
incident ~~or situation~~. The departments of health and job and 40028  
family services shall notify the department of mental retardation 40029  
and developmental disabilities of all allegations and 40030  
investigations of abuse, neglect, or life-threatening situations 40031  
involving mentally retarded or developmentally disabled persons. 40032  
Any other state agency with information concerning abuse, neglect, 40033  
or life-threatening situations involving mentally retarded or 40034  
developmentally disabled persons shall report that information 40035  
immediately to the department of mental retardation and 40036  
developmental disabilities. 40037

Nothing in this section or section 5123.60, 5123.601, or 40038  
5123.602 of the Revised Code shall preclude any department or 40039  
board, its contract agencies, a community residential facility, or 40040  
other governmental entity from carrying out its responsibility as 40041  
prescribed by law. 40042

Sec. 5123.605. There is hereby created in the state treasury 40043  
the program income fund. Revenue generated from settlements, 40044  
gifts, donations, and other sources of legal rights service 40045  
program income shall be credited to the fund. The program income 40046  
fund shall be used to support legal rights service programs for 40047  
purposes from which the income was derived and for the general 40048  
support of legal rights service programs. 40049

Sec. 5123.99. (A) Whoever violates section 5123.16 or 5123.20 40050  
of the Revised Code is guilty of a misdemeanor of the first 40051

degree. 40052

(B) Whoever violates division (C), (E), or (G)(3) of section 40053  
5123.61 of the Revised Code is guilty of a misdemeanor of the 40054  
fourth degree or, if the abuse or neglect constitutes a felony, a 40055  
misdemeanor of the second degree. In addition to any other 40056  
sanction or penalty authorized or required by law, if a person who 40057  
is convicted of or pleads guilty to a violation of division (C), 40058  
(E), or (G)(3) of section 5123.61 of the Revised Code is an MR/DD 40059  
employee, as defined in section 5123.50 of the Revised Code, the 40060  
offender shall be eligible to be included in the registry 40061  
regarding misappropriation, abuse, neglect, or other specified 40062  
misconduct by MR/DD employees established under section 5123.52 of 40063  
the Revised Code. 40064

(C) Whoever violates division (A) of section 5123.604 of the 40065  
Revised Code is guilty of a misdemeanor of the second degree. 40066

(D) Whoever violates division (B) of section 5123.604 of the 40067  
Revised Code shall be fined not more than one thousand dollars. 40068  
Each violation constitutes a separate offense. 40069

**Sec. 5126.038.** (A)~~(1)~~ As used in this section, "professional 40070  
services" means all of the following services provided on behalf 40071  
of a county board of mental retardation and developmental 40072  
disabilities, members or employees of a county board, or both: 40073

~~(a)~~(1) Lobbying and other governmental affairs services; 40074

~~(b)~~(2) Legal services other than the legal services provided 40075  
by a county prosecutor or provided for the purpose of collective 40076  
bargaining; 40077

~~(c)~~(3) Public relation services; 40078

~~(d)~~(4) Consulting services; 40079

~~(e)~~(5) Personnel training services, not including tuition or 40080  
professional growth reimbursement programs for county board 40081

members or employees. 40082

~~(2) "Professional services" does not mean services provided 40083  
pursuant to a service contract as defined in section 5126.035 of 40084  
the Revised Code. 40085~~

(B) Each county board of mental retardation and developmental 40086  
disabilities shall submit to the board of county commissioners of 40087  
each county that is served by the county board, in accordance with 40088  
the normal budget process and as part of its budget request, a 40089  
list identifying the total expenditures projected for any of the 40090  
following: 40091

(1) Any membership dues of the members or employees of the 40092  
county board, in any organization, association, or other entity; 40093

(2) Any professional services of the county board, its 40094  
members or employees, or both; 40095

(3) Any training of the members or employees of the county 40096  
board. 40097

**Sec. 5126.042.** (A) As used in this section, "emergency" means 40098  
any situation that creates for an individual with mental 40099  
retardation or developmental disabilities a risk of substantial 40100  
self-harm or substantial harm to others if action is not taken 40101  
within thirty days. An "emergency" may include one or more of the 40102  
following situations: 40103

(1) Loss of present residence for any reason, including legal 40104  
action; 40105

(2) Loss of present caretaker for any reason, including 40106  
serious illness of the caretaker, change in the caretaker's 40107  
status, or inability of the caretaker to perform effectively for 40108  
the individual; 40109

(3) Abuse, neglect, or exploitation of the individual; 40110

(4) Health and safety conditions that pose a serious risk to the individual or others of immediate harm or death;

(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 40142  
currently receiving. The purpose of the registry is to enable the 40143  
board to document requests and to plan appropriately. The board 40144  
may not place an individual on the registry who meets the 40145  
conditions for receipt of services on an emergency basis. 40146

(C) A county board shall establish a separate waiting list 40147  
for each of the following categories of services, and may 40148  
establish separate waiting lists within the waiting lists: 40149

(1) Early childhood services; 40150

(2) Educational programs for preschool and school age 40151  
children; 40152

(3) Adult services; 40153

(4) Service and support administration; 40154

(5) Residential services and supported living; 40155

(6) Transportation services; 40156

(7) Other services determined necessary and appropriate for 40157  
persons with mental retardation or a developmental disability 40158  
according to their individual habilitation or service plans; 40159

(8) Family support services provided under section 5126.11 of 40160  
the Revised Code. 40161

(D) Except as provided in division (G) of this section, a 40162  
county board shall do, as priorities, all of the following in 40163  
accordance with the assessment component, approved under section 40164  
5123.046 of the Revised Code, of the county board's plan developed 40165  
under section 5126.054 of the Revised Code: 40166

(1) For the purpose of obtaining additional federal medicaid 40167  
funds for home and community-based services and medicaid case 40168  
management services, do both of the following: 40169

(a) Give an individual who is eligible for home and 40170

community-based services and meets both of the following 40171  
requirements priority over any other individual on a waiting list 40172  
established under division (C) of this section for home and 40173  
community-based services that include supported living, 40174  
residential services, or family support services: 40175

(i) Is twenty-two years of age or older; 40176

(ii) Receives supported living or family support services. 40177

(b) Give an individual who is eligible for home and 40178  
community-based services and meets both of the following 40179  
requirements priority over any other individual on a waiting list 40180  
established under division (C) of this section for home and 40181  
community-based services that include adult services: 40182

(i) Resides in the individual's own home or the home of the 40183  
individual's family and will continue to reside in that home after 40184  
enrollment in home and community-based services; 40185

(ii) Receives adult services from the county board. 40186

(2) As federal medicaid funds become available pursuant to 40187  
division (D)(1) of this section, give an individual who is 40188  
eligible for home and community-based services and meets any of 40189  
the following requirements priority for such services over any 40190  
other individual on a waiting list established under division (C) 40191  
of this section: 40192

(a) Does not receive residential services or supported 40193  
living, either needs services in the individual's current living 40194  
arrangement or will need services in a new living arrangement, and 40195  
has a primary caregiver who is sixty years of age or older; 40196

(b) Is less than twenty-two years of age and has at least one 40197  
of the following service needs that are unusual in scope or 40198  
intensity: 40199

(i) Severe behavior problems for which a behavior support 40200

plan is needed; 40201

(ii) An emotional disorder for which anti-psychotic medication is needed; 40202  
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(iii) A medical condition that leaves the individual dependent on life-support medical technology; 40204  
40205

(iv) A condition affecting multiple body systems for which a combination of specialized medical, psychological, educational, or habilitation services are needed; 40206  
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(v) A condition the county board determines to be comparable in severity to any condition described in ~~division~~ divisions (D)(2)(b)(i) to (iv) of this section and places the individual at significant risk of institutionalization. 40209  
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(c) Is twenty-two years of age or older, does not receive residential services or supported living, and is determined by the county board to have intensive needs for home and community-based services on an in-home or out-of-home basis. 40213  
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(3) In fiscal years 2002 and 2003, give an individual who is eligible for home and community-based services, resides in an intermediate care facility for the mentally retarded or nursing facility, chooses to move to another setting with the help of home and community-based services, and has been determined by the department of mental retardation and developmental disabilities to be capable of residing in the other setting, priority over any other individual on a waiting list established under division (C) of this section for home and community-based services who does not meet these criteria. The department of mental retardation and developmental disabilities shall identify the individuals to receive priority under division (D)(3) of this section, assess the needs of the individuals, and notify the county boards that are to provide the individuals priority under division (D)(3) of this section of the individuals identified by the department and the 40217  
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individuals' assessed needs. 40232

(E) Except as provided in division (G) of this section and 40233  
for a number of years and beginning on a date specified in rules 40234  
adopted under division (K) of this section, a county board shall 40235  
give an individual who is eligible for home and community-based 40236  
services, resides in a nursing facility, and chooses to move to 40237  
another setting with the help of home and community-based 40238  
services, priority over any other individual on a waiting list 40239  
established under division (C) of this section for home and 40240  
community-based services who does not meet these criteria. 40241

(F) If two or more individuals on a waiting list established 40242  
under division (C) of this section for home and community-based 40243  
services have priority for the services pursuant to division 40244  
(D)(1) or (2) or (E) of this section, a county board may use, 40245  
until December 31, ~~2007~~ 2009, criteria specified in rules adopted 40246  
under division (K)(2) of this section in determining the order in 40247  
which the individuals with priority will be offered the services. 40248  
Otherwise, the county board shall offer the home and 40249  
community-based services to such individuals in the order they are 40250  
placed on the waiting list. 40251

(G)(1) No individual may receive priority for services 40252  
pursuant to division (D) or (E) of this section over an individual 40253  
placed on a waiting list established under division (C) of this 40254  
section on an emergency status. 40255

(2) No more than four hundred individuals in the state may 40256  
receive priority for services during the ~~2006~~ 2008 and ~~2007~~ 2009 40257  
biennium pursuant to division (D)(2)(b) of this section. 40258

(3) No more than a total of seventy-five individuals in the 40259  
state may receive priority for services during state fiscal years 40260  
2002 and 2003 pursuant to division (D)(3) of this section. 40261

(4) No more than forty individuals in the state may receive 40262

priority for services pursuant to division (E) of this section for 40263  
each year that priority category is in effect as specified in 40264  
rules adopted under division (K) of this section. 40265

(H) Prior to establishing any waiting list under this 40266  
section, a county board shall develop and implement a policy for 40267  
waiting lists that complies with this section and rules adopted 40268  
under division (K) of this section. 40269

Prior to placing an individual on a waiting list, the county 40270  
board shall assess the service needs of the individual in 40271  
accordance with all applicable state and federal laws. The county 40272  
board shall place the individual on the appropriate waiting list 40273  
and may place the individual on more than one waiting list. The 40274  
county board shall notify the individual of the individual's 40275  
placement and position on each waiting list on which the 40276  
individual is placed. 40277

At least annually, the county board shall reassess the 40278  
service needs of each individual on a waiting list. If it 40279  
determines that an individual no longer needs a program or 40280  
service, the county board shall remove the individual from the 40281  
waiting list. If it determines that an individual needs a program 40282  
or service other than the one for which the individual is on the 40283  
waiting list, the county board shall provide the program or 40284  
service to the individual or place the individual on a waiting 40285  
list for the program or service in accordance with the board's 40286  
policy for waiting lists. 40287

When a program or service for which there is a waiting list 40288  
becomes available, the county board shall reassess the service 40289  
needs of the individual next scheduled on the waiting list to 40290  
receive that program or service. If the reassessment demonstrates 40291  
that the individual continues to need the program or service, the 40292  
board shall offer the program or service to the individual. If it 40293  
determines that an individual no longer needs a program or 40294

service, the county board shall remove the individual from the 40295  
waiting list. If it determines that an individual needs a program 40296  
or service other than the one for which the individual is on the 40297  
waiting list, the county board shall provide the program or 40298  
service to the individual or place the individual on a waiting 40299  
list for the program or service in accordance with the board's 40300  
policy for waiting lists. The county board shall notify the 40301  
individual of the individual's placement and position on the 40302  
waiting list on which the individual is placed. 40303

(I) A child subject to a determination made pursuant to 40304  
section 121.38 of the Revised Code who requires the home and 40305  
community-based services provided through a medicaid component 40306  
that the department of mental retardation and developmental 40307  
disabilities administers under section 5111.871 of the Revised 40308  
Code shall receive services through that medicaid component. For 40309  
all other services, a child subject to a determination made 40310  
pursuant to section 121.38 of the Revised Code shall be treated as 40311  
an emergency by the county boards and shall not be subject to a 40312  
waiting list. 40313

(J) Not later than the fifteenth day of March of each 40314  
even-numbered year, each county board shall prepare and submit to 40315  
the director of mental retardation and developmental disabilities 40316  
its recommendations for the funding of services for individuals 40317  
with mental retardation and developmental disabilities and its 40318  
proposals for reducing the waiting lists for services. 40319

(K)(1) The department of mental retardation and developmental 40320  
disabilities shall adopt rules in accordance with Chapter 119. of 40321  
the Revised Code governing waiting lists established under this 40322  
section. The rules shall include procedures to be followed to 40323  
ensure that the due process rights of individuals placed on 40324  
waiting lists are not violated. 40325

(2) As part of the rules adopted under this division, the 40326

department shall adopt rules establishing criteria a county board 40327  
may use under division (F) of this section in determining the 40328  
order in which individuals with priority for home and 40329  
community-based services will be offered the services. The rules 40330  
shall also specify conditions under which a county board, when 40331  
there is no individual with priority for home and community-based 40332  
services pursuant to division (D)(1) or (2) or (E) of this section 40333  
available and appropriate for the services, may offer the services 40334  
to an individual on a waiting list for the services but not given 40335  
such priority for the services. The rules adopted under division 40336  
(K)(2) of this section shall cease to have effect December 31, 40337  
~~2007~~ 2009. 40338

(3) As part of the rules adopted under this division, the 40339  
department shall adopt rules specifying both of the following for 40340  
the priority category established under division (E) of this 40341  
section: 40342

(a) The number of years, which shall not exceed five, that 40343  
the priority category will be in effect; 40344

(b) The date that the priority category is to go into effect. 40345

(L) The following shall take precedence over the applicable 40346  
provisions of this section: 40347

(1) Medicaid rules and regulations; 40348

(2) Any specific requirements that may be contained within a 40349  
medicaid state plan amendment or waiver program that a county 40350  
board has authority to administer or with respect to which it has 40351  
authority to provide services, programs, or supports. 40352

**Sec. 5126.046.** (A) Each county board of mental retardation 40353  
and developmental disabilities that has medicaid local 40354  
administrative authority under division (A) of section 5126.055 of 40355  
the Revised Code for habilitation, vocational, or community 40356

employment services provided as part of home and community-based 40357  
services shall create a list of all persons and government 40358  
entities eligible to provide such habilitation, vocational, or 40359  
community employment services. If the county board chooses and is 40360  
eligible to provide such habilitation, vocational, or community 40361  
employment services, the county board shall include itself on the 40362  
list. The county board shall make the list available to each 40363  
individual with mental retardation or other developmental 40364  
disability who resides in the county and is eligible for such 40365  
habilitation, vocational, or community employment services. The 40366  
county board shall also make the list available to such 40367  
individuals' families. 40368

An individual with mental retardation or other developmental 40369  
disability who is eligible for habilitation, vocational, or 40370  
community employment services may choose the provider of the 40371  
services. 40372

~~A county board that has medicaid local administrative 40373  
authority under division (A) of section 5126.055 of the Revised 40374  
Code for habilitation, vocational, and community employment 40375  
services provided as part of home and community based services 40376  
shall pay the nonfederal share of the habilitation, vocational, 40377  
and community employment services when required by section 40378  
5126.057 of the Revised Code. The department of mental retardation 40379  
and developmental disabilities shall pay the nonfederal share of 40380  
such habilitation, vocational, and community employment services 40381  
when required by section 5123.047 of the Revised Code. 40382~~

(B) Each month, the department of mental retardation and 40383  
developmental disabilities shall create a list of all persons and 40384  
government entities eligible to provide residential services and 40385  
supported living. The department shall include on the list all 40386  
residential facilities licensed under section 5123.19 of the 40387  
Revised Code and all supported living providers certified under 40388

section ~~5126.431~~ 5123.161 of the Revised Code. The department 40389  
shall distribute the monthly lists to county boards that have 40390  
local administrative authority under division (A) of section 40391  
5126.055 of the Revised Code for residential services and 40392  
supported living provided as part of home and community-based 40393  
services. A county board that receives a list shall make it 40394  
available to each individual with mental retardation or other 40395  
developmental disability who resides in the county and is eligible 40396  
for such residential services or supported living. The county 40397  
board shall also make the list available to the families of those 40398  
individuals. 40399

An individual who is eligible for residential services or 40400  
supported living may choose the provider of the residential 40401  
services or supported living. 40402

~~A county board that has medicaid local administrative 40403  
authority under division (A) of section 5126.055 of the Revised 40404  
Code for residential services and supported living provided as 40405  
part of home and community based services shall pay the nonfederal 40406  
share of the residential services and supported living when 40407  
required by section 5126.057 of the Revised Code. The department 40408  
shall pay the nonfederal share of the residential services and 40409  
supported living when required by section 5123.047 of the Revised 40410  
Code. 40411~~

(C) If a county board that has medicaid local administrative 40412  
authority under division (A) of section 5126.055 of the Revised 40413  
Code for home and community-based services violates the right 40414  
established by this section of an individual to choose a provider 40415  
that is qualified and willing to provide services to the 40416  
individual, the individual shall receive timely notice that the 40417  
individual may request a hearing under section 5101.35 of the 40418  
Revised Code. 40419

(D) The departments of mental retardation and developmental 40420

disabilities and job and family services shall adopt rules in 40421  
accordance with Chapter 119. of the Revised Code governing the 40422  
implementation of this section. The rules shall include procedures 40423  
for individuals to choose their service providers. The rules shall 40424  
not be limited by a provider selection system established under 40425  
section 5126.42 of the Revised Code, including any pool of 40426  
providers created pursuant to a provider selection system. 40427

**Sec. 5126.054.** (A) Each county board of mental retardation 40428  
and developmental disabilities shall, by resolution, develop a 40429  
three-calendar year plan that includes the following four 40430  
components: 40431

(1) An assessment component that includes all of the 40432  
following: 40433

(a) The number of individuals with mental retardation or 40434  
other developmental disability residing in the county who need the 40435  
level of care provided by an intermediate care facility for the 40436  
mentally retarded, may seek home and community-based services, are 40437  
given priority for the services pursuant to division (D) of 40438  
section 5126.042 of the Revised Code; the service needs of those 40439  
individuals; and the projected annualized cost for services; 40440

(b) The source of funds available to the county board to pay 40441  
the nonfederal share of medicaid expenditures that the county 40442  
board is required by ~~division (A) of section 5126.057~~ sections 40443  
5126.059 and 5126.0510 of the Revised Code to pay; 40444

(c) Any other applicable information or conditions that the 40445  
department of mental retardation and developmental disabilities 40446  
requires as a condition of approving the component under section 40447  
5123.046 of the Revised Code. 40448

(2) A component that provides for the recruitment, training, 40449  
and retention of existing and new direct care staff necessary to 40450

implement services included in individualized service plans, 40451  
including behavior management services and health management 40452  
services such as delegated nursing and other habilitation 40453  
services, and protect the health and welfare of individuals 40454  
receiving services included in the individual's individualized 40455  
service plan by complying with safeguards for unusual and major 40456  
unusual incidents, day-to-day program management, and other 40457  
requirements the department shall identify. A county board shall 40458  
develop this component in collaboration with providers of 40459  
medicaid-funded services with which the county board contracts. A 40460  
county board shall include all of the following in the component: 40461

(a) The source and amount of funds available for the 40462  
component; 40463

(b) A plan and timeline for implementing the component with 40464  
the medicaid providers under contract with the county board; 40465

(c) The mechanisms the county board shall use to ensure the 40466  
financial and program accountability of the medicaid provider's 40467  
implementation of the component. 40468

(3) A preliminary implementation component that specifies the 40469  
number of individuals to be provided, during the first year that 40470  
the plan is in effect, home and community-based services pursuant 40471  
to the priority given to them under divisions (D)(1) and (2) of 40472  
section 5126.042 of the Revised Code and the types of home and 40473  
community-based services the individuals are to receive; 40474

(4) A component that provides for the implementation of 40475  
medicaid case management services and home and community-based 40476  
services for individuals who begin to receive the services on or 40477  
after the date the plan is approved under section 5123.046 of the 40478  
Revised Code. A county board shall include all of the following in 40479  
the component: 40480

(a) If the department of mental retardation and developmental 40481



disabilities or department of job and family services requires, an 40482  
agreement to pay the nonfederal share of medicaid expenditures 40483  
that the county board is required by ~~division (A) of section~~ 40484  
~~5126.057~~ sections 5126.059 and 5126.0510 of the Revised Code to 40485  
pay; 40486

(b) How the services are to be phased in over the period the 40487  
plan covers, including how the county board will serve individuals 40488  
on a waiting list established under division (C) of section 40489  
5126.042 who are given priority status under division (D)(1) of 40490  
that section; 40491

(c) Any agreement or commitment regarding the county board's 40492  
funding of home and community-based services that the county board 40493  
has with the department at the time the county board develops the 40494  
component; 40495

(d) Assurances adequate to the department that the county 40496  
board will comply with all of the following requirements: 40497

(i) To provide the types of home and community-based services 40498  
specified in the preliminary implementation component required by 40499  
division (A)(3) of this section to at least the number of 40500  
individuals specified in that component; 40501

(ii) To use any additional funds the county board receives 40502  
for the services to improve the county board's resource 40503  
capabilities for supporting such services available in the county 40504  
at the time the component is developed and to expand the services 40505  
to accommodate the unmet need for those services in the county; 40506

(iii) To employ a business manager who is either a new 40507  
employee who has earned at least a bachelor's degree in business 40508  
administration or a current employee who has the equivalent 40509  
experience of a bachelor's degree in business administration. If 40510  
the county board will employ a new employee, the county board 40511  
shall include in the component a timeline for employing the 40512

employee. 40513

(iv) To employ or contract with a medicaid services manager 40514  
who is either a new employee who has earned at least a bachelor's 40515  
degree or a current employee who has the equivalent experience of 40516  
a bachelor's degree. If the county board will employ a new 40517  
employee, the county board shall include in the component a 40518  
timeline for employing the employee. Two or three county boards 40519  
that have a combined total enrollment in county board services not 40520  
exceeding one thousand individuals as determined pursuant to 40521  
certifications made under division (B) of section 5126.12 of the 40522  
Revised Code may satisfy this requirement by sharing the services 40523  
of a medicaid services manager or using the services of a medicaid 40524  
services manager employed by or under contract with a regional 40525  
council that the county boards establish under section 5126.13 of 40526  
the Revised Code. 40527

(e) An agreement to comply with the method, developed by 40528  
rules adopted under section 5123.0413 of the Revised Code, of 40529  
paying for extraordinary costs, including extraordinary costs for 40530  
services to individuals with mental retardation or other 40531  
developmental disability, and ensuring the availability of 40532  
adequate funds in the event a county property tax levy for 40533  
services for individuals with mental retardation or other 40534  
developmental disability fails; 40535

(f) Programmatic and financial accountability measures and 40536  
projected outcomes expected from the implementation of the plan; 40537

(g) Any other applicable information or conditions that the 40538  
department requires as a condition of approving the component 40539  
under section 5123.046 of the Revised Code. 40540

(B) For the purpose of obtaining the department's approval 40541  
under section 5123.046 of the Revised Code of the plan the county 40542  
board develops under division (A) of this section, a county board 40543

shall do all of the following: 40544

(1) Submit the components required by divisions (A)(1) and 40545  
(2) of this section to the department not later than August 1, 40546  
2001; 40547

(2) Submit the component required by division (A)(3) of this 40548  
section to the department not later than January 31, 2002; 40549

(3) Submit the component required by division (A)(4) of this 40550  
section to the department not later than July 1, 2002. 40551

(C) A county board whose plan developed under division (A) of 40552  
this section is approved by the department under section 5123.046 40553  
of the Revised Code shall update and renew the plan in accordance 40554  
with a schedule the department shall develop. 40555

**Sec. 5126.055.** (A) Except as provided in section 5126.056 of 40556  
the Revised Code, a county board of mental retardation and 40557  
developmental disabilities has medicaid local administrative 40558  
authority to, and shall, do all of the following for an individual 40559  
with mental retardation or other developmental disability who 40560  
resides in the county that the county board serves and seeks or 40561  
receives home and community-based services: 40562

(1) Perform assessments and evaluations of the individual. As 40563  
part of the assessment and evaluation process, the county board 40564  
shall do all of the following: 40565

(a) Make a recommendation to the department of mental 40566  
retardation and developmental disabilities on whether the 40567  
department should approve or deny the individual's application for 40568  
the services, including on the basis of whether the individual 40569  
needs the level of care an intermediate care facility for the 40570  
mentally retarded provides; 40571

(b) If the individual's application is denied because of the 40572  
county board's recommendation and the individual requests a 40573

hearing under section 5101.35 of the Revised Code, present, with 40574  
the department of mental retardation and developmental 40575  
disabilities or department of job and family services, whichever 40576  
denies the application, the reasons for the recommendation and 40577  
denial at the hearing; 40578

(c) If the individual's application is approved, recommend to 40579  
the departments of mental retardation and developmental 40580  
disabilities and job and family services the services that should 40581  
be included in the individual's individualized service plan and, 40582  
if either department approves, reduces, denies, or terminates a 40583  
service included in the individual's individualized service plan 40584  
under section 5111.871 of the Revised Code because of the county 40585  
board's recommendation, present, with the department that made the 40586  
approval, reduction, denial, or termination, the reasons for the 40587  
recommendation and approval, reduction, denial, or termination at 40588  
a hearing under section 5101.35 of the Revised Code. 40589

(2) If the individual has been identified by the department 40590  
of mental retardation and developmental disabilities as an 40591  
individual to receive priority for home and community-based 40592  
services pursuant to division (D)(3) of section 5126.042 of the 40593  
Revised Code, assist the department in expediting the transfer of 40594  
the individual from an intermediate care facility for the mentally 40595  
retarded or nursing facility to the home and community-based 40596  
services; 40597

(3) In accordance with the rules adopted under section 40598  
5126.046 of the Revised Code, perform the county board's duties 40599  
under that section regarding assisting the individual's right to 40600  
choose a qualified and willing provider of the services and, at a 40601  
hearing under section 5101.35 of the Revised Code, present 40602  
evidence of the process for appropriate assistance in choosing 40603  
providers; 40604

(4) ~~Unless the county board provides the services under~~ 40605

~~division (A)(5) of this section, contract with the person or  
government entity the individual chooses in accordance with  
section 5126.046 of the Revised Code to provide the services if  
the person or government entity is qualified and agrees to provide  
the services. The contract shall contain all the provisions  
required by section 5126.035 of the Revised Code and require the  
provider to agree to furnish, in accordance with the provider's  
medicaid provider agreement and for the authorized reimbursement  
rate, the services the individual requires.~~

~~(5)~~ If the county board is certified under section ~~5123.16~~  
5123.161 of the Revised Code to provide the services and agrees to  
provide the services to the individual and the individual chooses  
the county board to provide the services, furnish, in accordance  
with the county board's medicaid provider agreement and for the  
authorized reimbursement rate, the services the individual  
requires;

~~(6)~~(5) Monitor the services provided to the individual and  
ensure the individual's health, safety, and welfare. The  
monitoring shall include quality assurance activities. If the  
county board provides the services, the department of mental  
retardation and developmental disabilities shall also monitor the  
services.

~~(7)~~(6) Develop, with the individual and the provider of the  
individual's services, an effective individualized service plan  
that includes coordination of services, recommend that the  
departments of mental retardation and developmental disabilities  
and job and family services approve the plan, and implement the  
plan unless either department disapproves it;

~~(8)~~(7) Have an investigative agent conduct investigations  
under section 5126.313 of the Revised Code that concern the  
individual;

~~(9)~~(8) Have a service and support administrator perform the 40637  
duties under division (B)(9) of section 5126.15 of the Revised 40638  
Code that concern the individual. 40639

(B) A county board shall perform its medicaid local 40640  
administrative authority under this section in accordance with all 40641  
of the following: 40642

(1) The county board's plan that the department of mental 40643  
retardation and developmental disabilities approves under section 40644  
5123.046 of the Revised Code; 40645

(2) All applicable federal and state laws; 40646

(3) All applicable policies of the departments of mental 40647  
retardation and developmental disabilities and job and family 40648  
services and the United States department of health and human 40649  
services; 40650

(4) The department of job and family services' supervision 40651  
under its authority under section 5111.01 of the Revised Code to 40652  
act as the single state medicaid agency; 40653

(5) The department of mental retardation and developmental 40654  
disabilities' oversight. 40655

(C) The departments of mental retardation and developmental 40656  
disabilities and job and family services shall communicate with 40657  
and provide training to county boards regarding medicaid local 40658  
administrative authority granted by this section. The 40659  
communication and training shall include issues regarding audit 40660  
protocols and other standards established by the United States 40661  
department of health and human services that the departments 40662  
determine appropriate for communication and training. County 40663  
boards shall participate in the training. The departments shall 40664  
assess the county board's compliance against uniform standards 40665  
that the departments shall establish. 40666

(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 regarding the person or government entity's tasks and responsibilities under the contract. The county board remains ultimately responsible for the tasks and responsibilities.

(E) A county board that has medicaid local administrative authority under this section shall, through the departments of mental retardation and developmental disabilities and job and family services, reply to, and cooperate in arranging compliance with, a program or fiscal audit or program violation exception that a state or federal audit or review discovers. The department of job and family services shall timely notify the department of mental retardation and developmental disabilities and the county board of any adverse findings. After receiving the notice, the county board, in conjunction with the department of mental retardation and developmental disabilities, shall cooperate fully with the department of job and family services and timely prepare and send to the department a written plan of correction or response to the adverse findings. The county board is liable for any adverse findings that result from an action it takes or fails to take in its implementation of medicaid local administrative authority.

(F) If the department of mental retardation and developmental disabilities or department of job and family services determines

that a county board's implementation of its medicaid local 40699  
administrative authority under this section is deficient, the 40700  
department that makes the determination shall require that county 40701  
board do the following: 40702

(1) If the deficiency affects the health, safety, or welfare 40703  
of an individual with mental retardation or other developmental 40704  
disability, correct the deficiency within twenty-four hours; 40705

(2) If the deficiency does not affect the health, safety, or 40706  
welfare of an individual with mental retardation or other 40707  
developmental disability, receive technical assistance from the 40708  
department or submit a plan of correction to the department that 40709  
is acceptable to the department within sixty days and correct the 40710  
deficiency within the time required by the plan of correction. 40711

**Sec. 5126.056.** (A) The department of mental retardation and 40712  
developmental disabilities shall take action under division (B) of 40713  
this section against a county board of mental retardation and 40714  
developmental disabilities if any of the following are the case: 40715

(1) The county board fails to submit to the department all 40716  
the components of its three-year plan required by section 5126.054 40717  
of the Revised Code within the time required by division (B) of 40718  
that section. 40719

(2) The department disapproves the county board's three-year 40720  
plan under section 5123.046 of the Revised Code. 40721

(3) The county board fails, as required by division (C) of 40722  
section 5126.054 of the Revised Code, to update and renew its 40723  
three-year plan in accordance with a schedule the department 40724  
develops under that section. 40725

(4) The county board fails to implement its initial or 40726  
renewed three-year plan approved by the department. 40727

(5) The county board fails to correct a deficiency within the 40728



time required by division (F) of section 5126.055 of the Revised Code to the satisfaction of the department.

(6) The county board fails to submit an acceptable plan of correction to the department within the time required by division (F)(2) of section 5126.055 of the Revised Code.

(B) If required by division (A) of this section to take action against a county board, the department shall issue an order terminating the county board's medicaid local administrative authority over all or part of home and community-based services, medicaid case management services, or all or part of both of those services. The department shall provide a copy of the order to the board of county commissioners, senior probate judge, county auditor, and president and superintendent of the county board. The department shall specify in the order the medicaid local administrative authority that the department is terminating, the reason for the termination, and the county board's option and responsibilities under this division.

A county board whose medicaid local administrative authority is terminated may, not later than thirty days after the department issues the termination order, recommend to the department that another county board that has not had any of its medicaid local administrative authority terminated or another entity the department approves administer the services for which the county board's medicaid local administrative authority is terminated. The department may contract with the other county board or entity to administer the services. If the department enters into such a contract, the county board shall adopt a resolution giving the other county board or entity full medicaid local administrative authority over the services that the other county board or entity is to administer. The other county board or entity shall be known as the contracting authority.

If the department rejects the county board's recommendation

regarding a contracting authority, the county board may appeal the 40761  
rejection under section 5123.043 of the Revised Code. 40762

If the county board does not submit a recommendation to the 40763  
department regarding a contracting authority within the required 40764  
time or the department rejects the county board's recommendation 40765  
and the rejection is upheld pursuant to an appeal, if any, under 40766  
section 5123.043 of the Revised Code, the department shall appoint 40767  
an administrative receiver to administer the services for which 40768  
the county board's medicaid local administrative authority is 40769  
terminated. To the extent necessary for the department to appoint 40770  
an administrative receiver, the department may utilize employees 40771  
of the department, management personnel from another county board, 40772  
or other individuals who are not employed by or affiliated with in 40773  
any manner a person that provides home and community-based 40774  
services or medicaid case management services pursuant to a 40775  
contract with any county board. The administrative receiver shall 40776  
assume full administrative responsibility for the county board's 40777  
services for which the county board's medicaid local 40778  
administrative authority is terminated. 40779

The contracting authority or administrative receiver shall 40780  
develop and submit to the department a plan of correction to 40781  
remediate the problems that caused the department to issue the 40782  
termination order. If, after reviewing the plan, the department 40783  
approves it, the contracting authority or administrative receiver 40784  
shall implement the plan. 40785

The county board shall transfer control of state and federal 40786  
funds it is otherwise eligible to receive for the services for 40787  
which the county board's medicaid local administrative authority 40788  
is terminated and funds the county board may use under division 40789  
~~(B)~~(A) of section ~~5126.057~~ 5126.0511 of the Revised Code to pay 40790  
the nonfederal share of the services that the county board is 40791  
required by ~~division (A) of that section~~ sections 5126.059 and 40792

5126.0510 of the Revised Code to pay. The county board shall 40793  
transfer control of the funds to the contracting authority or 40794  
administrative receiver administering the services. The amount the 40795  
county board shall transfer shall be the amount necessary for the 40796  
contracting authority or administrative receiver to fulfill its 40797  
duties in administering the services, including its duties to pay 40798  
its personnel for time worked, travel, and related matters. If the 40799  
county board fails to make the transfer, the department may 40800  
withhold the state and federal funds from the county board and 40801  
bring a mandamus action against the county board in the court of 40802  
common pleas of the county served by the county board or in the 40803  
Franklin county court of common pleas. The mandamus action may not 40804  
require that the county board transfer any funds other than the 40805  
funds the county board is required by division (B) of this section 40806  
to transfer. 40807

The contracting authority or administrative receiver has the 40808  
right to authorize the payment of bills in the same manner that 40809  
the county board may authorize payment of bills under this chapter 40810  
and section 319.16 of the Revised Code. 40811

Sec. 5126.059. A county board of mental retardation and 40812  
developmental disabilities shall pay the nonfederal share of 40813  
medicaid expenditures for medicaid case management services the 40814  
county board provides to an individual with mental retardation or 40815  
other developmental disability who the county board determines 40816  
under section 5126.041 of the Revised Code is eligible for county 40817  
board services. 40818

Sec. 5126.0510. (A) Except as otherwise provided in an 40819  
agreement entered into under section 5123.048 of the Revised Code 40820  
and subject to divisions (B), (C), and (D) of this section, a 40821  
county board of mental retardation and developmental disabilities 40822  
shall pay the nonfederal share of medicaid expenditures for the 40823

following home and community-based services provided to an 40824  
individual with mental retardation or other developmental 40825  
disability who the county board determines under section 5126.041 40826  
of the Revised Code is eligible for county board services: 40827

(1) Home and community-based services that the county board 40828  
provides to such an individual; 40829

(2) Home and community-based services provided by a provider 40830  
other than the county board to such an individual who is enrolled 40831  
as of June 30, 2007, in the medicaid waiver component under which 40832  
the services are provided; 40833

(3) Home and community-based services provided by a provider 40834  
other than the county board to such an individual who, pursuant to 40835  
a request the county board makes, enrolls in the medicaid waiver 40836  
component under which the services are provided after June 30, 40837  
2007; 40838

(4) Home and community-based services provided by a provider 40839  
other than the county board to such an individual for whom there 40840  
is in effect an agreement entered into under division (E) of this 40841  
section between the county board and director of mental 40842  
retardation and developmental disabilities. 40843

(B) In the case of medicaid expenditures for home and 40844  
community-based services for which division (A)(2) of this section 40845  
requires a county board to pay the nonfederal share, the following 40846  
shall apply to such services provided during fiscal year 2008 40847  
under the individual options medicaid waiver component: 40848

(1) The county board shall pay no less than the total amount 40849  
the county board paid as the nonfederal share for home and 40850  
community-based services provided in fiscal year 2007 under the 40851  
individual options medicaid waiver component; 40852

(2) The county board shall pay no more than the sum of the 40853  
following: 40854

(a) The total amount the county board paid as the nonfederal share for home and community-based services provided in fiscal year 2007 under the individual options medicaid waiver component; 40855  
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(b) An amount equal to one per cent of the total amount the department of mental retardation and developmental disabilities and county board paid as the nonfederal share for home and community-based services provided in fiscal year 2007 under the individual options medicaid waiver component to individuals the county department determined under section 5126.041 of the Revised Code are eligible for county board services. 40858  
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(C) A county board is not required to pay the nonfederal share of home and community-based services provided after June 30, 2008, that the county board is otherwise required by division (A)(2) of this section to pay if the department of mental retardation and developmental disabilities fails to comply with division (A) of section 5123.0416 of the Revised Code. 40865  
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(D) A county board is not required to pay the nonfederal share of home and community-based services that the county board is otherwise required by division (A)(3) of this section to pay if both of the following apply: 40871  
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(1) The services are provided to an individual who enrolls in the medicaid waiver component under which the services are provided as the result of an order issued following a state hearing, administrative appeal, or appeal to a court of common pleas made under section 5101.35 of the Revised Code; 40875  
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(2) There are more individuals who are eligible for services from the county board enrolled in the medicaid waiver component than is required by section 5126.0512 of the Revised Code. 40880  
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(E) A county board may enter into an agreement with the director of mental retardation and developmental disabilities under which the county board agrees to pay the nonfederal share of 40883  
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medicaid expenditures for one or more home and community-based services that the county board is not otherwise required by division (A)(1), (2), or (3) of this section to pay and that are provided to an individual the county board determines under section 5126.041 of the Revised Code is eligible for county board services. The agreement shall specify which home and community-based services the agreement covers. The county board shall pay the nonfederal share of medicaid expenditures for the home and community-based services that the agreement covers as long as the agreement is in effect. 40886  
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~~Sec. 5126.057 5126.0511. (A) A county board of mental retardation and developmental disabilities that has medicaid local administrative authority under division (A) of section 5126.055 of the Revised Code for home and community based services shall pay the nonfederal share of medicaid expenditures for such services provided to an individual with mental retardation or other developmental disability who the county board determines under section 5126.041 of the Revised Code is eligible for county board services unless division (B)(2) or (3) of section 5123.047 of the Revised Code requires the department of mental retardation and developmental disabilities to pay the nonfederal share.~~ 40896  
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~~A county board that provides medicaid case management services shall pay the nonfederal share of medicaid expenditures for such services provided to an individual with mental retardation or other developmental disability who the county board determines under section 5126.041 of the Revised Code is eligible for county board services.~~ 40907  
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~~(B) A county board of mental retardation and developmental disabilities may use the following funds to pay the nonfederal share of the services medicaid expenditures that the county board is required by division (A) sections 5126.059 and 5126.0510 of~~ 40913  
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40915  
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~~this section~~ the Revised Code to pay: 40917

(1) To the extent consistent with the levy that generated the 40918  
taxes, the following taxes: 40919

(a) Taxes levied pursuant to division (L) of section 5705.19 40920  
of the Revised Code and section 5705.222 of the Revised Code; 40921

(b) Taxes levied under section 5705.191 of the Revised Code 40922  
that the board of county commissioners allocates to the county 40923  
board ~~to pay the nonfederal share of the services.~~ 40924

(2) Funds that the department of mental retardation and 40925  
developmental disabilities distributes to the county board under 40926  
~~sections 5126.11, 5126.12, 5126.15, section~~ 5126.18, and 5126.44 40927  
of the Revised Code; 40928

(3) Earned federal revenue funds the county board receives 40929  
for medicaid services the county board provides pursuant to the 40930  
county board's valid medicaid provider agreement; 40931

(4) Funds that the department of mental retardation and 40932  
developmental disabilities distributes to the county board as 40933  
subsidy payments; 40934

(5) In the case of medicaid expenditures for home and 40935  
community-based services, funds allocated to or otherwise made 40936  
available for the county board under section 5123.0416 of the 40937  
Revised Code to pay the nonfederal share of such medicaid 40938  
expenditures. 40939

~~(C) If by December 31, 2001, the United States secretary of~~ 40940  
~~health and human services approves at least five hundred more~~ 40941  
~~slots for home and community based services for calendar year 2002~~ 40942  
~~than were available for calendar year 2001, each county board~~ 40943  
~~shall provide, by the last day of calendar year 2001, assurances~~ 40944  
~~to the department of mental retardation and developmental~~ 40945  
~~disabilities that the county board will have for calendar year~~ 40946

~~2002 at least one third of the value of one half, effective mill 40947  
levied in the county the preceding year available to pay the 40948  
nonfederal share of the services that the county board is required 40949  
by division (A) of this section to pay. 40950~~

~~If by December 31, 2002, the United States secretary approves 40951  
at least five hundred more slots for home and community based 40952  
services for calendar year 2003 than were available for calendar 40953  
year 2002, each county board shall provide, by the last day of 40954  
calendar year 2002, assurances to the department that the county 40955  
board will have for calendar year 2003 at least two thirds of the 40956  
value of one half, effective mill levied in the county the 40957  
preceding year available to pay the nonfederal share of the 40958  
services that the county board is required by division (A) of this 40959  
section to pay. 40960~~

~~If by December 31, 2003, the United States secretary approves 40961  
at least five hundred more slots for home and community based 40962  
services for calendar year 2004 than were available for calendar 40963  
year 2003, each county board shall provide, by the last day of 40964  
calendar year 2003 and each calendar year thereafter, assurances 40965  
to the department that the county board will have for calendar 40966  
year 2004 and each calendar year thereafter at least the value of 40967  
one half, effective mill levied in the county the preceding year 40968  
available to pay the nonfederal share of the services that the 40969  
county board is required by division (A) of this section to pay. 40970~~

~~(D) Each year, each county board shall adopt a resolution 40971  
specifying the amount of funds it will use in the next year to pay 40972  
the nonfederal share of the services medicaid expenditures that 40973  
the county board is required by division (A) of this section 40974  
sections 5126.059 and 5126.0510 of the Revised Code to pay. The 40975  
amount specified shall be adequate to assure that the services for 40976  
which the medicaid expenditures are made will be available in the 40977  
county in a manner that conforms to all applicable state and 40978~~



federal laws. A county board shall state in its resolution that the payment of the nonfederal share represents an ongoing financial commitment of the county board. A county board shall adopt the resolution in time for the county auditor to make the determination required by division ~~(E)~~(C) of this section.

~~(E)~~(C) Each year, a county auditor shall determine whether the amount of funds a county board specifies in the resolution it adopts under division ~~(D)~~(B) of this section will be available in the following year for the county board to pay the nonfederal share of the ~~services~~ medicaid expenditures that the county board is required by ~~division (A) of this section~~ sections 5126.059 and 5126.0510 of the Revised Code to pay. The county auditor shall make the determination not later than the last day of the year before the year in which the funds are to be used.

**Sec. 5126.0512.** (A) As used in this section, "medicaid waiver component" means a medicaid waiver component as defined in section 5111.85 of the Revised Code under which home and community-based services are provided.

(B) Effective July 1, 2007, each county board of mental retardation and developmental disabilities shall ensure, for each medicaid waiver component, that the number of individuals eligible under section 5126.041 of the Revised Code for services from the county board who are enrolled in a medicaid waiver component is no less than the sum of the following:

(1) The number of individuals eligible for services from the county board who are enrolled in the medicaid waiver component on June 30, 2007;

(2) The number of medicaid waiver component slots that the county board requested before July 1, 2007, were assigned to the county board before that date, but in which no individual was enrolled before that date.

(C) An individual enrolled in a medicaid waiver component 41010  
after March 1, 2007, due to an emergency reserve capacity waiver 41011  
assignment shall not be counted in determining the number of 41012  
individuals a county board must ensure under division (B) of this 41013  
section are enrolled in a medicaid waiver component. 41014

(D) An individual who is enrolled in a medicaid waiver 41015  
component to comply with the terms of the consent order filed 41016  
March 5, 2007, in *Martin v. Strickland*, Case No. 89-CV-00362, in 41017  
the United States district court for the southern district of 41018  
Ohio, eastern division, shall be excluded in determining whether a 41019  
county board has complied with division (B) of this section. 41020

(E) A county board shall make as many requests for 41021  
individuals to be enrolled in a medicaid waiver component as 41022  
necessary for the county board to comply with division (B) of this 41023  
section. 41024

**Sec. 5126.06.** (A) Except as provided in division (B) of this 41025  
section ~~and section 5126.036 of the Revised Code~~, any person who 41026  
has a complaint involving any of the programs, services, policies, 41027  
or administrative practices of a county board of mental 41028  
retardation and developmental disabilities or any of the entities 41029  
under contract with the county board, may file a complaint with 41030  
the board. Prior to commencing a civil action regarding the 41031  
complaint, a person shall attempt to have the complaint resolved 41032  
through the administrative resolution process established in the 41033  
rules adopted under section 5123.043 of the Revised Code. After 41034  
exhausting the administrative resolution process, the person may 41035  
commence a civil action if the complaint is not settled to the 41036  
person's satisfaction. 41037

(B) An employee of a county board may not file under this 41038  
section a complaint related to the terms and conditions of 41039  
employment of the employee. 41040

Sec. 5126.11. (A) As used in this section, "respite care" 41041  
means appropriate, short-term, temporary care that is provided to 41042  
a mentally retarded or developmentally disabled person to sustain 41043  
the family structure or to meet planned or emergency needs of the 41044  
family. 41045

(B) Subject to rules adopted by the director of mental 41046  
retardation and developmental disabilities, and subject to the 41047  
availability of money from state and federal sources, the county 41048  
board of mental retardation and developmental disabilities shall 41049  
establish a family support services program. Under such a program, 41050  
the board shall make payments to an individual with mental 41051  
retardation or other developmental disability or the family of an 41052  
individual with mental retardation or other developmental 41053  
disability who desires to remain in and be supported in the family 41054  
home. Payments shall be made for all or part of costs incurred or 41055  
estimated to be incurred for services that would promote 41056  
self-sufficiency and normalization, prevent or reduce 41057  
inappropriate institutional care, and further the unity of the 41058  
family by enabling the family to meet the special needs of the 41059  
individual and to live as much like other families as possible. 41060  
Payments may be made in the form of reimbursement for expenditures 41061  
or in the form of vouchers to be used to purchase services. 41062

(C) Payment shall not be made under this section to an 41063  
individual or the individual's family if the individual is living 41064  
in a residential facility that is providing residential services 41065  
under contract with the department of mental retardation and 41066  
developmental disabilities or a county board. 41067

(D) Payments may be made for the following services: 41068

(1) Respite care, in or out of the home; 41069

(2) Counseling, supervision, training, and education of the 41070  
individual, the individual's caregivers, and members of the 41071

individual's family that aid the family in providing proper care 41072  
for the individual, provide for the special needs of the family, 41073  
and assist in all aspects of the individual's daily living; 41074

(3) Special diets, purchase or lease of special equipment, or 41075  
modifications of the home, if such diets, equipment, or 41076  
modifications are necessary to improve or facilitate the care and 41077  
living environment of the individual; 41078

(4) Providing support necessary for the individual's 41079  
continued skill development, including such services as 41080  
development of interventions to cope with unique problems that may 41081  
occur within the complexity of the family, enrollment of the 41082  
individual in special summer programs, provision of appropriate 41083  
leisure activities, and other social skills development 41084  
activities; 41085

(5) Any other services that are consistent with the purposes 41086  
specified in division (B) of this section and specified in the 41087  
individual's service plan. 41088

(E) In order to be eligible for payments under a family 41089  
support services program, the individual or the individual's 41090  
family must reside in the county served by the county board, and 41091  
the individual must be in need of habilitation. Payments shall be 41092  
adjusted for income in accordance with the payment schedule 41093  
established in rules adopted under this section. Payments shall be 41094  
made only after the county board has taken into account all other 41095  
available assistance for which the individual or family is 41096  
eligible. 41097

(F) Before incurring expenses for a service for which payment 41098  
will be sought under a family support services program, the 41099  
individual or family shall apply to the county board for a 41100  
determination of eligibility and approval of the service. The 41101  
service need not be provided in the county served by the county 41102

board. After being determined eligible and receiving approval for 41103  
the service, the individual or family may incur expenses for the 41104  
service or use the vouchers received from the county board for the 41105  
purchase of the service. 41106

If the county board refuses to approve a service, an appeal 41107  
may be made in accordance with rules adopted by the department 41108  
under this section. 41109

(G) To be reimbursed for expenses incurred for approved 41110  
services, the individual or family shall submit to the county 41111  
board a statement of the expenses incurred accompanied by any 41112  
evidence required by the board. To redeem vouchers used to 41113  
purchase approved services, the entity that provided the service 41114  
shall submit to the county board evidence that the service was 41115  
provided and a statement of the charges. The county board shall 41116  
make reimbursements and redeem vouchers no later than forty-five 41117  
days after it receives the statements and evidence required by 41118  
this division. 41119

(H) A county board shall consider the following objectives in 41120  
carrying out a family support services program: 41121

(1) Enabling individuals to return to their families from an 41122  
institution under the jurisdiction of the department of mental 41123  
retardation and developmental disabilities; 41124

(2) Enabling individuals found to be subject to 41125  
institutionalization by court order under section 5123.76 of the 41126  
Revised Code to remain with their families with the aid of 41127  
payments provided under this section; 41128

(3) Providing services to eligible children and adults 41129  
currently residing in the community; 41130

(4) Providing services to individuals with developmental 41131  
disabilities who are not receiving other services from the board. 41132

(I) The director shall adopt, and may amend and rescind, 41133  
rules for the implementation of family support services programs 41134  
by county boards. Such rules shall include the following: 41135

(1) A payment schedule adjusted for income; 41136

(2) ~~A formula for distributing to county boards the money~~ 41137  
~~appropriated for family support services;~~ 41138

~~(3)~~ Standards for supervision, training, and quality control 41139  
in the provision of respite care services; 41140

~~(4)~~(3) Eligibility standards and procedures for providing 41141  
temporary emergency respite care; 41142

~~(5)~~(4) Procedures for hearing and deciding appeals made under 41143  
division (F) of this section; 41144

~~(6)~~ Requirements to be followed by county boards regarding 41145  
~~reports submitted under division (K) of this section.~~ 41146

Rules adopted under ~~divisions~~ division (I)(1) ~~and (2)~~ of this 41147  
section shall be adopted in accordance with section 111.15 of the 41148  
Revised Code. Rules adopted under divisions (I)~~(3)~~(2) to ~~(6)~~(4) of 41149  
this section shall be adopted in accordance with Chapter 119. of 41150  
the Revised Code. 41151

(J) All individuals certified by the superintendent of the 41152  
county board as eligible for temporary emergency respite care in 41153  
accordance with rules adopted under this section shall be 41154  
considered eligible for temporary emergency respite care for not 41155  
more than five days to permit the determination of eligibility for 41156  
family support services. The requirements of divisions (E) and (F) 41157  
of this section do not apply to temporary emergency respite care. 41158

(K) ~~The department of mental retardation and developmental~~ 41159  
~~disabilities shall distribute to county boards money appropriated~~ 41160  
~~for family support services in quarterly installments of equal~~ 41161  
~~amounts. The installments shall be made not later than the~~ 41162

~~thirtieth day of September, the thirty first day of December, the 41163  
thirty first day of March, and the thirtieth day of June. A county 41164  
board shall use no more than seven per cent of the funds for 41165  
administrative costs. Each county board shall submit reports to 41166  
the department on payments made under this section. The reports 41167  
shall be submitted at those times and in the manner specified in 41168  
rules adopted under this section. 41169~~

~~(L) The county board shall not be required to make payments 41170  
for family support services at a level that exceeds available 41171  
state and federal funds for such payments. 41172~~

**Sec. 5126.12.** (A) As used in this section: 41173

(1) "Approved school age class" means a class operated by a 41174  
county board of mental retardation and developmental disabilities 41175  
and funded by the department of education under section 3317.20 of 41176  
the Revised Code. 41177

(2) "Approved preschool unit" means a class or unit operated 41178  
by a county board of mental retardation and developmental 41179  
disabilities and approved under division (B) of section 3317.05 of 41180  
the Revised Code. 41181

(3) "Active treatment" means a continuous treatment program, 41182  
which includes aggressive, consistent implementation of a program 41183  
of specialized and generic training, treatment, health services, 41184  
and related services, that is directed toward the acquisition of 41185  
behaviors necessary for an individual with mental retardation or 41186  
other developmental disability to function with as much 41187  
self-determination and independence as possible and toward the 41188  
prevention of deceleration, regression, or loss of current optimal 41189  
functional status. 41190

(4) "Eligible for active treatment" means that an individual 41191  
with mental retardation or other developmental disability resides 41192

in an intermediate care facility for the mentally retarded 41193  
certified under Title XIX of the "Social Security Act," 79 Stat. 41194  
286 (1965), 42 U.S.C. 1396, as amended; resides in a state 41195  
institution operated by the department of mental retardation and 41196  
developmental disabilities; or is enrolled in home and 41197  
community-based services. 41198

(5) "Traditional adult services" means vocational and 41199  
nonvocational activities conducted within a sheltered workshop or 41200  
adult activity center or supportive home services. 41201

(B) Each county board of mental retardation and developmental 41202  
disabilities shall certify to the director of mental retardation 41203  
and developmental disabilities all of the following: 41204

(1) On or before the fifteenth day of October, the average 41205  
daily membership for the first full week of programs and services 41206  
during October receiving: 41207

(a) Early childhood services provided pursuant to section 41208  
5126.05 of the Revised Code for children who are less than three 41209  
years of age on the thirtieth day of September of the academic 41210  
year; 41211

(b) Special education for handicapped children in approved 41212  
school age classes; 41213

(c) Adult services for persons sixteen years of age and older 41214  
operated pursuant to section 5126.05 and division (B) of section 41215  
5126.051 of the Revised Code. Separate counts shall be made for 41216  
the following: 41217

(i) Persons enrolled in traditional adult services who are 41218  
eligible for but not enrolled in active treatment; 41219

(ii) Persons enrolled in traditional adult services who are 41220  
eligible for and enrolled in active treatment; 41221

(iii) Persons enrolled in traditional adult services but who 41222



are not eligible for active treatment; 41223

(iv) Persons participating in community employment services. 41224  
To be counted as participating in community employment services, a 41225  
person must have spent an average of no less than ten hours per 41226  
week in that employment during the preceding six months. 41227

(d) Other programs in the county for individuals with mental 41228  
retardation and developmental disabilities that have been approved 41229  
for payment of subsidy by the department of mental retardation and 41230  
developmental disabilities. 41231

The membership in each such program and service in the county 41232  
shall be reported on forms prescribed by the department of mental 41233  
retardation and developmental disabilities. 41234

The department of mental retardation and developmental 41235  
disabilities shall adopt rules defining full-time equivalent 41236  
enrollees and for determining the average daily membership 41237  
therefrom, except that certification of average daily membership 41238  
in approved school age classes shall be in accordance with rules 41239  
adopted by the state board of education. The average daily 41240  
membership figure shall be determined by dividing the amount 41241  
representing the sum of the number of enrollees in each program or 41242  
service in the week for which the certification is made by the 41243  
number of days the program or service was offered in that week. No 41244  
enrollee may be counted in average daily membership for more than 41245  
one program or service. 41246

(2) By the fifteenth day of December, the number of children 41247  
enrolled in approved preschool units on the first day of December; 41248

(3) On or before the thirtieth day of ~~March~~ April, an 41249  
itemized report of all income and operating expenditures for the 41250  
immediately preceding calendar year, in the format specified by 41251  
the department of mental retardation and developmental 41252  
disabilities; 41253

~~(4) By the fifteenth day of February, a report of the total annual cost per enrollee for operation of programs and services in the preceding calendar year. The report shall include a grand total of all programs operated, the cost of the individual programs, and the sources of funds applied to each program.~~

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

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

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

~~(1) One thousand dollars times the certified average daily membership of persons enrolled in traditional adult services who are eligible for but not enrolled in active treatment;~~

~~(2) One thousand two hundred dollars times the certified average daily membership of persons enrolled in traditional adult services who are eligible for and enrolled in active treatment;~~

~~(3) No less than one thousand five hundred dollars times the~~

~~certified average daily membership of persons enrolled in 41285  
traditional adult services but who are not eligible for active 41286  
treatment; 41287~~

~~(4) No less than one thousand five hundred dollars times the 41288  
certified average daily membership of persons participating in 41289  
community employment services. 41290~~

~~(E) The department shall distribute this subsidy to county 41291  
boards in quarterly installments of equal amounts. The 41292  
installments shall be made not later than the thirtieth day of 41293  
September, the thirty first day of December, the thirty first day 41294  
of March, and the thirtieth day of June. 41295~~

~~(F) The director of mental retardation and developmental 41296  
disabilities shall make efforts to obtain increases in the 41297  
subsidies for early childhood services and adult services so that 41298  
the amount of the subsidies is equal to at least fifty per cent of 41299  
the statewide average cost of those services minus any applicable 41300  
federal reimbursements for those services. The director shall 41301  
advise the director of budget and management of the need for any 41302  
such increases when submitting the biennial appropriations request 41303  
for the department. 41304~~

~~(G) In determining the reimbursement of a county board for 41305  
the provision of service and support administration, family 41306  
support services, and other services required or approved by the 41307  
director for which children three through twenty one years of age 41308  
are eligible, the department shall include the average daily 41309  
membership in approved school age or preschool units. The 41310  
department, in accordance with this section and upon receipt and 41311  
approval of the certification required by this section and any 41312  
other information it requires to enable it to determine a board's 41313  
payments, shall pay the agency providing the specialized training 41314  
the amounts payable under this section. 41315~~

**Sec. 5126.15.** (A) A county board of mental retardation and 41317  
developmental disabilities shall provide service and support 41318  
administration to each individual three years of age or older who 41319  
is eligible for service and support administration if the 41320  
individual requests, or a person on the individual's behalf 41321  
requests, service and support administration. A board shall 41322  
provide service and support administration to each individual 41323  
receiving home and community-based services. A board may provide, 41324  
in accordance with the service coordination requirements of 34 41325  
C.F.R. 303.23, service and support administration to an individual 41326  
under three years of age eligible for early intervention services 41327  
under 34 C.F.R. part 303. A board may provide service and support 41328  
administration to an individual who is not eligible for other 41329  
services of the board. Service and support administration shall be 41330  
provided in accordance with rules adopted under section 5126.08 of 41331  
the Revised Code. 41332

A board may provide service and support administration by 41333  
directly employing service and support administrators or by 41334  
contracting with entities for the performance of service and 41335  
support administration. Individuals employed or under contract as 41336  
service and support administrators shall not be in the same 41337  
collective bargaining unit as employees who perform duties that 41338  
are not administrative. 41339

Individuals employed by a board as service and support 41340  
administrators shall not be assigned responsibilities for 41341  
implementing other services for individuals and shall not be 41342  
employed by or serve in a decision-making or policy-making 41343  
capacity for any other entity that provides programs or services 41344  
to individuals with mental retardation or developmental 41345  
disabilities. An individual employed as a conditional status 41346  
service and support administrator shall perform the duties of 41347  
service and support administration only under the supervision of a 41348

management employee who is a service and support administration supervisor. 41349  
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(B) The individuals employed by or under contract with a board to provide service and support administration shall do all of the following: 41351  
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41353

(1) Establish an individual's eligibility for the services of the county board of mental retardation and developmental disabilities; 41354  
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(2) Assess individual needs for services; 41357

(3) Develop individual service plans with the active participation of the individual to be served, other persons selected by the individual, and, when applicable, the provider selected by the individual, and recommend the plans for approval by the department of mental retardation and developmental disabilities when services included in the plans are funded through medicaid; 41358  
41359  
41360  
41361  
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(4) Establish budgets for services based on the individual's assessed needs and preferred ways of meeting those needs; 41365  
41366

(5) Assist individuals in making selections from among the providers they have chosen; 41367  
41368

(6) Ensure that services are effectively coordinated and provided by appropriate providers; 41369  
41370

(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; 41371  
41372  
41373  
41374

(8) Perform quality assurance reviews as a distinct function of service and support administration; 41375  
41376

(9) Incorporate the results of quality assurance reviews and identified trends and patterns of unusual incidents and major 41377  
41378

unusual incidents into amendments of an individual's service plan 41379  
for the purpose of improving and enhancing the quality and 41380  
appropriateness of services rendered to the individual; 41381

(10) Ensure that each individual receiving services has a 41382  
designated person who is responsible on a continuing basis for 41383  
providing the individual with representation, advocacy, advice, 41384  
and assistance related to the day-to-day coordination of services 41385  
in accordance with the individual's service plan. The service and 41386  
support administrator shall give the individual receiving services 41387  
an opportunity to designate the person to provide daily 41388  
representation. If the individual declines to make a designation, 41389  
the administrator shall make the designation. In either case, the 41390  
individual receiving services may change at any time the person 41391  
designated to provide daily representation. 41392

~~(C) Subject to available funds, the department of mental 41393  
retardation and developmental disabilities shall pay a county 41394  
board an annual subsidy for service and support administration. 41395  
The amount of the subsidy shall be equal to the greater of twenty 41396  
thousand dollars or two hundred dollars times the board's 41397  
certified average daily membership. The payments shall be made in 41398  
quarterly installments of equal amounts, which shall be made no 41399  
later than the thirtieth day of September, the thirty first day of 41400  
December, the thirty first day of March, and the thirtieth day of 41401  
June. Funds received shall be used solely for service and support 41402  
administration. 41403~~

**Sec. 5126.18.** (A) As used in this section: 41405

(1) "County board" means a county board of mental retardation 41406  
and developmental disabilities. 41407

(2) Notwithstanding section 5126.01 of the Revised Code, 41408  
"adult services" means the following services, as they are 41409  
identified on individual information forms submitted by county 41410

boards to the department of mental retardation and developmental 41411  
disabilities ~~for the purpose of subsidies paid to county boards~~ 41412  
~~under section 5126.12 of the Revised Code~~, provided to an 41413  
individual with mental retardation or other developmental 41414  
disability who is at least twenty-two years of age: 41415

(a) Assessment; 41416

(b) Home service; 41417

(c) Adult program; 41418

(d) Community employment services; 41419

(e) Retirement. 41420

(3) "Adult services enrollment" means a county board's 41421  
average daily membership in adult services, exclusive of such 41422  
services provided to individuals served solely through service and 41423  
support administration provided pursuant to section 5126.15 of the 41424  
Revised Code or family support services provided pursuant to 41425  
section 5126.11 of the Revised Code. 41426

(4) "Taxable value" means the taxable value of a county board 41427  
certified under division (B)(1) of this section. 41428

(5) "Per-mill yield" of a county board means the quotient 41429  
obtained by dividing (a) the taxable value of the county board by 41430  
(b) one thousand. 41431

(6) "Local adult services cost" means a county board's 41432  
expenditures for adult services, excluding all federal and state 41433  
reimbursements and subsidy allocations received by such boards and 41434  
expended for such services, as certified under section 5126.12 of 41435  
the Revised Code. 41436

(7) "Statewide average millage" means one thousand multiplied 41437  
by the quotient obtained by dividing (a) the total of the local 41438  
adult services costs of all county boards by (b) the total of the 41439  
taxable values of all county boards. 41440

(8) "County yield" of a county board means the product 41441  
obtained by multiplying (a) the statewide average millage by (b) 41442  
the per-mill yield of the county board. 41443

(9) "County yield per enrollee" of a county board means the 41444  
quotient obtained by dividing (a) the county yield of the county 41445  
board by (b) the adult enrollment of the county board. 41446

(10) "Statewide yield per enrollee" means the quotient 41447  
obtained by dividing (a) the sum of the county yields of all 41448  
county boards by (b) the sum of the adult enrollments of all 41449  
county boards. 41450

(11) "Local tax effort for adult services" of a county board 41451  
means one thousand multiplied by the quotient obtained by dividing 41452  
(a) the local adult services cost of the county board by (b) the 41453  
taxable value of the county board. 41454

(12) "Funding percentage" for a fiscal year means the 41455  
percentage that the amount appropriated to the department for the 41456  
purpose of making payments under this section in the fiscal year 41457  
is of the amount computed under division (C)(3) of this section 41458  
for the fiscal year. 41459

(13) "Funding-adjusted required millage" for a fiscal year 41460  
means the statewide average millage multiplied by the funding 41461  
percentage for that fiscal year. 41462

(B)(1) On the request of the director of mental retardation 41463  
and developmental disabilities, the tax commissioner shall provide 41464  
to the department of mental retardation and developmental 41465  
disabilities information specifying the taxable value of property 41466  
on each county's tax list of real and public utility property and 41467  
tax list of personal property for the most recent tax year for 41468  
which such information is available. The director may request any 41469  
other tax information necessary for the purposes of this section. 41470

(2) On the request of the director, each county board shall 41471



report the county board's adult services enrollment and local 41472  
adult services cost. 41473

(C) Each year, the department of mental retardation and 41474  
developmental disabilities shall compute the following: 41475

(1) For each county board, the amount, if any, by which the 41476  
statewide yield per enrollee exceeds the county yield per 41477  
enrollee; 41478

(2) For each county board, the amount of any excess computed 41479  
under division (C)(1) of this section multiplied by the adult 41480  
services enrollment of the county board; 41481

(3) The sum of the amounts computed under division (C)(2) of 41482  
this section for all county boards. 41483

(D) From money appropriated for the purpose, the department 41484  
shall provide for payment to each county board of the amount 41485  
computed for that county board under division (C)(2) of this 41486  
section, subject to any reduction or adjustment under division 41487  
(E), (F), or (G) of this section. The department shall make the 41488  
payments in quarterly installments of equal amounts. The 41489  
installments shall be made not later than the thirtieth day of 41490  
September, thirty-first day of December, thirty-first day of 41491  
March, and thirtieth day of June. 41492

(E) If a county board's local tax effort for adult services 41493  
is less than the funding-adjusted required millage, the director 41494  
shall reduce the amount of payment otherwise computed under 41495  
division (C)(2) of this section so that the amount paid, after the 41496  
reduction, is the same percentage of the amount computed under 41497  
division (C)(2) of this section as the county board's local tax 41498  
effort for adult services is of the funding-adjusted required 41499  
millage. 41500

If the director reduces the amount of a county board's 41501  
payment under this division, the department, not later than the 41502

fifteenth day of July, shall notify the county board of the 41503  
reduction and the amount of the reduction. The notice shall 41504  
include a statement that the county board may request to be 41505  
exempted from the reduction by filing a request with the director, 41506  
in the manner and form prescribed by the director, within 41507  
twenty-one days after such notification is issued. The board may 41508  
present evidence of its attempt to obtain passage of levies or any 41509  
other extenuating circumstances the board considers relevant. If 41510  
the county board requests a hearing before the director to present 41511  
such evidence, the director shall conduct a hearing on the request 41512  
unless the director exempts the board from the reduction on the 41513  
basis of the evidence presented in the request filed by the board. 41514  
Upon receiving a properly and timely filed request for exemption, 41515  
but not later than the thirty-first day of August, the director 41516  
shall determine whether the county board shall be exempted from 41517  
all or a part of the reduction. The director may exempt the board 41518  
from all or part of the reduction if the director finds that the 41519  
board has made good faith efforts to obtain passage of tax levies 41520  
or that there are extenuating circumstances. 41521

(F) If a payment is reduced under division (E) of this 41522  
section and the director does not exempt the county board from the 41523  
reduction, the amount of the reduction shall be apportioned among 41524  
all county boards entitled to payments under this section for 41525  
which payments were not so reduced. The amount apportioned to each 41526  
county board shall be proportionate to the amount of the board's 41527  
payment as computed under division (C)(2) of this section. 41528

(G) If, for any fiscal year, the amount appropriated to the 41529  
department for the purpose of this section is less than the amount 41530  
computed under division (C)(3) of this section for the fiscal 41531  
year, the department shall adjust the amount of each payment as 41532  
computed under divisions (C)(2), (E), and (F) of this section by 41533  
multiplying that amount by the funding percentage. 41534

(H) The payments authorized by this section are supplemental 41535  
to all other funds that may be received by a county board. A 41536  
county board shall use the payments solely to pay the nonfederal 41537  
share of medicaid expenditures that ~~division (A) of section~~ 41538  
~~5126.057~~ sections 5126.059 and 5126.0510 of the Revised Code 41539  
~~requires~~ require the county board to pay. 41540

**Sec. 5126.19.** (A) The director of mental retardation and 41541  
developmental disabilities may grant temporary funding from the 41542  
community mental retardation and developmental disabilities trust 41543  
fund based on allocations to county boards of mental retardation 41544  
and developmental disabilities. The director may distribute all or 41545  
part of the funding directly to a county board, the persons who 41546  
provide the services for which the funding is granted, or persons 41547  
with mental retardation or developmental disabilities who are to 41548  
receive those services. 41549

(B) Funding granted under division (A) of this section shall 41550  
be granted according to the availability of moneys in the fund and 41551  
priorities established by the director. Funding may be granted for 41552  
any of the following purposes: 41553

(1) Behavioral or short-term interventions for persons with 41554  
mental retardation or developmental disabilities that assist them 41555  
in remaining in the community by preventing institutionalization; 41556

(2) Emergency respite care services, as defined in section 41557  
5126.11 of the Revised Code; 41558

(3) Family support services provided under section 5126.11 of 41559  
the Revised Code; 41560

(4) Supported living, as defined in section 5126.01 of the 41561  
Revised Code; 41562

(5) Staff training for county board employees, employees of 41563  
providers of residential services as defined in section 5126.01 of 41564

the Revised Code, and other personnel under contract with a county board, to provide the staff with necessary training in serving mentally retarded or developmentally disabled persons in the community;

(6) Short-term provision of early childhood services provided under section 5126.05, adult services provided under sections 5126.05 and 5126.051, and service and support administration provided under section 5126.15 of the Revised Code, when local moneys are insufficient to meet the need for such services due to the successive failure within a two-year period of three or more proposed levies for the services;

(7) Contracts with providers of residential services to maintain persons with mental retardation and developmental disabilities in their programs and avoid institutionalization.

(C) If the trust fund contains more than ten million dollars on the first day of July the director shall use ~~one million dollars for payments under section 5126.12 of the Revised Code,~~ one million dollars for payments under section 5126.18 of the Revised Code, ~~and two million dollars for payments under section 5126.44 of the Revised Code~~ subsidies to county boards for supported living, and one million dollars for subsidies to county boards for early childhood services and adult services provided under section 5126.05 of the Revised Code. Distributions of funds under this division shall be made prior to August 31 of the state fiscal year in which the funds are available. The funds shall be allocated to a county board in an amount equal to the same percentage of the total amount allocated to the county board the immediately preceding state fiscal year.

(D) In addition to making grants under division (A) of this section, the director may use money available in the trust fund for the same purposes that rules adopted under section 5123.0413 of the Revised Code provide for money in the state MR/DD risk fund

and the state insurance against MR/DD risk fund, both created 41597  
under that section, to be used. 41598

**Sec. 5126.25.** (A) The director of mental retardation and 41599  
developmental disabilities shall adopt rules in accordance with 41600  
Chapter 119. of the Revised Code establishing uniform standards 41601  
and procedures for the certification of persons for employment by 41602  
county boards of mental retardation and developmental disabilities 41603  
as superintendents, management employees, and professional 41604  
employees and uniform standards and procedures for the 41605  
registration of persons for employment by county boards as 41606  
registered service employees. As part of the rules, the director 41607  
may establish continuing education and professional training 41608  
requirements for renewal of certificates and evidence of 41609  
registration and shall establish such requirements for renewal of 41610  
an investigative agent certificate. In the rules, the director 41611  
shall establish certification standards for employment in the 41612  
position of investigative agent that require an individual to have 41613  
or obtain no less than an associate degree from an accredited 41614  
college or university or have or obtain comparable experience or 41615  
training. The director shall not adopt rules that require any 41616  
service employee to have or obtain a bachelor's or higher degree. 41617

The director shall adopt the rules in a manner that provides 41618  
for the issuance of certificates and evidence of registration 41619  
according to categories, levels, and grades. The rules shall 41620  
describe each category, level, and grade. 41621

The rules adopted under this division shall apply to persons 41622  
employed or seeking employment in a position that includes 41623  
directly providing, or supervising persons who directly provide, 41624  
services or instruction to or on behalf of individuals with mental 41625  
retardation or developmental disabilities, except that the rules 41626  
shall not apply to persons who hold a valid license issued under 41627

Chapter 3319. of the Revised Code and perform no duties other than 41628  
teaching or supervision of a teaching program or persons who hold 41629  
a valid license or certificate issued under Title XLVII of the 41630  
Revised Code and perform only those duties governed by the license 41631  
or certificate. The rules shall specify the positions that require 41632  
certification or registration. The rules shall specify that the 41633  
position of investigative agent requires certification. 41634

(B) The director shall adopt rules in accordance with Chapter 41635  
119. of the Revised Code establishing standards for approval of 41636  
courses of study to prepare persons to meet certification 41637  
requirements. The director shall approve courses of study meeting 41638  
the standards and provide for the inspection of the courses to 41639  
ensure the maintenance of satisfactory training procedures. The 41640  
director shall approve courses of study only if given by a state 41641  
university or college as defined in section 3345.32 of the Revised 41642  
Code, a state university or college of another state, or an 41643  
institution that has received a certificate of authorization to 41644  
confer degrees from the board of regents pursuant to Chapter 1713. 41645  
of the Revised Code or from a comparable agency of another state. 41646

(C) Each applicant for a certificate for employment or 41647  
evidence of registration for employment by a county board shall 41648  
apply to the department of mental retardation and developmental 41649  
disabilities on forms that the director of the department shall 41650  
prescribe and provide. The application shall be accompanied by the 41651  
application fee established in rules adopted under this section. 41652

(D) The director shall issue a certificate for employment to 41653  
each applicant who meets the standards for certification 41654  
established under this section and shall issue evidence of 41655  
registration for employment to each applicant who meets the 41656  
standards for registration established under this section. Each 41657  
certificate or evidence of registration shall state the category, 41658  
level, and grade for which it is issued. 41659

The director shall issue, renew, deny, suspend, or revoke 41660  
certificates and evidence of registration in accordance with rules 41661  
adopted under this section. The director shall deny, suspend, or 41662  
revoke a certificate or evidence of registration if the director 41663  
finds, pursuant to an adjudication conducted in accordance with 41664  
Chapter 119. of the Revised Code, that the applicant for or holder 41665  
of the certificate or evidence of registration is guilty of 41666  
intemperate, immoral, or other conduct unbecoming to the 41667  
applicant's or holder's position, or is guilty of incompetence or 41668  
negligence within the scope of the applicant's or holder's duties. 41669  
The director shall deny or revoke a certificate or evidence of 41670  
registration if the director finds, pursuant to an adjudication 41671  
conducted in accordance with Chapter 119. of the Revised Code, 41672  
that the applicant for or holder of the certificate or evidence of 41673  
registration has been convicted of or pleaded guilty to any of the 41674  
offenses described in division (E) of section 5126.28 of the 41675  
Revised Code, unless the individual meets standards for 41676  
rehabilitation that the director establishes in the rules adopted 41677  
under that section. Evidence supporting such allegations shall be 41678  
presented to the director in writing and the director shall 41679  
provide prompt notice of the allegations to the person who is the 41680  
subject of the allegations. A denial, suspension, or revocation 41681  
may be appealed in accordance with procedures the director shall 41682  
establish in the rules adopted under this section. 41683

(E)(1) A person holding a valid certificate under this 41684  
section on the effective date of any rules adopted under this 41685  
section that increase certification standards shall have such 41686  
period as the rules prescribe, but not less than one year after 41687  
the effective date of the rules, to meet the new certification 41688  
standards. 41689

A person who is registered under this section on the 41690  
effective date of any rule that changes the standards adopted 41691

under this section shall have such period as the rules prescribe, 41692  
but not less than one year, to meet the new registration 41693  
standards. 41694

(2) If an applicant for a certificate for employment has not 41695  
completed the courses of instruction necessary to meet the 41696  
department's standards for certification, the department shall 41697  
inform the applicant of the courses the applicant must 41698  
successfully complete to meet the standards and shall specify the 41699  
time within which the applicant must complete the courses. The 41700  
department shall grant the applicant at least one year to complete 41701  
the courses and shall not require the applicant to complete more 41702  
than four courses in any one year. The applicant is not subject to 41703  
any changes regarding the courses required for certification that 41704  
are made after the department informs the applicant of the courses 41705  
the applicant must complete, unless the applicant does not 41706  
successfully complete the courses within the time specified by the 41707  
department. 41708

(F) A person who holds a certificate or evidence of 41709  
registration, other than one designated as temporary, is qualified 41710  
to be employed according to that certificate or evidence of 41711  
registration by any county board. 41712

(G) The director shall monitor county boards to ensure that 41713  
their employees who must be certified or registered are 41714  
appropriately certified or registered and performing those 41715  
functions they are authorized to perform under their certificate 41716  
or evidence of registration. 41717

(H) A county board superintendent or the superintendent's 41718  
designee may certify to the director that county board employees 41719  
who are required to meet continuing education or professional 41720  
training requirements as a condition of renewal of certificates or 41721  
evidence of registration have met the requirements. The 41722  
superintendent or the superintendent's designee shall maintain in 41723



appropriate personnel files evidence acceptable to the director 41724  
that the employees have met the requirements and permit 41725  
representatives of the department access to the evidence on 41726  
request. 41727

(I) All fees collected pursuant to this section shall be 41728  
deposited in the state treasury to the credit of the ~~employee~~ 41729  
~~certification and registration program fee~~ fund, which is hereby 41730  
created under section 5123.033 of the Revised Code. Money credited 41731  
~~to the fund shall be used solely for the operation of the~~ 41732  
~~certification and registration program established under this~~ 41733  
~~section and for providing continuing training to county board~~ 41734  
~~employees.~~ 41735

(J) Employees of entities that contract with county boards of 41736  
mental retardation and developmental disabilities to operate 41737  
programs and services for individuals with mental retardation and 41738  
developmental disabilities are subject to the certification and 41739  
registration requirements established under section 5123.082 of 41740  
the Revised Code. 41741

**Sec. 5126.40.** (A) Sections 5126.40 to 5126.47 of the Revised 41742  
Code do not apply to medicaid-funded supported living. 41743

(B) As used in ~~this section and~~ sections ~~5126.41~~ 5126.40 to 41744  
5126.47 of the Revised Code, "provider" means a person or 41745  
government entity certified by the ~~department~~ director of mental 41746  
retardation and developmental disabilities to provide supported 41747  
living for individuals with mental retardation and developmental 41748  
disabilities. 41749

~~(B) This division is in effect until July 1, 1995. By~~ 41750  
~~adoption of a resolution by affirmative vote of a majority of its~~ 41751  
~~members, a county board of mental retardation and developmental~~ 41752  
~~disabilities shall have authority to plan and develop supported~~ 41753  
~~living for individuals with mental retardation and developmental~~ 41754

~~disabilities who are residents of the county and, as provided in 41755  
sections 5126.41 to 5126.47 of the Revised Code, contract with 41756  
providers and enter into shared funding arrangements. The board's 41757  
authority under this division is effective on the department's 41758  
receipt of the resolution. 41759~~

(C) On and after July 1, 1995, each county board shall plan 41760  
and develop supported living for individuals with mental 41761  
retardation and developmental disabilities who are residents of 41762  
the county in accordance with sections 5126.41 to 5126.47 of the 41763  
Revised Code. 41764

**Sec. 5126.42.** (A) A county board of mental retardation and 41765  
developmental disabilities shall establish an advisory council 41766  
composed of board members or employees of the board, providers, 41767  
individuals receiving supported living, and advocates for 41768  
individuals receiving supported living to provide on-going 41769  
communication among all persons concerned with supported living. 41770

(B) The board shall develop procedures for the resolution of 41771  
grievances between the board and providers or between the board 41772  
and an entity with which it has a shared funding agreement. 41773

(C) The board shall develop and implement a provider 41774  
selection system. Each system shall enable an individual to choose 41775  
to continue receiving supported living from the same providers, to 41776  
select additional providers, or to choose alternative providers. 41777  
Annually, the board shall review its provider selection system to 41778  
determine whether it has been implemented in a manner that allows 41779  
individuals fair and equitable access to providers. 41780

In developing a provider selection system, the county board 41781  
shall create a pool of providers for individuals to use in 41782  
choosing their providers of supported living. The pool shall be 41783  
created by placing in the pool all providers on record with the 41784  
board or by placing in the pool all providers approved by the 41785

board through soliciting requests for proposals for supported 41786  
living contracts. In either case, only providers that are 41787  
certified by the ~~department~~ director of mental retardation and 41788  
developmental disabilities ~~and in compliance with the quality~~ 41789  
~~assurance standards established in rules adopted by the department~~ 41790  
may be placed in the pool. 41791

If the board places all providers on record in the pool, the 41792  
board shall review the pool at least annually to determine whether 41793  
each provider has continued interest in being a provider and has 41794  
maintained its certification by the department. At any time, an 41795  
interested and certified provider may make a request to the board 41796  
that it be added to the pool, and the board shall add the provider 41797  
to the pool not later than seven days after receiving the request. 41798

If the board solicits requests for proposals for inclusion of 41799  
providers in the pool, the board shall develop standards for 41800  
selecting the providers to be included. Requests for proposals 41801  
shall be solicited at least annually. When requests are solicited, 41802  
the board shall cause legal notices to be published at least once 41803  
each week for two consecutive weeks in a newspaper with general 41804  
circulation within the county. The board's formal request for 41805  
proposals shall include a description of any applicable contract 41806  
terms, the standards that are used to select providers for 41807  
inclusion in the pool, and the process the board uses to resolve 41808  
disputes arising from the selection process. The board shall 41809  
accept requests from any entity interested in being a provider of 41810  
supported living for individuals served by the board. Requests 41811  
shall be approved or denied according to the standards developed 41812  
by the board. Providers that previously have been placed in the 41813  
pool are not required to resubmit a request for proposal to be 41814  
included in the pool, unless the board's standards have been 41815  
changed. 41816

In assisting an individual in choosing a provider, the county 41817

board shall provide the individual with uniform and consistent 41818  
information pertaining to each provider in the pool, ~~including the~~ 41819  
~~provider evaluations conducted under section 5126.431 of the~~ 41820  
~~Revised Code on and after July 1, 1995.~~ An individual may choose 41821  
to receive supported living from a provider that is not included 41822  
in the pool, if the provider is certified by the ~~department~~ 41823  
director of mental retardation and developmental disabilities ~~and~~ 41824  
~~in compliance with the quality assurance standards established in~~ 41825  
~~rules adopted by the department.~~ 41826

**Sec. 5126.43.** (A) After receiving notice from the department 41827  
of mental retardation and developmental disabilities of the amount 41828  
of state funds to be distributed to it ~~under section 5126.44 of~~ 41829  
~~the Revised Code for planning, developing, contracting for, and~~ 41830  
providing supported living, the county board of mental retardation 41831  
and developmental disabilities shall arrange for supported living 41832  
on behalf of and with the consent of individuals based on their 41833  
individual service plans developed under section 5126.41 of the 41834  
Revised Code. With the state distribution and any other money 41835  
designated by the board for supported living, the board shall 41836  
arrange for supported living in one or more of the following ways: 41837

(1) By contracting under section 5126.45 of the Revised Code 41838  
with providers selected by the individual to be served; 41839

(2) By entering into shared funding agreements with state 41840  
agencies, local public agencies, or political subdivisions at 41841  
rates negotiated by the board; 41842

(3) By providing direct payment or vouchers to be used to 41843  
purchase supported living, pursuant to a written contract in an 41844  
amount determined by the board, to the individual or a person 41845  
providing the individual with protective services as defined in 41846  
section 5123.55 of the Revised Code. 41847

(B) ~~When the board contracts for supported living on behalf~~ 41848

~~of an individual, the~~ The board may contract arrange for supported 41849  
living only with providers that are certified by the department 41850  
director of mental retardation and developmental disabilities and 41851  
~~are in compliance with the quality assurance standards established~~ 41852  
~~in rules adopted by the department. The contract terms shall be as~~ 41853  
~~provided in section 5126.45 of the Revised Code.~~ 41854

When no certified provider is willing and able to provide 41855  
supported living for an individual in accordance with the terms of 41856  
the individual service plan for that individual, a county board 41857  
may provide supported living directly, if it ~~complies with~~ 41858  
~~certification and quality assurance standards established by the~~ 41859  
~~department~~ is certified by the director of mental retardation and 41860  
developmental disabilities to provide supported living. 41861

A county board may, for a period not to exceed ninety days, 41862  
contract for or provide supported living without meeting the 41863  
requirements of this section for an individual it determines to be 41864  
in emergency need of supported living. Thereafter, the individual 41865  
shall choose providers in accordance with sections 5126.41 and 41866  
5126.42 of the Revised Code. 41867

**Sec. 5126.45.** (A) A contract between a county board of mental 41868  
retardation and developmental disabilities and a provider of 41869  
supported living shall be in writing and shall be based on the 41870  
individual service plan developed by the individual under section 41871  
5126.41 of the Revised Code. The plan may be submitted as an 41872  
addendum to the contract. An individual receiving services 41873  
pursuant to a contract shall be considered a third-party 41874  
beneficiary to the contract. 41875

~~The board shall not contract with a provider to provide a~~ 41876  
~~residence to a person to whom the provider is providing other~~ 41877  
~~supported living services, unless one of the following applies:~~ 41878

~~(1) The provider is under contract with the board for both~~ 41879

~~residence and services on July 17, 1990, and the contract is being renewed.~~ 41880  
41881

~~(2) The provider has a contract being transferred from the state to the county board under section 5126.451 of the Revised Code and the contract is being renewed.~~ 41882  
41883  
41884

~~(3) The provider lives in the residence and provides services to not more than three persons who reside in the residence at any one time.~~ 41885  
41886  
41887

~~(4) The provider is an association of family members related to two or more of the persons who reside in the residence and provides services to not more than four persons who reside in the residence at any one time.~~ 41888  
41889  
41890  
41891

(B) The contract shall be negotiated between the provider and the county board. The terms of the contract shall include at least the following: 41892  
41893  
41894

(1) The contract period and conditions for renewal; 41895

(2) The services to be provided pursuant to the individual service plan; 41896  
41897

(3) The rights and responsibilities of all parties to the contract; 41898  
41899

(4) The methods that will be used to evaluate the services delivered by the provider; 41900  
41901

(5) Procedures for contract modification that ensure all parties affected by the modification are involved and agree; 41902  
41903

(6) A process for resolving conflicts between individuals receiving services, the county board, and the provider, as applicable; 41904  
41905  
41906

(7) Procedures for the retention of applicable records; 41907

(8) Provisions for contract termination by any party involved 41908

that include requirements for an appropriate notice of intent to terminate the contract;

(9) Methods to be used to document services provided;

(10) Procedures for submitting reports required by the county board as a condition of receiving payment under the contract;

(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;

(12) Provisions for conducting fiscal reconciliations for payments made through methods other than a fee-for-service arrangement.

(C) Payments to the provider under a supported living contract must be determined by the board to be reasonable in accordance with policies and procedures developed by the board. Goods or services provided without charge to the provider shall not be included as expenditures of the provider.

(D) The board shall establish procedures for reconciling expenditures and payments, other than those made under a fee-for-service arrangement, for the prior contract year when a contract is not renewed and shall reconcile expenditures and payments in accordance with these procedures.

(E) A provider or an entity with which the board has entered into a shared funding agreement may appeal a negotiated contract or proposed shared funding rate to the county board using the procedures established by the board under section 5126.42 of the Revised Code.

**Sec. 5126.47.** A county board of mental retardation and developmental disabilities ~~that has adopted a resolution under section 5126.40 of the Revised Code~~ may, pursuant to a resolution adopted by an affirmative vote of the majority of its members,

establish, by agreement with one or more other county boards of 41939  
mental retardation and developmental disabilities, a residential 41940  
services consortium to jointly provide residential services and 41941  
supported living. The agreement shall designate one board to 41942  
assume the fiscal responsibilities for the consortium. The county 41943  
auditor of the designated county shall establish a community 41944  
mental retardation and developmental disabilities residential 41945  
services fund for the consortium. Each board that is a member of 41946  
the consortium shall cause to be deposited in the fund ~~all moneys~~ 41947  
~~distributed to it by the department of mental retardation and~~ 41948  
~~developmental disabilities under section 5126.44 of the Revised~~ 41949  
~~Code and any other~~ state or federal money received for community 41950  
residential services the county board has agreed to contribute to 41951  
the consortium. 41952

**Sec. 5139.27.** The department of youth services shall adopt 41953  
rules prescribing the minimum standards of construction for a 41954  
school, forestry camp, or other facility established under section 41955  
2151.65 of the Revised Code for which financial assistance may be 41956  
granted to assist in defraying the cost of the construction of the 41957  
school, forestry camp, or other facility. If an application for 41958  
that financial assistance is filed with the department under 41959  
section 2151.651 of the Revised Code, and the department finds 41960  
that the application is in proper form and the specifications for 41961  
the construction of the school, forestry camp, or other facility 41962  
meet the minimum standards set forth in the rules adopted by the 41963  
department, the department may, from moneys available to it for 41964  
granting financial assistance for the construction of schools, 41965  
forestry camps, or other facilities established under section 41966  
2151.65 of the Revised Code, grant financial assistance to the 41967  
county making the application, subject to the approval of the 41968  
controlling board, in an amount not to exceed one-half of the 41969  
county's share of the cost of construction of the school, forestry 41970



camp, or other facility but not to exceed six thousand five 41971  
hundred dollars for each bed unit provided for in the school, 41972  
forestry camp, or other facility. As used in this section, 41973  
"construction" means the building and the initial equipping of new 41974  
structures and, to the extent provided for in rules adopted by the 41975  
department, the acquisition, remodeling, and initial equipping of 41976  
existing structures, excluding architect's fees and the cost of 41977  
land acquisition. 41978

A county that receives financial assistance under this 41979  
section shall not be obligated to repay the assistance to the 41980  
state unless the school, forestry camp, or other facility for 41981  
which the assistance is granted is used within the ten-year period 41982  
immediately following its establishment for other than the purpose 41983  
of rehabilitating children between the ages of twelve to eighteen 41984  
years, other than psychotic or mentally retarded children, who are 41985  
designated delinquent children, as defined in section 2152.02 of 41986  
the Revised Code, or unruly, as defined in section 2151.022 of the 41987  
Revised Code, by order of a juvenile court. If the department of 41988  
youth services finds that the school, forestry camp, or other 41989  
facility is used for other than that purpose within that ten-year 41990  
period, the county shall be obligated to repay the assistance to 41991  
the state and, through its board of county commissioners, may 41992  
enter into an agreement with the director of budget and management 41993  
for the discharge of that obligation over a period not to exceed 41994  
ten years in duration. Whenever a county is obligated to repay 41995  
that assistance to the state and its board of county commissioners 41996  
fails to enter into or fails to comply with an agreement for the 41997  
discharge of that obligation, the tax commissioner, pursuant to 41998  
section 5747.54 of the Revised Code, shall withhold from 41999  
distribution to the county from the local ~~government~~ communities 42000  
fund an amount sufficient to discharge the county from that 42001  
obligation to the state. 42002

Sec. 5139.271. Subject to the approval of the controlling board, the department of youth services may grant and pay financial assistance to defray the county's share of the cost of acquiring or constructing a district detention facility, established under section 2152.41 of the Revised Code, to any county making application under section 2152.43 of the Revised Code if the department finds that the application was made in accordance with its rules and the facility or the specifications for the facility meet minimum standards established by the department. No financial assistance shall be granted for defraying the cost of architects' fees or land.

The department shall adopt rules prescribing the minimum standards of construction and condition of existing structures, established under section 2152.41 of the Revised Code, for which financial assistance is granted under this section. The department may recommend programs of education and training and the qualifications desired for personnel of a district detention facility.

The amount of financial assistance granted to any county shall not exceed one-half of the county's share of the cost of acquisition or construction of the facility. The total of all state assistance for any home shall not exceed six thousand five hundred dollars for each bed unit provided for in the facility.

A county that receives financial assistance under this section shall repay the assistance to the state if the facility for which the assistance is granted is used within the ten-year period immediately following its establishment for purposes other than those contained in section 2152.41 of the Revised Code. A board of county commissioners that uses the facility for any other purpose within that period shall enter into an agreement with the director of budget and management for the discharge of that

obligation over a period not to exceed ten years. If a board of 42034  
county commissioners fails to enter into an agreement for the 42035  
discharge of that obligation, or fails to comply with the terms of 42036  
such an agreement, the director shall direct the tax commissioner, 42037  
pursuant to section 5747.54 of the Revised Code, to withhold from 42038  
the distribution of the local ~~government~~ communities fund an 42039  
amount sufficient to discharge the obligation. 42040

As used in this section: 42041

(A) "Construction" means the building and initial equipping 42042  
of new structures. 42043

(B) "Acquisition" means "acquisition" as defined in the rules 42044  
of the department, which may include the purchase, remodeling, and 42045  
initial equipping of existing structures. 42046

**Sec. 5139.43.** (A) The department of youth services shall 42047  
operate a felony delinquent care and custody program that shall be 42048  
operated in accordance with the formula developed pursuant to 42049  
section 5139.41 of the Revised Code, subject to the conditions 42050  
specified in this section. 42051

(B)(1) Each juvenile court shall use the moneys disbursed to 42052  
it by the department of youth services pursuant to division (B) of 42053  
section 5139.41 of the Revised Code in accordance with the 42054  
applicable provisions of division (B)(2) of this section and shall 42055  
transmit the moneys to the county treasurer for deposit in 42056  
accordance with this division. The county treasurer shall create 42057  
in the county treasury a fund that shall be known as the felony 42058  
delinquent care and custody fund and shall deposit in that fund 42059  
the moneys disbursed to the juvenile court pursuant to division 42060  
(B) of section 5139.41 of the Revised Code. The county treasurer 42061  
also shall deposit into that fund the state subsidy funds granted 42062  
to the county pursuant to section 5139.34 of the Revised Code. The 42063  
moneys disbursed to the juvenile court pursuant to division (B) of 42064

section 5139.41 of the Revised Code and deposited pursuant to this 42065  
division in the felony delinquent care and custody fund shall not 42066  
be commingled with any other county funds except state subsidy 42067  
funds granted to the county pursuant to section 5139.34 of the 42068  
Revised Code; shall not be used for any capital construction 42069  
projects; upon an order of the juvenile court and subject to 42070  
appropriation by the board of county commissioners, shall be 42071  
disbursed to the juvenile court for use in accordance with the 42072  
applicable provisions of division (B)(2) of this section; shall 42073  
not revert to the county general fund at the end of any fiscal 42074  
year; and shall carry over in the felony delinquent care and 42075  
custody fund from the end of any fiscal year to the next fiscal 42076  
year. At the end of each fiscal year, beginning June 30, 2008, the 42077  
balance in the felony delinquent care and custody fund in any 42078  
county shall not exceed the total moneys allocated to the county 42079  
pursuant to sections 5139.34 and 5139.41 of the Revised Code 42080  
during the previous fiscal year, unless that county has applied 42081  
for and been granted an exemption by the director of youth 42082  
services. The department shall withhold from future payments to a 42083  
county an amount equal to any moneys in the felony delinquent care 42084  
and custody fund of the county that exceed the total moneys 42085  
allocated pursuant to those sections to the county during the 42086  
preceding fiscal year and shall reallocate the withheld amount. 42087  
The department shall adopt rules for the withholding and 42088  
reallocation of moneys disbursed under sections 5139.34 and 42089  
5139.41 of the Revised Code and for the criteria and process for a 42090  
county to obtain an exemption from the withholding requirement. 42091  
The moneys disbursed to the juvenile court pursuant to division 42092  
(B) of section 5139.41 of the Revised Code and deposited pursuant 42093  
to this division in the felony delinquent care and custody fund 42094  
shall be in addition to, and shall not be used to reduce, any 42095  
usual annual increase in county funding that the juvenile court is 42096  
eligible to receive or the current level of county funding of the 42097

juvenile court and of any programs or services for delinquent 42098  
children, unruly children, or juvenile traffic offenders. 42099

(2)(a) A county and the juvenile court that serves the county 42100  
shall use the moneys in its felony delinquent care and custody 42101  
fund in accordance with rules that the department of youth 42102  
services adopts pursuant to division (D) of section 5139.04 of the 42103  
Revised Code and as follows: 42104

(i) The moneys in the fund that represent state subsidy funds 42105  
granted to the county pursuant to section 5139.34 of the Revised 42106  
Code shall be used to aid in the support of prevention, early 42107  
intervention, diversion, treatment, and rehabilitation programs 42108  
that are provided for alleged or adjudicated unruly children or 42109  
delinquent children or for children who are at risk of becoming 42110  
unruly children or delinquent children. The county shall not use 42111  
for capital improvements more than fifteen per cent of the moneys 42112  
in the fund that represent the applicable annual grant of those 42113  
state subsidy funds. 42114

(ii) The moneys in the fund that were disbursed to the 42115  
juvenile court pursuant to division (B) of section 5139.41 of the 42116  
Revised Code and deposited pursuant to division (B)(1) of this 42117  
section in the fund shall be used to provide programs and services 42118  
for the training, treatment, or rehabilitation of felony 42119  
delinquents that are alternatives to their commitment to the 42120  
department, including, but not limited to, community residential 42121  
programs, day treatment centers, services within the home, and 42122  
electronic monitoring, and shall be used in connection with 42123  
training, treatment, rehabilitation, early intervention, or other 42124  
programs or services for any delinquent child, unruly child, or 42125  
juvenile traffic offender who is under the jurisdiction of the 42126  
juvenile court. 42127

The fund also may be used for prevention, early intervention, 42128  
diversion, treatment, and rehabilitation programs that are 42129

provided for alleged or adjudicated unruly children, delinquent 42130  
children, or juvenile traffic offenders or for children who are at 42131  
risk of becoming unruly children, delinquent children, or juvenile 42132  
traffic offenders. Consistent with division (B)(1) of this 42133  
section, a county and the juvenile court of a county shall not use 42134  
any of those moneys for capital construction projects. 42135

(iii) The county and the juvenile court that serves the 42136  
county may not use moneys in the fund for the provision of care 42137  
and services for children, including, but not limited to, care and 42138  
services in a detention facility, in another facility, or in 42139  
out-of-home placement, unless the minimum standards that apply to 42140  
the care and services and that the department prescribes in rules 42141  
adopted pursuant to division (D) of section 5139.04 of the Revised 42142  
Code have been satisfied. 42143

(b) Each juvenile court shall comply with division (B)(3)(d) 42144  
of this section as implemented by the department. 42145

(3) In accordance with rules adopted by the department 42146  
pursuant to division (D) of section 5139.04 of the Revised Code, 42147  
each juvenile court and the county served by that juvenile court 42148  
shall do all of the following that apply: 42149

(a) The juvenile court shall prepare an annual grant 42150  
agreement and application for funding that satisfies the 42151  
requirements of this section and section 5139.34 of the Revised 42152  
Code and that pertains to the use, upon an order of the juvenile 42153  
court and subject to appropriation by the board of county 42154  
commissioners, of the moneys in its felony delinquent care and 42155  
custody fund for specified programs, care, and services as 42156  
described in division (B)(2)(a) of this section, shall submit that 42157  
agreement and application to the county family and children first 42158  
council, the regional family and children first council, or the 42159  
local intersystem services to children cluster as described in 42160  
sections 121.37 and 121.38 of the Revised Code, whichever is 42161

applicable, and shall file that agreement and application with the department for its approval. The annual grant agreement and application for funding shall include a method of ensuring equal access for minority youth to the programs, care, and services specified in it.

The department may approve an annual grant agreement and application for funding only if the juvenile court involved has complied with the preparation, submission, and filing requirements described in division (B)(3)(a) of this section. If the juvenile court complies with those requirements and the department approves that agreement and application, the juvenile court and the county served by the juvenile court may expend the state subsidy funds granted to the county pursuant to section 5139.34 of the Revised Code only in accordance with division (B)(2)(a) of this section, the rules pertaining to state subsidy funds that the department adopts pursuant to division (D) of section 5139.04 of the Revised Code, and the approved agreement and application.

(b) By the thirty-first day of August of each year, the juvenile court shall file with the department a report that contains all of the statistical and other information for each month of the prior state fiscal year. If the juvenile court fails to file the report required by division (B)(3)(b) of this section by the thirty-first day of August of any year, the department shall not disburse any payment of state subsidy funds to which the county otherwise is entitled pursuant to section 5139.34 of the Revised Code and shall not disburse pursuant to division (B) of section 5139.41 of the Revised Code the applicable allocation until the juvenile court fully complies with division (B)(3)(b) of this section.

(c) If the department requires the juvenile court to prepare monthly statistical reports and to submit the reports on forms provided by the department, the juvenile court shall file those

reports with the department on the forms so provided. If the 42194  
juvenile court fails to prepare and submit those monthly 42195  
statistical reports within the department's timelines, the 42196  
department shall not disburse any payment of state subsidy funds 42197  
to which the county otherwise is entitled pursuant to section 42198  
5139.34 of the Revised Code and shall not disburse pursuant to 42199  
division (B) of section 5139.41 of the Revised Code the applicable 42200  
allocation until the juvenile court fully complies with division 42201  
(B)(3)(c) of this section. If the juvenile court fails to prepare 42202  
and submit those monthly statistical reports within one hundred 42203  
eighty days of the date the department establishes for their 42204  
submission, the department shall not disburse any payment of state 42205  
subsidy funds to which the county otherwise is entitled pursuant 42206  
to section 5139.34 of the Revised Code and shall not disburse 42207  
pursuant to division (B) of section 5139.41 of the Revised Code 42208  
the applicable allocation, and the state subsidy funds and the 42209  
remainder of the applicable allocation shall revert to the 42210  
department. If a juvenile court states in a monthly statistical 42211  
report that the juvenile court adjudicated within a state fiscal 42212  
year five hundred or more children to be delinquent children for 42213  
committing acts that would be felonies if committed by adults and 42214  
if the department determines that the data in the report may be 42215  
inaccurate, the juvenile court shall have an independent auditor 42216  
or other qualified entity certify the accuracy of the data on a 42217  
date determined by the department. 42218

(d) If the department requires the juvenile court and the 42219  
county to participate in a fiscal monitoring program or another 42220  
monitoring program that is conducted by the department to ensure 42221  
compliance by the juvenile court and the county with division (B) 42222  
of this section, the juvenile court and the county shall 42223  
participate in the program and fully comply with any guidelines 42224  
for the performance of audits adopted by the department pursuant 42225  
to that program and all requests made by the department pursuant 42226



to that program for information necessary to reconcile fiscal 42227  
accounting. If an audit that is performed pursuant to a fiscal 42228  
monitoring program or another monitoring program described in this 42229  
division determines that the juvenile court or the county used 42230  
moneys in the county's felony delinquent care and custody fund for 42231  
expenses that are not authorized under division (B) of this 42232  
section, within forty-five days after the department notifies the 42233  
county of the unauthorized expenditures, the county either shall 42234  
repay the amount of the unauthorized expenditures from the county 42235  
general revenue fund to the state's general revenue fund or shall 42236  
file a written appeal with the department. If an appeal is timely 42237  
filed, the director of the department shall render a decision on 42238  
the appeal and shall notify the appellant county or its juvenile 42239  
court of that decision within forty-five days after the date that 42240  
the appeal is filed. If the director denies an appeal, the 42241  
county's fiscal agent shall repay the amount of the unauthorized 42242  
expenditures from the county general revenue fund to the state's 42243  
general revenue fund within thirty days after receiving the 42244  
director's notification of the appeal decision. If the county 42245  
fails to make the repayment within that thirty-day period and if 42246  
the unauthorized expenditures pertain to moneys allocated under 42247  
sections 5139.41 to 5139.43 of the Revised Code, the department 42248  
shall deduct the amount of the unauthorized expenditures from the 42249  
next allocation of those moneys to the county in accordance with 42250  
this section or from the allocations that otherwise would be made 42251  
under those sections to the county during the next state fiscal 42252  
year in accordance with this section and shall return that 42253  
deducted amount to the state's general revenue fund. If the county 42254  
fails to make the repayment within that thirty-day period and if 42255  
the unauthorized expenditures pertain to moneys granted pursuant 42256  
to section 5139.34 of the Revised Code, the department shall 42257  
deduct the amount of the unauthorized expenditures from the next 42258  
annual grant to the county pursuant to that section and shall 42259

return that deducted amount to the state's general revenue fund. 42260

(C) The determination of which county a reduction of the care 42261  
and custody allocation will be charged against for a particular 42262  
youth shall be made as outlined below for all youths who do not 42263  
qualify as public safety beds. The determination of which county a 42264  
reduction of the care and custody allocation will be charged 42265  
against shall be made as follows until each youth is released: 42266  
42267

(1) In the event of a commitment, the reduction shall be 42268  
charged against the committing county. 42269

(2) In the event of a recommitment, the reduction shall be 42270  
charged against the original committing county until the 42271  
expiration of the minimum period of institutionalization under the 42272  
original order of commitment or until the date on which the youth 42273  
is admitted to the department of youth services pursuant to the 42274  
order of recommitment, whichever is later. Reductions of the 42275  
allocation shall be charged against the county that recommitted 42276  
the youth after the minimum expiration date of the original 42277  
commitment. 42278

(3) In the event of a revocation of a release on parole, the 42279  
reduction shall be charged against the county that revokes the 42280  
youth's parole. 42281

(D) A juvenile court is not precluded by its allocation 42282  
amount for the care and custody of felony delinquents from 42283  
committing a felony delinquent to the department of youth services 42284  
for care and custody in an institution or a community corrections 42285  
facility when the juvenile court determines that the commitment is 42286  
appropriate. 42287

**Sec. 5302.30.** (A) As used in this section: 42288

(1) "Good faith" means honesty in fact in a transaction 42289

involving the transfer of residential real property. 42290

(2) "Land installment contract" has the same meaning as in 42291  
section 5313.01 of the Revised Code. 42292

(3) "Political subdivision" and "state" have the same 42293  
meanings as in section 2744.01 of the Revised Code. 42294

(4) "Residential real property" means real property that is 42295  
improved by a building or other structure that has one to four 42296  
dwelling units. 42297

(B)(1) Except as provided in division (B)(2) of this section, 42298  
this section applies to any transfer of residential real property 42299  
that occurs on or after July 1, 1993, by sale, land installment 42300  
contract, lease with option to purchase, exchange, or lease for a 42301  
term of ninety-nine years and renewable forever. For purposes of 42302  
this section, a transfer occurs when the initial contract for 42303  
transfer is executed, regardless of when legal title is 42304  
transferred, and references in this section to transfer offers and 42305  
transfer agreements refer to offers and agreements in respect of 42306  
the initial contract for transfer. 42307

(2) This section does not apply to any transfer of 42308  
residential real property that is any of the following: 42309

(a) A transfer pursuant to court order, including, but not 42310  
limited to, a transfer ordered by a probate court during the 42311  
administration of a decedent's estate, a transfer pursuant to a 42312  
writ of execution, a transfer by a trustee in bankruptcy, a 42313  
transfer as a result of the exercise of the power of eminent 42314  
domain, and a transfer that results from a decree for specific 42315  
performance of a contract or other agreement between persons; 42316

(b) A transfer to a mortgagee by a mortgagor by deed in lieu 42317  
of foreclosure or in satisfaction of the mortgage debt; 42318

(c) A transfer to a beneficiary of a deed of trust by a 42319

trustor in default;	42320
(d) A transfer by a foreclosure sale that follows a default in the satisfaction of an obligation secured by a mortgage;	42321 42322
(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;	42323 42324 42325
(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;	42326 42327 42328 42329 42330
(g) A transfer by a fiduciary in the course of the administration of a decedent's estate, a guardianship, a conservatorship, or a trust;	42331 42332 42333
(h) A transfer from one co-owner to one or more other co-owners;	42334 42335
(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;	42336 42337 42338
(j) A transfer between spouses or former spouses as a result of a decree of divorce, dissolution of marriage, annulment, or legal separation or as a result of a property settlement agreement incidental to a decree of divorce, dissolution of marriage, annulment, or legal separation;	42339 42340 42341 42342 42343
(k) A transfer to or from the state, a political subdivision of the state, or another governmental entity;	42344 42345
(l) A transfer that involves newly constructed residential real property that previously has not been inhabited;	42346 42347
(m) A transfer to a transferee who has occupied the property as a personal residence for one or more years immediately prior to	42348 42349

the transfer; 42350

(n) A transfer from a transferor who both has not occupied 42351  
the property as a personal residence within one year immediately 42352  
prior to the transfer and has acquired the property through 42353  
inheritance or devise. 42354

(C) Except as provided in division (B)(2) of this section and 42355  
subject to divisions (E) and (F) of this section, every person who 42356  
intends to transfer any residential real property on or after July 42357  
1, 1993, by sale, land installment contract, lease with option to 42358  
purchase, exchange, or lease for a term of ninety-nine years and 42359  
renewable forever shall complete all applicable items in a 42360  
property disclosure form prescribed under division (D) of this 42361  
section and shall deliver in accordance with division (I) of this 42362  
section a signed and dated copy of the completed form to each 42363  
prospective transferee or prospective transferee's agent as soon 42364  
as is practicable. 42365

(D)~~(1)~~ Prior to July 1, 1993, the director of commerce, by 42366  
rule adopted in accordance with Chapter 119. of the Revised Code, 42367  
shall prescribe the disclosure form to be completed by 42368  
transferors. The form prescribed by the director shall be designed 42369  
to permit the transferor to disclose material matters relating to 42370  
the physical condition of the property to be transferred, 42371  
including, but not limited to, the source of water supply to the 42372  
property; the nature of the sewer system serving the property; the 42373  
condition of the structure of the property, including the roof, 42374  
foundation, walls, and floors; the presence of hazardous materials 42375  
or substances, including lead-based paint, asbestos, 42376  
urea-formaldehyde foam insulation, and radon gas; and any material 42377  
defects in the property that are within the actual knowledge of 42378  
the transferor. 42379

The form also shall set forth a statement of the purpose of 42380  
the form, including statements substantially similar to the 42381

following: that the form constitutes a statement of the conditions 42382  
of the property and of information concerning the property 42383  
actually known by the transferor; that, unless the transferee is 42384  
otherwise advised in writing, the transferor, other than having 42385  
lived at or owning the property, possesses no greater knowledge 42386  
than that which could be obtained by a careful inspection of the 42387  
property by a potential transferee; that the statement is not a 42388  
warranty of any kind by the transferor or by any agent or subagent 42389  
representing the transferor in this transaction; that the 42390  
statement is not a substitute for any inspections; that the 42391  
transferee is encouraged to obtain the transferee's own 42392  
professional inspection; that the representations are made by the 42393  
transferor and are not the representations of the transferor's 42394  
agent or subagent; and that the form and the representations 42395  
contained therein are provided by the transferor exclusively to 42396  
potential transferees in a transfer made by the transferor, and 42397  
are not made to transferees in any subsequent transfers. 42398

The form shall include instructions to the transferor for 42399  
completing the form, space in which the transferor or transferors 42400  
shall sign and date the form, and space in which the transferee or 42401  
transferees shall sign and date the form acknowledging receipt of 42402  
a copy of the form and stating that the transferee or transferees 42403  
understand the purpose of the form as stated thereon. 42404

~~(2) Not later than January 1, 2006, the director shall revise 42405  
the disclosure form to include a statement that information on the 42406  
operation and maintenance of the type of sewage treatment system 42407  
serving the property is available from the department of health or 42408  
the board of health of the health district in which the property 42409  
is located. 42410~~

~~As used in this section, "sewage treatment system" has the 42411  
same meaning as in section 3718.01 of the Revised Code. 42412~~

(E)(1) Each disclosure of an item of information that is 42413

required to be made in the property disclosure form prescribed 42414  
under division (D) of this section in connection with particular 42415  
residential real property and each act that may be performed in 42416  
making any disclosure of an item of information shall be made or 42417  
performed in good faith. 42418

(2) If an item of information is unknown to the transferor of 42419  
residential real property at the time the item is required to be 42420  
disclosed in the property disclosure form and if the approximation 42421  
is not used for the purpose of circumventing or otherwise evading 42422  
divisions (C) and (D) of this section, the transferor may make a 42423  
good faith approximation of the item of information. 42424

(F)(1) A transferor of residential real property is not 42425  
liable in damages in a civil action for injury, death, or loss to 42426  
person or property that allegedly arises from any error in, 42427  
inaccuracy of, or omission of any item of information required to 42428  
be disclosed in the property disclosure form if the error, 42429  
inaccuracy, or omission was not within the transferor's actual 42430  
knowledge. 42431

(2) If any item of information that is disclosed in the 42432  
property disclosure form is rendered inaccurate after the delivery 42433  
of the form to the transferee of residential real property or the 42434  
transferee's agent as a result of any act, occurrence, or 42435  
agreement, the subsequent inaccuracy does not cause, and shall not 42436  
be construed as causing, the transferor of the residential real 42437  
property to be in noncompliance with the requirements of divisions 42438  
(C) and (D) of this section. 42439

(G) Any disclosure of an item of information in the property 42440  
disclosure form prescribed under division (D) of this section may 42441  
be amended in writing by the transferor of residential real 42442  
property at any time following the delivery of the form in 42443  
accordance with divisions (C) and (I) of this section. The 42444  
amendment shall be subject to this section. 42445

(H) Except as provided in division (B)(2) of this section, 42446  
every prospective transferee of residential real property who 42447  
receives in accordance with division (C) of this section a signed 42448  
and dated copy of a completed property disclosure form as 42449  
prescribed under division (D) of this section shall acknowledge 42450  
receipt of the form by doing both of the following: 42451

(1) Signing and dating a copy of the form; 42452

(2) Delivering a signed and dated copy of the form to the 42453  
transferor or the transferor's agent or subagent. 42454

(I) The transferor's delivery under division (C) of this 42455  
section of a property disclosure form as prescribed under division 42456  
(D) of this section and the prospective transferee's delivery 42457  
under division (H) of this section of an acknowledgment of receipt 42458  
of that form shall be made by personal delivery to the other party 42459  
or the other party's agent or subagent, by ordinary mail or 42460  
certified mail, return receipt requested, or by facsimile 42461  
transmission. For the purposes of the delivery requirements of 42462  
this section, the delivery of a property disclosure form to a 42463  
prospective co-transferee of residential real property or a 42464  
prospective co-transferee's agent shall be considered delivery to 42465  
the other prospective transferees unless otherwise provided by 42466  
contract. 42467

(J) The specification of items of information that must be 42468  
disclosed in the property disclosure form as prescribed under 42469  
division (D)~~(1)~~ of this section does not limit or abridge, and 42470  
shall not be construed as limiting or abridging, any obligation to 42471  
disclose an item of information that is created by any other 42472  
provision of the Revised Code or the common law of this state or 42473  
that may exist in order to preclude fraud, either by 42474  
misrepresentation, concealment, or nondisclosure in a transaction 42475  
involving the transfer of residential real property. The 42476  
disclosure requirements of this section do not bar, and shall not 42477



be construed as barring, the application of any legal or equitable 42478  
defense that a transferor of residential real property may assert 42479  
in a civil action commenced against the transferor by a 42480  
prospective or actual transferee of that property. 42481

(K)(1) Except as provided in division (K)(2) of this section, 42482  
but subject to divisions (J) and (L) of this section, a transfer 42483  
of residential real property that is subject to this section shall 42484  
not be invalidated because of the failure of the transferor to 42485  
provide to the transferee in accordance with division (C) of this 42486  
section a completed property disclosure form as prescribed under 42487  
division (D) of this section. 42488

(2) Subject to division (K)(3)(c) of this section, if a 42489  
transferee of residential real property that is subject to this 42490  
section receives a property disclosure form or an amendment of 42491  
that form as described in division (G) of this section after the 42492  
transferee has entered into a transfer agreement with respect to 42493  
the property, the transferee, after receipt of the form or 42494  
amendment, may rescind the transfer agreement in a written, 42495  
signed, and dated document that is delivered to the transferor or 42496  
the transferor's agent or subagent in accordance with divisions 42497  
(K)(3)(a) and (b) of this section, without incurring any legal 42498  
liability to the transferor because of the rescission, including, 42499  
but not limited to, a civil action for specific performance of the 42500  
transfer agreement. Upon the rescission of the transfer agreement, 42501  
the transferee is entitled to the return of, and the transferor 42502  
shall return, any deposits made by the transferee in connection 42503  
with the proposed transfer of the residential real property. 42504

(3)(a) Subject to division (K)(3)(b) of this section, a 42505  
rescission of a transfer agreement under division (K)(2) of this 42506  
section only may occur if the transferee's written, signed, and 42507  
dated document of rescission is delivered to the transferor or the 42508  
transferor's agent or subagent within three business days 42509

following the date on which the transferee or the transferee's agent receives the property disclosure form prescribed under division (D) of this section or the amendment of that form as described in division (G) of this section.

(b) A transferee may not rescind a transfer agreement under division (K)(2) of this section unless the transferee rescinds the transfer agreement by the earlier of the date that is thirty days after the date upon which the transferor accepted the transferee's transfer offer or the date of the closing of the transfer of the residential real property.

(c) A transferee of residential real property may waive the right of rescission of a transfer agreement described in division (K)(2) of this section.

(d) A rescission of a transfer agreement is not permissible under division (K)(2) of this section if a transferee of residential real property that is subject to this section receives a property disclosure form as prescribed under division (D) of this section or an amendment of that form as described in division (G) of this section prior to the transferee's submission to the transferor or the transferor's agent or subagent of a transfer offer and the transferee's entry into a transfer agreement with respect to the property.

(4) If a transferee of residential real property subject to this section does not receive a property disclosure form from the transferor after the transferee has submitted to the transferor or the transferor's agent or subagent a transfer offer and has entered into a transfer agreement with respect to the property, the transferee may rescind the transfer agreement in a written, signed, and dated document that is delivered to the transferor or the transferor's agent or subagent in accordance with division (K)(4) of this section without incurring any legal liability to the transferor because of the rescission, including, but not

limited to, a civil action for specific performance of the 42542  
transfer agreement. Upon the rescission of the transfer agreement, 42543  
the transferee is entitled to the return of, and the transferor 42544  
shall return, any deposits made by the transferee in connection 42545  
with the proposed transfer of the residential real property. A 42546  
transferee may not rescind a transfer agreement under division 42547  
(K)(4) of this section unless the transferee rescinds the transfer 42548  
agreement by the earlier of the date that is thirty days after the 42549  
date upon which the transferor accepted the transferee's transfer 42550  
offer or the date of the closing of the transfer of the 42551  
residential real property. 42552

(L) The right of rescission of a transfer agreement described 42553  
in division (K)(2) of this section or the absence of that right 42554  
does not affect, and shall not be construed as affecting, any 42555  
other legal causes of action or other remedies that a transferee 42556  
or prospective transferee of residential real property may possess 42557  
against the transferor of that property. 42558

Sec. 5323.011. Sections 5323.01, 5323.02, 5323.03, 5323.04, 42559  
and 5323.99 of the Revised Code do not apply in a county unless 42560  
the board of county commissioners adopts a resolution declaring 42561  
that the sections apply in the county. The board may not adopt 42562  
such a resolution unless it has found that the benefit from 42563  
compliance with the sections will exceed the cost to the county 42564  
and its people and to persons traveling, working, or doing 42565  
business in the county. The board may not declare that fewer than 42566  
all the sections apply in the county. 42567

The board of county commissioners may repeal a resolution 42568  
that has been adopted under the first paragraph of this section. 42569  
The board may not adopt such a resolution unless it has found that 42570  
the cost of continued compliance with the sections exceeds the 42571  
benefit to the county and its people and to persons traveling, 42572

working, or doing business in the county. Upon the repeal, the 42573  
duties of an owner of residential rental property to comply with 42574  
and of the county auditor to accept compliance with sections 42575  
5323.01, 5323.02, 5323.03, 5323.04, and 5323.99 of the Revised 42576  
Code are tolled. 42577

An owner of residential rental property in a county is not 42578  
required to comply with, and the auditor of a county is not 42579  
required to accept compliance with, sections 5323.01, 5323.02, 42580  
5323.03, 5323.04, and 5323.99 of the Revised Code unless the board 42581  
of county commissioners has adopted a resolution declaring that 42582  
the sections apply in the county and the resolution continues in 42583  
effect. 42584

**Sec. 5528.54.** (A) The commissioners of the sinking fund are 42585  
authorized to issue and sell, as provided in this section and in 42586  
amounts from time to time authorized by the general assembly, 42587  
general obligations of this state for the purpose of financing or 42588  
assisting in the financing of the costs of projects. The full 42589  
faith and credit, revenues, and taxing power of the state are and 42590  
shall be pledged to the timely payment of bond service charges on 42591  
outstanding obligations, all in accordance with Section 2m of 42592  
Article VIII, Ohio Constitution, and sections 5528.51 to 5528.53 42593  
of the Revised Code, and so long as such obligations are 42594  
outstanding there shall be levied and collected excises, taxes, 42595  
and other revenues in amounts sufficient to pay the bond service 42596  
charges on such obligations and costs relating to credit 42597  
enhancement facilities. 42598

(B) Not more than two hundred twenty million dollars 42599  
principal amount of obligations, plus the principal amount of 42600  
obligations that in any prior fiscal years could have been, but 42601  
were not issued within that two-hundred-twenty-million-dollar 42602  
fiscal year limit, may be issued in any fiscal year, and not more 42603

~~that~~ than one billion two hundred million dollars principal amount 42604  
of obligations may be outstanding at any one time, all determined 42605  
as provided in sections 5528.51 to 5528.53 of the Revised Code. 42606

(C) The state may participate in financing projects by 42607  
grants, loans, or contributions to local government entities. 42608

(D) Each issue of obligations shall be authorized by 42609  
resolution of the commissioners. The bond proceedings shall 42610  
provide for the principal amount or maximum principal amount of 42611  
obligations of an issue, and shall provide for or authorize the 42612  
manner for determining the principal maturity or maturities, not 42613  
exceeding the earlier of thirty years from the date of issuance of 42614  
the particular obligations or thirty years from the date the debt 42615  
represented by the particular obligations was originally 42616  
contracted, the interest rate or rates, the date of and the dates 42617  
of payment of interest on the obligations, their denominations, 42618  
and the establishment within or outside the state of a place or 42619  
places of payment of bond service charges. Sections 9.96, 9.98, 42620  
9.981, 9.982, and 9.983 of the Revised Code are applicable to the 42621  
obligations. The purpose of the obligations may be stated in the 42622  
bond proceedings as "financing or assisting in the financing of 42623  
highway capital improvement projects as provided in Section 2m of 42624  
Article VIII, Ohio Constitution." 42625

(E) The proceeds of the obligations, except for any portion 42626  
to be deposited into special funds, or into escrow funds for the 42627  
purpose of refunding outstanding obligations, all as may be 42628  
provided in the bond proceedings, shall be deposited into the 42629  
highway capital improvement fund established by section 5528.53 of 42630  
the Revised Code. 42631

(F) The commissioners may appoint or provide for the 42632  
appointment of paying agents, bond registrars, securities 42633  
depositories, and transfer agents, and may retain the services of 42634  
financial advisers and accounting experts, and retain or contract 42635

for the services of marketing, remarketing, indexing, and 42636  
administrative agents, other consultants, and independent 42637  
contractors, including printing services, as are necessary in the 42638  
judgment of the commissioners to carry out sections 5528.51 to 42639  
5528.53 of the Revised Code. Financing costs are payable, as 42640  
provided in the bond proceedings, from the proceeds of the 42641  
obligations, from special funds, or from other moneys available 42642  
for the purpose. 42643

(G) The bond proceedings, including any trust agreement, may 42644  
contain additional provisions customary or appropriate to the 42645  
financing or to the obligations or to particular obligations 42646  
including, but not limited to: 42647

(1) The redemption of obligations prior to maturity at the 42648  
option of the state or of the holder or upon the occurrence of 42649  
certain conditions at such price or prices and under such terms 42650  
and conditions as are provided in the bond proceedings; 42651

(2) The form of and other terms of the obligations; 42652

(3) The establishment, deposit, investment, and application 42653  
of special funds, and the safeguarding of moneys on hand or on 42654  
deposit, in lieu of otherwise applicable provisions of Chapter 42655  
131. or 135. of the Revised Code, but subject to any special 42656  
provisions of this section with respect to particular funds or 42657  
moneys, and provided that any bank or trust company that acts as a 42658  
depository of any moneys in special funds may furnish such 42659  
indemnifying bonds or may pledge such securities as required by 42660  
the commissioners; 42661

(4) Any or every provision of the bond proceedings binding 42662  
upon the commissioners and such state agency or local government 42663  
entities, officer, board, commission, authority, agency, 42664  
department, or other person or body as may from time to time have 42665  
the authority under law to take such actions as may be necessary 42666

to perform all or any part of the duty required by such provision;	42667
(5) The maintenance of each pledge, any trust agreement, or	42668
other instrument composing part of the bond proceedings until the	42669
state has fully paid or provided for the payment of the bond	42670
service charges on the obligations or met other stated conditions;	42671
(6) In the event of default in any payments required to be	42672
made by the bond proceedings, or any other agreement of the	42673
commissioners made as part of a contract under which the	42674
obligations were issued or secured, the enforcement of such	42675
payments or agreements by mandamus, suit in equity, action at law,	42676
or any combination of the foregoing;	42677
(7) The rights and remedies of the holders of obligations and	42678
of the trustee under any trust agreement, and provisions for	42679
protecting and enforcing them, including limitations on rights of	42680
individual holders of obligations;	42681
(8) The replacement of any obligations that become mutilated	42682
or are destroyed, lost, or stolen;	42683
(9) Provision for the funding, refunding, or advance	42684
refunding or other provision for payment of obligations that will	42685
then no longer be outstanding for purposes of sections 5528.51 to	42686
5528.56 of the Revised Code or of the bond proceedings;	42687
(10) Any provision that may be made in bond proceedings or a	42688
trust agreement, including provision for amendment of the bond	42689
proceedings;	42690
(11) Any other or additional agreements with the holders of	42691
the obligations relating to any of the foregoing;	42692
(12) Such other provisions as the commissioners determine,	42693
including limitations, conditions, or qualifications relating to	42694
any of the foregoing.	42695
(H) The great seal of the state or a facsimile of that seal	42696

may be affixed to or printed on the obligations. The obligations 42697  
requiring signatures by the commissioners shall be signed by or 42698  
bear the facsimile signatures of two or more of the commissioners 42699  
as provided in the bond proceedings. Any obligations may be signed 42700  
by the person who, on the date of execution, is the authorized 42701  
signer although on the date of such obligations such person was 42702  
not a commissioner. In case the individual whose signature or a 42703  
facsimile of whose signature appears on any obligation ceases to 42704  
be a commissioner before delivery of the obligation, such 42705  
signature or facsimile is nevertheless valid and sufficient for 42706  
all purposes as if that individual had remained the member until 42707  
such delivery, and in case the seal to be affixed to or printed on 42708  
obligations has been changed after the seal has been affixed to or 42709  
a facsimile of the seal has been printed on the obligations, that 42710  
seal or facsimile seal shall continue to be sufficient as to those 42711  
obligations and obligations issued in substitution or exchange 42712  
therefor. 42713

(I) The obligations are negotiable instruments and securities 42714  
under Chapter 1308. of the Revised Code, subject to the provisions 42715  
of the bond proceedings as to registration. Obligations may be 42716  
issued in coupon or in fully registered form, or both, as the 42717  
commissioners determine. Provision may be made for the 42718  
registration of any obligations with coupons attached as to 42719  
principal alone or as to both principal and interest, their 42720  
exchange for obligations so registered, and for the conversion or 42721  
reconversion into obligations with coupons attached of any 42722  
obligations registered as to both principal and interest, and for 42723  
reasonable charges for such registration, exchange, conversion, 42724  
and reconversion. Pending preparation of definitive obligations, 42725  
the commissioners may issue interim receipts or certificates which 42726  
shall be exchanged for such definitive obligations. 42727

(J) Obligations may be sold at public sale or at private 42728



sale, and at such price at, above, or below par, as determined by 42729  
the commissioners in the bond proceedings. 42730

(K) In the discretion of the commissioners, obligations may 42731  
be secured additionally by a trust agreement between the state and 42732  
a corporate trustee which may be any trust company or bank having 42733  
~~its principal~~ a place of business within the state. Any trust 42734  
agreement may contain the resolution authorizing the issuance of 42735  
the obligations, any provisions that may be contained in the bond 42736  
proceedings, and other provisions that are customary or 42737  
appropriate in an agreement of the type. 42738

(L) Except to the extent that their rights are restricted by 42739  
the bond proceedings, any holder of obligations, or a trustee 42740  
under the bond proceedings may by any suitable form of legal 42741  
proceedings protect and enforce any rights under the laws of this 42742  
state or granted by the bond proceedings. Such rights include the 42743  
right to compel the performance of all duties of the commissioners 42744  
and the state. Each duty of the commissioners and its employees, 42745  
and of each state agency and local government entity and its 42746  
officers, members, or employees, undertaken pursuant to the bond 42747  
proceedings, is hereby established as a duty of the commissioners, 42748  
and of each such agency, local government entity, officer, member, 42749  
or employee having authority to perform such duty, specifically 42750  
enjoined by the law and resulting from an office, trust, or 42751  
station within the meaning of section 2731.01 of the Revised Code. 42752  
The persons who are at the time the commissioners of the sinking 42753  
fund, or its employees, are not liable in their personal 42754  
capacities on any obligations or any agreements of or with the 42755  
commissioners relating to obligations or under the bond 42756  
proceedings. 42757

(M) Obligations are lawful investments for banks, societies 42758  
for savings, savings and loan associations, deposit guarantee 42759  
associations, trust companies, trustees, fiduciaries, insurance 42760

companies, including domestic for life and domestic not for life, 42761  
trustees or other officers having charge of sinking and bond 42762  
retirement or other special funds of political subdivisions and 42763  
taxing districts of this state, the commissioners of the sinking 42764  
fund, the administrator of workers' compensation, subject to the 42765  
approval of the workers' compensation board and the industrial 42766  
commission, the state teachers retirement system, the public 42767  
employees retirement system, the school employees retirement 42768  
system, and the Ohio police and fire pension fund, notwithstanding 42769  
any other provisions of the Revised Code or rules adopted pursuant 42770  
thereto by any state agency with respect to investments by them, 42771  
and are also acceptable as security for the deposit of public 42772  
moneys. 42773

(N) Unless otherwise provided in any applicable bond 42774  
proceedings, moneys to the credit of or in the special funds 42775  
established by or pursuant to this section may be invested by or 42776  
on behalf of the commissioners only in notes, bonds, or other 42777  
direct obligations of the United States or of any agency or 42778  
instrumentality thereof, in obligations of this state or any 42779  
political subdivision of this state, in certificates of deposit of 42780  
any national bank located in this state and any bank, as defined 42781  
in section 1101.01 of the Revised Code, subject to inspection by 42782  
the superintendent of financial institutions, in the Ohio 42783  
subdivision's fund established pursuant to section 135.45 of the 42784  
Revised Code, in no-front-end-load money market mutual funds 42785  
consisting exclusively of direct obligations of the United States 42786  
or of an agency or instrumentality thereof, and in repurchase 42787  
agreements, including those issued by any fiduciary, secured by 42788  
direct obligations of the United States or an agency or 42789  
instrumentality thereof, and in common trust funds established in 42790  
accordance with section 1109.20 of the Revised Code and consisting 42791  
exclusively of direct obligations of the United States or of an 42792  
agency or instrumentality thereof, notwithstanding division (A)(4) 42793

of that section. The income from investments shall be credited to 42794  
such special funds or otherwise as the commissioners determine in 42795  
the bond proceedings, and the investments may be sold or exchanged 42796  
at such times as the commissioners determine or authorize. 42797

(O) Unless otherwise provided in any applicable bond 42798  
proceedings, moneys to the credit of or in a special fund shall be 42799  
disbursed on the order of the commissioners, provided that no such 42800  
order is required for the payment from the bond service fund or 42801  
other special fund when due of bond service charges or required 42802  
payments under credit enhancement facilities. 42803

(P) The commissioners may covenant in the bond proceedings, 42804  
and any such covenants shall be controlling notwithstanding any 42805  
other provision of law, that the state and the applicable officers 42806  
and agencies of the state, including the general assembly, shall, 42807  
so long as any obligations are outstanding in accordance with 42808  
their terms, maintain statutory authority for and cause to be 42809  
charged and collected taxes, excises, and other receipts of the 42810  
state so that the receipts to the bond service fund shall be 42811  
sufficient in amounts to meet bond service charges and for the 42812  
establishment and maintenance of any reserves and other 42813  
requirements, including payment of financing costs, provided for 42814  
in the bond proceedings. 42815

(Q) The obligations, and the transfer of, and the interest, 42816  
interest equivalent, and other income and accreted amounts from, 42817  
including any profit made on the sale, exchange, or other 42818  
disposition of, the obligations shall at all times be free from 42819  
taxation, direct or indirect, within the state. 42820

(R) This section applies only with respect to obligations 42821  
issued and delivered prior to September 30, 2000. 42822

**Sec. 5531.10.** (A) As used in this chapter: 42823

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

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

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

(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 42855  
charges. If the amounts in the state infrastructure bank are 42856  
insufficient for the payment of such charges, "pledged receipts" 42857  
also means moneys that are apportioned by the United States 42858  
secretary of transportation under United States Code, Title XXIII, 42859  
as amended, or any successor legislation, or under any other 42860  
federal law relating to aid for highways, and that are to be 42861  
received as a grant by the state, to the extent the state is not 42862  
prohibited by state or federal law from using such moneys and the 42863  
moneys are pledged to the payment of such bond service charges. 42864

(7) "Special funds" or "funds" means, except where the 42865  
context does not permit, the bond service fund, and any other 42866  
funds, including reserve funds, created under the bond 42867  
proceedings, and the state infrastructure bank revenue bond 42868  
service fund created by division (R) of this section to the extent 42869  
provided in the bond proceedings, including all moneys and 42870  
investments, and earnings from investment, credited and to be 42871  
credited thereto. 42872

(8) "State infrastructure project" means any public 42873  
transportation project undertaken by the state, including, but not 42874  
limited to, all components of any such project, as described in 42875  
division (D) of section 5531.09 of the Revised Code. 42876

(9) "District obligations" means bonds, notes, or other 42877  
evidence of obligation including interest coupons pertaining 42878  
thereto, issued to finance a qualified project by a transportation 42879  
improvement district created pursuant to section 5540.02 of the 42880  
Revised Code, of which the principal, including mandatory sinking 42881  
fund requirements for retirement of such obligations, and interest 42882  
and redemption premium, if any, are payable by the department of 42883  
transportation. 42884

(B) The issuing authority, after giving written notice to the 42885  
director of budget and management and upon the certification by 42886

the director of transportation to the issuing authority of the 42887  
amount of moneys or additional moneys needed either for state 42888  
infrastructure projects or to provide financial assistance for any 42889  
of the purposes for which the state infrastructure bank may be 42890  
used under section 5531.09 of the Revised Code, or needed for 42891  
capitalized interest, funding reserves, and paying costs and 42892  
expenses incurred in connection with the issuance, carrying, 42893  
securing, paying, redeeming, or retirement of the obligations or 42894  
any obligations refunded thereby, including payment of costs and 42895  
expenses relating to letters of credit, lines of credit, 42896  
insurance, put agreements, standby purchase agreements, indexing, 42897  
marketing, remarketing and administrative arrangements, interest 42898  
swap or hedging agreements, and any other credit enhancement, 42899  
liquidity, remarketing, renewal, or refunding arrangements, all of 42900  
which are authorized by this section, shall issue obligations of 42901  
the state under this section in the required amount. The proceeds 42902  
of such obligations, except for the portion to be deposited in 42903  
special funds, including reserve funds, as may be provided in the 42904  
bond proceedings, shall as provided in the bond proceedings be 42905  
credited to the infrastructure bank obligations fund of the state 42906  
infrastructure bank created by section 5531.09 of the Revised Code 42907  
and disbursed as provided in the bond proceedings for such 42908  
obligations. The issuing authority may appoint trustees, paying 42909  
agents, transfer agents, and authenticating agents, and may retain 42910  
the services of financial advisors, accounting experts, and 42911  
attorneys, and retain or contract for the services of marketing, 42912  
remarketing, indexing, and administrative agents, other 42913  
consultants, and independent contractors, including printing 42914  
services, as are necessary in the issuing authority's judgment to 42915  
carry out this section. The costs of such services are payable 42916  
from funds of the state infrastructure bank. 42917

(C) The holders or owners of such obligations shall have no 42918  
right to have moneys raised by taxation by the state of Ohio 42919

obligated or pledged, and moneys so raised shall not be obligated 42920  
or pledged, for the payment of bond service charges. The right of 42921  
such holders and owners to the payment of bond service charges is 42922  
limited to all or that portion of the pledged receipts and those 42923  
special funds pledged thereto pursuant to the bond proceedings for 42924  
such obligations in accordance with this section, and each such 42925  
obligation shall bear on its face a statement to that effect. 42926  
Moneys received as repayment of loans made by the state 42927  
infrastructure bank pursuant to section 5531.09 of the Revised 42928  
Code shall not be considered moneys raised by taxation by the 42929  
state of Ohio regardless of the source of the moneys. 42930

(D) Obligations shall be authorized by order of the issuing 42931  
authority and the bond proceedings shall provide for the purpose 42932  
thereof and the principal amount or amounts, and shall provide for 42933  
or authorize the manner or agency for determining the principal 42934  
maturity or maturities, not exceeding twenty-five years from the 42935  
date of issuance, the interest rate or rates or the maximum 42936  
interest rate, the date of the obligations and the dates of 42937  
payment of interest thereon, their denomination, and the 42938  
establishment within or without the state of a place or places of 42939  
payment of bond service charges. Sections 9.98 to 9.983 of the 42940  
Revised Code are applicable to obligations issued under this 42941  
section. The purpose of such obligations may be stated in the bond 42942  
proceedings in terms describing the general purpose or purposes to 42943  
be served. The bond proceedings also shall provide, subject to the 42944  
provisions of any other applicable bond proceedings, for the 42945  
pledge of all, or such part as the issuing authority may 42946  
determine, of the pledged receipts and the applicable special fund 42947  
or funds to the payment of bond service charges, which pledges may 42948  
be made either prior or subordinate to other expenses, claims, or 42949  
payments, and may be made to secure the obligations on a parity 42950  
with obligations theretofore or thereafter issued, if and to the 42951  
extent provided in the bond proceedings. The pledged receipts and 42952

special funds so pledged and thereafter received by the state 42953  
immediately are subject to the lien of such pledge without any 42954  
physical delivery thereof or further act, and the lien of any such 42955  
pledges is valid and binding against all parties having claims of 42956  
any kind against the state or any governmental agency of the 42957  
state, irrespective of whether such parties have notice thereof, 42958  
and shall create a perfected security interest for all purposes of 42959  
Chapter 1309. of the Revised Code, without the necessity for 42960  
separation or delivery of funds or for the filing or recording of 42961  
the bond proceedings by which such pledge is created or any 42962  
certificate, statement, or other document with respect thereto; 42963  
and the pledge of such pledged receipts and special funds is 42964  
effective and the money therefrom and thereof may be applied to 42965  
the purposes for which pledged without necessity for any act of 42966  
appropriation. Every pledge, and every covenant and agreement made 42967  
with respect thereto, made in the bond proceedings may therein be 42968  
extended to the benefit of the owners and holders of obligations 42969  
authorized by this section, and to any trustee therefor, for the 42970  
further security of the payment of the bond service charges. 42971

(E) The bond proceedings may contain additional provisions as 42973  
to: 42974

(1) The redemption of obligations prior to maturity at the 42975  
option of the issuing authority at such price or prices and under 42976  
such terms and conditions as are provided in the bond proceedings; 42977

(2) Other terms of the obligations; 42978

(3) Limitations on the issuance of additional obligations; 42979

(4) The terms of any trust agreement or indenture securing 42980  
the obligations or under which the same may be issued; 42981

(5) The deposit, investment, and application of special 42982  
funds, and the safeguarding of moneys on hand or on deposit, 42983



without regard to Chapter 131. or 135. of the Revised Code, but 42984  
subject to any special provisions of this section with respect to 42985  
particular funds or moneys, provided that any bank or trust 42986  
company which acts as depository of any moneys in the special 42987  
funds may furnish such indemnifying bonds or may pledge such 42988  
securities as required by the issuing authority; 42989

(6) Any or every provision of the bond proceedings being 42990  
binding upon such officer, board, commission, authority, agency, 42991  
department, or other person or body as may from time to time have 42992  
the authority under law to take such actions as may be necessary 42993  
to perform all or any part of the duty required by such provision; 42994

(7) Any provision that may be made in a trust agreement or 42995  
indenture; 42996

(8) Any other or additional agreements with the holders of 42997  
the obligations, or the trustee therefor, relating to the 42998  
obligations or the security therefor, including the assignment of 42999  
mortgages or other security relating to financial assistance for 43000  
qualified projects under section 5531.09 of the Revised Code. 43001

(F) The obligations may have the great seal of the state or a 43002  
facsimile thereof affixed thereto or printed thereon. The 43003  
obligations and any coupons pertaining to obligations shall be 43004  
signed or bear the facsimile signature of the issuing authority. 43005  
Any obligations or coupons may be executed by the person who, on 43006  
the date of execution, is the proper issuing authority although on 43007  
the date of such bonds or coupons such person was not the issuing 43008  
authority. In case the issuing authority whose signature or a 43009  
facsimile of whose signature appears on any such obligation or 43010  
coupon ceases to be the issuing authority before delivery thereof, 43011  
such signature or facsimile nevertheless is valid and sufficient 43012  
for all purposes as if the former issuing authority had remained 43013  
the issuing authority until such delivery; and in case the seal to 43014  
be affixed to obligations has been changed after a facsimile of 43015

the seal has been imprinted on such obligations, such facsimile 43016  
seal shall continue to be sufficient as to such obligations and 43017  
obligations issued in substitution or exchange therefor. 43018

(G) All obligations are negotiable instruments and securities 43019  
under Chapter 1308. of the Revised Code, subject to the provisions 43020  
of the bond proceedings as to registration. The obligations may be 43021  
issued in coupon or in registered form, or both, as the issuing 43022  
authority determines. Provision may be made for the registration 43023  
of any obligations with coupons attached thereto as to principal 43024  
alone or as to both principal and interest, their exchange for 43025  
obligations so registered, and for the conversion or reconversion 43026  
into obligations with coupons attached thereto of any obligations 43027  
registered as to both principal and interest, and for reasonable 43028  
charges for such registration, exchange, conversion, and 43029  
reconversion. 43030

(H) Obligations may be sold at public sale or at private 43031  
sale, as determined in the bond proceedings. 43032

(I) Pending preparation of definitive obligations, the 43033  
issuing authority may issue interim receipts or certificates which 43034  
shall be exchanged for such definitive obligations. 43035

(J) In the discretion of the issuing authority, obligations 43036  
may be secured additionally by a trust agreement or indenture 43037  
between the issuing authority and a corporate trustee which may be 43038  
any trust company or bank having ~~its principal~~ a place of business 43039  
within the state. Any such agreement or indenture may contain the 43040  
order authorizing the issuance of the obligations, any provisions 43041  
that may be contained in any bond proceedings, and other 43042  
provisions which are customary or appropriate in an agreement or 43043  
indenture of such type, including, but not limited to: 43044

(1) Maintenance of each pledge, trust agreement, indenture, 43045  
or other instrument comprising part of the bond proceedings until 43046

the state has fully paid the bond service charges on the 43047  
obligations secured thereby, or provision therefor has been made; 43048

(2) In the event of default in any payments required to be 43049  
made by the bond proceedings, or any other agreement of the 43050  
issuing authority made as a part of the contract under which the 43051  
obligations were issued, enforcement of such payments or agreement 43052  
by mandamus, the appointment of a receiver, suit in equity, action 43053  
at law, or any combination of the foregoing; 43054

(3) The rights and remedies of the holders of obligations and 43055  
of the trustee, and provisions for protecting and enforcing them, 43056  
including limitations on the rights of individual holders of 43057  
obligations; 43058

(4) The replacement of any obligations that become mutilated 43059  
or are destroyed, lost, or stolen; 43060

(5) Such other provisions as the trustee and the issuing 43061  
authority agree upon, including limitations, conditions, or 43062  
qualifications relating to any of the foregoing. 43063

(K) Any holder of obligations or a trustee under the bond 43064  
proceedings, except to the extent that the holder's or trustee's 43065  
rights are restricted by the bond proceedings, may by any suitable 43066  
form of legal proceedings, protect and enforce any rights under 43067  
the laws of this state or granted by such bond proceedings. Such 43068  
rights include the right to compel the performance of all duties 43069  
of the issuing authority and the director of transportation 43070  
required by the bond proceedings or sections 5531.09 and 5531.10 43071  
of the Revised Code; to enjoin unlawful activities; and in the 43072  
event of default with respect to the payment of any bond service 43073  
charges on any obligations or in the performance of any covenant 43074  
or agreement on the part of the issuing authority or the director 43075  
of transportation in the bond proceedings, to apply to a court 43076  
having jurisdiction of the cause to appoint a receiver to receive 43077

and administer the pledged receipts and special funds, other than 43078  
those in the custody of the treasurer of state, which are pledged 43079  
to the payment of the bond service charges on such obligations or 43080  
which are the subject of the covenant or agreement, with full 43081  
power to pay, and to provide for payment of bond service charges 43082  
on, such obligations, and with such powers, subject to the 43083  
direction of the court, as are accorded receivers in general 43084  
equity cases, excluding any power to pledge additional revenues or 43085  
receipts or other income or moneys of the state or local 43086  
governmental entities, or agencies thereof, to the payment of such 43087  
principal and interest and excluding the power to take possession 43088  
of, mortgage, or cause the sale or otherwise dispose of any 43089  
project facilities. 43090

Each duty of the issuing authority and the issuing 43091  
authority's officers and employees, and of each state or local 43092  
governmental agency and its officers, members, or employees, 43093  
undertaken pursuant to the bond proceedings or any loan, loan 43094  
guarantee, lease, lease-purchase agreement, or other agreement 43095  
made under authority of section 5531.09 of the Revised Code, and 43096  
in every agreement by or with the issuing authority, is hereby 43097  
established as a duty of the issuing authority, and of each such 43098  
officer, member, or employee having authority to perform such 43099  
duty, specifically enjoined by the law resulting from an office, 43100  
trust, or station within the meaning of section 2731.01 of the 43101  
Revised Code. 43102

The person who is at the time the issuing authority, or the 43103  
issuing authority's officers or employees, are not liable in their 43104  
personal capacities on any obligations issued by the issuing 43105  
authority or any agreements of or with the issuing authority. 43106

(L) The issuing authority may authorize and issue obligations 43107  
for the refunding, including funding and retirement, and advance 43108  
refunding with or without payment or redemption prior to maturity, 43109

of any obligations previously issued by the issuing authority or 43110  
district obligations. Such refunding obligations may be issued in 43111  
amounts sufficient for payment of the principal amount of the 43112  
prior obligations or district obligations, any redemption premiums 43113  
thereon, principal maturities of any such obligations or district 43114  
obligations maturing prior to the redemption of the remaining 43115  
obligations or district obligations on a parity therewith, 43116  
interest accrued or to accrue to the maturity dates or dates of 43117  
redemption of such obligations or district obligations, and any 43118  
expenses incurred or to be incurred in connection with such 43119  
issuance and such refunding, funding, and retirement. Subject to 43120  
the bond proceedings therefor, the portion of proceeds of the sale 43121  
of refunding obligations issued under this division to be applied 43122  
to bond service charges on the prior obligations or district 43123  
obligations shall be credited to an appropriate account held by 43124  
the trustee for such prior or new obligations or to the 43125  
appropriate account in the bond service fund for such obligations 43126  
or district obligations. Obligations authorized under this 43127  
division shall be deemed to be issued for those purposes for which 43128  
such prior obligations or district obligations were issued and are 43129  
subject to the provisions of this section pertaining to other 43130  
obligations, except as otherwise provided in this section. The 43131  
last maturity of obligations authorized under this division shall 43132  
not be later than twenty-five years from the date of issuance of 43133  
the original securities issued for the original purpose. 43134

(M) The authority to issue obligations under this section 43135  
includes authority to issue obligations in the form of bond 43136  
anticipation notes and to renew the same from time to time by the 43137  
issuance of new notes. The holders of such notes or interest 43138  
coupons pertaining thereto shall have a right to be paid solely 43139  
from the pledged receipts and special funds that may be pledged to 43140  
the payment of the bonds anticipated, or from the proceeds of such 43141  
bonds or renewal notes, or both, as the issuing authority provides 43142

in the order authorizing such notes. Such notes may be 43143  
additionally secured by covenants of the issuing authority to the 43144  
effect that the issuing authority and the state will do such or 43145  
all things necessary for the issuance of such bonds or renewal 43146  
notes in the appropriate amount, and apply the proceeds thereof to 43147  
the extent necessary, to make full payment of the principal of and 43148  
interest on such notes at the time or times contemplated, as 43149  
provided in such order. For such purpose, the issuing authority 43150  
may issue bonds or renewal notes in such principal amount and upon 43151  
such terms as may be necessary to provide funds to pay when 43152  
required the principal of and interest on such notes, 43153  
notwithstanding any limitations prescribed by or for purposes of 43154  
this section. Subject to this division, all provisions for and 43155  
references to obligations in this section are applicable to notes 43156  
authorized under this division. 43157

The issuing authority in the bond proceedings authorizing the 43158  
issuance of bond anticipation notes shall set forth for such bonds 43159  
an estimated interest rate and a schedule of principal payments 43160  
for such bonds and the annual maturity dates thereof. 43161

(N) Obligations issued under this section are lawful 43162  
investments for banks, societies for savings, savings and loan 43163  
associations, deposit guarantee associations, trust companies, 43164  
trustees, fiduciaries, insurance companies, including domestic for 43165  
life and domestic not for life, trustees or other officers having 43166  
charge of sinking and bond retirement or other special funds of 43167  
political subdivisions and taxing districts of this state, the 43168  
commissioners of the sinking fund of the state, the administrator 43169  
of workers' compensation, the state teachers retirement system, 43170  
the public employees retirement system, the school employees 43171  
retirement system, and the Ohio police and fire pension fund, 43172  
notwithstanding any other provisions of the Revised Code or rules 43173  
adopted pursuant thereto by any agency of the state with respect 43174

to investments by them, and are also acceptable as security for 43175  
the deposit of public moneys. 43176

(O) Unless otherwise provided in any applicable bond 43177  
proceedings, moneys to the credit of or in the special funds 43178  
established by or pursuant to this section may be invested by or 43179  
on behalf of the issuing authority only in notes, bonds, or other 43180  
obligations of the United States, or of any agency or 43181  
instrumentality of the United States, obligations guaranteed as to 43182  
principal and interest by the United States, obligations of this 43183  
state or any political subdivision of this state, and certificates 43184  
of deposit of any national bank located in this state and any 43185  
bank, as defined in section 1101.01 of the Revised Code, subject 43186  
to inspection by the superintendent of financial institutions. If 43187  
the law or the instrument creating a trust pursuant to division 43188  
(J) of this section expressly permits investment in direct 43189  
obligations of the United States or an agency of the United 43190  
States, unless expressly prohibited by the instrument, such moneys 43191  
also may be invested in no-front-end-load money market mutual 43192  
funds consisting exclusively of obligations of the United States 43193  
or an agency of the United States and in repurchase agreements, 43194  
including those issued by the fiduciary itself, secured by 43195  
obligations of the United States or an agency of the United 43196  
States; and in collective investment funds as defined in division 43197  
(A) of section 1111.01 of the Revised Code and consisting 43198  
exclusively of any such securities. The income from such 43199  
investments shall be credited to such funds as the issuing 43200  
authority determines, and such investments may be sold at such 43201  
times as the issuing authority determines or authorizes. 43202

(P) Provision may be made in the applicable bond proceedings 43203  
for the establishment of separate accounts in the bond service 43204  
fund and for the application of such accounts only to the 43205  
specified bond service charges on obligations pertinent to such 43206

accounts and bond service fund and for other accounts therein 43207  
within the general purposes of such fund. Unless otherwise 43208  
provided in any applicable bond proceedings, moneys to the credit 43209  
of or in the several special funds established pursuant to this 43210  
section shall be disbursed on the order of the treasurer of state, 43211  
provided that no such order is required for the payment from the 43212  
bond service fund when due of bond service charges on obligations. 43213

(Q)(1) The issuing authority may pledge all, or such portion 43214  
as the issuing authority determines, of the pledged receipts to 43215  
the payment of bond service charges on obligations issued under 43216  
this section, and for the establishment and maintenance of any 43217  
reserves, as provided in the bond proceedings, and make other 43218  
provisions therein with respect to pledged receipts as authorized 43219  
by this chapter, which provisions are controlling notwithstanding 43220  
any other provisions of law pertaining thereto. 43221

(2) An action taken under division (Q)(2) of this section 43222  
does not limit the generality of division (Q)(1) of this section, 43223  
and is subject to division (C) of this section and, if and to the 43224  
extent otherwise applicable, Section 13 of Article VIII, Ohio 43225  
Constitution. The bond proceedings may contain a covenant that, in 43226  
the event the pledged receipts primarily pledged and required to 43227  
be used for the payment of bond service charges on obligations 43228  
issued under this section, and for the establishment and 43229  
maintenance of any reserves, as provided in the bond proceedings, 43230  
are insufficient to make any such payment in full when due, or to 43231  
maintain any such reserve, the director of transportation shall so 43232  
notify the governor, and shall determine to what extent, if any, 43233  
the payment may be made or moneys may be restored to the reserves 43234  
from lawfully available moneys previously appropriated for that 43235  
purpose to the department of transportation. The covenant also may 43236  
provide that if the payments are not made or the moneys are not 43237  
immediately and fully restored to the reserves from such moneys, 43238



the director shall promptly submit to the governor and to the 43239  
director of budget and management a written request for either or 43240  
both of the following: 43241

(a) That the next biennial budget submitted by the governor 43242  
to the general assembly include an amount to be appropriated from 43243  
lawfully available moneys to the department for the purpose of and 43244  
sufficient for the payment in full of bond service charges 43245  
previously due and for the full replenishment of the reserves; 43246

(b) That the general assembly be requested to increase 43247  
appropriations from lawfully available moneys for the department 43248  
in the current biennium sufficient for the purpose of and for the 43249  
payment in full of bond service charges previously due and to come 43250  
due in the biennium and for the full replenishment of the 43251  
reserves. 43252

The director of transportation shall include with such 43253  
requests a recommendation that the payment of the bond service 43254  
charges and the replenishment of the reserves be made in the 43255  
interest of maximizing the benefits of the state infrastructure 43256  
bank. Any such covenant shall not obligate or purport to obligate 43257  
the state to pay the bond service charges on such bonds or notes 43258  
or to deposit moneys in a reserve established for such payments 43259  
other than from moneys that may be lawfully available and 43260  
appropriated for that purpose during the then-current biennium. 43261

(R) There is hereby created the state infrastructure bank 43262  
revenue bond service fund, which shall be in the custody of the 43263  
treasurer of state but shall not be a part of the state treasury. 43264  
All moneys received by or on account of the issuing authority or 43265  
state agencies and required by the applicable bond proceedings, 43266  
consistent with this section, to be deposited, transferred, or 43267  
credited to the bond service fund, and all other moneys 43268  
transferred or allocated to or received for the purposes of the 43269  
fund, shall be deposited and credited to such fund and to any 43270

separate accounts therein, subject to applicable provisions of the 43271  
bond proceedings, but without necessity for any act of 43272  
appropriation. The state infrastructure bank revenue bond service 43273  
fund is a trust fund and is hereby pledged to the payment of bond 43274  
service charges to the extent provided in the applicable bond 43275  
proceedings, and payment thereof from such fund shall be made or 43276  
provided for by the treasurer of state in accordance with such 43277  
bond proceedings without necessity for any act of appropriation. 43278

(S) The obligations issued pursuant to this section, the 43279  
transfer thereof, and the income therefrom, including any profit 43280  
made on the sale thereof, shall at all times be free from taxation 43281  
within this state. 43282

Sec. 5533.91. That part of the road known as state route 43283  
number forty-four, located within Lake county and commencing at 43284  
the intersection of that state route and state route number two 43285  
and extending in a northerly direction and ending at headlands 43286  
beach state park, shall be known as the "LCpl Andy Nowacki 43287  
Memorial Highway." 43288

The director of transportation may erect suitable markers 43289  
along the highway indicating its name. 43290

**Sec. 5537.04.** (A) The Ohio turnpike commission may do any of 43291  
the following: 43292

(1) Adopt bylaws for the regulation of its affairs and the 43293  
conduct of its business; 43294

(2) Adopt an official seal, which shall not be the great seal 43295  
of the state and which need not be in compliance with section 5.10 43296  
of the Revised Code; 43297

(3) Maintain a principal office and suboffices at such places 43298  
within the state as it designates; 43299

(4) Sue and be sued in its own name, plead and be impleaded, 43300  
provided any actions against the commission shall be brought in 43301  
the court of common pleas of the county in which the principal 43302  
office of the commission is located, or in the court of common 43303  
pleas of the county in which the cause of action arose if that 43304  
county is located within this state, and all summonses, 43305  
exceptions, and notices of every kind shall be served on the 43306  
commission by leaving a copy thereof at its principal office with 43307  
the secretary-treasurer or executive director of the commission; 43308

(5) Construct, maintain, repair, police, and operate the 43309  
turnpike system, and establish rules for the use of any turnpike 43310  
project; 43311

(6) Issue revenue bonds of the state, payable solely from 43312  
pledged revenues, as provided in this chapter, for the purpose of 43313  
paying any part of the cost of constructing any one or more 43314  
turnpike projects; 43315

(7) Fix, and revise from time to time, and charge and collect 43316  
tolls; 43317

(8) Acquire, hold, and dispose of property in the exercise of 43318  
its powers and the performance of its duties under this chapter; 43319

(9) Designate the locations and establish, limit, and control 43320  
such points of ingress to and egress from each turnpike project as 43321  
are necessary or desirable in the judgment of the commission and 43322  
of the director of transportation to ensure the proper operation 43323  
and maintenance of that project, and prohibit entrance to such a 43324  
project from any point not so designated; 43325

(10) Make and enter into all contracts and agreements 43326  
necessary or incidental to the performance of its duties and the 43327  
execution of its powers under this chapter, including 43328  
participation in a multi-jurisdiction electronic toll collection 43329  
agreement and collection or remittance of tolls, fees, or other 43330

charges to or from entities or agencies that participate in such 43331  
an agreement; 43332

(11) Employ or retain or contract for the services of 43333  
consulting engineers, superintendents, managers, and any other 43334  
engineers, construction and accounting experts, financial 43335  
advisers, trustees, marketing, remarketing, and administrative 43336  
agents, attorneys, and other employees, independent contractors, 43337  
or agents that are necessary in its judgment and fix their 43338  
compensation, provided all such expenses shall be payable solely 43339  
from the proceeds of bonds or from revenues of the Ohio turnpike 43340  
system; 43341

(12) Receive and accept from any federal agency, subject to 43342  
the approval of the governor, and from any other governmental 43343  
agency grants for or in aid of the construction, reconstruction, 43344  
repair, renovation, maintenance, or operation of any turnpike 43345  
project, and receive and accept aid or contributions from any 43346  
source or person of money, property, labor, or other things of 43347  
value, to be held, used, and applied only for the purposes for 43348  
which such grants and contributions are made; 43349

(13) Provide coverage for its employees under Chapters 4123. 43350  
and 4141. of the Revised Code; 43351

(14) Fix and revise by rule, from time to time, such permit 43352  
fees, processing fees, or administrative charges for the 43353  
prepayment, deferred payment, or nonpayment of tolls and use of 43354  
electronic tolling equipment or other commission property. 43355

(B) The commission may do all acts necessary or proper to 43356  
carry out the powers expressly granted in this chapter. 43357

**Sec. 5537.16.** (A) The Ohio turnpike commission may adopt such 43358  
bylaws and rules as it considers advisable for the control and 43359  
regulation of traffic on any turnpike project, for the protection 43360

and preservation of property under its jurisdiction and control, 43361  
~~and~~ for the maintenance and preservation of good order within the 43362  
property under its control, and for the purpose of establishing 43363  
owner or operator liability for failure to comply with toll 43364  
collection rules. The rules of the commission with respect to the 43365  
speed, axle loads, vehicle loads, and vehicle dimensions of 43366  
vehicles on turnpike projects, including the issuance of a special 43367  
permit by the commission to allow the operation on any turnpike 43368  
project of a motor vehicle transporting two or fewer steel coils, 43369  
shall apply notwithstanding sections 4511.21 to 4511.24, 4513.34, 43370  
and Chapter 5577. of the Revised Code. Such bylaws and rules shall 43371  
be published in a newspaper of general circulation in Franklin 43372  
county, and in such other manner as the commission prescribes. 43373  
43374

(B) Such rules shall provide that public police officers 43375  
shall be afforded ready access, while in the performance of their 43376  
official duty, to all property under the jurisdiction of the 43377  
commission and without the payment of tolls. 43378

(C) No person shall violate any such bylaws or rules of the 43379  
commission. ~~All~~ 43380

(D)(1) All fines collected for the violation of applicable 43381  
laws of the state and the bylaws and rules of the commission or 43382  
moneys arising from bonds forfeited for such violation shall be 43383  
disposed of in accordance with section 5503.04 of the Revised 43384  
Code. 43385

(2) All fees or charges assessed by the commission against an 43386  
owner or operator of a vehicle as a civil violation for failure to 43387  
comply with toll collection rules shall be revenues of the 43388  
commission. 43389

**Sec. 5537.99.** ~~Whoever~~ (A) Except as provided in division (B) 43390  
of this section, whoever violates division (C) of section 5537.16 43391

of the Revised Code is guilty of a minor misdemeanor on a first 43392  
offense; on each subsequent offense such person is guilty of a 43393  
misdemeanor of the fourth degree. 43394

(B) Whoever violates division (C) of section 5537.16 of the 43395  
Revised Code when the violation is a civil violation for failure 43396  
to comply with toll collection rules is subject to a fee or charge 43397  
established by the commission by rule. 43398

**Sec. 5705.28.** (A) Except as provided in division (B)(1) or 43399  
(2) of this section or in section 5705.281 of the Revised Code, 43400  
the taxing authority of each subdivision or other taxing unit 43401  
shall adopt a tax budget for the next succeeding fiscal year: 43402

(1) On or before the fifteenth day of January in the case of 43403  
a school district; 43404

(2) On or before the fifteenth day of July in the case of all 43405  
other subdivisions and taxing units. 43406

(B)(1) Before the first day of June in each year, the board 43407  
of trustees of a school library district entitled to participate 43408  
in any appropriation or revenue of a school district or to have a 43409  
tax proposed by the board of education of a school district shall 43410  
file with the board of education of the school district a tax 43411  
budget for the ensuing fiscal year. On or before the fifteenth day 43412  
of July in each year, the board of education of a school district 43413  
to which a school library district tax budget was submitted under 43414  
this division shall adopt such tax budget on behalf of the library 43415  
district, but such budget shall not be part of the school 43416  
district's tax budget. 43417

(2)(a) The taxing authority of a taxing unit that does not 43418  
levy a tax is not required to adopt a tax budget pursuant to 43419  
division (A) of this section. Instead, on or before the fifteenth 43420  
day of July each year, such taxing authority shall adopt an 43421

operating budget for the taxing unit for the ensuing fiscal year. 43422  
The operating budget shall include an estimate of receipts from 43423  
all sources, a statement of all taxing unit expenses that are 43424  
anticipated to occur, and the amount required for debt charges 43425  
during the fiscal year. The operating budget is not required to be 43426  
filed with the county auditor or the county budget commission. 43427

(b) Except for this section and sections 5705.36, 5705.38, 43428  
5705.40, 5705.41, 5705.43, 5705.44, and 5705.45 of the Revised 43429  
Code, a taxing unit that does not levy a tax is not a taxing unit 43430  
for purposes of Chapter 5705. of the Revised Code. Documents 43431  
prepared in accordance with such sections are not required to be 43432  
filed with the county auditor or county budget commission. 43433

(c) The total appropriations from each fund of a taxing unit 43434  
that does not levy a tax shall not exceed the total estimated 43435  
revenue available for expenditures from the fund, and 43436  
appropriations shall be made from each fund only for the purposes 43437  
for which the fund is established. 43438

(C)(1) To assist in the preparation of the tax budget, the 43439  
head of each department, board, commission, and district authority 43440  
entitled to participate in any appropriation or revenue of a 43441  
subdivision shall file with the taxing authority, or in the case 43442  
of a municipal corporation, with its chief executive officer, 43443  
before the forty-fifth day prior to the date on which the budget 43444  
must be adopted, an estimate of contemplated revenue and 43445  
expenditures for the ensuing fiscal year, in such form as is 43446  
prescribed by the taxing authority of the subdivision or by the 43447  
auditor of state. The taxing authority shall include in its budget 43448  
of expenditures the full amounts requested by district 43449  
authorities, not to exceed the amount authorized by law, if such 43450  
authorities may fix the amount of revenue they are to receive from 43451  
the subdivision. In a municipal corporation in which a special 43452  
levy for a municipal university has been authorized to be levied 43453

in excess of the ten-mill limitation, or is required by the 43454  
charter of the municipal corporation, the taxing authority shall 43455  
include an amount not less than the estimated yield of such levy, 43456  
if such amount is requested by the board of directors of the 43457  
municipal university. 43458

(2) A county board of mental retardation and developmental 43459  
disabilities may include within its estimate of contemplated 43460  
revenue and expenditures a reserve balance account in the 43461  
community mental retardation and developmental disabilities 43462  
residential services fund. The account shall contain money that is 43463  
not needed to pay for current expenses for residential services 43464  
and supported living but will be needed to pay for expenses for 43465  
such services in the future or may be needed for unanticipated 43466  
emergency expenses. On the request of the county board of mental 43467  
retardation and developmental disabilities, the board of county 43468  
commissioners shall include such an account in its budget of 43469  
expenditures and appropriate money to the account from residential 43470  
service moneys for the county board. 43471

(D) The board of trustees of any public library desiring to 43472  
participate in the distribution of the county ~~library and~~ local 43473  
~~government support~~ libraries fund shall adopt appropriate rules 43474  
extending the benefits of the library service of such library to 43475  
all the inhabitants of the county on equal terms, unless such 43476  
library service is by law available to all such inhabitants, and 43477  
shall certify a copy of such rules to the taxing authority with 43478  
its estimate of contemplated revenue and expenditures. Where such 43479  
rules have been so certified or where the adoption of such rules 43480  
is not required, the taxing authority shall include in its budget 43481  
of receipts such amounts as are specified by such board as 43482  
contemplated revenue from the county ~~library and~~ local ~~government~~ 43483  
~~support~~ libraries fund, and in its budget of expenditures the full 43484  
amounts requested therefrom by such board. No library association, 43485



incorporated or unincorporated, is entitled to participate in the 43486  
proceeds of the county ~~library and local government support~~ 43487  
libraries fund or other public funds unless such association was 43488  
organized and operating prior to January 1, 1968. 43489

**Sec. 5705.281.** (A) Notwithstanding section 5705.28 of the 43490  
Revised Code, the county budget commission, by an affirmative vote 43491  
of a majority of the commission, including an affirmative vote by 43492  
the county auditor, may waive the requirement that the taxing 43493  
authority of a subdivision or other taxing unit adopt a tax budget 43494  
as provided under section 5705.28 of the Revised Code, but shall 43495  
require such a taxing authority to provide such information to the 43496  
commission as may be required by the commission to perform its 43497  
duties under this chapter, including dividing the rates of each of 43498  
the subdivision's or taxing unit's tax levies as provided under 43499  
section 5705.04 of the Revised Code. 43500

(B)(1) Notwithstanding divisions (B)(1) and (D) of section 43501  
5705.28 of the Revised Code, in any county in which a single 43502  
library receives all of the county ~~library and local government~~ 43503  
~~support~~ libraries fund or receives all of that portion of the fund 43504  
that is distributed to libraries, the county budget commission, by 43505  
an affirmative vote of a majority of the commission, including an 43506  
affirmative vote by the county auditor, may waive any or all of 43507  
the following requirements: 43508

(a) The requirement that the board of trustees of a school 43509  
library district entitled to participate in any appropriation or 43510  
revenue of a school district or to have a tax proposed by the 43511  
board of education of a school district file with the board of 43512  
education of the school district a tax budget, and the requirement 43513  
that the board of education adopt the tax budget on behalf of the 43514  
library district, as provided in division (B)(1) of section 43515  
5705.28 of the Revised Code; 43516

(b) The requirement that the board of trustees of a public library desiring to participate in the distribution of the county ~~library and local government support libraries~~ fund certify to the taxing authority its estimate of contemplated revenue and expenditures, and the requirement that the taxing authority include in its budget of receipts and budget of expenditures the full amounts specified or requested by the board of trustees, as provided in division (D) of section 5705.28 of the Revised Code.

(2) If a county budget commission waives the requirements described in division (B)(1)(a) or (b) of this section, the commission shall require the board of trustees of the school library district or the board of trustees of the public library desiring to participate in the distribution of the county ~~library and local government support libraries~~ fund to provide to the commission any information the commission may require from the board in order for the commission to perform its duties under this chapter.

**Sec. 5705.29.** This section does not apply to a subdivision or taxing unit for which the county budget commission has waived the requirement to adopt a tax budget pursuant to section 5705.281 of the Revised Code. The tax budget shall present the following information in such detail as is prescribed by the auditor of state:

(A)(1) A statement of the necessary current operating expenses for the ensuing fiscal year for each department and division of the subdivision, classified as to personal services and other expenses, and the fund from which such expenditures are to be made. Except in the case of a school district, this estimate may include a contingent expense not designated for any particular purpose, and not to exceed three per cent of the total amount of appropriations for current expenses. In the case of a school

district, this estimate may include a contingent expense not 43548  
designated for any particular purpose and not to exceed thirteen 43549  
per cent of the total amount of appropriations for current 43550  
expenses. 43551

(2) A statement of the expenditures for the ensuing fiscal 43552  
year necessary for permanent improvements, exclusive of any 43553  
expense to be paid from bond issues, classified as to the 43554  
improvements contemplated by the subdivision and the fund from 43555  
which such expenditures are to be made; 43556

(3) The amounts required for the payment of final judgments; 43557

(4) A statement of expenditures for the ensuing fiscal year 43558  
necessary for any purpose for which a special levy is authorized, 43559  
and the fund from which such expenditures are to be made; 43560

(5) Comparative statements, so far as possible, in parallel 43561  
columns of corresponding items of expenditures for the current 43562  
fiscal year and the two preceding fiscal years. 43563

(B)(1) An estimate of receipts from other sources than the 43564  
general property tax during the ensuing fiscal year, which shall 43565  
include an estimate of unencumbered balances at the end of the 43566  
current fiscal year, and the funds to which such estimated 43567  
receipts are credited; 43568

(2) The amount each fund requires from the general property 43569  
tax, which shall be the difference between the contemplated 43570  
expenditure from the fund and the estimated receipts, as provided 43571  
in this section. The section of the Revised Code under which the 43572  
tax is authorized shall be set forth. 43573

(3) Comparative statements, so far as possible, in parallel 43574  
columns of taxes and other revenues for the current fiscal year 43575  
and the two preceding fiscal years. 43576

(C)(1) The amount required for debt charges; 43577

(2) The estimated receipts from sources other than the tax 43578  
levy for payment of such debt charges, including the proceeds of 43579  
refunding bonds to be issued to refund bonds maturing in the next 43580  
succeeding fiscal year; 43581

(3) The net amount for which a tax levy shall be made, 43582  
classified as to bonds authorized and issued prior to January 1, 43583  
1922, and those authorized and issued subsequent to such date, and 43584  
as to what portion of the levy will be within and what in excess 43585  
of the ten-mill limitation. 43586

(D) An estimate of amounts from taxes authorized to be levied 43587  
in excess of the ten-mill limitation on the tax rate, and the fund 43588  
to which such amounts will be credited, together with the sections 43589  
of the Revised Code under which each such tax is exempted from all 43590  
limitations on the tax rate. 43591

(E)(1) A board of education may include in its budget for the 43592  
fiscal year in which a levy proposed under section 5705.194, 43593  
5705.21, or 5705.213, or the original levy under section 5705.212 43594  
of the Revised Code is first extended on the tax list and 43595  
duplicate an estimate of expenditures to be known as a voluntary 43596  
contingency reserve balance, which shall not be greater than 43597  
twenty-five per cent of the total amount of the levy estimated to 43598  
be available for appropriation in such year. 43599

(2) A board of education may include in its budget for the 43600  
fiscal year following the year in which a levy proposed under 43601  
section 5705.194, 5705.21, or 5705.213, or the original levy under 43602  
section 5705.212 of the Revised Code is first extended on the tax 43603  
list and duplicate an estimate of expenditures to be known as a 43604  
voluntary contingency reserve balance, which shall not be greater 43605  
than twenty per cent of the amount of the levy estimated to be 43606  
available for appropriation in such year. 43607

(3) Except as provided in division (E)(4) of this section, 43608

the full amount of any reserve balance the board includes in its 43609  
budget shall be retained by the county auditor and county 43610  
treasurer out of the first semiannual settlement of taxes until 43611  
the beginning of the next succeeding fiscal year, and thereupon, 43612  
with the depository interest apportioned thereto, it shall be 43613  
turned over to the board of education, to be used for the purposes 43614  
of such fiscal year. 43615

(4) A board of education, by a two-thirds vote of all members 43616  
of the board, may appropriate any amount withheld as a voluntary 43617  
contingency reserve balance during the fiscal year for any lawful 43618  
purpose, provided that prior to such appropriation the board of 43619  
education has authorized the expenditure of all amounts 43620  
appropriated for contingencies under section 5705.40 of the 43621  
Revised Code. Upon request by the board of education, the county 43622  
auditor shall draw a warrant on the district's account in the 43623  
county treasury payable to the district in the amount requested. 43624

(F)(1) A board of education may include a spending reserve in 43625  
its budget for fiscal years ending on or before June 30, 2002. The 43626  
spending reserve shall consist of an estimate of expenditures not 43627  
to exceed the district's spending reserve balance. A district's 43628  
spending reserve balance is the amount by which the designated 43629  
percentage of the district's estimated personal property taxes to 43630  
be settled during the calendar year in which the fiscal year ends 43631  
exceeds the estimated amount of personal property taxes to be so 43632  
settled and received by the district during that fiscal year. 43633  
Moneys from a spending reserve shall be appropriated in accordance 43634  
with section 133.301 of the Revised Code. 43635

(2) For the purposes of computing a school district's 43636  
spending reserve balance for a fiscal year, the designated 43637  
percentage shall be as follows: 43638

Fiscal year ending in:	Designated percentage	
1998	50%	43639
		43640

1999	40%	43641
2000	30%	43642
2001	20%	43643
2002	10%	43644

(G) Except as otherwise provided in this division, the county budget commission shall not reduce the taxing authority of a subdivision as a result of the creation of a reserve balance account. Except as otherwise provided in this division, the county budget commission shall not consider the amount in a reserve balance account of a township, county, or municipal corporation as an unencumbered balance or as revenue for the purposes of division (E)(3) or (4) of section 5747.51 ~~or division (E)(3) or (4) of section 5747.62~~ of the Revised Code. The county budget commission may require documentation of the reasonableness of the reserve balance held in any reserve balance account. The commission shall consider any amount in a reserve balance account that it determines to be unreasonable as unencumbered and as revenue for the purposes of sections 5747.51 ~~and 5747.62~~ of the Revised Code and may take such amounts into consideration when determining whether to reduce the taxing authority of a subdivision.

**Sec. 5705.30.** This section does not apply to a subdivision for which the county budget commission has waived the requirement to adopt a tax budget under section 5705.281 of the Revised Code.

In addition to the information required by section 5705.29 of the Revised Code, the budget of each subdivision and school library district shall include such other information as is prescribed by the auditor of state. At least two copies of the budget shall be filed in the office of the fiscal officer of the subdivision for public inspection not less than ten days before its adoption by the taxing authority, and such taxing authority shall hold at least one public hearing thereon, of which public notice shall be given by at least one publication not less than

ten days prior to the date of hearing in the official publication 43673  
of such subdivision, or in a newspaper having general circulation 43674  
in the subdivision. The budget, after adoption, shall be submitted 43675  
to the county auditor on or before the twentieth day of July, or 43676  
in the case of a school district, by the twentieth day of January. 43677  
The tax commissioner may prescribe a later date for the submission 43678  
of a subdivision's tax budget. Any subdivision that fails to 43679  
submit its budget to the county auditor on or before the twentieth 43680  
day of July, unless the commissioner on or before the twentieth 43681  
day of July prescribes a later date for submission of the budget 43682  
by that subdivision, shall not receive an apportionment from the 43683  
undivided local ~~government~~ communities fund distribution for the 43684  
ensuing calendar year, unless upon review of the matter the 43685  
commissioner determines that the budget was adopted by the 43686  
subdivision on or before the fifteenth day of July, but was not 43687  
submitted to the county auditor by the twentieth day of July or 43688  
the later time prescribed by the commissioner because of 43689  
ministerial error by the subdivision or its officers, employees, 43690  
or other representatives. 43691

**Sec. 5705.31.** The county auditor shall present to the county 43692  
budget commission the annual tax budgets submitted under sections 43693  
5705.01 to 5705.47 of the Revised Code, together with an estimate 43694  
prepared by the auditor of the amount of any state levy, the rate 43695  
of any school tax levy as previously determined, the tax 43696  
commissioner's estimate of the amount to be received in the county 43697  
~~library and local government support~~ libraries fund, the tax rates 43698  
provided under section 5705.281 of the Revised Code if adoption of 43699  
the tax budget was waived under that section, and such other 43700  
information as the commission requests or the tax commissioner 43701  
prescribes. The budget commission shall examine such budget and 43702  
ascertain the total amount proposed to be raised in the county for 43703  
the purposes of each subdivision and other taxing units in the 43704

county. 43705

The commission shall ascertain that the following levies have 43706  
been properly authorized and, if so authorized, shall approve them 43707  
without modification: 43708

(A) All levies in excess of the ten-mill limitation; 43709

(B) All levies for debt charges not provided for by levies in 43710  
excess of the ten-mill limitation, including levies necessary to 43711  
pay notes issued for emergency purposes; 43712

(C) The levies prescribed by division (B) of sections 742.33 43713  
and 742.34 of the Revised Code; 43714

(D) Except as otherwise provided in this division, a minimum 43715  
levy within the ten-mill limitation for the current expense and 43716  
debt service of each subdivision or taxing unit, which shall equal 43717  
two-thirds of the average levy for current expenses and debt 43718  
service allotted within the fifteen-mill limitation to such 43719  
subdivision or taxing unit during the last five years the 43720  
fifteen-mill limitation was in effect unless such subdivision or 43721  
taxing unit requests an amount requiring a lower rate. Except as 43722  
provided in section 5705.312 of the Revised Code, if the levies 43723  
required in divisions (B) and (C) of this section for the 43724  
subdivision or taxing unit equal or exceed the entire minimum levy 43725  
of the subdivision as fixed, the minimum levies of the other 43726  
subdivisions or taxing units shall be reduced by the commission to 43727  
provide for the levies and an operating levy for the subdivision. 43728  
Such additional levy shall be deducted from the minimum levies of 43729  
each of the other subdivisions or taxing units, but the operating 43730  
levy for a school district shall not be reduced below a figure 43731  
equivalent to forty-five per cent of the millage available within 43732  
the ten-mill limitation after all the levies in divisions (B) and 43733  
(C) of this section have been provided for. 43734

If a municipal corporation and a township have entered into 43735



an annexation agreement under section 709.192 of the Revised Code 43736  
in which they agree to reallocate their shares of the minimum 43737  
levies established under this division and if that annexation 43738  
agreement is submitted along with the annual tax budget of both 43739  
the township and the municipal corporation, then, when determining 43740  
the minimum levy under this division, the auditor shall allocate, 43741  
to the extent possible, the minimum levy for that municipal 43742  
corporation and township in accordance with their annexation 43743  
agreement. 43744

(E) The levies prescribed by section 3709.29 of the Revised 43745  
Code. 43746

Divisions (A) to (E) of this section are mandatory, and 43747  
commissions shall be without discretion to reduce such minimum 43748  
levies except as provided in such divisions. 43749

If any debt charge is omitted from the budget, the commission 43750  
shall include it therein. 43751

**Sec. 5705.32.** (A) The county budget commission shall adjust 43752  
the estimated amounts required from the general property tax for 43753  
each fund, as shown by the tax budgets or other information 43754  
required to be provided under section 5705.281 of the Revised 43755  
Code, so as to bring the tax levies required therefor within the 43756  
limitations specified in sections 5705.01 to 5705.47 of the 43757  
Revised Code, for such levies, but no levy shall be reduced below 43758  
a minimum fixed by law. The commission may revise and adjust the 43759  
estimate of balances and receipts from all sources for each fund 43760  
and shall determine the total appropriations that may be made 43761  
therefrom. 43762

(B) The commission shall fix the amount of the county ~~library~~ 43763  
~~and local government support libraries~~ fund to be distributed to 43764  
each board of public library trustees that has qualified under 43765  
section 5705.28 of the Revised Code for participation in the 43766

proceeds of such fund. The amount paid to all libraries in the 43767  
county from such fund shall never be a smaller per cent of the 43768  
fund than the average of the percentages of the county's 43769  
classified taxes that were distributed to libraries in 1982, 1983, 43770  
and 1984, as determined by the county auditor. The commission 43771  
shall base the amount for distribution on the needs of such 43772  
library for the construction of new library buildings, parts of 43773  
buildings, improvements, operation, maintenance, or other 43774  
expenses. In determining the needs of each library board of 43775  
trustees, and in calculating the amount to be distributed to any 43776  
library board of trustees on the basis of its needs, the 43777  
commission shall make no reduction in its allocation from the fund 43778  
on account of additional revenues realized by a library from 43779  
increased taxes or service charges voted by its electorate, from 43780  
revenues received through federal or state grants, projects, or 43781  
programs, or from grants from private sources. 43782

(C) Notwithstanding the fact that alternative methods of 43783  
financing such needs are available, after fixing the amount to be 43784  
distributed to libraries, the commission shall fix the amount, if 43785  
any, of the county ~~library and local government support~~ libraries 43786  
fund to be distributed to each board of township park 43787  
commissioners, the county, and each municipal corporation in 43788  
accordance with the following: 43789

(1) Each municipal corporation in the county shall receive a 43790  
per cent of the remainder that equals the per cent that the county 43791  
auditor determines the classified property taxes originating in 43792  
such municipal corporation in 1984 were of the total of all of the 43793  
county's classified property taxes in 1984. The commission may 43794  
deduct from this amount any amount that the budget commission 43795  
allows to the board of township park commissioners of a township 43796  
park district, the boundaries of which are coextensive with or 43797  
contained within the boundaries of the municipal corporation. 43798

(2) The county shall receive a per cent of the remainder that equals the per cent that the county auditor determines the classified property taxes originating outside of the boundaries of municipal corporations in the county in 1984 were of the total of all of the county's classified property taxes in 1984. The commission may deduct from this amount any amount that the budget commission allows to the board of township park commissioners of a township park district, the boundaries of which are not coextensive with or contained within those of any municipal corporation in the county.

(D) The commission shall separately set forth the amounts fixed and determined under divisions (B) and (C) of this section in the "official certificate of estimated resources," as provided in section 5705.35 of the Revised Code, and separately certify such amount to the county auditor who shall be guided thereby in the distribution of the county ~~library and local government support~~ libraries fund for and during the fiscal year. In determining such amounts, the commission shall be guided by the estimate certified by the tax commissioner and presented by the auditor under section 5705.31 of the Revised Code, as to the total amount of revenue to be received in the county ~~library and local government support~~ libraries fund during such fiscal year.

(E)(1) At least five days before the date of any meeting at which the budget commission plans to discuss the distribution of the county ~~library and local government support~~ libraries fund, it shall notify each legislative authority and board of public library trustees, county commissioners, and township park commissioners eligible to participate in the distribution of the fund of the date, time, place, and agenda for the meeting. Any legislative authority or board entitled to notice under this division may designate an officer or employee of such legislative authority or board to whom the commission shall deliver the

notice. 43831

(2) Before the final determination of the amount to be 43832  
allotted to each subdivision from any source, the commission shall 43833  
permit representatives of each subdivision and of each board of 43834  
public library trustees to appear before it to explain its 43835  
financial needs. 43836

(F) If any public library receives and expends any funds 43837  
allocated to it under this section for the construction of new 43838  
library buildings or parts of buildings, such library shall be 43839  
free and open to the inhabitants of the county in which it is 43840  
located. Any board of library trustees that receives funds under 43841  
this section and section 5747.48 of the Revised Code shall have 43842  
its financial records open for public inspection at all reasonable 43843  
times. 43844

**Sec. 5705.321.** (A) As used in this section: 43845

(1) "City, located wholly or partially in the county, with 43846  
the greatest population" means the city, located wholly or 43847  
partially in the county, with the greatest population residing in 43848  
the county; however, if the county budget commission on or before 43849  
January 1, 1998, adopted an alternative method of apportionment 43850  
that was approved by the city, located partially in the county, 43851  
with the greatest population but not the greatest population 43852  
residing in the county, "city, located wholly or partially in the 43853  
county, with the greatest population" means the city, located 43854  
wholly or partially in the county, with the greatest population 43855  
whether residing in the county or not, if this alternative meaning 43856  
is adopted by action of the board of county commissioners and a 43857  
majority of the boards of township trustees and legislative 43858  
authorities of municipal corporations located wholly or partially 43859  
in the county. 43860

(2) "Participating political subdivision" means a municipal 43861

corporation or township that satisfies all of the following: 43862

(a) It is located wholly or partially in the county. 43863

(b) It is not the city, located wholly or partially in the 43864  
county, with the greatest population. 43865

(c) ~~Library and local government support~~ Local libraries fund 43866  
moneys are apportioned to it under the county's alternative method 43867  
or formula of apportionment in the current calendar year. 43868

(B) In lieu of the method of apportionment of the county 43869  
~~library and local government support~~ libraries fund provided by 43870  
division (C) of section 5705.32 of the Revised Code, the county 43871  
budget commission may provide for the apportionment of the fund 43872  
under an alternative method or on a formula basis as authorized by 43873  
this section. 43874

Except as otherwise provided in division (C) of this section, 43875  
the alternative method of apportionment shall have first been 43876  
approved by all of the following governmental units: the board of 43877  
county commissioners; the legislative authority of the city, 43878  
located wholly or partially in the county, with the greatest 43879  
population; and a majority of the boards of township trustees and 43880  
legislative authorities of municipal corporations, located wholly 43881  
or partially in the county, excluding the legislative authority of 43882  
the city, located wholly or partially in the county, with the 43883  
greatest population. In granting or denying approval for an 43884  
alternative method of apportionment, the board of county 43885  
commissioners, boards of township trustees, and legislative 43886  
authorities of municipal corporations shall act by motion. A 43887  
motion to approve shall be passed upon a majority vote of the 43888  
members of a board of county commissioners, board of township 43889  
trustees, or legislative authority of a municipal corporation, 43890  
shall take effect immediately, and need not be published. 43891

Any alternative method of apportionment adopted and approved 43892

under this division may be revised, amended, or repealed in the same manner as it may be adopted and approved. If an alternative method of apportionment adopted and approved under this division is repealed, the county ~~library and local government support~~ libraries fund shall be apportioned among the subdivisions eligible to participate in the fund, commencing in the ensuing calendar year, under the apportionment provided in divisions (B) and (C) of section 5705.32 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 and by a majority vote of a majority of the boards of township trustees and legislative authorities of the municipal corporations

located wholly or partially in the county, other than the city, 43925  
located wholly or partially in the county, with the greatest 43926  
population, shall take effect immediately, and need not be 43927  
published. The alternative method of apportionment under this 43928  
division shall be adopted and approved annually, not later than 43929  
the first Monday of August of the year preceding the calendar year 43930  
in which distributions are to be made under it. A motion granting 43931  
approval of an alternative method of apportionment under this 43932  
division repeals any existing alternative method of apportionment, 43933  
effective with distributions to be made from the fund in the 43934  
ensuing calendar year. An alternative method of apportionment 43935  
under this division shall not be revised or amended after the 43936  
first Monday of August of the year preceding the calendar year in 43937  
which distributions are to be made under it. 43938

(D) In determining an alternative method of apportionment 43939  
authorized by this section, the county budget commission may 43940  
include in the method any factor considered to be appropriate and 43941  
reliable, in the sole discretion of the county budget commission. 43942

(E) On the basis of any alternative method of apportionment 43943  
adopted and approved as authorized by this section, as certified 43944  
by the auditor to the county treasurer, the county treasurer shall 43945  
make distribution of the money in the county ~~library and~~ local 43946  
~~government support~~ libraries fund to each subdivision eligible to 43947  
participate in the fund, and the auditor, when the amount of those 43948  
shares is in the custody of the treasurer in the amounts so 43949  
computed to be due the respective subdivisions, shall at the same 43950  
time certify to the tax commissioner the percentage share of the 43951  
county as a subdivision. All money received into the treasury of a 43952  
subdivision from the county ~~library and~~ local ~~government support~~ 43953  
libraries fund in a county treasury shall be paid into the general 43954  
fund and used for the current operating expenses of the 43955  
subdivision. 43956

(F) The actions of the county budget commission taken 43957  
pursuant to this section are final and may not be appealed to the 43958  
board of tax appeals, except on the issues of abuse of discretion 43959  
and failure to comply with the formula. 43960

**Sec. 5705.37.** The taxing authority of any subdivision that is 43961  
dissatisfied with any action of the county budget commission may, 43962  
through its fiscal officer, appeal to the board of tax appeals 43963  
within thirty days after the receipt by the subdivision of the 43964  
official certificate or notice of the commission's action. In like 43965  
manner, but through its clerk, the board of trustees of any public 43966  
library, nonprofit corporation, or library association maintaining 43967  
a free public library that has adopted and certified rules under 43968  
section 5705.28 of the Revised Code, or any park district may 43969  
appeal to the board of tax appeals. An appeal under this section 43970  
shall be taken by the filing of a notice of appeal, either in 43971  
person or by certified mail, express mail, or authorized delivery 43972  
service as provided in section 5703.056 of the Revised Code, with 43973  
the board and with the commission. If notice of appeal is filed by 43974  
certified mail, express mail, or authorized delivery service, date 43975  
of the United States postmark placed on the sender's receipt by 43976  
the postal service or the date of receipt recorded by the 43977  
authorized delivery service shall be treated as the date of 43978  
filing. Upon receipt of the notice of appeal, the commission, by 43979  
certified mail, shall notify all persons who were parties to the 43980  
proceeding before the commission of the filing of the notice of 43981  
appeal and shall file proof of notice with the board of tax 43982  
appeals. The secretary of the commission shall forthwith certify 43983  
to the board a transcript of the full and accurate record of all 43984  
proceedings before the commission, together with all evidence 43985  
presented in the proceedings or considered by the commission, 43986  
pertaining to the action from which the appeal is taken. The 43987  
secretary of the commission also shall certify to the board any 43988



additional information that the board may request. 43989

The board of tax appeals, in a de novo proceeding, shall 43990  
forthwith consider the matter presented to the commission, and may 43991  
modify any action of the commission with reference to the budget, 43992  
the estimate of revenues and balances, the allocation of the 43993  
~~library and local government support libraries~~ fund, or the fixing 43994  
of tax rates. The finding of the board of tax appeals shall be 43995  
substituted for the findings of the commission, and shall be 43996  
certified to the tax commissioner, the county auditor, and the 43997  
taxing authority of the subdivision affected, or to the board of 43998  
public library trustees affected, as the action of the commission 43999  
under sections 5705.01 to 5705.47 of the Revised Code. 44000

This section does not give the board of tax appeals any 44001  
authority to place any tax levy authorized by law within the 44002  
ten-mill limitation outside of that limitation, or to reduce any 44003  
levy below any minimum fixed by law. 44004

**Sec. 5705.44.** When contracts or leases run beyond the 44005  
termination of the fiscal year in which they are made, the fiscal 44006  
officer of the taxing authority shall make a certification for the 44007  
amount required to meet the obligation of such contract or lease 44008  
maturing in such fiscal year. The amount of the obligation under 44009  
such contract or lease remaining unfulfilled at the end of a 44010  
fiscal year, and which will become payable during the next fiscal 44011  
year, shall be included in the annual appropriation measure for 44012  
the next year as a fixed charge. 44013

The certificate required by section 5705.41 of the Revised 44014  
Code as to money in the treasury shall not be required for 44015  
contracts on which payments are to be made from the earnings of a 44016  
publicly operated water works or public utility, but in the case 44017  
of any such contract made without such certification, no payment 44018  
shall be made on account thereof, and no claim or demand thereon 44019

shall be recoverable, except out of such earnings. That 44020  
certificate also shall not be required if requiring the 44021  
certificate makes it impossible for a county board of mental 44022  
retardation and developmental disabilities to pay the nonfederal 44023  
share of medicaid expenditures that the county board is required 44024  
by ~~division (A) of section 5126.057~~ sections 5126.059 and 44025  
5126.0510 of the Revised Code to pay. 44026

**Sec. 5709.68.** (A) On or before the thirty-first day of March 44027  
each year, a municipal corporation or county that has entered into 44028  
an agreement with an enterprise under section 5709.62, 5709.63, or 44029  
5709.632 of the Revised Code shall submit to the director of 44030  
development and the board of education of each school district of 44031  
which a municipal corporation or township to which such an 44032  
agreement applies is a part a report on all of those agreements in 44033  
effect during the preceding calendar year. The report shall 44034  
include all of the following information: 44035

(1) The designation, assigned by the director of development, 44036  
of each urban jobs and enterprise zone within the municipal 44037  
corporation or county, the date each zone was certified, the name 44038  
of each municipal corporation or township within each zone, and 44039  
the total population of each zone according to the most recent 44040  
data available; 44041

(2) The number of enterprises that are subject to those 44042  
agreements and the number of full-time employees subject to those 44043  
agreements within each zone, each according to the most recent 44044  
data available and identified and categorized by the appropriate 44045  
standard industrial code, and the rate of unemployment in the 44046  
municipal corporation or county in which the zone is located for 44047  
each year since each zone was certified; 44048

(3) The number of agreements approved and executed during the 44049  
calendar year for which the report is submitted, the total number 44050

of agreements in effect on the thirty-first day of December of the 44051  
preceding calendar year, the number of agreements that expired 44052  
during the calendar year for which the report is submitted, and 44053  
the number of agreements scheduled to expire during the calendar 44054  
year in which the report is submitted. For each agreement that 44055  
expired during the calendar year for which the report is 44056  
submitted, the municipal corporation or county shall include the 44057  
amount of taxes exempted and the estimated dollar value of any 44058  
other incentives provided under the agreement. 44059

(4) The number of agreements receiving compliance reviews by 44060  
the tax incentive review council in the municipal corporation or 44061  
county during the calendar year for which the report is submitted, 44062  
including all of the following information: 44063

(a) The number of agreements the terms of which an enterprise 44064  
has complied with, indicating separately for each agreement the 44065  
value of the real and personal property exempted pursuant to the 44066  
agreement and a comparison of the stipulated and actual schedules 44067  
for hiring new employees, for retaining existing employees, for 44068  
the amount of payroll of the enterprise attributable to these 44069  
employees, and for investing in establishing, expanding, 44070  
renovating, or occupying a facility; 44071

(b) The number of agreements the terms of which an enterprise 44072  
has failed to comply with, indicating separately for each 44073  
agreement the value of the real and personal property exempted 44074  
pursuant to the agreement and a comparison of the stipulated and 44075  
actual schedules for hiring new employees, for retaining existing 44076  
employees, for the amount of payroll of the enterprise 44077  
attributable to these employees, and for investing in 44078  
establishing, expanding, renovating, or occupying a facility; 44079

(c) The number of agreements about which the tax incentive 44080  
review council made recommendations to the legislative authority 44081  
of the municipal corporation or county, and the number of those 44082

recommendations that have not been followed; 44083

(d) The number of agreements rescinded during the calendar 44084  
year for which the report is submitted. 44085

(5) The number of enterprises that are subject to agreements 44086  
that expanded within each zone, including the number of new 44087  
employees hired and existing employees retained by each 44088  
enterprise, and the number of new enterprises that are subject to 44089  
agreements and that established within each zone, including the 44090  
number of new employees hired by each enterprise; 44091

(6)(a) The number of enterprises that are subject to 44092  
agreements and that closed or reduced employment at any place of 44093  
business within the state for the primary purpose of establishing, 44094  
expanding, renovating, or occupying a facility, indicating 44095  
separately for each enterprise the political subdivision in which 44096  
the enterprise closed or reduced employment at a place of business 44097  
and the number of full-time employees transferred and retained by 44098  
each such place of business; 44099

(b) The number of enterprises that are subject to agreements 44100  
and that closed or reduced employment at any place of business 44101  
outside the state for the primary purpose of establishing, 44102  
expanding, renovating, or occupying a facility. 44103

(7) For each agreement in effect during any part of the 44104  
preceding year, the number of employees employed by the enterprise 44105  
at the project site immediately prior to formal approval of the 44106  
agreement, the number of employees employed by the enterprise at 44107  
the project site on the thirty-first day of December of the 44108  
preceding year, the payroll of the enterprise for the preceding 44109  
year, the amount of taxes paid on tangible personal property 44110  
situated at the project site and the amount of those taxes that 44111  
were not paid because of the exemption granted under the 44112  
agreement, and the amount of taxes paid on real property 44113

constituting the project site and the amount of those taxes that 44114  
were not paid because of the exemption granted under the 44115  
agreement. If an agreement was entered into under section 5709.632 44116  
of the Revised Code with an enterprise described in division 44117  
(B)(2) of that section, the report shall include the number of 44118  
employee positions at all of the enterprise's locations in this 44119  
state. If an agreement is conditioned on a waiver issued under 44120  
division (B) of section 5709.633 of the Revised Code on the basis 44121  
of the circumstance described in division (B)(3)(a) or (b) of that 44122  
section, the report shall include the number of employees at the 44123  
facilities referred to in division (B)(3)(a)(i) or (b)(i) of that 44124  
section, respectively. 44125

(B) Upon the failure of a municipal corporation or county to 44126  
comply with division (A) of this section: 44127

(1) Beginning on the first day of April of the calendar year 44128  
in which the municipal corporation or county fails to comply with 44129  
that division, the municipal corporation or county shall not enter 44130  
into any agreements with an enterprise under section 5709.62, 44131  
5709.63, or 5709.632 of the Revised Code until the municipal 44132  
corporation or county has complied with division (A) of this 44133  
section. 44134

(2) On the first day of each ensuing calendar month until the 44135  
municipal corporation or county complies with division (A) of this 44136  
section, the director of development shall either order the proper 44137  
county auditor to deduct from the next succeeding payment of taxes 44138  
to the municipal corporation or county under section 321.31, 44139  
321.32, 321.33, or 321.34 of the Revised Code an amount equal to 44140  
one thousand dollars for each calendar month the municipal 44141  
corporation or county fails to comply with that division, or order 44142  
the county auditor to deduct that amount from the next succeeding 44143  
payment to the municipal corporation or county from the undivided 44144  
local ~~government~~ communities fund under section 5747.51 of the 44145

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.

(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 the amount of the fee, the director shall consider the state's cost of administering the enterprise zone program, including the cost of reviewing the reports required under division (A) of this section. The director may change the amount of the fee at the times and in the increments the director considers necessary. Any municipal corporation or county that receives an application shall collect the application fee and remit the fee for deposit in the state treasury to the credit of the ~~state enterprise zone program administration fund, which is hereby created. Money credited to the fund shall be used by the department of development to pay the costs of administering the enterprise zone program, including the cost of reviewing the reports required under division (A) of this section~~ tax incentive programs operating fund created in section 122.174 of the Revised Code.

(D) On or before the thirtieth day of June each year, the director of development shall certify to the tax commissioner the information described under division (A)(7) of this section, derived from the reports submitted to the director under this section.

On the basis of the information certified under this division, the tax commissioner annually shall submit a report to the governor, the speaker of the house of representatives, the

president of the senate, and the chairpersons of the ways and 44178  
means committees of the respective houses of the general assembly, 44179  
indicating for each enterprise zone the amount of state and local 44180  
taxes that were not required to be paid because of exemptions 44181  
granted under agreements entered into under section 5709.62, 44182  
5709.63, or 5709.632 of the Revised Code and the amount of 44183  
additional taxes paid from the payroll of new employees. 44184

**Sec. 5709.882.** (A) On or before the thirty-first day of March 44185  
each year, a municipal corporation or county that has entered into 44186  
an agreement with an enterprise under section 5709.88 of the 44187  
Revised Code shall submit to the director of development and the 44188  
board of education of each school district of which a municipal 44189  
corporation or county to which such an agreement applies is a part 44190  
a report on all such agreements in effect during the preceding 44191  
calendar year. The report shall include all of the following 44192  
information: 44193

(1) The number of enterprises that are subject to such 44194  
agreements and the number of full-time employees subject to those 44195  
agreements in the county or municipal corporation; 44196

(2) The number of agreements approved and executed during the 44197  
calendar year for which the report is submitted, the total number 44198  
of agreements in effect on the thirty-first day of December of the 44199  
preceding calendar year, the number of agreements that expired 44200  
during the calendar year for which the report is submitted, and 44201  
the number of agreements scheduled to expire during the calendar 44202  
year in which the report is submitted. For each agreement that 44203  
expired during the calendar year for which the report is 44204  
submitted, the municipal corporation or county shall include the 44205  
amount of taxes exempted and the estimated dollar value of any 44206  
other incentives provided under the agreement. 44207

(3) The number of agreements receiving compliance reviews by 44208

the tax incentive review council in the municipal corporation or 44209  
county under section 5709.883 of the Revised Code during the 44210  
calendar year for which the report is submitted, including all of 44211  
the following information: 44212

(a) The number of agreements the terms of which an enterprise 44213  
has complied with, indicating separately for each such agreement 44214  
the value of the real and personal property exempted pursuant to 44215  
the agreement and a comparison of the stipulated and actual 44216  
schedules for hiring new employees, for retaining existing 44217  
employees, for the amount of payroll of the enterprise 44218  
attributable to these employees, and for remediating and investing 44219  
in establishing, expanding, renovating, or occupying a facility; 44220

(b) The number of agreements the terms of which an enterprise 44221  
has failed to comply with, indicating separately for each such 44222  
agreement the value of the real and personal property exempted 44223  
pursuant to the agreement and a comparison of the stipulated and 44224  
actual schedules for hiring new employees, for retaining existing 44225  
employees, for the amount of payroll of the enterprise 44226  
attributable to these employees, and for remediating and investing 44227  
in establishing, expanding, renovating, or occupying a facility; 44228

(c) The number of agreements about which the tax incentive 44229  
review council made recommendations to the legislative authority 44230  
of the municipal corporation or county, and the number of such 44231  
recommendations that have not been followed; 44232

(d) The number of agreements rescinded during the calendar 44233  
year for which the report is submitted. 44234

(4) The number of enterprises that are subject to agreements 44235  
and the number of new employees hired and existing employees 44236  
retained by each such enterprise; 44237

(5)(a) The number of enterprises that are subject to 44238  
agreements and that closed or reduced employment at any place of 44239



business within the state for the primary purpose of remediating 44240  
and establishing, expanding, renovating, or occupying a facility, 44241  
indicating separately for each such enterprise the political 44242  
subdivision in which the enterprise closed or reduced employment 44243  
at a place of business and the number of full-time employees 44244  
transferred and retained by each such place of business; 44245

(b) The number of enterprises that are subject to agreements 44246  
and that closed or reduced employment at any place of business 44247  
outside the state for the primary purpose of remediating and 44248  
establishing, expanding, renovating, or occupying a facility. 44249

(B) Upon the failure of a municipal corporation or county to 44250  
comply with division (A) of this section, both of the following 44251  
apply: 44252

(1) Beginning on the first day of April of the calendar year 44253  
in which the municipal corporation or county fails to comply with 44254  
that division, the municipal corporation or county shall not enter 44255  
into any agreements with an enterprise under section 5709.88 of 44256  
the Revised Code until the municipal corporation or county has 44257  
complied with division (A) of this section; 44258

(2) On the first day of each ensuing calendar month until the 44259  
municipal corporation or county complies with that division, the 44260  
director of development shall either order the proper county 44261  
auditor to deduct from the next succeeding payment of taxes to the 44262  
municipal corporation or county under section 321.31, 321.32, 44263  
321.33, or 321.34 of the Revised Code an amount equal to five 44264  
hundred dollars for each calendar month the municipal corporation 44265  
or county fails to comply with that division, or order the county 44266  
auditor to deduct such an amount from the next succeeding payment 44267  
to the municipal corporation or county from the undivided local 44268  
~~government~~ communities fund under section 5747.51 of the Revised 44269  
Code. At the time such a payment is made, the county auditor shall 44270  
comply with the director's order by issuing a warrant, drawn on 44271

the fund from which such money would have been paid, to the 44272  
director of development, who shall deposit the warrant into the 44273  
contaminated sites development program administration fund created 44274  
in division (C) of this section. 44275

(C) The director, by rule, shall establish the state's 44276  
application fee for applications submitted to a municipal 44277  
corporation or county to enter into an agreement under section 44278  
5709.88 of the Revised Code. In establishing the amount of the 44279  
fee, the director shall consider the state's cost of administering 44280  
this section and section 5709.88 of the Revised Code. The director 44281  
may change the amount of the fee at such times and in such 44282  
increments as ~~he~~ the director considers necessary. Any municipal 44283  
corporation or county that receives an application shall collect 44284  
the application fee and remit the fee for deposit in the state 44285  
treasury to the credit of the contaminated sites development 44286  
program administration fund, which is hereby created. Money 44287  
credited to the fund shall be used by the department of 44288  
development to pay the costs of administering this section and 44289  
section 5709.88 of the Revised Code. 44290

**Sec. 5715.36.** (A) Any expense incurred by the tax 44291  
commissioner as to the annual assessment of real property in any 44292  
taxing district shall be paid out of the treasury of the county in 44293  
which such district is located upon presentation of the order of 44294  
the commissioner certifying the amount thereof to the county 44295  
auditor, who shall thereupon issue ~~his~~ a warrant therefor upon the 44296  
general fund of the county and direct the warrant to the county 44297  
treasurer, who shall pay the same. All money paid out of the 44298  
county treasury under authority of this division and section 44299  
5703.30 of the Revised Code shall be charged against the proper 44300  
district, and amounts paid by the county shall be retained by the 44301  
auditor from funds due such district at the time of making the 44302  
semiannual distribution of taxes. 44303

(B) Any expense incurred by the board of tax appeals as to 44304  
the hearing of any appeal from a county budget commission with 44305  
respect to the allocation of the local government or local 44306  
communities fund or the county library and local government 44307  
support fund or county local libraries fund shall be paid out of 44308  
the treasury of the county involved upon presentation of the order 44309  
of the board certifying the amount thereof to the county auditor, 44310  
who shall thereupon issue ~~his~~ a warrant therefor upon the general 44311  
fund of the county and direct the warrant to the county treasurer, 44312  
who shall pay the same. At the time the local government or local 44313  
communities fund or the county library and local government 44314  
support fund or county local libraries fund is distributed, all 44315  
money which had been paid out of the county treasury for such 44316  
expenses shall be deducted by the county auditor from the fund 44317  
involved in the appeal. The amount so deducted by the county 44318  
auditor shall be forthwith returned to the general fund of the 44319  
county. 44320

(C) An amount equal to the sum of the expenses incurred by 44321  
the board of tax appeals as to any of the following shall be paid 44322  
out of the general fund of the county in which such property is 44323  
located upon presentation of the order of the board certifying the 44324  
amount thereof to the county auditor, who shall thereupon issue 44325  
~~his~~ a warrant therefor upon the general fund of the county and 44326  
direct the warrant to the county treasurer, who shall pay the 44327  
same: 44328

(1) The hearing of any appeal from a county board of revision 44329  
under section 5717.01 of the Revised Code; 44330

(2) An appeal from any finding, computation, determination, 44331  
or order of the tax commissioner made with respect to the 44332  
assessment or exemption of real property under division (B) of 44333  
section 5715.61 and section 5717.02 of the Revised Code. At the 44334  
time of each settlement of taxes under divisions (A) and (C) of 44335

section 321.24 of the Revised Code, there shall be deducted from 44336  
the taxes included in such settlement and paid into the county 44337  
general fund in the same manner as the fees allowed the county 44338  
treasurer on amounts included in such settlement, the amounts paid 44339  
out under this division since the preceding settlement. Each 44340  
deduction shall be apportioned among the taxing districts within 44341  
which the property that was the subject of the appeal is located 44342  
in proportion to their relative shares of their respective taxes 44343  
included in the settlement. 44344

**Sec. 5719.041.** If the payment of a general personal property 44345  
or classified property tax is not made on or before the last day 44346  
prescribed by section 5719.03 or 5719.031 of the Revised Code, an 44347  
interest charge shall begin to accrue and shall continue until all 44348  
charges are paid, except that no interest charge shall accrue for 44349  
or in the month in which such payment was due under such section 44350  
or under the circumstances and for the period described in 44351  
division (A)(2) of section 5711.33 of the Revised Code or upon 44352  
delinquent taxes that are the subject of a delinquent tax contract 44353  
entered into pursuant to section 5719.05 of the Revised Code. 44354

The interest charge shall accrue against the balance of such 44355  
taxes and any penalty thereon outstanding that remains unpaid on 44356  
the last day of each month and shall be at the rate per calendar 44357  
month, rounded to the nearest one-hundredth of one per cent, equal 44358  
to one-twelfth of the federal short-term rate determined by the 44359  
tax commissioner under section 5703.47 of the Revised Code for the 44360  
calendar year that includes the month for which the charge 44361  
accrues. The charge is payable in addition to the unpaid balance 44362  
of taxes and penalties on the day the charge accrues, unless the 44363  
entire balance is sooner paid. 44364

If a delinquent tax contract becomes void, interest shall be 44365  
charged on the day on which the contract becomes void in the 44366

amount that would have been charged had the delinquent tax 44367  
contract not been entered into and shall thereafter accrue as 44368  
provided in this section. 44369

Interest shall be allowed, at the same rate per calendar 44370  
month as is applicable that month for underpayments, on any 44371  
overpayment of the tax charged on a general personal property or a 44372  
classified property tax duplicate, from the first day of the month 44373  
following the date of the overpayment until the last day of the 44374  
month preceding the date of the refund of the overpayment. The 44375  
interest shall be paid from the fund or funds to which the 44376  
overpayment was credited. 44377

When the county treasurer makes the treasurer's annual 44378  
settlement with the county auditor under division (D) of section 44379  
321.24 of the Revised Code, the treasurer shall certify to the 44380  
auditor a list of all entries on the cumulative delinquent tax 44381  
duplicate that are at that time in the process of being paid in 44382  
installments under a valid delinquent tax contract. For each entry 44383  
that appears on the duplicate that is not on the certified list, 44384  
the auditor shall compute the full amount of interest charges 44385  
which have accrued against such entry since the preceding such 44386  
settlement was made and shall include such charges through the 44387  
last day of the month preceding the current settlement. The 44388  
auditor shall include such amounts on the tax list and duplicates 44389  
prepared by the auditor as prescribed in section 5719.04 of the 44390  
Revised Code unless the interest is less than one dollar, in which 44391  
case it shall not be added to such tax lists and duplicates. 44392

Before the county treasurer accepts any payment of taxes 44393  
against which there are accrued interest charges that do not 44394  
appear on the delinquent tax duplicate, the treasurer shall notify 44395  
the auditor who shall issue a certificate to the treasurer showing 44396  
the amount of such interest charges, and the treasurer shall 44397  
collect the amount shown on such certificate at the time of 44398

accepting payment of such taxes. If the amount of such interest 44399  
charges is less than one dollar, no such certificate shall be 44400  
issued. In the case of delinquent personal property taxes, the 44401  
interest shown on such certificate shall be credited to the 44402  
undivided general tax fund, and distributed in the same manner as 44403  
the delinquent taxes upon which the interest charges accrued. In 44404  
the case of delinquent classified property taxes, the interest 44405  
shown on such certificate shall be credited to the county ~~library~~ 44406  
~~and local government support libraries~~ fund and distributed in 44407  
accordance with section 5747.48 of the Revised Code. When the 44408  
payment of delinquent taxes is credited on the tax duplicate the 44409  
treasurer shall make a separate notation thereon indicating the 44410  
amount collected and the index number of the auditor's certificate 44411  
herein prescribed. 44412

**Sec. 5725.151.** (A) As used in this section, "certificate 44413  
owner" has the same meaning as in section 149.311 of the Revised 44414  
Code. 44415

(B) There is allowed a refundable credit against the tax 44416  
imposed by section 5707.03 and assessed under section 5725.15 of 44417  
the Revised Code for a dealer in intangibles subject to that tax 44418  
that is a certificate owner of a rehabilitation tax credit 44419  
certificate issued under section 149.311 of the Revised Code. The 44420  
credit shall equal twenty-five per cent of the dollar amount 44421  
indicated on the certificate. The credit shall be claimed in the 44422  
calendar year specified in the certificate. 44423

(C) A dealer in intangibles claiming a credit under this 44424  
section shall retain the rehabilitation tax credit certificate for 44425  
four years following the end of the year in which the credit was 44426  
claimed, and shall make the certificate available for inspection 44427  
by the tax commissioner upon the request of the tax commissioner 44428  
during that period. 44429

(D) For the purpose of division (C) of section 5725.24 of the Revised Code, reductions in the amount of taxes collected on account of credits allowed under this section shall be applied to reduce the amount credited to the general revenue fund and shall not be applied to reduce the amount to be credited to the undivided local ~~government~~ communities funds of the counties in which such taxes originate.

**Sec. 5725.24.** (A) As used in this section, "qualifying dealer" means a dealer in intangibles that is a qualifying dealer in intangibles as defined in section 5733.45 of the Revised Code or a member of a qualifying controlled group, as defined in section 5733.04 of the Revised Code, of which an insurance company also is a member on the first day of January of the year in and for which the tax imposed by section 5707.03 of the Revised Code is required to be paid by the dealer.

(B) The taxes levied by section 5725.18 of the Revised Code and collected pursuant to this chapter shall be paid into the state treasury to the credit of the general revenue fund.

(C) The taxes levied by section 5707.03 of the Revised Code on the value of shares in and capital employed by dealers in intangibles other than those that are qualifying dealers shall be for the use of the general revenue fund of the state and the local ~~government~~ communities funds of the several counties in which the taxes originate as provided in this division.

~~On or before the first day of~~ During each month ~~on~~ for which there is money in the state treasury for disbursement under this division, the tax commissioner shall provide for payment to the county treasurer of each county of five-eighths of the amount of the taxes collected on account of shares in and capital employed by dealers in intangibles other than those that are qualifying dealers, representing capital employed in the county. The balance

of the money received and credited on account of taxes assessed on 44461  
shares in and capital employed by such dealers in intangibles 44462  
shall be credited to the general revenue fund. 44463

Reductions in the amount of taxes collected on account of 44464  
credits allowed under section 5725.151 of the Revised Code shall 44465  
be applied to reduce the amount credited to the general revenue 44466  
fund and shall not be applied to reduce the amount to be credited 44467  
to the undivided local ~~government~~ communities funds of the 44468  
counties in which such taxes originate. 44469

For the purpose of this division, such taxes are deemed to 44470  
originate in the counties in which such dealers in intangibles 44471  
have their offices. 44472

Money received into the treasury of a county pursuant to this 44473  
section shall be credited to the undivided local ~~government~~ 44474  
communities fund of the county and shall be distributed by the 44475  
budget commission as provided by law. 44476

(D) All of the taxes levied under section 5707.03 of the 44477  
Revised Code on the value of the shares in and capital employed by 44478  
dealers in intangibles that are qualifying dealers shall be paid 44479  
into the state treasury to the credit of the general revenue fund. 44480

**Sec. 5727.45.** ~~Four and two tenths~~ One hundred per cent of all 44481  
excise taxes and penalties collected under sections 5727.01 to 44482  
5727.62 of the Revised Code shall be credited to ~~the local~~ 44483  
~~government fund for distribution in accordance with section~~ 44484  
~~5747.50 of the Revised Code, six tenths of one per cent shall be~~ 44485  
~~credited to the local government revenue assistance fund for~~ 44486  
~~distribution in accordance with section 5747.61 of the Revised~~ 44487  
~~Code, and ninety five and two tenths per cent shall be credited to~~ 44488  
the general revenue fund. 44489

**Sec. 5727.81.** (A) For the purpose of raising revenue for 44490



public education and state and local government operations, an 44491  
excise tax is hereby levied and imposed on an electric 44492  
distribution company for all electricity distributed by such 44493  
company ~~beginning with the measurement period that includes May 1,~~ 44494  
~~2001,~~ at the following rates per kilowatt hour of electricity 44495  
distributed in a thirty-day period by the company through a meter 44496  
of an end user in this state: 44497

KILOWATT HOURS DISTRIBUTED	RATE PER	
TO AN END USER	KILOWATT HOUR	
For the first 2,000	\$.00465	44500
For the next 2,001 to 15,000	\$.00419	44501
For 15,001 and above	\$.00363	44502

If no meter is used to measure the kilowatt hours of 44503  
electricity distributed by the company, the rates shall apply to 44504  
the estimated kilowatt hours of electricity distributed to an 44505  
unmetered location in this state. 44506

The electric distribution company shall base the monthly tax 44507  
on the kilowatt hours of electricity distributed to an end user 44508  
through the meter of the end user that is not measured for a 44509  
thirty-day period by dividing the days in the measurement period 44510  
into the total kilowatt hours measured during the measurement 44511  
period to obtain a daily average usage. The tax shall be 44512  
determined by obtaining the sum of divisions (A)(1), (2), and (3) 44513  
of this section and multiplying that amount by the number of days 44514  
in the measurement period: 44515

(1) Multiplying \$0.00465 per kilowatt hour for the first 44516  
sixty-seven kilowatt hours distributed using a daily average; 44517

(2) Multiplying \$0.00419 for the next sixty-eight to five 44518  
hundred kilowatt hours distributed using a daily average; 44519

(3) Multiplying \$0.00363 for the remaining kilowatt hours 44520  
distributed using a daily average. 44521

~~Until January 1, 2003, except as provided in division (C) of~~ 44522  
~~this section, the electric distribution company shall pay the tax~~ 44523  
~~to the treasurer of state in accordance with section 5727.82 of~~ 44524  
~~the Revised Code. Beginning January 1, 2003, except~~ Except as 44525  
provided in division (C) of this section, the electric 44526  
distribution company shall pay the tax to the tax commissioner in 44527  
accordance with section 5727.82 of the Revised Code, unless 44528  
required to remit each tax payment by electronic funds transfer to 44529  
the treasurer of state in accordance with section 5727.83 of the 44530  
Revised Code. 44531

Only the distribution of electricity through a meter of an 44532  
end user in this state shall be used by the electric distribution 44533  
company to compute the amount or estimated amount of tax due. In 44534  
the event a meter is not actually read for a measurement period, 44535  
the estimated kilowatt hours distributed by an electric 44536  
distribution company to bill for its distribution charges shall be 44537  
used. 44538

(B) Except as provided in division (C) of this section, each 44539  
electric distribution company shall pay the tax imposed by this 44540  
section in all of the following circumstances: 44541

(1) The electricity is distributed by the company through a 44542  
meter of an end user in this state; 44543

(2) The company is distributing electricity through a meter 44544  
located in another state, but the electricity is consumed in this 44545  
state in the manner prescribed by the tax commissioner; 44546

(3) The company is distributing electricity in this state 44547  
without the use of a meter, but the electricity is consumed in 44548  
this state as estimated and in the manner prescribed by the tax 44549  
commissioner. 44550

(C)(1) As used in division (C) of this section: 44551

(a) "Total price of electricity" means the aggregate value in 44552

money of anything paid or transferred, or promised to be paid or 44553  
transferred, to obtain electricity or electric service, including 44554  
but not limited to the value paid or promised to be paid for the 44555  
transmission or distribution of electricity and for transition 44556  
costs as described in Chapter 4928. of the Revised Code. 44557

(b) "Package" means the provision or the acquisition, at a 44558  
combined price, of electricity with other services or products, or 44559  
any combination thereof, such as natural gas or other fuels; 44560  
energy management products, software, and services; machinery and 44561  
equipment acquisition; and financing agreements. 44562

(c) "Single location" means a facility located on contiguous 44563  
property separated only by a roadway, railway, or waterway. 44564

(2) Division (C) of this section applies to any commercial or 44565  
industrial purchaser's receipt of electricity through a meter of 44566  
an end user in this state or through more than one meter at a 44567  
single location in this state in a quantity that exceeds 44568  
forty-five million kilowatt hours of electricity over the course 44569  
of the preceding calendar year, or any commercial or industrial 44570  
purchaser that will consume more than forty-five million kilowatt 44571  
hours of electricity over the course of the succeeding twelve 44572  
months as estimated by the tax commissioner. The tax commissioner 44573  
shall make such an estimate upon the written request by an 44574  
applicant for registration as a self-assessing purchaser under 44575  
this division. Such a purchaser may elect to self-assess the 44576  
excise tax imposed by this section at the rate of \$.00075 per 44577  
kilowatt hour on the first five hundred four million kilowatt 44578  
hours distributed to that meter or location during the 44579  
registration year, and ~~four per cent~~ a percentage of the total 44580  
price of all electricity distributed to that meter or location 44581  
equal to four per cent through June 30, 2008, and three and 44582  
one-half per cent for July 1, 2008, and thereafter. A qualified 44583  
end user that receives electricity through a meter of an end user 44584

in this state or through more than one meter at a single location 44585  
in this state and that consumes, over the course of the previous 44586  
calendar year, more than forty-five million kilowatt hours in 44587  
other than its qualifying manufacturing process, may elect to 44588  
self-assess the tax as allowed by this division with respect to 44589  
the electricity used in other than its qualifying manufacturing 44590  
process. ~~Until January 1, 2003, payment of the tax shall be made~~ 44591  
~~directly to the treasurer of state in accordance with divisions~~ 44592  
~~(A)(4) and (5) of section 5727.82 of the Revised Code. Beginning~~ 44593  
~~January 1, 2003, payment~~ 44594

Payment of the tax shall be made directly to the tax 44595  
commissioner in accordance with divisions (A)(4) and (5) of 44596  
section 5727.82 of the Revised Code, or the treasurer of state in 44597  
accordance with section 5727.83 of the Revised Code. If the 44598  
electric distribution company serving the self-assessing purchaser 44599  
is a municipal electric utility and the purchaser is within the 44600  
municipal corporation's corporate limits, payment shall be made to 44601  
such municipal corporation's general fund and reports shall be 44602  
filed in accordance with divisions (A)(4) and (5) of section 44603  
5727.82 of the Revised Code, except that "municipal corporation" 44604  
shall be substituted for "treasurer of state" and "tax 44605  
commissioner." A self-assessing purchaser that pays the excise tax 44606  
as provided in this division shall not be required to pay the tax 44607  
to the electric distribution company from which its electricity is 44608  
distributed. If a self-assessing purchaser's receipt of 44609  
electricity is not subject to the tax as measured under this 44610  
division, the tax on the receipt of such electricity shall be 44611  
measured and paid as provided in division (A) of this section. 44612

(3) In the case of the acquisition of a package, unless the 44613  
elements of the package are separately stated isolating the total 44614  
price of electricity from the price of the remaining elements of 44615  
the package, the tax imposed under this section applies to the 44616

entire price of the package. If the elements of the package are 44617  
separately stated, the tax imposed under this section applies to 44618  
the total price of the electricity. 44619

(4) Any electric supplier that sells electricity as part of a 44620  
package shall separately state to the purchaser the total price of 44621  
the electricity and, upon request by the tax commissioner, the 44622  
total price of each of the other elements of the package. 44623

(5) The tax commissioner may adopt rules relating to the 44624  
computation of the total price of electricity with respect to 44625  
self-assessing purchasers, which may include rules to establish 44626  
the total price of electricity purchased as part of a package. 44627

(6) An annual application for registration as a 44628  
self-assessing purchaser shall be made for each qualifying meter 44629  
or location on a form prescribed by the tax commissioner. The 44630  
registration year begins on the first day of May and ends on the 44631  
following thirtieth day of April. Persons may apply after the 44632  
first day of May for the remainder of the registration year. In 44633  
the case of an applicant applying on the basis of an estimated 44634  
consumption of forty-five million kilowatt hours over the course 44635  
of the succeeding twelve months, the applicant shall provide such 44636  
information as the tax commissioner considers to be necessary to 44637  
estimate such consumption. At the time of making the application 44638  
and by the first day of May of each year, ~~excluding May 1, 2000,~~ a 44639  
self-assessing purchaser shall pay a fee of five hundred dollars 44640  
to the tax commissioner, or to the treasurer of state as provided 44641  
in section 5727.83 of the Revised Code, for each qualifying meter 44642  
or location. The tax commissioner shall immediately pay to the 44643  
treasurer of state all amounts that the tax commissioner receives 44644  
under this section. The treasurer of state shall deposit such 44645  
amounts into the kilowatt hour excise tax administration fund, 44646  
which is hereby created in the state treasury. Money in the fund 44647  
shall be used to defray the tax commissioner's cost in 44648

administering the tax owed under section 5727.81 of the Revised Code by self-assessing purchasers. After the application is approved by the tax commissioner, the registration shall remain in effect for the current registration year, or until canceled by the registrant upon written notification to the commissioner of the election to pay the tax in accordance with division (A) of this section, or until canceled by the tax commissioner for not paying the tax or fee under division (C) of this section or for not meeting the qualifications in division (C)(2) of this section. The tax commissioner shall give written notice to the electric distribution company from which electricity is delivered to a self-assessing purchaser of the purchaser's self-assessing status, and the electric distribution company is relieved of the obligation to pay the tax imposed by division (A) of this section for electricity distributed to that self-assessing purchaser until it is notified by the tax commissioner that the self-assessing purchaser's registration is canceled. Within fifteen days of notification of the canceled registration, the electric distribution company shall be responsible for payment of the tax imposed by division (A) of this section on electricity distributed to a purchaser that is no longer registered as a self-assessing purchaser. A self-assessing purchaser with a canceled registration must file a report and remit the tax imposed by division (A) of this section on all electricity it receives for any measurement period prior to the tax being reported and paid by the electric distribution company. A self-assessing purchaser whose registration is canceled by the tax commissioner is not eligible to register as a self-assessing purchaser for two years after the registration is canceled.

(7) If the tax commissioner cancels the self-assessing registration of a purchaser registered on the basis of its estimated consumption because the purchaser does not consume at least forty-five million kilowatt hours of electricity over the

course of the twelve-month period for which the estimate was made, 44682  
the tax commissioner shall assess and collect from the purchaser 44683  
the difference between (a) the amount of tax that would have been 44684  
payable under division (A) of this section on the electricity 44685  
distributed to the purchaser during that period and (b) the amount 44686  
of tax paid by the purchaser on such electricity pursuant to 44687  
division (C)(2)(a) of this section. The assessment shall be paid 44688  
within sixty days after the tax commissioner issues it, regardless 44689  
of whether the purchaser files a petition for reassessment under 44690  
section 5727.89 of the Revised Code covering that period. If the 44691  
purchaser does not pay the assessment within the time prescribed, 44692  
the amount assessed is subject to the additional charge and the 44693  
interest prescribed by divisions (B) and (C) of section 5727.82 of 44694  
the Revised Code, and is subject to assessment under section 44695  
5727.89 of the Revised Code. If the purchaser is a qualified end 44696  
user, division (C)(7) of this section applies only to electricity 44697  
it consumes in other than its qualifying manufacturing process. 44698

(D) The tax imposed by this section does not apply to the 44699  
distribution of any kilowatt hours of electricity to the federal 44700  
government, to an end user located at a federal facility that uses 44701  
electricity for the enrichment of uranium, to a qualified 44702  
regeneration meter, or to an end user for any day the end user is 44703  
a qualified end user. The exemption under this division for a 44704  
qualified end user only applies to the manufacturing location 44705  
where the qualified end user uses more than three million kilowatt 44706  
hours per day in a qualifying manufacturing process. 44707

**Sec. 5727.84.** (A) As used in this section and sections 44708  
5727.85, 5727.86, and 5727.87 of the Revised Code: 44709

(1) "School district" means a city, local, or exempted 44710  
village school district. 44711

(2) "Joint vocational school district" means a joint 44712

vocational school district created under section 3311.16 of the 44713  
Revised Code, and includes a cooperative education school district 44714  
created under section 3311.52 or 3311.521 of the Revised Code and 44715  
a county school financing district created under section 3311.50 44716  
of the Revised Code. 44717

(3) "Local taxing unit" means a subdivision or taxing unit, 44718  
as defined in section 5705.01 of the Revised Code, a park district 44719  
created under Chapter 1545. of the Revised Code, or a township 44720  
park district established under section 511.23 of the Revised 44721  
Code, but excludes school districts and joint vocational school 44722  
districts. 44723

(4) "State education aid," for a school district, means the 44724  
sum of state aid amounts computed for the district under divisions 44725  
(A), (C)(1), (C)(4), (D), (E), and (F) of section 3317.022; 44726  
divisions (B), (C), and (D) of section 3317.023; divisions (G), 44727  
(L), and (N) of section 3317.024; and sections 3317.029, 44728  
3317.0216, 3317.0217, 3317.04, 3317.05, 3317.052, and 3317.053 of 44729  
the Revised Code; and the adjustments required by: division (C) of 44730  
section 3310.08; division (C) of section 3314.08; division (D) of 44731  
section 3314.13; divisions (E), (K), (L), (M), (N), and (O) of 44732  
section 3317.023; division (C) of section 3317.20; and sections 44733  
3313.979 and 3313.981 of the Revised Code. However, when 44734  
calculating state education aid for a school district for fiscal 44735  
years ~~2006~~ 2008 and ~~2007~~ 2009, include the amount computed for the 44736  
district under Section ~~206.09.21~~ 269.20.80 of ~~Am. Sub. H.B. 66~~ 119 44737  
of the ~~126th~~ 127th general assembly, as subsequently amended, 44738  
instead of division (D) of section 3317.022 of the Revised Code; 44739  
include amounts calculated under Section ~~206.09.39~~ 269.30.80 of 44740  
~~that~~ this act, as subsequently amended; and account for 44741  
adjustments under division (C)(2) of section 3310.41 of the 44742  
Revised Code. 44743

(5) "State education aid," for a joint vocational school 44744



district, means the sum of the state aid amounts computed for the 44745  
district under division (N) of section 3317.024 and section 44746  
3317.16 of the Revised Code. However, when calculating state 44747  
education aid for a joint vocational school district for fiscal 44748  
years ~~2006~~ 2008 and ~~2007~~ 2009, include the amount computed for the 44749  
district under Section ~~206.09.42~~ 269.30.90 of ~~Am. Sub. H.B. 66~~ 119 44750  
of the ~~126th~~ 127th general assembly, as subsequently amended. 44751

(6) "State education aid offset" means the amount determined 44752  
for each school district or joint vocational school district under 44753  
division (A)(1) of section 5727.85 of the Revised Code. 44754

(7) "Recognized valuation" has the same meaning as in section 44755  
3317.02 of the Revised Code. 44756

(8) "Electric company tax value loss" means the amount 44757  
determined under division (D) of this section. 44758

(9) "Natural gas company tax value loss" means the amount 44759  
determined under division (E) of this section. 44760

(10) "Tax value loss" means the sum of the electric company 44761  
tax value loss and the natural gas company tax value loss. 44762

(11) "Fixed-rate levy" means any tax levied on property other 44763  
than a fixed-sum levy. 44764

(12) "Fixed-rate levy loss" means the amount determined under 44765  
division (G) of this section. 44766

(13) "Fixed-sum levy" means a tax levied on property at 44767  
whatever rate is required to produce a specified amount of tax 44768  
money or levied in excess of the ten-mill limitation to pay debt 44769  
charges, and includes school district emergency levies imposed 44770  
pursuant to section 5705.194 of the Revised Code. 44771

(14) "Fixed-sum levy loss" means the amount determined under 44772  
division (H) of this section. 44773

(15) "Consumer price index" means the consumer price index 44774

(all items, all urban consumers) prepared by the bureau of labor 44775  
statistics of the United States department of labor. 44776

(B) The kilowatt-hour tax receipts fund is hereby created in 44777  
the state treasury and shall consist of money arising from the tax 44778  
imposed by section 5727.81 of the Revised Code. All money in the 44779  
kilowatt-hour tax receipts fund shall be credited as follows: 44780

(1) ~~Fifty-nine and nine hundred seventy-six one thousandths~~ 44781  
~~Sixty-three~~ per cent, shall be credited to the general revenue 44782  
fund. 44783

(2) ~~Two and six hundred forty-six one thousandths per cent~~ 44784  
~~shall be credited to the local government fund, for distribution~~ 44785  
~~in accordance with section 5747.50 of the Revised Code.~~ 44786

~~(3) Three hundred seventy-eight one thousandths per cent~~ 44787  
~~shall be credited to the local government revenue assistance fund,~~ 44788  
~~for distribution in accordance with section 5747.61 of the Revised~~ 44789  
~~Code.~~ 44790

~~(4)~~ Twenty-five and four-tenths per cent shall be credited to 44791  
the school district property tax replacement fund, which is hereby 44792  
created in the state treasury for the purpose of making the 44793  
payments described in section 5727.85 of the Revised Code. 44794

~~(5)~~(3) Eleven and six-tenths per cent shall be credited to 44795  
the local government property tax replacement fund, which is 44796  
hereby created in the state treasury for the purpose of making the 44797  
payments described in section 5727.86 of the Revised Code. 44798

(C) The natural gas tax receipts fund is hereby created in 44799  
the state treasury and shall consist of money arising from the tax 44800  
imposed by section 5727.811 of the Revised Code. All money in the 44801  
fund shall be credited as follows: 44802

(1) Sixty-eight and seven-tenths per cent shall be credited 44803  
to the school district property tax replacement fund for the 44804

purpose of making the payments described in section 5727.85 of the Revised Code. 44805  
44806

(2) Thirty-one and three-tenths per cent shall be credited to the local government property tax replacement fund for the purpose of making the payments described in section 5727.86 of the Revised Code. 44807  
44808  
44809  
44810

(D) Not later than January 1, 2002, the tax commissioner shall determine for each taxing district its electric company tax value loss, which is the sum of the applicable amounts described in divisions (D)(1) to (3) of this section: 44811  
44812  
44813  
44814

(1) The difference obtained by subtracting the amount described in division (D)(1)(b) from the amount described in division (D)(1)(a) of this section. 44815  
44816  
44817

(a) The value of electric company and rural electric company tangible personal property as assessed by the tax commissioner for tax year 1998 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 1999, and as apportioned to the taxing district for tax year 1998; 44818  
44819  
44820  
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44822

(b) The value of electric company and rural electric company tangible personal property as assessed by the tax commissioner for tax year 1998 had the property been apportioned to the taxing district for tax year 2001, and assessed at the rates in effect for tax year 2001. 44823  
44824  
44825  
44826  
44827

(2) The difference obtained by subtracting the amount described in division (D)(2)(b) from the amount described in division (D)(2)(a) of this section. 44828  
44829  
44830

(a) The three-year average for tax years 1996, 1997, and 1998 of the assessed value from nuclear fuel materials and assemblies assessed against a person under Chapter 5711. of the Revised Code from the leasing of them to an electric company for those respective tax years, as reflected in the preliminary assessments; 44831  
44832  
44833  
44834  
44835

(b) The three-year average assessed value from nuclear fuel materials and assemblies assessed under division (D)(2)(a) of this section for tax years 1996, 1997, and 1998, as reflected in the preliminary assessments, using an assessment rate of twenty-five per cent.

(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 44867  
a preliminary assessment, or an amended preliminary assessment if 44868  
issued prior to March 1, 2000, and apportioned to the taxing 44869  
district for tax year 1999; 44870

(b) The value of all natural gas company tangible personal 44871  
property, other than property described in division (E)(2) of this 44872  
section, as assessed by the tax commissioner for tax year 1999 had 44873  
the property been apportioned to the taxing district for tax year 44874  
2001, and assessed at the rates in effect for tax year 2001. 44875

(2) The difference in the value of current gas obtained by 44876  
subtracting the amount described in division (E)(2)(b) from the 44877  
amount described in division (E)(2)(a) of this section. 44878

(a) The three-year average assessed value of current gas as 44879  
assessed by the tax commissioner for tax years 1997, 1998, and 44880  
1999 on a preliminary assessment, or an amended preliminary 44881  
assessment if issued prior to March 1, 2001, and as apportioned in 44882  
the taxing district for those respective years; 44883

(b) The three-year average assessed value from current gas 44884  
under division (E)(2)(a) of this section for tax years 1997, 1998, 44885  
and 1999, as reflected in the preliminary assessment, using an 44886  
assessment rate of twenty-five per cent. 44887

(F) The tax commissioner may request that natural gas 44888  
companies, electric companies, and rural electric companies file a 44889  
report to help determine the tax value loss under divisions (D) 44890  
and (E) of this section. The report shall be filed within thirty 44891  
days of the commissioner's request. A company that fails to file 44892  
the report or does not timely file the report is subject to the 44893  
penalty in section 5727.60 of the Revised Code. 44894

(G) Not later than January 1, 2002, the tax commissioner 44895  
shall determine for each school district, joint vocational school 44896  
district, and local taxing unit its fixed-rate levy loss, which is 44897

the sum of its electric company tax value loss multiplied by the 44898  
tax rate in effect in tax year 1998 for fixed-rate levies and its 44899  
natural gas company tax value loss multiplied by the tax rate in 44900  
effect in tax year 1999 for fixed-rate levies. 44901

(H) Not later than January 1, 2002, the tax commissioner 44902  
shall determine for each school district, joint vocational school 44903  
district, and local taxing unit its fixed-sum levy loss, which is 44904  
the amount obtained by subtracting the amount described in 44905  
division (H)(2) of this section from the amount described in 44906  
division (H)(1) of this section: 44907

(1) The sum of the electric company tax value loss multiplied 44908  
by the tax rate in effect in tax year 1998, and the natural gas 44909  
company tax value loss multiplied by the tax rate in effect in tax 44910  
year 1999, for fixed-sum levies for all taxing districts within 44911  
each school district, joint vocational school district, and local 44912  
taxing unit. For the years 2002 through 2006, this computation 44913  
shall include school district emergency levies that existed in 44914  
1998 in the case of the electric company tax value loss, and 1999 44915  
in the case of the natural gas company tax value loss, and all 44916  
other fixed-sum levies that existed in 1998 in the case of the 44917  
electric company tax value loss and 1999 in the case of the 44918  
natural gas company tax value loss and continue to be charged in 44919  
the tax year preceding the distribution year. For the years 2007 44920  
through 2016 in the case of school district emergency levies, and 44921  
for all years after 2006 in the case of all other fixed-sum 44922  
levies, this computation shall exclude all fixed-sum levies that 44923  
existed in 1998 in the case of the electric company tax value loss 44924  
and 1999 in the case of the natural gas company tax value loss, 44925  
but are no longer in effect in the tax year preceding the 44926  
distribution year. For the purposes of this section, an emergency 44927  
levy that existed in 1998 in the case of the electric company tax 44928  
value loss, and 1999 in the case of the natural gas company tax 44929

value loss, continues to exist in a year beginning on or after 44930  
January 1, 2007, but before January 1, 2017, if, in that year, the 44931  
board of education levies a school district emergency levy for an 44932  
annual sum at least equal to the annual sum levied by the board in 44933  
tax year 1998 or 1999, respectively, less the amount of the 44934  
payment certified under this division for 2002. 44935

(2) The total taxable value in tax year 1999 less the tax 44936  
value loss in each school district, joint vocational school 44937  
district, and local taxing unit multiplied by one-fourth of one 44938  
mill. 44939

If the amount computed under division (H) of this section for 44940  
any school district, joint vocational school district, or local 44941  
taxing unit is greater than zero, that amount shall equal the 44942  
fixed-sum levy loss reimbursed pursuant to division (E) of section 44943  
5727.85 of the Revised Code or division (A)(2) of section 5727.86 44944  
of the Revised Code, and the one-fourth of one mill that is 44945  
subtracted under division (H)(2) of this section shall be 44946  
apportioned among all contributing fixed-sum levies in the 44947  
proportion of each levy to the sum of all fixed-sum levies within 44948  
each school district, joint vocational school district, or local 44949  
taxing unit. 44950

(I) Notwithstanding divisions (D), (E), (G), and (H) of this 44951  
section, in computing the tax value loss, fixed-rate levy loss, 44952  
and fixed-sum levy loss, the tax commissioner shall use the 44953  
greater of the 1998 tax rate or the 1999 tax rate in the case of 44954  
levy losses associated with the electric company tax value loss, 44955  
but the 1999 tax rate shall not include for this purpose any tax 44956  
levy approved by the voters after June 30, 1999, and the tax 44957  
commissioner shall use the greater of the 1999 or the 2000 tax 44958  
rate in the case of levy losses associated with the natural gas 44959  
company tax value loss. 44960

(J) Not later than January 1, 2002, the tax commissioner 44961

shall certify to the department of education the tax value loss 44962  
determined under divisions (D) and (E) of this section for each 44963  
taxing district, the fixed-rate levy loss calculated under 44964  
division (G) of this section, and the fixed-sum levy loss 44965  
calculated under division (H) of this section. The calculations 44966  
under divisions (G) and (H) of this section shall separately 44967  
display the levy loss for each levy eligible for reimbursement. 44968

(K) Not later than September 1, 2001, the tax commissioner 44969  
shall certify the amount of the fixed-sum levy loss to the county 44970  
auditor of each county in which a school district with a fixed-sum 44971  
levy loss has territory. 44972

**Sec. 5727.85.** (A) By the thirty-first day of July of each 44973  
year, beginning in 2002 and ending in 2016, the department of 44974  
education shall determine the following for each school district 44975  
and each joint vocational school district eligible for payment 44976  
under division (C) or (D) of this section: 44977

(1) The state education aid offset, which is the difference 44978  
obtained by subtracting the amount described in division (A)(1)(b) 44979  
of this section from the amount described in division (A)(1)(a) of 44980  
this section: 44981

(a) The state education aid computed for the school district 44982  
or joint vocational school district for the current fiscal year as 44983  
of the thirty-first day of July; 44984

(b) The state education aid that would be computed for the 44985  
school district or joint vocational school district for the 44986  
current fiscal year as of the thirty-first day of July if the 44987  
recognized valuation included the tax value loss for the school 44988  
district or joint vocational school district. 44989

(2) The greater of zero or the difference obtained by 44990  
subtracting the state education aid offset determined under 44991



division (A)(1) of this section from the fixed-rate levy loss 44992  
certified under division (J) of section 5727.84 of the Revised 44993  
Code for all taxing districts in each school district and joint 44994  
vocational school district. 44995

By the fifth day of August of each such year, the department 44996  
of education shall certify the amount so determined under division 44997  
(A)(1) of this section to the director of budget and management. 44998

(B) Not later than the thirty-first day of October of the 44999  
years 2006 through 2016, the department of education shall 45000  
determine all of the following for each school district: 45001

(1) The amount obtained by subtracting the district's state 45002  
education aid computed for fiscal year 2002 from the district's 45003  
state education aid computed for the current fiscal year; 45004

(2) The inflation-adjusted property tax loss. The 45005  
inflation-adjusted property tax loss equals the fixed-rate levy 45006  
loss, excluding the tax loss from levies within the ten-mill 45007  
limitation to pay debt charges, determined under division (G) of 45008  
section 5727.84 of the Revised Code for all taxing districts in 45009  
each school district, plus the product obtained by multiplying 45010  
that loss by the cumulative percentage increase in the consumer 45011  
price index from January 1, 2002, to the thirtieth day of June of 45012  
the current year. 45013

(3) The difference obtained by subtracting the amount 45014  
computed under division (B)(1) from the amount of the 45015  
inflation-adjusted property tax loss. If this difference is zero 45016  
or a negative number, no further payments shall be made under 45017  
division (C) of this section to the school district from the 45018  
school district property tax replacement fund. 45019

(C) The department of education shall pay from the school 45020  
district property tax replacement fund to each school district all 45021  
of the following: 45022

(1) In February 2002, one-half of the fixed-rate levy loss 45023  
certified under division (J) of section 5727.84 of the Revised 45024  
Code between the twenty-first and twenty-eighth days of February. 45025

(2) From August 2002 through August 2017, one-half of the 45026  
amount calculated for that fiscal year under division (A)(2) of 45027  
this section between the twenty-first and twenty-eighth days of 45028  
August and of February, provided the difference computed under 45029  
division (B)(3) of this section is not less than or equal to zero. 45030

For taxes levied within the ten-mill limitation for debt 45031  
purposes in tax year 1998 in the case of electric company tax 45032  
value losses, and in tax year 1999 in the case of natural gas 45033  
company tax value losses, payments shall be made equal to one 45034  
hundred per cent of the loss computed as if the tax were a 45035  
fixed-rate levy, but those payments shall extend from fiscal year 45036  
2006 through fiscal year 2016. 45037

The department of education shall report to each school 45038  
district the apportionment of the payments among the school 45039  
district's funds based on the certifications under division (J) of 45040  
section 5727.84 of the Revised Code. 45041

(D) Not later than January 1, 2002, for all taxing districts 45042  
in each joint vocational school district, the tax commissioner 45043  
shall certify to the department of education the fixed-rate levy 45044  
loss determined under division (G) of section 5727.84 of the 45045  
Revised Code. From February 2002 to August 2016, the department 45046  
shall pay from the school district property tax replacement fund 45047  
to the joint vocational school district one-half of the amount 45048  
calculated for that fiscal year under division (A)(2) of this 45049  
section between the twenty-first and twenty-eighth days of August 45050  
and of February. 45051

(E)(1) Not later than January 1, 2002, for each fixed-sum 45052  
levy levied by each school district or joint vocational school 45053

district and for each year for which a determination is made under 45054  
division (H) of section 5727.84 of the Revised Code that a 45055  
fixed-sum levy loss is to be reimbursed, the tax commissioner 45056  
shall certify to the department of education the fixed-sum levy 45057  
loss determined under that division. The certification shall cover 45058  
a time period sufficient to include all fixed-sum levies for which 45059  
the tax commissioner made such a determination. The department 45060  
shall pay from the school district property tax replacement fund 45061  
to the school district or joint vocational school district 45062  
one-half of the fixed-sum levy loss so certified for each year 45063  
between the twenty-first and twenty-eighth days of August and of 45064  
February. 45065

(2) Beginning in 2003, by the thirty-first day of January of 45066  
each year, the tax commissioner shall review the certification 45067  
originally made under division (E)(1) of this section. If the 45068  
commissioner determines that a debt levy that had been scheduled 45069  
to be reimbursed in the current year has expired, a revised 45070  
certification for that and all subsequent years shall be made to 45071  
the department of education. 45072

(F) If the balance of the half-mill equalization fund created 45073  
under section 3318.18 of the Revised Code is insufficient to make 45074  
the full amount of payments required under division (D) of that 45075  
section, the department of education, at the end of the third 45076  
quarter of the fiscal year, shall certify to the director of 45077  
budget and management the amount of the deficiency, and the 45078  
director shall transfer an amount equal to the deficiency from the 45079  
school district property tax replacement fund to the half-mill 45080  
equalization fund. 45081

(G) Beginning in August 2002, and ending in May 2017, the 45082  
director of budget and management shall transfer from the school 45083  
district property tax replacement fund to the general revenue fund 45084  
each of the following: 45085

(1) Between the twenty-eighth day of August and the fifth day 45086  
of September, the lesser of one-half of the amount certified for 45087  
that fiscal year under division (A)(2) of this section or the 45088  
balance in the school district property tax replacement fund; 45089

(2) Between the first and fifth days of May, the lesser of 45090  
one-half of the amount certified for that fiscal year under 45091  
division (A)(2) of this section or the balance in the school 45092  
district property tax replacement fund. 45093

(H) On the first day of June each year, the director of 45094  
budget and management shall transfer any balance remaining in the 45095  
school district property tax replacement fund after the payments 45096  
have been made under divisions (C), (D), (E), (F), and (G) of this 45097  
section to the half-mill equalization fund created under section 45098  
3318.18 of the Revised Code to the extent required to make any 45099  
payments in the current fiscal year under that section, and shall 45100  
transfer the remaining balance to the general revenue fund. 45101

(I) From fiscal year 2002 through fiscal year 2016, if the 45102  
total amount in the school district property tax replacement fund 45103  
is insufficient to make all payments under divisions (C), (D), 45104  
(E), and (F) of this section at the time the payments are to be 45105  
made, the director of budget and management shall transfer from 45106  
the general revenue fund to the school district property tax 45107  
replacement fund the difference between the total amount to be 45108  
paid and the total amount in the school district property tax 45109  
replacement fund, except that no transfer shall be made by reason 45110  
of a deficiency to the extent that it results from the amendment 45111  
of section 5727.84 of the Revised Code by Amended Substitute House 45112  
Bill No. 95 of the 125th general assembly. 45113

(J) If all of the territory of a school district or joint 45114  
vocational school district is merged with an existing district, or 45115  
if a part of the territory of a school district or joint 45116  
vocational school district is transferred to an existing or new 45117

district, the department of education, in consultation with the 45118  
tax commissioner, shall adjust the payments made under this 45119  
section as follows: 45120

(1) For the merger of all of the territory of two or more 45121  
districts, the fixed-rate levy loss and the fixed-sum levy loss of 45122  
the successor district shall be equal to the sum of the fixed-rate 45123  
levy losses and the fixed-sum levy losses for each of the 45124  
districts involved in the merger. 45125

(2) For the transfer of a part of one district's territory to 45126  
an existing district, the amount of the fixed-rate levy loss that 45127  
is transferred to the recipient district shall be an amount equal 45128  
to the transferring district's total fixed-rate levy loss times a 45129  
fraction, the numerator of which is the value of electric company 45130  
tangible personal property located in the part of the territory 45131  
that was transferred, and the denominator of which is the total 45132  
value of electric company tangible personal property located in 45133  
the entire district from which the territory was transferred. The 45134  
value of electric company tangible personal property under this 45135  
division shall be determined for the most recent year for which 45136  
data is available. Fixed-sum levy losses for both districts shall 45137  
be determined under division (J)(4) of this section. 45138

(3) For the transfer of a part of the territory of one or 45139  
more districts to create a new district: 45140

(a) If the new district is created on or after January 1, 45141  
2000, but before January 1, 2005, the new district shall be paid 45142  
its current fixed-rate levy loss through August ~~2008~~ 2009. From 45143  
February ~~2009~~ 2010 to August 2016, the new district shall be paid 45144  
the lesser of: (i) the amount calculated under division (C)(2) of 45145  
this section or (ii) an amount equal to the new district's 45146  
fixed-rate levy loss multiplied by the percentage prescribed by 45147  
the following schedule: 45148

YEAR	PERCENTAGE	
		45149
<del>2009</del>	75%	45150
2010	70%	45151
2011	70%	45152
2012	60%	45153
2013	50%	45154
2014	40%	45155
2015	24%	45156
2016	11.5%	45157
2017 and thereafter	0%	45158

Fixed-sum levy losses for the districts shall be determined 45159  
under division (J)(4) of this section. 45160

(b) If the new district is created on or after January 1, 45161  
2005, the new district shall be deemed not to have any fixed-rate 45162  
levy loss or, except as provided in division (J)(4) of this 45163  
section, fixed-sum levy loss. The district or districts from which 45164  
the territory was transferred shall have no reduction in their 45165  
fixed-rate levy loss, or, except as provided in division (J)(4) of 45166  
this section, their fixed-sum levy loss. 45167

(4) If a recipient district under division (J)(2) of this 45168  
section or a new district under division (J)(3)(a) or (b) of this 45169  
section takes on debt from one or more of the districts from which 45170  
territory was transferred, and any of the districts transferring 45171  
the territory had fixed-sum levy losses, the department of 45172  
education, in consultation with the tax commissioner, shall make 45173  
an equitable division of the fixed-sum levy losses. 45174

(K) There is hereby created the public utility property tax 45175  
study committee, effective January 1, 2011. The committee shall 45176  
consist of the following seven members: the tax commissioner, 45177  
three members of the senate appointed by the president of the 45178  
senate, and three members of the house of representatives 45179  
appointed by the speaker of the house of representatives. The 45180

appointments shall be made not later than January 31, 2011. The 45181  
tax commissioner shall be the chairperson of the committee. 45182

The committee shall study the extent to which each school 45183  
district or joint vocational school district has been compensated, 45184  
under sections 5727.84 and 5727.85 of the Revised Code as enacted 45185  
by Substitute Senate Bill No. 3 of the 123rd general assembly and 45186  
any subsequent acts, for the property tax loss caused by the 45187  
reduction in the assessment rates for natural gas, electric, and 45188  
rural electric company tangible personal property. Not later than 45189  
June 30, 2011, the committee shall issue a report of its findings, 45190  
including any recommendations for providing additional 45191  
compensation for the property tax loss or regarding remedial 45192  
legislation, to the president of the senate and the speaker of the 45193  
house of representatives, at which time the committee shall cease 45194  
to exist. 45195

The department of taxation and department of education shall 45196  
provide such information and assistance as is required for the 45197  
committee to carry out its duties. 45198

**Sec. 5727.87.** (A) As used in this section: 45199

(1) "Administrative fees" means the dollar percentages 45200  
allowed by the county auditor for services or by the county 45201  
treasurer as fees, or paid to the credit of the real estate 45202  
assessment fund, under divisions (A) and ~~(B)~~(C) of section 319.54 45203  
and division (A) of section 321.26 of the Revised Code. 45204

(2) "Administrative fee loss" means a county's loss of 45205  
administrative fees due to its tax value loss, determined as 45206  
follows: 45207

(a) For purposes of the determination made under division (B) 45208  
of this section in the years 2002 through 2006, the administrative 45209  
fee loss shall be computed by multiplying the amounts determined 45210

for all taxing districts in the county under divisions (G) and (H) 45211  
of section 5727.84 of the Revised Code by nine thousand six 45212  
hundred fifty-nine ten-thousandths of one per cent if total taxes 45213  
collected in the county in 1999 exceeded one hundred fifty million 45214  
dollars, or one and one thousand one hundred fifty-nine 45215  
ten-thousandths of one per cent if total taxes collected in the 45216  
county in 1999 were one hundred fifty million dollars or less; 45217

(b) For purposes of the determination under division (B) of 45218  
this section in the years 2007 through 2011, the administrative 45219  
fee loss shall be the lesser of the amount computed under division 45220  
(A)(2)(a) of this section or the amount determined by subtracting 45221  
from the dollar amount of administrative fees collected in the 45222  
county in 1999, the dollar amount of administrative fees collected 45223  
in the county in the current calendar year. 45224

(3) "Total taxes collected" means all money collected on any 45225  
tax duplicate of the county, other than the estate tax duplicates. 45226  
"Total taxes collected" does not include amounts received pursuant 45227  
to divisions (F) and (G) of section 321.24 or section 323.156 of 45228  
the Revised Code. 45229

(B) Not later than the thirty-first day of December of 2001 45230  
through 2005, the tax commissioner shall certify to each county 45231  
auditor the tax levy losses calculated under divisions (G) and (H) 45232  
of section 5727.84 of the Revised Code for each school district, 45233  
joint vocational school district, and local taxing unit in the 45234  
county. Not later than the thirty-first day of January of 2002 45235  
through 2011, the county auditor shall determine the 45236  
administrative fee loss for the county and apportion that loss 45237  
ratably among the school districts, joint vocational school 45238  
districts, and local taxing units on the basis of the tax levy 45239  
losses certified under this division. 45240

(C) On or before each of the days prescribed for the 45241  
settlements under divisions (A) and (C) of section 321.24 of the 45242



Revised Code in the years 2002 through 2011, the county treasurer 45243  
shall deduct one-half of the amount apportioned to each school 45244  
district, joint vocational school district, and local taxing unit 45245  
from the portions of revenue payable to them. 45246

(D) On or before each of the days prescribed for settlements 45247  
under divisions (A) and (C) of section 321.24 of the Revised Code 45248  
in the years 2002 through 2011, the county auditor shall cause to 45249  
be deposited an amount equal to one-half of the amount of the 45250  
administrative fee loss in the same funds as if allowed as 45251  
administrative fees. 45252

After payment of the administrative fee loss on or before 45253  
August 10, 2011, all payments under this section shall cease. 45254

**Sec. 5733.12.** (A) ~~Four and two tenths per cent of all~~ All 45255  
payments received from the taxes imposed under sections 5733.06 45256  
and 5733.41 of the Revised Code shall be credited to ~~the local~~ 45257  
~~government fund for distribution in accordance with section~~ 45258  
~~5747.50 of the Revised Code, six tenths of one per cent shall be~~ 45259  
~~credited to the local government revenue assistance fund for~~ 45260  
~~distribution in accordance with section 5747.61 of the Revised~~ 45261  
~~Code, and ninety five and two tenths per cent shall be credited to~~ 45262  
the general revenue fund. 45263

(B) Except as otherwise provided under divisions (C) and (D) 45264  
of this section, an application to refund to the corporation the 45265  
amount of taxes imposed under section 5733.06 of the Revised Code 45266  
that are overpaid, paid illegally or erroneously, or paid on any 45267  
illegal, erroneous, or excessive assessment, with interest thereon 45268  
as provided by section 5733.26 of the Revised Code, shall be filed 45269  
with the tax commissioner, on the form prescribed by the 45270  
commissioner, within three years from the date of the illegal, 45271  
erroneous, or excessive payment of the tax, or within any 45272  
additional period allowed by division (C)(2) of section 5733.031, 45273

division (D)(2) of section 5733.067, or division (A) of section 45274  
5733.11 of the Revised Code. For purposes of division (B) of this 45275  
section, any payment that the applicant made before the due date 45276  
or extended due date for filing the report to which the payment 45277  
relates shall be deemed to have been made on the due date or 45278  
extended due date. 45279

On the filing of the refund application, the commissioner 45280  
shall determine the amount of refund to which the applicant is 45281  
entitled. If the amount is not less than that claimed the 45282  
commissioner shall certify the amount to the director of budget 45283  
and management and treasurer of state for payment from the tax 45284  
refund fund created by section 5703.052 of the Revised Code. If 45285  
the amount is less than that claimed, the commissioner shall 45286  
proceed in accordance with section 5703.70 of the Revised Code. 45287

(C) "Ninety days" shall be substituted for "three years" in 45288  
division (B) of this section if the taxpayer satisfies both of the 45289  
following: 45290

(1) The taxpayer has applied for a refund based in whole or 45291  
in part upon section 5733.0611 of the Revised Code; 45292

(2) The taxpayer asserts that the imposition or collection of 45293  
the tax imposed or charged by section 5733.06 of the Revised Code 45294  
or any portion of such tax violates the Constitution of the United 45295  
States or the Constitution of this state. 45296

(D)(1) Division (D)(2) of this section applies only if all of 45297  
the following conditions are satisfied: 45298

(a) A qualifying pass-through entity pays an amount of the 45299  
tax imposed by section 5733.41 of the Revised Code; 45300

(b) The taxpayer is a qualifying investor as to that 45301  
qualifying pass-through entity; 45302

(c) The taxpayer did not claim the credit provided for in 45303

section 5733.0611 of the Revised Code as to the tax described in 45304  
division (D)(1)(a) of this section; 45305

(d) The three-year period described in division (B) of this 45306  
section has ended as to the taxable year for which the taxpayer 45307  
otherwise would have claimed that credit. 45308

(2) A taxpayer shall file an application for refund pursuant 45309  
to this division within one year after the date the payment 45310  
described in division (D)(1)(a) of this section is made. An 45311  
application filed under this division shall only claim refund of 45312  
overpayments resulting from the taxpayer's failure to claim the 45313  
credit described in division (D)(1)(c) of this section. Nothing in 45314  
this division shall be construed to relieve a taxpayer from 45315  
complying with the provisions of division (I)(14) of section 45316  
5733.04 of the Revised Code. 45317

Sec. 5733.48. (A) As used in this section, "alternative 45318  
fuel," "retail dealer," and "retail service station" have the same 45319  
meanings as in section 5747.77 of the Revised Code. 45320

(B) There is hereby allowed a nonrefundable credit against 45321  
the tax imposed by section 5733.06 of the Revised Code for a 45322  
retail dealer that sells alternative fuel. The credit may be 45323  
claimed for tax years 2008 and 2009. The credit for tax year 2008 45324  
shall equal fifteen cents per gallon of alternative fuel sold and 45325  
dispensed through a metered pump at the retail dealer's retail 45326  
service station during any part of calendar year 2007 that is 45327  
included in the dealer's taxable year ending in 2007. The credit 45328  
for tax year 2009 shall equal fifteen cents per gallon of 45329  
alternative fuel sold and dispensed through a metered pump at the 45330  
retail dealer's retail service station during any part of calendar 45331  
year 2007 that is included in the dealer's taxable year ending in 45332  
2008, plus thirteen cents per gallon of alternative fuel sold and 45333  
dispensed in that manner during any part of calendar year 2008 45334

that is included in that taxable year. The credit shall be 45335  
calculated separately for each retail service station owned or 45336  
operated by the retail dealer. 45337

(C) The retail dealer shall claim the credit under this 45338  
section in the order prescribed in section 5733.98 of the Revised 45339  
Code. The credit shall not exceed the amount of tax otherwise due 45340  
under section 5733.06 of the Revised Code after deducting any 45341  
other credits that precede the credit claimed under this section 45342  
in that order. 45343

**Sec. 5733.98.** (A) To provide a uniform procedure for 45344  
calculating the amount of tax imposed by section 5733.06 of the 45345  
Revised Code that is due under this chapter, a taxpayer shall 45346  
claim any credits to which it is entitled in the following order, 45347  
except as otherwise provided in section 5733.058 of the Revised 45348  
Code: 45349

(1) For tax year 2005, the credit for taxes paid by a 45350  
qualifying pass-through entity allowed under section 5733.0611 of 45351  
the Revised Code; 45352

(2) The credit allowed for financial institutions under 45353  
section 5733.45 of the Revised Code; 45354

(3) The credit for qualifying affiliated groups under section 45355  
5733.068 of the Revised Code; 45356

(4) The subsidiary corporation credit under section 5733.067 45357  
of the Revised Code; 45358

(5) The savings and loan assessment credit under section 45359  
5733.063 of the Revised Code; 45360

(6) The credit for recycling and litter prevention donations 45361  
under section 5733.064 of the Revised Code; 45362

(7) The credit for employers that enter into agreements with 45363  
child day-care centers under section 5733.36 of the Revised Code; 45364

(8) The credit for employers that reimburse employee child care expenses under section 5733.38 of the Revised Code;	45365 45366
(9) The credit for maintaining railroad active grade crossing warning devices under section 5733.43 of the Revised Code;	45367 45368
(10) The credit for purchases of lights and reflectors under section 5733.44 of the Revised Code;	45369 45370
(11) The job retention credit under division (B) of section 5733.0610 of the Revised Code;	45371 45372
(12) The credit for <del>purchases of new manufacturing machinery and equipment under section 5733.31 or section 5733.311</del> <u>tax years 2008 and 2009 for selling alternative fuel under section 5733.48</u> of the Revised Code;	45373 45374 45375 45376
(13) The second credit for purchases of new manufacturing machinery and equipment under section 5733.33 of the Revised Code;	45377 45378
(14) The job training credit under section 5733.42 of the Revised Code;	45379 45380
(15) The credit for qualified research expenses under section 5733.351 of the Revised Code;	45381 45382
(16) The enterprise zone credit under section 5709.66 of the Revised Code;	45383 45384
(17) The credit for the eligible costs associated with a voluntary action under section 5733.34 of the Revised Code;	45385 45386
(18) The credit for employers that establish on-site child day-care centers under section 5733.37 of the Revised Code;	45387 45388
(19) The ethanol plant investment credit under section 5733.46 of the Revised Code;	45389 45390
(20) The credit for purchases of qualifying grape production property under section 5733.32 of the Revised Code;	45391 45392
(21) The export sales credit under section 5733.069 of the	45393

Revised Code;	45394
(22) The credit for research and development and technology transfer investors under section 5733.35 of the Revised Code;	45395 45396
(23) The enterprise zone credits under section 5709.65 of the Revised Code;	45397 45398
(24) The credit for using Ohio coal under section 5733.39 of the Revised Code;	45399 45400
(25) The credit for small telephone companies under section 5733.57 of the Revised Code;	45401 45402
(26) The credit for eligible nonrecurring 9-1-1 charges under section 5733.55 of the Revised Code;	45403 45404
(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;	45405 45406 45407
(28) The research and development credit under section 5733.352 of the Revised Code;	45408 45409
(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;	45410 45411 45412
(30) The refundable credit for rehabilitating a historic building under section 5733.47 of the Revised Code;	45413 45414
(31) The refundable jobs creation credit under division (A) of section 5733.0610 of the Revised Code;	45415 45416
(32) The refundable credit for tax withheld under division (B)(2) of section 5747.062 of the Revised Code;	45417 45418
(33) The refundable credit under section 5733.49 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	45419 45420 45421
(34) For tax years 2006, 2007, and 2008, the refundable	45422

credit allowable under division (B) of section 5733.56 of the Revised Code. 45423  
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(B) For any credit except the credits enumerated in divisions (A)(30) to (34) of this section, the amount of the credit for a tax year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. 45425  
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**Sec. 5739.02.** For the purpose of providing revenue with which to meet the needs of the state, for the use of the general revenue fund of the state, for the purpose of securing a thorough and efficient system of common schools throughout the state, for the purpose of affording revenues, in addition to those from general property taxes, permitted under constitutional limitations, and from other sources, for the support of local governmental functions, and for the purpose of reimbursing the state for the expense of administering this chapter, an excise tax is hereby levied on each retail sale made in this state. 45431  
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(A)(1) The tax shall be collected as provided in section 5739.025 of the Revised Code, provided that on and after July 1, 2003, and on or before June 30, 2005, the rate of tax shall be six per cent. On and after July 1, 2005, the rate of the tax shall be five and one-half per cent. The tax applies and is collectible when the sale is made, regardless of the time when the price is paid or delivered. 45441  
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(2) In the case of the lease or rental, with a fixed term of more than thirty days or an indefinite term with a minimum period of more than thirty days, of any motor vehicles designed by the manufacturer to carry a load of not more than one ton, watercraft, outboard motor, or aircraft, or of any tangible personal property, other than motor vehicles designed by the manufacturer to carry a 45448  
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load of more than one ton, to be used by the lessee or renter 45454  
primarily for business purposes, the tax shall be collected by the 45455  
vendor at the time the lease or rental is consummated and shall be 45456  
calculated by the vendor on the basis of the total amount to be 45457  
paid by the lessee or renter under the lease agreement. If the 45458  
total amount of the consideration for the lease or rental includes 45459  
amounts that are not calculated at the time the lease or rental is 45460  
executed, the tax shall be calculated and collected by the vendor 45461  
at the time such amounts are billed to the lessee or renter. In 45462  
the case of an open-end lease or rental, the tax shall be 45463  
calculated by the vendor on the basis of the total amount to be 45464  
paid during the initial fixed term of the lease or rental, and for 45465  
each subsequent renewal period as it comes due. As used in this 45466  
division, "motor vehicle" has the same meaning as in section 45467  
4501.01 of the Revised Code, and "watercraft" includes an outdrive 45468  
unit attached to the watercraft. 45469

A lease with a renewal clause and a termination penalty or 45470  
similar provision that applies if the renewal clause is not 45471  
exercised is presumed to be a sham transaction. In such a case, 45472  
the tax shall be calculated and paid on the basis of the entire 45473  
length of the lease period, including any renewal periods, until 45474  
the termination penalty or similar provision no longer applies. 45475  
The taxpayer shall bear the burden, by a preponderance of the 45476  
evidence, that the transaction or series of transactions is not a 45477  
sham transaction. 45478

(3) Except as provided in division (A)(2) of this section, in 45479  
the case of a sale, the price of which consists in whole or in 45480  
part of the lease or rental of tangible personal property, the tax 45481  
shall be measured by the installments of that lease or rental. 45482

(4) In the case of a sale of a physical fitness facility 45483  
service or recreation and sports club service, the price of which 45484  
consists in whole or in part of a membership for the receipt of 45485



the benefit of the service, the tax applicable to the sale shall 45486  
be measured by the installments thereof. 45487

(B) The tax does not apply to the following: 45488

(1) Sales to the state or any of its political subdivisions, 45489  
or to any other state or its political subdivisions if the laws of 45490  
that state exempt from taxation sales made to this state and its 45491  
political subdivisions; 45492

(2) Sales of food for human consumption off the premises 45493  
where sold; 45494

(3) Sales of food sold to students only in a cafeteria, 45495  
dormitory, fraternity, or sorority maintained in a private, 45496  
public, or parochial school, college, or university; 45497

(4) Sales of newspapers and of magazine subscriptions and 45498  
sales or transfers of magazines distributed as controlled 45499  
circulation publications; 45500

(5) The furnishing, preparing, or serving of meals without 45501  
charge by an employer to an employee provided the employer records 45502  
the meals as part compensation for services performed or work 45503  
done; 45504

(6) Sales of motor fuel upon receipt, use, distribution, or 45505  
sale of which in this state a tax is imposed by the law of this 45506  
state, but this exemption shall not apply to the sale of motor 45507  
fuel on which a refund of the tax is allowable under division (A) 45508  
of section 5735.14 of the Revised Code; and the tax commissioner 45509  
may deduct the amount of tax levied by this section applicable to 45510  
the price of motor fuel when granting a refund of motor fuel tax 45511  
pursuant to division (A) of section 5735.14 of the Revised Code 45512  
and shall cause the amount deducted to be paid into the general 45513  
revenue fund of this state; 45514

(7) Sales of natural gas by a natural gas company, of water 45515

by a water-works company, or of steam by a heating company, if in 45516  
each case the thing sold is delivered to consumers through pipes 45517  
or conduits, and all sales of communications services by a 45518  
telegraph company, all terms as defined in section 5727.01 of the 45519  
Revised Code, and sales of electricity delivered through wires; 45520

(8) Casual sales by a person, or auctioneer employed directly 45521  
by the person to conduct such sales, except as to such sales of 45522  
motor vehicles, watercraft or outboard motors required to be 45523  
titled under section 1548.06 of the Revised Code, watercraft 45524  
documented with the United States coast guard, snowmobiles, and 45525  
all-purpose vehicles as defined in section 4519.01 of the Revised 45526  
Code; 45527

(9)(a) Sales of services or tangible personal property, other 45528  
than motor vehicles, mobile homes, and manufactured homes, by 45529  
churches, organizations exempt from taxation under section 45530  
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 45531  
organizations operated exclusively for charitable purposes as 45532  
defined in division (B)(12) of this section, provided that the 45533  
number of days on which such tangible personal property or 45534  
services, other than items never subject to the tax, are sold does 45535  
not exceed six in any calendar year, except as otherwise provided 45536  
in division (B)(9)(b) of this section. If the number of days on 45537  
which such sales are made exceeds six in any calendar year, the 45538  
church or organization shall be considered to be engaged in 45539  
business and all subsequent sales by it shall be subject to the 45540  
tax. In counting the number of days, all sales by groups within a 45541  
church or within an organization shall be considered to be sales 45542  
of that church or organization, ~~except that,~~ 45543

(b) The limitation on the number of days on which tax-exempt 45544  
sales may be made by a church or organization under division 45545  
(B)(9)(a) of this section does not apply to sales made by separate 45546  
student clubs and other groups of students of a primary or 45547

secondary school, ~~and sales made by or~~ a parent-teacher 45548  
association, booster group, or similar organization that raises 45549  
money to support or fund curricular or extracurricular activities 45550  
of a primary or secondary school, ~~shall not be considered to be~~ 45551  
~~sales of such school, and sales by each such club, group,~~ 45552  
~~association, or organization shall be counted separately for~~ 45553  
~~purposes of the six-day limitation. This division does.~~ 45554

(c) Divisions (B)(9)(a) and (b) of this section do not apply 45555  
to sales by a noncommercial educational radio or television 45556  
broadcasting station. 45557

(10) Sales not within the taxing power of this state under 45558  
the Constitution of the United States; 45559

(11) Except for transactions that are sales under division 45560  
(B)(3)(r) of section 5739.01 of the Revised Code, the 45561  
transportation of persons or property, unless the transportation 45562  
is by a private investigation and security service; 45563

(12) Sales of tangible personal property or services to 45564  
churches, to organizations exempt from taxation under section 45565  
501(c)(3) of the Internal Revenue Code of 1986, and to any other 45566  
nonprofit organizations operated exclusively for charitable 45567  
purposes in this state, no part of the net income of which inures 45568  
to the benefit of any private shareholder or individual, and no 45569  
substantial part of the activities of which consists of carrying 45570  
on propaganda or otherwise attempting to influence legislation; 45571  
sales to offices administering one or more homes for the aged or 45572  
one or more hospital facilities exempt under section 140.08 of the 45573  
Revised Code; and sales to organizations described in division (D) 45574  
of section 5709.12 of the Revised Code. 45575

"Charitable purposes" means the relief of poverty; the 45576  
improvement of health through the alleviation of illness, disease, 45577  
or injury; the operation of an organization exclusively for the 45578

provision of professional, laundry, printing, and purchasing 45579  
services to hospitals or charitable institutions; the operation of 45580  
a home for the aged, as defined in section 5701.13 of the Revised 45581  
Code; the operation of a radio or television broadcasting station 45582  
that is licensed by the federal communications commission as a 45583  
noncommercial educational radio or television station; the 45584  
operation of a nonprofit animal adoption service or a county 45585  
humane society; the promotion of education by an institution of 45586  
learning that maintains a faculty of qualified instructors, 45587  
teaches regular continuous courses of study, and confers a 45588  
recognized diploma upon completion of a specific curriculum; the 45589  
operation of a parent-teacher association, booster group, or 45590  
similar organization primarily engaged in the promotion and 45591  
support of the curricular or extracurricular activities of a 45592  
primary or secondary school; the operation of a community or area 45593  
center in which presentations in music, dramatics, the arts, and 45594  
related fields are made in order to foster public interest and 45595  
education therein; the production of performances in music, 45596  
dramatics, and the arts; or the promotion of education by an 45597  
organization engaged in carrying on research in, or the 45598  
dissemination of, scientific and technological knowledge and 45599  
information primarily for the public. 45600

Nothing in this division shall be deemed to exempt sales to 45601  
any organization for use in the operation or carrying on of a 45602  
trade or business, or sales to a home for the aged for use in the 45603  
operation of independent living facilities as defined in division 45604  
(A) of section 5709.12 of the Revised Code. 45605

(13) Building and construction materials and services sold to 45606  
construction contractors for incorporation into a structure or 45607  
improvement to real property under a construction contract with 45608  
this state or a political subdivision of this state, or with the 45609  
United States government or any of its agencies; building and 45610

construction materials and services sold to construction 45611  
contractors for incorporation into a structure or improvement to 45612  
real property that are accepted for ownership by this state or any 45613  
of its political subdivisions, or by the United States government 45614  
or any of its agencies at the time of completion of the structures 45615  
or improvements; building and construction materials sold to 45616  
construction contractors for incorporation into a horticulture 45617  
structure or livestock structure for a person engaged in the 45618  
business of horticulture or producing livestock; building 45619  
materials and services sold to a construction contractor for 45620  
incorporation into a house of public worship or religious 45621  
education, or a building used exclusively for charitable purposes 45622  
under a construction contract with an organization whose purpose 45623  
is as described in division (B)(12) of this section; building 45624  
materials and services sold to a construction contractor for 45625  
incorporation into a building under a construction contract with 45626  
an organization exempt from taxation under section 501(c)(3) of 45627  
the Internal Revenue Code of 1986 when the building is to be used 45628  
exclusively for the organization's exempt purposes; building and 45629  
construction materials sold for incorporation into the original 45630  
construction of a sports facility under section 307.696 of the 45631  
Revised Code; and building and construction materials and services 45632  
sold to a construction contractor for incorporation into real 45633  
property outside this state if such materials and services, when 45634  
sold to a construction contractor in the state in which the real 45635  
property is located for incorporation into real property in that 45636  
state, would be exempt from a tax on sales levied by that state; 45637

(14) Sales of ships or vessels or rail rolling stock used or 45638  
to be used principally in interstate or foreign commerce, and 45639  
repairs, alterations, fuel, and lubricants for such ships or 45640  
vessels or rail rolling stock; 45641

(15) Sales to persons primarily engaged in any of the 45642

activities mentioned in division (B)(42)(a) or (g) of this 45643  
section, to persons engaged in making retail sales, or to persons 45644  
who purchase for sale from a manufacturer tangible personal 45645  
property that was produced by the manufacturer in accordance with 45646  
specific designs provided by the purchaser, of packages, including 45647  
material, labels, and parts for packages, and of machinery, 45648  
equipment, and material for use primarily in packaging tangible 45649  
personal property produced for sale, including any machinery, 45650  
equipment, and supplies used to make labels or packages, to 45651  
prepare packages or products for labeling, or to label packages or 45652  
products, by or on the order of the person doing the packaging, or 45653  
sold at retail. "Packages" includes bags, baskets, cartons, 45654  
crates, boxes, cans, bottles, bindings, wrappings, and other 45655  
similar devices and containers, but does not include motor 45656  
vehicles or bulk tanks, trailers, or similar devices attached to 45657  
motor vehicles. "Packaging" means placing in a package. Division 45658  
(B)(15) of this section does not apply to persons engaged in 45659  
highway transportation for hire. 45660

(16) Sales of food to persons using food stamp benefits to 45661  
purchase the food. As used in this division, "food" has the same 45662  
meaning as in the "Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C. 45663  
2012, as amended, and federal regulations adopted pursuant to that 45664  
act. 45665

(17) Sales to persons engaged in farming, agriculture, 45666  
horticulture, or floriculture, of tangible personal property for 45667  
use or consumption directly in the production by farming, 45668  
agriculture, horticulture, or floriculture of other tangible 45669  
personal property for use or consumption directly in the 45670  
production of tangible personal property for sale by farming, 45671  
agriculture, horticulture, or floriculture; or material and parts 45672  
for incorporation into any such tangible personal property for use 45673  
or consumption in production; and of tangible personal property 45674

for such use or consumption in the conditioning or holding of 45675  
products produced by and for such use, consumption, or sale by 45676  
persons engaged in farming, agriculture, horticulture, or 45677  
floriculture, except where such property is incorporated into real 45678  
property; 45679

(18) Sales of drugs for a human being that may be dispensed 45680  
only pursuant to a prescription; insulin as recognized in the 45681  
official United States pharmacopoeia; urine and blood testing 45682  
materials when used by diabetics or persons with hypoglycemia to 45683  
test for glucose or acetone; hypodermic syringes and needles when 45684  
used by diabetics for insulin injections; epoetin alfa when 45685  
purchased for use in the treatment of persons with medical 45686  
disease; hospital beds when purchased by hospitals, nursing homes, 45687  
or other medical facilities; and medical oxygen and medical 45688  
oxygen-dispensing equipment when purchased by hospitals, nursing 45689  
homes, or other medical facilities; 45690

(19) Sales of prosthetic devices, durable medical equipment 45691  
for home use, or mobility enhancing equipment, when made pursuant 45692  
to a prescription and when such devices or equipment are for use 45693  
by a human being. 45694

(20) Sales of emergency and fire protection vehicles and 45695  
equipment to nonprofit organizations for use solely in providing 45696  
fire protection and emergency services, including trauma care and 45697  
emergency medical services, for political subdivisions of the 45698  
state; 45699

(21) Sales of tangible personal property manufactured in this 45700  
state, if sold by the manufacturer in this state to a retailer for 45701  
use in the retail business of the retailer outside of this state 45702  
and if possession is taken from the manufacturer by the purchaser 45703  
within this state for the sole purpose of immediately removing the 45704  
same from this state in a vehicle owned by the purchaser; 45705

(22) Sales of services provided by the state or any of its political subdivisions, agencies, instrumentalities, institutions, or authorities, or by governmental entities of the state or any of its political subdivisions, agencies, instrumentalities, institutions, or authorities;

(23) Sales of motor vehicles to nonresidents of this state ~~upon the presentation of an affidavit executed in this state by the nonresident purchaser affirming that the purchaser is a nonresident of this state, that possession of the motor vehicle is taken in this state for the sole purpose of immediately removing it from this state, that the motor vehicle will be permanently titled and registered in another state, and that the motor vehicle will not be used in this state~~ under the circumstances described in division (B) of section 5739.029 of the Revised Code;

(24) Sales to persons engaged in the preparation of eggs for sale of tangible personal property used or consumed directly in such preparation, including such tangible personal property used for cleaning, sanitizing, preserving, grading, sorting, and classifying by size; packages, including material and parts for packages, and machinery, equipment, and material for use in packaging eggs for sale; and handling and transportation equipment and parts therefor, except motor vehicles licensed to operate on public highways, used in intraplant or interplant transfers or shipment of eggs in the process of preparation for sale, when the plant or plants within or between which such transfers or shipments occur are operated by the same person. "Packages" includes containers, cases, baskets, flats, fillers, filler flats, cartons, closure materials, labels, and labeling materials, and "packaging" means placing therein.

(25)(a) Sales of water to a consumer for residential use, except the sale of bottled water, distilled water, mineral water, carbonated water, or ice;



(b) Sales of water by a nonprofit corporation engaged exclusively in the treatment, distribution, and sale of water to consumers, if such water is delivered to consumers through pipes or tubing.	45738 45739 45740 45741
(26) Fees charged for inspection or reinspection of motor vehicles under section 3704.14 of the Revised Code;	45742 45743
(27) Sales to persons licensed to conduct a food service operation pursuant to section 3717.43 of the Revised Code, of tangible personal property primarily used directly for the following:	45744 45745 45746 45747
(a) To prepare food for human consumption for sale;	45748
(b) To preserve food that has been or will be prepared for human consumption for sale by the food service operator, not including tangible personal property used to display food for selection by the consumer;	45749 45750 45751 45752
(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.	45753 45754
(28) Sales of animals by nonprofit animal adoption services or county humane societies;	45755 45756
(29) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;	45757 45758 45759 45760
(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;	45761 45762 45763
(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;	45764 45765 45766
(32) The sale, lease, repair, and maintenance of, parts for,	45767

or items attached to or incorporated in, motor vehicles that are 45768  
primarily used for transporting tangible personal property 45769  
belonging to others by a person engaged in highway transportation 45770  
for hire, except for packages and packaging used for the 45771  
transportation of tangible personal property; 45772

(33) Sales to the state headquarters of any veterans' 45773  
organization in this state that is either incorporated and issued 45774  
a charter by the congress of the United States or is recognized by 45775  
the United States veterans administration, for use by the 45776  
headquarters; 45777

(34) Sales to a telecommunications service vendor, mobile 45778  
telecommunications service vendor, or satellite broadcasting 45779  
service vendor of tangible personal property and services used 45780  
directly and primarily in transmitting, receiving, switching, or 45781  
recording any interactive, one- or two-way electromagnetic 45782  
communications, including voice, image, data, and information, 45783  
through the use of any medium, including, but not limited to, 45784  
poles, wires, cables, switching equipment, computers, and record 45785  
storage devices and media, and component parts for the tangible 45786  
personal property. The exemption provided in this division shall 45787  
be in lieu of all other exemptions under division (B)(42)(a) of 45788  
this section to which the vendor may otherwise be entitled, based 45789  
upon the use of the thing purchased in providing the 45790  
telecommunications, mobile telecommunications, or satellite 45791  
broadcasting service. 45792

(35)(a) Sales where the purpose of the consumer is to use or 45793  
consume the things transferred in making retail sales and 45794  
consisting of newspaper inserts, catalogues, coupons, flyers, gift 45795  
certificates, or other advertising material that prices and 45796  
describes tangible personal property offered for retail sale. 45797

(b) Sales to direct marketing vendors of preliminary 45798  
materials such as photographs, artwork, and typesetting that will 45799

be used in printing advertising material; of printed matter that 45800  
offers free merchandise or chances to win sweepstake prizes and 45801  
that is mailed to potential customers with advertising material 45802  
described in division (B)(35)(a) of this section; and of equipment 45803  
such as telephones, computers, facsimile machines, and similar 45804  
tangible personal property primarily used to accept orders for 45805  
direct marketing retail sales. 45806

(c) Sales of automatic food vending machines that preserve 45807  
food with a shelf life of forty-five days or less by refrigeration 45808  
and dispense it to the consumer. 45809

For purposes of division (B)(35) of this section, "direct 45810  
marketing" means the method of selling where consumers order 45811  
tangible personal property by United States mail, delivery 45812  
service, or telecommunication and the vendor delivers or ships the 45813  
tangible personal property sold to the consumer from a warehouse, 45814  
catalogue distribution center, or similar fulfillment facility by 45815  
means of the United States mail, delivery service, or common 45816  
carrier. 45817

(36) Sales to a person engaged in the business of 45818  
horticulture or producing livestock of materials to be 45819  
incorporated into a horticulture structure or livestock structure; 45820

(37) Sales of personal computers, computer monitors, computer 45821  
keyboards, modems, and other peripheral computer equipment to an 45822  
individual who is licensed or certified to teach in an elementary 45823  
or a secondary school in this state for use by that individual in 45824  
preparation for teaching elementary or secondary school students; 45825

(38) Sales to a professional racing team of any of the 45826  
following: 45827

(a) Motor racing vehicles; 45828

(b) Repair services for motor racing vehicles; 45829

(c) Items of property that are attached to or incorporated in 45830  
motor racing vehicles, including engines, chassis, and all other 45831  
components of the vehicles, and all spare, replacement, and 45832  
rebuilt parts or components of the vehicles; except not including 45833  
tires, consumable fluids, paint, and accessories consisting of 45834  
instrumentation sensors and related items added to the vehicle to 45835  
collect and transmit data by means of telemetry and other forms of 45836  
communication. 45837

(39) Sales of used manufactured homes and used mobile homes, 45838  
as defined in section 5739.0210 of the Revised Code, made on or 45839  
after January 1, 2000; 45840

(40) Sales of tangible personal property and services to a 45841  
provider of electricity used or consumed directly and primarily in 45842  
generating, transmitting, or distributing electricity for use by 45843  
others, including property that is or is to be incorporated into 45844  
and will become a part of the consumer's production, transmission, 45845  
or distribution system and that retains its classification as 45846  
tangible personal property after incorporation; fuel or power used 45847  
in the production, transmission, or distribution of electricity; 45848  
and tangible personal property and services used in the repair and 45849  
maintenance of the production, transmission, or distribution 45850  
system, including only those motor vehicles as are specially 45851  
designed and equipped for such use. The exemption provided in this 45852  
division shall be in lieu of all other exemptions in division 45853  
(B)(42)(a) of this section to which a provider of electricity may 45854  
otherwise be entitled based on the use of the tangible personal 45855  
property or service purchased in generating, transmitting, or 45856  
distributing electricity. 45857

(41) Sales to a person providing services under division 45858  
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 45859  
personal property and services used directly and primarily in 45860  
providing taxable services under that section. 45861

(42) Sales where the purpose of the purchaser is to do any of the following: 45862  
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(a) To incorporate the thing transferred as a material or a part into tangible personal property to be produced for sale by manufacturing, assembling, processing, or refining; or to use or consume the thing transferred directly in producing tangible personal property for sale by mining, including, without limitation, the extraction from the earth of all substances that are classed geologically as minerals, production of crude oil and natural gas, farming, agriculture, horticulture, or floriculture, or directly in the rendition of a public utility service, except that the sales tax levied by this section shall be collected upon all meals, drinks, and food for human consumption sold when transporting persons. Persons engaged in rendering farming, agricultural, horticultural, or floricultural services, and services in the exploration for, and production of, crude oil and natural gas, for others are deemed engaged directly in farming, agriculture, horticulture, and floriculture, or exploration for, and production of, crude oil and natural gas. This paragraph does not exempt from "retail sale" or "sales at retail" the sale of tangible personal property that is to be incorporated into a structure or improvement to real property. 45864  
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(b) To hold the thing transferred as security for the performance of an obligation of the vendor; 45884  
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(c) To resell, hold, use, or consume the thing transferred as evidence of a contract of insurance; 45886  
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(d) To use or consume the thing directly in commercial fishing; 45888  
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(e) To incorporate the thing transferred as a material or a part into, or to use or consume the thing transferred directly in the production of, magazines distributed as controlled circulation 45890  
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publications;	45893
(f) To use or consume the thing transferred in the production	45894
and preparation in suitable condition for market and sale of	45895
printed, imprinted, overprinted, lithographic, multilithic,	45896
blueprinted, photostatic, or other productions or reproductions of	45897
written or graphic matter;	45898
(g) To use the thing transferred, as described in section	45899
5739.011 of the Revised Code, primarily in a manufacturing	45900
operation to produce tangible personal property for sale;	45901
(h) To use the benefit of a warranty, maintenance or service	45902
contract, or similar agreement, as described in division (B)(7) of	45903
section 5739.01 of the Revised Code, to repair or maintain	45904
tangible personal property, if all of the property that is the	45905
subject of the warranty, contract, or agreement would not be	45906
subject to the tax imposed by this section;	45907
(i) To use the thing transferred as qualified research and	45908
development equipment;	45909
(j) To use or consume the thing transferred primarily in	45910
storing, transporting, mailing, or otherwise handling purchased	45911
sales inventory in a warehouse, distribution center, or similar	45912
facility when the inventory is primarily distributed outside this	45913
state to retail stores of the person who owns or controls the	45914
warehouse, distribution center, or similar facility, to retail	45915
stores of an affiliated group of which that person is a member, or	45916
by means of direct marketing. This division does not apply to	45917
motor vehicles registered for operation on the public highways. As	45918
used in this division, "affiliated group" has the same meaning as	45919
in division (B)(3)(e) of section 5739.01 of the Revised Code and	45920
"direct marketing" has the same meaning as in division (B)(35) of	45921
this section.	45922
(k) To use or consume the thing transferred to fulfill a	45923

contractual obligation incurred by a warrantor pursuant to a 45924  
warranty provided as a part of the price of the tangible personal 45925  
property sold or by a vendor of a warranty, maintenance or service 45926  
contract, or similar agreement the provision of which is defined 45927  
as a sale under division (B)(7) of section 5739.01 of the Revised 45928  
Code; 45929

(l) To use or consume the thing transferred in the production 45930  
of a newspaper for distribution to the public; 45931

(m) To use tangible personal property to perform a service 45932  
listed in division (B)(3) of section 5739.01 of the Revised Code, 45933  
if the property is or is to be permanently transferred to the 45934  
consumer of the service as an integral part of the performance of 45935  
the service. 45936

As used in division (B)(42) of this section, "thing" includes 45937  
all transactions included in divisions (B)(3)(a), (b), and (e) of 45938  
section 5739.01 of the Revised Code. 45939

(43) Sales conducted through a coin operated device that 45940  
activates vacuum equipment or equipment that dispenses water, 45941  
whether or not in combination with soap or other cleaning agents 45942  
or wax, to the consumer for the consumer's use on the premises in 45943  
washing, cleaning, or waxing a motor vehicle, provided no other 45944  
personal property or personal service is provided as part of the 45945  
transaction. 45946

(44) Sales of replacement and modification parts for engines, 45947  
airframes, instruments, and interiors in, and paint for, aircraft 45948  
used primarily in a fractional aircraft ownership program, and 45949  
sales of services for the repair, modification, and maintenance of 45950  
such aircraft, and machinery, equipment, and supplies primarily 45951  
used to provide those services. 45952

(45) Sales of telecommunications service that is used 45953  
directly and primarily to perform the functions of a call center. 45954

As used in this division, "call center" means any physical 45955  
location where telephone calls are placed or received in high 45956  
volume for the purpose of making sales, marketing, customer 45957  
service, technical support, or other specialized business 45958  
activity, and that employs at least fifty individuals that engage 45959  
in call center activities on a full-time basis, or sufficient 45960  
individuals to fill fifty full-time equivalent positions. 45961

(46) Sales by a telecommunications service vendor of 900 45962  
service to a subscriber. This division does not apply to 45963  
information services, as defined in division (FF) of section 45964  
5739.01 of the Revised Code. 45965

(47) Sales of value-added non-voice data service. This 45966  
division does not apply to any similar service that is not 45967  
otherwise a telecommunications service. 45968

(C) For the purpose of the proper administration of this 45969  
chapter, and to prevent the evasion of the tax, it is presumed 45970  
that all sales made in this state are subject to the tax until the 45971  
contrary is established. 45972

(D) The levy of this tax on retail sales of recreation and 45973  
sports club service shall not prevent a municipal corporation from 45974  
levying any tax on recreation and sports club dues or on any 45975  
income generated by recreation and sports club dues. 45976

(E) The tax collected by the vendor from the consumer under 45977  
this chapter is not part of the price, but is a tax collection for 45978  
the benefit of the state, and of counties levying an additional 45979  
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 45980  
Code and of transit authorities levying an additional sales tax 45981  
pursuant to section 5739.023 of the Revised Code. Except for the 45982  
discount authorized under section 5739.12 of the Revised Code and 45983  
the effects of any rounding pursuant to section 5703.055 of the 45984  
Revised Code, no person other than the state or such a county or 45985



transit authority shall derive any benefit from the collection or 45986  
payment of the tax levied by this section or section 5739.021, 45987  
5739.023, or 5739.026 of the Revised Code. 45988

Sec. 5739.029. (A) Notwithstanding sections 5739.02, 45989  
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 45990  
5741.023 of the Revised Code, and except as otherwise provided in 45991  
division (B) of this section, the tax due under this chapter on 45992  
the sale of a motor vehicle required to be titled under Chapter 45993  
4505. of the Revised Code by a motor vehicle dealer to a consumer 45994  
that is a nonresident of this state shall be the lesser of the 45995  
amount of tax that would be due under this chapter and Chapter 45996  
5741. of the Revised Code if the total combined rate were six per 45997  
cent, or the amount of tax that would be due, taking into 45998  
consideration all applicable credits and exemptions, to the state 45999  
in which the consumer titles or registers the motor vehicle or to 46000  
which the consumer removes the vehicle for use. 46001

(B) No tax is due under this section, any other section of 46002  
this chapter, or Chapter 5741. of the Revised Code under any of 46003  
the following circumstances: 46004

(1)(a) The consumer intends to immediately remove the motor 46005  
vehicle from this state for use outside this state; 46006

(b) Upon removal of the motor vehicle from this state, the 46007  
consumer intends to title or register the vehicle in another state 46008  
if such titling or registration is required; 46009

(c) The consumer executes an affidavit as required under 46010  
division (C) of this section affirming the consumer's intentions 46011  
under divisions (B)(1)(a) and (b) of this section; and 46012

(d) The state in which the consumer titles or registers the 46013  
motor vehicle or to which the consumer removes the vehicle for use 46014  
provides an exemption under circumstances substantially similar to 46015

those described in division (B)(1) of this section. 46016

(2) The state in which the consumer titles or registers the motor vehicle or to which the consumer removes the vehicle for use does not provide a credit against its sales or use tax or similar excise tax for sales or use tax paid to this state. 46017  
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(3) The state in which the consumer titles or registers the motor vehicle or to which the consumer removes the vehicle for use does not impose a sales or use tax or similar excise tax on the ownership or use of motor vehicles. 46021  
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(C) Any nonresident consumer that purchases a motor vehicle from a motor vehicle dealer in this state under the circumstances described in divisions (B)(1)(a) and (b) of this section shall execute an affidavit affirming the intentions described in those divisions. The affidavit shall be executed in triplicate and in the form specified by the tax commissioner. The affidavit shall be given to the motor vehicle dealer. 46025  
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A motor vehicle dealer that accepts in good faith an affidavit presented under this division by a nonresident consumer may rely upon the representations made in the affidavit. 46032  
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(D) A motor vehicle dealer making a sale subject to the tax under division (A) of this section shall collect the tax due unless the sale is subject to the exception under division (B) of this section or unless the sale is not otherwise subject to taxes levied under sections 5739.02, 5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code. In the case of a sale under the circumstances described in division (B)(1) of this section, the dealer shall retain one copy of the affidavit and file the original and the other copy with the clerk of the court of common pleas. If tax is due under division (A) of this section, the dealer shall remit the tax collected to the clerk at the time the dealer obtains the Ohio certificate of title 46035  
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in the name of the consumer as required under section 4505.06 of 46047  
the Revised Code. The clerk shall forward the original affidavit 46048  
to the tax commissioner in the manner prescribed by the 46049  
commissioner. 46050

Unless a sale is excepted from taxation under division (B) of 46051  
this section, upon receipt of an application for certificate of 46052  
title a clerk of the court of common pleas shall collect the sales 46053  
tax due under division (A) of this section. The clerk shall remit 46054  
the tax collected to the tax commissioner in the manner prescribed 46055  
by the commissioner. 46056

(E) If a motor vehicle is purchased by a corporation 46057  
described in division (B)(6) of section 5739.01 of the Revised 46058  
Code, the state of residence of the consumer for the purposes of 46059  
this section is the state of residence of the corporation's 46060  
principal shareholder. 46061

(F) Any provision of this chapter or of Chapter 5741. of the 46062  
Revised Code that is not inconsistent with this section applies to 46063  
sales described in division (A) of this section. 46064

(G) As used in this section: 46065

(1) For the purposes of this section only, the sale or 46066  
purchase of a motor vehicle does not include a lease or rental of 46067  
a motor vehicle subject to division (A)(2) or (3) of section 46068  
5739.02 or division (A)(2) or (3) of section 5741.02 of the 46069  
Revised Code; 46070

(2) "State," except in reference to "this state," means any 46071  
state, district, commonwealth, or territory of the United States. 46072

**Sec. 5739.033.** (A) Except as provided in division (B) of this 46073  
section, divisions (C) to (I) of this section apply to sales made 46074  
on and after May 1, 2006. Sales made before May 1, 2006, are 46075  
subject to section 5739.035 of the Revised Code. On and after 46076

January 1, 2005, any vendor may irrevocably elect to comply with 46077  
divisions (C) to (I) of this section for all of the vendor's sales 46078  
and places of business in this state. 46079

The amount of tax due pursuant to sections 5739.02, 5739.021, 46080  
5739.023, and 5739.026 of the Revised Code is the sum of the taxes 46081  
imposed pursuant to those sections at the sourcing location of the 46082  
sale as determined under this section or, if applicable, under 46083  
division (C) of section 5739.031 or section 5739.034 of the 46084  
Revised Code, or at the situs of the sale as determined under 46085  
section 5739.035 of the Revised Code. This section applies only to 46086  
a vendor's or seller's obligation to collect and remit sales taxes 46087  
under section 5739.02, 5739.021, 5739.023, or 5739.026 of the 46088  
Revised Code or use taxes under section 5741.02, 5741.021, 46089  
5741.022, or 5741.023 of the Revised Code. Division (A) of this 46090  
section does not apply in determining the jurisdiction for which 46091  
sellers are required to collect the use tax under section 5741.05 46092  
of the Revised Code. This section does not affect the obligation 46093  
of a consumer to remit use taxes on the storage, use, or other 46094  
consumption of tangible personal property or on the benefit 46095  
realized of any service provided, to the jurisdiction of that 46096  
storage, use, or consumption, or benefit realized. 46097

(B)(1) As used in this division: 46098

(a) "Delivery sale" means the taxable sale of tangible 46099  
personal property or a service that is received by a consumer, or 46100  
a donee designated by the consumer, in a taxing jurisdiction that 46101  
is not the taxing jurisdiction in which the vendor has a fixed 46102  
place of business. 46103

(b) "Agreement" has the same meaning as in section 5740.01 of 46104  
the Revised Code. 46105

(c) "Governing board" has the same meaning as in section 46106  
5740.02 of the Revised Code. 46107

(2)(a) A vendor with total delivery sales in calendar year 2005 that are less than thirty million dollars may continue to situs its sales under section 5739.035 of the Revised Code from May 1, 2006, through April 30, 2007, except that, if the tax commissioner does not enter a determination in the commissioner's journal under division (B)(2)(b) of this section, those dates shall be May 1, 2006, through December 31, 2007.

(b) On or before February 1, 2007, the tax commissioner shall determine whether certified service provider services are being provided by the governing board of the streamlined sales and use tax agreement for all delivery sales. If the commissioner determines that such services are being so provided, the commissioner shall enter the determination in the commissioner's journal and shall provide notice of the determination on the department of taxation's official internet web site. If the commissioner makes such an entry in the journal, then a vendor with total delivery sales in calendar year 2006 that are less than five million dollars may continue to situs its sales under section 5739.035 of the Revised Code from May 1, 2007, through December 31, 2007.

(3) Beginning January 1, 2008, all vendors shall source their sales under divisions (C) to (I) of this section.

(4) Once a vendor has total delivery sales that exceed the dollar amount in division (B)(2)(a) or (b) of this section, the vendor shall source its sales under divisions (C) to (I) of this section and shall continue to source its sales under those divisions, regardless of the amount of the vendor's total delivery sales in future years.

(C) Except for sales, other than leases, of titled motor vehicles, titled watercraft, or titled outboard motors as provided in ~~section~~ sections 5739.029 and 5741.05 of the Revised Code, or as otherwise provided in this section and section 5739.034 of the

Revised Code, all sales shall be sourced as follows: 46140

(1) If the consumer or a donee designated by the consumer 46141  
receives tangible personal property or a service at a vendor's 46142  
place of business, the sale shall be sourced to that place of 46143  
business. 46144

(2) When the tangible personal property or service is not 46145  
received at a vendor's place of business, the sale shall be 46146  
sourced to the location known to the vendor where the consumer or 46147  
the donee designated by the consumer receives the tangible 46148  
personal property or service, including the location indicated by 46149  
instructions for delivery to the consumer or the consumer's donee. 46150

(3) If divisions (C)(1) and (2) of this section do not apply, 46151  
the sale shall be sourced to the location indicated by an address 46152  
for the consumer that is available from the vendor's business 46153  
records that are maintained in the ordinary course of the vendor's 46154  
business, when use of that address does not constitute bad faith. 46155  
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(4) If divisions (C)(1), (2), and (3) of this section do not 46157  
apply, the sale shall be sourced to the location indicated by an 46158  
address for the consumer obtained during the consummation of the 46159  
sale, including the address associated with the consumer's payment 46160  
instrument, if no other address is available, when use of that 46161  
address does not constitute bad faith. 46162

(5) If divisions (C)(1), (2), (3), and (4) of this section do 46163  
not apply, including in the circumstance where the vendor is 46164  
without sufficient information to apply any of those divisions, 46165  
the sale shall be sourced to the address from which tangible 46166  
personal property was shipped, or from which the service was 46167  
provided, disregarding any location that merely provided the 46168  
electronic transfer of the property sold or service provided. 46169

(6) As used in division (C) of this section, "receive" means 46170

taking possession of tangible personal property or making first 46171  
use of a service. "Receive" does not include possession by a 46172  
shipping company on behalf of a consumer. 46173

(D)(1)(a) Notwithstanding divisions (C)(1) to (5) of this 46174  
section, a business consumer that is not a holder of a direct 46175  
payment permit granted under section 5739.031 of the Revised Code, 46176  
that purchases a digital good, computer software, except computer 46177  
software received in person by a business consumer at a vendor's 46178  
place of business, or a service, and that knows at the time of 46179  
purchase that such digital good, software, or service will be 46180  
concurrently available for use in more than one taxing 46181  
jurisdiction shall deliver to the vendor in conjunction with its 46182  
purchase an exemption certificate claiming multiple points of use, 46183  
or shall meet the requirements of division (D)(2) of this section. 46184  
On receipt of the exemption certificate claiming multiple points 46185  
of use, the vendor is relieved of its obligation to collect, pay, 46186  
or remit the tax due, and the business consumer must pay the tax 46187  
directly to the state. 46188

(b) A business consumer that delivers the exemption 46189  
certificate claiming multiple points of use to a vendor may use 46190  
any reasonable, consistent, and uniform method of apportioning the 46191  
tax due on the digital good, computer software, or service that is 46192  
supported by the consumer's business records as they existed at 46193  
the time of the sale. The business consumer shall report and pay 46194  
the appropriate tax to each jurisdiction where concurrent use 46195  
occurs. The tax due shall be calculated as if the apportioned 46196  
amount of the digital good, computer software, or service had been 46197  
delivered to each jurisdiction to which the sale is apportioned 46198  
under this division. 46199

(c) The exemption certificate claiming multiple points of use 46200  
shall remain in effect for all future sales by the vendor to the 46201  
business consumer until it is revoked in writing by the business 46202

consumer, except as to the business consumer's specific 46203  
apportionment of a subsequent sale under division (D)(1)(b) of 46204  
this section and the facts existing at the time of the sale. 46205

(2) When the vendor knows that a digital good, computer 46206  
software, or service sold will be concurrently available for use 46207  
by the business consumer in more than one jurisdiction, but the 46208  
business consumer does not provide an exemption certificate 46209  
claiming multiple points of use as required by division (D)(1) of 46210  
this section, the vendor may work with the business consumer to 46211  
produce the correct apportionment. Governed by the principles of 46212  
division (D)(1)(b) of this section, the vendor and business 46213  
consumer may use any reasonable, but consistent and uniform, 46214  
method of apportionment that is supported by the vendor's and 46215  
business consumer's books and records as they exist at the time 46216  
the sale is reported for purposes of the taxes levied under this 46217  
chapter. If the business consumer certifies to the accuracy of the 46218  
apportionment and the vendor accepts the certification, the vendor 46219  
shall collect and remit the tax accordingly. In the absence of bad 46220  
faith, the vendor is relieved of any further obligation to collect 46221  
tax on any transaction where the vendor has collected tax pursuant 46222  
to the information certified by the business consumer. 46223

(3) When the vendor knows that the digital good, computer 46224  
software, or service will be concurrently available for use in 46225  
more than one jurisdiction, and the business consumer does not 46226  
have a direct pay permit and does not provide to the vendor an 46227  
exemption certificate claiming multiple points of use as required 46228  
in division (D)(1) of this section, or certification pursuant to 46229  
division (D)(2) of this section, the vendor shall collect and 46230  
remit the tax based on division (C) of this section. 46231

(4) Nothing in this section shall limit a person's obligation 46232  
for sales or use tax to any state in which a digital good, 46233  
computer software, or service is concurrently available for use, 46234



nor limit a person's ability under local, state, or federal law, 46235  
to claim a credit for sales or use taxes legally due and paid to 46236  
other jurisdictions. 46237

(E) A person who holds a direct payment permit issued under 46238  
section 5739.031 of the Revised Code is not required to deliver an 46239  
exemption certificate claiming multiple points of use to a vendor. 46240  
But such permit holder shall comply with division (D)(2) of this 46241  
section in apportioning the tax due on a digital good, computer 46242  
software, or a service for use in business that will be 46243  
concurrently available for use in more than one taxing 46244  
jurisdiction. 46245

(F)(1) Notwithstanding divisions (C)(1) to (5) of this 46246  
section, the consumer of direct mail that is not a holder of a 46247  
direct payment permit shall provide to the vendor in conjunction 46248  
with the sale either an exemption certificate claiming direct mail 46249  
prescribed by the tax commissioner, or information to show the 46250  
jurisdictions to which the direct mail is delivered to recipients. 46251

(2) Upon receipt of such exemption certificate, the vendor is 46252  
relieved of all obligations to collect, pay, or remit the 46253  
applicable tax and the consumer is obligated to pay that tax on a 46254  
direct pay basis. An exemption certificate claiming direct mail 46255  
shall remain in effect for all future sales of direct mail by the 46256  
vendor to the consumer until it is revoked in writing. 46257

(3) Upon receipt of information from the consumer showing the 46258  
jurisdictions to which the direct mail is delivered to recipients, 46259  
the vendor shall collect the tax according to the delivery 46260  
information provided by the consumer. In the absence of bad faith, 46261  
the vendor is relieved of any further obligation to collect tax on 46262  
any transaction where the vendor has collected tax pursuant to the 46263  
delivery information provided by the consumer. 46264

(4) If the consumer of direct mail does not have a direct 46265

payment permit and does not provide the vendor with either an 46266  
exemption certificate claiming direct mail or delivery information 46267  
as required by division (F)(1) of this section, the vendor shall 46268  
collect the tax according to division (C)(5) of this section. 46269  
Nothing in division (F)(4) of this section shall limit a 46270  
consumer's obligation to pay sales or use tax to any state to 46271  
which the direct mail is delivered. 46272

(5) If a consumer of direct mail provides the vendor with 46273  
documentation of direct payment authority, the consumer shall not 46274  
be required to provide an exemption certificate claiming direct 46275  
mail or delivery information to the vendor. 46276

(G) If the vendor provides lodging to transient guests as 46277  
specified in division (B)(2) of section 5739.01 of the Revised 46278  
Code, the sale shall be sourced to the location where the lodging 46279  
is located. 46280

(H)(1) As used in this division and division (I) of this 46281  
section, "transportation equipment" means any of the following: 46282

(a) Locomotives and railcars that are utilized for the 46283  
carriage of persons or property in interstate commerce. 46284

(b) Trucks and truck-tractors with a gross vehicle weight 46285  
rating of greater than ten thousand pounds, trailers, 46286  
semi-trailers, or passenger buses that are registered through the 46287  
international registration plan and are operated under authority 46288  
of a carrier authorized and certificated by the United States 46289  
department of transportation or another federal authority to 46290  
engage in the carriage of persons or property in interstate 46291  
commerce. 46292

(c) Aircraft that are operated by air carriers authorized and 46293  
certificated by the United States department of transportation or 46294  
another federal authority to engage in the carriage of persons or 46295  
property in interstate or foreign commerce. 46296

(d) Containers designed for use on and component parts 46297  
attached to or secured on the items set forth in division 46298  
(H)(1)(a), (b), or (c) of this section. 46299

(2) A sale, lease, or rental of transportation equipment 46300  
shall be sourced pursuant to division (C) of this section. 46301

(I)(1) A lease or rental of tangible personal property that 46302  
does not require recurring periodic payments shall be sourced 46303  
pursuant to division (C) of this section. 46304

(2) A lease or rental of tangible personal property that 46305  
requires recurring periodic payments shall be sourced as follows: 46306

(a) In the case of a motor vehicle, other than a motor 46307  
vehicle that is transportation equipment, or an aircraft, other 46308  
than an aircraft that is transportation equipment, such lease or 46309  
rental shall be sourced as follows: 46310

(i) An accelerated tax payment on a lease or rental taxed 46311  
pursuant to division (A)(2) of section 5739.02 of the Revised Code 46312  
shall be sourced to the primary property location at the time the 46313  
lease or rental is consummated. Any subsequent taxable charges on 46314  
the lease or rental shall be sourced to the primary property 46315  
location for the period in which the charges are incurred. 46316

(ii) For a lease or rental taxed pursuant to division (A)(3) 46317  
of section 5739.02 of the Revised Code, each lease or rental 46318  
installment shall be sourced to the primary property location for 46319  
the period covered by the installment. 46320

(b) In the case of a lease or rental of all other tangible 46321  
personal property, other than transportation equipment, such lease 46322  
or rental shall be sourced as follows: 46323

(i) An accelerated tax payment on a lease or rental that is 46324  
taxed pursuant to division (A)(2) of section 5739.02 of the 46325  
Revised Code shall be sourced pursuant to division (C) of this 46326

section at the time the lease or rental is consummated. Any 46327  
subsequent taxable charges on the lease or rental shall be sourced 46328  
to the primary property location for the period in which the 46329  
charges are incurred. 46330

(ii) For a lease or rental that is taxed pursuant to division 46331  
(A)(3) of section 5739.02 of the Revised Code, the initial lease 46332  
or rental installment shall be sourced pursuant to division (C) of 46333  
this section. Each subsequent installment shall be sourced to the 46334  
primary property location for the period covered by the 46335  
installment. 46336

(3) As used in division (I) of this section, "primary 46337  
property location" means an address for tangible personal property 46338  
provided by the lessee or renter that is available to the lessor 46339  
or owner from its records maintained in the ordinary course of 46340  
business, when use of that address does not constitute bad faith. 46341

**Sec. 5739.12.** (A) Each person who has or is required to have 46342  
a vendor's license, on or before the twenty-third day of each 46343  
month, shall make and file a return for the preceding month, on 46344  
forms prescribed by the tax commissioner, and shall pay the tax 46345  
shown on the return to be due. The commissioner may require a 46346  
vendor that operates from multiple locations or has multiple 46347  
vendor's licenses to report all tax liabilities on one 46348  
consolidated return. The return shall show the amount of tax due 46349  
from the vendor to the state for the period covered by the return 46350  
and such other information as the commissioner deems necessary for 46351  
the proper administration of this chapter. The commissioner may 46352  
extend the time for making and filing returns and paying the tax, 46353  
and may require that the return for the last month of any annual 46354  
or semiannual period, as determined by the commissioner, be a 46355  
reconciliation return detailing the vendor's sales activity for 46356  
the preceding annual or semiannual period. The reconciliation 46357

return shall be filed by the last day of the month following the 46358  
last month of the annual or semiannual period. The commissioner 46359  
may remit all or any part of amounts or penalties that may become 46360  
due under this chapter and may adopt rules relating thereto. Such 46361  
return shall be filed by mailing it to the tax commissioner, 46362  
together with payment of the amount of tax shown to be due thereon 46363  
after deduction of any discount provided for under this section. 46364  
Remittance shall be made payable to the treasurer of state. The 46365  
return shall be considered filed when received by the tax 46366  
commissioner, and the payment shall be considered made when 46367  
received by the tax commissioner or when credited to an account 46368  
designated by the treasurer of state or the tax commissioner. 46369

(B)(1) If the return is filed and the amount of tax shown 46370  
thereon to be due is paid on or before the date such return is 46371  
required to be filed, the vendor shall be entitled to ~~the~~ 46372  
~~following a discount of~~: 46373

~~(1)(a)~~ On and after July 1, 2005, and on and before June 30, 46374  
2007, nine-tenths of one per cent of the amount shown to be due on 46375  
the return; 46376

~~(2)(b)~~ On and after July 1, 2007, three-fourths of one per 46377  
cent of the amount shown to be due on the return. 46378

(2) A vendor that has selected a certified service provider 46379  
as its agent shall not be entitled to the discount if the 46380  
certified service provider receives a monetary allowance pursuant 46381  
to section 5739.06 of the Revised Code for performing the vendor's 46382  
sales and use tax functions in this state. Amounts paid to the 46383  
clerk of courts pursuant to section 4505.06 of the Revised Code 46384  
shall be subject to the applicable discount. The discount shall be 46385  
in consideration for prompt payment to the clerk of courts and for 46386  
other services performed by the vendor in the collection of the 46387  
tax. 46388

(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 46422  
reinstatement of the requirement of reporting and paying the 46423  
actual tax liability on each monthly return, and the commissioner 46424  
may at the commissioner's discretion deny the vendor the right to 46425  
report and pay based upon the average monthly liability for a 46426  
period not to exceed two years. The amount ascertained by the 46427  
commissioner to be the average monthly tax liability of a vendor 46428  
may be adjusted, based upon a review of the returns or other 46429  
information pertaining to the vendor for a period of not less than 46430  
six months nor more than two years preceding such adjustment. 46431

(2) The commissioner may authorize vendors whose tax 46432  
liability is not such as to merit monthly returns, as ascertained 46433  
by the commissioner upon the basis of administrative costs to the 46434  
state, to make and file returns at less frequent intervals. When 46435  
returns are filed at less frequent intervals in accordance with 46436  
such authorization, the vendor shall be allowed the discount 46437  
provided in this section in consideration for prompt payment with 46438  
the return, provided the return is filed together with payment of 46439  
the amount of tax shown to be due thereon, at the time specified 46440  
by the commissioner, but a vendor that has selected a certified 46441  
service provider as its agent shall not be entitled to the 46442  
discount. 46443

(D) Any vendor who fails to file a return or pay the full 46444  
amount of the tax shown on the return to be due under this section 46445  
and the rules of the commissioner may, for each such return the 46446  
vendor fails to file or each such tax the vendor fails to pay in 46447  
full as shown on the return within the period prescribed by this 46448  
section and the rules of the commissioner, be required to forfeit 46449  
and pay into the state treasury an additional charge not exceeding 46450  
fifty dollars or ten per cent of the tax required to be paid for 46451  
the reporting period, whichever is greater, as revenue arising 46452  
from the tax imposed by this chapter, and such sum may be 46453

collected by assessment in the manner provided in section 5739.13 46454  
of the Revised Code. The commissioner may remit all or a portion 46455  
of the additional charge and may adopt rules relating to the 46456  
imposition and remission of the additional charge. 46457

(E) If the amount required to be collected by a vendor from 46458  
consumers is in excess of the applicable percentage of the 46459  
vendor's receipts from sales that are taxable under section 46460  
5739.02 of the Revised Code, or in the case of sales subject to a 46461  
tax levied pursuant to section 5739.021, 5739.023, or 5739.026 of 46462  
the Revised Code, in excess of the percentage equal to the 46463  
aggregate rate of such taxes and the tax levied by section 5739.02 46464  
of the Revised Code, such excess shall be remitted along with the 46465  
remittance of the amount of tax due under section 5739.10 of the 46466  
Revised Code. 46467

(F) The commissioner, if the commissioner deems it necessary 46468  
in order to insure the payment of the tax imposed by this chapter, 46469  
may require returns and payments to be made for other than monthly 46470  
periods. The returns shall be signed by the vendor or the vendor's 46471  
authorized agent. 46472

(G) Any vendor required to file a return and pay the tax 46473  
under this section, whose total payment equals or exceeds the 46474  
amount shown in division (A) of section 5739.122 of the Revised 46475  
Code, shall make each payment required by this section in the 46476  
second ensuing and each succeeding year by electronic funds 46477  
transfer as prescribed by, and on or before the dates specified 46478  
in, section 5739.122 of the Revised Code, except as otherwise 46479  
prescribed by that section. For a vendor that operates from 46480  
multiple locations or has multiple vendor's licenses, in 46481  
determining whether the vendor's total payment equals or exceeds 46482  
the amount shown in division (A) of that section, the vendor's 46483  
total payment amount shall be the amount of the vendor's total tax 46484  
liability for the previous calendar year for all of the vendor's 46485



locations or licenses. 46486

**Sec. 5739.21.** (A) ~~Four and two tenths~~ One hundred per cent of 46487  
all money deposited into the state treasury under sections 5739.01 46488  
to 5739.31 of the Revised Code and not required to be distributed 46489  
as provided in section 5739.102 of the Revised Code or division 46490  
(B) of this section shall be credited to ~~the local government fund~~ 46491  
~~for distribution in accordance with section 5747.50 of the Revised~~ 46492  
~~Code, six tenths of one per cent shall be credited to the local~~ 46493  
~~government revenue assistance fund for distribution in accordance~~ 46494  
~~with section 5747.61 of the Revised Code, and ninety five and~~ 46495  
~~two tenths per cent shall be credited to the general revenue fund.~~ 46496  
46497

(B)(1) In any case where any county or transit authority has 46498  
levied a tax or taxes pursuant to section 5739.021, 5739.023, or 46499  
5739.026 of the Revised Code, the tax commissioner shall, within 46500  
forty-five days after the end of each month, determine and certify 46501  
to the director of budget and management the amount of the 46502  
proceeds of such tax or taxes received during that month from 46503  
billings and assessments, or associated with tax returns or 46504  
reports filed during that month, to be returned to the county or 46505  
transit authority levying the tax or taxes. The amount to be 46506  
returned to each county and transit authority shall be a fraction 46507  
of the aggregate amount of money collected with respect to each 46508  
area in which one or more of such taxes are concurrently in effect 46509  
with the tax levied by section 5739.02 of the Revised Code. The 46510  
numerator of the fraction is the rate of the tax levied by the 46511  
county or transit authority and the denominator of the fraction is 46512  
the aggregate rate of such taxes applicable to such area. The 46513  
amount to be returned to each county or transit authority shall be 46514  
reduced by the amount of any refunds of county or transit 46515  
authority tax paid pursuant to section 5739.07 of the Revised Code 46516  
during the same month, or transfers made pursuant to division 46517

(B)(2) of section 5703.052 of the Revised Code. 46518

(2) On a periodic basis, using the best information 46519  
available, the tax commissioner shall distribute any amount of a 46520  
county or transit authority tax that cannot be distributed under 46521  
division (B)(1) of this section. Through audit or other means, the 46522  
commissioner shall attempt to obtain the information necessary to 46523  
make the distribution as provided under that division and, on 46524  
receipt of that information, shall make adjustments to 46525  
distributions previously made under this division. 46526

(C) The aggregate amount to be returned to any county or 46527  
transit authority shall be reduced by one per cent, which shall be 46528  
certified directly to the credit of the local sales tax 46529  
administrative fund, which is hereby created in the state 46530  
treasury. For the purpose of determining the amount to be returned 46531  
to a county and transit authority in which the rate of tax imposed 46532  
by the transit authority has been reduced under section 5739.028 46533  
of the Revised Code, the tax commissioner shall use the respective 46534  
rates of tax imposed by the county or transit authority that 46535  
results from the change in the rates authorized under that 46536  
section. 46537

(D) The director of budget and management shall transfer, 46538  
from the same funds and in the same proportions specified in 46539  
division (A) of this section, to the permissive tax distribution 46540  
fund created by division (B)(1) of section 4301.423 of the Revised 46541  
Code and to the local sales tax administrative fund, the amounts 46542  
certified by the tax commissioner. The tax commissioner shall 46543  
then, on or before the twentieth day of the month in which such 46544  
certification is made, provide for payment of such respective 46545  
amounts to the county treasurer and to the fiscal officer of the 46546  
transit authority levying the tax or taxes. The amount transferred 46547  
to the local sales tax administrative fund is for use by the tax 46548  
commissioner in defraying costs incurred in administering such 46549

taxes levied by a county or transit authority. 46550

Sec. 5739.213. Notwithstanding section 5739.21 or 5741.03 of 46551  
the Revised Code, of the revenue collected from the tax due under 46552  
division (A) of section 5739.029 of the Revised Code, an amount 46553  
equal to one-half per cent of the price of each transaction 46554  
subject to taxation under that division shall be distributed to 46555  
the county where the sale is sitused as provided in section 46556  
5739.035 of the Revised Code. The amount to be so distributed to 46557  
each county shall be credited to the funds of the county as 46558  
provided by divisions (A) and (B) of section 5739.211 of the 46559  
Revised Code. 46560

**Sec. 5741.02.** (A)(1) For the use of the general revenue fund 46561  
of the state, an excise tax is hereby levied on the storage, use, 46562  
or other consumption in this state of tangible personal property 46563  
or the benefit realized in this state of any service provided. The 46564  
tax shall be collected as provided in section 5739.025 of the 46565  
Revised Code, provided that on and after July 1, 2003, and on or 46566  
before June 30, 2005, the rate of the tax shall be six per cent. 46567  
On and after July 1, 2005, the rate of the tax shall be five and 46568  
one-half per cent. 46569

(2) In the case of the lease or rental, with a fixed term of 46570  
more than thirty days or an indefinite term with a minimum period 46571  
of more than thirty days, of any motor vehicles designed by the 46572  
manufacturer to carry a load of not more than one ton, watercraft, 46573  
outboard motor, or aircraft, or of any tangible personal property, 46574  
other than motor vehicles designed by the manufacturer to carry a 46575  
load of more than one ton, to be used by the lessee or renter 46576  
primarily for business purposes, the tax shall be collected by the 46577  
seller at the time the lease or rental is consummated and shall be 46578  
calculated by the seller on the basis of the total amount to be 46579  
paid by the lessee or renter under the lease or rental agreement. 46580

If the total amount of the consideration for the lease or rental 46581  
includes amounts that are not calculated at the time the lease or 46582  
rental is executed, the tax shall be calculated and collected by 46583  
the seller at the time such amounts are billed to the lessee or 46584  
renter. In the case of an open-end lease or rental, the tax shall 46585  
be calculated by the seller on the basis of the total amount to be 46586  
paid during the initial fixed term of the lease or rental, and for 46587  
each subsequent renewal period as it comes due. As used in this 46588  
division, "motor vehicle" has the same meaning as in section 46589  
4501.01 of the Revised Code, and "watercraft" includes an outdrive 46590  
unit attached to the watercraft. 46591

(3) Except as provided in division (A)(2) of this section, in 46592  
the case of a transaction, the price of which consists in whole or 46593  
part of the lease or rental of tangible personal property, the tax 46594  
shall be measured by the installments of those leases or rentals. 46595

(B) Each consumer, storing, using, or otherwise consuming in 46596  
this state tangible personal property or realizing in this state 46597  
the benefit of any service provided, shall be liable for the tax, 46598  
and such liability shall not be extinguished until the tax has 46599  
been paid to this state; provided, that the consumer shall be 46600  
relieved from further liability for the tax if the tax has been 46601  
paid to a seller in accordance with section 5741.04 of the Revised 46602  
Code or prepaid by the seller in accordance with section 5741.06 46603  
of the Revised Code. 46604

(C) The tax does not apply to the storage, use, or 46605  
consumption in this state of the following described tangible 46606  
personal property or services, nor to the storage, use, or 46607  
consumption or benefit in this state of tangible personal property 46608  
or services purchased under the following described circumstances: 46609

(1) When the sale of property or service in this state is 46610  
subject to the excise tax imposed by sections 5739.01 to 5739.31 46611  
of the Revised Code, provided said tax has been paid; 46612

(2) Except as provided in division (D) of this section, 46613  
tangible personal property or services, the acquisition of which, 46614  
if made in Ohio, would be a sale not subject to the tax imposed by 46615  
sections 5739.01 to 5739.31 of the Revised Code; 46616

(3) Property or services, the storage, use, or other 46617  
consumption of or benefit from which this state is prohibited from 46618  
taxing by the Constitution of the United States, laws of the 46619  
United States, or the Constitution of this state. This exemption 46620  
shall not exempt from the application of the tax imposed by this 46621  
section the storage, use, or consumption of tangible personal 46622  
property that was purchased in interstate commerce, but that has 46623  
come to rest in this state, provided that fuel to be used or 46624  
transported in carrying on interstate commerce that is stopped 46625  
within this state pending transfer from one conveyance to another 46626  
is exempt from the excise tax imposed by this section and section 46627  
5739.02 of the Revised Code; 46628

(4) Transient use of tangible personal property in this state 46629  
by a nonresident tourist or vacationer, or a nonbusiness use 46630  
within this state by a nonresident of this state, if the property 46631  
so used was purchased outside this state for use outside this 46632  
state and is not required to be registered or licensed under the 46633  
laws of this state; 46634

(5) Tangible personal property or services rendered, upon 46635  
which taxes have been paid to another jurisdiction to the extent 46636  
of the amount of the tax paid to such other jurisdiction. Where 46637  
the amount of the tax imposed by this section and imposed pursuant 46638  
to section 5741.021, 5741.022, or 5741.023 of the Revised Code 46639  
exceeds the amount paid to another jurisdiction, the difference 46640  
shall be allocated between the tax imposed by this section and any 46641  
tax imposed by a county or a transit authority pursuant to section 46642  
5741.021, 5741.022, or 5741.023 of the Revised Code, in proportion 46643  
to the respective rates of such taxes. 46644

As used in this subdivision, "taxes paid to another jurisdiction" means the total amount of retail sales or use tax or similar tax based upon the sale, purchase, or use of tangible personal property or services rendered legally, levied by and paid to another state or political subdivision thereof, or to the District of Columbia, where the payment of such tax does not entitle the taxpayer to any refund or credit for such payment.

(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 cigarettes is less than 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 46676  
not for that person's own use and donated by that person, without 46677  
charge or other compensation, to either of the following: 46678

(a) A nonprofit organization operated exclusively for 46679  
charitable purposes in this state, no part of the net income of 46680  
which inures to the benefit of any private shareholder or 46681  
individual and no substantial part of the activities of which 46682  
consists of carrying on propaganda or otherwise attempting to 46683  
influence legislation; or 46684

(b) This state or any political subdivision of this state, 46685  
but only if donated for exclusively public purposes. 46686

For the purposes of division (C)~~(10)~~(9) of this section, 46687  
"charitable purposes" has the same meaning as in division (B)(12) 46688  
of section 5739.02 of the Revised Code. 46689

(D) The tax applies to the storage, use, or other consumption 46690  
in this state of tangible personal property or services, the 46691  
acquisition of which at the time of sale was excepted under 46692  
division (E) of section 5739.01 of the Revised Code from the tax 46693  
imposed by section 5739.02 of the Revised Code, but which has 46694  
subsequently been temporarily or permanently stored, used, or 46695  
otherwise consumed in a taxable manner. 46696

(E)(1)(a) If any transaction is claimed to be exempt under 46697  
division (E) of section 5739.01 of the Revised Code or under 46698  
section 5739.02 of the Revised Code, with the exception of 46699  
divisions (B)(1) to (11) or (28) of section 5739.02 of the Revised 46700  
Code, the consumer shall provide to the seller, and the seller 46701  
shall obtain from the consumer, a certificate specifying the 46702  
reason that the transaction is not subject to the tax. The 46703  
certificate shall be in such form, and shall be provided either in 46704  
a hard copy form or electronic form, as the tax commissioner 46705  
prescribes. 46706

(b) A seller that obtains a fully completed exemption certificate from a consumer is relieved of liability for collecting and remitting tax on any sale covered by that certificate. If it is determined the exemption was improperly claimed, the consumer shall be liable for any tax due on that sale under this chapter. Relief under this division from liability does not apply to any of the following:

(i) A seller that fraudulently fails to collect tax;

(ii) A seller that solicits consumers to participate in the unlawful claim of an exemption;

(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;

(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.

(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.

(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 46738  
establishing that the transaction is not subject to the tax, or 46739  
obtaining, in good faith, a fully completed exemption certificate. 46740

(4) If a transaction is claimed to be exempt under division 46741  
(B)(13) of section 5739.02 of the Revised Code, the contractor 46742  
shall obtain certification of the claimed exemption from the 46743  
contractee. This certification shall be in addition to an 46744  
exemption certificate provided by the contractor to the seller. A 46745  
contractee that provides a certification under this division shall 46746  
be deemed to be the consumer of all items purchased by the 46747  
contractor under the claim of exemption, if it is subsequently 46748  
determined that the exemption is not properly claimed. The 46749  
certification shall be in such form as the tax commissioner 46750  
prescribes. 46751

(F) A seller who files a petition for reassessment contesting 46752  
the assessment of tax on transactions for which the seller 46753  
obtained no valid exemption certificates, and for which the seller 46754  
failed to establish that the transactions were not subject to the 46755  
tax during the one-hundred-twenty-day period allowed under 46756  
division (E) of this section, may present to the tax commissioner 46757  
additional evidence to prove that the transactions were exempt. 46758  
The seller shall file such evidence within ninety days of the 46759  
receipt by the seller of the notice of assessment, except that, 46760  
upon application and for reasonable cause, the tax commissioner 46761  
may extend the period for submitting such evidence thirty days. 46762

(G) For the purpose of the proper administration of sections 46763  
5741.01 to 5741.22 of the Revised Code, and to prevent the evasion 46764  
of the tax hereby levied, it shall be presumed that any use, 46765  
storage, or other consumption of tangible personal property in 46766  
this state is subject to the tax until the contrary is 46767  
established. 46768

(H) The tax collected by the seller from the consumer under 46769

this chapter is not part of the price, but is a tax collection for 46770  
the benefit of the state, and of counties levying an additional 46771  
use tax pursuant to section 5741.021 or 5741.023 of the Revised 46772  
Code and of transit authorities levying an additional use tax 46773  
pursuant to section 5741.022 of the Revised Code. Except for the 46774  
discount authorized under section 5741.12 of the Revised Code and 46775  
the effects of any rounding pursuant to section 5703.055 of the 46776  
Revised Code, no person other than the state or such a county or 46777  
transit authority shall derive any benefit from the collection of 46778  
such tax. 46779

**Sec. 5741.03.** (A) ~~Four and two tenths~~ One hundred per cent of 46780  
all money deposited into the state treasury under sections 5741.01 46781  
to 5741.22 of the Revised Code that is not required to be 46782  
distributed as provided in division (B) of this section shall be 46783  
credited to ~~the local government fund for distribution in~~ 46784  
~~accordance with section 5747.50 of the Revised Code, six tenths of~~ 46785  
~~one per cent shall be credited to the local government revenue~~ 46786  
~~assistance fund for distribution in accordance with section~~ 46787  
~~5747.61 of the Revised Code, and ninety five and two tenths per~~ 46788  
~~cent shall be credited to the general revenue fund.~~ 46789

(B) In any case where any county or transit authority has 46790  
levied a tax or taxes pursuant to section 5741.021, 5741.022, or 46791  
5741.023 of the Revised Code, the tax commissioner shall, within 46792  
forty-five days after the end of each month, determine and certify 46793  
to the director of budget and management the amount of the 46794  
proceeds of such tax or taxes from billings and assessments 46795  
received during that month, or shown on tax returns or reports 46796  
filed during that month, to be returned to the county or transit 46797  
authority levying the tax or taxes, which amounts shall be 46798  
determined in the manner provided in section 5739.21 of the 46799  
Revised Code. The director of budget and management shall 46800  
transfer, from the same funds and in the same proportions 46801

specified in division (A) of this section, to the permissive tax 46802  
distribution fund created by division (B)(1) of section 4301.423 46803  
of the Revised Code and to the local sales tax administrative fund 46804  
created by division ~~(B)~~(C) of section 5739.21 of the Revised Code, 46805  
the amounts certified by the tax commissioner. The tax 46806  
commissioner shall then, on or before the twentieth day of the 46807  
month in which such certification is made, provide for payment of 46808  
such respective amounts to the county treasurer or to the fiscal 46809  
officer of the transit authority levying the tax or taxes. The 46810  
amount transferred to the local sales tax administrative fund is 46811  
for use by the tax commissioner in defraying costs the 46812  
commissioner incurs in administering such taxes levied by a county 46813  
or transit authority. 46814

**Sec. 5743.01.** As used in this chapter: 46815

(A) "Person" includes individuals, firms, partnerships, 46816  
associations, joint-stock companies, corporations, combinations of 46817  
individuals of any form, and the state and any of its political 46818  
subdivisions. 46819

(B) "Wholesale dealer" includes only those persons: 46820

(1) Who bring in or cause to be brought into this state 46821  
unstamped cigarettes purchased directly from the manufacturer, 46822  
producer, or importer of cigarettes for sale in this state but 46823  
does not include persons who bring in or cause to be brought into 46824  
this state cigarettes with respect to which no evidence of tax 46825  
payment is required thereon as provided in section 5743.04 of the 46826  
Revised Code; or 46827

(2) Who are engaged in the business of selling cigarettes or 46828  
tobacco products to others for the purpose of resale. 46829

"Wholesale dealer" does not include any cigarette 46830  
manufacturer, export warehouse proprietor, or importer with a 46831

valid permit under 26 U.S.C. 5713 if that person sells cigarettes 46832  
in this state only to wholesale dealers holding valid and current 46833  
licenses under section 5743.15 of the Revised Code or to an export 46834  
warehouse proprietor or another manufacturer. 46835

(C) "Retail dealer" includes: 46836

(1) In reference to dealers in cigarettes, every person other 46837  
than a wholesale dealer engaged in the business of selling 46838  
cigarettes in this state, regardless of whether the person is 46839  
located in this state or elsewhere, and regardless of quantity, 46840  
amount, or number of sales; 46841

(2) In reference to dealers in tobacco products, any person 46842  
in this state engaged in the business of selling tobacco products 46843  
to ultimate consumers in this state, regardless of quantity, 46844  
amount, or number of sales. 46845

(D) "Sale" includes exchange, barter, gift, offer for sale, 46846  
and distribution, and includes transactions in interstate or 46847  
foreign commerce. 46848

(E) "Cigarettes" includes any roll for smoking made wholly or 46849  
in part of tobacco, irrespective of size or shape, and whether or 46850  
not such tobacco is flavored, adulterated, or mixed with any other 46851  
ingredient, the wrapper or cover of which is made of paper, 46852  
reconstituted cigarette tobacco, homogenized cigarette tobacco, 46853  
cigarette tobacco sheet, or any similar materials other than cigar 46854  
tobacco. 46855

(F) "Package" means the individual package, box, or other 46856  
container in or from which retail sales of cigarettes are normally 46857  
made or intended to be made. 46858

(G) "Stamp" includes an impression made by a metering device 46859  
as provided for in section 5743.04 of the Revised Code. 46860

(H) "Storage" includes any keeping or retention of cigarettes 46861

or tobacco products for use or consumption in this state. 46862

(I) "Use" includes the exercise of any right or power 46863  
incidental to the ownership of cigarettes or tobacco products. 46864

(J) "Tobacco product" or "other tobacco product" means any 46865  
product made from tobacco, other than cigarettes, that is made for 46866  
smoking or chewing, or both, and snuff. 46867

(K) "Wholesale price" means the invoice price, including all 46868  
federal excise taxes, at which the manufacturer of the tobacco 46869  
product sells the tobacco product to unaffiliated distributors, 46870  
excluding any discounts based on the method of payment of the 46871  
invoice or on time of payment of the invoice. If the taxpayer buys 46872  
from other than a manufacturer, "wholesale price" means the 46873  
invoice price, including all federal excise taxes and excluding 46874  
any discounts based on the method of payment of the invoice or on 46875  
time of payment of the invoice. 46876

(L) "Distributor" means: 46877

(1) Any manufacturer who sells, barter, exchanges, or 46878  
distributes tobacco products to a retail dealer in the state, 46879  
except when selling to a retail dealer that has filed with the 46880  
manufacturer a signed statement agreeing to pay and be liable for 46881  
the tax imposed by section 5743.51 of the Revised Code; 46882

(2) Any wholesale dealer located in the state who receives 46883  
tobacco products from a manufacturer, or who receives tobacco 46884  
products on which the tax imposed by this chapter has not been 46885  
paid; 46886

(3) Any wholesale dealer located outside the state who sells, 46887  
barter, exchanges, or distributes tobacco products to a wholesale 46888  
or retail dealer in the state; or 46889

(4) Any retail dealer who receives tobacco products on which 46890  
the tax has not or will not be paid by another distributor, 46891

including a retail dealer that has filed a signed statement with a 46892  
manufacturer in which the retail dealer agrees to pay and be 46893  
liable for the tax that would otherwise be imposed on the 46894  
manufacturer by section 5743.51 of the Revised Code. 46895

(M) "Taxpayer" means any person liable for the tax imposed by 46896  
section 5743.51, 5743.62, or 5743.63 of the Revised Code. 46897

(N) "Seller" means any person located outside this state 46898  
engaged in the business of selling tobacco products to consumers 46899  
for storage, use, or other consumption in this state. 46900

(O) "Manufacturer" means any person who manufactures and 46901  
sells cigarettes or tobacco products. 46902

(P) "Importer" means any person that ~~imports~~ is authorized, 46903  
under a valid permit issued under Section 5713 of the Internal 46904  
Revenue Code, to import finished cigarettes into the United 46905  
States, either directly or indirectly. 46906

**Sec. 5743.20.** No person shall sell any cigarettes both as a 46907  
retail dealer and as a wholesale dealer at the same place of 46908  
business. No person other than a licensed wholesale dealer shall 46909  
sell cigarettes to a licensed retail dealer. No retail dealer 46910  
shall purchase cigarettes from any person other than a licensed 46911  
wholesale dealer. 46912

Subject to section 5743.031 of the Revised Code, a licensed 46913  
wholesale dealer may not sell cigarettes to any person in this 46914  
state other than a licensed retail dealer, except a licensed 46915  
wholesale dealer may sell cigarettes to another licensed wholesale 46916  
dealer if the tax commissioner has authorized the sale of the 46917  
cigarettes between those wholesale dealers and the wholesale 46918  
dealer that sells the cigarettes received them directly from a 46919  
licensed manufacturer or licensed importer. 46920

The tax commissioner shall adopt rules governing sales of 46921

cigarettes between licensed wholesale dealers, including rules 46922  
establishing criteria for authorizing such sales. 46923

No manufacturer or importer shall sell cigarettes to any 46924  
person in this state other than to a licensed wholesale dealer or 46925  
licensed importer. No importer shall purchase cigarettes from any 46926  
person other than a licensed manufacturer or licensed importer. 46927

A retail dealer may purchase other tobacco products only from 46928  
a licensed distributor. A licensed distributor may sell tobacco 46929  
products only to a retail dealer, except a licensed distributor 46930  
may sell tobacco products to another licensed distributor if the 46931  
tax commissioner has authorized the sale of the tobacco products 46932  
between those distributors and the distributor that sells the 46933  
tobacco products received them directly from a manufacturer or 46934  
importer of tobacco products. 46935

The tax commissioner may adopt rules governing sales of 46936  
tobacco products between licensed distributors, including rules 46937  
establishing criteria for authorizing such sales. 46938

The identities of ~~licensed distributors~~ cigarette 46939  
manufacturers and importers, licensed cigarette wholesalers, 46940  
licensed distributors of other tobacco products, and registered 46941  
manufacturers, importers, and brokers of other tobacco products 46942  
are subject to public disclosure. The tax commissioner shall 46943  
maintain an alphabetical list of all such ~~distributors~~ 46944  
manufacturers, importers, wholesalers, distributors, and brokers, 46945  
shall post the list on a web site accessible to the public through 46946  
the internet, and shall periodically update the web site posting. 46947

As used in this section, "licensed" means the manufacturer, 46948  
importer, wholesale dealer, ~~retail dealer,~~ or distributor holds a 46949  
current and valid license issued under section 5743.15 or 5743.61 46950  
of the Revised Code, and "registered" means registered with the 46951  
tax commissioner under section 5743.66 of the Revised Code. 46952

**Sec. 5743.331.** Notwithstanding any other section in this 46953  
chapter to the contrary, a person may use, store, or consume 46954  
cigarettes with a wholesale value of not more than three hundred 46955  
dollars in any month and not for resale in any qualifying border 46956  
county without incurring liability for any tax levied under this 46957  
chapter, and is not required to file any return that otherwise 46958  
would be required under this chapter. 46959

As used in this section, "qualifying border county" is any 46960  
county that shares a border with a state in which the total rate 46961  
of excise tax on cigarettes is less than the rate imposed by 46962  
sections 5743.02 and 5743.32 of the Revised Code by at least 46963  
forty-five mills per cigarette. 46964

**Sec. 5745.02.** (A) The annual report filed under section 46965  
5745.03 of the Revised Code determines a taxpayer's Ohio net 46966  
income and the portion of Ohio net income to be apportioned to a 46967  
municipal corporation. 46968

(B) A taxpayer's Ohio net income is determined by multiplying 46969  
the taxpayer's adjusted federal taxable income by the sum of the 46970  
property factor multiplied by one-third, the payroll factor 46971  
multiplied by one-third, and the sales factor multiplied by 46972  
one-third. If the denominator of one of the factors is zero, the 46973  
remaining two factors each shall be multiplied by one-half instead 46974  
of one-third; if the denominator of two of the factors is zero, 46975  
the remaining factor shall be multiplied by one. The property, 46976  
payroll, and sales factors shall be determined in the manner 46977  
prescribed by divisions (B)(1), (2), and (3) of this section. 46978

(1) The property factor is a fraction, the numerator of which 46979  
is the average value of the taxpayer's real and tangible personal 46980  
property owned or rented, and used in business in this state 46981  
during the taxable year, and the denominator of which is the 46982



average value of all the taxpayer's real and tangible personal 46983  
property owned or rented, and used in business everywhere during 46984  
such year. Property owned by the taxpayer is valued at its 46985  
original cost. Property rented by the taxpayer is valued at eight 46986  
times the net annual rental rate. "Net annual rental rate" means 46987  
the annual rental rate paid by the taxpayer less any annual rental 46988  
rate received by the taxpayer from subrentals. The average value 46989  
of property shall be determined by averaging the values at the 46990  
beginning and the end of the taxable year, but the tax 46991  
commissioner may require the averaging of monthly values during 46992  
the taxable year, if reasonably required to reflect properly the 46993  
average value of the taxpayer's property. 46994

(2) The payroll factor is a fraction, the numerator of which 46995  
is the total amount paid in this state during the taxable year by 46996  
the taxpayer for compensation, and the denominator of which is the 46997  
total compensation paid everywhere by the taxpayer during such 46998  
year. Compensation means any form of remuneration paid to an 46999  
employee for personal services. Compensation is paid in this state 47000  
if: (a) the recipient's service is performed entirely within this 47001  
state, (b) the recipient's service is performed both within and 47002  
without this state, but the service performed without this state 47003  
is incidental to the recipient's service within this state, or (c) 47004  
some of the service is performed within this state and either the 47005  
base of operations, or if there is no base of operations, the 47006  
place from which the service is directed or controlled is within 47007  
this state, or the base of operations or the place from which the 47008  
service is directed or controlled is not in any state in which 47009  
some part of the service is performed, but the recipient's 47010  
residence is in this state. 47011

(3) The sales factor is a fraction, the numerator of which is 47012  
the total sales in this state by the taxpayer during the taxable 47013  
year, and the denominator of which is the total sales by the 47014

taxpayer everywhere during such year. Sales of electricity shall 47015  
be situated to this state in the manner provided under section 47016  
5733.059 of the Revised Code. In determining the numerator and 47017  
denominator of the sales factor, receipts from the sale or other 47018  
disposal of a capital asset or an asset described in section 1231 47019  
of the Internal Revenue Code shall be eliminated. Also, in 47020  
determining the numerator and denominator of the sales factor, in 47021  
the case of a reporting taxpayer owning at least eighty per cent 47022  
of the issued and outstanding common stock of one or more 47023  
insurance companies or public utilities, except an electric 47024  
company, a combined company, or a telephone company, or owning at 47025  
least twenty-five per cent of the issued and outstanding common 47026  
stock of one or more financial institutions, receipts received by 47027  
the reporting taxpayer from such utilities, insurance companies, 47028  
and financial institutions shall be eliminated. 47029

For the purpose of division (B)(3) of this section, sales of 47030  
tangible personal property are in this state where such property 47031  
is received in this state by the purchaser. In the case of 47032  
delivery of tangible personal property by common carrier or by 47033  
other means of transportation, the place at which such property is 47034  
ultimately received after all transportation has been completed 47035  
shall be considered as the place at which such property is 47036  
received by the purchaser. Direct delivery in this state, other 47037  
than for purposes of transportation, to a person or firm 47038  
designated by a purchaser constitutes delivery to the purchaser in 47039  
this state, and direct delivery outside this state to a person or 47040  
firm designated by a purchaser does not constitute delivery to the 47041  
purchaser in this state, regardless of where title passes or other 47042  
conditions of sale. 47043

Sales, other than sales of electricity or tangible personal 47044  
property, are in this state if either the income-producing 47045  
activity is performed solely in this state, or the 47046

income-producing activity is performed both within and without 47047  
this state and a greater proportion of the income-producing 47048  
activity is performed within this state than in any other state, 47049  
based on costs of performance. 47050

For the purposes of division (B)(3) of this section, the tax 47051  
commissioner may adopt rules to apportion sales within this state. 47052

(C) The portion of a taxpayer's Ohio net income taxable by 47053  
each municipal corporation imposing an income tax shall be 47054  
determined by multiplying the taxpayer's Ohio net income by the 47055  
sum of the municipal property factor multiplied by one-third, the 47056  
municipal payroll factor multiplied by one-third, and the 47057  
municipal sales factor multiplied by one-third, and subtracting 47058  
from the product so obtained any "municipal net operating loss 47059  
carryforward from prior taxable years." If the denominator of one 47060  
of the factors is zero, the remaining two factors each shall be 47061  
multiplied by one-half instead of one-third; if the denominator of 47062  
two of the factors is zero, the remaining factor shall be 47063  
multiplied by one. In calculating the "municipal net operating 47064  
loss carryforward from prior taxable years" for each municipal 47065  
corporation, net operating losses are apportioned in and out of a 47066  
municipal corporation for the taxable year in which the net 47067  
operating loss occurs in the same manner that positive net income 47068  
would have been so apportioned. Any net operating loss for a 47069  
municipal corporation may be applied to subsequent net income in 47070  
that municipal corporation to reduce that income to zero or until 47071  
the net operating loss has been fully used as a deduction. The 47072  
unused portion of net operating losses for each taxable year 47073  
apportioned to a municipal corporation may only be applied against 47074  
the income apportioned to that municipal corporation for five 47075  
subsequent taxable years. Net operating losses occurring in 47076  
taxable years ending before 2002 may not be subtracted under this 47077  
section. 47078

A taxpayer's municipal property, municipal payroll, and municipal sales factors for a municipal corporation shall be determined as provided in divisions (C)(1), (2), and (3) of this section.

(1) The municipal property factor is the quotient obtained by dividing (a) the average value of real and tangible personal property owned or rented by the taxpayer and used in business in the municipal corporation during the taxable year by (b) the average value of all of the taxpayer's real and tangible personal property owned or rented and used in business during that taxable year in this state. The value and average value of such property shall be determined in the same manner provided in division (B)(1) of this section.

(2) The municipal payroll factor is the quotient obtained by dividing (a) the total amount of compensation earned in the municipal corporation by the taxpayer's employees during the taxable year for services performed for the taxpayer and that is subject to income tax withholding by the municipal corporation by (b) the total amount of compensation paid by the taxpayer to its employees in this state during the taxable year. Compensation has the same meaning as in division (B)(2) of this section.

(3) The municipal sales factor is a fraction, the numerator of which is the taxpayer's total sales in a municipal corporation during the taxable year, and the denominator of which is the taxpayer's total sales in this state during such year.

For the purpose of division (C)(3) of this section, sales of tangible personal property are in the municipal corporation where such property is received in the municipal corporation by the purchaser. Sales of electricity directly to the ~~consumer~~ customer, as defined in section 5733.059 of the Revised Code, shall be considered sales of tangible personal property. In the case of the delivery of tangible personal property by common carrier or by

other means of transportation, the place at which such property 47111  
ultimately is received after all transportation has been completed 47112  
shall be considered as the place at which the property is received 47113  
by the purchaser. Direct delivery in the municipal corporation, 47114  
other than for purposes of transportation, to a person or firm 47115  
designated by a purchaser constitutes delivery to the purchaser in 47116  
that municipal corporation, and direct delivery outside the 47117  
municipal corporation to a person or firm designated by a 47118  
purchaser does not constitute delivery to the purchaser in that 47119  
municipal corporation, regardless of where title passes or other 47120  
conditions of sale. Sales, other than sales of tangible personal 47121  
property, are in the municipal corporation if either: 47122

(a) The income-producing activity is performed solely in the 47123  
municipal corporation; 47124

(b) The income-producing activity is performed both within 47125  
and without the municipal corporation and a greater proportion of 47126  
the income-producing activity is performed within that municipal 47127  
corporation than any other location in this state, based on costs 47128  
of performance. 47129

For the purposes of division (C)(3) of this section, the tax 47130  
commissioner may adopt rules to apportion sales within each 47131  
municipal corporation. 47132

(D) If a taxpayer is a combined company as defined in section 47133  
5727.01 of the Revised Code, the municipal property, payroll, and 47134  
sales factors under division (C) of this section shall be adjusted 47135  
as follows: 47136

(1) The numerator of the municipal property factor shall 47137  
include only the value, as determined under division (C)(1) of 47138  
this section, of the company's real and tangible property in the 47139  
municipal corporation attributed to the company's activity as an 47140  
electric company using the same methodology prescribed under 47141

section 5727.03 of the Revised Code for taxable tangible personal 47142  
property. 47143

(2) The numerator of the municipal payroll factor shall 47144  
include only compensation paid in the municipal corporation by the 47145  
company to its employees for personal services rendered in the 47146  
company's activity as an electric company. 47147

(3) The numerator of the municipal sales factor shall include 47148  
only the sales of tangible personal property and services, as 47149  
determined under division (C)(3) of this section, made in the 47150  
municipal corporation in the course of the company's activity as 47151  
an electric company. 47152

(E)(1) If the provisions for apportioning adjusted federal 47153  
taxable income or Ohio net income under divisions (B), (C), and 47154  
(D) of this section do not fairly represent business activity in 47155  
this state or among municipal corporations, the tax commissioner 47156  
may adopt rules for apportioning such income by an alternative 47157  
method that fairly represents business activity in this state or 47158  
among municipal corporations. 47159

(2) If any of the factors determined under division (B), (C), 47160  
or (D) of this section does not fairly represent the extent of a 47161  
taxpayer's business activity in this state or among municipal 47162  
corporations, the taxpayer may request, or the tax commissioner 47163  
may require, that the taxpayer's adjusted federal taxable income 47164  
or Ohio net income be determined by an alternative method, 47165  
including any of the alternative methods enumerated in division 47166  
(B)(2)(d) of section 5733.05 of the Revised Code. A taxpayer 47167  
requesting an alternative method shall make the request in writing 47168  
to the tax commissioner either with the annual report, a timely 47169  
filed amended report, or a timely filed petition for reassessment. 47170  
When the tax commissioner requires or permits an alternative 47171  
method under division (E)(2) of this section, the tax commissioner 47172  
shall cause a written notice to that effect to be delivered to any 47173

municipal corporation that would be affected by application of the 47174  
alternative method. Nothing in this division shall be construed to 47175  
extend any statute of limitations under this chapter. 47176

(F)(1) The tax commissioner may adopt rules providing for the 47177  
combination of adjusted federal taxable incomes of taxpayers 47178  
satisfying the ownership or control requirements of section 47179  
5733.052 of the Revised Code if the tax commissioner finds that 47180  
such combinations are necessary to properly reflect adjusted 47181  
federal taxable income, Ohio net income, or the portion of Ohio 47182  
net income to be taxable by municipal corporations. 47183

(2) A taxpayer satisfying the ownership or control 47184  
requirements of section 5733.052 of the Revised Code with respect 47185  
to one or more other taxpayers may not combine their adjusted 47186  
federal taxable incomes for the purposes of this section unless 47187  
rules are adopted under division (F)(1) of this section allowing 47188  
such a combination or the tax commissioner finds that such a 47189  
combination is necessary to properly reflect the taxpayers' 47190  
adjusted federal taxable incomes, Ohio net incomes, or the portion 47191  
of Ohio net incomes to be subject to taxation within a municipal 47192  
corporation. 47193

(G) The tax commissioner may adopt rules providing for 47194  
alternative apportionment methods for a telephone company. 47195

**Sec. 5745.05.** (A) Prior to the first day of March, June, 47196  
September, and December, the tax commissioner shall certify to the 47197  
director of budget and management the amount to be paid to each 47198  
municipal corporation, as indicated on the declaration of 47199  
estimated tax reports and annual reports received under sections 47200  
5745.03 and 5745.04 of the Revised Code, less any amounts 47201  
previously distributed and net of any audit adjustments made by 47202  
the tax commissioner. Not later than the first day of March, June, 47203  
September, and December, the director of budget and management 47204

shall provide for payment of the amount certified to each 47205  
municipal corporation from the municipal income tax fund, plus a 47206  
pro rata share of any investment earnings accruing to the fund 47207  
since the previous payment under this section apportioned among 47208  
municipal corporations entitled to such payments in proportion to 47209  
the amount certified by the tax commissioner. 47210

(B) If the tax commissioner determines that the amount of tax 47211  
paid by a taxpayer and distributed to a municipal corporation 47212  
under this section for a taxable year exceeds the amount payable 47213  
to that municipal corporation under this chapter after accounting 47214  
for amounts remitted with the annual report and as estimated 47215  
taxes, the tax commissioner shall permit the taxpayer to credit 47216  
the excess against the taxpayer's payments to the municipal 47217  
corporation of estimated taxes remitted for an ensuing taxable 47218  
year under section 5745.04 of the Revised Code. If, upon the 47219  
written request of the taxpayer, the tax commissioner determines 47220  
that the excess to be so credited is likely to exceed the amount 47221  
of estimated taxes payable by the taxpayer to the municipal 47222  
corporation during the ensuing twelve months, the tax commissioner 47223  
shall so notify the municipal corporation and the municipal 47224  
corporation shall issue a refund of the excess to the taxpayer 47225  
within ninety days after receiving such a notice. Interest shall 47226  
accrue on the amount to be refunded and is payable to the taxpayer 47227  
at the rate per annum prescribed by section 5703.47 of the Revised 47228  
Code from the ninety-first day after the notice is received by the 47229  
municipal corporation until the day the refund is paid. 47230

Immediately after notifying a municipal corporation under this 47231  
division of an excess to be refunded, the commissioner also shall 47232  
notify the director of budget and management of the amount of the 47233  
excess, and the director shall transfer from the municipal income 47234  
tax administrative fund to the municipal income tax fund one and 47235  
one-half per cent of the amount of the excess. The commissioner 47236  
shall include the transferred amount in the computation of the 47237



amount due the municipal corporation in the next certification to 47238  
the director under division (A) of this section. 47239

**Sec. 5745.13.** If, upon examination of any books, records, 47240  
reports, or other documents of a taxpayer, the tax commissioner 47241  
determines that an adjustment shall be made in the portion of the 47242  
taxpayer's income that is to be apportioned to a municipal 47243  
corporation, the tax commissioner shall notify the taxpayer and, 47244  
if the adjustment causes an adjustment in the taxpayer's tax owed 47245  
to a municipal corporation for the taxpayer's taxable year of more 47246  
than five hundred dollars, shall notify ~~each affected~~ that 47247  
municipal corporation that the taxpayer's tax has been adjusted. 47248

Any municipal corporation to which such a notice is issued 47249  
may request a review and redetermination of the taxpayer's federal 47250  
taxable income, Ohio net income, or the portion of Ohio net income 47251  
apportioned to the municipal corporation by filing a petition with 47252  
the tax commissioner not later than sixty days after the tax 47253  
commissioner issues the notice. The petition shall be filed either 47254  
personally or by certified mail, and shall indicate the objections 47255  
of the municipal corporation. 47256

Upon receiving such a petition, if a hearing is requested the 47257  
tax commissioner shall assign a time and place for a hearing on 47258  
the petition and shall notify the petitioner of the time and place 47259  
of the hearing by ordinary mail. The tax commissioner may continue 47260  
the hearing from time to time as necessary. The tax commissioner 47261  
shall make any correction to the taxpayer's federal taxable 47262  
income, Ohio net income, or apportionment of Ohio net income that 47263  
the commissioner finds proper, and issue notice of any correction 47264  
by ordinary mail to the petitioner, to each other municipal 47265  
corporation affected by the correction of the apportionment, and 47266  
to the taxpayer. The tax commissioner's decision on the matter is 47267  
final, and is not subject to further appeal. 47268

**Sec. 5747.03.** (A) All money collected under this chapter 47269  
arising from the taxes imposed by section 5747.02 or 5747.41 of 47270  
the Revised Code shall be credited to the general revenue fund, 47271  
except that the treasurer of state shall: 47272

~~(1) Credit an amount equal to four and two tenths per cent of 47273  
those taxes collected under this chapter to the local government 47274  
fund, which is hereby created in the state treasury, for 47275  
distribution in accordance with section 5747.50 of the Revised 47276  
Code; 47277~~

~~(2) Credit an amount equal to five and seven tenths per cent 47278  
of those taxes collected under this chapter to the library and 47279  
local government support fund, which is hereby created in the 47280  
state treasury, for distribution in accordance with section 47281  
5747.47 of the Revised Code; 47282~~

~~(3) At, at the beginning of each calendar quarter, credit to 47283  
the Ohio political party fund, pursuant to section 3517.16 of the 47284  
Revised Code, an amount equal to the total dollar value realized 47285  
from the taxpayer exercise of the income tax checkoff option on 47286  
tax forms processed during the preceding calendar quarter; 47287~~

~~(4) Credit an amount equal to six tenths of one per cent of 47288  
those taxes collected under this chapter to the local government 47289  
revenue assistance fund for distribution in accordance with 47290  
section 5747.61 of the Revised Code. 47291~~

(B)(1) Following the crediting of moneys pursuant to division 47292  
(A) of this section, the remainder deposited in the general 47293  
revenue fund shall be distributed pursuant to division (F) of 47294  
section 321.24 and section 323.156 of the Revised Code; to make 47295  
subsidy payments to institutions of higher education from 47296  
appropriations to the Ohio board of regents; to support 47297  
expenditures for programs and services for the mentally ill, 47298  
mentally retarded, developmentally disabled, and elderly; for 47299

primary and secondary education; for medical assistance; and for 47300  
any other purposes authorized by law, subject to the limitation 47301  
that at least fifty per cent of the income tax collected by the 47302  
state from the tax imposed by section 5747.02 of the Revised Code 47303  
shall be returned pursuant to Section 9 of Article XII, Ohio 47304  
Constitution. 47305

(2) To ensure that such constitutional requirement is 47306  
satisfied the tax commissioner shall, on or before the thirtieth 47307  
day of June of each year, from the best information available to 47308  
the tax commissioner, determine and certify for each county to the 47309  
director of budget and management the amount of taxes collected 47310  
under this chapter from the tax imposed under section 5747.02 of 47311  
the Revised Code during the preceding calendar year that are 47312  
required to be returned to the county by Section 9 of Article XII, 47313  
Ohio Constitution. The director shall provide for payment from the 47314  
general revenue fund to the county in the amount, if any, that the 47315  
sum of the amount so certified for that county exceeds the sum of 47316  
the following: 47317

(a) The sum of the payments from the general revenue fund for 47318  
the preceding calendar year credited to the ~~credit of the~~ county's 47319  
undivided income tax fund pursuant to division (F) of section 47320  
321.24 and section 323.156 of the Revised Code or made directly 47321  
from the general revenue fund to political subdivisions located in 47322  
the county; 47323

(b) The sum of the amounts from the general revenue fund 47324  
distributed in the county during the preceding calendar year for 47325  
subsidy payments to institutions of higher education from 47326  
appropriations to the Ohio board of regents; for programs and 47327  
services for mentally ill, mentally retarded, developmentally 47328  
disabled, and elderly persons; for primary and secondary 47329  
education; and for medical assistance. 47330

(c) ~~The~~ In the case of payments made by the director under 47331

this division in 2007, the total amount distributed to the county 47332  
during the preceding calendar year from the local government fund 47333  
and the local government revenue assistance fund, and, in the case 47334  
of payments made by the director under this division in subsequent 47335  
calendar years, the amount distributed to the county from the 47336  
local communities fund; 47337

(d) ~~The~~ In the case of payments made by the director under 47338  
this division in 2007, the total amount distributed to the county 47339  
during the preceding calendar year from the library and local 47340  
government support fund; 47341

~~(e) The amount distributed to the county during the preceding~~ 47342  
~~calendar year from the local government revenue assistance fund~~ 47343  
~~and, in the case of payments made by the director under this~~ 47344  
~~division in subsequent calendar years, the amount distributed to~~ 47345  
~~the county from the local libraries fund.~~ 47346

Payments under this division shall be credited to the 47347  
county's undivided income tax fund, except that, notwithstanding 47348  
section 5705.14 of the Revised Code, such payments may be 47349  
transferred by the board of county commissioners to the county 47350  
general fund by resolution adopted with the affirmative vote of 47351  
two-thirds of the members thereof. 47352

(C) All payments received in each month from taxes imposed 47353  
under Chapter 5748. of the Revised Code and any penalties or 47354  
interest thereon shall be paid into the school district income tax 47355  
fund, which is hereby created in the state treasury, except that 47356  
an amount equal to the following portion of such payments shall be 47357  
paid into the general school district income tax administrative 47358  
fund, which is hereby created in the state treasury: 47359

(1) One and three-quarters of one per cent of those received 47360  
in fiscal year 1996; 47361

(2) One and one-half per cent of those received in fiscal 47362

year 1997 and thereafter. 47363

Money in the school district income tax administrative fund 47364  
shall be used by the tax commissioner to defray costs incurred in 47365  
administering the school district's income tax, including the cost 47366  
of providing employers with information regarding the rate of tax 47367  
imposed by any school district. Any moneys remaining in the fund 47368  
after such use shall be deposited in the school district income 47369  
tax fund. 47370

All interest earned on moneys in the school district income 47371  
tax fund shall be credited to the fund. 47372

(D)(1)(a) Within thirty days of the end of each calendar 47373  
quarter ending on the last day of March, June, September, and 47374  
December, the director of budget and management shall make a 47375  
payment from the school district income tax fund to each school 47376  
district for which school district income tax revenue was received 47377  
during that quarter. The amount of the payment shall equal the 47378  
balance in the school district's account at the end of that 47379  
quarter. 47380

(b) After a school district ceases to levy an income tax, the 47381  
director of budget and management shall adjust the payments under 47382  
division (D)(1)(a) of this section to retain sufficient money in 47383  
the school district's account to pay refunds. For the calendar 47384  
quarters ending on the last day of March and December of the 47385  
calendar year following the last calendar year the tax is levied, 47386  
the director shall make the payments in the amount required under 47387  
division (D)(1)(a) of this section. For the calendar quarter 47388  
ending on the last day of June of the calendar year following the 47389  
last calendar year the tax is levied, the director shall make a 47390  
payment equal to nine-tenths of the balance in the account at the 47391  
end of that quarter. For the calendar quarter ending on the last 47392  
day of September of the calendar year following the last calendar 47393  
year the tax is levied, the director shall make no payment. For 47394

the second and succeeding calendar years following the last 47395  
calendar year the tax is levied, the director shall make one 47396  
payment each year, within thirty days of the last day of June, in 47397  
an amount equal to the balance in the district's account on the 47398  
last day of June. 47399

(2) Moneys paid to a school district under this division 47400  
shall be deposited in its school district income tax fund. All 47401  
interest earned on moneys in the school district income tax fund 47402  
shall be apportioned by the tax commissioner pro rata among the 47403  
school districts in the proportions and at the times the districts 47404  
are entitled to receive payments under this division. 47405

**Sec. 5747.46.** As used in sections 5747.46 and 5747.47 of the 47406  
Revised Code: 47407

(A) "Year's fund balance" means the amount credited to the 47408  
~~library and local government support libraries~~ fund during a 47409  
calendar year. 47410

(B) "Distribution year" means the calendar year during which 47411  
a year's fund balance is distributed under section 5747.47 of the 47412  
Revised Code. 47413

(C) "CPI" means the consumer price index for all urban 47414  
consumers (United States city average, all items), prepared by the 47415  
United States department of labor, bureau of labor statistics. 47416

(D) "Inflation factor" means the quotient obtained by 47417  
dividing the CPI for May of the year preceding the distribution 47418  
year by the CPI for May of the second preceding year. If the ~~the~~ 47419  
quotient so obtained is less than one, the inflation factor shall 47420  
equal one. 47421

(E) "Population" means whichever of the following has most 47422  
recently been issued, as of the first day of June preceding the 47423  
distribution year: 47424

(1) The most recent decennial census figures that include population figures for each county in the state;	47425 47426
(2) The most current issue of "Current Population Reports: Local Population Estimates" issued by the United States bureau of the census that contains population estimates for each county in the state and the state.	47427 47428 47429 47430
(F) "County's equalization ratio for a distribution year" means a percentage computed for that county as follows:	47431 47432
(1) Square the per cent that the county's population is of the state's population;	47433 47434
(2) Divide the product so obtained by the per cent that the county's total entitlement for the preceding year is of all counties' total entitlements for the preceding year;	47435 47436 47437
(3) Divide the quotient so obtained by the sum of the quotients so obtained for all counties.	47438 47439
(G) "Total entitlement" means, with respect to a distribution year, the sum of a county's guaranteed share plus its share of the excess.	47440 47441 47442
(1) "Guaranteed share" means, for a distribution year, the product obtained by multiplying a county's total entitlement for the preceding distribution year by the inflation factor. If the sum of the guaranteed shares for all counties exceeds the year's fund balance, the guaranteed shares of all counties shall be reduced by a percentage that will result in the sum of such guaranteed shares being equal to the year's fund balance.	47443 47444 47445 47446 47447 47448 47449
(2) "Share of excess" means, for a distribution year, the product obtained by multiplying a county's equalization ratio by the difference between the year's fund balance and the sum of the guaranteed shares for all counties. If the sum of the guaranteed shares for all counties exceeds the year's fund balance the share	47450 47451 47452 47453 47454

of the excess for all counties is zero. 47455

(H) "Net distribution" means the sum of the payments made to 47456  
a county's ~~library and local government support~~ libraries fund 47457  
during a distribution year, adjusted as follows: 47458

(1) If the county received an overpayment during the 47459  
preceding distribution year, add the amount of the overpayment; 47460

(2) If the county received an underpayment during the 47461  
preceding distribution year, deduct the amount of the 47462  
underpayment. 47463

(I) "Overpayment" or "underpayment" for a distribution year 47464  
means the amount by which the net distribution to a county's 47465  
~~library and local government support~~ libraries fund during that 47466  
distribution year exceeded or was less than the county's total 47467  
entitlement for that year. 47468

All computations made under this section shall be rounded to 47469  
the nearest one-hundredth of one per cent. 47470

**Sec. 5747.47.** (A)(1) By the twentieth day of July of each 47471  
year, the tax commissioner shall estimate and certify the 47472  
following for each county to its county auditor: 47473

(a) Its guaranteed share of the ensuing year's fund balance; 47474

(b) Its share of the excess of the ensuing year's fund 47475  
balance; 47476

(c) Its total entitlement. 47477

(2) In December and in June following such estimations and 47478  
certifications, the commissioner shall revise such estimates and 47479  
certify such revised estimates to the respective county auditors. 47480

(B) By the tenth day of each month the commissioner shall 47481  
distribute the amount credited to the ~~library and local government~~ 47482  
~~support~~ libraries fund ~~from taxes collected under this chapter~~ 47483



~~during the preceding month~~ in the current month under section 47484  
131.51 of the Revised Code. The distributions shall be made as 47485  
follows: 47486

(1) During the first six months of each year, each county 47487  
shall be paid a percentage of the balance that is the same per 47488  
cent that the revised estimate of the county's total entitlement 47489  
certified in December under division (A)(2) of this section is of 47490  
the sum of such revised estimates of the total entitlements for 47491  
all counties. 47492

(2) During the last six months, each county shall be paid a 47493  
percentage of the balance that is the same per cent that the 47494  
revised estimate of the county's total entitlement certified in 47495  
June under division (A)(2) of this section is of the sum of such 47496  
revised estimates of the total entitlements for all counties. 47497

(3) During each of the first six months of each year, the 47498  
payments made to each county shall be adjusted as follows: 47499

(a) If the county received an overpayment during the 47500  
preceding distribution year, reduce the sum of the payments by the 47501  
amount of such overpayment. The reduction shall be apportioned 47502  
over the six months. 47503

(b) If the county received an underpayment during the 47504  
preceding distribution year, increase the sum of the payments by 47505  
the amount of such underpayment. The increase shall be apportioned 47506  
over the six months. 47507

(C) By the twentieth day of December of each year, the tax 47508  
commissioner shall determine and certify to the auditor of each 47509  
county each of the following with respect to the current 47510  
distribution year: 47511

(1) The year's fund balance; 47512

(2) Each county's guaranteed share; 47513

(3) Each county's share of the excess; 47514  
(4) Each county's total entitlement; 47515  
(5) Each county's net distribution; 47516  
(6) The amount by which each county's net distribution 47517  
exceeded or was less than its total entitlement, which amount 47518  
shall constitute the county's overpayment or underpayment for 47519  
purposes of division (B)(3) of this section in the ensuing 47520  
distribution year. 47521

**Sec. 5747.48.** On the fifteenth day of each month, the county 47522  
treasurer shall distribute the balance in the county ~~library and~~ 47523  
local ~~government support~~ libraries fund among the county, boards 47524  
of public library trustees, municipal corporations, and boards of 47525  
township park commissioners for which the county budget commission 47526  
has fixed an allocation from the fund in that year in accordance 47527  
with section 5705.32 of the Revised Code in the same proportions 47528  
that each such entity's allocation as fixed by the commission is 47529  
of the total of all such allocations in that year. 47530

All money received into the treasury of a municipal 47531  
corporation or county shall be credited to the general fund 47532  
therein, provided that in a municipal corporation there shall be 47533  
credited to the funds established under division (D) of section 47534  
5705.09 of the Revised Code a portion of the total amount to be 47535  
credited to funds of the municipal corporation, which portion 47536  
shall be determined by multiplying the total amount to be credited 47537  
by the percentage that the funds credited under division (D) of 47538  
said section in 1938 bore to all the funds credited under said 47539  
section in 1938. If a municipal corporation is in default with 47540  
respect to the principal or interest of any outstanding notes or 47541  
bonds, the moneys distributed under this section shall be credited 47542  
to the funds established under divisions (A), (B), (C), and (D) of 47543  
section 5705.09 of the Revised Code, in the same proportion in 47544

which the funds derived from the levy for the previous year on the 47545  
general tax list and duplicate are divided. 47546

**Sec. 5747.50.** (A) As used in this section: 47547

(1) "County's proportionate share of the calendar year 2007 47548  
LGF and LGRAF distributions" means the percentage computed for the 47549  
county under division (B)(1)(a) of section 5747.501 of the Revised 47550  
Code ~~for use in the current calendar year.~~ 47551

(2) ~~"1983 share" means the sum of all payments made to a 47552  
county under section 5747.50 of the Revised Code during 1983 under 47553  
all versions of such section that were in effect during such year 47554  
plus the payments made to the county's undivided local government 47555  
fund in 1983 from the tax imposed on deposits under division (C) 47556  
of section 5707.03 of the Revised Code.~~ 47557

~~(3) "Amount available for distribution under division (B) of 47558  
this section" means for any calendar year, both of the following: 47559~~

~~(a) Nine tenths of the difference between the amount 47560  
available for distribution under this section during that year and 47561  
the deposit tax revenue of all counties; 47562~~

~~(b) The deposit tax revenue of all counties less six million 47563  
dollars. 47564~~

~~Each year, an amount equal to the amount available for 47565  
distribution under division (B) of this section shall be 47566  
distributed from the local government fund as provided in that 47567  
division. The balance in the fund available for distribution in 47568  
that year under this section and not available for distribution 47569  
under this division shall be distributed in accordance with 47570  
division (C) of this section. The tax commissioner shall determine 47571  
in each month what proportion of that month's local government 47572  
fund balance shall be distributed under division (B) of this 47573  
section and what proportion shall be distributed under division 47574~~

~~(C) of this section~~ "County's proportionate share of the total amount of the local communities fund additional revenue formula" means each county's proportionate share of the state's population as determined for and certified to the county for distributions to be made during the current calendar year under division (B)(2)(a) of section 5747.501 of the Revised Code. If prior to the first day of January of the current calendar year the federal government has issued a revision to the population figures reflected in the estimate produced pursuant to division (B)(2)(a) of section 5747.501 of the Revised Code, such revised population figures shall be used for making the distributions during the current calendar year. 47575  
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(3) "2007 LGF and LGRAF county distribution base available in that month" means the lesser of the amounts described in division (A)(3)(a) and (b) of this section, provided that the amount shall not be less than zero: 47587  
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(a) The total amount available for distribution to counties from the local communities fund during the current month. 47591  
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(b) The total amount distributed to counties from the local government fund and the local government revenue assistance fund to counties in calendar year 2007 less the total amount distributed to counties under division (B)(1) of this section during previous months of the current calendar year. 47593  
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(4) "Local communities fund additional revenue distribution base available during that month" means the total amount available for distribution to counties during the month from the local communities fund, less any amounts to be distributed in that month from the local communities fund under division (B)(1) of this section, provided that the local communities fund additional revenue distribution base available during that month shall not be less than zero. 47598  
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(5) "Total amount available for distribution to counties" 47606  
means the total amount available for distribution from the local 47607  
communities fund during the current month less the total amount 47608  
available for distribution to municipal corporations during the 47609  
current month under division (C) of this section. 47610

(B) On or before the tenth day of each month, the tax 47611  
commissioner shall provide for payment to ~~the county treasurer of~~ 47612  
each county ~~of~~ an amount equal to the sum of: 47613

(1) The county's proportionate share of the calendar year 47614  
2007 LGF and LGRAF distributions multiplied by the 2007 LGF and 47615  
LGRAF county distribution base available in that month, provided 47616  
that if the 2007 LGF and LGRAF county distribution base available 47617  
in that month is zero, no payment shall be made under division 47618  
(B)(1) of this section for the month or the remainder of the 47619  
calendar year; and 47620

(2) The county's proportionate share of the total amount of 47621  
the local ~~government~~ communities fund additional revenue formula 47622  
multiplied by the local communities fund additional revenue 47623  
distribution base available ~~for distribution~~ during that month 47624  
under this division, except as otherwise provided and in such a 47625  
way that on the last day of each calendar year, each county shall 47626  
have received an amount equal to its proportionate share of the 47627  
amount available for distribution under this division during that 47628  
year. Counties whose proportionate shares are less than their 1983 47629  
shares shall receive an amount equal to their 1983 shares during 47630  
the year in lieu of their proportionate shares, and the amounts 47631  
required to be paid to all other counties shall be proportionately 47632  
reduced to fund such deficiency. If any county receives payments 47633  
in any year that exceed the amount to which it is entitled, that 47634  
excess shall be deducted from the payments due the county in the 47635  
ensuing calendar year and apportioned among and paid to the 47636  
counties that did not receive any such excess. 47637

~~The amount paid to any county in any month shall not be less than twenty five thousand dollars unless a smaller payment is required in order to avoid paying that county more during the year than the amount to which it is entitled for that year.~~

Money received into the treasury of a county under this division shall be credited to the undivided local ~~government~~ communities fund in the treasury of the county on or before the fifteenth day of each month. ~~The~~ On or before the twentieth day of each month, the county auditor shall issue warrants against all of the undivided local ~~government~~ communities fund in the county treasury in the respective amounts allowed as provided in section 5747.51 of the Revised Code, and the treasurer shall distribute and pay such sums to the subdivision therein.

(C)(1) As used in division (C) of this section:

(a) "Total amount available for distribution to municipalities during the current month" means the product obtained by multiplying the total amount available for distribution from the local communities fund during the current month by the aggregate municipal share.

(b) "Aggregate municipal share" means the quotient obtained by dividing the total amount distributed directly from the local government fund to municipal corporations during calendar year 2007 by the total distributions from the local government fund and local government revenue assistance fund during calendar year 2007.

(2) On or before the tenth day of each month, the tax commissioner shall provide for payment from the local communities fund to each municipal corporation which had in effect during the preceding calendar year a tax imposed under Chapter 718. of the Revised Code. The amount paid to each municipal corporation shall bear the same an amount equal to the product derived by

multiplying the municipal corporation's percentage ~~to~~ of the total 47669  
amount ~~to be~~ distributed to all such municipal corporations under 47670  
this division as ~~the total income taxes collected by such~~ 47671  
~~municipal corporation~~ during the second calendar year ~~preceeding~~ 47672  
the year in which distribution is made bears to the total amount 47673  
of such taxes collected by all municipal corporations during such 47674  
period 2007 by the total amount available for distribution to 47675  
municipal corporations during the current month. Payments 47676

(3) Payments received by a municipal corporation under this 47677  
division shall be paid into its general fund and may be used for 47678  
any lawful purpose. 47679

(4) The amount distributed to municipal corporations under 47680  
this division during any calendar year shall not exceed the amount 47681  
distributed directly from the local government fund to municipal 47682  
corporations during calendar year 2007. If that maximum amount is 47683  
reached during any month, distributions to municipal corporations 47684  
in that month shall be as provided in divisions (C)(1) and (2) of 47685  
this section, but no further distributions shall be made to 47686  
municipal corporations under division (C) of this section during 47687  
the remainder of the calendar year. 47688

(5) Upon being informed of a municipal corporation's 47689  
dissolution, the tax commissioner shall cease providing for 47690  
payments to that municipal corporation under division (C) of this 47691  
section. The proportionate shares of the total amount available 47692  
for distribution to each of the remaining municipal corporations 47693  
under this division shall be increased on a pro rata basis. 47694

(D) Each municipal corporation which has in effect a tax 47695  
imposed under Chapter 718. of the Revised Code shall, no later 47696  
than the thirty-first day of August of each year, certify to the 47697  
tax commissioner the total amount of income taxes collected by 47698  
such municipal corporation pursuant to such chapter during the 47699  
preceding calendar year. The tax commissioner ~~shall~~ may withhold 47700

payment of local ~~government~~ communities fund moneys pursuant to 47701  
division (C) of this section from any municipal corporation for 47702  
failure to comply with this reporting requirement. 47703

**Sec. 5747.501.** (A) ~~By~~ On or before the ~~fifteenth~~ twenty-fifth 47704  
day of ~~December~~ July of each year, the tax commissioner shall 47705  
estimate and certify to each county auditor the amount to be ~~paid~~ 47706  
~~into~~ distributed from the local ~~government~~ communities fund ~~for~~ 47707  
~~distribution~~ to each undivided local communities fund during the 47708  
following calendar year under section 5747.50 of the Revised Code. 47709  
The ~~commissioner estimate~~ shall ~~then determine~~ equal the sum of 47710  
the separate amounts ~~that would be paid to each county if the~~ 47711  
~~amount so certified were distributed~~ computed under divisions 47712  
~~(A)(B)(1) and (2) of this section as follows:~~ 47713

~~(1)(a) As used in this division and in section 5747.50 of the~~ 47715  
~~Revised Code, "deposit tax revenue" means one hundred forty five~~ 47716  
~~and forty five one hundredths per cent of the payments made to the~~ 47717  
~~county's undivided local government fund in 1983 from the tax~~ 47718  
~~imposed on deposits under division (C) of section 5707.03 of the~~ 47719  
~~Revised Code.~~ 47720

~~(b) Compute each county's deposit tax revenue.~~ 47721

~~(c) Determine how much each county would receive if~~ 47722  
~~nine tenths of the difference between the amount certified under~~ 47723  
~~division (A) of this section and the sum of all counties' deposit~~ 47724  
~~tax revenues, less six million dollars, were allocated among the~~ 47725  
~~counties in the following year as follows:~~ 47726

~~(i) Seventy five per cent of said amount shall be apportioned~~ 47727  
~~in the ratio that the total of the real, public utility, and~~ 47728  
~~tangible personal property tax duplicates of the municipal~~ 47729  
~~corporations, or parts thereof, in the county for the year next~~ 47730  
~~preceding the year in which the computation is made bears to the~~ 47731



~~total aggregate real, public utility, and tangible personal 47732  
property tax duplicates of all the municipal corporations in the 47733  
state for the same year. 47734~~

~~(ii) Twenty five per cent shall be apportioned among all the 47735  
counties in the ratio that the population of the county at the 47736  
last federal decennial census bears to the total population of the 47737  
state. 47738~~

~~(iii) Adjust the sum of the allocations under divisions 47739  
(A)(1)(c)(i) and (ii) for each county so that the sum allocated to 47740  
each county under those divisions is at least two hundred 47741  
twenty five thousand dollars. If such an adjustment is made, the 47742  
sum of the apportionments to the counties for which no adjustment 47743  
is necessary shall be proportionately reduced so that the sum of 47744  
the allocations to all counties equals the amount to be allocated 47745  
under divisions (A)(1)(c)(i) to (iii) of this section. 47746~~

~~(d) Add the amount allocated to each county under division 47747  
(A)(1)(c) to its deposit tax revenue. 47748~~

~~(2) Determine how much each county would receive if 47749  
nine tenths of the amount certified by the commissioner, less six 47750  
million dollars, were allocated in the manner prescribed by 47751  
division (A)(1)(c) of this section. 47752~~

~~(B) Upon the completion of the computations required by 47753  
division (A) of this section, the commissioner shall assign to 47754  
each county, the amount computed for it under division (A)(1)(d) 47755  
of this section or the amount computed under division (A)(2) of 47756  
this section, whichever is the higher amount, and compute the per 47757  
cent that the assigned amount for each county is of the sum of the 47758  
assigned amounts for all counties. The percentage so computed 47759  
shall be the proportionate share of the county for the following 47760  
calendar year for purposes of making the distributions required by 47761  
section 5747.50 of the Revised Code (1) The product obtained by 47762~~

multiplying the percentage described in division (B)(1)(a) of this section by the amount described in division (B)(1)(b) of this section. 47763  
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(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. 47766  
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(b) The total amount distributed to counties from the local government fund and the local government revenue assistance fund during calendar year 2007 adjusted downward if, and to the extent that, total local communities fund distributions to counties for the following year are projected to be less than what was distributed to counties from the local government fund and local government revenue assistance fund during calendar year 2007. 47770  
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(2) The product obtained by multiplying the percentage described in division (B)(2)(a) of this section by the amount described in division (B)(2)(b) of this section. 47777  
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(a) Each county's proportionate share of the state's population as reflected in the most recent federal decennial census or the federal government's most recent census estimates, whichever represents the most recent year. 47780  
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(b) The amount by which total estimated distributions from the local communities fund during the immediately succeeding calendar year, less the total estimated amount to be distributed from the fund to municipal corporations under division (C) of section 5747.50 of the Revised Code during the immediately succeeding calendar year, exceed the total amount distributed to counties from the local government fund and local government revenue assistance fund during calendar year 2007. 47784  
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**Sec. 5747.51.** (A) ~~Within ten days after~~ On or before the 47792

~~fifteenth~~ twenty-fifth day of July of each year, the tax 47793  
commissioner shall make and certify to the county auditor of each 47794  
county an estimate of the amount of the local ~~government~~ 47795  
communities fund to be allocated to the undivided local ~~government~~ 47796  
communities fund of each county for the ensuing calendar year and 47797  
the estimated amount to be received by the undivided local 47798  
~~government~~ communities fund of each county from the taxes levied 47799  
pursuant to section 5707.03 of the Revised Code for the ensuing 47800  
calendar year. 47801

(B) At each annual regular session of the county budget 47802  
commission convened pursuant to section 5705.27 of the Revised 47803  
Code, each auditor shall present to the commission the certificate 47804  
of the commissioner, the annual tax budget and estimates, and the 47805  
records showing the action of the commission in its last preceding 47806  
regular session. The estimates shown on the certificate of the 47807  
commissioner of the amount to be allocated from the local 47808  
~~government~~ communities fund and the amount to be received from 47809  
taxes levied pursuant to section 5707.03 of the Revised Code shall 47810  
be combined into one total comprising the estimate of the 47811  
undivided local ~~government~~ communities fund of the county. The 47812  
commission, after extending to the representatives of each 47813  
subdivision an opportunity to be heard, under oath administered by 47814  
any member of the commission, and considering all the facts and 47815  
information presented to it by the auditor, shall determine the 47816  
amount of the undivided local ~~government~~ communities fund needed 47817  
by and to be apportioned to each subdivision for current operating 47818  
expenses, as shown in the tax budget of the subdivision. This 47819  
determination shall be made pursuant to divisions (C) to (I) of 47820  
this section, unless the commission has provided for a formula 47821  
pursuant to section 5747.53 of the Revised Code. 47822

Nothing in this section prevents the budget commission, for 47823  
the purpose of apportioning the undivided local ~~government~~ 47824

communities fund, from inquiring into the claimed needs of any 47825  
subdivision as stated in its tax budget, or from adjusting claimed 47826  
needs to reflect actual needs. For the purposes of this section, 47827  
"current operating expenses" means the lawful expenditures of a 47828  
subdivision, except those for permanent improvements and except 47829  
payments for interest, sinking fund, and retirement of bonds, 47830  
notes, and certificates of indebtedness of the subdivision. 47831

(C) The commission shall determine the combined total of the 47832  
estimated expenditures, including transfers, from the general fund 47833  
and any special funds other than special funds established for 47834  
road and bridge; street construction, maintenance, and repair; 47835  
state highway improvement; and gas, water, sewer, and electric 47836  
public utilities operated by a subdivision, as shown in the 47837  
subdivision's tax budget for the ensuing calendar year. 47838

(D) From the combined total of expenditures calculated 47839  
pursuant to division (C) of this section, the commission shall 47840  
deduct the following expenditures, if included in these funds in 47841  
the tax budget: 47842

(1) Expenditures for permanent improvements as defined in 47843  
division (E) of section 5705.01 of the Revised Code; 47844

(2) In the case of counties and townships, transfers to the 47845  
road and bridge fund, and in the case of municipalities, transfers 47846  
to the street construction, maintenance, and repair fund and the 47847  
state highway improvement fund; 47848

(3) Expenditures for the payment of debt charges; 47849

(4) Expenditures for the payment of judgments. 47850

(E) In addition to the deductions made pursuant to division 47851  
(D) of this section, revenues accruing to the general fund and any 47852  
special fund considered under division (C) of this section from 47853  
the following sources shall be deducted from the combined total of 47854  
expenditures calculated pursuant to division (C) of this section: 47855

(1) Taxes levied within the ten-mill limitation, as defined	47856
in section 5705.02 of the Revised Code;	47857
(2) The budget commission allocation of estimated county	47858
<del>library and local government support libraries</del> fund revenues to be	47859
distributed pursuant to section 5747.48 of the Revised Code;	47860
(3) Estimated unencumbered balances as shown on the tax	47861
budget as of the thirty-first day of December of the current year	47862
in the general fund, but not any estimated balance in any special	47863
fund considered in division (C) of this section;	47864
(4) Revenue, including transfers, shown in the general fund	47865
and any special funds other than special funds established for	47866
road and bridge; street construction, maintenance, and repair;	47867
state highway improvement; and gas, water, sewer, and electric	47868
public utilities, from all other sources except those that a	47869
subdivision receives from an additional tax or service charge	47870
voted by its electorate or receives from special assessment or	47871
revenue bond collection. For the purposes of this division, where	47872
the charter of a municipal corporation prohibits the levy of an	47873
income tax, an income tax levied by the legislative authority of	47874
such municipal corporation pursuant to an amendment of the charter	47875
of that municipal corporation to authorize such a levy represents	47876
an additional tax voted by the electorate of that municipal	47877
corporation. For the purposes of this division, any measure	47878
adopted by a board of county commissioners pursuant to section	47879
322.02, 324.02, 4504.02, or 5739.021 of the Revised Code,	47880
including those measures upheld by the electorate in a referendum	47881
conducted pursuant to section 322.021, 324.021, 4504.021, or	47882
5739.022 of the Revised Code, shall not be considered an	47883
additional tax voted by the electorate.	47884
Subject to division (G) of section 5705.29 of the Revised	47885
Code, money in a reserve balance account established by a county,	47886
township, or municipal corporation under section 5705.13 of the	47887

Revised Code shall not be considered an unencumbered balance or 47888  
revenue under division (E)(3) or (4) of this section. Money in a 47889  
reserve balance account established by a township under section 47890  
5705.132 of the Revised Code shall not be considered an 47891  
unencumbered balance or revenue under division (E)(3) or (4) of 47892  
this section. 47893

If a county, township, or municipal corporation has created 47894  
and maintains a nonexpendable trust fund under section 5705.131 of 47895  
the Revised Code, the principal of the fund, and any additions to 47896  
the principal arising from sources other than the reinvestment of 47897  
investment earnings arising from such a fund, shall not be 47898  
considered an unencumbered balance or revenue under division 47899  
(E)(3) or (4) of this section. Only investment earnings arising 47900  
from investment of the principal or investment of such additions 47901  
to principal may be considered an unencumbered balance or revenue 47902  
under those divisions. 47903

(F) The total expenditures calculated pursuant to division 47904  
(C) of this section, less the deductions authorized in divisions 47905  
(D) and (E) of this section, shall be known as the "relative need" 47906  
of the subdivision, for the purposes of this section. 47907

(G) The budget commission shall total the relative need of 47908  
all participating subdivisions in the county, and shall compute a 47909  
relative need factor by dividing the total estimate of the 47910  
undivided local government fund by the total relative need of all 47911  
participating subdivisions. 47912

(H) The relative need of each subdivision shall be multiplied 47913  
by the relative need factor to determine the proportionate share 47914  
of the subdivision in the undivided local ~~government~~ communities 47915  
fund of the county; provided, that the maximum proportionate share 47916  
of a county shall not exceed the following maximum percentages of 47917  
the total estimate of the undivided local ~~government~~ communities 47918  
fund governed by the relationship of the percentage of the 47919

population of the county that resides within municipal	47920	
corporations within the county to the total population of the	47921	
county as reported in the reports on population in Ohio by the	47922	
department of development as of the twentieth day of July of the	47923	
year in which the tax budget is filed with the budget commission:	47924	
Percentage of	Percentage share	47925
municipal population	of the county	47926
within the county:	shall not exceed:	47927
Less than forty-one per cent	Sixty per cent	47928
Forty-one per cent or more but less		47929
than eighty-one per cent	Fifty per cent	47930
Eighty-one per cent or more	Thirty per cent	47931

Where the proportionate share of the county exceeds the 47932  
limitations established in this division, the budget commission 47933  
shall adjust the proportionate shares determined pursuant to this 47934  
division so that the proportionate share of the county does not 47935  
exceed these limitations, and it shall increase the proportionate 47936  
shares of all other subdivisions on a pro rata basis. In counties 47937  
having a population of less than one hundred thousand, not less 47938  
than ten per cent shall be distributed to the townships therein. 47939

(I) The proportionate share of each subdivision in the 47940  
undivided local ~~government~~ communities fund determined pursuant to 47941  
division (H) of this section for any calendar year shall not be 47942  
less than the product of the average of the percentages of the 47943  
undivided local government fund of the county as apportioned to 47944  
that subdivision for the calendar years 1968, 1969, and 1970, 47945  
multiplied by the total amount of the undivided local government 47946  
fund of the county apportioned pursuant to former section 5735.23 47947  
of the Revised Code for the calendar year 1970. For the purposes 47948  
of this division, the total apportioned amount for the calendar 47949  
year 1970 shall be the amount actually allocated to the county in 47950  
1970 from the state collected intangible tax as levied by section 47951

5707.03 of the Revised Code and distributed pursuant to section 47952  
5725.24 of the Revised Code, plus the amount received by the 47953  
county in the calendar year 1970 pursuant to division (B)(1) of 47954  
former section 5739.21 of the Revised Code, and distributed 47955  
pursuant to former section 5739.22 of the Revised Code. If the 47956  
total amount of the undivided local ~~government~~ communities fund 47957  
for any calendar year is less than the amount of the undivided 47958  
local government fund apportioned pursuant to former section 47959  
5739.23 of the Revised Code for the calendar year 1970, the 47960  
minimum amount guaranteed to each subdivision for that calendar 47961  
year pursuant to this division shall be reduced on a basis 47962  
proportionate to the amount by which the amount of the undivided 47963  
local ~~government~~ communities fund for that calendar year is less 47964  
than the amount of the undivided local government fund apportioned 47965  
for the calendar year 1970. 47966

(J) On the basis of such apportionment, the county auditor 47967  
shall compute the percentage share of each such subdivision in the 47968  
undivided local ~~government~~ communities fund and shall at the same 47969  
time certify to the tax commissioner the percentage share of the 47970  
county as a subdivision. No payment shall be made from the 47971  
undivided local ~~government~~ communities fund, except in accordance 47972  
with such percentage shares. 47973

Within ten days after the budget commission has made its 47974  
apportionment, whether conducted pursuant to section 5747.51 or 47975  
5747.53 of the Revised Code, the auditor shall publish a list of 47976  
the subdivisions and the amount each is to receive from the 47977  
undivided local ~~government~~ communities fund and the percentage 47978  
share of each subdivision, in a newspaper or newspapers of 47979  
countywide circulation, and send a copy of such allocation to the 47980  
tax commissioner. 47981

The county auditor shall also send by certified mail, return 47982  
receipt requested, a copy of such allocation to the fiscal officer 47983



of each subdivision entitled to participate in the allocation of 47984  
the undivided local ~~government~~ communities fund of the county. 47985  
This copy shall constitute the official notice of the commission 47986  
action referred to in section 5705.37 of the Revised Code. 47987

All money received into the treasury of a subdivision from 47988  
the undivided local ~~government~~ communities fund in a county 47989  
treasury shall be paid into the general fund and used for the 47990  
current operating expenses of the subdivision. 47991

If a municipal corporation maintains a municipal university, 47992  
such municipal university, when the board of trustees so requests 47993  
the legislative authority of the municipal corporation, shall 47994  
participate in the money apportioned to such municipal corporation 47995  
from the total local ~~government~~ communities fund, however created 47996  
and constituted, in such amount as requested by the board of 47997  
trustees, provided such sum does not exceed nine per cent of the 47998  
total amount paid to the municipal corporation. 47999

If any public official fails to maintain the records required 48000  
by sections 5747.50 to 5747.55 of the Revised Code or by the rules 48001  
issued by the tax commissioner, the auditor of state, or the 48002  
treasurer of state pursuant to such sections, or fails to comply 48003  
with any law relating to the enforcement of such sections, the 48004  
local ~~government~~ communities fund money allocated to the county 48005  
~~shall~~ may be withheld until such time as the public official has 48006  
complied with such sections or such law or the rules issued 48007  
pursuant thereto. 48008

**Sec. 5747.52.** The form used by the county budget commission 48009  
to calculate subdivision shares of the undivided local ~~government~~ 48010  
communities fund as apportioned pursuant to section 5747.51 of the 48011  
Revised Code shall be as follows: 48012

Calculation of (name of subdivision) share of 48013  
undivided local ~~government~~ communities fund for 48014

(name of county) county		48015
Authorized expenditure for subdivision	Total	48016
1. Estimated expenditures from general fund	.....	48017
2. Estimated expenditures from special funds other than those established for road and bridge, street construction, maintenance, and state highway improvement, and for gas, water, sewer, and electric public utilities	.....	48018
3. Total	.....	48019
Deductions from authorized expenditures		48020
4. Expenditures for permanent improvements	.....	48021
5. Transfers to road and bridge fund (counties and townships only)	.....	48022
6. Transfers to street construction, maintenance, and repair, and state highway improvements funds	.....	48023
7. Expenditures for the payment of debt charges	.....	48024
8. Expenditures for the payment of judgments	.....	48025
9. Taxes levied inside the "ten-mill limitation"	.....	48026
10. Budget commission allocation of estimated county <del>library and local government support</del> <u>libraries</u> fund revenues	.....	48027
11. Estimated unencumbered balances as of December 31 of current year in the general funds as stated in the tax budget	.....	48028
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	.....	48029

assessment and revenue bond collections		
13. Total	.....	48030
Calculation of subdivision share		48031
14. Relative need of subdivision (line 3 less line 13)	.....	48032
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)	.....	48033
16. Proportionate share of subdivision (relative need of subdivision multiplied by relative need factor)	.....	48034
17. After any adjustments necessary to comply with statutory maximum share allowable to county	.....	48035
18. After any adjustments necessary to comply with statutory minimum share allowable to townships	.....	48036
19. After any adjustments necessary to comply with minimum guarantee in division (I) of section 5747.51 of the Revised Code	.....	48037
20. Proportionate share of subdivision (line 16, 17, 18, or 19, whichever is appropriate)	.....	48038
 <b>Sec. 5747.53.</b> (A) As used in this section:		48039
(1) "City, located wholly or partially in the county, with the greatest population" means the city, located wholly or partially in the county, with the greatest population residing in the county; however, if the county budget commission on or before January 1, 1998, adopted an alternative method of apportionment that was approved by the legislative authority of the city, located partially in the county, with the greatest population but not the greatest population residing in the county, "city, located wholly or partially in the county, with the greatest population" means the city, located wholly or partially in the county, with the greatest population whether residing in the county or not, if this alternative meaning is adopted by action of the board of county commissioners and a majority of the boards of township		48040 48041 48042 48043 48044 48045 48046 48047 48048 48049 48050 48051 48052

trustees and legislative authorities of municipal corporations 48053  
located wholly or partially in the county. If the county budget 48054  
commission adopted a method or formula for apportioning the 48055  
undivided local government fund under this section as this section 48056  
existed on the effective date of its amendment by H.B. 119 of the 48057  
127th general assembly, and, if it were not for the amendment 48058  
replacing "undivided local government fund" with "undivided local 48059  
communities fund" the undivided local government fund would have 48060  
been apportioned among subdivisions eligible to participate in the 48061  
fund on the basis of such method or formula, then such method or 48062  
formula shall be used to apportion the undivided local communities 48063  
fund among subdivisions eligible to participate in the fund. 48064

(2) "Participating political subdivision" means a municipal 48065  
corporation or township that satisfies all of the following: 48066

(a) It is located wholly or partially in the county. 48067

(b) It is not the city, located wholly or partially in the 48068  
county, with the greatest population. 48069

(c) Undivided local ~~government~~ communities fund moneys are 48070  
apportioned to it under the county's alternative method or formula 48071  
of apportionment in the current calendar year. 48072

(B) In lieu of the method of apportionment of the undivided 48073  
local ~~government~~ communities fund of the county provided by 48074  
section 5747.51 of the Revised Code, the county budget commission 48075  
may provide for the apportionment of the fund under an alternative 48076  
method or on a formula basis as authorized by this section. 48077

Except as otherwise provided in division (C) of this section, 48078  
the alternative method of apportionment shall have first been 48079  
approved by all of the following governmental units: the board of 48080  
county commissioners; the legislative authority of the city, 48081  
located wholly or partially in the county, with the greatest 48082  
population; and a majority of the boards of township trustees and 48083

legislative authorities of municipal corporations, located wholly 48084  
or partially in the county, excluding the legislative authority of 48085  
the city, located wholly or partially in the county, with the 48086  
greatest population. In granting or denying approval for an 48087  
alternative method of apportionment, the board of county 48088  
commissioners, boards of township trustees, and legislative 48089  
authorities of municipal corporations shall act by motion. A 48090  
motion to approve shall be passed upon a majority vote of the 48091  
members of a board of county commissioners, board of township 48092  
trustees, or legislative authority of a municipal corporation, 48093  
shall take effect immediately, and need not be published. 48094

Any alternative method of apportionment adopted and approved 48095  
under this division may be revised, amended, or repealed in the 48096  
same manner as it may be adopted and approved. If an alternative 48097  
method of apportionment adopted and approved under this division 48098  
is repealed, the undivided local ~~government~~ communities fund of 48099  
the county shall be apportioned among the subdivisions eligible to 48100  
participate in the fund, commencing in the ensuing calendar year, 48101  
under the apportionment provided in section 5747.52 of the Revised 48102  
Code, unless the repeal occurs by operation of division (C) of 48103  
this section or a new method for apportionment of the fund is 48104  
provided in the action of repeal. 48105

(C) This division applies only in counties in which the city, 48106  
located wholly or partially in the county, with the greatest 48107  
population has a population of twenty thousand or less and a 48108  
population that is less than fifteen per cent of the total 48109  
population of the county. In such a county, the legislative 48110  
authorities or boards of township trustees of two or more 48111  
participating political subdivisions, which together have a 48112  
population residing in the county that is a majority of the total 48113  
population of the county, each may adopt a resolution to exclude 48114  
the approval otherwise required of the legislative authority of 48115

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  
and by a majority vote of a majority of the boards of township  
trustees and legislative authorities of the municipal corporations  
located wholly or partially in the county, other than the city,  
located wholly or partially in the county, with the greatest  
population, shall take effect immediately, and need not be  
published. The alternative method of apportionment under this  
division shall be adopted and approved annually, not later than  
the first Monday of August of the year preceding the calendar year  
in which distributions are to be made under it. A motion granting  
approval of an alternative method of apportionment under this  
division repeals any existing alternative method of apportionment,  
effective with distributions to be made from the fund in the  
ensuing calendar year. An alternative method of apportionment  
under this division shall not be revised or amended after the  
first Monday of August of the year preceding the calendar year in  
which distributions are to be made under it.

(D) In determining an alternative method of apportionment  
authorized by this section, the county budget commission may  
include in the method any factor considered to be appropriate and  
reliable, in the sole discretion of the county budget commission.

(E) The limitations set forth in section 5747.51 of the  
Revised Code, stating the maximum amount that the county may  
receive from the undivided local ~~government~~ communities fund and

the minimum amount the townships in counties having a population 48148  
of less than one hundred thousand may receive from the fund, are 48149  
applicable to any alternative method of apportionment authorized 48150  
under this section. 48151

(F) On the basis of any alternative method of apportionment 48152  
adopted and approved as authorized by this section, as certified 48153  
by the auditor to the county treasurer, the county treasurer shall 48154  
make distribution of the money in the undivided local ~~government~~ 48155  
communities fund to each subdivision eligible to participate in 48156  
the fund, and the auditor, when the amount of those shares is in 48157  
the custody of the treasurer in the amounts so computed to be due 48158  
the respective subdivisions, shall at the same time certify to the 48159  
tax commissioner the percentage share of the county as a 48160  
subdivision. All money received into the treasury of a subdivision 48161  
from the undivided local ~~government~~ communities fund in a county 48162  
treasury shall be paid into the general fund and used for the 48163  
current operating expenses of the subdivision. If a municipal 48164  
corporation maintains a municipal university, the university, when 48165  
the board of trustees so requests the legislative authority of the 48166  
municipal corporation, shall participate in the money apportioned 48167  
to the municipal corporation from the total local ~~government~~ 48168  
communities fund, however created and constituted, in the amount 48169  
requested by the board of trustees, provided that amount does not 48170  
exceed nine per cent of the total amount paid to the municipal 48171  
corporation. 48172

(G) The actions of the county budget commission taken 48173  
pursuant to this section are final and may not be appealed to the 48174  
board of tax appeals, except on the issues of abuse of discretion 48175  
and failure to comply with the formula. 48176

**Sec. 5747.54.** The tax commissioner ~~shall not distribute~~ may 48177  
withhold distributions of local ~~government~~ communities fund money 48178

to any county where the county auditor has failed to certify to 48179  
the tax commissioner the percentage share of the undivided local 48180  
~~government~~ communities fund of the county as a subdivision for the 48181  
year for which distribution is to be made. The director ~~shall~~ of 48182  
budget and management may direct the tax commissioner to withhold 48183  
from ~~such~~ a county the percentage of the amount distributable 48184  
thereto that constitutes the share of the county as a subdivision 48185  
of the local communities fund so long as such county is indebted 48186  
or otherwise obligated to the state, until such indebtedness or 48187  
other obligation has been duly paid, but no distribution of such 48188  
percentage share of the local ~~government~~ communities fund shall be 48189  
withheld unless an itemized statement of such indebtedness is 48190  
furnished the county auditor of the county from which the 48191  
indebtedness is due at least thirty days prior to the withholding 48192  
of the distribution. 48193

Any indebtedness or obligation of the state to a county shall 48194  
be deducted from the amount owing to the state by such county in 48195  
determining the indebtedness or obligation as to which 48196  
distribution is withheld. 48197

**Sec. 5747.55.** The action of the county budget commission 48198  
under sections 5747.51 and 5747.62 of the Revised Code may be 48199  
appealed to the board of tax appeals in the manner and with the 48200  
effect provided in section 5705.37 of the Revised Code, in 48201  
accordance with the following rules: 48202

(A) The notice of appeal shall be signed by the authorized 48203  
fiscal officer and shall set forth in clear and concise language: 48204

(1) A statement of the action of the budget commission 48205  
appealed from, and the date of the receipt by the subdivision of 48206  
the official certificate or notice of such action; 48207

(2) The error or errors the taxing district believes the 48208  
budget commission made; 48209



(3) The specific relief sought by the taxing district.	48210
(B) The notice of appeal shall have attached thereto:	48211
(1) A certified copy of the resolution of the taxing authority authorizing the fiscal officer to file the appeal;	48212 48213
(2) An exact copy of the official certificate, or notice of the action of the budget commission appealed from;	48214 48215
(3) An exact copy of the budget request filed with the budget commission by the complaining subdivision, with the date of filing noted thereon.	48216 48217 48218
(C) There shall also be attached to the notice of appeal a statement showing:	48219 48220
(1) The name of the fund involved, the total amount in dollars allocated, and the exact amount in dollars allocated to each participating subdivision;	48221 48222 48223
(2) The amount in dollars which the complaining subdivision believes it should have received;	48224 48225
(3) The name of each participating subdivision, as well as the name and address of the fiscal officer thereof, that the complaining subdivision believes received more than its proper share of the allocation, and the exact amount in dollars of such alleged over-allocation.	48226 48227 48228 48229 48230
(D) Only the participating subdivisions named pursuant to division (C) of this section are to be considered as appellees before the board of tax appeals and no change shall, in any amount, be made in the amount allocated to participating subdivisions not appellees.	48231 48232 48233 48234 48235
(E) The total of the undivided local government fund <del>or</del> , undivided local government revenue assistance fund, <u>or local communities fund</u> to be allocated by the board of tax appeals upon appeal is the total of that fund allocated by the budget	48236 48237 48238 48239

commission to those subdivisions which are appellants and 48240  
appellees before the board of tax appeals. 48241

Sec. 5747.77. (A) As used in this section: 48242

(1) "Alternative fuel" means E85 blend fuel or blended 48243  
biodiesel. 48244

(2) "Biodiesel" means a mono-alkyl ester combustible liquid 48245  
fuel that is derived from vegetable oils or animal fats, or any 48246  
combination of those reagents that meets the American society for 48247  
testing and materials specification for biodiesel fuel (B100) 48248  
blend stock distillate fuels. 48249

(3) "Blended biodiesel" means a blend of biodiesel with 48250  
petroleum based diesel fuel in which the resultant product 48251  
contains not less than twenty per cent biodiesel and meets the 48252  
American society for testing and materials specification for 48253  
blended diesel fuel. 48254

(4) "Diesel fuel" means any liquid fuel that is capable of 48255  
use in discrete form or as a blend component in the operation of 48256  
engines of the diesel type. 48257

(5) "Ethanol" means fermentation ethyl alcohol derived from 48258  
agricultural products, including potatoes, cereal, grains, cheese 48259  
whey, and sugar beets; forest products; or other renewable 48260  
resources, including residue and waste generated from the 48261  
production, processing, and marketing of agricultural products, 48262  
forest products, and other renewable resources that meet all of 48263  
the specifications in the American society for testing and 48264  
materials (ASTM) specification D 4806-88 and is denatured as 48265  
specified in Parts 20 and 21 of Title 27 of the Code of Federal 48266  
Regulations. 48267

(6) "E85 blend fuel" means fuel containing eighty-five per 48268  
cent or more ethanol, or containing any other percentage of not 48269

less than seventy per cent ethanol if the United States department 48270  
of energy determines, by rule, that the lower percentage is 48271  
necessary to provide for the requirements of cold start, safety, 48272  
or other vehicle functions, and that meets the American society 48273  
for testing and materials specification for E85 blend fuel. 48274

(7) "Retail dealer" means any person that is a taxpayer under 48275  
this chapter that owns or operates a retail service station 48276  
located in this state. 48277

(8) "Retail service station" means a location from which 48278  
alternative fuel is sold to the general public and is dispensed or 48279  
pumped directly into motor vehicle fuel tanks for consumption. 48280

(B) For taxable years ending in 2008 or 2009, there is hereby 48281  
allowed a nonrefundable credit against the tax imposed by section 48282  
5747.02 of the Revised Code for a retail dealer that sells 48283  
alternative fuel. The credit for a dealer's taxable year ending in 48284  
2008 shall equal fifteen cents per gallon of alternative fuel sold 48285  
and dispensed through a metered pump at the retail dealer's retail 48286  
service station during any part of calendar year 2007 or 2008 48287  
included in that taxable year. The credit for a dealer's taxable 48288  
year ending in 2009 shall equal fifteen cents per gallon of 48289  
alternative fuel sold and dispensed through a metered pump at the 48290  
retail dealer's retail service station during any part of calendar 48291  
year 2008 included in that taxable year, plus thirteen cents per 48292  
gallon of alternative fuel sold and dispensed in that manner 48293  
during any part of calendar year 2009 included in that taxable 48294  
year. 48295

The credit shall be calculated separately for each retail 48296  
service station owned or operated by the retail dealer. The credit 48297  
allowed under this section may not be claimed for alternative fuel 48298  
sold or dispensed before January 1, 2008, or on or after January 48299  
1, 2010. 48300

(C) The retail dealer shall claim the credit under this section in the order prescribed in section 5747.98 of the Revised Code. The credit shall not exceed the amount of tax otherwise due under section 5747.02 of the Revised Code after deducting any other credits that precede the credit claimed under this section in that order.

(D) Nothing in this section limits or disallows pass-through treatment of the credit if the retail dealer is a pass-through entity. If the retail dealer is a pass-through entity, references in other divisions of this section to "taxable year" refer to the dealer's taxable year; an equity owner of the entity that is a taxpayer may claim the owner's distributive or proportionate share of the credit for the equity owner's taxable year that includes the last day of the entity's taxable year.

**Sec. 5747.98.** (A) To provide a uniform procedure for calculating the amount of tax due under section 5747.02 of the Revised Code, a taxpayer shall claim any credits to which the taxpayer is entitled in the following order:

(1) The retirement income credit under division (B) of section 5747.055 of the Revised Code;

(2) The senior citizen credit under division (C) of section 5747.05 of the Revised Code;

(3) The lump sum distribution credit under division (D) of section 5747.05 of the Revised Code;

(4) The dependent care credit under section 5747.054 of the Revised Code;

(5) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;

(6) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;

(7) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;	48331 48332
(8) The low-income credit under section 5747.056 of the Revised Code;	48333 48334
(9) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	48335 48336
(10) The campaign contribution credit under section 5747.29 of the Revised Code;	48337 48338
(11) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	48339 48340
(12) The joint filing credit under division (G) of section 5747.05 of the Revised Code;	48341 48342
(13) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	48343 48344
(14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	48345 48346
(15) The credit for employers that enter into agreements with child day-care centers under section 5747.34 of the Revised Code;	48347 48348
(16) The credit for employers that reimburse employee child care expenses under section 5747.36 of the Revised Code;	48349 48350
(17) The credit for adoption of a minor child under section 5747.37 of the Revised Code;	48351 48352
(18) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;	48353 48354
(19) The job retention credit under division (B) of section 5747.058 of the Revised Code;	48355 48356
(20) The credit <del>for purchases of new manufacturing machinery and equipment under section 5747.26 or section 5747.261 for</del> <u>selling alternative fuel under section 5747.77</u> of the Revised	48357 48358 48359

Code;	48360
(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;	48361 48362 48363
(22) The job training credit under section 5747.39 of the Revised Code;	48364 48365
(23) The enterprise zone credit under section 5709.66 of the Revised Code;	48366 48367
(24) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;	48368 48369
(25) The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code;	48370 48371
(26) The ethanol plant investment credit under section 5747.75 of the Revised Code;	48372 48373
(27) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	48374 48375
(28) The export sales credit under section 5747.057 of the Revised Code;	48376 48377
(29) The credit for research and development and technology transfer investors under section 5747.33 of the Revised Code;	48378 48379
(30) The enterprise zone credits under section 5709.65 of the Revised Code;	48380 48381
(31) The research and development credit under section 5747.331 of the Revised Code;	48382 48383
(32) The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	48384 48385
(33) The refundable jobs creation credit under division (A) of section 5747.058 of the Revised Code;	48386 48387
(34) The refundable credit for taxes paid by a qualifying	48388

entity granted under section 5747.059 of the Revised Code;	48389
(35) The refundable credits for taxes paid by a qualifying	48390
pass-through entity granted under division (J) of section 5747.08	48391
of the Revised Code;	48392
(36) The refundable credit for tax withheld under division	48393
(B)(1) of section 5747.062 of the Revised Code;	48394
(37) The refundable credit under section 5747.80 of the	48395
Revised Code for losses on loans made to the Ohio venture capital	48396
program under sections 150.01 to 150.10 of the Revised Code.	48397
(B) For any credit, except the credits enumerated in	48398
divisions (A)(32) to (37) of this section and the credit granted	48399
under division (I) of section 5747.08 of the Revised Code, the	48400
amount of the credit for a taxable year shall not exceed the tax	48401
due after allowing for any other credit that precedes it in the	48402
order required under this section. Any excess amount of a	48403
particular credit may be carried forward if authorized under the	48404
section creating that credit. Nothing in this chapter shall be	48405
construed to allow a taxpayer to claim, directly or indirectly, a	48406
credit more than once for a taxable year.	48407
<b>Sec. 5748.01.</b> As used in this chapter:	48408
(A) "School district income tax" means an income tax adopted	48409
under one of the following:	48410
(1) Former section 5748.03 of the Revised Code as it existed	48411
prior to its repeal by Amended Substitute House Bill No. 291 of	48412
the 115th general assembly;	48413
(2) Section 5748.03 of the Revised Code as enacted in	48414
Substitute Senate Bill No. 28 of the 118th general assembly;	48415
(3) Section 5748.08 of the Revised Code as enacted in Amended	48416
Substitute Senate Bill No. 17 of the 122nd general assembly;	48417

(4) Section 5748.021 of the Revised Code;	48418
(5) Section 5748.081 of the Revised Code.	48419
(B) "Individual" means an individual subject to the tax levied by section 5747.02 of the Revised Code.	48420 48421
(C) "Estate" means an estate subject to the tax levied by section 5747.02 of the Revised Code.	48422 48423
(D) "Taxable year" means a taxable year as defined in division (M) of section 5747.01 of the Revised Code.	48424 48425
(E) "Taxable income" means:	48426
(1) In the case of an individual, one of the following, as specified in the resolution imposing the tax:	48427 48428
(a) Ohio adjusted gross income for the taxable year as defined in division (A) of section 5747.01 of the Revised Code, less the exemptions provided by section 5747.02 of the Revised Code;	48429 48430 48431 48432
(b) Wages, salaries, tips, and other employee compensation to the extent included in Ohio adjusted gross income as defined in section 5747.01 of the Revised Code, and net earnings from self-employment, as defined in section 1402(a) of the Internal Revenue Code, to the extent included in Ohio adjusted gross income.	48433 48434 48435 48436 48437 48438
(2) In the case of an estate, taxable income for the taxable year as defined in division (S) of section 5747.01 of the Revised Code.	48439 48440 48441
(F) "Resident" of the school district means:	48442
(1) An individual who is a resident of this state as defined in division (I) of section 5747.01 of the Revised Code during all or a portion of the taxable year and who, during all or a portion of such period of state residency, is domiciled in the school district or lives in and maintains a permanent place of abode in	48443 48444 48445 48446 48447



the school district; 48448

(2) An estate of a decedent who, at the time of death, was 48449  
domiciled in the school district. 48450

(G) "School district income" means: 48451

(1) With respect to an individual, the portion of the taxable 48452  
income of an individual that is received by the individual during 48453  
the portion of the taxable year that the individual is a resident 48454  
of the school district and the school district income tax is in 48455  
effect in that school district. An individual may have school 48456  
district income with respect to more than one school district. 48457

(2) With respect to an estate, the taxable income of the 48458  
estate for the portion of the taxable year that the school 48459  
district income tax is in effect in that school district. 48460

(H) "Taxpayer" means an individual or estate having school 48461  
district income upon which a school district income tax is 48462  
imposed. 48463

(I) "School district purposes" means any of the purposes for 48464  
which a tax may be levied pursuant to section 5705.21 of the 48465  
Revised Code, including the combined purposes authorized by 48466  
section 5705.217 of the Revised Code. 48467

**Sec. 5748.02.** (A) The board of education of any school 48468  
district, except a joint vocational school district, may declare, 48469  
by resolution, the necessity of raising annually a specified 48470  
amount of money for school district purposes. The resolution shall 48471  
specify whether the income that is to be subject to the tax is 48472  
taxable income of individuals and estates as defined in divisions 48473  
(E)(1)(a) and (2) of section 5748.01 of the Revised Code or 48474  
taxable income of individuals as defined in division (E)(1)(b) of 48475  
that section. A copy of the resolution shall be certified to the 48476  
tax commissioner no later than eighty-five days prior to the date 48477

of the election at which the board intends to propose a levy under 48478  
this section. Upon receipt of the copy of the resolution, the tax 48479  
commissioner shall estimate both of the following: 48480

(1) The property tax rate that would have to be imposed in 48481  
the current year by the district to produce an equivalent amount 48482  
of money; 48483

(2) The income tax rate that would have had to have been in 48484  
effect for the current year to produce an equivalent amount of 48485  
money from a school district income tax. 48486

Within ten days of receiving the copy of the board's 48487  
resolution, the commissioner shall prepare these estimates and 48488  
certify them to the board. Upon receipt of the certification, the 48489  
board may adopt a resolution proposing an income tax under 48490  
division (B) of this section at the estimated rate contained in 48491  
the certification rounded to the nearest ~~one-fourth~~ one-tenth of 48492  
one per cent. The commissioner's certification applies only to the 48493  
board's proposal to levy an income tax at the election for which 48494  
the board requested the certification. If the board intends to 48495  
submit a proposal to levy an income tax at any other election, it 48496  
shall request another certification for that election in the 48497  
manner prescribed in this division. 48498

(B)(1) Upon the receipt of a certification from the tax 48499  
commissioner under division (A) of this section, a majority of the 48500  
members of a board of education may adopt a resolution proposing 48501  
the levy of an annual tax for school district purposes on school 48502  
district income. The proposed levy may be for a continuing period 48503  
of time or for a specified number of years. The resolution shall 48504  
set forth the purpose for which the tax is to be imposed, the rate 48505  
of the tax, which shall be the rate set forth in the 48506  
commissioner's certification rounded to the nearest ~~one-fourth~~ 48507  
one-tenth of one per cent, the number of years the tax will be 48508  
levied or that it will be levied for a continuing period of time, 48509

the date on which the tax shall take effect, which shall be the 48510  
first day of January of any year following the year in which the 48511  
question is submitted, and the date of the election at which the 48512  
proposal shall be submitted to the electors of the district, which 48513  
shall be on the date of a primary, general, or special election 48514  
the date of which is consistent with section 3501.01 of the 48515  
Revised Code. The resolution shall specify whether the income that 48516  
is to be subject to the tax is taxable income of individuals and 48517  
estates as defined in divisions (E)(1)(a) and (2) of section 48518  
5748.01 of the Revised Code or taxable income of individuals as 48519  
defined in division (E)(1)(b) of that section. The specification 48520  
shall be the same as the specification in the resolution adopted 48521  
and certified under division (A) of this section. ~~If~~ 48522

If the tax is to be levied for current expenses and permanent 48523  
improvements, the resolution shall apportion the annual rate of 48524  
the tax. The apportionment may be the same or different for each 48525  
year the tax is levied, but the respective portions of the rate 48526  
actually levied each year for current expenses and for permanent 48527  
improvements shall be limited by the apportionment. 48528

If the board of education currently imposes an income tax 48529  
pursuant to this chapter that is due to expire and a question is 48530  
submitted under this section for a proposed income tax to take 48531  
effect upon the expiration of the existing tax, the board may 48532  
specify in the resolution that the proposed tax renews the 48533  
expiring tax and is not an additional income tax, provided that 48534  
the tax rate being proposed is no higher than the tax rate that is 48535  
currently imposed. 48536

(2) A board of education adopting a resolution under division 48537  
(B)(1) of this section proposing a school district income tax for 48538  
a continuing period of time and limited to the purpose of current 48539  
expenses may propose in that resolution to reduce the rate or 48540  
rates of one or more of the school district's property taxes 48541

levied for a continuing period of time in excess of the ten-mill 48542  
limitation for the purpose of current expenses. The reduction in 48543  
the rate of a property tax may be any amount, expressed in mills 48544  
per one dollar in valuation, not exceeding the rate at which the 48545  
tax is authorized to be levied. The reduction in the rate of a tax 48546  
shall first take effect for the tax year that includes the day on 48547  
which the school district income tax first takes effect, and shall 48548  
continue for each tax year that both the school district income 48549  
tax and the property tax levy are in effect. 48550

In addition to the matters required to be set forth in the 48551  
resolution under division (B)(1) of this section, a resolution 48552  
containing a proposal to reduce the rate of one or more property 48553  
taxes shall state for each such tax the maximum rate at which it 48554  
currently may be levied and the maximum rate at which the tax 48555  
could be levied after the proposed reduction, expressed in mills 48556  
per one dollar in valuation, and that the tax is levied for a 48557  
continuing period of time. 48558

If a board of education proposes to reduce the rate of one or 48559  
more property taxes under division (B)(2) of this section, the 48560  
board, when it makes the certification required under division (A) 48561  
of this section, shall designate the specific levy or levies to be 48562  
reduced, the maximum rate at which each levy currently is 48563  
authorized to be levied, and the rate by which each levy is 48564  
proposed to be reduced. The tax commissioner, when making the 48565  
certification to the board under division (A) of this section, 48566  
also shall certify the reduction in the total effective tax rate 48567  
for current expenses for each class of property that would have 48568  
resulted if the proposed reduction in the rate or rates had been 48569  
in effect the previous tax year. As used in this paragraph, 48570  
"effective tax rate" has the same meaning as in section 323.08 of 48571  
the Revised Code. 48572

(C) A resolution adopted under division (B) of this section 48573

shall go into immediate effect upon its passage, and no 48574  
publication of the resolution shall be necessary other than that 48575  
provided for in the notice of election. Immediately after its 48576  
adoption and at least seventy-five days prior to the election at 48577  
which the question will appear on the ballot, a copy of the 48578  
resolution shall be certified to the board of elections of the 48579  
proper county, which shall submit the proposal to the electors on 48580  
the date specified in the resolution. The form of the ballot shall 48581  
be as provided in section 5748.03 of the Revised Code. Publication 48582  
of notice of the election shall be made in one or more newspapers 48583  
of general circulation in the county once a week for two 48584  
consecutive weeks prior to the election, and, if the board of 48585  
elections operates and maintains a web site, the board of 48586  
elections shall post notice of the election on its web site for 48587  
thirty days prior to the election. The notice shall contain the 48588  
time and place of the election and the question to be submitted to 48589  
the electors. The question covered by the resolution shall be 48590  
submitted as a separate proposition, but may be printed on the 48591  
same ballot with any other proposition submitted at the same 48592  
election, other than the election of officers. 48593

(D) No board of education shall submit the question of a tax 48594  
on school district income to the electors of the district more 48595  
than twice in any calendar year. If a board submits the question 48596  
twice in any calendar year, one of the elections on the question 48597  
shall be held on the date of the general election. 48598

(E)(1) No board of education may submit to the electors of 48599  
the district the question of a tax on school district income on 48600  
the taxable income of individuals as defined in division (E)(1)(b) 48601  
of section 5748.01 of the Revised Code if that tax would be in 48602  
addition to an existing tax on the taxable income of individuals 48603  
and estates as defined in divisions (E)(1)(a) and (2) of that 48604  
section. 48605

(2) No board of education may submit to the electors of the district the question of a tax on school district income on the taxable income of individuals and estates as defined in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised Code if that tax would be in addition to an existing tax on the taxable income of individuals as defined in division (E)(1)(b) of that section.

**Sec. 5748.021.** A board of education that levies a tax under section 5748.02 of the Revised Code on the school district income of individuals and estates as defined in divisions (G) and (E)(1)(a) and (2) of section 5748.01 of the Revised Code may declare, at any time, by a resolution adopted by a majority of its members, the necessity of raising annually a specified amount of money for school district purposes by replacing the existing tax with a tax on the school district income of individuals as defined in divisions (G)(1) and (E)(1)(b) of section 5748.01 of the Revised Code. The specified amount of money to be raised annually may be the same as, or more or less than, the amount of money raised annually by the existing tax.

The board shall certify a copy of the resolution to the tax commissioner not later than the eighty-fifth day before the date of the election at which the board intends to propose the replacement to the electors of the school district. Not later than the tenth day after receiving the resolution, the tax commissioner shall estimate the tax rate that would be required in the school district annually to raise the amount of money specified in the resolution. The tax commissioner shall certify the estimate to the board.

Upon receipt of the tax commissioner's estimate, the board may propose, by a resolution adopted by a majority of its members, to replace the existing tax on the school district income of individuals and estates as defined in divisions (G) and (E)(1)(a)

and (2) of section 5748.01 of the Revised Code with the levy of an annual tax on the school district income of individuals as defined in divisions (G)(1) and (E)(1)(b) of section 5748.01 of the Revised Code. In the resolution, the board shall specify the rate of the replacement tax, whether the replacement tax is to be levied for a specified number of years or for a continuing time, the specific school district purposes for which the replacement tax is to be levied, the date on which the replacement tax will begin to be levied, the date of the election at which the question of the replacement is to be submitted to the electors of the school district, that the existing tax will cease to be levied and the replacement tax will begin to be levied if the replacement is approved by a majority of the electors voting on the replacement, and that if the replacement is not approved by a majority of the electors voting on the replacement the existing tax will remain in effect under its original authority for the remainder of its previously approved term. The resolution goes into immediate effect upon its adoption. Publication of the resolution is not necessary, and the information that will be provided in the notice of election is sufficient notice. At least seventy-five days before the date of the election at which the question of the replacement will be submitted to the electors of the school district, the board shall certify a copy of the resolution to the board of elections.

The replacement tax shall have the same specific school district purposes as the existing tax, and its rate shall be the same as the tax commissioner's estimate rounded to the nearest ~~one-fourth~~ one-tenth of one per cent. The replacement tax shall begin to be levied on the first day of January of the year following the year in which the question of the replacement is submitted to and approved by the electors of the school district or on the first day of January of a later year, as specified in the resolution. The date of the election shall be the date of an

otherwise scheduled primary, general, or special election. 48670

The board of elections shall make arrangements to submit the 48671  
question of the replacement to the electors of the school district 48672  
on the date specified in the resolution. The board of elections 48673  
shall publish notice of the election on the question of the 48674  
replacement in one or more newspapers of general circulation in 48675  
the school district once a week for four consecutive weeks. The 48676  
notice shall set forth the question to be submitted to the 48677  
electors and the time and place of the election thereon. 48678

The question shall be submitted to the electors of the school 48679  
district as a separate proposition, but may be printed on the same 48680  
ballot with other propositions that are submitted at the same 48681  
election, other than the election of officers. The form of the 48682  
ballot shall be substantially as follows: 48683

"Shall the existing tax of ..... (state the rate) on the 48684  
school district income of individuals and estates imposed by ..... 48685  
(state the name of the school district) be replaced by a tax of 48686  
..... (state the rate) on the earned income of individuals 48687  
residing in the school district for ..... (state the number of 48688  
years the tax is to be in effect or that it will be in effect for 48689  
a continuing time), beginning ..... (state the date the new tax 48690  
will take effect), for the purpose of ..... (state the specific 48691  
school district purposes of the tax)? If the new tax is not 48692  
approved, the existing tax will remain in effect under its 48693  
original authority, for the remainder of its previously approved 48694  
term. 48695

	For replacing the existing tax with the new tax	
	Against replacing the existing tax with the new tax	"

48696

48697

The board of elections shall conduct and canvass the election 48698  
in the same manner as regular elections in the school district for 48699



the election of county officers. The board shall certify the 48700  
results of the election to the board of education and to the tax 48701  
commissioner. If a majority of the electors voting on the question 48702  
vote in favor of the replacement, the existing tax shall cease to 48703  
be levied, and the replacement tax shall begin to be levied, on 48704  
the date specified in the ballot question. If a majority of the 48705  
electors voting on the question vote against the replacement, the 48706  
existing tax shall continue to be levied under its original 48707  
authority, for the remainder of its previously approved term. 48708

A board of education may not submit the question of replacing 48709  
a tax more than twice in a calendar year. If a board submits the 48710  
question more than once, one of the elections at which the 48711  
question is submitted shall be on the date of a general election. 48712

If a board of education later intends to renew a replacement 48713  
tax levied under this section, it shall repeat the procedure 48714  
outlined in this section to do so, the replacement tax then being 48715  
levied being the "existing tax" and the renewed replacement tax 48716  
being the "replacement tax." 48717

Sec. 5748.022. A majority of the members of a board of 48718  
education of a school district levying a tax under section 5748.02 48719  
of the Revised Code may adopt a resolution reducing the rate of 48720  
the tax by a multiple of one-tenth of one per cent. 48721

The resolution shall set forth the current rate of the tax, 48722  
the reduced rate of tax that results from adoption of the 48723  
resolution, the purpose or purposes for which the tax is levied, 48724  
the remaining number of years the tax will be levied or that it is 48725  
levied for a continuing period of time, and the date on which the 48726  
reduced tax rate shall take effect, which shall be the ensuing 48727  
first day of January occurring at least sixty days after a copy of 48728  
the resolution is certified to the tax commissioner. 48729

Sec. 5748.04. (A) The question of the repeal of a school 48730  
district income tax levied for more than five years may be 48731  
initiated not more than once in any five-year period by filing 48732  
with the board of elections of the appropriate counties not later 48733  
than seventy-five days before the general election in any year 48734  
after the year in which it is approved by the electors a petition 48735  
requesting that an election be held on the question. The petition 48736  
shall be signed by qualified electors residing in the school 48737  
district levying the income tax equal in number to ten per cent of 48738  
those voting for governor at the most recent gubernatorial 48739  
election. 48740

The board of elections shall determine whether the petition 48741  
is valid, and if it so determines, it shall submit the question to 48742  
the electors of the district at the next general election. The 48743  
election shall be conducted, canvassed, and certified in the same 48744  
manner as regular elections for county offices in the county. 48745  
Notice of the election shall be published in a newspaper of 48746  
general circulation in the district once a week for two 48747  
consecutive weeks prior to the election, and, if the board of 48748  
elections operates and maintains a web site, the board of 48749  
elections shall post notice of the election on its web site for 48750  
thirty days prior to the election. The notice shall state the 48751  
purpose, time, and place of the election. The form of the ballot 48752  
cast at the election shall be as follows: 48753

"Shall the annual income tax of ..... per cent, currently 48754  
levied on the school district income of individuals and estates by 48755  
..... (state the name of the school district) for the purpose 48756  
of ..... (state purpose of the tax), be repealed? 48757

	For repeal of the income tax
	Against repeal of the income tax

"

48758  
48759  
48760

48761

(B)(1) If the tax is imposed on taxable income as defined in 48762  
division (E)(1)(b) of section 5748.01 of the Revised Code, the 48763  
form of the ballot shall be modified by stating that the tax 48764  
currently is levied on the "earned income of individuals residing 48765  
in the school district" in lieu of the "school district income of 48766  
individuals and estates." 48767

(2) If the rate of one or more property tax levies was 48768  
reduced for the duration of the income tax levy pursuant to 48769  
division (B)(2) of section 5748.02 of the Revised Code, the form 48770  
of the ballot shall be modified by adding the following language 48771  
immediately after "repealed": ", and shall the rate of an existing 48772  
tax on property for the purpose of current expenses, which rate 48773  
was reduced for the duration of the income tax, be INCREASED from 48774  
..... mills to ..... mills per one dollar of valuation beginning 48775  
in ..... (state the first year for which the rate of the property 48776  
tax will increase)." In lieu of "for repeal of the income tax" and 48777  
"against repeal of the income tax," the phrases "for the issue" 48778  
and "against the issue," respectively, shall be substituted. 48779

(3) If the rate of more than one property tax was reduced for 48780  
the duration of the income tax, the ballot language shall be 48781  
modified accordingly to express the rates at which those taxes 48782  
currently are levied and the rates to which the taxes would be 48783  
increased. 48784

(C) The question covered by the petition shall be submitted 48785  
as a separate proposition, but it may be printed on the same 48786  
ballot with any other proposition submitted at the same election 48787  
other than the election of officers. If a majority of the 48788  
qualified electors voting on the question vote in favor of it, the 48789  
result shall be certified immediately after the canvass by the 48790  
board of elections to the board of education of the school 48791  
district and the tax commissioner, who shall thereupon, after the 48792

current year, cease to levy the tax, except that if notes have  
been issued pursuant to section 5748.05 of the Revised Code the  
tax commissioner shall continue to levy and collect under  
authority of the election authorizing the levy an annual amount,  
rounded upward to the nearest ~~one-fourth~~ one-tenth of one per  
cent, as will be sufficient to pay the debt charges on the notes  
as they fall due.

(D) If a school district income tax repealed pursuant to this  
section was approved in conjunction with a reduction in the rate  
of one or more school district property taxes as provided in  
division (B)(2) of section 5748.02 of the Revised Code, then each  
such property tax may be levied after the current year at the rate  
at which it could be levied prior to the reduction, subject to any  
adjustments required by the county budget commission pursuant to  
Chapter 5705. of the Revised Code. Upon the repeal of a school  
district income tax under this section, the board of education may  
resume levying a property tax, the rate of which has been reduced  
pursuant to a question approved under section 5748.02 of the  
Revised Code, at the rate the board originally was authorized to  
levy the tax. A reduction in the rate of a property tax under  
section 5748.02 of the Revised Code is a reduction in the rate at  
which a board of education may levy that tax only for the period  
during which a school district income tax is levied prior to any  
repeal pursuant to this section. The resumption of the authority  
to levy the tax upon such a repeal does not constitute a tax  
levied in excess of the one per cent limitation prescribed by  
Section 2 of Article XII, Ohio Constitution, or in excess of the  
ten-mill limitation.

(E) This section does not apply to school district income tax  
levies that are levied for five or fewer years.

**Sec. 5748.08.** (A) The board of education of a city, local, or

exempted village school district, at any time by a vote of 48824  
two-thirds of all its members, may declare by resolution that it 48825  
may be necessary for the school district to do all of the 48826  
following: 48827

(1) Raise a specified amount of money for school district 48828  
purposes by levying an annual tax on school district income; 48829

(2) Issue general obligation bonds for permanent 48830  
improvements, stating in the resolution the necessity and purpose 48831  
of the bond issue and the amount, approximate date, estimated rate 48832  
of interest, and maximum number of years over which the principal 48833  
of the bonds may be paid; 48834

(3) Levy a tax outside the ten-mill limitation to pay debt 48835  
charges on the bonds and any anticipatory securities; 48836

(4) Submit the question of the school district income tax and 48837  
bond issue to the electors of the district at a special election. 48838

The resolution shall specify whether the income that is to be 48839  
subject to the tax is taxable income of individuals and estates as 48840  
defined in divisions (E)(1)(a) and (2) of section 5748.01 of the 48841  
Revised Code or taxable income of individuals as defined in 48842  
division (E)(1)(b) of that section. 48843

On adoption of the resolution, the board shall certify a copy 48844  
of it to the tax commissioner and the county auditor no later than 48845  
ninety days prior to the date of the special election at which the 48846  
board intends to propose the income tax and bond issue. Not later 48847  
than ten days of receipt of the resolution, the tax commissioner, 48848  
in the same manner as required by division (A) of section 5748.02 48849  
of the Revised Code, shall estimate the rates designated in 48850  
divisions (A)(1) and (2) of that section and certify them to the 48851  
board. Not later than ten days of receipt of the resolution, the 48852  
county auditor shall estimate and certify to the board the average 48853  
annual property tax rate required throughout the stated maturity 48854

of the bonds to pay debt charges on the bonds, in the same manner 48855  
as under division (C) of section 133.18 of the Revised Code. 48856

(B) On receipt of the tax commissioner's and county auditor's 48857  
certifications prepared under division (A) of this section, the 48858  
board of education of the city, local, or exempted village school 48859  
district, by a vote of two-thirds of all its members, may adopt a 48860  
resolution proposing for a specified number of years or for a 48861  
continuing period of time the levy of an annual tax for school 48862  
district purposes on school district income and declaring that the 48863  
amount of taxes that can be raised within the ten-mill limitation 48864  
will be insufficient to provide an adequate amount for the present 48865  
and future requirements of the school district; that it is 48866  
necessary to issue general obligation bonds of the school district 48867  
for specified permanent improvements and to levy an additional tax 48868  
in excess of the ten-mill limitation to pay the debt charges on 48869  
the bonds and any anticipatory securities; and that the question 48870  
of the bonds and taxes shall be submitted to the electors of the 48871  
school district at a special election, which shall not be earlier 48872  
than seventy-five days after certification of the resolution to 48873  
the board of elections, and the date of which shall be consistent 48874  
with section 3501.01 of the Revised Code. The resolution shall 48875  
specify all of the following: 48876

(1) The purpose for which the school district income tax is 48877  
to be imposed and the rate of the tax, which shall be the rate set 48878  
forth in the tax commissioner's certification rounded to the 48879  
nearest ~~one-fourth~~ one-tenth of one per cent; 48880

(2) Whether the income that is to be subject to the tax is 48881  
taxable income of individuals and estates as defined in divisions 48882  
(E)(1)(a) and (2) of section 5748.01 of the Revised Code or 48883  
taxable income of individuals as defined in division (E)(1)(b) of 48884  
that section. The specification shall be the same as the 48885  
specification in the resolution adopted and certified under 48886

division (A) of this section. 48887

(3) The number of years the tax will be levied, or that it 48888  
will be levied for a continuing period of time; 48889

(4) The date on which the tax shall take effect, which shall 48890  
be the first day of January of any year following the year in 48891  
which the question is submitted; 48892

(5) The county auditor's estimate of the average annual 48893  
property tax rate required throughout the stated maturity of the 48894  
bonds to pay debt charges on the bonds. 48895

(C) A resolution adopted under division (B) of this section 48896  
shall go into immediate effect upon its passage, and no 48897  
publication of the resolution shall be necessary other than that 48898  
provided for in the notice of election. Immediately after its 48899  
adoption and at least seventy-five days prior to the election at 48900  
which the question will appear on the ballot, the board of 48901  
education shall certify a copy of the resolution, along with 48902  
copies of the auditor's estimate and its resolution under division 48903  
(A) of this section, to the board of elections of the proper 48904  
county. The board of education shall make the arrangements for the 48905  
submission of the question to the electors of the school district, 48906  
and the election shall be conducted, canvassed, and certified in 48907  
the same manner as regular elections in the district for the 48908  
election of county officers. 48909

The resolution shall be put before the electors as one ballot 48910  
question, with a majority vote indicating approval of the school 48911  
district income tax, the bond issue, and the levy to pay debt 48912  
charges on the bonds and any anticipatory securities. The board of 48913  
elections shall publish the notice of the election in one or more 48914  
newspapers of general circulation in the school district once a 48915  
week for two consecutive weeks prior to the election and, if the 48916  
board of elections operates and maintains a web site, also shall 48917

post notice of the election on its web site for thirty days prior 48918  
to the election. The notice of election shall state all of the 48919  
following: 48920

(1) The questions to be submitted to the electors; 48921

(2) The rate of the school district income tax; 48922

(3) The principal amount of the proposed bond issue; 48923

(4) The permanent improvements for which the bonds are to be 48924  
issued; 48925

(5) The maximum number of years over which the principal of 48926  
the bonds may be paid; 48927

(6) The estimated additional average annual property tax rate 48928  
to pay the debt charges on the bonds, as certified by the county 48929  
auditor; 48930

(7) The time and place of the special election. 48931

(D) The form of the ballot on a question submitted to the 48932  
electors under this section shall be as follows: 48933

"Shall the ..... school district be authorized to do both 48934  
of the following: 48935

(1) Impose an annual income tax of ..... (state the proposed 48936  
rate of tax) on the school district income of individuals and of 48937  
estates, for ..... (state the number of years the tax would be 48938  
levied, or that it would be levied for a continuing period of 48939  
time), beginning ..... (state the date the tax would first take 48940  
effect), for the purpose of ..... (state the purpose of the 48941  
tax)? 48942

(2) Issue bonds for the purpose of ..... in the principal 48943  
amount of \$....., to be repaid annually over a maximum period of 48944  
..... years, and levy a property tax outside the ten-mill 48945  
limitation estimated by the county auditor to average over the 48946  
bond repayment period ..... mills for each one dollar of tax 48947



valuation, which amounts to ..... (rate expressed in cents or 48948  
dollars and cents, such as "36 cents" or "\$1.41") for each \$100 of 48949  
tax valuation, to pay the annual debt charges on the bonds, and to 48950  
pay debt charges on any notes issued in anticipation of those 48951  
bonds? 48952

	FOR THE INCOME TAX AND BOND ISSUE	
	AGAINST THE INCOME TAX AND BOND ISSUE	"

48953  
48954  
48955  
48956

(E) If the question submitted to electors proposes a school 48957  
district income tax only on the taxable income of individuals as 48958  
defined in division (E)(1)(b) of section 5748.01 of the Revised 48959  
Code, the form of the ballot shall be modified by stating that the 48960  
tax is to be levied on the "earned income of individuals residing 48961  
in the school district" in lieu of the "school district income of 48962  
individuals and of estates." 48963

(F) The board of elections promptly shall certify the results 48964  
of the election to the tax commissioner and the county auditor of 48965  
the county in which the school district is located. If a majority 48966  
of the electors voting on the question vote in favor of it, the 48967  
income tax and the applicable provisions of Chapter 5747. of the 48968  
Revised Code shall take effect on the date specified in the 48969  
resolution, and the board of education may proceed with issuance 48970  
of the bonds and with the levy and collection of the property 48971  
taxes to pay debt charges on the bonds, at the additional rate or 48972  
any lesser rate in excess of the ten-mill limitation. Any 48973  
securities issued by the board of education under this section are 48974  
Chapter 133. securities, as that term is defined in section 133.01 48975  
of the Revised Code. 48976

(G) After approval of a question under this section, the 48977  
board of education may anticipate a fraction of the proceeds of 48978

the school district income tax in accordance with section 5748.05 48979  
of the Revised Code. Any anticipation notes under this division 48980  
shall be issued as provided in section 133.24 of the Revised Code, 48981  
shall have principal payments during each year after the year of 48982  
their issuance over a period not to exceed five years, and may 48983  
have a principal payment in the year of their issuance. 48984

(H) The question of repeal of a school district income tax 48985  
levied for more than five years may be initiated and submitted in 48986  
accordance with section 5748.04 of the Revised Code. 48987

(I) No board of education shall submit a question under this 48988  
section to the electors of the school district more than twice in 48989  
any calendar year. If a board submits the question twice in any 48990  
calendar year, one of the elections on the question shall be held 48991  
on the date of the general election. 48992

**Sec. 5751.20.** (A) As used in sections 5751.20 to 5751.22 of 48993  
the Revised Code: 48994

(1) "School district," "joint vocational school district," 48995  
"local taxing unit," "~~state education aid~~," "recognized 48996  
valuation," "fixed-rate levy," and "fixed-sum levy" have the same 48997  
meanings as used in section 5727.84 of the Revised Code. 48998

(2) "State education aid" for a school district means the sum 48999  
of state aid amounts computed for the district under divisions 49000  
(A), (C)(1), (C)(4), (D), (E), and (F) of section 3317.022; 49001  
divisions (B), (C), and (D) of section 3317.023; divisions (L) and 49002  
(N) of section 3317.024; section 3317.0216; and any unit payments 49003  
for gifted student services paid under sections 3317.05, 3317.052, 49004  
and 3317.053 of the Revised Code; except that, for fiscal years 49005  
2008 and 2009, the amount computed for the district under Section 49006  
269.20.80 of H.B. 119 of the 127th general assembly and as that 49007  
section subsequently may be amended shall be substituted for the 49008  
amount computed under division (D) of section 3317.022 of the 49009

Revised Code, and the amount computed under Section 269.30.80 of 49010  
H.B. 119 of the 127th general assembly and as that section 49011  
subsequently may be amended shall be included. 49012

(3) "State education aid" for a joint vocational school 49013  
district means the sum of the state aid computed for the district 49014  
under division (N) of section 3317.024 and section 3317.16 of the 49015  
Revised Code, except that, for fiscal years 2008 and 2009, the 49016  
amount computed under Section 269.30.80 of H.B. 119 of the 127th 49017  
general assembly and as that section subsequently may be amended 49018  
shall be included. 49019

(4) "State education aid offset" means the amount determined 49020  
for each school district or joint vocational school district under 49021  
division (A)(1) of section 5751.21 of the Revised Code. 49022

~~(3)~~(5) "Machinery and equipment property tax value loss" 49023  
means the amount determined under division (C)(1) of this section. 49024

~~(4)~~(6) "Inventory property tax value loss" means the amount 49025  
determined under division (C)(2) of this section. 49026

~~(5)~~(7) "Furniture and fixtures property tax value loss" means 49027  
the amount determined under division (C)(3) of this section. 49028

~~(6)~~(8) "Machinery and equipment fixed-rate levy loss" means 49029  
the amount determined under division (D)(1) of this section. 49030

~~(7)~~(9) "Inventory fixed-rate levy loss" means the amount 49031  
determined under division (D)(2) of this section. 49032

~~(8)~~(10) "Furniture and fixtures fixed-rate levy loss" means 49033  
the amount determined under division (D)(3) of this section. 49034

~~(9)~~(11) "Total fixed-rate levy loss" means the sum of the 49035  
machinery and equipment fixed-rate levy loss, the inventory 49036  
fixed-rate levy loss, the furniture and fixtures fixed-rate levy 49037  
loss, and the telephone company fixed-rate levy loss. 49038

~~(10)~~(12) "Fixed-sum levy loss" means the amount determined 49039

under division (E) of this section. 49040

~~(11)~~(13) "Machinery and equipment" means personal property 49041  
subject to the assessment rate specified in division (F) of 49042  
section 5711.22 of the Revised Code. 49043

~~(12)~~(14) "Inventory" means personal property subject to the 49044  
assessment rate specified in division (E) of section 5711.22 of 49045  
the Revised Code. 49046

~~(13)~~(15) "Furniture and fixtures" means personal property 49047  
subject to the assessment rate specified in division (G) of 49048  
section 5711.22 of the Revised Code. 49049

~~(14)~~(16) "Qualifying levies" are levies in effect for tax 49050  
year 2004 or applicable to tax year 2005 or approved at an 49051  
election conducted before September 1, 2005. For the purpose of 49052  
determining the rate of a qualifying levy authorized by section 49053  
5705.212 or 5705.213 of the Revised Code, the rate shall be the 49054  
rate that would be in effect for tax year 2010. 49055

~~(15)~~(17) "Telephone property" means tangible personal 49056  
property of a telephone, telegraph, or interexchange 49057  
telecommunications company subject to an assessment rate specified 49058  
in section 5727.111 of the Revised Code in tax year 2004. 49059

~~(16)~~(18) "Telephone property tax value loss" means the amount 49060  
determined under division (C)(4) of this section. 49061

~~(17)~~(19) "Telephone property fixed-rate levy loss" means the 49062  
amount determined under division (D)(4) of this section. 49063

(B) The commercial activities tax receipts fund is hereby 49064  
created in the state treasury and shall consist of money arising 49065  
from the tax imposed under this chapter. All money in that fund 49066  
shall be credited for each fiscal year in the following 49067  
percentages to the general revenue fund, to the school district 49068  
tangible property tax replacement fund, which is hereby created in 49069

the state treasury for the purpose of making the payments 49070  
described in section 5751.21 of the Revised Code, and to the local 49071  
government tangible property tax replacement fund, which is hereby 49072  
created in the state treasury for the purpose of making the 49073  
payments described in section 5751.22 of the Revised Code, in the 49074  
following percentages: 49075

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund	
2006	67.7%	22.6%	9.7%	49077
2007	0%	70.0%	30.0%	49078
2008	0%	70.0%	30.0%	49079
2009	0%	70.0%	30.0%	49080
2010	0%	70.0%	30.0%	49081
2011	0%	70.0%	30.0%	49082
2012	5.3%	70.0%	24.7%	49083
2013	19.4%	70.0%	10.6%	49084
2014	14.1%	70.0%	15.9%	49085
2015	17.6%	70.0%	12.4%	49086
2016	21.1%	70.0%	8.9%	49087
2017	24.6%	70.0%	5.4%	49088
2018	28.1%	70.0%	1.9%	49089
2019 and thereafter	100%	0%	0%	49090

(C) Not later than September 15, 2005, the tax commissioner 49091  
shall determine for each school district, joint vocational school 49092  
district, and local taxing unit its machinery and equipment, 49093  
inventory property, furniture and fixtures property, and telephone 49094  
property tax value losses, which are the applicable amounts 49095  
described in divisions (C)(1), (2), (3), and (4) of this section, 49096  
except as provided in division (C)(5) of this section: 49097

(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:	49098 49099 49100
(a) For tax year 2006, thirty-three and eight-tenths per cent;	49101 49102
(b) For tax year 2007, sixty-one and three-tenths per cent;	49103
(c) For tax year 2008, eighty-three per cent;	49104
(d) For tax year 2009 and thereafter, one hundred per cent.	49105
(2) Inventory property tax value loss is the taxable value of inventory property as reported by taxpayers for tax year 2004 multiplied by:	49106 49107 49108
(a) For tax year 2006, a fraction, the numerator of which is five and three-fourths and the denominator of which is twenty-three;	49109 49110 49111
(b) For tax year 2007, a fraction, the numerator of which is nine and one-half and the denominator of which is twenty-three;	49112 49113
(c) For tax year 2008, a fraction, the numerator of which is thirteen and one-fourth and the denominator of which is twenty-three;	49114 49115 49116
(d) For tax year 2009 and thereafter a fraction, the numerator of which is seventeen and the denominator of which is twenty-three.	49117 49118 49119
(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:	49120 49121 49122
(a) For tax year 2006, twenty-five per cent;	49123
(b) For tax year 2007, fifty per cent;	49124
(c) For tax year 2008, seventy-five per cent;	49125
(d) For tax year 2009 and thereafter, one hundred per cent.	49126

The taxable value of property reported by taxpayers used in 49127  
divisions (C)(1), (2), and (3) of this section shall be such 49128  
values as determined to be final by the tax commissioner as of 49129  
August 31, 2005. Such determinations shall be final except for any 49130  
correction of a clerical error that was made prior to August 31, 49131  
2005, by the tax commissioner. 49132

(4) Telephone property tax value loss is the taxable value of 49133  
telephone property as taxpayers would have reported that property 49134  
for tax year 2004 if the assessment rate for all telephone 49135  
property for that year were twenty-five per cent, multiplied by: 49136

(a) For tax year 2006, zero per cent; 49137

(b) For tax year 2007, zero per cent; 49138

(c) For tax year 2008, zero per cent; 49139

(d) For tax year 2009, sixty per cent; 49140

(e) For tax year 2010, eighty per cent; 49141

(f) For tax year 2011 and thereafter, one hundred per cent. 49142

(5) Division (C)(5) of this section applies to any school 49143  
district, joint vocational school district, or local taxing unit 49144  
in a county in which is located a facility currently or formerly 49145  
devoted to the enrichment or commercialization of uranium or 49146  
uranium products, and for which the total taxable value of 49147  
property listed on the general tax list of personal property for 49148  
any tax year from tax year 2001 to tax year 2004 was fifty per 49149  
cent or less of the taxable value of such property listed on the 49150  
general tax list of personal property for the next preceding tax 49151  
year. 49152

In computing the fixed-rate levy losses under divisions 49153  
(D)(1), (2), and (3) of this section for any school district, 49154  
joint vocational school district, or local taxing unit to which 49155  
division (C)(5) of this section applies, the taxable value of such 49156

property as listed on the general tax list of personal property 49157  
for tax year 2000 shall be substituted for the taxable value of 49158  
such property as reported by taxpayers for tax year 2004, in the 49159  
taxing district containing the uranium facility, if the taxable 49160  
value listed for tax year 2000 is greater than the taxable value 49161  
reported by taxpayers for tax year 2004. For the purpose of making 49162  
the computations under divisions (D)(1), (2), and (3) of this 49163  
section, the tax year 2000 valuation is to be allocated to 49164  
machinery and equipment, inventory, and furniture and fixtures 49165  
property in the same proportions as the tax year 2004 values. For 49166  
the purpose of the calculations in division (A) of section 5751.21 49167  
of the Revised Code, the tax year 2004 taxable values shall be 49168  
used. 49169

To facilitate the calculations required under division (C) of 49170  
this section, the county auditor, upon request from the tax 49171  
commissioner, shall provide by August 1, 2005, the values of 49172  
machinery and equipment, inventory, and furniture and fixtures for 49173  
all single-county personal property taxpayers for tax year 2004. 49174

(D) Not later than September 15, 2005, the tax commissioner 49175  
shall determine for each tax year from 2006 through 2009 for each 49176  
school district, joint vocational school district, and local 49177  
taxing unit its machinery and equipment, inventory, and furniture 49178  
and fixtures fixed-rate levy losses, and for each tax year from 49179  
2006 through 2011 its telephone property fixed-rate levy loss, 49180  
which are the applicable amounts described in divisions (D)(1), 49181  
(2), (3), and (4) of this section: 49182

(1) The machinery and equipment fixed-rate levy loss is the 49183  
machinery and equipment property tax value loss multiplied by the 49184  
sum of the tax rates of fixed-rate qualifying levies. 49185

(2) The inventory fixed-rate loss is the inventory property 49186  
tax value loss multiplied by the sum of the tax rates of 49187  
fixed-rate qualifying levies. 49188



(3) The furniture and fixtures fixed-rate levy loss is the 49189  
furniture and fixture property tax value loss multiplied by the 49190  
sum of the tax rates of fixed-rate qualifying levies. 49191

(4) The telephone property fixed-rate levy loss is the 49192  
telephone property tax value loss multiplied by the sum of the tax 49193  
rates of fixed-rate qualifying levies. 49194

(E) Not later than September 15, 2005, the tax commissioner 49195  
shall determine for each school district, joint vocational school 49196  
district, and local taxing unit its fixed-sum levy loss. The 49197  
fixed-sum levy loss is the amount obtained by subtracting the 49198  
amount described in division (E)(2) of this section from the 49199  
amount described in division (E)(1) of this section: 49200

(1) The sum of the machinery and equipment property tax value 49201  
loss, the inventory property tax value loss, and the furniture and 49202  
fixtures property tax value loss, and, for 2008 through 2017 the 49203  
telephone property tax value loss of the district or unit 49204  
multiplied by the sum of the fixed-sum tax rates of qualifying 49205  
levies. For 2006 through 2010, this computation shall include all 49206  
qualifying levies remaining in effect for the current tax year and 49207  
any school district emergency levies that are qualifying levies 49208  
not remaining in effect for the current year. For 2011 through 49209  
2017, this computation shall include only qualifying levies 49210  
remaining in effect for the current year. For purposes of this 49211  
computation, a qualifying school district emergency levy remains 49212  
in effect in a year after 2010 only if, for that year, the board 49213  
of education levies a school district emergency levy for an annual 49214  
sum at least equal to the annual sum levied by the board in tax 49215  
year 2004 less the amount of the payment certified under this 49216  
division for 2006. 49217

(2) The total taxable value in tax year 2004 less the sum of 49218  
the machinery and equipment, inventory, furniture and fixtures, 49219  
and telephone property tax value losses in each school district, 49220

joint vocational school district, and local taxing unit multiplied 49221  
by one-half of one mill per dollar. 49222

(3) For the calculations in divisions (E)(1) and (2) of this 49223  
section, the tax value losses are those that would be calculated 49224  
for tax year 2009 under divisions (C)(1), (2), and (3) of this 49225  
section and for tax year 2011 under division (C)(4) of this 49226  
section. 49227

(4) To facilitate the calculation under divisions (D) and (E) 49228  
of this section, not later than September 1, 2005, any school 49229  
district, joint vocational school district, or local taxing unit 49230  
that has a qualifying levy that was approved at an election 49231  
conducted during 2005 before September 1, 2005, shall certify to 49232  
the tax commissioner a copy of the county auditor's certificate of 49233  
estimated property tax millage for such levy as required under 49234  
division (B) of section 5705.03 of the Revised Code, which is the 49235  
rate that shall be used in the calculations under such divisions. 49236

If the amount determined under division (E) of this section 49237  
for any school district, joint vocational school district, or 49238  
local taxing unit is greater than zero, that amount shall equal 49239  
the reimbursement to be paid pursuant to division (D) of section 49240  
5751.21 or division (A)(3) of section 5751.22 of the Revised Code, 49241  
and the one-half of one mill that is subtracted under division 49242  
(E)(2) of this section shall be apportioned among all contributing 49243  
fixed-sum levies in the proportion that each levy bears to the sum 49244  
of all fixed-sum levies within each school district, joint 49245  
vocational school district, or local taxing unit. 49246

(F) Not later than October 1, 2005, the tax commissioner 49247  
shall certify to the department of education for every school 49248  
district and joint vocational school district the machinery and 49249  
equipment, inventory, furniture and fixtures, and telephone 49250  
property tax value losses determined under division (C) of this 49251  
section, the machinery and equipment, inventory, furniture and 49252

fixtures, and telephone fixed-rate levy losses determined under 49253  
division (D) of this section, and the fixed-sum levy losses 49254  
calculated under division (E) of this section. The calculations 49255  
under divisions (D) and (E) of this section shall separately 49256  
display the levy loss for each levy eligible for reimbursement. 49257

(G) Not later than October 1, 2005, the tax commissioner 49258  
shall certify the amount of the fixed-sum levy losses to the 49259  
county auditor of each county in which a school district, joint 49260  
vocational school district, or local taxing unit with a fixed-sum 49261  
levy loss reimbursement has territory. 49262

**Sec. 5751.21.** (A) Not later than the ~~thirty-first~~ fifteenth 49263  
day of July of 2007 through 2017, the department of education 49264  
shall consult with the director of budget and management and 49265  
determine the following for each school district and each joint 49266  
vocational school district eligible for payment under division (B) 49267  
of this section: 49268

(1) The state education aid offset, which is the difference 49269  
obtained by subtracting the amount described in division (A)(1)(b) 49270  
of this section from the amount described in division (A)(1)(a) of 49271  
this section: 49272

(a) The state education aid computed for the school district 49273  
or joint vocational school district for the current fiscal year as 49274  
of the ~~thirty-first~~ fifteenth day of July; 49275

(b) The state education aid that would be computed for the 49276  
school district or joint vocational school district for the 49277  
current fiscal year as of the ~~thirty-first~~ fifteenth day of July 49278  
if the recognized valuation included the machinery and equipment, 49279  
inventory, furniture and fixtures, and telephone property tax 49280  
value losses for the school district or joint vocational school 49281  
district for the second preceding tax year. 49282

(2) The greater of zero or the difference obtained by 49283  
subtracting the state education aid offset determined under 49284  
division (A)(1) of this section from the sum of the machinery and 49285  
equipment fixed-rate levy loss, the inventory fixed-rate levy 49286  
loss, furniture and fixtures fixed-rate levy loss, and telephone 49287  
property fixed-rate levy loss certified under division (F) of 49288  
section 5751.20 of the Revised Code for all taxing districts in 49289  
each school district and joint vocational school district for the 49290  
second preceding tax year. 49291

By the ~~fifth~~ twentieth day of ~~August~~ July of each such year, 49292  
the department of education and the director of budget and 49293  
management shall ~~certify~~ agree upon the amount ~~to be~~ determined 49294  
under division (A)(1) of this section ~~to the director of budget~~ 49295  
~~and management~~. 49296

(B) The department of education shall pay from the school 49297  
district tangible property tax replacement fund to each school 49298  
district and joint vocational school district all of the following 49299  
for fixed-rate levy losses certified under division (F) of section 49300  
5751.20 of the Revised Code: 49301

(1) On or before May 31, 2006, one-seventh of the total 49302  
fixed-rate levy loss for tax year 2006; 49303

(2) On or before August 31, 2006, and October 31, 2006, 49304  
one-half of six-sevenths of the total fixed-rate levy loss for tax 49305  
year 2006; 49306

(3) On or before May 31, 2007, one-seventh of the total 49307  
fixed-rate levy loss for tax year 2007; 49308

(4) On or before August 31, 2007, and October 31, 2007, 49309  
forty-three per cent of the amount determined under division 49310  
(A)(2) of this section for fiscal year 2008, but not less than 49311  
zero, plus one-half of six-sevenths of the difference between the 49312  
total fixed-rate levy loss for tax year 2007 and the total 49313

fixed-rate levy loss for tax year 2006. 49314

(5) On or before May 31, 2008, fourteen per cent of the 49315  
amount determined under division (A)(2) of this section for fiscal 49316  
year 2008, but not less than zero, plus one-seventh of the 49317  
difference between the total fixed-rate levy loss for tax year 49318  
2008 and the total fixed-rate levy loss for tax year 2006. 49319

(6) On or before August 31, 2008, and October 31, 2008, 49320  
forty-three per cent of the amount determined under division 49321  
(A)(2) of this section for fiscal year 2009, but not less than 49322  
zero, plus one-half of six-sevenths of the difference between the 49323  
total fixed-rate levy loss in tax year 2008 and the total 49324  
fixed-rate levy loss in tax year 2007. 49325

(7) On or before May 31, 2009, fourteen per cent of the 49326  
amount determined under division (A)(2) of this section for fiscal 49327  
year 2009, but not less than zero, plus one-seventh of the 49328  
difference between the total fixed-rate levy loss for tax year 49329  
2009 and the total fixed-rate levy loss for tax year 2007. 49330

(8) On or before August 31, 2009, and October 31, 2009, 49331  
forty-three per cent of the amount determined under division 49332  
(A)(2) of this section for fiscal year 2010, but not less than 49333  
zero, plus one-half of six-sevenths of the difference between the 49334  
total fixed-rate levy loss in tax year 2009 and the total 49335  
fixed-rate levy loss in tax year 2008. 49336

(9) On or before May 31, 2010, fourteen per cent of the 49337  
amount determined under division (A)(2) of this section for fiscal 49338  
year 2010, but not less than zero, plus one-seventh of the 49339  
difference between the total fixed-rate levy loss in tax year 2010 49340  
and the total fixed-rate levy loss in tax year 2008. 49341

(10) On or before August 31, 2010, and October 31, 2010, 49342  
one-third of the amount determined under division (A)(2) of this 49343  
section for fiscal year 2011, but not less than zero, plus 49344

one-half of six-sevenths of the difference between the telephone 49345  
property fixed-rate levy loss for tax year 2010 and the telephone 49346  
property fixed-rate levy loss for tax year 2009. 49347

(11) On or before May 31, 2011, fourteen per cent of the 49348  
amount determined under division (A)(2) of this section for fiscal 49349  
year 2011, but not less than zero, plus one-seventh of the 49350  
difference between the telephone property fixed-rate levy loss for 49351  
tax year 2011 and the telephone property fixed-rate levy loss for 49352  
tax year 2009. 49353

(12) On or before August 31, 2011, October 31, 2011, and May 49354  
31, 2012, the amount determined under division (A)(2) of this 49355  
section multiplied by a fraction, the numerator of which is 49356  
fourteen and the denominator of which is seventeen, but not less 49357  
than zero, multiplied by one-third, plus one-half of six-sevenths 49358  
of the difference between the telephone property fixed-rate levy 49359  
loss for tax year 2011 and the telephone property fixed-rate levy 49360  
loss for tax year 2010. 49361

(13) On or before May 31, 2012, fourteen per cent of the 49362  
amount determined under division (A)(2) of this section for fiscal 49363  
year 2012, multiplied by a fraction, the numerator of which is 49364  
fourteen and the denominator of which is seventeen, plus 49365  
one-seventh of the difference between the telephone property 49366  
fixed-rate levy loss for tax year 2011 and the telephone property 49367  
fixed-rate levy loss for tax year 2010. 49368

(14) On or before August 31, 2012, October 31, 2012, and May 49369  
31, 2013, the amount determined under division (A)(2) of this 49370  
section multiplied by a fraction, the numerator of which is eleven 49371  
and the denominator of which is seventeen, but not less than zero, 49372  
multiplied by one-third. 49373

(15) On or before August 31, 2013, October 31, 2013, and May 49374  
31, 2014, the amount determined under division (A)(2) of this 49375

section multiplied by a fraction, the numerator of which is nine 49376  
and the denominator of which is seventeen, but not less than zero, 49377  
multiplied by one-third. 49378

(16) On or before August 31, 2014, October 31, 2014, and May 49379  
31, 2015, the amount determined under division (A)(2) of this 49380  
section multiplied by a fraction, the numerator of which is seven 49381  
and the denominator of which is seventeen, but not less than zero, 49382  
multiplied by one-third. 49383

(17) On or before August 31, 2015, October 31, 2015, and May 49384  
31, 2016, the amount determined under division (A)(2) of this 49385  
section multiplied by a fraction, the numerator of which is five 49386  
and the denominator of which is seventeen, but not less than zero, 49387  
multiplied by one-third. 49388

(18) On or before August 31, 2016, October 31, 2016, and May 49389  
31, 2017, the amount determined under division (A)(2) of this 49390  
section multiplied by a fraction, the numerator of which is three 49391  
and the denominator of which is seventeen, but not less than zero, 49392  
multiplied by one-third. 49393

(19) On or before August 31, 2017, October 31, 2017, and May 49394  
31, 2018, the amount determined under division (A)(2) of this 49395  
section multiplied by a fraction, the numerator of which is one 49396  
and the denominator of which is seventeen, but not less than zero, 49397  
multiplied by one-third. 49398

(20) After May 31, 2018, no payments shall be made under this 49399  
section. 49400

The department of education shall report to each school 49401  
district and joint vocational school district the apportionment of 49402  
the payments among the school district's or joint vocational 49403  
school district's funds based on the certifications under division 49404  
(F) of section 5751.20 of the Revised Code. 49405

Any qualifying levy that is a fixed-rate levy that is not 49406

applicable to a tax year after 2010 does not qualify for any 49407  
reimbursement after the tax year to which it is last applicable. 49408

(C) For taxes levied within the ten-mill limitation for debt 49409  
purposes in tax year 2005, payments shall be made equal to one 49410  
hundred per cent of the loss computed as if the tax were a 49411  
fixed-rate levy, but those payments shall extend from fiscal year 49412  
2006 through fiscal year 2018, as long as the qualifying levy 49413  
continues to be used for debt purposes. If the purpose of such a 49414  
qualifying levy is changed, that levy becomes subject to the 49415  
payments determined in division (B) of this section. 49416

(D)(1) Not later than January 1, 2006, for each fixed-sum 49417  
levy of each school district or joint vocational school district 49418  
and for each year for which a determination is made under division 49419  
(F) of section 5751.20 of the Revised Code that a fixed-sum levy 49420  
loss is to be reimbursed, the tax commissioner shall certify to 49421  
the department of education the fixed-sum levy loss determined 49422  
under that division. The certification shall cover a time period 49423  
sufficient to include all fixed-sum levies for which the 49424  
commissioner made such a determination. The department shall pay 49425  
from the school district property tax replacement fund to the 49426  
school district or joint vocational school district one-third of 49427  
the fixed-sum levy loss so certified for each year on or before 49428  
the last day of May, August, and October of the current year. 49429

(2) Beginning in 2006, by the first day of January of each 49430  
year, the tax commissioner shall review the certification 49431  
originally made under division (D)(1) of this section. If the 49432  
commissioner determines that a debt levy that had been scheduled 49433  
to be reimbursed in the current year has expired, a revised 49434  
certification for that and all subsequent years shall be made to 49435  
the department of education. 49436

(E) Beginning in September 2007 and through June 2018, the 49437  
director of budget and management shall transfer from the school 49438



district tangible property tax replacement fund to the general 49439  
revenue fund each of the following: 49440

(1) On the first day of September, ~~the lesser of~~ one-fourth 49441  
of the amount ~~certified~~ determined for that fiscal year under 49442  
division (A)(1) of this section ~~or the balance in the school~~ 49443  
~~district tangible property tax replacement fund;~~ 49444

(2) On the first day of December, ~~the lesser of~~ one-fourth of 49445  
the amount ~~certified~~ determined for that fiscal year under 49446  
division (A)(1) of this section ~~or the balance in the school~~ 49447  
~~district tangible property tax replacement fund;~~ 49448

(3) On the first day of March, ~~the lesser of~~ one-fourth of 49449  
the amount ~~certified~~ determined for that fiscal year under 49450  
division (A)(1) of this section ~~or the balance in the school~~ 49451  
~~district tangible property tax replacement fund;~~ 49452

(4) On the first day of June, ~~the lesser of~~ one-fourth of the 49453  
amount ~~certified~~ determined for that fiscal year under division 49454  
(A)(1) of this section ~~or the balance in the school district~~ 49455  
~~tangible property tax replacement fund.~~ 49456

If, when a transfer is required under division (E)(1), (2), 49457  
(3), or (4) of this section, there is not sufficient money in the 49458  
school district tangible property tax replacement fund to make the 49459  
transfer in the required amount, the director shall transfer the 49460  
balance in the fund to the general revenue fund and may make 49461  
additional transfers on later dates as determined by the director 49462  
in a total amount that does not exceed one-fourth of the amount 49463  
determined for the fiscal year. 49464

(F) For each of the fiscal years 2006 through 2018, if the 49465  
total amount in the school district tangible property tax 49466  
replacement fund is insufficient to make all payments under 49467  
divisions (B), (C), and (D) of this section at the times the 49468  
payments are to be made, the director of budget and management 49469

shall transfer from the general revenue fund to the school 49470  
district tangible property tax replacement fund the difference 49471  
between the total amount to be paid and the amount in the school 49472  
district tangible property tax replacement fund. For each fiscal 49473  
year after 2018, at the time payments under division (D) of this 49474  
section are to be made, the director of budget and management 49475  
shall transfer from the general revenue fund to the school 49476  
district property tax replacement fund the amount necessary to 49477  
make such payments. 49478

(G) On the fifteenth day of June of 2006 through 2011, the 49479  
director of budget and management may transfer any balance in the 49480  
school district tangible property tax replacement fund to the 49481  
general revenue fund. At the end of fiscal years 2012 through 49482  
2018, any balance in the school district tangible property tax 49483  
replacement fund shall remain in the fund to be used in future 49484  
fiscal years for school purposes. 49485

(H) If all of the territory of a school district or joint 49486  
vocational school district is merged with another district, or if 49487  
a part of the territory of a school district or joint vocational 49488  
school district is transferred to an existing or newly created 49489  
district, the department of education, in consultation with the 49490  
tax commissioner, shall adjust the payments made under this 49491  
section as follows: 49492

(1) For a merger of two or more districts, the machinery and 49493  
equipment, inventory, furniture and fixtures, and telephone 49494  
property fixed-rate levy losses and the fixed-sum levy losses of 49495  
the successor district shall be equal to the sum of the machinery 49496  
and equipment, inventory, furniture and fixtures, and telephone 49497  
property fixed-rate levy losses and debt levy losses as determined 49498  
in section 5751.20 of the Revised Code, for each of the districts 49499  
involved in the merger. 49500

(2) If property is transferred from one district to a 49501

previously existing district, the amount of machinery and 49502  
equipment, inventory, furniture and fixtures, and telephone 49503  
property tax value losses and fixed-rate levy losses that shall be 49504  
transferred to the recipient district shall be an amount equal to 49505  
the total machinery and equipment, inventory, furniture and 49506  
fixtures, and telephone property fixed-rate levy losses times a 49507  
fraction, the numerator of which is the value of business tangible 49508  
personal property on the land being transferred in the most recent 49509  
year for which data are available, and the denominator of which is 49510  
the total value of business tangible personal property in the 49511  
district from which the land is being transferred in the most 49512  
recent year for which data are available. For each of the first 49513  
five years after the property is transferred, but not after fiscal 49514  
year 2012, if the tax rate in the recipient district is less than 49515  
the tax rate of the district from which the land was transferred, 49516  
one-half of the payments arising from the amount of fixed-rate 49517  
levy losses so transferred to the recipient district shall be paid 49518  
to the recipient district and one-half of the payments arising 49519  
from the fixed-rate levy losses so transferred shall be paid to 49520  
the district from which the land was transferred. Fixed-rate levy 49521  
losses so transferred shall be computed on the basis of the sum of 49522  
the rates of fixed-rate qualifying levies of the district from 49523  
which the land was transferred, notwithstanding division (D) of 49524  
this section. 49525

(3) After December 31, 2004, if property is transferred from 49526  
one or more districts to a district that is newly created out of 49527  
the transferred property, the newly created district shall be 49528  
deemed not to have any machinery and equipment, inventory, 49529  
furniture and fixtures, or telephone property fixed-rate levy 49530  
losses and the districts from which the property was transferred 49531  
shall have no reduction in their machinery and equipment, 49532  
inventory, furniture and fixtures, and telephone property 49533  
fixed-rate levy losses. 49534

(4) If the recipient district under division (H)(2) of this section or the newly created district under divisions (H)(3) of this section is assuming debt from one or more of the districts from which the property was transferred and any of the districts losing the property had fixed-sum levy losses, the department of education, in consultation with the tax commissioner, shall make an equitable division of the fixed-sum levy loss reimbursements.

**Sec. 5751.23.** (A) As used in this section:

(1) "Administrative fees" means the dollar percentages allowed by the county auditor for services or by the county treasurer as fees, or paid to the credit of the real estate assessment fund, under divisions (A) and ~~(B)~~(C) of section 319.54 and division (A) of section 321.26 of the Revised Code.

(2) "Administrative fee loss" means a county's loss of administrative fees due to its tax value loss, determined as follows:

(a) For purposes of the determination made under division (B) of this section in the years 2006 through 2010, the administrative fee loss shall be computed by multiplying the amounts determined for all taxing districts in the county under divisions (D) and (E) of section 5751.20 of the Revised Code by nine thousand six hundred fifty-nine ten-thousandths of one per cent if total taxes collected in the county in 2004 exceeded one hundred fifty million dollars, or one and one thousand one hundred fifty-nine ten-thousandths of one per cent if total taxes collected in the county in 2004 were one hundred fifty million dollars or less;

(b) For purposes of the determination under division (B) of this section in the years after 2010, the administrative fee losses shall be determined by multiplying the administrative fee losses calculated for 2010 by the fractions in divisions (A)(1)(b) to (i) of section 5751.22 of the Revised Code.

(3) "Total taxes collected" means all money collected on any tax duplicate of the county, other than the estate tax duplicates. "Total taxes collected" does not include amounts received pursuant to divisions (F) and (G) of section 321.24 or section 323.156 of the Revised Code.

(B) Not later than December 31, 2005, the tax commissioner shall certify to each county auditor the tax levy losses calculated under divisions (D) and (E) of section 5751.20 of the Revised Code for each school district, joint vocational school district, and local taxing unit in the county. Not later than the thirty-first day of January of 2006 through 2017, the county auditor shall determine the administrative fee loss for the county and apportion that loss ratably among the school districts, joint vocational school districts, and local taxing units on the basis of the tax levy losses certified under this division.

(C) On or before each of the days prescribed for the settlements under divisions (A) and (C) of section 321.24 of the Revised Code in the years 2006 through 2017, the county treasurer shall deduct one-half of the amount apportioned to each school district, joint vocational school district, and local taxing unit from the portions of revenue payable to them.

(D) On or before each of the days prescribed for settlements under divisions (A) and (C) of section 321.24 of the Revised Code in the years 2006 through 2017, the county auditor shall cause to be deposited an amount equal to one-half of the amount of the administrative fee loss in the same funds as if allowed as administrative fees.

**Sec. 5907.15.** There is hereby created in the state treasury the Ohio veterans' homes rental, ~~and service, and medicare reimbursement~~ fund. Revenue generated from temporary use agreements of a veterans' home, from the sale of meals at a home's

dining halls, and from rental, lease, or sharing agreements for 49597  
the use of facilities, supplies, equipment, utilities, or services 49598  
provided by a home, ~~and from medicare reimbursements~~ shall be 49599  
credited to the fund. The fund shall be used only for maintenance 49600  
costs of the homes and for the purchase of medications, medication 49601  
services, medical supplies, and medical equipment by the homes. 49602

Sec. 5907.16. There is hereby created in the state treasury 49603  
the medicare services fund. Revenue from federal reimbursement of 49604  
medicare services that were provided at state veterans' homes 49605  
shall be credited to the fund. The fund shall be used for paying 49606  
the operating costs of the state veterans' homes. 49607

**Sec. 6109.21.** (A) Except as provided in divisions (D) and (E) 49608  
of this section, on and after January 1, 1994, no person shall 49609  
operate or maintain a public water system in this state without a 49610  
license issued by the director of environmental protection. A 49611  
person who operates or maintains a public water system on January 49612  
1, 1994, shall obtain an initial license under this section in 49613  
accordance with the following schedule: 49614

(1) If the public water system is a community water system, 49615  
not later than January 31, 1994; 49616

(2) If the public water system is not a community water 49617  
system and serves a nontransient population, not later than 49618  
January 31, 1994; 49619

(3) If the public water system is not a community water 49620  
system and serves a transient population, not later than January 49621  
31, 1995. 49622

A person proposing to operate or maintain a new public water 49623  
system after January 1, 1994, in addition to complying with 49624  
section 6109.07 of the Revised Code and rules adopted under it, 49625  
shall submit an application for an initial license under this 49626

section to the director prior to commencing operation of the 49627  
system. 49628

A license or license renewal issued under this section shall 49629  
be renewed annually. Such a license or license renewal shall 49630  
expire on the thirtieth day of January in the year following its 49631  
issuance. A license holder that proposes to continue operating the 49632  
public water system for which the license or license renewal was 49633  
issued shall apply for a license renewal at least thirty days 49634  
prior to that expiration date. 49635

The director shall adopt, and may amend and rescind, rules in 49636  
accordance with Chapter 119. of the Revised Code establishing 49637  
procedures governing and information to be included on 49638  
applications for licenses and license renewals under this section. 49639  
Through June 30, ~~2008~~ 2010, each application shall be accompanied 49640  
by the appropriate fee established under division (M) of section 49641  
3745.11 of the Revised Code, provided that an applicant for an 49642  
initial license who is proposing to operate or maintain a new 49643  
public water system after January 1, 1994, shall submit a fee that 49644  
equals a prorated amount of the appropriate fee established under 49645  
that division for the remainder of the licensing year. 49646

(B) Not later than thirty days after receiving a completed 49647  
application and the appropriate license fee for an initial license 49648  
under division (A) of this section, the director shall issue the 49649  
license for the public water system. Not later than thirty days 49650  
after receiving a completed application and the appropriate 49651  
license fee for a license renewal under division (A) of this 49652  
section, the director shall do one of the following: 49653

(1) Issue the license renewal for the public water system; 49654

(2) Issue the license renewal subject to terms and conditions 49655  
that the director determines are necessary to ensure compliance 49656  
with this chapter and rules adopted under it; 49657

(3) Deny the license renewal if the director finds that the public water system was not operated in substantial compliance with this chapter and rules adopted under it.

(C) The director may suspend or revoke a license or license renewal issued under this section if the director finds that the public water system was not operated in substantial compliance with this chapter and rules adopted under it. The director shall adopt, and may amend and rescind, rules in accordance with Chapter 119. of the Revised Code governing such suspensions and revocations.

(D)(1) As used in division (D) of this section, "church" means a fellowship of believers, congregation, society, corporation, convention, or association that is formed primarily or exclusively for religious purposes and that is not formed or operated for the private profit of any person.

(2) This section does not apply to a church that operates or maintains a public water system solely to provide water for that church or for a campground that is owned by the church and operated primarily or exclusively for members of the church and their families. A church that, on or before March 5, 1996, has obtained a license under this section for such a public water system need not obtain a license renewal under this section.

(E) This section does not apply to any public or nonpublic school that meets minimum standards of the state board of education that operates or maintains a public water system solely to provide water for that school.

Sec. 6111.0381. There is hereby created in the state treasury the water quality protection fund. The fund shall consist of federal grants, including grants made pursuant to the Federal Water Pollution Control Act, and contributions made to the environmental protection agency for water quality protection and



restoration. The director of environmental protection shall use 49689  
money in the fund for water quality protection and restoration. 49690

**Sec. 6111.04.** (A) Both of the following apply except as 49691  
otherwise provided in division (A) or (F) of this section: 49692

(1) No person shall cause pollution or place or cause to be 49693  
placed any sewage, sludge, sludge materials, industrial waste, or 49694  
other wastes in a location where they cause pollution of any 49695  
waters of the state. 49696

(2) Such an action prohibited under division (A)(1) of this 49697  
section is hereby declared to be a public nuisance. 49698

Divisions (A)(1) and (2) of this section do not apply if the 49699  
person causing pollution or placing or causing to be placed wastes 49700  
in a location in which they cause pollution of any waters of the 49701  
state holds a valid, unexpired permit, or renewal of a permit, 49702  
governing the causing or placement as provided in sections 6111.01 49703  
to 6111.08 of the Revised Code or if the person's application for 49704  
renewal of such a permit is pending. 49705

(B) If the director of environmental protection administers a 49706  
sludge management program pursuant to division (S) of section 49707  
6111.03 of the Revised Code, both of the following apply except as 49708  
otherwise provided in division (B) or (F) of this section: 49709

(1) No person, in the course of sludge management, shall 49710  
place on land located in the state or release into the air of the 49711  
state any sludge or sludge materials. 49712

(2) An action prohibited under division (B)(1) of this 49713  
section is hereby declared to be a public nuisance. 49714

Divisions (B)(1) and (2) of this section do not apply if the 49715  
person placing or releasing the sludge or sludge materials holds a 49716  
valid, unexpired permit, or renewal of a permit, governing the 49717  
placement or release as provided in sections 6111.01 to 6111.08 of 49718

the Revised Code or if the person's application for renewal of 49719  
such a permit is pending. 49720

(C) No person to whom a permit has been issued shall place or 49721  
discharge, or cause to be placed or discharged, in any waters of 49722  
the state any sewage, sludge, sludge materials, industrial waste, 49723  
or other wastes in excess of the permissive discharges specified 49724  
under an existing permit without first receiving a permit from the 49725  
director to do so. 49726

(D) No person to whom a sludge management permit has been 49727  
issued shall place on the land or release into the air of the 49728  
state any sludge or sludge materials in excess of the permissive 49729  
amounts specified under the existing sludge management permit 49730  
without first receiving a modification of the existing sludge 49731  
management permit or a new sludge management permit to do so from 49732  
the director. 49733

(E) The director may require the submission of plans, 49734  
specifications, and other information that the director considers 49735  
relevant in connection with the issuance of permits. 49736

(F) This section does not apply to any of the following: 49737

(1) Waters used in washing sand, gravel, other aggregates, or 49738  
mineral products when the washing and the ultimate disposal of the 49739  
water used in the washing, including any sewage, industrial waste, 49740  
or other wastes contained in the waters, are entirely confined to 49741  
the land under the control of the person engaged in the recovery 49742  
and processing of the sand, gravel, other aggregates, or mineral 49743  
products and do not result in the pollution of waters of the 49744  
state; 49745

(2) Water, gas, or other material injected into a well to 49746  
facilitate, or that is incidental to, the production of oil, gas, 49747  
artificial brine, or water derived in association with oil or gas 49748  
production and disposed of in a well, in compliance with a permit 49749

issued under Chapter 1509. of the Revised Code, or sewage, 49750  
industrial waste, or other wastes injected into a well in 49751  
compliance with an injection well operating permit. Division 49752  
(F)(2) of this section does not authorize, without a permit, any 49753  
discharge that is prohibited by, or for which a permit is required 49754  
by, regulation of the United States environmental protection 49755  
agency. 49756

(3) Application of any materials to land for agricultural 49757  
purposes or runoff of the materials from that application or 49758  
pollution by animal waste or soil sediment, including attached 49759  
substances, resulting from farming, silvicultural, or earthmoving 49760  
activities regulated by Chapter 307. or 1511. of the Revised Code. 49761  
Division (F)(3) of this section does not authorize, without a 49762  
permit, any discharge that is prohibited by, or for which a permit 49763  
is required by, the Federal Water Pollution Control Act or 49764  
regulations adopted under it. 49765

(4) The excrement of domestic and farm animals defecated on 49766  
land or runoff therefrom into any waters of the state. Division 49767  
(F)(4) of this section does not authorize, without a permit, any 49768  
discharge that is prohibited by, or for which a permit is required 49769  
by, the Federal Water Pollution Control Act or regulations adopted 49770  
under it. 49771

(5) On and after the date on which the United States 49772  
environmental protection agency approves the NPDES program 49773  
submitted by the director of agriculture under section 903.08 of 49774  
the Revised Code, any discharge that is within the scope of the 49775  
approved NPDES program submitted by the director of agriculture; 49776

(6) The discharge of sewage, industrial waste, or other 49777  
wastes into a sewerage system tributary to a treatment works. 49778  
Division (F)(6) of this section does not authorize any discharge 49779  
into a publicly owned treatment works in violation of a 49780  
pretreatment program applicable to the publicly owned treatment 49781

works. 49782

(7) ~~A household sewage treatment system or a small flow~~ 49783  
~~on-site sewage treatment system, as applicable, as defined in~~ 49784  
~~section 3718.01 of the Revised Code that is installed~~ Septic tanks 49785  
or other disposal systems for the disposal or treatment of sewage 49786  
from single-family, two-family, or three-family dwellings in 49787  
compliance with ~~Chapter 3718.~~ the sanitary code and section 49788  
3707.01 of the Revised Code and rules adopted under it. Division 49789  
(F)(7) of this section does not authorize, without a permit, any 49790  
discharge that is prohibited by, or for which a permit is required 49791  
by, regulation of the United States environmental protection 49792  
agency. 49793

(8) Exceptional quality sludge generated outside of this 49794  
state and contained in bags or other containers not greater than 49795  
one hundred pounds in capacity. As used in division (F)(8) of this 49796  
section, "exceptional quality sludge" has the same meaning as in 49797  
division (Y) of section 3745.11 of the Revised Code. 49798

(G) The holder of a permit issued under section 402 (a) of 49799  
the Federal Water Pollution Control Act need not obtain a permit 49800  
for a discharge authorized by the permit until its expiration 49801  
date. Except as otherwise provided in this division, the director 49802  
of environmental protection shall administer and enforce those 49803  
permits within this state and may modify their terms and 49804  
conditions in accordance with division (J) of section 6111.03 of 49805  
the Revised Code. On and after the date on which the United States 49806  
environmental protection agency approves the NPDES program 49807  
submitted by the director of agriculture under section 903.08 of 49808  
the Revised Code, the director of agriculture shall administer and 49809  
enforce those permits within this state that are issued for any 49810  
discharge that is within the scope of the approved NPDES program 49811  
submitted by the director of agriculture. 49812

**Sec. 6111.44.** (A) Except as otherwise provided in division 49813  
(B) of this section, in section 6111.14 of the Revised Code, or in 49814  
rules adopted under division (G) of section 6111.03 of the Revised 49815  
Code, no municipal corporation, county, public institution, 49816  
corporation, or officer or employee thereof or other person shall 49817  
provide or install sewerage or treatment works for sewage, sludge, 49818  
or sludge materials disposal or treatment or make a change in any 49819  
sewerage or treatment works until the plans therefor have been 49820  
submitted to and approved by the director of environmental 49821  
protection. Sections 6111.44 to 6111.46 of the Revised Code apply 49822  
to sewerage and treatment works of a municipal corporation or part 49823  
thereof, an unincorporated community, a county sewer district, or 49824  
other land outside of a municipal corporation or any publicly or 49825  
privately owned building or group of buildings or place, used for 49826  
the assemblage, entertainment, recreation, education, correction, 49827  
hospitalization, housing, or employment of persons. 49828

In granting an approval, the director may stipulate 49829  
modifications, conditions, and rules that the public health and 49830  
prevention of pollution may require. Any action taken by the 49831  
director shall be a matter of public record and shall be entered 49832  
in the director's journal. Each period of thirty days that a 49833  
violation of this section continues, after a conviction for the 49834  
violation, constitutes a separate offense. 49835

(B) Sections 6111.45 and 6111.46 of the Revised Code and 49836  
division (A) of this section do not apply to any of the following: 49837

(1) Sewerage or treatment works for sewage installed or to be 49838  
installed for the use of a private residence or dwelling; 49839

(2) Sewerage systems, treatment works, or disposal systems 49840  
for storm water from an animal feeding facility or manure, as 49841  
"animal feeding facility" and "manure" are defined in section 49842  
903.01 of the Revised Code; 49843

(3) Animal waste treatment or disposal works and related management and conservation practices that are subject to rules adopted under division (E)(2) of section 1511.02 of the Revised Code; 49844  
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~~(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.~~ 49848  
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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. 49857  
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**Sec. 6121.04.** The Ohio water development authority may do any or all of the following: 49864  
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(A) Adopt bylaws for the regulation of its affairs and the conduct of its business; 49866  
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(B) Adopt an official seal; 49868

(C) Maintain a principal office and suboffices at places within the state that it designates; 49869  
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(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 49871  
49872  
49873

employment, or to enforce its obligations and covenants made under 49874  
sections 6121.06, 6121.08, and 6121.13 of the Revised Code. Any 49875  
such actions against the authority shall be brought in the court 49876  
of common pleas of the county in which the principal office of the 49877  
authority is located or in the court of common pleas of the county 49878  
in which the cause of action arose, provided that the county is 49879  
located within this state, and all summonses, exceptions, and 49880  
notices of every kind shall be served on the authority by leaving 49881  
a copy thereof at the principal office with the person in charge 49882  
thereof or with the secretary-treasurer of the authority. 49883

(E) Make loans and grants to governmental agencies for the 49884  
acquisition or construction of water development projects by any 49885  
such governmental agency and adopt rules and procedures for making 49886  
such loans and grants; 49887

(F) Acquire, construct, reconstruct, enlarge, improve, 49888  
furnish, equip, maintain, repair, operate, or lease or rent to, or 49889  
contract for operation by, a governmental agency or person, water 49890  
development projects, and establish rules for the use of those 49891  
projects; 49892

(G) Make available the use or services of any water 49893  
development project to one or more persons, one or more 49894  
governmental agencies, or any combination thereof; 49895

(H) Issue water development revenue bonds and notes and water 49896  
development revenue refunding bonds of the state, payable solely 49897  
from revenues as provided in section 6121.06 of the Revised Code, 49898  
unless the bonds are refunded by refunding bonds, for the purpose 49899  
of paying any part of the cost of one or more water development 49900  
projects or parts thereof; 49901

(I) Acquire by gift or purchase, hold, and dispose of real 49902  
and personal property in the exercise of its powers and the 49903  
performance of its duties under this chapter; 49904

(J) Acquire, in the name of the state, by purchase or 49905  
otherwise, on terms and in the manner that it considers proper, or 49906  
by the exercise of the right of condemnation in the manner 49907  
provided by section 6121.18 of the Revised Code, public or private 49908  
lands, including public parks, playgrounds, or reservations, or 49909  
parts thereof or rights therein, rights-of-way, property, rights, 49910  
easements, and interests that it considers necessary for carrying 49911  
out this chapter, but excluding the acquisition by the exercise of 49912  
the right of condemnation of any waste water facility or water 49913  
management facility owned by any person or governmental agency, 49914  
and compensation shall be paid for public or private lands so 49915  
taken, except that a government-owned waste water facility may be 49916  
appropriated in accordance with section 6121.041 of the Revised 49917  
Code; 49918

(K) Adopt rules to protect augmented flow in waters of the 49919  
state, to the extent augmented by a water development project, 49920  
from depletion so it will be available for beneficial use, and to 49921  
provide standards for the withdrawal from waters of the state of 49922  
the augmented flow created by a water development project that is 49923  
not returned to the waters of the state so augmented and to 49924  
establish reasonable charges therefor if considered necessary by 49925  
the authority; 49926

(L) Make and enter into all contracts and agreements and 49927  
execute all instruments necessary or incidental to the performance 49928  
of its duties and the execution of its powers under this chapter 49929  
in accordance with the following requirements: 49930

(1) When the cost under any such contract or agreement, other 49931  
than compensation for personal services, involves an expenditure 49932  
of more than twenty-five thousand dollars, the authority shall 49933  
make a written contract with the lowest responsive and responsible 49934  
bidder, in accordance with section 9.312 of the Revised Code, 49935  
after advertisement for not less than two consecutive weeks in a 49936



newspaper of general circulation in Franklin county, and in other 49937  
publications that the authority determines, which shall state the 49938  
general character of the work and the general character of the 49939  
materials to be furnished, the place where plans and 49940  
specifications therefor may be examined, and the time and place of 49941  
receiving bids, provided that a contract or lease for the 49942  
operation of a water development project constructed and owned by 49943  
the authority or an agreement for cooperation in the acquisition 49944  
or construction of a water development project pursuant to section 49945  
6121.13 of the Revised Code or any contract for the construction 49946  
of a water development project that is to be leased by the 49947  
authority to, and operated by, persons who are not governmental 49948  
agencies and the cost of the project is to be amortized 49949  
exclusively from rentals or other charges paid to the authority by 49950  
persons who are not governmental agencies is not subject to the 49951  
foregoing requirements and the authority may enter into such a 49952  
contract or lease or such an agreement pursuant to negotiation and 49953  
upon terms and conditions and for the period that it finds to be 49954  
reasonable and proper in the circumstances and in the best 49955  
interests of proper operation or of efficient acquisition or 49956  
construction of the project. 49957

(2) Each bid for a contract for the construction, demolition, 49958  
alteration, repair, or reconstruction of an improvement shall 49959  
contain the full name of every person interested in it and shall 49960  
meet the requirements of section 153.54 of the Revised Code. 49961

(3) Each bid for a contract except as provided in division 49962  
(L)(2) of this section shall contain the full name of every person 49963  
or company interested in it and shall be accompanied by a 49964  
sufficient bond or certified check on a solvent bank that if the 49965  
bid is accepted, a contract will be entered into and the 49966  
performance thereof secured. 49967

(4) The authority may reject any and all bids. 49968

(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.

(M) Employ managers, superintendents, and other employees and retain or contract with consulting engineers, financial consultants, accounting experts, architects, attorneys, and other consultants and independent contractors that are necessary in its judgment to carry out this chapter, and fix the compensation thereof. All expenses thereof shall be payable solely from the proceeds of water development revenue bonds or notes issued under this chapter, from revenues, or from funds appropriated for that purpose by the general assembly.

(N) Receive and accept from any federal agency, subject to the approval of the governor, grants for or in aid of the construction of any water development project or for research and development with respect to waste water or water management facilities, and receive and accept aid or contributions from any source of money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which the grants and contributions are made;

(O) Engage in research and development with respect to waste water or water management facilities;

(P) Purchase fire and extended coverage and liability insurance for any water development project and for the principal office and suboffices of the authority, insurance protecting the authority and its officers and employees against liability for damage to property or injury to or death of persons arising from its operations, and any other insurance the authority may agree to provide under any resolution authorizing its water development revenue bonds or in any trust agreement securing the same;

(Q) Charge, alter, and collect rentals and other charges for 50001  
the use or services of any water development project as provided 50002  
in section 6121.13 of the Revised Code; 50003

(R) Provide coverage for its employees under Chapters 145., 50004  
4123., and 4141. of the Revised Code; 50005

(S) Assist in the implementation and administration of the 50006  
drinking water assistance fund and program created in section 50007  
6109.22 of the Revised Code and the water pollution control loan 50008  
fund and program created in section 6111.036 of the Revised Code, 50009  
including, without limitation, performing or providing fiscal 50010  
management for the funds and investing and disbursing moneys in 50011  
the funds, and enter into all necessary and appropriate agreements 50012  
with the director of environmental protection for those purposes; 50013

(T) Issue water development revenue bonds and notes of the 50014  
state in principal amounts that are necessary for the purpose of 50015  
raising moneys for the sole benefit of the water pollution control 50016  
loan fund created in section 6111.036 of the Revised Code, 50017  
including moneys to meet the requirement for providing matching 50018  
moneys under division (D) of that section. The bonds and notes may 50019  
be secured by appropriate trust agreements and repaid from moneys 50020  
credited to the fund from payments of principal and interest on 50021  
loans made from the fund, as provided in division (F) of section 50022  
6111.036 of the Revised Code. 50023

(U) Issue water development revenue bonds and notes of the 50024  
state in principal amounts that are necessary for the purpose of 50025  
raising moneys for the sole benefit of the drinking water 50026  
assistance fund created in section 6109.22 of the Revised Code, 50027  
including moneys to meet the requirement for providing matching 50028  
moneys under divisions (B) and (F) of that section. The bonds and 50029  
notes may be secured by appropriate trust agreements and repaid 50030  
from moneys credited to the fund from payments of principal and 50031  
interest on loans made from the fund, as provided in division (F) 50032

of section 6109.22 of the Revised Code. 50033

(V) Make loans to and enter into agreements with boards of 50034  
county commissioners for the purposes of section ~~1521.26~~ 1506.44 50035  
of the Revised Code and adopt rules establishing requirements and 50036  
procedures for making the loans and entering into the agreements; 50037

(W) Do all acts necessary or proper to carry out the powers 50038  
expressly granted in this chapter. 50039

Any instrument by which real property is acquired pursuant to 50040  
this section shall identify the agency of the state that has the 50041  
use and benefit of the real property as specified in section 50042  
5301.012 of the Revised Code. 50043

**Sec. 6121.043.** If a governmental agency fails to pay any 50044  
charge imposed pursuant to an order issued under section 6121.041 50045  
of the Revised Code within sixty days of the date due, such charge 50046  
shall be deducted from the amount of the undivided local 50047  
~~government~~ communities fund to which the agency is entitled 50048  
pursuant to section 5747.51 or 5747.53 of the Revised Code, and 50049  
shall be paid directly to the Ohio water development authority. If 50050  
a person fails to pay a charge within sixty days of the date due, 50051  
the authority shall certify such charge to the county auditor, who 50052  
shall place the charge on the real property tax list and duplicate 50053  
against the property served. Such charge becomes a lien on such 50054  
property from the date it is certified by the authority, and shall 50055  
be collected in the manner that taxes are ordinarily collected and 50056  
forwarded to the authority. 50057

Any revenues or other moneys pledged against obligations 50058  
which are collected by the authority in the operation of a single 50059  
or regional system of waste water facilities shall first be 50060  
applied to the payment of debt service on such obligations. No 50061  
action of the authority relieves a governmental agency of any duty 50062  
which it may have to pay such obligations. 50063

Sec. 6131.23. The assessments estimated in accordance with 50064  
section 6131.14 of the Revised Code shall be payable in not less 50065  
than two semiannual installments. At the time of the final 50066  
hearing, in the order approving the levying of the assessments, 50067  
the board of county commissioners shall determine how long a 50068  
period of time, in semiannual installments, as taxes are paid, 50069  
shall be given the owners of land benefited to pay the assessments 50070  
that are made for an improvement and whether or not bonds or notes 50071  
shall be issued and sold in anticipation of such payments. If 50072  
bonds or notes are to be issued, the interest shall be added to 50073  
the assessments. If the estimated cost of the improvement does not 50074  
exceed five hundred dollars, not more than two semiannual 50075  
installments, as taxes are paid, shall be given to owners of lands 50076  
benefited to pay the assessments that are made for the 50077  
improvement. If the estimated cost of the improvement exceeds five 50078  
hundred dollars, the board may determine the number of 50079  
installments in which the assessments are to be paid. If any such 50080  
assessment is twenty-five dollars or less, or whenever the unpaid 50081  
balance of any such assessment is twenty-five dollars or less, the 50082  
same shall be paid in full, and not in installments, at the time 50083  
the first or next installment would otherwise become due. 50084

When assessments are payable in installments and county 50085  
general funds are used to pay for the improvement, the assessment 50086  
shall not exceed ~~ten~~ thirty semiannual installments, as computed 50087  
by the county auditor pursuant to section 6131.49 of the Revised 50088  
Code, and shall be payable upon completion of the contract. 50089

When assessments are made payable in installments and bonds 50090  
or notes have been sold to pay for the improvement, interest shall 50091  
be added to the installments of assessments at the same rate as is 50092  
drawn by the bonds or notes issued to pay for the improvements. 50093  
Any owner may pay the estimated assessments on the owner's land in 50094  
cash within thirty days after the final hearing without paying any 50095

interest thereon. If the legislative authority of a political 50096  
subdivision chooses to pay the assessments on all parcels within 50097  
the subdivision, both public and private, in one installment, it 50098  
shall pass a resolution so stating and shall send the resolution, 50099  
or a copy thereof, to the board of county commissioners before 50100  
making the payment. The legislative authority shall pay all 50101  
subsequent maintenance assessments levied under section 6137.03 of 50102  
the Revised Code if it chooses to pay the construction assessments 50103  
on all parcels within the subdivision. 50104

Bonds may be sold for any repayment period that the board of 50105  
county commissioners may determine proper, not to exceed ~~sixteen~~ 50106  
thirty semiannual installments, except that for bonds sold by a 50107  
board of county commissioners for soil and water conservation 50108  
district improvements pursuant to section 1515.24 of the Revised 50109  
Code, the repayment period shall not exceed thirty semiannual 50110  
installments. 50111

**Section 101.02.** That existing sections 9.821, 9.822, 9.823, 50112  
9.83, 107.12, 107.40, 109.57, 109.572, 109.93, 111.18, 118.01, 50113  
118.08, 118.17, 118.20, 118.23, 119.07, 120.33, 122.17, 122.171, 50114  
122.602, 124.152, 125.45, 125.93, 125.96, 125.97, 125.98, 126.07, 50115  
126.08, 126.16, 126.21, 126.22, 127.14, 127.16, 131.44, 133.01, 50116  
133.10, 133.25, 135.35, 135.352, 151.08, 151.40, 152.31, 156.02, 50117  
164.03, 164.05, 164.051, 164.08, 164.09, 166.08, 173.04, 173.35, 50118  
173.85, 173.86, 174.03, 174.06, 183.01, 183.021, 183.17, 183.33, 50119  
183.34, 183.35, 307.021, 307.37, 307.695, 307.6910, 307.98, 50120  
307.981, 308.04, 317.08, 319.202, 319.281, 319.54, 321.08, 322.01, 50121  
323.151, 323.152, 323.153, 323.154, 325.31, 329.04, 329.05, 50122  
329.14, 340.03, 505.376, 517.08, 521.01, 709.191, 711.05, 711.10, 50123  
711.131, 718.13, 742.301, 1503.05, 1504.02, 1506.01, 1506.99, 50124  
1521.01, 1521.20, 1521.21, 1521.22, 1521.23, 1521.24, 1521.25, 50125  
1521.26, 1521.27, 1521.28, 1521.29, 1521.30, 1521.99, 1531.06, 50126  
1531.35, 1548.06, 1555.08, 1557.03, 1901.34, 2151.362, 2913.40, 50127

2921.42, 2927.023, 2935.03, 3109.04, 3109.041, 3119.022, 3119.023, 50128  
3119.27, 3119.29, 3119.30, 3125.12, 3301.0711, 3301.0714, 3301.53, 50129  
3302.03, 3302.10, 3311.24, 3313.41, 3313.603, 3313.615, 3313.64, 50130  
3313.646, 3313.66, 3313.661, 3313.98, 3314.015, 3314.02, 3314.074, 50131  
3314.08, 3314.26, 3317.01, 3317.012, 3317.013, 3317.014, 3317.015, 50132  
3317.016, 3317.017, 3317.02, 3317.021, 3317.022, 3317.023, 50133  
3317.024, 3317.025, 3317.026, 3317.027, 3317.028, 3317.029, 50134  
3317.0216, 3317.0217, 3317.03, 3317.04, 3317.06, 3317.08, 3317.16, 50135  
3317.20, 3317.201, 3318.12, 3318.15, 3318.26, 3319.55, 3323.01, 50136  
3323.11, 3327.05, 3333.04, 3333.122, 3333.38, 3357.01, 3365.01, 50137  
3375.05, 3375.121, 3375.40, 3375.85, 3381.04, 3501.17, 3701.74, 50138  
3701.741, 3701.83, 3702.52, 3702.5211, 3702.5212, 3702.5213, 50139  
3702.57, 3702.63, 3702.68, 3704.03, 3704.14, 3705.24, 3709.09, 50140  
3709.091, 3721.51, 3721.541, 3721.56, 3734.57, 3735.672, 3745.11, 50141  
3769.087, 3770.03, 3770.06, 3905.36, 4123.35, 4141.09, 4301.43, 50142  
4503.06, 4503.061, 4503.064, 4503.065, 4503.066, 4503.067, 50143  
4503.10, 4503.102, 4503.35, 4505.06, 4513.263, 4513.35, 4519.55, 50144  
4715.251, 4717.07, 4723.621, 4723.63, 4723.64, 4723.65, 4723.66, 50145  
4731.142, 4731.22, 4736.01, 4743.05, 4755.03, 4766.05, 4775.08, 50146  
4921.40, 5101.162, 5101.21, 5101.211, 5101.212, 5101.213, 5101.24, 50147  
5101.242, 5101.244, 5101.571, 5101.572, 5101.58, 5101.59, 50148  
5101.802, 5101.98, 5104.30, 5107.02, 5107.03, 5107.05, 5107.10, 50149  
5107.12, 5107.14, 5107.16, 5107.17, 5107.281, 5107.30, 5107.36, 50150  
5107.41, 5107.42, 5111.01, 5111.014, 5111.016, 5111.019, 50151  
5111.0112, 5111.023, 5111.03, 5111.06, 5111.084, 5111.10, 50152  
5111.101, 5111.163, 5111.17, 5111.172, 5111.20, 5111.871, 50153  
5111.8814, 5111.891, 5111.95, 5111.96, 5112.341, 5115.12, 50154  
5119.611, 5123.01, 5123.043, 5123.045, 5123.047, 5123.048, 50155  
5123.049, 5123.0411, 5123.051, 5123.19, 5123.196, 5123.198, 50156  
5123.20, 5123.211, 5123.38, 5123.41, 5123.51, 5123.60, 5123.602, 50157  
5163.603, 5123.604, 5123.99, 5126.038, 5126.042, 5126.046, 50158  
5126.054, 5126.055, 5126.056, 5126.057, 5126.06, 5126.11, 5126.12, 50159  
5126.15, 5126.18, 5126.19, 5126.25, 5126.40, 5126.42, 5126.43, 50160

5126.45, 5126.47, 5139.27, 5139.271, 5139.43, 5302.30, 5528.54, 50161  
5531.10, 5537.04, 5537.16, 5537.99, 5705.28, 5705.281, 5705.29, 50162  
5705.30, 5705.31, 5705.32, 5705.321, 5705.37, 5705.44, 5709.68, 50163  
5709.882, 5715.36, 5719.041, 5725.151, 5725.24, 5727.45, 5727.81, 50164  
5727.84, 5727.85, 5727.87, 5733.12, 5733.98, 5739.02, 5739.033, 50165  
5739.12, 5739.21, 5741.02, 5741.03, 5743.01, 5743.20, 5743.331, 50166  
5745.02, 5745.05, 5745.13, 5747.03, 5747.46, 5747.47, 5747.48, 50167  
5747.50, 5747.501, 5747.51, 5747.52, 5747.53, 5747.54, 5747.55, 50168  
5747.98, 5748.01, 5748.02, 5748.021, 5748.04, 5748.08, 5751.20, 50169  
5751.21, 5751.23, 5907.15, 6109.21, 6111.04, 6111.44, 6121.04, 50170  
6121.043, and 6131.23 of the Revised Code are hereby repealed. 50171

**Section 105.01.** That sections 125.95, 183.02, 183.27, 183.32, 50172  
3318.47, 3318.48, 3318.49, 3333.29, 3718.01, 3718.02, 3718.021, 50173  
3718.03, 3718.04, 3718.05, 3718.06, 3718.07, 3718.08, 3718.09, 50174  
3718.10, 3718.99, 4911.021, 5111.161, 5123.16, 5123.182, 5123.199, 50175  
5126.035, 5126.036, 5126.053, 5126.431, 5126.44, 5126.451, 50176  
5747.61, 5747.62, 5747.63, and 6111.441 of the Revised Code are 50177  
hereby repealed. 50178

**Section 105.03.** That the version of section 3702.68 of the 50179  
Revised Code that was to have taken effect July 1, 2007, as a 50180  
result of Sections 3 to 5 of Am. Sub. S.B. 50 of the 121st General 50181  
Assembly, as most recently amended by Am. Sub. H.B. 66 of the 50182  
126th General Assembly, is hereby repealed. It is the intent of 50183  
this section to prevent the amendment of section 3702.68 of the 50184  
Revised Code that was to have taken effect July 1, 2007. 50185

**Section 110.07.** That the version of section 127.16 of the 50186  
Revised Code that is scheduled to take effect July 1, 2007, be 50187  
amended to read as follows: 50188

**Sec. 127.16.** (A) Upon the request of either a state agency or 50189



the director of budget and management and after the controlling 50190  
board determines that an emergency or a sufficient economic reason 50191  
exists, the controlling board may approve the making of a purchase 50192  
without competitive selection as provided in division (B) of this 50193  
section. 50194

(B) Except as otherwise provided in this section, no state 50195  
agency, using money that has been appropriated to it directly, 50196  
shall: 50197

(1) Make any purchase from a particular supplier, that would 50198  
amount to fifty thousand dollars or more when combined with both 50199  
the amount of all disbursements to the supplier during the fiscal 50200  
year for purchases made by the agency and the amount of all 50201  
outstanding encumbrances for purchases made by the agency from the 50202  
supplier, unless the purchase is made by competitive selection or 50203  
with the approval of the controlling board; 50204

(2) Lease real estate from a particular supplier, if the 50205  
lease would amount to seventy-five thousand dollars or more when 50206  
combined with both the amount of all disbursements to the supplier 50207  
during the fiscal year for real estate leases made by the agency 50208  
and the amount of all outstanding encumbrances for real estate 50209  
leases made by the agency from the supplier, unless the lease is 50210  
made by competitive selection or with the approval of the 50211  
controlling board. 50212

(C) Any person who authorizes a purchase in violation of 50213  
division (B) of this section shall be liable to the state for any 50214  
state funds spent on the purchase, and the attorney general shall 50215  
collect the amount from the person. 50216

(D) Nothing in division (B) of this section shall be 50217  
construed as: 50218

(1) A limitation upon the authority of the director of 50219  
transportation as granted in sections 5501.17, 5517.02, and 50220

5525.14 of the Revised Code;	50221
(2) Applying to medicaid provider agreements under Chapter	50222
5111. of the Revised Code or payments or provider agreements under	50223
the disability medical assistance program established under	50224
Chapter 5115. of the Revised Code;	50225
(3) Applying to the purchase of examinations from a sole	50226
supplier by a state licensing board under Title XLVII of the	50227
Revised Code;	50228
(4) Applying to entertainment contracts for the Ohio state	50229
fair entered into by the Ohio expositions commission, provided	50230
that the controlling board has given its approval to the	50231
commission to enter into such contracts and has approved a total	50232
budget amount for such contracts as agreed upon by commission	50233
action, and that the commission causes to be kept itemized records	50234
of the amounts of money spent under each contract and annually	50235
files those records with the clerk of the house of representatives	50236
and the clerk of the senate following the close of the fair;	50237
(5) Limiting the authority of the chief of the division of	50238
mineral resources management to contract for reclamation work with	50239
an operator mining adjacent land as provided in section 1513.27 of	50240
the Revised Code;	50241
(6) Applying to investment transactions and procedures of any	50242
state agency, except that the agency shall file with the board the	50243
name of any person with whom the agency contracts to make, broker,	50244
service, or otherwise manage its investments, as well as the	50245
commission, rate, or schedule of charges of such person with	50246
respect to any investment transactions to be undertaken on behalf	50247
of the agency. The filing shall be in a form and at such times as	50248
the board considers appropriate.	50249
(7) Applying to purchases made with money for the per cent	50250
for arts program established by section 3379.10 of the Revised	50251

Code;	50252
(8) Applying to purchases made by the rehabilitation services commission of services, or supplies, that are provided to persons with disabilities, or to purchases made by the commission in connection with the eligibility determinations it makes for applicants of programs administered by the social security administration;	50253 50254 50255 50256 50257 50258
(9) Applying to payments by the department of job and family services under section 5111.13 of the Revised Code for group health plan premiums, deductibles, coinsurance, and other cost-sharing expenses;	50259 50260 50261 50262
(10) Applying to any agency of the legislative branch of the state government;	50263 50264
(11) Applying to agreements or contracts entered into under section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 of the Revised Code;	50265 50266 50267
(12) Applying to purchases of services by the adult parole authority under section 2967.14 of the Revised Code or by the department of youth services under section 5139.08 of the Revised Code;	50268 50269 50270 50271
(13) Applying to dues or fees paid for membership in an organization or association;	50272 50273
(14) Applying to purchases of utility services pursuant to section 9.30 of the Revised Code;	50274 50275
(15) Applying to purchases made in accordance with rules adopted by the department of administrative services of motor vehicle, aviation, or watercraft fuel, or emergency repairs of such vehicles;	50276 50277 50278 50279
(16) Applying to purchases of tickets for passenger air transportation;	50280 50281

(17) Applying to purchases necessary to provide public	50282
notifications required by law or to provide notifications of job	50283
openings;	50284
(18) Applying to the judicial branch of state government;	50285
(19) Applying to purchases of liquor for resale by the	50286
division of liquor control;	50287
(20) Applying to purchases of motor courier and freight	50288
services made in accordance with department of administrative	50289
services rules;	50290
(21) Applying to purchases from the United States postal	50291
service and purchases of stamps and postal meter replenishment	50292
from vendors at rates established by the United States postal	50293
service;	50294
(22) Applying to purchases of books, periodicals, pamphlets,	50295
newspapers, maintenance subscriptions, and other published	50296
materials;	50297
(23) Applying to purchases from other state agencies,	50298
including state-assisted institutions of higher education;	50299
(24) Limiting the authority of the director of environmental	50300
protection to enter into contracts under division (D) of section	50301
3745.14 of the Revised Code to conduct compliance reviews, as	50302
defined in division (A) of that section;	50303
(25) Applying to purchases from a qualified nonprofit agency	50304
pursuant to sections 125.60 to 125.6012 or 4115.31 to 4115.35 of	50305
the Revised Code;	50306
(26) Applying to payments by the department of job and family	50307
services to the United States department of health and human	50308
services for printing and mailing notices pertaining to the tax	50309
refund offset program of the internal revenue service of the	50310
United States department of the treasury;	50311

- (27) Applying to contracts entered into by the department of mental retardation and developmental disabilities under ~~sections~~ section 5123.18, ~~5123.182, and 5123.199~~ of the Revised Code; 50312  
50313  
50314
- (28) Applying to payments made by the department of mental health under a physician recruitment program authorized by section 5119.101 of the Revised Code; 50315  
50316  
50317
- (29) Applying to contracts entered into with persons by the director of commerce for unclaimed funds collection and remittance efforts as provided in division (F) of section 169.03 of the Revised Code. The director shall keep an itemized accounting of unclaimed funds collected by those persons and amounts paid to them for their services. 50318  
50319  
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50323
- (30) Applying to purchases made by a state institution of higher education in accordance with the terms of a contract between the vendor and an inter-university purchasing group comprised of purchasing officers of state institutions of higher education; 50324  
50325  
50326  
50327  
50328
- (31) Applying to the department of job and family services' purchases of health assistance services under the children's health insurance program part I provided for under section 5101.50 of the Revised Code or the children's health insurance program part II provided for under section 5101.51 of the Revised Code; 50329  
50330  
50331  
50332  
50333
- (32) Applying to payments by the attorney general from the reparations fund to hospitals and other emergency medical facilities for performing medical examinations to collect physical evidence pursuant to section 2907.28 of the Revised Code; 50334  
50335  
50336  
50337
- (33) Applying to contracts with a contracting authority or administrative receiver under division (B) of section 5126.056 of the Revised Code; 50338  
50339  
50340
- (34) Applying to reimbursements paid to the United States department of veterans affairs for pharmaceutical and patient 50341  
50342

supply purchases made on behalf of the Ohio veterans' home agency; 50343

(35) Applying to agreements entered into with terminal 50344  
distributors of dangerous drugs under section 173.79 of the 50345  
Revised Code. 50346

(E) Notwithstanding division (B)(1) of this section, the 50347  
cumulative purchase threshold shall be seventy-five thousand 50348  
dollars for the departments of mental retardation and 50349  
developmental disabilities, mental health, rehabilitation and 50350  
correction, and youth services. 50351

(F) When determining whether a state agency has reached the 50352  
cumulative purchase thresholds established in divisions (B)(1), 50353  
(B)(2), and (E) of this section, all of the following purchases by 50354  
such agency shall not be considered: 50355

(1) Purchases made through competitive selection or with 50356  
controlling board approval; 50357

(2) Purchases listed in division (D) of this section; 50358

(3) For the purposes of the thresholds of divisions (B)(1) 50359  
and (E) of this section only, leases of real estate. 50360

(G) As used in this section, "competitive selection," 50361  
"purchase," "supplies," and "services" have the same meanings as 50362  
in section 125.01 of the Revised Code. 50363

**Section 110.08.** That the existing version of section 127.16 50364  
of the Revised Code that is scheduled to take effect July 1, 2007, 50365  
is hereby repealed. 50366

**Section 115.03.** That section 5101.213 of the Revised Code is 50367  
hereby repealed, effective July 1, 2008. 50368

**Section 130.01.** As is more completely explained in Sections 50369  
130.02 and 130.03 that follow, this act, pursuant to Section 50370

611.03 of Am. Sub. H.B. 66 of the 126th General Assembly, confirms 50371  
and orders implementation of the amendments and the enactment 50372  
referred to in Section 611.03, the taking effect of which 50373  
amendments and enactment by Am. Sub. H.B. 66 was postponed in 50374  
whole or in part by Section 611.03 pending this confirmation and 50375  
order. 50376

**Section 130.02.** (A)(1) Section 9.833 of the Revised Code is 50377  
presented in division (B) of this section solely for the purpose 50378  
of confirming the section and ordering its implementation as it 50379  
results from Am. Sub. H.B. 46 and Am. Sub. H.B. 66 of the 126th 50380  
General Assembly. Sections 3111.19, 3313.12, and 4117.08 of the 50381  
Revised Code are presented in division (B) of this section solely 50382  
for the purpose of confirming the sections and ordering their 50383  
implementation as they result from Am. Sub. H.B. 66 of the 126th 50384  
General Assembly. No other action is being taken with regard to 50385  
these sections. 50386

(2) Section 9.90 of the Revised Code is presented in division 50387  
(B) of this section for the purposes of confirming the section and 50388  
ordering its implementation as it results from Am. Sub. H.B. 66 50389  
and Sub. H.B. 193 of the 126th General Assembly and of amending 50390  
the section to read as directed by this act. Section 9.901 of the 50391  
Revised Code is presented in division (B) of this section for the 50392  
purposes of confirming the section and ordering its complete 50393  
implementation as it results from Am. Sub. H.B. 66 of the 126th 50394  
General Assembly and as it was subsequently amended by Am. Sub. 50395  
H.B. 530 of the 126th General Assembly and of amending the section 50396  
to read as directed by this act. Sections 3313.202, 3313.33, and 50397  
4117.03 of the Revised Code are presented in division (B) of this 50398  
section for the purposes of confirming the sections and ordering 50399  
their implementation as they result from Am. Sub. H.B. 66 of the 50400  
126th General Assembly and of amending the sections to read as 50401  
directed by this act. 50402

(B) Sections 9.833, 9.90, 9.901, 3311.19, 3313.12, 3313.202, 50403  
3313.33, 4117.03, and 4117.08 of the Revised Code are presented in 50404  
this division as explained in divisions (A)(1) and (2) of this 50405  
section: 50406

**Sec. 9.833.** (A) As used in this section, "political 50407  
subdivision" means a municipal corporation, township, county, or 50408  
other body corporate and politic responsible for governmental 50409  
activities in a geographic area smaller than that of the state, 50410  
and agencies and instrumentalities of these entities. For purposes 50411  
of this section, a school district is not a "political 50412  
subdivision." 50413

(B) Political subdivisions that provide health care benefits 50414  
for their officers or employees may do any of the following: 50415

(1) Establish and maintain an individual self-insurance 50416  
program with public moneys to provide authorized health care 50417  
benefits, including but not limited to, health care, prescription 50418  
drugs, dental care, and vision care, in accordance with division 50419  
(C) of this section; 50420

(2) Establish and maintain a health savings account program 50421  
whereby employees or officers may establish and maintain health 50422  
savings accounts in accordance with section 223 of the Internal 50423  
Revenue Code. Public moneys may be used to pay for or fund 50424  
federally qualified high deductible health plans that are linked 50425  
to health savings accounts or to make contributions to health 50426  
savings accounts. A health savings account program may be a part 50427  
of a self-insurance program. 50428

(3) After establishing an individual self-insurance program, 50429  
agree with other political subdivisions that have established 50430  
individual self-insurance programs for health care benefits, that 50431  
their programs will be jointly administered in a manner specified 50432  
in the agreement; 50433



(4) Pursuant to a written agreement and in accordance with 50434  
division (C) of this section, join in any combination with other 50435  
political subdivisions to establish and maintain a joint 50436  
self-insurance program to provide health care benefits; 50437

(5) Pursuant to a written agreement, join in any combination 50438  
with other political subdivisions to procure or contract for 50439  
policies, contracts, or plans of insurance to provide health care 50440  
benefits, which may include a health savings account program, for 50441  
their officers and employees subject to the agreement; 50442

(6) Use in any combination any of the policies, contracts, 50443  
plans, or programs authorized under this division. 50444

(C) Except as otherwise provided in division (E) of this 50445  
section, the following apply to individual or joint self-insurance 50446  
programs established pursuant to this section: 50447

(1) Such funds shall be reserved as are necessary, in the 50448  
exercise of sound and prudent actuarial judgment, to cover 50449  
potential cost of health care benefits for the officers and 50450  
employees of the political subdivision. A report of amounts so 50451  
reserved and disbursements made from such funds, together with a 50452  
written report of a member of the American academy of actuaries 50453  
certifying whether the amounts reserved conform to the 50454  
requirements of this division, are computed in accordance with 50455  
accepted loss reserving standards, and are fairly stated in 50456  
accordance with sound loss reserving principles, shall be prepared 50457  
and maintained, within ninety days after the last day of the 50458  
fiscal year of the entity for which the report is provided for 50459  
that fiscal year, in the office of the program administrator 50460  
described in division (C)(3) of this section. 50461

The report required by division (C)(1) of this section shall 50462  
include, but not be limited to, disbursements made for the 50463  
administration of the program, including claims paid, costs of the 50464

legal representation of political subdivisions and employees, and 50465  
fees paid to consultants. 50466

The program administrator described in division (C)(3) of 50467  
this section shall make the report required by this division 50468  
available for inspection by any person at all reasonable times 50469  
during regular business hours, and, upon the request of such 50470  
person, shall make copies of the report available at cost within a 50471  
reasonable period of time. 50472

(2) Each political subdivision shall reserve funds necessary 50473  
for an individual or joint self-insurance program in a special 50474  
fund that may be established for political subdivisions other than 50475  
an agency or instrumentality pursuant to an ordinance or 50476  
resolution of the political subdivision and not subject to section 50477  
5705.12 of the Revised Code. An agency or instrumentality shall 50478  
reserve the funds necessary for an individual or joint 50479  
self-insurance program in a special fund established pursuant to a 50480  
resolution duly adopted by the agency's or instrumentality's 50481  
governing board. The political subdivision may allocate the costs 50482  
of insurance or any self-insurance program, or both, among the 50483  
funds or accounts established under this division on the basis of 50484  
relative exposure and loss experience. 50485

(3) A contract may be awarded, without the necessity of 50486  
competitive bidding, to any person, political subdivision, 50487  
nonprofit corporation organized under Chapter 1702. of the Revised 50488  
Code, or regional council of governments created under Chapter 50489  
167. of the Revised Code for purposes of administration of an 50490  
individual or joint self-insurance program. No such contract shall 50491  
be entered into without full, prior, public disclosure of all 50492  
terms and conditions. The disclosure shall include, at a minimum, 50493  
a statement listing all representations made in connection with 50494  
any possible savings and losses resulting from the contract, and 50495  
potential liability of any political subdivision or employee. The 50496

proposed contract and statement shall be disclosed and presented 50497  
at a meeting of the political subdivision not less than one week 50498  
prior to the meeting at which the political subdivision authorizes 50499  
the contract. 50500

A contract awarded to a nonprofit corporation or a regional 50501  
council of governments under this division may provide that all 50502  
employees of the nonprofit corporation or regional council of 50503  
governments and the employees of all entities related to the 50504  
nonprofit corporation or regional council of governments may be 50505  
covered by the individual or joint self-insurance program under 50506  
the terms and conditions set forth in the contract. 50507

(4) The individual or joint self-insurance program shall 50508  
include a contract with a member of the American academy of 50509  
actuaries for the preparation of the written evaluation of the 50510  
reserve funds required under division (C)(1) of this section. 50511

(5) A joint self-insurance program may allocate the costs of 50512  
funding the program among the funds or accounts established under 50513  
this division to the participating political subdivisions on the 50514  
basis of their relative exposure and loss experience. 50515

(6) An individual self-insurance program may allocate the 50516  
costs of funding the program among the funds or accounts 50517  
established under this division to the political subdivision that 50518  
established the program. 50519

(7) Two or more political subdivisions may also authorize the 50520  
establishment and maintenance of a joint health care cost 50521  
containment program, including, but not limited to, the employment 50522  
of risk managers, health care cost containment specialists, and 50523  
consultants, for the purpose of preventing and reducing health 50524  
care costs covered by insurance, individual self-insurance, or 50525  
joint self-insurance programs. 50526

(8) A political subdivision is not liable under a joint 50527

self-insurance program for any amount in excess of amounts payable 50528  
pursuant to the written agreement for the participation of the 50529  
political subdivision in the joint self-insurance program. Under a 50530  
joint self-insurance program agreement, a political subdivision 50531  
may, to the extent permitted under the written agreement, assume 50532  
the risks of any other political subdivision. A joint 50533  
self-insurance program established under this section is deemed a 50534  
separate legal entity for the public purpose of enabling the 50535  
members of the joint self-insurance program to obtain insurance or 50536  
to provide for a formalized, jointly administered self-insurance 50537  
fund for its members. An entity created pursuant to this section 50538  
is exempt from all state and local taxes. 50539

(9) Any political subdivision, other than an agency or 50540  
instrumentality, may issue general obligation bonds, or special 50541  
obligation bonds that are not payable from real or personal 50542  
property taxes, and may also issue notes in anticipation of such 50543  
bonds, pursuant to an ordinance or resolution of its legislative 50544  
authority or other governing body for the purpose of providing 50545  
funds to pay expenses associated with the settlement of claims, 50546  
whether by way of a reserve or otherwise, and to pay the political 50547  
subdivision's portion of the cost of establishing and maintaining 50548  
an individual or joint self-insurance program or to provide for 50549  
the reserve in the special fund authorized by division (C)(2) of 50550  
this section. 50551

In its ordinance or resolution authorizing bonds or notes 50552  
under this section, a political subdivision may elect to issue 50553  
such bonds or notes under the procedures set forth in Chapter 133. 50554  
of the Revised Code. In the event of such an election, 50555  
notwithstanding Chapter 133. of the Revised Code, the maturity of 50556  
the bonds may be for any period authorized in the ordinance or 50557  
resolution not exceeding twenty years, which period shall be the 50558  
maximum maturity of the bonds for purposes of section 133.22 of 50559

the Revised Code. 50560

Bonds and notes issued under this section shall not be 50561  
considered in calculating the net indebtedness of the political 50562  
subdivision under sections 133.04, 133.05, 133.06, and 133.07 of 50563  
the Revised Code. Sections 9.98 to 9.983 of the Revised Code are 50564  
hereby made applicable to bonds or notes authorized under this 50565  
section. 50566

(10) A joint self-insurance program is not an insurance 50567  
company. Its operation does not constitute doing an insurance 50568  
business and is not subject to the insurance laws of this state. 50569

(D) A political subdivision may procure group life insurance 50570  
for its employees in conjunction with an individual or joint 50571  
self-insurance program authorized by this section, provided that 50572  
the policy of group life insurance is not self-insured. 50573

(E) Divisions (C)(1), (2), and (4) of this section do not 50574  
apply to individual self-insurance programs in municipal 50575  
corporations, townships, or counties. 50576

(F) A public official or employee of a political subdivision 50577  
who is or becomes a member of the governing body of the program 50578  
administrator of a joint self-insurance program in which the 50579  
political subdivision participates is not in violation of division 50580  
(D) or (E) of section 102.03, division (C) of section 102.04, or 50581  
section 2921.42 of the Revised Code as a result of either of the 50582  
following: 50583

(1) The political subdivision's entering under this section 50584  
into the written agreement to participate in the joint 50585  
self-insurance program; 50586

(2) The political subdivision's entering under this section 50587  
into any other contract with the joint self-insurance program. 50588

**Sec. 9.90.** (A) The governing board of any public institution 50589

of higher education, including without limitation state 50590  
universities and colleges, community college districts, university 50591  
branch districts, technical college districts, and municipal 50592  
universities, may, in addition to all other powers provided in the 50593  
Revised Code: 50594

(1) Contract for, purchase, or otherwise procure from an 50595  
insurer or insurers licensed to do business by the state of Ohio 50596  
for or on behalf of such of its employees as it may determine, 50597  
life insurance, or sickness, accident, annuity, endowment, health, 50598  
medical, hospital, dental, or surgical coverage and benefits, or 50599  
any combination thereof, by means of insurance plans or other 50600  
types of coverage, family, group or otherwise, and may pay from 50601  
funds under its control and available for such purpose all or any 50602  
portion of the cost, premium, or charge for such insurance, 50603  
coverage, or benefits. However, the governing board, in addition 50604  
to or as an alternative to the authority otherwise granted by 50605  
division (A)(1) of this section, may elect to procure coverage for 50606  
health care services, for or on behalf of such of its employees as 50607  
it may determine, by means of policies, contracts, certificates, 50608  
or agreements issued by at least two health insuring corporations 50609  
holding a certificate of authority under Chapter 1751. of the 50610  
Revised Code and may pay from funds under the governing board's 50611  
control and available for such purpose all or any portion of the 50612  
cost of such coverage. 50613

(2) Make payments to a custodial account for investment in 50614  
regulated investment company stock for the purpose of providing 50615  
retirement benefits as described in section 403(b)(7) of the 50616  
Internal Revenue Code of 1954, as amended. Such stock shall be 50617  
purchased only from persons authorized to sell such stock in this 50618  
state. 50619

Any income of an employee deferred under divisions (A)(1) and 50620  
(2) of this section in a deferred compensation program eligible 50621

for favorable tax treatment under the Internal Revenue Code of 50622  
1954, as amended, shall continue to be included as regular 50623  
compensation for the purpose of computing the contributions to and 50624  
benefits from the retirement system of such employee. Any sum so 50625  
deferred shall not be included in the computation of any federal 50626  
and state income taxes withheld on behalf of any such employee. 50627

(B) All or any portion of the cost, premium, or charge 50628  
therefor may be paid in such other manner or combination of 50629  
manner as the governing board may determine, including direct 50630  
payment by the employee in cases under division (A)(1) of this 50631  
section, and, if authorized in writing by the employee in cases 50632  
under division (A)(1) or (2) of this section, by such governing 50633  
board with moneys made available by deduction from or reduction in 50634  
salary or wages or by the foregoing of a salary or wage increase. 50635  
Nothing in section 3917.01 or section 3917.06 of the Revised Code 50636  
shall prohibit the issuance or purchase of group life insurance 50637  
authorized by this section by reason of payment of premiums 50638  
therefor by the governing board from its funds, and such group 50639  
life insurance may be so issued and purchased if otherwise 50640  
consistent with the provisions of sections 3917.01 to 3917.07 of 50641  
the Revised Code. 50642

(C) The board of education of any school district may 50643  
exercise any of the powers granted to the governing boards of 50644  
public institutions of higher education under divisions (A) and 50645  
(B) of this section, except in relation to the provision of health 50646  
care benefits to employees. All health care benefits provided to 50647  
persons employed by the public schools of this state shall be 50648  
~~medical~~ health care plans designed that contain best practices 50649  
established by the school employees health care board pursuant to 50650  
section 9.901 of the Revised Code. 50651

**Sec. 9.901.** (A)(1) All health care benefits provided to 50652

persons employed by the public ~~schools~~ school districts of this 50653  
state shall be provided by ~~medical~~ health care plans designed that 50654  
contain best practices established pursuant to this section by the 50655  
school employees health care board. ~~The board, in consultation~~ 50656  
~~with the superintendent of insurance, shall negotiate with and, in~~ 50657  
~~accordance with the competitive selection procedures of Chapter~~ 50658  
~~125. of the Revised Code, contract with one or more insurance~~ 50659  
~~companies authorized to do business in this state for the issuance~~ 50660  
~~of the plans. The plans described under this section shall be~~ 50661  
available to cover public school district employees not later than 50662  
the last day of the month that is the eighteenth full month after 50663  
the effective date of this amendment. The board shall release its 50664  
best practices standards prior to the eighteen-month deadline. Any 50665  
or all of the ~~medical~~ health care plans ~~designed that contain best~~ 50666  
practices specified by the board may be self-insured. ~~All~~ 50667  
~~self-insured plans adopted shall be administered by the board in~~ 50668  
~~accordance with this section.~~ As used in this section, a "public 50669  
school district" means ~~a school in~~ a city, local, exempted 50670  
village, or joint vocational school district, and includes the 50671  
educational service centers associated with those ~~schools~~ 50672  
districts. 50673

(2) ~~Prior to soliciting proposals from insurance companies~~ 50674  
~~for the issuance of medical plans, the board shall determine what~~ 50675  
~~geographic regions exist in the state based on the availability of~~ 50676  
~~providers, networks, costs, and other factors relating to~~ 50677  
~~providing health care benefits. The board shall then determine~~ 50678  
~~what medical plans are offered by school districts and existing~~ 50679  
~~consortiums in the state. The board shall determine what medical~~ 50680  
~~plan offered by a school district or existing consortium in the~~ 50681  
~~region offers the lowest premium cost plan.~~ 50682

(3) ~~The board shall develop a request for proposals and~~ 50683  
~~solicit bids for medical plans for the school districts in a~~ 50684



~~region similar to the existing plans. The board shall also~~ 50685  
~~determine the benefits offered by existing medical plans, the~~ 50686  
~~employees' costs, and the cost sharing arrangements used by public~~ 50687  
~~schools participating in a consortium. The board shall determine~~ 50688  
~~what strategies are used by the existing medical plans to manage~~ 50689  
~~health care costs and shall study the potential benefits of state~~ 50690  
~~or regional consortiums of public schools offering multiple health~~ 50691  
~~care plans.~~ 50692

~~(4) As used in this section, a:~~ 50693

~~(a) A "medical health care plan" includes group policies,~~ 50694  
~~contracts, and agreements that provide hospital, surgical, or~~ 50695  
~~medical expense coverage, including self-insured plans. A "medical~~ 50696  
~~health care plan" does not include an individual plan offered to~~ 50697  
~~the employees of a public school district, or a plan that provides~~ 50698  
~~coverage only for specific disease or accidents, or a hospital~~ 50699  
~~indemnity, medicare supplement, or other plan that provides only~~ 50700  
~~supplemental benefits, paid for by the employees of a public~~ 50701  
~~school district.~~ 50702

~~(b) A "health plan sponsor" means a public school district, a~~ 50703  
~~consortium of public school districts, or a council of~~ 50704  
~~governments.~~ 50705

~~(B) The school employees health care board is hereby created.~~ 50706  
~~The school employees health care board shall consist of the~~ 50707  
~~following ~~nine~~ twelve members and shall include individuals with~~ 50708  
~~experience with public school district benefit programs, health~~ 50709  
~~care industry providers, and ~~medical~~ health care plan~~ 50710  
~~beneficiaries:~~ 50711

~~(1) ~~Three~~ Four members appointed by the governor, one of whom~~ 50712  
~~shall be representative of nonadministrative public school~~ 50713  
~~district employees;~~ 50714

~~(2) ~~Three~~ Four members appointed by the president of the~~ 50715

senate, one of whom shall be representative of nonadministrative 50716  
public school district employees; 50717

(3) ~~Three~~ Four members appointed by the speaker of the house 50718  
of representatives, one of whom shall be representative of 50719  
nonadministrative public school district employees. 50720

A member of the school employees health care board shall not 50721  
be employed by, represent, or in any way be affiliated with a 50722  
private entity that is providing services to the board, an 50723  
individual school district, employers, or employees in the state 50724  
of Ohio. 50725

(C)(1) Members of the school employees health care board 50726  
shall serve four-year terms; ~~however, one of each of the initial~~ 50727  
~~members appointed under divisions (B)(1) to (3) of this section~~ 50728  
~~shall be appointed to a term of one year. The initial appointments~~ 50729  
~~under this section shall be made within forty five days after~~ 50730  
~~September 29, 2005, but may be reappointed, except as otherwise~~ 50731  
specified in division (B) of this section. 50732

~~Members' terms shall end on the twenty ninth day of~~ 50733  
~~September, but a~~ A member shall continue to serve subsequent to 50734  
the expiration of the member's term until a successor is 50735  
appointed. Any vacancy occurring during a member's term shall be 50736  
filled in the same manner as the original appointment, except that 50737  
the person appointed to fill the vacancy shall be appointed to the 50738  
remainder of the unexpired term. 50739

(2) Members shall ~~serve without~~ receive compensation ~~but~~ 50740  
fixed pursuant to division (J) of section 124.15 of the Revised 50741  
Code and shall be reimbursed from the school employees health care 50742  
fund for actual and necessary expenses incurred in the performance 50743  
of their official duties as members of the board. 50744

(3) Members may be removed by their appointing authority for 50745  
misfeasance, malfeasance, incompetence, dereliction of duty, or 50746

other just cause. 50747

(D)(1) ~~The governor shall call the first meeting of the~~ 50748  
~~school employees health care board. At that meeting, and annually~~ 50749  
~~thereafter~~ At the first meeting of the board after the first day 50750  
of January of each calendar year, the board shall elect a 50751  
chairperson and may elect members to other positions on the board 50752  
as the board considers necessary or appropriate. The board shall 50753  
meet at least ~~four~~ nine times each calendar year and shall also 50754  
meet at the call of the chairperson or ~~three~~ four or more board 50755  
members. The chairperson shall provide reasonable advance notice 50756  
of the time and place of board meetings to all members. 50757

(2) A majority of the board constitutes a quorum for the 50758  
transaction of business at a board meeting. A majority vote of the 50759  
members present is necessary for official action. 50760

(E) The school employees health care board shall conduct its 50761  
business at open meetings; however, the records of the board are 50762  
not public records for purposes of section 149.43 of the Revised 50763  
Code. 50764

(F) The school employees health care fund is hereby created 50765  
in the state treasury. ~~The public schools shall pay all school~~ 50766  
~~employees health care board plan premiums in the manner prescribed~~ 50767  
~~by the school employees health care board to the board for deposit~~ 50768  
~~into the school employees health care fund. All~~ The board shall 50769  
use all funds in the school employees health care fund ~~shall be~~ 50770  
~~used solely for the provision of health care benefits to public~~ 50771  
~~schools employees pursuant to this section~~ to carry out the 50772  
provisions of this section and related administrative costs. 50773  
~~Premiums received by the board or insurance companies contracted~~ 50774  
~~pursuant to division (A) of this section are not subject to any~~ 50775  
~~state insurance premium tax.~~ 50776

(G) The school employees health care board shall do all of 50777

the following: 50778

(1) ~~Design multiple medical~~ Adopt and release a set of 50779  
standards that shall be considered the best practices to which 50780  
public school districts shall adhere in the selection and 50781  
implementation of health care plans; 50782

(2) Develop best practices for the provision of health care 50783  
benefits and subsequently approve health care plans, ~~including~~ 50784  
~~regional plans,~~ to provide, in the board's judgment, the optimal 50785  
combination of coverage, cost, choice, and stability of health 50786  
cost benefits. ~~The board may establish more than one tier of~~ 50787  
~~premium rates for any medical plan. The board shall establish~~ 50788  
~~regions as necessary for the implementation of the board's medical~~ 50789  
~~plans. Plans and premium rates may vary across the regions~~ 50790  
~~established by the board.~~ 50791

~~(2) Set an aggregate goal~~ based on the best practices 50792  
developed by the board; 50793

(3) Require that the plans the health plan sponsors 50794  
administer make readily available to the public all cost and 50795  
design elements of the plan; 50796

(4) Determine the feasibility of procurement of selected 50797  
health care benefits through consolidated systems that offer 50798  
demonstrated economies of scale; 50799

(5) Work with health plan sponsors through educational 50800  
outlets and consultation; 50801

(6) Maintain a commitment to transparency and public access 50802  
of its meetings and activity pursuant to division (E) of this 50803  
section; 50804

(7) Promote cooperation among all organizations affected by 50805  
this section in identifying the elements for the successful 50806  
implementation of this section; 50807

~~(8)~~ (8) Develop recommendations for employee and employer 50808  
portions of premiums for the ~~board's medical~~ health care plans so 50809  
as to manage plan participation and encourage the use of 50810  
value-based plan participation by employees; 50811

~~(3) Set~~ (9) Develop recommendations for employer and employee 50812  
plan copayments, deductibles, exclusions, limitations, 50813  
formularies, premium shares, and other responsibilities; 50814

~~(4) Include~~ (10) Ensure that disease management and consumer 50815  
education programs, to the extent that the board determines is 50816  
appropriate, are included in all ~~medical~~ health care plans 50817  
~~designed by the board~~, which programs shall include, but are not 50818  
limited to, wellness programs and other measures designed to 50819  
encourage the wise use of ~~medical~~ health care plan coverage. These 50820  
programs are not services or treatments for purposes of section 50821  
3901.71 of the Revised Code. 50822

~~(5)~~(11) Create and distribute to the governor, the speaker of 50823  
the house of representatives, and the president of the senate, an 50824  
annual report covering ~~the~~ plan background; plan coverage options; 50825  
plan administration, including procedures for monitoring and 50826  
managing objectives, scope, and methodology; plan operations; 50827  
employee and employer contribution rates and the relationship 50828  
between the rates and the school employees health care fund 50829  
balance; a means to develop and maintain identity and evaluate 50830  
alternative employee and employer cost-sharing strategies; an 50831  
evaluation of the effectiveness of cost-saving services and 50832  
programs; an evaluation of efforts to control and manage member 50833  
eligibility and to insure that proper employee and employer 50834  
contributions are remitted to the trust fund; efforts to prevent 50835  
and detect fraud; and efforts to manage and monitor board 50836  
contracts; 50837

~~(6)~~(12) Utilize cost containment measures aligned with 50838  
patient, plan, and provider management strategies in developing 50839

and managing ~~medical~~ health care plans. 50840

(13) Prepare and disseminate to the public an annual report 50841  
on the status of health plan sponsors' effectiveness in making 50842  
progress to reduce the rate of increase in insurance premiums and 50843  
employee out of pocket expenses, as well as progress in improving 50844  
the health status of school district employees and their families. 50845

(H) The board also may develop and implement programs through 50846  
its own initiative for specific health benefits to be utilized by 50847  
health plan sponsors to supplement coverages offered by the school 50848  
districts, including, but not limited to, prescription drugs and 50849  
disease management. 50850

(I) The sections in Chapter 3923. of the Revised Code 50851  
regulating public employee benefit plans are not applicable to the 50852  
~~medical health care~~ plans designed pursuant to this section. 50853

~~(I)~~(J)(1) Public ~~schools~~ school districts are not subject to 50854  
this section prior to the release of ~~medical plans~~ designed 50855  
~~pursuant to~~ best practices covered by this section, but shall 50856  
adopt and implement board-approved best practices after the date 50857  
the board releases its best practices pursuant to this section and 50858  
by not later than the first day following the expiration of any 50859  
collective bargaining agreement applicable to employees of the 50860  
public school district that occurs after the release date. The 50861  
board shall designate the specific date by which a particular 50862  
public school district shall adopt and implement board-approved 50863  
best practices. 50864

~~(2) Prior to the school employees health care board's release~~ 50865  
~~of the board's initial medical plans, the~~ The board shall may 50866  
contract with ~~an~~ one or more independent ~~consultant~~ consultants to 50867  
analyze costs related to employee health care benefits provided by 50868  
existing public school district plans in this state. The 50869  
~~consultant shall~~ consultants may determine the benefits offered by 50870

existing ~~medical~~ health care plans, the employees' costs, and the 50871  
cost-sharing arrangements used by public ~~schools~~ school districts 50872  
either participating in a consortium or by other means. The 50873  
~~consultant shall~~ consultants may determine what strategies are 50874  
used by the existing ~~medical~~ health care plans to manage health 50875  
care costs and ~~shall~~ may study the potential benefits of state or 50876  
regional consortiums of public schools offering multiple health 50877  
care plans. Based on the findings of the analysis, the ~~consultant~~ 50878  
~~shall~~ consultants may submit written recommendations to the board 50879  
for the development and implementation of a successful ~~program~~ 50880  
best practices and programs for ~~pooling~~ improving school 50881  
districts' combined purchasing ~~power~~ for the acquisition of 50882  
employee ~~medical~~ health care plans. The ~~consultant's~~ 50883  
~~recommendations shall address, at a minimum, all of the following~~ 50884  
~~issues:~~ 50885

~~(a) The establishment of regions for the provision of medical 50886  
plans, based on the availability of providers and plans in the 50887  
state at the time that the school employees health care board is 50888  
established;~~ 50889

~~(b) The use of regional preferred provider and closed panel 50890  
plans, health savings accounts, and alternative medical plans, to 50891  
stabilize both costs and the premiums charged school districts and 50892  
district employees;~~ 50893

~~(c) The development of a system to obtain eligibility data 50894  
and data compiled pursuant to the "Consolidated Omnibus Budget 50895  
Reconciliation Act of 1985 (COBRA)," 100 Stat. 227, 29 U.S.C. 50896  
1161, as amended;~~ 50897

~~(d) The use of the competitive bidding process for regional 50898  
medical plans;~~ 50899

~~(e) The development of a timeline planning for the design and 50900  
use of board medical plans by not later than December 31, 2007;~~ 50901

<del>(f) The use of information on claims and costs and of</del>	50902
<del>information reported by districts pursuant to COBRA in analyzing</del>	50903
<del>administrative and premium costs;</del>	50904
<del>(g) The experience of states that have mandated statewide</del>	50905
<del>medical plans for public school employees, including the</del>	50906
<del>implementation strategies used by those states;</del>	50907
<del>(h) Recommended strategies for the use of first-year roll-in</del>	50908
<del>premiums in the transition from district medical plans to school</del>	50909
<del>employees health care board plans;</del>	50910
<del>(i) The option of allowing school districts to join an</del>	50911
<del>existing regional consortium as an alternative to school employees</del>	50912
<del>health care board plans;</del>	50913
<del>(j) Mandatory and optional coverages to be offered by the</del>	50914
<del>board's medical plans;</del>	50915
<del>(k) Potential risks to the state from the use of medical</del>	50916
<del>plans developed pursuant to this section;</del>	50917
<del>(l) Any legislation needed to ensure the long-term financial</del>	50918
<del>solveney and stability of a health care purchasing system;</del>	50919
<del>(m) The potential impacts of any changes to the existing</del>	50920
<del>purchasing structure on all of the following:</del>	50921
<del>(i) Existing health care pooling and consortiums;</del>	50922
<del>(ii) School district employees;</del>	50923
<del>(iii) Individual school districts.</del>	50924
<del>(n) Issues that could arise when school districts transition</del>	50925
<del>from the existing purchasing structure to a new purchasing</del>	50926
<del>structure;</del>	50927
<del>(o) Strategies available to the board in the creation of fund</del>	50928
<del>reserves and the need for stop-loss insurance coverage for</del>	50929
<del>catastrophic losses;</del>	50930



~~(p) Any legislation needed to establish and maintain medical plans designed pursuant to this section. The consultant shall submit all legislative recommendations not later than December 31, 2006, in writing, to the school employees health care board and to the governor, the speaker of the house of representatives, and the president of the senate.~~

(3) The public schools health care advisory committee is hereby created under the school employees health care board. The committee shall make recommendations to the school employees health care board related to the board's accomplishment of the duties assigned to the board under this section. The committee shall consist of eighteen members. The governor, the speaker of the house of representatives, and the president of the senate shall each appoint a representative from the Ohio education association, the Ohio school boards association, the Ohio association of school business officials, the Ohio association of health underwriters, an existing health care consortium serving public schools, and a health insuring corporation licensed to do business in Ohio and recommended by the Ohio association of health plans. The initial appointees shall ~~be appointed to a one year term not later than July 31, 2007, the members' term to begin on that date. Subsequent~~ serve until December 31, 2007; subsequent one-year appointments, to commence on the ~~thirty first day of July~~ first day of January of each year thereafter, and shall be made in the same manner. A member shall continue to serve subsequent to the expiration of the member's term until the member's 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. The ~~governor shall call 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) 50964  
of this section for members of the school employees health care 50965  
board. 50966

~~(4) The school employees health care board shall submit a 50967  
written study to the governor and the general assembly not later 50968  
than January 31, 2007, of a plan to operate in compliance with 50969  
this section, and on the governance of the school employees health 50970  
care board. A copy of the board's plan of operation, including 50971  
audit provisions, shall accompany the report on the board's 50972  
governance and the report shall include the board's 50973  
recommendations on any legislation needed to enforce the 50974  
recommendations of the board on implementing the provisions of 50975  
this section. 50976~~

~~(5) Not later than January 15, 2009, and not later than the 50977  
same day of each subsequent year, the school employees health care 50978  
board shall submit a written report to the governor and each 50979  
member of the general assembly, which report evaluates the 50980  
performance of school employees health care board medical plans 50981  
during the previous year. Districts offering employee health care 50982  
benefits through a plan offered by a consortium of two or more 50983  
districts, or a consortium of one or more districts and one or 50984  
more political subdivisions as defined in section 9.833 of the 50985  
Revised Code, representing five thousand or more employees as of 50986  
January 1, 2005, may request permission from the school employees 50987  
health care board to continue offering consortium plans to the 50988  
districts' employees at the discretion of the board. If the board 50989  
grants permission, the permission is valid for only one year but 50990  
may be renewed annually thereafter upon application to an approval 50991  
of the board. The board shall grant initial or continued approval 50992  
upon finding, based on an actuarial evaluation of the existing 50993  
consortium plan offerings, that benefit design, premium costs, 50994  
administrative cost, and other factors considered by the board are 50995~~

~~equivalent to or lower than comparable costs of the board's plan 50996  
options offered to the local district. Age and gender adjustments, 50997  
benefit comparison adjustments, and the total cost of the 50998  
consortium plan, including administration, benefit cost, stop loss 50999  
insurance, and all other expenses or information requested by the 51000  
board shall be presented to the board prior to the board's 51001  
decision to allow a local district to continue to offer health 51002  
care benefits under a consortium plan. A district shall not 51003  
participate in the consortium plan once the district has chosen to 51004  
offer plans designed by the board to the district's employees and 51005  
begins premium payments for deposit into the school employees 51006  
health care fund. 51007~~

(6) If based upon an audit of a health care sponsor, the 51008  
board makes a determination that the sponsor no longer meets the 51009  
best practice standards adopted by the board, the board may 51010  
suspend or cancel the sponsor's right to administer plans under 51011  
the jurisdiction of the board. The decision of the board to 51012  
suspend or cancel a sponsor's right may be appealed by the sponsor 51013  
pursuant to a hearing and appeal process the board shall adopt by 51014  
rule. 51015

(5) Upon a failure by a sponsor to adhere to the directives 51016  
of the board, the board may request the attorney general to apply 51017  
to a court having jurisdiction for any necessary orders to enforce 51018  
compliance with the requirement of this section that a health care 51019  
sponsor, unless otherwise allowed, shall adopt and adhere to best 51020  
practices designed by the board or comply with any other 51021  
requirements of this section, as the case may be. The board also 51022  
may engage outside counsel if it deems necessary. 51023

(6) Upon notice by the board to the department of education 51024  
that a district is not in compliance with the board's directives 51025  
and a court order as described in this section, the department 51026  
shall withhold one per cent of all state financial aid and 51027

assistance to the district each month until the department 51028  
receives notice from the board that the district is in full 51029  
compliance with the board's directives and subsequent court order. 51030

(7) Any districts providing ~~medical~~ health care plan coverage 51031  
for the employees of public ~~schools, or that have provided~~ 51032  
~~coverage within two years prior to September 29, 2005,~~ school 51033  
districts shall provide nonidentifiable aggregate claims data for 51034  
the coverage to the school employees health care board ~~or the~~ 51035  
~~department of administrative services,~~ without charge, within 51036  
thirty days after receiving a written request from the board ~~or~~ 51037  
~~the department.~~ The claims data shall include data relating to 51038  
employee group benefit sets, demographics, and claims experience. 51039

~~(J)~~(K)(1) The school employees health care board may contract 51040  
with other state agencies for services as the board deems 51041  
necessary for the implementation and operation of this section, 51042  
based on demonstrated experience and expertise in administration, 51043  
management, data handling, actuarial studies, quality assurance, 51044  
or for other needed services. The school employees health care 51045  
board ~~shall~~ may contract with the department of administrative 51046  
services for central services until such time the board ~~is~~ deems 51047  
itself able to obtain such services from its own staff or from 51048  
other sources. The board shall reimburse the department of 51049  
administrative services for the reasonable cost of those services. 51050

~~(K)~~(2) The board shall hire staff as necessary to provide 51051  
administrative support to the board and the public school employee 51052  
health care plan program established by this section. 51053

(L) The board's administrative functions shall include, but 51054  
are not limited to, the following: 51055

(1) ~~Maintaining reserves in the school employees health care~~ 51056  
~~fund, reinsurance, and other measures that in the judgment of the~~ 51057  
~~board will result in the long term stability and solvency of the~~ 51058

~~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~~ health care plans to the employees.

~~(M)~~(N) Nothing in this section shall be construed as

prohibiting public ~~schools or~~ school districts from consulting 51091  
with and compensating insurance agents and brokers for 51092  
professional services. The arrangement and contracts for these 51093  
services shall be a public record and disclosed along with other 51094  
data required by the board. 51095

~~(N) The department of administrative services shall report to~~ 51096  
~~the governor, the speaker of the house of representatives, and the~~ 51097  
~~president of the senate not later than April 30, 2007, on the~~ 51098  
~~feasibility of achieving all of the following:~~ 51099

~~(1) Designing multiple medical plans to cover persons~~ 51100  
~~employed by public institutions of higher education that achieve~~ 51101  
~~an optimal combination of coverage, cost, choice, and stability,~~ 51102  
~~which plans include both state and regional preferred provider~~ 51103  
~~plans, set employee and employer premiums, and set employee plan~~ 51104  
~~copayments, deductibles, exclusions, limitations, formularies, and~~ 51105  
~~other responsibilities. For this purpose, "public institutions of~~ 51106  
~~higher education" include, without limitation, state universities~~ 51107  
~~and colleges, state community college districts, community college~~ 51108  
~~districts, university branch districts, technical college~~ 51109  
~~districts, and municipal universities.~~ 51110

~~(2) Maintaining reserves, reinsurance, and other measures to~~ 51111  
~~insure the long term stability and solvency of the medical plans;~~ 51112

~~(3) Providing appropriate health care information, wellness~~ 51113  
~~programs, and other preventive health care measures to medical~~ 51114  
~~plan beneficiaries;~~ 51115

~~(4) Coordinating contracts for services related to the~~ 51116  
~~medical plans.~~ 51117

(O)(1) Pursuant to Chapter 117. of the Revised Code, the 51118  
auditor of state shall conduct all necessary and required audits 51119  
of the board. The auditor of state, upon request, also shall 51120  
furnish to the board copies of audits of public school districts 51121

or consortia performed by the auditor of state. 51122

(2) Annually, the superintendent of insurance shall evaluate 51123  
the performance of the school employee health care board best 51124  
practices during the previous year and submit the results in 51125  
writing to the governor and the general assembly. The 51126  
superintendent also shall include in the audit of the health care 51127  
plans of the health plan sponsors for which the superintendent has 51128  
jurisdiction for a determination of adherence to the best 51129  
practices established by the board. 51130

(3) Any health care provider or other vendor that contracts 51131  
with a public school district or consortium to furnish health care 51132  
benefits or services pursuant to a health care plan under this 51133  
section, as a condition of such contract, shall agree to submit to 51134  
audits the board may require to ensure compliance with the best 51135  
practices of the board for the provision of such benefits or 51136  
services. The board may contract with persons for independent 51137  
audits of such providers or vendors. The audits shall cover the 51138  
overall performance of the provider or vendor including, but not 51139  
limited to, claims processing procedures and results, eligibility 51140  
determination procedures and standards for health care plan 51141  
participants, and adherence to best practices established by the 51142  
board. 51143

**Sec. 3311.19.** (A) The management and control of a joint 51144  
vocational school district shall be vested in the joint vocational 51145  
school district board of education. Where a joint vocational 51146  
school district is composed only of two or more local school 51147  
districts located in one county, or when all the participating 51148  
districts are in one county and the boards of such participating 51149  
districts so choose, the educational service center governing 51150  
board of the county in which the joint vocational school district 51151  
is located shall serve as the joint vocational school district 51152

board of education. Where a joint vocational school district is 51153  
composed of local school districts of more than one county, or of 51154  
any combination of city, local, or exempted village school 51155  
districts or educational service centers, unless administration by 51156  
the educational service center governing board has been chosen by 51157  
all the participating districts in one county pursuant to this 51158  
section, the board of education of the joint vocational school 51159  
district shall be composed of one or more persons who are members 51160  
of the boards of education from each of the city or exempted 51161  
village school districts or members of the educational service 51162  
centers' governing boards affected to be appointed by the boards 51163  
of education or governing boards of such school districts and 51164  
educational service centers. In such joint vocational school 51165  
districts the number and terms of members of the joint vocational 51166  
school district board of education and the allocation of a given 51167  
number of members to each of the city and exempted village 51168  
districts and educational service centers shall be determined in 51169  
the plan for such district, provided that each such joint 51170  
vocational school district board of education shall be composed of 51171  
an odd number of members. 51172

(B) Notwithstanding division (A) of this section, a governing 51173  
board of an educational service center that has members of its 51174  
governing board serving on a joint vocational school district 51175  
board of education may make a request to the joint vocational 51176  
district board that the joint vocational school district plan be 51177  
revised to provide for one or more members of boards of education 51178  
of local school districts that are within the territory of the 51179  
educational service district and within the joint vocational 51180  
school district to serve in the place of or in addition to its 51181  
educational service center governing board members. If agreement 51182  
is obtained among a majority of the boards of education and 51183  
governing boards that have a member serving on the joint 51184  
vocational school district board of education and among a majority 51185



of the local school district boards of education included in the 51186  
district and located within the territory of the educational 51187  
service center whose board requests the substitution or addition, 51188  
the state board of education may revise the joint vocational 51189  
school district plan to conform with such agreement. 51190

(C) If the board of education of any school district or 51191  
educational service center governing board included within a joint 51192  
vocational district that has had its board or governing board 51193  
membership revised under division (B) of this section requests the 51194  
joint vocational school district board to submit to the state 51195  
board of education a revised plan under which one or more joint 51196  
vocational board members chosen in accordance with a plan revised 51197  
under such division would again be chosen in the manner prescribed 51198  
by division (A) of this section, the joint vocational board shall 51199  
submit the revised plan to the state board of education, provided 51200  
the plan is agreed to by a majority of the boards of education 51201  
represented on the joint vocational board, a majority of the local 51202  
school district boards included within the joint vocational 51203  
district, and each educational service center governing board 51204  
affected by such plan. The state board of education may revise the 51205  
joint vocational school district plan to conform with the revised 51206  
plan. 51207

(D) The vocational schools in such joint vocational school 51208  
district shall be available to all youth of school age within the 51209  
joint vocational school district subject to the rules adopted by 51210  
the joint vocational school district board of education in regard 51211  
to the standards requisite to admission. A joint vocational school 51212  
district board of education shall have the same powers, duties, 51213  
and authority for the management and operation of such joint 51214  
vocational school district as is granted by law, except by this 51215  
chapter and Chapters 124., 3317., 3323., and 3331. of the Revised 51216  
Code, to a board of education of a city school district, and shall 51217

be subject to all the provisions of law that apply to a city 51218  
school district, except such provisions in this chapter and 51219  
Chapters 124., 3317., 3323., and 3331. of the Revised Code. 51220

(E) Where a governing board of an educational service center 51221  
has been designated to serve as the joint vocational school 51222  
district board of education, the educational service center 51223  
superintendent shall be the executive officer for the joint 51224  
vocational school district, and the governing board may provide 51225  
for additional compensation to be paid to the educational service 51226  
center superintendent by the joint vocational school district, but 51227  
the educational service center superintendent shall have no 51228  
continuing tenure other than that of educational service center 51229  
superintendent. The superintendent of schools of a joint 51230  
vocational school district shall exercise the duties and authority 51231  
vested by law in a superintendent of schools pertaining to the 51232  
operation of a school district and the employment and supervision 51233  
of its personnel. The joint vocational school district board of 51234  
education shall appoint a treasurer of the joint vocational school 51235  
district who shall be the fiscal officer for such district and who 51236  
shall have all the powers, duties, and authority vested by law in 51237  
a treasurer of a board of education. Where a governing board of an 51238  
educational service center has been designated to serve as the 51239  
joint vocational school district board of education, such board 51240  
may appoint the educational service center superintendent as the 51241  
treasurer of the joint vocational school district. 51242

(F) Each member of a joint vocational school district board 51243  
of education may be paid such compensation as the board provides 51244  
by resolution, but it shall not exceed one hundred twenty-five 51245  
dollars per member for each meeting attended plus mileage, at the 51246  
rate per mile provided by resolution of the board, to and from 51247  
meetings of the board. 51248

The board may provide by resolution for the deduction of 51249

amounts payable for benefits under section 3313.202 of the Revised Code. 51250  
51251

Each member of a joint vocational school district board may 51252  
be paid such compensation as the board provides by resolution for 51253  
attendance at an approved training program, provided that such 51254  
compensation shall not exceed sixty dollars per day for attendance 51255  
at a training program three hours or fewer in length and one 51256  
hundred twenty-five dollars a day for attendance at a training 51257  
program longer than three hours in length. However, no board 51258  
member shall be compensated for the same training program under 51259  
this section and section 3313.12 of the Revised Code. 51260

**Sec. 3313.12.** Each member of the educational service center 51261  
governing board may be paid such compensation as the governing 51262  
board provides by resolution, provided that any such compensation 51263  
shall not exceed one hundred twenty-five dollars a day plus 51264  
mileage both ways, at the rate per mile provided by resolution of 51265  
the governing board, for attendance at any meeting of the board. 51266  
Such compensation and the expenses of the educational service 51267  
center superintendent, itemized and verified, shall be paid from 51268  
the educational service center governing board fund upon vouchers 51269  
signed by the president of the governing board. 51270

The board of education of any city, local, or exempted 51271  
village school district may provide by resolution for compensation 51272  
of its members, provided that such compensation shall not exceed 51273  
one hundred twenty-five dollars per member for meetings attended. 51274  
The board may provide by resolution for the deduction of amounts 51275  
payable for benefits under section 3313.202 of the Revised Code. 51276

Each member of a district board or educational service center 51277  
governing board may be paid such compensation as the respective 51278  
board provides by resolution for attendance at an approved 51279  
training program, provided that such compensation shall not exceed 51280

sixty dollars a day for attendance at a training program three 51281  
hours or fewer in length and one hundred twenty-five dollars a day 51282  
for attendance at a training program longer than three hours in 51283  
length. 51284

**Sec. 3313.202.** Any elected or appointed member of the board 51285  
of education of a school district and the dependent children and 51286  
spouse of the member may be covered, at the option of the member, 51287  
under any ~~medical~~ health care plan ~~designed~~ containing best 51288  
practices prescribed by the school employees health care board 51289  
under section 9.901 of the Revised Code. The member shall pay all 51290  
premiums for that coverage. Payments for such coverage shall be 51291  
made, in advance, in a manner prescribed by the school employees 51292  
health care board. The member's exercise of an option to be 51293  
covered under this section shall be in writing, announced at a 51294  
regular public meeting of the board of education, and recorded as 51295  
a public record in the minutes of the board. 51296

**Sec. 3313.33.** (A) Conveyances made by a board of education 51297  
shall be executed by the president and treasurer thereof. 51298

(B) Except as provided in division (C) of this section, no 51299  
member of the board shall have, directly or indirectly, any 51300  
pecuniary interest in any contract of the board or be employed in 51301  
any manner for compensation by the board of which the person is a 51302  
member. No contract shall be binding upon any board unless it is 51303  
made or authorized at a regular or special meeting of such board. 51304

(C) A member of the board may have a pecuniary interest in a 51305  
contract of the board if all of the following apply: 51306

(1) The member's pecuniary interest in that contract is that 51307  
the member is employed by a political subdivision, 51308  
instrumentality, or agency of the state that is contracting with 51309  
the board; 51310

(2) The member does not participate in any discussion or 51311  
debate regarding the contract or vote on the contract; 51312

(3) The member files with the school district treasurer an 51313  
affidavit stating the member's exact employment status with the 51314  
political subdivision, instrumentality, or agency contracting with 51315  
the board. 51316

(D) This section does not apply where a member of the board, 51317  
being a shareholder of a corporation but not being an officer or 51318  
director thereof, owns not in excess of five per cent of the stock 51319  
of such corporation. If a stockholder desires to avail self of the 51320  
exception, before entering upon such contract such person shall 51321  
first file with the treasurer an affidavit stating the 51322  
stockholder's exact status and connection with said corporation. 51323

This section does not apply where a member of the board 51324  
elects to be covered by a ~~medical~~ health care plan under section 51325  
3313.202 of the Revised Code. 51326

**Sec. 4117.03.** (A) Public employees have the right to: 51327

(1) Form, join, assist, or participate in, or refrain from 51328  
forming, joining, assisting, or participating in, except as 51329  
otherwise provided in Chapter 4117. of the Revised Code, any 51330  
employee organization of their own choosing; 51331

(2) Engage in other concerted activities for the purpose of 51332  
collective bargaining or other mutual aid and protection; 51333

(3) Representation by an employee organization; 51334

(4) Bargain collectively with their public employers to 51335  
determine wages, hours, terms and other conditions of employment 51336  
and the continuation, modification, or deletion of an existing 51337  
provision of a collective bargaining agreement, and enter into 51338  
collective bargaining agreements; 51339

(5) Present grievances and have them adjusted, without the 51340

intervention of the bargaining representative, as long as the 51341  
adjustment is not inconsistent with the terms of the collective 51342  
bargaining agreement then in effect and as long as the bargaining 51343  
representatives have the opportunity to be present at the 51344  
adjustment. 51345

(B) Persons on active duty or acting in any capacity as 51346  
members of the organized militia do not have collective bargaining 51347  
rights. 51348

(C) Except as provided in division (D) of this section, 51349  
nothing in Chapter 4117. of the Revised Code prohibits public 51350  
employers from electing to engage in collective bargaining, to 51351  
meet and confer, to hold discussions, or to engage in any other 51352  
form of collective negotiations with public employees who are not 51353  
subject to Chapter 4117. of the Revised Code pursuant to division 51354  
(C) of section 4117.01 of the Revised Code. 51355

(D) A public employer shall not engage in collective 51356  
bargaining or other forms of collective negotiations with the 51357  
employees of county boards of elections referred to in division 51358  
(C)(12) of section 4117.01 of the Revised Code. 51359

(E)~~(1)~~ Employees of public ~~school~~ schools may bargain 51360  
collectively for health care benefits; however, all health care 51361  
benefits shall ~~be provided through~~ include best practices 51362  
prescribed by the school employees health care board ~~medical~~ 51363  
~~plans~~, in accordance with section 9.901 of the Revised Code. ~~If a~~ 51364  
~~school district provides its employees with health care benefits~~ 51365  
~~pursuant to collective bargaining, the employees shall be~~ 51366  
~~permitted to choose a plan option from among the school employees~~ 51367  
~~health care board plans agreed to during collective bargaining.~~ 51368

~~(2) During collective bargaining, employees of public schools~~ 51369  
~~may agree to pay a higher percentage of the premium for health~~ 51370  
~~benefit coverage under the plans designed by the school employees~~ 51371

~~health care board pursuant to section 9.901 of the Revised Code 51372  
than the percentage designated as the employees' contribution 51373  
level by the board. A collective bargaining agreement, however, 51374  
shall not permit the employees to contribute a lesser percentage 51375  
of the premium than that set as the employees' contribution level 51376  
by the school employees health care board, unless, in so doing, 51377  
the participating school board is able to remain in compliance 51378  
with the aggregate goal set pursuant to division (C)(3) of section 51379  
9.901 of the Revised Code. 51380~~

**Sec. 4117.08.** (A) All matters pertaining to wages, hours, or 51381  
terms and other conditions of employment and the continuation, 51382  
modification, or deletion of an existing provision of a collective 51383  
bargaining agreement are subject to collective bargaining between 51384  
the public employer and the exclusive representative, except as 51385  
otherwise specified in this section and division (E) of section 51386  
4117.03 of the Revised Code. 51387

(B) The conduct and grading of civil service examinations, 51388  
the rating of candidates, the establishment of eligible lists from 51389  
the examinations, and the original appointments from the eligible 51390  
lists are not appropriate subjects for collective bargaining. 51391

(C) Unless a public employer agrees otherwise in a collective 51392  
bargaining agreement, nothing in Chapter 4117. of the Revised Code 51393  
impairs the right and responsibility of each public employer to: 51394

(1) Determine matters of inherent managerial policy which 51395  
include, but are not limited to areas of discretion or policy such 51396  
as the functions and programs of the public employer, standards of 51397  
services, its overall budget, utilization of technology, and 51398  
organizational structure; 51399

(2) Direct, supervise, evaluate, or hire employees; 51400

(3) Maintain and improve the efficiency and effectiveness of 51401

governmental operations;	51402
(4) Determine the overall methods, process, means, or personnel by which governmental operations are to be conducted;	51403 51404
(5) Suspend, discipline, demote, or discharge for just cause, or lay off, transfer, assign, schedule, promote, or retain employees;	51405 51406 51407
(6) Determine the adequacy of the work force;	51408
(7) Determine the overall mission of the employer as a unit of government;	51409 51410
(8) Effectively manage the work force;	51411
(9) Take actions to carry out the mission of the public employer as a governmental unit.	51412 51413
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.	51414 51415 51416 51417 51418 51419 51420
<b>Section 130.03.</b> Section 611.03 of Am. Sub. H.B. 66 of the 126th General Assembly is hereby repealed.	51421 51422
<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.	51423 51424
<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 of these additional members as well as the terms of the current	51425 51426 51427 51428 51429



members shall end on December 31, 2010. Thereafter, terms of 51430  
office shall be as specified in section 9.901 of the Revised Code 51431  
as it results from its amendment by this act. The three additional 51432  
members each shall be representative of nonadministrative public 51433  
school employees. 51434

**Section 201.01.** Except as otherwise provided in this act, all 51435  
appropriation items in this act are appropriated out of any moneys 51436  
in the state treasury to the credit of the designated fund that 51437  
are not otherwise appropriated. For all appropriations made in 51438  
this act, the amounts in the first column are for fiscal year 2008 51439  
and the amounts in the second column are for fiscal year 2009. 51440  
51441

**Section 203.10.** ACC ACCOUNTANCY BOARD OF OHIO 51442

General Services Fund Group 51443

4J8 889-601 CPA Education	\$	325,000	\$	325,000	51444
Assistance					
4K9 889-609 Operating Expenses	\$	1,092,246	\$	1,117,000	51445
TOTAL GSF General Services Fund					51446
Group	\$	1,417,246	\$	1,442,000	51447
TOTAL ALL BUDGET FUND GROUPS	\$	1,417,246	\$	1,442,000	51448

**Section 205.10.** ADJ ADJUTANT GENERAL 51450

General Revenue Fund 51451

GRF 745-401 Ohio Military Reserve	\$	15,188	\$	15,188	51452
GRF 745-404 Air National Guard	\$	2,246,005	\$	2,284,198	51453
GRF 745-407 National Guard	\$	1,400,000	\$	1,400,000	51454
Benefits					
GRF 745-409 Central Administration	\$	4,295,778	\$	4,460,069	51455
GRF 745-499 Army National Guard	\$	5,064,836	\$	5,169,368	51456
GRF 745-502 Ohio National Guard	\$	102,973	\$	102,973	51457

Unit Fund					
TOTAL GRF General Revenue Fund	\$	13,124,780	\$	13,431,796	51458
General Services Fund Group					51459
534 745-612 Property	\$	534,304	\$	534,304	51460
Operations/Management					
536 745-620 Camp Perry/Buckeye Inn	\$	1,202,970	\$	1,202,970	51461
Operations					
537 745-604 Ohio National Guard	\$	269,826	\$	269,826	51462
Facility Maintenance					
TOTAL GSF General Services Fund	\$	2,007,100	\$	2,007,100	51463
Group					
Federal Special Revenue Fund Group					51464
3E8 745-628 Air National Guard	\$	14,100,000	\$	14,906,820	51465
Agreement					
3R8 745-603 Counter Drug	\$	25,000	\$	25,000	51466
Operations					
341 745-615 Air National Guard	\$	2,497,480	\$	2,729,939	51467
Base Security					
342 745-616 Army National Guard	\$	10,146,178	\$	10,590,050	51468
Agreement					
TOTAL FED Federal Special Revenue	\$	26,768,658	\$	28,251,809	51469
Fund Group					
State Special Revenue Fund Group					51470
5U8 745-613 Community Match	\$	220,000	\$	220,000	51471
Armories					
528 745-605 Marksmanship	\$	128,600	\$	128,600	51472
Activities					
TOTAL SSR State Special Revenue	\$	348,600	\$	348,600	51473
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	42,249,138	\$	44,039,305	51474
NATIONAL GUARD BENEFITS					51475
The foregoing appropriation item 745-407, National Guard					51476

Benefits, shall be used for purposes of sections 5919.31 and 51477  
5919.33 of the Revised Code, and for administrative costs of the 51478  
associated programs. 51479

For active duty members of the Ohio National Guard who died 51480  
after October 7, 2001, while performing active duty, the death 51481  
benefit, pursuant to section 5919.33 of the Revised Code, shall be 51482  
paid to the beneficiary or beneficiaries designated on the 51483  
member's Servicemembers' Group Life Insurance Policy. 51484

STATE ACTIVE DUTY COSTS 51485

Of the foregoing appropriation item 745-409, Central 51486  
Administration, \$50,000 in each fiscal year shall be used for the 51487  
purpose of paying expenses related to state active duty of members 51488  
of the Ohio organized militia, in accordance with a proclamation 51489  
of the Governor. Expenses include, but are not limited to, the 51490  
cost of equipment, supplies, and services, as determined by the 51491  
Adjutant General's Department. 51492

Of the foregoing appropriation item 745-409, Central 51493  
Administration, up to \$60,000 in each fiscal year of unspent and 51494  
unencumbered funds remaining after meeting all other obligations 51495  
of this appropriation shall be used for a grant to the American 51496  
Red Cross Greater Columbus Chapter to be distributed equally to 51497  
the Ohio chapters in existence on the effective date of this 51498  
section. The funds from this grant shall be used for the Armed 51499  
Forces Emergency Services program of the American Red Cross in 51500  
Ohio to support members of the military and their families. Upon 51501  
distribution of the funds, the American Red Cross Greater Columbus 51502  
Chapter shall report to the Adjutant General on the actual 51503  
distribution to the various chapters and any administrative costs 51504  
associated with the distribution. 51505

**Section 207.10.** DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 51506

General Revenue Fund				51507
GRF 100-403 Public School Employee Benefits	\$	1,425,000	\$ 1,425,000	51508
GRF 100-404 CRP Procurement Program	\$	255,000	\$ 255,000	51509
GRF 100-405 Agency Audit Expenses	\$	300,000	\$ 300,000	51510
GRF 100-406 County & University Human Resources Services	\$	875,000	\$ 875,000	51511
GRF 100-410 Veterans' Records Conversion	\$	46,170	\$ 46,171	51512
GRF 100-415 OAKS Rental Payments	\$	14,162,000	\$ 14,165,000	51513
GRF 100-418 Web Sites and Business Gateway	\$	3,270,473	\$ 3,270,083	51514
GRF 100-419 IT Security Infrastructure	\$	1,500,000	\$ 1,500,000	51515
GRF 100-421 OAKS Project Implementation	\$	375,000	\$ 375,000	51516
GRF 100-433 State of Ohio Computer Center	\$	4,800,000	\$ 4,825,000	51517
GRF 100-439 Equal Opportunity Certification Programs	\$	705,000	\$ 705,000	51518
GRF 100-447 OBA - Building Rent Payments	\$	107,803,008	\$ 103,282,108	51519
GRF 100-448 OBA - Building Operating Payments	\$	26,457,000	\$ 27,303,000	51520
GRF 100-449 DAS - Building Operating Payments	\$	3,769,510	\$ 3,834,871	51521
GRF 100-451 Minority Affairs	\$	52,927	\$ 52,927	51522
GRF 100-734 Major Maintenance - State Bldgs	\$	42,000	\$ 42,000	51523
GRF 102-321 Construction Compliance	\$	1,000,000	\$ 1,000,000	51524

GRF 130-321	State Agency Support	\$	6,000,000	\$	6,250,000	51525
	Services					
TOTAL GRF	General Revenue Fund	\$	172,838,088	\$	169,506,160	51526
	General Services Fund Group					51527
112 100-616	DAS Administration	\$	5,299,427	\$	5,299,427	51528
115 100-632	Central Service Agency	\$	860,878	\$	928,403	51529
117 100-644	General Services	\$	8,295,772	\$	8,540,772	51530
	Division - Operating					
122 100-637	Fleet Management	\$	2,182,968	\$	2,032,968	51531
125 100-622	Human Resources	\$	19,890,614	\$	20,560,614	51532
	Division - Operating					
128 100-620	Collective Bargaining	\$	3,464,533	\$	3,662,534	51533
130 100-606	Risk Management	\$	2,568,548	\$	2,568,548	51534
	Reserve					
131 100-639	State Architect's	\$	7,348,483	\$	7,544,164	51535
	Office					
132 100-631	DAS Building	\$	9,716,228	\$	10,166,228	51536
	Management					
133 100-607	IT Services Delivery	\$	72,539,887	\$	75,847,949	51537
188 100-649	Equal Opportunity	\$	847,409	\$	884,650	51538
	Division - Operating					
201 100-653	General Services	\$	1,553,000	\$	1,553,000	51539
	Resale Merchandise					
210 100-612	State Printing	\$	5,681,421	\$	5,436,421	51540
229 100-630	IT Governance	\$	17,108,546	\$	17,108,546	51541
4N6 100-617	Major IT Purchases	\$	7,495,719	\$	7,495,719	51542
4P3 100-603	DAS Information	\$	4,793,190	\$	4,958,218	51543
	Services					
427 100-602	Investment Recovery	\$	5,683,564	\$	5,683,564	51544
5C2 100-605	MARCS Administration	\$	11,069,291	\$	11,069,291	51545
5C3 100-608	Skilled Trades	\$	934,982	\$	934,982	51546
5D7 100-621	Workforce Development	\$	70,000	\$	0	51547
5EB 100-635	OAKS Support	\$	19,132,671	\$	19,132,671	51548

	Organization				
5L7 100-610	Professional	\$	3,900,000	\$	3,900,000
	Development				
5V6 100-619	Employee Educational	\$	936,129	\$	936,129
	Development				
5X3 100-634	Centralized Gateway	\$	974,023	\$	974,023
	Enhancement				
TOTAL GSF	General Services Fund				51552
Group		\$	212,347,283	\$	217,218,821
TOTAL ALL BUDGET FUND GROUPS		\$	385,185,371	\$	386,724,981

**Section 207.10.10. PUBLIC SCHOOL EMPLOYEE BENEFITS** 51556

The foregoing appropriation item 100-403, Public School 51557  
Employee Benefits, shall be used by the School Employees Health 51558  
Care Board to hire staff to provide administrative support to the 51559  
Board and other lawful uses of said fund as prescribed under 51560  
section 9.901 of the Revised Code. This section succeeds Section 51561  
203.12.02 of Am. Sub. H.B. 66 of the 126th General Assembly. 51562

**Section 207.10.20. AGENCY AUDIT EXPENSES** 51563

The foregoing appropriation item 100-405, Agency Audit 51564  
Expenses, shall be used for auditing expenses designated in 51565  
division (A)(1) of section 117.13 of the Revised Code for those 51566  
state agencies audited on a biennial basis. 51567

**Section 207.10.30. OAKS RENTAL PAYMENTS** 51568

The foregoing appropriation item 100-415, OAKS Rental 51569  
Payments, shall be used for payments for the period from July 1, 51570  
2007, through June 30, 2009, pursuant to leases and agreements 51571  
entered into under Chapter 125. of the Revised Code, as 51572  
supplemented by Section 403.10 of Am. Sub. H.B. 530 of the 126th 51573  
General Assembly with respect to financing the costs associated 51574  
with the acquisition, development, installation, and 51575

implementation of the Ohio Administrative Knowledge System. If it 51576  
is determined that additional appropriations are necessary for 51577  
this purpose, the amounts are hereby appropriated. 51578

**Section 207.10.40. BUILDING RENT PAYMENTS** 51579

The foregoing appropriation item 100-447, OBA - Building Rent 51580  
Payments, shall be used to meet all payments at the times they are 51581  
required to be made during the period from July 1, 2007, to June 51582  
30, 2009, by the Department of Administrative Services to the Ohio 51583  
Building Authority pursuant to leases and agreements under Chapter 51584  
152. of the Revised Code. These appropriations are the source of 51585  
funds pledged for bond service charges on obligations issued 51586  
pursuant to Chapter 152. of the Revised Code. 51587

The foregoing appropriation item 100-448, OBA - Building 51588  
Operating Payments, shall be used to meet all payments at the 51589  
times that they are required to be made during the period from 51590  
July 1, 2007, to June 30, 2009, by the Department of 51591  
Administrative Services to the Ohio Building Authority pursuant to 51592  
leases and agreements under Chapter 152. of the Revised Code, but 51593  
limited to the aggregate amount of \$53,760,000. 51594

The payments to the Ohio Building Authority are for the 51595  
purpose of paying the expenses of agencies that occupy space in 51596  
the various state facilities. The Department of Administrative 51597  
Services may enter into leases and agreements with the Ohio 51598  
Building Authority providing for the payment of these expenses. 51599  
The Ohio Building Authority shall report to the Department of 51600  
Administrative Services and the Office of Budget and Management 51601  
not later than five months after the start of a fiscal year the 51602  
actual expenses incurred by the Ohio Building Authority in 51603  
operating the facilities and any balances remaining from payments 51604  
and rentals received in the prior fiscal year. The Department of 51605  
Administrative Services shall reduce subsequent payments by the 51606

amount of the balance reported to it by the Ohio Building Authority. 51607  
51608

**Section 207.10.50. DAS - BUILDING OPERATING PAYMENTS** 51609

The foregoing appropriation item 100-449, DAS - Building Operating Payments, shall be used to pay the rent expenses of veterans organizations pursuant to section 123.024 of the Revised Code in fiscal years 2008 and 2009. 51610  
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The foregoing appropriation item, 100-449, DAS - Building Operating Payments, may be used to provide funding for the cost of property appraisals or building studies that the Department of Administrative Services may be required to obtain for property that is being sold by the state or property under consideration to be renovated or purchased by the state. 51614  
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Notwithstanding section 125.28 of the Revised Code, the remaining portion of the appropriation may be used to pay the operating expenses of state facilities maintained by the Department of Administrative Services that are not billed to building tenants. These expenses may include, but are not limited to, the costs for vacant space and space undergoing renovation, and the rent expenses of tenants that are relocated due to building renovations. These payments shall be processed by the Department of Administrative Services through intrastate transfer vouchers and placed in the Building Management Fund (Fund 132). 51620  
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**Section 207.10.60. CENTRAL SERVICE AGENCY FUND** 51630

The Department of Administrative Services shall not allocate annual costs for maintaining an automated application for the professional licensing boards and for the costs of supporting licensing functions in excess of the amounts allocated for these purposes for fiscal year 2007. The charges shall be billed to the professional licensing boards and deposited via intrastate 51631  
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transfer vouchers to the credit of the Central Service Agency Fund 51637  
(Fund 115). 51638

**Section 207.10.70. ELIMINATION OF THE VEHICLE LIABILITY FUND 51639**  
ASSETS 51640

(A) Effective July 1, 2007, the Vehicle Liability Fund (Fund 51641  
127) is abolished and its functions, assets, and liabilities are 51642  
transferred to the Risk Management Reserve Fund (Fund 130). The 51643  
Risk Management Reserve Fund is thereupon and thereafter successor 51644  
to, assumes the obligations of, and otherwise constitutes the 51645  
continuation of the Vehicle Liability Fund. 51646

Any business commenced but not completed with regard to the 51647  
Vehicle Liability Fund on July 1, 2007, shall be completed with 51648  
regard to the Risk Management Reserve Fund, in the same manner, 51649  
and with the same effect, as if completed with regard to the 51650  
Vehicle Liability Fund. No validation, cure, right, privilege, 51651  
remedy, obligation, or liability is lost or impaired by reason of 51652  
the transfer and shall be administered with regard to the Risk 51653  
Management Reserve Fund. All of the rules, orders, and 51654  
determinations associated with the Vehicle Liability Fund continue 51655  
in effect as rules, orders, and determinations associated with the 51656  
Risk Management Reserve Fund, until modified or rescinded by the 51657  
Director of Administrative Services. If necessary to ensure the 51658  
integrity of the Administrative Code, the Director of the 51659  
Legislative Service Commission shall renumber the rules relating 51660  
to the Vehicle Liability Fund to reflect its transfer to the Risk 51661  
Management Reserve Fund. 51662

(B) Employees paid from the Vehicle Liability Fund shall be 51663  
transferred to the Risk Management Reserve Fund or dismissed. 51664  
Employees paid from the Vehicle Liability Fund so dismissed cease 51665  
to hold their positions of employment on July 1, 2007. 51666

(C) No judicial or administrative action or proceeding by 51667

which the Vehicle Liability Fund is affected that is pending on 51668  
July 1, 2007, is affected by the transfer of functions under 51669  
division (A) of this section. The action or proceeding shall be 51670  
prosecuted or defended on behalf of the Risk Management Reserve 51671  
Fund and the Risk Management Reserve Fund upon application to the 51672  
court or agency shall be substituted for the Vehicle Liability 51673  
Fund as affected by the action or proceeding. 51674

(D) On and after July 1, 2007, when the Vehicle Liability 51675  
Fund is referred to in any statute, rule, contract, grant, or 51676  
other document, the reference is hereby deemed to refer to the 51677  
Risk Management Reserve Fund. 51678

**Section 207.10.80. TRANSFER OF VEHICLE LIABILITY FUND ASSETS** 51679

On and after July 1, 2007, notwithstanding any provision to 51680  
the contrary, the Director of Budget and Management is authorized 51681  
to take the actions and effectuate the budget changes made 51682  
necessary by administrative reorganization, program transfers, the 51683  
creation of new funds, and the consolidation of funds required for 51684  
the transfer of the Vehicle Liability Fund Assets to the Risk 51685  
Management Reserve Fund. The Director of Budget and Management may 51686  
make any transfer of cash balances between funds. At the request 51687  
of the Director of Budget and Management, the Director of 51688  
Administrative Services shall certify to the Director of Budget 51689  
and Management an estimate of the amount of the Vehicle Liability 51690  
Fund cash balance to be transferred to the Risk Management Reserve 51691  
Fund. The Director of Budget and Management may transfer the 51692  
estimated amount when needed to make payments. Not more than 51693  
thirty days after certifying the estimated amount, the Director of 51694  
Administrative Services shall certify the final amount to the 51695  
Director of Budget and Management. The Director of Budget and 51696  
Management shall transfer the difference between any amount 51697  
previously transferred and the certified final amount. The 51698

Director of Budget and Management may cancel encumbrances and 51699  
re-establish encumbrances or parts of encumbrances of the Vehicle 51700  
Liability Fund as needed in fiscal year 2008 in the Risk 51701  
Management Reserve Fund for the same purposes. The appropriation 51702  
authority necessary to re-establish such encumbrances in fiscal 51703  
year 2008, as determined by the Director of Budget and Management, 51704  
in appropriation item 100-606, Risk Management Reserve, is hereby 51705  
appropriated. When re-established encumbrances or parts of 51706  
re-established encumbrances of the Vehicle Liability Fund are 51707  
canceled, the Director of Budget and Management shall reduce the 51708  
appropriation for appropriation item 100-606, Risk Management 51709  
Reserve, by the amount of the encumbrances canceled. The amounts 51710  
canceled are hereby authorized. Any fiscal year 2007 unencumbered 51711  
or unallotted appropriation for appropriation item 100-627, 51712  
Vehicle Liability Insurance, may be transferred to appropriation 51713  
item 100-606, Risk Management Reserve, to be used for the same 51714  
purposes, as determined by the Director of Budget and Management. 51715  
The amounts transferred are hereby appropriated. 51716

**Section 207.10.90. COLLECTIVE BARGAINING ARBITRATION EXPENSES** 51717  
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With approval of the Director of Budget and Management, the 51719  
Department of Administrative Services may seek reimbursement from 51720  
state agencies for the actual costs and expenses the department 51721  
incurs in the collective bargaining arbitration process. The 51722  
reimbursements shall be processed through intrastate transfer 51723  
vouchers and placed in the Collective Bargaining Fund (Fund 128). 51724

**Section 207.20.10. EQUAL OPPORTUNITY PROGRAM** 51725

The Department of Administrative Services, with the approval 51726  
of the Director of Budget and Management, shall establish charges 51727  
for recovering the costs of administering the activities supported 51728

by the State EEO Fund (Fund 188). These charges shall be deposited 51729  
to the credit of the State EEO Fund (Fund 188) upon payment made 51730  
by state agencies, state-supported or state-assisted institutions 51731  
of higher education, and tax-supported agencies, municipal 51732  
corporations, and other political subdivisions of the state, for 51733  
services rendered. 51734

**Section 207.20.20. MERCHANDISE FOR RESALE** 51735

The foregoing appropriation item 100-653, General Services 51736  
Resale Merchandise, shall be used to account for merchandise for 51737  
resale, which is administered by the General Services Division. 51738  
Deposits to the fund may comprise the cost of merchandise for 51739  
resale and shipping fees. 51740

**Section 207.20.30. DAS INFORMATION SERVICES** 51741

There is hereby established in the State Treasury the DAS 51742  
Information Services Fund. The foregoing appropriation item 51743  
100-603, DAS Information Services, shall be used to pay the costs 51744  
of providing information systems and services in the Department of 51745  
Administrative Services. 51746

The Department of Administrative Services shall establish 51747  
user charges for all information systems and services that are 51748  
allowable in the statewide indirect cost allocation plan submitted 51749  
annually to the United States Department of Health and Human 51750  
Services. These charges shall comply with federal regulations and 51751  
shall be deposited to the credit of the DAS Information Services 51752  
Fund (Fund 4P3). 51753

**Section 207.20.40. INVESTMENT RECOVERY FUND** 51754

Notwithstanding division (B) of section 125.14 of the Revised 51755  
Code, cash balances in the Investment Recovery Fund (Fund 427) may 51756  
be used to support the operating expenses of the Federal Surplus 51757

Operating Program created in sections 125.84 to 125.90 of the Revised Code. 51758  
51759

Notwithstanding division (B) of section 125.14 of the Revised Code, cash balances in the Investment Recovery Fund may be used to support the operating expenses of the Asset Management Services Program, including, but not limited to, the cost of establishing and maintaining procedures for inventory records for state property as described in section 125.16 of the Revised Code. 51760  
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Of the foregoing appropriation item 100-602, Investment Recovery, up to \$2,271,209 in fiscal year 2008 and up to \$2,353,372 in fiscal year 2009 shall be used to pay the operating expenses of the State Surplus Property Program, the Surplus Federal Property Program, and the Asset Management Services Program under Chapter 125. of the Revised Code and this section. If additional appropriations are necessary for the operations of these programs, the Director of Administrative Services shall seek increased appropriations from the Controlling Board under section 131.35 of the Revised Code. 51766  
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Of the foregoing appropriation item 100-602, Investment Recovery, \$3,412,355 in fiscal year 2008 and \$3,330,192 in fiscal year 2009 shall be used to transfer proceeds from the sale of surplus property from the Investment Recovery Fund to non-General Revenue Funds under division (A)(2) of section 125.14 of the Revised Code. If it is determined by the Director of Administrative Services that additional appropriations are necessary for the transfer of such sale proceeds, the Director of Administrative Services may request the Director of Budget and Management to increase the amounts. Such amounts are hereby appropriated. 51776  
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Notwithstanding division (B) of section 125.14 of the Revised Code, the Director of Budget and Management, at the request of the Director of Administrative Services, shall transfer up to \$500,000 51787  
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of the amounts held for transfer to the General Revenue Fund from 51790  
the Investment Recovery Fund to the State Architect's Fund (Fund 51791  
131) to provide operating cash. 51792

**Section 207.20.50. MULTI-AGENCY RADIO COMMUNICATIONS SYSTEM** 51793

Effective with the implementation of the Multi-Agency Radio 51794  
Communications System, the State Chief Information Officer shall 51795  
collect user fees from participants in the system. The State Chief 51796  
Information Officer, with the advice of the Multi-Agency Radio 51797  
Communications System Steering Committee and the Director of 51798  
Budget and Management, shall determine the amount of the fees and 51799  
the manner by which the fees shall be collected. Such user charges 51800  
shall comply with the applicable cost principles issued by the 51801  
federal Office of Management and Budget. All moneys from user 51802  
charges and fees shall be deposited in the state treasury to the 51803  
credit of the Multi-Agency Radio Communications System 51804  
Administration Fund (Fund 5C2), which is hereby established in the 51805  
state treasury. All interest income derived from the investment of 51806  
the fund shall accrue to the fund. 51807

**Section 207.20.60. WORKFORCE DEVELOPMENT FUND** 51808

There is hereby established in the state treasury the 51809  
Workforce Development Fund (Fund 5D7). The foregoing appropriation 51810  
item 100-621, Workforce Development, shall be used to make 51811  
payments from the fund. The fund shall be under the supervision of 51812  
the Department of Administrative Services, which may adopt rules 51813  
with regard to administration of the fund. The fund shall be used 51814  
to pay the costs of any remaining obligations of the Workforce 51815  
Development Program, in accordance with Article 37 of the contract 51816  
between the State of Ohio and OCSEA/AFSCME, Local 11, abolished 51817  
effective March 1, 2006. These costs include, but are not limited 51818  
to, remaining grant obligations, payments for tuition 51819

reimbursement, contracted services and general overhead, and any 51820  
settlement costs associated with the Statewide Cost Allocation 51821  
Program (SWCAP). The program shall be administered in accordance 51822  
with the contract. Revenues shall accrue to the fund as specified 51823  
in the contract. The fund may be used to pay direct and indirect 51824  
costs of the program that are attributable to staff, consultants, 51825  
and service providers. All income derived from the investment of 51826  
the fund shall accrue to the fund. 51827

If it is determined by the Director of Administrative 51828  
Services that additional appropriation amounts are necessary, the 51829  
Director of Administrative Services may request that the Director 51830  
of Budget and Management increase such amounts. Such amounts are 51831  
hereby appropriated. 51832

**Section 207.20.70. OAKS SUPPORT ORGANIZATION** 51833

The foregoing appropriation item 100-635, OAKS Support 51834  
Organization, shall be used by the Office of Information 51835  
Technology to support the operating costs associated with the 51836  
implementation and maintenance of the state's enterprise resource 51837  
planning system, OAKS, consistent with its responsibilities under 51838  
this section and Chapters 125. and 126. of the Revised Code. The 51839  
OAKS Support Organization shall operate and maintain the human 51840  
capital management and financial management modules of the state's 51841  
enterprise resource planning system to support statewide human 51842  
resources and financial management activities administered by the 51843  
Department of Administrative Services' human resources division 51844  
and the Office of Budget and Management. The OAKS Support 51845  
Organization shall recover the costs to establish, operate, and 51846  
maintain the OAKS system through intrastate transfer voucher 51847  
billings to the Department of Administrative Services and the 51848  
Office of Budget and Management. Effective July 1, 2007, the 51849  
Department of Administrative Services, with the approval of the 51850

Director of Budget and Management, shall include the recovery of 51851  
the costs of administering the human capital management module of 51852  
the OAKS System within the human resources services payroll rate. 51853  
These revenues shall be deposited to the credit of the Human 51854  
Resources Services Fund (Fund 125). Amounts deposited under this 51855  
section are hereby appropriated to appropriation item 100-622, 51856  
Human Resources Division-Operating. Not less than quarterly, the 51857  
Department of Administrative Services shall process the intrastate 51858  
transfer billings to transfer cash from the Human Resources 51859  
Services Fund (Fund 125) to the OAKS Support Organization Fund 51860  
(Fund 5EB) to pay for the OAKS Support Organization costs. 51861

**Section 207.20.80. PROFESSIONAL DEVELOPMENT FUND** 51862

The foregoing appropriation item 100-610, Professional 51863  
Development, shall be used to make payments from the Professional 51864  
Development Fund (Fund 5L7) under section 124.182 of the Revised 51865  
Code. 51866

**Section 207.20.90. EMPLOYEE EDUCATIONAL DEVELOPMENT** 51867

There is hereby established in the state treasury the 51868  
Employee Educational Development Fund (Fund 5V6). The foregoing 51869  
appropriation item 100-619, Employee Educational Development, 51870  
shall be used to make payments from the fund. The fund shall be 51871  
used to pay the costs of the administration of educational 51872  
programs per existing collective bargaining agreements with 51873  
District 1199, the Health Care and Social Service Union; State 51874  
Council of Professional Educators; Ohio Education Association and 51875  
National Education Association; the Fraternal Order of Police Ohio 51876  
Labor Council, Unit 2; and the Ohio State Troopers Association, 51877  
Units 1 and 15. The fund shall be under the supervision of the 51878  
Department of Administrative Services, which may adopt rules with 51879  
regard to administration of the fund. The fund shall be 51880



administered in accordance with the applicable sections of the 51881  
collective bargaining agreements between the State and the 51882  
aforementioned unions. The Department of Administrative Services, 51883  
with the approval of the Director of Budget and Management, shall 51884  
establish charges for recovering the costs of administering the 51885  
educational programs. Receipts for these charges shall be 51886  
deposited into the Employee Educational Development Fund. All 51887  
income derived from the investment of the funds shall accrue to 51888  
the fund. 51889

If it is determined by the Director of Administrative 51890  
Services that additional appropriation amounts are necessary, the 51891  
Director of Administrative Services may request that the Director 51892  
of Budget and Management increase such amounts. Such amounts are 51893  
hereby appropriated with the approval of the Director of Budget 51894  
and Management. 51895

**Section 207.30.10. CENTRALIZED GATEWAY ENHANCEMENTS FUND** 51896

(A) As used in this section, "Ohio Business Gateway" refers 51897  
to the internet-based system operated by the Office of Information 51898  
Technology with the advice of the Ohio Business Gateway Steering 51899  
Committee established under section 5703.57 of the Revised Code. 51900  
The Ohio Business Gateway is established to provide businesses a 51901  
central web site where various filings and payments are submitted 51902  
on-line to government. The information is then distributed to the 51903  
various government entities that interact with the business 51904  
community. 51905

(B) As used in this section: 51906

(1) "State Portal" refers to the official web site of the 51907  
state, operated by the Office of Information Technology. 51908

(2) "Shared Hosting Environment" refers to the computerized 51909  
system operated by the Office of Information Technology for the 51910

purpose of providing capability for state agencies to host web sites. 51911  
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(C) There is hereby created in the state treasury the 51913  
Centralized Gateway Enhancements Fund (Fund 5X3). The foregoing 51914  
appropriation item 100-634, Centralized Gateway Enhancements, 51915  
shall be used by the Office of Information Technology to pay the 51916  
costs of enhancing, expanding, and operating the infrastructure of 51917  
the Ohio Business Gateway, State Portal, and Shared Hosting 51918  
Environment. The State Chief Information Officer shall submit 51919  
periodic spending plans to the Director of Budget and Management 51920  
to justify operating transfers to the fund from the General 51921  
Revenue Fund. Upon approval, the Director of Budget and Management 51922  
shall transfer approved amounts to the fund, not to exceed the 51923  
amount of the annual appropriation in each fiscal year. The 51924  
spending plans may be based on the recommendations of the Ohio 51925  
Business Gateway Steering Committee or its successor. 51926

**Section 207.30.20. MAJOR IT PURCHASES** 51927

The State Chief Information Officer shall compute the amount 51928  
of revenue attributable to the amortization of all equipment 51929  
purchases and capitalized systems from appropriation item 100-607, 51930  
IT Service Delivery; appropriation item 100-617, Major IT 51931  
Purchases; and appropriation item CAP-837, Major IT Purchases, 51932  
which is recovered by the Office of Information Technology as part 51933  
of the rates charged by the IT Service Delivery Fund (Fund 133) 51934  
created in section 125.15 of the Revised Code. The Director of 51935  
Budget and Management may transfer cash in an amount not to exceed 51936  
the amount of amortization computed from the IT Service Delivery 51937  
Fund (Fund 133) to the Major IT Purchases Fund (Fund 4N6). 51938

**Section 207.30.30. INFORMATION TECHNOLOGY ASSESSMENT** 51939

The State Chief Information Officer, with the approval of the 51940

Director of Budget and Management, may establish an information 51941  
technology assessment for the purpose of recovering the cost of 51942  
selected infrastructure and statewide programs. Such assessment 51943  
shall comply with applicable cost principles issued by the federal 51944  
Office of Management and Budget. The information technology 51945  
assessment shall be charged to all organized bodies, offices, or 51946  
agencies established by the laws of the state for the exercise of 51947  
any function of state government except for the General Assembly, 51948  
any legislative agency, the Supreme Court, the other courts of 51949  
record in Ohio, or any judicial agency, the Adjutant General, the 51950  
Bureau of Workers' Compensation, and institutions administered by 51951  
a board of trustees. Any state-entity exempted by this section may 51952  
utilize the infrastructure or statewide program by participating 51953  
in the information technology assessment. All charges for the 51954  
information technology assessment shall be deposited to the credit 51955  
of the IT Governance Fund (Fund 229). 51956

**Section 207.30.40. MULTI-AGENCY RADIO COMMUNICATION SYSTEM** 51957  
**DEBT SERVICE PAYMENTS** 51958

The Director of Administrative Services, in consultation with 51959  
the Multi-Agency Radio Communication System (MARCS) Steering 51960  
Committee and the Director of Budget and Management, shall 51961  
determine the share of debt service payments attributable to 51962  
spending for MARCS components that are not specific to any one 51963  
agency and that shall be charged to agencies supported by the 51964  
motor fuel tax. Such share of debt service payments shall be 51965  
calculated for MARCS capital disbursements made beginning July 1, 51966  
1997. Within thirty days of any payment made from appropriation 51967  
item 100-447, OBA - Building Rent Payments, the Director of 51968  
Administrative Services shall certify to the Director of Budget 51969  
and Management the amount of this share. The Director of Budget 51970  
and Management shall transfer such amounts to the General Revenue 51971  
Fund from the State Highway Safety Fund (Fund 036) established in 51972

section 4501.06 of the Revised Code. 51973

The State Chief Information Officer shall consider renting or 51974  
leasing existing tower sites at reasonable or current market 51975  
rates, so long as these existing sites are equipped with the 51976  
technical capabilities to support the MARCS project. 51977

**Section 207.30.50. DIRECTOR'S DECLARATION OF PUBLIC EXIGENCY** 51978

Whenever the Director of Administrative Services declares a 51979  
"public exigency," as provided in division (C) of section 123.15 51980  
of the Revised Code, the Director shall also notify the members of 51981  
the Controlling Board. 51982

**Section 207.30.60. GENERAL SERVICE CHARGES** 51983

The Department of Administrative Services, with the approval 51984  
of the Director of Budget and Management, shall establish charges 51985  
for recovering the costs of administering the programs in the 51986  
General Services Fund (Fund 117) and the State Printing Fund (Fund 51987  
210). 51988

**Section 207.30.70. STATE ENERGY SERVICES PROGRAM** 51989

Within 30 days after the effective date of this section, or 51990  
as soon possible thereafter, the Director of Administrative 51991  
Services shall certify the remaining cash in the Federal Special 51992  
Revenue Fund (Fund 307) to the Director of Budget and Management, 51993  
who shall transfer that amount to the State Architect's Office 51994  
(Fund 131). The cash shall be used to operate the state's energy 51995  
services program. 51996

Within thirty days after the effective date of this section, 51997  
or as soon as possible thereafter, the Director of Administrative 51998  
Services shall certify the remaining cash in the Energy Grants 51999  
Fund (Fund 5A8) to the Director of Budget and Management, who 52000  
shall transfer that amount to the State Architect's Office (Fund 52001

131). The cash shall be used to operate the state's energy services program. 52002  
52003

**Section 207.30.80. FEDERAL GRANTS OGRIP** 52004

As soon as possible on or after July 1, 2007, the Director of Budget and Management may transfer cash in the amount of \$15,072.03 from the Federal Grants OGRIP Fund (Fund 3H6) to the General Revenue Fund. 52005  
52006  
52007  
52008

**Section 209.10. AAM COMMISSION ON AFRICAN AMERICAN MALES** 52009

General Revenue Fund 52010

GRF 036-100 Personal Services	\$	235,091	\$	235,091	52011
GRF 036-200 Maintenance	\$	29,000	\$	29,000	52012
GRF 036-300 Equipment	\$	1,000	\$	1,000	52013
GRF 036-502 Community Projects	\$	516,909	\$	1,016,909	52014
TOTAL GRF General Revenue Fund	\$	782,000	\$	1,282,000	52015

State Special Revenue Fund Group 52016

4H3 036-601 Commission on African American Males - Gifts/Grants	\$	10,000	\$	10,000	52017
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TOTAL SSR State Special Revenue Fund Group	\$	10,000	\$	10,000	52018
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Fund Group

TOTAL ALL BUDGET FUND GROUPS	\$	792,000	\$	1,292,000	52019
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**CAAM STRATEGIC PLAN** 52020

The Commission on African American Males shall develop a strategic plan to accomplish the tasks put forth in section 4112.13 of the Revised Code. 52021  
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On January 1, 2008, or as soon as possible thereafter, the Director of the Commission on African American Males shall submit a strategic plan for the use of \$500,000 in fiscal year 2008 and \$1,000,000 in fiscal year 2009 to the Governor, the President of 52024  
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the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives.

Not later than June 30, 2009, the Commission on African American Males shall submit a report on the impacts and outcomes of the strategic plan to the Governor, the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives.

**Section 211.10.** JCR JOINT COMMITTEE ON AGENCY RULE REVIEW

General Revenue Fund

GRF 029-321 Operating Expenses	\$	397,000	\$	403,000	
TOTAL GRF General Revenue Fund	\$	397,000	\$	403,000	
TOTAL ALL BUDGET FUND GROUPS	\$	397,000	\$	403,000	

OPERATING

The Chief Administrative Officer of the House of Representatives and the Clerk of the Senate shall determine, by mutual agreement, which of them shall act as fiscal agent for the Joint Committee on Agency Rule Review.

OPERATING EXPENSES

On July 1, 2007, or as soon as possible thereafter, the designated fiscal agent shall certify to the Director of Budget and Management the total fiscal year 2007 unencumbered appropriations in appropriation item 029-321, Operating Expenses. The designated fiscal agent may direct the Director of Budget and Management to transfer an amount not to exceed the total fiscal year 2007 unencumbered appropriations to fiscal year 2008 for use in appropriation item 029-321, Operating Expenses. Additional appropriation authority equal to the amount certified by the designated fiscal agent is hereby appropriated to appropriation

item 029-321, Operating Expenses, in fiscal year 2008. 52058

On July 1, 2008, or as soon as possible thereafter, the 52059  
designated fiscal agent shall certify to the Director of Budget 52060  
and Management the total fiscal year 2008 unencumbered 52061  
appropriations in appropriation item 029-321, Operating Expenses. 52062  
The designated fiscal agent may direct the Director of Budget and 52063  
Management to transfer an amount not to exceed the total fiscal 52064  
year 2008 unencumbered appropriations to fiscal year 2009 for use 52065  
in appropriation item 029-321, Operating Expenses. Additional 52066  
appropriation authority equal to the amount certified by the 52067  
designated fiscal agent is hereby appropriated to appropriation 52068  
item 029-321, Operating Expenses, in fiscal year 2009. 52069

**Section 213.10. AGE DEPARTMENT OF AGING** 52070

General Revenue Fund				52071
GRF 490-321	Operating Expenses	\$ 2,637,571	\$ 2,637,271	52072
GRF 490-403	PASSPORT	\$ 128,391,189	\$ 158,196,465	52073
GRF 490-406	Senior Olympics	\$ 14,856	\$ 14,856	52074
GRF 490-409	Ohio Community Service	\$ 183,792	\$ 183,792	52075
Council Operations				
GRF 490-410	Long-Term Care	\$ 654,965	\$ 654,965	52076
Ombudsman				
GRF 490-411	Senior Community	\$ 10,349,439	\$ 10,349,439	52077
Services				
GRF 490-412	Residential State	\$ 9,156,771	\$ 9,156,771	52078
Supplement				
GRF 490-414	Alzheimers Respite	\$ 4,131,594	\$ 4,131,594	52079
GRF 490-416	JCFS Community Options	\$ 250,000	\$ 250,000	52080
GRF 490-421	PACE	\$ 10,214,809	\$ 10,214,809	52081
GRF 490-422	Assisted Living Waiver	\$ 12,554,940	\$ 15,213,890	52082
GRF 490-506	National Senior	\$ 335,296	\$ 335,296	52083
Service Corps				

TOTAL GRF General Revenue Fund	\$	178,875,222	\$	211,339,148	52084
General Services Fund Group					52085
480 490-606 Senior Community	\$	372,677	\$	372,677	52086
Outreach and Education					
TOTAL GSF General Services Fund					52087
Group	\$	372,677	\$	372,677	52088
Federal Special Revenue Fund Group					52089
3C4 490-607 PASSPORT	\$	301,767,486	\$	301,274,172	52090
3C4 490-621 PACE-Federal	\$	14,586,135	\$	14,586,135	52091
3C4 490-622 Assisted	\$	14,972,892	\$	21,810,442	52092
Living-Federal					
3M4 490-612 Federal Independence	\$	62,406,819	\$	63,655,080	52093
Services					
3R7 490-617 Ohio Community Service	\$	8,870,000	\$	8,870,000	52094
Council Programs					
322 490-618 Federal Aging Grants	\$	10,000,000	\$	10,200,000	52095
TOTAL FED Federal Special Revenue					52096
Fund Group	\$	412,603,332	\$	420,395,829	52097
State Special Revenue Fund Group					52098
4C4 490-609 Regional Long-Term	\$	935,000	\$	935,000	52099
Care Ombudsman Program					
4J4 490-610 PASSPORT/Residential	\$	33,491,930	\$	33,263,984	52100
State Supplement					
4U9 490-602 PASSPORT Fund	\$	4,424,969	\$	4,424,969	52101
5AA 490-673 Ohio's Best Rx	\$	1,184,154	\$	910,801	52102
Administration					
5BA 490-620 Ombudsman Support	\$	600,000	\$	600,000	52103
5K9 490-613 Long Term Care	\$	820,400	\$	820,400	52104
Consumers Guide					
5W1 490-616 Resident Services	\$	330,000	\$	330,000	52105
Coordinator Program					
624 490-604 OCSC Community Support	\$	470,000	\$	470,000	52106



TOTAL SSR State Special Revenue				52107	
Fund Group	\$	42,256,453	\$	41,755,154	52108
TOTAL ALL BUDGET FUND GROUPS	\$	634,107,684	\$	673,862,808	52109

**Section 213.20.** PRE-ADMISSION REVIEW FOR NURSING FACILITY 52111

ADMISSION 52112

Pursuant to an interagency agreement, the Department of Job 52113  
and Family Services shall designate the Department of Aging to 52114  
perform assessments under sections 173.42 and 5111.204 of the 52115  
Revised Code. Of the foregoing appropriation item 490-403, 52116  
PASSPORT, the Department of Aging may use not more than \$2,731,000 52117  
in fiscal year 2008 and \$2,813,000 in fiscal year 2009 to perform 52118  
the assessments for persons not eligible for Medicaid under the 52119  
department's interagency agreement with the Department of Job and 52120  
Family Services and to assist individuals in planning for their 52121  
long-term health care needs. 52122

PASSPORT 52123

Appropriation item 490-403, PASSPORT, and the amounts set 52124  
aside for the PASSPORT Waiver Program in appropriation item 52125  
490-610, PASSPORT/Residential State Supplement, may be used to 52126  
assess clients regardless of Medicaid eligibility. 52127

The Director of Aging shall adopt rules under section 111.15 52128  
of the Revised Code governing the nonwaiver funded PASSPORT 52129  
program, including client eligibility. 52130

The Department of Aging shall administer the Medicaid 52131  
waiver-funded PASSPORT Home Care Program as delegated by the 52132  
Department of Job and Family Services in an interagency agreement. 52133  
The foregoing appropriation item 490-403, PASSPORT, and the 52134  
amounts set aside for the PASSPORT Waiver Program in appropriation 52135  
item 490-610, PASSPORT/Residential State Supplement, shall be used 52136  
to provide the required state match for federal Medicaid funds 52137  
supporting the Medicaid Waiver-funded PASSPORT Home Care Program. 52138

Appropriation item 490-403, PASSPORT, and the amounts set aside 52139  
for the PASSPORT Waiver Program in appropriation item 490-610, 52140  
PASSPORT/Residential State Supplement, may also be used to support 52141  
the Department of Aging's administrative costs associated with 52142  
operating the PASSPORT program. 52143

The foregoing appropriation item 490-607, PASSPORT, shall be 52144  
used to provide the federal matching share for all PASSPORT 52145  
program costs determined by the Department of Job and Family 52146  
Services to be eligible for Medicaid reimbursement. 52147

OHIO COMMUNITY SERVICE COUNCIL 52148

The foregoing appropriation items 490-409, Ohio Community 52149  
Service Council Operations, and 490-617, Ohio Community Service 52150  
Council Programs, shall be used in accordance with section 121.40 52151  
of the Revised Code. 52152

LONG-TERM CARE OMBUDSMAN 52153

The foregoing appropriation item 490-410, Long-Term Care 52154  
Ombudsman, shall be used for a program to fund ombudsman program 52155  
activities as authorized in sections 173.14 to 173.27 and section 52156  
173.99 of the Revised Code. 52157

SENIOR COMMUNITY SERVICES 52158

Appropriation item 490-411, Senior Community Services, shall 52159  
be used for services designated by the Department of Aging, 52160  
including, but not limited to, home-delivered and congregate 52161  
meals, transportation services, personal care services, respite 52162  
services, adult day services, home repair, care coordination, and 52163  
decision support systems. Service priority shall be given to low 52164  
income, frail, and cognitively impaired persons 60 years of age 52165  
and over. The department shall promote cost sharing by service 52166  
recipients for those services funded with senior community 52167  
services funds, including, when possible, sliding-fee scale 52168  
payment systems based on the income of service recipients. 52169

RESIDENTIAL STATE SUPPLEMENT	52170
Under the Residential State Supplement Program, the amount	52171
used to determine whether a resident is eligible for payment and	52172
for determining the amount per month the eligible resident will	52173
receive shall be as follows:	52174
(A) \$900 for a residential care facility, as defined in	52175
section 3721.01 of the Revised Code;	52176
(B) \$900 for an adult group home, as defined in Chapter 3722.	52177
of the Revised Code;	52178
(C) \$800 for an adult foster home, as defined in Chapter 173.	52179
of the Revised Code;	52180
(D) \$800 for an adult family home, as defined in Chapter	52181
3722. of the Revised Code;	52182
(E) \$800 for an adult community alternative home, as defined	52183
in Chapter 3724. of the Revised Code;	52184
(F) \$800 for an adult residential facility, as defined in	52185
Chapter 5119. of the Revised Code;	52186
(G) \$600 for adult community mental health housing services,	52187
as defined in division (B)(5) of section 173.35 of the Revised	52188
Code.	52189
The Departments of Aging and Job and Family Services shall	52190
reflect these amounts in any applicable rules the departments	52191
adopt under section 173.35 of the Revised Code.	52192
TRANSFER OF RESIDENTIAL STATE SUPPLEMENT APPROPRIATIONS	52193
The Department of Aging may transfer cash by intrastate	52194
transfer vouchers from the foregoing appropriation items 490-412,	52195
Residential State Supplement, and 490-610, PASSPORT/Residential	52196
State Supplement, to the Department of Job and Family Services'	52197
Fund 4J5, Home and Community-Based Services for the Aged Fund. The	52198
funds shall be used to make benefit payments to Residential State	52199

Supplement recipients.	52200
ALZHEIMERS RESPITE	52201
The foregoing appropriation item 490-414, Alzheimers Respite,	52202
shall be used to fund only Alzheimer's disease services under	52203
section 173.04 of the Revised Code.	52204
JCFS COMMUNITY OPTIONS	52205
The foregoing appropriation item 490-416, JCFS Community	52206
Options, shall be used for noncapital expenses related to	52207
transportation services for the elderly that provide access to	52208
such things as healthcare services, congregate meals,	52209
socialization programs, and grocery shopping. The funds shall pass	52210
through and shall be administered by the Area Agencies on Aging.	52211
Agencies receiving funding from appropriation item 490-416, JCFS	52212
Community Options, shall coordinate services with other local	52213
service agencies. The appropriation shall be allocated to the	52214
following agencies:	52215
(A) \$80,000 in both fiscal years to Cincinnati Jewish	52216
Vocational Services;	52217
(B) \$70,000 in both fiscal years to Wexner Heritage Village;	52218
(C) \$20,000 in both fiscal years to Yassenoff Jewish	52219
Community Center;	52220
(D) \$80,000 in both fiscal years to Cleveland Jewish	52221
Community Center.	52222
ALLOCATION OF PACE SLOTS	52223
In order to effectively administer and manage growth within	52224
the PACE Program, the Director of Aging may, as the director deems	52225
appropriate and to the extent funding is available, allocate funds	52226
for the PACE Program between the PACE sites in Cleveland and	52227
Cincinnati.	52228
OHIO'S BEST RX START-UP COSTS	52229

An amount equal to the unencumbered balance in appropriation 52230  
item 490-440, Ohio's Best Rx Start-up Costs, from fiscal year 2007 52231  
is hereby appropriated for fiscal year 2008 into appropriation 52232  
item 490-440, Ohio's Best Rx Start-up Costs. 52233

An amount equal to the remaining unencumbered balance in 52234  
appropriation item 490-440, Ohio's Best Rx Start-Up Costs, from 52235  
fiscal year 2008 is hereby appropriated for fiscal year 2009 into 52236  
appropriation item 490-440, Ohio's Best Rx Start-Up Costs. The 52237  
appropriation item 490-440, Ohio's Best Rx Start-Up Costs, shall 52238  
be used by the Department of Aging to pay for the administrative 52239  
and operational expenses of the Ohio's Best Rx Program in 52240  
accordance with sections 173.71 to 173.91 of the Revised Code, 52241  
including costs associated with the duties assigned by the 52242  
department to the Ohio's Best Rx Program Administrator and for 52243  
making payments to participating terminal distributors until 52244  
sufficient cash exists to make payments from the accounts created 52245  
in sections 173.85 and 173.86 of the Revised Code. Of 52246  
appropriation item 490-440, Ohio's Best Rx Start-Up Costs, not 52247  
more than \$750,000 in each fiscal year may be used by the 52248  
department for administrative and operational costs, excluding 52249  
outreach, that are not associated with the Ohio's Best Rx Program 52250  
Administrator or the payments to participating terminal 52251  
distributors. 52252

EDUCATION AND TRAINING 52253

The foregoing appropriation item 490-606, Senior Community 52254  
Outreach and Education, may be used to provide training to workers 52255  
in the field of aging pursuant to division (G) of section 173.02 52256  
of the Revised Code. 52257

REGIONAL LONG-TERM CARE OMBUDSMAN PROGRAM 52258

The foregoing appropriation item 490-609, Regional Long-Term 52259  
Care Ombudsman Program, shall be used solely to pay the costs of 52260

operating the regional long-term care ombudsman programs	52261
designated by the Long-Term Care Ombudsman.	52262
PASSPORT/RESIDENTIAL STATE SUPPLEMENT	52263
Of the foregoing appropriation item 490-610,	52264
PASSPORT/Residential State Supplement, up to \$2,835,000 each	52265
fiscal year may be used to fund the Residential State Supplement	52266
Program. The remaining available funds shall be used to fund the	52267
PASSPORT program.	52268
FEDERAL SUPPORTIVE SERVICES FUND	52269
On July 1, 2007, as soon as possible thereafter, the Director	52270
of Budget and Management shall transfer all assets, liabilities,	52271
revenues, and obligations associated with the Federal Aging	52272
Nutrition Fund (Fund 3M3) to the Federal Supportive Services Fund	52273
(Fund 3M4). Upon the transfer, the Federal Aging Nutrition Fund	52274
(Fund 3M3) shall cease to exist. The Director of Budget and	52275
Management shall cancel any existing encumbrances against	52276
appropriation item 490-611, Federal Aging Nutrition Fund (Fund	52277
3M3), and re-establish them against appropriation item 490-612,	52278
Federal Independence Services (Fund 3M4). The amounts of the	52279
re-established encumbrances are hereby appropriated.	52280
TRANSFER OF APPROPRIATIONS - FEDERAL INDEPENDENCE SERVICES	52281
AND FEDERAL AGING GRANTS	52282
Upon written request of the Director of Aging, the Director	52283
of Budget and Management may transfer appropriation authority	52284
among appropriation items 490-612, Federal Independence Services,	52285
and 490-618, Federal Aging Grants, in amounts not to exceed 30 per	52286
cent of the appropriation from which the transfer is made. The	52287
Department of Aging shall report a transfer to the Controlling	52288
Board at the next regularly scheduled meeting of the board.	52289
TRANSFER OF RESIDENT PROTECTION FUNDS	52290

The Director of Budget and Management shall transfer \$600,000 52291  
per year in cash from Fund 4E3, Resident Protection Fund, in the 52292  
Department of Job and Family Services, to Fund 5BA in the 52293  
Department of Aging, to be used for the expansion of ombudsman 52294  
services to enhance consumer involvement and person-centered care 52295  
planning in nursing homes by the Office of the State Long-Term 52296  
Care Ombudsman created by the Department of Aging under division 52297  
(M) of section 173.01 of the Revised Code. 52298

OHIO'S BEST RX ADMINISTRATION 52299

The foregoing appropriation item 490-673, Ohio's Best Rx 52300  
Administration, shall be used on an ongoing basis to cover 52301  
expenses associated with the Ohio's Best Rx Program specified in 52302  
section 173.86 of the Revised Code. If receipts to the fund exceed 52303  
the appropriated amount, the Director of Aging may seek 52304  
Controlling Board approval to increase the appropriation of this 52305  
fund. Upon approval from the Controlling Board, the additional 52306  
amounts are hereby appropriated. 52307

**Section 213.30.** UNIFIED LONG-TERM CARE BUDGET WORKGROUP 52308

(A) There is hereby created the Unified Long-Term Care Budget 52309  
Workgroup consisting of the following: 52310

- (1) The Director of Aging; 52311
- (2) Consumer advocates; 52312
- (3) Representatives of the provider community; 52313
- (4) State policy makers. 52314

The Director of Aging shall serve as the chairperson of the 52315  
Workgroup. 52316

(B) The Workgroup shall develop a unified long-term care 52317  
budget that facilitates the following: 52318

- (1) Providing a consumer a choice of services that meet the 52319

consumer's health care needs and improve the consumer's quality of life; 52320  
52321

(2) Providing a continuum of services that meet the needs of a consumer throughout life; 52322  
52323

(3) Consolidating policymaking authority and the associated budgets in a single entity to simplify the consumer's decision making and maximize the state's flexibility in meeting the consumer's needs; 52324  
52325  
52326  
52327

(4) Assuring the state has a system that is cost effective and links disparate services across agencies and jurisdictions. 52328  
52329

(C) The Workgroup shall submit a written implementation plan to the Governor not later than June 1, 2008. The plan shall incorporate the following: 52330  
52331  
52332

(1) Recommendations regarding the structure of the unified long-term care budget; 52333  
52334

(2) A plan outlining how funds can be transferred among involved agencies in a fiscally neutral manner; 52335  
52336

(3) Identification of the resources needed to implement the unified budget in a multiphase approach starting in fiscal year 2009; 52337  
52338  
52339

(4) Success criteria and tools to measure progress against the success criteria. 52340  
52341

The plan shall consider the recommendations of the Medicaid Administrative Study Council and the Ohio Commission to Reform Medicaid. 52342  
52343  
52344

**Section 215.10. AGR DEPARTMENT OF AGRICULTURE** 52345

General Revenue Fund 52346

GRF 700-321 Operating Expenses \$ 2,605,330 \$ 2,605,330 52347

GRF 700-401 Animal Disease Control \$ 3,574,506 \$ 3,574,506 52348



GRF 700-403	Dairy Division	\$	1,304,504	\$	1,304,504	52349
GRF 700-404	Ohio Proud	\$	196,895	\$	196,895	52350
GRF 700-405	Animal Damage Control	\$	60,000	\$	60,000	52351
GRF 700-406	Consumer Analytical Lab	\$	953,906	\$	953,906	52352
GRF 700-407	Food Safety	\$	865,100	\$	865,100	52353
GRF 700-409	Farmland Preservation	\$	241,573	\$	241,573	52354
GRF 700-410	Plant Industry	\$	150,000	\$	150,000	52355
GRF 700-411	International Trade and Market Development	\$	617,524	\$	517,524	52356
GRF 700-412	Weights and Measures	\$	1,300,000	\$	1,300,000	52357
GRF 700-413	Gypsy Moth Prevention	\$	200,000	\$	200,000	52358
GRF 700-415	Poultry Inspection	\$	325,000	\$	325,000	52359
GRF 700-418	Livestock Regulation Program	\$	1,428,496	\$	1,428,496	52360
GRF 700-424	Livestock Testing and Inspections	\$	115,946	\$	115,946	52361
GRF 700-499	Meat Inspection Program - State Share	\$	4,696,889	\$	4,696,889	52362
GRF 700-501	County Agricultural Societies	\$	483,226	\$	483,226	52363
GRF 700-503	Livestock Exhibition Fund	\$	62,500	\$	62,500	52364
TOTAL GRF	General Revenue Fund	\$	19,181,395	\$	19,081,395	52365
	General Services Fund Group					52366
5DA 700-644	Laboratory Administration Support	\$	1,100,000	\$	1,100,000	52367
TOTAL GSF	General Services Fund Group	\$	1,100,000	\$	1,100,000	52368
	Federal Special Revenue Fund Group					52369
3AB 700-641	Agricultural Easement	\$	2,000,000	\$	2,000,000	52370
3J4 700-607	Indirect Cost	\$	600,000	\$	600,000	52371

3R2	700-614	Federal Plant Industry	\$	4,800,000	\$	4,800,000	52372
326	700-618	Meat Inspection	\$	4,960,000	\$	4,950,000	52373
		Program - Federal					
		Share					
336	700-617	Ohio Farm Loan	\$	44,679	\$	44,679	52374
		Revolving Fund					
382	700-601	Cooperative Contracts	\$	3,700,000	\$	3,700,000	52375
		TOTAL FED Federal Special Revenue					52376
		Fund Group	\$	16,104,679	\$	16,094,679	52377
		State Special Revenue Fund Group					52378
4C9	700-605	Feed, Fertilizer,	\$	1,850,000	\$	1,850,000	52379
		Seed, and Lime					
		Inspection					
4D2	700-609	Auction Education	\$	24,601	\$	24,601	52380
4E4	700-606	Utility Radiological	\$	73,059	\$	73,059	52381
		Safety					
4P7	700-610	Food Safety Inspection	\$	858,096	\$	858,096	52382
4R2	700-637	Dairy Industry	\$	1,500,000	\$	1,500,000	52383
		Inspection					
4T6	700-611	Poultry and Meat	\$	47,294	\$	47,294	52384
		Inspection					
4T7	700-613	International Trade	\$	15,000	\$	15,000	52385
		and Market Development					
494	700-612	Agricultural Commodity	\$	250,000	\$	250,000	52386
		Marketing Program					
496	700-626	Ohio Grape Industries	\$	850,000	\$	849,999	52387
497	700-627	Commodity Handlers	\$	500,000	\$	500,000	52388
		Regulatory Program					
5B8	700-629	Auctioneers	\$	365,390	\$	365,390	52389
5H2	700-608	Metrology Lab and	\$	427,526	\$	427,526	52390
		Scale Certification					
5L8	700-604	Livestock Management	\$	30,000	\$	30,000	52391
		Program					

578	700-620	Ride Inspection Fees	\$	1,000,000	\$	1,000,001	52392
652	700-634	Animal and Consumer	\$	3,000,000	\$	3,000,000	52393
		Analytical Laboratory					
669	700-635	Pesticide Program	\$	2,800,000	\$	2,800,000	52394
		TOTAL SSR State Special Revenue					52395
		Fund Group	\$	13,590,966	\$	13,590,966	52396
		Clean Ohio Fund Group					52397
057	700-632	Clean Ohio	\$	149,000	\$	149,000	52398
		Agricultural Easement					
		TOTAL CLR Clean Ohio Fund Group	\$	149,000	\$	149,000	52399
		TOTAL ALL BUDGET FUND GROUPS	\$	50,126,040	\$	50,016,040	52400
		OHIO - ISRAEL AGRICULTURAL INITIATIVE					52401
		Of the foregoing General Revenue Fund appropriation item					52402
		700-411, International Trade and Market Development, \$100,000					52403
		shall be used in fiscal year 2008 for the Ohio - Israel					52404
		Agricultural Initiative.					52405
		COUNTY AGRICULTURAL SOCIETIES					52406
		The foregoing appropriation item 700-501, County Agricultural					52407
		Societies, shall be used to reimburse county and independent					52408
		agricultural societies for expenses related to Junior Fair					52409
		activities.					52410
		LIVESTOCK EXHIBITION FUND					52411
		The foregoing appropriation item 700-503, Livestock					52412
		Exhibition Fund, shall be used in accordance with section 901.42					52413
		of the Revised Code.					52414
		CORRECTIVE CASH TRANSFER TO ANIMAL HEALTH AND FOOD SAFETY					52415
		FUND					52416
		On the effective date of this section, or as soon as possible					52417
		thereafter, the Director of Budget and Management may transfer all					52418
		cash from the Animal Industry Laboratory Fund (Fund 4V5) to the					52419

Laboratory Services Fund (Fund 652) to correct deposits that were 52420  
mistakenly deposited to the Laboratory Services Fund (Fund 4V5). 52421

**Section 217.10.** AIR AIR QUALITY DEVELOPMENT AUTHORITY 52422

General Revenue Fund 52423

GRF 898-402 Coal Development \$ 565,097 \$ 589,092 52424  
Office

GRF 898-901 Coal R&D General \$ 7,232,400 \$ 8,192,500 52425  
Obligation Debt  
Service

TOTAL GRF General Revenue Fund \$ 7,797,497 \$ 8,781,592 52426

General Services Fund Group 52427

5EG 898-608 Energy Strategy \$ 307,000 \$ 307,000 52428  
Development

TOTAL GSF General Services Fund \$ 307,000 \$ 307,000 52429

Agency Fund Group 52430

4Z9 898-602 Small Business \$ 287,146 \$ 294,290 52431  
Ombudsman

5A0 898-603 Small Business \$ 71,087 \$ 71,087 52432  
Assistance

570 898-601 Operating Expenses \$ 255,000 \$ 264,000 52433

TOTAL AGY Agency Fund Group \$ 613,233 \$ 629,377 52434

Coal Research/Development Fund 52435

046 898-604 Coal Research and \$ 10,000,000 \$ 10,000,000 52436  
Development Fund

TOTAL 046 Coal \$ 10,000,000 \$ 10,000,000 52437

Research/Development Fund

TOTAL ALL BUDGET FUND GROUPS \$ 18,717,730 \$ 19,717,969 52438

COAL DEVELOPMENT OFFICE 52439

The foregoing appropriation item GRF 898-402, Coal 52440

Development Office, shall be used for the administrative costs of 52441

the Coal Development Office. 52442

COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE 52443

The foregoing appropriation item GRF 898-901, Coal R & D 52444  
General Obligation Debt Service, shall be used to pay all debt 52445  
service and related financing costs at the times they are required 52446  
to be made during the period from July 1, 2007 to June 30, 2009 52447  
for obligations issued under sections 151.01 and 151.07 of the 52448  
Revised Code. 52449

SCIENCE AND TECHNOLOGY COLLABORATION 52450

The Air Quality Development Authority shall work in close 52451  
collaboration with the Department of Development, the Board of 52452  
Regents, and the Third Frontier Commission in relation to 52453  
appropriation items and programs referred to as Alignment Programs 52454  
in the following paragraph, and other technology-related 52455  
appropriations and programs in the Department of Development, Air 52456  
Quality Development Authority, and the Board of Regents as those 52457  
agencies may designate, to ensure implementation of a coherent 52458  
state strategy with respect to science and technology. 52459

To the extent permitted by law, the Air Quality Development 52460  
Authority shall assure that coal research and development 52461  
programs, proposals, and projects consider or incorporate 52462  
appropriate collaborations with Third Frontier Project programs 52463  
and grantees and with Alignment Programs and grantees. 52464

"Alignment Programs" means: appropriation items 195-401, 52465  
Thomas Edison Program; 898-402, Coal Development Office; 195-422, 52466  
Third Frontier Action Fund; 898-604, Coal Research and Development 52467  
Fund; 235-433, Economic Growth Challenge; 235-508, Air Force 52468  
Institute of Technology; 235-510, Ohio Supercomputer Center; 52469  
235-451, Eminent Scholars; 235-527, Ohio Aerospace Institute; 52470  
235-535, Ohio Agricultural Research and Development Center; 52471  
235-553, Dayton Area Graduate Studies Institute; 235-554, 52472

Priorities in Collaborative Graduate Education; 235-556, Ohio 52473  
Academic Resources Network; and 195-435, Biomedical Research and 52474  
Technology Transfer Trust. 52475

Consistent with the recommendations of the Governor's 52476  
Commission on Higher Education and the Economy, Alignment Programs 52477  
shall be managed and administered (1) to build on existing 52478  
competitive research strengths, (2) to encourage new and emerging 52479  
discoveries and commercialization of ideas and products that will 52480  
benefit the Ohio economy, and (3) to assure improved collaboration 52481  
among Alignment Programs, with programs administered by the Third 52482  
Frontier Commission, and with other state programs that are 52483  
intended to improve economic growth and job creation. 52484

As directed by the Third Frontier Commission, Alignment 52485  
Program managers shall report to the Commission or to the Third 52486  
Frontier Advisory Board on the contributions of their programs to 52487  
achieving the objectives stated in the preceding paragraph. 52488

Each alignment program shall be reviewed annually by the 52489  
Third Frontier Commission with respect to its development of 52490  
complementary relationships within a combined state science and 52491  
technology investment portfolio and its overall contribution to 52492  
the state's science and technology strategy, including the 52493  
adoption of appropriately consistent criteria for: (1) the 52494  
scientific merit of activities supported by the program; (2) the 52495  
relevance of the program's activities to commercial opportunities 52496  
in the private sector; (3) the private sector's involvement in a 52497  
process that continually evaluates commercial opportunities to use 52498  
the work supported by the program; and (4) the ability of the 52499  
program and recipients of grant funding from the program to engage 52500  
in activities that are collaborative, complementary, and efficient 52501  
with respect to the expenditure of state funds. Each alignment 52502  
program shall provide annual reports to the Third Frontier 52503  
Commission discussing existing, planned, or possible 52504

collaborations between programs and recipients of grant funding 52505  
related to technology, development, commercialization, and 52506  
supporting Ohio's economic development. The annual review by the 52507  
Third Frontier Commission shall be a comprehensive review of the 52508  
entire state science and technology program portfolio rather than 52509  
a review of individual programs. 52510

Applicants for Third Frontier and Alignment Program funding 52511  
shall identify their requirements for high-performance computing 52512  
facilities and services, including both hardware and software, in 52513  
all proposals. If an applicant's requirements exceed approximately 52514  
\$100,000 for a proposal, the Ohio Supercomputer Center shall 52515  
convene a panel of experts. The panel shall review the proposal to 52516  
determine whether the proposal's requirements can be met through 52517  
Ohio Supercomputer Center facilities or through other means and 52518  
report its conclusion to the Third Frontier Commission. 52519

To ensure that the state receives the maximum benefit from 52520  
its investment in the Third Frontier Project and the Third 52521  
Frontier Network, organizations receiving Third Frontier awards 52522  
and Alignment Program awards shall, as appropriate, be expected to 52523  
have a connection to the Third Frontier Network that enables them 52524  
and their collaborators to achieve award objectives through the 52525  
Third Frontier Network. 52526

CORRECTIVE CASH TRANSFER 52527

On the effective date of this section, or as soon as possible 52528  
thereafter, the Director of Budget and Management may transfer 52529  
\$35,555.35 in cash from the Coal Research and Development Fund 52530  
(Fund 046) into the Coal Research and Development Bond Services 52531  
Fund (Fund 076) to correct deposits that were mistakenly deposited 52532  
into the Coal Research and Development Fund (Fund 046). 52533

**Section 219.10.** ADA DEPARTMENT OF ALCOHOL AND DRUG ADDICTION 52534  
SERVICES 52535

General Revenue Fund				52536
GRF 038-321 Operating Expenses	\$	1,071,861	\$ 1,071,861	52537
GRF 038-401 Treatment Services	\$	31,661,063	\$ 34,661,063	52538
GRF 038-404 Prevention Services	\$	1,052,127	\$ 1,552,127	52539
TOTAL GRF General Revenue Fund	\$	33,785,051	\$ 37,285,051	52540
General Services Fund				52541
5T9 038-616 Problem Gambling	\$	285,000	\$ 285,000	52542
Services				
TOTAL GSF General Services Fund	\$	285,000	\$ 285,000	52543
Group				
Federal Special Revenue Fund Group				52544
3CK 038-625 TANF	\$	5,000,000	\$ 5,000,000	52545
3G3 038-603 Drug Free Schools	\$	3,500,000	\$ 3,500,000	52546
3G4 038-614 Substance Abuse Block	\$	73,000,000	\$ 73,000,000	52547
Grant				
3H8 038-609 Demonstration Grants	\$	7,093,075	\$ 7,093,075	52548
3J8 038-610 Medicaid	\$	46,000,000	\$ 46,000,000	52549
3N8 038-611 Administrative	\$	500,000	\$ 500,000	52550
Reimbursement				
TOTAL FED Federal Special Revenue				52551
Fund Group	\$	135,093,075	\$ 135,093,075	52552
State Special Revenue Fund Group				52553
475 038-621 Statewide Treatment	\$	18,000,000	\$ 18,000,000	52554
and Prevention				
5BR 038-406 Tobacco Use Prevention	\$	205,000	\$ 205,000	52555
and Control Program				
5DH 038-620 Fetal Alcohol Spectrum	\$	327,500	\$ 327,500	52556
Disorder				
689 038-604 Education and	\$	350,000	\$ 350,000	52557
Conferences				
TOTAL SSR State Special Revenue				52558
Fund Group	\$	18,882,500	\$ 18,882,500	52559



TOTAL ALL BUDGET FUND GROUPS	\$ 188,045,626	\$ 191,545,626	52560
TREATMENT SERVICES			52561
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.			52562 52563 52564 52565
SUBSTANCE ABUSE SERVICES FOR FAMILIES OF AT RISK CHILDREN			52566
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.			52567 52568 52569 52570 52571
THERAPEUTIC COMMUNITIES			52572
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.			52573 52574 52575 52576
JUVENILE AFTERCARE PROGRAM			52577
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.			52578 52579 52580 52581 52582
SERVICES FOR TANF-ELIGIBLE INDIVIDUALS			52583
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			52584 52585 52586 52587 52588 52589

and the Director of Job and Family Services shall enter into an 52590  
interagency agreement that meets federal requirements. 52591

PERFORMANCE REVIEW 52592

The Auditor of State shall complete a performance review of 52593  
the Department of Alcohol and Drug Addiction Services. Upon 52594  
completing the performance review, the Auditor of State shall 52595  
submit a report of the findings of the review to the Governor, the 52596  
President of the Senate, the Speaker of the House of 52597  
Representatives, and the Director of Alcohol and Drug Addiction 52598  
Services. 52599

**Section 221.10.** ARC STATE BOARD OF EXAMINERS OF ARCHITECTS 52600

General Services Fund Group 52601  
4K9 891-609 Operating Expenses \$ 589,710 \$ 527,641 52602  
TOTAL GSF General Services Fund 52603  
Group \$ 589,710 \$ 527,641 52604  
TOTAL ALL BUDGET FUND GROUPS \$ 589,710 \$ 527,641 52605

**Section 223.10.** ART OHIO ARTS COUNCIL 52607

General Revenue Fund 52608  
GRF 370-100 Personal Services \$ 1,798,235 \$ 1,798,235 52609  
GRF 370-200 Maintenance \$ 459,746 \$ 459,746 52610  
GRF 370-300 Equipment \$ 82,700 \$ 82,700 52611  
GRF 370-502 State Program \$ 9,647,480 \$ 9,647,480 52612  
Subsidies  
TOTAL GRF General Revenue Fund \$ 11,988,161 \$ 11,988,161 52613  
General Services Fund Group 52614  
4B7 370-603 Percent for Art \$ 86,366 \$ 86,366 52615  
Acquisitions  
460 370-602 Management Expenses \$ 285,000 \$ 285,000 52616  
and Donations

TOTAL GSF General Services Fund	\$	371,366	\$	371,366	52617
Group					
Federal Special Revenue Fund Group					52618
314 370-601 Federal Support	\$	800,000	\$	800,000	52619
TOTAL FED Federal Special Revenue	\$	800,000	\$	800,000	52620
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	13,159,527	\$	13,159,527	52621
PROGRAM SUBSIDIES					52622
A museum is not eligible to receive funds from appropriation					52623
item 370-502, State Program Subsidies, if \$8,000,000 or more in					52624
capital appropriations were appropriated by the state for the					52625
museum between January 1, 1986, and December 31, 2002.					52626
<b>Section 225.10. ATH ATHLETIC COMMISSION</b>					52627
General Services Fund Group					52628
4K9 175-609 Operating Expenses	\$	255,850	\$	255,850	52629
TOTAL GSF General Services Fund	\$	255,850	\$	255,850	52630
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	255,850	\$	255,850	52631
<b>Section 227.10. AGO ATTORNEY GENERAL</b>					52633
General Revenue Fund					52634
GRF 055-321 Operating Expenses	\$	54,063,833	\$	54,007,332	52635
GRF 055-404 Tobacco Settlement	\$	0	\$	723,797	52636
Enforcement					
GRF 055-411 County Sheriffs' Pay	\$	813,117	\$	842,134	52637
Supplement					
GRF 055-415 County Prosecutors'	\$	896,404	\$	923,888	52638
Pay Supplement					
TOTAL GRF General Revenue Fund	\$	55,773,354	\$	56,497,151	52639
General Services Fund Group					52640

106	055-612	General Reimbursement	\$	29,870,196	\$	29,870,196	52641
195	055-660	Workers' Compensation	\$	8,002,720	\$	8,002,720	52642
		Section					
4Y7	055-608	Title Defect	\$	750,000	\$	750,000	52643
		Rescission					
4Z2	055-609	BCI Asset Forfeiture	\$	1,000,000	\$	1,000,000	52644
		and Cost Reimbursement					
418	055-615	Charitable Foundations	\$	6,919,850	\$	7,064,978	52645
420	055-603	Attorney General	\$	1,500,000	\$	1,500,000	52646
		Antitrust					
421	055-617	Police Officers'	\$	2,000,000	\$	2,000,000	52647
		Training Academy Fee					
5A9	055-618	Telemarketing Fraud	\$	7,500	\$	7,500	52648
		Enforcement					
590	055-633	Peace Officer Private	\$	98,370	\$	98,370	52649
		Security Fund					
629	055-636	Corrupt Activity	\$	15,000	\$	15,000	52650
		Investigation and					
		Prosecution					
631	055-637	Consumer Protection	\$	2,500,000	\$	2,500,000	52651
		Enforcement					
TOTAL GSF General Services Fund							52652
Group							\$ 52,663,636 \$ 52,808,764 52653
Federal Special Revenue Fund Group							52654
3E5	055-638	Attorney General	\$	2,850,000	\$	3,030,000	52655
		Pass-Through Funds					
3R6	055-613	Attorney General	\$	4,870,000	\$	5,115,000	52656
		Federal Funds					
306	055-620	Medicaid Fraud Control	\$	3,139,500	\$	3,296,500	52657
381	055-611	Civil Rights Legal	\$	402,540	\$	402,540	52658
		Service					
383	055-634	Crime Victims	\$	16,000,000	\$	16,000,000	52659
		Assistance					

TOTAL FED Federal Special Revenue				52660
Fund Group	\$	27,262,040	\$ 27,844,040	52661
State Special Revenue Fund Group				52662
4L6 055-606 DARE	\$	3,927,962	\$ 3,927,962	52663
402 055-616 Victims of Crime	\$	34,000,000	\$ 34,000,000	52664
419 055-623 Claims Section	\$	25,000,000	\$ 25,000,000	52665
659 055-641 Solid and Hazardous	\$	621,159	\$ 621,159	52666
Waste Background				
Investigations				
TOTAL SSR State Special Revenue				52667
Fund Group	\$	63,549,121	\$ 63,549,121	52668
Holding Account Redistribution Fund Group				52669
R04 055-631 General Holding	\$	1,000,000	\$ 1,000,000	52670
Account				
R05 055-632 Antitrust Settlements	\$	1,000	\$ 1,000	52671
R18 055-630 Consumer Frauds	\$	750,000	\$ 750,000	52672
R42 055-601 Organized Crime	\$	25,025	\$ 25,025	52673
Commission				
Distributions				
TOTAL 090 Holding Account				52674
Redistribution Fund Group	\$	1,776,025	\$ 1,776,025	52675
TOTAL ALL BUDGET FUND GROUPS	\$	201,024,176	\$ 202,475,101	52676
TOBACCO SETTLEMENT ENFORCEMENT				52677
The foregoing appropriation item 055-404, Tobacco Settlement				52678
Enforcement, shall be used by the Attorney General to pay costs				52679
incurred in the oversight, administration, and enforcement of the				52680
Tobacco Master Settlement Agreement.				52681
COUNTY SHERIFFS' PAY SUPPLEMENT				52682
The foregoing appropriation item 055-411, County Sheriffs'				52683
Pay Supplement, shall be used for the purpose of supplementing the				52684
annual compensation of county sheriffs as required by section				52685

325.06 of the Revised Code. 52686

At the request of the Attorney General, the Director of 52687  
Budget and Management may transfer appropriation authority from 52688  
appropriation item 055-321, Operating Expenses, to appropriation 52689  
item 055-411, County Sheriffs' Pay Supplement. Any appropriation 52690  
authority so transferred to appropriation item 055-411, County 52691  
Sheriffs' Pay Supplement, shall be used to supplement the annual 52692  
compensation of county sheriffs as required by section 325.06 of 52693  
the Revised Code. 52694

COUNTY PROSECUTORS' PAY SUPPLEMENT 52695

The foregoing appropriation item 055-415, County Prosecutors' 52696  
Pay Supplement, shall be used for the purpose of supplementing the 52697  
annual compensation of certain county prosecutors as required by 52698  
section 325.111 of the Revised Code. 52699

At the request of the Attorney General, the Director of 52700  
Budget and Management may transfer appropriation authority from 52701  
appropriation item 055-321, Operating Expenses, to appropriation 52702  
item 055-415, County Prosecutors' Pay Supplement. Any 52703  
appropriation authority so transferred to appropriation item 52704  
055-415, County Prosecutors' Pay Supplement, shall be used to 52705  
supplement the annual compensation of county prosecutors as 52706  
required by section 325.111 of the Revised Code. 52707

WORKERS' COMPENSATION SECTION 52708

The Workers' Compensation Section Fund (Fund 195) is entitled 52709  
to receive payments from the Bureau of Workers' Compensation and 52710  
the Ohio Industrial Commission at the beginning of each quarter of 52711  
each fiscal year to fund legal services to be provided to the 52712  
Bureau of Workers' Compensation and the Ohio Industrial Commission 52713  
during the ensuing quarter. The advance payment shall be subject 52714  
to adjustment. 52715

In addition, the Bureau of Workers' Compensation shall 52716

transfer payments at the beginning of each quarter for the support of the Workers' Compensation Fraud Unit. 52717  
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All amounts shall be mutually agreed upon by the Attorney General, the Bureau of Workers' Compensation, and the Ohio Industrial Commission. 52719  
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CORRUPT ACTIVITY INVESTIGATION AND PROSECUTION 52722

The foregoing appropriation item 055-636, Corrupt Activity Investigation and Prosecution, shall be used as provided by division (D)(2) of section 2923.35 of the Revised Code to dispose of the proceeds, fines, and penalties credited to the Corrupt Activity Investigation and Prosecution Fund, which is created in division (D)(1)(b) of section 2923.35 of the Revised Code. 52723  
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GENERAL HOLDING ACCOUNT 52729

The foregoing appropriation item 055-631, General Holding Account, shall be used to distribute moneys under the terms of relevant court orders received from settlements in a variety of cases involving the Office of the Attorney General. 52730  
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52732  
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ATTORNEY GENERAL PASS-THROUGH FUNDS 52734

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. 52735  
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ANTITRUST SETTLEMENTS 52740

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. 52741  
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CONSUMER FRAUDS 52746

The foregoing appropriation item 055-630, Consumer Frauds, 52747  
shall be used for distribution of moneys from court-ordered 52748  
judgments against sellers in actions brought by the Office of 52749  
Attorney General under sections 1334.08 and 4549.48 and division 52750  
(B) of section 1345.07 of the Revised Code. These moneys shall be 52751  
used to provide restitution to consumers victimized by the fraud 52752  
that generated the court-ordered judgments. 52753

ORGANIZED CRIME COMMISSION DISTRIBUTIONS 52754

The foregoing appropriation item 055-601, Organized Crime 52755  
Commission Distributions, shall be used by the Organized Crime 52756  
Investigations Commission, as provided by section 177.011 of the 52757  
Revised Code, to reimburse political subdivisions for the expenses 52758  
the political subdivisions incur when their law enforcement 52759  
officers participate in an organized crime task force. 52760

FUND ADJUSTMENTS 52761

On July 1, 2007, or as soon as practicable thereafter, the 52762  
Director of Budget and Management shall transfer the cash balance 52763  
in the Employment Services Fund (Fund 107) to the General 52764  
Reimbursement Fund (Fund 106). The Director shall cancel any 52765  
existing encumbrances against appropriation item 055-624, 52766  
Employment Services, and re-establish them against appropriation 52767  
item 055-612, General Reimbursement. The amounts of the 52768  
re-established encumbrances are hereby appropriated. Upon 52769  
completion of these transfers, the Employment Services Fund (Fund 52770  
107) is hereby abolished. 52771

On July 1, 2007, or as soon as practicable thereafter, the 52772  
Director of Budget and Management shall transfer the cash balance 52773  
in the Crime Victims Compensation Fund (Fund 108) to the 52774  
Reparations Fund (Fund 402). Upon completion of this transfer, the 52775  
Crime Victims Compensation Fund (Fund 108) is hereby abolished. 52776



<b>Section 229.10. AUD AUDITOR OF STATE</b>				52777
General Revenue Fund				52778
GRF 070-321	Operating Expenses	\$ 31,469,552	\$ 32,771,482	52779
GRF 070-403	Fiscal Watch/Emergency	\$ 600,000	\$ 600,000	52780
Technical Assistance				
TOTAL GRF	General Revenue Fund	\$ 32,069,552	\$ 33,371,482	52781
Auditor of State Fund Group				52782
109 070-601	Public Audit Expense -	\$ 11,000,000	\$ 11,000,000	52783
Intra-State				
422 070-601	Public Audit Expense -	\$ 33,000,000	\$ 34,000,000	52784
Local Government				
584 070-603	Training Program	\$ 181,250	\$ 181,250	52785
675 070-605	Uniform Accounting	\$ 3,317,336	\$ 3,317,336	52786
Network				
TOTAL AUD	Auditor of State Fund			52787
Group		\$ 47,498,586	\$ 48,498,586	52788
TOTAL ALL BUDGET FUND GROUPS		\$ 79,568,138	\$ 81,870,068	52789
FISCAL WATCH/EMERGENCY TECHNICAL ASSISTANCE				52790
The foregoing appropriation item 070-403, Fiscal				52791
Watch/Emergency Technical Assistance, shall be used for expenses				52792
incurred by the Office of the Auditor of State in its role				52793
relating to fiscal watch or fiscal emergency activities under				52794
Chapters 118. and 3316. of the Revised Code. Expenses include, but				52795
are not limited to, the following: duties related to the				52796
determination or termination of fiscal watch or fiscal emergency				52797
of municipal corporations, counties, or townships as outlined in				52798
Chapter 118. of the Revised Code and of school districts as				52799
outlined in Chapter 3316. of the Revised Code; development of				52800
preliminary accounting reports; performance of annual forecasts;				52801
provision of performance audits; and supervisory, accounting, or				52802
auditing services for the mentioned public entities and school				52803

districts. The unencumbered balance of appropriation item 070-403, 52804  
 Fiscal Watch/Emergency Technical Assistance, at the end of fiscal 52805  
 year 2008 is transferred to fiscal year 2009 for use under the 52806  
 same appropriation item. 52807

UNIFORM ACCOUNTING NETWORK/TECHNOLOGY IMPROVEMENTS FUND 52808  
 TRANSFER 52809

Upon the request of the Auditor of State, and subject to 52810  
 approval from the Controlling Board, effective July 1, 2007, or as 52811  
 soon thereafter as possible, the Director of Budget and Management 52812  
 shall transfer the appropriation balance in GRF appropriation item 52813  
 070-406, Uniform Accounting Network/Technology Improvements Fund, 52814  
 to GRF appropriation item 070-321, Operating Expenses. The 52815  
 Director shall cancel any existing encumbrances against GRF 52816  
 appropriation item 070-406, Uniform Accounting Network/Technology 52817  
 Improvement Fund, and re-establish them against GRF appropriation 52818  
 item 070-321, Operating Expenses. The amounts of the 52819  
 re-established encumbrances are hereby appropriated. 52820

**Section 231.10. BRB BOARD OF BARBER EXAMINERS** 52821

General Services Fund Group				52822	
4K9 877-609 Operating Expenses	\$	608,045	\$	628,264	52823
TOTAL GSF General Services Fund					52824
Group	\$	608,045	\$	628,264	52825
TOTAL ALL BUDGET FUND GROUPS	\$	608,045	\$	628,264	52826

**Section 233.10. OBM OFFICE OF BUDGET AND MANAGEMENT** 52828

General Revenue Fund				52829	
GRF 042-321 Budget Development and	\$	2,026,011	\$	2,128,284	52830
Implementation					
GRF 042-410 National Association	\$	28,700	\$	29,561	52831
Dues					
GRF 042-412 Audit of Auditor of	\$	60,460	\$	60,460	52832

State						
GRF 042-413	Payment Issuance	\$	1,191,802	\$	1,150,192	52833
GRF 042-416	Medicaid Agency	\$	0	\$	1,500,000	52834
Transition						
TOTAL GRF	General Revenue Fund	\$	3,306,973	\$	4,868,497	52835
General Services Fund Group						52836
105 042-603	State Accounting and	\$	12,115,134	\$	12,742,551	52837
Budgeting						
TOTAL GSF	General Services Fund	\$	12,115,134	\$	12,742,551	52838
Group						
Federal Special Revenue Fund Group						52839
3CM 042-606	Medicaid Agency	\$	0	\$	1,500,000	52840
Transition						
TOTAL FED	Federal Special Revenue	\$	0	\$	1,500,000	52841
Fund Group						
State Special Revenue Fund Group						52842
5N4 042-602	OAKS Project	\$	2,200,725	\$	2,132,168	52843
Implementation						
TOTAL SSR	State Special Revenue	\$	2,200,725	\$	2,132,168	52844
Fund Group						
Agency Fund Group						52845
5EH 042-604	Forgery Recovery	\$	35,000	\$	35,000	52846
TOTAL AGY	Agency Fund Group	\$	35,000	\$	35,000	52847
TOTAL ALL BUDGET	FUND GROUPS	\$	17,657,832	\$	21,278,216	52848
AUDIT COSTS						52849
Of the foregoing appropriation item 042-603, State Accounting						52850
and Budgeting, not more than \$435,000 in fiscal year 2008 and						52851
\$445,000 in fiscal year 2009 shall be used to pay for centralized						52852
audit costs associated with either Single Audit Schedules or						52853
financial statements prepared in conformance with generally						52854
accepted accounting principles for the state.						52855

**Section 233.20.** OAKS SUPPORT ORGANIZATION 52856

The OAKS Support Organization shall operate and maintain the 52857  
financial management module of the state's enterprise resource 52858  
planning system to support the activities of the Office of Budget 52859  
and Management. The OAKS Support Organization shall recover the 52860  
costs to establish and maintain the enterprise resource planning 52861  
system through billings to the Office of Budget and Management. 52862

Effective July 1, 2007, the Office of Budget Management shall 52863  
include the recovery of costs to administer the financial module 52864  
of the OAKS System in the accounting and budgeting services 52865  
payroll rate. These revenues shall be deposited to the credit of 52866  
the Accounting and Budgeting Services Fund (Fund 105). Amounts 52867  
deposited under this section are hereby appropriated to 52868  
appropriation item 042-603, State Accounting and Budgeting. Not 52869  
less than quarterly, the Office of Budget and Management shall 52870  
process the intrastate transfer voucher billings to transfer the 52871  
Accounting and Budgeting Services Fund (Fund 105) to the OAKS 52872  
Support Organization Fund (Fund 5EB), to pay for the OAKS Support 52873  
Organization Costs. 52874

TRANSFER BALANCE OF CONTINUOUS RECEIPTS FUND 52875

On or before July 31, 2007, the unencumbered cash balance in 52876  
the Continuous Receipts Fund (Fund R06) shall be transferred to 52877  
the Forgery Recovery Fund (Fund 5EH). 52878

**Section 235.10.** CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 52879

General Revenue Fund 52880

GRF 874-100 Personal Services	\$	1,957,000	\$	1,957,000	52881
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GRF 874-320 Maintenance and	\$	985,837	\$	980,837	52882
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Equipment

TOTAL GRF General Revenue Fund	\$	2,942,837	\$	2,937,837	52883
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General Services Fund Group 52884

4G5 874-603	Capitol Square	\$	15,000	\$	15,000	52885
	Education Center and					
	Arts					
4S7 874-602	Statehouse Gift	\$	650,484	\$	650,484	52886
	Shop/Events					
TOTAL GSF General Services						52887
Fund Group		\$	665,484	\$	665,484	52888
Underground Parking Garage						52889
208 874-601	Underground Parking	\$	2,706,993	\$	2,706,993	52890
	Garage Operations					
TOTAL UPG Underground Parking						52891
Garage		\$	2,706,993	\$	2,706,993	52892
TOTAL ALL BUDGET FUND GROUPS		\$	6,315,314	\$	6,310,314	52893
<b>Section 237.10. SCR STATE BOARD OF CAREER COLLEGES AND</b>						52895
SCHOOLS						52896
General Services Fund Group						52897
4K9 233-601	Operating Expenses	\$	552,300	\$	572,700	52898
TOTAL GSF General Services Fund		\$	552,300	\$	572,700	52899
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	552,300	\$	572,700	52900
<b>Section 239.10. CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD</b>						52902
General Services Fund Group						52903
4K9 930-609	Operating Expenses	\$	530,864	\$	551,146	52904
TOTAL GSF General Services Fund		\$	530,864	\$	551,146	52905
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	530,864	\$	551,146	52906
<b>Section 241.10. CHR STATE CHIROPRACTIC BOARD</b>						52908
General Services Fund Group						52909
4K9 878-609	Operating Expenses	\$	607,445	\$	621,621	52910

TOTAL GSF General Services Fund	\$	607,445	\$	621,621	52911
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	607,445	\$	621,621	52912
<b>Section 243.10. CIV OHIO CIVIL RIGHTS COMMISSION</b>					52914
General Revenue Fund					52915
GRF 876-321 Operating Expenses	\$	7,097,134	\$	7,097,134	52916
TOTAL GRF General Revenue Fund	\$	7,097,134	\$	7,097,134	52917
Federal Special Revenue Fund Group					52918
334 876-601 Investigations	\$	3,965,507	\$	4,602,185	52919
TOTAL FED Federal Special Revenue					52920
Fund Group	\$	3,965,507	\$	4,602,185	52921
State Special Revenue Fund Group					52922
217 876-604 Operations Support	\$	60,000	\$	60,000	52923
TOTAL SSR State Special					52924
Revenue Fund Group	\$	60,000	\$	60,000	52925
TOTAL ALL BUDGET FUND GROUPS	\$	11,122,641	\$	11,759,319	52926
<b>Section 245.10. COM DEPARTMENT OF COMMERCE</b>					52928
General Revenue Fund					52929
GRF 800-410 Labor and Worker	\$	2,032,396	\$	2,032,396	52930
Safety					
Total GRF General Revenue Fund	\$	2,032,396	\$	2,032,396	52931
General Services Fund Group					52932
163 800-620 Division of	\$	4,323,037	\$	4,413,037	52933
Administration					
163 800-637 Information Technology	\$	6,650,150	\$	6,780,963	52934
5F1 800-635 Small Government Fire	\$	300,000	\$	300,000	52935
Departments					
543 800-602 Unclaimed	\$	7,880,468	\$	8,049,937	52936
Funds-Operating					
543 800-625 Unclaimed Funds-Claims	\$	70,000,000	\$	75,000,000	52937

TOTAL GSF General Services Fund				52938
Group	\$	89,153,655	\$ 94,543,937	52939
Federal Special Revenue Fund Group				52940
348 800-622 Underground Storage Tanks	\$	195,008	\$ 195,008	52941
348 800-624 Leaking Underground Storage Tanks	\$	1,850,000	\$ 1,850,000	52942
TOTAL FED Federal Special Revenue Fund Group	\$	2,045,008	\$ 2,045,008	52943
Fund Group	\$	2,045,008	\$ 2,045,008	52944
State Special Revenue Fund Group				52945
4B2 800-631 Real Estate Appraisal Recovery	\$	35,000	\$ 35,000	52946
4H9 800-608 Cemeteries	\$	273,465	\$ 273,465	52947
4X2 800-619 Financial Institutions	\$	2,474,414	\$ 2,523,918	52948
5K7 800-621 Penalty Enforcement	\$	50,000	\$ 50,000	52949
544 800-612 Banks	\$	6,516,507	\$ 6,703,253	52950
545 800-613 Savings Institutions	\$	2,244,370	\$ 2,286,616	52951
546 800-610 Fire Marshal	\$	13,104,393	\$ 13,579,150	52952
546 800-639 Fire Department Grants	\$	1,647,140	\$ 1,647,140	52953
546 800-640 Homeland Security Grants	\$	10,000	\$ 10,000	52954
547 800-603 Real Estate Education/Research	\$	250,000	\$ 250,000	52955
548 800-611 Real Estate Recovery	\$	50,000	\$ 50,000	52956
549 800-614 Real Estate	\$	3,480,038	\$ 3,574,171	52957
550 800-617 Securities	\$	4,312,453	\$ 4,473,094	52958
552 800-604 Credit Union	\$	3,521,037	\$ 3,627,390	52959
553 800-607 Consumer Finance	\$	5,800,445	\$ 5,800,445	52960
556 800-615 Industrial Compliance	\$	25,033,908	\$ 25,570,011	52961
6A4 800-630 Real Estate Appraiser-Operating	\$	664,006	\$ 664,006	52962
653 800-629 UST Registration/Permit	\$	1,512,512	\$ 1,467,160	52963

Fee			
TOTAL SSR State Special Revenue			52964
Fund Group	\$ 70,979,688	\$ 72,584,819	52965
Liquor Control Fund Group			52966
043 800-601 Merchandising	\$ 440,499,979	\$ 464,027,015	52967
043 800-627 Liquor Control	\$ 15,980,724	\$ 16,334,583	52968
Operating			
043 800-633 Development Assistance	\$ 33,678,800	\$ 38,616,800	52969
Debt Service			
043 800-636 Revitalization Debt	\$ 12,620,900	\$ 15,683,300	52970
Service			
TOTAL LCF Liquor Control			52971
Fund Group	\$ 502,780,403	\$ 534,661,698	52972
TOTAL ALL BUDGET FUND GROUPS	\$ 666,991,150	\$ 705,867,858	52973
SMALL GOVERNMENT FIRE DEPARTMENTS			
			52974
Notwithstanding section 3737.17 of the Revised Code, the			52975
foregoing appropriation item 800-635, Small Government Fire			52976
Departments, may be used to provide loans to private fire			52977
departments.			52978
UNCLAIMED FUNDS PAYMENTS			
			52979
The foregoing appropriation item 800-625, Unclaimed			52980
Funds-Claims, shall be used to pay claims under section 169.08 of			52981
the Revised Code. If it is determined that additional amounts are			52982
necessary, the amounts are hereby appropriated.			52983
UNCLAIMED FUNDS TRANSFERS			
			52984
Notwithstanding division (A) of section 169.05 of the Revised			52985
Code, prior to June 30, 2008, and upon the request of the Director			52986
of Budget and Management, the Director of Commerce shall transfer			52987
to the General Revenue Fund up to \$29,275,000 of unclaimed funds			52988
that have been reported by holders of unclaimed funds under			52989
section 169.05 of the Revised Code, irrespective of the allocation			52990



of the unclaimed funds under that section. 52991

Notwithstanding division (A) of section 169.05 of the Revised Code, prior to June 30, 2009, and upon the request of the Director of Budget and Management, the Director of Commerce shall transfer to the General Revenue Fund up to \$29,275,000 of unclaimed funds that have been reported by holders of unclaimed funds under section 169.05 of the Revised Code, irrespective of the allocation of the unclaimed funds under that section. 52992  
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CASH TRANSFER TO GENERAL REVENUE FUND 52999

Notwithstanding any other law to the contrary, the Director of Budget and Management shall transfer up to \$5,700,000 in cash in fiscal year 2008 and up to \$5,800,000 in cash in fiscal year 2009 from the State Fire Marshal Fund (Fund 546) to the General Revenue Fund. 53000  
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FIRE DEPARTMENT GRANTS 53005

Of the foregoing appropriation item 800-639, Fire Department Grants, up to \$760,000 in each fiscal year shall be used to make annual grants to volunteer fire departments of up to \$10,000, or up to \$25,000 if the volunteer fire department provides service for an area affected by a natural disaster. The grant program shall be administered by the Fire Marshal under the Department of Commerce. The Fire Marshal shall adopt rules as are necessary for the administration and operation of the grant program. 53006  
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Of the foregoing appropriation item 800-639, Fire Department Grants, up to \$687,140 in each fiscal year shall be used as full or partial reimbursement to local units of government and fire departments for the cost of firefighter training and equipment or gear. Under rules that the department shall adopt, a local unit of government or fire department may apply to the department for a grant to cover all documented costs that are incurred to provide firefighter training and equipment or gear. The department shall 53014  
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53021

make grants within the limits of the funding provided, with 53022  
priority given to fire departments that serve small villages and 53023  
townships. 53024

Of the foregoing appropriation item 800-639, Fire Department 53025  
Grants, up to \$200,000 in each fiscal year shall be used to make 53026  
grants to fire departments to assist in the conversion of existing 53027  
data systems to the NFIRS 5 electronic fire reporting system. 53028  
Under rules that the department shall adopt, awards shall have a 53029  
maximum of \$50,000 per fire department and shall be based on a 53030  
point system that includes factors such as consideration of the 53031  
fire department's information technology and operating budgets, 53032  
population and area served, number of incidents, data conversion 53033  
and implementation methods, and readiness. 53034

CASH TRANSFER TO REAL ESTATE OPERATING FUND 53035

At the request of the Director of Commerce, the Director of 53036  
Budget and Management may transfer up to \$100,000 in cash from the 53037  
Real Estate Recovery Fund (Fund 548) and up to \$350,000 in cash 53038  
from the Real Estate Appraiser Recovery Fund (Fund 4B2) to the 53039  
Real Estate Operating Fund (Fund 549) during fiscal years 53040  
2008-2009. 53041

INCREASED APPROPRIATION AUTHORITY - MERCHANDISING 53042

The foregoing appropriation item 800-601, Merchandising, 53043  
shall be used under section 4301.12 of the Revised Code. If it is 53044  
determined that additional amounts are necessary, the amounts are 53045  
hereby appropriated. 53046

DEVELOPMENT ASSISTANCE DEBT SERVICE 53047

The foregoing appropriation item 800-633, Development 53048  
Assistance Debt Service, shall be used to pay debt service and 53049  
related financing costs at the times they are required to be made 53050  
during the period from July 1, 2007, to June 30, 2009, for bond 53051  
service charges on obligations issued under Chapter 166. of the 53052

Revised Code. If it is determined that additional appropriations 53053  
are necessary for this purpose, such amounts are hereby 53054  
appropriated, subject to the limitations set forth in section 53055  
166.11 of the Revised Code. An appropriation for this purpose is 53056  
not required, but is made in this form and in this act for record 53057  
purposes only. 53058

REVITALIZATION DEBT SERVICE 53059

The foregoing appropriation item 800-636, Revitalization Debt 53060  
Service, shall be used to pay debt service and related financing 53061  
costs under sections 151.01 and 151.40 of the Revised Code during 53062  
the period from July 1, 2007, to June 30, 2009. If it is 53063  
determined that additional appropriations are necessary for this 53064  
purpose, such amounts are hereby appropriated. The General 53065  
Assembly acknowledges the priority of the pledge of a portion of 53066  
receipts from that source to obligations issued and to be issued 53067  
under Chapter 166. of the Revised Code. 53068

ADMINISTRATIVE ASSESSMENTS 53069

Notwithstanding any other provision of law to the contrary, 53070  
Fund 163, Division of Administration, is entitled to receive 53071  
assessments from all operating funds of the department in 53072  
accordance with procedures prescribed by the Director of Commerce 53073  
and approved by the Director of Budget and Management. 53074

**Section 247.10.** OCC OFFICE OF CONSUMERS' COUNSEL 53075

General Services Fund Group 53076

5F5 053-601 Operating Expenses \$ 8,498,070 \$ 8,498,070 53077

TOTAL GSF General Services Fund \$ 8,498,070 \$ 8,498,070 53078

Group

TOTAL ALL BUDGET FUND GROUPS \$ 8,498,070 \$ 8,498,070 53079

**Section 249.10.** CEB CONTROLLING BOARD 53081

General Revenue Fund				53082
GRF 911-404 Mandate Assistance	\$	650,000	\$ 650,000	53083
GRF 911-441 Ballot Advertising	\$	300,000	\$ 300,000	53084
Costs				
TOTAL GRF General Revenue Fund	\$	950,000	\$ 950,000	53085
TOTAL ALL BUDGET FUND GROUPS	\$	950,000	\$ 950,000	53086
BUDGET STABILIZATION FUND TRANSFERS TO THE EMERGENCY				53087
PURPOSES/CONTINGENCIES APPROPRIATION LINE ITEM				53088
Notwithstanding any other provision of law to the contrary,				53089
the Director of Budget and Management may, with Controlling Board				53090
approval, transfer up to \$4,000,000 in cash, in each of fiscal				53091
years 2008 and 2009, from the Budget Stabilization Fund to the				53092
General Revenue Fund. Upon completion of the transfer, the				53093
Director of Budget and Management shall appropriate the				53094
transferred amount to appropriation item 911-401, Emergency				53095
Purposes/Contingencies. The Controlling Board may, at the request				53096
of any state agency or the Director of Budget and Management,				53097
transfer all or part of the appropriation in appropriation item				53098
911-401, Emergency Purposes/Contingencies, for the purpose of				53099
providing disaster and emergency situation aid to state agencies				53100
and political subdivisions in the event of disasters and emergency				53101
situations or for the other purposes noted in this section,				53102
including, but not limited to, costs related to the disturbance				53103
that occurred on April 11, 1993, at the Southern Ohio Correctional				53104
Facility in Lucasville, Ohio.				53105
FEDERAL SHARE				53106
In transferring appropriations to or from appropriation items				53107
that have federal shares identified in this act, the Controlling				53108
Board shall add or subtract corresponding amounts of federal				53109
matching funds at the percentages indicated by the state and				53110
federal division of the appropriations in this act. Such changes				53111
are hereby appropriated.				53112

DISASTER ASSISTANCE 53113

Pursuant to requests submitted by the Department of Public Safety, the Controlling Board may approve transfers from appropriation item 911-401, Emergency Purposes/Contingencies, to Department of Public Safety appropriation items to provide funding for assistance to political subdivisions and individuals made necessary by natural disasters or emergencies. Such transfers may be requested and approved prior to or following the occurrence of any specific natural disasters or emergencies in order to facilitate the provision of timely assistance.

DISASTER SERVICES 53123

Pursuant to requests submitted by the Department of Public Safety, the Controlling Board may approve transfers from the Disaster Services Fund (5E2) to a Department of Public Safety fund and appropriation item to provide for assistance to political subdivisions made necessary by natural disasters or emergencies. These transfers may be requested and approved prior to the occurrence of any specific natural disasters or emergencies in order to facilitate the provision of timely assistance. The Emergency Management Agency of the Department of Public Safety shall use the funding to fund the State Disaster Relief Program for disasters that have been declared by the Governor, and the State Individual Assistance Program for disasters that have been declared by the Governor and the federal Small Business Administration. The Ohio Emergency Management Agency shall publish and make available application packets outlining procedures for the State Disaster Relief Program and the State Individual Assistance Program.

The Disaster Services Fund (5E2) shall be used by the Controlling Board, pursuant to requests submitted by state agencies, to transfer cash and appropriation authority to any fund and appropriation item for the payment of state agency disaster

relief program expenses for disasters declared by the Governor, if 53145  
the Director of Budget and Management determines that sufficient 53146  
funds exist. 53147

The unencumbered balance of the Disaster Services Fund (5E2) 53148  
at the end of fiscal year 2008 is transferred to fiscal year 2009 53149  
for use for the same purposes as in fiscal year 2009. 53150

SOUTHERN OHIO CORRECTIONAL FACILITY COST 53151

The Division of Criminal Justice Services in the Department 53152  
of Public Safety and the Public Defender Commission may each 53153  
request, upon approval of the Director of Budget and Management, 53154  
additional funds from appropriation item 911-401, Emergency 53155  
Purposes/Contingencies, for costs related to the disturbance that 53156  
occurred on April 11, 1993, at the Southern Ohio Correctional 53157  
Facility in Lucasville, Ohio. 53158

MANDATE ASSISTANCE 53159

(A) The foregoing appropriation item 911-404, Mandate 53160  
Assistance, shall be used to provide financial assistance to local 53161  
units of government and school districts for the cost of the 53162  
following two unfunded state mandates: 53163

(1) The cost to county prosecutors for prosecuting certain 53164  
felonies that occur on the grounds of state institutions operated 53165  
by the Department of Rehabilitation and Correction and the 53166  
Department of Youth Services; 53167

(2) The cost to school districts of in-service training for 53168  
child abuse detection. 53169

(B) The Division of Criminal Justice Services in the 53170  
Department of Public Safety and the Department of Education may 53171  
prepare and submit to the Controlling Board one or more requests 53172  
to transfer appropriations from appropriation item 911-404, 53173  
Mandate Assistance. The state agencies charged with this 53174

administrative responsibility are listed below, as well as the 53175  
 estimated annual amounts that may be used for each program of 53176  
 state financial assistance. 53177

	ADMINISTERING	ESTIMATED ANNUAL	
PROGRAM	AGENCY	AMOUNT	
Prosecution Costs	Division of Criminal Justice Services	\$150,000	53180 53181
Child Abuse Detection Training Costs	Department of Education	\$500,000	53182

(C) Subject to the total amount appropriated in each fiscal 53183  
 year for appropriation item 911-404, Mandate Assistance, the 53184  
 Division of Criminal Justice Services in the Department of Public 53185  
 Safety and the Department of Education may request from the 53186  
 Controlling Board that amounts smaller or larger than these 53187  
 estimated annual amounts be transferred to each program. 53188

(D) In addition to making the initial transfers requested by 53189  
 the Division of Criminal Justice Services in the Department of 53190  
 Public Safety and the Department of Education, the Controlling 53191  
 Board may transfer appropriations received by a state agency under 53192  
 this section back to appropriation item 911-404, Mandate 53193  
 Assistance, or to the other program of state financial assistance 53194  
 identified under this section. 53195

(E) It is expected that not all costs incurred by local units 53196  
 of government and school districts under each of the two programs 53197  
 of state financial assistance identified in this section will be 53198  
 fully reimbursed by the state. Reimbursement levels may vary by 53199  
 program and shall be based on: the relationship between the 53200  
 appropriation transfers requested by the Division of Criminal 53201  
 Justice Services in the Department of Public Safety and the 53202  
 Department of Education and provided by the Controlling Board for 53203  
 each of the programs; the rules and procedures established for 53204  
 each program by the administering state agency; and the actual 53205

costs incurred by local units of government and school districts.	53206
(F) Each of these programs of state financial assistance	53207
shall be carried out as follows:	53208
(1) PROSECUTION COSTS	53209
(a) Appropriations may be transferred to the Division of	53210
Criminal Justice Services in the Department of Public Safety to	53211
cover local prosecution costs for aggravated murder, murder,	53212
felonies of the first degree, and felonies of the second degree	53213
that occur on the grounds of institutions operated by the	53214
Department of Rehabilitation and Correction and the Department of	53215
Youth Services.	53216
(b) Upon a delinquency filing in juvenile court or the return	53217
of an indictment for aggravated murder, murder, or any felony of	53218
the first or second degree that was committed at a Department of	53219
Youth Services or a Department of Rehabilitation and Correction	53220
institution, the affected county may, in accordance with rules	53221
that the Division of Criminal Justice Services in the Department	53222
of Public Safety shall adopt, apply to the Division of Criminal	53223
Justice Services for a grant to cover all documented costs that	53224
are incurred by the county prosecutor's office.	53225
(c) Twice each year, the Division of Criminal Justice	53226
Services in the Department of Public Safety shall designate	53227
counties to receive grants from those counties that have submitted	53228
one or more applications in compliance with the rules that have	53229
been adopted by the Division of Criminal Justice Services for the	53230
receipt of such grants. In each year's first round of grant	53231
awards, if sufficient appropriations have been made, up to a total	53232
of \$100,000 may be awarded. In each year's second round of grant	53233
awards, the remaining appropriations available for this purpose	53234
may be awarded.	53235
(d) If for a given round of grants there are insufficient	53236



appropriations to make grant awards to all the eligible counties, 53237  
the first priority shall be given to counties with cases involving 53238  
aggravated murder and murder; second priority shall be given to 53239  
counties with cases involving a felony of the first degree; and 53240  
third priority shall be given to counties with cases involving a 53241  
felony of the second degree. Within these priorities, the grant 53242  
awards shall be based on the order in which the applications were 53243  
received, except that applications for cases involving a felony of 53244  
the first or second degree shall not be considered in more than 53245  
two consecutive rounds of grant awards. 53246

(2) CHILD ABUSE DETECTION TRAINING COSTS 53247

Appropriations may be transferred to the Department of 53248  
Education for disbursement to local school districts as full or 53249  
partial reimbursement for the cost of providing in-service 53250  
training for child abuse detection. In accordance with rules that 53251  
the department shall adopt, a local school district may apply to 53252  
the department for a grant to cover all documented costs that are 53253  
incurred to provide in-service training for child abuse detection. 53254  
The department shall make grants within the limits of the funding 53255  
provided. 53256

(G) Any moneys allocated within appropriation item 911-404, 53257  
Mandate Assistance, not fully utilized may, upon application of 53258  
the Ohio Public Defender Commission, and with the approval of the 53259  
Controlling Board, be disbursed to boards of county commissioners 53260  
to provide additional reimbursement for the costs incurred by 53261  
counties in providing defense to indigent defendants pursuant to 53262  
Chapter 120. of the Revised Code. Application for the unutilized 53263  
funds shall be made by the Ohio Public Defender Commission at the 53264  
first June meeting of the Controlling Board. 53265

The amount to be disbursed to each county shall be allocated 53266  
proportionately on the basis of the total amount of reimbursement 53267  
paid to each county as a percentage of the amount of reimbursement 53268

paid to all of the counties during the most recent state fiscal				53269
year for which data is available and as calculated by the Ohio				53270
Public Defender Commission.				53271
BALLOT ADVERTISING COSTS				53272
Pursuant to requests submitted by the Ohio Ballot Board, the				53273
Controlling Board shall approve transfers from the foregoing				53274
appropriation item 911-441, Ballot Advertising Costs, to an Ohio				53275
Ballot Board appropriation item in order to reimburse county				53276
boards of elections for the cost of public notices associated with				53277
statewide ballot initiatives.				53278
<b>Section 251.10.</b> COS STATE BOARD OF COSMETOLOGY				53279
General Services Fund Group				53280
4K9 879-609 Operating Expenses	\$	3,533,679	\$ 3,533,679	53281
TOTAL GSF General Services Fund				53282
Group	\$	3,533,679	\$ 3,533,679	53283
TOTAL ALL BUDGET FUND GROUPS	\$	3,533,679	\$ 3,533,679	53284
<b>Section 253.10.</b> CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE				53286
AND FAMILY THERAPIST BOARD				53287
General Services Fund Group				53288
4K9 899-609 Operating Expenses	\$	1,124,267	\$ 1,179,774	53289
TOTAL GSF General Services Fund				53290
Group	\$	1,124,267	\$ 1,179,774	53291
TOTAL ALL BUDGET FUND GROUPS	\$	1,124,267	\$ 1,179,774	53292
<b>Section 255.10.</b> CLA COURT OF CLAIMS				53294
General Revenue Fund				53295
GRF 015-321 Operating Expenses	\$	2,758,681	\$ 2,841,441	53296
TOTAL GRF General Revenue Fund	\$	2,758,681	\$ 2,841,441	53297
State Special Revenue Fund Group				53298

5K2 015-603 CLA Victims of Crime	\$	1,582,684	\$	1,582,684	53299
TOTAL SSR State Special Revenue					53300
Fund Group	\$	1,582,684	\$	1,582,684	53301
TOTAL ALL BUDGET FUND GROUPS	\$	4,341,365	\$	4,424,125	53302

**Section 257.10.** AFC OHIO CULTURAL FACILITIES COMMISSION 53304

General Revenue Fund					53305
GRF 371-321 Operating Expenses	\$	176,136	\$	176,136	53306
GRF 371-401 Lease Rental Payments	\$	36,604,600	\$	37,455,500	53307
TOTAL GRF General Revenue Fund	\$	36,780,736	\$	37,631,636	53308
State Special Revenue Fund Group					53309
4T8 371-601 Riffe Theatre	\$	81,000	\$	81,000	53310
Equipment Maintenance					
4T8 371-603 Project Administration	\$	983,295	\$	983,295	53311
Services					
TOTAL SSR State Special Revenue	\$	1,064,295	\$	1,064,295	53312
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	37,845,031	\$	38,695,931	53313

LEASE RENTAL PAYMENTS 53314

The foregoing appropriation item 371-401, Lease Rental 53315  
 Payments, shall be used to meet all payments from the Ohio 53316  
 Cultural Facilities Commissions to the Treasurer of State during 53317  
 the period from July 1, 2007, to June 30, 2009, under the primary 53318  
 leases and agreements for those arts and sports facilities made 53319  
 under Chapters 152. and 154. of the Revised Code. This 53320  
 appropriation is the source of funds pledged for bond service 53321  
 charges on related obligations issued pursuant to Chapters 152. 53322  
 and 154. of the Revised Code. 53323

OPERATING EXPENSES 53324

The foregoing appropriation item 371-321, Operating Expenses, 53325  
 shall be used by the Ohio Cultural Facilities Commission to carry 53326

out its responsibilities under this section and Chapter 3383. of 53327  
the Revised Code. 53328

By July 10, 2007, or as soon as possible thereafter, the 53329  
Director of Budget and Management shall determine the amount of 53330  
cash from interest earnings to be transferred from the Cultural 53331  
and Sports Facilities Building Fund (Fund 030) to the Cultural 53332  
Facilities Commission Administration Fund (Fund 4T8). 53333

By July 10, 2008, or as soon as possible thereafter, the 53334  
Director of Budget and Management shall determine the amount of 53335  
cash from interest earnings to be transferred from the Cultural 53336  
and Sports Facilities Building Fund (Fund 030) to the Cultural 53337  
Facilities Commission Administration Fund (Fund 4T8). 53338

As soon as possible after each bond issuance made on behalf 53339  
of the Cultural Facilities Commission, the Director of Budget and 53340  
Management shall determine the amount of cash from any premium 53341  
paid on each issuance that is available to be transferred after 53342  
all issuance costs have been paid from the Cultural and Sports 53343  
Facilities Building Fund (Fund 030) to the Cultural Facilities 53344  
Commission Administration Fund (Fund 4T8). 53345

**Section 259.10. DEN STATE DENTAL BOARD** 53346

General Services Fund Group				53347	
4K9 880-609 Operating Expenses	\$	1,437,392	\$	1,528,749	53348
TOTAL GSF General Services Fund				53349	
Group	\$	1,437,392	\$	1,528,749	53350
TOTAL ALL BUDGET FUND GROUPS	\$	1,437,392	\$	1,528,749	53351

**Section 261.10. BDP BOARD OF DEPOSIT** 53353

General Services Fund Group				53354	
4M2 974-601 Board of Deposit	\$	1,676,000	\$	1,676,000	53355
TOTAL GSF General Services Fund				53356	

Group	\$	1,676,000	\$	1,676,000	53357
TOTAL ALL BUDGET FUND GROUPS	\$	1,676,000	\$	1,676,000	53358

BOARD OF DEPOSIT EXPENSE FUND 53359

Upon receiving certification of expenses from the Treasurer 53360  
of State, the Director of Budget and Management shall transfer 53361  
cash from the Investment Earnings Redistribution Fund (Fund 608) 53362  
to the Board of Deposit Expense Fund (Fund 4M2). The latter fund 53363  
shall be used to pay for banking charges and fees required for the 53364  
operation of the State of Ohio Regular Account. 53365

**Section 263.10.** DEV DEPARTMENT OF DEVELOPMENT 53366

General Revenue Fund 53367

GRF 195-401 Thomas Edison Program \$ 19,404,838 \$ 17,978,483 53368

GRF 195-404 Small Business \$ 1,740,722 \$ 1,792,944 53369

Development

GRF 195-405 Minority Business \$ 1,580,291 \$ 1,627,700 53370

Development Division

GRF 195-407 Travel and Tourism \$ 6,782,845 \$ 6,762,845 53371

GRF 195-410 Defense Conversion \$ 5,000,000 \$ 0 53372

Assistance

GRF 195-412 Rapid Outreach Grants \$ 10,750,000 \$ 10,000,000 53373

GRF 195-415 Economic Development \$ 5,894,975 \$ 6,071,824 53374

Division and Regional  
Offices

GRF 195-416 Governor's Office of \$ 4,746,043 \$ 4,746,043 53375

Appalachia

GRF 195-422 Third Frontier Action \$ 18,790,000 \$ 16,790,000 53376

Fund

GRF 195-426 Clean Ohio \$ 300,000 \$ 309,000 53377

Implementation

GRF 195-432 International Trade \$ 4,650,501 \$ 4,650,501 53378

GRF 195-434 Investment in Training \$ 12,227,500 \$ 12,594,325 53379

		Grants				
GRF	195-436	Labor/Management Cooperation	\$	836,225	\$	836,225 53380
GRF	195-497	CDBG Operating Match	\$	1,072,184	\$	1,072,184 53381
GRF	195-498	State Match Energy	\$	96,820	\$	96,820 53382
GRF	195-501	Appalachian Local Development Districts	\$	391,482	\$	391,482 53383
GRF	195-502	Appalachian Regional Commission Dues	\$	254,208	\$	254,208 53384
GRF	195-507	Travel and Tourism	\$	800,000	\$	785,000 53385
		Grants				
GRF	195-520	Ohio Main Street Program	\$	250,000	\$	250,000 53386
GRF	195-905	Third Frontier Research & Development General Obligation Debt Service	\$	14,349,500	\$	24,523,400 53387
GRF	195-912	Job Ready Site Development General Obligation Debt Service	\$	4,359,400	\$	8,232,500 53388
TOTAL GRF		General Revenue Fund	\$	114,277,534	\$	119,765,484 53389
		General Services Fund Group				53390
135	195-684	Supportive Services	\$	11,699,404	\$	11,321,444 53391
5AD	195-667	Investment in Training Expansion	\$	2,000,000	\$	0 53392
5AD	195-668	Workforce Guarantee Program	\$	1,000,000	\$	0 53393
5AD	195-677	Economic Development Contingency	\$	5,000,000	\$	24,400,000 53394
5W5	195-690	Travel and Tourism Cooperative Projects	\$	350,000	\$	350,000 53395
5W6	195-691	International Trade	\$	300,000	\$	300,000 53396

		Cooperative Projects				
685	195-636	Direct Cost Recovery	\$	800,000	\$	800,000 53397
		Expenditures				
		TOTAL GSF General Services Fund				53398
		Group	\$	21,149,404	\$	37,171,444 53399
		Federal Special Revenue Fund Group				53400
3AE	195-643	Workforce Development	\$	5,839,900	\$	5,860,000 53401
		Initiatives				
3BJ	195-685	TANF Heating	\$	45,000,000	\$	15,000,000 53402
		Assistance				
3K8	195-613	Community Development	\$	65,000,000	\$	65,000,000 53403
		Block Grant				
3K9	195-611	Home Energy Assistance	\$	110,000,000	\$	110,000,000 53404
		Block Grant				
3K9	195-614	HEAP Weatherization	\$	22,000,000	\$	22,000,000 53405
3L0	195-612	Community Services	\$	25,235,000	\$	25,235,000 53406
		Block Grant				
3V1	195-601	HOME Program	\$	40,000,000	\$	40,000,000 53407
308	195-602	Appalachian Regional	\$	475,000	\$	475,000 53408
		Commission				
308	195-603	Housing and Urban	\$	6,000,000	\$	6,000,000 53409
		Development				
308	195-605	Federal Projects	\$	27,000,000	\$	27,000,000 53410
308	195-609	Small Business	\$	4,296,381	\$	4,396,381 53411
		Administration				
308	195-618	Energy Federal Grants	\$	3,400,000	\$	3,400,000 53412
335	195-610	Energy Conservation	\$	2,200,000	\$	2,200,000 53413
		and Emerging				
		Technology				
		TOTAL FED Federal Special Revenue				53414
		Fund Group	\$	356,446,281	\$	326,566,381 53415
		State Special Revenue Fund Group				53416

4F2	195-639	State Special Projects	\$	518,393	\$	518,393	53417
4F2	195-676	Marketing Initiatives	\$	5,000,000	\$	1,000,000	53418
4S0	195-630	Tax Incentive Programs	\$	650,800	\$	650,800	53419
4W1	195-646	Minority Business Enterprise Loan	\$	2,580,597	\$	2,580,597	53420
444	195-607	Water and Sewer Commission Loans	\$	523,775	\$	523,775	53421
450	195-624	Minority Business Bonding Program Administration	\$	53,967	\$	53,967	53422
451	195-625	Economic Development Financing Operating	\$	2,483,311	\$	2,483,311	53423
5AR	195-674	Industrial Site Improvements	\$	4,500,000	\$	4,500,000	53424
5CG	195-679	Alternative Fuel Transportation	\$	1,500,000	\$	1,000,000	53425
5DU	195-689	Energy Projects	\$	840,000	\$	840,000	53426
5M4	195-659	Low Income Energy Assistance	\$	245,000,000	\$	245,000,000	53427
5M5	195-660	Advanced Energy Programs	\$	17,000,000	\$	17,000,000	53428
5X1	195-651	Exempt Facility Inspection	\$	25,000	\$	25,000	53429
611	195-631	Water and Sewer Administration	\$	15,713	\$	15,713	53430
617	195-654	Volume Cap Administration	\$	200,000	\$	200,000	53431
646	195-638	Low- and Moderate- Income Housing Trust Fund	\$	53,000,000	\$	53,000,000	53432
TOTAL SSR		State Special Revenue					53433
Fund Group			\$	333,891,556	\$	329,391,556	53434
Facilities Establishment		Fund Group					53435



009	195-664	Innovation Ohio	\$	50,000,000	\$	50,000,000	53436
010	195-665	Research and Development	\$	50,000,000	\$	50,000,000	53437
037	195-615	Facilities Establishment	\$	110,000,000	\$	110,000,000	53438
4Z6	195-647	Rural Industrial Park Loan	\$	3,000,000	\$	3,000,000	53439
5D2	195-650	Urban Redevelopment Loans	\$	5,475,000	\$	5,475,000	53440
5S8	195-627	Rural Development Initiative	\$	3,000,000	\$	3,000,000	53441
5S9	195-628	Capital Access Loan Program	\$	3,000,000	\$	3,000,000	53442
TOTAL 037 Facilities Establishment Fund Group							53443
							\$ 224,475,000 \$ 224,475,000 53444
Clean Ohio Revitalization Fund							53445
003	195-663	Clean Ohio Operating	\$	625,000	\$	550,000	53446
TOTAL 003 Clean Ohio Revitalization Fund							\$ 625,000 \$ 550,000 53447
Third Frontier Research & Development Fund Group							53448
011	195-686	Third Frontier Operating	\$	1,932,056	\$	1,932,056	53449
011	195-687	Third Frontier Research & Development Projects	\$	94,000,000	\$	72,000,000	53450
014	195-692	Research & Development Taxable Bond Projects	\$	28,000,000	\$	28,000,000	53451
TOTAL 011 Third Frontier Research & Development Fund Group							\$ 123,932,056 \$ 101,932,056 53452
Job Ready Site Development Fund Group							53453
012	195-688	Job Ready Site Operating	\$	1,246,155	\$	1,246,155	53454

TOTAL 012 Job Ready Site	\$	1,246,155	\$	1,246,155	53455
Development Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	1,176,042,986	\$	1,141,098,076	53456

**Section 263.10.10. THOMAS EDISON PROGRAM** 53458

The foregoing appropriation item 195-401, Thomas Edison 53459  
Program, shall be used for the purposes of sections 122.28 to 53460  
122.38 of the Revised Code in order to provide funds for 53461  
cooperative public and private efforts in technological innovation 53462  
to promote the development and transfer of technology by and to 53463  
Ohio businesses that will lead to the creation of jobs. The 53464  
foregoing appropriation item 195-401, Thomas Edison Program, shall 53465  
not be used for the operating costs of the Department of 53466  
Development. 53467

Of the foregoing appropriation item 195-401, Thomas Edison 53468  
Program, \$2,000,000 in fiscal year 2008 shall be used by Project 53469  
Development, Inc., for technology commercialization. 53470

**Section 263.10.20. SMALL BUSINESS DEVELOPMENT** 53471

The foregoing appropriation item 195-404, Small Business 53472  
Development, shall be used to ensure that the unique needs and 53473  
concerns of small businesses are addressed. 53474

The foregoing appropriation item 195-404, Small Business 53475  
Development, may be used to provide grants to local organizations 53476  
to support the operation of Small Business Development Centers and 53477  
other local economic development activity promoting small 53478  
business, including the 1st Stop Business Connection, and for the 53479  
cost of administering the small business development center 53480  
program. The centers shall provide technical, financial, and 53481  
management consultation for small business and shall facilitate 53482  
access to state and federal programs. These funds shall be used as 53483  
matching funds for grants from the United States Small Business 53484

Administration and other federal agencies, pursuant to Public Law 53485  
No. 96-302 (1980) as amended by Public Law No. 98-395 (1984), and 53486  
regulations and policy guidelines for the programs under this law. 53487

MINORITY BUSINESS DEVELOPMENT DIVISION 53488

Of the foregoing appropriation item 195-405, Minority 53489  
Business Development Division, up to \$1,060,000 but not less than 53490  
\$954,000 in each fiscal year shall be used to fund minority 53491  
contractors and business assistance organizations. The Minority 53492  
Business Development Division shall determine which cities need 53493  
minority contractors and business assistance organizations by 53494  
utilizing United States Census Bureau data and zip codes to locate 53495  
the highest concentrations of minority businesses. The Minority 53496  
Business Development Division also shall determine the numbers of 53497  
minority contractors and business assistance organizations 53498  
necessary and the amount of funding to be provided each. In 53499  
addition, the Minority Business Development Division shall 53500  
continue to plan and implement business conferences. 53501

**Section 263.10.30. RAPID OUTREACH GRANTS** 53502

The foregoing appropriation item 195-412, Rapid Outreach 53503  
Grants, shall be used as an incentive for attracting and retaining 53504  
business opportunities for the state. Any such business 53505  
opportunity, whether new, expanding, or relocating in Ohio, is 53506  
eligible for funding. The project must create or retain a 53507  
significant number of jobs for Ohioans. Grant awards may be 53508  
considered only when (1) the project's viability hinges on an 53509  
award of funds from appropriation item 195-412, Rapid Outreach 53510  
Grants; (2) all other public or private sources of financing have 53511  
been considered; or (3) the funds act as a catalyst for the 53512  
infusion into the project of other financing sources. 53513

The department's primary goal shall be to award funds to 53514  
political subdivisions of the state for off-site infrastructure 53515

improvements. In order to meet the particular needs of economic 53516  
development in a region, the department may elect to award funds 53517  
directly to a business for on-site infrastructure improvements. 53518  
"Infrastructure improvements" mean improvements to water system 53519  
facilities, sewer and sewage treatment facilities, electric or gas 53520  
service facilities, fiber optic facilities, rail facilities, site 53521  
preparation, and parking facilities. The Director of Development 53522  
may recommend the funds be used in an alternative manner when 53523  
considered appropriate to meet an extraordinary economic 53524  
development opportunity or need. 53525

The foregoing appropriation item 195-412, Rapid Outreach 53526  
Grants, may be expended only after the submission of a request to 53527  
the Controlling Board by the Department of Development outlining 53528  
the planned use of the funds, and the subsequent approval of the 53529  
request by the Controlling Board. 53530

The foregoing appropriation item 195-412, Rapid Outreach 53531  
Grants, may be used for, but is not limited to, construction, 53532  
rehabilitation, and acquisition projects for rail freight 53533  
assistance as requested by the Department of Transportation. The 53534  
Director of Transportation shall submit the proposed projects to 53535  
the Director of Development for an evaluation of potential 53536  
economic benefit. 53537

**Section 263.10.40. ECONOMIC DEVELOPMENT DIVISION AND REGIONAL 53538**  
OFFICES 53539

The foregoing appropriation item 195-415, Economic 53540  
Development Division and Regional Offices, shall be used for the 53541  
operating expenses of the Economic Development Division and the 53542  
regional economic development offices and for grants for 53543  
cooperative economic development ventures. 53544

**Section 263.10.50. GOVERNOR'S OFFICE OF APPALACHIA 53545**

The foregoing appropriation item 195-416, Governor's Office of Appalachia, shall be used for the administrative costs of planning and liaison activities for the Governor's Office of Appalachia, and to provide financial assistance to projects in Ohio's Appalachian counties.

Of the foregoing appropriation item 195-416, Governor's Office of Appalachia, up to \$250,000 each fiscal year shall be used to match federal funds from the Appalachian Regional Commission to provide job training to impact the Appalachian Region.

Of the foregoing appropriation item 195-416, Governor's Office of Appalachia, up to \$4,246,043 in each fiscal year shall be used in conjunction with other federal and state funds to provide financial assistance to projects in Ohio's Appalachian counties in order to further the goals of the Appalachian Regional Commission. The projects and project sponsors shall meet Appalachian Regional Commission eligibility requirements. Grants shall be administered by the Department of Development.

**Section 263.10.60. THIRD FRONTIER ACTION FUND**

The foregoing appropriation item 195-422, Third Frontier Action Fund, shall be used to make grants under sections 184.01 and 184.02 of the Revised Code. Prior to the release of funds from appropriation item 195-422, Third Frontier Action Fund, each grant award shall be recommended for funding by the Third Frontier Commission and obtain approval from the Controlling Board.

Of the foregoing appropriation item 195-422, Third Frontier Action Fund, not more than six per cent in each fiscal year shall be used for operating expenditures in administering the program.

In addition to the six per cent for operating expenditures, an additional administrative amount, not to exceed \$1,500,000

within the biennium, shall be available for proposal evaluation, 53576  
research and analyses, and marketing efforts considered necessary 53577  
to receive and disseminate information about science and 53578  
technology-related opportunities in the state. 53579

Of the foregoing appropriation item 195-422, Third Frontier 53580  
Action Fund, \$2,000,000 in fiscal year 2008 shall be used by 53581  
Project Development, Inc., for business and job creation resulting 53582  
from Third Frontier investments. 53583

SCIENCE AND TECHNOLOGY COLLABORATION 53584

The Department of Development shall work in close 53585  
collaboration with the Board of Regents, the Air Quality 53586  
Development Authority, and the Third Frontier Commission in 53587  
relation to appropriation items and programs referred to as 53588  
Alignment Programs in the following paragraph, and other 53589  
technology-related appropriations and programs in the Department 53590  
of Development, Air Quality Development Authority, and the Board 53591  
of Regents as these agencies may designate, to ensure 53592  
implementation of a coherent state strategy with respect to 53593  
science and technology. 53594

"Alignment Programs" means appropriation items 195-401, 53595  
Thomas Edison Program; 898-402, Coal Development Office; 195-422, 53596  
Third Frontier Action Fund; 898-604, Coal Research and Development 53597  
Fund; 235-433, Economic Growth Challenge; 235-508, Air Force 53598  
Institute of Technology; 235-510, Ohio Supercomputer Center; 53599  
235-451, Eminent Scholars; 235-527, Ohio Aerospace Institute; 53600  
235-535, Ohio Agricultural Research and Development Center; 53601  
235-553, Dayton Area Graduate Studies Institute; 235-554, 53602  
Priorities in Collaborative Graduate Education; 235-556, Ohio 53603  
Academic Resources Network; 195-435, Biomedical Research and 53604  
Technology Transfer Trust; 195-687, Third Frontier Research & 53605  
Development Projects; CAP-068, Third Frontier Project; and 53606  
195-692, Research & Development Taxable Bond Projects. 53607

Consistent with the recommendations of the Governor's 53608  
Commission on Higher Education and the Economy, Alignment Programs 53609  
shall be managed and administered in accordance with the following 53610  
objectives: (1) to build on existing competitive research 53611  
strengths; (2) to encourage new and emerging discoveries and 53612  
commercialization of products and ideas that will benefit the Ohio 53613  
economy; and (3) to assure improved collaboration among Alignment 53614  
Programs with programs administered by the Third Frontier 53615  
Commission and with other state programs that are intended to 53616  
improve economic growth and job creation. As directed by the Third 53617  
Frontier Commission, Alignment Program managers shall report to 53618  
the Commission or the Third Frontier Advisory Board regarding the 53619  
contributions of their programs to achieving these objectives. 53620

Each Alignment Program shall be reviewed annually by the 53621  
Third Frontier Commission with respect to its development of 53622  
complementary relationships within a combined state science and 53623  
technology investment portfolio, and with respect to its overall 53624  
contribution to the state's science and technology strategy, 53625  
including the adoption of appropriately consistent criteria for: 53626  
(1) the scientific merit of activities supported by the program; 53627  
(2) the relevance of the program's activities to commercial 53628  
opportunities in the private sector; (3) the private sector's 53629  
involvement in a process that continually evaluates commercial 53630  
opportunities to use the work supported by the program; and (4) 53631  
the ability of the program and recipients of grant funding from 53632  
the program to engage in activities that are collaborative, 53633  
complementary, and efficient with respect to the expenditures of 53634  
state funds. Each Alignment Program shall provide an annual report 53635  
to the Third Frontier Commission that discusses existing, planned, 53636  
or possible collaborations between programs and between recipients 53637  
of grant funding related to technology, development, 53638  
commercialization, and the support of Ohio's economic development. 53639  
The annual review conducted by the Third Frontier Commission shall 53640

be a comprehensive review of the entire state science and 53641  
technology program portfolio rather than a review of individual 53642  
programs. 53643

Applicants for Third Frontier and Alignment Programs funding 53644  
shall identify their requirements for high-performance computing 53645  
facilities and services, including both hardware and software, in 53646  
all proposals. If an applicant's requirements exceed approximately 53647  
\$100,000 for a proposal, the Ohio Supercomputer Center shall 53648  
convene a panel of experts. The panel shall review the proposal to 53649  
determine whether the proposal's requirements can be met through 53650  
Ohio Supercomputer Center facilities or through other means and 53651  
report such information to the Third Frontier Commission. 53652

To ensure that the state receives the maximum benefit from 53653  
its investment in the Third Frontier Project and the Third 53654  
Frontier Network, organizations receiving Third Frontier awards 53655  
and Alignment Programs awards shall, as appropriate, be expected 53656  
to have a connection to the Third Frontier Network that enables 53657  
them and their collaborators to achieve award objectives through 53658  
the Third Frontier Network. 53659

**Section 263.10.70. INTERNATIONAL TRADE** 53660

The foregoing appropriation item 195-432, International 53661  
Trade, shall be used to operate and to maintain Ohio's 53662  
out-of-state trade offices. 53663

The Director of Development may enter into contracts with 53664  
foreign nationals to staff foreign offices. The contracts may be 53665  
paid in local currency or United States currency and shall be 53666  
exempt from section 127.16 of the Revised Code. The director also 53667  
may establish foreign currency accounts under section 122.05 of 53668  
the Revised Code for the payment of expenses related to the 53669  
operation and maintenance of the foreign trade offices. 53670



The foregoing appropriation item 195-432, International Trade, shall be used to fund the International Trade Division and to assist Ohio manufacturers and agricultural producers in exporting to foreign countries in conjunction with the Department of Agriculture.

Of the foregoing appropriation item 195-432, International Trade, up to \$35,000 may be used to purchase gifts for representatives of foreign governments or dignitaries of foreign countries.

**Section 263.10.80. OHIO INVESTMENT IN TRAINING PROGRAM**

The foregoing appropriation items 195-434, Investment in Training Grants, and 195-667, Investment in Training Expansion, shall be used to promote training through grants for the reimbursement of eligible training expenses. The release of grants for this purpose shall be subject to Controlling Board approval.

**Section 263.10.90. CDBG OPERATING MATCH**

The foregoing appropriation item 195-497, CDBG Operating Match, shall be used to provide matching funds as requested by the United States Department of Housing and Urban Development to administer the federally funded Community Development Block Grant (CDBG) program.

**STATE OPERATING MATCH**

The foregoing appropriation item 195-498, State Match Energy, shall be used to provide matching funds as required by the United States Department of Energy to administer the federally funded State Energy Plan.

**Section 263.10.95. DEFENSE CONVERSION ASSISTANCE**

Of the foregoing appropriation item 195-410, Defense

Conversion Assistance, \$5,000,000 in fiscal year 2008 shall be 53699  
used as a state match to federal dollars for the relocation of 53700  
jobs at Wright-Patterson Air Force Base and vicinity as a result 53701  
of job losses from the base realignment and closure process. 53702

**Section 263.20.10. TRAVEL AND TOURISM GRANTS** 53703

The foregoing appropriation item 195-507, Travel and Tourism 53704  
Grants, shall be used to provide grants to local organizations to 53705  
support various local travel and tourism events in Ohio. 53706

Of the foregoing appropriation item 195-507, Travel and 53707  
Tourism Grants, \$50,000 in each fiscal year shall be used for the 53708  
Cleveland Film Bureau. 53709

Of the foregoing appropriation item 195-507, Travel and 53710  
Tourism Grants, \$50,000 in each fiscal year shall be used for the 53711  
Cincinnati Film Bureau. 53712

Of the foregoing appropriation item 195-507, Travel and 53713  
Tourism Grants, \$500,000 in each fiscal year shall be used for 53714  
grants to The International Center for the Preservation of Wild 53715  
Animals. 53716

Of the foregoing appropriation item 195-507, Travel and 53717  
Tourism Grants, \$50,000 in each fiscal year shall be used for the 53718  
Greater Cleveland Sports Commission. 53719

Of the foregoing appropriation item 195-507, Travel and 53720  
Tourism Grants, \$50,000 in each fiscal year shall be used for the 53721  
Greater Columbus Sports Commission. 53722

Of the foregoing appropriation item 195-507, Travel and 53723  
Tourism Grants, \$50,000 in fiscal year 2008 shall be used for the 53724  
Ohio Alliance of Science Centers. 53725

Of the foregoing appropriation item 195-507, Travel and 53726  
Tourism Grants, \$50,000 in each fiscal year shall be used for the 53727  
Harbor Heritage Society/Great Lakes Science Center in support of 53728

operations of the Steamship William G. Mather Maritime Museum. 53729

Of the foregoing appropriation item 195-507, Travel and 53730  
Tourism Grants, \$35,000 in fiscal year 2009 shall be used for the 53731  
Ohio Junior Angus Association to assist with costs associated with 53732  
hosting the Eastern Regional Junior Angus Show in June 2009. 53733

**Section 263.20.20. THIRD FRONTIER RESEARCH & DEVELOPMENT 53734**  
GENERAL OBLIGATION DEBT SERVICE 53735

The foregoing appropriation item 195-905, Third Frontier 53736  
Research & Development General Obligation Debt Service, shall be 53737  
used to pay all debt service and related financing costs during 53738  
the period from July 1, 2007, to June 30, 2009, on obligations 53739  
issued for research and development purposes under sections 151.01 53740  
and 151.10 of the Revised Code. 53741

JOB READY SITE DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE 53742

The foregoing appropriation item 195-912, Job Ready Site 53743  
Development General Obligation Debt Service, shall be used to pay 53744  
all debt service and related financing costs during the period 53745  
from July 1, 2007, to June 30, 2009, on obligations issued for job 53746  
ready site development purposes under sections 151.01 and 151.11 53747  
of the Revised Code. 53748

**Section 263.20.30. SUPPORTIVE SERVICES 53749**

The Director of Development may assess divisions of the 53750  
department for the cost of central service operations. An 53751  
assessment shall be based on a plan submitted to and approved by 53752  
the Office of Budget and Management by August 1, 2007, and shall 53753  
contain the characteristics of administrative ease and uniform 53754  
application. 53755

A division's payments shall be credited to the Supportive 53756  
Services Fund (Fund 135) using an intrastate transfer voucher. 53757

Of the foregoing appropriation item 195-684, Supportive Services, \$50,000 in fiscal year 2008 and \$35,000 in fiscal year 2009 shall be used for Crawford County to hire an employee to act as a local economic development coordinator.

WORKFORCE GUARANTEE PROGRAM 53762

The foregoing appropriation item 195-668, Workforce Guarantee Program, shall be used for the Workforce Guarantee Program.

Benefited employers must create at least 20 high-paying, full-time jobs over a one-year period and must demonstrate prior to the commitment of state funds that the availability of those skilled workers is a major factor in the employer's decision to locate or expand in Ohio. Customized training activities are eligible for funding through the Workforce Guarantee Program.

The Director of Development, under Chapter 119. of the Revised Code, shall adopt, and may amend or rescind, rules the Director finds necessary for the implementation and successful operation of the Workforce Guarantee Program.

ECONOMIC DEVELOPMENT CONTINGENCY 53775

Of the foregoing appropriation item 195-677, Economic Development Contingency, up to \$19,400,000 shall be used by the Third Frontier Commission in fiscal year 2009 for biomedical research and technology transfer purposes under sections 184.01 to 184.03 of the Revised Code.

The foregoing appropriation item 195-677, Economic Development Contingency, may be expended only after the Department of Development submits and the Controlling Board approves a request that outlines the planned use of funds to be expended.

DIRECT COST RECOVERY EXPENDITURES 53785

The foregoing appropriation item 195-636, Direct Cost Recovery Expenditures, shall be used for conference and

subscription fees and other reimbursable costs. Revenues to the 53788  
General Reimbursement Fund (Fund 685) shall consist of fees and 53789  
other moneys charged for conferences, subscriptions, and other 53790  
administrative costs that are not central service costs. 53791

**Section 263.20.40. HEAP WEATHERIZATION** 53792

Fifteen per cent of the federal funds received by the state 53793  
for the Home Energy Assistance Block Grant shall be deposited in 53794  
appropriation item 195-614, HEAP Weatherization (Fund 3K9), and 53795  
shall be used to provide home weatherization services in the 53796  
state. 53797

The Department of Development shall seek, and if approved 53798  
shall implement, a federal waiver to increase the percentage of 53799  
the Home Energy Block Grant that may be used for weatherization to 53800  
sixteen and one-half per cent in fiscal year 2008 and seventeen 53801  
and one-half per cent in fiscal year 2009. Upon approval of the 53802  
federal waiver, the Director of Development shall seek Controlling 53803  
Board approval to adjust appropriation items 195-611, Home Energy 53804  
Assistance Block Grant, and 195-614, HEAP Weatherization, as 53805  
needed to implement the federal waiver. 53806

**STATE SPECIAL PROJECTS** 53807

The foregoing fund, Fund 4F2, State Special Projects Fund, 53808  
shall be used for the deposit of private-sector funds from utility 53809  
companies and for the deposit of other miscellaneous state funds. 53810  
Private-sector moneys shall be used to (1) pay the expenses of 53811  
verifying the income-eligibility of HEAP applicants, (2) market 53812  
economic development opportunities in the state, and (3) leverage 53813  
additional federal funds. State funds shall be used to match 53814  
federal housing grants for the homeless and to market economic 53815  
development opportunities in the state. 53816

**Section 263.20.50. TAX INCENTIVE PROGRAMS OPERATING** 53817

On July 1, 2007, or as soon thereafter as possible, the 53818  
Director of Budget and Management shall transfer the cash balance 53819  
in the Job Creation Tax Credit Operating Fund (Fund 4S1) to the 53820  
Tax Incentive Programs Operating Fund (Fund 4S0). The Director 53821  
shall cancel any existing encumbrances against appropriation item 53822  
195-634, Job Creation Tax Credit Operating (Fund 4S1), and 53823  
re-establish them against appropriation item 195-630, Tax 53824  
Incentive Programs Operating (Fund 4S0). The amounts of the 53825  
re-established encumbrances are hereby appropriated. 53826

**Section 263.20.60. MINORITY BUSINESS ENTERPRISE LOAN** 53827

All repayments from the Minority Development Financing 53828  
Advisory Board Loan Program and the Ohio Mini-Loan Guarantee 53829  
Program shall be deposited in the State Treasury to the credit of 53830  
the Minority Business Enterprise Loan Fund (Fund 4W1). 53831

All operating costs of administering the Minority Business 53832  
Enterprise Loan Fund shall be paid from the Minority Business 53833  
Enterprise Loan Fund (Fund 4WI). 53834

**MINORITY BUSINESS BONDING FUND** 53835

Notwithstanding Chapters 122., 169., and 175. of the Revised 53836  
Code and other provisions of Am. Sub. H.B. 283 of the 123rd 53837  
General Assembly, the Director of Development may, upon the 53838  
recommendation of the Minority Development Financing Advisory 53839  
Board, pledge up to \$10,000,000 in the FY 2008-2009 biennium of 53840  
unclaimed funds administered by the Director of Commerce and 53841  
allocated to the Minority Business Bonding Program under section 53842  
169.05 of the Revised Code. The transfer of any cash by the 53843  
Director of Budget and Management from the Department of 53844  
Commerce's Unclaimed Funds Fund (Fund 543) to the Department of 53845  
Development's Minority Business Bonding Fund (Fund 449) shall 53846  
occur, if requested by the Director of Development, only if such 53847  
funds are needed for payment of losses arising from the Minority 53848

Business Bonding Program, and only after proceeds of the initial 53849  
transfer of \$2,700,000 by the Controlling Board to the Minority 53850  
Business Bonding Program has been used for that purpose. Moneys 53851  
transferred by the Director of Budget and Management from the 53852  
Department of Commerce for this purpose may be moneys in custodial 53853  
funds held by the Treasurer of State. If expenditures are required 53854  
for payment of losses arising from the Minority Business Bonding 53855  
Program, such expenditures shall be made from appropriation item 53856  
195-623, Minority Business Bonding Contingency in the Minority 53857  
Business Bonding Fund, and such amounts are appropriated. 53858

**Section 263.20.70. ECONOMIC DEVELOPMENT FINANCING OPERATING** 53859

The foregoing appropriation item 195-625, Economic 53860  
Development Financing Operating, shall be used for the operating 53861  
expenses of financial assistance programs authorized under Chapter 53862  
166. of the Revised Code and under sections 122.43 and 122.45 of 53863  
the Revised Code. 53864

**ALTERNATIVE FUEL TRANSPORTATION** 53865

The foregoing appropriation item 195-679, Alternative Fuel 53866  
Transportation, shall be used by the Director of Development to 53867  
make grants under the Alternative Fuel Transportation Grant Fund 53868  
Program in accordance with section 122.075 of the Revised Code, 53869  
and for administrative costs associated with the program. 53870

Of the foregoing appropriation item 195-679, Alternative Fuel 53871  
Transportation, up to \$1,000,000 in each fiscal year shall be used 53872  
to encourage retail gas stations to provide E85 and B20 (or 53873  
higher) fuel to customers in accordance with section 122.075 of 53874  
the Revised Code. 53875

**LOW INCOME ENERGY ASSISTANCE** 53876

The foregoing appropriation item 195-659, Low Income Energy 53877  
Assistance, shall be used to provide payments to regulated 53878

electric utility companies for low-income customers enrolled in 53879  
Percentage of Income Payment Plan (PIPP) electric accounts, to 53880  
fund targeted energy efficiency and customer education services to 53881  
PIPP customers, and to cover the department's administrative costs 53882  
related to Universal Service Fund Programs. If it is determined 53883  
that additional appropriations are necessary to provide payments 53884  
to regulated utility companies for low income customers enrolled 53885  
in PIPP electric accounts, such appropriations are subject to 53886  
approval by the Controlling Board upon the submission of a request 53887  
by the Department of Development. 53888

ADVANCED ENERGY FUND 53889

The foregoing appropriation item 195-660, Advanced Energy 53890  
Programs, shall be used to provide financial assistance to 53891  
customers for eligible advanced energy projects for residential, 53892  
commercial and industrial business, local government, educational 53893  
institution, nonprofit, and agriculture customers, and to pay for 53894  
the program's administrative costs as provided in the Revised Code 53895  
and rules adopted by the Director of Development. 53896

Of the foregoing appropriation item 195-660, Advanced Energy 53897  
Programs, up to \$1,000,000 over the biennium shall be used for 53898  
methane digester projects. 53899

Of the foregoing appropriation item 195-660, Advanced Energy 53900  
Programs, up to \$250,000 in each fiscal year shall be used for 53901  
grants to school districts under section 3327.17 of the Revised 53902  
Code. 53903

TRANSFER FROM THE ADVANCED ENERGY FUND TO THE INDUSTRIAL SITE 53904  
IMPROVEMENTS FUND 53905

Notwithstanding Chapters 122. and 4928. of the Revised Code 53906  
and any other law to the contrary, the Director of Budget and 53907  
Management shall transfer \$4,500,000 in cash in fiscal year 2008 53908  
and \$4,500,000 in cash in fiscal year 2009 from the Advanced 53909



Energy Fund (Fund 5M5) to the Industrial Site Improvements Fund 53910  
(Fund 5AR). 53911

Moneys in Fund 5AR, Industrial Site Improvements, shall be 53912  
used by the Director of Development to make grants to eligible 53913  
counties for the improvement of commercial or industrial areas 53914  
within those counties under section 122.951 of the Revised Code. 53915

GLOBAL ANALYST SETTLEMENT AGREEMENTS PAYMENTS 53916

All payments received by the state pursuant to a series of 53917  
settlements with ten brokerage firms reached with the United 53918  
States Securities and Exchange Commission, the National 53919  
Association of Securities Dealers, the New York Stock Exchange, 53920  
the New York Attorney General, and other state regulators 53921  
(henceforth referred to as the "Global Analysts Settlement 53922  
Agreements"), shall be deposited into the state treasury to the 53923  
credit of the Economic Development Contingency Fund (Fund 5Y6), 53924  
which is hereby created in the state treasury. The fund shall be 53925  
used by the Director of Development to support economic 53926  
development projects for which appropriations would not otherwise 53927  
be available, and shall be subject to the submission of a request 53928  
to the Controlling Board by the Director outlining the planned use 53929  
of the funds, and the subsequent approval of the request by the 53930  
Controlling Board. 53931

VOLUME CAP ADMINISTRATION 53932

The foregoing appropriation item 195-654, Volume Cap 53933  
Administration, shall be used for expenses related to the 53934  
administration of the Volume Cap Program. Revenues received by the 53935  
Volume Cap Administration Fund (Fund 617) shall consist of 53936  
application fees, forfeited deposits, and interest earned from the 53937  
custodial account held by the Treasurer of State. 53938

INNOVATION OHIO LOAN FUND 53939

The foregoing appropriation item 195-664, Innovation Ohio, 53940

shall be used to provide for innovation Ohio purposes, including 53941  
loan guarantees and loans under Chapter 166. and particularly 53942  
sections 166.12 to 166.16 of the Revised Code. 53943

RESEARCH AND DEVELOPMENT 53944

The foregoing appropriation item 195-665, Research and 53945  
Development, shall be used to provide for research and development 53946  
purposes, including loans, under Chapter 166. and particularly 53947  
sections 166.17 to 166.21 of the Revised Code. 53948

**Section 263.20.80. FACILITIES ESTABLISHMENT FUND** 53949

The foregoing appropriation item 195-615, Facilities 53950  
Establishment (Fund 037), shall be used for the purposes of the 53951  
Facilities Establishment Fund under Chapter 166. of the Revised 53952  
Code. 53953

Notwithstanding Chapter 166. of the Revised Code, an amount 53954  
not to exceed \$1,800,000 in cash each fiscal year may be 53955  
transferred from the Facilities Establishment Fund (Fund 037) to 53956  
the Economic Development Financing Operating Fund (Fund 451). The 53957  
transfer is subject to Controlling Board approval under division 53958  
(B) of section 166.03 of the Revised Code. 53959

Notwithstanding Chapter 166. of the Revised Code, an amount 53960  
not to exceed \$5,475,000 in cash each fiscal year may be 53961  
transferred during the biennium from the Facilities Establishment 53962  
Fund (Fund 037) to the Urban Redevelopment Loans Fund (Fund 5D2) 53963  
for the purpose of removing barriers to urban core redevelopment. 53964  
The Director of Development shall develop program guidelines for 53965  
the transfer and release of funds, including, but not limited to, 53966  
the completion of all appropriate environmental assessments before 53967  
state assistance is committed to a project. The transfers shall be 53968  
subject to approval by the Controlling Board upon the submission 53969  
of a request by the Department of Development. 53970

Notwithstanding Chapter 166. of the Revised Code, an amount 53971  
not to exceed \$3,000,000 in cash each fiscal year may be 53972  
transferred from the Facilities Establishment Fund (Fund 037) to 53973  
the Rural Industrial Park Loan Fund (Fund 4Z6). The transfer is 53974  
subject to Controlling Board approval under section 166.03 of the 53975  
Revised Code. 53976

Notwithstanding Chapter 166. of the Revised Code, of the 53977  
foregoing appropriation item 195-615, Facilities Establishment, 53978  
\$1,500,000 in fiscal year 2008 shall be used for business 53979  
development by any current or future port authority located in 53980  
Clark County. 53981

ALTERNATIVE FUEL TRANSPORTATION GRANT FUND 53982

Notwithstanding Chapter 166. of the Revised Code, an amount 53983  
not to exceed \$1,000,000 in cash each fiscal year shall be 53984  
transferred from moneys in the Facilities Establishment Fund (Fund 53985  
037) to the Alternative Fuel Transportation Grant Fund (Fund 5CG) 53986  
in the Department of Development. 53987

RURAL DEVELOPMENT INITIATIVE FUND 53988

(A)(1) The Rural Development Initiative Fund (Fund 5S8) is 53989  
entitled to receive moneys from the Facilities Establishment Fund 53990  
(Fund 037). The Director of Development may make grants from the 53991  
Rural Development Initiative Fund as specified in division (A)(2) 53992  
of this section to eligible applicants in Appalachian counties and 53993  
in rural counties in the state that are designated as distressed 53994  
under section 122.25 of the Revised Code. Preference shall be 53995  
given to eligible applicants located in Appalachian counties 53996  
designated as distressed by the federal Appalachian Regional 53997  
Commission. The Rural Development Initiative Fund (Fund 5S8) shall 53998  
cease to exist after June 30, 2009. All moneys remaining in the 53999  
Fund after that date shall revert to the Facilities Establishment 54000  
Fund (Fund 037). 54001

(2) The Director of Development shall make grants from the Rural Development Initiative Fund (Fund 5S8) only to eligible applicants who also qualify for and receive funding under the Rural Industrial Park Loan Program as specified in sections 122.23 to 122.27 of the Revised Code. Eligible applicants shall use the grants for the purposes specified in section 122.24 of the Revised Code. All projects supported by grants from the fund are subject to Chapter 4115. of the Revised Code as specified in division (E) of section 166.02 of the Revised Code. The Director shall develop program guidelines for the transfer and release of funds. The release of grant moneys to an eligible applicant is subject to Controlling Board approval.

(B) Notwithstanding Chapter 166. of the Revised Code, the Director of Budget and Management may transfer an amount not to exceed \$3,000,000 in cash each fiscal year on an as-needed basis at the request of the Director of Development from the Facilities Establishment Fund (Fund 037) to the Rural Development Initiative Fund (Fund 5S8). The transfer is subject to Controlling Board approval under section 166.03 of the Revised Code.

CAPITAL ACCESS LOAN PROGRAM

The foregoing appropriation item 195-628, Capital Access Loan Program, shall be used for operating, program, and administrative expenses of the program. Funds of the Capital Access Loan Program shall be used to assist participating financial institutions in making program loans to eligible businesses that face barriers in accessing working capital and obtaining fixed-asset financing.

Notwithstanding Chapter 166. of the Revised Code, the Director of Budget and Management may transfer an amount not to exceed \$3,000,000 in cash each fiscal year on an as-needed basis at the request of the Director of Development from the Facilities Establishment Fund (Fund 037) to the Capital Access Loan Program Fund (Fund 5S9). The transfer is subject to Controlling Board

approval under section 166.03 of the Revised Code. 54034

**Section 263.20.90.** CLEAN OHIO OPERATING EXPENSES 54035

The foregoing appropriation item 195-663, Clean Ohio 54036  
Operating, shall be used by the Department of Development in 54037  
administering sections 122.65 to 122.658 of the Revised Code. 54038

THIRD FRONTIER OPERATING 54039

The foregoing appropriation item 195-686, Third Frontier 54040  
Operating, shall be used for operating expenses incurred by the 54041  
Department of Development in administering sections 184.10 to 54042  
184.20 of the Revised Code. 54043

THIRD FRONTIER RESEARCH & DEVELOPMENT PROJECTS 54044

The foregoing appropriation item 195-687, Third Frontier 54045  
Research & Development Projects, shall be used by the Department 54046  
of Development to fund selected projects pursuant to sections 54047  
184.10 to 184.20 of the Revised Code. 54048

Notwithstanding sections 184.10 to 184.20 of the Revised 54049  
Code, of the foregoing appropriation item 195-687, Third Frontier 54050  
Research & Development Projects, up to \$20,000,000 in fiscal year 54051  
2008 shall be used by the Office of Information Technology, in 54052  
partnership with the Ohio Supercomputer Center's OSCnet, to 54053  
acquire the equipment and services necessary to migrate state 54054  
agencies' network to the existing OSCnet network backbone. This 54055  
state network shall be known as the NextGen Network. 54056

Notwithstanding sections 184.10 to 184.20 of the Revised 54057  
Code, at the direction of the Director of Budget and Management up 54058  
to \$18,000,000 in each fiscal year from appropriation item 54059  
195-687, Third Frontier Research & Development Projects, and 54060  
appropriation item 195-692, Research & Development Taxable Bond 54061  
Projects, shall be used to fund the Research Incentive Program in 54062  
the Board of Regents. 54063

On or before June 30, 2008, any unencumbered balance of the 54064  
foregoing appropriation item 195-687, Third Frontier Research & 54065  
Development Projects, for fiscal year 2008 is hereby appropriated 54066  
for the same purpose for fiscal year 2009. 54067

AUTHORITY TO ISSUE AND SELL ORIGINAL OBLIGATIONS 54068

The Ohio Public Facilities Commission, upon request of the 54069  
Department of Development, is hereby authorized to issue and sell, 54070  
in accordance with Section 2p of Article VIII, Ohio Constitution, 54071  
and particularly sections 151.01 and 151.10 of the Revised Code, 54072  
original obligations of the State of Ohio in an aggregate amount 54073  
not to exceed \$150,000,000. The authorized obligations shall be 54074  
issued and sold from time to time and in amounts necessary to 54075  
ensure sufficient moneys to the credit of the Third Frontier 54076  
Research & Development Fund (Fund 011) to pay costs of research 54077  
and development projects. 54078

JOB READY SITE OPERATING 54079

The foregoing appropriation item 195-688, Job Ready Site 54080  
Operating, shall be used for operating expenses incurred by the 54081  
Department of Development in administering sections 122.085 to 54082  
122.0820 of the Revised Code. Operating expenses include, but are 54083  
not limited to, certain expenses of the District Public Works 54084  
Integrating Committees, audit and accountability activities, and 54085  
costs associated with formal certifications verifying that site 54086  
infrastructure is in place and is functional. 54087

**Section 263.30.10. UNCLAIMED FUNDS TRANSFER** 54088

(A) Notwithstanding division (A) of section 169.05 of the 54089  
Revised Code, upon the request of the Director of Budget and 54090  
Management, the Director of Commerce, prior to June 30, 2008, 54091  
shall transfer to the Job Development Initiatives Fund (Fund 5AD) 54092  
an amount not to exceed \$5,000,000 in cash of the unclaimed funds 54093

that have been reported by the holders of unclaimed funds under 54094  
section 169.05 of the Revised Code, regardless of the allocation 54095  
of the unclaimed funds described under that section. 54096

Notwithstanding division (A) of section 169.05 of the Revised 54097  
Code, upon the request of the Director of Budget and Management, 54098  
the Director of Commerce, prior to June 30, 2009, shall transfer 54099  
to the Job Development Initiatives Fund (Fund 5AD) an amount not 54100  
to exceed \$24,400,000 in cash of the unclaimed funds that have 54101  
been reported by the holders of unclaimed funds under section 54102  
169.05 of the Revised Code, regardless of the allocation of the 54103  
unclaimed funds described under that section. 54104

(B) Notwithstanding division (A) of section 169.05 of the 54105  
Revised Code, upon the request of the Director of Budget and 54106  
Management, the Director of Commerce, prior to June 30, 2008, 54107  
shall transfer to the State Special Projects Fund (Fund 4F2) an 54108  
amount not to exceed \$2,500,000 of the unclaimed funds that have 54109  
been reported by the holders of unclaimed funds under section 54110  
169.05 of the Revised Code, regardless of the allocation of the 54111  
unclaimed funds described under that section. 54112

Notwithstanding division (A) of section 169.05 of the Revised 54113  
Code, upon the request of the Director of Budget and Management, 54114  
the Director of Commerce, prior to June 30, 2009, shall transfer 54115  
to the State Special Projects Fund (Fund 4F2) an amount not to 54116  
exceed \$2,500,000 in cash of the unclaimed funds that have been 54117  
reported by the holders of unclaimed funds under section 169.05 of 54118  
the Revised Code, regardless of the allocation of the unclaimed 54119  
funds described under that section. 54120

**Section 263.30.20. WORKFORCE DEVELOPMENT** 54121

The Director of Development and the Director of Job and 54122  
Family Services may enter into one or more interagency agreements 54123  
between the two departments, hire staff, transfer staff, assign 54124

duties to staff, enter into contracts, transfer assets, and take 54125  
other actions the directors consider necessary to provide services 54126  
and assistance as necessary to integrate workforce development 54127  
into a larger economic development strategy, to implement the 54128  
recommendations of the Workforce Policy Board, and to perform 54129  
activities related to the transition of the administration of 54130  
employment programs identified by the board. Subject to the 54131  
approval of the Director of Budget and Management, the Department 54132  
of Development and the Department of Job and Family Services may 54133  
expend funds to support the recommendations of the Workforce 54134  
Policy Board in the area of integration of employment functions as 54135  
described in this paragraph and to provide implementation and 54136  
transition activities from the appropriations to those 54137  
departments. 54138

**Section 263.30.30.** COMMISSION ON THE FUTURE OF HEALTH CARE 54139  
EDUCATION AND PHYSICIAN RETENTION IN NW OH 54140

(A) Whereas, There is a physician shortage, particularly in 54141  
certain specialties, that is predicted to worsen within the next 54142  
decade; and 54143

Whereas, This shortage may worsen as a result of, among other 54144  
factors, fewer than ten per cent of new graduates from the 54145  
University of Toledo who choose to continue their training in 54146  
northwest Ohio; and 54147

Whereas, Many of the problems confronting physician training 54148  
at the graduate medical education level are already manifest in 54149  
northwest Ohio; and 54150

Whereas, It is prudent to examine the physician shortage 54151  
using northwest Ohio as a microcosm for the entire state of Ohio; 54152  
now therefore be it 54153

Resolved by the Ohio General Assembly that there is hereby 54154



created the Commission on the Future of Health Care Education and Physician Retention in NW OH. 54155  
54156

(B) The Commission shall be composed of the following members: 54157  
54158

(1) Six representatives of health care providers in northwest Ohio, none of whom shall be from the same organization; 54159  
54160

(2) Six representatives of the health care profession in northwest Ohio, composed of the following individuals: 54161  
54162

(a) One from the College of Medicine at the University of Toledo; 54163  
54164

(b) One from the northwest Ohio chapter of the Ohio Nurses Association; 54165  
54166

(c) One from the Academy of Medicine of Toledo and Lucas County; 54167  
54168

(d) One from the Northwest Ohio Pediatric Society; 54169

(e) One geriatric medicine physician affiliated with Ohio University College of Osteopathic Medicine; and 54170  
54171

(f) One osteopathic physician affiliated with Ohio University College of Osteopathic Medicine. 54172  
54173

(3) Three representatives from northwest Ohio business and labor organizations, composed of the following individuals: 54174  
54175

(a) One from the Toledo Area Regional Chamber of Commerce; 54176

(b) One from the labor community of northwest Ohio; and 54177

(c) One from the health insurance industry. 54178

(4) Three representatives of health care consumers in northwest Ohio, none of whom shall be currently employed or affiliated with a health system or health insurer. 54179  
54180  
54181

(5) Nine representatives of state and local government, 54182

composed of the following individuals: 54183

(a) Two members of the Ohio House of Representatives, one 54184  
from the minority party and one from the majority party; 54185

(b) Two members of the Ohio Senate, one from the minority 54186  
party and one from the majority party; 54187

(c) One township trustee of northwest Ohio; 54188

(d) Two representatives of northwest Ohio municipal 54189  
corporations, only one of whom shall be from the City of Toledo; 54190

(e) Two representatives of county commissioners, only one of 54191  
whom shall be from Lucas County. 54192

(C) Members of the committee shall be appointed as follows: 54193

(1) For those members described in divisions (B)(1) and (2) 54194  
of this section, two each by the Governor, the Speaker of the 54195  
House of Representatives, and the President of the Senate; 54196

(2) For those members described in divisions (B)(3) and (4) 54197  
of this section, one each by the Governor, the Speaker of the 54198  
House of Representatives, and the President of the Senate; 54199

(3) For those members described in division (B)(5), three 54200  
each by the Governor, the Speaker of the House of Representatives, 54201  
and the President of the Senate. 54202

(D) Members of the Commission shall be appointed not later 54203  
than 30 days after the effective date of this section and shall 54204  
first meet not later than 30 days after all appointments have been 54205  
made. At its first meeting, the commission shall elect from among 54206  
its members who are members of the Senate and House of 54207  
Representatives a chairperson and vice-chairperson. 54208

Members of the commission shall serve without compensation, 54209  
but may solicit on behalf of the Commission public and private 54210  
funds to defray any costs of the Commission. The Commission shall 54211  
meet at the call of the chairperson to conduct its official 54212

business. A majority of members shall constitute a quorum and a quorum shall be necessary to conduct any activities of the Commission.

(E) The Toledo Community Foundation or a similar organization shall provide meeting space and administrative support for the Commission. The Ohio Board of Regents shall serve as a resource to the Commission.

(F) The Commission shall prepare a report that examines and makes recommendations regarding the graduate medical education system in northwest Ohio, including:

(1) Ways to increase the number and retention of medical graduates in northwest Ohio;

(2) The status of the health care workforce in northwest Ohio;

(3) The role of the University of Toledo in the health care education of the surrounding region;

(4) Potential changes in federal and state statutes and rules regarding Medicaid support of graduate medical education; and

(5) Policy initiatives that the Governor and General Assembly may consider to strengthen graduate medical education opportunities and physician retention in northwest Ohio.

(G) The Commission shall, not later than nine months after the effective date of this section, submit to the Governor and General Assembly the report and recommendations prepared under division (F) of this section. On submission of the report, the Commission shall cease to exist.

**Section 265.10.** OBD OHIO BOARD OF DIETETICS

General Services Fund Group  
4K9 860-609 Operating Expenses           \$           342,501   \$           348,964

TOTAL GSF General Services Fund				54242
Group	\$	342,501	\$ 348,964	54243
TOTAL ALL BUDGET FUND GROUPS	\$	342,501	\$ 348,964	54244

**Section 267.10.** CDR COMMISSION ON DISPUTE RESOLUTION AND CONFLICT MANAGEMENT 54246  
54247

General Revenue Fund				54248
GRF 145-401 Commission Operations	\$	455,123	\$ 460,000	54249
TOTAL GRF General Revenue Fund	\$	455,123	\$ 460,000	54250
General Services Fund Group				54251
4B6 145-601 Dispute Resolution Programs	\$	140,000	\$ 140,000	54252
TOTAL GSF General Services Fund Group	\$	140,000	\$ 140,000	54253
TOTAL ALL BUDGET FUND GROUPS	\$	595,123	\$ 600,000	54254

**Section 269.10.** EDU DEPARTMENT OF EDUCATION 54256

General Revenue Fund				54257
GRF 200-100 Personal Services	\$	11,533,494	\$ 12,110,169	54258
GRF 200-320 Maintenance and Equipment	\$	4,549,479	\$ 4,778,203	54259
GRF 200-408 Early Childhood Education	\$	34,002,195	\$ 36,502,195	54260
GRF 200-410 Educator Training	\$	19,628,817	\$ 20,628,817	54261
GRF 200-416 Career-Technical Education Match	\$	2,233,195	\$ 2,233,195	54262
GRF 200-420 Computer/Application/Network Development	\$	5,536,362	\$ 5,793,700	54263
GRF 200-421 Alternative Education Programs	\$	15,232,665	\$ 13,232,665	54264
GRF 200-422 School Management Assistance	\$	2,960,572	\$ 2,960,572	54265

GRF 200-424	Policy Analysis	\$	556,687	\$	556,687	54266
GRF 200-425	Tech Prep Consortia Support	\$	2,069,217	\$	2,069,217	54267
GRF 200-426	Ohio Educational Computer Network	\$	30,446,197	\$	30,446,197	54268
GRF 200-427	Academic Standards	\$	10,514,730	\$	10,514,730	54269
GRF 200-431	School Improvement Initiatives	\$	11,600,235	\$	12,350,235	54270
GRF 200-433	Literacy Improvement-Professional Development	\$	15,815,000	\$	15,815,000	54271
GRF 200-437	Student Assessment	\$	77,150,819	\$	76,387,144	54272
GRF 200-439	Accountability/Report Cards	\$	8,096,040	\$	14,223,540	54273
GRF 200-442	Child Care Licensing	\$	1,302,495	\$	1,302,495	54274
GRF 200-446	Education Management Information System	\$	16,110,510	\$	16,586,082	54275
GRF 200-447	GED Testing	\$	1,544,360	\$	1,544,360	54276
GRF 200-448	Educator Preparation	\$	1,301,000	\$	1,301,000	54277
GRF 200-455	Community Schools	\$	1,533,661	\$	1,533,661	54278
GRF 200-502	Pupil Transportation	\$	424,783,117	\$	429,030,948	54279
GRF 200-503	Bus Purchase Allowance	\$	14,000,000	\$	14,000,000	54280
GRF 200-505	School Lunch Match	\$	8,998,025	\$	8,998,025	54281
GRF 200-509	Adult Literacy Education	\$	8,669,738	\$	8,669,738	54282
GRF 200-511	Auxiliary Services	\$	131,740,457	\$	135,692,670	54283
GRF 200-514	Postsecondary Adult Career-Technical Education	\$	19,481,875	\$	19,481,875	54284
GRF 200-521	Gifted Pupil Program	\$	47,608,030	\$	48,008,613	54285
GRF 200-532	Nonpublic Administrative Cost Reimbursement	\$	59,810,517	\$	61,604,832	54286

GRF 200-536	Ohio Core Support	\$	7,700,000	\$	15,125,000	54287
GRF 200-540	Special Education Enhancements	\$	138,619,945	\$	139,756,839	54288
GRF 200-545	Career-Technical Education Enhancements	\$	9,298,651	\$	9,373,926	54289
GRF 200-550	Foundation Funding	\$	5,761,699,328	\$	6,034,943,246	54290
GRF 200-566	Literacy Improvement-Classroom Grants	\$	12,062,336	\$	12,062,336	54291
GRF 200-578	Violence Prevention and School Safety	\$	1,218,555	\$	1,218,555	54292
GRF 200-901	Property Tax Allocation - Education	\$	794,583,404	\$	850,868,654	54293
GRF 200-906	Tangible Tax Exemption - Education	\$	21,415,244	\$	10,707,622	54294
TOTAL GRF	General Revenue Fund	\$	7,735,406,952	\$	8,082,412,743	54295
	General Services Fund Group					54296
138 200-606	Computer Services-Operational Support	\$	7,600,091	\$	7,600,091	54297
4D1 200-602	Ohio Prevention/Education Resource Center	\$	832,000	\$	832,000	54298
4L2 200-681	Teacher Certification and Licensure	\$	5,966,032	\$	6,323,994	54299
452 200-638	Miscellaneous Educational Services	\$	273,166	\$	279,992	54300
5H3 200-687	School District Solvency Assistance	\$	18,000,000	\$	18,000,000	54301
596 200-656	Ohio Career Information System	\$	529,761	\$	529,761	54302
TOTAL GSF	General Services Fund Group	\$	33,201,050	\$	33,565,838	54303 54304

		Federal Special Revenue Fund Group				54305	
3AF	200-603	Schools Medicaid	\$	486,000	\$	639,000	54306
		Administrative Claims					
3BK	200-628	Longitudinal Data	\$	1,795,570	\$	307,050	54307
		Systems					
3BV	200-636	Character Education	\$	700,000	\$	700,000	54308
3CF	200-644	Foreign Language	\$	85,000	\$	285,000	54309
		Assistance					
3CG	200-646	Teacher Incentive Fund	\$	6,552,263	\$	3,994,338	54310
3C5	200-661	Early Childhood	\$	18,989,779	\$	18,989,779	54311
		Education					
3D1	200-664	Drug Free Schools	\$	13,347,966	\$	13,347,966	54312
3D2	200-667	Honors Scholarship	\$	6,573,968	\$	6,665,000	54313
		Program					
3H9	200-605	Head Start	\$	275,000	\$	275,000	54314
		Collaboration Project					
3L6	200-617	Federal School Lunch	\$	244,714,211	\$	249,903,970	54315
3L7	200-618	Federal School	\$	63,927,606	\$	69,041,814	54316
		Breakfast					
3L8	200-619	Child/Adult Food	\$	69,280,946	\$	70,691,653	54317
		Programs					
3L9	200-621	Career-Technical	\$	48,029,701	\$	48,029,701	54318
		Education Basic Grant					
3M0	200-623	ESEA Title 1A	\$	415,000,000	\$	420,000,000	54319
3M1	200-678	Innovative Education	\$	5,369,100	\$	5,363,706	54320
3M2	200-680	Individuals with	\$	500,000,000	\$	405,000,000	54321
		Disabilities Education					
		Act					
3S2	200-641	Education Technology	\$	10,000,000	\$	5,000,000	54322
3T4	200-613	Public Charter Schools	\$	13,850,827	\$	14,212,922	54323
3Y2	200-688	21st Century Community	\$	30,681,554	\$	30,681,554	54324
		Learning Centers					
3Y4	200-632	Reading First	\$	35,215,798	\$	31,215,798	54325

3Y6	200-635	Improving Teacher Quality	\$	102,692,685	\$	102,698,246	54326
3Y7	200-689	English Language Acquisition	\$	8,000,000	\$	8,000,000	54327
3Y8	200-639	Rural and Low Income Technical Assistance	\$	1,500,000	\$	1,500,000	54328
3Z2	200-690	State Assessments	\$	12,883,799	\$	12,883,799	54329
3Z3	200-645	Consolidated Federal Grant Administration	\$	8,500,000	\$	8,500,000	54330
309	200-601	Educationally Disadvantaged Programs	\$	12,750,000	\$	8,750,000	54331
366	200-604	Adult Basic Education	\$	19,425,000	\$	20,396,250	54332
367	200-607	School Food Services	\$	5,849,748	\$	6,088,737	54333
368	200-614	Veterans' Training	\$	710,373	\$	745,892	54334
369	200-616	Career-Technical Education Federal Enhancement	\$	5,000,000	\$	5,000,000	54335
370	200-624	Education of Exceptional Children	\$	1,811,520	\$	575,454	54336
374	200-647	Troops to Teachers	\$	100,000	\$	100,000	54337
378	200-660	Learn and Serve	\$	1,561,954	\$	1,561,954	54338
TOTAL FED Federal Special							54339
Revenue Fund Group			\$	1,665,660,368	\$	1,571,144,583	54340
State Special Revenue Fund Group							54341
4R7	200-695	Indirect Operational Support	\$	5,449,748	\$	5,810,464	54342
4V7	200-633	Interagency Operational Support	\$	392,100	\$	376,423	54343
454	200-610	Guidance and Testing	\$	400,000	\$	400,000	54344
455	200-608	Commodity Foods	\$	24,000,000	\$	24,000,000	54345
5BB	200-696	State Action for Education Leadership	\$	1,250,000	\$	1,250,000	54346
5BJ	200-626	Half-Mill Maintenance	\$	10,700,000	\$	10,700,000	54347



		Equalization				
5U2	200-685	National Education	\$	300,000	\$	300,000 54348
		Statistics				
5W2	200-663	Early Learning	\$	2,200,000	\$	2,200,000 54349
		Initiative				
598	200-659	Auxiliary Services	\$	1,328,910	\$	1,328,910 54350
		Reimbursement				
620	200-615	Educational	\$	3,000,000	\$	3,000,000 54351
		Improvement Grants				
TOTAL SSR		State Special Revenue				54352
Fund Group			\$	49,020,758	\$	49,365,797 54353
		Lottery Profits Education Fund Group				54354
017	200-612	Foundation Funding	\$	635,198,000	\$	667,900,000 54355
017	200-682	Lease Rental Payment	\$	22,702,000	\$	0 54356
		Reimbursement				
TOTAL LPE		Lottery Profits				54357
Education Fund Group			\$	657,900,000	\$	667,900,000 54358
		Revenue Distribution Fund Group				54359
047	200-909	School District	\$	611,596,856	\$	763,316,819 54360
		Property Tax				
		Replacement-Business				
053	200-900	School District	\$	91,123,523	\$	91,123,523 54361
		Property Tax				
		Replacement-Utility				
TOTAL RDF		Revenue Distribution				54362
Fund Group			\$	702,720,379	\$	854,440,342 54363
TOTAL ALL BUDGET FUND GROUPS			\$	10,843,909,507	\$	11,258,829,303 54364

**Section 269.10.10. PERSONAL SERVICES** 54366

The foregoing appropriation item 200-100, Personal Services, 54367  
 may be used to pay fees for the Department's membership in the 54368  
 Education Commission of the States, an interstate nonprofit, 54369

nonpartisan organization that supports states with the development 54370  
of education policy. 54371

Of the foregoing appropriation item 200-100, Personal 54372  
Services, up to \$25,000 may be expended in each fiscal year for 54373  
the State Board of Education to pay for outside professionals to 54374  
help inform the Board on topics of education policy. 54375

**Section 269.10.20. EARLY CHILDHOOD EDUCATION** 54376

The Department of Education shall distribute the foregoing 54377  
appropriation item 200-408, Early Childhood Education, to pay the 54378  
costs of early childhood education programs. 54379

(A) As used in this section: 54380

(1) "Provider" means a city, local, exempted village, or 54381  
joint vocational school district, or an educational service 54382  
center. 54383

(2) In the case of a city, local, or exempted village school 54384  
district, "new eligible provider" means a district that is 54385  
eligible for poverty-based assistance under section 3317.029 of 54386  
the Revised Code. 54387

(3) "Eligible child" means a child who is at least three 54388  
years of age, is not of the age to be eligible for kindergarten, 54389  
and whose family earns not more than two hundred per cent of the 54390  
federal poverty guidelines. 54391

(B) In each fiscal year, up to two per cent of the total 54392  
appropriation may be used by the Department for program support 54393  
and technical assistance. The Department shall distribute the 54394  
remainder of the appropriation in each fiscal year to serve 54395  
eligible children. 54396

(C) The Department shall provide an annual report to the 54397  
Governor, the Speaker of the House of Representatives, and the 54398  
President of the Senate and post the report to the Department's 54399

web site, regarding early childhood education programs operated 54400  
under this section and the early learning program guidelines for 54401  
school readiness. 54402

(D) After setting aside the amounts to make payments due from 54403  
the previous fiscal year, in fiscal year 2008, the Department 54404  
shall distribute funds first to recipients of funds for early 54405  
childhood education programs under Section 206.09.06 of Am. Sub. 54406  
H.B. 66 of the 126th General Assembly in the previous fiscal year 54407  
and the balance to new eligible providers of early childhood 54408  
education programs under this section. However, the total amount 54409  
of funds distributed in fiscal year 2008 to all providers that 54410  
received funds for early childhood education programs in fiscal 54411  
year 2007 shall not exceed \$18,622,151, unless the number of new 54412  
eligible providers that notifies the Department of their interest 54413  
in establishing early childhood education programs is insufficient 54414  
to expend all available funding. In that case, the Department may 54415  
direct available funding to providers that received funds for 54416  
early childhood education programs in fiscal year 2007 for 54417  
purposes of program expansion, improvement, or special projects to 54418  
promote quality and innovation. 54419

After setting aside the amounts to make payments due from the 54420  
previous fiscal year, in fiscal year 2009, the Department shall 54421  
distribute funds first to providers of early childhood education 54422  
programs under this section in the previous fiscal year and the 54423  
balance to new eligible providers. However, the total amount of 54424  
funds distributed in fiscal year 2009 to all providers that 54425  
received funds for early childhood education programs in fiscal 54426  
year 2007 shall not exceed \$18,622,151, unless the number of 54427  
providers that received funding in fiscal year 2008 and new 54428  
eligible providers that notify the Department of their interest in 54429  
establishing early childhood education programs is insufficient to 54430  
expend all available funding. In that case, the Department may 54431

direct available funding to providers that received funds for 54432  
early childhood education programs in fiscal year 2007 or 2008 for 54433  
purposes of program expansion, improvement, or special projects to 54434  
promote quality and innovation. 54435

In each of fiscal years 2008 and 2009, if funding is 54436  
insufficient to serve all new eligible providers that notify the 54437  
Department of their interest in establishing early childhood 54438  
education programs, the Department shall determine which of those 54439  
providers will receive funds using a selection process that first 54440  
gives preference to providers that, as of March 15, 2007, did not 54441  
offer early childhood education programs, but that had offered 54442  
early childhood education programs or public preschool programs 54443  
for some time after June 30, 2000, and second to providers that 54444  
demonstrate a need for early childhood education programs, as 54445  
determined by the Department. Demonstration of need shall include 54446  
having higher rates of eligible children to be served. 54447

Awards under this section shall be distributed on a per-pupil 54448  
basis, and in accordance with division (H) of this section. The 54449  
Department may adjust the per-pupil amount so that the per-pupil 54450  
amount multiplied by the number of eligible children enrolled and 54451  
receiving services, as defined by the Department, reported on the 54452  
first day of December or the first business day following that 54453  
date equals the amount allocated under this section. 54454

(E) Costs for developing and administering an early childhood 54455  
education program may not exceed fifteen per cent of the total 54456  
approved costs of the program. 54457

All providers shall maintain such fiscal control and 54458  
accounting procedures as may be necessary to ensure the 54459  
disbursement of, and accounting for, these funds. The control of 54460  
funds provided in this program, and title to property obtained 54461  
therefrom, shall be under the authority of the approved provider 54462  
for purposes provided in the program unless, as described in 54463

division (J) of this section, the program waives its right for 54464  
funding or a program's funding is eliminated or reduced due to its 54465  
inability to meet financial or early learning program guidelines 54466  
for school readiness. The approved provider shall administer and 54467  
use such property and funds for the purposes specified. 54468

(F) The Department may examine a provider's financial and 54469  
program records. If the financial practices of the program are not 54470  
in accordance with standard accounting principles or do not meet 54471  
financial standards outlined under division (E) of this section, 54472  
or if the program fails to substantially meet the early learning 54473  
program guidelines for school readiness or exhibits below average 54474  
performance as measured against the guidelines, the early 54475  
childhood education program shall propose and implement a 54476  
corrective action plan that has been approved by the Department. 54477  
The approved corrective action plan shall be signed by the chief 54478  
executive officer and the executive of the official governing body 54479  
of the provider. The corrective action plan shall include a 54480  
schedule for monitoring by the Department. Such monitoring may 54481  
include monthly reports, inspections, a timeline for correction of 54482  
deficiencies, and technical assistance to be provided by the 54483  
Department or obtained by the early childhood education program. 54484  
The Department may withhold funding pending corrective action. If 54485  
an early childhood education program fails to satisfactorily 54486  
complete a corrective action plan, the Department may deny 54487  
expansion funding to the program or withdraw all or part of the 54488  
funding to the program and establish a new eligible provider 54489  
through a selection process established by the Department. 54490

(G) Each early childhood education program shall do all of 54491  
the following: 54492

(1) Meet teacher qualification requirements prescribed by 54493  
section 3301.311 of the Revised Code; 54494

(2) Align curriculum to the early learning content standards; 54495

(3) Meet any assessment requirements prescribed by section 3301.0715 of the Revised Code that are applicable to the program;	54496 54497
(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 every two years of professional development as prescribed by the Department regarding the implementation of early learning program guidelines for school readiness;	54498 54499 54500 54501 54502 54503
(5) Document and report child progress;	54504
(6) Meet and report compliance with the early learning program guidelines for school readiness;	54505 54506
(7) Participate in early language and literacy classroom observation evaluation studies.	54507 54508
(H) This division applies only to early childhood education programs established on or after March 15, 2007.	54509 54510
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.	54511 54512 54513 54514 54515 54516 54517 54518 54519
(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.	54520 54521 54522 54523
(J) If an early childhood education program voluntarily waives its right for funding, or has its funding eliminated for	54524 54525

not meeting financial standards or the early learning program 54526  
guidelines for school readiness, the provider shall transfer 54527  
control of title to property, equipment, and remaining supplies 54528  
obtained through the program to providers designated by the 54529  
Department and return any unexpended funds to the Department along 54530  
with any reports prescribed by the Department. The funding made 54531  
available from a program that waives its right for funding or has 54532  
its funding eliminated or reduced may be used by the Department 54533  
for new grant awards or expansion grants. The Department may award 54534  
new grants or expansion grants to eligible providers who apply. 54535  
The eligible providers who apply must do so in accordance with the 54536  
selection process established by the Department. 54537

(K) As used in this section, "early learning program 54538  
guidelines for school readiness" means the guidelines established 54539  
by the Department pursuant to division (C)(3) of Section 206.09.54 54540  
of Am. Sub. H.B. 66 of the 126th General Assembly. 54541

**Section 269.10.30. EDUCATOR TRAINING** 54542

The foregoing appropriation item 200-410, Educator Training, 54543  
shall be used to fund professional development programs in Ohio. 54544  
The Department of Education shall, when possible, incorporate 54545  
cultural competency as a component of professional development and 54546  
actively promote the development of cultural competency in the 54547  
operation of its professional development programs. As used in 54548  
this section, "cultural competency" has the meaning specified by 54549  
the Educator Standards Board under section 3319.61 of the Revised 54550  
Code. 54551

Of the foregoing appropriation item 200-410, Educator 54552  
Training, up to \$9,250,000 in fiscal year 2008 and up to 54553  
\$10,250,000 in fiscal year 2009 shall be used by the Department of 54554  
Education to provide grants to pay \$2,225 of the application fee 54555  
in order to assist teachers from public and chartered nonpublic 54556

schools applying for the first time to the National Board for Professional Teaching Standards for professional teaching certificates or licenses that the board offers. These moneys shall be used to pay up to the first 400 applications in each fiscal year received by the Department. This set aside shall also be used to recognize and reward teachers who become certified by the National Board for Professional Teaching Standards under section 3319.55 of the Revised Code. Up to \$300,000 in each fiscal year of this set aside may be used by the Department to pay for costs associated with activities to support candidates through the application and certification process. Up to \$39,500 of this set aside in each fiscal year may be used to support the application fee for candidates participating in the Take One program for beginning teachers in years two and three.

Of the foregoing appropriation item 200-410, Educator Training, up to \$9,515,817 in each fiscal year shall be allocated for entry year teacher and principal programs. These funds shall be used to support mentoring services and performance assessments of beginning teachers and principals in school districts and chartered nonpublic schools.

Of the foregoing appropriation item 200-410, Educator Training, up to \$200,000 in each fiscal year shall be used to provide technical assistance and grants for districts to develop local knowledge/skills-based compensation systems. Each district receiving grants shall issue an annual report to the Department of Education detailing the use of the funds and the impact of the system developed by the district.

Of the foregoing appropriation item 200-410, Educator Training, up to \$350,000 in each fiscal year shall be used for training and professional development of school administrators, school treasurers, and school business officials.

Of the foregoing appropriation item 200-410, Educator



Training, up to \$63,000 in each fiscal year shall be used to 54589  
support the Ohio University Leadership Program. 54590

Of the foregoing appropriation item 200-410, Educator 54591  
Training, \$250,000 in each fiscal year shall be used to support 54592  
the Ohio School Leadership Institute. 54593

**Section 269.10.40. CAREER-TECHNICAL EDUCATION MATCH** 54594

The foregoing appropriation item 200-416, Career-Technical 54595  
Education Match, shall be used by the Department of Education to 54596  
provide vocational administration matching funds under 20 U.S.C. 54597  
2311. 54598

**COMPUTER/APPLICATION/NETWORK DEVELOPMENT** 54599

The foregoing appropriation item 200-420, 54600  
Computer/Application/Network Development, shall be used to support 54601  
the development and implementation of information technology 54602  
solutions designed to improve the performance and services of the 54603  
Department of Education. Funds may be used for personnel, 54604  
maintenance, and equipment costs related to the development and 54605  
implementation of these technical system projects. Implementation 54606  
of these systems shall allow the Department to provide greater 54607  
levels of assistance to school districts and to provide more 54608  
timely information to the public, including school districts, 54609  
administrators, and legislators. Funds may also be used to support 54610  
data-driven decision-making and differentiated instruction, as 54611  
well as to communicate academic content standards and curriculum 54612  
models to schools through web-based applications. 54613

**Section 269.10.50. ALTERNATIVE EDUCATION PROGRAMS** 54614

There is hereby created the Alternative Education Advisory 54615  
Council, which shall consist of one representative from each of 54616  
the following agencies: the Ohio Department of Education; the 54617  
Department of Youth Services; the Ohio Department of Alcohol and 54618

Drug Addiction Services; the Department of Mental Health; the 54619  
Office of the Governor or, at the Governor's discretion, the 54620  
Office of the Lieutenant Governor; the Office of the Attorney 54621  
General; and the Office of the Auditor of State. 54622

Of the foregoing appropriation item 200-421, Alternative 54623  
Education Programs, up to \$6,227,310 in each fiscal year shall be 54624  
used for the renewal of successful implementation grants and for 54625  
competitive matching grants to the 21 urban school districts as 54626  
defined in division (O) of section 3317.02 of the Revised Code as 54627  
it existed prior to July 1, 1998, and up to \$6,161,074 in each 54628  
fiscal year shall be used for the renewal of successful 54629  
implementation grants and for competitive matching grants to rural 54630  
and suburban school districts for alternative educational programs 54631  
for existing and new at-risk and delinquent youth. Programs shall 54632  
be focused on youth in one or more of the following categories: 54633  
those who have been expelled or suspended, those who have dropped 54634  
out of school or who are at risk of dropping out of school, those 54635  
who are habitually truant or disruptive, or those on probation or 54636  
on parole from a Department of Youth Services facility. Grants 54637  
shall be awarded according to the criteria established by the 54638  
Alternative Education Advisory Council in 1999. Grants shall be 54639  
awarded only to programs in which the grant will not serve as the 54640  
program's primary source of funding. These grants shall be 54641  
administered by the Department of Education. 54642

The Department of Education may waive compliance with any 54643  
minimum education standard established under section 3301.07 of 54644  
the Revised Code for any alternative school that receives a grant 54645  
under this section on the grounds that the waiver will enable the 54646  
program to more effectively educate students enrolled in the 54647  
alternative school. 54648

Of the foregoing appropriation item 200-421, Alternative 54649  
Education Programs, up to \$422,281 in each fiscal year may be used 54650

for program administration, monitoring, technical assistance, 54651  
support, research, and evaluation. Any unexpended balance may be 54652  
used to provide additional matching grants to urban, suburban, or 54653  
rural school districts as outlined above. 54654

Of the foregoing appropriation item 200-421, Alternative 54655  
Education Programs, \$247,000 in each fiscal year shall be used to 54656  
contract with the Center for Learning Excellence at The Ohio State 54657  
University to provide technical support for the project and the 54658  
completion of formative and summative evaluation of the grants. 54659

Of the foregoing appropriation item 200-421, Alternative 54660  
Education Programs, \$75,000 in each fiscal year shall be used to 54661  
support the Toledo Tech Academy. 54662

Of the foregoing appropriation item 200-421, Alternative 54663  
Education Programs, \$2,000,000 in fiscal year 2008 shall be used 54664  
to support Improved Solutions for Urban Students (ISUS) in 54665  
Dayton/Sinclair Youth Initiative. 54666

Of the foregoing appropriation item 200-421, Alternative 54667  
Education Programs, \$100,000 in each fiscal year shall be provided 54668  
to the Cincinnati Arts and Technology Center to increase program 54669  
support for high-risk teens and unemployed urban adults. 54670

**Section 269.10.60. SCHOOL MANAGEMENT ASSISTANCE** 54671

Of the foregoing appropriation item 200-422, School 54672  
Management Assistance, up to \$1,300,000 in each fiscal year may be 54673  
used by the Department of Education for expenses incurred by the 54674  
Auditor of State in consultation with the Department for the 54675  
Auditor of State's role relating to fiscal caution, fiscal watch, 54676  
and fiscal emergency activities as defined in Chapter 3316. of the 54677  
Revised Code and may also be used to conduct performance audits 54678  
with priority given to districts in fiscal distress. Expenses 54679  
include duties related to the completion of performance audits for 54680

school districts that the Superintendent of Public Instruction 54681  
determines are employing fiscal practices or experiencing 54682  
budgetary conditions that could produce a state of fiscal watch or 54683  
fiscal emergency. 54684

Of the foregoing appropriation item 200-422, School 54685  
Management Assistance, up to \$250,000 in each fiscal year shall be 54686  
used by the Department of Education to work with school districts 54687  
and entities that serve school districts to develop and deploy 54688  
analytical tools that allow districts and other stakeholders to 54689  
analyze more thoroughly district spending patterns in order to 54690  
promote more effective and efficient use of resources. Quarterly 54691  
updates of the progress for implementation of these tools shall be 54692  
provided to the Governor, and the Department shall give due 54693  
diligence to implementing these tools in the shortest reasonable 54694  
timeline. 54695

The remainder of foregoing appropriation item 200-422, School 54696  
Management Assistance, shall be used by the Department of 54697  
Education to provide fiscal technical assistance and inservice 54698  
education for school district management personnel and to 54699  
administer, monitor, and implement the fiscal watch and fiscal 54700  
emergency provisions under Chapter 3316. of the Revised Code. 54701

**Section 269.10.70. POLICY ANALYSIS** 54702

The foregoing appropriation item 200-424, Policy Analysis, 54703  
shall be used by the Department of Education to support a system 54704  
of administrative, statistical, and legislative education 54705  
information to be used for policy analysis. Staff supported by 54706  
this appropriation shall administer the development of reports, 54707  
analyses, and briefings to inform education policymakers of 54708  
current trends in education practice, efficient and effective use 54709  
of resources, and evaluation of programs to improve education 54710  
results. The database shall be kept current at all times. These 54711

research efforts shall be used to supply information and analysis 54712  
of data to the General Assembly and other state policymakers, 54713  
including the Office of Budget and Management and the Legislative 54714  
Service Commission. 54715

The Department of Education may use funding from this 54716  
appropriation item to purchase or contract for the development of 54717  
software systems or contract for policy studies that will assist 54718  
in the provision and analysis of policy-related information. 54719  
Funding from this appropriation item also may be used to monitor 54720  
and enhance quality assurance for research-based policy analysis 54721  
and program evaluation to enhance the effective use of education 54722  
information to inform education policymakers. 54723

TECH PREP CONSORTIA SUPPORT 54724

The foregoing appropriation item 200-425, Tech Prep Consortia 54725  
Support, shall be used by the Department of Education to support 54726  
state-level activities designed to support, promote, and expand 54727  
tech prep programs. Use of these funds shall include, but not be 54728  
limited to, administration of grants, program evaluation, 54729  
professional development, curriculum development, assessment 54730  
development, program promotion, communications, and statewide 54731  
coordination of tech prep consortia. 54732

**Section 269.10.80.** OHIO EDUCATIONAL COMPUTER NETWORK 54733

The foregoing appropriation item 200-426, Ohio Educational 54734  
Computer Network, shall be used by the Department of Education to 54735  
maintain a system of information technology throughout Ohio and to 54736  
provide technical assistance for such a system in support of the 54737  
State Education Technology Plan under section 3301.07 of the 54738  
Revised Code. 54739

Of the foregoing appropriation item 200-426, Ohio Educational 54740  
Computer Network, up to \$18,136,691 in each fiscal year shall be 54741

used by the Department of Education to support connection of all 54742  
public school buildings and participating chartered nonpublic 54743  
schools to the state's education network, to each other, and to 54744  
the Internet. In each fiscal year the Department of Education 54745  
shall use these funds to assist information technology centers or 54746  
school districts with the operational costs associated with this 54747  
connectivity. The Department of Education shall develop a formula 54748  
and guidelines for the distribution of these funds to information 54749  
technology centers or individual school districts. As used in this 54750  
section, "public school building" means a school building of any 54751  
city, local, exempted village, or joint vocational school 54752  
district, any community school established under Chapter 3314. of 54753  
the Revised Code, any educational service center building used for 54754  
instructional purposes, the Ohio School for the Deaf and the Ohio 54755  
School for the Blind, or high schools chartered by the Ohio 54756  
Department of Youth Services and high schools operated by Ohio 54757  
Department of Rehabilitation and Corrections' Ohio Central School 54758  
System. 54759

Of the foregoing appropriation item 200-426, Ohio Educational 54760  
Computer Network, up to \$2,469,223 in each fiscal year shall be 54761  
used for the Union Catalog and InfOhio Network and to support the 54762  
provision of electronic resources with priority given to resources 54763  
that support the teaching of state academic content standards in 54764  
all public schools. Consideration shall be given by the Department 54765  
of Education to coordinating the allocation of these moneys with 54766  
the efforts of Libraries Connect Ohio, whose members include 54767  
OhioLINK, the Ohio Public Information Network, and the State 54768  
Library of Ohio. 54769

Of the foregoing appropriation item 200-426, Ohio Educational 54770  
Computer Network, up to \$8,338,468 in each fiscal year shall be 54771  
used, through a formula and guidelines devised by the Department, 54772  
to subsidize the activities of designated information technology 54773

centers, as defined by State Board of Education rules, to provide 54774  
school districts and chartered nonpublic schools with 54775  
computer-based student and teacher instructional and 54776  
administrative information services, including approved 54777  
computerized financial accounting, and to ensure the effective 54778  
operation of local automated administrative and instructional 54779  
systems. 54780

The remainder of appropriation item 200-426, Ohio Educational 54781  
Computer Network, shall be used to support development, 54782  
maintenance, and operation of a network of uniform and compatible 54783  
computer-based information and instructional systems. This 54784  
technical assistance shall include, but not be restricted to, 54785  
development and maintenance of adequate computer software systems 54786  
to support network activities. In order to improve the efficiency 54787  
of network activities, the Department and information technology 54788  
centers may jointly purchase equipment, materials, and services 54789  
from funds provided under this appropriation for use by the 54790  
network and, when considered practical by the Department, may 54791  
utilize the services of appropriate state purchasing agencies. 54792

**Section 269.10.90. ACADEMIC STANDARDS** 54793

Of the foregoing appropriation item 200-427, Academic 54794  
Standards, \$150,000 in each fiscal year shall be used by the 54795  
Department in combination with funding earmarked for this purpose 54796  
in the Board of Regents' budget under appropriation item 235-321, 54797  
Operating Expenses. Such funding shall be used to support Ohio's 54798  
Partnership for Continued Learning at the direction of the Office 54799  
of the Governor. Ohio's Partnership for Continued Learning 54800  
replaces and broadens the former Joint Council of the Department 54801  
of Education and the Board of Regents. The Partnership shall 54802  
advise and make recommendations to promote collaboration among 54803  
relevant state entities in an effort to help local communities 54804

develop coherent and successful "P-16" learning systems. The 54805  
Governor, or the Governor's designee, shall serve as the 54806  
chairperson. 54807

Of the foregoing appropriation item 200-427, Academic 54808  
Standards, \$1,000,000 in each fiscal year shall be used for 54809  
Project Lead the Way leadership and management oversight and 54810  
initial and continuing support of Project Lead the Way workforce 54811  
development programs in participating school districts. 54812

Of the foregoing appropriation item 200-427, Academic 54813  
Standards, up to \$2,600,000 in each fiscal year shall be used for 54814  
mathematics initiatives that include, but are not limited to, 54815  
intensive teacher professional development institutes that focus 54816  
on classroom implementation of the mathematics standards. 54817

Of the foregoing appropriation item 200-427, Academic 54818  
Standards, \$200,000 in each fiscal year may be used to support the 54819  
Ohio Resource Center for Math and Science. 54820

Of the foregoing appropriation item 200-427, Academic 54821  
Standards, up to \$282,000 in each fiscal year shall be used for 54822  
the JASON Expedition project that provides statewide access to 54823  
JASON Expedition content. Funds shall be used to provide 54824  
professional development training for teachers participating in 54825  
the project, statewide management, and a seventy-five per cent 54826  
subsidy for statewide licensing of JASON Expedition content with 54827  
priority given to content aligned with state academic content 54828  
standards for approximately 90,000 middle school students 54829  
statewide. 54830

Of the foregoing appropriation item 200-427, Academic 54831  
Standards, \$285,000 in each fiscal year shall be used for science 54832  
initiatives that include, but are not limited to, the Ohio Science 54833  
Institute (OSCI). 54834

The remainder of appropriation item 200-427, Academic 54835



Standards, shall be used by the Department of Education to 54836  
develop, revise, and communicate to school districts academic 54837  
content standards and curriculum models. The Department may also 54838  
use the remainder to develop program models that demonstrate how 54839  
the academic content standards can be implemented in high school 54840  
classrooms and to offer online continuing education courses. 54841

**Section 269.20.10. SCHOOL IMPROVEMENT INITIATIVES** 54842

Of the foregoing appropriation item 200-431, School 54843  
Improvement Initiatives, \$450,000 in each fiscal year shall be 54844  
used for Ohio's Rural Appalachian Leadership Development 54845  
Initiative. 54846

Of the foregoing appropriation item 200-431, School 54847  
Improvement Initiatives, up to \$800,000 in each fiscal year shall 54848  
be used to support districts in the development and implementation 54849  
of their continuous improvement plans as required in section 54850  
3302.04 of the Revised Code and to provide technical assistance 54851  
and support in accordance with Title I of the "No Child Left 54852  
Behind Act of 2001," 115 Stat. 1425, 20 U.S.C. 6317. This funding 54853  
shall serve as a supplement to the funds provided under division 54854  
(J) of section 3317.029 of the Revised Code, which represents 54855  
state support for school improvement initiatives that assist 54856  
school districts in closing the achievement gap. 54857

Of the foregoing appropriation item 200-431, School 54858  
Improvement Initiatives, up to \$236,250 in each fiscal year shall 54859  
be used to reduce the dropout rate by addressing the academic and 54860  
social problems of inner-city students through Project GRAD. 54861

Of the foregoing appropriation item 200-431, School 54862  
Improvement Initiatives, \$3,503,985 in fiscal year 2008 and 54863  
\$4,253,985 in fiscal year 2009 shall be used in conjunction with 54864  
funding provided in the Board of Regents' budget under 54865  
appropriation item 235-434, College Readiness and Access, to 54866

create early college high schools, which are small, autonomous 54867  
schools that blend high school and college into a coherent 54868  
educational program. The funds shall be distributed according to 54869  
guidelines established by the Department of Education and the 54870  
Board of Regents. 54871

Of the foregoing appropriation item 200-431, School 54872  
Improvement Initiatives, up to \$4,935,000 in each fiscal year 54873  
shall be used in partnership with nonprofit groups with expertise 54874  
in converting existing large urban high schools into small, 54875  
personalized high schools. Districts eligible for such funding 54876  
include the Urban 21 high schools, as defined in division (O) of 54877  
section 3317.02 of the Revised Code as it existed prior to July 1, 54878  
1998. 54879

Of the foregoing appropriation item 200-431, School 54880  
Improvement Initiatives, up to \$75,000 in each fiscal year shall 54881  
be provided to Southern State Community College for the Pilot 54882  
Post-Secondary Enrollment Options Program with Miami Trace High 54883  
School. 54884

Of the foregoing appropriation item 200-431, School 54885  
Improvement Initiatives, \$1,000,000 in each fiscal year shall be 54886  
used to support Jobs for Ohio Graduates (JOG). The Department of 54887  
Education shall require a two-to-one match of local funding to 54888  
state funding before releasing these funds to JOG. 54889

Of the foregoing appropriation item 200-431, School 54890  
Improvement Initiatives, up to \$600,000 in each fiscal year shall 54891  
be used by the Department of Education to support start-up costs 54892  
for gaining business and industry credentialing program 54893  
accreditation and to support the development of a data collection 54894  
system across the numerous industry test providers. Funds shall 54895  
also be used to help subsidize the cost of student participation 54896  
in industry assessments, provide research on industry assessments 54897  
for alignment to industry-established content standards, provide 54898

professional development opportunities for educators, and prepare 54899  
schools and adult centers to organize for credential alignment and 54900  
delivery. 54901

**Section 269.20.20. LITERACY IMPROVEMENT-PROFESSIONAL 54902**  
DEVELOPMENT 54903

Of the foregoing appropriation item 200-433, Literacy 54904  
Improvement-Professional Development, up to \$9,590,000 in each 54905  
fiscal year shall be used for educator training in literacy for 54906  
classroom teachers, administrators, and literacy specialists. 54907

Of the foregoing appropriation item 200-433, Literacy 54908  
Improvement-Professional Development, up to \$5,000,000 in each 54909  
fiscal year shall be used to support literacy professional 54910  
development partnerships between the Department of Education, 54911  
higher education institutions, literacy networks, and school 54912  
districts. 54913

Of the foregoing appropriation item 200-433, Literacy 54914  
Improvement - Professional Development, \$900,000 in each fiscal 54915  
year shall be used by the Department of Education to fund the 54916  
Reading Recovery Training Network, to cover the cost of release 54917  
time for the teacher trainers, and to provide grants to districts 54918  
to implement other reading improvement programs on a pilot basis. 54919  
Funds from this set-aside also may be used to conduct evaluations 54920  
of the impact and effectiveness of Reading Recovery and other 54921  
reading improvement programs. 54922

Of the foregoing appropriation item 200-433, Literacy 54923  
Improvement-Professional Development, \$100,000 in each fiscal year 54924  
shall be provided to the Contemporary Arts Center for art 54925  
education for children and a children's museum. 54926

The remainder of appropriation item 200-433, Literacy 54927  
Improvement-Professional Development, shall be used by the 54928

Department of Education to provide administrative support of 54929  
literacy professional development programs. Upon approval of the 54930  
Controlling Board, the Department may also use the remainder to 54931  
contract with an external evaluator on the effectiveness of 54932  
literacy professional development initiatives in the academic 54933  
achievement of students. 54934

STUDENT ASSESSMENT 54935

The foregoing appropriation item 200-437, Student Assessment, 54936  
shall be used to develop, field test, print, distribute, score, 54937  
report results, and support other associated costs for the tests 54938  
required under sections 3301.0710 and 3301.0711 of the Revised 54939  
Code and for similar purposes as required by section 3301.27 of 54940  
the Revised Code. If funds remain in this appropriation after 54941  
these purposes have been fulfilled, the Department may use the 54942  
remainder of the appropriation to develop end-of-course exams. 54943

**Section 269.20.30. ACCOUNTABILITY/REPORT CARDS** 54944

Of the foregoing appropriation item 200-439, 54945  
Accountability/Report Cards, up to \$3,028,540 in each fiscal year 54946  
shall be used to train district and regional specialists and 54947  
district educators in the use of the value-added progress 54948  
dimension. This funding shall be used in consultation with a 54949  
credible nonprofit organization with expertise in value-added 54950  
progress dimensions. 54951

Of the foregoing appropriation item, 200-439, 54952  
Accountability/Report Cards, up to \$6,000,000 in fiscal year 2009 54953  
shall be used to make payments to each city, local, or exempted 54954  
village school district that was declared to be "excellent" on the 54955  
local report card published for the district during that fiscal 54956  
year. The amount of the payment in each fiscal year to each 54957  
eligible school district shall be equal to the district's average 54958  
daily student enrollment reported on the district's local report 54959

card published during that fiscal year multiplied by \$10. If the total calculated payment exceeds this earmark, the Department shall reduce each district's payment proportionally.

The remainder of appropriation item 200-439, Accountability/Report Cards, shall be used by the Department to incorporate a statewide pilot value-added progress dimension into performance ratings for school districts and for the development of an accountability system that includes the preparation and distribution of school report cards under section 3302.03 of the Revised Code.

CHILD CARE LICENSING

The foregoing appropriation item 200-442, Child Care Licensing, shall be used by the Department of Education to license and to inspect preschool and school-age child care programs under sections 3301.52 to 3301.59 of the Revised Code.

**Section 269.20.40. EDUCATION MANAGEMENT INFORMATION SYSTEM**

The foregoing appropriation item 200-446, Education Management Information System, shall be used by the Department of Education to improve the Education Management Information System (EMIS).

Of the foregoing appropriation item 200-446, Education Management Information System, up to \$1,338,620 in fiscal year 2008 and up to \$1,372,085 in fiscal year 2009 shall be distributed to designated information technology centers for costs relating to processing, storing, and transferring data for the effective operation of the EMIS. These costs may include, but are not limited to, personnel, hardware, software development, communications connectivity, professional development, and support services, and to provide services to participate in the State Education Technology Plan pursuant to section 3301.07 of the

Revised Code. 54990

Of the foregoing appropriation item 200-446, Education 54991  
Management Information System, up to \$8,256,569 in fiscal year 54992  
2008 and up to \$8,462,984 in fiscal year 2009 shall be distributed 54993  
on a per-pupil basis to school districts, community schools 54994  
established under Chapter 3314. of the Revised Code, educational 54995  
service centers, joint vocational school districts, and any other 54996  
education entity that reports data through EMIS. From this 54997  
funding, each school district or community school established 54998  
under Chapter 3314. of the Revised Code with enrollment greater 54999  
than 100 students and each vocational school district shall 55000  
receive a minimum of \$5,000 in each fiscal year. Each school 55001  
district or community school established under Chapter 3314. of 55002  
the Revised Code with enrollment between one and one hundred and 55003  
each educational service center and each county board of MR/DD 55004  
that submits data through EMIS shall receive \$3,000 in each fiscal 55005  
year. This subsidy shall be used for costs relating to reporting, 55006  
processing, storing, transferring, and exchanging data necessary 55007  
to meet requirements of the Department of Education's data system. 55008

The remainder of appropriation item 200-446, Education 55009  
Management Information System, shall be used to develop and 55010  
support a common core of data definitions and standards as adopted 55011  
by the Education Data Advisory Council, including the ongoing 55012  
development and maintenance of the data dictionary and data 55013  
warehouse. In addition, such funds shall be used to support the 55014  
development and implementation of data standards and the design, 55015  
development, and implementation of a new data exchange system. 55016

Any provider of software meeting the standards approved by 55017  
the Education Data Advisory Council shall be designated as an 55018  
approved vendor and may enter into contracts with local school 55019  
districts, community schools, information technology centers, or 55020  
other educational entities for the purpose of collecting and 55021

managing data required under Ohio's education management 55022  
information system (EMIS) laws. On an annual basis, the Department 55023  
of Education shall convene an advisory group of school districts, 55024  
community schools, and other education-related entities to review 55025  
the Education Management Information System data definitions and 55026  
data format standards. The advisory group shall recommend changes 55027  
and enhancements based upon surveys of its members, education 55028  
agencies in other states, and current industry practices, to 55029  
reflect best practices, align with federal initiatives, and meet 55030  
the needs of school districts. 55031

School districts and community schools not implementing a 55032  
common and uniform set of data definitions and data format 55033  
standards for Education Management Information System purposes 55034  
shall have all EMIS funding withheld until they are in compliance. 55035

**Section 269.20.50. GED TESTING** 55036

The foregoing appropriation item 200-447, GED Testing, shall 55037  
be used to provide General Educational Development (GED) testing 55038  
at no cost to applicants, under rules adopted by the State Board 55039  
of Education. The Department of Education shall reimburse school 55040  
districts and community schools, created under Chapter 3314. of 55041  
the Revised Code, for a portion of the costs incurred in providing 55042  
summer instructional or intervention services to students who have 55043  
not graduated because of their inability to pass one or more parts 55044  
of the state's Ohio Graduation Test or ninth grade proficiency 55045  
test. School districts shall also provide such services to 55046  
students who are residents of the district under section 3313.64 55047  
of the Revised Code, but who are enrolled in chartered, nonpublic 55048  
schools. The services shall be provided in the public school, in 55049  
nonpublic schools, in public centers, or in mobile units located 55050  
on or off the nonpublic school premises. No school district shall 55051  
provide summer instructional or intervention services to nonpublic 55052

school students as authorized by this section unless such services 55053  
are available to students attending the public schools within the 55054  
district. No school district shall provide services for use in 55055  
religious courses, devotional exercises, religious training, or 55056  
any other religious activity. Chartered, nonpublic schools shall 55057  
pay for any unreimbursed costs incurred by school districts for 55058  
providing summer instruction or intervention services to students 55059  
enrolled in chartered, nonpublic schools. School districts may 55060  
provide these services to students directly or contract with 55061  
postsecondary or nonprofit community-based institutions in 55062  
providing instruction. 55063

**Section 269.20.60. EDUCATOR PREPARATION** 55064

The foregoing appropriation item 200-448, Educator 55065  
Preparation, may be used by the Department to support the Educator 55066  
Standards Board under section 3319.61 of the Revised Code as it 55067  
develops and recommends to the State Board of Education standards 55068  
for educator training and standards for teacher and other school 55069  
leadership positions. Any remaining funds may be used by the 55070  
Department to develop alternative preparation programs for school 55071  
leaders. 55072

**Section 269.20.70. COMMUNITY SCHOOLS** 55073

Of the foregoing appropriation item 200-455, Community 55074  
Schools, up to \$1,308,661 in each fiscal year may be used by the 55075  
Department of Education for additional services and 55076  
responsibilities under section 3314.11 of the Revised Code. 55077

Of the foregoing appropriation item 200-455, Community 55078  
Schools, up to \$225,000 in each fiscal year may be used by the 55079  
Department of Education for developing and conducting training 55080  
sessions for sponsors and prospective sponsors of community 55081  
schools as prescribed in division (A)(1) of section 3314.015 of 55082



the Revised Code. In developing the training sessions, the 55083  
Department shall collect and disseminate examples of best 55084  
practices used by sponsors of independent charter schools in Ohio 55085  
and other states. 55086

**Section 269.20.80. PUPIL TRANSPORTATION** 55087

Of the foregoing appropriation item 200-502, Pupil 55088  
Transportation, up to \$830,624 in fiscal year 2008 and up to 55089  
\$838,930 in fiscal year 2009 may be used by the Department of 55090  
Education for training prospective and experienced school bus 55091  
drivers in accordance with training programs prescribed by the 55092  
Department. Up to \$59,870,514 in fiscal year 2008 and up to 55093  
\$60,469,220 in fiscal year 2009 may be used by the Department of 55094  
Education for special education transportation reimbursements to 55095  
school districts and county MR/DD boards for transportation 55096  
operating costs as provided in division (J) of section 3317.024 of 55097  
the Revised Code. The remainder of appropriation item 200-502, 55098  
Pupil Transportation, shall be used for the state reimbursement of 55099  
public school districts' costs in transporting pupils to and from 55100  
the school they attend in accordance with the district's policy, 55101  
State Board of Education standards, and the Revised Code. 55102

Notwithstanding the distribution formula outlined in division 55103  
(D) of section 3317.022 of the Revised Code, each school district 55104  
shall receive an additional one per cent in state funding for 55105  
transportation in fiscal year 2008 over what was received in 55106  
fiscal year 2007, and the local share of transportation costs that 55107  
is used in the calculation of the charge-off supplement and excess 55108  
cost supplement for each school district in fiscal year 2008 shall 55109  
be increased by one per cent from that used in calculations in 55110  
fiscal year 2007. 55111

Notwithstanding the distribution formula outlined in division 55112  
(D) of section 3317.022 of the Revised Code, each school district 55113

shall receive an additional one per cent in state funding for 55114  
transportation in fiscal year 2009 over what was received in 55115  
fiscal year 2008, and the local share of transportation costs that 55116  
is used in the calculation of the charge-off supplement and excess 55117  
cost supplement for each school district in fiscal year 2009 shall 55118  
be increased by one per cent from that used in calculations in 55119  
fiscal year 2008. 55120

School districts not receiving state funding for 55121  
transportation in fiscal year 2005 under division (D) of section 55122  
3317.022 of the Revised Code shall not receive state funding for 55123  
transportation in fiscal year 2008 or fiscal year 2009. 55124

**Section 269.20.90. BUS PURCHASE ALLOWANCE** 55125

The foregoing appropriation item 200-503, Bus Purchase 55126  
Allowance, shall be distributed to school districts, educational 55127  
service centers, and county MR/DD boards pursuant to rules adopted 55128  
under section 3317.07 of the Revised Code. Up to 28 per cent of 55129  
the amount appropriated may be used to reimburse school districts 55130  
and educational service centers for the purchase of buses to 55131  
transport handicapped and nonpublic school students and to county 55132  
MR/DD boards, the Ohio School for the Deaf, and the Ohio School 55133  
for the Blind for the purchase of buses to transport handicapped 55134  
students. 55135

**SCHOOL LUNCH MATCH** 55136

The foregoing appropriation item 200-505, School Lunch Match, 55137  
shall be used to provide matching funds to obtain federal funds 55138  
for the school lunch program. 55139

**Section 269.30.10. ADULT LITERACY EDUCATION** 55140

The foregoing appropriation item 200-509, Adult Literacy 55141  
Education, shall be used to support adult basic and literacy 55142  
education instructional programs and the State Literacy Resource 55143

Center Program. 55144

Of the foregoing appropriation item 200-509, Adult Literacy 55145  
Education, up to \$488,037 in each fiscal year shall be used for 55146  
the support and operation of the State Literacy Resource Center. 55147

Of the foregoing appropriation item 200-509, Adult Literacy 55148  
Education, up to \$175,000 in each fiscal year shall be used for 55149  
state reimbursement to school districts for adult high school 55150  
continuing education programs under section 3313.531 of the 55151  
Revised Code or for costs associated with awarding adult high 55152  
school diplomas under section 3313.611 of the Revised Code. 55153

Of the foregoing appropriation item 200-509, Adult Literacy 55154  
Education, \$130,000 in each fiscal year shall be used to support 55155  
initiatives for English as a Second Language programs. Funding 55156  
shall be distributed as follows: \$60,000 in each fiscal year for 55157  
Jewish Community Federation of Cleveland, \$25,000 in each fiscal 55158  
year for Yassenoff Jewish Community Center of Columbus, \$30,000 in 55159  
each fiscal year for Jewish Family Services of Cincinnati, and 55160  
\$15,000 in each fiscal year for Jewish Family Services of Dayton. 55161

The remainder of the appropriation shall be used to continue 55162  
to satisfy the state match and maintenance of effort requirements 55163  
for the support and operation of the Department of 55164  
Education-administered instructional grant program for adult basic 55165  
and literacy education in accordance with the Department's state 55166  
plan for adult basic and literacy education as approved by the 55167  
State Board of Education and the Secretary of the United States 55168  
Department of Education. 55169

**Section 269.30.20. AUXILIARY SERVICES** 55170

The foregoing appropriation item 200-511, Auxiliary Services, 55171  
shall be used by the Department of Education for the purpose of 55172  
implementing section 3317.06 of the Revised Code. Of the 55173

appropriation, up to \$2,060,000 in fiscal year 2008 and up to 55174  
\$2,121,800 in fiscal year 2009 may be used for payment of the 55175  
Post-Secondary Enrollment Options Program for nonpublic students. 55176  
Notwithstanding section 3365.10 of the Revised Code, the 55177  
Department, in accordance with Chapter 119. of the Revised Code, 55178  
shall adopt rules governing the distribution method for these 55179  
funds. 55180

POSTSECONDARY ADULT CAREER-TECHNICAL EDUCATION 55181

Of the foregoing appropriation item 200-514, Postsecondary 55182  
Adult Career-Technical Education, \$40,000 in each fiscal year 55183  
shall be used for statewide coordination of the activities of the 55184  
Ohio Young Farmers. 55185

The remainder of appropriation item 200-514, Postsecondary 55186  
Adult Career-Technical Education, shall be used by the State Board 55187  
of Education to provide postsecondary adult career-technical 55188  
education under sections 3313.52 and 3313.53 of the Revised Code. 55189

**Section 269.30.30.** GIFTED PUPIL PROGRAM 55190

The foregoing appropriation item 200-521, Gifted Pupil 55191  
Program, shall be used for gifted education units not to exceed 55192  
1,110 in each fiscal year under division (L) of section 3317.024 55193  
and division (F) of section 3317.05 of the Revised Code. 55194

Of the foregoing appropriation item 200-521, Gifted Pupil 55195  
Program, up to \$4,747,000 in fiscal year 2008 and up to \$4,794,470 55196  
in fiscal year 2009 may be used as an additional supplement for 55197  
identifying gifted students under Chapter 3324. of the Revised 55198  
Code. 55199

Of the foregoing appropriation item 200-521, Gifted Pupil 55200  
Program, the Department of Education may expend up to \$1,015,858 55201  
in fiscal year 2008 and up to \$1,026,017 in fiscal year 2009 for 55202  
the Summer Honors Institute, including funding for the Martin 55203

Essex Program, which shall be awarded through a request for proposals process. 55204  
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NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 55206

The foregoing appropriation item 200-532, Nonpublic Administrative Cost Reimbursement, shall be used by the Department of Education for the purpose of implementing section 3317.063 of the Revised Code. 55207  
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**Section 269.30.40.** OHIO CORE SUPPORT 55211

The foregoing appropriation item 200-536, Ohio Core Support, shall be used to support implementation of the Ohio Core Program, which requires establishment of a rigorous high school curriculum for Ohio's high school students. The Department of Education and the Board of Regents shall jointly plan and work collaboratively to guide implementation of the Ohio Core Program and to administer funding to eligible school districts, fiscal agents, individuals, and programs as determined under this section. The Department of Education and the Board of Regents shall jointly agree to the awarding and expenditure of funds appropriated in this section. 55212  
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Of the foregoing appropriation item 200-536, Ohio Core Support, up to \$2,600,000 in fiscal year 2008 and up to \$3,000,000 in fiscal year 2009 shall be used to support the participation of teachers licensed in Ohio and mid-career professionals not currently employed by a school district or chartered nonpublic school or licensed to teach at the primary or secondary education levels in a twelve-month intensive training program that leads to teacher licensure in a laboratory-based science, advanced mathematics, or foreign language field at the secondary education level and employment with an Ohio school district school designated by the Department of Education as a hard to staff school. 55222  
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Of the foregoing appropriation item 200-536, Ohio Core 55234  
Support, up to \$1,500,000 in fiscal year 2008 and up to \$2,100,000 55235  
in fiscal year 2009 shall be used to support alternative teacher 55236  
licensure programs developed by educational service centers in 55237  
partnership with institutions of higher education. Participants 55238  
shall be teachers licensed in Ohio and mid-career professionals 55239  
not currently employed by a school district or chartered nonpublic 55240  
school or licensed to teach at the primary or secondary education 55241  
levels. Programs shall support teacher licensure in a 55242  
laboratory-based science, advanced mathematics, or foreign 55243  
language field at the secondary education level and employment 55244  
with an Ohio school district school designated by the Department 55245  
of Education as a hard to staff school. The programs shall be 55246  
consistent with the State Board of Education's alternative 55247  
licensure requirements. 55248

Of the foregoing appropriation item 200-536, Ohio Core 55249  
Support, up to \$3,600,000 in each fiscal year shall be distributed 55250  
to school districts, and to public fiscal agents on behalf of 55251  
chartered nonpublic schools, to be used to obtain contracted 55252  
instruction with institutions of higher education in advanced 55253  
mathematics, laboratory-based science, or foreign language for 55254  
public and chartered nonpublic high school students that results 55255  
in dual high school and college credit. Costs shall be based upon 55256  
reasonable expenses that institutions of higher education could 55257  
incur for faculty, supplies, and other associated costs. 55258

Of the foregoing appropriation item 200-536, Ohio Core 55259  
Support, up to \$6,425,000 in fiscal year 2009 shall be distributed 55260  
to public school districts for supplemental post-secondary 55261  
enrollment option participation. The Partnership for Continued 55262  
Learning shall make program recommendations by October 31, 2007, 55263  
to the Department of Education and the Board of Regents to remove 55264  
school district barriers to participation and improve the quality 55265

of course offerings, ensuring that credit earned at institutions 55266  
of higher education will apply toward high school graduation 55267  
requirements and associate or baccalaureate degree requirements. 55268  
Eligibility requirements and grant amounts awarded to school 55269  
districts in fiscal year 2009 for the program shall be determined 55270  
by criteria established by the Department of Education in 55271  
collaboration with the Board of Regents and the Partnership for 55272  
Continued Learning. 55273

**Section 269.30.50. SPECIAL EDUCATION ENHANCEMENTS** 55274

Of the foregoing appropriation item 200-540, Special 55275  
Education Enhancements, up to \$2,906,875 in each fiscal year shall 55276  
be used for home instruction for children with disabilities; up to 55277  
\$1,462,500 in each fiscal year shall be used for parent mentoring 55278  
programs; and up to \$2,783,396 in each fiscal year may be used for 55279  
school psychology interns. 55280

Of the foregoing appropriation item 200-540, Special 55281  
Education Enhancements, \$750,000 in each fiscal year shall be used 55282  
for the Out of School Initiative of Sinclair Community College. 55283

Of the foregoing appropriation item 200-540, Special 55284  
Education Enhancements, \$200,000 shall be used for a preschool 55285  
special education pilot program in Bowling Green City School 55286  
District. 55287

Of the foregoing appropriation item 200-540, Special 55288  
Education Enhancements, \$200,000 in each fiscal year shall be used 55289  
to support the Bellefaire Jewish Children's Bureau. 55290

Of the foregoing appropriation item 200-540, Special 55291  
Education Enhancements, up to \$82,707,558 in fiscal year 2008 and 55292  
up to \$83,371,505 in fiscal year 2009 shall be distributed by the 55293  
Department of Education to county boards of mental retardation and 55294  
developmental disabilities, educational service centers, and 55295

school districts for preschool special education units and 55296  
preschool supervisory units under section 3317.052 of the Revised 55297  
Code. The Department may reimburse county boards of mental 55298  
retardation and developmental disabilities, educational service 55299  
centers, and school districts for related services as defined in 55300  
rule 3301-51-11 of the Administrative Code, for preschool 55301  
occupational and physical therapy services provided by a physical 55302  
therapy assistant and certified occupational therapy assistant, 55303  
and for an instructional assistant. To the greatest extent 55304  
possible, the Department of Education shall allocate these units 55305  
to school districts and educational service centers. 55306

No physical therapy assistant who provides services under 55307  
this section shall fail to practice in accordance with the 55308  
requirements of Chapter 4755. of the Revised Code and rules 55309  
4755-27-02 and 4755-27-03 of the Administrative Code. No 55310  
occupational therapy assistant who provides services under this 55311  
section shall fail to practice in accordance with the requirements 55312  
of Chapter 4755. of the Revised Code and rules 4755-7-01 and 55313  
4755-7-03 of the Administrative Code. 55314

The Department of Education shall require school districts, 55315  
educational service centers, and county MR/DD boards serving 55316  
preschool children with disabilities to document child progress 55317  
using research-based indicators prescribed by the Department and 55318  
report results annually. The reporting dates and method shall be 55319  
determined by the Department. 55320

Of the foregoing appropriation item 200-540, Special 55321  
Education Enhancements, up to \$400,000 in each fiscal year shall 55322  
be used for the Collaborative Language and Literacy Instruction 55323  
Project. 55324

Of the foregoing appropriation item 200-540, Special 55325  
Education Enhancements, \$325,000 in each fiscal year shall be used 55326  
by the Ohio Center for Autism and Low Incidence to contract with 55327



the Delaware-Union Educational Service Center for the provision of 55328  
autism transition services. 55329

Of the foregoing appropriation item 200-540, Special 55330  
Education Enhancements, \$75,000 in each fiscal year shall be used 55331  
for Leaf Lake/Geauga Educational Assistance Funding. 55332

The remainder of appropriation item 200-540, Special 55333  
Education Enhancements, shall be used to fund special education 55334  
and related services at county boards of mental retardation and 55335  
developmental disabilities for eligible students under section 55336  
3317.20 of the Revised Code and at institutions for eligible 55337  
students under section 3317.201 of the Revised Code. 55338

**Section 269.30.60. CAREER-TECHNICAL EDUCATION ENHANCEMENTS** 55339

Of the foregoing appropriation item 200-545, Career-Technical 55340  
Education Enhancements, up to \$2,509,152 in fiscal year 2008 and 55341  
up to \$2,584,427 in fiscal year 2009 shall be used to fund 55342  
career-technical education units at institutions. 55343

Of the foregoing appropriation item 200-545, Career-Technical 55344  
Education Enhancements, up to \$2,621,507 in each fiscal year shall 55345  
be used by the Department of Education to fund competitive grants 55346  
to tech prep consortia that expand the number of students enrolled 55347  
in tech prep programs. These grant funds shall be used to directly 55348  
support expanded tech prep programs, including equipment, provided 55349  
to students enrolled in school districts, including joint 55350  
vocational school districts, and affiliated higher education 55351  
institutions. 55352

Of the foregoing appropriation item 200-545, Career-Technical 55353  
Education Enhancements, up to \$3,401,000 in each fiscal year shall 55354  
be used by the Department of Education to support existing High 55355  
Schools That Work (HSTW) sites, develop and support new sites, 55356  
fund technical assistance, and support regional centers and middle 55357

school programs. The purpose of HSTW is to combine challenging 55358  
academic courses and modern career-technical studies to raise the 55359  
academic achievement of students. HSTW provides intensive 55360  
technical assistance, focused staff development, targeted 55361  
assessment services, and ongoing communications and networking 55362  
opportunities. 55363

Of the foregoing appropriation item 200-545, Career-Technical 55364  
Education Enhancements, up to \$466,992 in each fiscal year shall 55365  
be allocated for the Ohio Career Information System (OCIS) and 55366  
used for the dissemination of career information data to public 55367  
schools, libraries, rehabilitation centers, two- and four-year 55368  
colleges and universities, and other governmental units. 55369

Of the foregoing appropriation item 200-545, Career-Technical 55370  
Educational Enhancements, up to \$300,000 in each fiscal year shall 55371  
be used by the Department of Education to enable students in 55372  
agricultural programs to enroll in a fifth quarter of instruction 55373  
based on the agricultural education model of delivering work-based 55374  
learning through supervised agricultural experience. The 55375  
Department of Education shall determine eligibility criteria and 55376  
the reporting process for the Agriculture 5th Quarter Project and 55377  
shall fund as many programs as possible given the set aside. 55378

**Section 269.30.70. FOUNDATION FUNDING** 55379

The foregoing appropriation item 200-550, Foundation Funding, 55380  
includes \$75,000,000 in each fiscal year for the state education 55381  
aid offset due to the change in public utility valuation as a 55382  
result of Am. Sub. S.B. 3 and Am. Sub. S.B. 287, both of the 123rd 55383  
General Assembly. This amount represents the total state education 55384  
aid offset due to the valuation change for school districts and 55385  
joint vocational school districts from all relevant appropriation 55386  
line item sources. Upon certification by the Department of 55387  
Education, in consultation with the Department of Taxation, to the 55388

Director of Budget and Management of the actual state aid offset, 55389  
the cash transfer from Fund 053, appropriation item 200-900, 55390  
School District Property Tax Replacement - Utility, shall be 55391  
decreased or increased by the Director of Budget and Management to 55392  
match the certification in accordance with section 5727.84 of the 55393  
Revised Code. 55394

The foregoing appropriation item 200-550, Foundation Funding, 55395  
includes \$58,000,000 in fiscal year 2008 and \$145,000,000 in 55396  
fiscal year 2009 for the state education aid offset because of the 55397  
changes in tangible personal property valuation as a result of Am. 55398  
Sub. H.B. 66 of the 126th General Assembly. This amount represents 55399  
the total state education aid offset because of the valuation 55400  
change for school districts and joint vocational school districts 55401  
from all relevant appropriation item sources. Upon certification 55402  
by the Department of Education of the actual state education aid 55403  
offset to the Director of Budget and Management, the cash transfer 55404  
from Fund 047, appropriation item 200-909, School District 55405  
Property Tax Replacement - Business, shall be decreased or 55406  
increased by the Director of Budget and Management to match the 55407  
certification in accordance with section 5751.21 of the Revised 55408  
Code. 55409

Of the foregoing appropriation item 200-550, Foundation 55410  
Funding, up to \$425,000 shall be expended in each fiscal year for 55411  
court payments under section 2151.357 of the Revised Code; an 55412  
amount shall be available in each fiscal year to fund up to 225 55413  
full-time equivalent approved GRADS teacher grants under division 55414  
(N) of section 3317.024 of the Revised Code; an amount shall be 55415  
available in each fiscal year to make payments to school districts 55416  
under division (A)(3) of section 3317.022 of the Revised Code; an 55417  
amount shall be available in each fiscal year to make payments to 55418  
school districts under division (F) of section 3317.022 of the 55419  
Revised Code; and up to \$30,000,000 in each fiscal year shall be 55420

reserved for payments under sections 3317.026, 3317.027, and 55421  
3317.028 of the Revised Code except that the Controlling Board may 55422  
increase the \$30,000,000 amount if presented with such a request 55423  
from the Department of Education. 55424

Of the foregoing appropriation item 200-550, Foundation 55425  
Funding, up to \$19,770,000 in fiscal year 2008 and up to 55426  
\$20,545,200 in fiscal year 2009 shall be used to provide 55427  
additional state aid to school districts for special education 55428  
students under division (C)(3) of section 3317.022 of the Revised 55429  
Code, except that the Controlling Board may increase these amounts 55430  
if presented with such a request from the Department of Education 55431  
at the final meeting of the fiscal year; up to \$2,000,000 in each 55432  
fiscal year shall be reserved for Youth Services tuition payments 55433  
under section 3317.024 of the Revised Code; and up to \$52,000,000 55434  
in each fiscal year shall be reserved to fund the state 55435  
reimbursement of educational service centers under section 3317.11 55436  
of the Revised Code and the section of this act entitled 55437  
"EDUCATIONAL SERVICE CENTERS FUNDING." An amount shall be 55438  
available for special education weighted funding under division 55439  
(C)(1) of section 3317.022 and division (D)(1) of section 3317.16 55440  
of the Revised Code. 55441

Of the foregoing appropriation item 200-550, Foundation 55442  
Funding, an amount shall be available in each fiscal year to be 55443  
used by the Department of Education for transitional aid for 55444  
school districts and joint vocational school districts. Funds 55445  
shall be distributed under the sections of this act entitled 55446  
"TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 55447  
DISTRICTS" and "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL 55448  
DISTRICTS." 55449

Of the foregoing appropriation item 200-550, Foundation 55450  
Funding, up to \$1,000,000 in each fiscal year shall be used by the 55451  
Department of Education for a program to pay for educational 55452

services for youth who have been assigned by a juvenile court or 55453  
other authorized agency to any of the facilities described in 55454  
division (A) of the section of this act entitled "PRIVATE 55455  
TREATMENT FACILITY PROJECT." 55456

Of the foregoing appropriation item 200-550, Foundation 55457  
Funding, up to \$3,700,000 in each fiscal year shall be used for 55458  
school breakfast programs. Of this amount, up to \$900,000 shall be 55459  
used in each fiscal year by the Department of Education to 55460  
contract with the Children's Hunger Alliance to expand access to 55461  
child nutrition programs consistent with the organization's 55462  
continued ability to meet specified performance measures as 55463  
detailed in the contract. Of this amount, the Children's Hunger 55464  
Alliance shall use at least \$150,000 in each fiscal year to 55465  
subcontract with an appropriate organization or organizations to 55466  
expand summer food participation in underserved areas of the 55467  
state, consistent with those organizations' continued ability to 55468  
meet specified performance measures as detailed in the 55469  
subcontracts. The remainder of the appropriation shall be used to 55470  
partially reimburse school buildings within school districts that 55471  
are required to have a school breakfast program under section 55472  
3313.813 of the Revised Code, at a rate decided by the Department. 55473

Of the foregoing appropriation item 200-550, Foundation 55474  
Funding, up to \$8,686,000 in fiscal year 2008 and up to \$8,722,860 55475  
in fiscal year 2009 shall be used to operate the school choice 55476  
program in the Cleveland Municipal School District under sections 55477  
3313.974 to 3313.979 of the Revised Code. 55478

Of the portion of the funds distributed to the Cleveland 55479  
Municipal School District under this section, up to \$11,901,887 in 55480  
each fiscal year shall be used to operate the school choice 55481  
program in the Cleveland Municipal School District under sections 55482  
3313.974 to 3313.979 of the Revised Code. 55483

Of the foregoing appropriation item 200-550, Foundation 55484

Funding, \$2,400,000 in fiscal year 2008 and \$2,700,000 in fiscal 55485  
year 2009 shall be used in conjunction with funding appropriated 55486  
under appropriation item 200-408, Early Childhood Education, to 55487  
pay the costs of early childhood education programs under Section 55488  
269.10.20 of this act. 55489

The remaining portion of appropriation item 200-550, 55490  
Foundation Funding, shall be expended for the public schools of 55491  
city, local, exempted village, and joint vocational school 55492  
districts, including base-cost funding, special education speech 55493  
service enhancement funding, career-technical education weight 55494  
funding, career-technical education associated service funding, 55495  
teacher training and experience funding, charge-off supplement, 55496  
and excess cost supplement under sections 3317.022, 3317.023, 55497  
3317.0216, and 3317.16 of the Revised Code. 55498

Appropriation items 200-502, Pupil Transportation, 200-521, 55499  
Gifted Pupil Program, 200-540, Special Education Enhancements, and 55500  
200-550, Foundation Funding, other than specific set-asides, are 55501  
collectively used in each fiscal year to pay state formula aid 55502  
obligations for school districts and joint vocational school 55503  
districts under Chapter 3317. of the Revised Code. The first 55504  
priority of these appropriation items, with the exception of 55505  
specific set-asides, is to fund state formula aid obligations 55506  
under Chapter 3317. of the Revised Code. It may be necessary to 55507  
reallocate funds among these appropriation items or use excess 55508  
funds from other general revenue fund appropriation items in the 55509  
Department of Education's budget in each fiscal year, in order to 55510  
meet state formula aid obligations. If it is determined that it is 55511  
necessary to transfer funds among these appropriation items or to 55512  
transfer funds from other General Revenue Fund appropriations in 55513  
the Department of Education's budget to meet state formula aid 55514  
obligations, the Department of Education shall seek approval from 55515  
the Controlling Board to transfer funds as needed. 55516

<b>Section 269.30.80. TRANSITIONAL AID FOR CITY, LOCAL, AND</b>	55517
<b>EXEMPTED VILLAGE SCHOOL DISTRICTS</b>	55518
(A) The Department of Education shall distribute funds within	55519
appropriation item 200-550, Foundation Funding, for transitional	55520
aid in each fiscal year to each qualifying city, local, and	55521
exempted village school district.	55522
For fiscal years 2008 and 2009, the Department shall pay	55523
transitional aid to each city, local, or exempted village school	55524
district that experiences any decrease in its SF-3 funding for the	55525
current fiscal year from its transitional aid guarantee base for	55526
the current fiscal year. The amount of the transitional aid	55527
payment shall equal the difference between the district's SF-3	55528
funding for the current fiscal year and its transitional aid	55529
guarantee base for the current fiscal year.	55530
(B)(1) Subject to divisions (B)(3) and (4) of this section,	55531
the transitional aid guarantee base for each city, local, and	55532
exempted village school district for fiscal year 2008 equals the	55533
sum of the following as computed for fiscal year 2007, as	55534
determined based on the final reconciliation of data by the	55535
Department:	55536
(a) Base-cost funding under division (A) of section 3317.022	55537
of the Revised Code;	55538
(b) Special education and related services additional	55539
weighted funding under division (C)(1) of section 3317.022 of the	55540
Revised Code;	55541
(c) Speech services funding under division (C)(4) of section	55542
3317.022 of the Revised Code;	55543
(d) Vocational education additional weighted funding under	55544
division (E) of section 3317.022 of the Revised Code;	55545
(e) GRADS funding under division (N) of section 3317.024 of	55546

the Revised Code;	55547
(f) Adjustments for classroom teachers and educational service personnel under divisions (B), (C), and (D) of section 3317.023 of the Revised Code;	55548 55549 55550
(g) Poverty-Based Assistance under section 3317.029 of the Revised Code;	55551 55552
(h) Gifted education units under division (L) of section 3317.024 and section 3317.05 of the Revised Code;	55553 55554
(i) Transportation under Section 206.09.21 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended;	55555 55556
(j) The excess cost supplement under division (F) of section 3317.022 of the Revised Code;	55557 55558
(k) Parity aid under section 3317.0217 of the Revised Code;	55559
(l) The reappraisal guarantee under division (C) of section 3317.04 of the Revised Code;	55560 55561
(m) The charge-off supplement under section 3317.0216 of the Revised Code;	55562 55563
(n) Transitional aid under Section 206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended.	55564 55565
(2) Subject to divisions (B)(3) and (4) of this section, the transitional aid guarantee base for each city, local, and exempted village school district for fiscal year 2009 equals the sum of the following as computed for fiscal year 2008, as determined based on the final reconciliation of data by the Department:	55566 55567 55568 55569 55570
(a) Base-cost funding under division (A) of section 3317.022 of the Revised Code;	55571 55572
(b) Special education and related services additional weighted funding under division (C)(1) of section 3317.022 of the Revised Code;	55573 55574 55575



(c) Speech services funding under division (C)(4) of section 3317.022 of the Revised Code;	55576 55577
(d) Vocational education additional weighted funding under division (E) of section 3317.022 of the Revised Code;	55578 55579
(e) GRADS funding under division (N) of section 3317.024 of the Revised Code;	55580 55581
(f) Adjustments for classroom teachers and educational service personnel under divisions (B), (C), and (D) of section 3317.023 of the Revised Code;	55582 55583 55584
(g) Gifted education units under division (L) of section 3317.024 and section 3317.05 of the Revised Code;	55585 55586
(h) Transportation under the section of this act entitled "PUPIL TRANSPORTATION";	55587 55588
(i) The excess cost supplement under division (F) of section 3317.022 of the Revised Code;	55589 55590
(j) The charge-off supplement under section 3317.0216 of the Revised Code;	55591 55592
(k) Transitional aid under this section.	55593
(3) The SF-3 funding for each fiscal year for each district is the sum of the amounts specified in divisions (B)(2)(a) to (k) of this section less any general revenue fund spending reductions ordered by the Governor under section 126.05 of the Revised Code.	55594 55595 55596 55597
(4) Notwithstanding divisions (B)(1) and (2) of this section, if the Superintendent of Public Instruction determines that the transitional aid guarantee base for a given fiscal year reflects an error in formula ADM, the Superintendent may consult with the Director of Budget and Management, and then adjust the transitional aid guarantee base for that fiscal year.	55598 55599 55600 55601 55602 55603
<b>Section 269.30.90. TRANSITIONAL AID FOR JOINT VOCATIONAL</b>	55604

SCHOOL DISTRICTS 55605

(A) The Department of Education shall distribute funds within 55606  
appropriation item 200-550, Foundation Funding, for transitional 55607  
aid in each fiscal year to each joint vocational school district 55608  
that experiences a decrease in its joint vocational funding for 55609  
the current fiscal year from the previous fiscal year. The 55610  
Department shall distribute to each such district transitional aid 55611  
in an amount equal to the decrease in the district's joint 55612  
vocational funding from the previous fiscal year. 55613

(B)(1) Subject to divisions (B)(2) and (3) of this section, a 55614  
district's joint vocational funding equals the sum of the 55615  
following: 55616

(a) Base-cost funding under division (B) of section 3317.16 55617  
of the Revised Code; 55618

(b) Special education and related services additional 55619  
weighted funding under division (D)(1) of section 3317.16 of the 55620  
Revised Code; 55621

(c) Speech services funding under division (D)(2) of section 55622  
3317.16 of the Revised Code; 55623

(d) Vocational education additional weighted funding under 55624  
division (C) of section 3317.16 of the Revised Code; 55625

(e) GRADS funding under division (N) of section 3317.024 of 55626  
the Revised Code. 55627

(2) For purposes of calculating transitional aid for fiscal 55628  
year 2008, a district's fiscal year 2007 joint vocational funding 55629  
is the sum of the amounts described in divisions (B)(1)(a) to (e) 55630  
of this section, plus any transitional aid paid to the district 55631  
under Section 206.09.42 of Am. Sub. H.B. 66 of the 126th General 55632  
Assembly, as subsequently amended, that the district actually 55633  
received for fiscal year 2007, as determined based on the final 55634

reconciliation of data by the Department. For purposes of 55635  
calculating transitional aid for fiscal year 2009, a district's 55636  
fiscal year 2008 joint vocational funding is the sum of the 55637  
amounts described in divisions (B)(1)(a) to (e) of this section, 55638  
plus any transitional aid paid to the district under this section, 55639  
that the district actually received for fiscal year 2008, as 55640  
determined based on the final reconciliation of data by the 55641  
Department. 55642

(3) The joint vocational funding for each fiscal year for 55643  
each district is the sum of the amounts specified in divisions 55644  
(B)(1)(a) to (e) and (B)(2) of this section less any general 55645  
revenue fund spending reductions ordered by the Governor under 55646  
section 126.05 of the Revised Code. 55647

**Section 269.40.10. LITERACY IMPROVEMENT-CLASSROOM GRANTS** 55648

The foregoing appropriation item 200-566, Literacy 55649  
Improvement-Classroom Grants, shall be disbursed by the Department 55650  
of Education to provide reading improvement grants to public 55651  
schools in city, local, and exempted village school districts; 55652  
community schools; and educational service centers serving 55653  
kindergarten through twelfth grade students to help struggling 55654  
students improve their reading skills, improve reading outcomes in 55655  
low-performing schools, and help close achievement gaps. 55656

**VIOLENCE PREVENTION AND SCHOOL SAFETY** 55657

Of the foregoing appropriation item 200-578, Violence 55658  
Prevention and School Safety, up to \$224,250 in each fiscal year 55659  
shall be used to fund a safe school center to provide resources 55660  
for parents and for school and law enforcement personnel. 55661

The remainder of the appropriation shall be distributed based 55662  
on guidelines developed by the Department of Education to enhance 55663  
school safety. The guidelines shall provide a list of 55664

research-based best practices and programs from which local 55665  
grantees shall select based on local needs. These practices shall 55666  
include, but not be limited to, school resource officers and safe 55667  
and drug free school coordinators and social-emotional development 55668  
programs. 55669

**Section 269.40.20. PROPERTY TAX ALLOCATION - EDUCATION** 55670

The Superintendent of Public Instruction shall not request, 55671  
and the Controlling Board shall not approve, the transfer of funds 55672  
from appropriation item 200-901, Property Tax Allocation - 55673  
Education, to any other appropriation item. 55674

The appropriation item 200-901, Property Tax Allocation - 55675  
Education, is appropriated to pay for the state's costs incurred 55676  
because of the homestead exemption and the property tax rollback. 55677  
In cooperation with the Department of Taxation, the Department of 55678  
Education shall distribute these funds directly to the appropriate 55679  
school districts of the state, notwithstanding sections 321.24 and 55680  
323.156 of the Revised Code, which provide for payment of the 55681  
homestead exemption and property tax rollback by the Tax 55682  
Commissioner to the appropriate county treasurer and the 55683  
subsequent redistribution of these funds to the appropriate local 55684  
taxing districts by the county auditor. 55685

Appropriation item 200-906, Tangible Tax Exemption - 55686  
Education, is appropriated to pay for the state's costs incurred 55687  
because of the tangible personal property tax exemption required 55688  
by division (C)(3) of section 5709.01 of the Revised Code. In 55689  
cooperation with the Department of Taxation, the Department of 55690  
Education shall distribute to each county treasurer the total 55691  
amount appearing in the notification from the county treasurer 55692  
under division (G) of section 321.24 of the Revised Code, for all 55693  
school districts located in the county, notwithstanding section 55694  
321.24 of the Revised Code insofar as it provides for payment of 55695

the \$10,000 tangible personal property tax exemption by the Tax Commissioner to the appropriate county treasurer for all local taxing districts located in the county. Pursuant to division (G) of section 321.24 of the Revised Code, the county auditor shall distribute the amount paid by the Department of Education among the appropriate school districts.

Upon receipt of these amounts, each school district shall distribute the amount among the proper funds as if it had been paid as real or tangible personal property taxes. Payments for the costs of administration shall continue to be paid to the county treasurer and county auditor as provided for in sections 319.54, 321.26, and 323.156 of the Revised Code.

Any sums, in addition to the amounts specifically appropriated in appropriation items 200-901, Property Tax Allocation - Education, for the homestead exemption and the property tax rollback payments, and 200-906, Tangible Tax Exemption - Education, for the \$10,000 tangible personal property tax exemption payments, which are determined to be necessary for these purposes, are hereby appropriated.

**Section 269.40.30. TEACHER CERTIFICATION AND LICENSURE**

The foregoing appropriation item 200-681, Teacher Certification and Licensure, shall be used by the Department of Education in each year of the biennium to administer and support teacher certification and licensure activities.

**SCHOOL DISTRICT SOLVENCY ASSISTANCE**

Of the foregoing appropriation item 200-687, School District Solvency Assistance, \$9,000,000 in each fiscal year shall be allocated to the School District Shared Resource Account and \$9,000,000 in each fiscal year shall be allocated to the Catastrophic Expenditures Account. These funds shall be used to

provide assistance and grants to school districts to enable them 55726  
to remain solvent under section 3316.20 of the Revised Code. 55727  
Assistance and grants shall be subject to approval by the 55728  
Controlling Board. Any required reimbursements from school 55729  
districts for solvency assistance shall be made to the appropriate 55730  
account in the School District Solvency Assistance Fund (Fund 55731  
5H3). 55732

Notwithstanding any provision of law to the contrary, upon 55733  
the request of the Superintendent of Public Instruction, the 55734  
Director of Budget and Management may make transfers to the School 55735  
District Solvency Assistance Fund (Fund 5H3) from any Department 55736  
of Education-administered fund or the General Revenue Fund to 55737  
maintain sufficient cash balances in the School District Solvency 55738  
Assistance Fund (Fund 5H3) in fiscal years 2008 and 2009. Any 55739  
funds transferred are hereby appropriated. The transferred funds 55740  
may be used by the Department of Education to provide assistance 55741  
and grants to school districts to enable them to remain solvent 55742  
and to pay unforeseeable expenses of a temporary or emergency 55743  
nature that the school district is unable to pay from existing 55744  
resources. The Director of Budget and Management shall notify the 55745  
members of the Controlling Board of any such transfers. 55746

**Section 269.40.40. READING FIRST** 55747

The foregoing appropriation item 200-632, Reading First, 55748  
shall be used by school districts to administer federal diagnostic 55749  
tests as well as other functions permitted by federal statute. 55750  
Notwithstanding section 3301.079 of the Revised Code, federal 55751  
diagnostic tests may be recognized as meeting the state diagnostic 55752  
testing requirements outlined in section 3301.079 of the Revised 55753  
Code. 55754

**IMPROVING TEACHER QUALITY** 55755

For fiscal years 2008 and 2009, the Department of Education 55756

shall provide funding to the Ohio Wyami Appalachian Teacher Cohorts Program under the Columbiana County Educational Service Center to provide teacher professional development in Ohio's Appalachian counties. The program shall provide professional development that is based on a review of scientifically based research and is expected to improve student academic achievement as required by Title II of the "No Child Left Behind Act of 2001," 115 Stat. 1425, 20 U.S.C. 6612 et seq., for approximately eighty public and charter nonpublic teachers from Ohio's Appalachian counties each year. The Department of Education shall provide \$900,000 in federal grant funds from the State Grants for Improving Teacher Quality Program to the Columbiana County Educational Service Center for this purpose. The Center shall not expend these funds outside of Ohio.

HALF-MILL MAINTENANCE EQUALIZATION

The foregoing appropriation item 200-626, Half-Mill Maintenance Equalization, shall be used to make payments pursuant to section 3318.18 of the Revised Code.

**Section 269.40.50. START-UP FUNDS**

Funds appropriated for the purpose of providing start-up grants to Title IV-A Head Start and Title IV-A Head Start Plus agencies in fiscal year 2004 and fiscal year 2005 for the provision of services to children eligible for Title IV-A services under the Title IV-A Head Start or Title IV-A Head Start Plus programs shall be reimbursed to the General Revenue Fund as follows:

(A) If, for fiscal year 2008, an entity that was a Title IV-A Head Start or Title IV-A Head Start Plus agency will not be an early learning agency or early learning provider, the entity shall repay the entire amount of the start-up grant it received in fiscal year 2004 and fiscal year 2005 not later than June 30,

2009, in accordance with a payment schedule agreed to by the Department of Education. 55788  
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(B) If an entity that was a Title IV-A Head Start or Title IV-A Head Start Plus agency in fiscal year 2004 or fiscal year 2005 will be an early learning agency or early learning provider in fiscal year 2008 and fiscal year 2009, the entity shall be allowed to retain any amount of the start-up grant it received. 55790  
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(C) Within ninety days after the effective date of this section, the Title IV-A Head Start agencies, Title IV-A Head Start Plus agencies, and the Department of Education shall determine the repayment schedule for amounts owed under division (A) of this section. These amounts shall be paid to the state not later than June 30, 2009. 55795  
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(D) If an entity that was a Title IV-A Head Start or Title IV-A Head Start Plus agency in fiscal year 2004 or fiscal year 2005 owed the state any portion of the start-up grant amount during fiscal year 2006 or fiscal year 2007 but failed to repay the entire amount of the obligation by June 30, 2007, the entity shall be given an extension for repayment through June 30, 2009, before any amounts remaining due and payable to the state are referred to the Attorney General for collection under section 131.02 of the Revised Code. 55801  
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(E) Any Title IV-A Head Start or Title IV-A Head Start Plus start-up grants that are retained by early learning agencies or early learning providers pursuant to this section shall be reimbursed to the General Revenue Fund when the early learning program ceases or is no longer funded from Title IV-A or if an early learning agency's or early learning provider's participation in the early learning program ceases or is terminated. 55810  
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**Section 269.40.60. AUXILIARY SERVICES REIMBURSEMENT** 55817



Notwithstanding section 3317.064 of the Revised Code, if the unobligated cash balance is sufficient, the Treasurer of State shall transfer \$1,500,000 in fiscal year 2008 within thirty days after the effective date of this section, and \$1,500,000 in fiscal year 2009 by August 1, 2008, from the Auxiliary Services Personnel Unemployment Compensation Fund to the Department of Education's Auxiliary Services Reimbursement Fund (Fund 598).

**Section 269.40.70. LOTTERY PROFITS EDUCATION FUND**

Appropriation item 200-612, Foundation Funding (Fund 017), shall be used in conjunction with appropriation item 200-550, Foundation Funding (GRF), to provide payments to school districts under Chapter 3317. of the Revised Code.

The Department of Education, with the approval of the Director of Budget and Management, shall determine the monthly distribution schedules of appropriation item 200-550, Foundation Funding (GRF), and appropriation item 200-612, Foundation Funding (Fund 017). If adjustments to the monthly distribution schedule are necessary, the Department of Education shall make such adjustments with the approval of the Director of Budget and Management.

The Director of Budget and Management shall transfer via intrastate transfer voucher the amount appropriated under the Lottery Profits Education Fund for appropriation item 200-682, Lease Rental Payment Reimbursement, to the General Revenue Fund on a schedule determined by the director. These funds shall support the appropriation item 230-428, Lease Rental Payments (GRF), of the School Facilities Commission.

**Section 269.40.80. LOTTERY PROFITS EDUCATION RESERVE FUND**

(A) There is hereby created the Lottery Profits Education Reserve Fund (Fund 018) in the State Treasury. Investment earnings

of the Lottery Profits Education Reserve Fund shall be credited to 55848  
the fund. The Superintendent of Public Instruction may certify 55849  
cash balances exceeding \$75,000,000 in the Lottery Profits 55850  
Education Reserve Fund (Fund 018) to the Director of Budget and 55851  
Management in June of any given fiscal year. Prior to making the 55852  
certification, the Superintendent of Public Instruction shall 55853  
determine whether the funds above the \$75,000,000 threshold are 55854  
needed to help pay for foundation program obligations for that 55855  
fiscal year under Chapter 3317. of the Revised Code. If those 55856  
funds are needed for the foundation program, the Superintendent of 55857  
Public Instruction shall notify and consult with the Director of 55858  
Budget and Management to determine the amount that may be 55859  
transferred to the Public School Building Fund (Fund 021). Upon 55860  
this determination, the Director of Budget and Management shall 55861  
transfer the amount from the Lottery Profits Education Reserve 55862  
Fund (Fund 018) to the Public School Building Fund (Fund 021). The 55863  
amount transferred is hereby appropriated to appropriation item 55864  
CAP-622, Public School Buildings. 55865

For fiscal years 2008 and 2009, notwithstanding any 55866  
provisions of law to the contrary, amounts necessary to make loans 55867  
authorized by sections 3317.0210, 3317.0211, and 3317.62 of the 55868  
Revised Code are hereby appropriated to the Lottery Profits 55869  
Education Reserve Fund (Fund 018). Loan repayments from loans made 55870  
in previous years shall be deposited to the fund. 55871

(B) On July 15, 2007, or as soon as possible thereafter, the 55872  
Director of the Ohio Lottery Commission shall certify to the 55873  
Director of Budget and Management the amount by which lottery 55874  
profit transfers received by the Lottery Profits Education Fund 55875  
(Fund 017) exceeded \$637,900,000 in fiscal year 2007. The Director 55876  
of Budget and Management shall transfer the amount so certified, 55877  
plus the cash balance in Fund 017, to the General Revenue Fund to 55878  
support appropriation item 200-550, Foundation Funding. 55879

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(C) On July 15, 2008, or as soon as possible thereafter, the  
Director of the Ohio Lottery Commission shall certify to the  
Director of Budget and Management the amount by which lottery  
profit transfers received by the Lottery Profits Education Fund  
(Fund 017) exceeded \$657,900,000 in fiscal year 2008. The Director  
of Budget and Management may transfer the amount so certified,  
plus the cash balance in Fund 017, to the Lottery Profits  
Education Reserve Fund (Fund 018) or to the General Revenue Fund  
to support appropriation item 200-550, Foundation Funding.

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(D) Any amounts transferred under division (B) or (C) of this  
section may be made available by the Controlling Board in fiscal  
years 2008 or 2009, at the request of the Superintendent of Public  
Instruction, to provide assistance and grants to school districts  
to enable them to remain solvent and to pay unforeseeable expenses  
of a temporary or emergency nature that they are unable to pay  
from existing resources under section 3316.20 of the Revised Code,  
and to provide payments to school districts under Chapter 3317. of  
the Revised Code.

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**Section 269.40.90.** GENERAL REVENUE FUND TRANSFERS TO SCHOOL  
DISTRICT PROPERTY TAX REPLACEMENT - BUSINESS (FUND 047)

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Notwithstanding any provision of law to the contrary, in  
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.

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**Section 269.50.10.** SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - 55909

BUSINESS 55910

The foregoing appropriation item, 200-909, School District 55911  
Property Tax Replacement - Business, in Fund 047, shall be used by 55912  
the Department of Education, in consultation with the Department 55913  
of Taxation, to make payments to school districts and joint 55914  
vocational school districts under section 5751.21 of the Revised 55915  
Code. If it is determined by the Director of Budget and Management 55916  
that additional appropriations are necessary for this purpose, 55917  
such amounts are hereby appropriated. 55918

SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - UTILITY 55919

The foregoing appropriation item 200-900, School District 55920  
Property Tax Replacement-Utility, in Fund 053, shall be used by 55921  
the Department of Education, in consultation with the Department 55922  
of Taxation, to make payments to school districts and joint 55923  
vocational school districts under section 5727.85 of the Revised 55924  
Code. 55925

**\*Section 269.50.20.** DISTRIBUTION FORMULAS 55926

The Department of Education shall report the following to the 55927  
Director of Budget and Management and the Legislative Service 55928  
Commission: 55929

(A) Changes in formulas for distributing state 55930  
appropriations, including administratively defined formula 55931  
factors; 55932

(B) Discretionary changes in formulas for distributing 55933  
federal appropriations; 55934

(C) Federally mandated changes in formulas for distributing 55935  
federal appropriations. 55936

Any such changes shall be reported two weeks prior to the 55937  
effective date of the change. 55938

<b>Section 269.50.30. EDUCATIONAL SERVICE CENTERS FUNDING</b>	55939
(A) As used in this section:	55940
(1) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.	55941 55942
(2) "Service center ADM" has the same meaning as in section 3317.11 of the Revised Code.	55943 55944
(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.	55945 55946 55947 55948 55949 55950 55951 55952 55953 55954
(C) Notwithstanding any provision of the Revised Code to the contrary, an educational service center that sponsors a community school under Chapter 3314. of the Revised Code in either fiscal year may include the students of that community school in its service center ADM for purposes of state funding under division (F) of section 3317.11 of the Revised Code, unless the community school is an Internet- or computer-based community school. A service center shall include the community school students in its service center ADM only to the extent that the students are not already so included, and only in accordance with guidelines issued by the Department of Education. If the students of a community school sponsored by an educational service center are included in the service center ADM of another educational service center, those students shall be removed from the service center ADM of the other educational service center and added to the service center	55955 55956 55957 55958 55959 55960 55961 55962 55963 55964 55965 55966 55967 55968 55969

ADM of the community school's sponsoring service center. The 55970  
General Assembly authorizes this procedure as an incentive for 55971  
educational service centers to take over sponsorship of community 55972  
schools from the State Board of Education as the State Board's 55973  
sponsorship is phased out in accordance with Sub. H.B. 364 of the 55974  
124th General Assembly. No student of an Internet- or 55975  
computer-based community school shall be counted in the service 55976  
center ADM of any educational service center. The Department shall 55977  
pay educational service centers under division (F) of section 55978  
3317.11 of the Revised Code for community school students included 55979  
in their service center ADMs under this division only if 55980  
sufficient funds earmarked within appropriation item 200-550, 55981  
Foundation Funding, for payments under that division remain after 55982  
first paying for students attributable to their local and client 55983  
school districts, in accordance with divisions (B) and (D) of this 55984  
section. 55985

(D) If insufficient funds are earmarked within appropriation 55986  
item 200-550, Foundation Funding, for payments under division (F) 55987  
of section 3317.11 of the Revised Code and division (C) of this 55988  
section in fiscal year 2008 or fiscal year 2009, the Department 55989  
shall prioritize the distribution of the earmarked funds as 55990  
follows: 55991

(1) The Department shall first distribute to each educational 55992  
service center the per-student amount specified in division (F) of 55993  
section 3317.11 of the Revised Code for each student in its 55994  
service center ADM attributable to the local school districts 55995  
within the service center's territory. 55996

(2) The Department shall distribute the remaining funds in 55997  
each fiscal year to each educational service center for the 55998  
students in its service center ADM attributable to each city and 55999  
exempted village school district that had entered into an 56000  
agreement with an educational service center for that fiscal year 56001

under section 3313.843 of the Revised Code by January 1, 1997, up 56002  
to the per-student amount specified in division (F) of section 56003  
3317.11 of the Revised Code. If insufficient funds remain to pay 56004  
each service center the full amount specified in division (F) of 56005  
that section for each such student, the Department shall 56006  
distribute the remaining funds to each service center 56007  
proportionally, on a per-student basis for each such student, 56008  
unless that proportional per-student amount exceeds the amount 56009  
specified in division (F)(1) of that section. In that case, the 56010  
Department shall distribute the per-student amount specified in 56011  
division (F)(1) of that section to each service center for each 56012  
such student and shall distribute the remainder proportionally, on 56013  
a per-student basis for each such student, to the multi-county 56014  
service centers described in division (F)(2) of that section. 56015

(3) If the Department has paid each service center under 56016  
divisions (D)(1) and (2) of this section, the full amount 56017  
specified in division (F) of section 3317.11 of the Revised Code 56018  
for each student attributable to its local school districts and 56019  
its client school districts described in division (D)(2) of this 56020  
section the Department shall distribute any remaining funds 56021  
proportionally, on a per-student basis, to each service center 56022  
that sponsors a community school, other than an Internet- or 56023  
computer-based community school, for the students included in the 56024  
service center ADM under division (C) of this section. These 56025  
payments shall not exceed per student the amount specified in 56026  
division (F) of section 3317.11 of the Revised Code. 56027

**\*Section 269.50.40.** For the school year commencing July 1, 56028  
2007, or the school year commencing July 1, 2008, or both, the 56029  
Superintendent of Public Instruction may waive for the board of 56030  
education of any school district the ratio of teachers to pupils 56031  
in kindergarten through fourth grade required under paragraph 56032  
(A)(3) of rule 3301-35-05 of the Administrative Code if the 56033

following conditions apply:	56034
(A) The board of education requests the waiver.	56035
(B) After the Department of Education conducts an on-site evaluation of the district related to meeting the required ratio, the board of education demonstrates to the satisfaction of the Superintendent of Public Instruction that providing the facilities necessary to meet the required ratio during the district's regular school hours with pupils in attendance would impose an extreme hardship on the district.	56036 56037 56038 56039 56040 56041 56042
(C) The board of education provides assurances that are satisfactory to the Superintendent of Public Instruction that the board will act in good faith to meet the required ratio as soon as possible.	56043 56044 56045 56046
<b>Section 269.50.50. PRIVATE TREATMENT FACILITY PROJECT</b>	56047
(A) As used in this section:	56048
(1) The following are "participating residential treatment centers":	56049 56050
(a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the Department and which, in fiscal year 2008 or fiscal year 2009 or both, the Department pays through appropriation item 470-401, Care and Custody;	56051 56052 56053 56054 56055 56056
(b) Abraxas, in Shelby;	56057
(c) Paint Creek, in Bainbridge;	56058
(d) Act One, in Akron;	56059
(e) Friars Club, in Cincinnati.	56060
(2) "Education program" means an elementary or secondary education program or a special education program and related	56061 56062



services. 56063

(3) "Served child" means any child receiving an education 56064  
program pursuant to division (B) of this section. 56065

(4) "School district responsible for tuition" means a city, 56066  
exempted village, or local school district that, if tuition 56067  
payment for a child by a school district is required under law 56068  
that existed in fiscal year 1998, is the school district required 56069  
to pay that tuition. 56070

(5) "Residential child" means a child who resides in a 56071  
participating residential treatment center and who is receiving an 56072  
educational program under division (B) of this section. 56073

(B) A youth who is a resident of the state and has been 56074  
assigned by a juvenile court or other authorized agency to a 56075  
residential treatment facility specified in division (A) of this 56076  
section shall be enrolled in an approved educational program 56077  
located in or near the facility. Approval of the educational 56078  
program shall be contingent upon compliance with the criteria 56079  
established for such programs by the Department of Education. The 56080  
educational program shall be provided by a school district or 56081  
educational service center, or by the residential facility itself. 56082  
Maximum flexibility shall be given to the residential treatment 56083  
facility to determine the provider. In the event that a voluntary 56084  
agreement cannot be reached and the residential facility does not 56085  
choose to provide the educational program, the educational service 56086  
center in the county in which the facility is located shall 56087  
provide the educational program at the treatment center to 56088  
children under twenty-two years of age residing in the treatment 56089  
center. 56090

(C) Any school district responsible for tuition for a 56091  
residential child shall, notwithstanding any conflicting provision 56092  
of the Revised Code regarding tuition payment, pay tuition for the 56093

child for fiscal year 2008 and fiscal year 2009 to the education 56094  
program provider and in the amount specified in this division. If 56095  
there is no school district responsible for tuition for a 56096  
residential child and if the participating residential treatment 56097  
center to which the child is assigned is located in the city, 56098  
exempted village, or local school district that, if the child were 56099  
not a resident of that treatment center, would be the school 56100  
district where the child is entitled to attend school under 56101  
sections 3313.64 and 3313.65 of the Revised Code, that school 56102  
district, notwithstanding any conflicting provision of the Revised 56103  
Code, shall pay tuition for the child for fiscal year 2008 and 56104  
fiscal year 2009 under this division unless that school district 56105  
is providing the educational program to the child under division 56106  
(B) of this section. 56107

A tuition payment under this division shall be made to the 56108  
school district, educational service center, or residential 56109  
treatment facility providing the educational program to the child. 56110

The amount of tuition paid shall be: 56111

(1) The amount of tuition determined for the district under 56112  
division (A) of section 3317.08 of the Revised Code; 56113

(2) In addition, for any student receiving special education 56114  
pursuant to an individualized education program as defined in 56115  
section 3323.01 of the Revised Code, a payment for excess costs. 56116  
This payment shall equal the actual cost to the school district, 56117  
educational service center, or residential treatment facility of 56118  
providing special education and related services to the student 56119  
pursuant to the student's individualized education program, minus 56120  
the tuition paid for the child under division (C)(1) of this 56121  
section. 56122

A school district paying tuition under this division shall 56123  
not include the child for whom tuition is paid in the district's 56124

average daily membership certified under division (A) of section 56125  
3317.03 of the Revised Code. 56126

(D) In each of fiscal years 2008 and 2009, the Department of 56127  
Education shall reimburse, from appropriations made for the 56128  
purpose, a school district, educational service center, or 56129  
residential treatment facility, whichever is providing the 56130  
service, that has demonstrated that it is in compliance with the 56131  
funding criteria for each served child for whom a school district 56132  
must pay tuition under division (C) of this section. The amount of 56133  
the reimbursement shall be the formula amount specified in section 56134  
3317.022 of the Revised Code, except that the department shall 56135  
proportionately reduce this reimbursement if sufficient funds are 56136  
not available to pay this amount to all qualified providers. 56137

(E) Funds provided to a school district, educational service 56138  
center, or residential treatment facility under this section shall 56139  
be used to supplement, not supplant, funds from other public 56140  
sources for which the school district, service center, or 56141  
residential treatment facility is entitled or eligible. 56142

(F) The Department of Education shall track the utilization 56143  
of funds provided to school districts, educational service 56144  
centers, and residential treatment facilities under this section 56145  
and monitor the effect of the funding on the educational programs 56146  
they provide in participating residential treatment facilities. 56147  
The department shall monitor the programs for educational 56148  
accountability. 56149

**Section 269.50.60. SCHOOL DISTRICT PARTICIPATION IN NATIONAL 56150**  
ASSESSMENT OF EDUCATION PROGRESS 56151

The General Assembly intends for the Superintendent of Public 56152  
Instruction to provide for school district participation in the 56153  
administration of the National Assessment of Education Progress in 56154  
accordance with section 3301.27 of the Revised Code. Each school 56155

and school district selected for participation by the 56156  
Superintendent of Public Instruction shall participate. 56157

**Section 269.50.70.** DEPARTMENT OF EDUCATION APPROPRIATION 56158  
TRANSFERS FOR STUDENT ASSESSMENT 56159

In fiscal year 2008 and fiscal year 2009, if the 56160  
Superintendent of Public Instruction determines that additional 56161  
funds are needed to fully fund the requirements of Am. Sub. H.B. 3 56162  
of the 125th General Assembly and this act for assessments of 56163  
student performance, the Superintendent of Public Instruction may 56164  
recommend the reallocation of unspent and unencumbered 56165  
appropriations within the Department of Education to the General 56166  
Revenue Fund appropriation item 200-437, Student Assessment, to 56167  
the Director of Budget and Management. If the Director of Budget 56168  
and Management determines that such a reallocation is required, 56169  
the Director of Budget and Management may transfer unspent and 56170  
unencumbered funds within the Department of Education as necessary 56171  
to appropriation item 200-437, Student Assessment. If these 56172  
unspent and unencumbered funds are not sufficient to fully fund 56173  
the assessment requirements in fiscal year 2008 or fiscal year 56174  
2009, the Superintendent of Public Instruction may request that 56175  
the Controlling Board transfer up to \$9,000,000 cash from the 56176  
Lottery Profits Education Reserve Fund (Fund 018) to the General 56177  
Revenue Fund and appropriate these transferred funds to 56178  
appropriation item 200-437, Student Assessment. 56179

**Section 269.50.80.** (A) As used in this section: 56180

(1) "IEP" has the same meaning as in section 3314.08 of the 56181  
Revised Code. 56182

(2) "SBH student" means a student receiving special education 56183  
and related services for severe behavior handicap conditions 56184  
pursuant to an IEP. 56185

(B) This section applies only to a community school 56186  
established under Chapter 3314. of the Revised Code that in each 56187  
of fiscal years 2008 and 2009 enrolls a number of SBH students 56188  
equal to at least fifty per cent of the total number of students 56189  
enrolled in the school in the applicable fiscal year. 56190

(C) In addition to any payments made under section 3314.08 of 56191  
the Revised Code, in each of fiscal years 2008 and 2009, the 56192  
Department of Education shall pay to a community school to which 56193  
this section applies a subsidy equal to the difference between the 56194  
aggregate amount calculated and paid in that fiscal year to the 56195  
community school for special education and related services 56196  
additional weighted costs for the SBH students enrolled in the 56197  
school and the aggregate amount that would have been calculated 56198  
for the school for special education and related services 56199  
additional weighted costs for those same students in fiscal year 56200  
2001. If the difference is a negative number, the amount of the 56201  
subsidy shall be zero. 56202

(D) The amount of any subsidy paid to a community school 56203  
under this section shall not be deducted from the school district 56204  
in which any of the students enrolled in the community school are 56205  
entitled to attend school under section 3313.64 or 3313.65 of the 56206  
Revised Code. The amount of any subsidy paid to a community school 56207  
under this section shall be paid from funds appropriated to the 56208  
Department of Education in appropriation item 200-550, Foundation 56209  
Funding. 56210

**Section 269.50.90. EARMARK ACCOUNTABILITY** 56211

At the request of the Superintendent of Public Instruction, 56212  
any entity that receives a budget earmark under the Department of 56213  
Education shall submit annually to the chairpersons of the 56214  
committees of the House of Representatives and the Senate 56215  
primarily concerned with education and to the Department of 56216

Education a report that includes a description of the services 56217  
supported by the funds, a description of the results achieved by 56218  
those services, an analysis of the effectiveness of the program, 56219  
and an opinion as to the program's applicability to other school 56220  
districts. For an earmarked entity that received state funds from 56221  
an earmark in the prior fiscal year, no funds shall be provided by 56222  
the Department of Education to an earmarked entity for a fiscal 56223  
year until its report for the prior fiscal year has been 56224  
submitted. 56225

**Section 269.60.10.** No community school established under 56226  
Chapter 3314. of the Revised Code that was not open for operation 56227  
as of May 1, 2005, shall operate from a home, as defined in 56228  
section 3313.64 of the Revised Code. 56229

**Section 269.60.30.** PLAN TO MOVE ADULT EDUCATION PROGRAMS TO 56230  
BOARD OF REGENTS 56231

The Department of Education shall work collaboratively with 56232  
the Board of Regents to identify adult and career-technical 56233  
education programs, except for adult basic and literacy education 56234  
programs, that shall be transferred to the Board of Regents by 56235  
July 1, 2008. The purpose of this programmatic transfer is to 56236  
better align and maximize the strength and flexibility of the full 56237  
array of Ohio adult workforce education assets to improve the 56238  
overall quality of adult education and training program course and 56239  
training offerings in order to increase the skills and improve the 56240  
employment prospects of adults. 56241

On or after July 1, 2008, notwithstanding any provision of 56242  
law to the contrary, the Director of Budget and Management may 56243  
take the actions described in this section made necessary by the 56244  
movement of adult education and career programs from the 56245  
Department of Education to the Board of Regents. These actions may 56246

include budget changes made necessary by administrative 56247  
reorganization, program transfers, the creation of new funds, the 56248  
creation of new appropriation items, and the consolidation of 56249  
funds. The Director may transfer cash balances between funds as 56250  
needed. At the request of the Director, the Superintendent of 56251  
Public Instruction shall certify to the Director an estimate of 56252  
the amount of the cash balance to be transferred to the receiving 56253  
fund. The Director may transfer the estimated amount to the Board 56254  
of Regents when needed to make payments. Not more than thirty days 56255  
after certifying the estimated amount, the Superintendent of 56256  
Public Instruction shall certify the final amount to the Director. 56257  
The Director then shall transfer the difference between any amount 56258  
previously transferred and the certified final amount. The 56259  
Director may cancel encumbrances and re-establish encumbrances or 56260  
parts of encumbrances as needed in the appropriate fund and 56261  
appropriation item for the same purpose and to the same vendor. 56262  
The funds necessary to re-establish those encumbrances in a 56263  
different fund or appropriation item within or between the Board 56264  
of Regents and the Department of Education are hereby 56265  
appropriated. The Director shall reduce each year's appropriation 56266  
balances by the amount of the encumbrances canceled in their 56267  
respective funds and appropriation items. Any fiscal year 2008 56268  
unencumbered or unallocated appropriation balances may be 56269  
transferred to the appropriate item to be used for the same 56270  
purposes, as determined by the Director. 56271

Adult basic and literacy programs shall remain under the 56272  
Department of Education. 56273

**Section 269.60.40. SPECIAL EDUCATION SCHOLARSHIP PILOT** 56274  
**PROGRAM** 56275

The State Board of Education shall initiate rulemaking 56276  
procedures for the rules required under section 3310.63 of the 56277

Revised Code, as enacted by this act, so that those rules are in 56278  
effect and the Special Education Scholarship Pilot Program is in 56279  
operation by July 1, 2007. 56280

The Department of Education shall conduct a formative 56281  
evaluation of the Special Education Scholarship Pilot Program 56282  
established under sections 3310.51 to 3310.63 of the Revised Code, 56283  
using both quantitative and qualitative analyses, and shall report 56284  
its findings to the General Assembly not later than December 31, 56285  
2009. In conducting the evaluation, the Department shall to the 56286  
extent possible gather comments from parents who have been awarded 56287  
scholarships under the program, school district officials, 56288  
representatives of registered private providers, educators, and 56289  
representatives of educational organizations for inclusion in the 56290  
report required under this section. 56291

**Section 269.60.60. UNAUDITABLE COMMUNITY SCHOOL** 56292

(A) If the Auditor of State or a public accountant, pursuant 56293  
to section 117.41 of the Revised Code, declares a community school 56294  
established under Chapter 3314. of the Revised Code to be 56295  
unauditable, the Auditor of State shall provide written 56296  
notification of that declaration to the school, the school's 56297  
sponsor, and the Department of Education. The Auditor of State 56298  
also shall post the notification on the Auditor of State's web 56299  
site. 56300

(B) Notwithstanding any provision to the contrary in Chapter 56301  
3314. of the Revised Code or any other provision of law, a sponsor 56302  
of a community school that is notified by the Auditor of State 56303  
under division (A) of this section that a community school it 56304  
sponsors is unauditabile shall not enter into contracts with any 56305  
additional community schools under section 3314.03 of the Revised 56306  
Code until the Auditor of State or a public accountant has 56307  
completed a financial audit of that school. 56308



(C) Not later than forty-five days after receiving 56309  
notification by the Auditor of State under division (A) of this 56310  
section that a community school is unauditabile, the sponsor of the 56311  
school shall provide a written response to the Auditor of State. 56312  
The response shall include the following: 56313

(1) An overview of the process the sponsor will use to review 56314  
and understand the circumstances that led to the community school 56315  
becoming unauditabile; 56316

(2) A plan for providing the Auditor of State with the 56317  
documentation necessary to complete an audit of the community 56318  
school and for ensuring that all financial documents are available 56319  
in the future; 56320

(3) The actions the sponsor will take to ensure that the plan 56321  
described in division (C)(2) of this section is implemented. 56322

(D) If a community school fails to make reasonable efforts 56323  
and continuing progress to bring its accounts, records, files, or 56324  
reports into an auditabile condition within ninety days after being 56325  
declared unauditabile, the Auditor of State, in addition to 56326  
requesting legal action under sections 117.41 and 117.42 of the 56327  
Revised Code, shall notify the Department of the school's failure. 56328  
If the Auditor of State or a public accountant subsequently is 56329  
able to complete a financial audit of the school, the Auditor of 56330  
State shall notify the Department that the audit has been 56331  
completed. 56332

(E) Notwithstanding any provision to the contrary in Chapter 56333  
3314. of the Revised Code or any other provision of law, upon 56334  
notification by the Auditor of State under division (D) of this 56335  
section that a community school has failed to make reasonable 56336  
efforts and continuing progress to bring its accounts, records, 56337  
files, or reports into an auditabile condition following a 56338  
declaration that the school is unauditabile, the Department shall 56339

immediately cease all payments to the school under Chapter 3314. 56340  
of the Revised Code and any other provision of law. Upon 56341  
subsequent notification from the Auditor of State under that 56342  
division that the Auditor of State or a public accountant was able 56343  
to complete a financial audit of the community school, the 56344  
Department shall release all funds withheld from the school under 56345  
this section. 56346

**Section 271.10. ELC OHIO ELECTIONS COMMISSION** 56347

General Revenue Fund 56348

GRF 051-321 Operating Expenses	\$	411,623	\$	423,975	56349
TOTAL GRF General Revenue Fund	\$	411,623	\$	423,975	56350

General Services Fund Group 56351

4P2 051-601 Ohio Elections 56352

Commission Fund	\$	255,000	\$	255,000	56353
TOTAL GSF General Services Fund	\$	255,000	\$	255,000	56354

Group

TOTAL ALL BUDGET FUND GROUPS	\$	666,623	\$	678,975	56355
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**Section 273.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL** 56357

DIRECTORS 56358

General Services Fund Group 56359

4K9 881-609 Operating Expenses	\$	628,641	\$	646,602	56360
TOTAL GSF General Services					56361

Fund Group	\$	628,641	\$	646,602	56362
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TOTAL ALL BUDGET FUND GROUPS	\$	628,641	\$	646,602	56363
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**Section 275.10. PAY EMPLOYEE BENEFITS FUNDS** 56365

Accrued Leave Liability Fund Group 56366

806 995-666 Accrued Leave Fund	\$	69,584,560	\$	76,038,787	56367
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807 995-667 Disability Fund	\$	40,104,713	\$	39,309,838	56368
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TOTAL ALF Accrued Leave Liability					56369
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Fund Group	\$	109,689,273	\$	115,348,625	56370
Agency Fund Group					56371
124 995-673 Payroll Deductions	\$	2,125,000,000	\$	2,175,000,000	56372
808 995-668 State Employee Health	\$	499,240,000	\$	550,922,742	56373
Benefit Fund					
809 995-669 Dependent Care	\$	2,969,635	\$	2,969,635	56374
Spending Account					
810 995-670 Life Insurance	\$	2,113,589	\$	2,229,834	56375
Investment Fund					
811 995-671 Parental Leave Benefit	\$	3,994,806	\$	4,234,495	56376
Fund					
813 995-672 Health Care Spending	\$	12,000,000	\$	12,000,000	56377
Account					
TOTAL AGY Agency Fund Group	\$	2,645,318,030	\$	2,747,356,706	56378
TOTAL ALL BUDGET FUND GROUPS	\$	2,755,007,303	\$	2,862,705,331	56379

ACCRUED LEAVE LIABILITY FUND 56380

The foregoing appropriation item 995-666, Accrued Leave Fund, 56381  
shall be used to make payments from the Accrued Leave Liability 56382  
Fund (Fund 806), pursuant to section 125.211 of the Revised Code. 56383  
If it is determined by the Director of Budget and Management that 56384  
additional amounts are necessary, the amounts are appropriated. 56385

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 56386

The foregoing appropriation item 995-667, Disability Fund, 56387  
shall be used to make payments from the State Employee Disability 56388  
Leave Benefit Fund (Fund 807), pursuant to section 124.83 of the 56389  
Revised Code. If it is determined by the Director of Budget and 56390  
Management that additional amounts are necessary, the amounts are 56391  
appropriated. 56392

PAYROLL WITHHOLDING FUND 56393

The foregoing appropriation item 995-673, Payroll Deductions, 56394  
shall be used to make payments from the Payroll Withholding Fund 56395

(Fund 124). If it is determined by the Director of Budget and Management that additional appropriation amounts are necessary, such amounts are hereby appropriated. 56396  
56397  
56398

STATE EMPLOYEE HEALTH BENEFIT FUND 56399

The foregoing appropriation item 995-668, State Employee Health Benefit Fund, shall be used to make payments from the State Employee Health Benefit Fund (Fund 808), pursuant to section 124.87 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are appropriated. 56400  
56401  
56402  
56403  
56404  
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DEPENDENT CARE SPENDING ACCOUNT 56406

The foregoing appropriation item 995-669, Dependent Care Spending Account, shall be used to make payments from the Dependent Care Spending Account (Fund 809) to employees eligible for dependent care expenses. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are appropriated. 56407  
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56409  
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LIFE INSURANCE INVESTMENT FUND 56413

The foregoing appropriation item 995-670, Life Insurance Investment Fund, shall be used to make payments from the Life Insurance Investment Fund (Fund 810) for the costs and expenses of the state's life insurance benefit program pursuant to section 125.212 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are appropriated. 56414  
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PARENTAL LEAVE BENEFIT FUND 56421

The foregoing appropriation item 995-671, Parental Leave Benefit Fund, shall be used to make payments from the Parental Leave Benefit Fund (Fund 811) to employees eligible for parental leave benefits pursuant to section 124.137 of the Revised Code. If 56422  
56423  
56424  
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it is determined by the Director of Budget and Management that 56426  
additional amounts are necessary, the amounts are appropriated. 56427

HEALTH CARE SPENDING ACCOUNT 56428

There is hereby established in the State Treasury the Health 56429  
Care Spending Account Fund (Fund 813). The foregoing appropriation 56430  
item 995-672, Health Care Spending Account, shall be used to make 56431  
payments from the fund. The fund shall be under the supervision of 56432  
the Department of Administrative Services and shall be used to 56433  
make payments pursuant to state employees' participation in a 56434  
flexible spending account for non-reimbursed health care expenses 56435  
and pursuant to Section 125 of the Internal Revenue Code. All 56436  
income derived from the investment of the fund shall accrue to the 56437  
fund. If it is determined by the Director of Administrative 56438  
Services that additional appropriation amounts are necessary, the 56439  
Director of Administrative Services may request that the Director 56440  
of Budget and Management increase such amounts. Such amounts are 56441  
hereby appropriated. 56442

At the request of the Director of Administrative Services, 56443  
the Director of Budget and Management shall transfer up to 56444  
\$145,000 from the General Revenue Fund to the Health Care Spending 56445  
Account Fund during fiscal years 2008 and 2009. This cash shall be 56446  
transferred as needed to provide adequate cash flow for the Health 56447  
Care Spending Account Fund during fiscal year 2008 and fiscal year 56448  
2009. If funds are available at the end of fiscal years 2008 and 56449  
2009, the Director of Budget and Management shall transfer cash up 56450  
to the amount previously transferred in the respective year, plus 56451  
interest income, back from the Health Care Spending Account (Fund 56452  
813) to the General Revenue Fund. 56453

**Section 277.10.** ERB STATE EMPLOYMENT RELATIONS BOARD 56454

General Revenue Fund 56455

GRF 125-321 Operating Expenses	\$	3,218,803	\$	3,355,602	56456
TOTAL GRF General Revenue Fund	\$	3,218,803	\$	3,355,602	56457
General Services Fund Group					56458
572 125-603 Training and Publications	\$	75,541	\$	75,541	56459
TOTAL GSF General Services Fund Group	\$	75,541	\$	75,541	56460
TOTAL ALL BUDGET FUND GROUPS	\$	3,294,344	\$	3,431,143	56462

**Section 279.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS** 56464

General Services Fund Group					56465
4K9 892-609 Operating Expenses	\$	1,058,881	\$	1,058,881	56466
TOTAL GSF General Services Fund Group	\$	1,058,881	\$	1,058,881	56468
TOTAL ALL BUDGET FUND GROUPS	\$	1,058,881	\$	1,058,881	56469

**Section 281.10. EPA ENVIRONMENTAL PROTECTION AGENCY** 56471

General Services Fund Group					56472
199 715-602 Laboratory Services	\$	1,158,574	\$	1,173,574	56473
219 715-604 Central Support Indirect	\$	16,474,276	\$	17,000,962	56474
4A1 715-640 Operating Expenses	\$	3,369,731	\$	3,369,731	56475
TOTAL GSF General Services Fund Group	\$	21,002,581	\$	21,544,267	56477
Federal Special Revenue Fund Group					56478
3BU 715-684 Water Quality Protection	\$	6,515,000	\$	6,310,000	56479
3F2 715-630 Revolving Loan Fund - Operating	\$	563,536	\$	775,600	56480
3F3 715-632 Federally Supported Cleanup and Response	\$	2,550,000	\$	2,550,000	56481
3F5 715-641 Nonpoint Source	\$	7,550,000	\$	7,595,000	56482

		Pollution Management					
3K4	715-634	DOD Monitoring and Oversight	\$	858,250	\$	898,825	56483
3N4	715-657	DOE Monitoring and Oversight	\$	1,071,678	\$	1,110,270	56484
3T3	715-669	Drinking Water SRF	\$	2,843,923	\$	2,977,998	56485
3V7	715-606	Agencywide Grants	\$	500,000	\$	500,000	56486
353	715-612	Public Water Supply	\$	3,388,619	\$	3,388,618	56487
354	715-614	Hazardous Waste Management - Federal	\$	4,203,891	\$	4,203,891	56488
357	715-619	Air Pollution Control - Federal	\$	6,823,949	\$	6,823,950	56489
362	715-605	Underground Injection Control - Federal	\$	111,874	\$	111,874	56490
TOTAL FED	Federal	Special Revenue					56491
Fund Group			\$	36,980,720	\$	37,246,026	56492
State	Special Revenue	Fund Group					56493
4J0	715-638	Underground Injection Control	\$	458,418	\$	458,418	56494
4K2	715-648	Clean Air - Non Title V	\$	3,690,821	\$	4,066,558	56495
4K3	715-649	Solid Waste	\$	13,932,845	\$	14,282,845	56496
4K4	715-650	Surface Water Protection	\$	12,685,000	\$	13,815,000	56497
4K5	715-651	Drinking Water Protection	\$	8,169,553	\$	8,867,732	56498
4P5	715-654	Cozart Landfill	\$	149,728	\$	149,728	56499
4R5	715-656	Scrap Tire Management	\$	6,000,000	\$	6,000,000	56500
4R9	715-658	Voluntary Action Program	\$	1,032,098	\$	1,032,098	56501
4T3	715-659	Clean Air - Title V Permit Program	\$	18,924,098	\$	18,833,584	56502
4U7	715-660	Construction &	\$	881,561	\$	881,561	56503

Demolition Debris						
5BC	715-617	Clean Ohio	\$	741,646	\$ 741,646	56504
5BC	715-622	Local Air Pollution	\$	1,026,369	\$ 1,026,369	56505
Control						
5BC	715-624	Surface Water	\$	8,797,413	\$ 8,797,413	56506
5BC	715-667	Groundwater	\$	1,093,741	\$ 1,093,741	56507
5BC	715-672	Air Pollution Control	\$	5,199,290	\$ 5,199,290	56508
5BC	715-673	Drinking Water	\$	2,550,250	\$ 2,550,250	56509
5BC	715-675	Hazardous Waste	\$	100,847	\$ 100,847	56510
5BC	715-676	Assistance and	\$	700,302	\$ 700,302	56511
Prevention						
5BC	715-677	Laboratory	\$	1,216,333	\$ 1,216,333	56512
5BC	715-678	Corrective Actions	\$	1,179,775	\$ 1,179,775	56513
5BT	715-679	C&DD Groundwater	\$	571,560	\$ 693,267	56514
Monitoring						
5BY	715-681	Auto Emissions Test	\$	14,817,105	\$ 15,057,814	56515
5CD	715-682	Clean Diesel School	\$	600,000	\$ 600,000	56516
Buses						
5DW	715-683	Automotive Mercury	\$	60,000	\$ 60,000	56517
Switch Program						
5H4	715-664	Groundwater Support	\$	2,503,933	\$ 2,715,340	56518
5N2	715-613	Dredge and Fill	\$	30,000	\$ 30,000	56519
500	715-608	Immediate Removal	\$	557,257	\$ 573,903	56520
Special Account						
503	715-621	Hazardous Waste	\$	11,711,473	\$ 12,200,240	56521
Facility Management						
505	715-623	Hazardous Waste	\$	13,333,179	\$ 14,147,498	56522
Cleanup						
505	715-674	Clean Ohio	\$	109,725	\$ 109,725	56523
Environmental Review						
541	715-670	Site Specific Cleanup	\$	34,650	\$ 34,650	56524
542	715-671	Risk Management	\$	146,188	\$ 146,188	56525
Reporting						



592	715-627	Anti Tampering Settlement	\$	9,707	\$	9,707	56526
6A1	715-645	Environmental Education	\$	1,500,000	\$	1,500,000	56527
602	715-626	Motor Vehicle Inspection and Maintenance	\$	157,697	\$	128,876	56528
644	715-631	ER Radiological Safety	\$	286,114	\$	286,114	56529
660	715-629	Infectious Waste Management	\$	100,000	\$	100,000	56530
676	715-642	Water Pollution Control Loan Administration	\$	4,964,625	\$	4,964,625	56531
678	715-635	Air Toxic Release	\$	210,622	\$	210,622	56532
679	715-636	Emergency Planning	\$	2,628,647	\$	2,628,647	56533
696	715-643	Air Pollution Control Administration	\$	750,000	\$	750,000	56534
699	715-644	Water Pollution Control Administration	\$	750,000	\$	750,000	56535
TOTAL SSR State Special Revenue			\$	144,362,570	\$	148,690,706	56536
Fund Group							
Clean Ohio Revitalization Fund Group							56537
5S1	715-607	Clean Ohio - Operating	\$	208,174	\$	208,174	56538
TOTAL CLF Clean Ohio Revitalization			\$	208,174	\$	208,174	56539
Fund Group							
TOTAL ALL BUDGET FUND GROUPS			\$	202,554,045	\$	207,689,173	56540
AUTOMOBILE EMISSIONS TESTING PROGRAM OPERATION AND OVERSIGHT							56541
On the first day of July of each fiscal year or as soon as							56542
possible thereafter, the Director of Budget and Management shall							56543
transfer \$14,817,105 for use in fiscal year 2008 and \$15,057,814							56544
for use in fiscal year 2009 from the General Revenue Fund (GRF) to							56545
the Auto Emissions Test Fund (Fund 5BY).							56546

The Ohio Environmental Protection Agency (EPA) shall use the foregoing appropriation item 715-681, Auto Emissions Test, in the Auto Emissions Test Fund (Fund 5BY), for the operation, and Ohio EPA's costs for oversight, of the auto emissions testing program. For purposes of continuing testing beyond December 31, 2007, the Director of Environmental Protection may extend an existing contract with the contractor who is implementing the testing program pursuant to section 3704.14 of the Revised Code for a period of two years.

The funds identified in this section shall not be used (1) to pay for the testing costs of any dealers to provide certificates for vehicles being purchased by individuals who reside in areas where the E-Check program is operated or (2) to pay for more than one passing or three total free tests for any vehicle in a three-hundred-sixty-five-day period. When state funds may not be used to pay for testing costs, the cost of testing and retesting paid by an individual or a business for any vehicle shall cover the cost of the test. Testing and other fees charged by the contractor shall be submitted to and approved by the Director of Environmental Protection.

WATER QUALITY PROTECTION FUND

On July 1, 2007, or as soon thereafter as possible, the Director of Environmental Protection shall certify to the Director of Budget and Management the cash balance in Fund 3F4, Water Quality Management. The Director of Budget and Management shall transfer the amount certified from Fund 3F4 to Fund 3BU, Water Quality Protection. Any existing encumbrances in appropriation item 715-633, Water Quality Management (Fund 3F4), shall be cancelled and re-established against appropriation item 715-684, Water Quality Protection (Fund 3BU). The amounts of the re-established encumbrances are hereby appropriated, and Fund 3F4 is abolished.

On July 1, 2007, or as soon thereafter as possible, the 56579  
Director of Environmental Protection shall certify to the Director 56580  
of Budget and Management the cash balance in Fund 3J1, Urban 56581  
Stormwater. The Director of Budget and Management shall transfer 56582  
the amount certified from Fund 3J1 to Fund 3BU, Water Quality 56583  
Protection. Any existing encumbrances in appropriation item 56584  
715-620, Urban Stormwater (Fund 3J1), shall be cancelled and 56585  
re-established against appropriation item 715-684, Water Quality 56586  
Protection (Fund 3BU). The amounts of the re-established 56587  
encumbrances are hereby appropriated, and Fund 3J1 is abolished. 56588

On July 1, 2007, or as soon thereafter as possible, the 56589  
Director of Environmental Protection shall certify to the Director 56590  
of Budget and Management the cash balance in Fund 3J5, Maumee 56591  
River. The Director of Budget and Management shall transfer the 56592  
amount certified from Fund 3J5 to Fund 3BU, Water Quality 56593  
Protection. Any existing encumbrances in appropriation item 56594  
715-615, Maumee River (Fund 3J5), shall be cancelled and 56595  
re-established against appropriation item 715-684, Water Quality 56596  
Protection (Fund 3BU). The amounts of the re-established 56597  
encumbrances are hereby appropriated, and Fund 3J5 is abolished. 56598

On July 1, 2007, or as soon thereafter as possible, the 56599  
Director of Environmental Protection shall certify to the Director 56600  
of Budget and Management the cash balance in Fund 3K2, Clean Water 56601  
Act 106 (Fund 3K2). The Director of Budget and Management shall 56602  
transfer the amount certified from Fund 3K2 to Fund 3BU, Water 56603  
Quality Protection. Any existing encumbrances in appropriation 56604  
item 715-628, Clean Water Act 106, shall be cancelled and 56605  
re-established against appropriation item 715-684, Water Quality 56606  
Protection (Fund 3BU). The amounts of the re-established 56607  
encumbrances are hereby appropriated, and Fund 3K2 is abolished. 56608

On July 1, 2007, or as soon thereafter as possible, the 56609  
Director of Environmental Protection shall certify to the Director 56610

of Budget and Management the cash balance in Fund 3K6, Remedial 56611  
Action Plan. The Director of Budget and Management shall transfer 56612  
the amount certified from Fund 3K6 to Fund 3BU, Water Quality 56613  
Protection. Any existing encumbrances in appropriation item 56614  
715-639, Remedial Action Plan (Fund 3K6), shall be cancelled and 56615  
re-established against appropriation item 715-684, Water Quality 56616  
Protection (Fund 3BU). The amounts of the re-established 56617  
encumbrances are hereby appropriated, and Fund 3K6 is abolished. 56618

On July 1, 2007, or as soon thereafter as possible, the 56619  
Director of Environmental Protection shall certify to the Director 56620  
of Budget and Management the cash balance in Fund 352, Wastewater 56621  
Pollution. The Director of Budget and Management shall transfer 56622  
the amount certified from Fund 352 to Fund 3BU, Water Quality 56623  
Protection. Any existing encumbrances in appropriation item 56624  
715-611, Wastewater Pollution (Fund 352), shall be cancelled and 56625  
re-established against appropriation item 715-684, Water Quality 56626  
Protection (Fund 3BU). The amounts of the re-established 56627  
encumbrances are hereby appropriated, and Fund 352 is abolished. 56628

On July 1, 2007, or as soon thereafter as possible, the 56629  
Director of Environmental Protection shall certify to the Director 56630  
of Budget and Management the cash balance in Fund 358, 205-J 56631  
Federal Planning. The Director of Budget and Management shall 56632  
transfer the amount certified from Fund 358 to Fund 3BU, Water 56633  
Quality Protection. Any existing encumbrances in appropriation 56634  
item 715-625, 205-J Federal Planning (Fund 358), shall be 56635  
cancelled and re-established against appropriation item 715-684, 56636  
Water Quality Protection (Fund 3BU). The amounts of the 56637  
re-established encumbrances are hereby appropriated, and Fund 358 56638  
is abolished. 56639

AREAWIDE PLANNING AGENCIES 56640

The Director of the Environmental Protection Agency shall use 56641  
the foregoing appropriation item 715-624, Surface Water, to 56642

contract with areawide planning agencies in an amount not to 56643  
exceed \$75,000 per agency per fiscal year for areawide water 56644  
quality management and planning activities in accordance with 56645  
Section 208 of the Federal Clean Water Act, 33 U.S.C. 1288. 56646

CASH TRANSFER FOR AUTOMOTIVE MERCURY SWITCH PROGRAM 56647

Upon the request of the Director of Environmental Protection, 56648  
the Director of Budget and Management shall transfer up to \$60,000 56649  
in cash from the Environmental Protection Fund (Fund 5BC) to the 56650  
Automotive Mercury Switch Program Fund (Fund 5DW), in each year of 56651  
the fiscal years 2008-2009 biennium. 56652

**Section 283.10.** EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION 56653

General Revenue Fund 56654

GRF 172-321 Operating Expenses	\$	483,859	\$	487,000	56655
TOTAL GRF General Revenue Fund	\$	483,859	\$	487,000	56656
TOTAL ALL BUDGET FUND GROUPS	\$	483,859	\$	487,000	56657

**Section 285.10.** ETC ETECH OHIO 56659

General Revenue Fund 56660

GRF 935-321 Operations	\$	6,830,918	\$	6,830,921	56661
GRF 935-401 Statehouse News Bureau	\$	244,400	\$	244,400	56662
GRF 935-402 Ohio Government	\$	716,417	\$	716,417	56663

Telecommunications  
Services

GRF 935-403 Technical Operations	\$	3,597,390	\$	3,597,389	56664
GRF 935-404 Telecommunications	\$	3,632,413	\$	3,632,413	56665

Operating Subsidy

GRF 935-406 Technical and	\$	7,285,351	\$	7,272,351	56666
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Instructional  
Professional  
Development

GRF 935-539 Educational Technology	\$	4,139,551	\$	4,139,551	56667
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TOTAL GRF General Revenue Fund	\$	26,446,440	\$	26,433,442	56668
General Services Fund Group					56669
4F3 935-603 Affiliate Services	\$	1,000,000	\$	1,000,000	56670
4T2 935-605 Government	\$	25,000	\$	25,000	56671
Television/Telecommunications					
Operating					
5D4 935-640 Conference/Special	\$	1,821,817	\$	1,821,817	56672
Purposes					
TOTAL GSF General Services Fund	\$	2,846,817	\$	2,846,817	56673
Group					
Federal Special Revenue Fund Group					56674
3S3 935-606 Enhancing Education	\$	589,363	\$	589,363	56675
Technology					
TOTAL FED Federal Special Revenue	\$	589,363	\$	589,363	56676
Fund Group					
State Special Revenue Fund Group					56677
4W9 935-630 Telecommunity	\$	25,000	\$	25,000	56678
4X1 935-634 Distance Learning	\$	50,000	\$	50,000	56679
5T3 935-607 Gates Foundation	\$	200,000	\$	200,000	56680
Grants					
TOTAL SSR State Special Revenue	\$	275,000	\$	275,000	56681
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	30,157,620	\$	30,144,622	56682

**Section 285.20. TOWERS** 56684

(A) eTech Ohio currently owns eighteen towers and owns or 56685  
leases an interest in the land upon which the towers are located 56686  
at the following sites: Akron/Nimisila, Butler, Carey, Carmel 56687  
Church, Celina College, Corner/Oxford, Conneaut/Ashtabula, 56688  
Fairborn/Wright State, Lancaster, London, Loudonville, Mansfield, 56689  
Maplewood, Millersburg, Thompson, Warrensville Heights, 56690  
Wilberforce/Central State University, and Wooster. All rights, 56691

privileges, ownership, and control of the towers shall be 56692  
transferred to the Office of Information Technology by July 1, 56693  
2007, or as soon as possible thereafter. Where the land upon which 56694  
the towers are located is leased by eTech Ohio, eTech Ohio hereby 56695  
relinquishes its right on any such lease and the Office of 56696  
Information Technology shall be substituted as the lessee of the 56697  
premises by July 1, 2007, or as soon as possible thereafter, under 56698  
the same terms, provisions, and conditions as specified in each 56699  
lease agreement, subject to the lessor's consent. Where the land 56700  
upon which the towers are located is owned by eTech Ohio, all 56701  
rights, privileges, ownership, and control of the land shall be 56702  
transferred to the Office of Information Technology by July 1, 56703  
2007, or as soon as possible thereafter. The transfers and 56704  
assignments of the eighteen tower site designations are subject to 56705  
eTech Ohio's continued right to use the towers for transmission 56706  
and broadcasting purposes and subject to the completion of any 56707  
legal surveys of the premises on which the towers are located as 56708  
deemed necessary by the Office of Real Estate Services. 56709

(B) The Governor is hereby authorized to execute deeds or 56710  
leases in the name of the state, granting or leasing all of the 56711  
state's right, title, and interest in the parcels described 56712  
herein, and as necessary to implement division (A) of this 56713  
section. 56714

(C) Renewable leases and deeds to implement division (A) of 56715  
this section shall be prepared by the Auditor of State with the 56716  
assistance of the Attorney General, executed by the Governor, 56717  
countersigned by the Secretary of State, sealed with the Great 56718  
Seal of the State, and presented for recording in the Office of 56719  
the Auditor of State. Each deed or lease shall be delivered to the 56720  
original grantor or lessor of each property for recording in the 56721  
office of the appropriate county recorder. 56722

<b>Section 285.30. TELECOMMUNICATIONS</b>	56723
STATEHOUSE NEWS BUREAU	56724
The foregoing appropriation item 935-401, Statehouse News Bureau, shall be used solely to support the operations of the Ohio Statehouse News Bureau.	56725 56726 56727
OHIO GOVERNMENT TELECOMMUNICATIONS STUDIO	56728
The foregoing appropriation item 935-402, Ohio Government Telecommunications Services, shall be used solely to support the operations of Ohio Government Telecommunications Services.	56729 56730 56731
TECHNICAL OPERATIONS	56732
The foregoing appropriation item 935-403, Technical Operations, shall be used by eTech Ohio to pay expenses of eTech Ohio's network infrastructure, which includes the television and radio transmission infrastructure and infrastructure that shall link all public K-12 classrooms to each other and the Internet, and provide access to voice, video, and data educational resources for students and teachers.	56733 56734 56735 56736 56737 56738 56739
TELECOMMUNICATIONS OPERATING SUBSIDY	56740
Of the foregoing appropriation item 935-404, Telecommunications Operating Subsidy, \$45,000 in each fiscal year shall be used to contract for dial-up newspaper reading services for the blind and physically handicapped. The contract shall be awarded through a competitive bidding process.	56741 56742 56743 56744 56745
The remainder of appropriation item 935-404, Telecommunications Operating Subsidy, shall be distributed by 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	56746 56747 56748 56749 56750 56751 56752



substitute formula is developed by eTech Ohio in consultation with 56753  
Ohio's qualified public educational television stations, radio 56754  
reading services, and educational radio stations. 56755

**Section 285.40. TECHNICAL AND INSTRUCTIONAL PROFESSIONAL 56756**  
DEVELOPMENT 56757

The foregoing appropriation item 935-406, Technical and 56758  
Instructional Professional Development, shall be used by eTech 56759  
Ohio to make grants or provide services to qualifying public 56760  
schools, including the State School for the Blind, the State 56761  
School for the Deaf, and the Department of Youth Services, for the 56762  
provision of hardware, software, telecommunications services, and 56763  
staff development to support educational uses of technology in the 56764  
classroom. 56765

Of the foregoing appropriation item 935-406, Technical and 56766  
Instructional Professional Development, up to \$1,000,000 in each 56767  
fiscal year shall be used to implement and support the Ohio 56768  
Students Choosing On-line Resources for Educational Success (Ohio 56769  
SCORES) initiative that increases the educational options 56770  
available to students in mathematics, advanced laboratory-based 56771  
science, and foreign language. eTech Ohio shall work 56772  
collaboratively with the Department of Education and the Board of 56773  
Regents on this initiative. 56774

Of the foregoing appropriation item 935-406, Technical and 56775  
Instructional Professional Development, up to \$200,000 in each 56776  
fiscal year shall be used by eTech Ohio to provide competitive 56777  
professional development grants to school districts. Grant 56778  
proposals shall focus on developing innovative programs that 56779  
enhance the abilities of teachers to use innovative methods for 56780  
integrating technology to implement state academic content 56781  
standards in classroom lessons. Grant requirements and awards 56782  
shall be approved by eTech Ohio, with priority given to school 56783

districts designated in academic emergency, academic watch, or 56784  
continuous improvement. eTech Ohio shall develop a web site to 56785  
share information learned through these programs with school 56786  
districts statewide. The web site shall be linked with the Ohio 56787  
Department of Education's Instructional Management System. 56788

Of the foregoing appropriation item 935-406, Technical and 56789  
Instructional Professional Development, up to \$1,260,000 in each 56790  
fiscal year shall be allocated equally among the 12 Ohio 56791  
educational television stations and used with the advice and 56792  
approval of eTech Ohio. Funds shall be used for the production of 56793  
interactive instructional programming series with priority given 56794  
to resources aligned with state academic content standards in 56795  
consultation with the Ohio Department of Education and for 56796  
teleconferences to support eTech Ohio. The programming shall be 56797  
targeted to the needs of the poorest two hundred school districts 56798  
as determined by the district's adjusted valuation per pupil as 56799  
defined in former section 3317.0213 of the Revised Code as that 56800  
section existed prior to June 30, 2005. 56801

The remainder of appropriation item 935-406, Technical and 56802  
Instructional Professional Development, shall be used by eTech 56803  
Ohio for professional development for teachers and administrators 56804  
for the use of educational technology. eTech Ohio may make grants 56805  
to provide technical assistance and professional development on 56806  
the use of educational technology to school districts. 56807

Eligible recipients of grants include regional training 56808  
centers, educational service centers, information technology 56809  
centers, educational technology centers, institutions of higher 56810  
education, public television stations, special education resource 56811  
centers, area media centers, or other nonprofit educational 56812  
organizations. In addition, services provided through these grants 56813  
may include use of private entities subcontracting through the 56814  
grant recipient. 56815

Grants shall be made to entities on a contractual basis with 56816  
eTech Ohio. Contracts shall include provisions that demonstrate 56817  
how services will benefit technology use in the public schools, 56818  
and in particular how services will support eTech Ohio's efforts 56819  
to integrate technology in the public schools. Contracts shall 56820  
specify the scope of assistance being offered and the potential 56821  
number of professionals who will be served. Contracting entities 56822  
may be awarded more than one grant at a time. Grants shall be 56823  
awarded in a manner consistent with the goals and priorities of 56824  
eTech Ohio. Special emphasis in the award of grants shall be 56825  
placed on collaborative efforts among service providers. 56826

Application for grants from appropriation item 935-406, 56827  
Technical and Instructional Professional Development, shall be 56828  
consistent with a school district's technology plan that shall 56829  
meet the minimum specifications for school district technology 56830  
plans as prescribed by eTech Ohio. Funds allocated through these 56831  
grants may be combined with funds received through other state or 56832  
federal grants for technology so long as the school district's 56833  
technology plan specifies the use of these funds. 56834

**Section 285.50. EDUCATION TECHNOLOGY** 56835

The foregoing appropriation item 935-539, Education 56836  
Technology, shall be used to provide funding to suppliers of 56837  
information services to school districts for the provision of 56838  
hardware, software, and staff development in support of 56839  
educational uses of technology in the classroom as prescribed by 56840  
the State Plan for Technology pursuant to section 3301.07 of the 56841  
Revised Code, and to support assistive technology for children and 56842  
youth with disabilities. 56843

Of the foregoing appropriation item 935-539, Education 56844  
Technology, up to \$4,139,551 in each fiscal year shall be used by 56845  
eTech Ohio to contract with educational television to provide Ohio 56846

public schools with instructional resources and services with 56847  
priority given to resources and services aligned with state 56848  
academic content standards and such resources and services shall 56849  
be based upon the advice and approval of eTech Ohio, based on a 56850  
formula used by the Ohio SchoolNet Commission unless and until a 56851  
substitute formula is developed by eTech Ohio in consultation with 56852  
Ohio's educational technology agencies and noncommercial 56853  
educational television stations. 56854

Resources may include, but not be limited to, the following: 56855  
prerecorded video materials (including videotape, laser discs, and 56856  
CD-ROM discs); computer software for student use or student access 56857  
to electronic communication, databases, spreadsheet, and word 56858  
processing capability; live student courses or courses delivered 56859  
electronically; automated media systems; and instructional and 56860  
professional development materials for teachers. eTech Ohio shall 56861  
collaborate with public television stations and cooperate with 56862  
education technology agencies in the acquisition, development, and 56863  
delivery of these educational resources to ensure high-quality and 56864  
educational soundness at the lowest possible cost. Delivery of 56865  
these resources may utilize a variety of technologies, with a 56866  
preference given to a high speed integrated information network 56867  
that can transport video, voice, data, and graphics 56868  
simultaneously. 56869

Services shall include presentations and technical assistance 56870  
that will help students and teachers integrate educational 56871  
materials that support curriculum objectives, match specific 56872  
learning styles, and are appropriate for individual interests and 56873  
ability levels. 56874

The instructional resources and services shall be made 56875  
available for purchase by chartered nonpublic schools or by school 56876  
districts for the benefit of pupils attending chartered nonpublic 56877  
schools. 56878

eTech Ohio shall monitor the developments of technology, 56879  
coordinate with the Office of Information Technology, and assure 56880  
the most effective and highest quality operation of eTech Ohio 56881  
networks. All efforts may be aligned with the State's ongoing 56882  
efforts to coordinate appropriate network operations through the 56883  
Office of Information Technology and through the Third Frontier 56884  
Network. 56885

**Section 285.60. TELECOMMUNITY** 56886

The foregoing appropriation item 935-630, Telecommunity, 56887  
shall be distributed by eTech Ohio on a grant basis to eligible 56888  
school districts to establish "distance learning" through 56889  
interactive video technologies in the school district. Per 56890  
agreements with eight Ohio local telephone companies ALLTEL Ohio, 56891  
CENTURY Telephone of Ohio, Chillicothe Telephone Company, 56892  
Cincinnati Bell Telephone Company, Orwell Telephone Company, 56893  
Sprint North Central Telephone, VERIZON, and Western Reserve 56894  
Telephone Company, school districts are eligible for funds if they 56895  
are within one of the listed telephone company service areas. 56896  
Funds to administer the program shall be expended by eTech Ohio up 56897  
to the amount specified in agreements with the listed telephone 56898  
companies. 56899

Within thirty days after the effective date of this section, 56900  
the Director of Budget and Management shall transfer to Fund 4W9 56901  
in the State Special Revenue Fund Group any investment earnings 56902  
from moneys paid by any telephone company as part of any 56903  
settlement agreement between the listed companies and the Public 56904  
Utilities Commission in fiscal years 1996 and beyond. 56905

**DISTANCE LEARNING** 56906

The foregoing appropriation item 935-634, Distance Learning, 56907  
shall be distributed by eTech Ohio on a grant basis to eligible 56908  
school districts to establish "distance learning" in the school 56909

district. Per the agreement with Ameritech, school districts are 56910  
 eligible for funds if they are within an Ameritech service area. 56911  
 Funds to administer the program shall be expended by eTech Ohio up 56912  
 to the amount specified in the agreement with Ameritech. 56913

Within thirty days after the effective date of this section, 56914  
 the Director of Budget and Management shall transfer to Fund 4X1 56915  
 in the State Special Revenue Fund Group any investment earnings 56916  
 from moneys paid by any telephone company as part of a settlement 56917  
 agreement between the company and the Public Utilities Commission 56918  
 in fiscal year 1995. 56919

**GATES FOUNDATION GRANTS** 56920

The foregoing appropriation item 935-607, Gates Foundation 56921  
 Grants, shall be used by eTech Ohio to provide professional 56922  
 development to school district principals, superintendents, and 56923  
 other administrative staff for the use of education technology. 56924

**Section 287.10. ETH OHIO ETHICS COMMISSION** 56925

General Revenue Fund				56926
GRF 146-321 Operating Expenses	\$	1,863,028	\$ 1,902,275	56927
TOTAL GRF General Revenue Fund	\$	1,863,028	\$ 1,902,275	56928
General Services Fund Group				56929
4M6 146-601 Operating Expenses	\$	432,543	\$ 432,543	56930
TOTAL GSF General Services				56931
Fund Group	\$	432,543	\$ 432,543	56932
TOTAL ALL BUDGET FUND GROUPS	\$	2,295,571	\$ 2,334,818	56933

**Section 289.10. EXP OHIO EXPOSITIONS COMMISSION** 56935

General Revenue Fund				56936
GRF 723-403 Junior Fair Subsidy	\$	400,000	\$ 400,000	56937
TOTAL GRF General Revenue Fund	\$	400,000	\$ 400,000	56938
State Special Revenue Fund Group				56939

4N2 723-602	Ohio State Fair	\$	520,000	\$	520,000	56940
	Harness Racing					
506 723-601	Operating Expenses	\$	13,643,315	\$	13,643,315	56941
640 723-603	State Fair Reserve	\$	125,337	\$	0	56942
TOTAL SSR	State Special Revenue					56943
Fund Group		\$	14,288,652	\$	14,163,315	56944
TOTAL ALL BUDGET FUND GROUPS		\$	14,688,652	\$	14,563,315	56945

STATE FAIR RESERVE 56946

The foregoing appropriation item 723-603, State Fair Reserve, 56947  
shall serve as a budget reserve fund for the Ohio Expositions 56948  
Commission in the event of a significant decline in attendance 56949  
because of inclement weather or extraordinary circumstances during 56950  
the Ohio State Fair resulting in a loss of revenue. The State Fair 56951  
Reserve Fund (Fund 640) may be used by the Ohio Expositions 56952  
Commission to pay bills resulting from the Ohio State Fair only if 56953  
all the following criteria are met: 56954

(A) Admission revenues for the 2007 Ohio State Fair are less 56955  
than \$2,025,000 or the admission revenues for the 2008 Ohio State 56956  
Fair are less than \$2,065,000 because of inclement weather or 56957  
extraordinary circumstances. These amounts are ninety per cent of 56958  
the projected revenues for each year. 56959

(B) The Ohio Expositions Commission declares a state of 56960  
fiscal exigency and requests release of funds from the Director of 56961  
Budget and Management. 56962

(C) The Director of Budget and Management releases the funds. 56963  
The Director of Budget and Management may approve or disapprove 56964  
the request for release of funds, may increase or decrease the 56965  
amount of release, and may place conditions as the Director 56966  
considers necessary on the use of the released funds. The Director 56967  
of Budget and Management may transfer the appropriation from 56968  
fiscal year 2008 to fiscal year 2009 as needed. 56969

In the event that the Ohio Expositions Commission faces a temporary cash shortage that will preclude it from meeting current obligations, the Commission may request the Director of Budget and Management to approve use of the State Fair Reserve Fund (Fund 640) to meet those obligations. The request shall include a plan describing how the Commission will eliminate the cash shortage. If the Director of Budget and Management approves the expenditures, the Commission shall reimburse the State Fair Reserve Fund (Fund 640) by the thirtieth day of June of that same fiscal year through an intrastate transfer voucher. The amount reimbursed is hereby appropriated.

**Section 291.10.** GOV OFFICE OF THE GOVERNOR

General Revenue Fund					56982
GRF 040-321 Operating Expenses	\$	3,754,045	\$	3,754,045	56983
GRF 040-403 Federal Relations	\$	435,443	\$	435,443	56984
GRF 040-408 Office of Veterans' Affairs	\$	287,000	\$	298,000	56985
TOTAL GRF General Revenue Fund	\$	4,476,488	\$	4,487,488	56986
General Services Fund Group					56987
5AK 040-607 Federal Relations	\$	365,149	\$	365,149	56988
TOTAL GSF General Services Fund Group	\$	365,149	\$	365,149	56989
TOTAL ALL BUDGET FUND GROUPS	\$	4,841,637	\$	4,852,637	56990

APPOINTMENT OF LEGAL COUNSEL FOR THE GOVERNOR

The Governor may expend a portion of the foregoing appropriation item 040-321, Operating Expenses, to hire or appoint legal counsel to be used in proceedings involving the Governor in the Governor's official capacity or the Governor's office only, without the approval of the Attorney General, notwithstanding sections 109.02 and 109.07 of the Revised Code.



FEDERAL RELATIONS				56998	
A portion of the foregoing appropriation items 040-403,				56999	
Federal Relations, and 040-607, Federal Relations, may be used to				57000	
support Ohio's membership in national or regional associations.				57001	
The Office of the Governor may charge any state agency of the				57002	
executive branch using an intrastate transfer voucher such amounts				57003	
necessary to defray the costs incurred for the conduct of federal				57004	
relations associated with issues that can be attributed to the				57005	
agency. Amounts collected shall be deposited to the Office of the				57006	
Governor Federal Relations Fund (Fund 5AK).				57007	
<b>Section 293.10. DOH DEPARTMENT OF HEALTH</b>				57008	
General Revenue Fund				57009	
GRF 440-407 Animal Borne Disease	\$	2,327,101	\$	2,327,101	57010
and Prevention					
GRF 440-412 Cancer Incidence	\$	1,002,619	\$	1,002,619	57011
Surveillance System					
GRF 440-413 Local Health	\$	3,786,794	\$	3,786,794	57012
Department Support					
GRF 440-416 Child and Family	\$	10,047,874	\$	10,147,874	57013
Health Services					
GRF 440-418 Immunizations	\$	9,400,615	\$	9,400,615	57014
GRF 440-431 Free Clinic Liability	\$	125,000	\$	125,000	57015
Insurance					
GRF 440-437 Healthy Ohio	\$	1,502,618	\$	2,855,553	57016
GRF 440-444 AIDS Prevention and	\$	7,158,127	\$	7,158,127	57017
Treatment					
GRF 440-446 Infectious Disease	\$	200,000	\$	200,000	57018
Prevention					
GRF 440-451 Lab and Public Health	\$	6,085,250	\$	6,085,250	57019
Prevention Programs					
GRF 440-452 Child and Family	\$	1,024,017	\$	1,024,017	57020

		Health Services Match					
GRF	440-453	Health Care Quality Assurance	\$	10,253,728	\$	10,253,728	57021
GRF	440-454	Local Environmental Health	\$	889,752	\$	889,752	57022
GRF	440-459	Help Me Grow	\$	10,923,397	\$	14,041,847	57023
GRF	440-505	Medically Handicapped Children	\$	10,791,784	\$	10,791,784	57024
GRF	440-507	Targeted Health Care Services Over 21	\$	1,681,023	\$	1,681,023	57025
GRF	440-511	Uncompensated Care and Emergency Medical Assistance	\$	0	\$	3,500,000	57026
TOTAL GRF		General Revenue Fund	\$	77,199,699	\$	85,271,084	57027
		General Services Fund Group					57028
142	440-646	Agency Health Services	\$	3,461,915	\$	3,461,915	57029
211	440-613	Central Support Indirect Costs	\$	28,884,707	\$	28,884,707	57030
473	440-622	Lab Operating Expenses	\$	4,954,045	\$	4,954,045	57031
683	440-633	Employee Assistance Program	\$	1,208,214	\$	1,208,214	57032
698	440-634	Nurse Aide Training	\$	170,000	\$	170,000	57033
TOTAL GSF		General Services Fund Group	\$	38,678,881	\$	38,678,881	57034
		Federal Special Revenue Fund Group					57036
320	440-601	Maternal Child Health Block Grant	\$	30,666,635	\$	30,666,635	57037
387	440-602	Preventive Health Block Grant	\$	7,826,659	\$	7,826,659	57038
389	440-604	Women, Infants, and Children	\$	230,077,451	\$	230,077,451	57039
391	440-606	Medicaid/Medicare	\$	24,850,959	\$	24,850,959	57040

392	440-618	Federal Public Health Programs	\$	136,778,215	\$	136,778,215	57041
TOTAL FED Federal Special Revenue Fund Group							
			\$	430,199,919	\$	430,199,919	57043
State Special Revenue Fund Group							
4D6	440-608	Genetics Services	\$	3,317,000	\$	3,317,000	57045
4F9	440-610	Sickle Cell Disease Control	\$	1,035,344	\$	1,035,344	57046
4G0	440-636	Heirloom Birth Certificate	\$	5,000	\$	5,000	57047
4G0	440-637	Birth Certificate Surcharge	\$	5,000	\$	5,000	57048
4L3	440-609	Miscellaneous Expenses	\$	446,468	\$	446,468	57049
4T4	440-603	Child Highway Safety	\$	233,894	\$	233,894	57050
4V6	440-641	Save Our Sight	\$	1,767,994	\$	1,767,994	57051
470	440-647	Fee Supported Programs	\$	27,946,243	\$	25,905,140	57052
471	440-619	Certificate of Need	\$	869,000	\$	898,000	57053
477	440-627	Medically Handicapped Children Audit	\$	3,693,016	\$	3,693,016	57054
5B5	440-616	Quality, Monitoring, and Inspection	\$	838,479	\$	838,479	57055
5CB	440-640	Poison Control Centers	\$	150,000	\$	150,000	57056
5CN	440-645	Choose Life	\$	75,000	\$	75,000	57057
5C0	440-615	Alcohol Testing and Permit	\$	1,455,405	\$	1,455,405	57058
5D6	440-620	Second Chance Trust	\$	1,054,951	\$	1,054,951	57059
5EC	440-650	Health Emergency	\$	15,312,500	\$	0	57060
5ED	440-651	Smoke Free Indoor Air	\$	800,000	\$	800,000	57061
5G4	440-639	Adoption Services	\$	20,000	\$	20,000	57062
5L1	440-623	Nursing Facility Technical Assistance Program	\$	664,282	\$	698,595	57063
610	440-626	Radiation Emergency	\$	850,000	\$	850,000	57064

	Response					
666	440-607	Medically Handicapped	\$	14,320,687	\$ 14,320,687	57065
		Children - County				
		Assessments				
	TOTAL SSR	State Special Revenue				57066
	Fund Group		\$	74,860,263	\$ 57,569,973	57067
	Holding Account	Redistribution Fund Group				57068
R14	440-631	Vital Statistics	\$	70,000	\$ 70,000	57069
R48	440-625	Refunds, Grants	\$	20,000	\$ 20,000	57070
		Reconciliation, and				
		Audit Settlements				
	TOTAL 090	Holding Account				57071
	Redistribution Fund Group		\$	90,000	\$ 90,000	57072
	TOTAL ALL BUDGET FUND GROUPS		\$	621,028,762	\$ 611,809,857	57073

**Section 293.20. CHILD AND FAMILY HEALTH SERVICES** 57075

Of the foregoing appropriation item 440-416, Child and Family Health Services, not more than \$1,700,000 in each fiscal year shall be used for women's health services. 57076  
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Of the foregoing appropriation item 440-416, Child and Family Health Services, not more than \$270,000 shall be used in each fiscal year for the OPTIONS dental care access program. 57079  
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Of the foregoing appropriation item 440-416, Child and Family Health Services, not more than \$1,900,000 in fiscal year 2008 and \$2,150,000 in fiscal year 2009 shall be used by federally qualified health centers and federally designated look-alikes to provide services to uninsured low-income persons. 57082  
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Of the foregoing appropriation item 440-416, Child and Family Health Services, not more than \$500,000 in each fiscal year shall be used for abstinence and adoption education. The Director of Health shall develop guidelines for the establishment of abstinence and adoption education programs for teenagers with the 57087  
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purpose of decreasing unplanned pregnancies and abortion. The 57092  
guidelines shall be developed pursuant to Title V of the "Social 57093  
Security Act," 42 U.S.C. 510, and shall include, but are not 57094  
limited to, advertising campaigns and direct training in schools 57095  
and other locations. 57096

Of the foregoing appropriation item 440-416, Child and Family 57097  
Health Services, \$10,000 in each fiscal year shall be allocated to 57098  
the Jewish Family Services in Cleveland, \$10,000 in each fiscal 57099  
year shall be allocated to the Jewish Family Services in 57100  
Cincinnati, \$10,000 shall be allocated in each fiscal year to the 57101  
Jewish Family Services in Columbus, and \$10,000 in each fiscal 57102  
year shall be allocated to the Wexner Heritage Village in Columbus 57103  
for interpreters for health care. 57104

Of the foregoing appropriation item 440-416, Child and Family 57105  
Health Services, \$10,000 in each fiscal year shall be provided to 57106  
the Jewish Family Services in Dayton, \$5,000 in each fiscal year 57107  
shall be provided to the Jewish Community Center in Akron, \$5,000 57108  
in each fiscal year shall be provided to the Jewish Community 57109  
Center in Sylvania, \$2,500 in each fiscal year shall be provided 57110  
to the Jewish Community Center in Youngstown, and \$2,500 in each 57111  
fiscal year shall be provided to the Jewish Community Center in 57112  
Canton. 57113

Of the foregoing appropriation item 440-416, Child and Family 57114  
Health Services, \$16,667 in each fiscal year shall be allocated to 57115  
the Yassenoff Jewish Community Center, \$16,667 in each fiscal year 57116  
shall be allocated to the Jewish Community Center in Cincinnati, 57117  
and \$16,666 in each fiscal year shall be allocated to the Jewish 57118  
Community Center in Cleveland for children's health and nutrition 57119  
camp programs. 57120

Of the foregoing appropriation item 440-416, Child and Family 57121  
Health Services, \$16,666 in each fiscal year shall be allocated to 57122  
the Athens Community Center. 57123

Of the foregoing appropriation item 440-416, Child and Family Health Services, \$500,000 in fiscal year 2008 and \$300,000 in fiscal year 2009 shall be used for the establishment of the Autism Diagnosis Education Pilot Program. Not later than December 31, 2008, the Director of Health shall compile and submit to the Governor and the General Assembly a written report describing the action taken under the Autism Diagnosis Education Pilot Program since the effective date of this section. Not later than December 31, 2009, the Director shall compile and submit to the Governor and the General Assembly a written report describing the action taken under the Pilot Program since December 31, 2008.

Of the foregoing appropriation item 440-416, Child and Family Health Services, \$100,000 in each fiscal year shall be allocated to the Compdrug Teen Dating Violence Prevention Project in Franklin County.

Of the foregoing appropriation item, 440-416, Child and Family Health Services, \$2,500,000 in each fiscal year shall be used for breast and cervical cancer treatments.

**Section 293.25. COLLEGE PREGNANCY AND PARENTING OFFICES PILOT PROGRAM**

(A) As used in this section, "institution of higher education" means a public or private university or college in this state, including a community college or state community college.

(B) The Director of Health shall conduct a pilot program in fiscal year 2009 for the purpose of awarding grants to up to four institutions of higher education to establish and operate on a selected institution's campus an office that provides support to students who are pregnant or who are the parents or legal guardians of one or more minors. Planning for the pilot program shall commence in fiscal year 2008.

(C) An institution of higher education may apply for a grant 57154  
by completing and submitting an application form supplied by the 57155  
Director. The Director may require the institution to submit 57156  
additional information after the Director has reviewed the 57157  
application. 57158

(D) Before awarding a grant, the Director shall secure a 57159  
written agreement in which the proposed grantee commits to doing 57160  
all of the following: 57161

(1) Locating the office described in division (B) of this 57162  
section on the campus of the institution. 57163

(2) Assessing the institution's performance in both of the 57164  
following areas: 57165

(a) Offering health insurance plans to students that include 57166  
coverage for prenatal and postpartum care and riders for the 57167  
coverage of additional family members; 57168

(b) Providing services or items that meet the needs of 57169  
students who are pregnant or who are the parents or legal 57170  
guardians of one or more minors, including family housing, child 57171  
care, flexible or alternative academic scheduling, education 57172  
concerning responsible parenting and healthy marriages, maternity 57173  
and infant clothing, formula and baby food, and baby furniture. 57174

(3) Identifying and establishing programs with public and 57175  
private service providers located on campus and in the local 57176  
community that are qualified to meet the needs described in 57177  
division (D)(2)(b) of this section. 57178

(4) Assisting students in locating and obtaining services 57179  
that meet the needs described in division (D)(2)(b) of this 57180  
section. 57181

(5) Providing, on the request of an individual student, 57182  
referrals for prenatal care and delivery, infant or foster care, 57183

or adoption. The office shall make referrals only to persons or 57184  
governmental entities that primarily serve parents, prospective 57185  
parents awaiting adoption, pregnant women who plan to parent or 57186  
place a child for adoption, or married couples or couples that 57187  
plan on marrying in order to provide a supportive environment for 57188  
each other and one or more minors. 57189

(6) Providing, by a date determined by the Director, a 57190  
written report to the Director that itemizes the office's 57191  
expenditures during the fiscal year and meets the format or form 57192  
established by the Director under division (E) of this section. 57193

(7) Providing, after the Director's review of the report 57194  
described in division (D)(6) of this section, any additional 57195  
information requested by the Director. 57196

(E) The Director shall establish a format or form for the 57197  
written report that must be provided by an institution under 57198  
division (D)(6) of this section. In establishing the format or 57199  
form, the Director shall identify specific performance criteria 57200  
the institution must address in the report. 57201

(F) The Director may adopt any rules necessary to implement 57202  
this section. The rules shall be adopted in accordance with 57203  
Chapter 119. of the Revised Code. 57204

(G) Of the foregoing appropriation item 440-416, Child and 57205  
Family Health Services, \$50,000 in fiscal year 2009 shall be used 57206  
to make grants for the pilot program described in this section. 57207

**Section 293.30. HEALTHY OHIO** 57208

The Department of Health may use appropriation item 440-437, 57209  
Healthy Ohio, to complete an inventory of prevention programs so 57210  
that it may better target prevention funding, to fund programs to 57211  
decrease minority health disparities, and to fund care 57212  
coordination models to improve health outcomes for individuals 57213



with catastrophic health conditions.	57214
HIV/AIDS PREVENTION/TREATMENT	57215
Of the foregoing appropriation item 440-444, AIDS Prevention	57216
and Treatment, not more than \$6.7 million in each fiscal year	57217
shall be used to assist persons with HIV/AIDS in acquiring	57218
HIV-related medications.	57219
INFECTIOUS DISEASE PREVENTION	57220
The foregoing appropriation item 440-446, Infectious Disease	57221
Prevention, shall be used for the purchase of drugs for sexually	57222
transmitted diseases.	57223
HELP ME GROW	57224
The foregoing appropriation item 440-459, Help Me Grow, shall	57225
be used by the Department of Health to distribute subsidies to	57226
counties to implement the Help Me Grow Program. Appropriation item	57227
440-459, Help Me Grow, may be used in conjunction with Temporary	57228
Assistance for Needy Families from the Department of Job and	57229
Family Services, Early Intervention funding from the Department of	57230
Mental Retardation and Developmental Disabilities, and in	57231
conjunction with other early childhood funds and services to	57232
promote the optimal development of young children. Local contracts	57233
shall be developed between local departments of job and family	57234
services and family and children first councils for the	57235
administration of TANF funding for the Help Me Grow Program. The	57236
Department of Health shall enter into an interagency agreement	57237
with the Department of Education, Department of Mental Retardation	57238
and Developmental Disabilities, Department of Job and Family	57239
Services, and Department of Mental Health to ensure that all early	57240
childhood programs and initiatives are coordinated and school	57241
linked.	57242
TARGETED HEALTH CARE SERVICES OVER 21	57243

In each fiscal year, of the foregoing appropriation item 57244  
440-507, Targeted Health Care Services Over 21, \$731,023 shall be 57245  
used to administer the cystic fibrosis program and implement the 57246  
Hemophilia Insurance Premium Payment Program. 57247

Of the foregoing appropriation item 440-507, Targeted Health 57248  
Care Services Over 21, \$900,000 in each fiscal year shall be used 57249  
to provide essential medications and to pay the copayments for 57250  
drugs approved by the Department of Health and covered by Medicare 57251  
Part D that are dispensed to Bureau for Children with Medical 57252  
Handicaps (BCMh) participants for the cystic fibrosis program. 57253  
These funds also may be used, to the extent that funding is 57254  
available, to provide up to 18 in-patient hospital days for 57255  
participants in the cystic fibrosis program. The Department shall 57256  
expend all of these earmarked funds. 57257

UNCOMPENSATED CARE AND EMERGENCY MEDICAL 57258

The foregoing appropriation item 440-511, Uncompensated Care 57259  
and Emergency Medical Assistance, shall be used to fund programs 57260  
that provide health care without ability to pay. This is not an 57261  
entitlement program and services are offered only to the extent 57262  
that funding is available. 57263

MATERNAL CHILD HEALTH BLOCK GRANT 57264

Of the foregoing appropriation item 440-601, Maternal Child 57265  
Health Block Grant (Fund 320), \$2,091,299 shall be used in each 57266  
fiscal year for the purposes of abstinence and adoption education. 57267  
The Director of Health shall develop guidelines for the 57268  
establishment of abstinence and adoption education programs for 57269  
teenagers with the purpose of decreasing unplanned pregnancies and 57270  
abortion. The guidelines shall be developed under Title V of the 57271  
"Social Security Act," 42 U.S.C. 510, and shall include, but are 57272  
not limited to, advertising campaigns and direct training in 57273  
schools and other locations. 57274

GENETICS SERVICES 57275

The foregoing appropriation item 440-608, Genetics Services 57276  
(Fund 4D6), shall be used by the Department of Health to 57277  
administer programs authorized by sections 3701.501 and 3701.502 57278  
of the Revised Code. None of these funds shall be used to counsel 57279  
or refer for abortion, except in the case of a medical emergency. 57280

MEDICALLY HANDICAPPED CHILDREN AUDIT 57281

The Medically Handicapped Children Audit Fund (Fund 477) 57282  
shall receive revenue from audits of hospitals and recoveries from 57283  
third-party payers. Moneys may be expended for payment of audit 57284  
settlements and for costs directly related to obtaining recoveries 57285  
from third-party payers and for encouraging Medically Handicapped 57286  
Children's Program recipients to apply for third-party benefits. 57287  
Moneys also may be expended for payments for diagnostic and 57288  
treatment services on behalf of medically handicapped children, as 57289  
defined in division (A) of section 3701.022 of the Revised Code, 57290  
and Ohio residents who are twenty-one or more years of age and who 57291  
are suffering from cystic fibrosis or hemophilia. Moneys may also 57292  
be expended for administrative expenses incurred in operating the 57293  
Medically Handicapped Children's Program. 57294

TRANSFER FROM STATE FIRE MARSHAL'S FUND (FUND 546) TO THE 57295  
POISON CONTROL FUND (FUND 5CB) IN THE DEPARTMENT OF HEALTH 57296

Notwithstanding section 3737.71 of the Revised Code, on July 57297  
1, 2007, or as soon as possible thereafter, the Director of Budget 57298  
and Management shall transfer \$150,000 cash from the State Fire 57299  
Marshal's Fund (Fund 546) in the Department of Commerce to the 57300  
Poison Control Fund (Fund 5CB) in the Department of Health. 57301  
Notwithstanding section 3737.71 of the Revised Code, on July 1, 57302  
2008, or as soon as possible thereafter, the Director of Budget 57303  
and Management shall transfer \$150,000 cash from the State Fire 57304  
Marshal's Fund (Fund 546) in the Department of Commerce to the 57305

Poison Control Fund (Fund 5CB) in the Department of Health.	57306
POISON CONTROL CENTERS	57307
Of the foregoing appropriation item 440-640, Poison Control	57308
Centers, in each fiscal year, the poison control centers in the	57309
municipal corporations of Cleveland, Cincinnati, and Columbus	57310
shall each receive an allocation of \$50,000.	57311
SECOND CHANCE TRUST	57312
Of the foregoing appropriation item 440-620, Second Chance	57313
Trust (Fund 5D6), \$52,000 in fiscal year 2008 shall be earmarked	57314
for the Central Ohio Lions Eye Bank.	57315
CASH TRANSFER FROM LIQUOR CONTROL FUND TO ALCOHOL TESTING AND	57316
PERMIT FUND	57317
The Director of Budget and Management, pursuant to a plan	57318
submitted by the Department of Health, or as otherwise determined	57319
by the Director of Budget and Management, shall set a schedule to	57320
transfer cash from the Liquor Control Fund (Fund 043) to the	57321
Alcohol Testing and Permit Fund (Fund 5C0) to meet the operating	57322
needs of the Alcohol Testing and Permit program.	57323
The Director of Budget and Management shall transfer to the	57324
Alcohol Testing and Permit Fund (Fund 5C0) from the Liquor Control	57325
Fund (Fund 043) created in section 4301.12 of the Revised Code	57326
such amounts at such times as determined by the transfer schedule.	57327
MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS	57328
The foregoing appropriation item 440-607, Medically	57329
Handicapped Children - County Assessments (Fund 666), shall be	57330
used to make payments under division (E) of section 3701.023 of	57331
the Revised Code.	57332
<b>Section 293.40.</b> NURSING FACILITY TECHNICAL ASSISTANCE PROGRAM	57333
The Director of Budget and Management shall transfer, on July	57334

1, 2007, or as soon as possible thereafter, cash from Fund 4E3, 57335  
 Resident Protection Fund, in the Ohio Department of Job and Family 57336  
 Services, to Fund 5L1, Nursing Facility Technical Assistance 57337  
 Program Fund, in the Ohio Department of Health, to be used under 57338  
 section 3721.026 of the Revised Code. The transfers shall equal 57339  
 \$410,111 in fiscal year 2008 and \$698,595 in fiscal year 2009. 57340

CASH TRANSFER FROM FEDERAL PUBLIC HEALTH PROGRAMS FUND TO 57341  
 AGENCY HEALTH SERVICES FUND 57342

As soon as possible on or after July 1, 2007, the Director of 57343  
 Health shall certify to the Director of Budget and Management the 57344  
 amount of cash to be transferred from the Federal Public Health 57345  
 Programs Fund (Fund 392) to the Agency Health Services Fund (Fund 57346  
 142) to meet the operating needs of the Vital Statistics Program. 57347  
 The Director of Budget and Management shall transfer the amount 57348  
 certified. 57349

**Section 295.10.** HEF HIGHER EDUCATIONAL FACILITY COMMISSION 57350

Agency Fund Group				57351
461 372-601 Operating Expenses	\$	16,819	\$ 16,819	57352
TOTAL AGY Agency Fund Group	\$	16,819	\$ 16,819	57353
TOTAL ALL BUDGET FUND GROUPS	\$	16,819	\$ 16,819	57354

**Section 297.10.** SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 57356

General Revenue Fund				57357
GRF 148-100 Personal Services	\$	160,121	\$ 167,156	57358
GRF 148-200 Maintenance	\$	40,000	\$ 40,000	57359
GRF 148-402 Community Projects	\$	500,000	\$ 500,000	57360
TOTAL GRF General Revenue Fund	\$	700,121	\$ 707,156	57361
General Services Fund Group				57362
601 148-602 Gifts and	\$	20,000	\$ 20,000	57363
Miscellaneous				

TOTAL GSF General Services				57364
Fund Group	\$	20,000	\$ 20,000	57365
TOTAL ALL BUDGET FUND GROUPS	\$	720,121	\$ 727,156	57366

**Section 299.10.** OHS OHIO HISTORICAL SOCIETY 57368

General Revenue Fund				57369
GRF 360-501 Operating Subsidy	\$	3,349,244	\$ 3,349,252	57370
GRF 360-502 Site and Museum	\$	8,401,781	\$ 8,401,788	57371
Operations				
GRF 360-504 Ohio Preservation	\$	417,516	\$ 415,381	57372
Office				
GRF 360-505 National Afro-American	\$	754,884	\$ 754,884	57373
Museum				
GRF 360-506 Hayes Presidential	\$	509,231	\$ 509,231	57374
Center				
GRF 360-508 State Historical	\$	175,000	\$ 175,000	57375
Grants				
TOTAL GRF General Revenue Fund	\$	13,607,656	\$ 13,605,536	57376
TOTAL ALL BUDGET FUND GROUPS	\$	13,607,656	\$ 13,605,536	57377

SUBSIDY APPROPRIATION 57378

Upon approval by the Director of Budget and Management, the 57379  
foregoing appropriation items shall be released to the Ohio 57380  
Historical Society in quarterly amounts that in total do not 57381  
exceed the annual appropriations. The funds and fiscal records of 57382  
the society for fiscal years 2008 and 2009 shall be examined by 57383  
independent certified public accountants approved by the Auditor 57384  
of State, and a copy of the audited financial statements shall be 57385  
filed with the Office of Budget and Management. The society shall 57386  
prepare and submit to the Office of Budget and Management the 57387  
following: 57388

(A) An estimated operating budget for each fiscal year of the 57389  
biennium. The operating budget shall be submitted at or near the 57390

beginning of each calendar year. 57391

(B) Financial reports, indicating actual receipts and 57392  
expenditures for the fiscal year to date. These reports shall be 57393  
filed at least semiannually during the fiscal biennium. 57394

The foregoing appropriations shall be considered to be the 57395  
contractual consideration provided by the state to support the 57396  
state's offer to contract with the Ohio Historical Society under 57397  
section 149.30 of the Revised Code. 57398

HAYES PRESIDENTIAL CENTER 57399

If a United States government agency, including, but not 57400  
limited to, the National Park Service, chooses to take over the 57401  
operations or maintenance of the Hayes Presidential Center, in 57402  
whole or in part, the Ohio Historical Society shall make 57403  
arrangements with the National Park Service or other United States 57404  
government agency for the efficient transfer of operations or 57405  
maintenance. 57406

HISTORICAL GRANTS 57407

Of the foregoing appropriation item 360-508, State Historical 57408  
Grants, \$75,000 in each fiscal year shall be distributed to the 57409  
Center for Holocaust and Humanity Education located at the Hebrew 57410  
Union College-Jewish Institute of Religion in Cincinnati, \$50,000 57411  
in each fiscal year shall be distributed to the Western Reserve 57412  
Historical Society, and \$50,000 in each fiscal year shall be 57413  
distributed to the Cincinnati Museum Center. 57414

PROCESSING FEES 57415

The Ohio Historical Society shall not charge or retain an 57416  
administrative, service, or processing fee for distributing money 57417  
that the General Assembly appropriates to the Society for grants 57418  
or subsidies that the Society provides to other entities for their 57419  
site-related programs. 57420

Section 301.10. REP OHIO HOUSE OF REPRESENTATIVES				57421	
General Revenue Fund				57422	
GRF 025-321 Operating Expenses	\$	20,574,568	\$	20,574,568	57423
TOTAL GRF General Revenue Fund	\$	20,574,568	\$	20,574,568	57424
General Services Fund Group				57425	
103 025-601 House Reimbursement	\$	1,433,664	\$	1,433,664	57426
4A4 025-602 Miscellaneous Sales	\$	37,849	\$	37,849	57427
TOTAL GSF General Services				57428	
Fund Group	\$	1,471,513	\$	1,471,513	57429
TOTAL ALL BUDGET FUND GROUPS	\$	22,046,081	\$	22,046,081	57430
OPERATING EXPENSES				57431	
On July 1, 2007, or as soon as possible thereafter, the Chief				57432	
Administrative Officer of the House of Representatives shall				57433	
certify to the Director of Budget and Management the total fiscal				57434	
year 2007 unencumbered appropriations in appropriation item				57435	
025-321, Operating Expenses. The Chief Administrative Officer may				57436	
direct the Director of Budget and Management to transfer an amount				57437	
not to exceed the total fiscal year 2007 unencumbered				57438	
appropriations to fiscal year 2008 for use within appropriation				57439	
item 025-321, Operating Expenses. Additional appropriation				57440	
authority equal to the amount certified by the Chief				57441	
Administrative Officer is hereby appropriated to appropriation				57442	
item 025-321, Operating Expenses, in fiscal year 2008.				57443	
On July 1, 2008, or as soon as possible thereafter, the Chief				57444	
Administrative Officer of the House of Representatives shall				57445	
certify to the Director of Budget and Management the total fiscal				57446	
year 2008 unencumbered appropriations in appropriation item				57447	
025-321, Operating Expenses. The Chief Administrative Officer may				57448	
direct the Director of Budget and Management to transfer an amount				57449	
not to exceed the total fiscal year 2008 unencumbered				57450	
appropriations to fiscal year 2009 for use within appropriation				57451	



item 025-321, Operating Expenses. Additional appropriation 57452  
 authority equal to the amount certified by the Chief 57453  
 Administrative Officer is hereby appropriated to appropriation 57454  
 item 025-321, Operating Expenses, in fiscal year 2009. 57455

**Section 303.10.** HFA OHIO HOUSING FINANCE AGENCY 57456

Agency Fund Group 57457  
 5AZ 997-601 Housing Finance Agency \$ 9,750,953 \$ 10,237,491 57458  
     Personal Services  
 TOTAL AGY Agency Fund Group \$ 9,750,953 \$ 10,237,491 57459  
 TOTAL ALL BUDGET FUND GROUPS \$ 9,750,953 \$ 10,237,491 57460

**Section 305.10.** IGO OFFICE OF THE INSPECTOR GENERAL 57462

General Revenue Fund 57463  
 GRF 965-321 Operating Expenses \$ 1,367,372 \$ 1,437,901 57464  
 TOTAL GRF General Revenue Fund \$ 1,367,372 \$ 1,437,901 57465  
 General Services Fund Group 57466  
 4Z3 965-602 Special Investigations \$ 425,000 \$ 425,000 57467  
 TOTAL GSF General Services Fund \$ 425,000 \$ 425,000 57468  
 Group  
 TOTAL ALL BUDGET FUND GROUPS \$ 1,792,372 \$ 1,862,901 57469

**Section 307.10.** INS DEPARTMENT OF INSURANCE 57471

Federal Special Revenue Fund Group 57472  
 3U5 820-602 OSHIIP Operating Grant \$ 1,100,000 \$ 1,100,000 57473  
 TOTAL FED Federal Special 57474  
 Revenue Fund Group \$ 1,100,000 \$ 1,100,000 57475  
 State Special Revenue Fund Group 57476  
 554 820-601 Operating Expenses - \$ 553,750 \$ 569,269 57477  
     OSHIIP  
 554 820-606 Operating Expenses \$ 23,350,236 \$ 23,802,797 57478

555 820-605 Examination	\$	7,639,581	\$	7,868,768	57479
TOTAL SSR State Special Revenue					57480
Fund Group	\$	31,543,567	\$	32,240,834	57481
TOTAL ALL BUDGET FUND GROUPS	\$	32,643,567	\$	33,340,834	57482

MARKET CONDUCT EXAMINATION 57483

When conducting a market conduct examination of any insurer 57484  
doing business in this state, the Superintendent of Insurance may 57485  
assess the costs of the examination against the insurer. The 57486  
superintendent may enter into consent agreements to impose 57487  
administrative assessments or fines for conduct discovered that 57488  
may be violations of statutes or rules administered by the 57489  
superintendent. All costs, assessments, or fines collected shall 57490  
be deposited to the credit of the Department of Insurance 57491  
Operating Fund (Fund 554). 57492

EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES 57493

The Director of Budget and Management, at the request of the 57494  
Superintendent of Insurance, may transfer funds from the 57495  
Department of Insurance Operating Fund (Fund 554), established by 57496  
section 3901.021 of the Revised Code, to the Superintendent's 57497  
Examination Fund (Fund 555), established by section 3901.071 of 57498  
the Revised Code, only for expenses incurred in examining domestic 57499  
fraternal benefit societies as required by section 3921.28 of the 57500  
Revised Code. 57501

TRANSFER FROM FUND 554 TO GENERAL REVENUE FUND 57502

Not later than the thirty-first day of July each fiscal year, 57503  
the Director of Budget and Management shall transfer \$5,000,000 57504  
from the Department of Insurance Operating Fund to the General 57505  
Revenue Fund. 57506

**Section 309.10.** JFS DEPARTMENT OF JOB AND FAMILY SERVICES 57507

General Revenue Fund 57508

GRF 600-321	Support Services				57509
	State	\$	50,710,978	\$	52,496,413
	Federal	\$	10,460,286	\$	11,290,237
	Support Services Total	\$	61,171,264	\$	63,786,650
GRF 600-410	TANF State	\$	272,619,061	\$	272,619,061
GRF 600-413	Child Care	\$	84,120,596	\$	84,120,596
	Match/Maintenance of				
	Effort				
GRF 600-416	Computer Projects				57515
	State	\$	115,701,181	\$	116,419,033
	Federal	\$	21,548,144	\$	21,192,117
	Computer Projects Total	\$	137,249,325	\$	137,611,150
GRF 600-420	Child Support	\$	8,541,446	\$	10,641,446
	Administration				
GRF 600-421	Office of Family	\$	4,614,932	\$	4,614,932
	Stability				
GRF 600-423	Office of Children and	\$	5,650,000	\$	5,900,000
	Families				
GRF 600-425	Office of Ohio Health				57522
	Plans				
	State	\$	22,500,000	\$	22,500,000
	Federal	\$	23,324,848	\$	23,418,368
	Office of Ohio Health	\$	45,824,848	\$	45,918,368
	Plans Total				
GRF 600-502	Administration - Local	\$	34,014,103	\$	34,014,103
GRF 600-511	Disability Financial	\$	24,028,480	\$	25,335,908
	Assistance				
GRF 600-512	Non-TANF Disaster	\$	1,000,000	\$	1,000,000
	Assistance				
GRF 600-521	Entitlement	\$	130,000,000	\$	130,000,000
	Administration - Local				
GRF 600-523	Children and Families	\$	78,515,135	\$	78,515,135
	Services				

GRF 600-525	Health Care/Medicaid				57531
	State	\$ 3,428,852,719	\$ 3,558,124,242		57532
	Federal	\$ 5,205,558,695	\$ 5,707,943,410		57533
	Health Care Total	\$ 8,634,411,414	\$ 9,266,067,652		57534
GRF 600-526	Medicare Part D	\$ 254,397,401	\$ 271,854,640		57535
GRF 600-528	Adoption Services				57536
	State	\$ 40,043,266	\$ 43,978,301		57537
	Federal	\$ 44,081,243	\$ 49,196,065		57538
	Adoption Services Total	\$ 84,124,509	\$ 93,174,366		57539
TOTAL GRF	General Revenue Fund				57540
	State	\$ 4,555,309,298	\$ 4,712,133,810		57541
	Federal	\$ 5,304,973,216	\$ 5,813,040,197		57542
	GRF Total	\$ 9,860,282,514	\$10,525,174,007		57543
General Services	Fund Group				57544
4A8 600-658	Child Support	\$ 26,680,794	\$ 26,680,794		57545
	Collections				
4R4 600-665	BCII Services/Fees	\$ 36,974	\$ 36,974		57546
5BG 600-653	Managed Care	\$ 210,655,034	\$ 222,667,304		57547
	Assessment				
5C9 600-671	Medicaid Program	\$ 80,120,048	\$ 80,120,048		57548
	Support				
5DL 600-639	Medicaid Revenue and	\$ 51,966,785	\$ 56,296,844		57549
	Collections				
5N1 600-677	County Technologies	\$ 1,000,000	\$ 1,000,000		57550
5P5 600-692	Health Care Services	\$ 93,000,000	\$ 62,000,000		57551
613 600-645	Training Activities	\$ 135,000	\$ 135,000		57552
TOTAL GSF	General Services				57553
Fund Group		\$ 463,594,635	\$ 448,936,964		57554
Federal Special Revenue	Fund Group				57555
3AW 600-675	Faith Based	\$ 1,000,000	\$ 1,000,000		57556
	Initiatives				
3A2 600-641	Emergency Food	\$ 2,900,000	\$ 3,500,000		57557

Distribution					
3D3	600-648	Children's Trust Fund	\$	2,040,524	\$ 2,040,524 57558
Federal					
3F0	600-623	Health Care Federal	\$	1,209,188,383	\$ 1,211,196,561 57559
3F0	600-650	Hospital Care	\$	343,239,047	\$ 343,239,047 57560
Assurance Match					
3G5	600-655	Interagency	\$	1,469,763,073	\$ 1,513,855,965 57561
Reimbursement					
3H7	600-617	Child Care Federal	\$	207,269,463	\$ 200,167,593 57562
3N0	600-628	IV-E Foster Care	\$	153,963,142	\$ 153,963,142 57563
Maintenance					
3S5	600-622	Child Support Projects	\$	534,050	\$ 534,050 57564
3V0	600-688	Workforce Investment	\$	232,568,453	\$ 233,082,144 57565
Act					
3V4	600-678	Federal Unemployment	\$	147,411,858	\$ 152,843,414 57566
Programs					
3V4	600-679	Unemployment	\$	3,092,890	\$ 3,191,862 57567
Compensation Review					
Commission - Federal					
3V6	600-689	TANF Block Grant	\$	1,037,739,200	\$ 1,085,861,099 57568
3W3	600-659	TANF/Title XX Transfer	\$	9,782,101	\$ 6,200,000 57569
327	600-606	Child Welfare	\$	48,514,502	\$ 47,947,309 57570
331	600-686	Federal Operating	\$	53,963,318	\$ 56,263,225 57571
384	600-610	Food Stamps and State	\$	160,237,060	\$ 153,147,118 57572
Administration					
385	600-614	Refugee Services	\$	10,196,547	\$ 11,057,826 57573
395	600-616	Special	\$	5,723,131	\$ 5,717,151 57574
Activities/Child and					
Family Services					
396	600-620	Social Services Block	\$	114,479,464	\$ 114,474,085 57575
Grant					
396	600-651	Second Harvest Food	\$	5,500,000	\$ 5,500,000 57576
Banks					

397	600-626	Child Support	\$	303,661,307	\$	303,538,962	57577
398	600-627	Adoption Maintenance/ Administration	\$	318,172,168	\$	317,483,676	57578
TOTAL FED Federal Special Revenue							57579
Fund Group			\$	5,840,939,681	\$	5,925,804,753	57580
State Special Revenue Fund Group							57581
198	600-647	Children's Trust Fund	\$	6,788,522	\$	6,788,522	57582
4A9	600-607	Unemployment Compensation Administration Fund	\$	12,273,062	\$	12,188,996	57583
4A9	600-694	Unemployment Compensation Review Commission	\$	1,726,938	\$	1,811,004	57584
4E3	600-605	Nursing Home Assessments	\$	4,759,914	\$	4,759,914	57585
4E7	600-604	Child and Family Services Collections	\$	300,000	\$	300,000	57586
4J5	600-613	Nursing Facility Bed Assessments	\$	34,613,984	\$	34,613,984	57587
4J5	600-618	Residential State Supplement Payments	\$	15,700,000	\$	15,700,000	57588
4K1	600-621	ICF/MR Bed Assessments	\$	19,332,437	\$	19,332,437	57589
4R3	600-687	Banking Fees	\$	800,000	\$	800,000	57590
4Z1	600-625	HealthCare Compliance	\$	10,000,000	\$	10,000,000	57591
5DB	600-637	Military Injury Grants	\$	2,000,000	\$	2,000,000	57592
5ES	600-630	Food Assistance	\$	500,000	\$	500,000	57593
5F2	600-667	Building Consolidation	\$	250,000	\$	250,000	57594
5F3	600-668	Building Consolidation	\$	1,000,000	\$	1,000,000	57595
5Q9	600-619	Supplemental Inpatient Hospital Payments	\$	56,125,998	\$	56,125,998	57596
5R2	600-608	Medicaid-Nursing Facilities	\$	175,000,000	\$	175,000,000	57597
5S3	600-629	MR/DD Medicaid	\$	1,620,960	\$	1,620,960	57598

	Administration and Oversight					
5U3	600-654 Health Care Services Administration	\$	9,867,284	\$	12,000,349	57599
5U6	600-663 Children and Family Support	\$	4,928,718	\$	4,928,718	57600
5Z9	600-672 TANF Quality Control Reinvestments	\$	520,971	\$	546,254	57601
651	600-649 Hospital Care Assurance Program Fund	\$	231,893,404	\$	231,893,404	57602
	TOTAL SSR State Special Revenue					57603
	Fund Group	\$	590,002,192	\$	592,160,540	57604
	Agency Fund Group					57605
192	600-646 Support Intercept - Federal	\$	110,000,000	\$	110,000,000	57606
5B6	600-601 Food Stamp Intercept	\$	2,000,000	\$	2,000,000	57607
583	600-642 Support Intercept - State	\$	16,000,000	\$	16,000,000	57608
	TOTAL AGY Agency Fund Group	\$	128,000,000	\$	128,000,000	57609
	Holding Account Redistribution Fund Group					57610
R12	600-643 Refunds and Audit Settlements	\$	3,600,000	\$	3,600,000	57611
R13	600-644 Forgery Collections	\$	10,000	\$	10,000	57612
	TOTAL 090 Holding Account Redistribution Fund Group	\$	3,610,000	\$	3,610,000	57613
	TOTAL ALL BUDGET FUND GROUPS	\$	16,886,429,022	\$	17,623,686,264	57614
	<b>Section 309.20. SUPPORT SERVICES</b>					57616
	<b>Section 309.20.10. GOVERNOR'S OFFICE OF FAITH-BASED AND COMMUNITY INITIATIVES</b>					57617
	Of the foregoing appropriation item 600-321, Support					57618
						57619

Services, up to \$312,500 per fiscal year may be used to support 57620  
the activities of the Governor's Office of Faith-Based and 57621  
Community Initiatives. 57622

**Section 309.20.30. AGENCY FUND GROUP** 57623

The Agency Fund Group and Holding Account Redistribution Fund 57624  
Group shall be used to hold revenues until the appropriate fund is 57625  
determined or until the revenues are directed to the appropriate 57626  
governmental agency other than the Department of Job and Family 57627  
Services. If it is determined that additional appropriation 57628  
authority is necessary, such amounts are hereby appropriated. 57629

**Section 309.30. MEDICAID** 57630

**Section 309.30.10. HEALTH CARE/MEDICAID** 57631

The foregoing appropriation item 600-525, Health 57632  
Care/Medicaid, shall not be limited by section 131.33 of the 57633  
Revised Code. 57634

**Section 309.30.13. CHILDREN'S HOSPITALS** 57635

The Department of Job and Family Services shall submit to the 57636  
United States Secretary of Health and Human Services an amendment 57637  
to the State Medicaid Plan for the purpose of requesting federal 57638  
approval to create a program under which the Department makes 57639  
supplemental Medicaid payments to children's hospitals for 57640  
inpatient services based on federal upper payment limits for 57641  
children's hospitals. On receipt of federal approval, the 57642  
Department shall implement the program. Under the program, the 57643  
Department shall pay children's hospitals the federally allowable 57644  
supplemental payment for hospital discharges qualifying for the 57645  
program and occurring in fiscal year 2008 and fiscal year 2009. 57646

Of the foregoing appropriation item, 600-525, Health 57647



Care/Medicaid, up to \$6 million (state share) in each fiscal year 57648  
plus the corresponding federal match, if available, shall be used 57649  
by the Department to pay the expenses of the program created under 57650  
this section. 57651

**Section 309.30.16. MEDICAID RESERVE FUND** 57652

The Medicaid Reserve Fund is hereby created in the state 57653  
treasury. 57654

Not later than July 31, 2007, or as soon as possible 57655  
thereafter, the Director of Budget and Management shall transfer, 57656  
for fiscal year 2008, \$100,000,000 in cash from the General 57657  
Revenue Fund to the Medicaid Reserve Fund. 57658

If at any time during fiscal year 2008 the Director of Budget 57659  
and Management determines that additional appropriations are 57660  
needed in appropriation item 600-525, Health Care/Medicaid, to 57661  
fund the Medicaid Program, the Director of Budget and Management 57662  
may submit a request to the Controlling Board to transfer cash 57663  
from the Medicaid Reserve Fund. The request shall state the 57664  
reasons for the transfer and the additional amounts being 57665  
requested. The request shall be submitted at a regularly scheduled 57666  
meeting of the Controlling Board. If the Controlling Board 57667  
approves the transfer, the Director of Budget and Management shall 57668  
transfer the approved amount of cash from the Medicaid Reserve 57669  
Fund to the General Revenue Fund and increase the state share of 57670  
appropriations in appropriation item 600-525, Health 57671  
Care/Medicaid, and adjust the federal share accordingly. Any such 57672  
transfers and adjustments are hereby appropriated. 57673

At the end of fiscal year 2008, the Director of Budget and 57674  
Management shall transfer from the Medicaid Reserve Fund all the 57675  
cash balance, including any interest earnings, in excess of any 57676  
transfers approved by the Controlling Board to the credit of the 57677  
General Revenue Fund. The Director of Budget and Management shall 57678

make transfers to the Budget Stabilization Fund or the Income Tax 57679  
Reduction Fund in accordance with section 131.44 of the Revised 57680  
Code. 57681

Not later than July 31, 2008, or as soon as possible 57682  
thereafter, the Director of Budget and Management shall transfer, 57683  
for fiscal year 2009, \$185,000,000 in cash from the General 57684  
Revenue Fund to the Medicaid Reserve Fund. 57685

If at any time during fiscal year 2009 the Director of Budget 57686  
and Management determines that additional appropriations are 57687  
needed in appropriation item 600-525, Health Care/Medicaid, to 57688  
fund the Medicaid Program, the Director of Budget and Management 57689  
may submit a request to the Controlling Board to transfer cash 57690  
from the Medicaid Reserve Fund. The request shall state the 57691  
reasons for the transfer and the additional amounts being 57692  
requested. The request shall be submitted at a regularly scheduled 57693  
meeting of the Controlling Board. If the Controlling Board 57694  
approves the transfer, the Director of Budget and Management shall 57695  
transfer the approved amount of cash from the Medicaid Reserve 57696  
Fund to the General Revenue Fund and increase the state share of 57697  
appropriations in appropriation item 600-525, Health 57698  
Care/Medicaid, and adjust the federal share accordingly. Any such 57699  
transfers and adjustments are hereby appropriated. 57700

At the end of fiscal year 2009, the Director of Budget and 57701  
Management shall transfer from the Medicaid Reserve Fund all the 57702  
cash balance, including any interest earnings, in excess of any 57703  
transfers approved by the Controlling Board to the credit of the 57704  
General Revenue Fund. The Director of Budget and Management shall 57705  
make transfers to the Budget Stabilization Fund and the Income Tax 57706  
Reduction Fund in accordance with section 131.44 of the Revised 57707  
Code. 57708

**Section 309.30.20.** FISCAL YEAR 2008 MEDICAID REIMBURSEMENT 57709

SYSTEM FOR NURSING FACILITIES	57710
(A) As used in this section:	57711
"Franchise permit fee," "Medicaid days," "nursing facility,"	57712
and "provider" have the same meanings as in section 5111.20 of the	57713
Revised Code.	57714
"Nursing facility services" means nursing facility services	57715
covered by the Medicaid program that a nursing facility provides	57716
to a resident of the nursing facility who is a Medicaid recipient	57717
eligible for Medicaid-covered nursing facility services.	57718
(B) Except as otherwise provided by this section, the	57719
provider of a nursing facility that has a valid Medicaid provider	57720
agreement on June 30, 2007, and a valid Medicaid provider	57721
agreement during fiscal year 2008 shall be paid, for nursing	57722
facility services the nursing facility provides during fiscal year	57723
2008, the rate calculated for the nursing facility under sections	57724
5111.20 to 5111.33 of the Revised Code with the following	57725
adjustments:	57726
(1) The cost per case mix-unit calculated under section	57727
5111.231 of the Revised Code, the rate for ancillary and support	57728
costs calculated under section 5111.24 of the Revised Code, the	57729
rate for capital costs calculated under section 5111.25 of the	57730
Revised Code, and the rate for tax costs calculated under section	57731
5111.242 of the Revised Code shall each be adjusted as follows:	57732
(a) Increase the cost and rates so calculated by two per	57733
cent;	57734
(b) Increase the cost and rates determined under division	57735
(B)(1)(a) of this section by two per cent;	57736
(c) Increase the cost and rates determined under division	57737
(B)(1)(b) of this section by two and eight-tenths per cent.	57738
(2) The mean payment used in the calculation of the quality	57739

incentive payment made under section 5111.244 of the Revised Code 57740  
shall be, weighted by Medicaid days, three dollars and six cents 57741  
per Medicaid day. 57742

(C) If the rate determined for a nursing facility under 57743  
division (B) of this section for nursing facility services 57744  
provided during fiscal year 2008 is more than one hundred three 57745  
and fifty-five one-hundredths per cent of the rate the provider is 57746  
paid for nursing facility services the nursing facility provides 57747  
on June 30, 2007, the Department of Job and Family Services shall 57748  
reduce the nursing facility's fiscal year 2008 rate so that the 57749  
rate is not more than one hundred three and fifty-five hundredths 57750  
per cent of the nursing facility's rate for June 30, 2007. If the 57751  
rate determined for a nursing facility under division (B) of this 57752  
section for nursing facility services provided during fiscal year 57753  
2008 is less than the rate the provider is paid for nursing 57754  
facility services the nursing facility provides on June 30, 2007, 57755  
the Department shall increase the nursing facility's fiscal year 57756  
2008 rate so that the rate is not less than the nursing facility's 57757  
rate for June 30, 2007. 57758

(D) If the United States Centers for Medicare and Medicaid 57759  
Services requires that the franchise permit fee be reduced or 57760  
eliminated, the Department of Job and Family Services shall reduce 57761  
the amount it pays providers of nursing facility services under 57762  
this section as necessary to reflect the loss to the state of the 57763  
revenue and federal financial participation generated from the 57764  
franchise permit fee. 57765

(E) The Department of Job and Family Services shall follow 57766  
this section in determining the rate to be paid to the provider of 57767  
a nursing facility that has a valid Medicaid provider agreement on 57768  
June 30, 2007, and a valid Medicaid provider agreement during 57769  
fiscal year 2008 notwithstanding anything to the contrary in 57770  
sections 5111.20 to 5111.33 of the Revised Code. 57771

<b>Section 309.30.30. FISCAL YEAR 2009 MEDICAID REIMBURSEMENT</b>	57772
SYSTEM FOR NURSING FACILITIES	57773
(A) As used in this section:	57774
"Franchise permit fee," "Medicaid days," "nursing facility,"	57775
and "provider" have the same meanings as in section 5111.20 of the	57776
Revised Code.	57777
"Nursing facility services" means nursing facility services	57778
covered by the Medicaid program that a nursing facility provides	57779
to a resident of the nursing facility who is a Medicaid recipient	57780
eligible for Medicaid-covered nursing facility services.	57781
(B) Except as otherwise provided by this section, the	57782
provider of a nursing facility that has a valid Medicaid provider	57783
agreement on June 30, 2008, and a valid Medicaid provider	57784
agreement during fiscal year 2009 shall be paid, for nursing	57785
facility services the nursing facility provides during fiscal year	57786
2009, the rate calculated for the nursing facility under sections	57787
5111.20 to 5111.33 of the Revised Code with the following	57788
adjustments:	57789
(1) The cost per case mix-unit calculated under section	57790
5111.231 of the Revised Code, the rate for ancillary and support	57791
costs calculated under section 5111.24 of the Revised Code, the	57792
rate for capital costs calculated under section 5111.25 of the	57793
Revised Code, and the rate for tax costs calculated under section	57794
5111.242 of the Revised Code shall each be adjusted as follows:	57795
(a) Increase the cost and rates so calculated by two per	57796
cent;	57797
(b) Increase the cost and rates determined under division	57798
(B)(1)(a) of this section by two per cent;	57799
(c) Increase the cost and rates determined under division	57800
(B)(1)(b) of this section by two and eight-tenths per cent;	57801

(d) Increase the cost and rates determined under division 57802  
(B)(1)(c) of this section by one half of a per cent. 57803

(2) The mean payment used in the calculation of the quality 57804  
incentive payment made under section 5111.244 of the Revised Code 57805  
shall be, weighted by Medicaid days, three dollars and twelve 57806  
cents per Medicaid day. 57807

(C) If the rate determined for a nursing facility under 57808  
division (B) of this section for nursing facility services 57809  
provided during fiscal year 2009 is more than the rate the 57810  
provider is paid for nursing facility services the nursing 57811  
facility provides on June 30, 2008, the Department of Job and 57812  
Family Services shall reduce the nursing facility's fiscal year 57813  
2009 rate so that the rate is not more than the nursing facility's 57814  
rate for June 30, 2008. If the rate determined for a nursing 57815  
facility under division (B) of this section for nursing facility 57816  
services provided during fiscal year 2009 is less than the rate 57817  
the provider is paid for nursing facility services the nursing 57818  
facility provides on June 30, 2008, the Department shall increase 57819  
the nursing facility's fiscal year 2009 rate so that the rate is 57820  
not less than the nursing facility's rate for June 30, 2008. 57821

(D) If the United States Centers for Medicare and Medicaid 57822  
Services requires that the franchise permit fee be reduced or 57823  
eliminated, the Department of Job and Family Services shall reduce 57824  
the amount it pays providers of nursing facility services under 57825  
this section as necessary to reflect the loss to the state of the 57826  
revenue and federal financial participation generated from the 57827  
franchise permit fee. 57828

(E) The Department of Job and Family Services shall follow 57829  
this section in determining the rate to be paid to the provider of 57830  
a nursing facility that has a valid Medicaid provider agreement on 57831  
June 30, 2008, and a valid Medicaid provider agreement during 57832  
fiscal year 2009 notwithstanding anything to the contrary in 57833

sections 5111.20 to 5111.33 of the Revised Code. 57834

**Section 309.30.40.** FISCAL YEARS 2008 AND 2009 MEDICAID 57835  
REIMBURSEMENT SYSTEM FOR ICFs/MR 57836

(A) As used in this section: 57837

"Intermediate care facility for the mentally retarded" has 57838  
the same meaning as in section 5111.20 of the Revised Code. 57839

"Medicaid days" means all days during which a resident who is 57840  
a Medicaid recipient occupies a bed in an intermediate care 57841  
facility for the mentally retarded that is included in the 57842  
facility's Medicaid-certified capacity. Therapeutic or hospital 57843  
leave days for which payment is made under section 5111.33 of the 57844  
Revised Code are considered Medicaid days proportionate to the 57845  
percentage of the intermediate care facility for the mentally 57846  
retarded's per resident per day rate paid for those days. 57847

"Per diem rate" means the per diem rate calculated pursuant 57848  
to sections 5111.20 to 5111.33 of the Revised Code. 57849

(B) Notwithstanding sections 5111.20 to 5111.33 of the 57850  
Revised Code, rates paid to intermediate care facilities for the 57851  
mentally retarded under the Medicaid program shall be subject to 57852  
the following limitations: 57853

(1) For fiscal year 2008, the mean total per diem rate for 57854  
all intermediate care facilities for the mentally retarded in the 57855  
state, weighted by May 2007 Medicaid days and calculated as of 57856  
July 1, 2007, shall not exceed \$266.14. 57857

(2) For fiscal year 2009, the mean total per diem rate for 57858  
all intermediate care facilities for the mentally retarded in the 57859  
state, weighted by May 2008 Medicaid days and calculated as of 57860  
July 1, 2008, shall not exceed \$271.46. 57861

(3) If the mean total per diem rate for all intermediate care 57862  
facilities for the mentally retarded in the state for fiscal year 57863

2008 or 2009, weighted by Medicaid days as specified in division 57864  
(B)(1) or (2) of this section, as appropriate, and calculated as 57865  
of the first day of July of the calendar year in which the fiscal 57866  
year begins, exceeds the amount specified in division (B)(1) or 57867  
(2) of this section, as applicable, the Department of Job and 57868  
Family Services shall reduce the total per diem rate for each 57869  
intermediate care facility for the mentally retarded in the state 57870  
by a percentage that is equal to the percentage by which the mean 57871  
total per diem rate exceeds the amount specified in division 57872  
(B)(1) or (2) of this section for that fiscal year. 57873

(4) Subsequent to any reduction required by division (B)(3) 57874  
of this section, the rate of an intermediate care facility for the 57875  
mentally retarded shall not be subject to any adjustments 57876  
authorized by sections 5111.20 to 5111.33 of the Revised Code 57877  
during the remainder of the year. 57878

**Section 309.30.45. INCREASE IN MEDICAID RATES FOR PASSPORT 57879**  
SERVICES 57880

As used in this section, "PASSPORT program" means the program 57881  
created under section 173.40 of the Revised Code. 57882

The Director of Job and Family Services shall amend the rules 57883  
adopted under section 5111.85 of the Revised Code as necessary to 57884  
accomplish the following: 57885

(A) Increase, for fiscal year 2008, the Medicaid 57886  
reimbursement rates for services provided under the PASSPORT 57887  
program to rates that result in an amount that is three per cent 57888  
higher than the amount resulting from the rates in effect June 30, 57889  
2007. 57890

(B) Increase, for fiscal year 2009, the Medicaid 57891  
reimbursement rates for services provided under the PASSPORT 57892  
program to rates that result in an amount that is three per cent 57893



higher than the amount resulting from the rates in effect June 30, 57894  
2008. 57895

**Section 309.30.50. HOME FIRST PROGRAM** 57896

(A) As used in this section: 57897

(1) "Area agency on aging" has the same meaning as in section 57898  
173.14 of the Revised Code. 57899

(2) "Long-Term Care Consultation Program" means the program 57900  
the Department of Aging is required to develop under section 57901  
173.42 of the Revised Code. 57902

(3) "Long-Term Care Consultation Program administrator" or 57903  
"administrator" means the Department of Aging or, if the 57904  
Department contracts with an area agency on aging or other entity 57905  
to administer the Long-Term Care Consultation Program for a 57906  
particular area, that agency or entity. 57907

(4) "Nursing facility" has the same meaning as in section 57908  
5111.20 of the Revised Code. 57909

(5) "PASSPORT program" means the program created under 57910  
section 173.40 of the Revised Code. 57911

(B) Each month during fiscal years 2008 and 2009, each area 57912  
agency on aging shall determine whether individuals who reside in 57913  
the area that the area agency on aging serves and are on a waiting 57914  
list for the PASSPORT program have been admitted to a nursing 57915  
facility. If an area agency on aging determines that such an 57916  
individual has been admitted to a nursing facility, the agency 57917  
shall notify the Long-Term Care Consultation Program administrator 57918  
serving the area in which the individual resides about the 57919  
determination. The administrator shall determine whether the 57920  
PASSPORT program is appropriate for the individual and whether the 57921  
individual would rather participate in the PASSPORT program than 57922  
continue residing in the nursing facility. If the administrator 57923

determines that the PASSPORT program is appropriate for the individual and the individual would rather participate in the PASSPORT program than continue residing in the nursing facility, the administrator shall so notify the Department of Aging. On receipt of the notice from the administrator, the Department of Aging shall approve the enrollment of the individual in the PASSPORT program regardless of whether other individuals who are not in a nursing facility are ahead of the individual on the PASSPORT program's waiting list. Each quarter, the Department of Aging shall certify to the Director of Budget and Management the increase in costs of the PASSPORT program based on the total expenditures made for the individuals enrolled in the PASSPORT program pursuant to this section.

(C) On a quarterly basis, on receipt of the certified expenditures, the Director of Budget and Management may do all of the following:

(1) Transfer the state share of the amount of the actual expenditures from GRF appropriation item 600-525, Health Care/Medicaid, to GRF appropriation item 490-403, PASSPORT;

(2) Increase the appropriation in Ohio Department of Aging Fund 3C4, appropriation item 490-607, PASSPORT, by the federal share of the amount of the actual expenditures;

(3) Increase the appropriation in JFS Fund 3G5, appropriation item 600-655, Interagency Reimbursement, by the federal share of the amount of the actual expenditures.

The funds that the Director of Budget and Management transfers and increases under this division are hereby appropriated.

(D) The individuals placed in the PASSPORT program pursuant to this section shall be in addition to the individuals placed in the PASSPORT program during fiscal years 2008 and 2009 based on

the amount of money that is in GRF appropriation item 490-403, 57955  
PASSPORT; Fund 4J4, appropriation item 490-610, 57956  
PASSPORT/Residential State Supplement; Fund 4U9, appropriation 57957  
item 490-602, PASSPORT Fund; and Fund 3C4, appropriation item 57958  
490-607, PASSPORT, before any transfers to GRF appropriation item 57959  
490-403, PASSPORT, and Fund 3C4, appropriation item 490-607, 57960  
PASSPORT, are made under this section. 57961

**Section 309.30.60. MEDICAID COVERAGE OF CHIROPRACTIC SERVICES** 57962

(A) As used in this section, "adult Medicaid recipient" means 57963  
a Medicaid recipient twenty-two years of age or older. 57964

(B) For the period beginning January 1, 2009, and ending June 57965  
30, 2009, and subject to division (C) of this section, the 57966  
Medicaid Program shall cover chiropractic services for adult 57967  
Medicaid recipients in an amount, duration, and scope specified in 57968  
rules that the Director of Job and Family Services shall adopt 57969  
under section 5111.02 of the Revised Code. 57970

(C) The Medicaid Program's coverage of chiropractic services 57971  
under this section shall be limited as follows: 57972

(1) Fifteen visits per adult Medicaid recipient per fiscal 57973  
year; 57974

(2) The total costs of coverage under this section may not 57975  
exceed \$5,000,000 per fiscal year. 57976

**Section 309.30.70. MONEY FOLLOWS THE PERSON** 57977

(A) Subject to division (B) of this section, the Director of 57978  
Budget and Management may do any of the following in support of 57979  
any home and community-based services waiver program: 57980

(1) Create new funds and account appropriation items to 57981  
support and track funds associated with a unified long-term care 57982  
budget; 57983

(2) Transfer funds among affected agencies and adjust corresponding appropriation levels;	57984 57985
(3) Develop a reporting mechanism to show clearly how the funds are being transferred and expended.	57986 57987
(B) Before an action may be taken under division (A) of this section, the Director shall present the proposed action to the Controlling Board. The Controlling Board shall review the proposed action and either approve or disapprove the action. The Director shall not implement the proposed action unless the action is approved by the Controlling Board.	57988 57989 57990 57991 57992 57993
<b>Section 309.30.90. MEDICAID ELIGIBILITY FOR PREGNANT WOMEN</b>	57994
The Director of Job and Family Services shall, not later than ninety days after the effective date of this section, submit to the United States Secretary of Health and Human Services an amendment to the state Medicaid plan to increase to two hundred per cent of the federal poverty guidelines the income limit specified in division (A)(2) of section 5111.014 of the Revised Code. The increase shall be implemented not earlier than January 1, 2008.	57995 57996 57997 57998 57999 58000 58001 58002
<b>Section 309.31.10. MEDICARE PART D</b>	58003
The foregoing appropriation item 600-526, Medicare Part D, may be used by the Department of Job and Family Services for the implementation and operation of the Medicare Part D requirements contained in the "Medicare Prescription Drug, Improvement, and Modernization Act of 2003," Pub. L. No. 108-173, as amended. Upon the request of the Department of Job and Family Services, the Director of Budget and Management may increase the state share of appropriations in either appropriation item 600-525, Health Care/Medicaid, or appropriation item 600-526, Medicare Part D, with a corresponding decrease in the state share of the other	58004 58005 58006 58007 58008 58009 58010 58011 58012 58013

appropriation item to allow the Department of Job and Family Services to implement and operate the new Medicare Part D requirements. If the state share of appropriation item 600-525, Health Care/Medicaid, is adjusted, the Director of Budget and Management shall adjust the federal share accordingly.

**Section 309.31.20. RESIDENT PROTECTION FUND** 58019

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** 58034

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 58044  
establish under section 5111.88 of the Revised Code. 58045

**Section 309.31.40.** TRANSFER OF FUNDS TO THE DEPARTMENT OF 58046  
AGING 58047

The Department of Job and Family Services shall transfer, 58048  
through intrastate transfer vouchers, cash from Fund 4J5, Home and 58049  
Community-Based Services for the Aged, to Fund 4J4, PASSPORT, in 58050  
the Department of Aging. The sum of the transfers shall be 58051  
\$33,263,984 in each fiscal year. The transfer may occur on a 58052  
quarterly basis or on a schedule developed and agreed to by both 58053  
departments. 58054

**Section 309.31.50.** PROVIDER FRANCHISE FEE OFFSETS 58055

(A) At least quarterly, the Director of Job and Family 58056  
Services shall certify to the Director of Budget and Management 58057  
both of the following: 58058

(1) The amount of offsets withheld under section 3721.541 of 58059  
the Revised Code from payments made from the General Revenue Fund. 58060

(2) The amount of offsets withheld under section 5112.341 of 58061  
the Revised Code from payments made from the General Revenue Fund. 58062

(B) The Director of Budget and Management may transfer cash 58063  
from the General Revenue Fund to all of the following: 58064

(1) Fund 4J5, Home and Community Based Services/Aged Fund, or 58065  
Fund 5R2, Nursing Facility Stabilization Fund, in accordance with 58066  
sections 3721.56 and 3721.561 of the Revised Code; 58067

(2) Fund 4K1, ICF/MR Bed Assessments. 58068

(C) Amounts transferred pursuant to this section are hereby 58069  
appropriated. 58070

**Section 309.31.60.** TRANSFER OF FUNDS TO THE DEPARTMENT OF 58071

MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES 58072

The Department of Job and Family Services shall transfer, 58073  
through intrastate transfer vouchers, cash from Fund 4K1, ICF/MR 58074  
Bed Assessments, to Fund 4K8, Home and Community-Based Services, 58075  
in the Department of Mental Retardation and Developmental 58076  
Disabilities. The amount transferred shall equal \$12,000,000 in 58077  
each fiscal year. The transfer may occur on a quarterly basis or 58078  
on a schedule developed and agreed to by both departments. 58079

**Section 309.31.70. FUNDING FOR TRANSITION WAIVER SERVICES 58080**

Notwithstanding any limitations contained in sections 5112.31 58081  
and 5112.37 of the Revised Code, in each fiscal year, cash from 58082  
Fund 4K1, ICF/MR Bed Assessments, in excess of the amounts needed 58083  
for transfers to Fund 4K8, Home and Community-Based Services, in 58084  
the Department of Mental Retardation and Developmental 58085  
Disabilities, may be used by the Department of Job and Family 58086  
Services to cover costs of care provided to participants in a 58087  
waiver with an ICF/MR level of care requirement administered by 58088  
the Department of Job and Family Services. 58089

**Section 309.31.80. PAYMENTS FROM THE DEPARTMENT OF EDUCATION 58090**  
FOR MEDICAID SERVICES 58091

At the request of the Director of Job and Family Services, 58092  
the Director of Budget and Management may increase the 58093  
appropriation in appropriation item 600-639, Medicaid Revenue and 58094  
Collections, by the amounts paid to the department pursuant to 58095  
section 3317.023 of the Revised Code. 58096

**Section 309.31.90. HOSPITAL CARE ASSURANCE MATCH 58097**

Appropriation item 600-650, Hospital Care Assurance Match, 58098  
shall be used by the Department of Job and Family Services solely 58099  
for distributing funds to hospitals under section 5112.08 of the 58100

Revised Code. 58101

**Section 309.32.10.** HEALTH CARE SERVICES ADMINISTRATION FUND 58102

Of the amount received by the Department of Job and Family 58103  
Services during fiscal year 2008 and fiscal year 2009 from the 58104  
first installment of assessments paid under section 5112.06 of the 58105  
Revised Code and intergovernmental transfers made under section 58106  
5112.07 of the Revised Code, the Director of Job and Family 58107  
Services shall deposit \$350,000 in each fiscal year into the state 58108  
treasury to the credit of the Health Care Services Administration 58109  
Fund (Fund 5U3). 58110

**Section 309.32.20.** MEDICAID PROGRAM SUPPORT FUND - STATE 58111

The foregoing appropriation item 600-671, Medicaid Program 58112  
Support, shall be used by the Department of Job and Family 58113  
Services to pay for Medicaid services and contracts. The 58114  
Department may also deposit to Fund 5C9 revenues received from 58115  
other state agencies for Medicaid services under the terms of 58116  
interagency agreements between the Department and other state 58117  
agencies, and all funds the Department recovers because the 58118  
benefits a person received under the disability medical assistance 58119  
program established in section 5115.10 of the Revised Code were 58120  
determined to be covered by the Medicaid Program established under 58121  
Chapter 5111. of the Revised Code. 58122

**Section 309.32.30.** TRANSFERS OF IMD/DSH CASH TO THE 58123  
DEPARTMENT OF MENTAL HEALTH 58124

The Department of Job and Family Services shall transfer, 58125  
through intrastate transfer voucher, cash from Fund 5C9, Medicaid 58126  
Program Support, to the Department of Mental Health's Fund 4X5, 58127  
OhioCare, in accordance with an interagency agreement that 58128  
delegates authority from the Department of Job and Family Services 58129



to the Department of Mental Health to administer specified 58130  
Medicaid services. 58131

**Section 309.32.40. PRESCRIPTION DRUG REBATE FUND** 58132

The foregoing appropriation item 600-692, Health Care 58133  
Services, shall be used by the Department of Job and Family 58134  
Services to pay for Medicaid services and contracts. 58135

**Section 309.32.50. DISABILITY DETERMINATION PROCESS** 58136

Based on the recommendations made by the Disability 58137  
Determination Consolidation Study Council, the Rehabilitation 58138  
Services Commission and the Department of Job and Family Services 58139  
shall work together to reduce the duplication of activities 58140  
performed by each agency and develop a systems interface so that 58141  
medical information for mutual clients may be transferred between 58142  
the agencies. 58143

**Section 309.40. FAMILY STABILITY** 58144

**Section 309.40.10. WAIVER OF FOOD STAMP WORK REQUIREMENTS** 58145

Pursuant to 7 U.S.C. 2015(o)(4)(A)(i), the Department of Job 58146  
and Family Services shall request that the United States Secretary 58147  
of Agriculture waive the applicability of the work requirement of 58148  
7 U.S.C. 2015(o)(2) during fiscal years 2008 and 2009 to food 58149  
stamp benefit recipients who reside in a county of this state that 58150  
the Department determines has an unemployment rate of over 10 per 58151  
cent or does not have a sufficient number of jobs to provide 58152  
employment for the recipients. 58153

**Section 309.40.20. FOOD STAMPS TRANSFER** 58154

On July 1, 2007, or as soon as possible thereafter, the 58155  
Director of Budget and Management may transfer up to \$1,000,000 in 58156

cash from Fund 384, Food Stamp Program, to Fund 5ES, Food Assistance. 58157  
58158

**Section 309.40.30.** OHIO ASSOCIATION OF SECOND HARVEST FOOD BANKS 58159  
58160

As used in this section, "federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code. 58161  
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Notwithstanding section 5101.46 of the Revised Code, the Department of Job and Family Services shall provide \$5,500,000 in each fiscal year from the foregoing appropriation item 600-651, Second Harvest Food Banks, to the Ohio Association of Second Harvest Food Banks. The Department shall enter into a grant agreement with the Ohio Association of Second Harvest Food Banks to allow for the purchase of food products and the distribution of those food products to agencies participating in the emergency food distribution program. Notwithstanding section 5101.46 of the Revised Code, the grant may permit the Ohio Association of Second Harvest Food Banks to use up to 5 per cent of the annual funding for administrative costs. As soon as possible after entering into a grant agreement at the beginning of each fiscal year, the Department may advance grant funds to the grantee under section 5101.10 of the Revised Code and in accordance with federal law. 58163  
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Prior to entering into the grant agreement, the Ohio Association of Second Harvest Food Banks shall submit to the Department for approval a plan for the distribution of the food products to local food distribution agencies. If the plan meets the requirements and conditions established by the Department, the plan shall be incorporated into the grant agreement. The grant agreement shall also require the Ohio Association of Second Harvest Food Banks to ensure that local agencies will limit participation of individuals and families who receive any of the food products purchased with these funds to those who have an 58178  
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income at or below 200 per cent of the federal poverty guidelines. 58188  
The Department and the Ohio Association of Second Harvest Food 58189  
Banks shall agree on reporting requirements to be incorporated 58190  
into the grant agreement, including a statement of expected 58191  
performance outcomes from the Ohio Association of Second Harvest 58192  
Food Banks and a requirement for their evaluation of their success 58193  
in achieving those outcomes. 58194

**Section 309.40.33. CHILD SUPPORT COLLECTIONS/TANF MOE** 58195

The foregoing appropriation item 600-658, Child Support 58196  
Collections, shall be used by the Department of Job and Family 58197  
Services to meet the TANF maintenance of effort requirements of 42 58198  
U.S.C. 609(a)(7). When the state is assured that it will meet the 58199  
maintenance of effort requirement, the Department of Job and 58200  
Family Services may use funds from appropriation item 600-658, 58201  
Child Support Collections, to support child support activities. 58202

**Section 309.40.40. TANF INITIATIVES** 58203

The Department of Job and Family Services, in accordance with 58204  
sections 5101.80 and 5101.801 of the Revised Code, shall take the 58205  
steps necessary, through interagency agreement, adoption of rules, 58206  
or otherwise as determined by the Department, to implement and 58207  
administer the Title IV-A programs identified in this section. 58208

**KINSHIP PERMANENCY INCENTIVE PROGRAM** 58209

Of the foregoing appropriation item 600-689, TANF Block Grant 58210  
(Fund 3V6), up to \$10 million per fiscal year shall be used to 58211  
support the activities of the Kinship Permanency Incentive Program 58212  
created under section 5101.802 of the Revised Code. 58213

The Department of Job and Family Services shall prepare 58214  
reports concerning both of the following: 58215

(A) Stability and permanency outcomes for children for whom 58216

incentive payments are made under the Kinship Permanency Incentive Program; 58217  
58218

(B) The total amount of payments made under the Program, 58219  
patterns of expenditures made per child under the Program, and 58220  
cost savings realized through the Program from placement with 58221  
kinship caregivers rather than other out-of-home placements. 58222

The Department shall submit a report to the Governor, the 58223  
Speaker and Minority Leader of the House of Representatives, and 58224  
the President and Minority Leader of the Senate not later than 58225  
December 31, 2008, and December 31, 2010. 58226

The amendments made by this act to section 5101.802 of the 58227  
Revised Code shall not affect the eligibility of any kinship 58228  
caregiver whose eligibility was established before the effective 58229  
date of this section. 58230

OHIO ALLIANCE OF BOYS AND GIRLS CLUBS 58231

Of the foregoing appropriation item 600-689, TANF Block Grant 58232  
(Fund 3V6), the Department of Job and Family Services shall use up 58233  
to \$600,000 in each fiscal year to support expenditures of the 58234  
Ohio Alliance of Boys and Girls Clubs pursuant to section 5101.801 58235  
of the Revised Code to provide after-school programs that protect 58236  
at-risk children and enable youth to become responsible adults. 58237  
The Ohio Alliance of Boys and Girls Clubs shall provide 58238  
nutritional meals, snacks, and educational, youth development, and 58239  
career development services to TANF eligible children 58240  
participating in programs and activities operated by eligible Boys 58241  
and Girls Clubs. 58242

The Department of Job and Family Services and the Ohio 58243  
Alliance of Boys and Girls Clubs shall agree on reporting 58244  
requirements to be incorporated into the grant agreement. 58245

CHILDREN'S HUNGER ALLIANCE 58246

Of the foregoing appropriation item 600-689, TANF Block Grant 58247  
(Fund 3V6), up to \$1,000,000 in each fiscal year shall be 58248  
reimbursed to the Children's Hunger Alliance pursuant to section 58249  
5101.801 of the Revised Code for Child Nutrition Program outreach 58250  
efforts. 58251

SCHOOL READINESS ENRICHMENT 58252

Of the foregoing appropriation item 600-689, TANF Block Grant 58253  
(Fund 3V6), up to \$6,500,000 in each fiscal year shall be used for 58254  
TANF eligible activities pursuant to section 5101.801 of the 58255  
Revised Code to provide intervention services to prepare children 58256  
for kindergarten. 58257

FOOD BANKS 58258

Of the foregoing appropriation item 600-689, TANF Block Grant 58259  
(Fund 3V6), up to \$1,500,000 in each fiscal year shall be used to 58260  
reimburse the Ohio network of food banks pursuant to section 58261  
5101.801 of the Revised Code for purchases and distribution of 58262  
food products. 58263

GOVERNOR'S OFFICE OF FAITH-BASED AND COMMUNITY INITIATIVES 58264

Of the foregoing appropriation item 600-689, TANF Block Grant 58265  
(Fund 3V6), up to \$13,000,000 in each fiscal year shall be used to 58266  
reimburse the Governor's Office for Faith-Based and Community 58267  
Initiatives pursuant to section 5101.801 of the Revised Code for 58268  
projects designed to serve the state's most vulnerable citizens. 58269

ADOPTION PROMOTION 58270

Of the foregoing appropriation item 600-689, TANF Block Grant 58271  
(Fund 3V6), up to \$5,000,000 in each fiscal year shall be used for 58272  
TANF eligible activities pursuant to section 5101.801 of the 58273  
Revised Code to provide additional support for initiatives aimed 58274  
at increasing the number of adoptions including recruiting, 58275  
promoting, and supporting adoptive families. 58276

INDEPENDENT LIVING INITIATIVES	58277
Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$2,500,000 in each fiscal year shall be used for TANF eligible activities pursuant to section 5101.801 of the Revised Code to support the independent living initiative, including life skills training and work supports for older children in foster care and those who have recently aged out of foster care.	58278 58279 58280 58281 58282 58283 58284
CLOSING THE ACHIEVEMENT GAP	58285
Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$10,000,000 in each fiscal year shall be used for TANF eligible activities pursuant to section 5101.801 of the Revised Code to provide intervention services aimed at improving the African-American male graduation rate.	58286 58287 58288 58289 58290
FAMILY SERVICE OF THE CINCINNATI AREA	58291
Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$25,000 in each fiscal year shall be used to reimburse, in accordance with section 5101.801 of the Revised Code, Family Service of the Cincinnati Area for the International Family Resource Center program.	58292 58293 58294 58295 58296
PARENT MENTORS	58297
Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$250,000 in fiscal year 2008 shall be used to reimburse the Department of Education pursuant to section 5101.801 of the Revised Code for providing funding for an additional ten parent mentors. This additional support for parent mentors shall be aimed at increasing support for parents with children who have special needs, thereby reducing stress on the family and encouraging the maintenance of two parent families. Such funding shall be in addition to that which is provided for parent mentoring programs in GRF appropriation item 200-540, Special	58298 58299 58300 58301 58302 58303 58304 58305 58306 58307

Education Enhancements, in the Department of Education.	58308
ACCOUNTABILITY AND CREDIBILITY TOGETHER	58309
Of the foregoing appropriation item 600-689, TANF Block Grant, up to \$1,000,000 in each fiscal year shall be reimbursed to Accountability and Credibility Together (ACT) to continue its welfare diversion program to TANF eligible individuals pursuant to section 5101.801 of the Revised Code.	58310 58311 58312 58313 58314
AMERICAN ACADEMY OF PEDIATRICS	58315
Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$100,000 in fiscal year 2008 shall be used to reimburse, in accordance with section 5101.801 of the Revised Code, the American Academy of Pediatrics for the Reach Out and Read program.	58316 58317 58318 58319 58320
HOME WEATHERIZATION	58321
Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$500,000 in each fiscal year shall be used to reimburse, in accordance with section 5101.801 of the Revised Code, the Corporation for Ohio Appalachian Development for home weatherization.	58322 58323 58324 58325 58326
PROVIDENCE HOUSE	58327
Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$100,000 in fiscal year 2008 shall be used to reimburse, in accordance with section 5101.801 of the Revised Code, the Providence House for providing crisis intervention services for children who are at risk of abuse and neglect.	58328 58329 58330 58331 58332
BUTLER COUNTY SUCCESS PLAN	58333
Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$100,000 in fiscal year 2008 shall be used to provide reimbursement, in accordance with section 5101.801 of the Revised Code, for the Butler County Success Plan.	58334 58335 58336 58337

AMERICAN RED CROSS-GREATER CLEVELAND CHAPTER AND THE BEREA 58338  
CHILDREN'S HOME AND FAMILY SERVICES 58339

Of the foregoing appropriation item 600-689, TANF Block 58340  
Grant, up to \$2,063,000 in fiscal year 2008 shall be used to 58341  
reimburse the American Red Cross-Greater Cleveland Chapter and the 58342  
Berea Children's Home and Family Services in accordance with 58343  
section 5101.801 of the Revised Code, for enrolling TANF eligible 58344  
individuals in the Northeast Ohio Nurse Assistant Training 58345  
Program, which will lead to employment opportunities in the 58346  
healthcare field in a ten-county region. 58347

CENTER FOR FAMILIES AND CHILDREN RAPART YOUTH FELLOWSHIP 58348  
PROGRAM 58349

Of the foregoing appropriation item 600-689, TANF Block 58350  
Grant, up to \$100,000 in fiscal year 2008 shall be used to 58351  
reimburse the Center for Families and Children RapArt Youth 58352  
Fellowship Program in accordance with section 5101.801 of the 58353  
Revised Code for providing an after-school program that supports 58354  
at-risk young adults and enables youth to become responsible 58355  
adults. 58356

TALBERT HOUSE 58357

Of the foregoing appropriation item 600-689, TANF Block Grant 58358  
(Fund 3V6), up to \$50,000 in each fiscal year shall be used to 58359  
reimburse, in accordance with section 5101.801 of the Revised 58360  
Code, the Talbert House for providing TANF eligible non-medical 58361  
behavioral health services. 58362

TANF EDUCATIONAL AWARDS PROGRAM 58363

Of the foregoing appropriation item 600-689, TANF Block Grant 58364  
(Fund 3V6), up to \$2,000,000 in each fiscal year shall be used to 58365  
reimburse the Ohio Board of Regents pursuant to section 5101.801 58366  
of the Revised Code for initiatives addressing postsecondary 58367  
tuition and educational expenses not covered by other grant 58368



programs that target low-income students. 58369

HOME ENERGY ASSISTANCE PROGRAM 58370

The Department of Job and Family Services shall transfer, 58371  
through intrastate transfer voucher, \$45,000,000 in cash in fiscal 58372  
year 2008 and \$15,000,000 in fiscal year 2009 from Fund 3V6, TANF 58373  
Block Grant, to Fund 3BJ, TANF Heating Assistance, in the 58374  
Department of Development, in accordance with an interagency 58375  
agreement. The Departments of Job and Family Services and 58376  
Development shall enter into an interagency agreement for 58377  
providing reimbursement to the Department of Development to 58378  
administer the Title IV-A funded Home Energy Assistance Program 58379  
(HEAP), which provides assistance with home energy fuel costs to 58380  
needy families with children. 58381

If the Department of Development receives approval for a 58382  
federal waiver to increase the percentage of the Home Energy Block 58383  
Grant that may be used for weatherization to sixteen and one-half 58384  
per cent in fiscal year 2008 and seventeen and one-half per cent 58385  
in fiscal year 2009, the Department of Job and Family Services 58386  
shall increase the amount of reimbursement to the Department of 58387  
Development from Fund 3V6, TANF Block Grant, for the Title IV-A 58388  
funded Home Energy Assistance Program by an amount equal to the 58389  
additional amounts used for weatherization under the federal 58390  
waiver. 58391

The directors of Job and Family Services and Development 58392  
shall seek Controlling Board approval to adjust the appropriations 58393  
for appropriation item 600-689, TANF Block Grant, in the 58394  
Department of Job and Family Services and appropriation item 58395  
195-685, TANF Heating Assistance, in the Department of 58396  
Development, as needed to carry out the purposes described in the 58397  
preceding paragraph. 58398

**Section 309.40.60. EARLY LEARNING INITIATIVE** 58399

- (A) As used in this section: 58400
- (1) "Title IV-A services" means benefits and services that 58401  
are allowable under Title IV-A of the "Social Security Act," as 58402  
specified in 42 U.S.C. 604(a), except that they shall not be 58403  
benefits and services included in the term "assistance" as defined 58404  
in 45 C.F.R. 260.31(a) and shall be benefits and services that are 58405  
excluded from the definition of the term "assistance" under 45 58406  
C.F.R. 260.31(b). 58407
- (2) "Title IV-A funds" means funds provided under the 58408  
temporary assistance for needy families block grant established by 58409  
Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 58410  
U.S.C. 601, as amended. 58411
- (3) "Eligible child" means a child who is at least three 58412  
years of age but not of compulsory school age or enrolled in 58413  
kindergarten, is eligible for Title IV-A services, and whose 58414  
family income at the time of application does not exceed one 58415  
hundred eighty-five per cent of the federal poverty line in fiscal 58416  
year 2008 or two hundred per cent of the federal poverty line in 58417  
fiscal year 2009. 58418
- (4) "Early learning program" means a program for eligible 58419  
children that is funded with Title IV-A funds and provides Title 58420  
IV-A services, according to the purposes listed in 45 C.F.R. 58421  
260.20(c), that are early learning services, as defined by 58422  
pursuant to division (D)(1) of this section. 58423
- (5) "Early learning provider" means an entity that is 58424  
receiving Title IV-A funds to operate an early learning program. 58425
- (6) "Early learning agency" means an early learning provider 58426  
or an entity that has entered into an agreement with an early 58427  
learning provider requiring the early learning provider to operate 58428  
an early learning program on behalf of the entity. 58429
- (7) "Federal poverty line" has the same meaning as in section 58430

5104.01 of the Revised Code. 58431

(8) "Of compulsory school age" has the same meaning as in 58432  
section 3321.01 of the Revised Code. 58433

(B) The Early Learning Initiative is hereby established. The 58434  
Department of Education and the Department of Job and Family 58435  
Services shall administer the Initiative in accordance with 58436  
sections 5101.80 and 5101.801 of the Revised Code. The Initiative 58437  
shall provide early learning services to eligible children. Early 58438  
learning programs may provide early learning services on a 58439  
full-day basis, a part-day basis, or both a full-day and part-day 58440  
basis. 58441

(C) The Department of Job and Family Services shall do both 58442  
of the following: 58443

(1) Reimburse early learning agencies for Title IV-A services 58444  
provided to eligible children according to the terms of the 58445  
contract and the rules adopted under division (C)(2) of this 58446  
section; 58447

(2) In consultation with the Department of Education, adopt 58448  
rules in accordance with Chapter 119. of the Revised Code to 58449  
implement the Early Learning Initiative. The rules shall include 58450  
all of the following: 58451

(a) Provisions regarding the establishment of co-payments for 58452  
families of eligible children whose family income is more than one 58453  
hundred sixty-five per cent of the federal poverty line but equal 58454  
to or less than the maximum amount of family income authorized for 58455  
an eligible child as defined in division (A)(3) of this section; 58456

(b) An exemption from co-payment requirements for families 58457  
whose family income is equal to or less than one hundred 58458  
sixty-five per cent of the federal poverty line; 58459

(c) A definition of "enrollment" for the purpose of 58460

compensating early learning agencies; 58461

(d) Provisions that establish compensation rates for early 58462  
learning agencies based on the enrollment of eligible children; 58463

(e) Caretaker employment eligibility requirements for 58464  
participation in the Early Learning Initiative. These requirements 58465  
shall specify the minimum number of hours that the caretaker of 58466  
the eligible child must be employed and the time period over which 58467  
the minimum number of hours is to be measured. These minimum hours 58468  
may overlap the period during the day or week in which the child 58469  
participates in the early learning program. These requirements 58470  
shall permit the child to be determined to be, and remain, an 58471  
eligible child for up to thirty days if the county department of 58472  
job and family services determines that the caretaker is expected 58473  
to begin engaging in an approved activity within that thirty-day 58474  
period. These rules shall require the county department of job and 58475  
family services to inform both the early learning agency and the 58476  
Department of Job and Family Services of this determination. These 58477  
rules shall require the Department of Job and Family Services to 58478  
designate the activities that constitute approved activities for 58479  
purposes of this requirement and to periodically review the 58480  
requirement described in this division to ensure that it complies 58481  
with federal law and regulations. 58482

(D) The Department of Education shall do all of the 58483  
following: 58484

(1) Define the early learning services that will be provided 58485  
to eligible children through the Early Learning Initiative; 58486

(2) In consultation with the Department of Job and Family 58487  
Services, develop an application form and criteria for the 58488  
selection of early learning agencies. The criteria shall require 58489  
an early learning agency, or each early learning provider with 58490  
which the agency has entered into an agreement for the operation 58491

of an early learning program on the agency's behalf, to be 58492  
licensed or certified by the Department of Education under 58493  
sections 3301.52 to 3301.59 of the Revised Code or by the 58494  
Department of Job and Family Services under Chapter 5104. of the 58495  
Revised Code; 58496

(3) Establish early learning program guidelines for school 58497  
readiness to assess the operation of early learning programs. 58498

(E) Any entity that seeks to be an early learning agency 58499  
shall apply to the Department of Education by a deadline 58500  
established by the Department. The Department of Education shall 58501  
select entities that meet the criteria established under division 58502  
(D)(2) of this section to be early learning agencies. Upon 58503  
selection of an entity to be an early learning agency, the 58504  
Department of Education shall designate the number of eligible 58505  
children the agency may enroll. The Department of Education shall 58506  
notify the Department of Job and Family Services of the number so 58507  
designated. 58508

(F) The Department of Education and the Department of Job and 58509  
Family Services shall enter into a contract with each early 58510  
learning agency selected under division (E) of this section. The 58511  
requirements of section 127.16 of the Revised Code do not apply to 58512  
contracts entered into under this section. The contract shall 58513  
outline the terms and conditions applicable to the provision of 58514  
Title IV-A services for eligible children and shall include at 58515  
least the following: 58516

(1) The respective duties of the early learning agency, the 58517  
Department of Education, and the Department of Job and Family 58518  
Services; 58519

(2) Requirements applicable to the allowable use of and 58520  
accountability for Title IV-A compensation paid under the 58521  
contract; 58522

- (3) Reporting requirements, including a requirement that the early learning provider inform the Department of Education when the provider learns that a kindergarten eligible child will not be enrolled in kindergarten;
- (4) The compensation schedule payable under the contract;
- (5) Audit requirements;
- (6) Provisions for suspending, modifying, or terminating the contract.
- (G) If an early learning agency, or an early learning provider operating an early learning program on the agency's behalf, substantially fails to meet the early learning program guidelines for school readiness or exhibits below average performance, as determined by the Department of Education, the agency shall develop and implement a corrective action plan. The Department of Education shall approve the corrective action plan prior to implementation.
- (H) If an early learning agency fails to implement a corrective action plan under division (G) of this section, the Department of Education may direct the Department of Job and Family Services to either withhold funding or request that the Department of Job and Family Services suspend or terminate the contract with the agency.
- (I) Each early learning program shall do all of the following:
- (1) Meet teacher qualification requirements prescribed by section 3301.311 of the Revised Code;
  - (2) Align curriculum to the early learning content standards;
  - (3) Meet any assessment requirements prescribed by section 3301.0715 of the Revised Code that apply to the program;
  - (4) Require teachers, except teachers enrolled and working to

obtain a degree pursuant to section 3301.311 of the Revised Code, 58553  
to attend a minimum of twenty hours per biennium of professional 58554  
development as prescribed by the Department of Education regarding 58555  
the implementation of early learning program guidelines for school 58556  
readiness; 58557

(5) Document and report child progress; 58558

(6) Meet and report compliance with the early learning 58559  
program guidelines for school success; 58560

(7) Participate in early language and literacy classroom 58561  
observation evaluation studies. 58562

(J) Each county Department of Job and Family Services shall 58563  
determine eligibility for Title IV-A services for children seeking 58564  
to enroll in an early learning program within fifteen days after 58565  
receipt of a completed application in accordance with rules 58566  
adopted under this section. 58567

(K) The provision of early learning services in an early 58568  
learning program shall not prohibit or otherwise prevent an 58569  
individual from obtaining certificates for payment under division 58570  
(C) of section 5104.32 of the Revised Code. 58571

(L) Notwithstanding section 126.07 of the Revised Code: 58572

(1) Any fiscal year 2008 contract executed prior to July 1, 58573  
2007, between the Departments of Job and Family Services and 58574  
Education and an early learning agency that was not an early 58575  
learning agency as of June 30, 2007, shall be deemed to be 58576  
effective as of July 1, 2007, upon issuance of a state purchase 58577  
order, even if the purchase order is approved at some later date. 58578

(2) Any fiscal year 2008 contract executed between the 58579  
Departments of Job and Family Services and Education and an early 58580  
learning agency that had a valid contract for early learning 58581  
services on June 30, 2007, shall be deemed to be effective as of 58582

July 1, 2007, upon the issuance of a state purchase order, even if 58583  
the purchase order is approved at some later date. 58584

(3) Any fiscal year 2009 contract executed prior to July 1, 58585  
2008, between the Departments of Job and Family Services and 58586  
Education and an early learning agency that was not an early 58587  
learning agency as of June 30, 2008, shall be deemed to be 58588  
effective as of July 1, 2008, upon issuance of a state purchase 58589  
order, even if the purchase order is approved at some later date. 58590

(4) Any fiscal year 2009 contract executed between the 58591  
Departments of Job and Family Services and Education and an early 58592  
learning agency that had a valid contract for early learning 58593  
services on June 30, 2008, shall be deemed to be effective as of 58594  
July 1, 2008, upon the issuance of a state purchase order, even if 58595  
the purchase order is approved at some later date. 58596

(M) Of the foregoing appropriation item 600-689, TANF Block 58597  
Grant (Fund 3V6), up to \$125,256,000 shall be used in each fiscal 58598  
year to compensate early learning agencies under this section. The 58599  
Departments of Job and Family Services and Education shall 58600  
contract for up to 12,000 enrollment slots for eligible children 58601  
in each fiscal year through the Early Learning Initiative. 58602

(N) Of the foregoing appropriation item 600-689, TANF Block 58603  
Grant (Fund 3V6), up to \$800,000 in each fiscal year may be used 58604  
by the Department of Job and Family Services for administration of 58605  
the Early Learning Initiative. 58606

(O) Up to \$2,200,000 in each fiscal year may be used by the 58607  
Department of Education to perform administrative functions for 58608  
the Early Learning Initiative. The Department of Job and Family 58609  
Services shall transfer, through intrastate transfer vouchers, 58610  
cash from Fund 3V6, TANF Block Grant, to Fund 5W2, Early Learning 58611  
Initiative, in the Department of Education. The amount transferred 58612  
shall not exceed \$2,200,000 in fiscal year 2008 and \$2,200,000 in 58613



fiscal year 2009. The transfer shall occur on a reimbursement 58614  
basis on a schedule developed and agreed to by both departments. 58615

**Section 309.50. CHILDREN AND FAMILIES** 58616

**Section 309.50.10. CHILD WELFARE TRAINING INITIATIVE** 58617

In each fiscal year, the Department of Job and Family 58618  
Services shall grant \$50,000 from appropriation item 600-528, 58619  
Adoption Services, and \$150,000 from appropriation item 600-606, 58620  
Child Welfare (Fund 327), to the National Center for Adoption Law 58621  
and Policy to fund a multi-disciplinary child welfare training 58622  
initiative. The Department of Job and Family Services shall 58623  
coordinate with the National Center for Adoption Law and Policy to 58624  
determine the focus of the training provided each year. 58625

**ADOPTION LAWSITE INITIATIVE** 58626

In each fiscal year, the Department of Job and Family 58627  
Services shall grant \$37,500 from appropriation item 600-528, 58628  
Adoption Services, and \$112,500 from appropriation item 600-606, 58629  
Child Welfare (Fund 327), to the National Center for Adoption Law 58630  
and Policy to fund expansion of the Adoption LawSite Initiative. 58631

**Section 309.50.20. CHILDREN'S TRUST FUND** 58632

Notwithstanding sections 3109.13 to 3109.18 of the Revised 58633  
Code, in each fiscal year, the Director of Budget and Management 58634  
shall transfer \$1,500,000 cash from the Children's Trust Fund 58635  
(Fund 198) in the Department of Job and Family Services to the 58636  
Partnerships for Success Fund (Fund 5BH) in the Department of 58637  
Youth Services. 58638

**Section 309.50.30. STEP UP TO QUALITY** 58639

A child day-care center or type A or B family day-care home 58640  
participating in the voluntary child care quality-rating program 58641

established pursuant to section 5104.30 of the Revised Code and 58642  
providing publicly funded child care is eligible to receive a 58643  
reimbursement rate for the publicly funded child care up to the 58644  
sixty-fifth percentile of the 2006 Ohio Child Care Market Rate 58645  
Survey if the center or home participates in the program in fiscal 58646  
year 2008 and maintains a two-star program rating in fiscal year 58647  
2009, according to the program rating system established in rules 58648  
adopted pursuant to section 5104.30 of the Revised Code. 58649

**Section 309.70. WORKFORCE DEVELOPMENT** 58650

**Section 309.70.10. TRANSFER TO THE MILITARY INJURY RELIEF** 58651  
FUND 58652

In each year of the biennium, the Director of Job and Family 58653  
Services shall certify to the Director of Budget and Management 58654  
the total amount of incentive grants deposited into Fund 331, 58655  
Federal Operating, on behalf of state and county employees and 58656  
other individuals, entities, and persons with exemplary service to 58657  
veterans under an approved employment service delivery program 58658  
defined in the "Jobs for Veterans Act," 116 Stat. 2033 (2002), as 58659  
approved by the United States Department of Labor. The Director of 58660  
Budget and Management shall transfer cash equal to the amount 58661  
certified by the Director of Job and Family Services from Fund 331 58662  
to Fund 5DB, Military Injury Grants. The transferred funds shall 58663  
be used to support grants to eligible individuals under section 58664  
5101.98 of the Revised Code and rules adopted in accordance with 58665  
that section. 58666

**Section 309.70.20. WORKFORCE DEVELOPMENT GRANT AGREEMENT** 58667

The Department of Job and Family Services may use 58668  
appropriations from appropriation item 600-688, Workforce 58669  
Investment Act, to provide financial assistance for workforce 58670  
development activities included in a grant agreement entered into 58671

by the department in accordance with section 5101.20 of the Revised Code. 58672  
58673

OHIO STATE APPRENTICESHIP COUNCIL 58674

Of the foregoing appropriation item 600-688, Workforce Investment Act, up to \$1,900,000 in fiscal year 2008 and up to \$2,200,000 in fiscal year 2009 may be used to support the activities of the Ohio State Apprenticeship Council. 58675  
58676  
58677  
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YOUTH EMPLOYMENT PROGRAMS 58679

Of the foregoing appropriation item 600-688, Workforce Investment Act, up to \$6,000,000 over the biennium shall be used for competitive grants to eight major urban centers and four other locations, at least two of which are rural, to provide strategies and programs that meet the needs of at-risk youth. The program shall target youth who have disengaged from the education system and youthful offenders who will be returning to their communities. Eligible grant applications include governmental units, workforce investment boards, and not-for-profit and for-profit entities. Grant funds may be used for youth wages and benefits, supervisory costs, training and support costs, and infrastructure expenses. Grant funds may not be used for construction or renovation of facilities. 58680  
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THIRD FRONTIER INTERNSHIP PROGRAM 58693

Of the foregoing appropriation item 600-688, Workforce Investment Act, \$1,500,000 in each fiscal year shall be used to support the Third Frontier Internship program. 58694  
58695  
58696

NURSE EDUCATION ASSISTANCE 58697

Of the foregoing appropriation item 600-688, Workforce Investment Act, \$700,000 in each fiscal year shall be used to support the Nurse Education Assistance program described in division (C)(1)(a) of section 3333.28 of the Revised Code. 58698  
58699  
58700  
58701

**Section 309.80.** UNEMPLOYMENT COMPENSATION 58702

**Section 309.80.10.** EMPLOYER SURCHARGE 58703

The surcharge and the interest on the surcharge amounts due 58704  
for calendar years 1988, 1989, and 1990 as required by Am. Sub. 58705  
H.B. 171 of the 117th General Assembly, Am. Sub. H.B. 111 of the 58706  
118th General Assembly, and section 4141.251 of the Revised Code 58707  
as it existed prior to its repeal by Sub. H.B. 478 of the 122nd 58708  
General Assembly, again shall be assessed and collected by, 58709  
accounted for, and made available to the Department of Job and 58710  
Family Services in the same manner as set forth in section 58711  
4141.251 of the Revised Code as it existed prior to its repeal by 58712  
Sub. H.B. 478 of the 122nd General Assembly, notwithstanding the 58713  
repeal of the surcharge for calendar years after 1990, pursuant to 58714  
Sub. H.B. 478 of the 122nd General Assembly, except that amounts 58715  
received by the Director on or after July 1, 2001, shall be 58716  
deposited into the Unemployment Compensation Special 58717  
Administrative Fund (Fund 4A9) established pursuant to section 58718  
4141.11 of the Revised Code. 58719

**Section 309.80.20.** FEDERAL UNEMPLOYMENT PROGRAMS 58720

All unexpended funds remaining at the end of fiscal year 2007 58721  
that were appropriated and made available to the state under 58722  
section 903(d) of the Social Security Act, as amended, in the 58723  
foregoing appropriation item 600-678, Federal Unemployment 58724  
Programs (Fund 3V4), are hereby appropriated to the Department of 58725  
Job and Family Services. Upon the request of the Director of Job 58726  
and Family Services, the Director of Budget and Management may 58727  
increase the appropriation for fiscal year 2008 by the amount 58728  
remaining unspent from the fiscal year 2007 appropriation and may 58729  
increase the appropriation for fiscal year 2009 by the amount 58730  
remaining unspent from the fiscal year 2008 appropriation. The 58731

appropriation shall be used under the direction of the Department 58732  
of Job and Family Services to pay for administrative activities 58733  
for the Unemployment Insurance Program, employment services, and 58734  
other allowable expenditures under section 903(d) of the Social 58735  
Security Act, as amended. 58736

The amounts obligated pursuant to this section shall not 58737  
exceed at any time the amount by which the aggregate of the 58738  
amounts transferred to the account of the state under section 58739  
903(d) of the Social Security Act, as amended, exceeds the 58740  
aggregate of the amounts obligated for administration and paid out 58741  
for benefits and required by law to be charged against the amounts 58742  
transferred to the account of the state. 58743

**Section 309.80.30. TIME-LIMITED MEDICAID PROVIDER AGREEMENTS** 58744

Each Medicaid provider agreement that is not time-limited on 58745  
the effective date of section 5111.028 of the Revised Code, as 58746  
enacted by this act, shall be converted by the Department of Job 58747  
and Family Services into a time-limited provider agreement. The 58748  
converted provider agreement shall expire three years from 58749  
effective date of the conversion. The Department shall notify the 58750  
provider in writing that provider agreement has been converted 58751  
into a time-limited provider agreement. 58752

Notwithstanding division (B) of section 5111.06 of the 58753  
Revised Code, the Department is not required to issue an order 58754  
pursuant to an adjudication conducted in accordance with Chapter 58755  
119. of the Revised Code when converting a provider agreement 58756  
under this section. 58757

**Section 311.10. JCO JUDICIAL CONFERENCE OF OHIO** 58758

General Revenue Fund				58759
GRF 018-321 Operating Expenses	\$	985,710	\$ 1,015,281	58760
TOTAL GRF General Revenue Fund	\$	985,710	\$ 1,015,281	58761

General Services Fund Group				58762
403 018-601 Ohio Jury Instructions	\$	350,000	\$ 350,000	58763
TOTAL GSF General Services Fund	\$	350,000	\$ 350,000	58764
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	1,335,710	\$ 1,365,281	58765
STATE COUNCIL OF UNIFORM STATE LAWS				58766
Notwithstanding section 105.26 of the Revised Code, of the				58767
foregoing appropriation item 018-321, Operating Expenses, up to				58768
\$71,000 in fiscal year 2008 and up to \$73,000 in fiscal year 2009				58769
may be used to pay the expenses of the State Council of Uniform				58770
State Laws, including membership dues to the National Conference				58771
of Commissioners on Uniform State Laws.				58772
OHIO JURY INSTRUCTIONS FUND				58773
The Ohio Jury Instructions Fund (Fund 403) shall consist of				58774
grants, royalties, dues, conference fees, bequests, devises, and				58775
other gifts received for the purpose of supporting costs incurred				58776
by the Judicial Conference of Ohio in dispensing educational and				58777
informational data to the state's judicial system. Fund 403 shall				58778
be used by the Judicial Conference of Ohio to pay expenses				58779
incurred in dispensing educational and informational data to the				58780
state's judicial system. All moneys accruing to Fund 403 in excess				58781
of \$350,000 in fiscal year 2008 and in excess of \$350,000 in				58782
fiscal year 2009 are hereby appropriated for the purposes				58783
authorized.				58784
No money in the Ohio Jury Instructions Fund shall be				58785
transferred to any other fund by the Director of Budget and				58786
Management or the Controlling Board.				58787
<b>Section 313.10.</b> JSC THE JUDICIARY/SUPREME COURT				58788
General Revenue Fund				58789
GRF 005-321 Operating Expenses -	\$	127,778,192	\$ 133,144,970	58790

	Judiciary/Supreme Court				
GRF 005-401	State Criminal Sentencing Council	\$	331,500	\$	336,770
					58791
GRF 005-406	Law-Related Education	\$	229,290	\$	236,172
					58792
GRF 005-409	Ohio Courts Technology Initiative	\$	4,000,000	\$	6,500,000
					58793
GRF 005-502	Commission for Legal Education Opportunity	\$	250,000	\$	350,000
					58794
TOTAL GRF	General Revenue Fund	\$	132,588,982	\$	140,567,912
					58795
	General Services Fund Group				58796
672 005-601	Continuing Judicial Education	\$	136,000	\$	140,000
					58797
TOTAL GSF	General Services Fund Group	\$	136,000	\$	140,000
					58798
	Federal Special Revenue Fund Group				58799
3J0 005-603	Federal Grants	\$	1,518,491	\$	1,467,693
					58800
TOTAL FED	Federal Special Revenue Fund Group	\$	1,518,491	\$	1,467,693
					58801
	State Special Revenue Fund Group				58802
4C8 005-605	Attorney Services	\$	3,841,416	\$	3,936,058
					58803
5T8 005-609	Grants and Awards	\$	100,000	\$	100,000
					58804
6A8 005-606	Supreme Court Admissions	\$	1,496,633	\$	1,541,532
					58805
TOTAL SSR	State Special Revenue Fund Group	\$	5,438,049	\$	5,577,590
					58806
TOTAL ALL BUDGET FUND GROUPS		\$	139,681,522	\$	147,753,195
					58807
	LAW-RELATED EDUCATION				58808
	The foregoing appropriation item 005-406, Law-Related Education, shall be distributed directly to the Ohio Center for Law-Related Education for the purposes of providing citizenship education activities to primary and secondary				58809
					58810
					58811
					58812

students, expanding delinquency prevention programs, increasing 58813  
activities for at-risk youth, and accessing additional public and 58814  
private money for new programs. 58815

OHIO COURTS TECHNOLOGY INITIATIVE 58816

The foregoing appropriation item 005-409, Ohio Courts 58817  
Technology Initiative, shall be used to fund an initiative by the 58818  
Supreme Court to facilitate the exchange of information and 58819  
warehousing of data by and between Ohio courts and other justice 58820  
system partners through the creation of an Ohio Courts Network, 58821  
the delivery of technology services to courts throughout the 58822  
state, including the provision of hardware, software, and the 58823  
development and implementation of educational and training 58824  
programs for judges and court personnel, and the creation and 58825  
operation of the Commission on Technology and the Courts by the 58826  
Supreme Court for the promulgation of statewide rules, policies, 58827  
and uniform standards, and to aid in the orderly adoption and 58828  
comprehensive use of technology in Ohio courts. 58829

COMMISSION FOR LEGAL EDUCATION OPPORTUNITY 58830

The foregoing appropriation item 005-502, Commission for 58831  
Legal Education Opportunity, shall be used to fund activities of 58832  
the Commission for Legal Education Opportunity created by the 58833  
Chief Justice of the Supreme Court of Ohio for purposes of 58834  
assisting minority, low-income, and educationally disadvantaged 58835  
college graduates in transition to legal education. Moneys 58836  
appropriated to the Commission for Legal Education Opportunity may 58837  
be used to establish and provide intensive course study designed 58838  
to prepare eligible college graduates for law education, provide 58839  
annual stipends for students who successfully complete the course 58840  
of study and are admitted to and maintain satisfactory academic 58841  
standing in an Ohio law school, and pay the administrative costs 58842  
associated with the program. 58843



CONTINUING JUDICIAL EDUCATION 58844

The Continuing Judicial Education Fund (Fund 672) shall 58845  
consist of fees paid by judges and court personnel for attending 58846  
continuing education courses and other gifts and grants received 58847  
for the purpose of continuing judicial education. The foregoing 58848  
appropriation item 005-601, Continuing Judicial Education, shall 58849  
be used to pay expenses for continuing education courses for 58850  
judges and court personnel. If it is determined by the 58851  
Administrative Director of the Supreme Court that additional 58852  
appropriations are necessary, the amounts are hereby appropriated. 58853

No money in the Continuing Judicial Education Fund shall be 58854  
transferred to any other fund by the Director of Budget and 58855  
Management or the Controlling Board. Interest earned on moneys in 58856  
the Continuing Judicial Education Fund shall be credited to the 58857  
fund. 58858

FEDERAL GRANTS 58859

The Federal Grants Fund (Fund 3J0) shall consist of grants 58860  
and other moneys awarded to the Supreme Court (The Judiciary) by 58861  
the United States Government or other entities that receive the 58862  
moneys directly from the United States Government and distribute 58863  
those moneys to the Supreme Court (The Judiciary). The foregoing 58864  
appropriation item 005-603, Federal Grants, shall be used in a 58865  
manner consistent with the purpose of the grant or award. If it is 58866  
determined by the Administrative Director of the Supreme Court 58867  
that additional appropriations are necessary, the amounts are 58868  
hereby appropriated. 58869

No money in the Federal Grants Fund shall be transferred to 58870  
any other fund by the Director of Budget and Management or the 58871  
Controlling Board. However, interest earned on moneys in the 58872  
Federal Grants Fund shall be credited or transferred to the 58873  
General Revenue Fund. 58874

ATTORNEY SERVICES 58875

The Attorney Services Fund (Fund 4C8), formerly known as the 58876  
Attorney Registration Fund, shall consist of moneys received by 58877  
the Supreme Court (The Judiciary) pursuant to the Rules for the 58878  
Government of the Bar of Ohio. In addition to funding other 58879  
activities considered appropriate by the Supreme Court, the 58880  
foregoing appropriation item 005-605, Attorney Services, may be 58881  
used to compensate employees and to fund appropriate activities of 58882  
the following offices established by the Supreme Court: the Office 58883  
of Disciplinary Counsel, the Board of Commissioners on Grievances 58884  
and Discipline, the Clients' Security Fund, and the Attorney 58885  
Services Division. If it is determined by the Administrative 58886  
Director of the Supreme Court that additional appropriations are 58887  
necessary, the amounts are hereby appropriated. 58888

No moneys in the Attorney Services Fund shall be transferred 58889  
to any other fund by the Director of Budget and Management or the 58890  
Controlling Board. Interest earned on moneys in the Attorney 58891  
Services Fund shall be credited to the fund. 58892

GRANTS AND AWARDS 58893

The Grants and Awards Fund (Fund 5T8) shall consist of grants 58894  
and other moneys awarded to the Supreme Court (The Judiciary) by 58895  
the State Justice Institute, the Division of Criminal Justice 58896  
Services, or other entities. The foregoing appropriation item 58897  
005-609, Grants and Awards, shall be used in a manner consistent 58898  
with the purpose of the grant or award. If it is determined by the 58899  
Administrative Director of the Supreme Court that additional 58900  
appropriations are necessary, the amounts are hereby appropriated. 58901

No moneys in the Grants and Awards Fund shall be transferred 58902  
to any other fund by the Director of Budget and Management or the 58903  
Controlling Board. However, interest earned on moneys in the 58904  
Grants and Awards Fund shall be credited or transferred to the 58905

General Revenue Fund.	58906
SUPREME COURT ADMISSIONS	58907
The foregoing appropriation item 005-606, Supreme Court	58908
Admissions, shall be used to compensate Supreme Court employees	58909
who are primarily responsible for administering the attorney	58910
admissions program under the Rules for the Government of the Bar	58911
of Ohio, and to fund any other activities considered appropriate	58912
by the court. Moneys shall be deposited into the Supreme Court	58913
Admissions Fund (Fund 6A8) under the Supreme Court Rules for the	58914
Government of the Bar of Ohio. If it is determined by the	58915
Administrative Director of the Supreme Court that additional	58916
appropriations are necessary, the amounts are hereby appropriated.	58917
No moneys in the Supreme Court Admissions Fund shall be	58918
transferred to any other fund by the Director of Budget and	58919
Management or the Controlling Board. Interest earned on moneys in	58920
the Supreme Court Admissions Fund shall be credited to the fund.	58921
FUND ELIMINATION	58922
Effective July 1, 2007, or as soon as practicable thereafter,	58923
the Director of Budget and Management shall transfer the cash	58924
balance in the Commission on Continuing Legal Education Fund (Fund	58925
643) to the Attorney Services Fund (Fund 4C8). The director shall	58926
cancel any existing encumbrances against appropriation item	58927
005-607, Commission on Continuing Legal Education, and	58928
re-establish them against appropriation item 005-605, Attorney	58929
Services. The amounts of the re-established encumbrances are	58930
hereby appropriated. Upon completion of these transfers, the	58931
Commission on Continuing Legal Education Fund (Fund 643) is hereby	58932
abolished.	58933
<b>Section 315.10.</b> LEC LAKE ERIE COMMISSION	58934
State Special Revenue Fund Group	58935

4C0 780-601 Lake Erie Protection	\$	450,000	\$	450,000	58936
Fund					
5D8 780-602 Lake Erie Resources	\$	387,000	\$	388,000	58937
Fund					
TOTAL SSR State Special Revenue					58938
Fund Group	\$	837,000	\$	838,000	58939
TOTAL ALL BUDGET FUND GROUPS	\$	837,000	\$	838,000	58940
CASH TRANSFER					58941
Not later than the thirtieth day of November of each fiscal					58942
year, the Executive Director of the Ohio Lake Erie Office, with					58943
the approval of the Lake Erie Commission, shall certify to the					58944
Director of Budget and Management the cash balance in the Lake					58945
Erie Resources Fund (Fund 5D8) in excess of amounts needed to meet					58946
operating expenses of the Lake Erie Office. The Lake Erie Office					58947
may request the Director of Budget and Management to transfer up					58948
to the certified amount from the Lake Erie Resources Fund (Fund					58949
5D8) to the Lake Erie Protection Fund (Fund 4C0). The Director of					58950
Budget and Management may transfer the requested amount, or the					58951
Director may transfer a different amount up to the certified					58952
amount. Cash transferred shall be used for the purposes described					58953
in division (A) of section 1506.23 of the Revised Code. The amount					58954
transferred by the director is hereby appropriated to the					58955
foregoing appropriation item 780-601, Lake Erie Protection Fund,					58956
which shall be increased by the amount transferred.					58957
<b>Section 317.10. LRS LEGAL RIGHTS SERVICE</b>					58958
General Revenue Fund					58959
GRF 054-321 Support Services	\$	198,075	\$	198,075	58960
GRF 054-401 Ombudsman	\$	291,247	\$	291,247	58961
TOTAL GRF General Revenue Fund	\$	489,322	\$	489,322	58962
General Services Fund Group					58963
5M0 054-610 Program Support	\$	81,352	\$	81,352	58964

TOTAL GSF General Services				58965
Fund Group	\$	81,352	\$ 81,352	58966
Federal Special Revenue Fund Group				58967
3AG 054-613 Protection and Advocacy - Voter Accessibility	\$	115,000	\$ 115,000	58968
3B8 054-603 Protection and Advocacy - Mentally Ill	\$	1,089,999	\$ 1,089,999	58969
3CA 054-615 Work Incentives Planning and Assistance	\$	355,000	\$ 355,000	58970
3N3 054-606 Protection and Advocacy - Individual Rights	\$	560,000	\$ 560,000	58971
3N9 054-607 Assistive Technology	\$	160,000	\$ 160,000	58972
3R9 054-604 Family Support Collaborative	\$	55,000	\$ 55,000	58973
3R9 054-616 Developmental Disability Publications	\$	130,000	\$ 130,000	58974
3T2 054-609 Client Assistance Program	\$	435,000	\$ 435,000	58975
3X1 054-611 Protection and Advocacy for Beneficiaries of Social Security	\$	235,001	\$ 235,001	58976
3Z6 054-612 Traumatic Brain Injury	\$	70,000	\$ 70,000	58977
305 054-602 Protection and Advocacy - Developmentally Disabled	\$	1,500,000	\$ 1,500,000	58978
TOTAL FED Federal Special Revenue				58979

Fund Group	\$	4,705,000	\$	4,705,000	58980
State Special Revenue Fund Group					58981
5AE 054-614 Grants and Contracts	\$	100,000	\$	100,000	58982
TOTAL SSR State Special Revenue Fund Group	\$	100,000	\$	100,000	58983
TOTAL ALL BUDGET FUND GROUPS	\$	5,375,674	\$	5,375,674	58984
 <b>Section 319.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE</b>					58986
General Revenue Fund					58987
GRF 028-321 Legislative Ethics Committee	\$	550,000	\$	550,000	58988
TOTAL GRF General Revenue Fund	\$	550,000	\$	550,000	58989
General Services Fund Group					58990
4G7 028-601 Joint Legislative Ethics Committee	\$	100,000	\$	100,000	58991
TOTAL GSF General Services Fund Group	\$	100,000	\$	100,000	58992
TOTAL ALL BUDGET FUND GROUPS	\$	650,000	\$	650,000	58993
 <b>Section 321.10. LSC LEGISLATIVE SERVICE COMMISSION</b>					58994
General Revenue Fund					58995
GRF 035-321 Operating Expenses	\$	15,167,700	\$	15,167,700	58996
GRF 035-402 Legislative Interns	\$	1,022,120	\$	1,022,120	58997
GRF 035-405 Correctional Institution Inspection Committee	\$	393,900	\$	393,900	58998
GRF 035-409 National Associations	\$	460,560	\$	460,560	58999
GRF 035-410 Legislative Information Systems	\$	3,661,250	\$	3,661,250	59000
TOTAL GRF General Revenue Fund	\$	20,705,530	\$	20,705,530	59001
General Services Fund Group					59002
4F6 035-603 Legislative Budget	\$	154,025	\$	154,025	59003

Services					
410	035-601	Sale of Publications	\$ 25,250	\$ 25,250	59004
5EF	035-607	House and Senate	\$ 30,000	\$ 30,000	59005
Telephone Usage					
TOTAL GSF General Services					59006
Fund Group			\$ 209,275	\$ 209,275	59007
TOTAL ALL BUDGET FUND GROUPS			\$ 20,914,805	\$ 20,914,805	59008
JOINT LEGISLATIVE COMMITTEE ON MEDICAID TECHNOLOGY AND REFORM					59009
Of the foregoing appropriation item 035-321, Operating					59010
Expenses, \$100,000 in each fiscal year shall be used for costs					59011
associated with employing an executive director for the Joint					59012
Legislative Committee on Medicaid Technology and Reform as					59013
authorized by division (C) of section 101.391 of the Revised Code.					59014
OHIO ECONOMIC ANALYSIS					59015
Of the foregoing appropriation item 035-321, Operating					59016
Expenses, up to \$250,000 in each fiscal year shall be used to					59017
contract with a person, business, or other entity to provide the					59018
General Assembly with additional revenue forecasting and analysis					59019
of the Ohio economy.					59020
<b>Section 323.10.</b> LIB STATE LIBRARY BOARD					59021
General Revenue Fund					59022
GRF	350-321	Operating Expenses	\$ 6,298,677	\$ 6,298,677	59023
GRF	350-400	Ohio Public Library	\$ 4,330,000	\$ 4,330,000	59024
Information Network					
GRF	350-401	Ohioana Rental	\$ 124,816	\$ 124,816	59025
Payments					
GRF	350-501	Library for the	\$ 535,615	\$ 535,615	59026
Blind-Cincinnati					
GRF	350-502	Regional Library	\$ 1,010,441	\$ 1,010,441	59027
Systems					

GRF 350-503 Library for the Blind-Cleveland	\$	805,642	\$	805,642	59028
TOTAL GRF General Revenue Fund	\$	13,105,191	\$	13,105,191	59029
General Services Fund Group					59030
139 350-602 Intra-Agency Service Charges	\$	9,000	\$	9,000	59031
4S4 350-604 Ohio Public Library Information Network Technology	\$	3,000,000	\$	3,000,000	59032
459 350-602 Library Service Charges	\$	2,708,092	\$	2,708,092	59033
TOTAL GSF General Services Fund Group	\$	5,717,092	\$	5,717,092	59034 59035
Federal Special Revenue Fund Group					59036
313 350-601 LSTA Federal	\$	5,691,792	\$	5,691,792	59037
TOTAL FED Federal Special Revenue Fund Group	\$	5,691,792	\$	5,691,792	59038 59039
TOTAL ALL BUDGET FUND GROUPS	\$	24,514,075	\$	24,514,075	59040
OHIOANA RENTAL PAYMENTS					59041
The foregoing appropriation item 350-401, Ohioana Rental Payments, shall be used to pay the rental expenses of the Martha Kinney Cooper Ohioana Library Association pursuant to section 3375.61 of the Revised Code.					59042 59043 59044 59045
LIBRARY FOR THE BLIND-CINCINNATI					59046
The foregoing appropriation item 350-501, Library for the Blind-Cincinnati, shall be used for the Talking Book program, which assists the blind and disabled.					59047 59048 59049
REGIONAL LIBRARY SYSTEMS					59050
The foregoing appropriation item 350-502, Regional Library Systems, shall be used to support regional library systems eligible for funding under sections 3375.83 and 3375.90 of the					59051 59052 59053



Revised Code. 59054

LIBRARY FOR THE BLIND-CLEVELAND 59055

The foregoing appropriation item 350-503, Library for the 59056  
Blind-Cleveland, shall be used for the Talking Book program, which 59057  
assists the blind and disabled. 59058

OHIO PUBLIC LIBRARY INFORMATION NETWORK 59059

The foregoing appropriation items 350-604, Ohio Public 59060  
Library Information Network Technology, and 350-400, Ohio Public 59061  
Library Information Network, shall be used for an information 59062  
telecommunications network linking public libraries in the state 59063  
and such others as may be certified as participants by the Ohio 59064  
Public Library Information Network Board. 59065

The Ohio Public Library Information Network Board shall 59066  
consist of eleven members appointed by the State Library Board 59067  
from among the staff of public libraries and past and present 59068  
members of boards of trustees of public libraries, based on the 59069  
recommendations of the Ohio library community. The Ohio Public 59070  
Library Information Network Board, in consultation with the State 59071  
Library, shall develop a plan of operations for the network. The 59072  
board may make decisions regarding use of the foregoing 59073  
appropriation items 350-400, Ohio Public Library Information 59074  
Network, and 350-604, Ohio Public Library Information Network 59075  
Technology, may receive and expend grants to carry out the 59076  
operations of the network in accordance with state law and the 59077  
authority to appoint and fix the compensation of a director and 59078  
necessary staff. The State Library shall be the fiscal agent for 59079  
the network and shall have fiscal accountability for the 59080  
expenditure of funds. The Ohio Public Library Information Network 59081  
Board members shall be reimbursed for actual travel and necessary 59082  
expenses incurred in carrying out their responsibilities. 59083

In order to limit access to obscene and illegal materials 59084

through internet use at Ohio Public Library Information Network 59085  
(OPLIN) terminals, local libraries with OPLIN computer terminals 59086  
shall adopt policies that control access to obscene and illegal 59087  
materials. These policies may include use of technological systems 59088  
to select or block certain internet access. The OPLIN shall 59089  
condition provision of its funds, goods, and services on 59090  
compliance with these policies. The OPLIN Board shall also adopt 59091  
and communicate specific recommendations to local libraries on 59092  
methods to control such improper usage. These methods may include 59093  
each library implementing a written policy controlling such 59094  
improper use of library terminals and requirements for parental 59095  
involvement or written authorization for juvenile internet usage. 59096

Of the foregoing appropriation item 350-400, Ohio Public 59097  
Library Information Network, up to \$100,000 in each fiscal year 59098  
shall be used to help local libraries purchase or maintain filters 59099  
to screen out obscene and illegal internet materials. 59100

The OPLIN Board shall research and assist or advise local 59101  
libraries with regard to emerging technologies and methods that 59102  
may be effective means to control access to obscene and illegal 59103  
materials. The OPLIN Executive Director shall biannually provide 59104  
written reports to the Governor, the Speaker and Minority Leader 59105  
of the House of Representatives, and the President and Minority 59106  
Leader of the Senate on any steps being taken by OPLIN and public 59107  
libraries in the state to limit and control such improper usage as 59108  
well as information on technological, legal, and law enforcement 59109  
trends nationally and internationally affecting this area of 59110  
public access and service. 59111

The Ohio Public Library Information Network, INFOhio, and 59112  
OhioLINK shall, to the extent feasible, coordinate and cooperate 59113  
in their purchase or other acquisition of the use of electronic 59114  
databases for their respective users and shall contribute funds in 59115  
an equitable manner to such effort. 59116

<b>Section 325.10. LCO LIQUOR CONTROL COMMISSION</b>				59117
Liquor Control Fund Group				59118
043 970-321 Operating Expenses	\$	743,093	\$ 772,524	59119
TOTAL LCF Liquor Control Fund Group	\$	743,093	\$ 772,524	59120
TOTAL ALL BUDGET FUND GROUPS	\$	743,093	\$ 772,524	59121
 <b>Section 327.10. LOT STATE LOTTERY COMMISSION</b>				59123
General Services Fund Group				59124
231 950-604 Charitable Gaming	\$	2,253,000	\$ 2,378,000	59125
Oversight				
TOTAL GSF General Services Fund	\$	2,253,000	\$ 2,378,000	59126
Group				
State Lottery Fund Group				59127
044 950-100 Personal Services	\$	25,945,116	\$ 27,085,265	59128
044 950-200 Maintenance	\$	18,748,274	\$ 18,693,328	59129
044 950-300 Equipment	\$	2,554,500	\$ 2,446,500	59130
044 950-402 Advertising Contracts	\$	21,250,000	\$ 21,250,000	59131
044 950-403 Gaming Contracts	\$	50,419,360	\$ 51,250,704	59132
044 950-500 Problem Gambling	\$	335,000	\$ 335,000	59133
Subsidy				
044 950-601 Direct Prize Payments	\$	147,716,286	\$ 147,716,286	59134
871 950-602 Annuity Prizes	\$	151,724,305	\$ 151,724,305	59135
TOTAL SLF State Lottery Fund				59136
Group	\$	418,692,841	\$ 420,501,388	59137
TOTAL ALL BUDGET FUND GROUPS	\$	420,945,841	\$ 422,879,388	59138
 OPERATING EXPENSES				59139
Notwithstanding sections 127.14 and 131.35 of the Revised				59140
Code, the Controlling Board may, at the request of the State				59141
Lottery Commission, authorize additional appropriations for				59142
operating expenses of the State Lottery Commission from the State				59143
Lottery Fund up to a maximum of 15 per cent of anticipated total				59144

revenue accruing from the sale of lottery tickets.	59145
DIRECT PRIZE PAYMENTS	59146
Any amounts, in addition to the amounts appropriated in	59147
appropriation item 950-601, Direct Prize Payments, that the	59148
Director of the State Lottery Commission determines to be	59149
necessary to fund prizes, bonuses, and commissions are hereby	59150
appropriated.	59151
ANNUITY PRIZES	59152
With the approval of the Office of Budget and Management, the	59153
State Lottery Commission shall transfer cash from the State	59154
Lottery Fund Group (Fund 044) to the Deferred Prizes Trust Fund	59155
(Fund 871) in an amount sufficient to fund deferred prizes. The	59156
Treasurer of State, from time to time, shall credit the Deferred	59157
Prizes Trust Fund (Fund 871) the pro rata share of interest earned	59158
by the Treasurer of State on invested balances.	59159
Any amounts, in addition to the amounts appropriated in	59160
appropriation item 950-602, Annuity Prizes, that the Director of	59161
the State Lottery Commission determines to be necessary to fund	59162
deferred prizes and interest earnings are hereby appropriated.	59163
TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND	59164
The Ohio Lottery Commission shall transfer an amount greater	59165
than or equal to \$657,900,000 in fiscal year 2008 and \$667,900,000	59166
in fiscal year 2009 to the Lottery Profits Education Fund.	59167
Transfers from the Commission to the Lottery Profits Education	59168
Fund shall represent the estimated net income from operations for	59169
the Commission in fiscal year 2008 and fiscal year 2009. Transfers	59170
by the Commission to the Lottery Profits Education Fund shall be	59171
administered as the statutes direct.	59172
<b>Section 329.10.</b> MHC MANUFACTURED HOMES COMMISSION	59173
General Services Fund Group	59174

4K9 996-609 Operating Expenses	\$	418,122	\$	434,671	59175
TOTAL GSF General Services					59176
Fund Group	\$	418,122	\$	434,671	59177
TOTAL ALL BUDGET FUND GROUPS	\$	418,122	\$	434,671	59178

**Section 331.10. MED STATE MEDICAL BOARD** 59180

General Services Fund Group					59181
5C6 883-609 Operating Expenses	\$	7,883,145	\$	8,225,945	59182
TOTAL GSF General Services					59183
Fund Group	\$	7,883,145	\$	8,225,945	59184
TOTAL ALL BUDGET FUND GROUPS	\$	7,883,145	\$	8,225,945	59185

**Section 333.10. AMB MEDICAL TRANSPORTATION BOARD** 59187

General Services Fund Group					59188
4K9 915-604 Operating Expenses	\$	471,450	\$	473,450	59189
TOTAL GSF General Services					59190
Fund Group	\$	471,450	\$	473,450	59191
TOTAL ALL BUDGET FUND GROUPS	\$	471,450	\$	473,450	59192

CASH TRANSFER TO OCCUPATIONAL LICENSING AND REGULATORY FUND 59193  
(FUND 4K9) 59194

Effective July 1, 2007, or as soon as practicable thereafter, 59195  
the Director of Budget and Management may transfer the cash 59196  
balance in the Ohio Medical Transportation Trust Fund (Fund 4N1), 59197  
created in division (B) of section 4766.05 of the Revised Code, to 59198  
the Occupational Licensing and Regulatory Fund (Fund 4K9), created 59199  
in section 4743.05 of the Revised Code. The director shall cancel 59200  
any existing encumbrances against appropriation item 915-601, 59201  
Operating Expenses, and re-establish them against appropriation 59202  
item 915-604, Operating Expenses. The amounts of the 59203  
re-established encumbrances are hereby appropriated. Upon 59204  
completion of these transfers, the Ohio Medical Transportation 59205  
Trust Fund (Fund 4N1) is hereby abolished. 59206

<b>Section 335.10. DMH DEPARTMENT OF MENTAL HEALTH</b>				59207	
General Services Fund Group				59208	
151 336-601 Office of Support	\$	134,060,000	\$	148,998,000	59209
Services					
TOTAL General Services Fund Group	\$	134,060,000	\$	148,998,000	59210
Division of Mental Health--					59211
Psychiatric Services to Correctional Facilities					59212
General Revenue Fund					59213
GRF 332-401 Forensic Services	\$	4,338,858	\$	4,338,858	59214
TOTAL GRF General Revenue Fund	\$	4,338,858	\$	4,338,858	59215
<b>Section 335.10.10. FORENSIC SERVICES</b>					59217
The foregoing appropriation item 332-401, Forensic Services,					59218
shall be used to provide psychiatric services to courts of common					59219
pleas. The appropriation shall be allocated through community					59220
mental health boards to certified community agencies and shall be					59221
distributed according to the criteria delineated in rule					59222
5122:32-01 of the Administrative Code. These community forensic					59223
funds may also be used to provide forensic training to community					59224
mental health boards and to forensic psychiatry residency programs					59225
in hospitals operated by the Department of Mental Health and to					59226
provide evaluations of patients of forensic status in facilities					59227
operated by the Department of Mental Health prior to conditional					59228
release to the community.					59229
In addition, appropriation item 332-401, Forensic Services,					59230
may be used to support projects involving mental health, substance					59231
abuse, courts, and law enforcement to identify and develop					59232
appropriate alternative services to incarceration for nonviolent					59233
mentally ill offenders, and to provide specialized re-entry					59234
services to offenders leaving prisons and jails. Funds may also be					59235
utilized to provide forensic monitoring and tracking in addition					59236

to community programs serving persons of forensic status on				59237
conditional release or probation.				59238
<b>Section 335.20. Division of Mental Health--</b>				59239
Administration and Statewide Programs				59240
General Revenue Fund				59241
GRF 333-321 Central Administration	\$	23,750,000	\$ 23,750,000	59242
GRF 333-402 Resident Trainees	\$	1,364,919	\$ 1,364,919	59243
GRF 333-403 Pre-Admission	\$	650,135	\$ 650,135	59244
Screening Expenses				
GRF 333-415 Lease-Rental Payments	\$	23,767,400	\$ 20,504,500	59245
GRF 333-416 Research Program	\$	1,001,551	\$ 1,001,551	59246
Evaluation				
TOTAL GRF General Revenue Fund	\$	50,534,005	\$ 47,271,105	59247
General Services Fund Group				59248
149 333-609 Central Office	\$	1,200,000	\$ 1,200,000	59249
Operating				
TOTAL General Services Fund Group	\$	1,200,000	\$ 1,200,000	59250
Federal Special Revenue Fund Group				59251
3A6 333-608 Community & Hospital	\$	140,000	\$ 140,000	59252
Services				
3A7 333-612 Social Services Block	\$	25,000	\$ 25,000	59253
Grant				
3A8 333-613 Federal Grant -	\$	4,888,105	\$ 4,888,105	59254
Administration				
3A9 333-614 Mental Health Block	\$	748,470	\$ 748,470	59255
Grant - Administration				
3B1 333-635 Community Medicaid	\$	13,691,682	\$ 13,691,682	59256
Expansion				
324 333-605 Medicaid/Medicare	\$	154,500	\$ 154,500	59257
TOTAL Federal Special Revenue				59258
Fund Group	\$	19,647,757	\$ 19,647,757	59259

State Special Revenue Fund Group				59260
232 333-621 Family and Children	\$	625,000	\$ 625,000	59261
First Administration				
4X5 333-607 Behavioral Health	\$	3,000,634	\$ 3,000,634	59262
Medicaid Services				
485 333-632 Mental Health	\$	134,233	\$ 134,233	59263
Operating				
5V2 333-611 Non-Federal	\$	580,000	\$ 560,000	59264
Miscellaneous				
TOTAL State Special Revenue				59265
Fund Group	\$	4,339,867	\$ 4,319,867	59266
TOTAL ALL BUDGET FUND GROUPS	\$	75,721,629	\$ 72,438,729	59267

**Section 335.20.10. RESIDENCY TRAINEESHIP PROGRAMS** 59269

The foregoing appropriation item 333-402, Resident Trainees, 59270  
shall be used to fund training agreements entered into by the 59271  
Department of Mental Health for the development of curricula and 59272  
the provision of training programs to support public mental health 59273  
services. 59274

**Section 335.20.20. PRE-ADMISSION SCREENING EXPENSES** 59275

The foregoing appropriation item 333-403, Pre-Admission 59276  
Screening Expenses, shall be used to pay for costs to ensure that 59277  
uniform statewide methods for pre-admission screening are in place 59278  
to perform assessments for persons who have severe mental illness 59279  
and are referred for long-term Medicaid certified nursing facility 59280  
placement. Pre-admission screening includes the following 59281  
activities: pre-admission assessment, consideration of continued 59282  
stay requests, discharge planning and referral, and adjudication 59283  
of appeals and grievance procedures. 59284

**Section 335.20.30. LEASE-RENTAL PAYMENTS** 59285



The foregoing appropriation item 333-415, Lease-Rental Payments, shall be used to meet all payments during the period from July 1, 2007, to June 30, 2009, by the Department of Mental Health under leases and agreements made under section 154.20 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on obligations issued pursuant to Chapter 154. of the Revised Code.

**Section 335.20.40. BEHAVIORAL HEALTH MEDICAID SERVICES** 59293

The Department of Mental Health shall administer specified Medicaid Services as delegated by the Department of Job and Family Services in an interagency agreement. The foregoing appropriation item 333-607, Behavioral Health Medicaid Services, may be used to make payments for free-standing psychiatric hospital inpatient services as defined in an interagency agreement with the Department of Job and Family Services.

**Section 335.20.50. PERFORMANCE REVIEW** 59301

The Auditor of State shall complete a performance review of the Department of Mental Health. 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 Mental Health.

**Section 335.30. DIVISION OF MENTAL HEALTH - HOSPITALS** 59308

General Revenue Fund 59309  
GRF 334-408 Community and Hospital \$ 400,324,545 \$ 400,324,545 59310  
Mental Health Services  
GRF 334-506 Court Costs \$ 976,652 \$ 976,652 59311  
TOTAL GRF General Revenue Fund \$ 401,301,197 \$ 401,301,197 59312  
General Services Fund Group 59313

149	334-609	Hospital - Operating Expenses	\$	33,800,000	\$	33,800,000	59314
150	334-620	Special Education	\$	120,930	\$	120,930	59315
TOTAL GSF General Services							59316
Fund Group			\$	33,920,930	\$	33,920,930	59317
Federal Special Revenue Fund Group							59318
3A6	334-608	Subsidy for Federal Grants	\$	586,224	\$	586,224	59319
3A8	334-613	Federal Letter of Credit	\$	200,000	\$	200,000	59320
3B0	334-617	Adult Basic and Literary Education	\$	182,334	\$	182,334	59321
3B1	334-635	Hospital Medicaid Expansion	\$	2,000,000	\$	2,000,000	59322
324	334-605	Medicaid/Medicare	\$	34,500,000	\$	50,500,000	59323
TOTAL FED Federal Special Revenue							59324
Fund Group			\$	37,468,558	\$	53,468,558	59325
State Special Revenue Fund Group							59326
485	334-632	Mental Health Operating	\$	3,100,000	\$	3,100,000	59327
692	334-636	Community Mental Health Board Risk Fund	\$	80,000	\$	80,000	59328
TOTAL SSR State Special Revenue							59329
Fund Group			\$	3,180,000	\$	3,180,000	59330
TOTAL ALL BUDGET FUND GROUPS			\$	475,870,685	\$	491,870,685	59331

**Section 335.30.20. COMMUNITY MENTAL HEALTH BOARD RISK FUND** 59333

The foregoing appropriation item 334-636, Community Mental Health Board Risk Fund, shall be used to make payments under section 5119.62 of the Revised Code. 59334  
59335  
59336

**Section 335.40. DIVISION OF MENTAL HEALTH - COMMUNITY SUPPORT** 59337

SERVICES				59338
General Revenue Fund				59339
GRF 335-404 Behavioral Health	\$	8,076,153	\$ 8,711,153	59340
Services-Children				
GRF 335-405 Family & Children	\$	2,260,000	\$ 2,260,000	59341
First				
GRF 335-419 Community Medication	\$	7,959,798	\$ 7,959,798	59342
Subsidy				
GRF 335-505 Local Mental Health	\$	101,937,868	\$ 101,937,868	59343
Systems of Care				
TOTAL GRF General Revenue Fund	\$	120,233,819	\$ 120,868,819	59344
General Services Fund Group				59345
4P9 335-604 Community Mental	\$	250,000	\$ 250,000	59346
Health Projects				
TOTAL GSF General Services				59347
Fund Group	\$	250,000	\$ 250,000	59348
Federal Special Revenue Fund Group				59349
3A6 335-608 Federal Miscellaneous	\$	2,178,699	\$ 2,178,699	59350
3A7 335-612 Social Services Block	\$	8,657,288	\$ 8,657,288	59351
Grant				
3A8 335-613 Federal Grant -	\$	2,595,040	\$ 2,595,040	59352
Community Mental				
Health Board Subsidy				
3A9 335-614 Mental Health Block	\$	14,969,400	\$ 14,969,400	59353
Grant				
3B1 335-635 Community Medicaid	\$	299,614,455	\$ 316,699,716	59354
Expansion				
TOTAL FED Federal Special Revenue	\$	328,014,882	\$ 345,100,143	59355
Fund Group				
State Special Revenue Fund Group				59356
5AU 335-615 Behavioral Healthcare	\$	6,690,000	\$ 6,690,000	59357

632 335-616 Community Capital	\$	350,000	\$	350,000	59358
Replacement					
TOTAL SSR State Special Revenue	\$	7,040,000	\$	7,040,000	59359
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	455,538,701	\$	473,258,962	59360
DEPARTMENT TOTAL					59361
GENERAL REVENUE FUND	\$	576,407,879	\$	573,779,979	59362
DEPARTMENT TOTAL					59363
GENERAL SERVICES FUND GROUP	\$	169,430,930	\$	184,368,930	59364
DEPARTMENT TOTAL					59365
FEDERAL SPECIAL REVENUE					59366
FUND GROUP	\$	385,131,197	\$	418,216,458	59367
DEPARTMENT TOTAL					59368
STATE SPECIAL REVENUE FUND GROUP	\$	14,559,867	\$	14,539,867	59369
DEPARTMENT TOTAL					59370
TOTAL DEPARTMENT OF MENTAL HEALTH	\$	1,145,529,873	\$	1,190,905,234	59371

**Section 335.40.10. BEHAVIORAL HEALTH SERVICES - CHILDREN** 59373

The foregoing appropriation item 335-404, Behavioral Health 59374  
 Services-Children, shall be used to provide behavioral health 59375  
 services for children and their families. Behavioral health 59376  
 services include mental health and alcohol and other drug 59377  
 treatment services and other necessary supports. 59378

Of the foregoing appropriation item 335-404, Behavioral 59379  
 Health Services-Children, an amount up to \$4.5 million in fiscal 59380  
 year 2008 and \$5.5 million in fiscal year 2009 shall be 59381  
 distributed to local Alcohol, Drug Addiction, and Mental Health 59382  
 Boards; Community Mental Health Boards; and Alcohol and Drug 59383  
 Addiction Boards, based upon a distribution formula and guidance 59384  
 defined by a team of state and local stakeholders appointed by the 59385  
 Ohio Family and Children First Cabinet Council. This team shall 59386  
 include, but not be limited to, all of the following: 59387

(A) At least one representative from each of the Departments of Alcohol and Drug Addiction Services, Mental Health, Education, Health, Job and Family Services, Mental Retardation and Developmental Disabilities, and the Department of Youth Services;	59388 59389 59390 59391
(B) At least one person representing local public children's services agencies;	59392 59393
(C) At least one person representing juvenile courts;	59394
(D) At least one person representing local Alcohol, Drug Addiction, and Mental Health Boards; Community Mental Health Boards; and Alcohol and Drug Addiction Boards;	59395 59396 59397
(E) At least one person representing local Family and Children First Council Coordinators;	59398 59399
(F) At least one family representative.	59400
Funds may be used to support the following services and activities as determined by local Alcohol, Drug Addiction, and Mental Health Boards; Community Mental Health Boards; and Alcohol and Drug Addiction Boards and local family and children first councils and aligned with county service coordination mechanism as described in division (C) of section 121.37 of the Revised Code:	59401 59402 59403 59404 59405 59406
(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;	59407 59408 59409 59410
(B) Services and supports for children and their families that further the implementation of their individual service plans;	59411 59412
(C) Treatment services in out-of-home settings, including residential facilities, when other alternatives are not available or feasible;	59413 59414 59415
(D) Administrative support for efforts associated with this initiative;	59416 59417

(E) These funds shall not be used to supplant existing 59418  
efforts. 59419

Of the foregoing appropriation item 335-404, Behavioral 59420  
Health Services-Children, an amount up to \$1.0 million in fiscal 59421  
year 2008 and \$1.0 million in fiscal year 2009 shall be used to 59422  
support projects, as determined by the Ohio Family and Children 59423  
First Cabinet Council, in select areas around the state to focus 59424  
on improving behavioral health juvenile justice services. 59425

Of the foregoing appropriation item 335-405, Family & 59426  
Children First, an amount up to \$500,000 in fiscal year 2008 and 59427  
\$500,000 in fiscal year 2009 shall be used for children for whom 59428  
the primary focus of treatment is not a mental health or alcohol 59429  
or drug addiction disorder and require services or supports to 59430  
assist those needs through the County Family and Children First 59431  
Council. 59432

**Section 335.40.20. COMMUNITY MEDICATION SUBSIDY** 59433

The foregoing appropriation item 335-419, Community 59434  
Medication Subsidy, shall be used to provide subsidized support 59435  
for psychotropic medication needs of indigent citizens in the 59436  
community to reduce unnecessary hospitalization because of lack of 59437  
medication and to provide subsidized support for methadone costs. 59438

**Section 335.40.30. LOCAL MENTAL HEALTH SYSTEMS OF CARE** 59439

The foregoing appropriation item 335-505, Local Mental Health 59440  
Systems of Care, shall be used for mental health services provided 59441  
by community mental health boards in accordance with a community 59442  
mental health plan submitted under section 340.03 of the Revised 59443  
Code and as approved by the Department of Mental Health. 59444

Of the foregoing appropriation item 334-505, Local Mental 59445  
Health Systems of Care, not less than \$37,058,917 in fiscal year 59446  
2008 and not less than \$37,058,917 in fiscal year 2009 shall be 59447

distributed by the Department of Mental Health on a per capita 59448  
basis to community mental health boards. 59449

Of the foregoing appropriation item 335-505, Local Mental 59450  
Health Systems of Care, \$10,000 in each fiscal year shall be 59451  
allocated to The Gathering Place in Athens. 59452

**Section 337.10.** DMR DEPARTMENT OF MENTAL RETARDATION AND 59453  
DEVELOPMENTAL DISABILITIES 59454

**Section 337.20.** GENERAL ADMINISTRATION AND STATEWIDE SERVICES 59455  
59456

General Revenue Fund 59457

GRF 320-321 Central Administration	\$	9,638,610	\$	9,638,610	59458
GRF 320-412 Protective Services	\$	2,792,322	\$	2,792,322	59459
GRF 320-415 Lease-Rental Payments	\$	23,767,400	\$	20,504,500	59460
TOTAL GRF General Revenue Fund	\$	36,198,332	\$	32,935,432	59461

General Services Fund Group 59462

4B5 320-640 Training and Service	\$	100,000	\$	100,000	59463
Development					

TOTAL GSF General Services 59464

Fund Group	\$	100,000	\$	100,000	59465
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Federal Special Revenue Fund Group 59466

3A5 320-613 DD Council	\$	2,705,004	\$	2,743,630	59467
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TOTAL FED Federal Special Revenue 59468

Fund Group	\$	2,705,004	\$	2,743,630	59469
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State Special Revenue Fund Group 59470

5S2 590-622 Medicaid	\$	11,003,855	\$	11,472,335	59471
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Administration &  
Oversight

TOTAL SSR State Special Revenue 59472

Fund Group	\$	11,003,855	\$	11,472,335	59473
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TOTAL ALL GENERAL ADMINISTRATION 59474

AND STATEWIDE SERVICES 59475  
BUDGET FUND GROUPS \$ 50,007,191 \$ 47,251,397 59476

**Section 337.20.10. LEASE-RENTAL PAYMENTS** 59477

The foregoing appropriation item 320-415, Lease-Rental 59478  
Payments, shall be used to meet all payments at the time they are 59479  
required to be made during the period from July 1, 2007, to June 59480  
30, 2009, by the Department of Mental Retardation and 59481  
Developmental Disabilities under leases and agreements made under 59482  
section 154.20 of the Revised Code. These appropriations are the 59483  
source of funds pledged for bond service charges or obligations 59484  
issued pursuant to Chapter 154. of the Revised Code. 59485

**Section 337.20.20. MR/DD FUTURES STUDY COMMITTEE** 59486

(A) There is hereby created the MR/DD Futures Study 59487  
Committee. The Committee shall consist of the following: 59488

(1) One member who is an individual eligible to receive 59489  
services from a county board of mental retardation and 59490  
developmental disabilities, appointed by the Governor; 59491

(2) One member who is an immediate family member of an 59492  
individual eligible to receive services from a county board of 59493  
mental retardation and developmental disabilities, appointed by 59494  
the Governor; 59495

(3) Two members who are members of the House of 59496  
Representatives, appointed by the Speaker of the House of 59497  
Representatives as follows: 59498

(a) One member from the majority party; 59499

(b) One member from the minority party. 59500

(4) Two members who are members of the Senate, appointed by 59501  
the President of the Senate as follows: 59502

(a) One member from the majority party; 59503



(b) One member from the minority party.	59504
(5) Four members of statewide advocacy organizations for individuals with mental retardation or other developmental disabilities, appointed as follows:	59505 59506 59507
(a) One member by the Board of Trustees of the Arc of Ohio;	59508
(b) One member by the Board of Directors of the Ohio League for the Mentally Retarded;	59509 59510
(c) One member by the Board of People First of Ohio;	59511
(d) One member by the governing board of an organization designated by the Director of Mental Retardation and Developmental Disabilities;	59512 59513 59514
(6) One member appointed by the Board of Directors of the Ohio Self-Determination Association;	59515 59516
(7) One member appointed by the governing authority of the Ohio Superintendents of County Boards of Mental Retardation and Developmental Disabilities Association;	59517 59518 59519
(8) Two members appointed by the Board of Trustees of the Ohio Association of County Boards of Mental Retardation and Developmental Disabilities;	59520 59521 59522
(9) One member appointed by the Board of Trustees of the County Commissioners' Association of Ohio;	59523 59524
(10) Two members appointed by the Board of Trustees of the Ohio Provider Resource Association;	59525 59526
(11) One member appointed by the Board of Directors of the Ohio Health Care Association;	59527 59528
(12) The Director of Job and Family Services or the Director's designee;	59529 59530
(13) Two members appointed by the Governor who are representatives of statewide labor organizations representing	59531 59532

public employees; 59533

(14) The Director of Mental Retardation and Developmental 59534  
Disabilities, who shall serve as the committee's chairperson. 59535

(B) The Governor shall not appoint an individual under 59536  
division (A)(1) or (2) of this section if the individual is an 59537  
employee of the state, an employee or member of a county board of 59538  
mental retardation and developmental disabilities, or an employee 59539  
or a governing board member of a provider of services to an 59540  
individual with mental retardation and developmental disabilities. 59541

(C) Members of the Committee shall be appointed not later 59542  
than thirty days after the effective date of this section. Members 59543  
of the Committee shall serve without compensation, except to the 59544  
extent that serving on the committee is considered part of their 59545  
regular employment duties. The Department of Mental Retardation 59546  
and Developmental Disabilities may reimburse members of the 59547  
Committee for their reasonable travel expenses. 59548

(D) The Committee shall meet at times and locations 59549  
determined by the chairperson to do all of the following: 59550

(1) Review the effectiveness, efficiency, and sustainability 59551  
of current uses of funding for the state's mental retardation and 59552  
developmental disabilities system; 59553

(2) Propose alternatives for effectively funding the 59554  
nonfederal share of Medicaid expenditures for home and 59555  
community-based services for individuals with mental retardation 59556  
and other developmental disabilities, including the amendments by 59557  
this act to sections 5123.047, 5123.048, 5123.0414, 5126.059, 59558  
5126.0510, 5126.0511, and 5126.0512 of the Revised Code. 59559

(3) Identify the potential for reducing administrative costs 59560  
in the state's mental retardation and developmental disabilities 59561  
system; 59562

(4) Propose alternatives for effectively balancing revenues available to the state and the county boards of mental retardation and developmental disabilities to fulfill their responsibilities for funding, planning, and monitoring the delivery of mental retardation and developmental disability services;	59563 59564 59565 59566 59567
(5) Examine the efficiency and effectiveness of the current system of separate and concurrent mental retardation and developmental disabilities accreditation, licensure, certification, quality assurance, and quality improvement activities and propose changes to improve that system;	59568 59569 59570 59571 59572
(6) Recommend steps necessary to assure the long term financial sustainability of mental retardation and developmental disability services to meet current and future needs while affording counties the ability to make local decisions about the priority uses of local tax levy funding;	59573 59574 59575 59576 59577
(7) Determine the feasibility and potential benefits of regional planning approaches to meet specialized and intensive service needs;	59578 59579 59580
(8) Propose improvements needed and action steps to fully realize the principle of self-determination by individuals with mental retardation and other developmental disabilities;	59581 59582 59583
(9) Evaluate the effectiveness and equity of the state's mental retardation and developmental disabilities systems' uses of waiting and service substitution lists, priority populations, and having separate acuity instruments that vary by service setting;	59584 59585 59586 59587
(10) Review other matters the Director of Mental Retardation and Developmental Disabilities considers appropriate for evaluations.	59588 59589 59590
(E) The Committee shall not transact business unless a quorum is present. A majority of the Committee members constitutes a quorum.	59591 59592 59593

(F) Not later than March 30, 2008, the Committee shall submit a report on its actions and recommendations to the Governor and General Assembly. The Committee shall cease to exist on submission of the report.

<b>Section 337.30. COMMUNITY SERVICES</b>				59598
General Revenue Fund				59599
GRF 322-413	Residential and Support Services	\$ 6,753,881	\$ 6,753,881	59600
GRF 322-416	Medicaid Waiver - State Match	\$ 113,692,413	\$ 113,692,413	59601
GRF 322-501	County Boards Subsidies	\$ 90,067,913	\$ 90,067,913	59602
GRF 322-503	Tax Equity	\$ 14,000,000	\$ 14,000,000	59603
GRF 322-504	Martin Settlement	\$ 6,159,766	\$ 29,036,451	59604
TOTAL GRF	General Revenue Fund	\$ 230,673,973	\$ 253,550,658	59605
General Services Fund Group				59606
488 322-603	Provider Audit Refunds	\$ 10,000	\$ 10,000	59607
5MO 322-628	Martin Settlement	\$ 150,000	\$ 0	59608
TOTAL GSF	General Services Fund Group	\$ 160,000	\$ 10,000	59610
Federal Special Revenue Fund Group				59611
3G6 322-639	Medicaid Waiver - Federal	\$ 456,311,171	\$ 506,618,829	59612
3M7 322-650	CAFS Medicaid	\$ 4,278,713	\$ 0	59613
325 322-612	Community Social Service Programs	\$ 11,186,114	\$ 11,164,639	59614
TOTAL FED	Federal Special Revenue Fund Group	\$ 471,775,998	\$ 517,783,468	59615
State Special Revenue Fund Group				59617
4K8 322-604	Medicaid Waiver -	\$ 12,000,000	\$ 12,000,000	59618

	State Match			
5DJ 322-625	Targeted Case	\$ 11,082,857	\$ 11,470,757	59619
	Management Match			
5DJ 322-626	Targeted Case	\$ 27,548,737	\$ 28,512,943	59620
	Management Services			
5EV 322-627	Program Fees	\$ 20,000	\$ 20,000	59621
5H0 322-619	Medicaid Repayment	\$ 10,000	\$ 10,000	59622
5Z1 322-624	County Board Waiver	\$ 116,000,000	\$ 126,000,000	59623
	Match			
TOTAL SSR State Special Revenue				59624
Fund Group		\$ 166,661,594	\$ 178,013,700	59625
TOTAL ALL COMMUNITY SERVICES				59626
BUDGET FUND GROUPS		\$ 869,271,565	\$ 949,357,826	59627

**Section 337.30.10. RESIDENTIAL AND SUPPORT SERVICES** 59629

The Department of Mental Retardation and Developmental 59630  
Disabilities may designate a portion of appropriation item 59631  
322-413, Residential and Support Services, for Sermak Class 59632  
Services used to implement the requirements of the agreement 59633  
settling the condecree in *Sermak v. Manuel*, Case No. c-2-80-220, 59634  
United States District Court for the Southern District of Ohio, 59635  
Eastern Division. 59636

**Section 337.30.20. OTHER RESIDENTIAL AND SUPPORT SERVICE** 59637

PROGRAMS 59638

Notwithstanding Chapters 5123. and 5126. of the Revised Code, 59639  
the Department of Mental Retardation and Developmental 59640  
Disabilities may develop residential and support service programs 59641  
funded by appropriation item 322-413, Residential and Support 59642  
Services; and appropriation item 322-416, Medicaid Waiver - State 59643  
Match, and the appropriation for supported living in appropriation 59644  
item 322-501, County Board Subsidy, that enable persons with 59645  
mental retardation and developmental disabilities to live in the 59646

community. Notwithstanding Chapter 5121. and section 5123.122 of 59647  
the Revised Code, the Department may waive the support collection 59648  
requirements of those statutes for persons in community programs 59649  
developed by the Department under this section. The Department 59650  
shall adopt rules under Chapter 119. of the Revised Code or may 59651  
use existing rules for the implementation of these programs. 59652

**Section 337.30.30. MEDICAID WAIVER - STATE MATCH (GRF)** 59653

The purposes for which the foregoing appropriation item 59654  
322-416, Medicaid Waiver - State Match, shall be used include the 59655  
following: 59656

(A) Home and community-based waiver services under Title XIX 59657  
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, 59658  
as amended. 59659

(B) Services contracted by county boards of mental 59660  
retardation and developmental disabilities. 59661

(C) To pay the nonfederal share of the cost of one or more 59662  
new intermediate care facility for the mentally retarded certified 59663  
beds in a county where the county board of mental retardation and 59664  
developmental disabilities does not initiate or support the 59665  
development or certification of such beds, if the Director of 59666  
Mental Retardation and Developmental Disabilities is required by 59667  
this act to transfer to the Director of Job and Family Services 59668  
funds to pay such nonfederal share. 59669

The Department of Mental Retardation and Developmental 59670  
Disabilities may designate a portion of appropriation item 59671  
322-416, Medicaid Waiver - State Match, to county boards of mental 59672  
retardation and developmental disabilities that have greater need 59673  
for various residential and support services because of a low 59674  
percentage of residential and support services development in 59675  
comparison to the number of individuals with mental retardation or 59676

developmental disabilities in the county. 59677

**Section 337.30.40.** STATE SUBSIDY TO COUNTY MR/DD BOARDS 59678

The Department of Mental Retardation and Developmental 59679  
Disabilities shall use the foregoing appropriation item 322-501, 59680  
County Boards Subsidy, to pay each county board of mental 59681  
retardation and developmental disabilities in each fiscal year of 59682  
the biennium an amount that is equal to the amount such board 59683  
received in fiscal year 2007 from former appropriation items 59684  
322-417, Supported Living; 322-451, Family Support Services; 59685  
322-452, Service and Support Administration; and 322-501, County 59686  
Boards Subsidies. 59687

County boards shall use the subsidy for early childhood 59688  
services and adult services provided under section 5126.05 of the 59689  
Revised Code, family support services provided under section 59690  
5126.11 of the Revised Code, service and support administration 59691  
provided under section 5126.15 of the Revised Code, and supported 59692  
living services provided under sections 5126.40 to 5126.47 of the 59693  
Revised Code. 59694

In the event that the appropriation in appropriation item 59695  
322-501, County Board Subsidy, for fiscal year 2008 or fiscal year 59696  
2009 is greater than the subsidy paid by the Department for fiscal 59697  
year 2007, the Department and county boards shall develop a 59698  
formula for allocating the additional appropriation to each county 59699  
board to support priorities determined by the Department and 59700  
county boards. 59701

The Department shall distribute this subsidy to county boards 59702  
in quarterly installments of equal amounts. The installments shall 59703  
be made not later than the thirtieth day of September, the 59704  
thirty-first day of December, the thirty-first day of March, and 59705  
thirtieth day of June. 59706

The Department also may use the foregoing appropriation item 59707  
322-501, County Boards Subsidy, to pay the nonfederal share of the 59708  
cost of one or more new intermediate care facility for the 59709  
mentally retarded certified beds in a county where the county 59710  
board of mental retardation and developmental disabilities 59711  
initiates or supports the development or certification of such 59712  
beds, if the Director of Mental Retardation and Developmental 59713  
Disabilities is required by this act to transfer to the Director 59714  
of Job and Family Services funds to pay such nonfederal share. 59715

**Section 337.30.45. MARTIN CONSENT ORDER COMPLIANCE** 59716

To comply with the Martin Consent Order, on July 1, 2007, or 59717  
as soon as possible thereafter, the Director of Budget and 59718  
Management shall transfer \$150,000 in cash from the General 59719  
Revenue Fund to the Program Income Fund (FUND 5MO). 59720

**Section 337.30.50. MEDICAID WAIVER - STATE MATCH (FUND 4K8)** 59721

The foregoing appropriation item 322-604, Medicaid Waiver - 59722  
State Match (Fund 4K8), shall be used as state matching funds for 59723  
the home and community-based waivers. 59724

**Section 337.30.60. TARGETED CASE MANAGEMENT SERVICES** 59725

County boards of mental retardation and developmental 59726  
disabilities shall pay the nonfederal portion of targeted case 59727  
management costs to the Department of Mental Retardation and 59728  
Developmental Disabilities. The Director of Mental Retardation and 59729  
Developmental Disabilities shall withhold any amount owed to the 59730  
Department from subsequent disbursements from any appropriation 59731  
item or money otherwise due to a nonpaying county. 59732

The Departments of Mental Retardation and Developmental 59733  
Disabilities and Job and Family Services may enter into an 59734  
interagency agreement under which the Department of Mental 59735



Retardation and Developmental Disabilities shall pay the 59736  
Department of Job and Family Services the nonfederal portion of 59737  
the cost of targeted case management services paid by county 59738  
boards and the Department of Job and Family Services shall pay the 59739  
total cost of targeted case management claims. 59740

**Section 337.30.70. TRANSFER TO PROGRAM FEE FUND** 59741

On July 1, 2007, or as soon as possible thereafter, the 59742  
Director of Mental Retardation and Developmental Disabilities 59743  
shall certify to the Director of Budget and Management the amount 59744  
of cash that has been deposited into Fund 4B5, 59745  
Conference/Training, pursuant to sections 5123.19 and 5126.25 of 59746  
the Revised Code, less the amount that has been expended from Fund 59747  
4B5 to operate the Certification and Registration Program 59748  
established under section 5126.25 of the Revised Code and to 59749  
license and inspect residential facilities as outlined in section 59750  
5123.19 of the Revised Code. The certified amount shall not 59751  
include amounts deposited into Fund 4B5 for training and 59752  
conferences conducted by the Department of Mental Retardation and 59753  
Developmental Disabilities. Upon receipt of the certification, the 59754  
Director of Budget and Management shall transfer cash equal to the 59755  
amount certified and all associated liabilities and obligations to 59756  
Fund 5EV, Program Fee Fund, in the Department of Mental 59757  
Retardation and Developmental Disabilities. 59758

**Section 337.30.80. DEVELOPMENTAL CENTER BILLING FOR SERVICES** 59759

Developmental centers of the Department of Mental Retardation 59760  
and Developmental Disabilities may provide services to persons 59761  
with mental retardation or developmental disabilities living in 59762  
the community or to providers of services to these persons. The 59763  
Department may develop a method for recovery of all costs 59764  
associated with the provisions of these services. 59765

<b>Section 337.40. RESIDENTIAL FACILITIES</b>				59766
General Revenue Fund				59767
GRF 323-321	Developmental Center	\$ 102,796,851	\$ 102,796,851	59768
	and Residential			
	Facilities Operation			
	Expenses			
TOTAL GRF	General Revenue Fund	\$ 102,796,851	\$ 102,796,851	59769
General Services Fund Group				59770
152 323-609	Developmental Center	\$ 912,177	\$ 912,177	59771
	and Residential			
	Operating Services			
TOTAL GSF	General Services			59772
Fund Group		\$ 912,177	\$ 912,177	59773
Federal Special Revenue Fund Group				59774
3A4 323-605	Developmental Center	\$ 136,299,536	\$ 137,555,308	59775
	and Residential			
	Facility Services and			
	Support			
TOTAL FED	Federal Special Revenue			59776
Fund Group		\$ 136,299,536	\$ 137,555,308	59777
State Special Revenue Fund Group				59778
221 322-620	Supplement Service	\$ 150,000	\$ 150,000	59779
	Trust			
489 323-632	Developmental Center	\$ 14,543,764	\$ 14,671,616	59780
	Direct Care Support			
TOTAL SSR	State Special Revenue			59781
Fund Group		\$ 14,693,764	\$ 14,821,616	59782
TOTAL ALL RESIDENTIAL FACILITIES				59783
BUDGET FUND GROUPS		\$ 254,702,328	\$ 256,085,952	59784
DEPARTMENT TOTAL				59785
GENERAL REVENUE FUND		\$ 369,669,156	\$ 389,282,941	59786

DEPARTMENT TOTAL				59787	
GENERAL SERVICES FUND GROUP	\$	1,172,177	\$	1,022,177	59788
DEPARTMENT TOTAL				59789	
FEDERAL SPECIAL REVENUE FUND GROUP	\$	610,780,538	\$	658,082,406	59790
DEPARTMENT TOTAL				59791	
STATE SPECIAL REVENUE FUND GROUP	\$	192,359,213	\$	204,307,651	59792
TOTAL DEPARTMENT OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES					59793
	\$	1,173,981,084	\$	1,252,695,175	59795

**Section 337.40.10.** TRANSFER OF FUNDS FOR DEVELOPMENTAL CENTER 59797  
PHARMACY PROGRAMS 59798

The Department of Mental Retardation and Developmental 59799  
Disabilities shall pay the Department of Job and Family Services 59800  
quarterly, through intrastate transfer voucher, the nonfederal 59801  
share of Medicaid prescription drug claim costs for all 59802  
developmental centers paid by the Department of Job and Family 59803  
Services. 59804

**Section 337.40.20.** NONFEDERAL MATCH FOR ACTIVE TREATMENT 59805  
SERVICES 59806

Any county funds received by the Department from county 59807  
boards for active treatment shall be deposited in Fund 489, Mental 59808  
Retardation Operating. 59809

**Section 337.40.30.** NONFEDERAL SHARE OF NEW ICF/MR BEDS 59810

(A) As used in this section: 59811

(1) "Family support services," "home and community-based 59812  
services," "service and support administration," and "supported 59813  
living" have the same meaning as in section 5126.01 of the Revised 59814  
Code. 59815

(2) "Intermediate care facility for the mentally retarded" 59816

has the same meaning as in section 5111.20 of the Revised Code. 59817

(B) If one or more new beds obtain certification as an 59818  
intermediate care facility for the mentally retarded bed on or 59819  
after July 1, 2007, the Director of Mental Retardation and 59820  
Developmental Disabilities shall transfer funds to the Department 59821  
of Job and Family Services to pay the nonfederal share of the cost 59822  
under the Medicaid Program for those beds. The Director shall use 59823  
only the following funds for the transfer: 59824

(1) If the beds are located in a county served by a county 59825  
board of mental retardation and developmental disabilities that 59826  
does not initiate or support the beds' certification, funds 59827  
appropriated to the Department of Mental Retardation and 59828  
Developmental Disabilities for home and community-based services 59829  
and supported living for which the Director is authorized to make 59830  
allocations to county boards; 59831

(2) If the beds are located in a county served by a county 59832  
board that initiates or supports the beds' certification, funds 59833  
appropriated to the Department for family support services, 59834  
service and support administration, and other services for which 59835  
the Director is authorized to make allocations to counties. 59836

(C) The funds that the Director transfers under division 59837  
(B)(2) of this section shall be funds that the Director has 59838  
allocated to the county board serving the county in which the beds 59839  
are located unless the amount of the allocation is insufficient to 59840  
pay the entire nonfederal share of the cost under the Medicaid 59841  
Program for those beds. If the allocation is insufficient, the 59842  
Director shall use as much of such funds allocated to other 59843  
counties as is needed to make up the difference. 59844

**Section 339.10.** MIH COMMISSION ON MINORITY HEALTH 59845

General Revenue Fund 59846

GRF 149-321 Operating Expenses	\$	550,211	\$	561,216	59847
GRF 149-501 Minority Health Grants	\$	670,965	\$	1,670,965	59848
GRF 149-502 Lupus Program	\$	136,126	\$	136,126	59849
TOTAL GRF General Revenue Fund	\$	1,357,302	\$	2,368,307	59850
Federal Special Revenue Fund Group					59851
3J9 149-602 Federal Grants	\$	457,486	\$	320,297	59852
TOTAL FED Federal Special Revenue					59853
Fund Group	\$	457,486	\$	320,297	59854
State Special Revenue Fund Group					59855
4C2 149-601 Minority Health	\$	150,000	\$	150,000	59856
Conference					
TOTAL SSR State Special Revenue					59857
Fund Group	\$	150,000	\$	150,000	59858
TOTAL ALL BUDGET FUND GROUPS	\$	1,964,788	\$	2,838,604	59859

**Section 341.10. CRB MOTOR VEHICLE COLLISION REPAIR**

REGISTRATION BOARD					59861
General Service Fund Group					59862
4K9 865-601 Operating Expenses	\$	334,995	\$	334,995	59863
TOTAL GSF General Services					59864
Fund Group	\$	334,995	\$	334,995	59865
TOTAL ALL BUDGET FUND GROUPS	\$	334,995	\$	334,995	59866

**CASH TRANSFER TO OCCUPATIONAL LICENSING AND REGULATORY FUND**

(FUND 4K9) 59867

Effective July 1, 2007, or as soon as possible thereafter, 59870  
the Director of Budget and Management may transfer the cash 59871  
balance in the Motor Vehicle Collision Repair Registration Fund 59872  
(Fund 5H9), created in division (A) of section 4775.08 of the 59873  
Revised Code, to the Occupational Licensing and Regulatory Fund 59874  
(Fund 4K9), created in section 4743.05 of the Revised Code. The 59875  
Director may cancel any existing encumbrances against 59876  
appropriation item 865-609, Operating Expenses - CRB, in Fund 5H9, 59877

and re-establish them against appropriation item 865-601, 59878  
 Operating Expenses, in Fund 4K9. The amounts of the re-established 59879  
 encumbrances are hereby appropriated. The Motor Vehicle Collision 59880  
 Repair Registration Fund (Fund 5H9), created in division (A) of 59881  
 section 4775.08 of the Revised Code, is hereby abolished. 59882

**Section 343.10.** DNR DEPARTMENT OF NATURAL RESOURCES 59883

General Revenue Fund 59884

GRF 725-401 Wildlife-GRF Central \$ 2,705,950 \$ 2,800,930 59885  
 Support

GRF 725-404 Fountain Square Rental \$ 1,094,900 \$ 1,081,200 59886  
 Payments - OBA

GRF 725-407 Conservation Reserve \$ 1,000,000 \$ 1,000,000 59887  
 Enhancement Program

GRF 725-413 Lease Rental Payments \$ 19,589,400 \$ 18,316,200 59888

GRF 725-423 Stream and Ground \$ 311,910 \$ 311,910 59889  
 Water Gauging

GRF 725-425 Wildlife License \$ 500,000 \$ 400,000 59890  
 Reimbursement

GRF 725-456 Canal Lands \$ 332,859 \$ 332,859 59891

GRF 725-502 Soil and Water \$ 12,222,420 \$ 12,880,791 59892  
 Districts

GRF 725-903 Natural Resources \$ 24,713,800 \$ 25,723,000 59893  
 General Obligation

Debt Service

GRF 727-321 Division of Forestry \$ 8,541,511 \$ 8,541,511 59894

GRF 728-321 Division of Geological \$ 1,799,222 \$ 1,825,150 59895  
 Survey

GRF 729-321 Office of Information \$ 440,895 \$ 440,895 59896  
 Technology

GRF 730-321 Division of Parks and \$ 39,874,841 \$ 39,874,841 59897  
 Recreation

GRF 733-321	Division of Water	\$	3,207,619	\$	3,257,619	59898
GRF 736-321	Division of Engineering	\$	3,118,703	\$	3,118,703	59899
GRF 737-321	Division of Soil and Water	\$	4,074,788	\$	4,074,788	59900
GRF 738-321	Division of Real Estate and Land Management	\$	2,291,874	\$	2,291,874	59901
GRF 741-321	Division of Natural Areas and Preserves	\$	3,050,000	\$	3,050,000	59902
GRF 744-321	Division of Mineral Resources Management	\$	3,068,167	\$	3,068,167	59903
TOTAL GRF	General Revenue Fund	\$	131,938,859	\$	132,390,438	59904
	General Services Fund Group					59905
155 725-601	Departmental Projects	\$	2,259,402	\$	2,260,021	59906
157 725-651	Central Support Indirect	\$	6,228,950	\$	6,528,675	59907
204 725-687	Information Services	\$	4,676,627	\$	4,676,627	59908
207 725-690	Real Estate Services	\$	64,000	\$	64,000	59909
223 725-665	Law Enforcement Administration	\$	2,230,485	\$	2,358,307	59910
227 725-406	Parks Projects Personnel	\$	110,000	\$	110,000	59911
4D5 725-618	Recycled Materials	\$	50,000	\$	50,000	59912
4S9 725-622	NatureWorks Personnel	\$	525,000	\$	525,000	59913
4X8 725-662	Water Resources Council	\$	125,000	\$	125,000	59914
430 725-671	Canal Lands	\$	1,150,082	\$	1,150,082	59915
508 725-684	Natural Resources Publications	\$	148,527	\$	148,280	59916
510 725-631	Maintenance - State-owned Residences	\$	353,611	\$	303,611	59917
516 725-620	Water Management	\$	2,913,618	\$	2,931,513	59918

635	725-664	Fountain Square	\$	3,609,835	\$	3,640,398	59919
		Facilities Management					
697	725-670	Submerged Lands	\$	751,342	\$	772,011	59920
TOTAL GSF General Services							59921
Fund Group			\$	25,196,479	\$	25,643,525	59922
Federal Special Revenue Fund Group							59923
3B3	725-640	Federal Forest	\$	225,000	\$	225,000	59924
		Pass-Thru					
3B4	725-641	Federal Flood	\$	490,000	\$	490,000	59925
		Pass-Thru					
3B5	725-645	Federal Abandoned Mine	\$	14,307,664	\$	14,307,667	59926
		Lands					
3B6	725-653	Federal Land and Water	\$	2,000,000	\$	2,000,000	59927
		Conservation Grants					
3B7	725-654	Reclamation -	\$	2,107,291	\$	2,107,292	59928
		Regulatory					
3P0	725-630	Natural Areas and	\$	215,000	\$	215,000	59929
		Preserves - Federal					
3P1	725-632	Geological Survey -	\$	655,000	\$	720,000	59930
		Federal					
3P2	725-642	Oil and Gas-Federal	\$	226,961	\$	234,509	59931
3P3	725-650	Coastal Management -	\$	2,643,323	\$	1,691,237	59932
		Federal					
3P4	725-660	Water - Federal	\$	316,304	\$	316,734	59933
3R5	725-673	Acid Mine Drainage	\$	1,999,998	\$	2,025,001	59934
		Abatement/Treatment					
3Z5	725-657	REALM-Federal	\$	1,850,000	\$	1,850,000	59935
332	725-669	Federal Mine Safety	\$	258,102	\$	258,102	59936
		Grant					
TOTAL FED Federal Special Revenue							59937
Fund Group			\$	27,294,643	\$	26,440,542	59938
State Special Revenue Fund Group							59939



4J2	725-628	Injection Well Review	\$	67,578	\$	68,933	59940
4M7	725-631	Wildfire Suppression	\$	70,000	\$	0	59941
4M7	725-686	Wildfire Suppression	\$	100,000	\$	100,000	59942
4U6	725-668	Scenic Rivers Protection	\$	407,100	\$	407,100	59943
5BV	725-683	Soil and Water Districts	\$	1,850,000	\$	1,850,000	59944
5B3	725-674	Mining Regulation	\$	28,850	\$	28,850	59945
5K1	725-626	Urban Forestry Grant	\$	10,000	\$	12,000	59946
5P2	725-634	Wildlife Boater Angler Administration	\$	3,500,000	\$	3,500,000	59947
509	725-602	State Forest	\$	5,070,946	\$	5,211,924	59948
511	725-646	Ohio Geological Mapping	\$	815,179	\$	724,310	59949
512	725-605	State Parks Operations	\$	27,314,288	\$	27,314,288	59950
512	725-680	Parks Facilities Maintenance	\$	2,576,240	\$	2,576,240	59951
514	725-606	Lake Erie Shoreline	\$	917,113	\$	757,113	59952
518	725-643	Oil and Gas Permit Fees	\$	2,574,378	\$	2,586,568	59953
518	725-677	Oil and Gas Well Plugging	\$	800,000	\$	800,000	59954
521	725-627	Off-Road Vehicle Trails	\$	198,490	\$	143,490	59955
522	725-656	Natural Areas and Preserves	\$	1,550,670	\$	1,550,670	59956
526	725-610	Strip Mining Administration Fee	\$	1,932,491	\$	1,903,871	59957
527	725-637	Surface Mining Administration	\$	1,852,842	\$	1,946,591	59958
529	725-639	Unreclaimed Land Fund	\$	2,892,516	\$	2,024,257	59959
531	725-648	Reclamation Forfeiture	\$	2,062,234	\$	2,062,237	59960
532	725-644	Litter Control and	\$	6,280,681	\$	6,280,681	59961

Recycling					
586	725-633	Scrap Tire Program	\$ 1,000,000	\$ 1,000,000	59962
615	725-661	Dam Safety	\$ 548,223	\$ 595,416	59963
TOTAL SSR State Special Revenue					59964
Fund Group			\$ 64,419,819	\$ 63,444,539	59965
Clean Ohio Fund Group					59966
061	725-405	Clean Ohio Operating	\$ 155,000	\$ 155,000	59967
TOTAL CLF Clean Ohio Fund Group					59968
Wildlife Fund Group					59969
015	740-401	Division of Wildlife	\$ 53,706,000	\$ 54,906,000	59970
Conservation					
815	725-636	Cooperative Management	\$ 120,449	\$ 120,449	59971
Projects					
816	725-649	Wetlands Habitat	\$ 966,885	\$ 966,885	59972
817	725-655	Wildlife Conservation	\$ 5,000,000	\$ 5,000,000	59973
Checkoff Fund					
818	725-629	Cooperative Fisheries	\$ 1,500,000	\$ 1,500,000	59974
Research					
819	725-685	Ohio River Management	\$ 128,584	\$ 128,584	59975
TOTAL WLF Wildlife Fund Group					59976
Waterways Safety Fund Group					59977
086	725-414	Waterways Improvement	\$ 3,925,075	\$ 4,062,452	59978
086	725-418	Buoy Placement	\$ 52,182	\$ 52,182	59979
086	725-501	Waterway Safety Grants	\$ 137,867	\$ 137,867	59980
086	725-506	Watercraft Marine	\$ 576,153	\$ 576,153	59981
Patrol					
086	725-513	Watercraft Educational	\$ 366,643	\$ 366,643	59982
Grants					
086	739-401	Division of Watercraft	\$ 19,626,681	\$ 20,166,681	59983
5AW	725-682	Watercraft Revolving	\$ 1,000,000	\$ 1,000,000	59984
Loans					
TOTAL WSF Waterways Safety Fund					59985

Group	\$	25,684,601	\$	26,361,978	59986
Holding Account Redistribution Fund Group					59987
R17 725-659 Performance Cash Bond	\$	279,263	\$	279,263	59988
Refunds					
R43 725-624 Forestry	\$	1,950,188	\$	2,007,977	59989
TOTAL 090 Holding Account					59990
Redistribution Fund Group	\$	2,229,451	\$	2,287,240	59991
Accrued Leave Liability Fund Group					59992
4M8 725-675 FOP Contract	\$	20,844	\$	20,844	59993
TOTAL ALF Accrued Leave					59994
Liability Fund Group	\$	20,844	\$	20,844	59995
TOTAL ALL BUDGET FUND GROUPS	\$	338,361,614	\$	339,366,024	59996

**Section 343.20. CENTRAL SUPPORT INDIRECT** 59998

With the exception of the Division of Wildlife, whose direct 59999  
and indirect central support charges shall be paid out of the 60000  
General Revenue Fund from the foregoing appropriation item 60001  
725-401, Wildlife-GRF Central Support, the Department of Natural 60002  
Resources, with approval of the Director of Budget and Management, 60003  
shall utilize a methodology for determining each division's 60004  
payments into the Central Support Indirect Fund (Fund 157). The 60005  
methodology used shall contain the characteristics of 60006  
administrative ease and uniform application in compliance with 60007  
federal grant requirements. It may include direct cost charges for 60008  
specific services provided. Payments to the Central Support 60009  
Indirect Fund (Fund 157) shall be made using an intrastate 60010  
transfer voucher. 60011

**Section 343.30. FOUNTAIN SQUARE** 60012

The foregoing appropriation item 725-404, Fountain Square 60013  
Rental Payments - OBA, shall be used by the Department of Natural 60014  
Resources to meet all payments required to be made to the Ohio 60015

Building Authority during the period from July 1, 2007, to June 30, 2009, pursuant to leases and agreements with the Ohio Building Authority under section 152.42 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on obligations issued pursuant to Chapter 152. of the Revised Code.

The Director of Natural Resources, using intrastate transfer vouchers, shall make payments to the General Revenue Fund from funds other than the General Revenue Fund to reimburse the General Revenue Fund for the other funds' shares of the lease rental payments to the Ohio Building Authority. The transfers from the non-General Revenue funds shall be made within 10 days of the payment to the Ohio Building Authority for the actual amounts necessary to fulfill the leases and agreements pursuant to section 152.241 of the Revised Code.

The foregoing appropriation item 725-664, Fountain Square Facilities Management (Fund 635), shall be used for payment of repairs, renovation, utilities, property management, and building maintenance expenses for the Fountain Square Complex. Cash transferred by intrastate transfer vouchers from various department funds and rental income received by the Department of Natural Resources shall be deposited into the Fountain Square Facilities Management Fund (Fund 635).

LEASE RENTAL PAYMENTS

The foregoing appropriation item 725-413, Lease Rental Payments, shall be used to meet all payments at the times they are required to be made during the period from July 1, 2007, to June 30, 2009, by the Department of Natural Resources pursuant to leases and agreements made under section 154.22 of the Revised Code. These appropriations are the source of funds pledged for bond service charges or obligations issued pursuant to Chapter 154. of the Revised Code.

NATURAL RESOURCES GENERAL OBLIGATION DEBT SERVICE 60048

The foregoing appropriation item 725-903, Natural Resources 60049  
General Obligation Debt Service, shall be used to pay all debt 60050  
service and related financing costs during the period July 1, 60051  
2007, to June 30, 2009, on obligations issued under sections 60052  
151.01 and 151.05 of the Revised Code. 60053

**Section 343.40. WILDLIFE LICENSE REIMBURSEMENT** 60054

Notwithstanding the limits of the transfer from the General 60055  
Revenue Fund to the Wildlife Fund, as adopted in section 1533.15 60056  
of the Revised Code, up to the amount available in appropriation 60057  
item 725-425, Wildlife License Reimbursement, may be transferred 60058  
from the General Revenue Fund to the Wildlife Fund (Fund 015). 60059  
Pursuant to the certification of the Director of Budget and 60060  
Management of the amount of foregone revenue in accordance with 60061  
section 1533.15 of the Revised Code, the foregoing appropriation 60062  
item in the General Revenue Fund, appropriation item 725-425, 60063  
Wildlife License Reimbursement, shall be used to reimburse the 60064  
Wildlife Fund (Fund 015) for the cost of hunting and fishing 60065  
licenses and permits issued after June 30, 1990, to individuals 60066  
who are exempted under the Revised Code from license, permit, and 60067  
stamp fees. 60068

WILDLIFE CONSERVATION CHECKOFF FUND 60069

Of the foregoing appropriation item 725-655, Wildlife 60070  
Conservation Checkoff Fund, up to \$75,000 in each fiscal year 60071  
shall be used by the Ohio Wildlife Center for wildlife 60072  
preservation, wildlife protection, and wildlife education efforts. 60073

CANAL LANDS 60074

The foregoing appropriation item 725-456, Canal Lands, shall 60075  
be used to transfer funds to the Canal Lands Fund (Fund 430) to 60076  
provide operating expenses for the State Canal Lands Program. The 60077

transfer shall be made using an intrastate transfer voucher and 60078  
shall be subject to the approval of the Director of Budget and 60079  
Management. 60080

SOIL AND WATER DISTRICTS 60081

In addition to state payments to soil and water conservation 60082  
districts authorized by section 1515.10 of the Revised Code, the 60083  
Department of Natural Resources may pay to any soil and water 60084  
conservation district, from authority in appropriation item 60085  
725-502, Soil and Water Districts, an annual amount not to exceed 60086  
\$30,000, upon receipt of a request and justification from the 60087  
district and approval by the Ohio Soil and Water Conservation 60088  
Commission. The county auditor shall credit the payments to the 60089  
special fund established under section 1515.10 of the Revised Code 60090  
for the local soil and water conservation district. Moneys 60091  
received by each district shall be expended for the purposes of 60092  
the district. The foregoing appropriation item 725-683, Soil and 60093  
Water Districts, shall be expended for the purposes described 60094  
above, except that the funding source for this appropriation shall 60095  
be a fee applied on the disposal of construction and demolition 60096  
debris as provided in section 1515.14 of the Revised Code, as 60097  
amended by this act. 60098

Of the foregoing appropriation item 725-683, Soil and Water 60099  
Districts, \$220,000 in each fiscal year shall be used to support 60100  
the Heidelberg College Water Quality Laboratory. 60101

Of the foregoing appropriation item 725-683, Soil and Water 60102  
Districts, \$125,000 in each fiscal year shall be used for the 60103  
Indian Lake Watershed in Logan County. 60104

Of the foregoing appropriation item 725-502, Soil and Water 60105  
Districts, \$35,000 in each fiscal year shall be used for the 60106  
Conservation Action Project. 60107

STATE PARK DEPRECIATION RESERVE 60108

The foregoing appropriation item 725-680, Parks Facilities 60109  
Maintenance, shall be used by the Division of Parks and Recreation 60110  
to maintain state park revenue-producing facilities in the best 60111  
economic operating condition and to repair and replace equipment 60112  
used in the operation of state park revenue producing facilities. 60113

OIL AND GAS WELL PLUGGING 60114

The foregoing appropriation item 725-677, Oil and Gas Well 60115  
Plugging, shall be used exclusively for the purposes of plugging 60116  
wells and to properly restore the land surface of idle and orphan 60117  
oil and gas wells pursuant to section 1509.071 of the Revised 60118  
Code. No funds from the appropriation item shall be used for 60119  
salaries, maintenance, equipment, or other administrative 60120  
purposes, except for those costs directly attributed to the 60121  
plugging of an idle or orphan well. Appropriation authority from 60122  
this appropriation item shall not be transferred to any other fund 60123  
or line item. 60124

LITTER CONTROL AND RECYCLING 60125

Of the foregoing appropriation item, 725-644, Litter Control 60126  
and Recycling, not more than \$1,500,000 may be used in each fiscal 60127  
year for the administration of the Recycling and Litter Prevention 60128  
program. 60129

CLEAN OHIO OPERATING EXPENSES 60130

The foregoing appropriation item 725-405, Clean Ohio 60131  
Operating, shall be used by the Department of Natural Resources in 60132  
administering section 1519.05 of the Revised Code. 60133

WATERWAYS IMPROVEMENTS 60134

Of the foregoing appropriation item 725-414, Waterways 60135  
Improvement, \$50,000 in each fiscal year shall be used for 60136  
dredging operations at Fairport Harbor. 60137

WATERCRAFT MARINE PATROL 60138

Of the foregoing appropriation item 739-401, Division of 60139  
Watercraft, not more than \$200,000 in each fiscal year shall be 60140  
expended for the purchase of equipment for marine patrols 60141  
qualifying for funding from the Department of Natural Resources 60142  
pursuant to section 1547.67 of the Revised Code. Proposals for 60143  
equipment shall accompany the submission of documentation for 60144  
receipt of a marine patrol subsidy pursuant to section 1547.67 of 60145  
the Revised Code and shall be loaned to eligible marine patrols 60146  
pursuant to a cooperative agreement between the Department of 60147  
Natural Resources and the eligible marine patrol. 60148

WATERCRAFT REVOLVING LOAN PROGRAM 60149

Upon certification by the Director of Natural Resources, the 60150  
Director of Budget and Management shall transfer an amount not to 60151  
exceed \$1,000,000 in fiscal year 2008 and not to exceed \$1,000,000 60152  
in fiscal year 2009 so certified from the Waterways Safety Fund 60153  
(Fund 086) to the Watercraft Revolving Loans Fund (Fund 5AW). The 60154  
moneys shall be used pursuant to sections 1547.721 to 1547.726 of 60155  
the Revised Code. 60156

PARKS CAPITAL EXPENSES FUND 60157

The Director of Natural Resources shall submit to the 60158  
Director of Budget and Management the estimated design, 60159  
engineering, and planning costs of capital-related work to be done 60160  
by Department of Natural Resources staff for parks projects. If 60161  
the Director of Budget and Management approves the estimated 60162  
costs, the Director may release appropriations from appropriation 60163  
item 725-406, Parks Projects Personnel, for those purposes. Upon 60164  
release of the appropriations, the Department of Natural Resources 60165  
shall pay for these expenses from the Parks Capital Expenses Fund 60166  
(Fund 227). Expenses paid from Fund 227 shall be reimbursed by the 60167  
Parks and Recreation Improvement Fund (Fund 035) using an 60168  
intrastate transfer voucher. 60169



CAPITAL EXPENSES FUND 60170

The Department of Natural Resources shall periodically 60171  
prepare and submit to the Director of Budget and Management the 60172  
estimated design, planning, and engineering costs of 60173  
capital-related work to be done by the Department of Natural 60174  
Resources for each project. Based on the estimates, the Director 60175  
of Budget and Management may release appropriations from 60176  
appropriation item CAP-753, Project Planning, within the Ohio 60177  
Parks and Natural Resources Fund (Fund 031) to pay for design, 60178  
planning, and engineering costs incurred by the Department of 60179  
Natural Resources for the projects. Upon release of the 60180  
appropriations by the Director of Budget and Management, the 60181  
Department of Natural Resources shall pay for these expenses from 60182  
the Capital Expenses Fund (Fund 4S9), and shall be reimbursed by 60183  
the Ohio Parks and Natural Resources Fund (Fund 031) using an 60184  
intrastate voucher. 60185

FUND CONSOLIDATION 60186

On July 1, 2007, or as soon thereafter as possible, the 60187  
Director of Budget and Management shall transfer the cash balance 60188  
as certified by the Director of Natural Resources from the Federal 60189  
Forestry Fund (Fund 328) to the State Forest Fund (Fund 509). The 60190  
Director shall cancel any remaining outstanding encumbrances 60191  
against appropriation item 725-603, Forestry-Federal, and 60192  
re-establish them against appropriation item 725-602, State 60193  
Forest. The amounts of any encumbrances canceled and 60194  
re-established are hereby appropriated. 60195

On July 1, 2007, or as soon thereafter as possible, the 60196  
Director of Budget and Management shall transfer the cash balance 60197  
as certified by the Director of Natural Resources from the REALM 60198  
Support Services Fund (Fund 206) to the Fountain Square Facilities 60199  
Management Fund (Fund 635). The Director shall cancel any 60200  
remaining outstanding encumbrances against appropriation item 60201

725-689, REALM Support Services, and re-establish them against 60202  
appropriation item 725-664, Fountain Square Facilities Management. 60203  
The amounts of any encumbrances canceled and re-established are 60204  
hereby appropriated. 60205

STATE PARK OPERATING 60206

All proceeds from insurance companies and any other sources 60207  
for the replacement and construction of the Lake Hope Lodge and 60208  
its appurtenances shall be deposited into the State Park Operating 60209  
Fund (Fund 512). 60210

**Section 345.10.** NUR STATE BOARD OF NURSING 60211

General Services Fund Group 60212

4K9 884-609 Operating Expenses \$ 5,661,280 \$ 5,661,280 60213

5P8 884-601 Nursing Special Issues \$ 5,000 \$ 5,000 60214

5AC 884-602 Nurse Education Grant \$ 1,450,000 \$ 1,450,000 60215

Program

TOTAL GSF General Services 60216

Fund Group \$ 7,116,280 \$ 7,116,280 60217

TOTAL ALL BUDGET FUND GROUPS \$ 7,116,280 \$ 7,116,280 60218

NURSING SPECIAL ISSUES 60219

The foregoing appropriation item 884-601, Nursing Special 60220  
Issues (Fund 5P8), shall be used to pay the costs the Board of 60221  
Nursing incurs in implementing section 4723.062 of the Revised 60222  
Code. 60223

**Section 347.10.** PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, 60224  
AND ATHLETIC TRAINERS BOARD 60225

General Services Fund Group 60226

4K9 890-609 Operating Expenses \$ 892,241 \$ 963,984 60227

TOTAL GSF General Services Fund \$ 892,241 \$ 963,984 60228

Group

TOTAL ALL BUDGET FUND GROUPS	\$	892,241	\$	963,984	60229
<b>Section 349.10.</b> OLA OHIOANA LIBRARY ASSOCIATION					60231
General Revenue Fund					60232
GRF 355-501 Library Subsidy	\$	200,000	\$	200,000	60233
TOTAL GRF General Revenue Fund	\$	200,000	\$	200,000	60234
TOTAL ALL BUDGET FUND GROUPS	\$	200,000	\$	200,000	60235
<b>Section 351.10.</b> ODB OHIO OPTICAL DISPENSERS BOARD					60237
General Services Fund Group					60238
4K9 894-609 Operating Expenses	\$	333,656	\$	345,324	60239
TOTAL GSF General Services					60240
Fund Group	\$	333,656	\$	345,324	60241
TOTAL ALL BUDGET FUND GROUPS	\$	333,656	\$	345,324	60242
<b>Section 353.10.</b> OPT STATE BOARD OF OPTOMETRY					60244
General Services Fund Group					60245
4K9 885-609 Operating Expenses	\$	344,571	\$	351,071	60246
TOTAL GSF General Services					60247
Fund Group	\$	344,571	\$	351,071	60248
TOTAL ALL BUDGET FUND GROUPS	\$	344,571	\$	351,071	60249
<b>Section 355.10.</b> OPP STATE BOARD OF ORTHOTICS, PROSTHETICS, AND PEDORTHICS					60251
					60252
General Services Fund Group					60253
4K9 973-609 Operating Expenses	\$	111,300	\$	116,260	60254
TOTAL GSF General Services					60255
Fund Group	\$	111,300	\$	116,260	60256
TOTAL ALL BUDGET FUND GROUPS	\$	111,300	\$	116,260	60257
<b>Section 357.10.</b> PBR STATE PERSONNEL BOARD OF REVIEW					60258
General Revenue Fund					60259

GRF 124-321 Operating	\$	1,137,181	\$	1,179,825	60260
TOTAL GRF General Revenue Fund	\$	1,137,181	\$	1,179,825	60261
General Services Fund Group					60262
636 124-601 Records and Reporting	\$	15,000	\$	15,000	60263
Support					
TOTAL GSF General Services					60264
Fund Group	\$	15,000	\$	15,000	60265
TOTAL ALL BUDGET FUND GROUPS	\$	1,152,181	\$	1,194,825	60266

**Section 359.10. UST PETROLEUM UNDERGROUND STORAGE TANK** 60268

Agency Fund Group					60269
691 810-632 PUSTRCB Staff	\$	1,116,658	\$	1,169,181	60270
TOTAL AGY Agency Fund Group	\$	1,116,658	\$	1,169,181	60271
TOTAL ALL BUDGET FUND GROUPS	\$	1,116,658	\$	1,169,181	60272

**Section 361.10. PRX STATE BOARD OF PHARMACY** 60274

General Services Fund Group					60275
4A5 887-605 Drug Law Enforcement	\$	75,550	\$	75,550	60276
4K9 887-609 Operating Expenses	\$	4,874,572	\$	5,251,032	60277
TOTAL GSF General Services Fund	\$	4,950,122	\$	5,326,582	60278
Group					
Federal Special Revenue Fund Group					60279
3BC 887-604 Dangerous Drugs	\$	558,531	\$	491,405	60280
Database					
TOTAL FED Federal Special Revenue	\$	558,531	\$	491,405	60281
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	5,508,653	\$	5,817,987	60282

**Section 363.10. PSY STATE BOARD OF PSYCHOLOGY** 60284

General Services Fund Group					60285
4K9 882-609 Operating Expenses	\$	586,565	\$	586,565	60286
TOTAL GSF General Services					60287

Fund Group	\$	586,565	\$	586,565	60288
TOTAL ALL BUDGET FUND GROUPS	\$	586,565	\$	586,565	60289
<b>Section 365.10.</b> PUB OHIO PUBLIC DEFENDER COMMISSION					60291
General Revenue Fund					60292
GRF 019-321 Public Defender	\$	1,287,404	\$	1,315,150	60293
Administration					
GRF 019-401 State Legal Defense	\$	5,914,023	\$	6,120,592	60294
Services					
GRF 019-403 Multi-County: State	\$	766,402	\$	762,727	60295
Share					
GRF 019-404 Trumbull County -	\$	244,816	\$	243,650	60296
State Share					
GRF 019-405 Training Account	\$	31,324	\$	31,324	60297
GRF 019-501 County Reimbursement	\$	29,834,251	\$	29,572,857	60298
TOTAL GRF General Revenue Fund	\$	38,078,220	\$	38,046,300	60299
General Services Fund Group					60300
101 019-602 Inmate Legal	\$	33,338	\$	34,638	60301
Assistance					
407 019-604 County Representation	\$	219,800	\$	227,500	60302
408 019-605 Client Payments	\$	611,537	\$	476,760	60303
5CX 019-617 Civil Case Filing Fee	\$	409,237	\$	598,400	60304
TOTAL GSF General Services					60305
Fund Group	\$	1,273,912	\$	1,337,298	60306
Federal Special Revenue Fund Group					60307
3S8 019-608 Federal Representation	\$	350,948	\$	364,917	60308
TOTAL FED Federal Special Revenue					60309
Fund Group	\$	350,948	\$	364,917	60310
State Special Revenue Fund Group					60311
4C7 019-601 Multi-County: County	\$	2,181,300	\$	2,288,200	60312
Share					
4X7 019-610 Trumbull County -	\$	696,800	\$	731,000	60313

County Share				
574 019-606 Civil Legal Aid	\$	40,000,000	\$ 40,000,000	60314
TOTAL SSR State Special Revenue				60315
Fund Group	\$	42,878,100	\$ 43,019,200	60316
TOTAL ALL BUDGET FUND GROUPS	\$	82,581,180	\$ 82,767,715	60317
INDIGENT DEFENSE OFFICE				60318
The foregoing appropriation items 019-404, Trumbull County -				60319
State Share, and 019-610, Trumbull County - County Share, shall be				60320
used to support an indigent defense office for Trumbull County.				60321
MULTI-COUNTY OFFICE				60322
The foregoing appropriation items 019-403, Multi-County:				60323
State Share, and 019-601, Multi-County: County Share, shall be				60324
used to support the Office of the Ohio Public Defender's				60325
Multi-County Branch Office Program.				60326
TRAINING ACCOUNT				60327
The foregoing appropriation item 019-405, Training Account,				60328
shall be used by the Ohio Public Defender to provide legal				60329
training programs at no cost for private appointed counsel who				60330
represent at least one indigent defendant at no cost and for state				60331
and county public defenders and attorneys who contract with the				60332
Ohio Public Defender to provide indigent defense services.				60333
FEDERAL REPRESENTATION				60334
The foregoing appropriation item 019-608, Federal				60335
Representation, shall be used to receive reimbursements from the				60336
federal courts when the Ohio Public Defender provides				60337
representation in federal court cases and to support				60338
representation in such cases.				60339
<b>Section 367.10.</b> DHS DEPARTMENT OF PUBLIC SAFETY				60340
General Revenue Fund				60341

GRF 763-403	Operating Expenses -	\$	4,164,697	\$	4,164,697	60342
	EMA					
GRF 768-424	Operating Expenses -	\$	814,478	\$	814,478	60343
	CJS					
GRF 769-321	Food Stamp Trafficking	\$	752,000	\$	752,000	60344
	Enforcement Operations					
TOTAL GRF General Revenue Fund		\$	5,731,175	\$	5,731,175	60345
State Special Revenue Fund Group						60346
5EX 768-690	Disaster Preparedness	\$	350,000	\$	350,000	60347
TOTAL SSR State Special Revenue		\$	350,000	\$	350,000	60348
Fund Group						
TOTAL ALL BUDGET FUND GROUPS		\$	6,081,175	\$	6,081,175	60349
	OHIO TASK FORCE ONE - URBAN SEARCH AND RESCUE UNIT					60350
	Of the foregoing appropriation item 763-403, Operating					60351
	Expenses - EMA, \$200,000 in each fiscal year shall be used to fund					60352
	the Ohio Task Force One - Urban Search and Rescue Unit and other					60353
	urban search and rescue programs around the state to create a					60354
	stronger search and rescue capability statewide.					60355
	EMA DISASTER PREPAREDNESS AND RESPONSE GRANT					60356
	Of the foregoing appropriation item 768-690, Disaster					60357
	Preparedness, \$275,000 in fiscal year 2008 and \$350,000 in fiscal					60358
	year 2009 shall be used for a grant to the American Red Cross					60359
	Greater Columbus Chapter for implementation of programs to assist					60360
	in disaster preparedness and response throughout Ohio. The					60361
	American Red Cross Greater Columbus Chapter shall develop a					60362
	funding plan that includes programmatic, infrastructure, and					60363
	administrative costs. Moneys shall be released to the American Red					60364
	Cross Greater Columbus Chapter not more than 45 days after					60365
	submission of the plan to the Ohio Emergency Management Agency. Of					60366
	the foregoing appropriation item 768-690, Disaster Preparedness,					60367
	\$75,000 in fiscal year 2008 shall be used for the Fire and					60368
	Emergency Services Regionalization Project of Berea and Olmstead					60369

Falls.					60370
<b>Section 369.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO</b>					60371
General Services Fund Group					60372
5F6 870-622 Utility and Railroad	\$	32,820,027	\$	33,804,627	60373
Regulation					
5F6 870-624 NARUC/NRRI Subsidy	\$	158,000	\$	158,000	60374
5F6 870-625 Motor Transportation	\$	4,635,413	\$	4,772,765	60375
Regulation					
TOTAL GSF General Services					60376
Fund Group	\$	37,613,440	\$	38,735,392	60377
Federal Special Revenue Fund Group					60378
3V3 870-604 Commercial Vehicle	\$	300,000	\$	300,000	60379
Information					
Systems/Networks					
333 870-601 Gas Pipeline Safety	\$	597,957	\$	597,959	60380
350 870-608 Motor Carrier Safety	\$	7,137,534	\$	7,351,660	60381
TOTAL FED Federal Special Revenue					60382
Fund Group	\$	8,035,491	\$	8,249,619	60383
State Special Revenue Fund Group					60384
4A3 870-614 Grade Crossing	\$	1,349,757	\$	1,349,757	60385
Protection					
Devices-State					
4L8 870-617 Pipeline Safety-State	\$	187,621	\$	187,621	60386
4S6 870-618 Hazardous Material	\$	464,325	\$	464,325	60387
Registration					
4S6 870-621 Hazardous Materials	\$	373,346	\$	373,346	60388
Base State					
Registration					
4U8 870-620 Civil Forfeitures	\$	284,986	\$	284,986	60389
5BP 870-623 Wireless 9-1-1	\$	26,875,000	\$	13,375,000	60390
Administration					



559	870-605	Public Utilities	\$	4,000	\$	4,000	60391
		Territorial					
		Administration					
560	870-607	Public Utilities	\$	100,000	\$	100,000	60392
		Investigations					
561	870-606	Power Siting Board	\$	404,651	\$	404,652	60393
638	870-611	Biomass Energy Program	\$	40,000	\$	40,000	60394
661	870-612	Hazardous Materials	\$	900,000	\$	900,000	60395
		Transportation					
TOTAL SSR State Special Revenue							60396
Fund Group			\$	30,983,686	\$	17,483,687	60397
Agency Fund Group							60398
4G4	870-616	Base State	\$	2,000,000	\$	0	60399
		Registration Program					
TOTAL AGY Agency Fund Group			\$	2,000,000	\$	0	60400
TOTAL ALL BUDGET FUND GROUPS			\$	78,632,617	\$	64,468,698	60401
COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS PROJECT							60402
The fund created by section 4923.26 of the Revised Code is							60403
the same fund, with a new name, as the Commercial Vehicle							60404
Information Systems and Networks Fund (Fund 3V3).							60405
ENHANCED AND WIRELESS ENHANCED 9-1-1							60406
The foregoing appropriation item 870-623, Wireless 9-1-1							60407
Administration, shall be used pursuant to section 4931.63 of the							60408
Revised Code.							60409
<b>Section 371.10. PWC PUBLIC WORKS COMMISSION</b>							60410
General Revenue Fund							60411
GRF	150-904	Conservation General	\$	14,698,728	\$	19,037,480	60412
		Obligation Debt					
		Service					
GRF	150-907	State Capital	\$	175,738,464	\$	181,620,189	60413

Improvements					
General Obligation				60414	
Debt Service					
TOTAL GRF General Revenue Fund	\$	190,437,192	\$	200,657,669	60415
Clean Ohio Conservation Fund Group					60416
056 150-403 Clean Ohio Operating	\$	301,537	\$	311,509	60417
Expenses					
TOTAL 056 Clean Ohio Conservation	\$	301,537	\$	311,509	60418
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	190,738,729	\$	200,969,178	60419
CONSERVATION GENERAL OBLIGATION DEBT SERVICE					60420
The foregoing appropriation item 150-904, Conservation					60421
General Obligation Debt Service, shall be used to pay all debt					60422
service and related financing costs during the period from July 1,					60423
2007, through June 30, 2009, at the times they are required to be					60424
made for obligations issued under sections 151.01 and 151.09 of					60425
the Revised Code.					60426
STATE CAPITAL IMPROVEMENTS GENERAL OBLIGATION DEBT SERVICE					60427
The foregoing appropriation item 150-907, State Capital					60428
Improvements General Obligation Debt Service, shall be used to pay					60429
all debt service and related financing costs during the period					60430
from July 1, 2007, to June 30, 2009, at the times they are					60431
required to be made for obligations issued under sections 151.01					60432
and 151.08 of the Revised Code.					60433
REIMBURSEMENT TO THE GENERAL REVENUE FUND					60434
(A) On or before July 15, 2009, the Director of the Public					60435
Works Commission shall certify to the Director of Budget and					60436
Management the following:					60437
(1) The total amount disbursed from appropriation item					60438
700-409, Farmland Preservation, during the fiscal year 2008-2009					60439
biennium; and					60440

(2) The amount of interest earnings that have been credited 60441  
to the Clean Ohio Conservation Fund (Fund 056) that are in excess 60442  
of the amount needed for other purposes as calculated by the 60443  
Director of the Public Works Commission. 60444

(B) If the Director of Budget and Management determines under 60445  
division (A)(2) of this section that there are excess interest 60446  
earnings, the Director of Budget and Management shall, on or 60447  
before July 15, 2009, transfer the excess interest earnings to the 60448  
General Revenue Fund in an amount equal to the total amount 60449  
disbursed under division (A)(1) of this section from the Clean 60450  
Ohio Conservation Fund. 60451

CLEAN OHIO OPERATING EXPENSES 60452

The foregoing appropriation item 150-403, Clean Ohio 60453  
Operating Expenses, shall be used by the Ohio Public Works 60454  
Commission in administering sections 164.20 to 164.27 of the 60455  
Revised Code. 60456

**Section 373.10.** RAC STATE RACING COMMISSION 60457

State Special Revenue Fund Group 60458

5C4 875-607 Simulcast Horse Racing \$ 16,000,000 \$ 16,000,000 60459  
Purse

562 875-601 Thoroughbred Race Fund \$ 3,100,000 \$ 3,100,000 60460

563 875-602 Standardbred \$ 2,600,000 \$ 2,600,000 60461  
Development Fund

564 875-603 Quarterhorse \$ 1,000 \$ 1,000 60462  
Development Fund

565 875-604 Racing Commission \$ 4,487,599 \$ 4,487,599 60463  
Operating

TOTAL SSR State Special Revenue 60464

Fund Group \$ 26,188,599 \$ 26,188,599 60465

Holding Account Redistribution Fund Group 60466

R21 875-605 Bond Reimbursements	\$	212,900	\$	212,900	60467
TOTAL 090 Holding Account					60468
Redistribution					
Fund Group	\$	212,900	\$	212,900	60469
TOTAL ALL BUDGET FUND GROUPS	\$	26,401,499	\$	26,401,499	60470
 <b>Section 375.10. BOR BOARD OF REGENTS</b>					60472
General Revenue Fund					60473
GRF 235-321 Operating Expenses	\$	3,141,351	\$	3,141,351	60474
GRF 235-401 Lease Rental Payments	\$	203,177,900	\$	136,017,500	60475
GRF 235-402 Sea Grants	\$	300,000	\$	300,000	60476
GRF 235-406 Articulation and Transfer	\$	2,900,000	\$	2,900,000	60477
GRF 235-408 Midwest Higher Education Compact	\$	95,000	\$	95,000	60478
GRF 235-409 Information System	\$	1,175,172	\$	1,175,172	60479
GRF 235-414 State Grants and Scholarship Administration	\$	1,707,881	\$	1,707,881	60480
GRF 235-415 Jobs Challenge	\$	9,348,300	\$	9,348,300	60481
GRF 235-417 Ohio Learning Network	\$	3,119,496	\$	3,119,496	60482
GRF 235-418 Access Challenge	\$	66,585,769	\$	66,585,769	60483
GRF 235-420 Success Challenge	\$	53,653,973	\$	53,653,973	60484
GRF 235-428 Appalachian New Economy Partnership	\$	1,176,068	\$	1,176,068	60485
GRF 235-433 Economic Growth Challenge	\$	17,186,194	\$	17,186,194	60486
GRF 235-434 College Readiness and Access	\$	12,655,425	\$	12,655,425	60487
GRF 235-435 Teacher Improvement Initiatives	\$	4,797,506	\$	11,297,506	60488
GRF 235-436 AccelerateOhio	\$	2,500,000	\$	5,000,000	60489
GRF 235-437 STEM Initiatives	\$	10,000,000	\$	10,000,000	60490

GRF 235-451	Eminent Scholars	\$	0	\$	1,000,000	60491
GRF 235-455	EnterpriseOhio Network	\$	1,373,941	\$	1,373,941	60492
GRF 235-474	Area Health Education Centers Program Support	\$	1,571,756	\$	1,571,756	60493
GRF 235-501	State Share of Instruction	\$	1,620,877,952	\$	1,782,965,747	60494
GRF 235-502	Student Support Services	\$	795,790	\$	795,790	60495
GRF 235-503	Ohio Instructional Grants	\$	42,533,966	\$	18,315,568	60496
GRF 235-504	War Orphans Scholarships	\$	4,812,321	\$	4,812,321	60497
GRF 235-507	OhioLINK	\$	7,387,824	\$	7,387,824	60498
GRF 235-508	Air Force Institute of Technology	\$	1,925,345	\$	1,925,345	60499
GRF 235-510	Ohio Supercomputer Center	\$	4,271,195	\$	4,271,195	60500
GRF 235-511	Cooperative Extension Service	\$	26,157,760	\$	26,157,760	60501
GRF 235-513	Ohio University Voinovich Center	\$	336,082	\$	336,082	60502
GRF 235-514	Central State Supplement	\$	11,413,995	\$	11,413,995	60503
GRF 235-515	Case Western Reserve University School of Medicine	\$	3,011,271	\$	3,011,271	60504
GRF 235-518	Capitol Scholarship Program	\$	125,000	\$	125,000	60505
GRF 235-519	Family Practice	\$	4,548,470	\$	4,548,470	60506
GRF 235-520	Shawnee State Supplement	\$	2,056,986	\$	2,056,986	60507
GRF 235-521	The Ohio State	\$	286,082	\$	286,082	60508

	University Glenn Institute				
GRF 235-524	Police and Fire Protection	\$	171,959	\$	171,959 60509
GRF 235-525	Geriatric Medicine	\$	750,110	\$	750,110 60510
GRF 235-526	Primary Care Residencies	\$	2,245,688	\$	2,245,688 60511
GRF 235-527	Ohio Aerospace Institute	\$	1,764,957	\$	1,764,957 60512
GRF 235-530	Academic Scholarships	\$	7,800,000	\$	7,800,000 60513
GRF 235-531	Student Choice Grants	\$	38,485,376	\$	38,485,376 60514
GRF 235-535	Ohio Agricultural Research and Development Center	\$	36,674,292	\$	36,674,292 60515
GRF 235-536	The Ohio State University Clinical Teaching	\$	13,565,885	\$	13,565,885 60516
GRF 235-537	University of Cincinnati Clinical Teaching	\$	11,157,756	\$	11,157,756 60517
GRF 235-538	University of Toledo Clinical Teaching	\$	8,696,866	\$	8,696,866 60518
GRF 235-539	Wright State University Clinical Teaching	\$	4,225,107	\$	4,225,107 60519
GRF 235-540	Ohio University Clinical Teaching	\$	4,084,540	\$	4,084,540 60520
GRF 235-541	Northeastern Ohio Universities College of Medicine Clinical Teaching	\$	4,200,945	\$	4,200,945 60521
GRF 235-547	School of International Business	\$	450,000	\$	450,000 60522

GRF 235-552	Capital Component	\$	19,306,442	\$	19,306,442	60523
GRF 235-553	Dayton Area Graduate Studies Institute	\$	2,806,599	\$	2,806,599	60524
GRF 235-554	Priorities in Collaborative Graduate Education	\$	2,355,548	\$	2,355,548	60525
GRF 235-555	Library Depositories	\$	1,696,458	\$	1,696,458	60526
GRF 235-556	Ohio Academic Resources Network	\$	3,727,223	\$	3,727,223	60527
GRF 235-558	Long-term Care Research	\$	311,047	\$	311,047	60528
GRF 235-561	Bowling Green State University Canadian Studies Center	\$	100,015	\$	100,015	60529
GRF 235-563	Ohio College Opportunity Grant	\$	139,974,954	\$	151,113,781	60530
GRF 235-567	Central State University Speed to Scale	\$	4,400,000	\$	3,800,000	60531
GRF 235-569	Choose Ohio First Scholarship	\$	50,000,000	\$	50,000,000	60532
GRF 235-572	The Ohio State University Clinic Support	\$	1,277,019	\$	1,277,019	60533
GRF 235-583	Urban University Program	\$	5,142,937	\$	5,142,937	60534
GRF 235-587	Rural University Projects	\$	1,047,889	\$	1,047,889	60535
GRF 235-596	Hazardous Materials Program	\$	360,435	\$	360,435	60536
GRF 235-599	National Guard Scholarship Program	\$	16,611,063	\$	16,611,063	60537
GRF 235-909	Higher Education	\$	163,222,668	\$	198,309,840	60538

General Obligation			
Debt Service			
TOTAL GRF General Revenue Fund	\$ 2,673,619,549	\$ 2,799,954,545	60539
General Services Fund Group			60540
220 235-614 Program Approval and	\$ 800,000	\$ 800,000	60541
Reauthorization			
456 235-603 Sales and Services	\$ 700,000	\$ 700,000	60542
TOTAL GSF General Services			60543
Fund Group	\$ 1,500,000	\$ 1,500,000	60544
Federal Special Revenue Fund Group			60545
3BG 235-626 Star Schools	\$ 2,980,865	\$ 2,990,746	60546
3H2 235-608 Human Services Project	\$ 3,000,000	\$ 3,000,000	60547
3H2 235-622 Medical Collaboration	\$ 3,346,144	\$ 3,346,144	60548
Network			
3N6 235-605 State Student	\$ 2,196,680	\$ 2,196,680	60549
Incentive Grants			
3T0 235-610 National Health	\$ 250,000	\$ 250,000	60550
Service Corps - Ohio			
Loan Repayment			
312 235-609 Tech Prep	\$ 183,850	\$ 183,850	60551
312 235-611 Gear-up Grant	\$ 3,300,000	\$ 3,300,000	60552
312 235-612 Carl D. Perkins	\$ 112,960	\$ 112,960	60553
Grant/Plan			
Administration			
312 235-617 Improving Teacher	\$ 3,200,000	\$ 3,200,000	60554
Quality Grant			
312 235-621 Science Education	\$ 1,686,970	\$ 1,686,970	60555
Network			
TOTAL FED Federal Special Revenue			60556
Fund Group	\$ 20,257,469	\$ 20,267,350	60557
State Special Revenue Fund Group			60558
4E8 235-602 Higher Educational	\$ 50,000	\$ 45,000	60559



		Facility Commission				
		Administration				
4P4	235-604	Physician Loan	\$	476,870	\$	476,870 60560
		Repayment				
649	235-607	The Ohio State	\$	760,000	\$	760,000 60561
		University				
		Highway/Transportation				
		Research				
682	235-606	Nursing Loan Program	\$	893,000	\$	893,000 60562
5DT	235-627	American Diploma	\$	250,000	\$	0 60563
		Project				
TOTAL SSR		State Special Revenue				60564
Fund Group			\$	2,429,870	\$	2,174,870 60565
TOTAL ALL BUDGET FUND GROUPS			\$	2,697,806,888	\$	2,823,896,765 60566

**Section 375.10.10. OPERATING EXPENSES** 60568

Of the foregoing appropriation item 235-321, Operating 60569  
Expenses, up to \$150,000 in each fiscal year shall be used in 60570  
conjunction with funding provided in the Department of Education 60571  
budget under appropriation item 200-427, Academic Standards, to 60572  
fund the operations of Ohio's Partnership for Continued Learning. 60573  
The Partnership shall advise and make recommendations to promote 60574  
collaboration among relevant state entities in an effort to help 60575  
local communities develop coherent and successful "P-16" learning 60576  
systems. Upon requesting and receiving approval from the 60577  
Controlling Board, the Director of Budget and Management may 60578  
transfer any unencumbered fiscal year 2008 balance to fiscal year 60579  
2009 to support the activities of the Partnership. 60580

**Section 375.10.20. LEASE RENTAL PAYMENTS** 60581

The foregoing appropriation item 235-401, Lease Rental 60582  
Payments, shall be used to meet all payments at the times they are 60583  
required to be made during the period from July 1, 2007, to June 60584

30, 2009, by the Board of Regents under leases and agreements made 60585  
under section 154.21 of the Revised Code. These appropriations are 60586  
the source of funds pledged for bond service charges or 60587  
obligations issued pursuant to Chapter 154. of the Revised Code. 60588

**Section 375.10.30. SEA GRANTS** 60589

The foregoing appropriation item 235-402, Sea Grants, shall 60590  
be disbursed to the Ohio State University and shall be used to 60591  
conduct research on fish in Lake Erie. 60592

**Section 375.10.40. ARTICULATION AND TRANSFER** 60593

The foregoing appropriation item 235-406, Articulation and 60594  
Transfer, shall be used by the Board of Regents to maintain and 60595  
expand the work of the Articulation and Transfer Council to 60596  
develop a system of transfer policies to ensure that students at 60597  
state institutions of higher education can transfer and have 60598  
coursework apply to their majors and degrees at any other state 60599  
institution of higher education without unnecessary duplication or 60600  
institutional barriers under sections 3333.16, 3333.161, and 60601  
3333.162 of the Revised Code. The Board of Regents shall, in 60602  
consultation with the Governor and the Department of Education, 60603  
convene a work group to establish coursework for content knowledge 60604  
and teacher competencies for early care and education degrees to 60605  
support articulation and transfer of coursework, certifications, 60606  
and credit earned across state-supported institutions of higher 60607  
education. 60608

Of the foregoing appropriation item 235-406, Articulation and 60609  
Transfer, \$200,000 in each fiscal year shall be used to support 60610  
the work of the Articulation and Transfer Council under division 60611  
(B) of section 3333.162 of the Revised Code. 60612

**Section 375.10.50. MIDWEST HIGHER EDUCATION COMPACT** 60613

The foregoing appropriation item 235-408, Midwest Higher Education Compact, shall be distributed by the Board of Regents under section 3333.40 of the Revised Code.

**Section 375.10.60. INFORMATION SYSTEM**

The foregoing appropriation item 235-409, Information System, shall be used by the Board of Regents to operate the higher education information data system known as the Higher Education Information System.

**Section 375.10.70. STATE GRANTS AND SCHOLARSHIP ADMINISTRATION**

The foregoing appropriation item 235-414, State Grants and Scholarship Administration, shall be used by the Board of Regents to administer the following student financial aid programs: Ohio Instructional Grant, Ohio College Opportunity Grant, Ohio Student Choice Grant, Ohio Academic Scholarship, Ohio War Orphans' Scholarship, Nurse Education Assistance Loan Program, Regents Graduate/Professional Fellowship, Ohio Safety Officers College Memorial Fund, Capitol Scholarship Program, and any other student financial aid programs created by the General Assembly. The appropriation item also shall be used to administer the federal Leveraging Educational Assistance Partnership (LEAP) and Special Leveraging Educational Assistance Partnership (SLEAP) programs and other student financial aid programs created by Congress and to provide fiscal services for the Ohio National Guard Scholarship Program, the Physician Loan Repayment Program, and the Dentist Loan Repayment Program.

**Section 375.10.80. JOBS CHALLENGE**

Funds appropriated to the foregoing appropriation item 235-415, Jobs Challenge, shall be distributed to state-assisted

community and technical colleges, regional campuses of 60643  
state-assisted universities, and other organizationally distinct 60644  
and identifiable member campuses of the EnterpriseOhio Network in 60645  
support of noncredit job-related training. In fiscal year 2008, 60646  
\$2,770,773 shall be distributed as performance grants to 60647  
EnterpriseOhio Network campuses based upon each campus's 60648  
documented performance according to criteria established by the 60649  
Board of Regents for assessment, training, and related services to 60650  
businesses, industries, and public sector organizations. 60651

Of the foregoing appropriation item 235-415, Jobs Challenge, 60652  
\$2,819,345 in fiscal year 2008 shall be allocated to the Targeted 60653  
Industries Training Grant Program to attract, develop, and retain 60654  
business and industry strategically important to the state's 60655  
economy and regional priorities. 60656

Of the foregoing appropriation item 235-415, Jobs Challenge, 60657  
\$3,758,182 in fiscal year 2008 shall be allocated to the Higher 60658  
Skills Incentives Program to promote and deliver coordinated 60659  
assessment and comprehensive training to local employers and to 60660  
reward EnterpriseOhio Network campuses for the amount of 60661  
non-credit skill upgrading services provided to Ohio employers and 60662  
employees. The funds shall be distributed to campuses in 60663  
proportion to each campus's share of noncredit job-related 60664  
training revenues received by all campuses for the previous fiscal 60665  
year. 60666

**Section 375.10.90. OHIO LEARNING NETWORK** 60667

The foregoing appropriation item 235-417, Ohio Learning 60668  
Network, shall be used by the Board of Regents to support the 60669  
continued implementation of the Ohio Learning Network, a statewide 60670  
collaborative that delivers adult education including degree 60671  
completion, workforce training, and professional development using 60672  
online and distance education initiatives. The funds shall be used 60673

by the Ohio Learning Network to develop and promote learning and 60674  
assessment through the use of technology, to test and provide 60675  
advice on emerging learning-directed technologies, and to 60676  
facilitate cost-effectiveness through shared educational 60677  
technology investments. 60678

**Section 375.20.10. ACCESS CHALLENGE** 60679

The foregoing appropriation item 235-418, Access Challenge, 60680  
shall be distributed to Ohio's state-assisted access colleges and 60681  
universities. For the purposes of this allocation, "access 60682  
campuses" includes state-assisted community colleges, state 60683  
community colleges, technical colleges, Shawnee State University, 60684  
Central State University, Cleveland State University, the regional 60685  
campuses of state-assisted universities, and, where they are 60686  
organizationally distinct and identifiable, the 60687  
community-technical colleges located at the University of 60688  
Cincinnati, Youngstown State University, and the University of 60689  
Akron. 60690

The purpose of Access Challenge is to reduce the student 60691  
share of costs for resident undergraduates enrolled in lower 60692  
division undergraduate courses at Ohio's access campuses. The 60693  
long-term goal is to make the student share of costs for these 60694  
students equivalent to the student share of costs for resident 60695  
undergraduate students enrolled throughout Ohio's public colleges 60696  
and universities. Access Challenge appropriations shall be used to 60697  
sustain, as much as possible, the tuition restraint or tuition 60698  
reduction that was achieved with Access Challenge allocations in 60699  
prior years. Access campuses shall disclose, in their tuition 60700  
billing statements to students, the amount of tuition subsidized 60701  
by state Access Challenge subsidies. 60702

In fiscal year 2008, Access Challenge subsidies shall be 60703  
distributed by the Board of Regents to eligible access campuses on 60704

the basis of the average of each campus's share of fiscal year 2005 and 2006 all-terms subsidy-eligible General Studies FTEs.

For purposes of this calculation, Cleveland State University's enrollments shall be adjusted by the ratio of the sum of subsidy-eligible lower-division FTE student enrollments eligible for access funding to the sum of subsidy-eligible General Studies FTE student enrollments at Central State University and Shawnee State University, and for the following universities and their regional campuses: the Ohio State University, Ohio University, Kent State University, Bowling Green State University, Miami University, the University of Cincinnati, the University of Akron, and Wright State University.

**Section 375.20.20. SUCCESS CHALLENGE**

The foregoing appropriation item 235-420, Success Challenge, shall be used by the Board of Regents to promote degree completion by students enrolled at a main campus of a state-assisted university.

Of the foregoing appropriation item 235-420, Success Challenge, 66.67 per cent of the appropriation in fiscal year 2008 shall be distributed to state-assisted university main campuses in proportion to each campus's share of the total statewide bachelor's degrees granted by university main campuses to "at-risk" students. In fiscal year 2008, an "at-risk" student means any undergraduate student who was eligible to receive an Ohio need-based financial aid award during the past ten years. An eligible institution shall not receive its share of this distribution until it has submitted a plan that addresses how the subsidy will be used to better serve at-risk students and increase their likelihood of successful completion of a bachelor's degree program. The Board of Regents shall disseminate to all state-supported institutions of higher education all such plans

submitted by institutions that received Success Challenge funds. 60736

Of the foregoing appropriation item 235-420, Success 60737  
Challenge, 33.33 per cent of the appropriation in fiscal year 2008 60738  
shall be distributed to university main campuses in proportion to 60739  
each campus's share of the total bachelor's degrees granted by 60740  
university main campuses to undergraduate students who completed 60741  
their bachelor's degrees in a "timely manner" in the previous 60742  
fiscal year. For purposes of this section, "timely manner" means 60743  
the normal time it would take for a full-time degree-seeking 60744  
undergraduate student to complete the student's degree. Generally, 60745  
for such students pursuing a bachelor's degree, "timely manner" 60746  
means four years. Exceptions to this general rule shall be 60747  
permitted for students enrolled in programs specifically designed 60748  
to be completed in a longer time period. The Board of Regents 60749  
shall collect data to assess the timely completion statistics by 60750  
university main campuses. 60751

**Section 375.20.30. APPALACHIAN NEW ECONOMY PARTNERSHIP** 60752

The foregoing appropriation item 235-428, Appalachian New 60753  
Economy Partnership, shall be distributed to Ohio University to 60754  
continue a multi-campus and multi-agency coordinated effort to 60755  
link Appalachia to the new economy. Ohio University shall use 60756  
these funds to provide leadership in the development and 60757  
implementation of initiatives in the areas of entrepreneurship, 60758  
management, education, and technology. 60759

**Section 375.20.40. ECONOMIC GROWTH CHALLENGE** 60760

The foregoing appropriation item 235-433, Economic Growth 60761  
Challenge, shall be used to enhance the basic research 60762  
capabilities of Ohio's public and private institutions of higher 60763  
education, support improved graduate programs throughout the 60764  
state, and promote the transfer of technology developed by 60765

colleges and universities to private industry to further the 60766  
economic goals of the state. 60767

Of the foregoing appropriation item 235-433, Economic Growth 60768  
Challenge, \$12,000,000 in fiscal year 2008 shall be used for the 60769  
Research Incentive Program to enhance the basic research 60770  
capabilities of public colleges and universities and accredited 60771  
Ohio institutions of higher education holding certificates of 60772  
authorization issued under section 1713.02 of the Revised Code, in 60773  
order to strengthen academic research for pursuing Ohio's economic 60774  
development goals. The Board of Regents, in consultation with the 60775  
colleges and universities, shall administer the Research Incentive 60776  
Program and utilize a means of matching, on a fractional basis, 60777  
external funds attracted in the previous year by institutions for 60778  
basic research. The program may include incentives for increasing 60779  
the amount of external research funds coming to eligible 60780  
institutions and for focusing research efforts upon critical state 60781  
needs. Colleges and universities shall submit for review and 60782  
approval to the Board of Regents plans for the institutional 60783  
allocation of state dollars received through the program. The 60784  
institutional plans shall provide the rationale for the allocation 60785  
in terms of the strategic targeting of funds for academic and 60786  
state purposes, for strengthening research programs, for 60787  
increasing the amount of external research funds, and shall 60788  
include an evaluation process to provide results of the increased 60789  
support. Institutional plans for the use of Research Incentive 60790  
funding must demonstrate a significant investment in Third 60791  
Frontier activities funded at the institution. For a college or 60792  
university with multiple Third Frontier grants, as much as ten per 60793  
cent of that institution's Research Incentive funding may be 60794  
invested in Third Frontier Project-related activities. Each 60795  
institutional plan for the investment of Research Incentive moneys 60796  
shall report on existing, planned, or possible relationships with 60797  
other state science and technology programs and funding recipients 60798



in order to further ongoing statewide science and technology 60799  
collaboration objectives. The Board of Regents shall submit a 60800  
biennial report of progress to the General Assembly. 60801

In fiscal year 2008, both those state-assisted doctoral 60802  
degree-granting universities and those accredited Ohio 60803  
institutions of higher education holding certificates of 60804  
authorization under section 1713.02 of the Revised Code may elect 60805  
to participate in the Innovation Incentive Plan designed to 60806  
enhance doctoral programs and areas of research that have the 60807  
greatest potential to attract preeminent researchers and build 60808  
research capacity; enhance regional or state economic growth by 60809  
creating new products and services to be commercialized; and 60810  
complement Ohio's Third Frontier Project. 60811

In fiscal year 2008, funding for the Innovation Incentive 60812  
Program shall be generated from those state-assisted doctoral 60813  
degree-granting universities electing to set aside a portion of 60814  
their allocations as provided in appropriation item 235-501, State 60815  
Share of Instruction, and state matching funds provided in 60816  
appropriation item 235-433, Economic Growth Challenge. In fiscal 60817  
year 2008, the Board of Regents shall withhold each participating 60818  
state-assisted university's required matching share from its 60819  
allocation as provided in appropriation item 235-501, State Share 60820  
of Instruction. Additionally, those accredited Ohio institutions 60821  
of higher education holding certificates of authorization under 60822  
section 1713.02 of the Revised Code electing to participate in the 60823  
Innovation Incentive Program shall be required to set aside an 60824  
amount comparable to the state-assisted doctoral degree-granting 60825  
universities. The criteria for the determination of this amount 60826  
shall be developed by the Board of Regents. 60827

Of the foregoing appropriation item 235-433, Economic Growth 60828  
Challenge, \$4,686,194 in fiscal year 2008 shall match funds set 60829  
aside by the participating universities under the Innovation 60830

Incentive Program. 60831

The Board of Regents shall use the combined amount of each 60832  
participating state-assisted university's set aside of the 60833  
doctoral reserve that has been withheld, the state matching funds 60834  
earmarked under appropriation item 235-433, Economic Growth 60835  
Challenge, and the amount set aside by each accredited Ohio 60836  
institution of higher education holding a certificate of 60837  
authorization under section 1713.02 of the Revised Code electing 60838  
to participate in the Innovation Incentive Program to make awards 60839  
through a competitive process under the Innovation Incentive 60840  
Program. Only universities electing to set aside the prescribed 60841  
amount shall be eligible to compete for and receive Innovation 60842  
Incentive awards. The participating universities shall use these 60843  
awards to restructure their array of doctoral programs. 60844

Of the foregoing appropriation item 235-433, Economic Growth 60845  
Challenge, \$500,000 in fiscal year 2008 shall be distributed for 60846  
the Technology Commercialization Incentive. The purpose of the 60847  
Technology Commercialization Incentive is to reward public and 60848  
private colleges and universities for successful technology 60849  
transfer to Ohio-based business and industry resulting in the 60850  
commercialization of new products, processes, and services and the 60851  
establishment of new business start-ups within the state. The 60852  
Third Frontier Commission, with counsel from the Third Frontier 60853  
Advisory Board, shall establish the eligibility criteria for 60854  
public and private colleges and universities interested in 60855  
applying for Technology Commercialization Incentive funding. To 60856  
qualify for the funds, public and private colleges and 60857  
universities must maintain a significant investment in their own 60858  
technology-transfer and commercialization operation and 60859  
capabilities, and possess a significant history of successful 60860  
research partnerships with Ohio-based business and industry. 60861

**Section 375.20.45. DISTRIBUTION OF CHALLENGE FUNDS** 60862

The Chancellor of the Board of Regents shall study the 60863  
effectiveness and appropriateness of the programs funded in GRF 60864  
appropriation items 235-415, Jobs Challenge, 235-418, Access 60865  
Challenge, 235-420, Success Challenge, and 235-433, Economic 60866  
Growth Challenge, in the context of today's knowledge-based 60867  
economy with a focus on student-based funding, the workforce 60868  
development needs of the state in the Twenty-first Century, and 60869  
incentives for student success. Based on the findings of the 60870  
study, the Chancellor of the Board of Regents shall make 60871  
recommendations for the distribution of the funds provided for 60872  
fiscal year 2009. Not later than May 1, 2008, the Chancellor of 60873  
the Board of Regents shall seek the Controlling Board's approval 60874  
of the recommended distribution of the funds provided for fiscal 60875  
year 2009 in GRF appropriation items 235-415, Jobs Challenge, 60876  
235-418, Access Challenge, 235-420, Success Challenge, and 60877  
235-433, Economic Growth Challenge. 60878

**Section 375.20.50. COLLEGE READINESS AND ACCESS** 60879

Appropriation item 235-434, College Readiness and Access, 60880  
shall be used by the Board of Regents to support programs designed 60881  
to improve the academic preparation and increase the number of 60882  
students that enroll and succeed in higher education such as the 60883  
Ohio College Access Network, the state match for the federal 60884  
Gaining Early Awareness and Readiness for Undergraduate Program, 60885  
and early awareness initiatives. The appropriation item shall also 60886  
be used to support innovative statewide strategies to increase 60887  
student access and retention for specialized populations, and to 60888  
provide for pilot projects that will contribute to improving 60889  
access to higher education by specialized populations. The funds 60890  
also may be used for projects that improve access for nonpublic 60891  
secondary students. 60892

Of the foregoing appropriation item 235-434, College 60893  
Readiness and Access, \$798,684 in fiscal year 2008 and \$822,645 in 60894  
fiscal year 2009 shall be distributed to the Ohio Appalachian 60895  
Center for Higher Education at Shawnee State University. The board 60896  
of directors of the Center shall consist of the presidents of 60897  
Shawnee State University, Belmont Technical College, Hocking 60898  
College, Jefferson Community College, Zane State College, Rio 60899  
Grande Community College, Southern State Community College, and 60900  
Washington State Community College; the president of Ohio 60901  
University or a designee of the president; the dean of one of the 60902  
Salem, Tuscarawas, and East Liverpool regional campuses of Kent 60903  
State University, as designated by the president of Kent State 60904  
University; and a representative of the Board of Regents 60905  
designated by the Chancellor. 60906

Of the foregoing appropriation item 235-434, College 60907  
Readiness and Access, \$169,553 in fiscal year 2008 and \$174,640 in 60908  
fiscal year 2009 shall be distributed to Miami University for the 60909  
Student Achievement in Research and Scholarship (STARS) Program. 60910

Of the foregoing appropriation item 235-434, College 60911  
Readiness and Access, \$3,503,985 in each fiscal year shall be used 60912  
in conjunction with funding provided in the Ohio Department of 60913  
Education budget under appropriation item 200-431, School 60914  
Improvement Initiatives, to support the Early College High School 60915  
Program. The funds shall be distributed according to guidelines 60916  
established by the Department of Education and the Board of 60917  
Regents. 60918

**Section 375.20.60. TEACHER IMPROVEMENT INITIATIVES** 60919

Appropriation item 235-435, Teacher Improvement Initiatives, 60920  
shall be used by the Board of Regents to support programs such as 60921  
OSI - Discovery and the Centers of Excellence in Mathematics and 60922  
Science designed to raise the quality of mathematics and science 60923

teaching in primary, secondary, and post-secondary education. 60924

Of the foregoing appropriation item 235-435, Teacher 60925  
Improvement Initiatives, \$204,049 in each fiscal year shall be 60926  
distributed to the Mathematics and Science Center in Lake County. 60927

Of the foregoing appropriation item 235-435, Teacher 60928  
Improvement Initiatives, \$106,619 in each fiscal year shall be 60929  
distributed to the Ohio Mathematics and Science Coalition. 60930

Of the foregoing appropriation item 235-435, Teacher 60931  
Improvement Initiatives, \$100,000 in each fiscal year shall be 60932  
distributed to the Teacher Quality Partnerships study. 60933

Of the foregoing appropriation item 235-435, Teacher 60934  
Improvement Initiatives, \$100,000 in each fiscal year shall be 60935  
distributed to the Sinclair Community College Distance Learning 60936  
STEM Partnership. 60937

Of the foregoing appropriation item 235-435, Teacher 60938  
Improvement Initiatives, \$874,871 in each fiscal year shall be 60939  
distributed to the Ohio Resource Center for Mathematics, Science, 60940  
and Reading. The funds shall be used to support a resource center 60941  
for mathematics, science, and reading to be located at a 60942  
state-assisted university for the purpose of identifying best 60943  
educational practices in primary and secondary schools and 60944  
establishing methods for communicating them to colleges of 60945  
education and school districts. The Ohio Resource Center for 60946  
Mathematics, Science, and Reading shall not make available 60947  
resources that are inconsistent with the K-12 science standards 60948  
and policies as adopted by the State Board of Education. 60949

Of the foregoing appropriation item 235-435, Teacher 60950  
Improvement Initiatives, up to \$2,000,000 in each fiscal year 60951  
shall be used to support up to ten regional summer academies that 60952  
focus on foreign language, science, mathematics, engineering, and 60953  
technology and prepare eleventh and twelfth grade students 60954

enrolled in public or chartered nonpublic schools to pursue 60955  
college-level foreign language, mathematics, science, technology, 60956  
and engineering, with a focus on secondary teaching in these 60957  
disciplines. Successful completion of these academics shall result 60958  
in dual high school and college credits. Costs shall be based upon 60959  
reasonable expenses, as determined by the Board of Regents, that 60960  
institutions of higher education may incur for faculty, supplies, 60961  
and other associated costs. 60962

Of the foregoing appropriation item 235-435, Teacher 60963  
Improvement Initiatives, up to \$4,000,000 in fiscal year 2009 60964  
shall be used to fund teacher-signing bonuses for individuals that 60965  
enter the teaching profession in a public school district or 60966  
school district building that has been designated a hard-to-staff 60967  
school by the Department of Education. To qualify for the signing 60968  
bonus, an individual must: (a) be licensed to teach; (b) be 60969  
assigned to teach in foreign language, science, or mathematics; 60970  
and (c) agree to teach in a hard-to-staff school for a minimum of 60971  
five years. An individual may qualify for up to \$20,000 in 60972  
state-funded bonuses if all obligations are met. The Board of 60973  
Regents shall develop this program jointly with the Department of 60974  
Education and the Partnership for Continued Learning. An 60975  
individual may participate in either the teacher-signing bonus 60976  
program or the teacher loan-forgiveness program, but may not 60977  
receive benefits from both programs. The Board of Regents shall 60978  
recoup funds received by any program participant who has not 60979  
fulfilled the five-year teaching obligation as described in this 60980  
section. 60981

Of the foregoing appropriation item 235-435, Teacher 60982  
Improvement Initiatives, up to \$2,500,000 in fiscal year 2009 60983  
shall be used to fund teacher loan-forgiveness for individuals 60984  
that enter the teaching profession in a school district or school 60985  
district building that has been designated as a hard-to-staff 60986

school by the Department of Education. To qualify for the loan 60987  
forgiveness, an individual must: (a) be licensed to teach; (b) be 60988  
assigned to teach in foreign language, science, or mathematics; 60989  
and (c) agree to teach in a hard-to-staff school for a minimum of 60990  
five years. An individual may qualify for up to \$20,000 in state 60991  
funded loan forgiveness if all obligations are met. The Board of 60992  
Regents shall develop this program jointly with the Department of 60993  
Education and the Partnership for Continued Learning. An 60994  
individual may participate in either the teacher-signing bonus 60995  
program or the teacher loan-forgiveness program, but may not 60996  
receive benefits from both programs. The Board of Regents shall 60997  
recoup funds received by any program participant who has not 60998  
fulfilled the five-year teaching obligation as described in this 60999  
section. 61000

**Section 375.20.70. ACCELERATEOHIO** 61001

Of the foregoing appropriation item 235-436 AccelerateOhio, 61002  
\$2,000,000 in fiscal year 2008 and \$5,000,000 in fiscal year 2009 61003  
shall be used by the Board of Regents, in collaboration with 61004  
Ohio's public two-year campuses, to develop and implement a 61005  
statewide program designed to improve the education and skills of 61006  
Ohio's workforce by assisting low-income working adults in Ohio to 61007  
improve their education and training. AccelerateOhio shall consist 61008  
of competency-based, low-cost, noncredit, and credit-bearing 61009  
modules and courses in communications, mathematics, and 61010  
information technology, and other fields selected by the Board of 61011  
Regents. The program shall be designed to culminate in a 61012  
certificate and provide recipients with a foundation for 61013  
additional post-secondary education. 61014

Of the foregoing appropriation item 235-436, AccelerateOhio, 61015  
\$500,000 in fiscal year 2008 shall be used to support the Health 61016  
Information and Imaging Technology Workforce Development Pilot 61017

Project pursuant to section 3333.55 of the Revised Code. 61018

**Section 375.20.75. STEM INITIATIVES** 61019

The foregoing appropriation item 235-437, STEM Initiatives, 61020  
shall be used for STEM Academies. 61021

**Section 375.20.80. EMINENT SCHOLARS** 61022

The foregoing appropriation item 235-451, Eminent Scholars, 61023  
shall be used by the Ohio Board of Regents to continue the Ohio 61024  
Eminent Scholars Program, the purpose of which is to invest 61025  
educational resources to address problems that are of vital 61026  
statewide significance while fostering the growth in eminence of 61027  
Ohio's academic programs. Ohio Eminent Scholars endowed chairs 61028  
shall allow Ohio universities to recruit senior faculty members 61029  
from outside Ohio who are nationally and internationally 61030  
recognized scholars in areas of science and technology that 61031  
provide the basic research platforms on which the state's 61032  
technology and commercialization efforts are built. Endowment 61033  
grants of approximately \$685,494 to state colleges and 61034  
universities and nonprofit Ohio institutions of higher education 61035  
holding certificates of authorization issued under section 1713.02 61036  
of the Revised Code to match endowment gifts from nonstate sources 61037  
may be made in accordance with a plan established by the Ohio 61038  
Board of Regents. Matching nonstate endowment gifts shall be equal 61039  
to the state's endowment grant of approximately \$685,494. The 61040  
grants shall have as their purpose attracting and sustaining in 61041  
Ohio scholar-leaders of national or international prominence; each 61042  
grant shall assist in accelerating state economic growth through 61043  
research that provides an essential basic science platform for 61044  
commercialization efforts. Such scholar-leaders shall, among their 61045  
duties, share broadly the benefits and knowledge unique to their 61046  
fields of scholarship to the betterment of Ohio and its people and 61047



collaborate with other state technology programs and program 61048  
recipients. 61049

All new Eminent Scholar awards made by the Board of Regents 61050  
shall be associated with a Wright Center of Innovation, a 61051  
Partnership Award from the Biomedical Research and Technology 61052  
Transfer Trust Fund, or a Wright Capital Project. 61053

**Section 375.20.90. ENTERPRISEOHIO NETWORK** 61054

The foregoing appropriation item 235-455, EnterpriseOhio 61055  
Network, shall be allocated by the Board of Regents to continue 61056  
increasing the capabilities of the EnterpriseOhio Network to meet 61057  
the ongoing training needs of Ohio employers. Funds shall support 61058  
multicampus collaboration, best practice dissemination, and 61059  
capacity building projects. The Regents Advisory Committee for 61060  
Workforce Development, in its advisory role, shall advise in the 61061  
development of plans and activities. 61062

**Section 375.30.10. AREA HEALTH EDUCATION CENTERS** 61063

The foregoing appropriation item 235-474, Area Health 61064  
Education Centers Program Support, shall be used by the Board of 61065  
Regents to support the medical school regional area health 61066  
education centers' educational programs for the continued support 61067  
of medical and other health professions education and for support 61068  
of the Area Health Education Center Program. 61069

Of the foregoing appropriation item 235-474, Area Health 61070  
Education Centers Program Support, \$159,158 in each fiscal year 61071  
shall be disbursed to the Ohio University College of Osteopathic 61072  
Medicine to operate a mobile health care unit to serve the 61073  
southeastern area of the state. 61074

Of the foregoing appropriation item 235-474, Area Health 61075  
Education Centers Program Support, \$119,369 in each fiscal year 61076  
shall be used to support the Ohio Valley Community Health 61077

Information Network (OVCHIN) project. 61078

**Section 375.30.20. STATE SHARE OF INSTRUCTION** 61079

The Board of Regents shall establish procedures to allocate 61080  
the foregoing appropriation item 235-501, State Share of 61081  
Instruction, based on the formulas and enrollment in the 61082  
instructional models set out in this section. 61083

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS 61084

(1) As soon as practicable during each fiscal year of the 61085  
biennium ending June 30, 2009, in accordance with instructions of 61086  
the Board of Regents, each state-assisted institution of higher 61087  
education shall report its actual enrollment to the Board of 61088  
Regents. 61089

(2) In defining the number of full-time equivalent students 61090  
for state subsidy purposes, the Board of Regents shall exclude all 61091  
undergraduate students who are not residents of Ohio, except those 61092  
charged in-state fees in accordance with reciprocity agreements 61093  
made under section 3333.17 of the Revised Code or employer 61094  
contracts entered into under section 3333.32 of the Revised Code. 61095

(3) In calculating the core subsidy entitlements for Medical 61096  
II models only, the Board of Regents shall use the following count 61097  
of FTE students: 61098

(a) For those medical schools whose current year enrollment, 61099  
including students repeating terms, is below the base enrollment, 61100  
the Medical II FTE enrollment shall equal: 65 per cent of the base 61101  
enrollment plus 35 per cent of the current year enrollment 61102  
including students repeating terms, where the base enrollment is: 61103

The Ohio State University	1010	61104
University of Cincinnati	833	61105
University of Toledo	650	61106
Wright State University	433	61107

Ohio University	433	61108
Northeastern Ohio Universities College of Medicine	433	61109

(b) For those medical schools whose current year enrollment, 61110  
excluding students repeating terms, is equal to or greater than 61111  
the base enrollment, the Medical II FTE enrollment shall equal the 61112  
base enrollment plus the FTE for repeating students. 61113

(c) Students repeating terms may be no more than five per 61114  
cent of current year enrollment. 61115

(4) The state share of instruction to state-supported 61116  
universities for students enrolled in law schools in fiscal year 61117  
2008 and fiscal year 2009 shall be calculated by using the number 61118  
of subsidy-eligible FTE law school students funded by state 61119  
subsidy in fiscal year 1995 or the actual number of 61120  
subsidy-eligible FTE law school students at the institution in the 61121  
fiscal year, whichever is less. 61122

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 61123

For purposes of calculating state share of instruction 61124  
allocations, the total instructional costs per full-time 61125  
equivalent student shall be: 61126

Model	Fiscal	Fiscal	
	Year 2008	Year 2009	
ARTS AND HUMANITIES 1	\$7,220	\$7,494	61128
ARTS AND HUMANITIES 2	9,431	9,790	61129
ARTS AND HUMANITIES 3	12,186	12,649	61130
ARTS AND HUMANITIES 4	17,836	18,514	61131
ARTS AND HUMANITIES 5	27,829	28,887	61132
ARTS AND HUMANITIES 6	34,540	35,852	61133
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	6,352	6,594	61134
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	7,389	7,670	61135
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	8,911	9,249	61136

BUSINESS, EDUCATION & SOCIAL SCIENCES 4	10,744	11,152	61137
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	17,070	17,719	61138
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	21,908	22,740	61139
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	26,019	27,008	61140
MEDICAL 1	43,190	44,831	61141
MEDICAL 2	47,635	49,445	61142
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	6,552	6,801	61143
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	9,196	9,545	61144
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	11,610	12,051	61145
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	14,789	15,351	61146
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	18,420	19,119	61147
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	19,990	20,750	61148
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	27,676	28,728	61149
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	35,308	36,650	61150
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9	48,150	49,979	61151
Doctoral I and Doctoral II models shall be allocated in			61152
accordance with division (D)(1) of this section.			61153
(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, AND GRADUATE WEIGHTS			61154 61155
For the purpose of implementing the recommendations of the			61156
State Share of Instruction Consultation and the Higher Education			61157
Funding Study Council that priority be given to maintaining state			61158
support for science, technology, engineering, mathematics,			61159

medicine, and graduate programs, the costs in division (B) of this			61160
section shall be weighted by the amounts provided below:			61161
Model	Fiscal	Fiscal	61162
	Year 2008	Year 2009	
ARTS AND HUMANITIES 1	1.000	1.000	61163
ARTS AND HUMANITIES 2	1.000	1.000	61164
ARTS AND HUMANITIES 3	1.000	1.000	61165
ARTS AND HUMANITIES 4	1.000	1.000	61166
ARTS AND HUMANITIES 5	1.250	1.250	61167
ARTS AND HUMANITIES 6	1.250	1.250	61168
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.000	1.000	61169
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.000	1.000	61170
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.000	1.000	61171
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.000	1.000	61172
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.250	1.250	61173
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	1.250	1.250	61174
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.250	1.250	61175
MEDICAL 1	1.500	1.500	61176
MEDICAL 2	1.728	1.728	61177
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.000	1.000	61178
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	1.002	1.002	61179
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.613	1.613	61180
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	1.690	1.690	61181
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	1.420	1.420	61182
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	2.081	2.081	61183
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	1.702	1.702	61184

SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, 1.808 1.808 61185  
MEDICINE 8

SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, 1.341 1.341 61186  
MEDICINE 9

(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 61187  
ENTITLEMENTS AND ADJUSTMENTS 61188

(1) Of the foregoing appropriation item 235-501, State Share 61189  
of Instruction, up to 10.44 per cent of the appropriation in each 61190  
fiscal year shall be reserved for support of doctoral programs to 61191  
implement the recommendations of the Graduate Funding Commission. 61192  
The amount so reserved shall be referred to as the doctoral 61193  
set-aside. 61194

The doctoral set-aside shall be allocated to universities in 61195  
proportion to their share of the total number of Doctoral I 61196  
equivalent FTEs as calculated on an institutional basis using the 61197  
greater of the two-year or five-year FTEs for the period fiscal 61198  
year 1994 through fiscal year 1998 with annualized FTEs for fiscal 61199  
years 1994 through 1997 and all-term FTEs for fiscal year 1998 as 61200  
adjusted to reflect the effects of doctoral review and subsequent 61201  
changes in Doctoral I equivalent enrollments. For the purposes of 61202  
this calculation, Doctoral I equivalent FTEs shall equal the sum 61203  
of Doctoral I FTEs plus 1.5 times the sum of Doctoral II FTEs. 61204

If a university participates in the Innovation Incentive 61205  
Program outlined in appropriation item 235-433, Economic Growth 61206  
Challenge, in fiscal year 2008 the Board of Regents shall withhold 61207  
the university's increasing matching share required by the 61208  
Innovation Incentive Program from its allocation of the doctoral 61209  
set-aside. 61210

The Board of Regents shall use the combined amount of each 61211  
participating state-assisted university's set aside of the 61212  
doctoral reserve that has been withheld, the state matching funds 61213  
earmarked under appropriation item 235-433, Economic Growth 61214

Challenge, and the amount set aside by each accredited Ohio 61215  
institution of higher education holding a certificate of 61216  
authorization under section 1713.02 of the Revised Code electing 61217  
to participate in the Innovation Incentive Program to make awards 61218  
through a competitive process under the Innovation Incentive 61219  
Program. Only universities electing to set aside the prescribed 61220  
amount shall be eligible to compete for and receive Innovation 61221  
Incentive awards. The participating universities shall use these 61222  
awards to restructure their array of doctoral programs. 61223

(2) Each campus's state share of instruction base formula 61224  
earnings shall be determined as follows: 61225

(a) For each campus in each fiscal year, the instructional 61226  
costs shall be determined by multiplying the amounts listed above 61227  
in divisions (B) and (C) of this section by (i) average 61228  
subsidy-eligible FTEs for the two-year period ending in the prior 61229  
year for all models except Doctoral I and Doctoral II; and (ii) 61230  
average subsidy-eligible FTEs for the five-year period ending in 61231  
the prior year for all models except Doctoral I and Doctoral II. 61232

(b) The Board of Regents shall compute the two calculations 61233  
listed in division (D)(2)(a) of this section and use the greater 61234  
amount as each campus's instructional costs. 61235

(c) The Board of Regents shall compute a uniform state share 61236  
of instructional costs by dividing the appropriations for 235-501, 61237  
State Share of Instruction, less the doctoral set-aside calculated 61238  
in division (D)(1) of this section, by the sum of all campuses' 61239  
instructional costs as calculated in division (D)(2)(b) of this 61240  
section. 61241

(d) The formula entitlement for each campus shall be 61242  
determined by multiplying the uniform state share of costs 61243  
calculated in division (D)(2)(c) of this section by the campus's 61244  
instructional cost determined in division (D)(2)(b) of this 61245

section. 61246

(3) In addition to the doctoral set-aside allocation 61247  
determined in division (D)(1) of this section and the formula 61248  
entitlement determined in division (D)(2) of this section, an 61249  
allocation based on fiscal year 2007 facility-based plant 61250  
operations and maintenance (POM) subsidy shall be made. No campus 61251  
shall be eligible for a POM allocation if the campus did not 61252  
receive a net-assignable-square-foot-based (NASF) POM allocation 61253  
in fiscal year 2007 and the amount of state share of instruction 61254  
subsidy the campus would have received in fiscal year 2007 had the 61255  
campus's calculation been based on the state share of instruction 61256  
method described in this section, but using relevant fiscal year 61257  
2007 data, is less than 98.5% of the campus's actual final fiscal 61258  
year 2007 state share of instruction earnings. 61259

For each eligible campus, the amount of the POM allocation in 61260  
each fiscal year shall be the lesser of: 61261

(a) 98.5% of the campus's actual final fiscal year 2007 state 61262  
share of instruction earnings, minus the amount the campus would 61263  
have received in fiscal year 2007 had the campus's calculation 61264  
been based on the state share of instruction method described in 61265  
this section, but using relevant fiscal year 2007 data; or 61266

(b) The actual final fiscal year 2007 61267  
net-assignable-square-foot-based (NASF) POM allocation that was 61268  
provided to the campus. 61269

Any POM allocations required by this division shall be funded 61270  
by proportionately reducing formula entitlement earnings, 61271  
including the POM allocations, for all campuses. 61272

The Board of Regents, in consultation with representatives of 61273  
state-assisted colleges and universities, shall study the need for 61274  
the facility-based POM allocations and make recommendations for 61275  
changes by June 30, 2008. 61276



(4) ANNUAL STATE SHARE OF INSTRUCTION FUNDING GUARANTEE 61277

In addition to and after the other adjustment noted above, in 61278  
each fiscal year, no campus shall receive a state share of 61279  
instruction allocation that is less than 100 per cent of the prior 61280  
year's state share of instruction amount. Funds shall be made 61281  
available to fund this guarantee provision by recalculating the 61282  
uniform state share as described in division (D)(2)(c) of this 61283  
section by subtracting guarantee funds and the doctoral set-aside 61284  
from the total appropriations for appropriation item 235-501, 61285  
State Share of Instruction. 61286

(5) CAPITAL COMPONENT DEDUCTION 61287

After all other adjustments have been made, state share of 61288  
instruction earnings shall be reduced for each campus by the 61289  
amount, if any, by which debt service charged in Am. H.B. 748 of 61290  
the 121st General Assembly, Am. Sub. H.B. 850 of the 122nd General 61291  
Assembly, Am. Sub. H.B. 640 of the 123rd General Assembly, H.B. 61292  
675 of the 124th General Assembly, Am. Sub. H.B. 16 of the 126th 61293  
General Assembly, and Am. Sub. H.B. 699 of the 126th General 61294  
Assembly for that campus exceeds that campus's capital component 61295  
earnings. The sum of the amounts deducted shall be transferred to 61296  
appropriation item 235-552, Capital Component, in each fiscal 61297  
year. 61298

(E) EXCEPTIONAL CIRCUMSTANCES 61299

Adjustments may be made to the state share of instruction 61300  
payments and other subsidies distributed by the Board of Regents 61301  
to state-assisted colleges and universities for exceptional 61302  
circumstances. No adjustments for exceptional circumstances may be 61303  
made without the recommendation of the Chancellor and the approval 61304  
of the Controlling Board. 61305

(F) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 61306  
INSTRUCTION 61307

The standard provisions of the state share of instruction calculation as described in the preceding sections of temporary law shall apply to any reductions made to appropriation item 235-501, State Share of Instruction, before the Board of Regents has formally approved the final allocation of the state share of instruction funds for any fiscal year.

Any reductions made to appropriation item 235-501, State Share of Instruction, after the Board of Regents has formally approved the final allocation of the state share of instruction funds for any fiscal year, shall be uniformly applied to each campus in proportion to its share of the final allocation.

(G) DISTRIBUTION OF STATE SHARE OF INSTRUCTION

The state share of instruction payments to the institutions shall be in substantially equal monthly amounts during the fiscal year, unless otherwise determined by the Director of Budget and Management pursuant to section 126.09 of the Revised Code. Payments during the first six months of the fiscal year shall be based upon the state share of instruction appropriation estimates made for the various institutions of higher education according to Board of Regents enrollment estimates. Payments during the last six months of the fiscal year shall be distributed after approval of the Controlling Board upon the request of the Board of Regents.

**Section 375.30.25.** STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2008 AND 2009

(A) The boards of trustees of institutions of state-supported higher education shall restrain increases in in-state undergraduate instructional and general fees. For the 2007-2008 academic year, each state-supported institution shall not increase its in-state undergraduate instructional and general 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 61339  
undergraduate instructional and general fees over what the 61340  
institution charged for the 2007-2008 academic year. 61341

These limitations shall not apply to increases required to 61342  
comply with institutional covenants related to their obligations 61343  
or to meet unfunded legal mandates or legally binding obligations 61344  
incurred or commitments made prior to the effective date of this 61345  
section with respect to which the institution had identified such 61346  
fee increases as the source of funds. Any increase required by 61347  
such covenants and any such mandates, obligations, or commitments 61348  
shall be reported by the Board of Regents to the Controlling 61349  
Board. These limitations may also be modified by the Board of 61350  
Regents, with the approval of the Controlling Board, to respond to 61351  
exceptional circumstances as identified by the Board of Regents. 61352

(B)(1) Notwithstanding the distribution formulas outlined in 61353  
Section 375.30.20 of this act, in fiscal year 2008 each 61354  
state-supported institution shall receive what was received in 61355  
fiscal year 2007. In addition, each institution shall receive a 61356  
proportional share of the total appropriation increase from fiscal 61357  
year 2007 to fiscal year 2008 in appropriation item 235-501, State 61358  
Share of Instruction, if the institution demonstrates one per cent 61359  
savings through identified internal efficiencies in fiscal year 61360  
2008, as certified by the Chancellor of the Board of Regents. 61361

Notwithstanding the distribution formulas outlined in Section 61362  
375.30.20 of this act, in fiscal year 2009 each state-supported 61363  
institution shall receive what was received in fiscal year 2008. 61364  
In addition, each institution shall receive a proportional share 61365  
of the total appropriation increase from fiscal year 2008 to 61366  
fiscal year 2009 in appropriation item 235-501, State Share of 61367  
Instruction, if the institution demonstrates three per cent 61368  
savings through identified internal efficiencies in fiscal year 61369  
2009, as certified by the Chancellor of the Board of Regents. 61370

(2) In each fiscal year, state share of instruction earnings 61371  
shall be reduced for each campus by the amount, if any, by which 61372  
debt service charged in Am. H.B. 748 of the 121st General 61373  
Assembly, Am. Sub. H.B. 850 of the 122nd General Assembly, Am. 61374  
Sub. H.B. 640 of the 123rd General Assembly, H.B. 675 of the 124th 61375  
General Assembly, Am. Sub. H.B. 16 of the 126th General Assembly, 61376  
and Am. Sub. H.B. 699 of the 126th General Assembly for that 61377  
campus exceeds that campus's capital component earnings. The sum 61378  
of the amounts deducted shall be transferred to appropriation item 61379  
235-552, Capital Component, in each fiscal year. 61380

Adjustments may be made to the state share of instruction 61381  
payments and other subsidies distributed by the Board of Regents 61382  
to state-assisted colleges and universities for exceptional 61383  
circumstances. No adjustments for exceptional circumstances may be 61384  
made without the recommendation of the Board of Regents and the 61385  
approval of the Controlling Board. 61386

Any reductions made to appropriation item 235-501, State 61387  
Share of Instruction, shall be uniformly applied to each campus in 61388  
proportion to its share of the allocation. 61389

The state share of instruction payments to the institutions 61390  
shall be in substantially equal monthly amounts during the fiscal 61391  
year, unless otherwise determined by the Director of Budget and 61392  
Management pursuant to section 126.09 of the Revised Code. 61393  
Payments during the last six months of the fiscal year shall be 61394  
distributed after approval of the Controlling Board upon the 61395  
request of the Board of Regents. 61396

(C) In consultation with the Department of Development, the 61397  
Chancellor of the Board of Regents shall commission a study on the 61398  
needs of the business community relative to higher education in 61399  
the state. The study shall include all of the following: 61400

(1) Determine the needs of Ohio's business community; 61401

- (2) Determine whether state-supported institutions of higher education are meeting those needs; 61402  
61403
- (3) Identify how state-supported institutions of higher education can improve to meet those needs; 61404  
61405
- (4) Identify the necessary skills and talents required by the business community that Ohio's college graduates must have in order to perform in the workplace; and 61406  
61407  
61408
- (5) Make any necessary recommendations as to how state-supported institutions of higher education can better meet the needs of the business community. 61409  
61410  
61411
- Not later than December 31, 2007, the Chancellor of the Board of Regents shall report the findings of the study to the Governor, the Speaker and the Minority Leader of the House of Representatives, and the President and the Minority Leader of the Senate. 61412  
61413  
61414  
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61416
- (D) In consultation with state-supported institutions of higher education, the Chancellor of the Board of Regents shall develop a plan that includes all of the following: 61417  
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61419
- (1) A plan to achieve the access goal of increasing the number of Ohioans with a college degree by 230,000 by 2017; 61420  
61421
- (2) A plan to achieve the success goal of increasing the graduation rate of those who first enroll in college on or after the effective date of this section by twenty per cent by 2017; 61422  
61423  
61424
- (3) A plan to achieve affordability through tuition restraint and additional state support for higher education; such a plan shall include goals for establishing and implementing funding policies that provide for sufficient state funding support to reach tuition that matches or is lower than the national average and state support that matches or exceeds the national average; 61425  
61426  
61427  
61428  
61429  
61430
- (4) A plan to enhance the state's competitiveness for 61431

attracting federal and other support for research and development 61432  
at public research universities; such a plan shall include goals 61433  
for reaching or exceeding the national average level of support, 61434  
on a per capita basis, for research and development; 61435

(5) A plan to promote higher education throughout the state 61436  
through the coordinated leadership efforts of the Governor, the 61437  
Chancellor of the Board of Regents, and other stakeholders; such a 61438  
plan shall include goals for using various media and other 61439  
partnerships to raise awareness of college opportunities, to 61440  
increase public awareness about the value of a college education, 61441  
and to create a shared vision that a higher education is 61442  
attainable by all Ohioans. 61443

Each of these plans shall include key outcome measures and 61444  
other appropriate indicators to allow for monitoring of progress 61445  
made in meeting the established goals. Each state-supported 61446  
institution of higher education shall provide any student and 61447  
institutional outcome data in any program areas requested by the 61448  
Chancellor of the Board of Regents, including program efficiency 61449  
and utilization of state resources. Each state-supported 61450  
institution of higher education shall also commit to increasing 61451  
inter-institution collaborations and partnerships and enhancing 61452  
efficiencies with the goal of achieving measurable increases in 61453  
savings. 61454

In consultation with state-supported institutions of higher 61455  
education, the Chancellor of the Board of Regents shall study the 61456  
feasibility of establishing and implementing a tuition flexibility 61457  
plan that may allow state-supported institutions of higher 61458  
education to charge per-credit-hour-based tuition or differential 61459  
tuition. 61460

Not later than December 31, 2007, the Chancellor of the Board 61461  
of Regents shall report the plan and the tuition flexibility 61462  
feasibility study to the Governor, the Speaker and the Minority 61463

Leader of the House of Representatives, and the President and the 61464  
Minority Leader of the Senate. 61465

**Section 375.30.30. HIGHER EDUCATION - BOARD OF TRUSTEES** 61466

Funds appropriated for instructional subsidies at colleges 61467  
and universities may be used to provide such branch or other 61468  
off-campus undergraduate courses of study and such master's degree 61469  
courses of study as may be approved by the Board of Regents. 61470

In providing instructional and other services to students, 61471  
boards of trustees of state-assisted institutions of higher 61472  
education shall supplement state subsidies by income from charges 61473  
to students. Each board shall establish the fees to be charged to 61474  
all students, including an instructional fee for educational and 61475  
associated operational support of the institution and a general 61476  
fee for noninstructional services, including locally financed 61477  
student services facilities used for the benefit of enrolled 61478  
students. The instructional fee and the general fee shall 61479  
encompass all charges for services assessed uniformly to all 61480  
enrolled students. Each board may also establish special purpose 61481  
fees, service charges, and fines as required; such special purpose 61482  
fees and service charges shall be for services or benefits 61483  
furnished individual students or specific categories of students 61484  
and shall not be applied uniformly to all enrolled students. 61485  
Except for the board of trustees of Miami University, in 61486  
implementing the pilot tuition restructuring plan recognized in 61487  
Section 89.05 of Am. Sub. H.B. 95 of the 125th General Assembly 61488  
and again recognized by this act, a tuition surcharge shall be 61489  
paid by all students who are not residents of Ohio. 61490

The board of trustees of a state-assisted institution of 61491  
higher education shall not authorize a waiver or nonpayment of 61492  
instructional fees or general fees for any particular student or 61493  
any class of students other than waivers specifically authorized 61494

by law or approved by the Chancellor. This prohibition is not 61495  
intended to limit the authority of boards of trustees to provide 61496  
for payments to students for services rendered the institution, 61497  
nor to prohibit the budgeting of income for staff benefits or for 61498  
student assistance in the form of payment of such instructional 61499  
and general fees. This prohibition is not intended to limit the 61500  
authority of the board of trustees of Miami University in 61501  
providing financial assistance to students in implementing the 61502  
pilot tuition restructuring plan recognized in Section 89.05 of 61503  
Am. Sub. H.B. 95 of the 125th General Assembly and again 61504  
recognized by this act. 61505

Except for Miami University, in implementing the pilot 61506  
tuition restructuring plan recognized in Section 89.05 of Am. Sub. 61507  
H.B. 95 of the 125th General Assembly and again recognized by this 61508  
act, each state-assisted institution of higher education in its 61509  
statement of charges to students shall separately identify the 61510  
instructional fee, the general fee, the tuition charge, and the 61511  
tuition surcharge. Fee charges to students for instruction shall 61512  
not be considered to be a price of service but shall be considered 61513  
to be an integral part of the state government financing program 61514  
in support of higher educational opportunity for students. 61515

The board of trustees of state-assisted institutions of 61516  
higher education shall ensure that faculty members devote a proper 61517  
and judicious part of their work week to the actual instruction of 61518  
students. Total class credit hours of production per quarter per 61519  
full-time faculty member is expected to meet the standards set 61520  
forth in the budget data submitted by the Board of Regents. 61521

The authority of government vested by law in the boards of 61522  
trustees of state-assisted institutions of higher education shall 61523  
in fact be exercised by those boards. Boards of trustees may 61524  
consult extensively with appropriate student and faculty groups. 61525  
Administrative decisions about the utilization of available 61526



resources, about organizational structure, about disciplinary 61527  
procedure, about the operation and staffing of all auxiliary 61528  
facilities, and about administrative personnel shall be the 61529  
exclusive prerogative of boards of trustees. Any delegation of 61530  
authority by a board of trustees in other areas of responsibility 61531  
shall be accompanied by appropriate standards of guidance 61532  
concerning expected objectives in the exercise of such delegated 61533  
authority and shall be accompanied by periodic review of the 61534  
exercise of this delegated authority to the end that the public 61535  
interest, in contrast to any institutional or special interest, 61536  
shall be served. 61537

**Section 375.30.40. STUDENT SUPPORT SERVICES** 61538

The foregoing appropriation item 235-502, Student Support 61539  
Services, shall be distributed by the Board of Regents to Ohio's 61540  
state-assisted colleges and universities that incur 61541  
disproportionate costs in the provision of support services to 61542  
disabled students. 61543

**Section 375.30.50. OHIO INSTRUCTIONAL GRANTS** 61544

In each fiscal year, instructional grants for all eligible 61545  
full-time students who have attended a college, university, or 61546  
proprietary school and have completed coursework for college 61547  
credit, excluding early college high school and post-secondary 61548  
enrollment option students, prior to academic year 2006-2007, 61549  
shall be made using the tables under section 3333.12 of the 61550  
Revised Code. 61551

Of the foregoing appropriation item 235-503, Ohio 61552  
Instructional Grants, an amount in each fiscal year shall be used 61553  
to make the payments authorized by division (C) of section 3333.26 61554  
of the Revised Code to the institutions described in that 61555  
division. In addition, an amount in each fiscal year shall be used 61556

to reimburse the institutions described in division (B) of section 61557  
3333.26 of the Revised Code for the cost of the waivers required 61558  
by that division. 61559

The unencumbered balance of appropriation item 235-503, Ohio 61560  
Instructional Grants, at the end of fiscal year 2008 shall be 61561  
transferred to fiscal year 2009 for use under the same 61562  
appropriation item. The amounts transferred are hereby 61563  
appropriated. 61564

**Section 375.30.60. WAR ORPHANS SCHOLARSHIPS** 61565

The foregoing appropriation item 235-504, War Orphans 61566  
Scholarships, shall be used to reimburse state-assisted 61567  
institutions of higher education for waivers of instructional fees 61568  
and general fees provided by them, to provide grants to 61569  
institutions that have received a certificate of authorization 61570  
from the Ohio Board of Regents under Chapter 1713. of the Revised 61571  
Code, in accordance with the provisions of section 5910.04 of the 61572  
Revised Code, and to fund additional scholarship benefits provided 61573  
by section 5910.032 of the Revised Code. 61574

**Section 375.30.70. OHIOLINK** 61575

The foregoing appropriation item 235-507, OhioLINK, shall be 61576  
used by the Board of Regents to support OhioLINK, the state's 61577  
electronic library information and retrieval system, which 61578  
provides access statewide to an extensive set of electronic 61579  
databases and resources and the library holdings of all of Ohio's 61580  
public colleges and universities, 44 private colleges, and the 61581  
State Library of Ohio. 61582

**Section 375.30.80. AIR FORCE INSTITUTE OF TECHNOLOGY** 61583

The foregoing appropriation item 235-508, Air Force Institute 61584  
of Technology, shall be used to strengthen the research and 61585

educational linkages between the Wright Patterson Air Force Base 61586  
and institutions of higher education in Ohio. Of the foregoing 61587  
appropriation item 235-508, Air Force Institute of Technology, 61588  
\$1,233,588 in each fiscal year shall be used for research projects 61589  
that connect the Air Force Research Laboratories with university 61590  
partners. The institute shall provide annual reports to the Third 61591  
Frontier Commission, that discuss existing, planned, or possible 61592  
collaborations between programs and funding recipients related to 61593  
technology, research development, commercialization, and support 61594  
for Ohio's economic development. 61595

Of the foregoing appropriation item 235-508, Air Force 61596  
Institute of Technology, \$691,757 in each fiscal year shall be 61597  
used to match federal dollars to support technology 61598  
commercialization and job creation. The Development Research 61599  
Corporation shall use the funds to create or expand Ohio-based 61600  
technology and commercial development collaborations in areas that 61601  
are a priority in Ohio's third frontier initiative between 61602  
industry, academia, and government. 61603

**Section 375.30.90. OHIO SUPERCOMPUTER CENTER** 61604

The foregoing appropriation item 235-510, Ohio Supercomputer 61605  
Center, shall be used by the Board of Regents to support the 61606  
operation of the Ohio Super Computer Center, located at The Ohio 61607  
State University, as a statewide resource available to Ohio 61608  
research universities both public and private. It is also intended 61609  
that the center be made accessible to private industry as 61610  
appropriate. Policies of the center shall be established by a 61611  
governance committee, representative of Ohio's research 61612  
universities and private industry, to be appointed by the 61613  
Chancellor of the Board of Regents and established for this 61614  
purpose. 61615

Funds shall be used, in part, to support the Ohio 61616

Supercomputer Center's Computational Science Initiative which 61617  
includes its industrial outreach program, Blue Collar Computing, 61618  
and its School of Computational Science. These collaborations 61619  
between the Ohio Supercomputer Center and Ohio's colleges and 61620  
universities shall be aimed at making Ohio a leader in using 61621  
computer modeling to promote economic development. 61622

Of the foregoing appropriation item 235-510, Ohio 61623  
Supercomputer Center, \$250,000 in each fiscal year shall be used 61624  
to support the Super Computer Center's activities in Beavercreek. 61625

**Section 375.40.10. COOPERATIVE EXTENSION SERVICE** 61626

The foregoing appropriation item 235-511, Cooperative 61627  
Extension Service, shall be disbursed through the Board of Regents 61628  
to The Ohio State University in monthly payments, unless otherwise 61629  
determined by the Director of Budget and Management under section 61630  
126.09 of the Revised Code. 61631

Of the foregoing appropriation item 235-511, Cooperative 61632  
Extension Service, \$178,271 in each fiscal year shall be used for 61633  
additional staffing for county agents for expanded 4-H activities. 61634  
Of the foregoing appropriation item 235-511, Cooperative Extension 61635  
Service, \$178,271 in each fiscal year shall be used by the 61636  
Cooperative Extension Service, through the Enterprise Center for 61637  
Economic Development in cooperation with other agencies, for a 61638  
public-private effort to create and operate a small business 61639  
economic development program to enhance the development of 61640  
alternatives to the growing of tobacco, and implement, through 61641  
applied research and demonstration, the production and marketing 61642  
of other high-value crops and value-added products. Of the 61643  
foregoing appropriation item 235-511, Cooperative Extension 61644  
Service, \$55,179 in each fiscal year shall be used for farm labor 61645  
mediation and education programs, \$182,515 in each fiscal year 61646  
shall be used to support the Ohio State University Marion 61647

Enterprise Center, and \$772,931 in each fiscal year shall be used 61648  
to support the Ohio Watersheds Initiative. 61649

**Section 375.40.20. OHIO UNIVERSITY VOINOVICH CENTER** 61650

The foregoing appropriation item 235-513, Ohio University 61651  
Voinovich Center, shall be used by the Board of Regents to support 61652  
the operations of Ohio University's Voinovich Center. 61653

**Section 375.40.30. PERFORMANCE STANDARDS FOR MEDICAL** 61654  
**EDUCATION** 61655

The Board of Regents, in consultation with the state-assisted 61656  
medical colleges, shall develop performance standards for medical 61657  
education. Special emphasis in the standards shall be placed on 61658  
attempting to ensure that at least 50 per cent of the aggregate 61659  
number of students enrolled in state-assisted medical colleges 61660  
continue to enter residency as primary care physicians. Primary 61661  
care physicians are general family practice physicians, general 61662  
internal medicine practitioners, and general pediatric care 61663  
physicians. The Board of Regents shall monitor medical school 61664  
performance in relation to their plans for reaching the 50 per 61665  
cent systemwide standard for primary care physicians. 61666

**Section 375.40.35. CENTRAL STATE SUPPLEMENT** 61667

The foregoing appropriation item 235-514, Central State 61668  
Supplement, shall be used by Central State University to keep 61669  
undergraduate fees below the statewide average, consistent with 61670  
its mission of service to many first-generation college students 61671  
from groups historically underrepresented in higher education and 61672  
from families with limited incomes. 61673

**Section 375.40.40. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF** 61674  
**MEDICINE** 61675

The foregoing appropriation item 235-515, Case Western Reserve University School of Medicine, shall be disbursed to Case Western Reserve University through the Board of Regents in accordance with agreements entered into under section 3333.10 of the Revised Code, provided that the state support per full-time medical student shall not exceed that provided to full-time medical students at state universities.

**Section 375.40.50. CAPITOL SCHOLARSHIP PROGRAM** 61683

The foregoing appropriation item 235-518, Capitol Scholarship Program, shall be used by the Board of Regents to provide scholarships to undergraduates of Ohio's four-year public and private institutions of higher education participating in the Washington Center Internship Program. A scholarship of \$1,800 shall be awarded to students enrolled in an institution operating on a quarter system, and a scholarship of \$2,300 shall be awarded to students enrolled in an institution operating on a semester system. The number of scholarships awarded shall be limited by the amounts appropriated in fiscal years 2008 and 2009. The Washington Center shall provide a minimum of \$1,300 per student in matching scholarships.

**Section 375.40.60. FAMILY PRACTICE** 61696

The Board of Regents shall develop plans consistent with existing criteria and guidelines as may be required for the distribution of appropriation item 235-519, Family Practice.

**Section 375.40.70. SHAWNEE STATE SUPPLEMENT** 61700

The foregoing appropriation item 235-520, Shawnee State Supplement, shall be used by Shawnee State University as detailed by both of the following:

(A) To allow Shawnee State University to keep its

undergraduate fees below the statewide average, consistent with 61705  
its mission of service to an economically depressed Appalachian 61706  
region; 61707

(B) To allow Shawnee State University to employ new faculty 61708  
to develop and teach in new degree programs that meet the needs of 61709  
Appalachians. 61710

Shawnee State University shall produce a projection of 61711  
in-state undergraduate tuition costs for a four-year period of 61712  
study not later than June 30, 2008. In fiscal year 2009, the 61713  
disbursement of these funds shall be contingent upon Shawnee State 61714  
University producing the required tuition cost projection. Shawnee 61715  
State University shall make every effort to restrain future 61716  
in-state undergraduate tuition increases to stay within those 61717  
projected amounts. 61718

**Section 375.40.80. OSU GLENN INSTITUTE** 61719

The foregoing appropriation item 235-521, The Ohio State 61720  
University Glenn Institute, shall be used by the Board of Regents 61721  
to support the operations of the Ohio State University's Glenn 61722  
Institute. 61723

**Section 375.40.90. POLICE AND FIRE PROTECTION** 61724

The foregoing appropriation item 235-524, Police and Fire 61725  
Protection, shall be used for police and fire services in the 61726  
municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green, 61727  
Portsmouth, Xenia Township (Greene County), Rootstown Township, 61728  
and the City of Nelsonville that may be used to assist these local 61729  
governments in providing police and fire protection for the 61730  
central campus of the state-affiliated university located therein. 61731  
Each participating municipality and township shall receive at 61732  
least \$5,000 in each fiscal year. Funds shall be distributed 61733  
according to the method employed by the Board of Regents in the 61734

previous biennium. 61735

**Section 375.50.10. GERIATRIC MEDICINE** 61736

The Board of Regents shall develop plans consistent with 61737  
existing criteria and guidelines as may be required for the 61738  
distribution of appropriation item 235-525, Geriatric Medicine. 61739

**Section 375.50.20. PRIMARY CARE RESIDENCIES** 61740

The Board of Regents shall develop plans consistent with 61741  
existing criteria and guidelines as may be required for the 61742  
distribution of appropriation item 235-526, Primary Care 61743  
Residencies. 61744

The foregoing appropriation item 235-526, Primary Care 61745  
Residencies, shall be distributed in each fiscal year of the 61746  
biennium, based on whether or not the institution has submitted 61747  
and gained approval for a plan. If the institution does not have 61748  
an approved plan, it shall receive five per cent less funding per 61749  
student than it would have received from its annual allocation. 61750  
The remaining funding shall be distributed among those 61751  
institutions that meet or exceed their targets. 61752

**Section 375.50.30. OHIO AEROSPACE INSTITUTE** 61753

The foregoing appropriation item 235-527, Ohio Aerospace 61754  
Institute, shall be distributed by the Board of Regents under 61755  
section 3333.042 of the Revised Code. 61756

The Board of Regents, in consultation with the Third Frontier 61757  
Commission, shall develop a plan for providing for appropriate, 61758  
value-added participation of the Ohio Aerospace Institute in Third 61759  
Frontier Project proposals and grants. 61760

**Section 375.50.40. ACADEMIC SCHOLARSHIPS** 61761



The foregoing appropriation item 235-530, Academic Scholarships, shall be used to provide academic scholarships to students under section 3333.22 of the Revised Code.

**Section 375.50.50. STUDENT CHOICE GRANTS**

The foregoing appropriation item 235-531, Student Choice Grants, shall be used to provide Student Choice Grants under section 3333.27 of the Revised Code, except that in each fiscal year, the Board of Regents shall make a Student Choice Grant under that section only to a student who has a family income, as defined by the Board for purposes of section 3333.122 of the Revised Code, of \$95,000 or less.

**Section 375.50.60. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT CENTER**

The foregoing appropriation item 235-535, Ohio Agricultural Research and Development Center, shall be disbursed through the Board of Regents to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code. The Ohio Agricultural Research and Development Center shall not be required to remit payment to The Ohio State University during the biennium ending June 30, 2009, for cost reallocation assessments. The cost reallocation assessments include, but are not limited to, any assessment on state appropriations to the Center.

The Ohio Agricultural Research and Development Center, an entity of the College of Food, Agricultural, and Environmental Sciences of The Ohio State University, shall further its mission of enhancing Ohio's economic development and job creation by continuing to internally allocate on a competitive basis appropriated funding of programs based on demonstrated performance. Academic units, faculty, and faculty-driven programs

shall be evaluated and rewarded consistent with agreed-upon 61792  
performance expectations as called for in the College's 61793  
Expectations and Criteria for Performance Assessment. 61794

Of the foregoing appropriation item 235-535, Ohio 61795  
Agricultural Research and Development Center, \$467,578 in each 61796  
fiscal year shall be used to purchase equipment. 61797

Of the foregoing appropriation item 235-535, Ohio 61798  
Agricultural Research and Development Center, \$822,592 in each 61799  
fiscal year shall be distributed to the Piketon Agricultural 61800  
Research and Extension Center. 61801

Of the foregoing appropriation item 235-535, Ohio 61802  
Agricultural Research and Development Center, \$216,471 in each 61803  
fiscal year shall be distributed to the 61804  
Raspberry/Strawberry-Ellagic Acid Research program at The Ohio 61805  
State University Medical College in cooperation with The Ohio 61806  
State University College of Agriculture. 61807

Of the foregoing appropriation item 235-535, Ohio 61808  
Agricultural Research and Development Center, \$43,294 in each 61809  
fiscal year shall be used to support the Ohio Berry Administrator. 61810

Of the foregoing appropriation item 235-535, Ohio 61811  
Agricultural Research and Development Center, \$86,588 in each 61812  
fiscal year shall be used for the development of agricultural 61813  
crops and products not currently in widespread production in Ohio, 61814  
in order to increase the income and viability of family farmers. 61815

Of the foregoing appropriation item 235-535, Ohio 61816  
Agricultural Research and Development Center, \$127,500 in each 61817  
fiscal year shall be distributed to Wilmington College for the 61818  
commercialization of agricultural products. 61819

**Section 375.50.70. STATE UNIVERSITY CLINICAL TEACHING** 61820

The foregoing appropriation items 235-536, The Ohio State 61821

University Clinical Teaching; 235-537, University of Cincinnati 61822  
Clinical Teaching; 235-538, University of Toledo Clinical 61823  
Teaching; 235-539, Wright State University Clinical Teaching; 61824  
235-540, Ohio University Clinical Teaching; and 235-541, 61825  
Northeastern Ohio Universities College of Medicine Clinical 61826  
Teaching, shall be distributed through the Board of Regents. 61827

Of the foregoing appropriation item 235-539, Wright State 61828  
University Clinical Teaching, \$124,644 in each fiscal year of the 61829  
biennium shall be for the use of Wright State University's Ellis 61830  
Institute for Clinical Teaching Studies to operate the clinical 61831  
facility to serve the Greater Dayton area. 61832

**Section 375.50.80. SCHOOL OF INTERNATIONAL BUSINESS** 61833

Of the foregoing appropriation item 235-547, School of 61834  
International Business, \$250,000 in each fiscal year shall be used 61835  
for the continued development and support of the School of 61836  
International Business of the state universities of northeast 61837  
Ohio. The money shall go to The University of Akron. These funds 61838  
shall be used by the university to establish a School of 61839  
International Business located at The University of Akron. It may 61840  
confer with Kent State University, Youngstown State University, 61841  
and Cleveland State University as to the curriculum and other 61842  
matters regarding the school. 61843

Of the foregoing appropriation item 235-547, School of 61844  
International Business, \$100,000 in each fiscal year shall be used 61845  
by the University of Toledo College of Business for expansion of 61846  
its international business programs. 61847

Of the foregoing appropriation item 235-547, School of 61848  
International Business, \$100,000 in each fiscal year shall be used 61849  
to support the Ohio State University BioMEMS program. 61850

**Section 375.50.90. CAPITAL COMPONENT** 61851

The foregoing appropriation item 235-552, Capital Component, 61852  
shall be used by the Board of Regents to implement the capital 61853  
funding policy for state-assisted colleges and universities 61854  
established in Am. H.B. 748 of the 121st General Assembly. 61855  
Appropriations from this item shall be distributed to all campuses 61856  
for which the estimated campus debt service attributable to new 61857  
qualifying capital projects is less than the campus's 61858  
formula-determined capital component allocation. Campus 61859  
allocations shall be determined by subtracting the estimated 61860  
campus debt service attributable to new qualifying capital 61861  
projects from the campus's formula-determined capital component 61862  
allocation. Moneys distributed from this appropriation item shall 61863  
be restricted to capital-related purposes. 61864

Any campus for which the estimated campus debt service 61865  
attributable to qualifying capital projects is greater than the 61866  
campus's formula-determined capital component allocation shall 61867  
have the difference subtracted from its State Share of Instruction 61868  
allocation in each fiscal year. The sum of all such amounts shall 61869  
be transferred from appropriation item 235-501, State Share of 61870  
Instruction, to appropriation item 235-552, Capital Component. 61871

**Section 375.60.10. DAYTON AREA GRADUATE STUDIES INSTITUTE** 61872

The foregoing appropriation item 235-553, Dayton Area 61873  
Graduate Studies Institute, shall be used by the Board of Regents 61874  
to support the Dayton Area Graduate Studies Institute, an 61875  
engineering graduate consortium of three universities in the 61876  
Dayton area: Wright State University, the University of Dayton, 61877  
and the Air Force Institute of Technology, with the participation 61878  
of the University of Cincinnati and The Ohio State University. 61879

Of the foregoing appropriation item 235-553, Dayton Area 61880  
Graduate Studies Institute, \$350,000 in each fiscal year shall be 61881  
used by the Development Research Corporation to support 61882

collaborative research and technology commercialization 61883  
initiatives in Ohio. 61884

**Section 375.60.20. PRIORITIES IN COLLABORATIVE GRADUATE** 61885  
**EDUCATION** 61886

The foregoing appropriation item 235-554, Priorities in 61887  
Collaborative Graduate Education, shall be used to support 61888  
improvements in graduate fields of study at state-assisted 61889  
universities identified by the Board of Regents, in consultation 61890  
with the Department of Development and the Department of Job and 61891  
Family Services, as vital to the state's economic strategy or 61892  
related to an area of workforce shortage. Each fiscal year, 61893  
participating institutions shall collectively submit for Board of 61894  
Regents approval a plan describing how they will work 61895  
collaboratively to improve the quality of their graduate programs 61896  
and how the funds are to be used for this purpose. The 61897  
collaborative effort for Ph.D. computer science programs shall be 61898  
coordinated by the Ohio Supercomputer Center as part of its School 61899  
of Computational Science. 61900

**Section 375.60.30. LIBRARY DEPOSITORIES** 61901

The foregoing appropriation item, 235-555, Library 61902  
Depositories, shall be distributed to the state's five regional 61903  
depository libraries for the cost-effective storage of and access 61904  
to lesser-used materials in university library collections. The 61905  
distribution of funds shall be coordinated by the Board of 61906  
Regents. 61907

**Section 375.60.40. OHIO ACADEMIC RESOURCES NETWORK (OARNET)** 61908

The foregoing appropriation item 235-556, Ohio Academic 61909  
Resources Network, shall be used to support the operations of the 61910  
Ohio Academic Resources Network, which shall include support for 61911

Ohio's state-assisted colleges and universities in maintaining and 61912  
enhancing network connections and in using new network 61913  
technologies to improve research, education, and economic 61914  
development programs. The network shall give priority to 61915  
supporting the Third Frontier Network and allocating bandwidth to 61916  
programs directly supporting Ohio's economic development. 61917

**Section 375.60.50. LONG-TERM CARE RESEARCH** 61918

Of the foregoing appropriation item 235-558, Long-term Care 61919  
Research, \$211,047 in each fiscal year shall be disbursed to Miami 61920  
University for long-term care research. 61921

Of the foregoing appropriation item, 235-558, Long-term Care 61922  
Research, \$100,000 in each fiscal year shall be used to support 61923  
research on best practices for long-term care in rural areas. 61924

**Section 375.60.60. BOWLING GREEN STATE UNIVERSITY CANADIAN 61925  
STUDIES CENTER** 61926

The foregoing appropriation item 235-561, Bowling Green State 61927  
University Canadian Studies Center, shall be used by the Canadian 61928  
Studies Center at Bowling Green State University to study 61929  
opportunities for Ohio and Ohio businesses to benefit from the 61930  
Free Trade Agreement between the United States and Canada. 61931

**Section 375.60.70. OHIO COLLEGE OPPORTUNITY GRANT PHASE-IN** 61932

The foregoing appropriation item 235-563, Ohio College 61933  
Opportunity Grant, shall be used by the Board of Regents to begin 61934  
to award needs-based financial aid to students based on the United 61935  
States Department of Education's method of determining financial 61936  
need. Students who enrolled in a public, private, or proprietary 61937  
post-secondary institution of higher education for the first time 61938  
in academic year 2006-2007, excluding early college high school 61939  
and post-secondary enrollment option participants, shall be 61940

eligible to receive aid based on their expected family 61941  
contributions as calculated by the United States Department of 61942  
Education, according to section 3333.122 of the Revised Code. 61943

Eligible expenditures from the foregoing appropriation item 61944  
235-563, Ohio College Opportunity Grant, shall be claimed each 61945  
fiscal year to help meet the state's TANF maintenance of effort 61946  
requirement. The Chancellor of the Board of Regents and the 61947  
Director of Job and Family Services shall enter into an 61948  
interagency agreement to carry out this paragraph, which shall 61949  
include, but not be limited to, developing reporting guidelines 61950  
for these expenditures. 61951

**Section 375.60.80. CENTRAL STATE UNIVERSITY SPEED TO SCALE** 61952

The foregoing appropriation 235-567, Central State University 61953  
Speed to Scale, shall be used to achieve the goals of the Speed to 61954  
Scale Plan, which include increasing student enrollment through 61955  
freshman recruitment and transferred students, increasing the 61956  
proportion of in-state students to 80 per cent of the total 61957  
student population, and increasing the student retention rates 61958  
between the first and second year of college by two per cent each 61959  
year. The goals shall be accomplished by targeting student 61960  
retention, improved articulation agreements with two-year 61961  
campuses, increased use of alternative course options, including 61962  
online coursework and Ohio Learning Network resources, College 61963  
Tech Prep, Post Secondary Enrollment Options, and other 61964  
dual-credit programs, and strategic partnerships with research 61965  
institutions to improve the quality of Central State University's 61966  
offering of science, technology, engineering, mathematics, and 61967  
medical instruction. In fiscal year 2009, the disbursement of 61968  
these funds shall be contingent upon Central State University 61969  
meeting the annual goals for the student enrollment and 61970  
first-to-second-year retention rate increases. 61971

There is hereby created the Speed to Scale Task Force that 61972  
shall meet not less than quarterly to discuss progress of the 61973  
plan, including performance on accountability metrics, issues 61974  
experienced in planned efforts, and to monitor and support the 61975  
creation of partnerships with other state institutions of higher 61976  
education. The Task Force shall consist of the president of 61977  
Central State University or the president's designee, the 61978  
president of Sinclair Community College or the president's 61979  
designee, the president of Cincinnati State Technical and 61980  
Community College or the president's designee, the president of 61981  
Cuyahoga Community College or the president's designee, The Ohio 61982  
State University or the president's designee, the president of the 61983  
University of Cincinnati or the president's designee, one 61984  
representative from the Board of Regents, one member of the House 61985  
of Representatives appointed by the Speaker of the House of 61986  
Representatives, one member of the Senate appointed by the 61987  
President of the Senate, the Director of Budget and Management or 61988  
the director's designee, and a representative of the Governor's 61989  
Office as appointed by the Governor. 61990

On the thirtieth day of June of each fiscal year, Central 61991  
State University and the Speed to Scale Task Force shall jointly 61992  
submit to the Governor, the Director of Budget and Management, the 61993  
Speaker of the House of Representatives, the President of the 61994  
Senate, and the Board of Regents a report describing the status of 61995  
their progress on the accountability metrics included in the Speed 61996  
to Scale plan. 61997

**Section 375.60.91. CHOOSE OHIO FIRST SCHOLARSHIP** 61998

It is the intent of the House of Representatives to work with 61999  
the Senate and the Governor to design the criteria for the Choose 62000  
Ohio First Scholarship to promote the pursuit of STEM degrees. 62001



**Section 375.70.10.** THE OHIO STATE UNIVERSITY CLINIC SUPPORT 62002

The foregoing appropriation item 235-572, The Ohio State 62003  
University Clinic Support, shall be distributed through the Board 62004  
of Regents to The Ohio State University for support of dental and 62005  
veterinary medicine clinics. 62006

**Section 375.70.20.** URBAN UNIVERSITY PROGRAM 62007

Universities receiving funds from the foregoing appropriation 62008  
item 235-583, Urban University Program, that are used to support 62009  
an ongoing university unit shall certify periodically in a manner 62010  
approved by the Board of Regents that program funds are being 62011  
matched on a one-to-one basis with equivalent resources. Overhead 62012  
support may not be used to meet this requirement. Where Urban 62013  
University Program funds are being used to support an ongoing 62014  
university unit, matching funds shall come from continuing rather 62015  
than one-time sources. At each participating state-assisted 62016  
institution of higher education, matching funds shall be within 62017  
the substantial control of the individual designated by the 62018  
institution's president as the Urban University Program 62019  
representative. 62020

Of the foregoing appropriation item 235-583, Urban University 62021  
Program, \$117,215 in each fiscal year shall be used to support the 62022  
Center for the Interdisciplinary Study of Education and the Urban 62023  
Child at Cleveland State University. These funds shall be 62024  
distributed according to rules adopted by the Board of Regents and 62025  
shall be used by the center for interdisciplinary activities 62026  
targeted toward increasing the chance of lifetime success of the 62027  
urban child, including interventions beginning with the prenatal 62028  
period. The primary purpose of the center is to study issues in 62029  
urban education and to systematically map directions for new 62030  
approaches and new solutions by bringing together a cadre of 62031

researchers, scholars, and professionals representing the social, 62032  
behavioral, education, and health disciplines. 62033

Of the foregoing appropriation item 235-583, Urban University 62034  
Program, \$1,433,037 in each fiscal year shall be distributed by 62035  
the Board of Regents to Cleveland State University in support of 62036  
the Maxine Goodman Levin College of Urban Affairs. 62037

Of the foregoing appropriation item 235-583, Urban University 62038  
Program, \$1,433,037 in each fiscal year shall be distributed to 62039  
the Northeast Ohio Research Consortium, the Urban Linkages 62040  
Program, and the Urban Research Technical Assistance Grant 62041  
Program. The distribution among the three programs shall be 62042  
determined by the chair of the Urban University Program. 62043

Of the foregoing appropriation item 235-583, Urban University 62044  
Program, \$247,453 in each fiscal year shall be used to support a 62045  
public communication outreach program (WCPN). The primary purpose 62046  
of the program shall be to develop a relationship between 62047  
Cleveland State University and nonprofit communications entities. 62048

Of the foregoing appropriation item 235-583, Urban University 62049  
Program, \$169,310 in each fiscal year shall be used to support the 62050  
Kent State University Learning and Technology Project. This 62051  
project is a kindergarten through university collaboration between 62052  
schools surrounding Kent State University's eight campuses in 62053  
northeast Ohio and corporate partners who will assist in 62054  
development and delivery. 62055

The Kent State University Project shall provide a faculty 62056  
member who has a full-time role in the development of 62057  
collaborative activities and teacher instructional programming 62058  
between Kent State University and the K-12th grade schools that 62059  
surround its eight campuses; appropriate student support staff to 62060  
facilitate these programs and joint activities; and hardware and 62061  
software to schools that will make possible the delivery of 62062

instruction to pre-service and in-service teachers, and their 62063  
students, in their own classrooms or school buildings. This shall 62064  
involve the delivery of low-bandwidth streaming video and 62065  
web-based technologies in a distributed instructional model. 62066

Of the foregoing appropriation item 235-583, Urban University 62067  
Program, \$65,119 in each fiscal year shall be used to support the 62068  
Ameritech Classroom/Center for Research at Kent State University. 62069

Of the foregoing appropriation item 235-583, Urban University 62070  
Program, \$723,547 in each fiscal year shall be used to support the 62071  
Polymer Distance Learning Project at the University of Akron. 62072

Of the foregoing appropriation item 235-583, Urban University 62073  
Program, \$32,560 in each fiscal year shall be distributed to the 62074  
Kent State University/Cleveland Design Center program. 62075

Of the foregoing appropriation item 235-583, Urban University 62076  
Program, \$180,886 in each fiscal year shall be used to support the 62077  
Bliss Institute of Applied Politics at the University of Akron. 62078

Of the foregoing appropriation item 235-583, Urban University 62079  
Program, \$10,851 in each fiscal year shall be used for the 62080  
Advancing-Up Program at the University of Akron. 62081

Of the foregoing appropriation item 235-583, Urban University 62082  
Program, \$139,777 in each fiscal year shall be used to support the 62083  
Strategic Economic Research Collaborative at the University of 62084  
Toledo Urban Affairs Center. 62085

Of the foregoing appropriation item 235-583, Urban University 62086  
Program, \$139,777 in each fiscal year shall be used to support the 62087  
Institute for Collaborative Research and Public Humanities at The 62088  
Ohio State University. 62089

Of the foregoing appropriation item 235-583, Urban University 62090  
Program, \$300,368 in each fiscal year shall be used to support the 62091  
Medina County University Center. 62092

Of the foregoing appropriation item 235-583, Urban University 62093  
Program, \$150,000 in each fiscal year shall be used to support the 62094  
Ohio State University African American and African Studies 62095  
Community Extension Center. 62096

**Section 375.70.30. RURAL UNIVERSITY PROJECTS** 62097

Of the foregoing appropriation item 235-587, Rural University 62098  
Projects, Bowling Green State University shall receive \$263,783 in 62099  
each fiscal year, Miami University shall receive \$145,320 in each 62100  
fiscal year, and Ohio University shall receive \$575,015 in each 62101  
fiscal year. These funds shall be used to support the Institute 62102  
for Local Government Administration and Rural Development at Ohio 62103  
University, the Center for Public Management and Regional Affairs 62104  
at Miami University, and the Center for Regional Development at 62105  
Bowling Green State University. 62106

A small portion of the funds provided to Ohio University 62107  
shall also be used for the Institute for Local Government 62108  
Administration and Rural Development State and Rural Policy 62109  
Partnership with the Governor's Office of Appalachia and the 62110  
Appalachian delegation of the General Assembly. 62111

Of the foregoing appropriation item 235-587, Rural University 62112  
Projects, \$15,942 in each fiscal year shall be used to support the 62113  
Washington State Community College day care center. 62114

Of the foregoing appropriation item 235-587, Rural University 62115  
Projects, \$47,829 in each fiscal year shall be used to support the 62116  
COAD/ILGARD/GOA Appalachian Leadership Initiative. 62117

**Section 375.70.40. HAZARDOUS MATERIALS PROGRAM** 62118

The foregoing appropriation item 235-596, Hazardous Materials 62119  
Program, shall be disbursed to Cleveland State University for the 62120  
operation of a program to certify firefighters for the handling of 62121  
hazardous materials. Training shall be available to all Ohio 62122

firefighters. 62123

Of the foregoing appropriation item 235-596, Hazardous 62124  
Materials Program, \$177,337 in each fiscal year shall be used to 62125  
support the Center for the Interdisciplinary Study of Education 62126  
and Leadership in Public Service at Cleveland State University. 62127  
These funds shall be distributed by the Board of Regents and shall 62128  
be used by the center targeted toward increasing the role of 62129  
special populations in public service and not-for-profit 62130  
organizations. The primary purpose of the center is to study 62131  
issues in public service and to guide strategies for attracting 62132  
new communities into public service occupations by bringing 62133  
together a cadre of researchers, scholars, and professionals 62134  
representing the public administration, social behavioral, and 62135  
education disciplines. 62136

**Section 375.70.50. NATIONAL GUARD SCHOLARSHIP PROGRAM** 62137

The Board of Regents shall disburse funds from appropriation 62138  
item 235-599, National Guard Scholarship Program, at the direction 62139  
of the Adjutant General. During each fiscal year, the Board of 62140  
Regents, within ten days of cancellation, may certify to the 62141  
Director of Budget and Management the amount of canceled 62142  
prior-year encumbrances in appropriation item 235-599, National 62143  
Guard Scholarship Program. Upon receipt of the certification, the 62144  
Director of Budget and Management may transfer an amount up to the 62145  
certified amount from the General Revenue Fund to the National 62146  
Guard Scholarship Reserve Fund (Fund 5BM). Upon the request of the 62147  
Adjutant General, the Board of Regents shall seek Controlling 62148  
Board approval to establish appropriations in item 235-623, 62149  
National Guard Scholarship Reserve Fund. The Board of Regents 62150  
shall disburse funds from appropriation item 235-623, National 62151  
Guard Scholarship Reserve Fund, at the direction of the Adjutant 62152  
General. 62153

**\*Section 375.70.60. PLEDGE OF FEES** 62154

Any new pledge of fees, or new agreement for adjustment of 62155  
fees, made in the biennium ending June 30, 2009, to secure bonds 62156  
or notes of a state-assisted institution of higher education for a 62157  
project for which bonds or notes were not outstanding on the 62158  
effective date of this section shall be effective only after 62159  
approval by the Board of Regents, unless approved in a previous 62160  
biennium. 62161

**Section 375.70.70. HIGHER EDUCATION GENERAL OBLIGATION DEBT 62162  
SERVICE** 62163

The foregoing appropriation item 235-909, Higher Education 62164  
General Obligation Debt Service, shall be used to pay all debt 62165  
service and related financing costs at the times they are required 62166  
to be made for obligations issued during the period from July 1, 62167  
2007, to June 30, 2009, under sections 151.01 and 151.04 of the 62168  
Revised Code. 62169

**Section 375.70.80. SALES AND SERVICES** 62170

The Board of Regents is authorized to charge and accept 62171  
payment for the provision of goods and services. Such charges 62172  
shall be reasonably related to the cost of producing the goods and 62173  
services. No charges may be levied for goods or services that are 62174  
produced as part of the routine responsibilities or duties of the 62175  
Board. All revenues received by the Board of Regents shall be 62176  
deposited into Fund 456, and may be used by the Board of Regents 62177  
to pay for the costs of producing the goods and services. 62178

**Section 375.70.90. OHIO HIGHER EDUCATIONAL FACILITY 62179  
COMMISSION SUPPORT** 62180

The foregoing appropriation item 235-602, Higher Educational 62181

Facility Commission Administration, shall be used by the Board of 62182  
Regents for operating expenses related to the Board of Regents' 62183  
support of the activities of the Ohio Higher Educational Facility 62184  
Commission. Upon the request of the chancellor, the Director of 62185  
Budget and Management shall transfer up to \$50,000 cash in fiscal 62186  
year 2008 and up to \$45,000 cash in fiscal year 2009 from Fund 461 62187  
to Fund 4E8. 62188

**Section 375.80.10. PHYSICIAN LOAN REPAYMENT** 62189

The foregoing appropriation item 235-604, Physician Loan 62190  
Repayment, shall be used in accordance with sections 3702.71 to 62191  
3702.81 of the Revised Code. 62192

**Section 375.80.20. NURSING LOAN PROGRAM** 62193

The foregoing appropriation item 235-606, Nursing Loan 62194  
Program, shall be used to administer the nurse education 62195  
assistance program. Up to \$159,600 in fiscal year 2008 and 62196  
\$167,580 in fiscal year 2009 may be used for operating expenses 62197  
associated with the program. Any additional funds needed for the 62198  
administration of the program are subject to Controlling Board 62199  
approval. 62200

**Section 375.80.30. REPAYMENT OF RESEARCH FACILITY INVESTMENT** 62201  
**FUND MONEYS** 62202

Notwithstanding any provision of law to the contrary, all 62203  
repayments of Research Facility Investment Fund loans shall be 62204  
made to the Bond Service Trust Fund. All Research Facility 62205  
Investment Fund loan repayments made prior to the effective date 62206  
of this section shall be transferred by the Director of Budget and 62207  
Management to the Bond Service Trust Fund within sixty days after 62208  
the effective date of this section. 62209

Campuses shall make timely repayments of Research Facility 62210

Investment Fund loans, according to the schedule established by 62211  
the Board of Regents. In the case of late payments, the Board of 62212  
Regents may deduct from an institution's periodic subsidy 62213  
distribution an amount equal to the amount of the overdue payment 62214  
for that institution, transfer such amount to the Bond Service 62215  
Trust Fund, and credit the appropriate institution for the 62216  
repayment. 62217

**Section 375.80.40. VETERANS' PREFERENCES** 62218

The Board of Regents shall work with the Governor's Office of 62219  
Veterans' Affairs to develop specific veterans' preference 62220  
guidelines for higher education institutions. These guidelines 62221  
shall ensure that the institutions' hiring practices are in 62222  
accordance with the intent of Ohio's veterans' preference laws. 62223

**Section 375.80.50. STATE NEED-BASED FINANCIAL AID** 62224  
RECONCILIATION 62225

By the first day of August in each fiscal year, or as soon 62226  
thereafter as possible, the Ohio Board of Regents shall certify to 62227  
the Director of Budget and Management the amount necessary to pay 62228  
any outstanding prior year obligations to higher education 62229  
institutions for the state's need-based financial aid programs. 62230  
The amounts certified are hereby appropriated to appropriation 62231  
item 235-618, State Need-based Financial Aid Reconciliation, from 62232  
revenues received in the State Need-based Financial Aid 62233  
Reconciliation Fund (Fund 5Y5). 62234

**Section 375.80.60. TRANSFERS TO STATE NEED-BASED FINANCIAL** 62235  
AID PROGRAMS 62236

In each fiscal year of the biennium, if the Chancellor of the 62237  
Board of Regents determines that additional funds are needed to 62238  
support the distribution of state need-based financial aid in 62239



accordance with sections 3333.12 and 3333.122 of the Revised Code, 62240  
the Chancellor shall recommend the reallocation of unencumbered 62241  
and unobligated appropriation balances of General Revenue Fund 62242  
appropriation items in the Board of Regents to GRF appropriation 62243  
items 235-503, Ohio Instructional Grants, and 235-563, Ohio 62244  
College Opportunity Grant. If the Director of Budget and 62245  
Management determines that such a reallocation is required, the 62246  
Director may transfer those identified unencumbered and 62247  
unobligated funds in the Board of Regents as necessary to GRF 62248  
appropriation items 235-503, Ohio Instructional Grants, and 62249  
235-563, Ohio College Opportunity Grant. The amounts transferred 62250  
to appropriation items 235-503, Ohio Instructional Grants, and 62251  
235-563, Ohio College Opportunity Grant, are hereby appropriated. 62252  
If those unencumbered and unobligated funds are not sufficient to 62253  
support the distribution of state need-based financial aid in 62254  
accordance with sections 3333.12 and 3333.122 of the Revised Code 62255  
in each fiscal year, the Director of Budget and Management may 62256  
increase the appropriation from the General Revenue Fund of 62257  
appropriation items 235-503, Ohio Instructional Grants, and 62258  
235-563, Ohio College Opportunity Grant, in each fiscal year. The 62259  
combined increase to appropriation items 235-503, Ohio 62260  
Instructional Grants, and 235-563, Ohio College Opportunity Grant, 62261  
authorized under this section shall not exceed \$5,000,000 in total 62262  
for the purpose of need-based financial aid in each fiscal year of 62263  
the biennium. 62264

<b>Section 377.10. DRC DEPARTMENT OF REHABILITATION AND</b>				62265	
CORRECTION				62266	
General Revenue Fund				62267	
GRF 501-321 Institutional	\$	892,162,864	\$	928,980,197	62268
Operations					
GRF 501-403 Prisoner Compensation	\$	8,599,255	\$	8,599,255	62269
GRF 501-405 Halfway House	\$	41,214,205	\$	41,214,205	62270

GRF 501-406	Lease Rental Payments	\$	106,531,029	\$	105,948,153	62271
GRF 501-407	Community Nonresidential Programs	\$	16,514,626	\$	16,547,367	62272
GRF 501-408	Community Misdemeanor Programs	\$	9,313,076	\$	9,313,076	62273
GRF 501-501	Community Residential Programs - CBCF	\$	57,104,132	\$	57,104,132	62274
GRF 502-321	Mental Health Services	\$	75,112,063	\$	78,405,363	62275
GRF 503-321	Parole and Community Operations	\$	79,296,672	\$	82,739,767	62276
GRF 504-321	Administrative Operations	\$	27,599,198	\$	28,703,273	62277
GRF 505-321	Institution Medical Services	\$	199,073,620	\$	198,337,805	62278
GRF 506-321	Institution Education Services	\$	23,784,868	\$	24,847,502	62279
GRF 507-321	Institution Recovery Services	\$	7,319,028	\$	7,664,520	62280
TOTAL GRF	General Revenue Fund	\$	1,543,624,636	\$	1,588,404,615	62281
	General Services Fund Group					62282
148 501-602	Services and Agricultural	\$	104,485,807	\$	108,290,058	62283
200 501-607	Ohio Penal Industries	\$	39,395,391	\$	40,845,414	62284
4B0 501-601	Sewer Treatment Services	\$	2,331,003	\$	2,407,018	62285
4D4 501-603	Prisoner Programs	\$	20,967,703	\$	20,967,703	62286
4L4 501-604	Transitional Control	\$	2,051,451	\$	2,051,451	62287
4S5 501-608	Education Services	\$	4,564,072	\$	4,564,072	62288
483 501-605	Property Receipts	\$	393,491	\$	393,491	62289
5AF 501-609	State and Non-Federal Awards	\$	262,718	\$	262,718	62290
5H8 501-617	Offender Financial	\$	2,500,000	\$	2,500,000	62291

		Responsibility				
5L6	501-611	Information Technology	\$	3,741,980	\$	3,741,980 62292
		Services				
571	501-606	Training Academy	\$	75,190	\$	75,190 62293
		Receipts				
593	501-618	Laboratory Services	\$	5,799,999	\$	5,799,999 62294
TOTAL	GSF	General Services Fund	\$	186,568,805	\$	191,899,094 62295
Group						
Federal Special Revenue Fund Group						62296
3S1	501-615	Truth-In-Sentencing	\$	8,709,142	\$	8,709,142 62297
		Grants				
323	501-619	Federal Grants	\$	12,198,353	\$	12,198,353 62298
3CJ	501-621	Medicaid Inpatient	\$	11,600,000	\$	15,500,000 62299
		Services				
TOTAL	FED	Federal Special Revenue				62300
Fund Group			\$	32,507,495	\$	36,407,495 62301
TOTAL	ALL BUDGET FUND GROUPS		\$	1,762,700,936	\$	1,816,711,204 62302
OHIO BUILDING AUTHORITY LEASE PAYMENTS						62303
The foregoing appropriation item 501-406, Lease Rental						62304
Payments, shall be used to meet all payments during the period						62305
from July 1, 2007, to June 30, 2009, under the primary leases and						62306
agreements for those buildings made under Chapter 152. of the						62307
Revised Code. These appropriations are the source of funds pledged						62308
for bond service charges or obligations issued pursuant to Chapter						62309
152. of the Revised Code.						62310
PRISONER COMPENSATION						62311
Money from the foregoing appropriation item 501-403, Prisoner						62312
Compensation, shall be transferred on a quarterly basis by						62313
intrastate transfer voucher to the Services and Agricultural Fund						62314
(Fund 148) for the purposes of paying prisoner compensation.						62315
HIV/AIDS TESTING REENTRY PILOT PROGRAM						62316

Of the foregoing appropriation item 505-321, Institution 62317  
Medical Services, up to \$250,000 in each fiscal year shall be used 62318  
for the HIV/AIDS testing re-entry pilot program at the Mansfield 62319  
Correctional Institution. Prior to a prisoner's release from 62320  
custody at the Mansfield Correctional Institution under the 62321  
control of the Department of Rehabilitation and Correction, the 62322  
department shall examine and test a prisoner for HIV infection and 62323  
any sexually transmitted disease. The department may examine and 62324  
test involuntarily a prisoner who refuses to be tested. 62325

**Section 377.20.** LIMA CORRECTIONAL INSTITUTION STUDY COMMITTEE 62326

(A) There is hereby created the Lima Correctional Institution 62327  
Study Committee, effective July 1, 2007. The Committee shall 62328  
consist of the following nine members: 62329

(1) The Director of Rehabilitation and Correction or the 62330  
Director's designee; 62331

(2) The eight members of the Correctional Institution 62332  
Inspection Committee. 62333

(B) The Director of Rehabilitation and Correction shall be 62334  
the chairperson of the Lima Correctional Institution Study 62335  
Committee. 62336

(C) The Lima Correctional Institution Study Committee shall 62337  
procure an independent feasibility study, performed by a 62338  
consultant, through the Department of Rehabilitation and 62339  
Correction. The study shall examine the highest and best use for 62340  
the Lima Correctional Institution and shall examine, at a minimum, 62341  
all of the following: 62342

(1) State and local correctional needs and the utilization of 62343  
state and local facilities to service those needs; 62344

(2) The current condition and value of the Lima Correctional 62345  
Institution; 62346

(3) The cost to reopen the Lima Correctional Institution in part or in whole for a correctional purpose;	62347 62348
(4) Alternative uses for the Lima Correctional Institution;	62349
(5) The funding options to utilize the Lima Correctional Institution;	62350 62351
(6) The economic impact of the Lima Correctional Institution on the Lima region and the potential non-prison economic development opportunities for a closed prison facility.	62352 62353 62354
(D) The Lima Correctional Institution Study Committee and the consultant selected shall utilize the staff of the Department of Rehabilitation and Correction for research and other support functions as much as feasible.	62355 62356 62357 62358
(E) Of the foregoing appropriation item 501-321, Institutional Operations, \$50,000 in fiscal year 2008 shall be used to fund the feasibility study.	62359 62360 62361
(F) The Lima Correctional Institution Study Committee shall submit a report of the Committee's findings not later than April 1, 2008, to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The Committee shall cease to exist after submitting the report.	62362 62363 62364 62365 62366
<b>Section 377.30.</b> DEPARTMENT OF REHABILITATION AND CORRECTION BLUE RIBBON COMMISSION	62367 62368
(A) There is hereby created the Blue Ribbon Commission of the Department of Rehabilitation and Correction composed of the following members:	62369 62370 62371
(1) The Director of Rehabilitation and Correction or the Director's designee;	62372 62373
(2) One member of the Criminal Sentencing Commission, appointed by the Governor;	62374 62375

(3) A representative of the Ohio Civil Service Employees' Association, appointed by the Governor;	62376 62377
(4) One county sheriff, appointed by the Governor;	62378
(5) One retired judge, appointed by the Governor;	62379
(6) One individual with expertise in corrections from an accredited college or university, appointed by the Governor;	62380 62381
(7) One individual representing community corrections facilities, appointed by the Governor;	62382 62383
(8) Two individuals, appointed by the President of the Senate;	62384 62385
(9) Two individuals, appointed by the Speaker of the House of Representatives.	62386 62387
(B) All appointments to the Blue Ribbon Commission shall be made on or after January 1, 2008.	62388 62389
(C) The Blue Ribbon Commission shall conduct a comprehensive review of county, multicounty, municipal, municipal-county, and multicounty-municipal jails and workhouses, prisons, community-based correctional institutions, and other correctional institutions within the state, and of the offenders confined at these facilities. The review shall include, but is not limited to, a review of staffing levels at these facilities, projected needs and costs related to the operation of these facilities, the health and safety of the staff and inmates, and per diem costs of incarceration at each type of facility. The Blue Ribbon Commission shall develop recommendations based on its review. The recommendations shall include, but are not limited to, recommendations for sentencing reform, cost savings, and a means of better anticipating the fiscal and security impacts of sentencing legislation.	62390 62391 62392 62393 62394 62395 62396 62397 62398 62399 62400 62401 62402 62403 62404
(D) The members of the Blue Ribbon Commission shall elect a	62405

chairperson and vice-chairperson at the first meeting of the 62406  
 Commission. Meetings of the Commission shall be open to the 62407  
 public, and the Commission shall accept public testimony at 62408  
 Commission meetings. The Commission shall meet as often as 62409  
 necessary and shall submit its final report and recommendations by 62410  
 January 1, 2009, to the Governor and the Director of 62411  
 Rehabilitation and Correction. The Blue Ribbon Commission shall 62412  
 cease to exist after submitting its final report and 62413  
 recommendations. Member vacancies shall be filled in the same 62414  
 manner as for original members of the Commission. 62415

(E) Members of the Blue Ribbon Commission shall serve without 62416  
 compensation. 62417

**Section 379.10. RSC REHABILITATION SERVICES COMMISSION** 62418

General Revenue Fund 62419

GRF 415-100	Personal Services	\$	8,851,468	\$	8,851,468	62420
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GRF 415-402	Independent Living	\$	400,000	\$	400,000	62421
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Council

GRF 415-406	Assistive Technology	\$	47,531	\$	47,531	62422
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GRF 415-431	Office for People with	\$	226,012	\$	226,012	62423
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Brain Injury

GRF 415-506	Services for People	\$	16,059,541	\$	16,059,541	62424
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with Disabilities

GRF 415-508	Services for the Deaf	\$	50,000	\$	50,000	62425
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TOTAL GRF	General Revenue Fund	\$	25,634,552	\$	25,634,552	62426
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General Services Fund Group 62427

4W5 415-606	Program Management	\$	18,123,188	\$	18,557,040	62428
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Expenses

467 415-609	Business Enterprise	\$	1,632,082	\$	1,632,082	62429
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Operating Expenses

TOTAL GSF	General Services					62430
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Fund Group		\$	19,755,270	\$	20,189,122	62431
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Federal Special Revenue Fund Group				62432
3L1 415-601 Social Security	\$	3,743,740	\$ 3,743,740	62433
Personal Care				
Assistance				
3L1 415-608 Social Security	\$	2,256,260	\$ 2,256,260	62434
Vocational				
Rehabilitation				
3L4 415-612 Federal Independent	\$	648,908	\$ 648,908	62435
Living Centers or				
Services				
3L4 415-615 Federal - Supported	\$	884,451	\$ 796,006	62436
Employment				
3L4 415-617 Independent	\$	1,490,944	\$ 1,490,944	62437
Living/Vocational				
Rehabilitation				
Programs				
317 415-620 Disability	\$	82,808,006	\$ 87,546,215	62438
Determination				
379 415-616 Federal - Vocational	\$	122,484,545	\$ 123,638,578	62439
Rehabilitation				
TOTAL FED Federal Special				62440
Revenue Fund Group	\$	214,316,854	\$ 220,120,651	62441
State Special Revenue Fund Group				62442
4L1 415-619 Services for	\$	3,765,337	\$ 4,500,000	62443
Rehabilitation				
468 415-618 Third Party Funding	\$	906,910	\$ 906,910	62444
TOTAL SSR State Special				62445
Revenue Fund Group	\$	4,672,247	\$ 5,406,910	62446
TOTAL ALL BUDGET FUND GROUPS	\$	264,378,923	\$ 271,351,235	62447
INDEPENDENT LIVING COUNCIL				62448
The foregoing appropriation item 415-402, Independent Living				62449
Council, shall be used to fund the operations of the State				62450



Independent Living Council and shall be used to support state 62451  
independent living centers and independent living services under 62452  
Title VII of the Independent Living Services and Centers for 62453  
Independent Living of the Rehabilitation Act Amendments of 1992, 62454  
106 Stat. 4344, 29 U.S.C. 796d. 62455

OFFICE FOR PEOPLE WITH BRAIN INJURY 62456

Of the foregoing appropriation item 415-431, Office for 62457  
People with Brain Injury, up to \$50,000 in each fiscal year shall 62458  
be used for the state match for a federal grant awarded through 62459  
the Traumatic Brain Injury Act, Pub. L. No. 104-166, and up to 62460  
\$50,000 in each fiscal year shall be provided to the Brain Injury 62461  
Trust Fund. The remaining appropriation shall be used to plan and 62462  
coordinate head-injury-related services provided by state agencies 62463  
and other government or private entities, to assess the needs for 62464  
such services, and to set priorities in this area. 62465

VOCATIONAL REHABILITATION SERVICES 62466

The foregoing appropriation item 415-506, Services for People 62467  
with Disabilities, shall be used as state matching funds to 62468  
provide vocational rehabilitation services to eligible consumers. 62469

PROGRAM MANAGEMENT EXPENSES 62470

The foregoing appropriation item 415-606, Program Management 62471  
Expenses, shall be used to support the administrative functions of 62472  
the commission related to the provision of vocational 62473  
rehabilitation, disability determination services, and ancillary 62474  
programs. 62475

INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS 62476

The foregoing appropriation item 415-617, Independent 62477  
Living/Vocational Rehabilitation Programs, shall be used to 62478  
support vocational rehabilitation programs. 62479

SOCIAL SECURITY REIMBURSEMENT FUNDS 62480

Reimbursement funds received from the Social Security Administration, United States Department of Health and Human Services, for the costs of providing services and training to return disability recipients to gainful employment shall be used in the Social Security Reimbursement Fund (Fund 3L1), to the extent funds are available, as follows:

(A) Appropriation item 415-601, Social Security Personal Care Assistance, to provide personal care services in accordance with section 3304.41 of the Revised Code;

(B) Appropriation item 415-608, Social Security Vocational Rehabilitation, to provide vocational rehabilitation services to individuals with severe disabilities who are Social Security beneficiaries, to enable them to achieve competitive employment. This appropriation item also includes funds to assist the Personal Care Assistance Program to pay its share of indirect costs as mandated by federal OMB Circular A-87.

PERFORMANCE REVIEW

The Auditor of State shall complete a performance review of the Rehabilitation Services Commission. 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 Board of Rehabilitation Services Commission.

**Section 381.10.** RCB RESPIRATORY CARE BOARD

General Services Fund Group					62505
4K9 872-609 Operating Expenses	\$	491,628	\$	481,768	62506
TOTAL GSF General Services Fund Group					62507
	\$	491,628	\$	481,768	62508
TOTAL ALL BUDGET FUND GROUPS	\$	491,628	\$	481,768	62509

**Section 383.10.** RDF REVENUE DISTRIBUTION FUNDS

62511

Volunteer Firefighters' Dependents Fund				62512
085	800-900	Volunteer	\$ 300,000 \$ 300,000	62513
		Firefighters'		
		Dependents Fund		
TOTAL 085 Volunteer Firefighters'				62514
		Dependents Fund	\$ 300,000 \$ 300,000	62515
Agency Fund Group				62516
062	110-962	Resort Area Excise Tax	\$ 1,000,000 \$ 1,000,000	62517
063	110-963	Permissive Tax	\$ 1,778,662,000 \$ 1,849,000,000	62518
		Distribution		
067	110-967	School District Income	\$ 325,000,000 \$ 350,000,000	62519
		Tax		
4P8	001-698	Cash Management	\$ 3,050,000 \$ 3,100,000	62520
		Improvement Fund		
608	001-699	Investment Earnings	\$ 250,000,000 \$ 250,000,000	62521
TOTAL AGY Agency Fund Group				62522
			\$ 2,357,712,000 \$ 2,453,100,000	
Holding Account Redistribution				62523
R45	110-617	International Fuel Tax	\$ 50,000,000 \$ 50,000,000	62524
		Distribution		
TOTAL 090 Holding Account				62525
			\$ 50,000,000 \$ 50,000,000	
Redistribution Fund				
Revenue Distribution Fund Group				62526
049	038-900	Indigent Drivers	\$ 1,797,000 \$ 1,832,000	62527
		Alcohol Treatment		
050	762-900	International	\$ 54,475,631 \$ 55,565,143	62528
		Registration Plan		
		Distribution		
051	762-901	Auto Registration	\$ 500,000,000 \$ 539,000,000	62529
		Distribution		
054	110-954	Local Government	\$ 93,250,000 \$ 95,125,000	62530
		Property Tax		
		Replacement - Utility		

060	110-960	Gasoline Excise Tax Fund	\$ 375,000,000	\$ 375,000,000	62531
064	110-964	Local Government Revenue Assistance	\$ 42,400,000	\$ 0	62532
065	110-965	Library/Local Government Support Fund	\$ 207,200,000	\$ 0	62533
066	800-900	Undivided Liquor Permits	\$ 13,500,000	\$ 13,500,000	62534
068	110-968	State and Local Government Highway Distribution	\$ 240,250,000	\$ 242,500,000	62535
069	110-969	Local Government Fund	\$ 298,700,000	\$ 0	62536
081	110-981	Local Government Property Tax Replacement-Business	\$ 262,500,000	\$ 366,800,000	62537
082	110-982	Horse Racing Tax	\$ 125,000	\$ 130,000	62538
083	700-900	Ohio Fairs Fund	\$ 2,277,000	\$ 2,325,000	62539
088	110-900	Local Government Services Collaboration	\$ 1,000,000	\$ 0	62540
091	110-991	Local Communities	\$ 430,600,000	\$ 782,800,000	62541
092	110-992	Local Libraries	\$ 251,700,000	\$ 462,800,000	62542
TOTAL RDF Revenue Distribution					62543
Fund Group			\$ 2,774,774,631	\$ 2,937,377,143	62544
TOTAL ALL BUDGET FUND GROUPS			\$ 5,182,786,631	\$ 5,440,777,143	62545
ADDITIONAL APPROPRIATIONS					62546
Appropriation items in this section shall be used for the					62547
purpose of administering and distributing the designated revenue					62548
distribution funds according to the Revised Code. If it is					62549
determined that additional appropriations are necessary for this					62550
purpose, such amounts are appropriated.					62551
GENERAL REVENUE FUND TRANSFERS TO LOCAL GOVERNMENT PROPERTY					62552

TAX REPLACEMENT - BUSINESS (FUND 081) 62553

Notwithstanding any provision of law to the contrary, in 62554  
fiscal year 2008 and fiscal year 2009, the Director of Budget and 62555  
Management may transfer from the General Revenue Fund to the Local 62556  
Government Property Tax Replacement - Business (Fund 081) in the 62557  
Revenue Distribution Fund, those amounts necessary to reimburse 62558  
local taxing units under section 5751.22 of the Revised Code. 62559  
Also, in fiscal year 2008 and fiscal year 2009, the Director of 62560  
Budget and Management may make temporary transfers from the 62561  
General Revenue Fund to ensure sufficient balances in the Local 62562  
Government Property Tax Replacement - Business Fund (Fund 081) and 62563  
to replenish the General Revenue Fund for such transfers. 62564

**Section 383.20.** LOCAL GOVERNMENT SERVICES COLLABORATION GRANT 62565  
PROGRAM 62566

(A) The Director of Development shall administer a Local 62567  
Government Services Collaboration Grant Program. The Director may 62568  
adopt rules under section 111.15 of the Revised Code and do all 62569  
things necessary for that purpose. 62570

(B) There is hereby created in the State Treasury the Local 62571  
Government Services Collaboration Grant Fund (Fund 088). The fund 62572  
shall consist of all cash deposited into it pursuant to Section 62573  
757.03 of this act. The fund shall be used by the Director of 62574  
Development in administering the Local Government Services 62575  
Collaboration Grant Program. 62576

On July 1, 2007, or as soon as possible thereafter, the 62577  
Director of Budget and Management shall transfer \$1,000,000 cash 62578  
from the General Revenue Fund to the Local Government Services 62579  
Collaboration Grant Fund established in this section. The amount 62580  
transferred is hereby appropriated. 62581

(C) The foregoing appropriation item 110-900, Local 62582

Government Services Collaboration, shall be used by the Director 62583  
of Development to administer the Local Government Services 62584  
Collaboration Grant Program. Moneys shall be used to provide 62585  
grants to counties, municipal corporations, and townships that are 62586  
interested in combining the provision of local government services 62587  
with those of other counties, municipal corporations, or 62588  
townships. Individual grant awards shall be used solely for the 62589  
cost of conducting a feasibility study that addresses whether, and 62590  
in what manner, counties, municipal corporations, and townships 62591  
may combine their respective provision of local government 62592  
services. 62593

Individual grants shall be available on a competitive basis 62594  
to a county, municipal corporation, or township that proposes to 62595  
combine its provision of local government services with those of 62596  
at least two other counties, municipal corporations, or townships, 62597  
or with any combination of at least two other counties, municipal 62598  
corporations, or townships. Grants shall be awarded according to 62599  
the following formula: 62600

(1) For a total of, or for any combination of, three 62601  
counties, municipal corporations, or townships, the grant shall be 62602  
equal to fifty per cent of the total cost of the feasibility 62603  
study, or not more than \$30,000; 62604

(2) For a total of, or for any combination of, four counties, 62605  
municipal corporations, or townships, the grant shall be equal to 62606  
sixty per cent of the total cost of the feasibility study, or not 62607  
more than \$40,000; 62608

(3) For a total of, or for any combination of, five counties, 62609  
municipal corporations, or townships, the grant shall be equal to 62610  
seventy per cent of the total cost of the feasibility study, or 62611  
not more than \$50,000; 62612

(4) For a total of, or for any combination of, six counties, 62613

municipal corporations, or townships, the grant shall be equal to 62614  
eighty per cent of the total cost of the feasibility study, or not 62615  
more than \$60,000; 62616

(5) For a total of, or for any combination of, seven 62617  
counties, municipal corporations, or townships, the grant shall be 62618  
equal to ninety per cent of the total cost of the feasibility 62619  
study, or not more than \$70,000; 62620

(6) For a total of, or for any combination of, eight or more 62621  
counties, municipal corporations, or townships, the grant shall be 62622  
equal to the total cost of the feasibility study, or not more than 62623  
\$80,000. 62624

(D) Of the foregoing appropriation 110-900, Local Government 62625  
Services Collaboration, not more than \$100,000 over the biennium 62626  
may be used by the Department of Development for operating 62627  
expenditures in administering the Local Government Services 62628  
Collaboration Grant Program. 62629

(E) Applicants for funding under the Local Government 62630  
Services Collaboration Grant Program are encouraged to utilize the 62631  
services of state-funded colleges and universities to conduct the 62632  
feasibility studies referenced under this section. 62633

(F) As used in this section, "local government services" 62634  
means services typically provided by a county, municipal 62635  
corporation, or township for the health, safety, and well-being of 62636  
community residents and includes, but is not limited to, police 62637  
and fire protection, 9-1-1 emergency service, trash collection, 62638  
snow removal, road repair, and the provision of public utilities 62639  
such as water and sewer services. 62640

(G) On or before June 30, 2008, the unencumbered balance of 62641  
the foregoing appropriation item 110-900, Local Government 62642  
Services Collaboration, for fiscal year 2008 is hereby 62643  
appropriated for the same purpose for fiscal year 2009. 62644

<b>Section 385.10. SAN BOARD OF SANITARIAN REGISTRATION</b>				62645
General Services Fund Group				62646
4K9 893-609 Operating Expenses	\$	138,551	\$ 138,551	62647
TOTAL GSF General Services				62648
Fund Group	\$	138,551	\$ 138,551	62649
TOTAL ALL BUDGET FUND GROUPS				62650
 <b>Section 387.10. OSB OHIO STATE SCHOOL FOR THE BLIND</b>				62652
General Revenue Fund				62653
GRF 226-100 Personal Services	\$	7,093,127	\$ 7,519,318	62654
GRF 226-200 Maintenance	\$	704,154	\$ 704,154	62655
GRF 226-300 Equipment	\$	113,288	\$ 113,288	62656
TOTAL GRF General Revenue Fund	\$	7,910,569	\$ 8,336,760	62657
General Services Fund Group				62658
4H8 226-602 School Improvement	\$	37,514	\$ 37,514	62659
Grants				
TOTAL GSF General Services				62660
Fund Group	\$	37,514	\$ 37,514	62661
Federal Special Revenue Fund Group				62662
3P5 226-643 Medicaid Services	\$	50,000	\$ 50,000	62663
Reimbursement				
310 226-626 Multi-Handicapped	\$	2,527,105	\$ 2,527,105	62664
Student Support				
TOTAL FED Federal Special				62665
Revenue Fund Group	\$	2,577,105	\$ 2,577,105	62666
State Special Revenue Fund Group				62667
4M5 226-601 Work Study and	\$	217,397	\$ 217,397	62668
Donations				
TOTAL SSR State Special Revenue				62669
Fund Group	\$	217,397	\$ 217,397	62670
TOTAL ALL BUDGET FUND GROUPS				62671



<b>Section 389.10. OSD OHIO SCHOOL FOR THE DEAF</b>				62673
General Revenue Fund				62674
GRF 221-100 Personal Services	\$	8,775,363	\$ 9,263,862	62675
GRF 221-200 Maintenance	\$	1,033,092	\$ 1,033,092	62676
GRF 221-300 Equipment	\$	222,500	\$ 222,500	62677
TOTAL GRF General Revenue Fund	\$	10,030,955	\$ 10,519,454	62678
General Services Fund Group				62679
4M1 221-602 School Improvement	\$	38,000	\$ 38,000	62680
Grants				
TOTAL GSF General Services				62681
Fund Group	\$	38,000	\$ 38,000	62682
Federal Special Revenue Fund Group				62683
3AD 221-604 VREAL Ohio	\$	25,000	\$ 25,000	62684
3R0 221-684 Medicaid Services	\$	34,999	\$ 34,999	62685
Reimbursement				62686
3Y1 221-686 Federal Early	\$	250,000	\$ 250,000	62687
Childhood Grant				
311 221-625 Statewide Outreach	\$	2,470,135	\$ 2,470,135	62688
TOTAL FED Federal Special				62689
Revenue Fund Group	\$	2,780,134	\$ 2,780,134	62690
State Special Revenue Fund Group				62691
4M0 221-601 Work Study and	\$	95,000	\$ 95,000	62692
Donations				
5H6 221-609 Preschool Program	\$	127,832	\$ 125,358	62693
Support				
TOTAL SSR State Special Revenue				62694
Fund Group	\$	222,832	\$ 220,358	62695
TOTAL ALL BUDGET FUND GROUPS	\$	13,071,921	\$ 13,557,946	62696
<b>Section 391.10. SFC SCHOOL FACILITIES COMMISSION</b>				62698
General Revenue Fund				62699

GRF 230-428 Lease Rental Payments	\$	22,702,000	\$	0	62700
GRF 230-908 Common Schools General	\$	270,529,980	\$	322,665,885	62701
Obligation Debt					
Service					
TOTAL GRF General Revenue Fund	\$	293,231,980	\$	322,665,885	62702
State Special Revenue Fund Group					62703
5E3 230-644 Operating Expenses	\$	7,749,813	\$	7,786,197	62704
TOTAL SSR State Special Revenue					62705
Fund Group	\$	7,749,813	\$	7,786,197	62706
TOTAL ALL BUDGET FUND GROUPS	\$	300,981,793	\$	330,452,082	62707

**Section 391.20. LEASE RENTAL PAYMENTS** 62709

The foregoing appropriation item 230-428, Lease Rental 62710  
Payments, shall be used to meet all payments at the times they are 62711  
required to be made during the period from July 1, 2007, to June 62712  
30, 2009, by the Ohio School Facilities Commission under leases 62713  
and agreements made under section 3318.26 of the Revised Code. 62714

**COMMON SCHOOLS GENERAL OBLIGATION DEBT SERVICE** 62715

The foregoing appropriation item 230-908, Common Schools 62716  
General Obligation Debt Service, shall be used to pay all debt 62717  
service and related financing costs at the times they are required 62718  
to be made for obligations issued during the period from July 1, 62719  
2007, through June 30, 2009, under sections 151.01 and 151.03 of 62720  
the Revised Code. 62721

**OPERATING EXPENSES** 62722

The foregoing appropriation item 230-644, Operating Expenses, 62723  
shall be used by the Ohio School Facilities Commission to carry 62724  
out its responsibilities under this section and Chapter 3318. of 62725  
the Revised Code. 62726

In both fiscal years 2008 and 2009, the Executive Director of 62727  
the Ohio School Facilities Commission shall certify on a quarterly 62728

basis to the Director of Budget and Management the amount of cash 62729  
from interest earnings to be transferred from the School Building 62730  
Assistance Fund (Fund 032), the Public School Building Fund (Fund 62731  
021), and the Educational Facilities Trust Fund (Fund N87) to the 62732  
Ohio School Facilities Commission Fund (Fund 5E3). The amount 62733  
transferred from the School Building Assistance Fund (Fund 032) 62734  
may not exceed investment earnings credited to the fund, less any 62735  
amount required to be paid for federal arbitrage rebate purposes. 62736

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 62737

At the request of the Executive Director of the Ohio School 62738  
Facilities Commission, the Director of Budget and Management may 62739  
cancel encumbrances for school district projects from a previous 62740  
biennium if the district has not raised its local share of project 62741  
costs within one year of receiving Controlling Board approval 62742  
under section 3318.05 of the Revised Code. The Executive Director 62743  
of the Ohio School Facilities Commission shall certify the amounts 62744  
of the canceled encumbrances to the Director of Budget and 62745  
Management on a quarterly basis. The amounts of the canceled 62746  
encumbrances are hereby appropriated. 62747

**Section 391.30.** EXTREME ENVIRONMENTAL CONTAMINATION OF SCHOOL 62748  
FACILITIES 62749

Notwithstanding any other provision of law to the contrary, 62750  
the Ohio School Facilities Commission may provide assistance under 62751  
the Exceptional Needs School Facilities Program established in 62752  
section 3318.37 of the Revised Code to any school district, and 62753  
not exclusively to a school district in the lowest seventy-five 62754  
per cent of adjusted valuation per pupil on the current ranking of 62755  
school districts established under section 3317.02 of the Revised 62756  
Code, for the purpose of the relocation or replacement of school 62757  
facilities required as a result of extreme environmental 62758  
contamination. 62759

The Ohio School Facilities Commission shall contract with an independent environmental consultant to conduct a study and to report to the commission as to the seriousness of the environmental contamination, whether the contamination violates applicable state and federal standards, and whether the facilities are no longer suitable for use as school facilities. The commission then shall make a determination regarding funding for the relocation or replacement of the school facilities. If the federal government or other public or private entity provides funds for restitution of costs incurred by the state or school district in the relocation or replacement of the school facilities, the school district shall use such funds in excess of the school district's share to refund the state for the state's contribution to the environmental contamination portion of the project. The school district may apply an amount of such restitution funds up to an amount equal to the school district's portion of the project, as defined by the commission, toward paying its portion of that project to reduce the amount of bonds the school district otherwise must issue to receive state assistance under sections 3318.01 to 3318.20 of the Revised Code.

**Section 391.40.** CANTON CITY SCHOOL DISTRICT PROJECT

(A) The Ohio School Facilities Commission may commit up to thirty-five million dollars to the Canton City School District for construction of a facility described in this section, in lieu of a high school that would otherwise be authorized under Chapter 3318. of the Revised Code. The Commission shall not commit funds under this section unless all of the following conditions are met:

(1) The District has entered into a cooperative agreement with a state-assisted technical college.

(2) The District has received an irrevocable commitment of additional funding from nonpublic sources.

(3) The facility is intended to serve both secondary and postsecondary instructional purposes. 62791  
62792

(B) The Commission shall enter into an agreement with the District for the construction of the facility authorized under this section that is separate from and in addition to the agreement required for the District's participation in the Classroom Facilities Assistance Program under section 3318.08 of the Revised Code. Notwithstanding that section and sections 3318.03, 3318.04, and 3318.083 of the Revised Code, the additional agreement shall provide, but not be limited to, the following: 62793  
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(1) The Commission shall not have any oversight responsibilities over the construction of the facility. 62801  
62802

(2) The facility need not comply with the specifications for plans and materials for high schools adopted by the Commission. 62803  
62804

(3) The Commission may decrease the basic project cost that would otherwise be calculated for a high school under Chapter 3318. of the Revised Code. 62805  
62806  
62807

(4) The state shall not share in any increases in the basic project cost for the facility above the amount authorized under this section. 62808  
62809  
62810

All other provisions of Chapter 3318. of the Revised Code apply to the approval and construction of a facility authorized under this section. 62811  
62812  
62813

The state funds committed to the facility authorized by this section shall be part of the total amount the state commits to the Canton City School District under Chapter 3318. of the Revised Code. All additional state funds committed to the Canton City School District for classroom facilities assistance shall be subject to all provisions of Chapter 3318. of the Revised Code. 62814  
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**Section 391.50. CAREER-TECHNICAL LOAN PROGRAM** 62820

Within thirty days after the effective date of this section, 62821  
or as soon as possible thereafter, the Executive Director of the 62822  
Ohio School Facilities Commission shall certify the cash balance 62823  
in the Career-Technical School Building Assistance Fund (Fund 020) 62824  
to the Director of Budget and Management, who shall transfer that 62825  
amount to the Public School Building Fund (Fund 021) and abolish 62826  
the Career-Technical School Building Assistance Fund (Fund 020). 62827

All repayments of current loans approved under section 62828  
3318.48 of the Revised Code, which is repealed by this act, shall 62829  
be deposited to the credit of the Public School Building Fund 62830  
(Fund 021). Should a district fail to submit the annual 62831  
installment of the loan repayment within sixty days after the due 62832  
date, the Department of Education, upon the request of the 62833  
Executive Director of the Ohio School Facilities Commission, shall 62834  
deduct the amount of the installment from payments due to a 62835  
district under Chapter 3317. of the Revised Code or from any other 62836  
funds appropriated to the district by the General Assembly, and 62837  
shall transfer that amount to the Commission to the credit of the 62838  
Public School Building Fund (Fund 021). 62839

**Section 393.10.** SOS SECRETARY OF STATE 62840

General Revenue Fund 62841

GRF 050-321	Operating Expenses	\$	2,585,000	\$	2,585,000	62842
GRF 050-403	Election Statistics	\$	103,936	\$	103,936	62843
GRF 050-407	Pollworkers Training	\$	277,997	\$	277,997	62844
GRF 050-409	Litigation	\$	4,652	\$	4,652	62845

Expenditures

TOTAL GRF	General Revenue Fund	\$	2,971,585	\$	2,971,585	62846
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General Services Fund Group 62847

4S8 050-610	Board of Voting	\$	7,200	\$	7,200	62848
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Machine Examiners

412 050-609	Notary Commission	\$	685,249	\$	685,249	62849
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413	050-601	Information Systems	\$	119,955	\$	119,955	62850
414	050-602	Citizen Education Fund	\$	55,712	\$	55,712	62851
TOTAL General Services Fund Group			\$	868,116	\$	868,116	62852
Federal Special Revenue Fund Group							62853
3AH	050-614	Election Reform/Health and Human Services	\$	1,000,000	\$	1,000,000	62854
3AS	050-616	2005 HAVA Voting Machines	\$	3,750,000	\$	3,750,000	62855
3X4	050-612	Ohio Center/Law Related Educational Grant	\$	41,000	\$	41,000	62856
TOTAL FED Federal Special Revenue Fund Group			\$	4,791,000	\$	4,791,000	62857 62858
State Special Revenue Fund Group							62859
5N9	050-607	Technology Improvements	\$	129,565	\$	129,565	62860
599	050-603	Business Services Operating Expenses	\$	13,761,734	\$	13,761,734	62861
TOTAL SSR State Special Revenue Fund Group			\$	13,891,299	\$	13,891,299	62862 62863
Holding Account Redistribution Fund Group							62864
R01	050-605	Uniform Commercial Code Refunds	\$	30,000	\$	30,000	62865
R02	050-606	Corporate/Business Filing Refunds	\$	85,000	\$	85,000	62866
TOTAL 090 Holding Account Redistribution Fund Group			\$	115,000	\$	115,000	62867 62868
TOTAL ALL BUDGET FUND GROUPS			\$	22,637,000	\$	22,637,000	62869
BOARD OF VOTING MACHINE EXAMINERS							62870
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,							62871 62872 62873

and for other expenses that are authorized to be paid from the 62874  
Board of Voting Machine Examiners Fund, which is created in 62875  
section 3506.05 of the Revised Code. Moneys not used shall be 62876  
returned to the person or entity submitting the equipment for 62877  
examination. If it is determined that additional appropriations 62878  
are necessary, such amounts are appropriated. 62879

2005 HAVA VOTING MACHINES 62880

On July 1, 2008, or as soon as possible thereafter, the 62881  
Director of Budget and Management shall transfer any remaining 62882  
unexpended, unencumbered appropriations in Fund 3AS, appropriation 62883  
item 050-616, 2005 HAVA Voting Machines, for use in fiscal year 62884  
2009. The transferred amount is hereby appropriated. 62885

On July 1, 2008, or as soon as possible thereafter, the 62886  
Director of Budget and Management shall transfer any remaining 62887  
unexpended, unencumbered appropriations in Fund 3AH, appropriation 62888  
item 050-614, Election Reform/Health and Human Services Fund, for 62889  
use in fiscal year 2009. The transferred amount is hereby 62890  
appropriated. 62891

Ongoing interest earnings from the federal Election 62892  
Reform/Health and Human Services Fund (Fund 3AH) and the 2005 HAVA 62893  
Voting Machines Fund (Fund 3AS) shall be credited to the 62894  
respective funds and distributed in accordance with the terms of 62895  
the grant under which the money is received. 62896

HOLDING ACCOUNT REDISTRIBUTION GROUP 62897

The foregoing appropriation items 050-605 and 050-606, 62898  
Holding Account Redistribution Fund Group, shall be used to hold 62899  
revenues until they are directed to the appropriate accounts or 62900  
until they are refunded. If it is determined that additional 62901  
appropriations are necessary, such amounts are appropriated. 62902

**Section 395.10.** SEN THE OHIO SENATE 62903



General Revenue Fund				62904	
GRF 020-321 Operating Expenses	\$	11,778,439	\$	11,778,439	62905
TOTAL GRF General Revenue Fund	\$	11,778,439	\$	11,778,439	62906
General Services Fund Group				62907	
102 020-602 Senate Reimbursement	\$	448,465	\$	448,465	62908
409 020-601 Miscellaneous Sales	\$	34,497	\$	34,497	62909
TOTAL GSF General Services				62910	
Fund Group	\$	482,962	\$	482,962	62911
TOTAL ALL BUDGET FUND GROUPS	\$	12,261,401	\$	12,261,401	62912

OPERATING EXPENSES 62913

On July 1, 2007, or as soon as possible thereafter, the Clerk 62914  
of the Senate shall certify to the Director of Budget and 62915  
Management the total fiscal year 2007 unencumbered appropriations 62916  
in appropriation item 020-321, Operating Expenses. The Clerk may 62917  
direct the Director of Budget and Management to transfer an amount 62918  
not to exceed the total fiscal year 2007 unencumbered 62919  
appropriations to fiscal year 2008 for use within appropriation 62920  
item 020-321, Operating Expenses. Additional appropriation 62921  
authority equal to the amount certified by the Clerk is hereby 62922  
appropriated to appropriation item 020-321, Operating Expenses, in 62923  
fiscal year 2008. 62924

On July 1, 2008, or as soon as possible thereafter, the Clerk 62925  
of the Senate shall certify to the Director of Budget and 62926  
Management the total fiscal year 2008 unencumbered appropriations 62927  
in appropriation item 020-321, Operating Expenses. The Clerk may 62928  
direct the Director of Budget and Management to transfer an amount 62929  
not to exceed the total fiscal year 2008 unencumbered 62930  
appropriations to fiscal year 2009 for use within appropriation 62931  
item 020-321, Operating Expenses. Additional appropriation 62932  
authority equal to the amount certified by the Clerk is hereby 62933  
appropriated to appropriation item 020-321, Operating Expenses, in 62934  
fiscal year 2009. 62935

<b>Section 397.10. CSF COMMISSIONERS OF THE SINKING FUND</b>				62936
Debt Service Fund Group				62937
070	155-905	Third Frontier Research & Development Bond Retirement Fund	\$ 14,349,500 \$ 25,023,400	62938
072	155-902	Highway Capital Improvement Bond Retirement Fund	\$ 202,694,900 \$ 205,139,500	62939
073	155-903	Natural Resources Bond Retirement Fund	\$ 24,713,800 \$ 25,723,000	62940
074	155-904	Conservation Projects Bond Service Fund	\$ 14,847,200 \$ 19,779,200	62941
076	155-906	Coal Research and Development Bond Retirement Fund	\$ 7,232,400 \$ 8,192,500	62942
077	155-907	State Capital Improvement Bond Retirement Fund	\$ 178,713,600 \$ 189,296,300	62943
078	155-908	Common Schools Bond Retirement Fund	\$ 292,268,400 \$ 342,148,300	62944
079	155-909	Higher Education Bond Retirement Fund	\$ 175,972,400 \$ 210,372,200	62945
090	155-912	Job Ready Site Development Bond Retirement Fund	\$ 4,359,400 \$ 8,232,500	62946
TOTAL DSF Debt Service Fund Group			\$ 915,151,600 \$ 1,033,906,900	62947
TOTAL ALL BUDGET FUND GROUPS			\$ 915,151,600 \$ 1,033,906,900	62948
ADDITIONAL APPROPRIATIONS				62949
Appropriation items in this section are for the purpose of				62950
paying debt service and financing costs on bonds or notes of the				62951
state issued under the Ohio Constitution and acts of the General				62952

Assembly. If it is determined that additional appropriations are 62953  
necessary for this purpose, such amounts are hereby appropriated. 62954

**Section 399.10.** SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY 62955  
DEVELOPMENT FOUNDATION 62956

General Revenue Fund 62957

GRF 945-321 Operating Expenses \$ 0 \$ 475,220 62958

GRF 945-501 Southern Ohio \$ 0 \$ 7,513,251 62959

Agricultural and  
Community Development  
Foundation

TOTAL GRF General Revenue Fund \$ 0 \$ 7,988,471 62960

TOTAL ALL BUDGET FUND GROUPS \$ 0 \$ 7,988,471 62961

SOUTHERN OHIO AGRICULTURAL AND COMMUNITY DEVELOPMENT 62962  
FOUNDATION 62963

The foregoing appropriation item 945-321, Operating Expenses, 62964  
shall be used for the operating expenses of the Southern Ohio 62965  
Agricultural and Community Development Foundation in administering 62966  
programs under section 183.15 of the Revised Code. 62967

The foregoing appropriation item 945-501, Southern Ohio 62968  
Agricultural and Community Development Foundation, shall be used 62969  
by the Southern Ohio Agricultural and Community Development 62970  
Foundation for programs administered under section 183.15 of the 62971  
Revised Code. 62972

**Section 401.10.** SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY & 62973  
AUDIOLOGY 62974

General Services Fund Group 62975

4K9 886-609 Operating Expenses \$ 430,600 \$ 453,000 62976

TOTAL GSF General Services 62977

Fund Group \$ 430,600 \$ 453,000 62978

TOTAL ALL BUDGET FUND GROUPS	\$	430,600	\$	453,000	62979
<b>Section 403.10.</b> BTA BOARD OF TAX APPEALS					62981
General Revenue Fund					62982
GRF 116-321 Operating Expenses	\$	2,247,476	\$	2,281,188	62983
TOTAL GRF General Revenue Fund	\$	2,247,476	\$	2,281,188	62984
TOTAL ALL BUDGET FUND GROUPS	\$	2,247,476	\$	2,281,188	62985
<b>Section 405.10.</b> TAX DEPARTMENT OF TAXATION					62987
General Revenue Fund					62988
GRF 110-321 Operating Expenses	\$	92,040,062	\$	92,440,062	62989
GRF 110-404 Tobacco Settlement	\$	0	\$	328,034	62990
Enforcement					
GRF 110-412 Child Support	\$	71,680	\$	71,680	62991
Administration					
GRF 110-901 Property Tax	\$	446,953,165	\$	478,613,618	62992
Allocation - Taxation					
GRF 110-906 Tangible Tax Exemption	\$	9,177,962	\$	4,588,981	62993
- Taxation					
TOTAL GRF General Revenue Fund	\$	548,242,869	\$	576,042,375	62994
General Services Fund Group					62995
433 110-602 Tape File Account	\$	125,000	\$	140,000	62996
5BQ 110-629 Commercial Activity	\$	6,000,000	\$	6,000,000	62997
Tax Administration					
5W4 110-625 Centralized Tax Filing	\$	400,000	\$	200,000	62998
and Payment					
5W7 110-627 Exempt Facility	\$	100,000	\$	150,000	62999
Administration					
5CZ 110-631 Vendor's License	\$	1,000,000	\$	1,000,000	63000
Application					
TOTAL GSF General Services					63001
Fund Group	\$	7,625,000	\$	7,490,000	63002

State Special Revenue Fund Group				63003
4C6 110-616 International	\$	706,855	\$ 706,855	63004
Registration Plan				
4R6 110-610 Tire Tax	\$	125,000	\$ 150,000	63005
Administration				
435 110-607 Local Tax	\$	17,250,000	\$ 17,250,000	63006
Administration				
436 110-608 Motor Vehicle Audit	\$	1,200,000	\$ 1,200,000	63007
437 110-606 Litter Tax and Natural	\$	675,000	\$ 800,000	63008
Resource Tax				
Administration				
438 110-609 School District Income	\$	3,600,000	\$ 3,600,000	63009
Tax				
5N5 110-605 Municipal Income Tax	\$	500,000	\$ 500,000	63010
Administration				
5N6 110-618 Kilowatt Hour Tax	\$	125,000	\$ 175,000	63011
Administration				
5V7 110-622 Motor Fuel Tax	\$	4,700,000	\$ 5,000,000	63012
Administration				
5V8 110-623 Property Tax	\$	13,500,000	\$ 13,500,000	63013
Administration				
639 110-614 Cigarette Tax	\$	100,000	\$ 100,000	63014
Enforcement				
642 110-613 Ohio Political Party	\$	600,000	\$ 600,000	63015
Distributions				
688 110-615 Local Excise Tax	\$	210,000	\$ 180,000	63016
Administration				
TOTAL SSR State Special Revenue				63017
Fund Group	\$	43,291,855	\$ 43,761,855	63018
Agency Fund Group				63019
095 110-995 Municipal Income Tax	\$	21,000,000	\$ 21,000,000	63020
425 110-635 Tax Refunds	\$	1,565,900,000	\$ 1,546,800,000	63021

TOTAL AGY Agency Fund Group	\$ 1,586,900,000	\$ 1,567,800,000	63022
Holding Account Redistribution Fund Group			63023
R10 110-611 Tax Distributions	\$ 50,000	\$ 50,000	63024
R11 110-612 Miscellaneous Income	\$ 50,000	\$ 50,000	63025
Tax Receipts			
TOTAL 090 Holding Account			63026
Redistribution Fund Group	\$ 100,000	\$ 100,000	63027
TOTAL ALL BUDGET FUND GROUPS	\$ 2,186,159,724	\$ 2,195,194,230	63028

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK, AND TANGIBLE TAX 63029  
EXEMPTION 63030

The foregoing appropriation item 110-901, Property Tax 63031  
Allocation - Taxation, is hereby appropriated to pay for the 63032  
state's costs incurred because of the Homestead Exemption, the 63033  
Manufactured Home Property Tax Rollback, and the Property Tax 63034  
Rollback. The Tax Commissioner shall distribute these funds 63035  
directly to the appropriate local taxing districts, except for 63036  
school districts, notwithstanding the provisions in sections 63037  
321.24 and 323.156 of the Revised Code, which provide for payment 63038  
of the Homestead Exemption, the Manufactured Home Property Tax 63039  
Rollback, and Property Tax Rollback by the Tax Commissioner to the 63040  
appropriate county treasurer and the subsequent redistribution of 63041  
these funds to the appropriate local taxing districts by the 63042  
county auditor. 63043

The foregoing appropriation item 110-906, Tangible Tax 63044  
Exemption - Taxation, is hereby appropriated to pay for the 63045  
state's costs incurred because of the tangible personal property 63046  
tax exemption required by division (C)(3) of section 5709.01 of 63047  
the Revised Code. The Tax Commissioner shall distribute to each 63048  
county treasurer the total amount appearing in the notification 63049  
from the county treasurer under division (G) of section 321.24 of 63050  
the Revised Code for all local taxing districts located in the 63051  
county except for school districts, notwithstanding the provision 63052

in section 321.24 of the Revised Code which provides for payment 63053  
of the \$10,000 tangible personal property tax exemption by the Tax 63054  
Commissioner to the appropriate county treasurer for all local 63055  
taxing districts located in the county including school districts. 63056  
The county auditor shall distribute the amount paid by the Tax 63057  
Commissioner among the appropriate local taxing districts except 63058  
for school districts under division (G) of section 321.24 of the 63059  
Revised Code. 63060

Upon receipt of these amounts, each local taxing district 63061  
shall distribute the amount among the proper funds as if it had 63062  
been paid as real or tangible personal property taxes. Payments 63063  
for the costs of administration shall continue to be paid to the 63064  
county treasurer and county auditor as provided for in sections 63065  
319.54, 321.26, and 323.156 of the Revised Code. 63066

Any sums, in addition to the amounts specifically 63067  
appropriated in appropriation items 110-901, Property Tax 63068  
Allocation - Taxation, for the Homestead Exemption, the 63069  
Manufactured Home Property Tax Rollback, and the Property Tax 63070  
Rollback payments, and 110-906, Tangible Tax Exemption - Taxation, 63071  
for the \$10,000 tangible personal property tax exemption payments, 63072  
which are determined to be necessary for these purposes, are 63073  
hereby appropriated. 63074

MUNICIPAL INCOME TAX 63075

The foregoing appropriation item 110-995, Municipal Income 63076  
Tax, shall be used to make payments to municipal corporations 63077  
under section 5745.05 of the Revised Code. If it is determined 63078  
that additional appropriations are necessary to make these 63079  
payments, such amounts are hereby appropriated. 63080

TAX REFUNDS 63081

The foregoing appropriation item 110-635, Tax Refunds, shall 63082  
be used to pay refunds under section 5703.052 of the Revised Code. 63083

If it is determined that additional appropriations are necessary 63084  
for this purpose, such amounts are hereby appropriated. 63085

INTERNATIONAL REGISTRATION PLAN AUDIT 63086

The foregoing appropriation item 110-616, International 63087  
Registration Plan, shall be used under section 5703.12 of the 63088  
Revised Code for audits of persons with vehicles registered under 63089  
the International Registration Plan. 63090

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT 63091

Of the foregoing appropriation item 110-607, Local Tax 63092  
Administration, the Tax Commissioner may disburse funds, if 63093  
available, for the purposes of paying travel expenses incurred by 63094  
members of Ohio's delegation to the Streamlined Sales Tax Project, 63095  
as appointed under section 5740.02 of the Revised Code. Any travel 63096  
expense reimbursement paid for by the Department of Taxation shall 63097  
be done in accordance with applicable state laws and guidelines. 63098

LITTER CONTROL TAX ADMINISTRATION FUND 63099

Notwithstanding section 5733.12 of the Revised Code, during 63100  
the period from July 1, 2007, to June 30, 2008, the amount of 63101  
\$675,000, and during the period from July 1, 2008, to June 30, 63102  
2009, the amount of \$800,000, received by the Tax Commissioner 63103  
under Chapter 5733. of the Revised Code, shall be credited to the 63104  
Litter Control Tax Administration Fund (Fund 437). 63105

CENTRALIZED TAX FILING AND PAYMENT FUND 63106

The Director of Budget and Management, under a plan submitted 63107  
by the Tax Commissioner, or as otherwise determined by the 63108  
Director of Budget and Management, shall set a schedule to 63109  
transfer cash from the General Revenue Fund to the credit of the 63110  
Centralized Tax Filing and Payment Fund (Fund 5W4). The transfers 63111  
of cash shall not exceed \$600,000 in the biennium. 63112

COMMERCIAL ACTIVITY TAX ADMINISTRATION FUND 63113



The foregoing appropriation item 110-629, Commercial Activity Tax Administration Fund (Fund 5BQ), shall be used to pay expenses incurred by the Department of Taxation to implement and administer the Commercial Activity Tax under Chapter 5751. of the Revised Code.

Notwithstanding section 3734.9010, division (B)(2)(c) of section 4505.09, division (B) of section 5703.12, section 5703.80, division (C)(6) of section 5727.81, sections 5733.122 and 5735.053, division (C) of section 5739.21, section 5745.03, section 5743.024, section 5743.15, division (C) of section 5747.03, and section 5747.113 of the Revised Code or any other provisions to the contrary, any residual cash balances determined and certified by the Tax Commissioner to the Director of Budget and Management shall be transferred on July 1, 2007, or as soon as possible thereafter, to the Commercial Activities Tax Administration Fund (Fund 5BQ).

TOBACCO SETTLEMENT ENFORCEMENT

The foregoing appropriation item 110-404, Tobacco Settlement Enforcement, shall be used by the Tax Commissioner to pay costs incurred in the enforcement of divisions (F) and (G) of section 5743.03 of the Revised Code.

**Section 407.10.** DOT DEPARTMENT OF TRANSPORTATION

Transportation Modes

General Revenue Fund

GRF 775-451	Public Transportation	\$	16,700,000	\$	17,000,000	63138
	- State					
GRF 776-465	Ohio Rail Development	\$	2,700,000	\$	2,700,000	63139
	Commission					
GRF 776-466	Railroad	\$	789,600	\$	789,600	63140
	Crossing/Grade					

Separation					
GRF 777-471 Airport Improvements -	\$	3,293,985	\$	1,794,003	63141
State					
TOTAL GRF General Revenue Fund	\$	23,483,585	\$	22,283,603	63142
TOTAL ALL BUDGET FUND GROUPS	\$	23,483,585	\$	22,283,603	63143
PUBLIC TRANSPORTATION - STATE					63144
Of the foregoing GRF appropriation item 775-451, Public					63145
Transportation - State, \$200,000 in fiscal year 2008 shall be used					63146
for the Cleveland Metropolitan Park District West Creek Project.					63147
TRANSPORTATION STUDY					63148
Of the foregoing appropriation item 775-451, Public					63149
Transportation-State, \$50,000 in fiscal year 2008 shall be used					63150
for a Franklin County school transportation study to determine the					63151
feasibility of a countywide pupil transportation system.					63152
AIRPORT IMPROVEMENTS					63153
Of the foregoing appropriation item 777-471, Airport					63154
Improvements - State, \$1,500,000 in fiscal year 2008 shall be used					63155
for air travel and support and economic development of statewide					63156
airports. The Directors of Development and Transportation may					63157
enter into one or more interagency agreements between their two					63158
departments as necessary to implement a statewide strategy to					63159
enhance Ohio's airports as centers of regional economic					63160
development.					63161
Of the foregoing appropriation item 777-471, Airport					63162
Improvements-State, \$1,500,000 in fiscal year 2008 shall be used					63163
for Cleveland Hopkins Airport projects to support increased					63164
service and expand the existing hub, as defined in 49 U.S.C.					63165
40102, Infrastructure.					63166
<b>Section 409.10.</b> TOS TREASURER OF STATE					63167
General Revenue Fund					63168

GRF 090-321	Operating Expenses	\$	9,313,195	\$	9,313,195	63169
GRF 090-401	Office of the Sinking	\$	537,223	\$	537,223	63170
	Fund					63171
GRF 090-402	Continuing Education	\$	448,843	\$	448,843	63172
GRF 090-524	Police and Fire	\$	14,000	\$	12,000	63173
	Disability Pension					63174
	Fund					
GRF 090-534	Police & Fire Ad Hoc	\$	140,000	\$	130,000	63175
	Cost					
	of Living					63176
GRF 090-554	Police and Fire	\$	910,000	\$	865,000	63177
	Survivor					
	Benefits					63178
GRF 090-575	Police and Fire Death	\$	20,000,000	\$	20,000,000	63179
	Benefits					63180
TOTAL GRF General Revenue Fund		\$	31,363,261	\$	31,306,261	63181
General Services Fund Group						63182
4E9 090-603	Securities Lending	\$	3,164,000	\$	3,314,000	63183
	Income					
577 090-605	Investment Pool	\$	550,000	\$	550,000	63184
	Reimbursement					63185
605 090-609	Treasurer of State	\$	350,000	\$	350,000	63186
	Administrative Fund					63187
TOTAL GSF General Services						63188
Fund Group		\$	4,064,000	\$	4,214,000	63189
State Special Revenue Fund Group						63190
5C5 090-602	County Treasurer	\$	135,000	\$	135,000	63191
	Education					
TOTAL SSR State Special Revenue						63192
Fund Group		\$	135,000	\$	135,000	63193
Agency Fund Group						63194
425 090-635	Tax Refunds	\$	31,000,000	\$	31,000,000	63195

TOTAL Agency Fund Group	\$	31,000,000	\$	31,000,000	63196
TOTAL ALL BUDGET FUND GROUPS	\$	66,562,261	\$	66,655,261	63197

**Section 409.10.10. OFFICE OF THE SINKING FUND** 63199

The foregoing appropriation item 090-401, Office of the 63200  
Sinking Fund, shall be used for financing and other costs incurred 63201  
by or on behalf of the Commissioners of the Sinking Fund, the Ohio 63202  
Public Facilities Commission or its secretary, or the Treasurer of 63203  
State, with respect to State of Ohio general obligation bonds or 63204  
notes, including, but not limited to, printing, advertising, 63205  
delivery, rating fees and the procurement of ratings, professional 63206  
publications, membership in professional organizations, and 63207  
services referred to in division (D) of section 151.01 of the 63208  
Revised Code. The General Revenue Fund shall be reimbursed for 63209  
such costs by intrastate transfer voucher pursuant to a 63210  
certification by the Office of the Sinking Fund of the actual 63211  
amounts used. The amounts necessary to make such reimbursements 63212  
are appropriated from the general obligation bond retirement funds 63213  
created by the Constitution and laws to the extent such costs are 63214  
incurred. 63215

**POLICE AND FIRE DEATH BENEFIT FUND** 63216

The foregoing appropriation item 090-575, Police and Fire 63217  
Death Benefits, shall be disbursed quarterly by the Treasurer of 63218  
State at the beginning of each quarter of each fiscal year to the 63219  
Board of Trustees of the Ohio Police and Fire Pension Fund. The 63220  
Treasurer of State shall certify such amounts quarterly to the 63221  
Director of Budget and Management. By the twentieth day of June of 63222  
each fiscal year, the Board of Trustees of the Ohio Police and 63223  
Fire Pension Fund shall certify to the Treasurer of State the 63224  
amount disbursed in the current fiscal year to make the payments 63225  
required by section 742.63 of the Revised Code and shall return to 63226  
the Treasurer of State moneys received from this appropriation 63227

item but not disbursed.				63228
TAX REFUNDS				63229
The foregoing appropriation item 090-635, Tax Refunds, shall				63230
be used to pay refunds under section 5703.052 of the Revised Code.				63231
If the Director of Budget and Management determines that				63232
additional amounts are necessary for this purpose, such amounts				63233
are hereby appropriated.				63234
<b>Section 411.10.</b> TTA OHIO TUITION TRUST AUTHORITY				63235
State Special Revenue Fund Group				63236
5AM 095-603 Index Savings Plan	\$	2,376,852	\$ 2,425,777	63237
5DC 095-604 Banking Products	\$	1,631,283	\$ 1,648,123	63238
5P3 095-602 Variable College	\$	2,031,354	\$ 2,063,596	63239
Savings Fund				
645 095-601 Operating Expenses	\$	872,086	\$ 881,169	63240
TOTAL SSR State Special Revenue				63241
Fund Group	\$	6,911,575	\$ 7,018,665	63242
TOTAL ALL BUDGET FUND GROUPS	\$	6,911,575	\$ 7,018,665	63243
<b>Section 413.10.</b> OVH OHIO VETERANS' HOME				63245
General Revenue Fund				63246
GRF 430-100 Personal Services	\$	23,085,261	\$ 24,403,903	63247
GRF 430-200 Maintenance	\$	7,835,544	\$ 8,458,613	63248
GRF 430-402 Hall of Fame	\$	125,000	\$ 125,000	63249
TOTAL GRF General Revenue Fund	\$	31,045,805	\$ 32,987,516	63250
General Services Fund Group				63251
484 430-603 Veterans Home Services	\$	375,880	\$ 375,880	63252
TOTAL GSF General Services Fund	\$	375,880	\$ 375,880	63253
Group				
Federal Special Revenue Fund Group				63254
3BX 430-609 Medicare Services	\$	1,446,807	\$ 1,446,807	63255

3L2 430-601 Veterans Home	\$	15,290,320	\$	15,410,471	63256
Operations - Federal					
TOTAL FED Federal Special Revenue					63257
Fund Group	\$	16,737,127	\$	16,857,278	63258
State Special Revenue Fund Group					63259
4E2 430-602 Veterans Home	\$	8,530,800	\$	8,530,800	63260
Operating					
604 430-604 Veterans Home	\$	770,096	\$	770,096	63261
Improvement					
TOTAL SSR State Special Revenue					63262
Fund Group	\$	9,300,896	\$	9,300,896	63263
TOTAL ALL BUDGET FUND GROUPS	\$	57,459,708	\$	59,521,570	63264
CORNERSTONE OF HOPE					63265
Of the foregoing appropriation item 430-100, Personal					63266
Services, \$100,000 in each fiscal year shall be distributed to					63267
Cornerstone of Hope to be used to provide professional counseling					63268
services for individuals who have recently lost family members,					63269
including the loss of service men and service women in the United					63270
States Armed Forces.					63271
<b>Section 415.10. VET VETERANS' ORGANIZATIONS</b>					63272
General Revenue Fund					63273
VAP AMERICAN EX-PRISONERS OF WAR					63274
GRF 743-501 State Support	\$	25,030	\$	25,030	63275
VAN ARMY AND NAVY UNION, USA, INC.					63276
GRF 746-501 State Support	\$	55,012	\$	55,012	63277
VKW KOREAN WAR VETERANS					63278
GRF 747-501 State Support	\$	49,453	\$	49,453	63279
VJW JEWISH WAR VETERANS					63280
GRF 748-501 State Support	\$	29,715	\$	29,715	63281
VCW CATHOLIC WAR VETERANS					63282
GRF 749-501 State Support	\$	57,990	\$	57,990	63283

	VPH MILITARY ORDER OF THE PURPLE HEART			63284
GRF 750-501	State Support	\$ 56,377	\$ 56,377	63285
	VVV VIETNAM VETERANS OF AMERICA			63286
GRF 751-501	State Support	\$ 185,954	\$ 185,954	63287
	VAL AMERICAN LEGION OF OHIO			63288
GRF 752-501	State Support	\$ 302,328	\$ 302,328	63289
	VII AMVETS			63290
GRF 753-501	State Support	\$ 287,919	\$ 287,919	63291
	VAV DISABLED AMERICAN VETERANS			63292
GRF 754-501	State Support	\$ 216,308	\$ 216,308	63293
	VMC MARINE CORPS LEAGUE			63294
GRF 756-501	State Support	\$ 115,972	\$ 115,972	63295
	V37 37TH DIVISION AEF VETERANS' ASSOCIATION			63296
GRF 757-501	State Support	\$ 5,946	\$ 5,946	63297
	VFW VETERANS OF FOREIGN WARS			63298
GRF 758-501	State Support	\$ 246,615	\$ 246,615	63299
TOTAL GRF	General Revenue Fund	\$ 1,634,619	\$ 1,634,619	63300
TOTAL ALL BUDGET FUND GROUPS		\$ 1,634,619	\$ 1,634,619	63301
	RELEASE OF FUNDS			63302
	The foregoing appropriation items 743-501, 746-501, 747-501,			63303
	748-501, 749-501, 750-501, 751-501, 752-501, 753-501, 754-501,			63304
	756-501, 757-501, and 758-501, State Support, shall be released			63305
	upon approval by the Director of Budget and Management.			63306
	CENTRAL OHIO UNITED SERVICES ORGANIZATION			63307
	Of the foregoing appropriation item 751-501, State Support,			63308
	Vietnam Veterans of America, \$50,000 in each fiscal year shall be			63309
	used to support the activities of the Central Ohio USO.			63310
	VAL AMERICAN LEGION OF OHIO			63311
	Of the foregoing appropriation item 752-501, State Support,			63312
	VAL American Legion, at least \$50,000 in each fiscal year shall be			63313
	used to fund service officer expenses.			63314

VETERANS SERVICE COMMISSION EDUCATION 63315

Of the foregoing appropriation item 753-501, State Support, 63316  
AMVETS, up to \$20,000 in each fiscal year may be used to provide 63317  
moneys to the Association of County Veterans Service Commissioners 63318  
to reimburse its member county veterans service commissions for 63319  
costs incurred in carrying out educational and outreach duties 63320  
required under divisions (E) and (F) of section 5901.03 of the 63321  
Revised Code. The Director of Budget and Management shall release 63322  
these funds upon the presentation of an itemized receipt, approved 63323  
by the Governor's Office of Veterans Affairs, from the association 63324  
for reasonable and appropriate expenses incurred while performing 63325  
these duties. The association shall establish uniform procedures 63326  
for reimbursing member commissions. 63327

VII AMVETS 63328

Of the foregoing appropriation item 753-501, State Support, 63329  
AMVETS, at least \$50,000 shall be used in each fiscal year to fund 63330  
service officer expenses. 63331

VAV DISABLED AMERICAN VETERANS 63332

Of the foregoing appropriation item 754-501, State Support, 63333  
VAV Disabled American Veterans, at least \$50,000 in each fiscal 63334  
year shall be used to fund service officer expenses. 63335

VMC MARINE CORPS LEAGUE 63336

Of the foregoing appropriation item 756-501, State Support, 63337  
VMC Marine Corps League, at least \$30,000 in each fiscal year 63338  
shall be used to fund service officer expenses. 63339

VFW VETERANS OF FOREIGN WARS 63340

Of the foregoing appropriation item 758-501, State Support, 63341  
VFW Veterans of Foreign Wars, at least \$50,000 in each fiscal year 63342  
shall be used to fund service officer expenses. 63343



<b>Section 417.10. DVM STATE VETERINARY MEDICAL BOARD</b>				63344
General Services Fund Group				63345
4K9 888-609 Operating Expenses	\$	322,740	\$ 327,312	63346
5BU 888-602 Veterinary Student	\$	60,000	\$ 0	63347
Loan Program				
TOTAL GSF General Services				63348
Fund Group	\$	382,740	\$ 327,312	63349
TOTAL ALL BUDGET FUND GROUPS	\$	382,740	\$ 327,312	63350
 <b>Section 419.10. DYS DEPARTMENT OF YOUTH SERVICES</b>				63352
General Revenue Fund				63353
GRF 470-401 RECLAIM Ohio	\$	186,338,297	\$ 190,599,131	63354
GRF 470-412 Lease Rental Payments	\$	23,832,700	\$ 23,483,700	63355
GRF 470-510 Youth Services	\$	18,558,587	\$ 18,558,587	63356
GRF 472-321 Parole Operations	\$	15,356,904	\$ 15,764,729	63357
GRF 477-321 Administrative	\$	14,754,420	\$ 14,754,419	63358
Operations				
TOTAL GRF General Revenue Fund	\$	258,840,908	\$ 263,160,566	63359
General Services Fund Group				63360
175 470-613 Education	\$	9,985,035	\$ 10,550,725	63361
Reimbursement				
4A2 470-602 Child Support	\$	328,657	\$ 328,657	63362
4G6 470-605 General Operational	\$	49,713	\$ 50,955	63363
Funds				
4G6 470-631 SCALE Program	\$	100,000	\$ 100,000	63364
479 470-609 Employee Food Service	\$	137,666	\$ 137,666	63365
5BN 470-629 E-Rate Program	\$	200,000	\$ 200,000	63366
TOTAL GSF General Services				63367
Fund Group	\$	10,801,071	\$ 11,368,003	63368
Federal Special Revenue Fund Group				63369
3BH 470-630 Federal Juvenile	\$	100,000	\$ 50,000	63370

		Programs FFY 06					
3BT	470-634	Federal Juvenile	\$	300,000	\$	50,000	63371
		Programs					
3BY	470-635	Federal Juvenile	\$	903,350	\$	350,000	63372
		Programs FFY 07					
3BZ	470-636	Federal Juvenile	\$	0	\$	653,350	63373
		Programs FFY 08					
3V5	470-604	Juvenile	\$	2,750,000	\$	2,750,000	63374
		Justice/Delinquency					
		Prevention					
3Z9	470-626	Federal Juvenile	\$	142,253	\$	0	63375
		Programs FFY 05					
321	470-601	Education	\$	5,202,160	\$	5,473,109	63376
321	470-603	Juvenile Justice	\$	51,000	\$	30,000	63377
		Prevention					
321	470-606	Nutrition	\$	2,908,369	\$	2,981,078	63378
321	470-610	Rehabilitation	\$	36,000	\$	36,000	63379
		Programs					
321	470-614	Title IV-E	\$	6,162,670	\$	6,316,737	63380
		Reimbursements					
321	470-617	Americorps Programs	\$	463,700	\$	463,700	63381
321	470-633	Project Re-entry	\$	1,017,843	\$	1,017,843	63382
TOTAL FED		Federal Special Revenue					63383
Fund Group			\$	20,037,345	\$	20,171,817	63384
		State Special Revenue Fund Group					63385
147	470-612	Vocational Education	\$	2,074,710	\$	2,141,823	63386
5BH	470-628	Partnerships for	\$	1,500,000	\$	1,500,000	63387
		Success					
TOTAL SSR		State Special Revenue					63388
Fund Group			\$	3,574,710	\$	3,641,823	63389
TOTAL ALL BUDGET FUND GROUPS			\$	293,254,034	\$	298,342,209	63390
		RECLAIM OHIO					63391

Of the foregoing appropriation item 470-401, RECLAIM Ohio, 63392  
\$25,000 in each fiscal year shall be distributed directly to the 63393  
Lighthouse Youth Services Wrap-Around Program. 63394

OHIO BUILDING AUTHORITY LEASE PAYMENTS 63395

The foregoing appropriation item 470-412, Lease Rental 63396  
Payments, in the Department of Youth Services, shall be used to 63397  
meet all payments to the Ohio Building Authority for the period 63398  
from July 1, 2007, to June 30, 2009, under the leases and 63399  
agreements for facilities made under Chapter 152. of the Revised 63400  
Code. This appropriation is the source of funds pledged for bond 63401  
service charges on related obligations issued pursuant to Chapter 63402  
152. of the Revised Code. 63403

EDUCATION REIMBURSEMENT 63404

The foregoing appropriation item 470-613, Education 63405  
Reimbursement, shall be used to fund the operating expenses of 63406  
providing educational services to youth supervised by the 63407  
Department of Youth Services. Operating expenses include, but are 63408  
not limited to, teachers' salaries, maintenance costs, and 63409  
educational equipment. This appropriation item may be used for 63410  
capital expenses related to the education program. 63411

EMPLOYEE FOOD SERVICE AND EQUIPMENT 63412

Notwithstanding section 125.14 of the Revised Code, the 63413  
foregoing appropriation item 470-609, Employee Food Service, may 63414  
be used to purchase any food operational items with funds received 63415  
into the fund from reimbursement for state surplus property. 63416

**Section 503.03. PERSONAL SERVICE EXPENSES** 63417

Unless otherwise prohibited by law, any appropriation from 63418  
which personal service expenses are paid shall bear the employer's 63419  
share of public employees' retirement, workers' compensation, 63420  
disabled workers' relief, and all group insurance programs; the 63421

costs of centralized accounting, centralized payroll processing, 63422  
and related personnel reports and services; the cost of the Office 63423  
of Collective Bargaining; the cost of the Employee Assistance 63424  
Program; the cost of the affirmative action and equal employment 63425  
opportunity programs administered by the Department of 63426  
Administrative Services; the costs of interagency information 63427  
management infrastructure; and the cost of administering the state 63428  
employee merit system as required by section 124.07 of the Revised 63429  
Code. These costs shall be determined in conformity with the 63430  
appropriate sections of law and paid in accordance with procedures 63431  
specified by the Office of Budget and Management. Expenditures 63432  
from appropriation item 070-601, Public Audit Expense - Local 63433  
Government, in Fund 422 may be exempted from the requirements of 63434  
this section. 63435

**Section 503.06. SATISFACTION OF JUDGMENTS AND SETTLEMENTS** 63436  
**AGAINST THE STATE** 63437

Except as otherwise provided in this section, an 63438  
appropriation in this act or any other act may be used for the 63439  
purpose of satisfying judgments, settlements, or administrative 63440  
awards ordered or approved by the Court of Claims or by any other 63441  
court of competent jurisdiction in connection with civil actions 63442  
against the state. This authorization does not apply to 63443  
appropriations to be applied to or used for payment of guarantees 63444  
by or on behalf of the state, or for payments under lease 63445  
agreements relating to, or debt service on, bonds, notes, or other 63446  
obligations of the state. Notwithstanding any other statute to the 63447  
contrary, this authorization includes appropriations from funds 63448  
into which proceeds of direct obligations of the state are 63449  
deposited only to the extent that the judgment, settlement, or 63450  
administrative award is for, or represents, capital costs for 63451  
which the appropriation may otherwise be used and is consistent 63452  
with the purpose for which any related obligations were issued or 63453

entered into. Nothing contained in this section is intended to 63454  
subject the state to suit in any forum in which it is not 63455  
otherwise subject to suit, and is not intended to waive or 63456  
compromise any defense or right available to the state in any suit 63457  
against it. 63458

**Section 503.09. CAPITAL PROJECT SETTLEMENTS** 63459

This section specifies an additional and supplemental 63460  
procedure to provide for payments of judgments and settlements if 63461  
the Director of Budget and Management determines, pursuant to 63462  
division (C)(4) of section 2743.19 of the Revised Code, that 63463  
sufficient unencumbered moneys do not exist in the particular 63464  
appropriation to pay the amount of a final judgment rendered 63465  
against the state or a state agency, including the settlement of a 63466  
claim approved by a court, in an action upon and arising out of a 63467  
contractual obligation for the construction or improvement of a 63468  
capital facility if the costs under the contract were payable in 63469  
whole or in part from a state capital projects appropriation. In 63470  
such a case, the director may either proceed pursuant to division 63471  
(C)(4) of section 2743.19 of the Revised Code or apply to the 63472  
Controlling Board to increase an appropriation or create an 63473  
appropriation out of any unencumbered moneys in the state treasury 63474  
to the credit of the capital projects fund from which the initial 63475  
state appropriation was made. The Controlling Board may approve or 63476  
disapprove the application as submitted or modified. The amount of 63477  
an increase in appropriation or new appropriation specified in an 63478  
application approved by the Controlling Board is hereby 63479  
appropriated from the applicable capital projects fund and made 63480  
available for the payment of the judgment or settlement. 63481

If the director does not make the application authorized by 63482  
this section or the Controlling Board disapproves the application, 63483  
and the director does not make application under division (C)(4) 63484

of section 2743.19 of the Revised Code, the director shall for the 63485  
purpose of making that payment make a request to the General 63486  
Assembly as provided for in division (C)(5) of that section. 63487

**Section 503.12. RE-ISSUANCE OF VOIDED WARRANTS** 63488

In order to provide funds for the reissuance of voided 63489  
warrants under section 117.47 of the Revised Code, there is hereby 63490  
appropriated, out of moneys in the state treasury from the fund 63491  
credited as provided in section 117.47 of the Revised Code, that 63492  
amount sufficient to pay such warrants when approved by the Office 63493  
of Budget and Management. 63494

**Section 503.15. REAPPROPRIATION OF UNEXPENDED ENCUMBERED 63495  
BALANCES OF OPERATING APPROPRIATIONS** 63496

Except for amounts of \$1,000,000 or more that are encumbered 63497  
for program subsidy payments, which the Director of Budget and 63498  
Management must submit to the Controlling Board for approval, an 63499  
unexpended balance of an operating appropriation or 63500  
reappropriation that a state agency lawfully encumbered prior to 63501  
the close of a fiscal year is reappropriated on the first day of 63502  
July of the following fiscal year from the fund from which it was 63503  
originally appropriated or reappropriated for the following period 63504  
and shall remain available only for the purpose of discharging the 63505  
encumbrance: 63506

(A) For an encumbrance for personal services, maintenance, 63507  
equipment, or items for resale, other than an encumbrance for an 63508  
item of special order manufacture not available on term contract 63509  
or in the open market or for reclamation of land or oil and gas 63510  
wells for a period of not more than five months from the end of 63511  
the fiscal year; 63512

(B) For an encumbrance for an item of special order 63513  
manufacture not available on term contract or in the open market, 63514

for a period of not more than five months from the end of the 63515  
fiscal year or, with the written approval of the Director of 63516  
Budget and Management, for a period of not more than twelve months 63517  
from the end of the fiscal year; 63518

(C) For an encumbrance for reclamation of land or oil and gas 63519  
wells, for a period ending when the encumbered appropriation is 63520  
expended or for a period of two years, whichever is less; 63521

(D) For an encumbrance for any other expense, for such period 63522  
as the director approves, provided such period does not exceed two 63523  
years. 63524

Any operating appropriations for which unexpended balances 63525  
are reappropriated beyond a five-month period from the end of the 63526  
fiscal year by division (B) of this section shall be reported to 63527  
the Controlling Board by the Director of Budget and Management by 63528  
the thirty-first day of December of each year. The report on each 63529  
such item shall include the item, the cost of the item, and the 63530  
name of the vendor. The report shall be updated on a quarterly 63531  
basis for encumbrances remaining open. 63532

Upon the expiration of the reappropriation period set out in 63533  
divisions (A), (B), (C), or (D) of this section, a reappropriation 63534  
made by this section lapses, and the Director of Budget and 63535  
Management shall cancel the encumbrance of the unexpended 63536  
reappropriation not later than the end of the weekend following 63537  
the expiration of the reappropriation period. 63538

Notwithstanding the preceding paragraph, with the approval of 63539  
the Director of Budget and Management, an unexpended balance of an 63540  
encumbrance that was reappropriated on the first day of July by 63541  
this section for a period specified in division (C) or (D) of this 63542  
section and that remains encumbered at the close of the fiscal 63543  
biennium is hereby reappropriated on the first day of July of the 63544  
following fiscal biennium from the fund from which it was 63545

originally appropriated or reappropriated for the applicable 63546  
period specified in division (C) or (D) of this section and shall 63547  
remain available only for the purpose of discharging the 63548  
encumbrance. 63549

The Director of Budget and Management may correct accounting 63550  
errors committed by the staff of the Office of Budget and 63551  
Management, such as re-establishing encumbrances or appropriations 63552  
cancelled in error, during the cancellation of operating 63553  
encumbrances in November and of nonoperating encumbrances in 63554  
December. 63555

If the Controlling Board approved a purchase, that approval 63556  
remains in effect so long as the appropriation used to make that 63557  
purchase remains encumbered. 63558

**Section 503.18.** APPROPRIATIONS RELATED TO CASH TRANSFERS AND 63559  
RE-ESTABLISHMENT OF ENCUMBRANCES 63560

Any cash transferred by the Director of Budget and Management 63561  
under section 126.15 of the Revised Code is hereby appropriated. 63562  
Any amounts necessary to re-establish appropriations or 63563  
encumbrances under section 126.15 of the Revised Code are hereby 63564  
appropriated. 63565

**Section 503.21.** INCOME TAX DISTRIBUTION TO COUNTIES 63566

There are hereby appropriated out of any moneys in the state 63567  
treasury to the credit of the General Revenue Fund, which are not 63568  
otherwise appropriated, funds sufficient to make any payment 63569  
required by division (B)(2) of section 5747.03 of the Revised 63570  
Code. 63571

**Section 503.24.** EXPENDITURES AND APPROPRIATION INCREASES 63572  
APPROVED BY THE CONTROLLING BOARD 63573

Any money that the Controlling Board approves for expenditure 63574



or any increase in appropriation authority that the Controlling Board approves under sections 127.14, 131.35, and 131.39 of the Revised Code or any other provision of law is hereby appropriated for the period ending June 30, 2009.

**Section 503.27.** FUNDS RECEIVED FOR USE OF GOVERNOR'S RESIDENCE

If the Governor's Residence Fund (Fund 4H2) receives payment for use of the residence pursuant to section 107.40 of the Revised Code, the amounts so received are hereby appropriated to appropriation item 100-604, Governor's Residence Gift.

**Section 506.03.** UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS

The maximum amounts that may be assessed against nuclear electric utilities under division (B)(2) of section 4937.05 of the Revised Code are as follows:

	FY 2008	FY 2009	
Department of Agriculture			63589
Fund 4E4 Utility Radiological Safety	\$73,059	\$73,059	63591
Department of Health			63592
Fund 610 Radiation Emergency Response	\$850,000	\$850,000	63593
Environmental Protection Agency			63594
Fund 644 ER Radiological Safety	\$286,114	\$286,114	63595
Emergency Management Agency			63596
Fund 657 Utility Radiological Safety	\$1,260,000	\$1,260,000	63597

**Section 512.03.** TRANSFERS TO THE GENERAL REVENUE FUND FROM NON-GRF FUNDS

Notwithstanding any other provision of law to the contrary, during fiscal years 2008 and 2009, the Director of Budget and Management is hereby authorized to transfer cash from non-General Revenue Fund funds that are not constitutionally restricted to the

General Revenue Fund. The total amount of cash transfers made 63604  
pursuant to this section to the General Revenue Fund during fiscal 63605  
years 2008 and 2009 shall not exceed \$70,000,000. 63606

**Section 512.06.** TRANSFERS TO THE GENERAL REVENUE FUND OF 63607  
INTEREST EARNED 63608

Notwithstanding any provision of Ohio law to the contrary, 63609  
the Director of Budget and Management, through June 30, 2009, may 63610  
transfer interest earned by any fund in the Central Accounting 63611  
System to the General Revenue Fund. Subsequent to the making of 63612  
such transfers, the Director of Budget and Management shall 63613  
provide a report to the Controlling Board at its next regularly 63614  
scheduled meeting detailing the funds from which the interest 63615  
earned was transferred to the General Revenue Fund and the amount 63616  
of interest earnings transferred from each of those funds. This 63617  
section does not apply to funds whose source of revenue is 63618  
restricted or protected by the Constitution of this state, federal 63619  
tax law, or the "Cash Management Improvement Act of 1990" 104 63620  
Stat. 1058 (1990), 31 U.S.C. 6501 et seq., as amended. 63621

**Section 512.07.** CASH TRANSFERS FROM REPARATIONS FUND (Fund 63622  
402) TO DISASTER PREPAREDNESS FUND (Fund 5EX) 63623

Notwithstanding any other provision of law to the contrary, 63624  
on the first day of July in each of years 2007 and 2008, or as 63625  
soon as practicable thereafter in each of those years, the 63626  
Director of Budget and Management shall transfer \$350,000 in cash 63627  
from the Reparations Fund (Fund 402) to the Disaster Preparedness 63628  
Fund (Fund 5EX). 63629

**Section 512.09.** CORPORATE AND UCC FILING FUND TRANSFER TO GRF 63630

Not later than the first day of June in each year of the 63631  
biennium, the Director of Budget and Management shall transfer 63632

\$500,000 from the Corporate and Uniform Commercial Code Filing Fund to the General Revenue Fund. 63633  
63634

**Section 512.21.** GRF TRANSFER TO FUND 5N4, OAKS PROJECT IMPLEMENTATION 63635  
63636

On July 1, 2007, or as soon thereafter as possible, the Director of Budget and Management shall transfer an amount not to exceed \$2,200,725 in cash from the General Revenue Fund to Fund 5N4, OAKS Project Implementation. On July 1, 2008, or as soon thereafter as possible, the Director of Budget and Management shall transfer an amount not to exceed \$2,092,779 in cash from the General Revenue Fund to Fund 5N4, OAKS Project Implementation. 63637  
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**Section 512.31.** TEMPORARY TRANSFER TO THE OAKS SUPPORT ORGANIZATION FUND 63644  
63645

Notwithstanding any provision of law to the contrary, in fiscal year 2008, the Director of Budget and Management may transfer an amount not to exceed \$1,000,000 in cash from the Human Resources Services Fund (Fund 125) to the OAKS Support Organization Fund (Fund 5EB). These amounts shall support the establishment of the OAKS Support Organization. Amounts transferred to the OAKS Support Organization Fund and interest earnings on these amounts transferred during fiscal year 2008 shall be returned to the Human Resources Services Fund not later than January 1, 2008. Upon certification of the total amount transferred from Fund 125 to Fund 5EB, the Director of Budget and Management shall transfer cash in the amount certified from Fund 5EB to Fund 125. 63646  
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**Section 512.34.** TRANSFER FROM EDUCATION FACILITIES ENDOWMENT FUND 63659  
63660

Notwithstanding division (G) of section 183.27 of the Revised 63661

Code, the Director of Budget and Management shall transfer 63662  
\$40,000,000 cash in fiscal year 2008 from the Education Facilities 63663  
Endowment Fund (Fund P87) to the Public School Building Fund (Fund 63664  
021). The amounts transferred are hereby appropriated to the Ohio 63665  
School Facilities Commission for the purposes of appropriation 63666  
item CAP-622, Public School Buildings. 63667

**Section 512.37. TRANSFER TO ENERGY STRATEGY DEVELOPMENT FUND** 63668

On July 1, 2007, and on July 1, 2008, or as soon thereafter 63669  
as possible, the Director of Budget and Management may transfer 63670  
cash from the funds specified below, in the amount specified 63671  
below, to the Energy Strategy Development Fund, which is hereby 63672  
created in the state treasury. The fund may accept contributions 63673  
and transfers made to the fund. The funds shall be used to develop 63674  
energy initiatives, projects, and policy. 63675

<u>Agency</u>	<u>Fund</u>	<u>FY 2008</u>	<u>FY 2009</u>	
Department of Administrative Services	117	\$35,000	\$35,000	63676 63677
Department of Agriculture	3J4	\$35,000	\$35,000	63678
Department of Development	4H4	\$32,447	\$0	63679
Department of Development	135	\$0	\$35,000	63680
Environmental Protection Agency	219	\$35,000	\$35,000	63681
Department of Natural Resources	157	\$35,000	\$35,000	63682
Department of Transportation	002	\$50,000	\$50,000	63683

**Section 512.38. CASH TRANSFER FROM AUTOMATED TITLE PROCESSING 63684  
FUND TO TITLE DEFECT RESCISSION FUND** 63685

Notwithstanding any other provision of law to the contrary, 63686  
on July 1, 2007, or as soon as practicable thereafter, the 63687  
Director of Budget and Management shall transfer \$1,000,000 in 63688  
cash from the Automated Title Processing Fund (Fund 849) to the 63689  
Title Defect Rescission Fund (Fund 4Y7). 63690

**Section 512.41.** For purposes of sections 109.93, 111.18, and 173.85 of the Revised Code, as amended by this act, the Director of Budget and Management, in collaboration with the Treasurer of State, may take any action necessary to establish funds in the state treasury that were previously held in the custody of the Treasurer of State, including, but not limited to, the transfer of cash from the custodial funds to the state treasury and the establishment of appropriations and encumbrances to support outstanding obligations. The amounts necessary to support outstanding obligations are hereby appropriated. Agencies may request additional appropriation authority, but it shall be subject to approval by the Controlling Board.

**Section 515.06.** TRANSFER OF PRINTING SERVICES FROM THE OFFICE OF INFORMATION TECHNOLOGY

Effective July 1, 2007, or the earliest date thereafter agreed to by the Director of Budget and Management and the Director of Administrative Services, the Office of Information Technology printing office currently located on Integrity Drive in Columbus shall become part of the Department of Administrative Services. The functions, assets, and liabilities, including, but not limited to, records, regardless of form or medium, leases, and contracts, of the printing office are transferred to the Department of Administrative Services. The Department of Administrative Services is thereupon and thereafter successor to, assumes the obligations of, and otherwise constitutes the continuation of the printing office. The functions of the printing office are thereupon and thereafter transferred to the Department of Administrative Services.

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 63722  
validation, cure, right, privilege, remedy, obligation, or 63723  
liability is lost or impaired by reason of the transfer and shall 63724  
be administered by the Department of Administrative Services. All 63725  
the printing office's rules, orders, and determinations continue 63726  
in effect as rules, orders, and determinations of the Department 63727  
of Administrative Services, until modified or rescinded by the 63728  
Department of Administrative Services. If necessary to ensure the 63729  
integrity of the Administrative Code rule numbering system, the 63730  
Director of the Legislative Service Commission shall renumber the 63731  
printing office's rules to reflect their transfer to the 63732  
Department of Administrative Services. 63733

Employees of the Office of Information Technology designated 63734  
as staff in the printing office shall be transferred to the 63735  
Department of Administrative Services. Subject to the layoff 63736  
provisions of sections 124.321 to 124.328 of the Revised Code, the 63737  
layoff provisions of the contract between the state and all 63738  
bargaining units affected, the employees transferred to the 63739  
Department of Administrative Services retain their positions and 63740  
all benefits accruing thereto. 63741

No judicial or administrative action or proceeding to which 63742  
the printing office is a party that is pending on July 1, 2007, or 63743  
such later date as may be established by the Director of the 63744  
Office of Information Technology and the Director of 63745  
Administrative Services, is affected by the transfer of functions. 63746  
The action or proceeding shall be prosecuted or defended in the 63747  
name of the Director of Administrative Services. On application to 63748  
the court or agency, the Director of Administrative Services shall 63749  
be substituted for the Director of the Office of Information 63750  
Technology as a party to the action or proceeding. 63751

On and after July 1, 2007, notwithstanding any provision of 63752  
law to the contrary, the Director of Budget and Management shall 63753

take the actions with respect to budget changes made necessary by 63754  
the transfer, including administrative reorganization, program 63755  
transfers, the creation of new funds, and the consolidation of 63756  
funds as authorized by this section. The Director of Budget and 63757  
Management may cancel encumbrances and re-establish encumbrances 63758  
or parts of encumbrances as needed in fiscal year 2008 in the 63759  
appropriate fund and appropriation item for the same purpose and 63760  
for payment to the same vendor. The Director of Budget and 63761  
Management as determined necessary, may re-establish encumbrances 63762  
in fiscal year 2008 in a different fund or appropriation item in 63763  
an agency or between agencies. The re-established encumbrances are 63764  
hereby appropriated. The Director of Budget and Management shall 63765  
reduce each year's appropriation balances by the amount of the 63766  
encumbrance canceled in their respective funds and appropriation 63767  
items. 63768

Not later than sixty days after the transfer of the printing 63769  
office to the Department of Administrative Services, the Director 63770  
of the Office of Information Technology shall certify to the 63771  
Director of Budget and Management the amount of cash associated 63772  
with printing services supported by Fund 133, IT Services Delivery 63773  
Fund. Upon receipt of the certification, the Director of Budget 63774  
and Management shall transfer cash from Fund 133, IT Services 63775  
Delivery Fund, to Fund 210, State Printing Fund. This amount is 63776  
hereby appropriated. 63777

**Section 515.09.** TRANSFER OF MAIL AND FULFILLMENT SERVICES 63778  
FROM THE DEPARTMENT OF JOB AND FAMILY SERVICES 63779

Effective July 1, 2007, or the earliest date thereafter 63780  
agreed to by the Director of Job and Family Services and the 63781  
Director of Administrative Services, the Department of Job and 63782  
Family Services mail and fulfillment office, currently located on 63783  
Integrity Drive in Columbus shall become part of the Department of 63784

Administrative Services. The functions, assets, and liabilities, 63785  
including, but not limited to, records, regardless of form or 63786  
medium, leases, and contracts, of the mail and fulfillment office 63787  
is transferred to the Department of Administrative Services. The 63788  
Department of Administrative Services is thereupon and thereafter 63789  
successor to, assumes the obligations of, and otherwise 63790  
constitutes the continuation of the mail and fulfillment office. 63791  
The functions of the mail and fulfillment office are thereupon and 63792  
thereafter transferred to the Department of Administrative 63793  
Services. 63794

Any business commenced but not completed by the mail and 63795  
fulfillment office by the date of transfer shall be completed by 63796  
the Department of Administrative Services, in the same manner, and 63797  
with the same effect, as if completed by the mail and fulfillment 63798  
office. No validation, cure, right, privilege, remedy, obligation, 63799  
or liability is lost or impaired by reason of the transfer and 63800  
shall be administered by the Department of Administrative 63801  
Services. All of the mail and fulfillment office's rules, orders, 63802  
and determinations continue in effect as rules, orders, and 63803  
determinations of the Department of Administrative Services, until 63804  
modified or rescinded by the Department of Administrative 63805  
Services. If necessary to ensure the integrity of the 63806  
Administrative Code rule numbering system, the Director of the 63807  
Legislative Service Commission shall renumber the mail and 63808  
fulfillment office's rules to reflect their transfer to the 63809  
Department of Administrative Services. 63810

Employees of the Department of Job and Family Services 63811  
designated as staff in the mail and fulfillment office shall be 63812  
transferred to the Department of Administrative Services. Subject 63813  
to the layoff provisions of sections 124.321 to 124.328 of the 63814  
Revised Code, and to provisions of the contract between the state 63815  
and all bargaining units affected, the employees transferred to 63816



the Department of Administrative Services retain their positions 63817  
and all benefits accruing thereto. 63818

No judicial or administrative action or proceeding to which 63819  
the mail and fulfillment office is a party that is pending on July 63820  
1, 2007, or such later date as may be established by the Director 63821  
of Job and Family Services and the Director of Administrative 63822  
Services, is affected by the transfer of functions. The action or 63823  
proceeding shall be prosecuted or defended in the name of the 63824  
Director of Administrative Services. On application to the court 63825  
or agency, the Director of Administrative Services shall be 63826  
substituted for the Director of Job and Family Services as a party 63827  
to the action or proceeding. 63828

On and after July 1, 2007, notwithstanding any provision of 63829  
law to the contrary, the Director of Budget and Management shall 63830  
take the actions with respect to budget changes made necessary by 63831  
the transfer, including administrative reorganization, program 63832  
transfers, the creation of new funds, and the consolidation of 63833  
funds as authorized by this section. The Director of Budget and 63834  
Management may cancel encumbrances and re-establish encumbrances 63835  
or parts of encumbrances as needed in fiscal year 2008 in the 63836  
appropriate fund and appropriation item for the same purpose and 63837  
for payment to the same vendor. The Director of Budget and 63838  
Management, as determined necessary, may re-establish encumbrances 63839  
in fiscal year 2008 in a different fund or appropriation item in 63840  
an agency or between agencies. The re-established encumbrances are 63841  
hereby appropriated. The Director of Budget and Management shall 63842  
reduce each year's appropriation balances by the amount of the 63843  
encumbrance canceled in their respective funds and appropriation 63844  
items. 63845

The Director of Job and Family Services and the Director of 63846  
Administrative Services shall enter into an interagency agreement 63847  
establishing terms and timetables for the implementation of this 63848

section. The interagency agreement shall include provisions for 63849  
credits to the Department of Job and Family Services for prepaid 63850  
postage, agreements for the credit, transfer, or reimbursement of 63851  
funds to the Department of Job and Family Services to comply with 63852  
terms and conditions applicable to federal funds expended by the 63853  
department for the purchase, maintenance, and operation of 63854  
equipment, agreements for ongoing operations in compliance with 63855  
federal requirements applicable to Department of Job and Family 63856  
Services programs that utilize the mail and fulfillment services, 63857  
transfer of or sharing of lease agreements, and any other 63858  
agreements that the Director of Job and Family Services and the 63859  
Director of Administrative Services determine to be necessary for 63860  
the successful implementation of this section. 63861

Not later than sixty days after the transfer of the mail and 63862  
fulfillment office to the Department of Administrative Services, 63863  
the Director of Job and Family Services shall certify to the 63864  
Director of Budget and Management the amount of any unexpended 63865  
balance of appropriations made to the department to support the 63866  
office. Upon receipt of the certification, the Director of Budget 63867  
and Management shall transfer the appropriations and cash to Fund 63868  
210, State Printing Fund. 63869

**Section 518.03. BUDGET ADJUSTMENTS TO REFLECT TOBACCO** 63870  
**SECURITIZATION** 63871

(A) Notwithstanding any other provision of law to the 63872  
contrary, the Director of Budget and Management, periodically on 63873  
any date following the issuance of the tobacco obligations 63874  
authorized in section 183.51 of the Revised Code and through June 63875  
30, 2009, may: 63876

(1) Determine the amount of appropriation items 235-909, 63877  
Higher Education General Obligation Debt Service, and 230-908, 63878  
Common Schools General Obligation Debt Service, that are in excess 63879

of the amounts needed to pay all debt service and financing costs 63880  
on those obligations payable from each of those items and transfer 63881  
all or any portion of that excess appropriation to appropriation 63882  
item 200-901, Property Tax Allocation-Education, or 110-901, 63883  
Property Tax Allocation-Taxation, or both together as needed for 63884  
the purposes of making the state's property tax relief payments to 63885  
school districts and counties. 63886

(2) Determine the amount by which interest earnings credited 63887  
to Fund 034, Higher Education Improvement Fund, and Fund 032, 63888  
School Building Program Assistance Fund, from the investment of 63889  
the net proceeds of those tobacco obligations exceed the amount 63890  
needed to satisfy appropriations from those funds, transfer all or 63891  
part of that excess cash balance to the General Revenue Fund, and 63892  
increase appropriation item 200-901, Property Tax 63893  
Allocation-Education, or 110-901, Property Tax 63894  
Allocation-Taxation, or both together, by up to the amount of cash 63895  
so transferred to the General Revenue Fund. 63896

(3) Determine the amount of capital appropriation in CAP-770, 63897  
School Building Assistance Program, transfer cash to Fund 5E3, 63898  
School Facilities Commission, an amount that is necessary to fully 63899  
expend the amount of net proceeds deposited into Fund 032, School 63900  
Building Program Assistance Fund, from the issuance of those 63901  
tobacco obligations and increase the appropriations for CAP-770 63902  
and appropriation item 230-644, Operating Expenses-School 63903  
Facilities Commission, by the necessary amount. 63904

(4) Determine the amount of additional capital appropriations 63905  
necessary to fully expend the amount of net proceeds deposited 63906  
from the issuance of those tobacco obligations into Fund 034, 63907  
Higher Education Improvement Fund. 63908

(5) Reduce the amount of authorization to issue and sell 63909  
general obligations to pay the costs of capital facilities for a 63910  
system of common schools throughout the state granted to the Ohio 63911

Public Facilities Commission by prior acts of the General Assembly 63912  
to reflect the amount of net proceeds of those tobacco obligations 63913  
deposited into Fund 034, Higher Education Improvement Fund, that 63914  
are intended to replace general obligations for the purpose. 63915

(6) Reduce the amount of authorization to issue and sell 63916  
general obligations to pay the costs of capital facilities for 63917  
state-supported and state-assisted institutions of higher 63918  
education granted to the Ohio Public Facilities Commission by 63919  
prior acts of the General Assembly to reflect the amount of net 63920  
proceeds of those tobacco obligations deposited into Fund 034, 63921  
Higher Education Improvement Fund, that are intended to replace 63922  
general obligations for the purpose. 63923

(B) When any of the determinations, transfers, and increases 63924  
or decreases in appropriations and authorizations described in 63925  
division (A) of this section have been completed, the Office of 63926  
Budget and Management shall make a report to the Controlling Board 63927  
at its next regularly scheduled meeting. 63928

**Section 518.06. GENERAL OBLIGATION DEBT SERVICE PAYMENTS** 63929

Certain appropriations are in this act for the purpose of 63930  
paying debt service and financing costs on general obligation 63931  
bonds or notes of the state issued pursuant to the Ohio 63932  
Constitution and acts of the General Assembly. If it is determined 63933  
that additional appropriations are necessary for this purpose, 63934  
such amounts are hereby appropriated. 63935

**Section 518.09. LEASE PAYMENTS TO OPFC, OBA, AND TREASURER OF** 63936  
**STATE** 63937

Certain appropriations are in this act for the purpose of 63938  
making lease rental payments pursuant to leases and agreements 63939  
relating to bonds or notes issued by the Ohio Building Authority 63940  
or the Treasurer of State or, previously, by the Ohio Public 63941

Facilities Commission, pursuant to the Ohio Constitution and acts 63942  
of the General Assembly. If it is determined that additional 63943  
appropriations are necessary for this purpose, such amounts are 63944  
hereby appropriated. 63945

**Section 518.12.** AUTHORIZATION FOR TREASURER OF STATE AND OBM 63946  
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 63947

The Office of Budget and Management shall initiate and 63948  
process disbursements from general obligation and lease rental 63949  
payment appropriation items during the period from July 1, 2007, 63950  
to June 30, 2009, relating to bonds or notes issued under Sections 63951  
2i, 2k, 2l, 2m, 2n, 2o, 2p and 15 of Article VIII, Ohio 63952  
Constitution, and Chapters 151. and 154. of the Revised Code. 63953  
Disbursements shall be made upon certification by the Treasurer of 63954  
State, Office of the Sinking Fund, of the dates and the amounts 63955  
due on those dates. 63956

**Section 521.03.** STATE AND LOCAL REBATE AUTHORIZATION 63957

There is hereby appropriated, from those funds designated by 63958  
or pursuant to the applicable proceedings authorizing the issuance 63959  
of state obligations, amounts computed at the time to represent 63960  
the portion of investment income to be rebated or amounts in lieu 63961  
of or in addition to any rebate amount to be paid to the federal 63962  
government in order to maintain the exclusion from gross income 63963  
for federal income tax purposes of interest on those state 63964  
obligations under section 148(f) of the Internal Revenue Code. 63965

Rebate payments shall be approved and vouchered by the Office 63966  
of Budget and Management. 63967

**Section 521.06.** STATEWIDE INDIRECT COST RECOVERY 63968

Whenever the Director of Budget and Management determines 63969  
that an appropriation made to a state agency from a fund of the 63970

state is insufficient to provide for the recovery of statewide 63971  
indirect costs under section 126.12 of the Revised Code, the 63972  
amount required for such purpose is hereby appropriated from the 63973  
available receipts of such fund. 63974

**Section 521.07.** GRF TRANSFERS ON BEHALF OF THE STATEWIDE 63975  
INDIRECT COST ALLOCATION PLAN 63976

The total transfers made from the General Revenue Fund by the 63977  
Director of Budget and Management under this section shall not 63978  
exceed the amounts transferred into the General Revenue Fund under 63979  
division (B) of section 126.12 of the Revised Code. 63980

The director of an agency may certify to the Director of 63981  
Budget and Management the amount of expenses not allowed to be 63982  
included in the Statewide Indirect Cost Allocation Plan under 63983  
federal regulations, from any fund included in the Statewide 63984  
Indirect Cost Allocation Plan, prepared as required by section 63985  
126.12 of the Revised Code. 63986

Upon determining that no alternative source of funding is 63987  
available to pay for such expenses, the Director of Budget and 63988  
Management may transfer from the General Revenue Fund into the 63989  
fund for which the certification is made, up to the amount of the 63990  
certification. The director of the agency receiving such funds 63991  
shall include, as part of the next budget submission prepared 63992  
under section 126.02 of the Revised Code, a request for funding 63993  
for such activities from an alternative source such that further 63994  
federal disallowances would not be required. 63995

**Section 521.12.** FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 63996

Pursuant to the plan for compliance with the Federal Cash 63997  
Management Improvement Act required by section 131.36 of the 63998  
Revised Code, the Director of Budget and Management may cancel and 63999  
re-establish all or part of encumbrances in like amounts within 64000

the funds identified by the plan. The amounts necessary to 64001  
re-establish all or part of encumbrances are hereby appropriated. 64002

**\*Section 603.05.** That Section 310.10 of Am. Sub. H.B. 67 of 64003  
the 127th General Assembly be amended to read as follows: 64004

**Sec. 310.10.** In proceeding with the construction project 64005  
involving United States Route 68 in Champaign County, the Director 64006  
of Transportation shall credit the proceeds from any sale of land 64007  
previously acquired for the project to the local matching funds 64008  
required for the project. 64009

The Director of Transportation shall make available 64010  
\$1,000,000 over the fiscal year 2008-2009 biennium for 64011  
improvements to the State Route 33 Avery Muirfield Interchange. 64012  
The Director shall determine how to fund the project with either 64013  
state or federal moneys. 64014

**\*Section 603.06.** That existing Section 310.10 of Am. Sub. 64015  
H.B. 67 of the 127th General Assembly is hereby repealed. 64016

**Section 605.05.** That Section 252.70 of Am. Sub. H.B. 530 of 64017  
the 126th General Assembly be amended to read as follows: 64018

Reappropriations

**Sec. 252.70.** OSU OHIO STATE UNIVERSITY 64019

CAP-074	Basic Renovations	\$	19,255,664	64020
CAP-149	Basic Renovations - Regional Campuses	\$	2,083,163	64021
CAP-198	Brown Hall Annex Replacement	\$	6,213	64022
CAP-254	Basic Renovations - ATI	\$	127,444	64023
CAP-255	Supplemental Renovations - OARDC	\$	2,826,343	64024
CAP-256	Supplemental Renovations - Regional	\$	191,955	64025
CAP-258	Dreese Lab Addition	\$	12,340	64026
CAP-261	Bioscience/Parks Hall Addition	\$	12,584	64027

CAP-269	Greenhouse Modernization	\$	40,982	64028
CAP-271	Horticulture/Entomology Greenhouse - OARDC	\$	15,344	64029
CAP-292	Life Sciences Research Building	\$	202,898	64030
CAP-302	Food Science & Technology Building	\$	89,990	64031
CAP-306	Heart & Lung Institute	\$	32,437	64032
CAP-311	Superconducting Radiation	\$	65,094	64033
CAP-313	Brain Tumor Research Center	\$	6,001	64034
CAP-314	Engineering Center Net Shape Manufacturing	\$	20,730	64035
CAP-315	Membrane Protein Typology	\$	8,835	64036
CAP-316	Instructional and Data Processing Equipment	\$	198,844	64037
CAP-321	Fine Particle Technologies	\$	157,936	64038
CAP-323	Advanced Plasma Engineering	\$	22,379	64039
CAP-324	Plasma Ramparts	\$	1,150	64040
CAP-326	IN-SITU AL-BE Composites	\$	1,733	64041
CAP-335	Jay Cooke Residence - Roof and Windows	\$	86,668	64042
CAP-347	Asbestos Abatement	\$	5,325	64043
CAP-349	Materials Network	\$	91,983	64044
CAP-350	Bio-Technology Consortium	\$	42,378	64045
CAP-352	Analytical Electron Microscope	\$	375,000	64046
CAP-353	High Temp Alloys & Alluminoids	\$	220,000	64047
CAP-357	Supplemental Renovations - ATI	\$	33,969	64048
CAP-361	Maintenance, Receiving, and Storage Facility - Marion	\$	58,646	64049
CAP-362	McPherson Lab Rehabilitation	\$	10,278	64050
CAP-368	Heart and Lung Institute	\$	101,808	64051
CAP-374	ADA Modifications	\$	178,870	64052
CAP-375	ADA Modifications - ATI	\$	41,936	64053
CAP-376	ADA Modifications - Lima	\$	95,538	64054
CAP-377	ADA Modifications - Mansfield	\$	15,253	64055
CAP-387	Titanium Alloys	\$	54,912	64056



CAP-394	ATI/OARDC Roof Replacements	\$	13,913	64057
CAP-398	Advanced Manufacturing	\$	38,579	64058
CAP-399	Manufacturing Processes/Materials	\$	62,574	64059
CAP-401	Terhertz Studies	\$	35,294	64060
CAP-406	Marion Park/Road/Sidewalk/Lights	\$	2,750	64061
CAP-413	Pomerene Lighting/Wiring	\$	249,584	64062
CAP-419	NMR Consortium	\$	75,116	64063
CAP-420	Versatile Film Facility	\$	62,872	64064
CAP-421	OCARNET	\$	5,916	64065
CAP-422	Bioprocessing Research	\$	1,905	64066
CAP-423	Localized Corrosion Research	\$	6,128	64067
CAP-424	ATM Testbed	\$	3,633	64068
CAP-425	Physical Sciences Building	\$	27,748	64069
CAP-427	Morrill Hall Remodeling - Vacated Library Space - Marion	\$	1,347,191	64070
CAP-431	Sisson Hall Replacement	\$	5,571	64071
CAP-436	Machinery Acoustics	\$	3,804	64072
CAP-439	Sensors and Measurements	\$	15,115	64073
CAP-440	Polymer Magnets	\$	1,099	64074
CAP-458	Al Alloy Corrosion	\$	14,292	64075
CAP-484	Page Hall Planning	\$	7,210	64076
CAP-485	Botany & Zoology Building Planning	\$	207,932	64077
CAP-486	Larkins Hall Addition/Renovation Planning	\$	26,206	64078
CAP-487	Robinson Laboratory Planning	\$	149,100	64079
CAP-488	Don Scott Field Replacement Barns	\$	1,495,619	64080
CAP-489	Galvin Hall 3rd Floor Renovation - Lima	\$	22,135	64081
CAP-491	Horticultural Operations Center - ATI	\$	1,474,400	64082
CAP-492	OARDC Feed Mill	\$	5,598,644	64083
CAP-499	Biological Sciences Cooling Tower	\$	6,930	64084
CAP-509	Mount Hall HVAC Modifications	\$	40,982	64085
CAP-519	Ohio Biomedical Consortium on Medical Therapeutic Micro Devices	\$	49,275	64086

CAP-520	Plant and Microbe Functional Genomics Facilities	\$	16,259	64087
CAP-523	Consortium for Novem Microfabrications Methods of Medical Devices in Non-Silicon Materials	\$	193,886	64088
CAP-524	Bone & Mineral Metabolism Research Lab	\$	5,845	64089
CAP-531	Animal & Plant Biology Level 3	\$	8,133,780	64090
CAP-534	Main Library Rehabilitation	\$	9,320,846	64091
CAP-535	Psychology Building	\$	2,128,529	64092
CAP-536	Thorne Hall and Gowley Hall Renovations - Phase 3	\$	199,799	64093
CAP-539	Nanosecond Infrared Measurement	\$	2,588	64094
CAP-550	Millimeter/Submillimeter Instrument	\$	5,919	64095
CAP-552	X-Ray Powder Diffractometer	\$	558	64096
CAP-554	Deconvolution Microscope	\$	1,101	64097
CAP-556	Heart/Lung Institute Animal Facility	\$	13,140	64098
CAP-564	Denney Hall Renovation - Phase I	\$	18,495	64099
CAP-565	Ion Mass Spectrometry	\$	6,594	64100
CAP-568	Role of Molecular Interfaces	\$	17,554	64101
CAP-572	New Millimeter Spectrometer	\$	714	64102
CAP-574	Noncredit Job Training - Marion	\$	2,933	64103
CAP-576	1224 Kinnear Road - Bale	\$	11,722	64104
CAP-577	Non-Silicon Micromachining	\$	73,991	64105
CAP-579	Veterinary Hospital Auditorium Renovation	\$	7,736	64106
CAP-586	Electroscience Lab Renovation	\$	5,853	64107
CAP-587	OARDC Boiler Replacement	\$	622,757	64108
CAP-590	Supercomputer Center Expansion	\$	6,804,275	64109
CAP-596	Information Literacy	\$	135,574	64110
CAP-597	Online Business Major	\$	5,768	64111
CAP-599	Renovation of Graves Hall	\$	68,196	64112
CAP-602	OARDC Wooster Phone System Replacement	\$	467,398	64113
CAP-605	Utility - North Tunnel Steamline Upgrade	\$	111,981	64114

CAP-608	Dual Beam Characterization	\$	150,000	64115
CAP-616	Environmental Technology Consortium	\$	11,297	64116
CAP-617	Campbell, University, and Evans Hall	\$	87,439	64117
CAP-620	School of Music - Planning	\$	1,500	64118
CAP-622	Western Branch Headquarters & Machinery Building	\$	779,525	64119
CAP-624	Muck Crops Branch/Shop Building Replacement	\$	756,336	64120
CAP-625	Hazardous Waste Handling/Storage Building	\$	1,103,062	64121
CAP-626	Agriculture/Engineering Building Renovation & Addition	\$	200,000	64122
CAP-628	Wood County Center for Agriculture	\$	1,000,000	64123
CAP-629	Community Heritage Art Gallery - Lima	\$	100,000	64124
CAP-631	Health Psychology	\$	250,000	64125
CAP-632	Nanotechnology Molecular Assembly	\$	500,000	64126
CAP-633	Networking and Communication	\$	500,000	64127
CAP-634	Planetary Gear	\$	125,000	64128
CAP-635	X-Ray Fluorescence Spectrometer	\$	2,283	64129
CAP-636	Precision Navigation	\$	85,000	64130
CAP-637	Welding & Metal Working	\$	200,000	64131
CAP-638	Spin Driven Electronics	\$	6,436	64132
CAP-639	Inductively Coupled Plasma Etching	\$	126,729	64133
CAP-641	Accelerated Metals	\$	1,020,331	64134
CAP-642	Mathematical Biosciences Institute	\$	54,863	64135
CAP-646	Mershon Auditorium HVAC System Improvements	\$	2,098	64136
CAP-647	Molecular Microdevices	\$	14,033	64137
CAP-648	Research Center HVAC System Improvements	\$	17,088	64138
CAP-649	Infrared Absorption Measurements	\$	2,899	64139
CAP-650	Dark Fiber	\$	3,983,440	64140
CAP-651	Shared Data Backup System	\$	20,922	64141
CAP-653	Third Frontier Network Testbed	\$	280,564	64142

CAP-654	Distributed Learning Workshop	\$	270,000	64143
CAP-656	Accelerated Maturation of Materials	\$	209,702	64144
CAP-657	Nanoscale Polymers Manufacturing	\$	629,699	64145
CAP-658	Hydrogen Production and Storage	\$	32,396	64146
CAP-659	Ohio Organic Semiconductor	\$	367,587	64147
CAP-663	Comprehensive Cancer - Chiller Replacement	\$	42,687	64148
CAP-664	Kottman Hall - 103 Central Classroom	\$	19,285	64149
CAP-668	West Campus Chilled Water & Scott Hall	\$	16,139	64150
CAP-669	McCracken Power Plant Spill Control	\$	268,508	64151
CAP-670	Glacial Assessment	\$	22,764	64152
CAP-672	Chemical Vapor Deposition	\$	13,500	64153
CAP-674	Parks Hall Chiller Replacement	\$	135,360	64154
CAP-675	Hybrid Electric Vehicle Modeling	\$	504,536	64155
CAP-676	Computational Nanotechnology	\$	500,000	64156
CAP-677	Townshend Hall - Roof Replacement	\$	328,772	64157
CAP-678	Center For Materials Design	\$	1,037	64158
CAP-681	Vet Hospital Roof Replacement Phase II	\$	85,645	64159
CAP-682	Hopkins Hall Phase II Priorities I, II	\$	108,052	64160
CAP-683	Bioscience 6th Floor Renovation - Priority	\$	983,186	64161
CAP-684	Ohio Commons For Digital Education	\$	118,924	64162
CAP-685	Postle Hall Fire Alarm Replacement	\$	116,441	64163
CAP-686	NonCredit Job Education & Training	\$	21,104	64164
CAP-687	Campus South Dorms Renovation/Improvements	\$	950,000	64165
CAP-688	Bricker Hall Roof Replacement	\$	23,123	64166
CAP-694	Neuroscience Center Core	\$	193,991	64167
CAP-696	Campus Grounds-Exterior Lighting - Phase VIII	\$	33,814	64168
CAP-697	930 Kinnear Road Renovations	\$	773,303	64169
CAP-698	Waterman Lab & Don Scott Field	\$	652,752	64170
CAP-699	Lincoln Tower Renovations - Phase 1	\$	477,626	64171

CAP-700	Coe Corrosion Coop	\$	58,750	64172
CAP-701	OSU Cancer Program Expansion	\$	2,000,000	64173
CAP-702	Smith Laboratory Rehabilitation	\$	2,800,000	64174
CAP-704	Warner Library and Student Center	\$	1,789,324	64175
CAP-705	Hopewell Hall Science Suite	\$	508,408	64176
CAP-706	Atomic Force Microscopy	\$	180,000	64177
CAP-707	Interactive Applications	\$	463,018	64178
CAP-712	OSU Mansfield - Third Street Project	\$	234,000	64179
CAP-714	Health Psychology	\$	150,000	64180
CAP-716	Ohio Bioproducts Innovation Center	\$	9,689,847	64181
CAP-717	Center for Materials Design	\$	602,615	64182
CAP-718	Specialized Planetary Gears	\$	150,000	64183
CAP-719	OSU Agricultural Building	\$	1,500,000	64184
CAP-720	Automated Afm System	\$	180,000	64185
CAP-721	Integrated Wireless Communication	\$	141,000	64186
Total Ohio State University		\$	105,955,671	64187

BASIC RENOVATIONS 64188

The amount reappropriated for the foregoing appropriation 64189  
item CAP-074, Basic Renovations, is the sum of the unencumbered 64190  
and unallotted balance as of June 30, 2006, in appropriation item 64191  
CAP-074, Basic Renovations, plus \$6,927. 64192

OARDC THORNE & GOURLEY HALL 64193

The amount reappropriated for the foregoing appropriation 64194  
item CAP-274, OARDC Thorne & Gourley Hall shall be \$1,007. 64195

WOOD COUNTY CENTER FOR AGRICULTURE 64196

Of the foregoing appropriation item CAP-628, Wood County 64197  
Center for Agriculture, up to \$300,000 shall be used for building 64198  
renovations to the OSU Extension Office/Ag Business Enhancement 64199  
Center. 64200

The remainder of appropriation item CAP-628, Wood County 64201  
Center for Agriculture, shall be used for an alternative energy 64202

generation project at the East Gypsy Lane Complex in Wood County 64203  
or an agricultural energy facility recommended by the Wood County 64204  
commissioners. 64205

**Section 605.06.** That existing Section 252.70 of Am. Sub. H.B. 64206  
530 of the 126th General Assembly is hereby repealed. 64207

**Section 621.05.** That Section 153 of Am. Sub. H.B. 117 of the 64208  
121st General Assembly, as most recently amended by Am. Sub. H.B. 64209  
66 of the 126th General Assembly, be amended to read as follows: 64210

**Sec. 153.** (A) Sections 5112.01, 5112.03, 5112.04, 5112.05, 64211  
5112.06, 5112.07, 5112.08, 5112.09, 5112.10, 5112.11, 5112.18, 64212  
5112.19, 5112.21, and 5112.99 of the Revised Code are hereby 64213  
repealed, effective October 16, ~~2007~~ 2009. 64214

(B) Any money remaining in the Legislative Budget Services 64215  
Fund on October 16, ~~2007~~ 2009, the date that section 5112.19 of 64216  
the Revised Code is repealed by division (A) of this section, 64217  
shall be used solely for the purposes stated in then former 64218  
section 5112.19 of the Revised Code. When all money in the 64219  
Legislative Budget Services Fund has been spent after then former 64220  
section 5112.19 of the Revised Code is repealed under division (A) 64221  
of this section, the fund shall cease to exist. 64222

**Section 621.06.** That existing Section 153 of Am. Sub. H.B. 64223  
117 of the 121st General Assembly, as most recently amended by Am. 64224  
Sub. H.B. 66 of the 126th General Assembly, is hereby repealed. 64225

**Section 703.10.** The Governor's Office of Faith-Based and 64226  
Community Initiatives, with the assistance of the Advisory Board 64227  
of the Governor's Office of Faith-Based and Community Initiatives, 64228  
shall conduct a study of the feasibility and advisability of the 64229  
Office becoming a private nonprofit entity rather than a part of 64230

the Governor's office. The study and any resulting recommendations 64231  
shall be submitted, not later than July 1, 2008, to the Governor, 64232  
the Speaker of the House of Representatives, the President of the 64233  
Senate, and the Minority Leaders of the House of Representatives 64234  
and the Senate. 64235

**Section 706.03.** (A) As used in this section, "appointing 64236  
authority" has the same meaning as in section 124.01 of the 64237  
Revised Code, and "exempt employee" has the same meaning as in 64238  
section 124.152 of the Revised Code. 64239

(B) Notwithstanding section 124.181 of the Revised Code, both 64240  
of the following apply: 64241

(1) In cases where no vacancy exists, an appointing authority 64242  
may, with the written consent of an exempt employee, assign duties 64243  
of a higher classification to that exempt employee for a period of 64244  
time not to exceed two years, and that exempt employee shall 64245  
receive compensation at a rate commensurate with the duties of the 64246  
higher classification. 64247

(2) If necessary, exempt employees who are assigned to duties 64248  
within their agency to maintain operations during the Ohio 64249  
Administrative Knowledge System (OAKS) implementation may agree to 64250  
a temporary assignment that exceeds the two-year limit. 64251

**Section 737.10.** (A) Notwithstanding any provision of law to 64252  
the contrary, the Public Health Council shall rescind rules 64253  
adopted by the Council under section 3718.02 of the Revised Code, 64254  
as it existed prior to its repeal by this act, that took effect on 64255  
January 1, 2007. At the same time as those rules are rescinded, 64256  
the Council shall adopt rules that are identical to the rules 64257  
adopted by the Council that were in effect prior to January 1, 64258  
2007, and were codified in Chapter 3701-29 of the Administrative 64259  
Code. 64260

(B) The rescission and adoption of rules under division (A) 64261  
of this section are not subject to section 119.03 of the Revised 64262  
Code. However, the Public Health Council shall file the rules in 64263  
accordance with section 119.04 of the Revised Code. Upon that 64264  
filing, the rules take immediate effect. 64265

**Section 739.10.** Section 3905.36 of the Revised Code is 64266  
amended by this act for the purpose of clarifying the intent of 64267  
the 126th General Assembly when it amended division (B)(4) of 64268  
section 3905.36 of the Revised Code. Notwithstanding any provision 64269  
of section 3905.36 of the Revised Code to the contrary, all 64270  
agencies and departments of the state or any political subdivision 64271  
shall apply the legislative intent from this amendment as of 64272  
January 1, 2007. 64273

**Section 753.10.** The duties of an owner of residential rental 64274  
property to comply with and of a county auditor to accept 64275  
compliance with sections 5323.01, 5323.02, 5323.03, 5323.04, and 64276  
5323.99 of the Revised Code in a county are tolled until the board 64277  
of county commissioners adopts a resolution under the first 64278  
paragraph of section 5323.011 of the Revised Code. 64279

**Section 753.20.** (A) The staff of the Legislative Service 64280  
Commission shall study the feasibility and potential results of 64281  
the state's offering incentives for local entities, including 64282  
municipal corporations, counties, townships, local historical 64283  
societies, and regional authorities, to assume control of state 64284  
historical sites. The incentives to be studied shall include the 64285  
establishment of tax credits, the contribution of capital dollars, 64286  
and the creation of an endowment-matching program. 64287

The study shall focus on the cost and funding aspects of the 64288  
incentives that are studied. In addition, the study shall attempt 64289  
to determine the potential results of providing each incentive at 64290



varying levels. 64291

(B) Not later than six months after the effective date of 64292  
this section, the staff of the Commission shall report its 64293  
findings to the Commission. 64294

**\*Section 755.03.** The Director of Transportation may conduct a 64295  
twelve-month pilot project to be completed not later than June 30, 64296  
2009, for energy price risk management by entering into a contract 64297  
with a qualified provider of energy risk management services. The 64298  
contract may include rate analysis, negotiation services, market 64299  
and regulatory analysis, budget and financial analysis, and 64300  
mitigation strategies for volatile energy sources, including 64301  
natural gas, gasoline, oil, and diesel fuel, but shall not include 64302  
energy procurement and shall not subject more than thirty per cent 64303  
of the Department's annual energy needs to the risk management 64304  
services. The Director shall select the energy risk management 64305  
services provider through a qualifications-based selection 64306  
process, subject to Controlling Board approval. The contract shall 64307  
specify that the Department may share the analysis and services of 64308  
the energy risk management services provider with all state 64309  
agencies and operations. The Director may use revenues from the 64310  
state motor vehicle fuel tax or other funds appropriated by the 64311  
General Assembly for the pilot project to pay amounts due under 64312  
the contract and shall deposit any amounts received under the 64313  
contract into the Highway Operating Fund created under section 64314  
5735.291 of the Revised Code. 64315

**Section 757.01.** Every two years during biennial budget 64316  
deliberations, the Tax Commissioner shall review the percentage of 64317  
the total price of electricity that is indicated under division 64318  
(C)(2) of section 5727.81 of the Revised Code, as amended by this 64319  
act. Such review shall include a consideration of the fluctuations 64320  
in the price of electricity that have occurred in the most recent 64321

two fiscal years and other factors influencing the economy of the 64322  
state. 64323

**Section 757.03.** (A) Beginning in July 2007 and ending in 64324  
November 2007, on or before the seventh day of each month, the Tax 64325  
Commissioner shall determine and certify to the Director of Budget 64326  
and Management the amount to be credited from each tax source 64327  
under divisions (B), (C), and (D) of this section to the Local 64328  
Government Fund, the Library and Local Government Support Fund, 64329  
and the Local Government Revenue Assistance Fund. 64330

(B) Notwithstanding sections 5727.45, 5727.84, 5733.12, 64331  
5739.21, 5741.03, and 5747.03 of the Revised Code or any other 64332  
provision of law to the contrary, for each month in the period 64333  
beginning July 1, 2007, and ending November 30, 2007, tax revenues 64334  
credited to the Local Government Fund, the Library and Local 64335  
Government Support Fund, and the Local Government Revenue 64336  
Assistance Fund under those sections shall instead be credited as 64337  
follows: 64338

(1) An amount shall first be credited to the Local Government 64339  
Fund as prescribed under division (C) of this section; 64340

(2) An amount shall next be credited to the Local Government 64341  
Revenue Assistance Fund as prescribed under division (C) of this 64342  
section; 64343

(3) An amount shall next be credited to the Library and Local 64344  
Government Support Fund as prescribed under division (D) of this 64345  
section. 64346

(C) Receipts from the corporation franchise, sales and use, 64347  
public utility excise, kilowatt-hour, and personal income taxes 64348  
shall be credited to the Local Government Fund and the Local 64349  
Government Revenue Assistance Fund as follows: 64350

(1) In July 2007, the amount that was credited in July 2006; 64351

(2) In August 2007, the amount that was credited in August 2006;	64352 64353
(3) In September 2007, the amount that was credited in September 2006;	64354 64355
(4) In October 2007, the amount that was credited in October 2006;	64356 64357
(5) In November 2007, the amount that was credited in November 2006.	64358 64359
(D) Receipts from the personal income tax shall be credited to the Library and Local Government Support Fund as follows:	64360 64361
(1) In July 2007, the amount that was credited in July 2006;	64362
(2) In August 2007, the amount that was credited in August 2006;	64363 64364
(3) In September 2007, the amount that was credited in September 2006;	64365 64366
(4) In October 2007, the amount that was credited in October 2006;	64367 64368
(5) In November 2007, the amount that was credited in November 2006.	64369 64370
(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.	64371 64372 64373 64374 64375 64376 64377 64378 64379
(2) To the extent the amounts required to be credited to the Local Government Fund, the Library and Local Government Support	64380 64381

Fund, and the Local Government Revenue Assistance Fund under 64382  
divisions (C) and (D) of this section are less than the amounts 64383  
that otherwise would have been credited to those funds under 64384  
sections 5727.45, 5727.84, 5733.12, 5739.21, 5741.03, and 5747.03 64385  
of the Revised Code, amounts required to be credited to the 64386  
General Revenue Fund under those sections shall be increased 64387  
accordingly. 64388

(F) The total amount credited each month under this section 64389  
to the Local Government Fund, the Library and Local Government 64390  
Support Fund, and the Local Government Revenue Assistance Fund 64391  
shall be distributed on or before the tenth day of the immediately 64392  
succeeding month as follows: 64393

(1) Each county undivided Local Government Fund shall receive 64394  
a distribution from the Local Government Fund that is based upon 64395  
its proportionate share of the total amount received by it from 64396  
the fund in the same month during the preceding calendar year. 64397

(2) Each municipal corporation receiving a direct 64398  
distribution from the Local Government Fund shall receive a 64399  
distribution that is based upon its proportionate share of the 64400  
total amount received by it from the fund in the same month during 64401  
the preceding calendar year. 64402

(3) Each county undivided Local Government Revenue Assistance 64403  
Fund shall receive a distribution from the Local Government 64404  
Revenue Assistance Fund that is based upon its proportionate share 64405  
of the total amount received by it from the fund in the same month 64406  
during the preceding calendar year. 64407

(4) Each county undivided Library and Local Government 64408  
Support Fund shall receive a distribution from the Library and 64409  
Local Government Support Fund that is based upon its proportionate 64410  
share of the total amount received by it from the fund in the same 64411  
month during the preceding calendar year. 64412

(G) Distributions shall not be made in accordance with 64413  
sections 5747.47 and 5747.50 of the Revised Code until January 1, 64414  
2008. 64415

(H) Notwithstanding section 5747.47 of the Revised Code, the 64416  
Tax Commissioner is not required to issue the certification 64417  
required by that section to be made in December 2007 for calendar 64418  
year 2007. The Tax Commissioner may, as the Commissioner considers 64419  
appropriate, provide to each county auditor additional revised 64420  
estimates or other information relating to distributions in 2007, 64421  
2008, or 2009 at any time during the period beginning July 1, 64422  
2007, and ending June 30, 2009. 64423

(I)(1) Notwithstanding division (A) of section 131.51 of the 64424  
Revised Code, on or before January 5, 2008, the Director of Budget 64425  
and Management shall credit to the Local Communities Fund an 64426  
amount equal to three and sixty-eight one-hundredths per cent of 64427  
total tax revenues credited to the General Revenue Fund during 64428  
December 2007. In determining the total tax revenues credited to 64429  
the General Revenue Fund during that month, transfers made from 64430  
the General Revenue Fund during that month to the Local Government 64431  
Fund, the Local Government Revenue Assistance Fund, and the 64432  
Library and Local Government Support Fund shall be disregarded. 64433  
Moneys credited to the Local Communities Fund under division 64434  
(I)(1) of this section shall be distributed in January 2008 in 64435  
accordance with section 5747.50 of the Revised Code. 64436

(2) Notwithstanding division (B) of section 131.51 of the 64437  
Revised Code, on or before January 5, 2008, the Director of Budget 64438  
and Management shall credit to the Local Libraries Fund an amount 64439  
equal to two and twenty-two one-hundredths per cent of total tax 64440  
revenues credited to the General Revenue Fund during December 64441  
2007. In determining the total tax revenues credited to the 64442  
General Revenue Fund during that month, transfers made from the 64443  
General Revenue Fund during that month to the Local Government 64444

Fund, the Local Government Revenue Assistance Fund, and the 64445  
Library and Local Government Support Fund shall be disregarded. 64446  
Moneys credited to the Local Libraries Fund under division (I)(2) 64447  
of this section shall be distributed in January 2008 in accordance 64448  
with section 5747.47 of the Revised Code. 64449

**Section 757.04.** Notwithstanding sections 5747.46 and 5747.47 64450  
of the Revised Code or any other provision of law to the contrary, 64451  
a county's actual Library and Local Government Support Fund total 64452  
entitlement for the 2007 distribution year shall equal the amount 64453  
that was distributed to the county's Library and Local Government 64454  
Support Fund from the Library and Local Government Support Fund 64455  
during the 2007 calendar year. Each county's resulting calendar 64456  
year 2007 Library and Local Government Support Fund entitlement 64457  
shall be used by the Tax Commissioner for purposes of determining 64458  
the guaranteed share of the Local Libraries Fund in section 64459  
5747.46 of the Revised Code for the 2008 distribution year and 64460  
shall be used by the Commissioner in making: 64461

(A) The calendar year 2008 estimated entitlements of the 64462  
Local Libraries Fund required by section 5747.47 of the Revised 64463  
Code to be certified to county auditors in July 2007, December 64464  
2007, and June 2008; and 64465

(B) The calendar year 2008 actual Local Libraries Fund 64466  
entitlement computations required by section 5747.47 of the 64467  
Revised Code to be certified to county auditors in December 2008. 64468

**Section 757.05.** The General Assembly recognizes that some 64469  
qualifying taxpayers are authorized to claim the credit against 64470  
the commercial activity tax under section 5751.53 of the Revised 64471  
Code for disallowed Ohio net operating loss deductions, and that 64472  
some qualifying taxpayers are not authorized to claim that credit 64473  
as that section currently exists, depending on whether the 64474

taxpayer was able to record deferred tax items on its books and 64475  
records and comply with the requirements of division (D) of that 64476  
section. The General Assembly further recognizes that the credits 64477  
authorized under section 5751.53 of the Revised Code may not be 64478  
claimed until 2010. Therefore, the General Assembly declares that 64479  
it intends to consider, in consultation with the Governor, whether 64480  
eligibility to claim the credit by qualifying taxpayers shall be 64481  
modified before the initial credit may be claimed in 2010, with a 64482  
view to extending eligibility to qualifying taxpayers not able to 64483  
claim the credits under the terms of that section as it currently 64484  
exists. 64485

Any term used in this section has the same meaning as in 64486  
section 5751.53 of the Revised Code. 64487

**Section 757.07.** For tax years 2007 and thereafter, telephone, 64488  
telegraph, and interexchange telecommunications companies, as 64489  
defined in section 5727.01 of the Revised Code, shall list taxable 64490  
property at the percentage of true value required in Chapter 5711. 64491  
of the Revised Code. For purposes of assigning taxable valuation 64492  
to each taxing district for those years, the Tax Commissioner 64493  
shall continue to use the apportionment provisions of Chapter 64494  
5727. of the Revised Code. However, such property shall be listed 64495  
by the county auditor and certified to the county treasurer for 64496  
collection under the provisions applicable to the general tax list 64497  
of personal property and not upon the tax list and duplicate of 64498  
real and public utility personal property. 64499

**Section 757.08.** Resolutions adopted by a board of township 64500  
trustees of a limited home rule township pursuant to Chapter 504. 64501  
and section 5709.73 of the Revised Code in December 2005 are 64502  
hereby deemed to have had an immediate effective date if the board 64503  
unanimously adopts a resolution so declaring. 64504

**Section 757.10.** The Department of Administrative Services, in 64505  
conjunction with the Department of Taxation, may acquire the State 64506  
Taxation Revenue and Accounting System (STARS) pursuant to Chapter 64507  
125. of the Revised Code, including, but not limited to, the 64508  
application software and installation and implementation thereof, 64509  
for the use of the Department of Taxation. STARS is an integrated 64510  
tax collection and audit system that will replace all of the 64511  
state's existing separate tax software and administration systems 64512  
for the various taxes collected by the state. Any lease-purchase 64513  
arrangement used under Chapter 125. of the Revised Code to acquire 64514  
STARS, including any fractionalized interests therein as defined 64515  
in division (N) of section 133.01 of the Revised Code, must 64516  
provide that at the end of the lease period, STARS becomes the 64517  
property of the state. 64518

**Section 757.20.** (A)(1) The county auditor of each county that 64519  
is included in whole or in part in the Muskingum Watershed 64520  
Conservancy District shall include with the second half tax bill 64521  
that is required to be mailed in 2007 in accordance with section 64522  
323.13 of the Revised Code the notice that is required to be 64523  
prepared under division (A)(2) of this section. The notice shall 64524  
be included in the second half tax bill of each person on the tax 64525  
duplicate whose property is located in the Muskingum Watershed 64526  
Conservancy District and subject to the maintenance assessment 64527  
referred to in division (A)(2) of this section. The notice shall 64528  
be included with the second half tax bill notwithstanding division 64529  
(D) of section 323.131 of the Revised Code. 64530

(2) The board of directors of the Muskingum Watershed 64531  
Conservancy District shall prepare written notification of the 64532  
maintenance assessment to be levied by the District under section 64533  
6111.53 of the Revised Code that is scheduled to begin collection 64534  
in calendar year 2008. The notification shall be prepared for 64535



inclusion in the 2007 second half tax bill of each person that is 64536  
required to receive the notification under division (A)(1) of this 64537  
section. For each person receiving a second half tax bill in 2007 64538  
and required to receive the notification under that division, the 64539  
notification shall include a statement that the District intends 64540  
to levy the maintenance assessment and shall include an indication 64541  
of the amount of the assessment that is applicable to that person. 64542  
The board of directors shall take whatever actions are necessary 64543  
and work with each applicable county auditor to ensure that the 64544  
notifications are included with the second half tax bills as 64545  
required by this section. 64546

(B) With respect to persons that will be subject to the 64547  
maintenance assessment to be levied by the Muskingum Watershed 64548  
Conservancy District under section 6111.53 of the Revised Code 64549  
that is scheduled to begin collection in calendar year 2008, but 64550  
that do not receive a second half tax bill in 2007 or that do not 64551  
otherwise receive the notification that is required to be included 64552  
in the tax bill under division (A) of this section, the board of 64553  
directors of the District shall cause to be sent by United States 64554  
mail a notification of the assessment. The contents of the 64555  
notification shall be the same as those that are specified for the 64556  
notification that is required under division (A) of this section. 64557  
The notification shall be sent not later than one hundred twenty 64558  
days prior to the date on which the maintenance assessment is 64559  
effective. 64560

(C) If the board of directors of the Muskingum Watershed 64561  
Conservancy District fails to comply with divisions (A) and (B) of 64562  
this section, the maintenance assessment that is scheduled to 64563  
begin collection in calendar year 2008 shall not be collected. 64564  
However, the board of directors subsequently may collect the 64565  
maintenance assessment if the board gives notification of the 64566  
maintenance assessment to every person that is required to receive 64567

the notification under divisions (A) and (B) of this section. The 64568  
notification shall include the information that is required to be 64569  
included under division (A)(2) of this section. 64570

**Section 803.03.** The amendment by this act of sections 64571  
3119.022, 3119.023, 3119.29, and 3119.30 of the Revised Code first 64572  
applies on February 1, 2008, or on the effective date of 64573  
regulations defining "reasonable cost" issued by the United States 64574  
Secretary of Health and Human Services, whichever is later. 64575

**Section 803.06.** (A) The amendment by this act of sections 64576  
323.151, 323.152, 323.153, and 323.154 of the Revised Code does 64577  
not take effect until the tax year that includes the day the 64578  
Director of Budget and Management certifies to the Governor, the 64579  
Speaker of the House of Representatives, the Minority Leader of 64580  
the House of Representatives, the President of the Senate, and the 64581  
Minority Leader of the Senate, either of the following: 64582

(1) That there is sufficient revenue to the credit of one or 64583  
more funds in the state treasury, not otherwise appropriated or 64584  
encumbered, to make the additional property tax reimbursements 64585  
required by the amendment by this act of those sections and 64586  
sections 4503.064, 4503.065, 4503.066, and 4503.067 of the Revised 64587  
Code. 64588

(2) That, at the time such additional property tax 64589  
reimbursements are required to be made under section 323.156 or 64590  
4503.068 of the Revised Code, there will be sufficient revenue, 64591  
currently in the process of collection and not otherwise 64592  
appropriated or encumbered, to the credit of one or more funds of 64593  
the state treasury and available to make such additional 64594  
reimbursements. 64595

(B) The amendment by this act of sections 4503.064, 4503.065, 64596  
4503.066, and 4503.067 of the Revised Code does not apply until 64597

the tax year next ensuing the tax year the amendment of sections 64598  
323.151, 323.152, 323.153, and 323.154 of the Revised Code applies 64599  
in accordance with division (A) of this section. 64600

(C) For any tax years before the first tax year the 64601  
amendments referred to in divisions (A) and (B) of this section 64602  
apply, the sections as they existed before the effective date of 64603  
those amendments shall apply. 64604

**Section 803.09.** The amendment or enactment by this act of 64605  
section 4505.06, division (B)(23) of section 5739.02, and sections 64606  
5739.029, 5739.033, and 5739.213 of the Revised Code apply to 64607  
sales described in division (A) of section 5739.029 of the Revised 64608  
Code on or after August 1, 2007. 64609

**Section 806.03.** The sections and items of law contained in 64610  
this act, and their applications, are severable. If any section or 64611  
item of law contained in this act, or if any application of any 64612  
section or item of law contained in this act, is held invalid, the 64613  
invalidity does not affect other sections or items of law 64614  
contained in this act and their applications that can be given 64615  
effect without the invalid section or item of law or application. 64616

**Section 809.03.** An item of law, other than an amending, 64617  
enacting, or repealing clause, that composes the whole or part of 64618  
an uncodified section contained in this act has no effect after 64619  
June 30, 2009, unless its context clearly indicates otherwise. 64620

**Section 812.03.** Except as otherwise specifically provided in 64621  
this act, the codified sections of law amended or enacted in this 64622  
act, and the items of law of which the codified sections of law 64623  
amended or enacted in this act are composed, are subject to the 64624  
referendum. Therefore, under Ohio Constitution, Article II, 64625  
Section 1c and section 1.471 of the Revised Code, the codified 64626

sections of law amended or enacted by this act, and the items of 64627  
law of which the codified sections of law as amended or enacted by 64628  
this act are composed, take effect on the ninety-first day after 64629  
this act is filed with the Secretary of State. If, however, a 64630  
referendum petition is filed against any such codified section of 64631  
law as amended or enacted by this act, or against any item of law 64632  
of which any such codified section of law as amended or enacted by 64633  
this act is composed, the codified section of law as amended or 64634  
enacted, or item of law, unless rejected at the referendum, takes 64635  
effect at the earliest time permitted by law. 64636

**Section 812.06.** Except as otherwise specifically provided in 64637  
this act, the repeal by this act of a codified section of law is 64638  
subject to the referendum. Therefore, under Ohio Constitution, 64639  
Article II, Section 1c and section 1.471 of the Revised Code, the 64640  
repeal by this act of a codified section of law takes effect on 64641  
the ninety-first day after this act is filed with the Secretary of 64642  
State. If, however, a referendum petition is filed against any 64643  
such repeal, the repeal, unless rejected at the referendum, takes 64644  
effect at the earliest time permitted by law. 64645

**Section 812.09.** The sections of law amended, enacted, or 64646  
repealed by this act that are listed in this section are subject 64647  
to the referendum. Therefore, under Ohio Constitution, Article II, 64648  
Section 1c and section 1.471 of the Revised Code, the sections, 64649  
and the items of law of which they are composed, take effect as 64650  
specified in this section. If, however, a referendum petition is 64651  
filed against any such section as amended, enacted, or repealed, 64652  
or against any item of law of which any such section as amended or 64653  
enacted is composed, the section as amended, enacted, or repealed 64654  
goes into effect at the earliest time permitted by law that is on 64655  
or after the effective date specified in this section. 64656

Section 5111.014 of the Revised Code takes effect January 1, 64657

2008. 64658

**Section 812.12.** Uncodified sections of law amended or enacted 64659  
in this act, and items of law contained within the uncodified 64660  
sections of law amended or enacted in this act, that are marked 64661  
with an asterisk are subject to the referendum. Therefore, under 64662  
Ohio Constitution, Article II, Section 1c and section 1.471 of the 64663  
Revised Code, the uncodified sections and items of law marked with 64664  
an asterisk take effect on the ninety-first day after this act is 64665  
filed with the Secretary of State. If, however, a referendum 64666  
petition is filed against an uncodified section or item of law 64667  
marked with an asterisk, the uncodified section or item of law 64668  
marked with an asterisk, unless rejected at the referendum, takes 64669  
effect at the earliest time permitted by law. 64670

If the amending and existing repeal clauses commanding the 64671  
amendment of an uncodified section of law are both marked with 64672  
asterisks, the uncodified section as amended is deemed also to 64673  
have been marked with an asterisk. 64674

An asterisk marking an uncodified section or item of law has 64675  
the form\*. 64676

This section defines the meaning and form of, but is not 64677  
itself to be considered marked with, an asterisk. 64678

**Section 815.03.** The sections of law amended or enacted by 64679  
this act that are listed in this section, and the items of law of 64680  
which such sections as amended or enacted by this act are 64681  
composed, are not subject to the referendum. Therefore, under Ohio 64682  
Constitution, Article II, Section 1d and section 1.471 of the 64683  
Revised Code, such sections as amended or enacted by this act, and 64684  
the items of law of which such sections as amended or enacted by 64685  
this act are composed, go into immediate effect when this act 64686  
becomes law. 64687

Sections 109.57, 122.051, 122.071, 122.076, 122.17, 122.171, 64688  
122.174, 122.602, 124.152, 126.16, 126.24, 126.40, 127.16, 173.35, 64689  
183.01, 183.021, 183.17, 183.33, 183.34, 183.35, 183.51, 183.52, 64690  
1503.05, 1713.031, 2927.023, 3109.04, 3109.041, 3119.022, 64691  
3119.023, 3119.29, 3119.30, 3301.0711, 3310.51, 3310.52, 3310.53, 64692  
3310.54, 3310.55, 3310.56, 3310.57, 3310.58, 3310.59, 3310.60, 64693  
3310.61, 3310.62, 3310.63, 3313.615, 3313.98, 3314.015, 3314.016, 64694  
3314.02, 3314.074, 3314.08, 3314.087, 3314.19, 3314.26, 3317.01, 64695  
3317.012, 3317.013, 3317.014, 3317.015, 3317.016, 3317.017, 64696  
3317.021, 3317.022, 3317.023, 3317.024, 3317.025, 3317.029, 64697  
3317.0216, 3317.0217, 3317.03, 3317.04, 3317.08, 3317.16, 3317.20, 64698  
3317.201, 3318.12, 3323.052, 3333.55, 3365.01, 3701.135, 3702.68 64699  
(3702.59), 3704.03, 3704.14, 3721.51, 3721.541, 3721.56, 3735.672, 64700  
4301.43, 4503.10, 4513.263, 4723.621, 4723.63, 4723.64, 4723.65, 64701  
4723.66, 4743.05, 4766.05, 4775.08, 5101.802, 5101.98, 5104.30, 64702  
5111.871, 5111.8814, 5112.341, 5123.01, 5123.033, 5123.045, 64703  
5123.0414, 5123.0415, 5123.051, 5123.16, 5123.161, 5123.162, 64704  
5123.163, 5123.164, 5123.165, 5123.166, 5123.167, 5123.168, 64705  
5123.169, 5123.19, 5123.196, 5123.198, 5123.20, 5123.211, 5123.38, 64706  
5123.41, 5123.51, 5123.605, 5123.99, 5126.11, 5126.12, 5126.15, 64707  
5126.19, 5126.25, 5126.40, 5126.42, 5126.43, 5126.45, 5126.47, 64708  
5709.68, 5747.46, 5747.47, 5747.50, 5747.501, 5747.51, 5747.52, 64709  
5747.53, 5747.54, 5747.55, 5751.21, 5907.15, 5907.16, and 64710  
6111.0381 of the Revised Code. 64711

**Section 815.06.** The repeal by this act of the sections of law 64712  
listed in this section is not subject to the referendum. 64713  
Therefore, under Ohio Constitution, Article II, Section 1d and 64714  
section 1.471 of the Revised Code, the repeals go into immediate 64715  
effect when this act becomes law. 64716

Sections 183.02, 183.27, 183.32, 5123.16, 5123.182, 5123.199, 64717  
5126.053, 5126.431, 5126.44, 5126.451, 5747.61, 5747.62, and 64718  
5747.63 of the Revised Code. 64719

The version of section 3702.68 of the Revised Code that was 64720  
scheduled to take effect July 1, 2007. 64721

**Section 815.09.** The sections of law amended, enacted, or 64722  
repealed by this act that are listed in this section are not 64723  
subject to the referendum. Therefore, under Ohio Constitution, 64724  
Article II, Section 1d and section 1.471 of the Revised Code, the 64725  
sections as amended, enacted, or repealed, and the items of law of 64726  
which as amended or enacted they are composed, go into effect as 64727  
specified in this section. 64728

Sections 126.04, 5123.047, 5123.048, 5123.049, 5123.0411, 64729  
5123.0416, 5126.054, 5126.056, 5126.059, 5126.0510, 5126.0512, and 64730  
5705.44 of the Revised Code take effect July 1, 2007. 64731

The version of section 127.16 of the Revised Code that is 64732  
scheduled to take effect July 1, 2007, takes effect July 1, 2007. 64733

Sections 340.03 and 5119.611 of the Revised Code take effect 64734  
July 1, 2007. 64735

Sections 5727.45, 5727.84, 5733.12, 5739.21, 5741.03, and 64736  
5747.03 of the Revised Code take effect December 1, 2007. 64737

Sections 118.01, 118.08, 118.17, 118.20, 118.23, 127.14, 64738  
131.44, 131.51, 133.10, 133.25, 135.35, 135.352, 152.31, 164.05, 64739  
164.051, 307.021, 307.6910, 321.08, 709.191, 742.301, 3375.05, 64740  
3375.121, 3375.40, 3375.85, 4123.35, 5139.27, 5139.271, 5705.28, 64741  
5705.281, 5705.29, 5705.30, 5705.31, 5705.32, 5705.321, 5705.37, 64742  
5709.882, 5715.36, 5719.041, 5725.151, 5725.24, 5747.48, and 64743  
6121.043 of the Revised Code take effect January 1, 2008. 64744

**Section 815.12.** Except as otherwise specifically provided in 64745  
this act, the uncodified sections of law amended or enacted in 64746  
this act, and the items of law of which the uncodified sections of 64747  
law amended or enacted in this act are composed, are not subject 64748  
to the referendum. Therefore, under Ohio Constitution, Article II, 64749

Section 1d and section 1.471 of the Revised Code, the uncodified 64750  
sections of law amended or enacted in this act, and the items of 64751  
law of which the uncodified sections of laws amended or enacted in 64752  
this act are composed, go into immediate effect when this act 64753  
becomes law. 64754

**Section 818.03.** The amendment or enactment by this act of the 64755  
sections of law listed in this section provides for or is 64756  
essential to implementation of a tax levy. Therefore, under Ohio 64757  
Constitution, Article II, Section 1d, the amendments and 64758  
enactments, and the items of which they are composed, are not 64759  
subject to the referendum and go into immediate effect when this 64760  
act becomes law. 64761

Sections 133.01, 319.202, 319.54, 322.01, 323.151, 323.152, 64762  
323.153, 323.154, 325.31, 1548.06, 4503.06, 4503.061, 4503.064, 64763  
4503.065, 4503.066, 4503.067, 4505.06, 4519.55, 5739.02, 5739.029, 64764  
5739.033, 5739.12, 5739.213, 5741.02, 5743.01, 5743.20, 5743.331, 64765  
5745.02, 5745.05, 5745.13, 5748.01, 5748.02, 5748.021, 5748.022, 64766  
5748.04, 5748.08, and 5751.23 of the Revised Code. 64767

**Section 821.06.** (A) Except as otherwise provided in division 64768  
(B) of this section, the amendments by this act to section 3317.02 64769  
of the Revised Code are not subject to the referendum. Therefore, 64770  
under Ohio Constitution, Article II, Section 1d and section 1.471 64771  
of the Revised Code, the amendments go into immediate effect. 64772

(B) The amendment to section 3317.02 of the Revised Code that 64773  
substitutes the term "state education aid" for the term "SF-3 64774  
payment" is subject to the referendum. Therefore, under Ohio 64775  
Constitution, Article II, Section 1c and section 1.471 of the 64776  
Revised Code, the amendment takes effect on the ninety-first day 64777  
after this act is filed with the Secretary of State. If, however, 64778  
a referendum petition is filed against the amendment, the 64779



amendment, unless rejected at the referendum, takes effect at the 64780  
earliest time permitted by law. 64781

**Section 821.12.** (A) Except as otherwise provided in division 64782  
(B) of this section, the amendments by this act to section 5111.20 64783  
of the Revised Code are subject to the referendum. Therefore, 64784  
under Ohio Constitution, Article II, Section 1c and section 1.471 64785  
of the Revised Code, the amendments take effect on the 64786  
ninety-first day after this act is filed with the Secretary of 64787  
State. If, however, a referendum petition is filed against the 64788  
amendments, the amendments, unless rejected at the referendum, 64789  
take effect at the earliest time permitted by law. 64790

(B) The amendment to division (H)(3)(a) of section 5111.20 of 64791  
the Revised Code is not subject to the referendum. Therefore, 64792  
under Ohio Constitution, Article II, Section 1d and section 1.471 64793  
of the Revised Code, the amendment goes into immediate effect. 64794

**Section 821.13.** (A) Except as otherwise provided in division 64795  
(B) of this section, the amendments by this act to section 64796  
5126.046 of the Revised Code are not subject to the referendum. 64797  
Therefore, under Ohio Constitution, Article II, Section 1d and 64798  
section 1.471 of the Revised Code, the amendments go into 64799  
immediate effect. 64800

(B) The amendments to division (A) and the third paragraph of 64801  
division (B) of section 5126.046 of the Revised Code are not 64802  
subject to the referendum. Therefore, under Ohio Constitution, 64803  
Article II, Section 1d and section 1.471 of the Revised Code, the 64804  
amendments take effect July 1, 2007. 64805

**Section 821.15.** (A) Except as otherwise provided in division 64806  
(B) of this section, the amendments by this act to section 64807  
5126.055 of the Revised Code are subject to the referendum. 64808  
Therefore, under Ohio Constitution, Article II, Section 1c and 64809

section 1.471 of the Revised Code, the amendments take effect on 64810  
the ninety-first day after this act is filed with the Secretary of 64811  
State. If, however, a referendum petition is filed against the 64812  
amendments, the amendments, unless rejected at the referendum, 64813  
take effect at the earliest time permitted by law. 64814

(B) The amendment to section 5126.055 of the Revised Code 64815  
that strikes through "5123.16" and inserts "5123.161" is not 64816  
subject to the referendum. Therefore, under Ohio Constitution, 64817  
Article II, Section 1d and section 1.471 of the Revised Code, the 64818  
amendment goes into immediate effect. 64819

**Section 821.16.** (A) Except as otherwise provided in division 64820  
(B) of this section, the amendments by this act to section 64821  
5126.057 (5126.0511) of the Revised Code are not subject to the 64822  
referendum. Therefore, under Ohio Constitution, Article II, 64823  
Section 1d and section 1.471 of the Revised Code, the amendments 64824  
take effect July 1, 2007. 64825

(B) The amendments to relettered division (A)(2) and (A)(4) 64826  
of section 5126.057 of the Revised Code are not subject to the 64827  
referendum. Therefore, under Ohio Constitution, Article II, 64828  
Section 1d and section 1.471 of the Revised Code, the amendments 64829  
go into immediate effect. 64830

**Section 821.17.** (A) Except as otherwise provided in division 64831  
(B) of this section, the amendments by this act to section 5126.18 64832  
of the Revised Code are not subject to the referendum. Therefore, 64833  
under Ohio Constitution, Article II, Section 1d and section 1.471 64834  
of the Revised Code, the amendments go into immediate effect. 64835

(B) The amendments to division (H) of section 5126.18 of the 64836  
Revised Code are not subject to the referendum. Therefore, under 64837  
Ohio Constitution, Article II, Section 1d and section 1.471 of the 64838  
Revised Code, the amendments take effect July 1, 2007. 64839

**Section 821.18.** (A) Except as otherwise provided in division 64840  
(B) of this section, the amendments by this act to section 5727.87 64841  
of the Revised Code provide for or are essential to implementation 64842  
of a tax levy. Therefore, under Ohio Constitution, Article II, 64843  
Section 1d, the amendments are not subject to the referendum and 64844  
go into immediate effect when this act becomes law. 64845

(B) The amendment to division (A)(2)(b) of section 5727.87 of 64846  
the Revised Code is subject to the referendum. Therefore, under 64847  
Ohio Constitution, Article II, Section 1c and section 1.471 of the 64848  
Revised Code, the amendment takes effect on the ninety-first day 64849  
after this act is filed with the Secretary of State. If, however, 64850  
a referendum petition is filed against the amendment, the 64851  
amendment, unless rejected at the referendum, takes effect at the 64852  
earliest time permitted by law. 64853

**Section 821.21.** If the amendment or enactment in this act of 64854  
a codified or uncodified section of law is subject to the 64855  
referendum, the corresponding indications in the amending, 64856  
enacting, or existing repeal clauses commanding the amendment or 64857  
enactment also are subject to the referendum, along with the 64858  
amendment or enactment. If the amendment or enactment by this act 64859  
of a codified or uncodified section of law is not subject to the 64860  
referendum, the corresponding indications in the amending, 64861  
enacting, or existing repeal clauses commanding the amendment or 64862  
enactment also are not subject to the referendum, the same as the 64863  
amendment or enactment. 64864

**Section 824.03.** The General Assembly, applying the principle 64865  
stated in division (B) of section 1.52 of the Revised Code that 64866  
amendments are to be harmonized if reasonably capable of 64867  
simultaneous operation, finds that the following sections, 64868  
presented in this act as composites of the sections as amended by 64869  
the acts indicated, are the resulting versions of the sections in 64870

effect prior to the effective date of the sections as presented in	64871
this act:	64872
Section 109.572 of the Revised Code as amended by both Am.	64873
Sub. S.B. 185 and Am. Sub. S.B. 238 of the 126th General Assembly.	64874
Section 111.18 of the Revised Code as amended by both Am.	64875
Sub. H.B. 94 and Am. Sub. S.B. 74 of the 124th General Assembly.	64876
Section 323.153 of the Revised Code as amended by both Am.	64877
H.B. 595 and Am. Sub. H.B. 672 of the 123rd General Assembly.	64878
Section 711.131 of the Revised Code as amended by both Sub.	64879
H.B. 231 and Sub. S.B. 115 of the 125th General Assembly.	64880
Section 2921.42 of the Revised Code as amended by both Sub.	64881
H.B. 150 and Am. Sub. H.B. 285 of the 120th General Assembly.	64882
Section 3301.0714 of the Revised Code as amended by Am. Sub.	64883
H.B. 79, Am. Sub. H.B. 137, Am. Sub. H.B. 276, and Am. Sub. H.B.	64884
530 of the 126th General Assembly.	64885
Section 3313.64 of the Revised Code as amended Am. Sub. H.B.	64886
137, Am. Sub. H.B. 530, Sub. S.B. 164, and Am. Sub. S.B. 238 of	64887
the 126th General Assembly.	64888
Section 3317.03 of the Revised Code as amended by both Am.	64889
Sub. H.B. 79 and Am. Sub. H.B. 699 of the 126th General Assembly.	64890
Section 5107.05 of the Revised Code as amended by Am. Sub.	64891
H.B. 283, H.B. 471, and Sub. S.B. 245, all of the 123rd General	64892
Assembly, and Am. Sub. H.B. 66 of the 126th General Assembly.	64893
Section 5705.31 of the Revised Code as amended by both Sub.	64894
H.B. 129 and Am. Sub. S.B. 5 of the 124th General Assembly.	64895
Section 5748.01 of the Revised Code as amended by both Sub.	64896
H.B. 73 and Am. Sub. H.B. 699 of the 126th General Assembly.	64897
Section 5748.02 of the Revised Code as amended by both Am.	64898
Sub. H.B. 3 and Am. Sub. H.B. 530 of the 126th General Assembly.	64899

The finding in this section takes effect at the same time as 64900  
the section referenced in the finding takes effect. 64901