

As Passed by the Senate

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

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5733.12, 5733.39, 5733.98, 5739.02, 5739.032, 5739.033, 5739.09, 275
5739.12, 5739.122, 5739.21, 5741.02, 5741.03, 5741.121, 5743.01, 276
5743.20, 5745.02, 5745.05, 5745.13, 5747.01, 5747.03, 5747.47, 277
5747.50, 5747.501, 5747.51, 5747.54, 5747.98, 5748.01, 5748.02, 278
5748.021, 5749.02, 5751.20, 5751.21, 5751.23, 5907.15, 6109.21, 279
6111.04, 6111.44, 6119.06, 6121.04, and 6131.23 be amended; 280
sections 125.18 (126.17), 125.30 (126.18), 1521.20 (1506.38), 281
1521.21 (1506.39), 1521.22 (1506.40), 1521.23 (1506.41), 1521.24 282
(1506.42), 1521.25 (1506.43), 1521.26 (1506.44), 1521.27 283
(1506.45), 1521.28 (1506.46), 1521.29 (1506.47), 1521.30 284
(1506.48), 3323.011 (3323.013), 3702.63 (3702.591), 3702.68 285
(3702.59), 5111.95 (5111.033), 5111.96 (5111.034), and 5126.057 286
(5126.0511) be amended for the purpose of adopting new section 287
numbers as indicated in parentheses; and new sections 3318.47, 288
3323.01, 3323.011, 3323.06, 3323.08, 3323.11, 3704.14, and 5123.16 289
and sections 5.2235, 109.521, 117.112, 122.051, 122.071, 122.076, 290
122.174, 125.011, 126.04, 126.19, 126.24, 126.40, 131.51, 167.10, 291
167.101, 167.102, 167.103, 167.104, 167.105, 173.351, 173.401, 292
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3301.0724, 3301.162, 3303.20, 3310.51, 3310.52, 3310.53, 3310.54, 294
3310.55, 3310.56, 3310.57, 3310.58, 3310.59, 3310.60, 3310.61, 295
3310.62, 3310.63, 3313.82, 3314.016, 3314.017, 3314.086, 3314.087, 296
3314.088, 3314.19, 3317.161, 3323.014, 3323.041, 3323.052, 297
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3333.63, 3333.64, 3333.65, 3333.66, 3333.67, 3333.68, 3333.69, 299
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3357.13, 3701.047, 3701.135, 4303.071, 4303.232, 4303.233, 302
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5107.713, 5107.714, 5107.715, 5107.716, 5107.717, 5111.017, 306
5111.0120, 5111.0121, 5111.028, 5111.029, 5111.031, 5111.032, 307
5111.085, 5111.102, 5111.69, 5111.70, 5111.701, 5111.702, 308
5111.703, 5111.704, 5111.705, 5111.706, 5111.707, 5111.708, 309
5111.709, 5111.7010, 5111.84, 5111.894, 5123.033, 5123.0414, 310
5123.0415, 5123.0416, 5123.161, 5123.162, 5123.163, 5123.164, 311
5123.165, 5123.166, 5123.167, 5123.168, 5123.169, 5123.605, 312
5126.059, 5126.0510, 5126.0512, 5302.221, 5309.082, 5533.531, 313
5533.632, 5533.91, 5705.219, 5733.48, 5739.029, 5739.124, 314
5739.213, 5741.122, 5747.77, 5748.022, 5907.16, and 6111.0381 of 315
the Revised Code be enacted to read as follows: 316

Sec. 5.2235. The month of May is designated as "Nutrition and 317
Physical Fitness Month" to increase public awareness of the 318
paramount roles that nutrition and physical fitness play in 319
promoting a healthy lifestyle for all of the citizens of this 320
state. 321

Sec. 9.30. The appropriate public officer of the state, 322
county, municipal corporation, township, school, or other public 323
body or institution, may acquire the service, product, or 324
commodity of a public utility at the schedule of rates and charges 325
applicable to such service, product, or commodity on file with the 326
public utilities commission, or the applicable charge established 327
by a utility operating its property not for profit, at any 328
location where such public utility service, product, or commodity 329
is not available, from alternate public utilities, without the 330
necessity of advertising to obtain bids, and without notice, 331
irrespective of the amount of money involved. Nothing in this 332
section supersedes sections 125.01 to 125.15 of the Revised Code 333
for the acquisition of telecommunication utility services by state 334
agencies. 335

Sec. 9.821. (A) The department of administrative services 336
shall direct and manage for state agencies all risk management and 337
insurance programs authorized under section 9.822 of the Revised 338
Code. 339

(B) The office of risk management is hereby established 340
within the department of administrative services. The director of 341
administrative services, or a deputy director appointed by the 342
director, shall control and supervise the office. 343

(C) The office may take any of the following actions that it 344
determines to be in the best interests of the state: 345

(1) Provide all insurance coverages for the state, including, 346
but not limited to, automobile liability, casualty, property, 347
public liability, and, ~~except as provided in division (C)(6) of~~ 348
~~this section,~~ fidelity bond insurance bonding. The cost of 349
insurance coverage shall be paid from appropriations made to the 350
state agencies that the office has designated to receive the 351
coverage. 352

(2) Provide coverage of legal expenses that are necessary and 353
related to the legal defense of claims against the state; 354

(3) Purchase insurance policies consistent with sections 355
125.01 to 125.111 of the Revised Code, develop and administer 356
self-insurance programs, or do both; 357

(4) Consolidate and combine state insurance coverages; 358

(5) Provide technical services in risk management and 359
insurance to state agencies; 360

~~(6)(a) Establish and administer a self-insured fidelity bond 361
program for a particular class or subclass of state officer,~~ 362
~~employee, or agent, if, prior to the establishment and 363
administration of this program, the director does both of the 364
following: 365~~

~~(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;~~

~~(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.~~

~~(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.~~

~~(7) Except as provided in division (C)(6) of this section, ~~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 398
against the state that could be filed in the court of claims, 399
nothing in sections 9.82 to 9.823 of the Revised Code shall be 400
interpreted to permit the settlement or compromise of those civil 401
actions, demands, or claims, except in the manner provided in 402
Chapter 2743. of the Revised Code. 403

Sec. 9.822. (A) The department of administrative services 404
through the office of risk management shall establish an insurance 405
plan or plans that may provide for self-insurance or the purchase 406
of insurance, or both, for ~~any~~ either of the following purposes: 407

(1) Insuring state real and personal property against losses 408
occasioned by fire, windstorm, or other accidents and perils; 409

(2) Insuring the state and its officers and employees against 410
liability resulting from any civil action, demand, or claim 411
against the state or its officers and employees arising out of any 412
act or omission of an officer or employee in the performance of 413
official duties, except acts and omissions for which 414
indemnification is prohibited under section 9.87 of the Revised 415
Code. 416

~~(3) Insuring~~ (B) The department of administrative services 417
through the office of risk management shall establish one or more 418
insurance plans that provide for the purchase of insurance for the 419
purpose of insuring the state through the fidelity bonding of 420
state officers, employees, and agents who are required by law to 421
provide a fidelity bond. Nothing in this section shall be 422
construed to allow the department of administrative services 423
through the office of risk management to administer the state's 424
fidelity bonding program through a program of self-insurance. 425

~~(B)(1) Prior to the establishment of any self-insured~~ 426
~~fidelity bond program for a particular class or subclass of state~~ 427
~~officer, employee, or agent authorized pursuant to division (A)(3)~~ 428

~~of this section, the director of administrative services shall 429
follow the procedures for holding a hearing and adopting rules set 430
forth in division (C)(6)(a) of section 9.821 of the Revised Code. 431~~

~~(2) Division (B)(1) of this section does not apply to any 432
self-insured blanket fidelity bond program that, on September 20, 433
1993, has been established pursuant to section 9.831 of the 434
Revised Code. 435~~

~~(3) The director shall prepare annually a written report 436
detailing any self-insured fidelity bond program established 437
pursuant to division (A)(3) of this section. The report shall 438
include, but is not limited to, information relating to premiums 439
collected, income from recovery, loss experience, and 440
administrative costs of the program. A copy of the report, 441
together with a copy of those portions of the most recent reports 442
submitted under division (D) of section 9.823 of the Revised Code 443
that pertain to any such self-insured fidelity bond program, shall 444
be submitted to the speaker of the house of representatives and 445
the president of the senate by the last day of March of each year. 446~~

Sec. 9.823. (A) All contributions collected by the director 447
of administrative services under division (E) of this section 448
shall be deposited into the state treasury to the credit of the 449
risk management reserve fund, which is hereby created. The fund 450
shall be used to provide insurance and self-insurance for the 451
state under ~~section~~ sections 9.822 and 9.83 of the Revised Code. 452
All investment earnings of the fund shall be credited to it. 453

(B) The director, through the office of risk management, 454
shall operate the risk management reserve fund on an actuarially 455
sound basis. 456

(C) Reserves shall be maintained in the risk management 457
reserve fund in any amount that is necessary and adequate, in the 458
exercise of sound and prudent actuarial judgment, to cover 459

potential liability claims, expenses, fees, or damages. Money in 460
the fund may be applied to the payment of liability claims that 461
are filed against the state in the court of claims and determined 462
in the manner provided for under Chapter 2743. of the Revised 463
Code. The director may procure the services of a qualified 464
actuarial firm for the purpose of recommending the specific amount 465
of money that would be required to maintain adequate reserves for 466
a given period of time. 467

(D) A report of the amounts reserved and disbursements made 468
from the reserves, together with a written report of a competent 469
property and casualty actuary, shall be submitted, on or before 470
the last day of March for the preceding calendar year, to the 471
speaker of the house of representatives and the president of the 472
senate. The actuary shall certify the adequacy of the rates of 473
contributions, the sufficiency of excess insurance, and whether 474
the amounts reserved conform to the requirements of this section, 475
are computed in accordance with accepted loss reserving standards, 476
and are fairly stated in accordance with sound loss reserving 477
principles. The report shall include disbursements made for the 478
administration of the fund, including claims paid, cost of legal 479
representation of state agencies and employees, and fees paid to 480
consultants. 481

(E) The director shall collect from each state agency or any 482
participating state body its contribution to the risk management 483
reserve fund for the purpose of purchasing insurance or 484
administering self-insurance programs for coverages authorized 485
under ~~section~~ sections 9.822 and 9.83 of the Revised Code. The 486
contribution shall be determined by the director, with the 487
approval of the director of budget and management, and shall be 488
based upon actuarial assumptions and the relative risk and loss 489
experience of each state agency or participating state body. The 490
contribution shall further include a reasonable sum to cover the 491

department's administrative costs. 492

Sec. 9.83. (A) The state and any political subdivision may 493
procure a policy or policies of insurance insuring its officers 494
and employees against liability for injury, death, or loss to 495
person or property that arises out of the operation of an 496
automobile, truck, motor vehicle with auxiliary equipment, 497
self-propelling equipment or trailer, aircraft, or watercraft by 498
the officers or employees while engaged in the course of their 499
employment or official responsibilities for the state or the 500
political subdivision. The state is authorized to expend funds to 501
pay judgments that are rendered in any court against its officers 502
or employees and that result from such operation, and is 503
authorized to expend funds to compromise claims for liability 504
against its officers or employees that result from such operation. 505
No insurer shall deny coverage under such a policy, and the state 506
shall not refuse to pay judgments or compromise claims, on the 507
ground that an automobile, truck, motor vehicle with auxiliary 508
equipment, self-propelling equipment or trailer, aircraft, or 509
watercraft was not being used in the course of an officer's or 510
employee's employment or official responsibilities for the state 511
or a political subdivision unless the officer or employee who was 512
operating an automobile, truck, motor vehicle with auxiliary 513
equipment, or self-propelling equipment or trailer is convicted of 514
a violation of section 124.71 of the Revised Code as a result of 515
the same events. 516

(B) Funds shall be reserved as necessary, in the exercise of 517
sound and prudent actuarial judgment, to cover potential expense, 518
fees, damage, loss, or other liability. The ~~superintendent of~~ 519
~~insurance~~ office of risk management may recommend or, if the state 520
requests of the ~~superintendent~~ office of risk management, shall 521
recommend, a specific amount for any period of time that, in the 522
~~superintendent's~~ opinion of the office of risk management, 523

represents such a judgment. 524

(C) Nothing in this section shall be construed to require the 525
department of administrative services to purchase liability 526
insurance for all state vehicles in a single policy of insurance 527
or to cover all state vehicles under a single plan of 528
self-insurance. 529

(D) Insurance procured by the state pursuant to this section 530
shall be procured as provided in section 125.03 of the Revised 531
Code. 532

(E) For purposes of liability insurance procured under this 533
section to cover the operation of a motor vehicle by a prisoner 534
for whom the insurance is procured, "employee" includes a prisoner 535
in the custody of the department of rehabilitation and correction 536
who is enrolled in a work program that is established by the 537
department pursuant to section 5145.16 of the Revised Code and in 538
which the prisoner is required to operate a motor vehicle, as 539
defined in section 4509.01 of the Revised Code, and who is engaged 540
in the operation of a motor vehicle in the course of the work 541
program. 542

~~(F) There is hereby created in the state treasury the vehicle 543
liability fund. All contributions collected by the director of 544
administrative services under division (I) of this section shall 545
be deposited into the fund. The fund shall be used to provide 546
insurance and self insurance for the state under this section. All 547
investment earnings of the fund shall be credited to it risk 548
management reserve fund created in section 9.823 of the Revised 549
Code to the credit of the vehicle liability program. 550~~

~~(G) The director of administrative services, through the 551
office of risk management, shall operate the vehicle liability 552
fund on an actuarially sound basis. 553~~

~~(H) Reserves shall be maintained in the vehicle liability 554~~

risk management reserve fund to the credit of the vehicle 555
liability program in any amount that is necessary and adequate, in 556
the exercise of sound and prudent actuarial judgment, to cover 557
potential liability claims, expenses, fees, or damages. Money in 558
the fund may be applied to the payment of liability claims that 559
are filed against the state in the court of claims and determined 560
in the manner provided in Chapter 2743. of the Revised Code. The 561
director of administrative services may procure the services of a 562
qualified actuarial firm for the purpose of recommending the 563
specific amount of money that is required to maintain adequate 564
reserves for a specified period of time. 565

~~(I)~~(H) The director of administrative services shall collect 566
from each state agency or any participating state body its 567
contribution to the vehicle liability ~~fund~~ program for the purpose 568
of purchasing insurance or administering self-insurance programs 569
for coverage authorized under this section. The amount of the 570
contribution shall be determined by the director, with the 571
approval of the director of budget and management. It shall be 572
based upon actuarial assumptions and the relative risk and loss 573
experience of each state agency or participating state body. The 574
amount of the contribution also shall include a reasonable sum to 575
cover administrative costs of the department of administrative 576
services. The amounts collected pursuant to this division shall be 577
deposited in the risk management reserve fund to the credit of the 578
vehicle liability program. 579

Sec. 107.12. (A) As used in this section, "organization" 580
means a faith-based or other organization that is exempt from 581
federal income taxation under section 501(c)(3) of the Internal 582
Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended, and 583
provides charitable services to needy residents of this state. 584

(B) There is hereby established within the office of the 585

governor the governor's office of faith-based and community 586
initiatives. The office shall: 587

(1) Serve as a clearinghouse of information on federal, 588
state, and local funding for charitable services performed by 589
organizations; 590

(2) Encourage organizations to seek public funding for their 591
charitable services; 592

(3) Act as a liaison between state agencies and 593
organizations; 594

(4) Advise the governor, general assembly, and the advisory 595
board of the governor's office of faith-based community 596
initiatives on the barriers that exist to collaboration between 597
organizations and governmental entities and on ways to remove the 598
barriers. 599

(C) The governor shall appoint an executive assistant to 600
manage the office and perform or oversee the performance of the 601
duties of the office. 602

(D)(1) There is hereby created the advisory board of the 603
governor's office of faith-based and community initiatives. The 604
board shall consist of members appointed as follows: 605

(a) The directors of aging, alcohol and drug addiction 606
services, rehabilitation and correction, health, job and family 607
services, mental health, and youth services shall each appoint to 608
the board one employee of that director's department. 609

(b) The speaker of the house of representatives shall appoint 610
to the board two members of the house of representatives, not more 611
than one of whom shall be from the same political party and at 612
least one of whom shall be from the legislative black caucus. The 613
speaker of the house of representatives shall consult with the 614
president of the legislative black caucus in making the 615

legislative black caucus member appointment. The president of the 616
senate shall appoint to the board two members of the senate, not 617
more than one of whom shall be from the same political party. 618

(c) The governor, speaker of the house of representatives, 619
and president of the senate shall each appoint to the board three 620
representatives of the nonprofit, faith-based and other nonprofit 621
community. 622

~~(2) The appointments to the board shall be made within thirty~~ 623
~~days after the effective date of this section.~~ Terms of the office 624
shall be one year. Any vacancy that occurs on the board shall be 625
filled in the same manner as the original appointment. The members 626
of the board shall serve without compensation. 627

(3) At its initial meeting, the board shall elect a 628
chairperson. The chairperson shall be a member of the board who is 629
a member of the house of representatives. 630

(E) The board shall do both of the following: 631

(1) Provide direction, guidance, and oversight to the office; 632

(2) Publish a report of its activities on or before the first 633
day of August of each year, and deliver copies of the report to 634
the governor, the speaker and minority leader of the house of 635
representatives, and the president and minority leader of the 636
senate. 637

(F) No member of the board or organization that the member is 638
affiliated or involved with is eligible to receive any grant that 639
the office administers or assists in administering. 640

Sec. 107.40. (A) There is hereby created the governor's 641
residence advisory commission. The commission shall provide for 642
the preservation, restoration, acquisition, and conservation of 643
all decorations, objects of art, chandeliers, china, silver, 644
statues, paintings, furnishings, accouterments, and other 645

aesthetic materials that have been acquired, donated, loaned, or 646
otherwise obtained by the state for the governor's residence and 647
that have been approved by the commission. In addition, the 648
commission shall provide for the maintenance of plants that have 649
been acquired, donated, loaned, or otherwise obtained by the state 650
for the governor's residence and that have been approved by the 651
commission. 652

(B) The commission shall be responsible for the care, 653
provision, repair, and placement of furnishings and other objects 654
and accessories of the grounds and public areas of the first story 655
of the governor's residence and for the care and placement of 656
plants on the grounds. In exercising this responsibility, the 657
commission shall preserve and seek to further establish all of the 658
following: 659

(1) The authentic ambiance and decor of the historic era 660
during which the governor's residence was constructed; 661

(2) The grounds as a representation of Ohio's natural 662
ecosystems; 663

(3) The heritage garden for all of the following purposes: 664

(a) To preserve, sustain, and encourage the use of native 665
flora throughout the state; 666

(b) To replicate the state's physiographic regions, plant 667
communities, and natural landscapes; 668

(c) To serve as an educational garden that demonstrates the 669
artistic, industrial, political, horticultural, and geologic 670
history of the state through the use of plants; 671

(d) To serve as a reservoir of rare species of plants from 672
the physiographic regions of the state. 673

These duties shall not affect the obligation of the 674
department of administrative services to provide for ~~the~~ and adopt 675

policies and procedures regarding the use, general maintenance, 676
and operating expenses of the governor's residence. 677

(C) The commission shall consist of eleven members. One 678
member shall be the director of administrative services or the 679
director's designee, who shall serve during the director's term of 680
office and shall serve as chairperson. One member shall be the 681
director of the Ohio historical society or the director's 682
designee, who shall serve during the director's term of office and 683
shall serve as vice-chairperson. One member shall represent the 684
Columbus landmarks foundation. One member shall represent the 685
Bexley historical society. One member shall be the mayor of the 686
city of Bexley, who shall serve during the mayor's term of office. 687
One member shall be the chief executive officer of the Franklin 688
park conservatory joint recreation district, who shall serve 689
during the term of employment as chief executive officer. The 690
remaining five members shall be appointed by the governor with the 691
advice and consent of the senate. The five members appointed by 692
the governor shall be persons with knowledge of Ohio history, 693
architecture, decorative arts, or historic preservation, and one 694
of those members shall have knowledge of landscape architecture, 695
garden design, horticulture, and plants native to this state. 696

(D) Of the initial appointees, the representative of the 697
Columbus landmarks foundation shall serve for a term expiring 698
December 31, 1996, and the representative of the Bexley historical 699
society shall serve for a term expiring December 31, 1997. Of the 700
five members appointed by the governor, three shall serve for 701
terms ending December 31, 1998, and two shall serve for terms 702
ending December 31, 1999. Thereafter, each term shall be for four 703
years, commencing on the first day of January and ending on the 704
last day of December. The member having knowledge of landscape 705
architecture, garden design, horticulture, and plants native to 706
this state initially shall be appointed upon the first vacancy on 707

the commission occurring on or after June 30, 2006. 708

Each member shall hold office from the date of the member's 709
appointment until the end of the term for which the member was 710
appointed. Any member appointed to fill a vacancy occurring prior 711
to the end of the term for which the member's predecessor was 712
appointed shall hold office for the remainder of the term. Any 713
member shall continue in office subsequent to the expiration of 714
the term until the member's successor takes office. 715

(E) Six members of the commission constitute a quorum, and 716
the affirmative vote of six members is required for approval of 717
any action by the commission. 718

(F) After each initial member of the commission has been 719
appointed, the commission shall meet and select one member as 720
secretary and another as treasurer. Organizational meetings of the 721
commission shall be held at the time and place designated by call 722
of the chairperson. Meetings of the commission may be held 723
anywhere in the state and shall be in compliance with Chapters 724
121. and 149. of the Revised Code. The commission may adopt, 725
pursuant to section 111.15 of the Revised Code, rules necessary to 726
carry out the purposes of this section. 727

(G) Members of the commission shall serve without 728
remuneration, but shall be compensated for actual and necessary 729
expenses incurred in the performance of their official duties. 730

(H) All expenses incurred in carrying out this section are 731
payable solely from money accrued under this section or 732
appropriated for these purposes by the general assembly, and the 733
commission shall incur no liability or obligation beyond such 734
money. 735

(I) ~~The~~ Except as otherwise provided in this division, the 736
commission may accept any payment for the use of the governor's 737
residence or may accept any donation, gift, bequest, or devise for 738

the governor's residence or as an endowment for the maintenance 739
and care of the garden on the grounds of the governor's residence 740
in furtherance of its duties. The commission shall not accept any 741
donation, gift, bequest, or devise from a person, individual, or 742
member of an individual's immediate family if the person or 743
individual is receiving payments under a contract with the state 744
or a state agency for the purchase of supplies, services, or 745
equipment or for the construction, reconstruction, improvement, 746
enlargement, alteration, repair, painting, or decoration of a 747
public improvement, except for payments received under an 748
employment contract or a collective bargaining agreement. Any 749
revenue received by the commission shall be deposited into the 750
governor's residence fund, which is hereby established in the 751
state treasury, for use by the commission in accordance with the 752
performance of its duties. All investment earnings of the fund 753
shall be credited to the fund. Title to all property acquired by 754
the commission shall be taken in the name of the state and shall 755
be held for the use and benefit of the commission. 756

(J) Nothing in this section limits the ability of a person or 757
other entity to purchase decorations, objects of art, chandeliers, 758
china, silver, statues, paintings, furnishings, accouterments, 759
plants, or other aesthetic materials for placement in the 760
governor's residence or on the grounds of the governor's residence 761
or donation to the commission. No such object or plant, however, 762
shall be placed on the grounds or public areas of the first story 763
of the governor's residence without the consent of the commission. 764

(K) The heritage garden established under this section shall 765
be officially known as "the heritage garden at the Ohio governor's 766
residence." 767

(L) As used in this section, "heritage garden" means the 768
botanical garden of native plants established at the governor's 769
residence. 770

Sec. 109.521. There is hereby created in the state treasury 771
the bureau of criminal identification and investigation asset 772
forfeiture and cost reimbursement fund. All amounts awarded to the 773
bureau of criminal identification and investigation as a result of 774
shared federal asset forfeiture and state and local moneys 775
designated as restitution for reimbursement of the costs of 776
investigations shall be deposited into this fund. The moneys in 777
this fund shall be used in accordance with federal asset 778
forfeiture rules, regulations, and laws. Interest earned on the 779
money in this fund shall be credited to the fund. 780

Sec. 109.57. (A)(1) The superintendent of the bureau of 781
criminal identification and investigation shall procure from 782
wherever procurable and file for record photographs, pictures, 783
descriptions, fingerprints, measurements, and other information 784
that may be pertinent of all persons who have been convicted of 785
committing within this state a felony, any crime constituting a 786
misdemeanor on the first offense and a felony on subsequent 787
offenses, or any misdemeanor described in division (A)(1)(a) or 788
(A)(10)(a) of section 109.572 of the Revised Code, of all children 789
under eighteen years of age who have been adjudicated delinquent 790
children for committing within this state an act that would be a 791
felony or an offense of violence if committed by an adult or who 792
have been convicted of or pleaded guilty to committing within this 793
state a felony or an offense of violence, and of all well-known 794
and habitual criminals. The person in charge of any county, 795
multicounty, municipal, municipal-county, or multicounty-municipal 796
jail or workhouse, community-based correctional facility, halfway 797
house, alternative residential facility, or state correctional 798
institution and the person in charge of any state institution 799
having custody of a person suspected of having committed a felony, 800
any crime constituting a misdemeanor on the first offense and a 801

felony on subsequent offenses, or any misdemeanor described in 802
division (A)(1)(a) or (A)(10)(a) of section 109.572 of the Revised 803
Code or having custody of a child under eighteen years of age with 804
respect to whom there is probable cause to believe that the child 805
may have committed an act that would be a felony or an offense of 806
violence if committed by an adult shall furnish such material to 807
the superintendent of the bureau. Fingerprints, photographs, or 808
other descriptive information of a child who is under eighteen 809
years of age, has not been arrested or otherwise taken into 810
custody for committing an act that would be a felony or an offense 811
of violence if committed by an adult, has not been adjudicated a 812
delinquent child for committing an act that would be a felony or 813
an offense of violence if committed by an adult, has not been 814
convicted of or pleaded guilty to committing a felony or an 815
offense of violence, and is not a child with respect to whom there 816
is probable cause to believe that the child may have committed an 817
act that would be a felony or an offense of violence if committed 818
by an adult shall not be procured by the superintendent or 819
furnished by any person in charge of any county, multicounty, 820
municipal, municipal-county, or multicounty-municipal jail or 821
workhouse, community-based correctional facility, halfway house, 822
alternative residential facility, or state correctional 823
institution, except as authorized in section 2151.313 of the 824
Revised Code. 825

(2) Every clerk of a court of record in this state, other 826
than the supreme court or a court of appeals, shall send to the 827
superintendent of the bureau a weekly report containing a summary 828
of each case involving a felony, involving any crime constituting 829
a misdemeanor on the first offense and a felony on subsequent 830
offenses, involving a misdemeanor described in division (A)(1)(a) 831
or (A)(10)(a) of section 109.572 of the Revised Code, or involving 832
an adjudication in a case in which a child under eighteen years of 833
age was alleged to be a delinquent child for committing an act 834

that would be a felony or an offense of violence if committed by 835
an adult. The clerk of the court of common pleas shall include in 836
the report and summary the clerk sends under this division all 837
information described in divisions (A)(2)(a) to (f) of this 838
section regarding a case before the court of appeals that is 839
served by that clerk. The summary shall be written on the standard 840
forms furnished by the superintendent pursuant to division (B) of 841
this section and shall include the following information: 842

(a) The incident tracking number contained on the standard 843
forms furnished by the superintendent pursuant to division (B) of 844
this section; 845

(b) The style and number of the case; 846

(c) The date of arrest; 847

(d) The date that the person was convicted of or pleaded 848
guilty to the offense, adjudicated a delinquent child for 849
committing the act that would be a felony or an offense of 850
violence if committed by an adult, found not guilty of the 851
offense, or found not to be a delinquent child for committing an 852
act that would be a felony or an offense of violence if committed 853
by an adult, the date of an entry dismissing the charge, an entry 854
declaring a mistrial of the offense in which the person is 855
discharged, an entry finding that the person or child is not 856
competent to stand trial, or an entry of a nolle prosequi, or the 857
date of any other determination that constitutes final resolution 858
of the case; 859

(e) A statement of the original charge with the section of 860
the Revised Code that was alleged to be violated; 861

(f) If the person or child was convicted, pleaded guilty, or 862
was adjudicated a delinquent child, the sentence or terms of 863
probation imposed or any other disposition of the offender or the 864
delinquent child. 865

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

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

(4) The superintendent shall carry out Chapter 2950. of the

Revised Code with respect to the registration of persons who are 898
convicted of or plead guilty to either a sexually oriented offense 899
that is not a registration-exempt sexually oriented offense or a 900
child-victim oriented offense and with respect to all other duties 901
imposed on the bureau under that chapter. 902

(5) The bureau shall perform centralized recordkeeping 903
functions for criminal history records and services in this state 904
for purposes of the national crime prevention and privacy compact 905
set forth in section 109.571 of the Revised Code and is the 906
criminal history record repository as defined in that section for 907
purposes of that compact. The superintendent or the 908
superintendent's designee is the compact officer for purposes of 909
that compact and shall carry out the responsibilities of the 910
compact officer specified in that compact. 911

(B) The superintendent shall prepare and furnish to every 912
county, multicounty, municipal, municipal-county, or 913
multicounty-municipal jail or workhouse, community-based 914
correctional facility, halfway house, alternative residential 915
facility, or state correctional institution and to every clerk of 916
a court in this state specified in division (A)(2) of this section 917
standard forms for reporting the information required under 918
division (A) of this section. The standard forms that the 919
superintendent prepares pursuant to this division may be in a 920
tangible format, in an electronic format, or in both tangible 921
formats and electronic formats. 922

(C) The superintendent may operate a center for electronic, 923
automated, or other data processing for the storage and retrieval 924
of information, data, and statistics pertaining to criminals and 925
to children under eighteen years of age who are adjudicated 926
delinquent children for committing an act that would be a felony 927
or an offense of violence if committed by an adult, criminal 928
activity, crime prevention, law enforcement, and criminal justice, 929

and may establish and operate a statewide communications network 930
to gather and disseminate information, data, and statistics for 931
the use of law enforcement agencies. The superintendent may 932
gather, store, retrieve, and disseminate information, data, and 933
statistics that pertain to children who are under eighteen years 934
of age and that are gathered pursuant to sections 109.57 to 109.61 935
of the Revised Code together with information, data, and 936
statistics that pertain to adults and that are gathered pursuant 937
to those sections. In addition to any other authorized use of 938
information, data, and statistics of that nature, the 939
superintendent or the superintendent's designee may provide and 940
exchange the information, data, and statistics pursuant to the 941
national crime prevention and privacy compact as described in 942
division (A)(5) of this section. 943

(D) The information and materials furnished to the 944
superintendent pursuant to division (A) of this section and 945
information and materials furnished to any board or person under 946
division (F) or (G) of this section are not public records under 947
section 149.43 of the Revised Code. 948

(E) The attorney general shall adopt rules, in accordance 949
with Chapter 119. of the Revised Code, setting forth the procedure 950
by which a person may receive or release information gathered by 951
the superintendent pursuant to division (A) of this section. A 952
reasonable fee may be charged for this service. If a temporary 953
employment service submits a request for a determination of 954
whether a person the service plans to refer to an employment 955
position has been convicted of or pleaded guilty to an offense 956
listed in division (A)(1), (3), (4), (5), or (6) of section 957
109.572 of the Revised Code, the request shall be treated as a 958
single request and only one fee shall be charged. 959

(F)(1) As used in division (F)(2) of this section, "head 960
start agency" means an entity in this state that has been approved 961

to be an agency for purposes of subchapter II of the "Community Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, as amended.

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

bureau of investigation any criminal records it has pertaining to 995
that individual. The superintendent or the superintendent's 996
designee also may request criminal history records from other 997
states or the federal government pursuant to the national crime 998
prevention and privacy compact set forth in section 109.571 of the 999
Revised Code. Within thirty days of the date that the 1000
superintendent receives a request, the superintendent shall send 1001
to the board, entity, or person a report of any information that 1002
the superintendent determines exists, including information 1003
contained in records that have been sealed under section 2953.32 1004
of the Revised Code, and, within thirty days of its receipt, shall 1005
send the board, entity, or person a report of any information 1006
received from the federal bureau of investigation, other than 1007
information the dissemination of which is prohibited by federal 1008
law. 1009

(b) When a board of education or a registered private 1010
provider is required to receive information under this section as 1011
a prerequisite to employment of an individual pursuant to division 1012
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 1013
may accept a certified copy of records that were issued by the 1014
bureau of criminal identification and investigation and that are 1015
presented by an individual applying for employment with the 1016
district in lieu of requesting that information itself. In such a 1017
case, the board or provider shall accept the certified copy issued 1018
by the bureau in order to make a photocopy of it for that 1019
individual's employment application documents and shall return the 1020
certified copy to the individual. In a case of that nature, a 1021
district or provider only shall accept a certified copy of records 1022
of that nature within one year after the date of their issuance by 1023
the bureau. 1024

(3) The state board of education may request, with respect to 1025
any individual who has applied for employment after October 2, 1026

1989, in any position with the state board or the department of 1027
education, any information that a school district board of 1028
education is authorized to request under division (F)(2) of this 1029
section, and the superintendent of the bureau shall proceed as if 1030
the request has been received from a school district board of 1031
education under division (F)(2) of this section. 1032

(4) When the superintendent of the bureau receives a request 1033
for information under section 3319.291 of the Revised Code, the 1034
superintendent shall proceed as if the request has been received 1035
from a school district board of education under division (F)(2) of 1036
this section. 1037

(5) When a recipient of a classroom reading improvement grant 1038
paid under section 3301.86 of the Revised Code requests, with 1039
respect to any individual who applies to participate in providing 1040
any program or service funded in whole or in part by the grant, 1041
the information that a school district board of education is 1042
authorized to request under division (F)(2)(a) of this section, 1043
the superintendent of the bureau shall proceed as if the request 1044
has been received from a school district board of education under 1045
division (F)(2)(a) of this section. 1046

(G) In addition to or in conjunction with any request that is 1047
required to be made under section 3701.881, 3712.09, 3721.121, or 1048
3722.151 of the Revised Code with respect to an individual who has 1049
applied for employment in a position that involves providing 1050
direct care to an older adult, the chief administrator of a home 1051
health agency, hospice care program, home licensed under Chapter 1052
3721. of the Revised Code, adult day-care program operated 1053
pursuant to rules adopted under section 3721.04 of the Revised 1054
Code, or adult care facility may request that the superintendent 1055
of the bureau investigate and determine, with respect to any 1056
individual who has applied after January 27, 1997, for employment 1057
in a position that does not involve providing direct care to an 1058

older adult, whether the bureau has any information gathered under 1059
division (A) of this section that pertains to that individual. 1060

In addition to or in conjunction with any request that is 1061
required to be made under section 173.27 of the Revised Code with 1062
respect to an individual who has applied for employment in a 1063
position that involves providing ombudsperson services to 1064
residents of long-term care facilities or recipients of 1065
community-based long-term care services, the state long-term care 1066
ombudsperson, ombudsperson's designee, or director of health may 1067
request that the superintendent investigate and determine, with 1068
respect to any individual who has applied for employment in a 1069
position that does not involve providing such ombudsperson 1070
services, whether the bureau has any information gathered under 1071
division (A) of this section that pertains to that applicant. 1072

In addition to or in conjunction with any request that is 1073
required to be made under section 173.394 of the Revised Code with 1074
respect to an individual who has applied for employment in a 1075
position that involves providing direct care to an individual, the 1076
chief administrator of a community-based long-term care agency may 1077
request that the superintendent investigate and determine, with 1078
respect to any individual who has applied for employment in a 1079
position that does not involve providing direct care, whether the 1080
bureau has any information gathered under division (A) of this 1081
section that pertains to that applicant. 1082

On receipt of a request under this division, the 1083
superintendent shall determine whether that information exists 1084
and, on request of the individual requesting information, shall 1085
also request from the federal bureau of investigation any criminal 1086
records it has pertaining to the applicant. The superintendent or 1087
the superintendent's designee also may request criminal history 1088
records from other states or the federal government pursuant to 1089
the national crime prevention and privacy compact set forth in 1090

section 109.571 of the Revised Code. Within thirty days of the 1091
date a request is received, the superintendent shall send to the 1092
requester a report of any information determined to exist, 1093
including information contained in records that have been sealed 1094
under section 2953.32 of the Revised Code, and, within thirty days 1095
of its receipt, shall send the requester a report of any 1096
information received from the federal bureau of investigation, 1097
other than information the dissemination of which is prohibited by 1098
federal law. 1099

(H) Information obtained by a government entity or person 1100
under this section is confidential and shall not be released or 1101
disseminated. 1102

(I) The superintendent may charge a reasonable fee for 1103
providing information or criminal records under division (F)(2) or 1104
(G) of this section. 1105

(J) As used in this section, "registered private provider" 1106
means a nonpublic school or entity registered with the 1107
superintendent of public instruction under section 3310.41 of the 1108
Revised Code to participate in the autism scholarship program or 1109
section 3310.58 of the Revised Code to participate in the special 1110
education scholarship pilot program. 1111

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 1112
section 121.08, 3301.32, 3301.541, 3319.39, 5104.012, or 5104.013 1113
of the Revised Code, a completed form prescribed pursuant to 1114
division (C)(1) of this section, and a set of fingerprint 1115
impressions obtained in the manner described in division (C)(2) of 1116
this section, the superintendent of the bureau of criminal 1117
identification and investigation shall conduct a criminal records 1118
check 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 pleaded guilty to any of the following: 1122

(a) A violation of section 2903.01, 2903.02, 2903.03, 1123
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1124
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1125
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1126
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 1127
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 1128
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 1129
2925.06, or 3716.11 of the Revised Code, felonious sexual 1130
penetration in violation of former section 2907.12 of the Revised 1131
Code, a violation of section 2905.04 of the Revised Code as it 1132
existed prior to July 1, 1996, a violation of section 2919.23 of 1133
the Revised Code that would have been a violation of section 1134
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1135
had the violation been committed prior to that date, or a 1136
violation of section 2925.11 of the Revised Code that is not a 1137
minor drug possession offense; 1138

(b) A violation of an existing or former law of this state, 1139
any other state, or the United States that is substantially 1140
equivalent to any of the offenses listed in division (A)(1)(a) of 1141
this section. 1142

(2) On receipt of a request pursuant to section 5123.081 of 1143
the Revised Code with respect to an applicant for employment in 1144
any position with the department of mental retardation and 1145
developmental disabilities, pursuant to section 5126.28 of the 1146
Revised Code with respect to an applicant for employment in any 1147
position with a county board of mental retardation and 1148
developmental disabilities, or pursuant to section 5126.281 of the 1149
Revised Code with respect to an applicant for employment in a 1150
direct services position with an entity contracting with a county 1151
board for employment, a completed form prescribed pursuant to 1152
division (C)(1) of this section, and a set of fingerprint 1153

impressions obtained in the manner described in division (C)(2) of 1154
this section, the superintendent of the bureau of criminal 1155
identification and investigation shall conduct a criminal records 1156
check. The superintendent shall conduct the criminal records check 1157
in the manner described in division (B) of this section to 1158
determine whether any information exists that indicates that the 1159
person who is the subject of the request has been convicted of or 1160
pleaded guilty to any of the following: 1161

(a) A violation of section 2903.01, 2903.02, 2903.03, 1162
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1163
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 1164
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 1165
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 1166
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 1167
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 1168
2925.03, or 3716.11 of the Revised Code; 1169

(b) An existing or former municipal ordinance or law of this 1170
state, any other state, or the United States that is substantially 1171
equivalent to any of the offenses listed in division (A)(2)(a) of 1172
this section. 1173

(3) On receipt of a request pursuant to section 173.27, 1174
173.394, 3712.09, 3721.121, or 3722.151 of the Revised Code, a 1175
completed form prescribed pursuant to division (C)(1) of this 1176
section, and a set of fingerprint impressions obtained in the 1177
manner described in division (C)(2) of this section, the 1178
superintendent of the bureau of criminal identification and 1179
investigation shall conduct a criminal records check with respect 1180
to any person who has applied for employment in a position for 1181
which a criminal records check is required by those sections. The 1182
superintendent shall conduct the criminal records check in the 1183
manner described in division (B) of this section to determine 1184
whether any information exists that indicates that the person who 1185

is the subject of the request previously has been convicted of or 1186
pleaded 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, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1190
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1191
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1192
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1193
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1194
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1195
2925.22, 2925.23, or 3716.11 of the Revised Code; 1196

(b) An existing or former law of this state, any other state, 1197
or the United States that is substantially equivalent to any of 1198
the offenses listed in division (A)(3)(a) of this section. 1199

(4) On receipt of a request pursuant to section 3701.881 of 1200
the Revised Code with respect to an applicant for employment with 1201
a home health agency as a person responsible for the care, 1202
custody, or control of a child, a completed form prescribed 1203
pursuant to division (C)(1) of this section, and a set of 1204
fingerprint impressions obtained in the manner described in 1205
division (C)(2) of this section, the superintendent of the bureau 1206
of criminal identification and investigation shall conduct a 1207
criminal records check. The superintendent shall conduct the 1208
criminal records check in the manner described in division (B) of 1209
this section to determine whether any information exists that 1210
indicates that the person who is the subject of the request 1211
previously has been convicted of or pleaded guilty to any of the 1212
following: 1213

(a) A violation of section 2903.01, 2903.02, 2903.03, 1214
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1215
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 1216
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 1217

2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 1218
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1219
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1220
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 1221
violation of section 2925.11 of the Revised Code that is not a 1222
minor drug possession offense; 1223

(b) An existing or former law of this state, any other state, 1224
or the United States that is substantially equivalent to any of 1225
the offenses listed in division (A)(4)(a) of this section. 1226

(5) On receipt of a request pursuant to section ~~5111.95 or~~ 1227
~~5111.96~~ 5111.032, 5111.033, or 5111.034 of the Revised Code ~~with~~ 1228
~~respect to an applicant for employment with a waiver agency~~ 1229
~~participating in a department of job and family services~~ 1230
~~administered home and community based waiver program or an~~ 1231
~~independent provider participating in a department administered~~ 1232
~~home and community based waiver program in a position that~~ 1233
~~involves providing home and community based waiver services to~~ 1234
~~consumers with disabilities~~, a completed form prescribed pursuant 1235
to division (C)(1) of this section, and a set of fingerprint 1236
impressions obtained in the manner described in division (C)(2) of 1237
this section, the superintendent of the bureau of criminal 1238
identification and investigation shall conduct a criminal records 1239
check. The superintendent shall conduct the criminal records check 1240
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~~, has pleaded guilty to, or has been found eligible 1244
for intervention in lieu of conviction for any of the following: 1245

(a) A violation of section 2903.01, 2903.02, 2903.03, 1246
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 1247
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 1248
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 1249

2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 1250
2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 1251
2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 1252
2913.40, 2913.43, 2913.47, 2913.48, 2913.49, 2913.51, 2917.11, 1253
2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 1254
2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 1255
2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 1256
3716.11 of the Revised Code, felonious sexual penetration in 1257
violation of former section 2907.12 of the Revised Code, a 1258
violation of section 2905.04 of the Revised Code as it existed 1259
prior to July 1, 1996, a violation of section 2919.23 of the 1260
Revised Code that would have been a violation of section 2905.04 1261
of the Revised Code as it existed prior to July 1, 1996, had the 1262
violation been committed prior to that date; 1263

(b) An existing or former law of this state, any other state, 1264
or the United States that is substantially equivalent to any of 1265
the offenses listed in division (A)(5)(a) of this section. 1266

(6) On receipt of a request pursuant to section 3701.881 of 1267
the Revised Code with respect to an applicant for employment with 1268
a home health agency in a position that involves providing direct 1269
care to an older adult, a completed form prescribed pursuant to 1270
division (C)(1) of this section, and a set of fingerprint 1271
impressions obtained in the manner described in division (C)(2) of 1272
this section, the superintendent of the bureau of criminal 1273
identification and investigation shall conduct a criminal records 1274
check. The superintendent shall conduct the criminal records check 1275
in the manner described in division (B) of this section to 1276
determine whether any information exists that indicates that the 1277
person who is the subject of the request previously has been 1278
convicted of or pleaded guilty to any of the following: 1279

(a) A violation of section 2903.01, 2903.02, 2903.03, 1280
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1281

2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1282
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1283
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1284
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1285
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1286
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1287
2925.22, 2925.23, or 3716.11 of the Revised Code; 1288

(b) An existing or former law of this state, any other state, 1289
or the United States that is substantially equivalent to any of 1290
the offenses listed in division (A)(6)(a) of this section. 1291

(7) When conducting a criminal records check upon a request 1292
pursuant to section 3319.39 of the Revised Code for an applicant 1293
who is a teacher, in addition to the determination made under 1294
division (A)(1) of this section, the superintendent shall 1295
determine whether any information exists that indicates that the 1296
person who is the subject of the request previously has been 1297
convicted of or pleaded guilty to any offense specified in section 1298
3319.31 of the Revised Code. 1299

(8) On a request pursuant to section 2151.86 of the Revised 1300
Code, a completed form prescribed pursuant to division (C)(1) of 1301
this section, and a set of fingerprint impressions obtained in the 1302
manner described in division (C)(2) of this section, the 1303
superintendent of the bureau of criminal identification and 1304
investigation shall conduct a criminal records check in the manner 1305
described in division (B) of this section to determine whether any 1306
information exists that indicates that the person who is the 1307
subject of the request previously has been convicted of or pleaded 1308
guilty to any of the following: 1309

(a) A violation of section 2903.01, 2903.02, 2903.03, 1310
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1311
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1312
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1313

2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1314
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1315
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1316
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a 1317
violation of section 2905.04 of the Revised Code as it existed 1318
prior to July 1, 1996, a violation of section 2919.23 of the 1319
Revised Code that would have been a violation of section 2905.04 1320
of the Revised Code as it existed prior to July 1, 1996, had the 1321
violation been committed prior to that date, a violation of 1322
section 2925.11 of the Revised Code that is not a minor drug 1323
possession offense, or felonious sexual penetration in violation 1324
of former section 2907.12 of the Revised Code; 1325

(b) A violation of an existing or former law of this state, 1326
any other state, or the United States that is substantially 1327
equivalent to any of the offenses listed in division (A)(8)(a) of 1328
this section. 1329

(9) When conducting a criminal records check on a request 1330
pursuant to section 5104.013 of the Revised Code for a person who 1331
is an owner, licensee, or administrator of a child day-care center 1332
or type A family day-care home, an authorized provider of a 1333
certified type B family day-care home, or an adult residing in a 1334
type A or certified type B home, or when conducting a criminal 1335
records check or a request pursuant to section 5104.012 of the 1336
Revised Code for a person who is an applicant for employment in a 1337
center, type A home, or certified type B home, the superintendent, 1338
in addition to the determination made under division (A)(1) of 1339
this section, shall determine whether any information exists that 1340
indicates that the person has been convicted of or pleaded guilty 1341
to any of the following: 1342

(a) A violation of section 2913.02, 2913.03, 2913.04, 1343
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 1344
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 1345

2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2921.11, 1346
2921.13, or 2923.01 of the Revised Code, a violation of section 1347
2923.02 or 2923.03 of the Revised Code that relates to a crime 1348
specified in this division or division (A)(1)(a) of this section, 1349
or a second violation of section 4511.19 of the Revised Code 1350
within five years of the date of application for licensure or 1351
certification. 1352

(b) A violation of an existing or former law of this state, 1353
any other state, or the United States that is substantially 1354
equivalent to any of the offenses or violations described in 1355
division (A)(9)(a) of this section. 1356

(10) Upon receipt of a request pursuant to section 5153.111 1357
of the Revised Code, a completed form prescribed pursuant to 1358
division (C)(1) of this section, and a set of fingerprint 1359
impressions obtained in the manner described in division (C)(2) of 1360
this section, the superintendent of the bureau of criminal 1361
identification and investigation shall conduct a criminal records 1362
check in the manner described in division (B) of this section to 1363
determine whether any information exists that indicates that the 1364
person who is the subject of the request previously has been 1365
convicted of or pleaded guilty to any of the following: 1366

(a) A violation of section 2903.01, 2903.02, 2903.03, 1367
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1368
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1369
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1370
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1371
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1372
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1373
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 1374
felonious sexual penetration in violation of former section 1375
2907.12 of the Revised Code, a violation of section 2905.04 of the 1376
Revised Code as it existed prior to July 1, 1996, a violation of 1377

section 2919.23 of the Revised Code that would have been a 1378
violation of section 2905.04 of the Revised Code as it existed 1379
prior to July 1, 1996, had the violation been committed prior to 1380
that date, or a violation of section 2925.11 of the Revised Code 1381
that is not a minor drug possession offense; 1382

(b) A violation of an existing or former law of this state, 1383
any other state, or the United States that is substantially 1384
equivalent to any of the offenses listed in division (A)(10)(a) of 1385
this section. 1386

(11) On receipt of a request for a criminal records check 1387
from an individual pursuant to section 4749.03 or 4749.06 of the 1388
Revised Code, accompanied by a completed copy of the form 1389
prescribed in division (C)(1) of this section and a set of 1390
fingerprint impressions obtained in a manner described in division 1391
(C)(2) of this section, the superintendent of the bureau of 1392
criminal identification and investigation shall conduct a criminal 1393
records check in the manner described in division (B) of this 1394
section to determine whether any information exists indicating 1395
that the person who is the subject of the request has been 1396
convicted of or pleaded guilty to a felony in this state or in any 1397
other state. If the individual indicates that a firearm will be 1398
carried in the course of business, the superintendent shall 1399
require information from the federal bureau of investigation as 1400
described in division (B)(2) of this section. The superintendent 1401
shall report the findings of the criminal records check and any 1402
information the federal bureau of investigation provides to the 1403
director of public safety. 1404

(12) On receipt of a request pursuant to section 1322.03, 1405
1322.031, or 4763.05 of the Revised Code, a completed form 1406
prescribed pursuant to division (C)(1) of this section, and a set 1407
of fingerprint impressions obtained in the manner described in 1408
division (C)(2) of this section, the superintendent of the bureau 1409

of criminal identification and investigation shall conduct a 1410
criminal records check with respect to any person who has applied 1411
for a license, permit, or certification from the department of 1412
commerce or a division in the department. The superintendent shall 1413
conduct the criminal records check in the manner described in 1414
division (B) of this section to determine whether any information 1415
exists that indicates that the person who is the subject of the 1416
request previously has been convicted of or pleaded guilty to any 1417
of the following: a violation of section 2913.02, 2913.11, 1418
2913.31, 2913.51, or 2925.03 of the Revised Code; any other 1419
criminal offense involving theft, receiving stolen property, 1420
embezzlement, forgery, fraud, passing bad checks, money 1421
laundering, or drug trafficking, or any criminal offense involving 1422
money or securities, as set forth in Chapters 2909., 2911., 2913., 1423
2915., 2921., 2923., and 2925. of the Revised Code; or any 1424
existing or former law of this state, any other state, or the 1425
United States that is substantially equivalent to those offenses. 1426

(13) Not later than thirty days after the date the 1427
superintendent receives the request, completed form, and 1428
fingerprint impressions, the superintendent shall send the person, 1429
board, or entity that made the request any information, other than 1430
information the dissemination of which is prohibited by federal 1431
law, the superintendent determines exists with respect to the 1432
person who is the subject of the request that indicates that the 1433
person previously has been convicted of or pleaded guilty to any 1434
offense listed or described in division (A)(1), (2), (3), (4), 1435
(5), (6), (7), (8), (9), (10), (11), or (12) of this section, as 1436
appropriate. The superintendent shall send the person, board, or 1437
entity that made the request a copy of the list of offenses 1438
specified in division (A)(1), (2), (3), (4), (5), (6), (7), (8), 1439
(9), (10), (11), or (12) of this section, as appropriate. If the 1440
request was made under section 3701.881 of the Revised Code with 1441
regard to an applicant who may be both responsible for the care, 1442

custody, or control of a child and involved in providing direct 1443
care to an older adult, the superintendent shall provide a list of 1444
the offenses specified in divisions (A)(4) and (6) of this 1445
section. 1446

(B) The superintendent shall conduct any criminal records 1447
check requested under section 121.08, 173.27, 173.394, 1322.03, 1448
1322.031, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 1449
3721.121, 3722.151, 4749.03, 4749.06, 4763.05, 5104.012, 5104.013, 1450
~~5111.95, 5111.96~~ 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 1451
5126.281, or 5153.111 of the Revised Code as follows: 1452

(1) The superintendent shall review or cause to be reviewed 1453
any relevant information gathered and compiled by the bureau under 1454
division (A) of section 109.57 of the Revised Code that relates to 1455
the person who is the subject of the request, including any 1456
relevant information contained in records that have been sealed 1457
under section 2953.32 of the Revised Code; 1458

(2) If the request received by the superintendent asks for 1459
information from the federal bureau of investigation, the 1460
superintendent shall request from the federal bureau of 1461
investigation any information it has with respect to the person 1462
who is the subject of the request and shall review or cause to be 1463
reviewed any information the superintendent receives from that 1464
bureau. 1465

(3) The superintendent or the superintendent's designee may 1466
request criminal history records from other states or the federal 1467
government pursuant to the national crime prevention and privacy 1468
compact set forth in section 109.571 of the Revised Code. 1469

(C)(1) The superintendent shall prescribe a form to obtain 1470
the information necessary to conduct a criminal records check from 1471
any person for whom a criminal records check is required by 1472
section 121.08, 173.27, 173.394, 1322.03, 1322.031, 2151.86, 1473

3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 1474
4749.03, 4749.06, 4763.05, 5104.012, 5104.013, ~~5111.95, 5111.96~~ 1475
5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 1476
5153.111 of the Revised Code. The form that the superintendent 1477
prescribes pursuant to this division may be in a tangible format, 1478
in an electronic format, or in both tangible and electronic 1479
formats. 1480

(2) The superintendent shall prescribe standard impression 1481
sheets to obtain the fingerprint impressions of any person for 1482
whom a criminal records check is required by section 121.08, 1483
173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 1484
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 1485
4763.05, 5104.012, 5104.013, ~~5111.95, 5111.96~~ 5111.032, 5111.033, 1486
5111.034, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 1487
Code. Any person for whom a records check is required by any of 1488
those sections shall obtain the fingerprint impressions at a 1489
county sheriff's office, municipal police department, or any other 1490
entity with the ability to make fingerprint impressions on the 1491
standard impression sheets prescribed by the superintendent. The 1492
office, department, or entity may charge the person a reasonable 1493
fee for making the impressions. The standard impression sheets the 1494
superintendent prescribes pursuant to this division may be in a 1495
tangible format, in an electronic format, or in both tangible and 1496
electronic formats. 1497

(3) Subject to division (D) of this section, the 1498
superintendent shall prescribe and charge a reasonable fee for 1499
providing a criminal records check requested under section 121.08, 1500
173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 1501
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 1502
4763.05, 5104.012, 5104.013, ~~5111.95, 5111.96~~ 5111.032, 5111.033, 1503
5111.034, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 1504
Code. The person making a criminal records request under section 1505

121.08, 173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 1506
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 1507
4749.06, 4763.05, 5104.012, 5104.013, ~~5111.95, 5111.96~~, 5111.033, 1508
5111.034, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 1509
Code shall pay the fee prescribed pursuant to this division. A 1510
person making a request under section 3701.881 of the Revised Code 1511
for a criminal records check for an applicant who may be both 1512
responsible for the care, custody, or control of a child and 1513
involved in providing direct care to an older adult shall pay one 1514
fee for the request. In the case of a request under section 1515
5111.032 of the Revised Code, the fee shall be paid in the manner 1516
specified in that section. 1517

(4) The superintendent of the bureau of criminal 1518
identification and investigation may prescribe methods of 1519
forwarding fingerprint impressions and information necessary to 1520
conduct a criminal records check, which methods shall include, but 1521
not be limited to, an electronic method. 1522

(D) A determination whether any information exists that 1523
indicates that a person previously has been convicted of or 1524
pleaded guilty to any offense listed or described in division 1525
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 1526
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 1527
(A)(9)(a) or (b), (A)(10)(a) or (b), or (A)(12) of this section 1528
that is made by the superintendent with respect to information 1529
considered in a criminal records check in accordance with this 1530
section is valid for the person who is the subject of the criminal 1531
records check for a period of one year from the date upon which 1532
the superintendent makes the determination. During the period in 1533
which the determination in regard to a person is valid, if another 1534
request under this section is made for a criminal records check 1535
for that person, the superintendent shall provide the information 1536
that is the basis for the superintendent's initial determination 1537

at a lower fee than the fee prescribed for the initial criminal records check. 1538
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(E) When the superintendent receives a request for information from a registered private provider, the superintendent shall proceed as if the request has been received from a school district board of education under section 3319.39 of the Revised Code. The superintendent shall apply division (A)(7) of this section to any such request for an applicant who is a teacher. 1540
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(F) As used in this section: 1546

(1) "Criminal records check" means any criminal records check conducted by the superintendent of the bureau of criminal identification and investigation in accordance with division (B) of this section. 1547
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(2) ~~"Home and community based waiver services" and "waiver agency" have the same meanings as in section 5111.95 of the Revised Code.~~ 1551
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1553

(3) ~~"Independent provider" has the same meaning as in section 5111.96 of the Revised Code.~~ 1554
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(4) ~~"Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.~~ 1556
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(5)(3) "Older adult" means a person age sixty or older. 1558

(4) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the special education scholarship pilot program. 1559
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Sec. 109.93. The attorney general education fund is hereby created in the ~~custody of the treasurer of state~~ treasury. The fund shall consist of gifts and grants received by the attorney general for the purposes of the fund. The fund shall be 1564
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administered by the attorney general and shall be used to support 1568
various educational programs. These educational programs may 1569
include programs for consumer protection, victims of crime, 1570
environmental protection, drug abuse, child abuse, peace officer 1571
training, crime prevention, and law. The fund may also be used to 1572
pay costs associated with the solicitation of gifts and grants for 1573
the purposes of the fund, and the costs of administering the fund. 1574
The fund shall not be used to replace money spent by local 1575
programs for similar purposes. 1576

Sec. 111.18. (A) The secretary of state shall keep a record 1577
of all fees collected by the secretary of state and, subject to 1578
division (B) of section 1309.528 of the Revised Code and except as 1579
otherwise provided in the Revised Code, shall pay them into the 1580
state treasury to the credit of the corporate and uniform 1581
commercial code filing fund created by section 1309.528 of the 1582
Revised Code. 1583

(B) The secretary of state may implement alternative payment 1584
programs that permit payment of any fee charged by the secretary 1585
of state by means other than cash, check, money order, or credit 1586
card; an alternative payment program may include, but is not 1587
limited to, one that permits a fee to be paid by electronic means 1588
of transmission. Fees paid under an alternative payment program 1589
shall be deposited to the credit of the secretary of state 1590
alternative payment program fund, which is hereby created. ~~The~~ 1591
~~secretary of state alternative payment program fund shall be in~~ 1592
~~the custody of the treasurer of state but shall not be part of the~~ 1593
state treasury. Any investment income of the secretary of state 1594
alternative payment program fund shall be credited to that fund 1595
and used to operate the alternative payment program. Within two 1596
working days following the deposit of funds to the credit of the 1597
secretary of state alternative payment program fund, the secretary 1598
of state shall pay those funds ~~into the state treasury~~ to the 1599

credit of the corporate and uniform commercial code filing fund, 1600
subject to division (B) of section 1309.401 of the Revised Code 1601
and except as otherwise provided in the Revised Code. 1602

The secretary of state shall adopt rules necessary to carry 1603
out the purposes of this division. 1604

Sec. 117.11. (A) Except as otherwise provided in this 1605
division and in section 117.112 of the Revised Code, the auditor 1606
of state shall audit each public office at least once every two 1607
fiscal years. The auditor of state shall audit a public office 1608
each fiscal year if that public office is required to be audited 1609
on an annual basis pursuant to "The Single Audit Act of 1984," 98 1610
Stat. 2327, 31 U.S.C.A. 7501 et seq., as amended. In the annual or 1611
biennial audit, inquiry shall be made into the methods, accuracy, 1612
and legality of the accounts, financial reports, records, files, 1613
and reports of the office, whether the laws, rules, ordinances, 1614
and orders pertaining to the office have been observed, and 1615
whether the requirements and rules of the auditor of state have 1616
been complied with. Except as otherwise provided in this division 1617
or where auditing standards or procedures dictate otherwise, each 1618
audit shall cover at least one fiscal year. If a public office is 1619
audited only once every two fiscal years, the audit shall cover 1620
both fiscal years. 1621

(B) In addition to the annual or biennial audit provided for 1622
in division (A) of this section, the auditor of state may conduct 1623
an audit of a public office at any time when so requested by the 1624
public office or upon the auditor of state's own initiative if the 1625
auditor of state has reasonable cause to believe that an 1626
additional audit is in the public interest. 1627

(C)(1) The auditor of state shall identify any public office 1628
in which the auditor of state will be unable to conduct an audit 1629
at least once every two fiscal years as required by division (A) 1630

of this section and shall provide immediate written notice to the clerk of the legislative authority or governing board of the public office so identified. Within six months of the receipt of such notice, the legislative authority or governing board may engage an independent certified public accountant to conduct an audit pursuant to section 117.12 of the Revised Code.

(2) When the chief fiscal officer of a public office notifies the auditor of state that an audit is required at a time prior to the next regularly scheduled audit by the auditor of state, the auditor of state shall either cause an earlier audit to be made by the auditor of state or authorize the legislative authority or governing board of the public office to engage an independent certified public accountant to conduct the required audit. The scope of the audit shall be as authorized by the auditor of state.

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

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

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

9.65 of the Revised Code. 1663

Sec. 117.112. The auditor of state shall audit the Buckeye 1664
tobacco settlement financing authority each fiscal year in 1665
accordance with this chapter. The auditor may engage an 1666
independent certified public accountant to conduct the audit. 1667

Sec. 119.07. Except when a statute prescribes a notice and 1668
the persons to whom it shall be given, in all cases in which 1669
section 119.06 of the Revised Code requires an agency to afford an 1670
opportunity for a hearing prior to the issuance of an order, the 1671
agency shall give notice to the party informing ~~him~~ the party of 1672
~~his~~ the party's right to a hearing. Notice shall be given by 1673
registered mail, return receipt requested, and shall include the 1674
charges or other reasons for the proposed action, the law or rule 1675
directly involved, and a statement informing the party that ~~he~~ the 1676
party is entitled to a hearing if ~~he~~ the party requests it within 1677
thirty days of the time of mailing the notice. The notice shall 1678
also inform the party that at the hearing ~~he~~ the party may appear 1679
in person, by ~~his~~ the party's attorney, or by such other 1680
representative as is permitted to practice before the agency, or 1681
may present ~~his~~ the party's position, arguments, or contentions in 1682
writing and that at the hearing ~~he~~ the party may present evidence 1683
and examine witnesses appearing for and against ~~him~~ the party. A 1684
copy of the notice shall be mailed to attorneys or other 1685
representatives of record representing the party. This paragraph 1686
does not apply to situations in which such section provides for a 1687
hearing only when it is requested by the party. 1688

When a statute specifically permits the suspension of a 1689
license without a prior hearing, notice of the agency's order 1690
shall be sent to the party by registered mail, return receipt 1691
requested, not later than the business day next succeeding such 1692
order. The notice shall state the reasons for the agency's action, 1693

cite the law or rule directly involved, and state that the party 1694
will be afforded a hearing if ~~he~~ the party requests it within 1695
thirty days of the time of mailing the notice. A copy of the 1696
notice shall be mailed to attorneys or other representatives of 1697
record representing the party. 1698

Whenever a party requests a hearing in accordance with this 1699
section and section 119.06 of the Revised Code, the agency shall 1700
immediately set the date, time, and place for the hearing and 1701
forthwith notify the party thereof. The date set for the hearing 1702
shall be within fifteen days, but not earlier than seven days, 1703
after the party has requested a hearing, unless otherwise agreed 1704
to by both the agency and the party. 1705

When any notice sent by registered mail, as required by 1706
sections 119.01 to 119.13 of the Revised Code, is returned because 1707
~~of failure of delivery~~ the party fails to claim the notice, the 1708
agency shall send the notice by ordinary mail to the party at the 1709
party's last known address and shall obtain a certificate of 1710
mailing. Service by ordinary mail is complete when the certificate 1711
of mailing is obtained unless the notice is returned showing 1712
failure of delivery. 1713

If any notice sent by registered or ordinary mail is returned 1714
for failure of delivery, the agency either shall make personal 1715
delivery of the notice by an employee or agent of the agency or 1716
shall cause a summary of the substantive provisions of the notice 1717
to be published once a week for three consecutive weeks in a 1718
newspaper of general circulation in the county where the last 1719
known ~~place of residence or business~~ address of the party is 1720
located. When notice is given by publication, a ~~copy of the~~ 1721
~~newspaper~~ proof of publication affidavit, with the first 1722
publication of the notice ~~marked~~ set forth in the affidavit, shall 1723
be mailed by ordinary mail to the party at the party's last known 1724
address and the notice shall be deemed received as of the date of 1725

the last publication. An employee or agent of the agency may make 1726
personal delivery of the notice upon a party at any time. 1727

Refusal of delivery by personal service or by mail is not 1728
failure of delivery and service is deemed to be complete. Failure 1729
of delivery occurs only when a mailed notice is returned by the 1730
postal authorities marked undeliverable, address or addressee 1731
unknown, or forwarding address unknown or expired. A party's last 1732
known address is the mailing address of the party appearing in the 1733
records of the agency. 1734

The failure of an agency to give the notices for any hearing 1735
required by sections 119.01 to 119.13 of the Revised Code in the 1736
manner provided in this section shall invalidate any order entered 1737
pursuant to the hearing. 1738

Sec. 120.33. (A) In lieu of using a county public defender or 1739
joint county public defender to represent indigent persons in the 1740
proceedings set forth in division (A) of section 120.16 of the 1741
Revised Code, the board of county commissioners of any county may 1742
adopt a resolution to pay counsel who are either personally 1743
selected by the indigent person or appointed by the court. The 1744
resolution shall include those provisions the board of county 1745
commissioners considers necessary to provide effective 1746
representation of indigent persons in any proceeding for which 1747
counsel is provided under this section. The resolution shall 1748
include provisions for contracts with any municipal corporation 1749
under which the municipal corporation shall reimburse the county 1750
for counsel appointed to represent indigent persons charged with 1751
violations of the ordinances of the municipal corporation. 1752

(1) In a county that adopts a resolution to pay counsel, an 1753
indigent person shall have the right to do either of the 1754
following: 1755

(a) To select the person's own personal counsel to represent 1756

the person in any proceeding included within the provisions of the resolution;

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

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

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

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

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

(4) Counsel selected by the indigent person or appointed by the court at the request of an indigent person in a county that adopts a resolution to pay counsel, except for counsel appointed to represent a person charged with any violation of an ordinance of a municipal corporation that has not contracted with the county commissioners for the payment of appointed counsel, shall be paid by the county and shall receive the compensation and expenses the court approves. Each request for payment shall be accompanied by a

financial disclosure form and an affidavit of indigency that are 1788
completed by the indigent person on forms prescribed by the state 1789
public defender. Compensation and expenses shall not exceed the 1790
amounts fixed by the board of county commissioners in the schedule 1791
adopted pursuant to division (A)(3) of this section. No court 1792
shall approve compensation and expenses that exceed the amount 1793
fixed pursuant to division (A)(3) of this section. 1794

The fees and expenses approved by the court shall not be 1795
taxed as part of the costs and shall be paid by the county. 1796
However, if the person represented has, or may reasonably be 1797
expected to have, the means to meet some part of the cost of the 1798
services rendered to the person, the person shall pay the county 1799
an amount that the person reasonably can be expected to pay. 1800
Pursuant to section 120.04 of the Revised Code, the county shall 1801
pay to the state public defender a percentage of the payment 1802
received from the person in an amount proportionate to the 1803
percentage of the costs of the person's case that were paid to the 1804
county by the state public defender pursuant to this section. The 1805
money paid to the state public defender shall be credited to the 1806
client payment fund created pursuant to division (B)(5) of section 1807
120.04 of the Revised Code. 1808

The county auditor shall draw a warrant on the county 1809
treasurer for the payment of counsel in the amount fixed by the 1810
court, plus the expenses the court fixes and certifies to the 1811
auditor. The county auditor shall report periodically, but not 1812
less than annually, to the board of county commissioners and to 1813
the Ohio state public defender commission the amounts paid out 1814
pursuant to the approval of the court. The board of county 1815
commissioners, after review and approval of the auditor's report, 1816
or the county auditor, with permission from and notice to the 1817
board of county commissioners, may then certify it to the state 1818
public defender for reimbursement. ~~If a~~ The state public defender 1819

may pay a requested reimbursement only if the request for 1820
reimbursement is not accompanied by a financial disclosure form 1821
and an affidavit of indigency completed by the indigent person on 1822
forms prescribed by the state public defender, the state public 1823
defender shall not pay the requested reimbursement or if the court 1824
certifies by electronic signature as prescribed by the state 1825
public defender that a financial disclosure form and affidavit of 1826
indigency have been completed by the indigent person and are 1827
available for inspection. If a request for the reimbursement of 1828
the cost of counsel in any case is not received by the state 1829
public defender within ninety days after the end of the calendar 1830
month in which the case is finally disposed of by the court, 1831
unless the county has requested and the state public defender has 1832
granted an extension of the ninety-day limit, the state public 1833
defender shall not pay the requested reimbursement. The state 1834
public defender shall also review the report and, in accordance 1835
with the standards, guidelines, and maximums established pursuant 1836
to divisions (B)(7) and (8) of section 120.04 of the Revised Code, 1837
prepare a voucher for fifty per cent of the total cost of each 1838
county appointed counsel system in the period of time covered by 1839
the certified report and a voucher for fifty per cent of the costs 1840
and expenses that are reimbursable under section 120.35 of the 1841
Revised Code, if any, or, if the amount of money appropriated by 1842
the general assembly to reimburse counties for the operation of 1843
county public defender offices, joint county public defender 1844
offices, and county appointed counsel systems is not sufficient to 1845
pay fifty per cent of the total cost of all of the offices and 1846
systems other than costs and expenses that are reimbursable under 1847
section 120.35 of the Revised Code, for the lesser amount required 1848
by section 120.34 of the Revised Code. 1849

(5) If any county appointed counsel system fails to maintain 1850
the standards for the conduct of the system established by the 1851
rules of the Ohio public defender commission pursuant to divisions 1852

(B) and (C) of section 120.03 or the standards established by the state public defender pursuant to division (B)(7) of section 120.04 of the Revised Code, the Ohio public defender commission shall notify the board of county commissioners of the county that the county appointed counsel system has failed to comply with its rules or the standards of the state public defender. Unless the board of county commissioners corrects the conduct of its appointed counsel system to comply with the rules and standards within ninety days after the date of the notice, the state public defender may deny all or part of the county's reimbursement from the state provided for in division (A)(4) of this section.

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

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

Sec. 121.48. There is hereby created the office of the

inspector general, to be headed by the inspector general. 1884

The governor shall appoint the inspector general, subject to 1885
section 121.49 of the Revised Code and the advice and consent of 1886
the senate. The inspector general shall hold office for a term 1887
coinciding with the term of the appointing governor. The governor 1888
may remove the inspector general from office only after delivering 1889
written notice to the inspector general of the reasons for which 1890
the governor intends to remove the inspector general from office 1891
and providing the inspector general with an opportunity to appear 1892
and show cause why the inspector general should not be removed. 1893

In addition to the duties imposed by section 121.42 of the 1894
Revised Code, the inspector general shall manage the office of the 1895
inspector general. The inspector general shall establish and 1896
maintain offices in Columbus. 1897

The inspector general may ~~appoint~~ employ and fix the 1898
compensation of one or more deputy inspectors general. Each deputy 1899
inspector general shall serve for a term coinciding with the term 1900
of the appointing inspector general, and shall perform the duties, 1901
including the performance of investigations, that are assigned by 1902
the inspector general. All deputy inspectors general are in the 1903
unclassified service and serve at the pleasure of the inspector 1904
general. 1905

In addition to deputy inspectors general, the inspector 1906
general may ~~appoint~~ employ and fix the compensation of 1907
professional, technical, and clerical employees that are necessary 1908
for the effective and efficient operation of the office of the 1909
inspector general. All professional, technical, and clerical 1910
employees of the office of the inspector general are in the 1911
unclassified service and serve at the pleasure of the appointing 1912
inspector general. 1913

The inspector general may enter into any contracts that are 1914

necessary to the operation of the office of the inspector general. 1915
The contracts may include, but are not limited to, contracts for 1916
the services of persons who are experts in a particular field and 1917
whose expertise is necessary to the successful completion of an 1918
investigation. 1919

Not later than the first day of March in each year, the 1920
inspector general shall publish an annual report summarizing the 1921
activities of the inspector general's office during the previous 1922
calendar year. The annual report shall not disclose the results of 1923
any investigation insofar as the results are designated as 1924
confidential under section 121.44 of the Revised Code. 1925

The inspector general shall provide copies of the inspector 1926
general's annual report to the governor and the general assembly. 1927
The inspector general also shall provide a copy of the annual 1928
report to any other person who requests the copy and pays a fee 1929
prescribed by the inspector general. The fee shall not exceed the 1930
cost of reproducing and delivering the annual report. 1931

Sec. 122.051. There is hereby created in the state treasury 1932
the international trade cooperative projects fund. The fund shall 1933
consist of moneys received from private and nonprofit 1934
organizations involved in cooperative agreements related to 1935
import/export and direct foreign investment activities and cash 1936
transfers from other state agencies or any state or local 1937
government to encourage, promote, and assist trade and commerce 1938
between this state and foreign nations, pursuant to section 122.05 1939
and division (E) of section 122.04 of the Revised Code. 1940

Sec. 122.071. There is hereby created in the state treasury 1941
the travel and tourism cooperative projects fund consisting of all 1942
grants, gifts, and contributions made to the director of 1943
development for marketing and promotion of travel and tourism 1944

within this state pursuant to division (F) of section 122.04 and 1945
section 122.07 of the Revised Code. 1946

Sec. 122.076. There is hereby created in the state treasury 1947
the energy projects fund consisting of nonfederal revenue that is 1948
remitted to the director of development for the purpose of energy 1949
projects. Money in the fund shall be used by the department of 1950
development for energy projects and to pay the costs incurred in 1951
administering the energy projects. 1952

Sec. 122.17. (A) As used in this section: 1953

(1) "Full-time employee" means an individual who is employed 1954
for consideration for at least an average of thirty-five hours a 1955
week ~~or~~, who renders any other standard of service generally 1956
accepted by custom or specified by contract as full-time 1957
employment, or who is employed for consideration for such time or 1958
renders such service but is on family or medical leave under the 1959
federal Family and Medical Leave Act of 1993, Pub. L. No. 103-3, 1960
107 Stat. 6, as amended, or on active duty reserve or Ohio 1961
national guard service. 1962

(2) "New employee" means one of the following: 1963

(a) A full-time employee first employed by a taxpayer in the 1964
project that is the subject of the agreement after the taxpayer 1965
enters into a tax credit agreement with the tax credit authority 1966
under this section; 1967

(b) A full-time employee first employed by a taxpayer in the 1968
project that is the subject of the tax credit after the tax credit 1969
authority approves a project for a tax credit under this section 1970
in a public meeting, as long as the taxpayer enters into the tax 1971
credit agreement prepared by the department of development after 1972
such meeting within sixty days after receiving the agreement from 1973
the department. If the taxpayer fails to enter into the agreement 1974

within sixty days, "new employee" has the same meaning as under 1975
division (A)(2)(a) of this section. A full-time employee may be 1976
considered a "new employee" of a taxpayer, despite previously 1977
having been employed by a related member of the taxpayer, if all 1978
of the following apply: 1979

(i) The related member is a party to the tax credit agreement 1980
at the time the employee is first employed with the taxpayer; 1981

(ii) The related member will remain subject to the tax 1982
imposed by section 5725.18, 5729.03, 5733.06, or 5747.02 or levied 1983
under Chapter 5751. of the Revised Code for the remainder of the 1984
term of the tax credit, and the tax credit is taken against 1985
liability for that same tax through the remainder of the term of 1986
the tax credit; and 1987

(iii) The employee was considered a new employee of the 1988
related member prior to employment with the taxpayer. 1989

Under division (A)(2)(a) or (b) of this section, if the tax 1990
credit authority determines it appropriate, "new employee" also 1991
may include an employee re-hired or called back from lay-off to 1992
work in a new facility or on a new product or service established 1993
or produced by the taxpayer after entering into the agreement 1994
under this section or after the tax credit authority approves the 1995
tax credit in a public meeting. Except as otherwise provided in 1996
this paragraph, "new employee" does not include any employee of 1997
the taxpayer who was previously employed in this state by a 1998
related member of the taxpayer and whose employment was shifted to 1999
the taxpayer after the taxpayer entered into the tax credit 2000
agreement or after the tax credit authority approved the credit in 2001
a public meeting, or any employee of the taxpayer for which the 2002
taxpayer has been granted a certificate under division (B) of 2003
section 5709.66 of the Revised Code. However, if the taxpayer is 2004
engaged in the enrichment and commercialization of uranium or 2005
uranium products or is engaged in research and development 2006

activities related thereto and if the tax credit authority 2007
determines it appropriate, "new employee" may include an employee 2008
of the taxpayer who was previously employed in this state by a 2009
related member of the taxpayer and whose employment was shifted to 2010
the taxpayer after the taxpayer entered into the tax credit 2011
agreement or after the tax credit authority approved the credit in 2012
a public meeting. "New employee" does not include an employee of 2013
the taxpayer who is employed in an employment position that was 2014
relocated to a project from other operations of the taxpayer in 2015
this state or from operations of a related member of the taxpayer 2016
in this state. In addition, "new employee" does not include a 2017
child, grandchild, parent, or spouse, other than a spouse who is 2018
legally separated from the individual, of any individual who is an 2019
employee of the taxpayer and who has a direct or indirect 2020
ownership interest of at least five per cent in the profits, 2021
capital, or value of the taxpayer. Such ownership interest shall 2022
be determined in accordance with section 1563 of the Internal 2023
Revenue Code and regulations prescribed thereunder. 2024

(3) "New income tax revenue" means the total amount withheld 2025
under section 5747.06 of the Revised Code by the taxpayer during 2026
the taxable year, or during the calendar year that includes the 2027
tax period, from the compensation of new employees for the tax 2028
levied under Chapter 5747. of the Revised Code. 2029

(4) "Related member" has the same meaning as under division 2030
(A)(6) of section 5733.042 of the Revised Code without regard to 2031
division (B) of that section. 2032

(B) The tax credit authority may make grants under this 2033
section to foster job creation in this state. Such a grant shall 2034
take the form of a refundable credit allowed against the tax 2035
imposed by section 5725.18, 5729.03, 5733.06, or 5747.02 or levied 2036
under Chapter 5751. of the Revised Code. The credit shall be 2037
claimed for the taxable years or tax periods specified in the 2038

taxpayer's agreement with the tax credit authority under division 2039
(D) of this section. With respect to taxes imposed under section 2040
5733.06 or 5747.02 or Chapter 5751. of the Revised Code, the 2041
credit shall be claimed in the order required under section 2042
5733.98, 5747.98, or 5751.98 of the Revised Code. The amount of 2043
the credit available for a taxable year or for a calendar year 2044
that includes a tax period equals the new income tax revenue for 2045
that year multiplied by the percentage specified in the agreement 2046
with the tax credit authority. Any credit granted under this 2047
section against the tax imposed by section 5733.06 or 5747.02 of 2048
the Revised Code, to the extent not fully utilized against such 2049
tax for taxable years ending prior to 2008, shall automatically be 2050
converted without any action taken by the tax credit authority to 2051
a credit against the tax levied under Chapter 5751. of the Revised 2052
Code for tax periods beginning on or after July 1, 2008, provided 2053
that the person to whom the credit was granted is subject to such 2054
tax. The converted credit shall apply to those calendar years in 2055
which the remaining taxable years specified in the agreement end. 2056

(C) A taxpayer or potential taxpayer who proposes a project 2057
to create new jobs in this state may apply to the tax credit 2058
authority to enter into an agreement for a tax credit under this 2059
section. The director of development shall prescribe the form of 2060
the application. After receipt of an application, the authority 2061
may enter into an agreement with the taxpayer for a credit under 2062
this section if it determines all of the following: 2063

(1) The taxpayer's project will create new jobs in this 2064
state; 2065

(2) The taxpayer's project is economically sound and will 2066
benefit the people of this state by increasing opportunities for 2067
employment and strengthening the economy of this state; 2068

(3) Receiving the tax credit is a major factor in the 2069
taxpayer's decision to go forward with the project. 2070

(D) An agreement under this section shall include all of the following: 2071
2072

(1) A detailed description of the project that is the subject of the agreement; 2073
2074

(2) The term of the tax credit, which shall not exceed fifteen years, and the first taxable year, or first calendar year that includes a tax period, for which the credit may be claimed; 2075
2076
2077

(3) A requirement that the taxpayer shall maintain operations at the project location for at least twice the number of years as the term of the tax credit; 2078
2079
2080

(4) The percentage, as determined by the tax credit authority, of new income tax revenue that will be allowed as the amount of the credit for each taxable year or for each calendar year that includes a tax period; 2081
2082
2083
2084

(5) A specific method for determining how many new employees are employed during a taxable year or during a calendar year that includes a tax period; 2085
2086
2087

(6) A requirement that the taxpayer annually shall report to the director of development the number of new employees, the new income tax revenue withheld in connection with the new employees, and any other information the director needs to perform the director's duties under this section; 2088
2089
2090
2091
2092

(7) A requirement that the director of development annually shall verify the amounts reported under division (D)(6) of this section, and after doing so shall issue a certificate to the taxpayer stating that the amounts have been verified; 2093
2094
2095
2096

(8)(a) A provision requiring that the taxpayer, except as otherwise provided in division (D)(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 2097
2098
2099
2100

lesser of five years from the date the agreement is entered into 2101
or the number of years the taxpayer is entitled to claim the tax 2102
credit. 2103

(b) The taxpayer may relocate employment positions from 2104
elsewhere in this state to the project site that is the subject of 2105
the agreement if the director of development determines both of 2106
the following: 2107

(i) That the site from which the employment positions would 2108
be relocated is inadequate to meet market and industry conditions, 2109
expansion plans, consolidation plans, or other business 2110
considerations affecting the taxpayer; 2111

(ii) That the legislative authority of the county, township, 2112
or municipal corporation from which the employment positions would 2113
be relocated has been notified of the relocation. 2114

For purposes of this section, the movement of an employment 2115
position from one political subdivision to another political 2116
subdivision shall be considered a relocation of an employment 2117
position, but the transfer of an individual employee from one 2118
political subdivision to another political subdivision shall not 2119
be considered a relocation of an employment position as long as 2120
the individual's employment position in the first political 2121
subdivision is refilled. 2122

(E) If a taxpayer fails to meet or comply with any condition 2123
or requirement set forth in a tax credit agreement, the tax credit 2124
authority may amend the agreement to reduce the percentage or term 2125
of the tax credit. The reduction of the percentage or term shall 2126
take effect (1) in the taxable year immediately following the 2127
taxable year in which the authority amends the agreement or the 2128
director of development notifies the taxpayer in writing of such 2129
failure, or (2) in the first tax period beginning in the calendar 2130
year immediately following the calendar year in which the 2131

authority amends the agreement or the director notifies the taxpayer in writing of such failure. If the taxpayer fails to annually report any of the information required by division (D)(6) of this section within the time required by the director, the reduction of the percentage or term may take effect in the current taxable year. If the taxpayer relocates employment positions in violation of the provision required under division (D)(8)(a) of this section, the taxpayer shall not claim the tax credit under section 5733.0610 of the Revised Code for any tax years following the calendar year in which the relocation occurs, or shall not claim the tax credit under section 5725.32, 5729.032, or 5747.058 of the Revised Code for the taxable year in which the relocation occurs and any subsequent taxable years, and shall not claim the tax credit under division (A) of section 5751.50 of the Revised Code for any tax period in the calendar year in which the relocation occurs and any subsequent tax periods.

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

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

information taken for any purpose from such statements or 2164
information, are not public records subject to section 149.43 of 2165
the Revised Code. However, the chairperson of the authority may 2166
make use of the statements and other information for purposes of 2167
issuing public reports or in connection with court proceedings 2168
concerning tax credit agreements under this section. Upon the 2169
request of the tax commissioner or, if the applicant or recipient 2170
is an insurance company, upon the request of the superintendent of 2171
insurance, the chairperson of the authority shall provide to the 2172
commissioner or superintendent any statement or information 2173
submitted by an applicant or recipient of a tax credit in 2174
connection with the credit. The commissioner or superintendent 2175
shall preserve the confidentiality of the statement or 2176
information. 2177

(H) A taxpayer claiming a credit under this section shall 2178
submit to the tax commissioner or, if the taxpayer is an insurance 2179
company, to the superintendent of insurance, a copy of the 2180
director of development's certificate of verification under 2181
division (D)(7) of this section with the taxpayer's tax report or 2182
return for the taxable year or for the calendar year that includes 2183
the tax period. Failure to submit a copy of the certificate with 2184
the report or return does not invalidate a claim for a credit if 2185
the taxpayer submits a copy of the certificate to the commissioner 2186
or superintendent within sixty days after the commissioner or 2187
superintendent requests it. 2188

(I) The director of development, after consultation with the 2189
tax commissioner and the superintendent of insurance and in 2190
accordance with Chapter 119. of the Revised Code, shall adopt 2191
rules necessary to implement this section. The rules may provide 2192
for recipients of tax credits under this section to be charged 2193
fees to cover administrative costs of the tax credit program. The 2194
fees collected shall be credited to the tax incentive programs 2195

operating fund created in section 122.174 of the Revised Code. At 2196
the time the director gives public notice under division (A) of 2197
section 119.03 of the Revised Code of the adoption of the rules, 2198
the director shall submit copies of the proposed rules to the 2199
chairpersons of the standing committees on economic development in 2200
the senate and the house of representatives. 2201

(J) For the purposes of this section, a taxpayer may include 2202
a partnership, a corporation that has made an election under 2203
subchapter S of chapter one of subtitle A of the Internal Revenue 2204
Code, or any other business entity through which income flows as a 2205
distributive share to its owners. ~~A credit received under this~~ 2206
~~section by a~~ partnership, S-corporation, or other such business 2207
entity ~~shall be apportioned among~~ may elect to pass the credit 2208
received under this section through to the persons to whom the 2209
income or profit of the partnership, S-corporation, or other 2210
entity is distributed⁷. The election shall be made on the annual 2211
report required under division (D)(6) of this section. The 2212
election applies to and is irrevocable for the credit for which 2213
the report is submitted. If the election is made, the credit shall 2214
be apportioned among those persons in the same proportions as 2215
those in which the income or profit is distributed. 2216

(K) If the director of development determines that a taxpayer 2217
who has received a credit under this section is not complying with 2218
the requirement under division (D)(3) of this section, the 2219
director shall notify the tax credit authority of the 2220
noncompliance. After receiving such a notice, and after giving the 2221
taxpayer an opportunity to explain the noncompliance, the tax 2222
credit authority may require the taxpayer to refund to this state 2223
a portion of the credit in accordance with the following: 2224

(1) If the taxpayer maintained operations at the project 2225
location for at least one and one-half times the number of years 2226
of the term of the tax credit, an amount not exceeding twenty-five 2227

per cent of the sum of any previously allowed credits under this 2228
section; 2229

(2) If the taxpayer maintained operations at the project 2230
location for at least the number of years of the term of the tax 2231
credit, an amount not exceeding fifty per cent of the sum of any 2232
previously allowed credits under this section; 2233

(3) If the taxpayer maintained operations at the project 2234
location for less than the number of years of the term of the tax 2235
credit, an amount not exceeding one hundred per cent of the sum of 2236
any previously allowed credits under this section. 2237

In determining the portion of the tax credit to be refunded 2238
to this state, the tax credit authority shall consider the effect 2239
of market conditions on the taxpayer's project and whether the 2240
taxpayer continues to maintain other operations in this state. 2241
After making the determination, the authority shall certify the 2242
amount to be refunded to the tax commissioner or superintendent of 2243
insurance, as appropriate. If the amount is certified to the 2244
commissioner, the commissioner shall make an assessment for that 2245
amount against the taxpayer under Chapter 5733., 5747., or 5751. 2246
of the Revised Code. If the amount is certified to the 2247
superintendent, the superintendent shall make an assessment for 2248
that amount against the taxpayer under Chapter 5725. or 5729. of 2249
the Revised Code. The time limitations on assessments under those 2250
chapters do not apply to an assessment under this division, but 2251
the commissioner or superintendent, as appropriate, shall make the 2252
assessment within one year after the date the authority certifies 2253
to the commissioner or superintendent the amount to be refunded. 2254

(L) On or before the thirty-first day of March each year, the 2255
director of development shall submit a report to the governor, the 2256
president of the senate, and the speaker of the house of 2257
representatives on the tax credit program under this section. The 2258
report shall include information on the number of agreements that 2259

were entered into under this section during the preceding calendar 2260
year, a description of the project that is the subject of each 2261
such agreement, and an update on the status of projects under 2262
agreements entered into before the preceding calendar year. 2263

(M) There is hereby created the tax credit authority, which 2264
consists of the director of development and four other members 2265
appointed as follows: the governor, the president of the senate, 2266
and the speaker of the house of representatives each shall appoint 2267
one member who shall be a specialist in economic development; the 2268
governor also shall appoint a member who is a specialist in 2269
taxation. Of the initial appointees, the members appointed by the 2270
governor shall serve a term of two years; the members appointed by 2271
the president of the senate and the speaker of the house of 2272
representatives shall serve a term of four years. Thereafter, 2273
terms of office shall be for four years. Initial appointments to 2274
the authority shall be made within thirty days after January 13, 2275
1993. Each member shall serve on the authority until the end of 2276
the term for which the member was appointed. Vacancies shall be 2277
filled in the same manner provided for original appointments. Any 2278
member appointed to fill a vacancy occurring prior to the 2279
expiration of the term for which the member's predecessor was 2280
appointed shall hold office for the remainder of that term. 2281
Members may be reappointed to the authority. Members of the 2282
authority shall receive their necessary and actual expenses while 2283
engaged in the business of the authority. The director of 2284
development shall serve as chairperson of the authority, and the 2285
members annually shall elect a vice-chairperson from among 2286
themselves. Three members of the authority constitute a quorum to 2287
transact and vote on the business of the authority. The majority 2288
vote of the membership of the authority is necessary to approve 2289
any such business, including the election of the vice-chairperson. 2290

The director of development may appoint a professional 2291

employee of the department of development to serve as the 2292
director's substitute at a meeting of the authority. The director 2293
shall make the appointment in writing. In the absence of the 2294
director from a meeting of the authority, the appointed substitute 2295
shall serve as chairperson. In the absence of both the director 2296
and the director's substitute from a meeting, the vice-chairperson 2297
shall serve as chairperson. 2298

(N) For purposes of the credits granted by this section 2299
against the taxes imposed under sections 5725.18 and 5729.03 of 2300
the Revised Code, "taxable year" means the period covered by the 2301
taxpayer's annual statement to the superintendent of insurance. 2302

Sec. 122.171. (A) As used in this section: 2303

(1) "Capital investment project" means a plan of investment 2304
at a project site for the acquisition, construction, renovation, 2305
or repair of buildings, machinery, or equipment, or for 2306
capitalized costs of basic research and new product development 2307
determined in accordance with generally accepted accounting 2308
principles, but does not include any of the following: 2309

(a) Payments made for the acquisition of personal property 2310
through operating leases; 2311

(b) Project costs paid before January 1, 2002; 2312

(c) Payments made to a related member as defined in section 2313
5733.042 of the Revised Code or to an elected consolidated 2314
taxpayer or a combined taxpayer as defined in section 5751.01 of 2315
the Revised Code. 2316

(2) "Eligible business" means a business with Ohio operations 2317
satisfying all of the following: 2318

(a) Employed an average of at least one thousand employees in 2319
full-time employment positions at a project site during each of 2320
the twelve months preceding the application for a tax credit under 2321

this section; and 2322

(b) On or after January 1, 2002, has made or has caused to be 2323
made payments for the capital investment project, including 2324
payments made by an unrelated third party entity as a result of a 2325
lease of not less than twenty years in term, of either of the 2326
following: 2327

(i) At least two hundred million dollars in the aggregate at 2328
the project site during a period of three consecutive calendar 2329
years including the calendar year that includes a day of the 2330
taxpayer's taxable year or tax period with respect to which the 2331
credit is granted; 2332

(ii) If the average wage of all full-time employment 2333
positions at the project site is greater than four hundred per 2334
cent of the federal minimum wage, at least one hundred million 2335
dollars in the aggregate at the project site during a period of 2336
three consecutive calendar years including the calendar year that 2337
includes a day of the taxpayer's taxable year or tax period with 2338
respect to which the credit is granted. 2339

(c) Is engaged at the project site primarily as a 2340
manufacturer or is providing significant corporate administrative 2341
functions⁺. If the investment under division (A)(2)(b) of this 2342
section was made by a third party entity as a result of a lease of 2343
not less than twenty years in term, the project must include 2344
headquarters operations that are part of a mixed use development 2345
that includes at least two of the following: office, hotel, 2346
research and development, or retail facilities. 2347

(d) Has had a capital investment project reviewed and 2348
approved by the tax credit authority as provided in divisions (C), 2349
(D), and (E) of this section. 2350

(3) "Full-time employment position" means a position of 2351
employment for consideration for at least an average of 2352

thirty-five hours a week that has been filled for at least one 2353
hundred eighty days immediately preceding the filing of an 2354
application under this section and for at least one hundred eighty 2355
days during each taxable year or each calendar year that includes 2356
a tax period with respect to which the credit is granted, or is 2357
employed in such position for consideration for such time, but is 2358
on active duty reserve or Ohio national guard service. 2359

(4) "Manufacturer" has the same meaning as in section 2360
5739.011 of the Revised Code. 2361

(5) "Project site" means an integrated complex of facilities 2362
in this state, as specified by the tax credit authority under this 2363
section, within a fifteen-mile radius where a taxpayer is 2364
primarily operating as an eligible business. 2365

(6) "Applicable corporation" means a corporation satisfying 2366
all of the following: 2367

(a)(i) For the entire taxable year immediately preceding the 2368
tax year, the corporation develops software applications primarily 2369
to provide telecommunication billing and information services 2370
through outsourcing or licensing to domestic or international 2371
customers. 2372

(ii) Sales and licensing of software generated at least six 2373
hundred million dollars in revenue during the taxable year 2374
immediately preceding the tax year the corporation is first 2375
entitled to claim the credit provided under division (B) of this 2376
section. 2377

(b) For the entire taxable year immediately preceding the tax 2378
year, the corporation or one or more of its related members 2379
provides customer or employee care and technical support for 2380
clients through one or more contact centers within this state, and 2381
the corporation and its related members together have a daily 2382
average, based on a three-hundred-sixty-five-day year, of at least 2383

five hundred thousand successful customer contacts through one or 2384
more of their contact centers, wherever located. 2385

(c) The corporation is eligible for the credit under division 2386
(B) of this section for the tax year. 2387

(7) "Related member" has the same meaning as in section 2388
5733.042 of the Revised Code as that section existed on the 2389
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 2390
general assembly, September 29, 1997. 2391

(8) "Successful customer contact" means a contact with an end 2392
user via telephone, including interactive voice recognition or 2393
similar means, where the contact culminates in a conversation or 2394
connection other than a busy signal or equipment busy. 2395

(9) "Telecommunications" means all forms of 2396
telecommunications service as defined in section 5739.01 of the 2397
Revised Code, and includes services in wireless, wireline, cable, 2398
broadband, internet protocol, and satellite. 2399

(10)(a) "Applicable difference" means the difference between 2400
the tax for the tax year under Chapter 5733. of the Revised Code 2401
applying the law in effect for that tax year, and the tax for that 2402
tax year if section 5733.042 of the Revised Code applied as that 2403
section existed on the effective date of its amendment by Am. Sub. 2404
H.B. 215 of the 122nd general assembly, September 29, 1997, 2405
subject to division (A)(10)(b) of this section. 2406

(b) If the tax rate set forth in division (B) of section 2407
5733.06 of the Revised Code for the tax year is less than eight 2408
and one-half per cent, the tax calculated under division 2409
(A)(10)(a) of this section shall be computed by substituting a tax 2410
rate of eight and one-half per cent for the rate set forth in 2411
division (B) of section 5733.06 of the Revised Code for the tax 2412
year. 2413

(c) If the resulting difference is negative, the applicable 2414

tax difference for the tax year shall be zero. 2415

(B) The tax credit authority created under section 122.17 of 2416
the Revised Code may grant tax credits under this section for the 2417
purpose of fostering job retention in this state. Upon application 2418
by an eligible business and upon consideration of the 2419
recommendation of the director of budget and management, tax 2420
commissioner, and director of development under division (C) of 2421
this section, the tax credit authority may grant to an eligible 2422
business a nonrefundable credit against the tax imposed by section 2423
5733.06 or 5747.02 of the Revised Code for a period up to fifteen 2424
taxable years and against the tax levied by Chapter 5751. of the 2425
Revised Code for a period of up to fifteen calendar years 2426
provided, however, that if the project site is leased, the term of 2427
the tax credit cannot exceed the lesser of fifteen years or 2428
one-half the term of the lease, including any permitted renewal 2429
periods. The credit shall be in an amount not exceeding 2430
seventy-five per cent of the Ohio income tax withheld from the 2431
employees of the eligible business occupying full-time employment 2432
positions at the project site during the calendar year that 2433
includes the last day of such business' taxable year or tax period 2434
with respect to which the credit is granted. The amount of the 2435
credit shall not be based on the Ohio income tax withheld from 2436
full-time employees for a calendar year prior to the calendar year 2437
in which the minimum investment requirement referred to in 2438
division (A)(2)(b) of this section is completed. The credit shall 2439
be claimed only for the taxable years or tax periods specified in 2440
the eligible business' agreement with the tax credit authority 2441
under division (E) of this section, but in no event shall the 2442
credit be claimed for a taxable year or tax period terminating 2443
before the date specified in the agreement. Any credit granted 2444
under this section against the tax imposed by section 5733.06 or 2445
5747.02 of the Revised Code, to the extent not fully utilized 2446
against such tax for taxable years ending prior to 2008, shall 2447

automatically be converted without any action taken by the tax 2448
credit authority to a credit against the tax levied under Chapter 2449
5751. of the Revised Code for tax periods beginning on or after 2450
July 1, 2008, provided that the person to whom the credit was 2451
granted is subject to such tax. The converted credit shall apply 2452
to those calendar years in which the remaining taxable years 2453
specified in the agreement end. 2454

The credit computed under this division is in addition to any 2455
credit allowed under division (M) of this section which the tax 2456
credit authority may also include in the agreement. 2457

Any unused portion of a tax credit may be carried forward for 2458
not more than three additional years after the year for which the 2459
credit is granted. 2460

(C) A taxpayer that proposes a capital investment project to 2461
retain jobs in this state may apply to the tax credit authority to 2462
enter into an agreement for a tax credit under this section. The 2463
director of development shall prescribe the form of the 2464
application. After receipt of an application, the authority shall 2465
forward copies of the application to the director of budget and 2466
management, the tax commissioner, and the director of development, 2467
each of whom shall review the application to determine the 2468
economic impact the proposed project would have on the state and 2469
the affected political subdivisions and shall submit a summary of 2470
their determinations and recommendations to the authority. 2471

(D) Upon review of the determinations and recommendations 2472
described in division (C) of this section, the tax credit 2473
authority may enter into an agreement with the taxpayer for a 2474
credit under this section if the authority determines all of the 2475
following: 2476

(1) The taxpayer's capital investment project will result in 2477
the retention of full-time employment positions in this state. 2478

(2) The taxpayer is economically sound and has the ability to complete the proposed capital investment project.	2479 2480
(3) The taxpayer intends to and has the ability to maintain operations at the project site for at least twice the term of the credit.	2481 2482 2483
(4) Receiving the credit is a major factor in the taxpayer's decision to begin, continue with, or complete the project.	2484 2485
(5) The political subdivisions in which the project is located have agreed to provide substantial financial support to the project.	2486 2487 2488
(E) An agreement under this section shall include all of the following:	2489 2490
(1) A detailed description of the project that is the subject of the agreement, including the amount of the investment, the period over which the investment has been or is being made, and the number of full-time employment positions at the project site.	2491 2492 2493 2494
(2) The method of calculating the number of full-time employment positions as specified in division (A)(3) of this section.	2495 2496 2497
(3) The term and percentage of the tax credit, and the first year for which the credit may be claimed.	2498 2499
(4) A requirement that the taxpayer maintain operations at the project site for at least twice the number of years as the term of the credit.	2500 2501 2502
(5) A requirement that the taxpayer retain a specified number of full-time employment positions at the project site and within this state for the term of the credit, including a requirement that the taxpayer continue to employ at least one thousand employees in full-time employment positions at the project site during the entire term of any agreement, subject to division	2503 2504 2505 2506 2507 2508

(E)(7) of this section. 2509

(6) A requirement that the taxpayer annually report to the 2510
director of development the number of full-time employment 2511
positions subject to the credit, the amount of tax withheld from 2512
employees in those positions, the amount of the payments made for 2513
the capital investment project, and any other information the 2514
director needs to perform the director's duties under this 2515
section. 2516

(7) A requirement that the director of development annually 2517
review the annual reports of the taxpayer to verify the 2518
information reported under division (E)(6) of this section and 2519
compliance with the agreement. Upon verification, the director 2520
shall issue a certificate to the taxpayer stating that the 2521
information has been verified and identifying the amount of the 2522
credit for the taxable year. Unless otherwise specified by the tax 2523
credit authority in a resolution and included as part of the 2524
agreement, the director shall not issue a certificate for any year 2525
in which the total number of filled full-time employment positions 2526
for each day of the calendar year divided by three hundred 2527
sixty-five is less than ninety per cent of the full-time 2528
employment positions specified in division (E)(5) of this section. 2529
In determining the number of full-time employment positions, no 2530
position shall be counted that is filled by an employee who is 2531
included in the calculation of a tax credit under section 122.17 2532
of the Revised Code. 2533

(8)(a) A provision requiring that the taxpayer, except as 2534
otherwise provided in division (E)(8)(b) of this section, shall 2535
not relocate employment positions from elsewhere in this state to 2536
the project site that is the subject of the agreement for the 2537
lesser of five years from the date the agreement is entered into 2538
or the number of years the taxpayer is entitled to claim the 2539
credit. 2540

(b) The taxpayer may relocate employment positions from 2541
elsewhere in this state to the project site that is the subject of 2542
the agreement if the director of development determines both of 2543
the following: 2544

(i) That the site from which the employment positions would 2545
be relocated is inadequate to meet market and industry conditions, 2546
expansion plans, consolidation plans, or other business 2547
considerations affecting the taxpayer; 2548

(ii) That the legislative authority of the county, township, 2549
or municipal corporation from which the employment positions would 2550
be relocated has been notified of the relocation. 2551

For purposes of this section, the movement of an employment 2552
position from one political subdivision to another political 2553
subdivision shall be considered a relocation of an employment 2554
position unless the movement is confined to the project site. The 2555
transfer of an individual employee from one political subdivision 2556
to another political subdivision shall not be considered a 2557
relocation of an employment position as long as the individual's 2558
employment position in the first political subdivision is 2559
refilled. 2560

(9) A waiver by the taxpayer of any limitations periods 2561
relating to assessments or adjustments resulting from the 2562
taxpayer's failure to comply with the agreement. 2563

(F) If a taxpayer fails to meet or comply with any condition 2564
or requirement set forth in a tax credit agreement, the tax credit 2565
authority may amend the agreement to reduce the percentage or term 2566
of the credit. The reduction of the percentage or term shall take 2567
effect (1) in the taxable year immediately following the taxable 2568
year in which the authority amends the agreement or the director 2569
of development notifies the taxpayer in writing of such failure, 2570
or (2) in the first tax period beginning in the calendar year 2571

immediately following the calendar year in which the authority 2572
amends the agreement or the director notifies the taxpayer in 2573
writing of such failure. If the taxpayer fails to annually report 2574
any of the information required by division (E)(6) of this section 2575
within the time required by the director, the reduction of the 2576
percentage or term may take effect in the current taxable year. If 2577
the taxpayer relocates employment positions in violation of the 2578
provision required under division (D)(8)(a) of this section, the 2579
taxpayer shall not claim the tax credit under section 5733.0610 of 2580
the Revised Code for any tax years following the calendar year in 2581
which the relocation occurs, shall not claim the tax credit under 2582
section 5747.058 of the Revised Code for the taxable year in which 2583
the relocation occurs and any subsequent taxable years, and shall 2584
not claim the tax credit under division (A) of section 5751.50 of 2585
the Revised Code for the tax period in which the relocation occurs 2586
and any subsequent tax periods. 2587

(G) Financial statements and other information submitted to 2588
the department of development or the tax credit authority by an 2589
applicant for or recipient of a tax credit under this section, and 2590
any information taken for any purpose from such statements or 2591
information, are not public records subject to section 149.43 of 2592
the Revised Code. However, the chairperson of the authority may 2593
make use of the statements and other information for purposes of 2594
issuing public reports or in connection with court proceedings 2595
concerning tax credit agreements under this section. Upon the 2596
request of the tax commissioner, the chairperson of the authority 2597
shall provide to the commissioner any statement or other 2598
information submitted by an applicant for or recipient of a tax 2599
credit in connection with the credit. The commissioner shall 2600
preserve the confidentiality of the statement or other 2601
information. 2602

(H) A taxpayer claiming a tax credit under this section shall 2603

submit to the tax commissioner a copy of the director of 2604
development's certificate of verification under division (E)(7) of 2605
this section with the taxpayer's tax report or return for the 2606
taxable year or for the calendar year that includes the tax 2607
period. Failure to submit a copy of the certificate with the 2608
report or return does not invalidate a claim for a credit if the 2609
taxpayer submits a copy of the certificate to the commissioner 2610
within sixty days after the commissioner requests it. 2611

(I) For the purposes of this section, a taxpayer may include 2612
a partnership, a corporation that has made an election under 2613
subchapter S of chapter one of subtitle A of the Internal Revenue 2614
Code, or any other business entity through which income flows as a 2615
distributive share to its owners. ~~A tax credit received under this~~ 2616
~~section by a partnership, S-corporation, or other such business~~ 2617
~~entity shall be apportioned among~~ may elect to pass the credit 2618
received under this section through to the persons to whom the 2619
income or profit of the partnership, S-corporation, or other 2620
entity is distributed⁷. The election shall be made on the annual 2621
report required under division (E)(6) of this section. The 2622
election applies to and is irrevocable for the credit for which 2623
the report is submitted. If the election is made, the credit shall 2624
be apportioned among those persons in the same proportions as 2625
those in which the income or profit is distributed. 2626

(J) If the director of development determines that a taxpayer 2627
that received a tax credit under this section is not complying 2628
with the requirement under division (E)(4) of this section, the 2629
director shall notify the tax credit authority of the 2630
noncompliance. After receiving such a notice, and after giving the 2631
taxpayer an opportunity to explain the noncompliance, the 2632
authority may terminate the agreement and require the taxpayer to 2633
refund to the state all or a portion of the credit claimed in 2634
previous years, as follows: 2635

(1) If the taxpayer maintained operations at the project site 2636
for less than the term of the credit, the amount required to be 2637
refunded shall not exceed the amount of any tax credits previously 2638
allowed and received under this section. 2639

(2) If the taxpayer maintained operations at the project site 2640
longer than the term of the credit but less than one and one-half 2641
times the term of the credit, the amount required to be refunded 2642
shall not exceed fifty per cent of the sum of any tax credits 2643
previously allowed and received under this section. 2644

(3) If the taxpayer maintained operations at the project site 2645
for at least one and one-half times the term of the credit but 2646
less than twice the term of the credit, the amount required to be 2647
refunded shall not exceed twenty-five per cent of the sum of any 2648
tax credits previously allowed and received under this section. 2649

In determining the portion of the credit to be refunded to 2650
this state, the authority shall consider the effect of market 2651
conditions on the taxpayer's project and whether the taxpayer 2652
continues to maintain other operations in this state. After making 2653
the determination, the authority shall certify the amount to be 2654
refunded to the tax commissioner. The commissioner shall make an 2655
assessment for that amount against the taxpayer under Chapter 2656
5733., 5747., or 5751. of the Revised Code. The time limitations 2657
on assessments under those chapters do not apply to an assessment 2658
under this division, but the commissioner shall make the 2659
assessment within one year after the date the authority certifies 2660
to the commissioner the amount to be refunded. 2661

If the director of development determines that a taxpayer 2662
that received a tax credit under this section has reduced the 2663
number of employees agreed to under division (E)(5) of this 2664
section by more than ten per cent, the director shall notify the 2665
tax credit authority of the noncompliance. After receiving such 2666
notice, and after providing the taxpayer an opportunity to explain 2667

the noncompliance, the authority may amend the agreement to reduce 2668
the percentage or term of the tax credit. The reduction in the 2669
percentage or term shall take effect in the taxable year, or in 2670
the calendar year that includes the tax period, in which the 2671
authority amends the agreement. 2672

(K) The director of development, after consultation with the 2673
tax commissioner and in accordance with Chapter 119. of the 2674
Revised Code, shall adopt rules necessary to implement this 2675
section. The rules may provide for recipients of tax credits under 2676
this section to be charged fees to cover administrative costs of 2677
the tax credit program. The fees collected shall be credited to 2678
the tax incentive programs operating fund created in section 2679
122.174 of the Revised Code. At the time the director gives public 2680
notice under division (A) of section 119.03 of the Revised Code of 2681
the adoption of the rules, the director shall submit copies of the 2682
proposed rules to the chairpersons of the standing committees on 2683
economic development in the senate and the house of 2684
representatives. 2685

(L) On or before the thirty-first day of March of each year, 2686
the director of development shall submit a report to the governor, 2687
the president of the senate, and the speaker of the house of 2688
representatives on the tax credit program under this section. The 2689
report shall include information on the number of agreements that 2690
were entered into under this section during the preceding calendar 2691
year, a description of the project that is the subject of each 2692
such agreement, and an update on the status of projects under 2693
agreements entered into before the preceding calendar year. 2694

(M)(1) A nonrefundable credit shall be allowed to an 2695
applicable corporation and its related members in an amount equal 2696
to the applicable difference. The credit is in addition to the 2697
credit granted to the corporation or related members under 2698
division (B) of this section. The credit is subject to divisions 2699

(B) to (E) and division (J) of this section. 2700

(2) A person qualifying as an applicable corporation under 2701
this section for a tax year does not necessarily qualify as an 2702
applicable corporation for any other tax year. No person is 2703
entitled to the credit allowed under division (M) of this section 2704
for the tax year immediately following the taxable year during 2705
which the person fails to meet the requirements in divisions 2706
(A)(6)(a)(i) and (A)(6)(b) of this section. No person is entitled 2707
to the credit allowed under division (M) of this section for any 2708
tax year for which the person is not eligible for the credit 2709
provided under division (B) of this section. 2710

Sec. 122.174. There is hereby created in the state treasury 2711
the tax incentive programs operating fund. Money collected 2712
pursuant to division (I) of section 121.17, division (K) of 2713
section 122.171, division (C) of section 3735.672, and division 2714
(C) of section 5709.68 of the Revised Code shall be credited to 2715
the fund. The director of development shall use money in the fund 2716
to pay expenses related to the administration of the tax credit 2717
programs authorized by sections 122.17, 122.171, 3735.672, and 2718
5709.68 of the Revised Code. 2719

Sec. 122.602. (A) There is hereby created in the department 2720
of development the capital access loan program to assist 2721
participating financial institutions in making program loans to 2722
eligible businesses that face barriers in accessing working 2723
capital and obtaining fixed asset financing. In administering the 2724
program, the director of development may do any of the following: 2725

(1) Receive and accept grants, gifts, and contributions of 2726
money, property, labor, and other things of value to be held, 2727
used, and applied only for the purpose for which the grants, 2728
gifts, and contributions are made, from individuals, private and 2729

public corporations, the United States or any agency of the United States, the state or any agency of the state, or any political subdivision of the state;

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

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

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

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

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

(D) After receiving the certification required under division (C) of section 122.603 of the Revised Code, the director may disburse moneys from the fund to a participating financial

institution for deposit in its program reserve account if the 2761
director determines that the capital access loan involved meets 2762
all of the following criteria: 2763

(1) It will be made to an eligible business. 2764

(2) It will be used by the eligible business for a project, 2765
activity, or enterprise that fosters economic development. 2766

(3) It will not be made in order to enroll in the program 2767
prior debt that is not covered under the program and that is owed 2768
or was previously owed by an eligible business to the financial 2769
institution. 2770

(4) It will not be utilized for a project or development 2771
related to the on-site construction or purchase of residential 2772
housing. 2773

(5) It will not be used to finance passive real estate 2774
ownership. 2775

(6) It conforms to the requirements of divisions (E), (F), 2776
(G), (H), and (I) of this section, and to the rules adopted by the 2777
director under division (A)(3) of this section. 2778

(E) The director shall not approve a capital access loan to 2779
an eligible business that exceeds two hundred fifty thousand 2780
dollars for working capital or five hundred thousand dollars for 2781
the purchase of fixed assets. An eligible business may apply for 2782
the maximum amount of both working capital and the purchase of 2783
fixed assets in the same capital access loan. 2784

(F) A financial institution may apply to the director for the 2785
approval of a capital access loan to any business that is owned or 2786
operated by a person that has previously defaulted under any state 2787
financial assistance program. 2788

(G) Eligible businesses that apply for a capital access loan 2789
shall comply with section 9.66 of the Revised Code. 2790

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

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

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

Sec. 122.652. (A)(1) An applicant seeking a grant or loan for a brownfield cleanup or remediation project from the clean Ohio revitalization fund created in section 122.658 of the Revised Code shall request an application form from the appropriate integrating committee with geographical jurisdiction over the project for which a grant or loan is sought. The applicant shall complete the application and include all of the information required by sections 122.65 to 122.658 of the Revised Code and policies and requirements established under section 122.657 of the Revised Code.

(2) In addition to the information that is required to be included in the application under division (A)(1) of this section, an applicant shall include an affidavit signed by the authorized representative of the applicant certifying that the applicant did not cause or contribute to the release of hazardous substances or petroleum at the brownfield that is the subject of the application.

No person shall submit a false affidavit under division (A)(2) of this section.

(3) After completion of the application, but prior to the 2821
submission of the application to the integrating committee under 2822
division (B) of this section, the applicant shall conduct a public 2823
meeting concerning the application and the proposed cleanup or 2824
remediation. Not later than forty-five days prior to conducting 2825
the public meeting, the applicant shall provide notice of the 2826
date, time, and location of the public meeting in a newspaper of 2827
general circulation in the county in which the property that is 2828
the subject of the application is located. In addition, not later 2829
than forty-five days prior to the hearing, the applicant shall 2830
post notice of the date, time, and location of the public meeting 2831
at the property on a sign that measures not less than four feet by 2832
four feet or, if the political subdivision in which the sign is to 2833
be posted prohibits a sign of that size, the maximum size of sign 2834
permitted by that political subdivision. 2835

In addition, not later than forty-five days prior to the 2836
public meeting, the applicant shall provide a copy of the 2837
application to a public library in the vicinity of the property 2838
for public review. The submission of the application and the 2839
location of the public library shall be included in the notice 2840
required under this division. The general public may submit 2841
comments to the applicant concerning the application prior to and 2842
at the public meeting. 2843

(B) An applicant shall submit a completed application, all 2844
required information, and an application summary to the 2845
appropriate integrating committee. Based on a review of the 2846
application summaries submitted to it, an integrating committee 2847
or, if required under division (C) of this section, the executive 2848
committee of the integrating committee shall prioritize all 2849
applications in accordance with criteria and procedures 2850
established pursuant to section 122.657 of the Revised Code. The 2851
integrating committee shall choose not more than six applications 2852

annually that it determines merit funding and shall forward those 2853
applications and all accompanying information to the clean Ohio 2854
council. In prioritizing and choosing applications under this 2855
division, an integrating committee or, if required under division 2856
(C) of this section, the executive committee of the integrating 2857
committee shall consult with local and regional economic 2858
development agencies or resources, community development agencies 2859
or organizations, local business organizations, and other 2860
appropriate entities located or operating in the geographic 2861
jurisdiction of the integrating committee. 2862

Notwithstanding this division or division (C) of this 2863
section, if an integrating committee receives only one application 2864
in any given year, the chair of the integrating committee or, if 2865
required under division (C) of this section, the chair of the 2866
executive committee of the integrating committee may forward that 2867
application to the clean Ohio council as the district's top 2868
priority project for that year without a vote of the full 2869
integrating committee or executive committee, as applicable. 2870

(C) For purposes of division (B) of this section, all 2871
decisions of an integrating committee that is required to be 2872
organized in accordance with division (A)(5) or (6) of section 2873
164.04 of the Revised Code shall be approved by its executive 2874
committee that is required to be established under division (A)(7) 2875
or (8) of that section. The affirmative vote of at least seven 2876
members of an executive committee established under division 2877
(A)(7) of section 164.04 of the Revised Code, or of at least nine 2878
members of an executive committee established under division 2879
(A)(8) of that section, is required for any action taken by an 2880
executive committee for purposes of division (B) of this section. 2881
A decision of an executive committee may be rejected by a vote of 2882
at least two-thirds of the full membership of the applicable 2883
integrating committee not later than thirty days after the 2884

executive committee action. If an executive committee is required 2885
under this division to prioritize applications under division (B) 2886
of this section, only applications that are approved by the 2887
executive committee may be submitted to the clean Ohio council for 2888
purposes of sections 122.65 to 122.659 of the Revised Code. 2889

(D) The clean Ohio council shall supply application forms to 2890
each integrating committee. 2891

Sec. 124.152. (A)(1) Except as provided in divisions (A)(2) 2892
and (3) of this section, each exempt employee shall be paid a 2893
salary or wage in accordance with schedule E-1 or schedule E-2 of 2894
division (B), (C), or (D) of this section, as applicable. 2895

(2) Each exempt employee who holds a position in the 2896
unclassified civil service pursuant to division (A)(26) or (30) of 2897
section 124.11 of the Revised Code may be paid a salary or wage in 2898
accordance with schedule E-1, schedule E-1 for step seven only, or 2899
schedule E-2 of division (B) ~~or~~, (C), (D), (E), (F), or (G) of 2900
this section, as applicable. 2901

(3)(a) Except as provided in division (A)(3)(b) of this 2902
section, each exempt employee who was paid a salary or wage at 2903
step 7 in the employee's pay range on June 28, 2003, in accordance 2904
with the applicable schedule E-1 of former section 124.152 of the 2905
Revised Code and who continued to be so paid on June 29, 2003, 2906
shall be paid a salary or wage in the corresponding pay range in 2907
schedule E-1 for step seven only of division ~~(C)~~(E), (F), or (G) 2908
of this section, as applicable, for as long as the employee 2909
remains in the position the employee held as of July 1, 2003. 2910

(b) Except as provided in division (A)(3)(c) of this section, 2911
if an exempt employee who is being paid a salary or wage in 2912
accordance with schedule E-1 for step seven only of division 2913
~~(C)~~(E), (F), or (G) of this section, as applicable, moves to 2914
another position, the employee shall not receive a salary or wage 2915

for that position or any other position in the future in 2916
accordance with that schedule. 2917

(c) If an exempt employee who is being paid a salary or wage 2918
in accordance with schedule E-1 for step seven only of division 2919
~~(C)(E), (F), or (G)~~ of this section, as applicable, moves to 2920
another position assigned to pay range 12 or above, the appointing 2921
authority ~~has the discretion to~~ may assign the employee to be paid 2922
a salary or wage in the appropriate pay range for that position in 2923
accordance with the applicable schedule E-1 for step seven only, 2924
provided that the appointing authority so notifies the director of 2925
administrative services in writing at the time the employee is 2926
appointed to that position. 2927

(B) Beginning on the first day of the pay period that 2928
includes July 1, 2006, each exempt employee who must be paid in 2929
accordance with schedule E-1 or schedule E-2 of this section shall 2930
be paid a salary or wage in accordance with the following schedule 2931
of rates: 2932

Schedule E-1 2933

Pay Ranges and Step Values 2934

		Step	Step	Step	Step	Step	Step	
	Range	1	2	3	4	5	6	
1	Hourly	9.40	9.82	10.24	10.68			2937
	Annually	19552	20426	21299	22214			2938
2	Hourly	11.40	11.88	12.40	12.94			2939
	Annually	23712	24710	25792	26915			2940
3	Hourly	11.94	12.48	13.03	13.60			2941
	Annually	24835	25958	27102	28288			2942
4	Hourly	12.54	13.10	13.72	14.34			2943
	Annually	26083	27248	28538	29827			2944
5	Hourly	13.15	13.75	14.34	14.97			2945
	Annually	27352	28600	29827	31138			2946
6	Hourly	13.86	14.43	15.07	15.69			2947

	Annually	28829	30014	31346	32635		2948	
7	Hourly	14.72	15.27	15.88	16.44	17.08	2949	
	Annually	30618	31762	33030	34195	35526	2950	
8	Hourly	15.56	16.24	16.95	17.71	18.46	2951	
	Annually	32365	33779	35256	36837	38397	2952	
9	Hourly	16.60	17.46	18.32	19.23	20.21	2953	
	Annually	34528	36317	38106	39998	42037	2954	
10	Hourly	17.91	18.89	19.90	21.05	22.18	2955	
	Annually	37253	39291	41392	43784	46134	2956	
11	Hourly	19.50	20.64	21.84	23.06	24.38	2957	
	Annually	40560	42931	45427	47965	50710	2958	
12	Hourly	21.51	22.72	23.94	25.27	26.68	28.13	2959
	Annually	44741	47258	49795	52562	55494	58510	2960
13	Hourly	23.71	25.01	26.39	27.80	29.36	30.96	2961
	Annually	49317	52021	54891	57824	61069	64397	2962
14	Hourly	26.08	27.55	29.03	30.62	32.35	34.15	2963
	Annually	54246	57304	60382	63690	67288	71032	2964
15	Hourly	28.64	30.25	31.96	33.72	35.59	37.55	2965
	Annually	59571	62920	66477	70138	74027	78104	2966
16	Hourly	31.58	33.33	35.17	37.14	39.19	41.43	2967
	Annually	65686	69326	73154	77251	81515	86174	2968
17	Hourly	34.80	36.72	38.78	40.92	43.20	45.61	2969
	Annually	72384	76378	80662	85114	89856	94869	2970
18	Hourly	38.35	40.47	42.75	45.10	47.60	50.26	2971
	Annually	79768	84178	88920	93808	99008	104541	2972
	Schedule E-2						2973	
	Range			Minimum		Maximum	2974	
41	Hourly			16.23		34.77	2975	
	Annually			33758		72322	2976	
42	Hourly			17.89		38.41	2977	
	Annually			37211		79893	2978	
43	Hourly			19.70		42.30	2979	
	Annually			40976		87984	2980	

44	Hourly	21.73	46.21	2981
	Annually	45198	96117	2982
45	Hourly	24.01	50.44	2983
	Annually	49941	104915	2984
46	Hourly	26.43	55.13	2985
	Annually	54974	114670	2986
47	Hourly	29.14	60.16	2987
	Annually	60611	125133	2988
48	Hourly	32.14	65.65	2989
	Annually	66851	136552	2990
49	Hourly	35.44	70.89	2991
	Annually	73715	147451	2992

(C) Beginning on the first day of the pay period that includes July 1, 2007, 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

		<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>			3002
	<u>Annually</u>	<u>20238</u>	<u>21133</u>	<u>22048</u>	<u>22984</u>			3003
<u>2</u>	<u>Hourly</u>	<u>11.80</u>	<u>12.30</u>	<u>12.83</u>	<u>13.39</u>			3004
	<u>Annually</u>	<u>24544</u>	<u>25584</u>	<u>26686</u>	<u>27851</u>			3005
<u>3</u>	<u>Hourly</u>	<u>12.36</u>	<u>12.92</u>	<u>13.49</u>	<u>14.08</u>			3006
	<u>Annually</u>	<u>25709</u>	<u>26874</u>	<u>28059</u>	<u>29286</u>			3007
<u>4</u>	<u>Hourly</u>	<u>12.98</u>	<u>13.56</u>	<u>14.20</u>	<u>14.84</u>			3008
	<u>Annually</u>	<u>26998</u>	<u>28205</u>	<u>29536</u>	<u>30867</u>			3009
<u>5</u>	<u>Hourly</u>	<u>13.61</u>	<u>14.23</u>	<u>14.84</u>	<u>15.49</u>			3010
	<u>Annually</u>	<u>28309</u>	<u>29598</u>	<u>30867</u>	<u>32219</u>			3011
<u>6</u>	<u>Hourly</u>	<u>14.35</u>	<u>14.94</u>	<u>15.60</u>	<u>16.24</u>			3012

	<u>Annually</u>	<u>29848</u>	<u>31075</u>	<u>32448</u>	<u>33779</u>		3013	
<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>	3014	
	<u>Annually</u>	<u>31699</u>	<u>32864</u>	<u>34195</u>	<u>35402</u>	<u>36774</u>	3015	
<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>	3016	
	<u>Annually</u>	<u>33488</u>	<u>34965</u>	<u>36483</u>	<u>38126</u>	<u>39749</u>	3017	
<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>	3018	
	<u>Annually</u>	<u>35734</u>	<u>37586</u>	<u>39437</u>	<u>41392</u>	<u>43514</u>	3019	
<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>	3020	
	<u>Annually</u>	<u>38563</u>	<u>40664</u>	<u>42848</u>	<u>45323</u>	<u>47757</u>	3021	
<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>	3022	
	<u>Annually</u>	<u>41974</u>	<u>44429</u>	<u>47008</u>	<u>49650</u>	<u>52478</u>	3023	
<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>	3024
	<u>Annually</u>	<u>46301</u>	<u>48922</u>	<u>51542</u>	<u>54392</u>	<u>57429</u>	<u>60549</u>	3025
<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>	3026
	<u>Annually</u>	<u>51043</u>	<u>53851</u>	<u>56805</u>	<u>59842</u>	<u>63211</u>	<u>66643</u>	3027
<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>	3028
	<u>Annually</u>	<u>56139</u>	<u>59301</u>	<u>62504</u>	<u>65915</u>	<u>69638</u>	<u>73528</u>	3029
<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>	3030
	<u>Annually</u>	<u>61651</u>	<u>65125</u>	<u>68806</u>	<u>72592</u>	<u>76627</u>	<u>80829</u>	3031
<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>	3032
	<u>Annually</u>	<u>67995</u>	<u>71760</u>	<u>75712</u>	<u>79955</u>	<u>84365</u>	<u>89190</u>	3033
<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>	3034
	<u>Annually</u>	<u>74922</u>	<u>79061</u>	<u>83491</u>	<u>88088</u>	<u>92997</u>	<u>98197</u>	3035
<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>	3036
	<u>Annually</u>	<u>82555</u>	<u>87131</u>	<u>92040</u>	<u>97094</u>	<u>102482</u>	<u>108202</u>	3037
	<u>Schedule E-2</u>						3038	
	<u>Range</u>		<u>Minimum</u>		<u>Maximum</u>		3039	
<u>41</u>	<u>Hourly</u>		<u>16.23</u>		<u>35.99</u>		3040	
	<u>Annually</u>		<u>33758</u>		<u>74859</u>		3041	
<u>42</u>	<u>Hourly</u>		<u>17.89</u>		<u>39.75</u>		3042	
	<u>Annually</u>		<u>37211</u>		<u>82680</u>		3043	
<u>43</u>	<u>Hourly</u>		<u>19.70</u>		<u>43.78</u>		3044	
	<u>Annually</u>		<u>40976</u>		<u>91062</u>		3045	

<u>44</u>	<u>Hourly</u>	<u>21.73</u>	<u>47.83</u>	3046
	<u>Annually</u>	<u>45198</u>	<u>99486</u>	3047
<u>45</u>	<u>Hourly</u>	<u>24.01</u>	<u>52.21</u>	3048
	<u>Annually</u>	<u>49941</u>	<u>108597</u>	3049
<u>46</u>	<u>Hourly</u>	<u>26.43</u>	<u>57.06</u>	3050
	<u>Annually</u>	<u>54974</u>	<u>118685</u>	3051
<u>47</u>	<u>Hourly</u>	<u>29.14</u>	<u>62.27</u>	3052
	<u>Annually</u>	<u>60611</u>	<u>129522</u>	3053
<u>48</u>	<u>Hourly</u>	<u>32.14</u>	<u>67.95</u>	3054
	<u>Annually</u>	<u>66851</u>	<u>141336</u>	3055
<u>49</u>	<u>Hourly</u>	<u>35.44</u>	<u>73.37</u>	3056
	<u>Annually</u>	<u>73715</u>	<u>152610</u>	3057

(D) Beginning on the first day of the pay period that 3058
includes July 1, 2008, each exempt employee who must be paid in 3059
accordance with schedule E-1 or schedule E-2 of this section shall 3060
be paid a salary or wage in accordance with the following schedule 3061
of rates: 3062

Schedule E-1 3063

Pay Ranges and Step Values 3064

		<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>			3067
	<u>Annually</u>	<u>20946</u>	<u>21882</u>	<u>22818</u>	<u>23795</u>			3068
<u>2</u>	<u>Hourly</u>	<u>12.21</u>	<u>12.73</u>	<u>13.28</u>	<u>13.86</u>			3069
	<u>Annually</u>	<u>25397</u>	<u>26478</u>	<u>27622</u>	<u>28829</u>			3070
<u>3</u>	<u>Hourly</u>	<u>12.79</u>	<u>13.37</u>	<u>13.96</u>	<u>14.57</u>			3071
	<u>Annually</u>	<u>26603</u>	<u>27810</u>	<u>29037</u>	<u>30306</u>			3072
<u>4</u>	<u>Hourly</u>	<u>13.43</u>	<u>14.03</u>	<u>14.70</u>	<u>15.36</u>			3073
	<u>Annually</u>	<u>27934</u>	<u>29182</u>	<u>30576</u>	<u>31949</u>			3074
<u>5</u>	<u>Hourly</u>	<u>14.09</u>	<u>14.73</u>	<u>15.36</u>	<u>16.03</u>			3075
	<u>Annually</u>	<u>29307</u>	<u>30638</u>	<u>31949</u>	<u>33342</u>			3076
<u>6</u>	<u>Hourly</u>	<u>14.85</u>	<u>15.46</u>	<u>16.15</u>	<u>16.81</u>			3077

	<u>Annually</u>	<u>30888</u>	<u>32157</u>	<u>33592</u>	<u>34965</u>		3078	
7	<u>Hourly</u>	<u>15.77</u>	<u>16.35</u>	<u>17.02</u>	<u>17.62</u>	<u>18.30</u>	3079	
	<u>Annually</u>	<u>32802</u>	<u>34008</u>	<u>35402</u>	<u>36650</u>	<u>38064</u>	3080	
8	<u>Hourly</u>	<u>16.66</u>	<u>17.40</u>	<u>18.15</u>	<u>18.97</u>	<u>19.78</u>	3081	
	<u>Annually</u>	<u>34653</u>	<u>36192</u>	<u>37752</u>	<u>39458</u>	<u>41142</u>	3082	
9	<u>Hourly</u>	<u>17.78</u>	<u>18.70</u>	<u>19.62</u>	<u>20.60</u>	<u>21.65</u>	3083	
	<u>Annually</u>	<u>36982</u>	<u>38896</u>	<u>40810</u>	<u>42848</u>	<u>45032</u>	3084	
10	<u>Hourly</u>	<u>19.19</u>	<u>20.23</u>	<u>21.32</u>	<u>22.55</u>	<u>23.76</u>	3085	
	<u>Annually</u>	<u>39915</u>	<u>42078</u>	<u>44346</u>	<u>46904</u>	<u>49421</u>	3086	
11	<u>Hourly</u>	<u>20.89</u>	<u>22.11</u>	<u>23.39</u>	<u>24.71</u>	<u>26.11</u>	3087	
	<u>Annually</u>	<u>43451</u>	<u>45989</u>	<u>48651</u>	<u>51397</u>	<u>54309</u>	3088	
12	<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>	3089
	<u>Annually</u>	<u>47923</u>	<u>50627</u>	<u>53352</u>	<u>56306</u>	<u>59446</u>	<u>62670</u>	3090
13	<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>	3091
	<u>Annually</u>	<u>52832</u>	<u>55744</u>	<u>58802</u>	<u>61942</u>	<u>65416</u>	<u>68973</u>	3092
14	<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>	3093
	<u>Annually</u>	<u>58094</u>	<u>61381</u>	<u>64688</u>	<u>68224</u>	<u>72072</u>	<u>76107</u>	3094
15	<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>	3095
	<u>Annually</u>	<u>63814</u>	<u>67413</u>	<u>71219</u>	<u>75130</u>	<u>79310</u>	<u>83658</u>	3096
16	<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>	3097
	<u>Annually</u>	<u>70366</u>	<u>74277</u>	<u>78354</u>	<u>82763</u>	<u>87318</u>	<u>92310</u>	3098
17	<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>	3099
	<u>Annually</u>	<u>77542</u>	<u>81827</u>	<u>86403</u>	<u>91166</u>	<u>96242</u>	<u>101629</u>	3100
18	<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>	3101
	<u>Annually</u>	<u>85446</u>	<u>90189</u>	<u>95264</u>	<u>100485</u>	<u>106059</u>	<u>111987</u>	3102
	<u>Schedule E-2</u>						3103	
	<u>Range</u>		<u>Minimum</u>		<u>Maximum</u>		3104	
41	<u>Hourly</u>		<u>16.23</u>		<u>37.25</u>		3105	
	<u>Annually</u>		<u>33758</u>		<u>77480</u>		3106	
42	<u>Hourly</u>		<u>17.89</u>		<u>41.14</u>		3107	
	<u>Annually</u>		<u>37211</u>		<u>85571</u>		3108	
43	<u>Hourly</u>		<u>19.70</u>		<u>45.31</u>		3109	
	<u>Annually</u>		<u>40976</u>		<u>94245</u>		3110	

<u>44</u>	<u>Hourly</u>	<u>21.73</u>	<u>49.50</u>	3111
	<u>Annually</u>	<u>45198</u>	<u>102960</u>	3112
<u>45</u>	<u>Hourly</u>	<u>24.01</u>	<u>54.04</u>	3113
	<u>Annually</u>	<u>49941</u>	<u>112403</u>	3114
<u>46</u>	<u>Hourly</u>	<u>26.43</u>	<u>59.06</u>	3115
	<u>Annually</u>	<u>54974</u>	<u>122845</u>	3116
<u>47</u>	<u>Hourly</u>	<u>29.14</u>	<u>64.45</u>	3117
	<u>Annually</u>	<u>60611</u>	<u>134056</u>	3118
<u>48</u>	<u>Hourly</u>	<u>32.14</u>	<u>70.33</u>	3119
	<u>Annually</u>	<u>66851</u>	<u>146286</u>	3120
<u>49</u>	<u>Hourly</u>	<u>35.44</u>	<u>75.94</u>	3121
	<u>Annually</u>	<u>73715</u>	<u>157955</u>	3122

(E) Beginning on the first day of the pay period that 3123
includes July 1, 2006, each exempt employee who must be paid in 3124
accordance with schedule E-1 for step seven only shall be paid a 3125
salary or wage in accordance with the following schedule of rates: 3126

Schedule E-1 for Step Seven Only 3127

Pay Ranges and Step Seven Values 3128

	Range			3129
12	Hourly	29.68		3130
	Annually	61734		3131
13	Hourly	32.66		3132
	Annually	67933		3133
14	Hourly	36.01		3134
	Annually	74901		3135
15	Hourly	39.61		3136
	Annually	82389		3137
16	Hourly	43.70		3138
	Annually	90896		3139
17	Hourly	48.13		3140
	Annually	100110		3141
18	Hourly	53.02		3142

Annually	110282	3143
<u>(D)(F) Beginning on the first day of the pay period that</u>		3144
<u>includes July 1, 2007, each exempt employee who must be paid in</u>		3145
<u>accordance with schedule E-1 for step seven only shall be paid a</u>		3146
<u>salary or wage in accordance with the following schedule of rates:</u>		3147
<u>Schedule E-1 for Step Seven Only</u>		3148
<u>Pay Ranges and Step Values</u>		3149
<u>Range</u>		3150
<u>12 Hourly 30.72</u>		3151
<u>Annually 63898</u>		3152
<u>13 Hourly 33.80</u>		3153
<u>Annually 70304</u>		3154
<u>14 Hourly 37.27</u>		3155
<u>Annually 77522</u>		3156
<u>15 Hourly 41.00</u>		3157
<u>Annually 85280</u>		3158
<u>16 Hourly 45.23</u>		3159
<u>Annually 94078</u>		3160
<u>17 Hourly 49.81</u>		3161
<u>Annually 103605</u>		3162
<u>18 Hourly 54.88</u>		3163
<u>Annually 114150</u>		3164
<u>(G) Beginning on the first day of the pay period that</u>		3165
<u>includes July 1, 2008, each exempt employee who must be paid in</u>		3166
<u>accordance with salary schedule E-1 for step seven only shall be</u>		3167
<u>paid a salary or wage in accordance with the following schedule of</u>		3168
<u>rates:</u>		3169
<u>Schedule E-1 for Step Seven Only</u>		3170
<u>Pay Ranges and Step Values</u>		3171
<u>Range</u>		3172
<u>12 Hourly 31.80</u>		3173
<u>Annually 66144</u>		3174

<u>13</u>	<u>Hourly</u>	<u>34.98</u>	3175
	<u>Annually</u>	<u>72758</u>	3176
<u>14</u>	<u>Hourly</u>	<u>38.57</u>	3177
	<u>Annually</u>	<u>80226</u>	3178
<u>15</u>	<u>Hourly</u>	<u>42.44</u>	3179
	<u>Annually</u>	<u>88275</u>	3180
<u>16</u>	<u>Hourly</u>	<u>46.81</u>	3181
	<u>Annually</u>	<u>97365</u>	3182
<u>17</u>	<u>Hourly</u>	<u>51.55</u>	3183
	<u>Annually</u>	<u>107224</u>	3184
<u>18</u>	<u>Hourly</u>	<u>56.80</u>	3185
	<u>Annually</u>	<u>118144</u>	3186

(H) As used in this section, "exempt employee" means a 3187
permanent full-time or permanent part-time employee paid directly 3188
by warrant of the director of budget and management whose position 3189
is included in the job classification plan established under 3190
division (A) of section 124.14 of the Revised Code but who is not 3191
considered a public employee for the purposes of Chapter 4117. of 3192
the Revised Code. As used in this section, "exempt employee" also 3193
includes a permanent full-time or permanent part-time employee of 3194
the secretary of state, auditor of state, treasurer of state, or 3195
attorney general who has not been placed in an appropriate 3196
bargaining unit by the state employment relations board. 3197

Sec. 125.01. As used in this chapter: 3198

(A) "Order" means a copy of a contract or a statement of the 3199
nature of a contemplated expenditure, a description of the 3200
property or supplies to be purchased or service to be performed, 3201
other than a service performed by officers and regular employees 3202
of the state, and per diem of the national guard, and the total 3203
sum of the expenditure to be made therefor, if the sum is fixed 3204
and ascertained, otherwise the estimated sum thereof, and an 3205
authorization to pay for the contemplated expenditure, signed by 3206

the person instructed and authorized to pay upon receipt of a 3207
proper invoice. 3208

(B) "Information technology" means technologies and services 3209
used for information processing, including, but not limited to, 3210
software, computing hardware, communications technologies, and 3211
related services. 3212

(C) "Invoice" means an itemized listing showing delivery of 3213
the supplies or performance of the service described in the order, 3214
and the date of the purchase or rendering of the service, or an 3215
itemization of the things done, material supplied, or labor 3216
furnished, and the sum due pursuant to the contract or obligation. 3217

~~(C)~~(D) "Products" means materials, manufacturer's supplies, 3218
merchandise, goods, wares, and foodstuffs. 3219

~~(D)~~(E) "Produced" means the manufacturing, processing, 3220
mining, developing, and making of a thing into a new article with 3221
a distinct character in use through the application of input, 3222
within the state, of Ohio products, labor, skill, or other 3223
services. "Produced" does not include the mere assembling or 3224
putting together of non-Ohio products or materials. 3225

~~(E)~~(F) "Ohio products" means products that are mined, 3226
excavated, produced, manufactured, raised, or grown in the state 3227
by a person where the input of Ohio products, labor, skill, or 3228
other services constitutes no less than twenty-five per cent of 3229
the manufactured cost. With respect to mined products, such 3230
products shall be mined or excavated in this state. 3231

~~(F)~~(G) "Purchase" means to buy, rent, lease, lease purchase, 3232
or otherwise acquire supplies or services. "Purchase" also 3233
includes all functions that pertain to the obtaining of supplies 3234
or services, including description of requirements, selection and 3235
solicitation of sources, preparation and award of contracts, all 3236
phases of contract administration, and receipt and acceptance of 3237

the supplies and services and payment for them. 3238

(H) "Purchasing authority" means the department of 3239
administrative services or the office of information technology as 3240
set forth in section 125.011 of the Revised Code. 3241

~~(G)~~(I) "Services" means the furnishing of labor, time, or 3242
effort by a person, not involving the delivery of a specific end 3243
product other than a report which, if provided, is merely 3244
incidental to the required performance. "Services" does not 3245
include services furnished pursuant to employment agreements or 3246
collective bargaining agreements. 3247

~~(H)~~(J) "Supplies" means all property, including, but not 3248
limited to, equipment, materials, other tangible assets, and 3249
insurance, but excluding real property or an interest in real 3250
property. 3251

~~(I)~~(K) "Competitive selection" means any of the following 3252
procedures for making purchases: 3253

(1) Competitive sealed bidding under section 125.07 of the 3254
Revised Code; 3255

(2) Competitive sealed proposals under section 125.071 of the 3256
Revised Code; 3257

(3) Reverse auctions under section 125.072 of the Revised 3258
Code. 3259

Sec. 125.011. Except for information technology supplies and 3260
services, the department of administrative services shall be the 3261
purchasing authority for all supplies and services for the 3262
purposes of and subject to the limitations of sections 125.01 to 3263
125.11, 125.15, and 125.25 of the Revised Code. The office of 3264
information technology shall be the purchasing authority for 3265
information technology supplies and services in accordance with 3266
section 126.17 of the Revised Code for the purposes of and subject 3267

to the limitations of sections 125.01 to 125.11, 125.15, and 3268
125.25 of the Revised Code. The department of administrative 3269
services and the office of information technology shall consult 3270
with each other to promote consistency when adopting any rules 3271
under sections 125.01 to 125.11, 125.15, and 125.25 of the Revised 3272
Code. 3273

Sec. 125.02. Except as to the adjutant general, the capital 3274
square review and advisory board, the department of rehabilitation 3275
and correction as specified in division (D) of section 125.04 of 3276
the Revised Code, the general assembly, the bureau of workers' 3277
compensation, and institutions administered by boards of trustees, 3278
~~the department of administrative services~~ a purchasing authority 3279
may purchase supplies and services for the use of state agencies. 3280

So far as possible, the ~~department of administrative services~~ 3281
purchasing authority shall make all purchases from the department 3282
of rehabilitation and correction in the exercise of the functions 3283
of the department of rehabilitation and correction in the 3284
management of state institutions. 3285

The ~~department of administrative services~~ purchasing 3286
authority shall prescribe uniform rules governing forms of 3287
specifications, advertisements for proposals, the opening of bids, 3288
the making of awards and contracts, and the purchase of supplies 3289
and performance of work. 3290

Nothing in this section precludes the bureau from entering 3291
into a contract with ~~the department of administrative services~~ a 3292
purchasing authority for the ~~department~~ purchasing authority to 3293
purchase supplies, or services for the use of the bureau. 3294

Sec. 125.021. (A) ~~Except as to the military department, the 3295~~
~~general assembly, the bureau of workers' compensation, the 3296~~
~~industrial commission, and institutions administered by boards of 3297~~

~~trustees, the office of information technology may contract for, 3298
operate, and superintend telephone, other telecommunication, and 3299
computer services for state agencies. Nothing in this division 3300
precludes the bureau or the commission from contracting with the 3301
office to authorize the office to contract for, operate, or 3302
superintend those services for the bureau or the commission. 3303~~

~~(B)(1)~~ As used in this division: 3304

~~(a)(1)~~ "Active duty" means active duty pursuant to an 3305
executive order of the president of the United States, an act of 3306
the congress of the United States, or section 5919.29 or 5923.21 3307
of the Revised Code. 3308

~~(b)(2)~~ "Immediate family" means a person's spouse residing in 3309
the person's household, brothers and sisters of the whole or of 3310
the half blood, children, including adopted children and 3311
stepchildren, parents, and grandparents. 3312

~~(2)(B)~~ The office of information technology may enter into a 3313
contract to purchase bulk long distance telephone services and 3314
make them available at cost, or may make bulk long distance 3315
telephone services available at cost under any existing contract 3316
the office has entered into, to members of the immediate family of 3317
persons deployed on active duty so that those family members can 3318
communicate with the persons so deployed. If the office enters 3319
into contracts under division (B)~~(2)~~ of this section, it shall do 3320
so in accordance with sections 125.01 to 125.11 of the Revised 3321
Code and in a nondiscriminatory manner that does not place any 3322
potential vendor at a competitive disadvantage. 3323

~~(3)(C)~~ If the office decides to exercise either option under 3324
division (B)~~(2)~~ of this section, it shall adopt, and may amend, 3325
rules under Chapter 119. of the Revised Code to implement that 3326
division. 3327

Sec. 125.022. ~~The department of administrative services~~ A 3328
purchasing authority may enter into cooperative purchasing 3329
agreements with one or more other states or groups of states or 3330
with any political subdivision of this state described in division 3331
(B) of section 125.04 of the Revised Code for the purpose of 3332
purchasing services or supplies produced from or containing 3333
recycled materials for the use of state agencies. 3334

Sec. 125.023. During the period of an emergency as defined in 3335
section 5502.21 of the Revised Code, the ~~department of~~ 3336
~~administrative services~~ purchasing authority may suspend, with 3337
regard to the emergency management agency established in section 3338
5502.22 of the Revised Code or any other state agency 3339
participating in recovery activities as defined in section 5502.21 3340
of the Revised Code, the purchasing and contracting requirements 3341
contained in sections 125.02 to 125.111 of the Revised Code and 3342
any of the requirements of Chapter 153. of the Revised Code that 3343
otherwise would apply to the agency. The director of public safety 3344
or the executive director of the emergency management agency shall 3345
make the request for the suspension of these requirements to the 3346
department of administrative services and the office of 3347
information technology concurrently with the request to the 3348
governor or the president of the United States for the declaration 3349
of an emergency. The governor also shall include in any 3350
proclamation the governor issues declaring an emergency language 3351
requesting the suspension of those requirements during the period 3352
of the emergency. 3353

Sec. 125.04. (A) Except as provided in division (D) of this 3354
section, the ~~department of administrative services~~ purchasing 3355
authorities shall determine what supplies and services are 3356
purchased by or for state agencies. Whenever ~~the department of~~ 3357

~~administrative services~~ a purchasing authority makes any change or 3358
addition to the lists of supplies and services that it determines 3359
to purchase for state agencies, it shall provide a list to the 3360
agencies of the changes or additions and indicate when the 3361
~~department~~ purchasing authority will be prepared to furnish each 3362
item listed. Except for the requirements of division (B) of 3363
section 125.11 of the Revised Code, sections 125.04 to 125.08 and 3364
125.09 to 125.15 of the Revised Code do not apply to or affect the 3365
educational institutions of the state. The ~~department~~ purchasing 3366
authorities shall not include the bureau of workers' compensation 3367
in the lists of supplies, equipment, and services purchased and 3368
furnished by the ~~department~~ purchasing authorities. 3369

Nothing in this division precludes the bureau from entering 3370
into a contract with the ~~department~~ purchasing authorities for the 3371
~~department~~ purchasing authorities to perform services relative to 3372
supplies, equipment, and services contained in this division for 3373
the bureau. 3374

(B)(1) As used in this division: 3375

(a) "Emergency medical service organization" has the same 3376
meaning as in section 4765.01 of the Revised Code. 3377

(b) "Political subdivision" means any county, township, 3378
municipal corporation, school district, conservancy district, 3379
township park district, park district created under Chapter 1545. 3380
of the Revised Code, regional transit authority, regional airport 3381
authority, regional water and sewer district, or port authority. 3382
"Political subdivision" also includes any other political 3383
subdivision described in the Revised Code that has been approved 3384
by the department to participate in the department's contracts 3385
under this division. 3386

(c) "Private fire company" has the same meaning as in section 3387
9.60 of the Revised Code. 3388

(2) Subject to division (C) of this section, ~~the department~~ 3389
~~of administrative services~~ a purchasing authority may permit a 3390
political subdivision, county board of elections, private fire 3391
company, or private, nonprofit emergency medical service 3392
organization to participate in contracts into which the ~~department~~ 3393
purchasing authority has entered for the purchase of supplies and 3394
services. The ~~department~~ purchasing authority may charge the 3395
entity a reasonable fee to cover the administrative costs the 3396
~~department~~ purchasing authority incurs as a result of 3397
participation by the entity in such a purchase contract. 3398

A political subdivision desiring to participate in such 3399
purchase contracts shall file with the ~~department~~ purchasing 3400
authority a certified copy of an ordinance or resolution of the 3401
legislative authority or governing board of the political 3402
subdivision. The resolution or ordinance shall request that the 3403
political subdivision be authorized to participate in such 3404
contracts and shall agree that the political subdivision will be 3405
bound by such terms and conditions as the ~~department~~ purchasing 3406
authority prescribes and that it will directly pay the vendor 3407
under each purchase contract. A board of elections desiring to 3408
participate in such purchase contracts shall file with the 3409
purchasing authority a written request for inclusion in the 3410
program. A private fire company or private, nonprofit emergency 3411
medical service organization desiring to participate in such 3412
purchase contracts shall file with the ~~department~~ purchasing 3413
authority a written request for inclusion in the program signed by 3414
the chief officer of the company or organization. ~~The~~ A request 3415
for inclusion shall include an agreement to be bound by such terms 3416
and conditions as the ~~department~~ purchasing authority prescribes 3417
and to make direct payments to the vendor under each purchase 3418
contract. 3419

The ~~department~~ purchasing authority shall include in its 3420

annual report an estimate of the cost it incurs by permitting 3421
political subdivisions, county boards of elections, private fire 3422
companies, and private, nonprofit emergency medical service 3423
organizations to participate in contracts pursuant to this 3424
division. The ~~department~~ purchasing authority may require such 3425
entities to file a report with the ~~department~~ purchasing 3426
authority, as often as it finds necessary, stating how many such 3427
contracts the entities participated in within a specified period 3428
of time, and any other information the ~~department~~ purchasing 3429
authority requires. 3430

(3) Purchases made by a political subdivision or a county 3431
board of elections under this division are exempt from any 3432
competitive selection procedures otherwise required by law. No 3433
political subdivision shall make any purchase under this division 3434
when bids have been received for such purchase by the subdivision, 3435
unless such purchase can be made upon the same terms, conditions, 3436
and specifications at a lower price under this division. 3437

(C) A political subdivision as defined in division (B) of 3438
this section or a county board of elections may purchase supplies 3439
or services from another party, including ~~another~~ a political 3440
subdivision, instead of through participation in contracts 3441
described in division (B) of this section if the political 3442
subdivision or county board of elections can purchase those 3443
supplies or services from the other party upon equivalent terms, 3444
conditions, and specifications but at a lower price than it can 3445
through those contracts. Purchases that a political subdivision or 3446
county board of elections makes under this division are exempt 3447
from any competitive selection procedures otherwise required by 3448
law. A political subdivision or county board of elections that 3449
makes any purchase under this division shall maintain sufficient 3450
information regarding the purchase to verify that the political 3451
subdivision or county board of elections satisfied the conditions 3452

for making a purchase under this division. Nothing in this 3453
division restricts any action taken by a county or township as 3454
authorized by division (A)(1) of section 9.48 of the Revised Code. 3455

(D) This section does not apply to supplies or services 3456
required by the legislative or judicial branches, ~~boards of~~ 3457
~~elections~~, the capitol square review and advisory board, the 3458
adjutant general, to supplies or services purchased by a state 3459
agency directly as provided in division (A) or (E) of section 3460
125.05 of the Revised Code, to purchases of supplies or services 3461
for the emergency management agency as provided in section 125.023 3462
of the Revised Code, or to purchases of supplies or services for 3463
the department of rehabilitation and correction in its operation 3464
of the program for the employment of prisoners established under 3465
section 5145.16 of the Revised Code that shall be made pursuant to 3466
rules adopted by the director of administrative services and the 3467
director of rehabilitation and correction in accordance with 3468
Chapter 119. of the Revised Code. The rules may provide for the 3469
exemption of the program for the employment of prisoners from the 3470
requirements of division (A) of this section. 3471

Sec. 125.041. Nothing in sections 125.02, 125.03 to 125.08, 3472
125.12 to 125.16, ~~125.18~~, 125.31 to 125.76, ~~or~~ 125.831, or 126.17 3473
of the Revised Code shall be construed as limiting the attorney 3474
general, auditor of state, secretary of state, or treasurer of 3475
state in any of the following: 3476

(A) Purchases for less than the dollar amounts for the 3477
purchase of supplies or services determined pursuant to division 3478
(D) of section 125.05 of the Revised Code; 3479

(B) Purchases that equal or exceed the dollar amounts for the 3480
purchase of supplies or services determined pursuant to division 3481
(D) of section 125.05 of the Revised Code with the approval of the 3482
controlling board, if that approval is required by section 127.16 3483

of the Revised Code;	3484
(C) The final determination of the nature or quantity making any purchase of supplies or services to be purchased pursuant to section 125.06 of the Revised Code;	3485 3486 3487
(D) The final determination and disposal of excess and surplus supplies;	3488 3489
(E) The inventory of state property;	3490
(F) The purchase of printing;	3491
(G) Activities related to information technology development and use;	3492 3493
(H) The fleet management program.	3494
Sec. 125.05. Except as provided in division (E) of this section, no state agency shall purchase any supplies or services except as provided in divisions (A) to (C) of this section.	3495 3496 3497
(A) Subject to division (D) of this section, a state agency may, without competitive selection, make any purchase of services that cost fifty thousand dollars or less or any purchase of supplies that cost twenty-five thousand dollars or less. The agency, <u>at its determination</u> , may make the purchase directly or may make the purchase from or through the department of administrative services, whichever the agency determines proper purchasing authority . The department <u>proper purchasing authority</u> shall establish written procedures to assist state agencies when they make direct purchases. If the agency makes the purchase directly, it shall make the purchase by a term contract whenever possible.	3498 3499 3500 3501 3502 3503 3504 3505 3506 3507 3508
(B) Subject to division (D) of this section, a state agency wanting to purchase services that cost more than fifty thousand dollars or supplies that cost more than twenty-five thousand dollars shall, unless otherwise authorized by law, make the purchase from or through the department <u>proper purchasing</u>	3509 3510 3511 3512 3513

authority. The ~~department~~ purchasing authority shall make the 3514
purchase by competitive selection under section 125.07 of the 3515
Revised Code. If the ~~director of administrative services~~ 3516
purchasing authority determines that it is not possible or not 3517
advantageous to the state for the ~~department~~ purchasing authority 3518
to make the purchase, the ~~department~~ purchasing authority shall 3519
grant the agency a release and permit under section 125.06 of the 3520
Revised Code to make the purchase. Section 127.16 of the Revised 3521
Code does not apply to purchases the ~~department~~ purchasing 3522
authority makes under this section. 3523

(C) An agency that has been granted a release and permit to 3524
make a purchase may make the purchase without competitive 3525
selection if after making the purchase the cumulative purchase 3526
threshold as computed under division (F) of section 127.16 of the 3527
Revised Code would: 3528

(1) Be exceeded and the controlling board approves the 3529
purchase; 3530

(2) Not be exceeded and the ~~department of administrative~~ 3531
~~services~~ purchasing authority approves the purchase. 3532

(D) Not later than January 31, 1997, the amounts specified in 3533
divisions (A) and (B) of this section and, not later than the 3534
thirty-first day of January of each second year thereafter, any 3535
amounts computed by adjustments made under this division, shall be 3536
increased or decreased by the average percentage increase or 3537
decrease in the consumer price index prepared by the United States 3538
bureau of labor statistics (U.S. City Average for Urban Wage 3539
Earners and Clerical Workers: "All Items 1982-1984=100") for the 3540
twenty-four calendar month period prior to the immediately 3541
preceding first day of January over the immediately preceding 3542
twenty-four calendar month period, as reported by the bureau. The 3543
director of administrative services shall make this determination 3544
and adjust the appropriate amounts accordingly. 3545

(E) If the eTech Ohio commission, the department of 3546
education, or the Ohio education computer network determines that 3547
it can purchase software services or supplies for specified school 3548
districts at a price less than the price for which the districts 3549
could purchase the same software services or supplies for 3550
themselves, the commission, department, or network shall certify 3551
that fact to the ~~department of administrative services~~ office of 3552
information technology and, acting as an agent for the specified 3553
school districts, shall make that purchase without following the 3554
provisions in divisions (A) to (D) of this section. 3555

Sec. 125.06. ~~The department of administrative services~~ A 3556
purchasing authority may, pursuant to division (B) of section 3557
125.05 of the Revised Code and subject to such rules as the 3558
~~director of administrative services~~ particular purchasing 3559
authority may adopt, issue a release and permit to the agency to 3560
secure supplies or services. A release and permit shall specify 3561
the supplies or services to which it applies, the time during 3562
which it is operative, and the reason for its issuance. A release 3563
and permit for ~~computer services~~ information technology services 3564
shall also specify the type of services to be rendered, the number 3565
and type of machines to be employed, and may specify the amount of 3566
such services to be performed. One copy of every release and 3567
permit shall be filed with the agency to which it is issued, and 3568
one copy shall be retained by the ~~department~~ purchasing authority. 3569

Sec. 125.07. ~~The department of administrative services~~ A 3570
purchasing authority, in making a purchase by competitive 3571
selection pursuant to division (B) of section 125.05 of the 3572
Revised Code, shall give notice in the following manner: 3573

(A) The ~~department~~ purchasing authority shall advertise the 3574
intended purchases by notice that is posted by mail or electronic 3575
means and that is for the benefit of competing persons producing 3576

or dealing in the supplies or services to be purchased, including, 3577
but not limited to, the persons whose names appear on the 3578
appropriate list provided for in section 125.08 of the Revised 3579
Code. The notice may be in the form of the bid or proposal 3580
document or of a listing in a periodic bulletin, or in any other 3581
form the ~~director of administrative services~~ purchasing authority 3582
considers appropriate to sufficiently notify qualified competing 3583
persons of the intended purchases. 3584

(B) The notice required under division (A) of this section 3585
shall include the time and place where bids or proposals will be 3586
accepted and opened, or, when bids are made in a reverse auction, 3587
the time when bids will be accepted; the conditions under which 3588
bids or proposals will be received; the terms of the proposed 3589
purchases; and an itemized list of the supplies or services to be 3590
purchased and the estimated quantities or amounts of them. 3591

(C) The posting of the notice required under division (A) of 3592
this section shall be completed by the number of days the ~~director~~ 3593
purchasing authority determines preceding the day when the bids or 3594
proposals will be opened or accepted. 3595

(D) The ~~department~~ purchasing authority also shall maintain, 3596
in a public place in its office, a bulletin board upon which it 3597
shall post and maintain a copy of the notice required under 3598
division (A) of this section for at least the number of days the 3599
~~director~~ purchasing authority determines under division (C) of 3600
this section preceding the day of the opening or acceptance of the 3601
bids or proposals. The failure to so additionally post the notice 3602
shall invalidate all proceedings had and any contract entered into 3603
pursuant to the proceedings. 3604

Sec. 125.071. (A) In accordance with rules the ~~director of~~ 3605
~~administrative services~~ purchasing authority shall adopt, the 3606
~~director~~ purchasing authority may make purchases by competitive 3607

sealed proposal whenever the ~~director~~ purchasing authority 3608
determines that the use of competitive sealed bidding is not 3609
possible or not advantageous to the state. 3610

(B) Proposals shall be solicited through a request for 3611
proposals. The request for proposals shall state the relative 3612
importance of price and other evaluation factors. Notice of the 3613
request for proposals shall be given in accordance with rules the 3614
director shall adopt. 3615

(C) Proposals shall be opened so as to avoid disclosure of 3616
contents to competing offerors. 3617

In order to ensure fair and impartial evaluation, proposals 3618
and related documents submitted in response to a request for 3619
proposals are not available for public inspection and copying 3620
under section 149.43 of the Revised Code until after the award of 3621
the contract. 3622

(D) As provided in the request for proposals, and under rules 3623
the ~~director~~ purchasing authority shall adopt, discussions may be 3624
conducted with responsible offerors who submit proposals 3625
determined to be reasonably susceptible of being selected for 3626
award for the purpose of ensuring full understanding of, and 3627
responsiveness to, solicitation requirements. Offerors shall be 3628
accorded fair and equal treatment with respect to any opportunity 3629
for discussion regarding any clarification, correction, or 3630
revision of proposals. No disclosure of any information derived 3631
from proposals submitted by competing offerors shall occur when 3632
discussions are conducted. 3633

(E) Award may be made to the offeror whose proposal is 3634
determined to be the most advantageous to this state, taking into 3635
consideration factors such as price and the evaluation criteria 3636
set forth in the request for proposals. The contract file shall 3637
contain the basis on which the award is made. 3638

Sec. 125.072. (A) As used in this section, "reverse auction" 3639
means a purchasing process in which offerors submit bids in 3640
competing to sell services or supplies in an open environment via 3641
the internet. 3642

(B) Whenever ~~the director of administrative services~~ a 3643
purchasing authority determines that the use of a reverse auction 3644
is advantageous to the state, the ~~director~~ purchasing authority, 3645
in accordance with rules the ~~director~~ purchasing authority shall 3646
adopt, may purchase services or supplies by reverse auction. 3647

(C) The ~~director~~ purchasing authority, by rule, may authorize 3648
a state agency that is authorized to purchase services or supplies 3649
directly to purchase them by reverse auction in the same manner as 3650
this section and the rules adopted under this section authorize 3651
the ~~director~~ purchasing authority to do so. 3652

Sec. 125.073. (A) The ~~department of administrative services~~ 3653
purchasing authorities shall actively promote and accelerate the 3654
use of electronic procurement, including reverse auctions as 3655
defined by section 125.072 of the Revised Code, by implementing 3656
the relevant recommendations concerning electronic procurement 3657
from the "2000 Management Improvement Commission Report to the 3658
Governor" when exercising its statutory powers. 3659

(B) Beginning July 1, 2004, the department of administrative 3660
services shall annually on or before the first day of July report 3661
to the committees in each house of the general assembly dealing 3662
with finance indicating the effectiveness of electronic 3663
procurement. Beginning July 1, 2008, the office of information 3664
technology shall annually on or before the last day of December, 3665
report to the committees in each house of the general assembly 3666
dealing with finance indicating the effectiveness during the prior 3667
fiscal year of electronic procurement of information technology 3668

supplies and services. 3669

Sec. 125.08. (A) The department of administrative services 3670
may divide the state into purchasing districts wherein supplies or 3671
services are to be delivered and shall describe those districts on 3672
all applications for the notification list provided for in this 3673
section. 3674

Any person may have that person's name and address, or the 3675
name and address of an agent, placed on the competitive selection 3676
notification list of the department of administrative services by 3677
sending to the department the person's name and address, together 3678
with a list of the supplies or services described in the manner 3679
prescribed by the department produced or dealt in by the person 3680
with a request for such listing, a list of the districts in which 3681
the person desires to participate, and all other information the 3682
director of administrative services may prescribe. The director of 3683
administrative services shall provide the lists to the office of 3684
information technology. Whenever any name and address together 3685
with a list of the supplies or services produced or dealt in is so 3686
listed, the ~~department~~ purchasing authorities shall post notice, 3687
as provided in division (A) of section 125.07 of the Revised Code, 3688
for the benefit of the persons listed on the notification list 3689
that are qualified Ohio business enterprises, which shall include 3690
Ohio penal industries as defined by rule of the director of 3691
administrative services, or have a significant Ohio presence in 3692
this state's economy, except that, in those circumstances in which 3693
the ~~director~~ purchasing authority considers it in the best 3694
interest of this state, the ~~director~~ purchasing authority shall 3695
post notice, as provided in division (A) of section 125.07 of the 3696
Revised Code, for the benefit of all persons listed on the 3697
notification list. The ~~department~~ purchasing authority need only 3698
provide competitive selection documents for a proposed contract to 3699
persons who specifically request the documents. 3700

The director may remove a person from the notification list 3701
and place the person on an inactive list if the person fails to 3702
respond to any notices of proposed purchases that appear in four 3703
consecutive bulletins or other forms of notification that list 3704
those notices. Upon written request to the director by the person 3705
so removed, the director may return the person to the notification 3706
list if the person provides sufficient evidence regarding intent 3707
to offer bids or proposals to the state. The director shall not 3708
remove any person from the list without notice to the person. The 3709
notice may be a part of the notices of proposed purchase. 3710

(B) Any person who is certified by the equal employment 3711
opportunity coordinator of the department of administrative 3712
services in accordance with the rules adopted under division 3713
(B)(1) of section 123.151 of the Revised Code as a minority 3714
business enterprise may have that person's name placed on a 3715
special minority business enterprise notification list to be used 3716
in connection with contracts awarded under section 125.081 of the 3717
Revised Code. The minority business enterprise notification list 3718
shall be used for bidding on contracts set aside for minority 3719
business enterprises only. In all other respects, the list shall 3720
be maintained and used in the same manner and according to the 3721
same procedures as the notification list provided for under 3722
division (A) of this section, except that a firm shall not be 3723
removed from the list unless the coordinator determines that the 3724
firm is no longer a minority business enterprise. A minority 3725
business enterprise may have its name placed on both the 3726
notification lists provided for in this section. 3727

(C) The director of administrative services may require an 3728
annual registration fee for the listings provided for in division 3729
(A) or (B) of this section. This fee shall not be more than ten 3730
dollars. The department may charge a fee for any compilation of 3731
descriptions of supplies or services. This fee shall be reasonable 3732

and shall not exceed the cost required to maintain the 3733
notification lists and provide for the distribution of the 3734
proposed purchase to the persons whose names appear on the lists. 3735

Sec. 125.081. (A) From the purchases that the ~~department of~~ 3736
~~administrative services is~~ purchasing authorities are required by 3737
law to make through competitive selection, ~~the director of~~ 3738
~~administrative services~~ each purchasing authority shall select a 3739
number of such purchases, the aggregate value of which equals 3740
approximately fifteen per cent of the estimated total value of all 3741
such purchases to be made in the current fiscal year. The ~~director~~ 3742
purchasing authority shall set aside the purchases selected for 3743
competition only by minority business enterprises, as defined in 3744
division (E)(1) of section 122.71 of the Revised Code. The 3745
competitive selection procedures for such purchases set aside 3746
shall be the same as for all other purchases the ~~department~~ 3747
purchasing authority is required to make through competitive 3748
selection, except that only minority business enterprises 3749
certified by the equal employment opportunity coordinator of the 3750
department of administrative services in accordance with the rules 3751
adopted under division (B)(1) of section 123.151 of the Revised 3752
Code and listed by the director under division (B) of section 3753
125.08 of the Revised Code shall be qualified to compete. 3754

(B) To the extent that any agency of the state, other than 3755
the department of administrative services, the office of 3756
information technology, the legislative and judicial branches, 3757
boards of elections, and the adjutant general, is authorized to 3758
make purchases, the agency shall set aside a number of purchases, 3759
the aggregate value of which equals approximately fifteen per cent 3760
of the aggregate value of such purchases for the current fiscal 3761
year for competition by minority business enterprises only. The 3762
procedures for such purchases shall be the same as for all other 3763
such purchases made by the agency, except that only minority 3764

business enterprises certified by the equal employment opportunity 3765
coordinator in accordance with rules adopted under division (B)(1) 3766
of section 123.151 of the Revised Code shall be qualified to 3767
compete. 3768

(C) In the case of purchases set aside under division (A) or 3769
(B) of this section, if no bid is submitted by a minority business 3770
enterprise, the purchase shall be made according to usual 3771
procedures. The contracting agency shall from time to time set 3772
aside such additional purchases for which only minority business 3773
enterprises may compete, as are necessary to replace those 3774
purchases previously set aside for which no minority business 3775
enterprises bid and to ensure that, in any fiscal year, the 3776
aggregate amount of contracts awarded to minority business 3777
enterprises will equal approximately fifteen per cent of the total 3778
amount of contracts awarded by the agency. 3779

(D) The provisions of this section shall not preclude any 3780
minority business enterprise from competing for any other state 3781
purchases that are not specifically set aside for minority 3782
business enterprises. 3783

(E) No funds of any state agency shall be expended in any 3784
fiscal year for any purchase for which competitive selection is 3785
required, until the ~~director of the department of administrative~~ 3786
~~services certifies~~ purchasing authorities certify to the equal 3787
employment opportunity coordinator, the clerk of the senate, and 3788
the clerk of the house of representatives of the general assembly 3789
that approximately fifteen per cent of the aggregate amount of the 3790
projected expenditure for such purchases in the fiscal year has 3791
been set aside as provided for in this section. 3792

(F) Any person who intentionally misrepresents self as 3793
owning, controlling, operating, or participating in a minority 3794
business enterprise for the purpose of obtaining contracts, 3795
subcontracts, or any other benefits under this section shall be 3796

guilty of theft by deception as provided for in section 2913.02 of 3797
the Revised Code. 3798

Sec. 125.082. (A) When purchasing equipment, materials, or 3799
supplies, the general assembly; the offices of all elected state 3800
officers; all departments, boards, offices, commissions, agencies, 3801
institutions, including, without limitation, state-supported 3802
institutions of higher education, and other instrumentalities of 3803
this state; the supreme court; all courts of appeals; and all 3804
courts of common pleas, may purchase recycled products in 3805
accordance with the guidelines adopted under division (B) of this 3806
section if the products are available and meet the performance 3807
specifications of the procuring entities. Purchases of recycled 3808
products shall comply with any rules adopted under division (C) of 3809
this section. 3810

(B) The ~~director of administrative services~~ purchasing 3811
authorities shall adopt rules in accordance with Chapter 119. of 3812
the Revised Code establishing guidelines for the procurement of 3813
recycled products pursuant to division (A) of this section. To the 3814
extent practicable, the guidelines shall do all of the following: 3815

(1) Be consistent with and substantially equivalent to any 3816
relevant regulations adopted by the administrator of the United 3817
States environmental protection agency pursuant to the "Resource 3818
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 3819
6921, as amended; 3820

(2) Establish the minimum percentage of recycled materials 3821
the various products shall contain in order to be considered 3822
"recycled" for the purposes of division (A) of this section; 3823

(3) So far as practicable and economically feasible, 3824
incorporate specifications for recycled-content materials to 3825
promote the use and purchase of recycled products by state 3826
agencies. 3827

(C) The ~~director~~ purchasing authorities may adopt rules in 3828
accordance with Chapter 119. of the Revised Code establishing a 3829
maximum percentage by which the cost of recycled products 3830
purchased under division (A) of this section may exceed the cost 3831
of comparable products made of virgin materials. 3832

(D) The department of administrative services, the office of 3833
information technology, and the department of natural resources 3834
annually shall prepare and submit to the governor, president of 3835
the senate, and speaker of the house of representatives a report 3836
that describes, so far as practicable, the value and types of 3837
recycled products that are purchased with moneys disbursed from 3838
the state treasury by the general assembly; the offices of all 3839
elected state officers; and all departments, boards, offices, 3840
commissions, agencies, and institutions of this state. 3841

Sec. 125.09. (A) Pursuant to section 125.07 of the Revised 3842
Code, ~~the department of administrative services~~ a purchasing 3843
authority may prescribe such conditions under which competitive 3844
sealed bids will be received and terms of the proposed purchase as 3845
it considers necessary; provided, that all such conditions and 3846
terms shall be reasonable and shall not unreasonably restrict 3847
competition, and bidders may bid upon all or any item of the 3848
supplies or services listed in such notice. Those bidders claiming 3849
the preference for United States and Ohio products outlined in 3850
this chapter shall designate in their bids either that the product 3851
to be supplied is an Ohio product or that under the rules 3852
established by the ~~director of administrative services~~ purchasing 3853
authority they qualify as having a significant Ohio economic 3854
presence. 3855

(B) The ~~department~~ purchasing authority may require that each 3856
bidder provide sufficient information about the energy efficiency 3857
or energy usage of the bidder's product or service. 3858

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

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

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

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

(4) Criteria and procedures to be used by the ~~director~~ purchasing authorities to qualify bidders located in states bordering Ohio who might otherwise be excluded from being awarded a contract by operation of this section and section 125.11 of the Revised Code. The criteria and procedures shall recognize the level and regularity of interstate commerce between Ohio and the border states and provide that the non-Ohio businesses may qualify for award of a contract as long as they are located in a state that imposes no greater restrictions than are contained in this section and section 125.11 of the Revised Code upon persons located in Ohio selling products or services to agencies of that state. The criteria and procedures shall also provide that a non-Ohio business shall not bid on a contract for state printing in this state if the business is located in a state that excludes Ohio businesses from bidding on state printing contracts in that state.

(5) Criteria and procedures to be used to qualify bidders whose manufactured products, except for mined products, are

produced in other states or in North America, but the bidders have 3890
a significant Ohio economic presence in terms of the number of 3891
employees or capital investment a bidder has in this state. 3892
Bidders with a significant Ohio economic presence shall qualify 3893
for award of a contract on the same basis as if their products 3894
were produced in this state. 3895

(6) Criteria and procedures for the ~~director~~ purchasing 3896
authority to grant waivers of the requirements of division (B) of 3897
section 125.11 of the Revised Code on a contract-by-contract basis 3898
where compliance with those requirements would result in the state 3899
agency paying an excessive price for the product or acquiring a 3900
disproportionately inferior product; 3901

(7) Such other requirements or procedures reasonably 3902
necessary to implement the system of preferences established 3903
pursuant to division (B) of section 125.11 of the Revised Code. 3904

In adopting the rules required under this division, the 3905
~~director~~ purchasing authority shall, to the maximum extent 3906
possible, conform to the requirements of the federal "Buy America 3907
Act," 47 Stat. 1520, (1933), 41 U.S.C.A. 10a-10d, as amended, and 3908
to the regulations adopted thereunder. 3909

Sec. 125.10. (A) ~~The department of administrative services~~ A 3910
purchasing authority may require that all competitive sealed bids, 3911
competitive sealed proposals, and bids received in a reverse 3912
auction be accompanied by a performance bond or other cash surety 3913
acceptable to the ~~director of administrative services~~ purchasing 3914
authority, in the sum and with the sureties it prescribes, payable 3915
to the state, and conditioned that the person submitting the bid 3916
or proposal, if that person's bid or proposal is accepted, will 3917
faithfully execute the terms of the contract and promptly make 3918
deliveries of the supplies purchased. 3919

(B) A sealed copy of each competitive sealed bid or 3920

competitive sealed proposal shall be filed with the ~~department~~ 3921
purchasing authority prior to the time specified in the notice for 3922
opening of the bids or proposals. All competitive sealed bids and 3923
competitive sealed proposals shall be publicly opened in the 3924
office of the ~~department~~ purchasing authority at the time 3925
specified in the notice. A representative of the auditor of state 3926
shall be present at the opening of all competitive sealed bids and 3927
competitive sealed proposals, and shall certify the opening of 3928
each competitive sealed bid and competitive sealed proposal. No 3929
competitive sealed bid or competitive sealed proposal shall be 3930
considered valid unless it is so certified. 3931

Sec. 125.11. (A) Subject to division (B) of this section, 3932
contracts awarded pursuant to a reverse auction under section 3933
125.072 of the Revised Code or pursuant to competitive sealed 3934
bidding, including contracts awarded under section 125.081 of the 3935
Revised Code, shall be awarded to the lowest responsive and 3936
responsible bidder on each item in accordance with section 9.312 3937
of the Revised Code. When the contract is for meat products as 3938
defined in section 918.01 of the Revised Code or poultry products 3939
as defined in section 918.21 of the Revised Code, only those bids 3940
received from vendors offering products from establishments on the 3941
current list of meat and poultry vendors established and 3942
maintained by the director of administrative services under 3943
section 125.17 of the Revised Code shall be eligible for 3944
acceptance. The ~~department of administrative services~~ purchasing 3945
authority may accept or reject any or all bids in whole or by 3946
items, except that when the contract is for services or products 3947
available from a qualified nonprofit agency pursuant to sections 3948
125.60 to 125.6012 or 4115.31 to 4115.35 of the Revised Code, the 3949
contract shall be awarded to that agency. 3950

(B) Prior to awarding a contract under division (A) of this 3951
section, the ~~department of administrative services~~ purchasing 3952

authority or the state agency responsible for evaluating a 3953
contract for the purchase of products shall evaluate the bids 3954
received according to the criteria and procedures established 3955
pursuant to divisions (C)(1) and (2) of section 125.09 of the 3956
Revised Code for determining if a product is produced or mined in 3957
the United States and if a product is produced or mined in this 3958
state. The ~~department~~ purchasing authority or other state agency 3959
shall first remove bids that offer products that have not been or 3960
that will not be produced or mined in the United States. From 3961
among the remaining bids, the ~~department~~ purchasing authority or 3962
other state agency shall select the lowest responsive and 3963
responsible bid, in accordance with section 9.312 of the Revised 3964
Code, from among the bids that offer products that have been 3965
produced or mined in this state where sufficient competition can 3966
be generated within this state to ensure that compliance with 3967
these requirements will not result in an excessive price for the 3968
product or acquiring a disproportionately inferior product. If 3969
there are two or more qualified bids that offer products that have 3970
been produced or mined in this state, it shall be deemed that 3971
there is sufficient competition to prevent an excessive price for 3972
the product or the acquiring of a disproportionately inferior 3973
product. 3974

(C) Division (B) of this section applies to contracts for 3975
which competitive bidding is waived by the controlling board. 3976

(D) Division (B) of this section does not apply to the 3977
purchase by the division of liquor control of spirituous liquor. 3978

(E) The director of administrative services shall publish in 3979
the form of a model act for use by counties, townships, municipal 3980
corporations, or any other political subdivision described in 3981
division (B) of section 125.04 of the Revised Code, a system of 3982
preferences for products mined and produced in this state and in 3983
the United States and for Ohio-based contractors. The model act 3984

shall reflect substantial equivalence to the system of preferences 3985
in purchasing and public improvement contracting procedures under 3986
which the state operates pursuant to this chapter and section 3987
153.012 of the Revised Code. To the maximum extent possible, 3988
consistent with the Ohio system of preferences in purchasing and 3989
public improvement contracting procedures, the model act shall 3990
incorporate all of the requirements of the federal "Buy America 3991
Act," 47 Stat. 1520 (1933), 41 U.S.C. 10a to 10d, as amended, and 3992
the rules adopted under that act. 3993

Before and during the development and promulgation of the 3994
model act, the director shall consult with appropriate statewide 3995
organizations representing counties, townships, and municipal 3996
corporations so as to identify the special requirements and 3997
concerns these political subdivisions have in their purchasing and 3998
public improvement contracting procedures. The director shall 3999
promulgate the model act by rule adopted pursuant to Chapter 119. 4000
of the Revised Code and shall revise the act as necessary to 4001
reflect changes in this chapter or section 153.012 of the Revised 4002
Code. 4003

The director shall make available copies of the model act, 4004
supporting information, and technical assistance to any township, 4005
county, or municipal corporation wishing to incorporate the 4006
provisions of the act into its purchasing or public improvement 4007
contracting procedure. 4008

Sec. 125.15. All state agencies required to secure any 4009
equipment, materials, supplies, or services from ~~the department of~~ 4010
~~administrative services~~ a purchasing authority shall make 4011
acquisition in the manner and upon forms prescribed by ~~the~~ 4012
~~director of administrative services~~ that purchasing authority and 4013
shall reimburse the ~~department~~ purchasing authority for the 4014
equipment, materials, supplies, or services, including a 4015

reasonable sum to cover ~~the department's~~ administrative costs and 4016
costs relating to energy efficiency and conservation programs, 4017
whenever reimbursement is required by the ~~department~~ purchasing 4018
authority. The money so paid shall be deposited in the state 4019
treasury to the credit of the general services fund for use by the 4020
department of administrative services or the information 4021
technology fund for use by the office of information technology, 4022
as appropriate. Those funds are hereby created. 4023

Sec. 125.25. (A) ~~The director of administrative services~~ A 4024
purchasing authority may debar a vendor from consideration for 4025
contract awards upon a finding based upon a reasonable belief that 4026
the vendor has done any of the following: 4027

(1) Abused the selection process by repeatedly withdrawing 4028
bids or proposals before purchase orders or contracts are issued 4029
or failing to accept orders based upon firm bids; 4030

(2) Failed to substantially perform a contract according to 4031
its terms, conditions, and specifications within specified time 4032
limits; 4033

(3) Failed to cooperate in monitoring contract performance by 4034
refusing to provide information or documents required in a 4035
contract, failed to respond to complaints to the vendor, or 4036
accumulated repeated justified complaints regarding performance of 4037
a contract; 4038

(4) Attempted to influence a public employee to breach 4039
ethical conduct standards or to influence a contract award; 4040

(5) Colluded to restrain competition by any means; 4041

(6) Been convicted of a criminal offense related to the 4042
application for or performance of any public or private contract, 4043
including, but not limited to, embezzlement, theft, forgery, 4044
bribery, falsification or destruction of records, receiving stolen 4045

property, and any other offense that directly reflects on the 4046
vendor's business integrity; 4047

(7) Been convicted under state or federal antitrust laws; 4048

(8) Deliberately or willfully submitted false or misleading 4049
information in connection with the application for or performance 4050
of a public contract; 4051

(9) Violated any other responsible business practice or 4052
performed in an unsatisfactory manner as determined by ~~the~~ 4053
~~director~~ a purchasing authority; 4054

(10) Through the default of a contract or through other means 4055
had a determination of unresolved finding for recovery by the 4056
auditor of state under section 9.24 of the Revised Code; 4057

(11) Acted in such a manner as to be debarred from 4058
participating in a contract with any governmental agency. 4059

(B) When ~~the director~~ a purchasing authority reasonably 4060
believes that grounds for debarment exist, the ~~director~~ purchasing 4061
authority shall send the vendor a notice of proposed debarment 4062
indicating the grounds for the proposed debarment and the 4063
procedure for requesting a hearing on the proposed debarment. The 4064
hearing shall be conducted in accordance with Chapter 119. of the 4065
Revised Code. If the vendor does not respond with a request for a 4066
hearing in the manner specified in Chapter 119. of the Revised 4067
Code, the ~~director~~ purchasing authority shall issue the debarment 4068
decision without a hearing and shall notify the vendor of the 4069
decision by certified mail, return receipt requested. 4070

(C) The ~~director~~ purchasing authority shall determine the 4071
length of the debarment period and may rescind the debarment at 4072
any time upon notification to the vendor. During the period of 4073
debarment, the vendor is not eligible to participate in any state 4074
contract. After the debarment period expires, the vendor shall be 4075
eligible to be awarded contracts by state agencies. 4076

(D) The ~~director, through the~~ office of information 4077
technology and the ~~office of procurement~~ department of 4078
administrative services, shall maintain a list of all vendors 4079
currently debarred under this section. 4080

Sec. 125.45. The department of administrative services shall 4081
maintain facilities to perform office reproduction services for 4082
all boards, commissions, or departments except for the bureau of 4083
workers' compensation. Upon written application to the department 4084
of administrative services, permission may be granted to a board, 4085
commission, or department to perform such services outside the 4086
central facility and such permission shall state the extent of the 4087
services which the department, board, or commission shall perform. 4088

Office reproduction services using stencils, masters, or 4089
plates are restricted to duplicating equipment not larger than 4090
seventeen by twenty-two inches. Not to exceed five thousand press 4091
impressions shall be produced of any such order except that up to 4092
one thousand production copies may be produced of any item 4093
consisting of multiple pages and except that over five thousand, 4094
but not more than ten thousand, press impressions may be produced 4095
if the director of administrative services determines that there 4096
is an emergency due to the timing of service delivery or another 4097
factor that may cause financial hardship to the state. 4098

Nothing in this section precludes the bureau from entering 4099
into a contract with the department of administrative services for 4100
the department to perform office reproduction services for the 4101
bureau. 4102

~~Neither the department nor any other~~ No state agency, other 4103
than the department of administrative services, shall perform 4104
printing or office reproduction services for political 4105
subdivisions. 4106

Sec. 125.93. The state forms management program shall do each 4107
of the following: 4108

(A) Assist state agencies in establishing internal forms 4109
management capabilities; 4110

~~(B) Study, develop, coordinate, and initiate forms of 4111
interagency and common administrative usage, and establish basic 4112
design and specification criteria to standardize state forms; 4113~~

~~(C) Assist state agencies to design economical forms; 4114~~

~~(D)~~(C) Assist, train, and instruct state agencies and their 4115
forms management representatives in forms management techniques, 4116
and provide direct forms management assistance to new state 4117
agencies as they are created; 4118

~~(E) Maintain a central forms repository of all state forms to 4119
facilitate standardization of the forms, eliminate redundant 4120
forms, and provide a central source of information on forms usage 4121
and availability. 4122~~

Sec. 125.96. The director of administrative services may 4123
adopt, amend, or rescind rules necessary to carry out the powers 4124
and duties imposed upon the state forms management program and 4125
state agencies by sections 125.92 to 125.98 of the Revised Code. 4126
~~The director shall adopt, and may amend or rescind, rules 4127
providing each of the following: 4128~~

~~(A) After a date to be determined by the state forms 4129
management program, no state agency shall utilize any form, other 4130
than a form subject to division (B) of section 125.95 of the 4131
Revised Code, the management of which has not been delegated to 4132
the agency by the program under division (A) of that section or 4133
been approved by the program. 4134~~

~~(B) The notice required by section 125.97 of the Revised Code 4135~~

~~shall appear in a standard place and a standard manner on each 4136
form to which the notice applies, and shall include specified 4137
indicia of approval by the state forms management program. 4138~~

~~(C) Any form required by a state agency on an emergency basis 4139
may be given interim approval by the state forms management 4140
program if the form is accompanied by a letter from the director 4141
or other head of the agency setting forth the nature of the 4142
emergency and requesting interim approval. 4143~~

~~Sec. 125.97. All forms, other than those forms subject to 4144
division (B) of section 125.95 of the Revised Code, used to obtain 4145
information from private business, agriculture, or local 4146
governments, except those forms used by the tax commissioner for 4147
administration of taxes and programs, shall contain a conspicuous 4148
notice on the first page setting forth the authorization for the 4149
form and stating whether providing the information sought is 4150
required or voluntary, and any penalties that apply to failure to 4151
provide the information. 4152~~

~~Sec. 125.98. (A) Each state agency shall appoint a forms 4153
management representative, who may be from existing personnel. The 4154
appointee shall cooperate with, and provide other necessary 4155
assistance to, the director of administrative services and the 4156
state forms management program in implementing the program. A 4157
forms management representative shall do all of the following: 4158~~

~~(1) Manage the agency's forms management program and 4159
cooperate with and provide other necessary assistance to the 4160
director of administrative services in implementing the state 4161
forms management program; 4162~~

~~(2) Monitor the use and reproduction of all forms to ensure 4163
that all policies, procedures, guidelines, and standards 4164
established by the agency and the director of administrative 4165~~

services are followed; 4166

~~(3) Ensure that every form used by the agency is presented to 4167
the state forms management program for registration prior to its 4168
reproduction; 4169~~

~~(4) Maintain a master forms file history file, in numeric 4170
order, of all agency forms; 4171~~

~~(5) Verify and update the all historical information on all 4172
forms in the agency's central forms repository database. 4173~~

(B) Any state agency, as defined in section 1.60 of the 4174
Revised Code, not included within the definition of a state agency 4175
in section 125.91 of the Revised Code may elect to participate in 4176
the state forms management program. The program may provide to any 4177
such agency any service required or authorized by sections 125.92 4178
to 125.98 of the Revised Code to be performed for a state agency. 4179

Sec. 126.03. (A) The director of budget and management shall: 4180
4181

(1) Prepare biennially a capital plan and, with the 4182
concurrence of the governor, submit it to the general assembly. 4183
The capital plan shall contain recommendations as to the 4184
acquisition of real estate and the construction of public 4185
improvements. The capital plan shall extend through a period of at 4186
least six years in the future and shall identify the projects 4187
which should be undertaken in each biennium of the period through 4188
which the plan extends, together with estimated costs of all such 4189
recommended projects. 4190

(2) Require biennially, from the chief administrative 4191
authorities of affected state agencies, their recommendations as 4192
to the acquisition of real estate and construction of public 4193
improvements which will be needed through a period of at least six 4194
years in the future, together with a description of each proposed 4195

public improvement and the estimated capacity of the improvement 4196
in terms of its proposed use, a demonstration of the need for the 4197
real estate or public improvement, the benefits in governmental 4198
operations expected to result from the acquisition or 4199
construction, the state agencies which will occupy or control the 4200
real estate or improvement, and the location of the real estate or 4201
public improvement. The director shall evaluate such recommended 4202
projects as to their validity and as to the comparative degree of 4203
need among them; notify the chief administrative authorities of 4204
the recommending agencies of the action taken on each such 4205
recommendation; and consult with and seek the recommendations of 4206
the chief administrative authorities of the affected agencies on 4207
all projects being considered for inclusion in the capital plan, 4208
whether originally proposed by the director of budget and 4209
management or by a state agency. 4210

(3) At the request and with the concurrence of the governor, 4211
prepare and recommend to the general assembly a biennial capital 4212
budget that includes the recommendations of the director as to 4213
projects to be undertaken or revised during the fiscal biennium 4214
following the latest biennium for which a capital appropriations 4215
act was enacted. The capital budget shall include all projects 4216
which the director considers to be necessary and feasible, whether 4217
originally proposed by the director or by a state agency. 4218

(B) In the capital plan and capital budget prepared under 4219
this section, the director of budget and management shall not 4220
provide for the acquisition of rights-of-way for, construction of, 4221
or reconstruction of transportation facilities by the director of 4222
transportation, other than transportation facilities financed by 4223
the Ohio building authority. Division (A)(2) of this section does 4224
not require the director of transportation to provide to the 4225
director of budget and management recommendations for the 4226
acquisition of rights-of-way for, construction of, or 4227

reconstruction of transportation facilities, other than 4228
transportation facilities financed by the Ohio building authority. 4229

(C)(1) In order to reflect the issuance of obligations under 4230
division (C) of section 183.51 of the Revised Code in lieu of 4231
direct obligations of the state, each capital budget prepared and 4232
recommended shall limit capital appropriations funded by direct 4233
obligations of the state as necessary to ensure that debt service 4234
payable from the general revenue fund in a fiscal year shall not 4235
exceed the following percentages of the total estimated revenue of 4236
the state for the general revenue fund plus net state lottery 4237
proceeds: 4238

(a) Four and one-quarter per cent for fiscal years 2009 4239
through 2012; 4240

(b) Four and one-half per cent for fiscal years 2013 through 4241
2020. 4242

(2) The percentages described in division (C)(1) of this 4243
section shall be calculated in accordance with section 126.16 of 4244
the Revised Code and Article VIII, Section 17, Ohio Constitution. 4245
The percentage may be adjusted or waived by the controlling board 4246
on request of the director. The director shall notify the 4247
president of the senate, the speaker of the house of 4248
representatives, and the chairpersons of the finance and 4249
appropriations committees of the house of representatives and 4250
senate whenever any issuance of direct obligations of the state 4251
results in debt service payable from the general revenue fund 4252
exceeding the applicable limitation described in division (C)(1) 4253
of this section. 4254

Sec. 126.04. Funds appropriated for purposes of fulfilling 4255
the state's obligations under the consent order filed March 5, 4256
2007, in *Martin v. Strickland*, Case No. 89-CV-00362, in the United 4257
States district court for the southern district of Ohio, eastern 4258

division, shall be in an appropriation item that authorizes 4259
expenditures only for purposes of fulfilling the state's 4260
obligations under the consent order. 4261

Sec. 126.07. ~~No~~ Except as provided in division (B) of section 4262
126.21 of the Revised Code, no contract, agreement, or obligation 4263
involving the expenditure of money chargeable to an appropriation, 4264
nor any resolution or order for the expenditure of money 4265
chargeable to an appropriation, shall be valid and enforceable 4266
unless the director of budget and management first certifies that 4267
there is a balance in the appropriation not already obligated to 4268
pay existing obligations, in an amount at least equal to the 4269
portion of the contract, agreement, obligation, resolution, or 4270
order to be performed in the current fiscal year. Any written 4271
contract or agreement entered into by the state shall contain a 4272
clause stating that the obligations of the state are subject to 4273
this section. 4274

The chief administrative officer of a state agency is 4275
responsible for the preaudit and approval of expenditures and 4276
other transactions of the agency. In order to ~~make~~ initiate the 4277
making of a payment from the state treasury, the person in a state 4278
agency who requests that the payment be made shall first submit to 4279
the ~~director~~ chief administrative officer of the agency all 4280
invoices, claims, vouchers, and other evidentiary matter 4281
documentation related to the payment. If the director approves 4282
payment to be made, the director shall draw a warrant as provided 4283
in section 126.35 of the Revised Code. The chief administrative 4284
officer shall examine each voucher and all other documentation 4285
required to support the voucher and determine whether they meet 4286
all the requirements established by the director of budget and 4287
management for making the payment. If they do meet those 4288
requirements, the chief administrative officer shall certify to 4289
the director the approval of the chief administrative officer for 4290

payment. 4291

Prior to drawing a warrant as provided in section 126.35 of 4292
the Revised Code, the director may review and audit the voucher, 4293
any documentation accompanying the voucher, and any other 4294
documentation related to the transaction that the director may 4295
require to determine if the transaction is in accordance with law. 4296

The director shall not approve payment to be made if the director 4297
finds that there is not an unobligated balance in the 4298
appropriation for the payment, that the payment is not for a valid 4299
claim against the state that is legally due, or that insufficient 4300
~~evidentiary matter~~ documentation has been submitted. If the 4301
director does not approve payment, the director shall notify the 4302
agency of the reasons the director has not given approval. 4303

In approving payments to be made under this section, the 4304
director, upon receipt of certification from the director of job 4305
and family services pursuant to section 4141.231 of the Revised 4306
Code, shall withhold from amounts otherwise payable to a person 4307
who is the subject of the director of jobs and family services' 4308
certification, the amount certified to be due and unpaid to the 4309
director of job and family services, and shall approve for payment 4310
to the director of job and family services, the amount withheld. 4311

As used in this section and in section 126.21 of the Revised 4312
Code, "chief administrative officer" means either of the 4313
following: 4314

(A) The director of the agency or, in the case of a state 4315
agency without a director, the equivalent officer of that agency; 4316

(B) The designee of the chief administrative officer for the 4317
purposes of such sections. 4318

Sec. 126.08. The director of budget and management may 4319
exercise control over the financial transactions of state 4320

agencies, including approving, disapproving, voiding, or 4321
invalidating encumbrances or transactions, except those in the 4322
judicial and legislative branches, by: 4323

(A) Requiring encumbrancing documents or any other financial 4324
information to be submitted to the director, ~~where such submission~~ 4325
~~is prescribed by law or where the director considers such~~ 4326
~~submission necessary~~ to evaluate the legality of a ~~proposed an~~ 4327
expenditure, ~~and by approving or disapproving any encumbrance~~ 4328
~~requested,~~ except that the director shall not disapprove any 4329
encumbrancing document submitted by the attorney general, auditor 4330
of state, secretary of state, or treasurer of state unless there 4331
is an insufficient unobligated balance in the appropriation or the 4332
encumbrance does not meet all other legal requirements. Those 4333
portions of an appropriation that are encumbered are not available 4334
for expenditure for any purpose other than that indicated on the 4335
encumbrancing document. If any requirements of the director 4336
regarding the submission of encumbrancing documents or other 4337
financial information are not complied with, or if any 4338
encumbrancing document is disapproved in whole or in part, the 4339
director shall notify the submitting agency thereof and shall not 4340
authorize payment unless the reasons for disapproval are 4341
corrected. 4342

(B) Requiring the allocation and allotment of any 4343
appropriation by quarter or by any other period of time. 4344

(C) Reporting to the attorney general for such action, civil 4345
or criminal, as the attorney general considers necessary, all 4346
facts showing improper payment of public money or misappropriation 4347
of public property; 4348

(D) By adopting rules for carrying into effect any powers 4349
granted by this chapter. 4350

Sec. ~~125.18~~ 126.17. (A) There is hereby established the 4351

~~office of information technology housed within the department of~~ 4352
~~administrative services. The office shall be under the supervision~~ 4353
~~position of a chief information officer to state chief information~~ 4354
~~officer, who shall be appointed by the ~~governor~~ director of budget~~ 4355
~~and management and subject to removal at the pleasure of the~~ 4356
~~governor director. The chief information officer shall serve as~~ 4357
~~the director of the office. The state chief information officer~~ 4358
~~shall report to the director of budget and management and shall be~~ 4359
~~an assistant director of the office of budget and management in~~ 4360
~~addition to the assistant director created in section 121.05 of~~ 4361
~~the Revised Code. There is hereby created the office of~~ 4362
~~information technology in the office of budget and management. The~~ 4363
~~office of information technology shall be supervised by the state~~ 4364
~~chief information officer, subject to the authority of the~~ 4365
~~director of budget and management. The state chief information~~ 4366
~~officer shall have all authority granted to the office of~~ 4367
~~information technology, and the exercise of that authority shall~~ 4368
~~be subject to the approval of the director of budget and~~ 4369
~~management.~~ 4370

(B) ~~The director of the office of information technology~~ 4371
~~state chief information officer shall ~~advise~~ annually submit a~~ 4372
~~report to the governor regarding the statewide superintendence of~~ 4373
~~information technology and implementation of statewide information~~ 4374
~~technology policy.~~ 4375

(C) ~~The director of the office of information technology~~ 4376
~~state chief information officer shall lead, oversee, and direct~~ 4377
~~state agency activities related to information technology~~ 4378
~~development and use. In that regard, the ~~director~~ state chief~~ 4379
~~information officer shall do all of the following:~~ 4380

(1) Coordinate and superintend statewide efforts to promote 4381
common use and development of technology by state agencies. The 4382
office of information technology shall establish policies and 4383

standards that govern and direct state agency participation in 4384
statewide programs and initiatives. 4385

(2) Establish policies and standards for the acquisition and 4386
use of information technology by state agencies, including, but 4387
not limited to, hardware, software, technology services, and 4388
security, with which state agencies shall comply; 4389

(3) Establish criteria and review processes to identify state 4390
agency information technology projects that require alignment or 4391
oversight. As appropriate, the ~~office of information technology~~ 4392
state chief information officer shall provide ~~the governor and the~~ 4393
director of budget and management with notice and advice regarding 4394
the appropriate allocation of resources for those projects. The 4395
~~director of the office of information technology~~ state chief 4396
information officer may ~~require state agencies to provide, and may~~ 4397
prescribe the form and manner by which ~~they~~ state agencies must 4398
provide, ~~and may require state agencies to provide,~~ information to 4399
fulfill the ~~director's~~ state chief information officer's alignment 4400
and oversight role. 4401

(D) The office of information technology ~~shall have~~ has the 4402
~~same authority given to the department of administrative services~~ 4403
~~under~~ for the purchase of information technology supplies and 4404
services for state agencies consistent with sections 125.01, 4405
125.011, 125.02, 125.023, 125.04, 125.05, 125.06, 125.07, 125.071, 4406
125.072, 125.081, 125.09, 125.10, 125.11, 125.15, and 125.25 of 4407
the Revised Code ~~for the purchase of information technology~~ 4408
~~supplies and services for state agencies.~~ 4409

(E) The office of information technology may make contracts 4410
for, operate, and superintend technology supplies and services for 4411
state agencies in accordance with this chapter. 4412

(F) The office of information technology may establish 4413
cooperative agreements with federal and local government agencies 4414

and state agencies that are not under the authority of the 4415
governor for the provision of technology services and the 4416
development of technology projects. 4417

(G) As used in this section, "state agency" ~~means~~ includes 4418
every organized body, office, or agency established by the laws of 4419
the state for the exercise of any function of state government, 4420
other than any state-supported institution of higher education, 4421
the office of the auditor of state, treasurer of state, secretary 4422
of state, or attorney general, the public employees retirement 4423
system, the Ohio police and fire pension fund, the state teachers 4424
retirement system, the school employees retirement system, the 4425
state highway patrol retirement system, the general assembly or 4426
any legislative agency, or the courts or any judicial agency. 4427

(H) There is hereby created in the state treasury the IT 4428
governance fund for the purpose of carrying out the office of 4429
information technology's responsibilities described in this 4430
section. The fund shall consist of revenues generated from payroll 4431
charges, billed services, administrative assessments, and other 4432
revenues designated to support the responsibilities described in 4433
this section. 4434

Sec. ~~125.30~~ 126.18. (A) The ~~department of administrative 4435
services office of information technology~~ shall do both of the 4436
following: 4437

(1) Create a business reply form that is capable of 4438
containing information that a private business is required to 4439
provide to state agencies on a regular basis. The ~~director of 4440
administrative services office of information technology~~ shall 4441
adopt rules in accordance with Chapter 119. of the Revised Code 4442
specifying the information that the form shall contain. ~~Subject to 4443
division (E) of this section, state~~ State agencies shall use the 4444
business reply form to obtain information from private businesses. 4445

(2) ~~Create an on-line computer network system to allow~~ 4446
~~private businesses to electronically file the business reply form~~ 4447
Maintain the Ohio business gateway, as defined in section 718.051 4448
of the Revised Code. 4449

In creating the business reply form described in division 4450
(A)(1) of this section, the ~~director~~ office of information 4451
technology may consider the recommendations of interested parties 4452
from the small business community who have direct knowledge of and 4453
familiarity with the current state reporting requirements that 4454
apply to, and the associated forms that are filed by, small 4455
businesses. 4456

(B) The ~~director~~ office of information technology shall 4457
establish procedures by which state agencies may share the 4458
information that is collected through the form established under 4459
division (A) of this section. These procedures shall provide that 4460
information that has been designated as confidential by any state 4461
agency shall not be made available to the other state agencies 4462
having access to the business reply form. 4463

(C) ~~Not later than September 30, 1999, the director~~ The 4464
office of information technology may report to the director of 4465
budget and management and to the committees ~~that handle~~ having 4466
jurisdiction over finance and ~~the committees that handle~~ state 4467
government affairs in the house of representatives and the senate 4468
on the progress of state agencies in complying with division 4469
(A)(1) of this section. The ~~director~~ office of information 4470
technology may recommend a five per cent reduction in the future 4471
appropriations of any state agency that has failed to comply with 4472
that division without good cause. 4473

(D) As used in this section: 4474

(1) "State agency" ~~means the secretary of state, the~~ 4475
~~department of job and family services regarding duties it performs~~ 4476

~~pursuant to Title XLI of the Revised Code, the bureau of workers' 4477
compensation, the department of administrative services, and any 4478
other state agency that elects to participate in the pilot program 4479
as provided in division (E) of this section has the same meaning 4480
as defined in section 126.17 of the Revised Code. 4481~~

~~(2) "Form" has the same meaning as in division (B) of defined 4482
in section 125.91 of the Revised Code. 4483~~

~~(E) The provisions of this section pertaining to the business 4484
reply form constitute a two-year pilot program. Not later than one 4485
year after January 21, 1998, the department of administrative 4486
services shall complete the planning and preparation that is 4487
necessary to implement the pilot program. The director of 4488
administrative services may request other state agencies, as 4489
defined in division (A) of section 125.91 of the Revised Code, to 4490
participate in the pilot program. If the director so requests, the 4491
state agency may participate in the program. The provisions of 4492
this section shall cease to have effect three years after January 4493
21, 1998. Within ninety days after the completion of the pilot 4494
program, the director of administrative services shall report to 4495
the director of budget and management and the committees described 4496
in division (C) of this section on the effectiveness of the pilot 4497
program. 4498~~

Sec. 126.19. (A) There is established the multi-agency radio 4499
communications system (MARCS). The system shall be a computer and 4500
communications network to provide voice and data communications 4501
statewide maintained by the office of information technology. 4502
MARCS shall supply a communications backbone for statewide public 4503
safety uses in a single system shared by several state agencies. 4504
The system shall provide mobile voice, data, vehicle location 4505
services, and computer-aided dispatching. The office of 4506
information technology shall promote MARCS as a statewide 4507

interoperable communications system for public safety agencies at 4508
all levels of government. Subject to the approval of the MARCS 4509
steering committee, the office of information technology may make 4510
MARCS available to agencies for uses not related to public safety. 4511

(B) There is hereby established a MARCS steering committee 4512
consisting of the designees of the state chief information 4513
officer; the directors of public safety, health, natural 4514
resources, transportation, rehabilitation and correction, and 4515
youth services; and a designee not from a state agency who shall 4516
be appointed by the state chief information officer. The state 4517
chief information officer or the officer's designee shall chair 4518
the committee. The committee shall provide assistance to the 4519
office of information technology for effective and efficient 4520
implementation of the MARCS system as well as develop policies for 4521
the ongoing management of the system. Upon dates prescribed by the 4522
state chief information officer, the MARCS steering committee 4523
shall report to the state chief information officer on the 4524
progress of MARCS implementation and the development of policies 4525
related to the system. The MARCS steering committee may permit 4526
secondary uses of MARCS not related to public safety so long as 4527
those secondary uses do not interfere with the system's primary 4528
use for public safety. 4529

Sec. 126.21. (A) The director of budget and management shall 4530
do all of the following: 4531

(1) Keep all necessary accounting records; 4532

(2) Prescribe and maintain the accounting system of the state 4533
and establish appropriate accounting procedures and charts of 4534
accounts; 4535

(3) Establish procedures for the use of written, electronic, 4536
optical, or other communications media for approving and reviewing 4537
payment vouchers; 4538

(4) Reconcile, in the case of any variation between the 4539
amount of any appropriation and the aggregate amount of items of 4540
the appropriation, with the advice and assistance of the state 4541
agency affected by it and the legislative service commission, 4542
totals so as to correspond in the aggregate with the total 4543
appropriation. In the case of a conflict between the item and the 4544
total of which it is a part, the item shall be considered the 4545
intended appropriation. 4546

(5) Evaluate on an ongoing basis and, if necessary, recommend 4547
improvements to the internal controls used in state agencies; 4548

(6) Authorize the establishment of petty cash accounts. The 4549
director ~~of budget and management~~ may withdraw approval for any 4550
petty cash account and require the officer in charge to return to 4551
the state treasury any unexpended balance shown by the officer's 4552
accounts to be on hand. Any officer who is issued a warrant for 4553
petty cash shall render a detailed account of the expenditures of 4554
the petty cash and shall report when requested the balance of 4555
petty cash on hand at any time. 4556

(7) Process orders, invoices, vouchers, claims, and payrolls 4557
and prepare financial reports and statements; 4558

(8) Perform extensions, reviews, and compliance checks prior 4559
to or after approving a payment as the director considers 4560
necessary; 4561

(9) Issue the official comprehensive annual financial report 4562
of the state. The report shall cover all funds of the state 4563
reporting entity and shall include basic financial statements and 4564
required supplementary information prepared in accordance with 4565
generally accepted accounting principles and other information as 4566
the director provides. All state agencies, authorities, 4567
institutions, offices, retirement systems, and other component 4568
units of the state reporting entity as determined by the director 4569

shall furnish the director whatever financial statements and other 4570
information the director requests for the report, in the form, at 4571
the times, covering the periods, and with the attestation the 4572
director prescribes. The information for state institutions of 4573
higher education, as defined in section 3345.011 of the Revised 4574
Code, shall be submitted to the ~~director~~ chancellor by the Ohio 4575
board of regents. The board shall establish a due date by which 4576
each such institution shall submit the information to the board, 4577
but no such date shall be later than one hundred twenty days after 4578
the end of the state fiscal year unless a later date is approved 4579
by the director. 4580

(B) In addition to the director's duties under division (A) 4581
of this section, the director ~~of budget and management~~ may 4582
establish and administer one or more state payment card programs 4583
that permit or require state agencies to use a payment card to 4584
purchase equipment, materials, supplies, or services in accordance 4585
with guidelines issued by the director. The chief administrative 4586
officer of a state agency that uses a payment card for such 4587
purposes shall ensure that purchases made with the card are made 4588
in accordance with the guidelines issued by the director and do 4589
not exceed the unexpended, unencumbered, unobligated balance in 4590
the appropriation to be charged for the purchase. State agencies 4591
may ~~only~~ participate in only those state payment card programs 4592
that the director establishes pursuant to this section. 4593

(C) In addition to the director's duties under divisions (A) 4594
and (B) of this section, the director may enter into any contract 4595
or agreement necessary for and incidental to the performance of 4596
the director's duties or the duties of the office of budget and 4597
management. 4598

Sec. 126.22. The director of budget and management may: 4599

(A) Perform accounting services for and design and implement 4600

accounting systems with state agencies; 4601

(B) Provide other accounting services, including the 4602
maintenance and periodic auditing of the financial records of and 4603
submission of vouchers by state agencies, provision of assistance 4604
in the analysis of the financial position of state agencies, and 4605
preparation and submission of reports; 4606

(C) Change any accounting code appearing in appropriations 4607
acts of the general assembly. 4608

Sec. 126.24. The OAKS support organization fund is hereby 4609
created in the state treasury for the purpose of paying the 4610
operating expenses of the state's enterprise resource planning 4611
system. The fund shall consist of cash transfers from the 4612
accounting and budgeting fund and the human resources services 4613
fund, and other revenues designated to support the operating costs 4614
of the Ohio administrative knowledge system. All investment 4615
earnings of the fund shall be credited to the fund. 4616

Sec. 126.40. There is hereby created in the state treasury 4617
the forgery recovery fund. The fund shall consist of all moneys 4618
collected by the attorney general from the resolution of cases of 4619
fraud or forgery involving warrants issued by the director of the 4620
office of budget and management. The director shall use the fund 4621
to pay costs associated with the reissue of state warrants to 4622
payees whose warrants were fraudulently redeemed. 4623

Sec. 127.16. (A) Upon the request of either a state agency or 4624
the director of budget and management and after the controlling 4625
board determines that an emergency or a sufficient economic reason 4626
exists, the controlling board may approve the making of a purchase 4627
without competitive selection as provided in division (B) of this 4628
section. 4629

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

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

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

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

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

(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;

(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;

(3) Applying to the purchase of examinations from a sole 4661
supplier by a state licensing board under Title XLVII of the 4662
Revised Code; 4663

(4) Applying to entertainment contracts for the Ohio state 4664
fair entered into by the Ohio expositions commission, provided 4665
that the controlling board has given its approval to the 4666
commission to enter into such contracts and has approved a total 4667
budget amount for such contracts as agreed upon by commission 4668
action, and that the commission causes to be kept itemized records 4669
of the amounts of money spent under each contract and annually 4670
files those records with the clerk of the house of representatives 4671
and the clerk of the senate following the close of the fair; 4672

(5) Limiting the authority of the chief of the division of 4673
mineral resources management to contract for reclamation work with 4674
an operator mining adjacent land as provided in section 1513.27 of 4675
the Revised Code; 4676

(6) Applying to investment transactions and procedures of any 4677
state agency, except that the agency shall file with the board the 4678
name of any person with whom the agency contracts to make, broker, 4679
service, or otherwise manage its investments, as well as the 4680
commission, rate, or schedule of charges of such person with 4681
respect to any investment transactions to be undertaken on behalf 4682
of the agency. The filing shall be in a form and at such times as 4683
the board considers appropriate. 4684

(7) Applying to purchases made with money for the per cent 4685
for arts program established by section 3379.10 of the Revised 4686
Code; 4687

(8) Applying to purchases made by the rehabilitation services 4688
commission of services, or supplies, that are provided to persons 4689
with disabilities, or to purchases made by the commission in 4690
connection with the eligibility determinations it makes for 4691

applicants of programs administered by the social security administration;	4692 4693
(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;	4694 4695 4696 4697
(10) Applying to any agency of the legislative branch of the state government;	4698 4699
(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;	4700 4701 4702
(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;	4703 4704 4705 4706
(13) Applying to dues or fees paid for membership in an organization or association;	4707 4708
(14) Applying to purchases of utility services pursuant to section 9.30 of the Revised Code;	4709 4710
(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;	4711 4712 4713 4714
(16) Applying to purchases of tickets for passenger air transportation;	4715 4716
(17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;	4717 4718 4719
(18) Applying to the judicial branch of state government;	4720
(19) Applying to purchases of liquor for resale by the	4721

division of liquor control;	4722
(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;	4723 4724 4725
(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;	4726 4727 4728 4729
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	4730 4731 4732
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education;	4733 4734
(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;	4735 4736 4737 4738
(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;	4739 4740 4741
(26) Applying to payments by the department of job and family services to the United States department of health and human services for printing and mailing notices pertaining to the tax refund offset program of the internal revenue service of the United States department of the treasury;	4742 4743 4744 4745 4746
(27) Applying to contracts entered into by the department of mental retardation and developmental disabilities under sections <u>section</u> 5123.18, 5123.182, and 5123.199 of the Revised Code;	4747 4748 4749
(28) Applying to payments made by the department of mental health under a physician recruitment program authorized by section	4750 4751

5119.101 of the Revised Code;	4752
(29) Applying to contracts entered into with persons by the	4753
director of commerce for unclaimed funds collection and remittance	4754
efforts as provided in division (F) of section 169.03 of the	4755
Revised Code. The director shall keep an itemized accounting of	4756
unclaimed funds collected by those persons and amounts paid to	4757
them for their services.	4758
(30) Applying to purchases made by a state institution of	4759
higher education in accordance with the terms of a contract	4760
between the vendor and an inter-university purchasing group	4761
comprised of purchasing officers of state institutions of higher	4762
education;	4763
(31) Applying to the department of job and family services'	4764
purchases of health assistance services under the children's	4765
health insurance program part I provided for under section 5101.50	4766
of the Revised Code or the children's health insurance program	4767
part II provided for under section 5101.51 of the Revised Code;	4768
(32) Applying to payments by the attorney general from the	4769
reparations fund to hospitals and other emergency medical	4770
facilities for performing medical examinations to collect physical	4771
evidence pursuant to section 2907.28 of the Revised Code;	4772
(33) Applying to contracts with a contracting authority or	4773
administrative receiver under division (B) of section 5126.056 of	4774
the Revised Code;	4775
(34) Applying to reimbursements paid to the United States	4776
department of veterans affairs for pharmaceutical and patient	4777
supply purchases made on behalf of the Ohio veterans' home agency;	4778
(35) Applying to agreements entered into with terminal	4779
distributors of dangerous drugs under section 173.79 of the	4780
Revised Code;	4781

(36) Applying to payments by the superintendent of the bureau of criminal identification and investigation to the federal bureau of investigation for criminal records checks pursuant to section 109.572 of the Revised Code. 4782
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(E) Notwithstanding division (B)(1) of this section, the cumulative purchase threshold shall be seventy-five thousand dollars for the departments of mental retardation and developmental disabilities, mental health, rehabilitation and correction, and youth services. 4786
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(F) When determining whether a state agency has reached the cumulative purchase thresholds established in divisions (B)(1), (B)(2), and (E) of this section, all of the following purchases by such agency shall not be considered: 4791
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(1) Purchases made through competitive selection or with controlling board approval; 4795
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(2) Purchases listed in division (D) of this section; 4797

(3) For the purposes of the thresholds of divisions (B)(1) and (E) of this section only, leases of real estate. 4798
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(G) As used in this section, "competitive selection," "purchase," "supplies," and "services" have the same meanings as in section 125.01 of the Revised Code. 4800
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Sec. 131.44. (A) As used in this section: 4803

(1) "Surplus revenue" means the excess, if any, of the total fund balance over the required year-end balance. 4804
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(2) "Total fund balance" means the sum of the unencumbered balance in the general revenue fund on the last day of the preceding fiscal year plus the balance in the budget stabilization fund. 4806
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(3) "Required year-end balance" means the sum of the 4810

following:	4811
(a) Five per cent of the general revenue fund revenues for the preceding fiscal year;	4812 4813
(b) "Ending fund balance," which means one-half of one per cent of general revenue fund revenues for the preceding fiscal year;	4814 4815 4816
(c) "Carryover balance," which means, with respect to a fiscal biennium, the excess, if any, of the estimated general revenue fund appropriation and transfer requirement for the second fiscal year of the biennium over the estimated general revenue fund revenue for that fiscal year;	4817 4818 4819 4820 4821
(d) "Capital appropriation reserve," which means the amount, if any, of general revenue fund capital appropriations made for the current biennium that the director of budget and management has determined will be encumbered or disbursed;	4822 4823 4824 4825
(e) "Income tax reduction impact reserve," which means an amount equal to the reduction projected by the director of budget and management in income tax revenue in the current fiscal year attributable to the previous reduction in the income tax rate made by the tax commissioner pursuant to division (B) of section 5747.02 of the Revised Code.	4826 4827 4828 4829 4830 4831
(4) "Estimated general revenue fund appropriation and transfer requirement" means the most recent adjusted appropriations made by the general assembly from the general revenue fund and includes both of the following:	4832 4833 4834 4835
(a) Appropriations made and transfers of appropriations from the first fiscal year to the second fiscal year of the biennium in provisions of acts of the general assembly signed by the governor but not yet effective;	4836 4837 4838 4839
(b) Transfers of appropriation from the first fiscal year to	4840

the second fiscal year of the biennium approved by the controlling board. 4841
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(5) "Estimated general revenue fund revenue" means the most recent such estimate available to the director of budget and management. 4843
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(B)(1) Not later than the thirty-first day of July each year, the director of budget and management shall determine the surplus revenue that existed on the preceding thirtieth day of June and transfer from the general revenue fund, to the extent of the unobligated, unencumbered balance on the preceding thirtieth day of June in excess of one-half of one per cent of the general revenue fund revenues in the preceding fiscal year, the following: 4846
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(a) First, to the budget stabilization fund, any amount necessary for the balance of the budget stabilization fund to equal five per cent of the general revenue fund revenues of the preceding fiscal year; 4853
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(b) Then, to the income tax reduction fund, which is hereby created in the state treasury, an amount equal to the surplus revenue. 4857
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(2) Not later than the thirty-first day of July each year, the director shall determine the percentage that the balance in the income tax reduction fund is of the amount of revenue that the director estimates will be received from the tax levied under section 5747.02 of the Revised Code in the current fiscal year without regard to any reduction under division (B) of that section. If that percentage exceeds thirty-five one hundredths of one per cent, the director shall certify the percentage to the tax commissioner not later than the thirty-first day of July. 4860
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(C) The director of budget and management shall transfer money in the income tax reduction fund to the general revenue fund, the local government fund, and the library and local 4869
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government support fund, ~~and the local government revenue~~ 4872
~~assistance fund~~ as necessary to offset revenue reductions 4873
resulting from the reductions in taxes required under division (B) 4874
of section 5747.02 of the Revised Code in the respective amounts 4875
and percentages prescribed by ~~divisions~~ division (A)~~(1), (2), and~~ 4876
~~(4)~~ of section 5747.03 and divisions (A) and (B) of section 131.51 4877
of the Revised Code as if the amount transferred had been 4878
collected as taxes under Chapter 5747. of the Revised Code. If no 4879
reductions in taxes are made under that division that affect 4880
revenue received in the current fiscal year, the director shall 4881
not transfer money from the income tax reduction fund to the 4882
general revenue fund, the local government fund, and the library 4883
and local government support fund, ~~and the local government~~ 4884
~~revenue assistance fund.~~ 4885

Sec. 131.51. (A) Beginning January 2008, on or before the 4886
fifth day of each month, the director of budget and management 4887
shall credit to the local government fund three and sixty-eight 4888
one hundredths per cent of total tax revenue credited to the 4889
general revenue fund during the preceding month. In determining 4890
the total tax revenue credited to the general revenue fund during 4891
the preceding month, the director shall include amounts 4892
transferred from that fund during the preceding month pursuant to 4893
divisions (A) and (B) of this section. Money shall be distributed 4894
from the local government fund as required under section 5747.50 4895
of the Revised Code during the same month in which it is credited 4896
to the fund. 4897

(B) Beginning January 2008, on or before the fifth day of 4898
each month, the director of budget and management shall credit to 4899
the library and local government support fund, two and twenty-two 4900
one hundredths per cent of the total tax revenue credited to the 4901
general revenue fund during the preceding month. In determining 4902
the total tax revenue credited to the general revenue fund during 4903

the preceding month, the director shall include amounts 4904
transferred from that fund during the preceding month pursuant to 4905
divisions (A) and (B) of this section. Money shall be distributed 4906
from the library and local government support fund as required 4907
under section 5747.47 of the Revised Code during the same month in 4908
which it is credited to the fund. 4909

(C) The director of budget and management shall develop a 4910
schedule identifying the specific tax revenue sources to be used 4911
to make the monthly transfers required under divisions (A) and (B) 4912
of this section. The director may, from time to time, revise the 4913
schedule as the director considers necessary. 4914

Sec. 133.01. As used in this chapter, in sections 9.95, 9.96, 4915
and 2151.655 of the Revised Code, in other sections of the Revised 4916
Code that make reference to this chapter unless the context does 4917
not permit, and in related proceedings, unless otherwise expressly 4918
provided: 4919

(A) "Acquisition" as applied to real or personal property 4920
includes, among other forms of acquisition, acquisition by 4921
exercise of a purchase option, and acquisition of interests in 4922
property, including, without limitation, easements and 4923
rights-of-way, and leasehold and other lease interests initially 4924
extending or extendable for a period of at least sixty months. 4925

(B) "Anticipatory securities" means securities, including 4926
notes, issued in anticipation of the issuance of other securities. 4927

(C) "Board of elections" means the county board of elections 4928
of the county in which the subdivision is located. If the 4929
subdivision is located in more than one county, "board of 4930
elections" means the county board of elections of the county that 4931
contains the largest portion of the population of the subdivision 4932
or that otherwise has jurisdiction in practice over and 4933
customarily handles election matters relating to the subdivision. 4934

(D) "Bond retirement fund" means the bond retirement fund 4935
provided for in section 5705.09 of the Revised Code, and also 4936
means a sinking fund or any other special fund, regardless of the 4937
name applied to it, established by or pursuant to law or the 4938
proceedings for the payment of debt charges. Provision may be made 4939
in the applicable proceedings for the establishment in a bond 4940
retirement fund of separate accounts relating to debt charges on 4941
particular securities, or on securities payable from the same or 4942
common sources, and for the application of moneys in those 4943
accounts only to specified debt charges on specified securities or 4944
categories of securities. Subject to law and any provisions in the 4945
applicable proceedings, moneys in a bond retirement fund or 4946
separate account in a bond retirement fund may be transferred to 4947
other funds and accounts. 4948

(E) "Capitalized interest" means all or a portion of the 4949
interest payable on securities from their date to a date stated or 4950
provided for in the applicable legislation, which interest is to 4951
be paid from the proceeds of the securities. 4952

(F) "Chapter 133. securities" means securities authorized by 4953
or issued pursuant to or in accordance with this chapter. 4954

(G) "County auditor" means the county auditor of the county 4955
in which the subdivision is located. If the subdivision is located 4956
in more than one county, "county auditor" means the county auditor 4957
of the county that contains the highest amount of the tax 4958
valuation of the subdivision or that otherwise has jurisdiction in 4959
practice over and customarily handles property tax matters 4960
relating to the subdivision. In the case of a county that has 4961
adopted a charter, "county auditor" means the officer who 4962
generally has the duties and functions provided in the Revised 4963
Code for a county auditor. 4964

(H) "Credit enhancement facilities" means letters of credit, 4965
lines of credit, stand-by, contingent, or firm securities purchase 4966

agreements, insurance, or surety arrangements, guarantees, and 4967
other arrangements that provide for direct or contingent payment 4968
of debt charges, for security or additional security in the event 4969
of nonpayment or default in respect of securities, or for making 4970
payment of debt charges to and at the option and on demand of 4971
securities holders or at the option of the issuer or upon certain 4972
conditions occurring under put or similar arrangements, or for 4973
otherwise supporting the credit or liquidity of the securities, 4974
and includes credit, reimbursement, marketing, remarketing, 4975
indexing, carrying, interest rate hedge, and subrogation 4976
agreements, and other agreements and arrangements for payment and 4977
reimbursement of the person providing the credit enhancement 4978
facility and the security for that payment and reimbursement. 4979

(I) "Current operating expenses" or "current expenses" means 4980
the lawful expenditures of a subdivision, except those for 4981
permanent improvements and for payments of debt charges of the 4982
subdivision. 4983

(J) "Debt charges" means the principal, including any 4984
mandatory sinking fund deposits and mandatory redemption payments, 4985
interest, and any redemption premium, payable on securities as 4986
those payments come due and are payable. The use of "debt charges" 4987
for this purpose does not imply that any particular securities 4988
constitute debt within the meaning of the Ohio Constitution or 4989
other laws. 4990

(K) "Financing costs" means all costs and expenses relating 4991
to the authorization, including any required election, issuance, 4992
sale, delivery, authentication, deposit, custody, clearing, 4993
registration, transfer, exchange, fractionalization, replacement, 4994
payment, and servicing of securities, including, without 4995
limitation, costs and expenses for or relating to publication and 4996
printing, postage, delivery, preliminary and final official 4997
statements, offering circulars, and informational statements, 4998

travel and transportation, underwriters, placement agents, 4999
investment bankers, paying agents, registrars, authenticating 5000
agents, remarketing agents, custodians, clearing agencies or 5001
corporations, securities depositories, financial advisory 5002
services, certifications, audits, federal or state regulatory 5003
agencies, accounting and computation services, legal services and 5004
obtaining approving legal opinions and other legal opinions, 5005
credit ratings, redemption premiums, and credit enhancement 5006
facilities. Financing costs may be paid from any moneys available 5007
for the purpose, including, unless otherwise provided in the 5008
proceedings, from the proceeds of the securities to which they 5009
relate and, as to future financing costs, from the same sources 5010
from which debt charges on the securities are paid and as though 5011
debt charges. 5012

(L) "Fiscal officer" means the following, or, in the case of 5013
absence or vacancy in the office, a deputy or assistant authorized 5014
by law or charter to act in the place of the named officer, or if 5015
there is no such authorization then the deputy or assistant 5016
authorized by legislation to act in the place of the named officer 5017
for purposes of this chapter, in the case of the following 5018
subdivisions: 5019

(1) A county, the county auditor; 5020

(2) A municipal corporation, the city auditor or village 5021
clerk or clerk-treasurer, or the officer who, by virtue of a 5022
charter, has the duties and functions provided in the Revised Code 5023
for the city auditor or village clerk or clerk-treasurer; 5024

(3) A school district, the treasurer of the board of 5025
education; 5026

(4) A regional water and sewer district, the secretary of the 5027
board of trustees; 5028

(5) A joint township hospital district, the treasurer of the 5029

district;	5030
(6) A joint ambulance district, the clerk of the board of trustees;	5031 5032
(7) A joint recreation district, the person designated pursuant to section 755.15 of the Revised Code;	5033 5034
(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;	5035 5036 5037 5038 5039
(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;	5040 5041 5042
(10) A joint fire district, the clerk of the board of trustees of that district;	5043 5044
(11) A regional or county library district, the person responsible for the financial affairs of that district;	5045 5046
(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;	5047 5048 5049
(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;	5050 5051 5052
(14) A fire and ambulance district, the person appointed as fiscal officer under division (B) of section 505.375 of the Revised Code;	5053 5054 5055
(15) A subdivision described in division (MM)(17) of this section, the officer who is designated by law as or performs the functions of its chief fiscal officer.	5056 5057 5058
(M) "Fiscal year" has the same meaning as in section 9.34 of	5059

the Revised Code. 5060

(N) "Fractionalized interests in public obligations" means 5061
participations, certificates of participation, shares, or other 5062
instruments or agreements, separate from the public obligations 5063
themselves, evidencing ownership of interests in public 5064
obligations or of rights to receive payments of, or on account of, 5065
principal or interest or their equivalents payable by or on behalf 5066
of an obligor pursuant to public obligations. 5067

(O) "Fully registered securities" means securities in 5068
certificated or uncertificated form, registered as to both 5069
principal and interest in the name of the owner. 5070

(P) "Fund" means to provide for the payment of debt charges 5071
and expenses related to that payment at or prior to retirement by 5072
purchase, call for redemption, payment at maturity, or otherwise. 5073

(Q) "General obligation" means securities to the payment of 5074
debt charges on which the full faith and credit and the general 5075
property taxing power, including taxes within the tax limitation 5076
if available to the subdivision, of the subdivision are pledged. 5077

(R) "Interest" or "interest equivalent" means those payments 5078
or portions of payments, however denominated, that constitute or 5079
represent consideration for forbearing the collection of money, or 5080
for deferring the receipt of payment of money to a future time. 5081

(S) "Internal Revenue Code" means the "Internal Revenue Code 5082
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1 et seq., as amended, and 5083
includes any laws of the United States providing for application 5084
of that code. 5085

(T) "Issuer" means any public issuer and any nonprofit 5086
corporation authorized to issue securities for or on behalf of any 5087
public issuer. 5088

(U) "Legislation" means an ordinance or resolution passed by 5089

a majority affirmative vote of the then members of the taxing 5090
authority unless a different vote is required by charter 5091
provisions governing the passage of the particular legislation by 5092
the taxing authority. 5093

(V) "Mandatory sinking fund redemption requirements" means 5094
amounts required by proceedings to be deposited in a bond 5095
retirement fund for the purpose of paying in any year or fiscal 5096
year by mandatory redemption prior to stated maturity the 5097
principal of securities that is due and payable, except for 5098
mandatory prior redemption requirements as provided in those 5099
proceedings, in a subsequent year or fiscal year. 5100

(W) "Mandatory sinking fund requirements" means amounts 5101
required by proceedings to be deposited in a year or fiscal year 5102
in a bond retirement fund for the purpose of paying the principal 5103
of securities that is due and payable in a subsequent year or 5104
fiscal year. 5105

(X) "Net indebtedness" has the same meaning as in division 5106
(A) of section 133.04 of the Revised Code. 5107

(Y) "Obligor," in the case of securities or fractionalized 5108
interests in public obligations issued by another person the debt 5109
charges or their equivalents on which are payable from payments 5110
made by a public issuer, means that public issuer. 5111

(Z) "One purpose" relating to permanent improvements means 5112
any one permanent improvement or group or category of permanent 5113
improvements for the same utility, enterprise, system, or project, 5114
development or redevelopment project, or for or devoted to the 5115
same general purpose, function, or use or for which 5116
self-supporting securities, based on the same or different sources 5117
of revenues, may be issued or for which special assessments may be 5118
levied by a single ordinance or resolution. "One purpose" 5119
includes, but is not limited to, in any case any off-street 5120

parking facilities relating to another permanent improvement, and:	5121
(1) Any number of roads, highways, streets, bridges,	5122
sidewalks, and viaducts;	5123
(2) Any number of off-street parking facilities;	5124
(3) In the case of a county, any number of permanent	5125
improvements for courthouse, jail, county offices, and other	5126
county buildings, and related facilities;	5127
(4) In the case of a school district, any number of	5128
facilities and buildings for school district purposes, and related	5129
facilities.	5130
(AA) "Outstanding," referring to securities, means securities	5131
that have been issued, delivered, and paid for, except any of the	5132
following:	5133
(1) Securities canceled upon surrender, exchange, or	5134
transfer, or upon payment or redemption;	5135
(2) Securities in replacement of which or in exchange for	5136
which other securities have been issued;	5137
(3) Securities for the payment, or redemption or purchase for	5138
cancellation prior to maturity, of which sufficient moneys or	5139
investments, in accordance with the applicable legislation or	5140
other proceedings or any applicable law, by mandatory sinking fund	5141
redemption requirements, mandatory sinking fund requirements, or	5142
otherwise, have been deposited, and credited for the purpose in a	5143
bond retirement fund or with a trustee or paying or escrow agent,	5144
whether at or prior to their maturity or redemption, and, in the	5145
case of securities to be redeemed prior to their stated maturity,	5146
notice of redemption has been given or satisfactory arrangements	5147
have been made for giving notice of that redemption, or waiver of	5148
that notice by or on behalf of the affected security holders has	5149
been filed with the subdivision or its agent for the purpose.	5150

(BB) "Paying agent" means the one or more banks, trust 5151
companies, or other financial institutions or qualified persons, 5152
including an appropriate office or officer of the subdivision, 5153
designated as a paying agent or place of payment of debt charges 5154
on the particular securities. 5155

(CC) "Permanent improvement" or "improvement" means any 5156
property, asset, or improvement certified by the fiscal officer, 5157
which certification is conclusive, as having an estimated life or 5158
period of usefulness of five years or more, and includes, but is 5159
not limited to, real estate, buildings, and personal property and 5160
interests in real estate, buildings, and personal property, 5161
equipment, furnishings, and site improvements, and reconstruction, 5162
rehabilitation, renovation, installation, improvement, 5163
enlargement, and extension of property, assets, or improvements so 5164
certified as having an estimated life or period of usefulness of 5165
five years or more. The acquisition of all the stock ownership of 5166
a corporation is the acquisition of a permanent improvement to the 5167
extent that the value of that stock is represented by permanent 5168
improvements. A permanent improvement for parking, highway, road, 5169
and street purposes includes resurfacing, but does not include 5170
ordinary repair. 5171

(DD) "Person" has the same meaning as in section 1.59 of the 5172
Revised Code and also includes any federal, state, interstate, 5173
regional, or local governmental agency, any subdivision, and any 5174
combination of those persons. 5175

(EE) "Proceedings" means the legislation, certifications, 5176
notices, orders, sale proceedings, trust agreement or indenture, 5177
mortgage, lease, lease-purchase agreement, assignment, credit 5178
enhancement facility agreements, and other agreements, 5179
instruments, and documents, as amended and supplemented, and any 5180
election proceedings, authorizing, or providing for the terms and 5181
conditions applicable to, or providing for the security or sale or 5182

award of, public obligations, and includes the provisions set 5183
forth or incorporated in those public obligations and proceedings. 5184

(FF) "Public issuer" means any of the following that is 5185
authorized by law to issue securities or enter into public 5186
obligations: 5187

(1) The state, including an agency, commission, officer, 5188
institution, board, authority, or other instrumentality of the 5189
state; 5190

(2) A taxing authority, subdivision, district, or other local 5191
public or governmental entity, and any combination or consortium, 5192
or public division, district, commission, authority, department, 5193
board, officer, or institution, thereof; 5194

(3) Any other body corporate and politic, or other public 5195
entity. 5196

(GG) "Public obligations" means both of the following: 5197

(1) Securities; 5198

(2) Obligations of a public issuer to make payments under 5199
installment sale, lease, lease purchase, or similar agreements, 5200
which obligations bear interest or interest equivalent. 5201

(HH) "Refund" means to fund and retire outstanding 5202
securities, including advance refunding with or without payment or 5203
redemption prior to maturity. 5204

(II) "Register" means the books kept and maintained by the 5205
registrar for registration, exchange, and transfer of registered 5206
securities. 5207

(JJ) "Registrar" means the person responsible for keeping the 5208
register for the particular registered securities, designated by 5209
or pursuant to the proceedings. 5210

(KK) "Securities" means bonds, notes, certificates of 5211
indebtedness, commercial paper, and other instruments in writing, 5212

including, unless the context does not admit, anticipatory 5213
securities, issued by an issuer to evidence its obligation to 5214
repay money borrowed, or to pay interest, by, or to pay at any 5215
future time other money obligations of, the issuer of the 5216
securities, but not including public obligations described in 5217
division (GG)(2) of this section. 5218

(LL) "Self-supporting securities" means securities or 5219
portions of securities issued for the purpose of paying costs of 5220
permanent improvements to the extent that receipts of the 5221
subdivision, other than the proceeds of taxes levied by that 5222
subdivision, derived from or with respect to the improvements or 5223
the operation of the improvements being financed, or the 5224
enterprise, system, project, or category of improvements of which 5225
the improvements being financed are part, are estimated by the 5226
fiscal officer to be sufficient to pay the current expenses of 5227
that operation or of those improvements or enterprise, system, 5228
project, or categories of improvements and the debt charges 5229
payable from those receipts on securities issued for the purpose. 5230
Until such time as the improvements or increases in rates and 5231
charges have been in operation or effect for a period of at least 5232
six months, the receipts therefrom, for purposes of this 5233
definition, shall be those estimated by the fiscal officer, except 5234
that those receipts may include, without limitation, payments made 5235
and to be made to the subdivision under leases or agreements in 5236
effect at the time the estimate is made. In the case of an 5237
operation, improvements, or enterprise, system, project, or 5238
category of improvements without at least a six-month history of 5239
receipts, the estimate of receipts by the fiscal officer, other 5240
than those to be derived under leases and agreements then in 5241
effect, shall be confirmed by the taxing authority. 5242

(MM) "Subdivision" means any of the following: 5243

(1) A county, including a county that has adopted a charter 5244

under Article X, Ohio Constitution;	5245
(2) A municipal corporation, including a municipal corporation that has adopted a charter under Article XVIII, Ohio Constitution;	5246 5247 5248
(3) A school district;	5249
(4) A regional water and sewer district organized under Chapter 6119. of the Revised Code;	5250 5251
(5) A joint township hospital district organized under section 513.07 of the Revised Code;	5252 5253
(6) A joint ambulance district organized under section 505.71 of the Revised Code;	5254 5255
(7) A joint recreation district organized under division (C) of section 755.14 of the Revised Code;	5256 5257
(8) A detention facility district organized under section 2152.41, a district organized under section 2151.65, or a combined district organized under sections 2152.41 and 2151.65 of the Revised Code;	5258 5259 5260 5261
(9) A township police district organized under section 505.48 of the Revised Code;	5262 5263
(10) A township;	5264
(11) A joint fire district organized under section 505.371 of the Revised Code;	5265 5266
(12) A county library district created under section 3375.19 or a regional library district created under section 3375.28 of the Revised Code;	5267 5268 5269
(13) A joint solid waste management district organized under section 343.01 or 343.012 of the Revised Code;	5270 5271
(14) A joint emergency medical services district organized under section 307.052 of the Revised Code;	5272 5273

(15) A fire and ambulance district organized under section 505.375 of the Revised Code;	5274 5275
(16) A fire district organized under division (C) of section 505.37 of the Revised Code;	5276 5277
(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.	5278 5279 5280
(NN) "Taxing authority" means in the case of the following subdivisions:	5281 5282
(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;	5283 5284 5285 5286 5287 5288
(2) A municipal corporation, the legislative authority;	5289
(3) A school district, the board of education;	5290
(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;	5291 5292 5293 5294
(5) A joint township hospital district, the joint township hospital board;	5295 5296
(6) A detention facility district or a district organized under section 2151.65 of the Revised Code, a combined district organized under sections 2152.41 and 2151.65 of the Revised Code, or a joint emergency medical services district, the joint board of county commissioners;	5297 5298 5299 5300 5301
(7) A township, a fire district organized under division (C) of section 505.37 of the Revised Code, or a township police	5302 5303

district, the board of township trustees; 5304

(8) A joint solid waste management district organized under 5305
section 343.01 or 343.012 of the Revised Code, the board of 5306
directors of the district; 5307

(9) A subdivision described in division (MM)(17) of this 5308
section, the legislative or governing body or official. 5309

(OO) "Tax limitation" means the "ten-mill limitation" as 5310
defined in section 5705.02 of the Revised Code without diminution 5311
by reason of section 5705.313 of the Revised Code or otherwise, 5312
or, in the case of a municipal corporation or county with a 5313
different charter limitation on property taxes levied to pay debt 5314
charges on unvoted securities, that charter limitation. Those 5315
limitations shall be respectively referred to as the "ten-mill 5316
limitation" and the "charter tax limitation." 5317

(PP) "Tax valuation" means the aggregate of the valuations of 5318
property subject to ad valorem property taxation by the 5319
subdivision on the real property, personal property, and public 5320
utility property tax lists and duplicates most recently certified 5321
for collection, and shall be calculated without deductions of the 5322
valuations of otherwise taxable property exempt in whole or in 5323
part from taxation by reason of exemptions of certain amounts of 5324
taxable value under division (C) of section 5709.01 ~~or, tax~~ 5325
reductions under section 323.152 of the Revised Code, or similar 5326
laws now or in the future in effect. 5327

For purposes of section 133.06 of the Revised Code, "tax 5328
valuation" shall not include the valuation of tangible personal 5329
property used in business, telephone or telegraph property, 5330
interexchange telecommunications company property, or personal 5331
property owned or leased by a railroad company and used in 5332
railroad operations listed under or described in section 5711.22, 5333
division (B) or (F) of section 5727.111, or section 5727.12 of the 5334

Revised Code.	5335
(QQ) "Year" means the calendar year.	5336
(RR) "Administrative agent," "agent," "commercial paper," "floating rate interest structure," "indexing agent," "interest rate hedge," "interest rate period," "put arrangement," and "remarketing agent" have the same meanings as in section 9.98 of the Revised Code.	5337 5338 5339 5340 5341
(SS) "Sales tax supported" means obligations to the payment of debt charges on which an additional sales tax or additional sales taxes have been pledged by the taxing authority of a county pursuant to section 133.081 of the Revised Code.	5342 5343 5344 5345
Sec. 133.081. (A) As used in this section:	5346
(1) "Anticipation notes" means notes issued in anticipation of the sales tax supported bonds authorized by this section;	5347 5348
(2) "Authorizing proceedings" means the resolution, legislation, trust agreement, certification, and other agreements, instruments, and documents, as amended and supplemented, authorizing, or providing for the security or sale or award of, sales tax supported bonds, and includes the provisions set forth or incorporated in those bonds and proceedings;	5349 5350 5351 5352 5353 5354
(3) "County sales tax" means any sales tax levied by the taxing authority of a county pursuant to section 5739.021 or 5739.026 of the Revised Code, and any tax levied by that taxing authority upon storage, use, or consumption under section 5741.021 or 5741.023 of the Revised Code. However, "county sales tax" does not include a sales tax subject to referendum or a sales tax that was adopted as an emergency measure and is subject to initiative petition under section 5739.022 of the Revised Code.	5355 5356 5357 5358 5359 5360 5361 5362
(4) "Sales tax supported bonds" means the sales tax supported bonds authorized by this section, including anticipation notes;	5363 5364

(5) "Refunding bonds" means sales tax supported bonds issued 5365
to provide for the refunding of the sales tax supported bonds 5366
referred to in this section as refunded obligations. 5367

(B) The taxing authority of a county which has levied a 5368
county sales tax for the purpose of providing additional general 5369
revenues of the county pursuant to Chapter 5739. of the Revised 5370
Code may anticipate the receipts of such tax and issue sales tax 5371
supported bonds of the county in the principal amount necessary to 5372
pay the costs of financing any permanent improvement as defined in 5373
division (CC) of section 133.01 of the Revised Code, or to refund 5374
any refunded obligations, provided that the taxing authority 5375
certifies that the annual debt charges on the sales tax supported 5376
bonds, or on the sales tax supported bonds being anticipated by 5377
anticipation notes, do not exceed the estimated annual county 5378
sales tax receipts. The maximum aggregate amount of sales tax 5379
supported bonds that may be outstanding at any time in accordance 5380
with their terms shall not exceed an amount which requires or is 5381
estimated to require payments from sales tax receipts of debt 5382
charges on the sales tax supported bonds, or, in the case of 5383
anticipation notes, projected debt charges on the sales tax 5384
supported bonds anticipated, in any calendar year in an amount 5385
exceeding the county sales tax in anticipation of which the bonds 5386
or anticipation notes are issued as estimated by the fiscal 5387
officer based on general sales tax receipts averaged for the prior 5388
two calendar years prior to the year in which the sales tax 5389
supported bonds are issued, and annualized for any increase in the 5390
county sales tax which may have been levied in part during such 5391
period or levied after such period. A taxing authority may at any 5392
time issue renewal anticipation notes, issue sales tax supported 5393
bonds to pay renewal anticipation notes, and, if it considers 5394
refunding expedient, issue refunding sales tax supported bonds 5395
whether the refunded obligations have or have not matured. The 5396
refunding sales tax supported bonds shall be sold and the proceeds 5397

needed for such purpose applied in the manner provided in the 5398
authorizing proceedings of the taxing authority. The maximum 5399
maturity of sales tax supported bonds shall be calculated by the 5400
fiscal officer in accordance with section 133.20 of the Revised 5401
Code, and such calculation shall be filed with the taxing 5402
authority of the county prior to passage of a bond authorizing 5403
resolution. If the county sales tax pledged to the payment of the 5404
sales tax supported bonds has a stated expiration date, the final 5405
principal maturity date of the sales tax supported bonds shall not 5406
extend beyond the final year of collection of the county sales tax 5407
pledged to the payment of the sales tax supported bonds. 5408

(C) Every issue of sales tax supported bonds outstanding in 5409
accordance with their terms shall be payable out of the sales tax 5410
receipts received by the county or proceeds of sales tax supported 5411
bonds, renewal anticipation notes, or refunding sales tax 5412
supported bonds which may be pledged for such payment in the 5413
authorizing proceedings. The pledge shall be valid and binding 5414
from the time the pledge is made, and the county sales tax 5415
receipts and proceeds so pledged and thereafter received by the 5416
county shall immediately be subject to the lien of that pledge 5417
without any physical delivery of the county sales tax receipts or 5418
proceeds or further act. The lien of any pledge is valid and 5419
binding as against all parties having claims of any kind in tort, 5420
contract, or otherwise against the county, whether or not such 5421
parties have notice of the lien. Neither the resolution nor any 5422
trust agreement by which a pledge is created or further evidenced 5423
need be filed or recorded except in the records of the taxing 5424
authority. 5425

(D) Sales tax supported bonds issued under this section do 5426
not constitute a general obligation debt, or a pledge of the full 5427
faith and credit, of the state, the county, or any other political 5428
subdivision of the state, and the holders or owners of the ~~notes~~ 5429

bonds have no right to have taxes levied by the general assembly 5430
or property taxes levied by the taxing authority of any political 5431
subdivision of the state, including the taxing authority of the 5432
county, for the payment of debt charges. Unless paid from other 5433
sources, sales tax supported bonds are payable from the sales tax 5434
receipts pledged for their payment as authorized by this section. 5435
All sales tax supported bonds shall contain on their face a 5436
statement to the effect that the sales tax supported bonds, as to 5437
debt charges, are not debts or obligations of the state and are 5438
not general obligation debts of any political subdivision of the 5439
state, but, unless paid from other sources, are payable from the 5440
sales tax receipts pledged for their payment. The utilization and 5441
pledge of the sales tax receipts and proceeds of sales tax 5442
supported bonds, renewal anticipation notes, or refunding sales 5443
tax supported bonds for the payment of debt charges is determined 5444
by the general assembly to create a special obligation ~~which is~~ 5445
~~not a bonded indebtedness subject to Section 11 of Article XII,~~ 5446
~~Ohio Constitution.~~ 5447

(E) The sales tax supported bonds shall bear such date or 5448
dates, shall be executed in the manner, and shall mature at such 5449
time or times, in the case of any anticipation notes not exceeding 5450
ten years from the date of issue of the original anticipation 5451
notes and in the case of any sales tax supported bonds or of any 5452
refunding sales tax supported bonds, not exceeding the maximum 5453
maturity certified to the taxing authority pursuant to division 5454
(B) of this section, all as the authorizing proceedings may 5455
provide. The sales tax supported bonds shall bear interest at such 5456
rates, or at variable rate or rates changing from time to time, in 5457
accordance with provisions in the authorizing proceedings, be in 5458
such denominations and form, either coupon or registered, carry 5459
such registration privileges, be payable in such medium of payment 5460
and at such place or places, and be subject to such terms of 5461
redemption, as the taxing authority may authorize or provide. The 5462

sales tax supported bonds may be sold at public or private sale, 5463
and at, or at not less than, the price or prices as the taxing 5464
authority determines. If any officer whose signature or a 5465
facsimile of whose signature appears on any sales tax supported 5466
bonds or coupons ceases to be such officer before delivery of the 5467
sales tax supported bonds or anticipation notes, the signature or 5468
facsimile shall nevertheless be sufficient for all purposes as if 5469
that officer had remained in office until delivery of the sales 5470
tax supported bonds. Whether or not the sales tax supported bonds 5471
are of such form and character as to be negotiable instruments 5472
under Title XIII of the Revised Code, the sales tax supported 5473
bonds shall have all the qualities and incidents of negotiable 5474
instruments, subject only to any provisions for registration. 5475
Neither the members of the board of the taxing authority nor any 5476
person executing the sales tax supported bonds shall be liable 5477
personally on the sales tax supported bonds or be subject to any 5478
personal liability or accountability by reason of their issuance. 5479

(F) Notwithstanding any other provision of this section, 5480
sections 9.98 to 9.983, 133.02, 133.70, and 5709.76, and division 5481
(A) of section 133.03 of the Revised Code apply to the sales tax 5482
supported bonds. Sales tax supported bonds issued under this 5483
section need not comply with any other law applicable to notes or 5484
bonds but the authorizing proceedings may provide that divisions 5485
(B) to (E) of section 133.25 of the Revised Code apply to the 5486
sales tax supported bonds or anticipation notes. 5487

(G) Any authorized proceedings may contain provisions, 5488
subject to any agreements with holders as may then exist, which 5489
shall be a part of the contract with the holders, as to the 5490
pledging of any or all of the county's anticipated sales tax 5491
receipts to secure the payment of the sales tax supported bonds; 5492
the use and disposition of the sales tax receipts of the county; 5493
the crediting of the proceeds of the sale of sales tax supported 5494

bonds to and among the funds referred to or provided for in the 5495
authorizing proceedings; limitations on the purpose to which the 5496
proceeds of the sales tax supported bonds may be applied and the 5497
pledging of portions of such proceeds to secure the payment of the 5498
sales tax supported bonds or of anticipation notes; the agreement 5499
of the county to do all things necessary for the authorization, 5500
issuance, and sale of those notes anticipated in such amounts as 5501
may be necessary for the timely payment of debt charges on any 5502
anticipation notes; limitations on the issuance of additional 5503
sales tax supported bonds; the terms upon which additional sales 5504
tax supported bonds may be issued and secured; the refunding of 5505
refunded obligations; the procedure by which the terms of any 5506
contract with holders may be amended, and the manner in which any 5507
required consent to amend may be given; securing any sales tax 5508
supported bonds by a trust agreement or other agreement; and any 5509
other matters, of like or different character, that in any way 5510
affect the security or protection of the sales tax supported bonds 5511
or anticipation notes. 5512

(H) The taxing authority of a county may not repeal, rescind, 5513
or reduce any portion of a county sales tax pledged to the payment 5514
of debt charges on sales tax supported bonds issued by the county 5515
while such sales tax supported bonds remain outstanding, and no 5516
portion of a county sales tax pledged to the payment of debt 5517
charges on sales tax supported bonds shall be subject to repeal or 5518
reduction by the electorate of the county or by the taxing 5519
authority of the county while such sales tax supported bonds are 5520
outstanding. 5521

Sec. 149.311. (A) As used in this section: 5522

(1) "Historic building" means a building, including its 5523
structural components, that is located in this state and that is 5524
either individually listed on the national register of historic 5525

places under 16 U.S.C. 470a, located in a registered historic 5526
district, and certified by the state historic preservation officer 5527
as being of historic significance to the district, or is 5528
individually listed as a historic landmark designated by a local 5529
government certified under 16 U.S.C. 470a(c). 5530

(2) "Qualified rehabilitation expenditures" means 5531
expenditures paid or incurred during the rehabilitation period, 5532
and before and after that period as determined under 26 U.S.C. 47, 5533
by an owner of a historic building to rehabilitate the building. 5534
"Qualified rehabilitation expenditures" includes architectural or 5535
engineering fees paid or incurred in connection with the 5536
rehabilitation, and expenses incurred in the preparation of 5537
nomination forms for listing on the national register of historic 5538
places. "Qualified rehabilitation expenditures" does not include 5539
any of the following: 5540

(a) The cost of acquiring, expanding, or enlarging a historic 5541
building; 5542

(b) Expenditures attributable to work done to facilities 5543
related to the building, such as parking lots, sidewalks, and 5544
landscaping; 5545

(c) New building construction costs. 5546

(3) "Owner" of a historic building means a person holding the 5547
fee simple interest in the building. 5548

(4) "Certificate owner" means the owner of a historic 5549
building to which a rehabilitation tax credit certificate was 5550
issued under this section. 5551

(5) "Registered historic district" means a historic district 5552
listed in the national register of historic places under 16 U.S.C. 5553
470a, a historic district designated by a local government 5554
certified under 16 U.S.C. 470a(c), or a local historic district 5555
certified under 36 C.F.R. 67.8 and 67.9. 5556

(6) "Rehabilitation" means the process of repairing or 5557
altering a historic building or buildings, making possible an 5558
efficient use while preserving those portions and features of the 5559
building and its site and environment that are significant to its 5560
historic, architectural, and cultural values. 5561

(7) "Rehabilitation period" means one of the following: 5562

(a) If the rehabilitation initially was not planned to be 5563
completed in stages, a period chosen by the owner not to exceed 5564
twenty-four months during which rehabilitation occurs; 5565

(b) If the rehabilitation initially was planned to be 5566
completed in stages, a period chosen by the owner not to exceed 5567
sixty months during which rehabilitation occurs. 5568

(8) "State historic preservation officer" or "officer" means 5569
the state historic preservation officer appointed by the governor 5570
under 16 U.S.C. 470a. 5571

(9) "Application period" means either of the following time 5572
periods during which an application for a rehabilitation tax 5573
credit certificate may be filed under this section: 5574

(a) July 1, 2007, through June 30, 2008; 5575

(b) July 1, 2008, through June 30, 2009. 5576

(B) On or after July 1, 2007, but before July 1, 2009, the 5577
owner of a historic building may apply to the state historic 5578
preservation officer for a rehabilitation tax credit certificate 5579
for qualified rehabilitation expenditures paid or incurred after 5580
~~the effective date of this section~~ April 4, 2007, for 5581
rehabilitation of a historic building. The form and manner of 5582
filing such applications shall be prescribed by rule of the 5583
director of development, and applications expire at the end of 5584
each application period. Before July 1, 2007, the director, after 5585
consultation with the tax commissioner and in accordance with 5586

Chapter 119. of the Revised Code, shall adopt rules that establish	5587
all of the following:	5588
(1) Forms and procedures by which applicants may apply for rehabilitation tax credit certificates;	5589 5590
(2) Criteria for reviewing, evaluating, and approving applications for certificates within the limitation on the number of applications that may be approved in an application period under division (D) of this section, criteria for assuring that the certificates issued encompass a mixture of high and low qualified rehabilitation expenditures, and criteria for issuing certificates under division (C)(3)(b) of this section;	5591 5592 5593 5594 5595 5596 5597
(3) Eligibility requirements for obtaining a certificate under this section;	5598 5599
(4) The form of rehabilitation tax credit certificates;	5600
(5) Reporting requirements and monitoring procedures;	5601
(6) Any other rules necessary to implement and administer this section.	5602 5603
(C) The state historic preservation officer shall accept applications in the order in which they are filed. Within seven days after an application is filed, the officer shall forward it to the director of development who shall review the application and determine whether all of the following criteria are met:	5604 5605 5606 5607 5608
(1) That the building that is the subject of the application is a historic building and the applicant is the owner of the building;	5609 5610 5611
(2) That the rehabilitation will satisfy standards prescribed by the United States secretary of the interior under 16 U.S.C. 470, et seq., as amended, and 36 C.F.R. 67.7 or a successor to that section;	5612 5613 5614 5615
(3) That receiving a rehabilitation tax credit certificate	5616

under this section is a major factor in: 5617

(a) The applicant's decision to rehabilitate the historic 5618
building; or 5619

(b) To increase the level of investment in such 5620
rehabilitation. 5621

An applicant shall demonstrate to the satisfaction of the 5622
state historic preservation officer and director of development 5623
that the rehabilitation will satisfy the standards described in 5624
division (C)(2) of this section before the applicant begins the 5625
physical rehabilitation of the historic building. 5626

(D) If the director of development determines that the 5627
criteria in divisions (C)(1), (2), and (3) of this section are 5628
met, the director, in conjunction with the tax commissioner, shall 5629
conduct a cost and benefit analysis for the historic building that 5630
is the subject of an application filed under this section to 5631
determine whether rehabilitation of the historic building, 5632
including activities during the construction phase of the 5633
rehabilitation, will result in a net revenue gain in state and 5634
local taxes ~~once the building is used~~. The director shall not 5635
approve an application and issue a rehabilitation tax credit 5636
certificate to an applicant unless the cost and benefit analysis 5637
of the historic building determines that there will be a net 5638
revenue gain in state and local taxes once the building is used. A 5639
rehabilitation tax credit certificate shall not be issued before 5640
rehabilitation of a historic building is completed. The director 5641
shall not approve more than one hundred applications in an 5642
application period. 5643

(E) Issuance of a certificate represents a finding by the 5644
director of development of the matters described in divisions 5645
(C)(1), (2), and (3) of this section only; issuance of a 5646
certificate does not represent a verification or certification by 5647

the director of the amount of qualified rehabilitation 5648
expenditures for which a tax credit may be claimed under section 5649
5725.151, 5733.47, or 5747.76 of the Revised Code. The amount of 5650
qualified rehabilitation expenditures for which a tax credit may 5651
be claimed is subject to inspection and examination by the tax 5652
commissioner or employees of the commissioner under section 5653
5703.19 of the Revised Code and any other applicable law. Upon the 5654
issuance of a certificate, the director shall certify to the tax 5655
commissioner, in the form and manner requested by the tax 5656
commissioner, the name of the applicant, the amount of qualified 5657
rehabilitation expenditures shown on the certificate, and any 5658
other information required by the rules adopted under this 5659
section. 5660

(F)(1) On or before the first day of December in 2007, 2008, 5661
and 2009, the director of development and tax commissioner jointly 5662
shall submit to the president of the senate and the speaker of the 5663
house of representatives a report on the tax credit program 5664
established under this section and sections 5725.151, 5733.47, and 5665
5747.76 of the Revised Code. The report shall present an overview 5666
of the program and shall include information on the number of 5667
rehabilitation tax credit certificates issued under this section 5668
during an application period, an update on the status of each 5669
historic building for which an application was approved under this 5670
section, the dollar amount of the tax credits granted under 5671
sections 5725.151, 5733.47, and 5747.76 of the Revised Code, and 5672
any other information the director and commissioner consider 5673
relevant to the topics addressed in the report. 5674

(2) On or before December 1, 2010, the director of 5675
development and tax commissioner jointly shall submit to the 5676
president of the senate and the speaker of the house of 5677
representatives a comprehensive report that includes the 5678
information required by division (F)(1) of this section and a 5679

detailed analysis of the effectiveness of issuing tax credits for 5680
rehabilitating historic buildings. The report shall be prepared 5681
with the assistance of an economic research organization jointly 5682
chosen by the director and commissioner. 5683

Sec. 151.08. This section applies to obligations as defined 5684
in this section. 5685

(A) As used in this section: 5686

(1) "Capital facilities" or "capital improvement projects" 5687
means the acquisition, construction, reconstruction, improvement, 5688
planning, and equipping of roads and bridges, waste water 5689
treatment systems, water supply systems, solid waste disposal 5690
facilities, flood control systems, and storm water and sanitary 5691
collection, storage, and treatment facilities, including real 5692
property, interests in real property, facilities, and equipment 5693
related or incidental to those facilities. 5694

(2) "Costs of capital facilities" include related direct 5695
administrative expenses and allocable portions of direct costs of 5696
the Ohio public works commission and the local subdivision. 5697

(3) "Local subdivision" means any county, municipal 5698
corporation, township, sanitary district, or regional water and 5699
sewer district. 5700

(4) "Obligations" means obligations as defined in section 5701
151.01 of the Revised Code issued to pay costs of capital 5702
facilities. 5703

(B)(1) The issuing authority shall issue obligations to pay 5704
costs of financing or assisting in the financing of the capital 5705
improvement projects of local subdivisions pursuant to Section 2m 5706
of Article VIII, Ohio Constitution, section 151.01 of the Revised 5707
Code, and this section. Not more than one hundred twenty million 5708
dollars principal amount of obligations, plus the principal amount 5709

of obligations that in any prior fiscal years could have been, but 5710
were not, issued within that one-hundred-twenty-million dollar 5711
fiscal year limit, may be issued in any fiscal year. Not more than 5712
one billion two hundred million dollars principal amount of 5713
obligations pursuant to Section 2m of Article VIII, Ohio 5714
Constitution may be issued for the purposes of this section and 5715
division (B)(2) of section 164.09 of the Revised Code. 5716

(2) The issuing authority shall issue obligations to pay 5717
costs of financing or assisting in the financing of the capital 5718
improvement projects of local subdivisions pursuant to Section 2p 5719
of Article VIII, Ohio Constitution, section 151.01 of the Revised 5720
Code, and this section. Not more than one hundred twenty million 5721
dollars in principal amount of such obligations may be issued in 5722
any of the first five fiscal years of issuance and not more than 5723
one hundred fifty million dollars in principal amount of such 5724
obligations may be issued in any of the next five fiscal years, 5725
plus in each case the principal amount of such obligations that in 5726
any prior fiscal year could have been but were not issued within 5727
those fiscal year limits. No obligations shall be issued for the 5728
purposes of this section pursuant to Section 2p of Article VIII, 5729
Ohio Constitution, until at least one billion one hundred 5730
ninety-nine million five hundred thousand dollars aggregate 5731
principal amount of obligations have been issued pursuant to 5732
Section 2m of Article VIII, Ohio Constitution. Not more than one 5733
billion three hundred fifty million dollars principal amount of 5734
obligations may be issued pursuant to Section 2p of Article VIII, 5735
Ohio Constitution for the purposes of this section. 5736

(C) Net proceeds of obligations shall be deposited into the 5737
state capital improvements fund created by section 164.08 of the 5738
Revised Code. 5739

(D) There is hereby created in the state treasury the "state 5740
capital improvements bond service fund." All moneys received by 5741

the state and required by the bond proceedings, consistent with 5742
this section and section 151.01 of the Revised Code, to be 5743
deposited, transferred, or credited to the bond service fund, and 5744
all other moneys transferred or allocated to or received for the 5745
purposes of that fund, shall be deposited and credited to the bond 5746
service fund, subject to any applicable provisions of the bond 5747
proceedings but without necessity for any act of appropriation. 5748
During the period beginning with the date of the first issuance of 5749
obligations and continuing during the time that any obligations 5750
are outstanding in accordance with their terms, so long as moneys 5751
in the bond service fund are insufficient to pay debt service when 5752
due on those obligations payable from that fund (except the 5753
principal amounts of bond anticipation notes payable from the 5754
proceeds of renewal notes or bonds anticipated) and due in the 5755
particular fiscal year, a sufficient amount of revenues of the 5756
state is committed and, without necessity for further act of 5757
appropriation, shall be paid to the bond service fund for the 5758
purpose of paying that debt service when due. 5759

Sec. 151.40. (A) As used in this section: 5760

(1) "Bond proceedings" includes any trust agreements, and any 5761
amendments or supplements to them, as authorized by this section. 5762

(2) "Costs of revitalization projects" includes related 5763
direct administrative expenses and allocable portions of the 5764
direct costs of those projects of the department of development or 5765
the environmental protection agency. 5766

(3) "Issuing authority" means the treasurer of state. 5767

(4) "Obligations" means obligations as defined in section 5768
151.01 of the Revised Code issued to pay the costs of projects for 5769
revitalization purposes as referred to in division (A)(2) of 5770
Section 2o of Article VIII, Ohio Constitution. 5771

(5) "Pledged liquor profits" means all receipts of the state 5772
representing the gross profit on the sale of spirituous liquor, as 5773
referred to in division (B)(4) of section 4301.10 of the Revised 5774
Code, after paying all costs and expenses of the division of 5775
liquor control and providing an adequate working capital reserve 5776
for the division of liquor control as provided in that division, 5777
but excluding the sum required by the second paragraph of section 5778
4301.12 of the Revised Code, as it was in effect on May 2, 1980, 5779
to be paid into the state treasury. 5780

(6) "Pledged receipts" means, as and to the extent provided 5781
in bond proceedings: 5782

(a) Pledged liquor profits. The pledge of pledged liquor 5783
profits to obligations is subject to the priority of the pledge of 5784
those profits to obligations issued and to be issued pursuant to 5785
Chapter 166. of the Revised Code. 5786

(b) Moneys accruing to the state from the lease, sale, or 5787
other disposition or use of revitalization projects or from the 5788
repayment, including any interest, of loans or advances made from 5789
net proceeds; 5790

(c) Accrued interest received from the sale of obligations; 5791

(d) Income from the investment of the special funds; 5792

(e) Any gifts, grants, donations, or pledges, and receipts 5793
therefrom, available for the payment of debt service; 5794

(f) Additional or any other specific revenues or receipts 5795
lawfully available to be pledged, and pledged, pursuant to further 5796
authorization by the general assembly, to the payment of debt 5797
service. 5798

(B)(1) The issuing authority shall issue obligations of the 5799
state to pay costs of revitalization projects pursuant to division 5800
(B)(2) of Section 20 of Article VIII, Ohio Constitution, section 5801

151.01 of the Revised Code as applicable to this section, and this 5802
section. The issuing authority, upon the certification to it by 5803
the clean Ohio council of the amount of moneys needed in and for 5804
the purposes of the clean Ohio revitalization fund created by 5805
section 122.658 of the Revised Code, shall issue obligations in 5806
the amount determined by the issuing authority to be required for 5807
those purposes. Not more than two hundred million dollars 5808
principal amount of obligations issued under this section for 5809
revitalization purposes may be outstanding at any one time. Not 5810
more than fifty million dollars principal amount of obligations, 5811
plus the principal amount of obligations that in any prior fiscal 5812
year could have been, but were not issued within the 5813
fifty-million-dollar fiscal year limit, may be issued in any 5814
fiscal year. 5815

(2) The provisions and authorizations in section 151.01 of 5816
the Revised Code apply to the obligations and the bond proceedings 5817
except as otherwise provided or provided for in those obligations 5818
and bond proceedings. 5819

(C) Net proceeds of obligations shall be deposited in the 5820
clean Ohio revitalization fund created in section 122.658 of the 5821
Revised Code. 5822

(D) There is hereby created the revitalization projects bond 5823
service fund, which shall be in the custody of the treasurer of 5824
state, but shall be separate and apart from and not a part of the 5825
state treasury. All money received by the state and required by 5826
the bond proceedings, consistent with section 151.01 of the 5827
Revised Code and this section, to be deposited, transferred, or 5828
credited to the bond service fund, and all other money transferred 5829
or allocated to or received for the purposes of that fund, shall 5830
be deposited and credited to the bond service fund, subject to any 5831
applicable provisions of the bond proceedings, but without 5832
necessity for any act of appropriation. During the period 5833

beginning with the date of the first issuance of obligations and 5834
continuing during the time that any obligations are outstanding in 5835
accordance with their terms, so long as moneys in the bond service 5836
fund are insufficient to pay debt service when due on those 5837
obligations payable from that fund, except the principal amounts 5838
of bond anticipation notes payable from the proceeds of renewal 5839
notes or bonds anticipated, and due in the particular fiscal year, 5840
a sufficient amount of pledged receipts is committed and, without 5841
necessity for further act of appropriation, shall be paid to the 5842
bond service fund for the purpose of paying that debt service when 5843
due. 5844

(E) The issuing authority may pledge all, or such portion as 5845
the issuing authority determines, of the pledged receipts to the 5846
payment of the debt service charges on obligations issued under 5847
this section, and for the establishment and maintenance of any 5848
reserves, as provided in the bond proceedings, and make other 5849
provisions in the bond proceedings with respect to pledged 5850
receipts as authorized by this section, which provisions are 5851
controlling notwithstanding any other provisions of law pertaining 5852
to them. 5853

(F) The issuing authority may covenant in the bond 5854
proceedings, and such covenants shall be controlling 5855
notwithstanding any other provision of law, that the state and 5856
applicable officers and state agencies, including the general 5857
assembly, so long as any obligations issued under this section are 5858
outstanding, shall maintain statutory authority for and cause to 5859
be charged and collected wholesale or retail prices for spirituous 5860
liquor sold by the state or its agents so that the available 5861
pledged receipts are sufficient in time and amount to meet debt 5862
service payable from pledged liquor profits and for the 5863
establishment and maintenance of any reserves and other 5864
requirements provided for in the bond proceedings. 5865

(G) Obligations may be further secured, as determined by the 5866
issuing authority, by a trust agreement between the state and a 5867
corporate trustee, which may be any trust company or bank having 5868
~~its principal~~ a place of business within the state. Any trust 5869
agreement may contain the resolution or order authorizing the 5870
issuance of the obligations, any provisions that may be contained 5871
in any bond proceedings, and other provisions that are customary 5872
or appropriate in an agreement of that type, including, but not 5873
limited to: 5874

(1) Maintenance of each pledge, trust agreement, or other 5875
instrument comprising part of the bond proceedings until the state 5876
has fully paid or provided for the payment of debt service on the 5877
obligations secured by it; 5878

(2) In the event of default in any payments required to be 5879
made by the bond proceedings, enforcement of those payments or 5880
agreements by mandamus, the appointment of a receiver, suit in 5881
equity, action at law, or any combination of them; 5882

(3) The rights and remedies of the holders or owners of 5883
obligations and of the trustee and provisions for protecting and 5884
enforcing them, including limitations on rights of individual 5885
holders and owners. 5886

(H) The obligations shall not be general obligations of the 5887
state and the full faith and credit, revenue, and taxing power of 5888
the state shall not be pledged to the payment of debt service on 5889
them. The holders or owners of the obligations shall have no right 5890
to have any moneys obligated or pledged for the payment of debt 5891
service except as provided in this section and in the applicable 5892
bond proceedings. The rights of the holders and owners to payment 5893
of debt service are limited to all or that portion of the pledged 5894
receipts, and those special funds, pledged to the payment of debt 5895
service pursuant to the bond proceedings in accordance with this 5896
section, and each obligation shall bear on its face a statement to 5897

that effect. 5898

Sec. 156.02. The director of administrative services may 5899
contract with ~~an energy services company, contractor, architect,~~ 5900
~~professional engineer, or other person experienced in the design~~ 5901
~~and implementation of energy conservation measures~~ the office of 5902
energy efficiency in the department of development for a report 5903
containing an analysis and recommendations pertaining to the 5904
implementation of energy conservation measures that would 5905
significantly reduce energy consumption and operating costs in any 5906
buildings owned by the state and, upon request of its board of 5907
trustees or managing authority, any building owned by an 5908
institution of higher education as defined in section 3345.12 of 5909
the Revised Code. The report shall include estimates of all costs 5910
of such measures, including the costs of design, engineering, 5911
installation, maintenance, repairs, and debt service, and 5912
estimates of the amounts by which energy consumption and operating 5913
costs would be reduced. 5914

Sec. 164.03. For the purpose of allocating the funds made 5915
available to finance public infrastructure capital improvement 5916
projects of local subdivisions through the issuance of general 5917
obligations of the state of Ohio pursuant to Section 2k ~~or~~, 2m, or 5918
2p of Article VIII, Ohio Constitution, the state is divided into 5919
the following districts: 5920

District one. Cuyahoga county shall constitute district one. 5921

District two. Hamilton county shall constitute district two. 5922

District three. Franklin county shall constitute district 5923
three. 5924

District four. Montgomery county shall constitute district 5925
four. 5926

District five. Defiance, Erie, Fulton, Henry, Ottawa, 5927

Paulding, Sandusky, Williams, and Wood counties shall constitute district five.	5928 5929
District six. Mahoning and Trumbull counties shall constitute district six.	5930 5931
District seven. Ashtabula, Geauga, Lake, and Portage counties shall constitute district seven.	5932 5933
District eight. Summit county shall constitute district eight.	5934 5935
District nine. Lorain, Huron, and Medina counties shall constitute district nine.	5936 5937
District ten. Butler, Clermont, Clinton, and Warren counties shall constitute district ten.	5938 5939
District eleven. Champaign, Clark, Darke, Greene, Madison, Miami, Preble, and Union counties shall constitute district eleven.	5940 5941 5942
District twelve. Lucas county shall constitute district twelve.	5943 5944
District thirteen. Allen, Auglaize, Hancock, Logan, Mercer, Putnam, Shelby, and Van Wert counties shall constitute district thirteen.	5945 5946 5947
District fourteen. Carroll, Columbiana, Coshocton, Guernsey, Harrison, Holmes, Jefferson, and Tuscarawas counties shall constitute district fourteen.	5948 5949 5950
District fifteen. Adams, Brown, Fayette, Gallia, Highland, Jackson, Lawrence, Pike, Ross, Scioto, and Vinton counties shall constitute district fifteen.	5951 5952 5953
District sixteen. Ashland, Crawford, Hardin, Marion, Richland, Seneca, Wayne, and Wyandot counties shall constitute district sixteen.	5954 5955 5956

District seventeen. Delaware, Fairfield, Knox, Licking, 5957
Morrow, and Pickaway counties shall constitute district seventeen. 5958

District eighteen. Athens, Belmont, Hocking, Meigs, Monroe, 5959
Morgan, Muskingum, Noble, Perry, and Washington counties shall 5960
constitute district eighteen. 5961

District nineteen. Stark county shall constitute district 5962
nineteen. 5963

Sec. 164.08. (A) Except as provided in sections 151.01 and 5964
151.08 or section 164.09 of the Revised Code, the net proceeds of 5965
obligations issued and sold by the treasurer of state pursuant to 5966
section 164.09 of the Revised Code before September 30, 2000, or 5967
pursuant to sections 151.01 and 151.08 of the Revised Code, for 5968
the purpose of financing or assisting in the financing of the cost 5969
of public infrastructure capital improvement projects of local 5970
subdivisions, as provided for in Section ~~2k~~, 2m, or 2p of 5971
Article VIII, Ohio Constitution, and this chapter, shall be paid 5972
into the state capital improvements fund, which is hereby created 5973
in the state treasury. Investment earnings on moneys in the fund 5974
shall be credited to the fund. 5975

(B) Each program year the amount of obligations authorized by 5976
the general assembly in accordance with sections 151.01 and 151.08 5977
or section 164.09 of the Revised Code, excluding the proceeds of 5978
refunding or renewal obligations, shall be allocated by the 5979
director of the Ohio public works commission as follows: 5980

(1) First, twelve million dollars of the amount of 5981
obligations authorized shall be allocated to provide financial 5982
assistance to villages and to townships with populations in the 5983
unincorporated areas of the township of less than five thousand 5984
persons, for capital improvements in accordance with section 5985
164.051 and division (D) of section 164.06 of the Revised Code. As 5986
used in division (B)(1) of this section, "capital improvements" 5987

includes resurfacing and improving roads. 5988

(2) Following the allocation required by division (B)(1) of 5989
this section, the director may allocate two million five hundred 5990
thousand dollars of the authorized obligations to provide 5991
financial assistance to local subdivisions for capital improvement 5992
projects which in the judgment of the director of the Ohio public 5993
works commission are necessary for the immediate preservation of 5994
the health, safety, and welfare of the citizens of the local 5995
subdivision requesting assistance. 5996

(3) For the second, third, fourth, and fifth years that 5997
obligations are authorized and are available for allocation under 5998
this chapter, one million dollars shall be allocated to the sewer 5999
and water fund created in section 1525.11 of the Revised Code. 6000
Money from this allocation shall be transferred to that fund when 6001
needed to support specific payments from that fund. 6002

(4) For program years twelve and fourteen that obligations 6003
are authorized and available for allocation under this chapter, 6004
two million dollars each program year shall be allocated to the 6005
small county capital improvement program for use in providing 6006
financial assistance under division (F) of section 164.02 of the 6007
Revised Code. 6008

(5) After the allocation required by division (B)(3) of this 6009
section is made, the director shall determine the amount of the 6010
remaining obligations authorized to be issued and sold that each 6011
county would receive if such amounts were allocated on a per 6012
capita basis each year. If a county's per capita share for the 6013
year would be less than three hundred thousand dollars, the 6014
director shall allocate to the district in which that county is 6015
located an amount equal to the difference between three hundred 6016
thousand dollars and the county's per capita share. 6017

(6) After making the allocation required by division (B)(5) 6018

of this section, the director shall allocate the remaining amount 6019
to each district on a per capita basis. 6020

(C)(1) There is hereby created in the state treasury the 6021
state capital improvements revolving loan fund, into which shall 6022
be deposited all repayments of loans made to local subdivisions 6023
for capital improvements pursuant to this chapter. Investment 6024
earnings on moneys in the fund shall be credited to the fund. 6025

(2) There may also be deposited in the state capital 6026
improvements revolving loan fund moneys obtained from federal or 6027
private grants, or from other sources, which are to be used for 6028
any of the purposes authorized by this chapter. Such moneys shall 6029
be allocated each year in accordance with division (B)(6) of this 6030
section. 6031

(3) Moneys deposited into the state capital improvements 6032
revolving loan fund shall be used to make loans for the purpose of 6033
financing or assisting in the financing of the cost of capital 6034
improvement projects of local subdivisions. 6035

(4) Investment earnings credited to the state capital 6036
improvements revolving loan fund that exceed the amounts required 6037
to meet estimated federal arbitrage rebate requirements shall be 6038
used to pay costs incurred by the public works commission in 6039
administering this section. Investment earnings credited to the 6040
state capital improvements revolving loan fund that exceed the 6041
amounts required to pay for the administrative costs and estimated 6042
rebate requirements shall be allocated to each district on a per 6043
capita basis. 6044

(5) Each program year, loan repayments received and on 6045
deposit in the state capital improvements revolving loan fund 6046
shall be allocated as follows: 6047

(a) Each district public works integrating committee shall be 6048
allocated an amount equal to the sum of all loan repayments made 6049

to the state capital improvements revolving loan fund by local 6050
subdivisions that are part of the district. Moneys not used in a 6051
program year may be used in the next program year in the same 6052
manner and for the same purpose as originally allocated. 6053

(b) Loan repayments made pursuant to projects approved under 6054
division (B)(1) of this section shall be used to make loans in 6055
accordance with section 164.051 and division (D) of section 164.06 6056
of the Revised Code. Allocations for this purpose made pursuant to 6057
division (C)(5) of this section shall be in addition to the 6058
allocation provided in division (B)(1) of this section. 6059

(c) Loan repayments made pursuant to projects approved under 6060
division (B)(2) of this section shall be used to make loans in 6061
accordance with division (B)(2) of this section. Allocations for 6062
this purpose made pursuant to division (C)(5) of this section 6063
shall be in addition to the allocation provided in division (B)(2) 6064
of this section. 6065

(d) Loans made from the state capital improvements revolving 6066
loan fund shall not be limited in their usage by divisions (E), 6067
(F), (G), (H), and (I) of section 164.05 of the Revised Code. 6068

(D) Investment earnings credited to the state capital 6069
improvements fund that exceed the amounts required to meet 6070
estimated federal arbitrage rebate requirements shall be used to 6071
pay costs incurred by the public works commission in administering 6072
sections 164.01 to 164.12 of the Revised Code. 6073

(E) The director of the Ohio public works commission shall 6074
notify the director of budget and management of the amounts 6075
allocated pursuant to this section and such information shall be 6076
entered into the state accounting system. The director of budget 6077
and management shall establish appropriation line items as needed 6078
to track these allocations. 6079

(F) If the amount of a district's allocation in a program 6080

year exceeds the amount of financial assistance approved for the 6081
district by the commission for that year, the remaining portion of 6082
the district's allocation shall be added to the district's 6083
allocation pursuant to division (B) of this section for the next 6084
succeeding year for use in the same manner and for the same 6085
purposes as it was originally allocated, except that any portion 6086
of a district's allocation which was available for use on new or 6087
expanded infrastructure pursuant to division (H) of section 164.05 6088
of the Revised Code shall be available in succeeding years only 6089
for the repair and replacement of existing infrastructure. 6090

(G) When an allocation based on population is made by the 6091
director pursuant to division (B) of this section, the director 6092
shall use the most recent decennial census statistics, and shall 6093
not make any reallocations based upon a change in a district's 6094
population. 6095

Sec. 164.09. (A) The issuer is authorized to issue and sell, 6096
as provided in this section and in amounts from time to time 6097
authorized by the general assembly, general obligations of this 6098
state for the purpose of financing or assisting in the financing 6099
of the costs of public infrastructure capital improvements for 6100
local subdivisions. The full faith and credit, revenues, and 6101
taxing power of the state are and shall be pledged to the timely 6102
payment of bond service charges on outstanding obligations, all in 6103
accordance with Section 2k or 2m of Article VIII, Ohio 6104
Constitution and sections 164.09 to 164.12 of the Revised Code, 6105
excluding from that pledge fees, excises, or taxes relating to the 6106
registration, operation, or use of vehicles on the public 6107
highways, or to fuels used for propelling those vehicles, and so 6108
long as such obligations are outstanding there shall be levied and 6109
collected excises and taxes, excluding those excepted above, in 6110
amounts sufficient to pay the bond service charges on such 6111
obligations and costs relating to credit facilities. 6112

(B)(1) The total principal amount of obligations issued 6113
pursuant to Section 2k of Article VIII, Ohio Constitution shall 6114
not exceed one billion two hundred million dollars, and not more 6115
than one hundred twenty million dollars in principal amount of 6116
obligations may be issued in any calendar year, all determined as 6117
provided in sections 164.09 to 164.12 of the Revised Code. 6118

(2) The total principal amount of obligations issued for the 6119
purposes of this section pursuant to Section 2m of Article VIII, 6120
Ohio Constitution, shall not exceed one billion two hundred 6121
million dollars. Not more than one hundred twenty million dollars 6122
in principal amount of such obligations, plus the principal amount 6123
of such obligations that in any prior fiscal years could have been 6124
but were not issued within the one-hundred-twenty-million-dollar 6125
fiscal year limit, may be issued in any fiscal year. No 6126
obligations shall be issued for the purposes of this section 6127
pursuant to Section 2m of Article VIII, Ohio Constitution, until 6128
at least one billion one hundred ninety-nine million five hundred 6129
thousand dollars aggregate principal amount of obligations have 6130
been issued pursuant to Section 2k of Article VIII, Ohio 6131
Constitution. The amounts specified under division (B)(2) of this 6132
section shall be determined as provided in sections 164.09 to 6133
164.12 of the Revised Code. 6134

(C) Each issue of obligations shall be authorized by order of 6135
the issuer. The bond proceedings shall provide for the principal 6136
amount or maximum principal amount of obligations of an issue, and 6137
shall provide for or authorize the manner or agency for 6138
determining the principal maturity or maturities, not exceeding 6139
the earlier of thirty years from the date of issuance of the 6140
particular obligations or thirty years from the date the debt 6141
represented by the particular obligations was originally 6142
contracted, the interest rate or rates, the date of and the dates 6143
of payment of interest on the obligations, their denominations, 6144

and the establishment within or without the state of a place or 6145
places of payment of bond service charges. Sections 9.96 and 9.98 6146
to 9.983 of the Revised Code are applicable to the obligations. 6147
The purpose of the obligations may be stated in the bond 6148
proceedings as "financing or assisting in the financing of local 6149
subdivisions capital improvement projects." 6150

(D) The proceeds of the obligations, except for any portion 6151
to be deposited in special funds, or in escrow funds for the 6152
purpose of refunding outstanding obligations, all as may be 6153
provided in the bond proceedings, shall be deposited to the state 6154
capital improvements fund established by section 164.08 of the 6155
Revised Code. 6156

(E) The issuer may appoint paying agents, bond registrars, 6157
securities depositories, and transfer agents, and may retain the 6158
services of financial advisers and accounting experts, and retain 6159
or contract for the services of marketing, remarketing, indexing, 6160
and administrative agents, other consultants, and independent 6161
contractors, including printing services, as are necessary in the 6162
issuer's judgment to carry out sections 164.01 to 164.12 of the 6163
Revised Code. Financing costs are payable, as provided in the bond 6164
proceedings, from the proceeds of the obligations, from special 6165
funds, or from other moneys available for the purpose. 6166

(F) The bond proceedings, including any trust agreement, may 6167
contain additional provisions customary or appropriate to the 6168
financing or to the obligations or to particular obligations, 6169
including but not limited to: 6170

(1) The redemption of obligations prior to maturity at the 6171
option of the state or of the holder or upon the occurrence of 6172
certain conditions at such price or prices and under such terms 6173
and conditions as are provided in the bond proceedings; 6174

(2) The form of and other terms of the obligations; 6175

(3) The establishment, deposit, investment, and application 6176
of special funds, and the safeguarding of moneys on hand or on 6177
deposit, without regard to Chapter 131. or 135. of the Revised 6178
Code, but subject to any special provisions of this section with 6179
respect to particular funds or moneys, and provided that any bank 6180
or trust company that acts as a depository of any moneys in 6181
special funds may furnish such indemnifying bonds or may pledge 6182
such securities as required by the issuer; 6183

(4) Any or every provision of the bond proceedings binding 6184
upon the issuer and such state agency or local subdivision, 6185
officer, board, commission, authority, agency, department, or 6186
other person or body as may from time to time have the authority 6187
under law to take such actions as may be necessary to perform all 6188
or any part of the duty required by such provision; 6189

(5) The maintenance of each pledge, any trust agreement, or 6190
other instrument comprising part of the bond proceedings until the 6191
state has fully paid or provided for the payment of the bond 6192
service charges on the obligations or met other stated conditions; 6193

(6) In the event of default in any payments required to be 6194
made by the bond proceedings, or any other agreement of the issuer 6195
made as a part of a contract under which the obligations were 6196
issued or secured, the enforcement of such payments or agreements 6197
by mandamus, suit in equity, action at law, or any combination of 6198
the foregoing; 6199

(7) The rights and remedies of the holders of obligations and 6200
of the trustee under any trust agreement, and provisions for 6201
protecting and enforcing them, including limitations on rights of 6202
individual holders of obligations; 6203

(8) The replacement of any obligations that become mutilated 6204
or are destroyed, lost, or stolen; 6205

(9) Provision for the funding, refunding, or advance 6206

refunding or other provision for payment of obligations which will 6207
then no longer be outstanding for purposes of this section or of 6208
the bond proceedings; 6209

(10) Any provision that may be made in bond proceedings or a 6210
trust agreement, including provision for amendment of the bond 6211
proceedings; 6212

(11) Such other provisions as the issuer determines, 6213
including limitations, conditions, or qualifications relating to 6214
any of the foregoing; 6215

(12) Any other or additional agreements with the holders of 6216
the obligations relating to the obligations or the security for 6217
the obligations. 6218

(G) The great seal of the state or a facsimile of that seal 6219
may be affixed to or printed on the obligations. The obligations 6220
requiring signature by the issuer shall be signed by or bear the 6221
facsimile signature of the issuer as provided in the bond 6222
proceedings. Any obligations may be signed by the person who, on 6223
the date of execution, is the authorized signer although on the 6224
date of such obligations such person was not the issuer. In case 6225
the person whose signature or a facsimile of whose signature 6226
appears on any obligation ceases to be the issuer before delivery 6227
of the obligation, such signature or facsimile is nevertheless 6228
valid and sufficient for all purposes as if the person had 6229
remained the member until such delivery, and in case the seal to 6230
be affixed to or printed on obligations has been changed after the 6231
seal has been affixed to or a facsimile of the seal has been 6232
printed on the obligations, that seal or facsimile seal shall 6233
continue to be sufficient as to those obligations and obligations 6234
issued in substitution or exchange therefor. 6235

(H) The obligations are negotiable instruments and securities 6236
under Chapter 1308. of the Revised Code, subject to the provisions 6237

of the bond proceedings as to registration. Obligations may be 6238
issued in coupon or in fully registered form, or both, as the 6239
issuer determines. Provision may be made for the registration of 6240
any obligations with coupons attached as to principal alone or as 6241
to both principal and interest, their exchange for obligations so 6242
registered, and for the conversion or reconversion into 6243
obligations with coupons attached of any obligations registered as 6244
to both principal and interest, and for reasonable charges for 6245
such registration, exchange, conversion, and reconversion. Pending 6246
preparation of definitive obligations, the issuer may issue 6247
interim receipts or certificates which shall be exchanged for such 6248
definitive obligations. 6249

(I) Obligations may be sold at public sale or at private 6250
sale, and at such price at, above, or below par, as determined by 6251
the issuer in the bond proceedings. 6252

(J) In the discretion of the issuer, obligations may be 6253
secured additionally by a trust agreement between the state and a 6254
corporate trustee which may be any trust company or bank having 6255
~~its principal~~ a place of business within the state. Any trust 6256
agreement may contain the order authorizing the issuance of the 6257
obligations, any provisions that may be contained in the bond 6258
proceedings, and other provisions that are customary or 6259
appropriate in an agreement of the type. 6260

(K) Except to the extent that their rights are restricted by 6261
the bond proceedings, any holder of obligations, or a trustee 6262
under the bond proceedings, may by any suitable form of legal 6263
proceedings protect and enforce any rights under the laws of this 6264
state or granted by the bond proceedings. Such rights include the 6265
right to compel the performance of all duties of the issuer and 6266
the state. Each duty of the issuer and the issuer's employees, and 6267
of each state agency and local public entity and its officers, 6268
members, or employees, undertaken pursuant to the bond 6269

proceedings, is hereby established as a duty of the issuer, and of 6270
each such agency, local subdivision, officer, member, or employee 6271
having authority to perform such duty, specifically enjoined by 6272
the law and resulting from an office, trust, or station within the 6273
meaning of section 2731.01 of the Revised Code. The persons who 6274
are at the time the issuer, or the issuer's employees, are not 6275
liable in their personal capacities on any obligations or any 6276
agreements of or with the issuer relating to obligations or under 6277
the bond proceedings. 6278

(L) Obligations are lawful investments for banks, societies 6279
for savings, savings and loan associations, deposit guarantee 6280
associations, trust companies, trustees, fiduciaries, insurance 6281
companies, including domestic for life and domestic not for life, 6282
trustees or other officers having charge of sinking and bond 6283
retirement or other special funds of political subdivisions and 6284
taxing districts of this state, the commissioners of the sinking 6285
fund, the administrator of workers' compensation, the state 6286
teachers retirement system, the public employees retirement 6287
system, the school employees retirement system, and the Ohio 6288
police and fire pension fund, notwithstanding any other provisions 6289
of the Revised Code or rules adopted pursuant thereto by any state 6290
agency with respect to investments by them, and are also 6291
acceptable as security for the deposit of public moneys. 6292

(M) Unless otherwise provided in any applicable bond 6293
proceedings, moneys to the credit of or in the special funds 6294
established by or pursuant to this section may be invested by or 6295
on behalf of the issuer only in notes, bonds, or other direct 6296
obligations of the United States or of any agency or 6297
instrumentality of the United States, in obligations of this state 6298
or any political subdivision of this state, in certificates of 6299
deposit of any national bank located in this state and any bank, 6300
as defined in section 1101.01 of the Revised Code, subject to 6301

inspection by the superintendent of financial institutions, in the 6302
Ohio subdivision's fund established pursuant to section 135.45 of 6303
the Revised Code, in no-front-end-load money market mutual funds 6304
consisting exclusively of direct obligations of the United States 6305
or of an agency or instrumentality of the United States, and in 6306
repurchase agreements, including those issued by any fiduciary, 6307
secured by direct obligations of the United States or an agency or 6308
instrumentality of the United States, and in collective investment 6309
funds established in accordance with section 1111.14 of the 6310
Revised Code and consisting exclusively of direct obligations of 6311
the United States or of an agency or instrumentality of the United 6312
States, notwithstanding division (A)(1)(c) of that section. The 6313
income from investments shall be credited to such special funds or 6314
otherwise as the issuer determines in the bond proceedings, and 6315
the investments may be sold or exchanged at such times as the 6316
issuer determines or authorizes. 6317

(N) Unless otherwise provided in any applicable bond 6318
proceedings, moneys to the credit of or in a special fund shall be 6319
disbursed on the order of the issuer, provided that no such order 6320
is required for the payment from the bond service fund or other 6321
special fund when due of bond service charges or required payments 6322
under credit facilities. 6323

(O) The issuer may covenant in the bond proceedings, and any 6324
such covenants shall be controlling notwithstanding any other 6325
provision of law, that the state and the applicable officers and 6326
agencies of the state, including the general assembly, so long as 6327
any obligations are outstanding in accordance with their terms, 6328
shall maintain statutory authority for and cause to be charged and 6329
collected taxes, excises, and other receipts of the state so that 6330
the receipts to the bond service fund shall be sufficient in 6331
amounts to meet bond service charges and for the establishment and 6332
maintenance of any reserves and other requirements, including 6333

payment of financing costs, provided for in the bond proceedings. 6334

(P) The obligations, and the transfer of, and the interest 6335
and other income from, including any profit made on the sale, 6336
transfer, or other disposition of, the obligations shall at all 6337
times be free from taxation, direct or indirect, within the state. 6338

(Q) Unless a judicial action or proceeding challenging the 6339
validity of obligations is commenced by personal service on the 6340
treasurer of state prior to the initial delivery of an issue of 6341
the obligations, the obligations of that issue and the bond 6342
proceedings pertaining to that issue are incontestable and those 6343
obligations shall be conclusively considered to be and to have 6344
been issued, secured, payable, sold, executed, and delivered, and 6345
the bond proceedings relating to them taken, in conformity with 6346
law if all of the following apply to the obligations: 6347

(1) They state that they are issued under the provisions of 6348
this section and comply on their face with those provisions; 6349

(2) They are issued within the limitations prescribed by this 6350
section; 6351

(3) Their purchase price has been paid in full; 6352

(4) They state that all the bond proceedings were held in 6353
compliance with law, which statement creates a conclusive 6354
presumption that the bond proceedings were held in compliance with 6355
all laws, including section 121.22 of the Revised Code, where 6356
applicable, and rules. 6357

(R) This section applies only with respect to obligations 6358
issued and delivered before September 30, 2000. 6359

Sec. 166.08. (A) As used in this chapter: 6360

(1) "Bond proceedings" means the resolution, order, trust 6361
agreement, indenture, lease, and other agreements, amendments and 6362
supplements to the foregoing, or any one or more or combination 6363

thereof, authorizing or providing for the terms and conditions 6364
applicable to, or providing for the security or liquidity of, 6365
obligations issued pursuant to this section, and the provisions 6366
contained in such obligations. 6367

(2) "Bond service charges" means principal, including 6368
mandatory sinking fund requirements for retirement of obligations, 6369
and interest, and redemption premium, if any, required to be paid 6370
by the state on obligations. 6371

(3) "Bond service fund" means the applicable fund and 6372
accounts therein created for and pledged to the payment of bond 6373
service charges, which may be, or may be part of, the economic 6374
development bond service fund created by division (S) of this 6375
section including all moneys and investments, and earnings from 6376
investments, credited and to be credited thereto. 6377

(4) "Issuing authority" means the treasurer of state, or the 6378
officer who by law performs the functions of such officer. 6379

(5) "Obligations" means bonds, notes, or other evidence of 6380
obligation including interest coupons pertaining thereto, issued 6381
pursuant to this section. 6382

(6) "Pledged receipts" means all receipts of the state 6383
representing the gross profit on the sale of spirituous liquor, as 6384
referred to in division (B)(4) of section 4301.10 of the Revised 6385
Code, after paying all costs and expenses of the division of 6386
liquor control and providing an adequate working capital reserve 6387
for the division of liquor control as provided in that division, 6388
but excluding the sum required by the second paragraph of section 6389
4301.12 of the Revised Code, as in effect on May 2, 1980, to be 6390
paid into the state treasury; moneys accruing to the state from 6391
the lease, sale, or other disposition, or use, of project 6392
facilities, and from the repayment, including interest, of loans 6393
made from proceeds received from the sale of obligations; accrued 6394

interest received from the sale of obligations; income from the 6395
investment of the special funds; and any gifts, grants, donations, 6396
and pledges, and receipts therefrom, available for the payment of 6397
bond service charges. 6398

(7) "Special funds" or "funds" means, except where the 6399
context does not permit, the bond service fund, and any other 6400
funds, including reserve funds, created under the bond 6401
proceedings, and the economic development bond service fund 6402
created by division (S) of this section to the extent provided in 6403
the bond proceedings, including all moneys and investments, and 6404
earnings from investment, credited and to be credited thereto. 6405

(B) Subject to the limitations provided in section 166.11 of 6406
the Revised Code, the issuing authority, upon the certification by 6407
the director of development to the issuing authority of the amount 6408
of moneys or additional moneys needed in the facilities 6409
establishment fund, the loan guarantee fund, the innovation Ohio 6410
loan fund, the innovation Ohio loan guarantee fund, or the 6411
research and development loan fund for the purpose of paying, or 6412
making loans for, allowable costs from the facilities 6413
establishment fund, allowable innovation costs from the innovation 6414
Ohio loan fund, or allowable costs from the research and 6415
development loan fund, or needed for capitalized interest, for 6416
funding reserves, and for paying costs and expenses incurred in 6417
connection with the issuance, carrying, securing, paying, 6418
redeeming, or retirement of the obligations or any obligations 6419
refunded thereby, including payment of costs and expenses relating 6420
to letters of credit, lines of credit, insurance, put agreements, 6421
standby purchase agreements, indexing, marketing, remarketing and 6422
administrative arrangements, interest swap or hedging agreements, 6423
and any other credit enhancement, liquidity, remarketing, renewal, 6424
or refunding arrangements, all of which are authorized by this 6425
section, or providing moneys for the loan guarantee fund or the 6426

innovation Ohio loan guarantee fund, as provided in this chapter 6427
or needed for the purposes of funds established in accordance with 6428
or pursuant to sections 122.35, 122.42, 122.54, 122.55, 122.56, 6429
122.561, 122.57, and 122.80 of the Revised Code which are within 6430
the authorization of Section 13 of Article VIII, Ohio 6431
Constitution, shall issue obligations of the state under this 6432
section in the required amount; provided that such obligations may 6433
be issued to satisfy the covenants in contracts of guarantee made 6434
under section 166.06 or 166.15 of the Revised Code, 6435
notwithstanding limitations otherwise applicable to the issuance 6436
of obligations under this section. The proceeds of such 6437
obligations, except for the portion to be deposited in special 6438
funds, including reserve funds, as may be provided in the bond 6439
proceedings, shall as provided in the bond proceedings be 6440
deposited by the director of development to the facilities 6441
establishment fund, the loan guarantee fund, the innovation Ohio 6442
loan guarantee fund, the innovation Ohio loan fund, or the 6443
research and development loan fund. Bond proceedings for project 6444
financing obligations may provide that the proceeds derived from 6445
the issuance of such obligations shall be deposited into such fund 6446
or funds provided for in the bond proceedings and, to the extent 6447
provided for in the bond proceedings, such proceeds shall be 6448
deemed to have been deposited into the facilities establishment 6449
fund and transferred to such fund or funds. The issuing authority 6450
may appoint trustees, paying agents, and transfer agents and may 6451
retain the services of financial advisors, accounting experts, and 6452
attorneys, and retain or contract for the services of marketing, 6453
remarketing, indexing, and administrative agents, other 6454
consultants, and independent contractors, including printing 6455
services, as are necessary in the issuing authority's judgment to 6456
carry out this section. The costs of such services are allowable 6457
costs payable from the facilities establishment fund or the 6458
research and development loan fund or allowable innovation costs 6459

payable from the innovation Ohio loan fund. 6460

(C) The holders or owners of such obligations shall have no 6461
right to have moneys raised by taxation obligated or pledged, and 6462
moneys raised by taxation shall not be obligated or pledged, for 6463
the payment of bond service charges. Such holders or owners shall 6464
have no rights to payment of bond service charges from any moneys 6465
accruing to the state from the lease, sale, or other disposition, 6466
or use, of project facilities, or from payment of the principal of 6467
or interest on loans made, or fees charged for guarantees made, or 6468
from any money or property received by the director, treasurer of 6469
state, or the state under Chapter 122. of the Revised Code, or 6470
from any other use of the proceeds of the sale of the obligations, 6471
and no such moneys may be used for the payment of bond service 6472
charges, except for accrued interest, capitalized interest, and 6473
reserves funded from proceeds received upon the sale of the 6474
obligations and except as otherwise expressly provided in the 6475
applicable bond proceedings pursuant to written directions by the 6476
director. The right of such holders and owners to payment of bond 6477
service charges is limited to all or that portion of the pledged 6478
receipts and those special funds pledged thereto pursuant to the 6479
bond proceedings in accordance with this section, and each such 6480
obligation shall bear on its face a statement to that effect. 6481

(D) Obligations shall be authorized by resolution or order of 6482
the issuing authority and the bond proceedings shall provide for 6483
the purpose thereof and the principal amount or amounts, and shall 6484
provide for or authorize the manner or agency for determining the 6485
principal maturity or maturities, not exceeding twenty-five years 6486
from the date of issuance, the interest rate or rates or the 6487
maximum interest rate, the date of the obligations and the dates 6488
of payment of interest thereon, their denomination, and the 6489
establishment within or without the state of a place or places of 6490
payment of bond service charges. Sections 9.98 to 9.983 of the 6491

Revised Code are applicable to obligations issued under this 6492
section, subject to any applicable limitation under section 166.11 6493
of the Revised Code. The purpose of such obligations may be stated 6494
in the bond proceedings in terms describing the general purpose or 6495
purposes to be served. The bond proceedings also shall provide, 6496
subject to the provisions of any other applicable bond 6497
proceedings, for the pledge of all, or such part as the issuing 6498
authority may determine, of the pledged receipts and the 6499
applicable special fund or funds to the payment of bond service 6500
charges, which pledges may be made either prior or subordinate to 6501
other expenses, claims, or payments, and may be made to secure the 6502
obligations on a parity with obligations theretofore or thereafter 6503
issued, if and to the extent provided in the bond proceedings. The 6504
pledged receipts and special funds so pledged and thereafter 6505
received by the state are immediately subject to the lien of such 6506
pledge without any physical delivery thereof or further act, and 6507
the lien of any such pledges is valid and binding against all 6508
parties having claims of any kind against the state or any 6509
governmental agency of the state, irrespective of whether such 6510
parties have notice thereof, and shall create a perfected security 6511
interest for all purposes of Chapter 1309. of the Revised Code, 6512
without the necessity for separation or delivery of funds or for 6513
the filing or recording of the bond proceedings by which such 6514
pledge is created or any certificate, statement or other document 6515
with respect thereto; and the pledge of such pledged receipts and 6516
special funds is effective and the money therefrom and thereof may 6517
be applied to the purposes for which pledged without necessity for 6518
any act of appropriation. Every pledge, and every covenant and 6519
agreement made with respect thereto, made in the bond proceedings 6520
may therein be extended to the benefit of the owners and holders 6521
of obligations authorized by this section, and to any trustee 6522
therefor, for the further security of the payment of the bond 6523
service charges. 6524

- (E) The bond proceedings may contain additional provisions as 6525
to: 6526
- (1) The redemption of obligations prior to maturity at the 6527
option of the issuing authority at such price or prices and under 6528
such terms and conditions as are provided in the bond proceedings; 6529
- (2) Other terms of the obligations; 6530
- (3) Limitations on the issuance of additional obligations; 6531
- (4) The terms of any trust agreement or indenture securing 6532
the obligations or under which the same may be issued; 6533
- (5) The deposit, investment and application of special funds, 6534
and the safeguarding of moneys on hand or on deposit, without 6535
regard to Chapter 131. or 135. of the Revised Code, but subject to 6536
any special provisions of this chapter, with respect to particular 6537
funds or moneys, provided that any bank or trust company which 6538
acts as depository of any moneys in the special funds may furnish 6539
such indemnifying bonds or may pledge such securities as required 6540
by the issuing authority; 6541
- (6) Any or every provision of the bond proceedings being 6542
binding upon such officer, board, commission, authority, agency, 6543
department, or other person or body as may from time to time have 6544
the authority under law to take such actions as may be necessary 6545
to perform all or any part of the duty required by such provision; 6546
- (7) Any provision that may be made in a trust agreement or 6547
indenture; 6548
- (8) Any other or additional agreements with the holders of 6549
the obligations, or the trustee therefor, relating to the 6550
obligations or the security therefor, including the assignment of 6551
mortgages or other security obtained or to be obtained for loans 6552
under section 122.43, 166.07, or 166.16 of the Revised Code. 6553
- (F) The obligations may have the great seal of the state or a 6554

facsimile thereof affixed thereto or printed thereon. The 6555
obligations and any coupons pertaining to obligations shall be 6556
signed or bear the facsimile signature of the issuing authority. 6557
Any obligations or coupons may be executed by the person who, on 6558
the date of execution, is the proper issuing authority although on 6559
the date of such bonds or coupons such person was not the issuing 6560
authority. If the issuing authority whose signature or a facsimile 6561
of whose signature appears on any such obligation or coupon ceases 6562
to be the issuing authority before delivery thereof, such 6563
signature or facsimile is nevertheless valid and sufficient for 6564
all purposes as if the former issuing authority had remained the 6565
issuing authority until such delivery; and if the seal to be 6566
affixed to obligations has been changed after a facsimile of the 6567
seal has been imprinted on such obligations, such facsimile seal 6568
shall continue to be sufficient as to such obligations and 6569
obligations issued in substitution or exchange therefor. 6570

(G) All obligations are negotiable instruments and securities 6571
under Chapter 1308. of the Revised Code, subject to the provisions 6572
of the bond proceedings as to registration. The obligations may be 6573
issued in coupon or in registered form, or both, as the issuing 6574
authority determines. Provision may be made for the registration 6575
of any obligations with coupons attached thereto as to principal 6576
alone or as to both principal and interest, their exchange for 6577
obligations so registered, and for the conversion or reconversion 6578
into obligations with coupons attached thereto of any obligations 6579
registered as to both principal and interest, and for reasonable 6580
charges for such registration, exchange, conversion, and 6581
reconversion. 6582

(H) Obligations may be sold at public sale or at private 6583
sale, as determined in the bond proceedings. 6584

Obligations issued to provide moneys for the loan guarantee 6585
fund or the innovation Ohio loan guarantee fund may, as determined 6586

by the issuing authority, be sold at private sale, and without 6587
publication of a notice of sale. 6588

(I) Pending preparation of definitive obligations, the 6589
issuing authority may issue interim receipts or certificates which 6590
shall be exchanged for such definitive obligations. 6591

(J) In the discretion of the issuing authority, obligations 6592
may be secured additionally by a trust agreement or indenture 6593
between the issuing authority and a corporate trustee which may be 6594
any trust company or bank having ~~its principal~~ a place of business 6595
within the state. Any such agreement or indenture may contain the 6596
resolution or order authorizing the issuance of the obligations, 6597
any provisions that may be contained in any bond proceedings, and 6598
other provisions which are customary or appropriate in an 6599
agreement or indenture of such type, including, but not limited 6600
to: 6601

(1) Maintenance of each pledge, trust agreement, indenture, 6602
or other instrument comprising part of the bond proceedings until 6603
the state has fully paid the bond service charges on the 6604
obligations secured thereby, or provision therefor has been made; 6605

(2) In the event of default in any payments required to be 6606
made by the bond proceedings, or any other agreement of the 6607
issuing authority made as a part of the contract under which the 6608
obligations were issued, enforcement of such payments or agreement 6609
by mandamus, the appointment of a receiver, suit in equity, action 6610
at law, or any combination of the foregoing; 6611

(3) The rights and remedies of the holders of obligations and 6612
of the trustee, and provisions for protecting and enforcing them, 6613
including limitations on rights of individual holders of 6614
obligations; 6615

(4) The replacement of any obligations that become mutilated 6616
or are destroyed, lost, or stolen; 6617

(5) Such other provisions as the trustee and the issuing authority agree upon, including limitations, conditions, or qualifications relating to any of the foregoing.

(K) Any holders of obligations or trustees under the bond proceedings, except to the extent that their rights are restricted by the bond proceedings, may by any suitable form of legal proceedings, protect and enforce any rights under the laws of this state or granted by such bond proceedings. Such rights include the right to compel the performance of all duties of the issuing authority, the director of development, or the division of liquor control required by this chapter or the bond proceedings; to enjoin unlawful activities; and in the event of default with respect to the payment of any bond service charges on any obligations or in the performance of any covenant or agreement on the part of the issuing authority, the director of development, or the division of liquor control in the bond proceedings, to apply to a court having jurisdiction of the cause to appoint a receiver to receive and administer the pledged receipts and special funds, other than those in the custody of the treasurer of state, which are pledged to the payment of the bond service charges on such obligations or which are the subject of the covenant or agreement, with full power to pay, and to provide for payment of bond service charges on, such obligations, and with such powers, subject to the direction of the court, as are accorded receivers in general equity cases, excluding any power to pledge additional revenues or receipts or other income or moneys of the issuing authority or the state or governmental agencies of the state to the payment of such principal and interest and excluding the power to take possession of, mortgage, or cause the sale or otherwise dispose of any project facilities.

Each duty of the issuing authority and the issuing authority's officers and employees, and of each governmental

agency and its officers, members, or employees, undertaken 6650
pursuant to the bond proceedings or any agreement or lease, 6651
lease-purchase agreement, or loan made under authority of this 6652
chapter, and in every agreement by or with the issuing authority, 6653
is hereby established as a duty of the issuing authority, and of 6654
each such officer, member, or employee having authority to perform 6655
such duty, specifically enjoined by the law resulting from an 6656
office, trust, or station within the meaning of section 2731.01 of 6657
the Revised Code. 6658

The person who is at the time the issuing authority, or the 6659
issuing authority's officers or employees, are not liable in their 6660
personal capacities on any obligations issued by the issuing 6661
authority or any agreements of or with the issuing authority. 6662

(L) The issuing authority may authorize and issue obligations 6663
for the refunding, including funding and retirement, and advance 6664
refunding with or without payment or redemption prior to maturity, 6665
of any obligations previously issued by the issuing authority. 6666
Such obligations may be issued in amounts sufficient for payment 6667
of the principal amount of the prior obligations, any redemption 6668
premiums thereon, principal maturities of any such obligations 6669
maturing prior to the redemption of the remaining obligations on a 6670
parity therewith, interest accrued or to accrue to the maturity 6671
dates or dates of redemption of such obligations, and any 6672
allowable costs including expenses incurred or to be incurred in 6673
connection with such issuance and such refunding, funding, and 6674
retirement. Subject to the bond proceedings therefor, the portion 6675
of proceeds of the sale of obligations issued under this division 6676
to be applied to bond service charges on the prior obligations 6677
shall be credited to an appropriate account held by the trustee 6678
for such prior or new obligations or to the appropriate account in 6679
the bond service fund for such obligations. Obligations authorized 6680
under this division shall be deemed to be issued for those 6681

purposes for which such prior obligations were issued and are 6682
subject to the provisions of this section pertaining to other 6683
obligations, except as otherwise provided in this section; 6684
provided that, unless otherwise authorized by the general 6685
assembly, any limitations imposed by the general assembly pursuant 6686
to this section with respect to bond service charges applicable to 6687
the prior obligations shall be applicable to the obligations 6688
issued under this division to refund, fund, advance refund or 6689
retire such prior obligations. 6690

(M) The authority to issue obligations under this section 6691
includes authority to issue obligations in the form of bond 6692
anticipation notes and to renew the same from time to time by the 6693
issuance of new notes. The holders of such notes or interest 6694
coupons pertaining thereto shall have a right to be paid solely 6695
from the pledged receipts and special funds that may be pledged to 6696
the payment of the bonds anticipated, or from the proceeds of such 6697
bonds or renewal notes, or both, as the issuing authority provides 6698
in the resolution or order authorizing such notes. Such notes may 6699
be additionally secured by covenants of the issuing authority to 6700
the effect that the issuing authority and the state will do such 6701
or all things necessary for the issuance of such bonds or renewal 6702
notes in appropriate amount, and apply the proceeds thereof to the 6703
extent necessary, to make full payment of the principal of and 6704
interest on such notes at the time or times contemplated, as 6705
provided in such resolution or order. For such purpose, the 6706
issuing authority may issue bonds or renewal notes in such 6707
principal amount and upon such terms as may be necessary to 6708
provide funds to pay when required the principal of and interest 6709
on such notes, notwithstanding any limitations prescribed by or 6710
for purposes of this section. Subject to this division, all 6711
provisions for and references to obligations in this section are 6712
applicable to notes authorized under this division. 6713

The issuing authority in the bond proceedings authorizing the
issuance of bond anticipation notes shall set forth for such bonds
an estimated interest rate and a schedule of principal payments
for such bonds and the annual maturity dates thereof, and for
purposes of any limitation on bond service charges prescribed
under division (A) of section 166.11 of the Revised Code, the
amount of bond service charges on such bond anticipation notes is
deemed to be the bond service charges for the bonds anticipated
thereby as set forth in the bond proceedings applicable to such
notes, but this provision does not modify any authority in this
section to pledge receipts and special funds to, and covenant to
issue bonds to fund, the payment of principal of and interest and
any premium on such notes.

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

(O) Unless otherwise provided in any applicable bond
proceedings, moneys to the credit of or in the special funds
established by or pursuant to this section may be invested by or
on behalf of the issuing authority only in notes, bonds, or other

obligations of the United States, or of any agency or 6746
instrumentality of the United States, obligations guaranteed as to 6747
principal and interest by the United States, obligations of this 6748
state or any political subdivision of this state, and certificates 6749
of deposit of any national bank located in this state and any 6750
bank, as defined in section 1101.01 of the Revised Code, subject 6751
to inspection by the superintendent of banks. If the law or the 6752
instrument creating a trust pursuant to division (J) of this 6753
section expressly permits investment in direct obligations of the 6754
United States or an agency of the United States, unless expressly 6755
prohibited by the instrument, such moneys also may be invested in 6756
no-front-end-load money market mutual funds consisting exclusively 6757
of obligations of the United States or an agency of the United 6758
States and in repurchase agreements, including those issued by the 6759
fiduciary itself, secured by obligations of the United States or 6760
an agency of the United States; and in common trust funds 6761
established in accordance with section 1111.20 of the Revised Code 6762
and consisting exclusively of any such securities, notwithstanding 6763
division (A)(4) of that section. The income from such investments 6764
shall be credited to such funds as the issuing authority 6765
determines, and such investments may be sold at such times as the 6766
issuing authority determines or authorizes. 6767

(P) Provision may be made in the applicable bond proceedings 6768
for the establishment of separate accounts in the bond service 6769
fund and for the application of such accounts only to the 6770
specified bond service charges on obligations pertinent to such 6771
accounts and bond service fund and for other accounts therein 6772
within the general purposes of such fund. Unless otherwise 6773
provided in any applicable bond proceedings, moneys to the credit 6774
of or in the several special funds established pursuant to this 6775
section shall be disbursed on the order of the treasurer of state, 6776
provided that no such order is required for the payment from the 6777
bond service fund when due of bond service charges on obligations. 6778

(Q) The issuing authority may pledge all, or such portion as 6779
the issuing authority determines, of the pledged receipts to the 6780
payment of bond service charges on obligations issued under this 6781
section, and for the establishment and maintenance of any 6782
reserves, as provided in the bond proceedings, and make other 6783
provisions therein with respect to pledged receipts as authorized 6784
by this chapter, which provisions are controlling notwithstanding 6785
any other provisions of law pertaining thereto. 6786

(R) The issuing authority may covenant in the bond 6787
proceedings, and any such covenants are controlling 6788
notwithstanding any other provision of law, that the state and 6789
applicable officers and governmental agencies of the state, 6790
including the general assembly, so long as any obligations are 6791
outstanding, shall: 6792

(1) Maintain statutory authority for and cause to be charged 6793
and collected wholesale and retail prices for spirituous liquor 6794
sold by the state or its agents so that the pledged receipts are 6795
sufficient in amount to meet bond service charges, and the 6796
establishment and maintenance of any reserves and other 6797
requirements provided for in the bond proceedings, and, as 6798
necessary, to meet covenants contained in contracts of guarantee 6799
made under section 166.06 of the Revised Code; 6800

(2) Take or permit no action, by statute or otherwise, that 6801
would impair the exemption from federal income taxation of the 6802
interest on the obligations. 6803

(S) There is hereby created the economic development bond 6804
service fund, which shall be in the custody of the treasurer of 6805
state but shall be separate and apart from and not a part of the 6806
state treasury. All moneys received by or on account of the 6807
issuing authority or state agencies and required by the applicable 6808
bond proceedings, consistent with this section, to be deposited, 6809
transferred, or credited to a bond service fund or the economic 6810

development bond service fund, and all other moneys transferred or 6811
allocated to or received for the purposes of the fund, shall be 6812
deposited and credited to such fund and to any separate accounts 6813
therein, subject to applicable provisions of the bond proceedings, 6814
but without necessity for any act of appropriation. During the 6815
period beginning with the date of the first issuance of 6816
obligations and continuing during such time as any such 6817
obligations are outstanding, and so long as moneys in the 6818
pertinent bond service funds are insufficient to pay all bond 6819
services charges on such obligations becoming due in each year, a 6820
sufficient amount of the gross profit on the sale of spirituous 6821
liquor included in pledged receipts are committed and shall be 6822
paid to the bond service fund or economic development bond service 6823
fund in each year for the purpose of paying the bond service 6824
charges becoming due in that year without necessity for further 6825
act of appropriation for such purpose and notwithstanding anything 6826
to the contrary in Chapter 4301. of the Revised Code. The economic 6827
development bond service fund is a trust fund and is hereby 6828
pledged to the payment of bond service charges to the extent 6829
provided in the applicable bond proceedings, and payment thereof 6830
from such fund shall be made or provided for by the treasurer of 6831
state in accordance with such bond proceedings without necessity 6832
for any act of appropriation. 6833

(T) The obligations, the transfer thereof, and the income 6834
therefrom, including any profit made on the sale thereof, shall at 6835
all times be free from taxation within the state. 6836

Sec. 167.04. (A) The regional council of governments shall 6837
adopt by-laws, by a majority vote of its members, designating the 6838
officers of the council and the method of their selection ~~thereof~~, 6839
creating a governing board that may act for the council as 6840
provided in ~~such~~ the by-laws, and providing for the conduct of its 6841
business. 6842

(B) The by-laws of the regional council of governments shall 6843
provide for the appointment of a fiscal officer, who may hold any 6844
other office or employment with the council, and who shall 6845
receive, deposit, invest, and disburse the funds of the council in 6846
the manner authorized by the by-laws or action by the council. 6847

(C) The by-laws of a regional council of governments the 6848
members of which include, under sections 167.01 and 167.02 of the 6849
Revised Code, at least eight counties may include a provision 6850
authorizing member attendance and voting at council meetings 6851
either in person or by proxy. 6852

Sec. 167.10. (A) As used in this section and sections 167.101 6853
to 167.105 of the Revised Code: 6854

(1) "Qualifying council" means a regional council established 6855
under section 167.01 of the Revised Code to which both of the 6856
following requirements apply: 6857

(a) The council's membership is composed primarily of city, 6858
local, and exempted village school districts, or any combination 6859
of such districts; 6860

(b) The council is an information technology center approved 6861
under section 3301.075 of the Revised Code. 6862

(2) "Securities" means bonds, notes, or other evidence of 6863
obligation issued in temporary or permanent form, including 6864
book-entry securities. 6865

(B) A qualifying council may acquire, construct, and 6866
otherwise improve real and personal property to be used by or for 6867
the benefit of the qualifying council or one or more of its 6868
members. The acquisition, construction, and improvement may be 6869
financed by cash, installment payments with or without a mortgage, 6870
lease-purchase agreements, leases with an option to purchase, or 6871
securities issued pursuant to section 167.101 of the Revised Code. 6872

Sec. 167.101. (A) A qualifying council may issue securities 6873
only for the purpose described in section 167.10 of the Revised 6874
Code. The securities may be secured only by the following: 6875

(1) A pledge of and lien on the revenue of the qualifying 6876
council, or such lesser portion of the revenue as may be 6877
designated by the qualifying council, whether derived from 6878
agreements with its members and other persons or from its 6879
ownership or operation of any property, including available rates, 6880
charges, rents, interest subsidies, debt charges, grants, or 6881
payments by federal or state agencies, but excluding funds 6882
received pursuant to section 3301.075 of the Revised Code; 6883

(2) Covenants of the qualifying council to maintain rentals, 6884
rates, and charges to produce revenue sufficient to do all of the 6885
following: 6886

(a) Pay all the current expenses of the property financed 6887
with the proceeds of the securities; 6888

(b) Pay the debt charges on the securities; 6889

(c) Establish and maintain any contractually required special 6890
funds relating to the securities or the property acquired, 6891
constructed, or improved. 6892

(B) The qualifying council may issue securities to fund or 6893
refund the securities issued pursuant to division (A) of this 6894
section. The qualifying council also may issue securities in 6895
anticipation of the proceeds of the securities issued pursuant to 6896
this section. 6897

Sec. 167.102. Securities issued under section 167.101 of the 6898
Revised Code are special obligation securities and are not general 6899
obligations of the state, the issuing qualifying council, the 6900
members of the issuing qualifying council, or any political 6901
subdivision of the state. Such securities shall not constitute 6902

debt for which the full faith and credit of the state, the issuing 6903
qualifying council, the members of the issuing qualifying council, 6904
or any political subdivision of the state may be pledged. The 6905
holder or owner of the securities shall have no right to have 6906
money raised by taxation by the state or any political subdivision 6907
of the state obligated or pledged, and money so raised shall not 6908
be obligated or pledged, for the payment of principal or interest 6909
or premium on such securities, and each security shall bear on its 6910
face a statement to that effect. Money received by the qualifying 6911
council pursuant to section 167.06 of the Revised Code shall not 6912
be considered money raised by taxation. 6913

Sec. 167.103. The officers authorized by a qualifying council 6914
issuing securities under section 167.101 of the Revised Code shall 6915
execute the necessary documents to provide for the pledge, 6916
protection, and disposition of the pledged revenues from which 6917
debt charges and any special fund deposits are to be paid. Those 6918
necessary documents include the issued securities, trust 6919
agreements, leases, and other financing documents. 6920

Sec. 167.104. The maximum maturity of securities issued under 6921
section 167.101 of the Revised Code shall be governed by section 6922
133.20 of the Revised Code. 6923

Sec. 167.105. Except for sections 9.98 to 9.983 and 167.10 to 6924
167.105 of the Revised Code, the securities issued under section 6925
167.101 of the Revised Code shall not be subject to any other 6926
provision of the Revised Code governing the issuance of securities 6927
by the state, its agencies, or any political subdivision of the 6928
state. 6929

Sec. 173.04. (A) As used in this section, "respite care" 6930
means short-term, temporary care or supervision provided to a 6931

person who has Alzheimer's disease in the absence of the person 6932
who normally provides that care or supervision. 6933

(B) ~~The~~ Through the internet web site maintained by the 6934
department of aging, the director of aging shall ~~develop and~~ 6935
~~disseminate new training materials or disseminate existing~~ 6936
Alzheimer's disease training materials for licensed physicians, 6937
registered nurses, licensed practical nurses, administrators of 6938
health care programs, social workers, and other health care and 6939
social service personnel who participate or assist in the care or 6940
treatment of persons who have Alzheimer's disease. The training 6941
materials disseminated through the web site may be developed by 6942
the director or obtained from other sources. 6943

(C) To the extent funds are available, the director shall 6944
administer respite care programs and other supportive services for 6945
persons who have Alzheimer's disease and their families or care 6946
givers. Respite care programs shall be approved by the director 6947
and shall be provided for the following purposes: 6948

(1) Giving persons who normally provide care or supervision 6949
for a person who has Alzheimer's disease relief from the stresses 6950
and responsibilities that result from providing such care; 6951

(2) Preventing or reducing inappropriate institutional care 6952
and enabling persons who have Alzheimer's disease to remain at 6953
home as long as possible. 6954

(D) The director may provide services under this section to 6955
persons with Alzheimer's disease and their families regardless of 6956
the age of the persons with Alzheimer's disease. 6957

(E) The director shall adopt rules in accordance with Chapter 6958
119. of the Revised Code governing respite care programs and other 6959
supportive services, the distribution of funds, and the purpose 6960
for which funds may be utilized under this section. 6961

(F) The director may create an Alzheimer's disease and 6962

related disorders task force to advise the director on the 6963
following: 6964

(1) The rights of persons with Alzheimer's disease ~~and on the~~ 6965
and related disorders; 6966

(2) The development and evaluation of education and training 6967
programs, home care programs, and respite care programs, ~~and~~ 6968
~~long-term care initiatives as they relate to~~ that serve persons 6969
with Alzheimer's disease and related disorders; 6970

(3) How to serve persons with Alzheimer's disease and related 6971
disorders in Ohio's unified long-term care budget system. ~~If~~ 6972

If a task force is created, the members shall include 6973
representatives of the Alzheimer's disease association and other 6974
organizations the director considers appropriate. 6975

Sec. 173.35. (A) As used in this section, "PASSPORT 6976
administrative agency" means an entity under contract with the 6977
department of aging to provide administrative services regarding 6978
the PASSPORT program created under section 173.40 of the Revised 6979
Code. 6980

(B) The department of aging shall administer the residential 6981
state supplement program under which the state supplements the 6982
supplemental security income payments received by aged, blind, or 6983
disabled adults under Title XVI of the "Social Security Act," 49 6984
Stat. 620 (1935), 42 U.S.C.A., as amended. Residential state 6985
supplement payments shall be used for the provision of 6986
accommodations, supervision, and personal care services to 6987
supplemental security income recipients who the department 6988
determines are at risk of needing institutional care. 6989

(C) For an individual to be eligible for residential state 6990
supplement payments, all of the following must be the case: 6991

(1) Except as provided by division (G) of this section, the 6992

individual must reside in one of the following: 6993

(a) An adult foster home certified under section 173.36 of 6994
the Revised Code; 6995

(b) A home or facility, other than a nursing home or nursing 6996
home unit of a home for the aging, licensed by the department of 6997
health under Chapter 3721. or 3722. of the Revised Code and 6998
certified in accordance with standards established by the director 6999
of aging under division (D)(2) of this section; 7000

(c) A community alternative home licensed under section 7001
3724.03 of the Revised Code and certified in accordance with 7002
standards established by the director of aging under division 7003
(D)(2) of this section; 7004

(d) A residential facility as defined in division 7005
(A)(1)(d)(ii) of section 5119.22 of the Revised Code licensed by 7006
the department of mental health and certified in accordance with 7007
standards established by the director of aging under division 7008
(D)(2) of this section; 7009

(e) An apartment or room used to provide community mental 7010
health housing services certified by the department of mental 7011
health under section 5119.611 of the Revised Code and approved by 7012
a board of alcohol, drug addiction, and mental health services 7013
under division (A)(14) of section 340.03 of the Revised Code and 7014
certified in accordance with standards established by the director 7015
of aging under division (D)(2) of this section. 7016

(2) Effective July 1, 2000, a PASSPORT administrative agency 7017
must have determined that the environment in which the individual 7018
will be living while receiving the payments is appropriate for the 7019
individual's needs. If the individual is eligible for supplemental 7020
security income payments or social security disability insurance 7021
benefits because of a mental disability, the PASSPORT 7022
administrative agency shall refer the individual to a community 7023

mental health agency for the community mental health agency to 7024
issue in accordance with section 340.091 of the Revised Code a 7025
recommendation on whether the PASSPORT administrative agency 7026
should determine that the environment in which the individual will 7027
be living while receiving the payments is appropriate for the 7028
individual's needs. Division (C)(2) of this section does not apply 7029
to an individual receiving residential state supplement payments 7030
on June 30, 2000, until the individual's first eligibility 7031
redetermination after that date. 7032

(3) The individual satisfies all eligibility requirements 7033
established by rules adopted under division (D) of this section. 7034

(D)(1) The directors of aging and job and family services 7035
shall adopt rules in accordance with section 111.15 of the Revised 7036
Code as necessary to implement the residential state supplement 7037
program. 7038

To the extent permitted by Title XVI of the "Social Security 7039
Act," and any other provision of federal law, the director of job 7040
and family services shall adopt rules establishing standards for 7041
adjusting the eligibility requirements concerning the level of 7042
impairment a person must have so that the amount appropriated for 7043
the program by the general assembly is adequate for the number of 7044
eligible individuals. The rules shall not limit the eligibility of 7045
disabled persons solely on a basis classifying disabilities as 7046
physical or mental. The director of job and family services also 7047
shall adopt rules that establish eligibility standards for aged, 7048
blind, or disabled individuals who reside in one of the homes or 7049
facilities specified in division (C)(1) of this section but who, 7050
because of their income, do not receive supplemental security 7051
income payments. The rules may provide that these individuals may 7052
include individuals who receive other types of benefits, 7053
including, social security disability insurance benefits provided 7054
under Title II of the "Social Security Act," 49 Stat. 620 (1935), 7055

42 U.S.C.A. 401, as amended. Notwithstanding division (B) of this section, such payments may be made if funds are available for them.

The director of aging shall adopt rules establishing the method to be used to determine the amount an eligible individual will receive under the program. The amount the general assembly appropriates for the program shall be a factor included in the method that department establishes.

(2) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code establishing standards for certification of living facilities described in division (C)(1) of this section.

The directors of aging and mental health shall enter into an agreement to certify facilities that apply for certification and meet the standards established by the director of aging under this division.

(E) The county department of job and family services of the county in which an applicant for the residential state supplement program resides shall determine whether the applicant meets income and resource requirements for the program.

(F) The department of aging shall maintain a waiting list of any individuals eligible for payments under this section but not receiving them because moneys appropriated to the department for the purposes of this section are insufficient to make payments to all eligible individuals. An individual may apply to be placed on the waiting list even though the individual does not reside in one of the homes or facilities specified in division (C)(1) of this section at the time of application. The individuals on the waiting list who reside in a community setting not required to be licensed or certified shall have their eligibility for the payments assessed before other individuals on the waiting list.

The director of aging, by rules adopted in accordance with Chapter 119. of the Revised Code, shall specify procedures and requirements for placing an individual on the waiting list. ~~Individuals on the waiting list who reside in a community setting not required to be licensed or certified shall have their eligibility for the payments assessed before other individuals on the waiting list.~~

The director may adopt rules giving priority to individuals placed on the waiting list on or after July 1, 2006, who receive supplemental security income benefits under Title XVI of the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C. 1381, as amended. The rules shall not affect the place on the waiting list of any person who was on the list on July 1, 2006.

(G) An individual in a licensed or certified living arrangement receiving state supplementation on November 15, 1990, under former section 5101.531 of the Revised Code shall not become ineligible for payments under this section solely by reason of the individual's living arrangement as long as the individual remains in the living arrangement in which the individual resided on November 15, 1990.

(H) The department of aging shall notify each person denied approval for payments under this section of the person's right to a hearing. On request, the hearing shall be provided by the department of job and family services in accordance with section 5101.35 of the Revised Code.

Sec. 173.351. (A) As used in this section:

"Area agency on aging" has the same meaning as in section 173.14 of the Revised Code.

"Long-term care consultation program" means the program the department of aging is required to develop under section 173.42 of

the Revised Code. 7117

"Long-term care consultation program administrator" or 7118
"administrator" means the department of aging or, if the 7119
department contracts with an area agency on aging or other entity 7120
to administer the long-term care consultation program for a 7121
particular area, that agency or entity. 7122

"Nursing facility" has the same meaning as in section 5111.20 7123
of the Revised Code. 7124

"Residential state supplement program" means the program 7125
administered pursuant to section 173.35 of the Revised Code. 7126

(B) Each month, each area agency on aging shall determine 7127
whether individuals who reside in the area that the area agency on 7128
aging serves and are on a waiting list for the residential state 7129
supplement program have been admitted to a nursing facility. If an 7130
area agency on aging determines that such an individual has been 7131
admitted to a nursing facility, the agency shall notify the 7132
long-term care consultation program administrator serving the area 7133
in which the individual resides about the determination. The 7134
administrator shall determine whether the residential state 7135
supplement program is appropriate for the individual and whether 7136
the individual would rather participate in the program than 7137
continue residing in the nursing facility. If the administrator 7138
determines that the residential state supplement program is 7139
appropriate for the individual and the individual would rather 7140
participate in the program than continue residing in the nursing 7141
facility, the administrator shall so notify the department of 7142
aging. On receipt of the notice from the administrator, the 7143
department of aging shall approve the individual's enrollment in 7144
the residential state supplement program regardless of the 7145
program's waiting list and even though the enrollment causes 7146
enrollment in the program to exceed the limit that would otherwise 7147
apply. Each quarter, the department of aging shall certify to the 7148

director of budget and management the estimated increase in costs 7149
of the residential state supplement program resulting from 7150
enrollment of individuals in the program pursuant to this section. 7151

(C) Not later than the last day of each calendar year, the 7152
director of aging shall submit to the general assembly a report 7153
regarding the number of individuals enrolled in the residential 7154
state supplement program pursuant to this section and the costs 7155
incurred and savings achieved as a result of the enrollments. 7156

Sec. 173.401. (A) As used in this section: 7157

"Area agency on aging" has the same meaning as in section 7158
173.14 of the Revised Code. 7159

"Long-term care consultation program" means the program the 7160
department of aging is required to develop under section 173.42 of 7161
the Revised Code. 7162

"Long-term care consultation program administrator" or 7163
"administrator" means the department of aging or, if the 7164
department contracts with an area agency on aging or other entity 7165
to administer the long-term care consultation program for a 7166
particular area, that agency or entity. 7167

"Nursing facility" has the same meaning as in section 5111.20 7168
of the Revised Code. 7169

"PASSPORT program" means the program created under section 7170
173.40 of the Revised Code. 7171

"PASSPORT waiver" means the federal medicaid waiver granted 7172
by the United States secretary of health and human services that 7173
authorizes the PASSPORT program. 7174

(B) The director of job and family services shall submit to 7175
the United States secretary of health and human services an 7176
amendment to the PASSPORT waiver that authorizes additional 7177
enrollments in the PASSPORT program pursuant to this section. 7178

Beginning with the month following the month in which the United States secretary approves the amendment and each month thereafter, each area agency on aging shall determine whether individuals who reside in the area that the area agency on aging serves and are on a waiting list for the PASSPORT program have been admitted to a nursing facility. If an area agency on aging determines that such an individual has been admitted to a nursing facility, the agency shall notify the long-term care consultation program administrator serving the area in which the individual resides about the determination. The administrator shall determine whether the PASSPORT program is appropriate for the individual and whether the individual would rather participate in the PASSPORT program than continue residing in the nursing facility. If the administrator determines that the PASSPORT program is appropriate for the individual and the individual would rather participate in the PASSPORT program than continue residing in the nursing facility, the administrator shall so notify the department of aging. On receipt of the notice from the administrator, the department of aging shall approve the individual's enrollment in the PASSPORT program regardless of the PASSPORT program's waiting list and even though the enrollment causes enrollment in the program to exceed the limit that would otherwise apply. Each quarter, the department of aging shall certify to the director of budget and management the estimated increase in costs of the PASSPORT program resulting from enrollment of individuals in the PASSPORT program pursuant to this section.

(C) Not later than the last day of each calendar year, the director of job and family services shall submit to the general assembly a report regarding the number of individuals enrolled in the PASSPORT program pursuant to this section and the costs incurred and savings achieved as a result of the enrollments.

Sec. 173.85. (A) The Ohio's best Rx program fund is hereby

created. ~~The fund shall be in the custody of the treasurer of~~ 7211
~~state, but shall not be part of the state treasury.~~ The fund shall 7212
consist of the following: 7213

(1) Manufacturer payments made by participating manufacturers 7214
pursuant to agreements entered into under section 173.81 of the 7215
Revised Code; 7216

(2) Administrative fees, if an administrative fee is 7217
determined by the department of aging in rules adopted under 7218
section 173.83 of the Revised Code; 7219

(3) Any amounts donated to the fund and accepted by the 7220
department; 7221

(4) The fund's investment earnings. 7222

(B) Money in the Ohio's best Rx program fund shall be used to 7223
make payments under section 173.801 of the Revised Code and to 7224
make transfers to the Ohio's best Rx administration fund in 7225
accordance with section 173.86 of the Revised Code. 7226

Sec. 173.86. (A) The Ohio's best Rx administration fund is 7227
hereby created in the state treasury. The ~~treasurer of state~~ 7228
director of budget and management shall transfer from the Ohio's 7229
best Rx program fund to the Ohio's best Rx administration fund 7230
amounts equal to the following: 7231

(1) Amounts resulting from application of the program 7232
administration percentage, if a program administration percentage 7233
is determined by the department of aging in rules adopted under 7234
section 173.83 of the Revised Code; 7235

(2) The amount of the administrative fees charged Ohio's best 7236
Rx participants, if an administrative fee is determined by the 7237
department of aging in rules adopted under section 173.83 of the 7238
Revised Code; 7239

(3) The amount of any donations credited to the Ohio's best 7240

Rx program fund; 7241

(4) The amount of investment earnings credited to the Ohio's 7242
best Rx program fund. 7243

The ~~treasurer of state~~ director of budget and management 7244
shall make the transfers in accordance with a schedule developed 7245
by the ~~treasurer of state~~ director and the department of aging. 7246

(B) The department of aging shall use money in the Ohio's 7247
best Rx administration fund to pay the administrative costs of the 7248
Ohio's best Rx program, including, but not limited to, costs 7249
associated with contracted services, staff, outreach activities, 7250
computers and network services, and the Ohio's best Rx program 7251
council. If the fund includes an amount that exceeds the amount 7252
necessary to pay the administrative costs of the program, the 7253
department may use the excess amount to pay the cost of subsidies 7254
provided to Ohio's best Rx program participants under any subsidy 7255
program established pursuant to section 173.861 of the Revised 7256
Code. 7257

Sec. 174.03. (A) The department of development and the Ohio 7258
housing finance agency shall each develop programs under which, in 7259
accordance with rules adopted under this section, they may make 7260
grants, loans, loan guarantees, and loan subsidies to counties, 7261
municipal corporations, townships, local housing authorities, and 7262
nonprofit organizations and may make loans, loan guarantees, and 7263
loan subsidies to private developers and private lenders to assist 7264
in activities that provide housing and housing assistance for 7265
specifically targeted low- and moderate-income families and 7266
individuals. There is no minimum housing project size for awards 7267
under this division for any project that is developed for a 7268
special needs population and that is supported by a social service 7269
agency where the housing project is located. Activities for which 7270
grants, loans, loan guarantees, and loan subsidies may be made 7271

under this section include all of the following: 7272

(1) Acquiring, financing, constructing, leasing, 7273
rehabilitating, remodeling, improving, and equipping publicly or 7274
privately owned housing; 7275

(2) Providing supportive services related to housing and the 7276
homeless, including housing counseling. Not more than twenty per 7277
cent of the current year appropriation authority for the low- and 7278
moderate-income housing trust fund that remains after the award of 7279
funds made pursuant to divisions (A)(1), (A)(2), and (A)(3) of 7280
section 174.02 of the Revised Code, shall be awarded in any fiscal 7281
year for supportive services. 7282

(3) Providing rental assistance payments or other project 7283
operating subsidies that lower tenant rents. 7284

(B) Activities listed under division (A) of this section may 7285
include emergency shelter care programs for unaccompanied youth 7286
seventeen years of age and younger. 7287

(C) Grants, loans, loan guarantees, and loan subsidies may be 7288
made to counties, municipal corporations, townships, and nonprofit 7289
organizations for the additional purposes of providing technical 7290
assistance, design and finance services and consultation, and 7291
payment of pre-development and administrative costs related to any 7292
of the activities listed above. 7293

~~(C)~~(D) In developing programs under this section, the 7294
department and the agency shall invite, accept, and consider 7295
public comment, and recommendations from the housing trust fund 7296
advisory committee created under section 174.06 of the Revised 7297
Code, on how the programs should be designed to most effectively 7298
benefit low- and moderate-income families and individuals. The 7299
programs developed under this section shall respond collectively 7300
to housing and housing assistance needs of low- and 7301
moderate-income families and individuals statewide. 7302

~~(D)~~(E) The department and the agency, in accordance with 7303
Chapter 119. of the Revised Code, shall each adopt rules to 7304
administer programs developed under this section. The rules shall 7305
prescribe procedures and forms that counties, municipal 7306
corporations, townships, local housing authorities, and nonprofit 7307
organizations shall use in applying for grants, loans, loan 7308
guarantees, and loan subsidies and that private developers and 7309
private lenders shall use in applying for loans, loan guarantees, 7310
and loan subsidies; eligibility criteria for the receipt of funds; 7311
procedures for reviewing and granting or denying applications; 7312
procedures for paying out funds; conditions on the use of funds; 7313
procedures for monitoring the use of funds; and procedures under 7314
which a recipient shall be required to repay funds that are 7315
improperly used. The rules shall do both of the following: 7316

(1) Require each recipient of a grant or loan made from the 7317
low- and moderate-income housing trust fund for activities that 7318
provide, or assist in providing, a rental housing project, to 7319
reasonably ensure that the rental housing project will remain 7320
affordable to those families and individuals targeted for the 7321
rental housing project for the useful life of the rental housing 7322
project or for thirty years, whichever is longer; 7323

(2) Require each recipient of a grant or loan made from the 7324
low- and moderate-income housing trust fund for activities that 7325
provide, or assist in providing, a housing project to prepare and 7326
implement a plan to reasonably assist any families and individuals 7327
displaced by the housing project in obtaining decent affordable 7328
housing. 7329

~~(E)~~(F) In prescribing eligibility criteria and conditions for 7330
the use of funds, neither the department nor the agency is limited 7331
to the criteria and conditions specified in this section and each 7332
may prescribe additional eligibility criteria and conditions that 7333
relate to the purposes for which grants, loans, loan guarantees, 7334

and loan subsidies may be made. However, the department and agency 7335
are limited by the following specifically targeted low- and 7336
moderate-income guidelines: 7337

(1) Not less than seventy-five per cent of the money granted 7338
and loaned under this section in any fiscal year shall be for 7339
activities that provide affordable housing and housing assistance 7340
to families and individuals whose incomes are equal to or less 7341
than fifty per cent of the median income for the county in which 7342
they live, as determined by the department under section 174.04 of 7343
the Revised Code. 7344

(2) Any money granted and loaned under this section in any 7345
fiscal year that is not granted or loaned pursuant to division 7346
~~(E)~~(F)(1) of this section shall be for activities that provide 7347
affordable housing and housing assistance to families and 7348
individuals whose incomes are equal to or less than eighty per 7349
cent of the median income for the county in which they live, as 7350
determined by the department under section 174.04 of the Revised 7351
Code. 7352

~~(F)~~(G) In making grants, loans, loan guarantees, and loan 7353
subsidies under this section, the department and the agency shall 7354
give preference to viable projects and activities that benefit 7355
those families and individuals whose incomes are equal to or less 7356
than thirty-five per cent of the median income for the county in 7357
which they live, as determined by the department under section 7358
174.04 of the Revised Code. 7359

~~(G)~~(H) The department and the agency shall monitor the 7360
programs developed under this section to ensure that money granted 7361
and loaned under this section is not used in a manner that 7362
violates division (H) of section 4112.02 of the Revised Code or 7363
discriminates against families with children. 7364

Sec. 174.06. (A) There is hereby created the housing trust 7365

fund advisory committee. The committee consists of fourteen 7366
members the governor appoints as follows to represent 7367
organizations committed to housing and housing assistance for low- 7368
and moderate-income persons: 7369

(1) One member to represent lenders. 7370

(2) One member to represent for-profit builders and 7371
developers. 7372

(3) One member to represent the families and individuals 7373
included in the income groups targeted for housing and housing 7374
assistance under divisions ~~(E) and~~ (F) and (G) of section 174.03 7375
of the Revised Code. 7376

(4) One member to represent religious, civic, or social 7377
service organizations. 7378

(5) One member to represent counties. 7379

(6) One member to represent municipal corporations. 7380

(7) One member to represent townships. 7381

(8) One member to represent local housing authorities. 7382

(9) One member to represent fair housing organizations. 7383

(10) Three members to represent nonprofit organizations. 7384

(11) One member to represent real estate brokers licensed 7385
under Chapter 4735. of the Revised Code. 7386

(12) One member to represent the for-profit rental housing 7387
industry. 7388

(B)(1) Terms of office are for four years, with each term 7389
ending on the same day of the same month as did the term that it 7390
succeeds. Each member shall hold office from the date of 7391
appointment until the end of the term for which the member was 7392
appointed. Vacancies shall be filled in the manner prescribed for 7393
the original appointment. A member appointed to fill a vacancy 7394

occurring prior to the expiration of a term shall hold office for 7395
the remainder of that term. A member shall continue in office 7396
subsequent to the expiration of a term until a successor takes 7397
office or until a period of sixty days has elapsed, whichever 7398
occurs first. 7399

(2) The governor may remove a member for misfeasance, 7400
malfeasance, or willful neglect of duty. 7401

(C)(1) The committee shall select a chairperson from among 7402
its members. The committee shall meet at least once each calendar 7403
year and upon the call of the chair. Members of the committee 7404
serve without compensation, but shall be reimbursed for reasonable 7405
and necessary expenses incurred in the discharge of duties. 7406

(2) The department of development shall provide the committee 7407
with a meeting place, supplies, and staff assistance as the 7408
committee requests. 7409

(D) The committee shall assist the department and the Ohio 7410
housing finance agency in defining housing needs and priorities, 7411
recommend to the department and agency at least annually how the 7412
programs developed under section 174.02 of the Revised Code should 7413
be designed to most effectively benefit low- and moderate-income 7414
persons, consider an allocation of funds for projects of fifteen 7415
units or less, and advise the director of development on whether 7416
and how to reallocate money in the low- and moderate-income 7417
housing trust fund under division (B) of section 174.02 of the 7418
Revised Code. 7419

Sec. 183.01. As used in this chapter: 7420

(A) "Tobacco master settlement agreement" means the 7421
settlement agreement (and related documents) entered into on 7422
November 23, 1998 by the state and leading United States tobacco 7423
product manufacturers. 7424

~~(B) "Net amounts credited to the tobacco master settlement agreement fund" means all amounts credited to the tobacco master settlement agreement fund during a fiscal year, minus all amounts required to be transferred under section 183.02 of the Revised Code to the education facilities trust fund, the education facilities endowment fund, and the income tax reduction fund during the fiscal year. In addition, in fiscal year 2000, "net amounts credited to the tobacco master settlement agreement fund" does not include amounts credited to the tobacco use prevention and cessation trust fund, law enforcement improvements trust fund, and southern Ohio agricultural and community development trust fund from the first payment received that year.~~

~~(C) "Southern Ohio" includes any county in this state where tobacco has traditionally been grown.~~

Sec. 183.021. (A) No money from the tobacco master settlement agreement fund, as that fund existed prior to the repeal of section 183.02 of the Revised Code by H.B. 119 of the 127th general assembly, shall be expended to do any of the following:

(1) Hire an executive agency lobbyist, as defined under section 121.60 of the Revised Code, or a legislative agent, as defined under section 101.70 of the Revised Code;

(2) Support or oppose candidates, ballot questions, referendums, or ballot initiatives.

(B) Nothing in this section prohibits any of the following from advocating on behalf of the specific objectives of a program funded under this chapter:

(1) The members of the board of trustees, executive director, or employees of the tobacco use prevention and control foundation;

(2) The members of the board of trustees, executive director,

or employees of the southern Ohio agricultural and community 7455
development foundation; 7456

(3) The members or employees of the third frontier commission 7457
or the members of the third frontier advisory board. 7458

Sec. 183.061. The board of trustees of the tobacco use 7459
prevention and control foundation may form a nonprofit corporation 7460
pursuant to Chapter 1702. of the Revised Code for the purpose of 7461
raising money to aid the foundation in the conduct of its duties 7462
under Chapter 183. of the Revised Code. 7463

Sec. 183.17. The fiscal year of the southern Ohio 7464
agricultural and community development foundation shall be the 7465
same as the fiscal year of the state. 7466

Within ninety days after the end of each fiscal year, the 7467
foundation shall submit to the governor and the general assembly 7468
both of the following: 7469

(A) A report of the activities of the foundation during the 7470
preceding fiscal year. The report shall also contain an 7471
independent evaluation of the progress being made by the 7472
foundation in carrying out its duties. 7473

(B) A financial report of the foundation for the preceding 7474
year, which shall include both: 7475

(1) Information on the amount and percentage of overhead and 7476
administrative expenditures compared to programmatic expenditures; 7477

(2) An independent auditor's report on the basic financial 7478
statements and required supplementary information of the 7479
foundation. Such financial statements shall be prepared in 7480
conformity with generally accepted accounting principles 7481
prescribed for governmental entities. 7482

On or before July 1, 2010, the foundation shall report to the 7483

governor and the general assembly on the progress that the 7484
foundation has made in replacing the production of tobacco in 7485
southern Ohio with the production of other agricultural products 7486
and in mitigating the adverse economic impact of reduced tobacco 7487
production in the region. ~~If the foundation concludes that a need 7488
for additional funding still exists, the foundation may request 7489
that provision be made for a portion of the payments credited to 7490
the tobacco master settlement agreement fund to continue to be 7491
transferred to the southern Ohio agricultural and community 7492
development trust fund.~~ 7493

Sec. 183.33. No money shall be appropriated or transferred 7494
from the general revenue fund to the ~~tobacco master settlement 7495
agreement fund,~~ tobacco use prevention and cessation trust fund, 7496
tobacco use prevention and control endowment fund, law enforcement 7497
improvements trust fund, southern Ohio agricultural and community 7498
development trust fund, southern Ohio agricultural and community 7499
development foundation endowment fund, Ohio's public health 7500
priorities trust fund, biomedical research and technology transfer 7501
trust fund, education facilities trust fund, ~~education facilities 7502
endowment fund,~~ or education technology trust fund. In addition, 7503
no money shall be otherwise appropriated or transferred from the 7504
general revenue fund for the use of the tobacco use prevention and 7505
control foundation ~~or the southern Ohio agricultural and community 7506
development foundation.~~ 7507

Sec. 183.34. There is hereby created in the state treasury 7508
the tobacco settlement oversight, administration, and enforcement 7509
fund, ~~to~~ which shall ~~be credited~~ consist of amounts transferred 7510
under division (I) of section 183.02 of the Revised Code prior to 7511
the repeal of that section by H.B. 119 of the 127th general 7512
assembly. The attorney general shall use the fund to pay costs 7513
incurred in the oversight, administration, and enforcement of the 7514

tobacco master settlement agreement. 7515

Sec. 183.35. There is hereby created in the state treasury 7516
the tobacco settlement enforcement fund, ~~to~~ which shall be 7517
~~credited~~ consist of amounts transferred under division (J) of 7518
section 183.02 of the Revised Code prior to the repeal of that 7519
section by H.B. 119 of the 127th general assembly. The tax 7520
commissioner shall use the fund to pay costs incurred in the 7521
enforcement of divisions (F) and (G) of section 5743.03 of the 7522
Revised Code. 7523

Sec. 183.51. (A) As used in this section and in the 7524
applicable bond proceedings unless otherwise provided: 7525

(1) "Bond proceedings" means the resolutions, orders, 7526
indentures, purchase and sale and trust and other agreements 7527
including any amendments or supplements to them, and credit 7528
enhancement facilities, and amendments and supplements to them, or 7529
any one or more or combination of them, authorizing, awarding, or 7530
providing for the terms and conditions applicable to or providing 7531
for the security or liquidity of, the particular obligations, and 7532
the provisions contained in those obligations. 7533

(2) "Bond service fund" means the bond service fund created 7534
in the bond proceedings for the obligations. 7535

(3) "Capital facilities" means, as applicable, capital 7536
facilities or projects as referred to in section 151.03 or 151.04 7537
of the Revised Code. 7538

(4) "Consent decree" means the consent decree and final 7539
judgment entered November 25, 1998, in the court of common pleas 7540
of Franklin county, Ohio, as the same may be amended or 7541
supplemented from time to time. 7542

(5) "Cost of capital facilities" has the same meaning as in 7543
section 151.01 of the Revised Code, as applicable. 7544

(6) "Credit enhancement facilities," "financing costs," and "interest" or "interest equivalent" have the same meanings as in section 133.01 of the Revised Code. 7545
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(7) "Debt service" means principal, including any mandatory sinking fund or redemption requirements for retirement of obligations, interest and other accreted amounts, interest equivalent, and any redemption premium, payable on obligations. If not prohibited by the applicable bond proceedings, "debt service" may include costs relating to credit enhancement facilities that are related to and represent, or are intended to provide a source of payment of or limitation on, other debt service. 7548
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(8) "Improvement fund" means, as applicable, the school building program assistance fund created in section 3318.25 of the Revised Code and the higher education improvement fund created in section 154.21 of the Revised Code. 7556
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(9) "Issuing authority" means the buckeye tobacco settlement financing authority created in section 183.52 of the Revised Code. 7560
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(10) "Net proceeds" means amounts received from the sale of obligations, excluding amounts used to refund or retire outstanding obligations, amounts required to be deposited into special funds pursuant to the applicable bond proceedings, and amounts to be used to pay financing costs. 7562
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(11) "Obligations" means bonds, notes, or other evidences of obligation of the issuing authority, including any appertaining interest coupons, issued by the issuing authority under this section and Section 2i of Article VIII, Ohio Constitution, for the purpose of providing funds to the state, in exchange for the assignment and sale described in division (B) of this section, for the purpose of paying costs of capital facilities for: (a) housing branches and agencies of state government limited to facilities for a system of common schools throughout the state and (b) 7567
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state-supported or state-assisted institutions of higher 7576
education. 7577

(12) "Pledged receipts" means, as and to the extent provided 7578
for in the applicable bond proceedings: 7579

(a) Pledged tobacco settlement receipts; 7580

(b) Accrued interest received from the sale of obligations; 7581

(c) Income from the investment of the special funds; 7582

(d) Additional or any other specific revenues or receipts 7583
lawfully available to be pledged, and pledged, pursuant to the 7584
bond proceedings, including but not limited to amounts received 7585
under credit enhancement facilities, to the payment of debt 7586
service. 7587

(13) "Pledged tobacco settlement receipts" means all amounts 7588
received by the issuing authority pursuant to division (B) of this 7589
section. 7590

(14) "Principal amount" means the aggregate of the amount as 7591
stated or provided for in the applicable bond proceedings as the 7592
amount on which interest or interest equivalent on particular 7593
obligations is initially calculated. "Principal amount" does not 7594
include any premium paid to the issuing authority by the initial 7595
purchaser of the obligations. "Principal amount" of a capital 7596
appreciation bond, as defined in division (C) of section 3334.01 7597
of the Revised Code, means its original face amount and not its 7598
accrued value, and "principal amount" of a zero coupon bond, as 7599
defined in division (J) of section 3334.01 of the Revised Code, 7600
means the discounted offering price at which the bond is initially 7601
sold to the public, disregarding any purchase price discount to 7602
the original purchaser, if provided in or for pursuant to the bond 7603
proceedings. 7604

(15) "Special funds" or "funds," unless the context indicates 7605

otherwise, means the bond service fund, and any other funds, 7606
including any reserve funds, created under the bond proceedings 7607
and stated to be special funds in those proceedings, including 7608
moneys and investments, and earnings from investments, credited 7609
and to be credited to the particular fund. "Special funds" does 7610
not include any improvement fund or investment earnings on amounts 7611
in any improvement fund, or other funds created by the bond 7612
proceedings that are not stated by those proceedings to be special 7613
funds. 7614

(B) The state may assign and sell to the issuing authority, 7615
and the issuing authority may accept and purchase, all or a 7616
portion of the amounts to be received by the state under the 7617
tobacco master settlement agreement for a purchase price payable 7618
by the issuing authority to the state consisting of the net 7619
proceeds of obligations and any residual interest, if any. Any 7620
such assignment and sale shall be irrevocable in accordance with 7621
its terms during the period any obligations secured by amounts so 7622
assigned and sold are outstanding under the applicable bond 7623
proceedings, and shall constitute a contractual obligation to the 7624
holders or owners of those obligations. Any such assignment and 7625
sale shall also be treated as an absolute transfer and true sale 7626
for all purposes, and not as a pledge or other security interest. 7627
The characterization of any such assignment and sale as a true 7628
sale and absolute transfer shall not be negated or adversely 7629
affected by only a portion of the amounts to be received under the 7630
tobacco master settlement agreement being transferred, the 7631
acquisition or retention by the state of a residual interest, the 7632
participation of any state officer or employee as a member or 7633
officer of, or providing staff support to, the issuing authority, 7634
any responsibility of an officer or employee of the state for 7635
collecting the amounts to be received under the tobacco master 7636
settlement agreement or otherwise enforcing that agreement or 7637
retaining any legal title to or interest in any portion of the 7638

amounts to be received under that agreement for the purpose of 7639
these collection activities, any characterization of the issuing 7640
authority or its obligations for purposes of accounting, taxation, 7641
or securities regulation, or by any other factors whatsoever. A 7642
true sale shall exist under this section regardless of whether the 7643
issuing authority has any recourse against the state or any other 7644
term of the bond proceedings or the treatment or characterization 7645
of the transfer as a financing for any purpose. Upon and following 7646
the assignment and sale, the state shall not have any right, 7647
title, or interest in the portion of the receipts under the 7648
tobacco master settlement agreement so assigned and sold, other 7649
than any residual interest that may be described in the applicable 7650
bond proceedings for those obligations, and that portion, if any, 7651
shall be the property of the issuing authority and not of the 7652
state, and shall be paid directly to the issuing authority, and 7653
shall be owned, received, held, and disbursed by the issuing 7654
authority and not by the state. 7655

The state may covenant, pledge, and agree in the bond 7656
proceedings, with and for the benefit of the issuing authority, 7657
the holders and owners of obligations, and providers of any credit 7658
enhancement facilities, that it shall: (1) maintain statutory 7659
authority for, and cause to be collected and paid directly to the 7660
issuing authority or its assignee, the pledged receipts, (2) 7661
enforce the rights of the issuing authority to receive the 7662
receipts under the tobacco master settlement agreement assigned 7663
and sold to the issuing authority, (3) not limit or alter the 7664
rights of the issuing authority to fulfill the terms of its 7665
agreements with the holders or owners of obligations outstanding 7666
under the bond proceedings, (4) not in any way impair the rights 7667
and remedies of the holders or owners of obligations outstanding 7668
under the bond proceedings or impair the security for those 7669
obligations, (5) enforce Chapter 1346. of the Revised Code, the 7670
tobacco master settlement agreement, and the consent decree to 7671

effectuate the collection of the pledged tobacco settlement 7672
receipts, and (6) not agree to any amendment of the tobacco master 7673
settlement agreement that materially and adversely affects the 7674
issuing authority's ability to receive the portion of the receipts 7675
under the tobacco master settlement agreement assigned and sold to 7676
the issuing authority. 7677

The bond proceedings may also include such other covenants, 7678
pledges, and agreements by the state to protect and safeguard the 7679
security and rights of the holders and owners of the obligations, 7680
and of the providers of any credit enhancement facilities, 7681
including, without limiting the generality of the foregoing, any 7682
covenant, pledge, or agreement customary in transactions involving 7683
the issuance of securities the debt service on which is payable 7684
from or secured by amounts received under the tobacco master 7685
settlement agreement. Notwithstanding any other provision of law, 7686
any covenant, pledge, and agreement of the state, if and when made 7687
in the bond proceedings, shall be controlling and binding upon, 7688
and enforceable against the state in accordance with its terms for 7689
so long as any obligations are outstanding under the applicable 7690
bond proceedings. The bond proceedings may also include 7691
limitations on the remedies available to the issuing authority, 7692
the holders and owners of the obligations, and the providers of 7693
any credit enhancement facilities, including, without limiting the 7694
generality of the foregoing, a provision that those remedies may 7695
be limited to injunctive relief in circumstances where there has 7696
been no prior determination by a court of competent jurisdiction 7697
that the state has not enforced Chapter 1346. of the Revised Code, 7698
the tobacco master settlement agreement, or the consent decree as 7699
may have been covenanted or agreed in the bond proceedings under 7700
division (B)(5) of this section. 7701

Nothing in this section or the bond proceedings shall 7702
preclude or limit, or be construed to preclude or limit, the state 7703

from regulating or authorizing or permitting the regulation of 7704
smoking or from taxing and regulating the sale of cigarettes or 7705
other tobacco products, or from defending or prosecuting cases or 7706
other actions relating to the sale or use of cigarettes or other 7707
tobacco products. Except as otherwise may be agreed in writing by 7708
the attorney general, nothing in this section or the bond 7709
proceedings shall modify or limit, or be construed to modify or 7710
limit, the responsibility, power, judgment, and discretion of the 7711
attorney general to protect and discharge the duties, rights, and 7712
obligations of the state under the tobacco master settlement 7713
agreement, the consent decree, or Chapter 1346. of the Revised 7714
Code. 7715

The governor and the director of budget and management, in 7716
consultation with the attorney general, on behalf of the state, 7717
and any member or officer of the issuing authority as authorized 7718
by that issuing authority, on behalf of the issuing authority, may 7719
take any action and execute any documents, including any purchase 7720
and sale agreements, necessary to effect the assignment and sale 7721
and the acceptance of the assignment and title to the receipts 7722
including, providing irrevocable direction to the escrow agent 7723
acting under the tobacco master settlement agreement to transfer 7724
directly to the issuing authority the amounts to be received under 7725
that agreement that are subject to such assignment and sale. Any 7726
purchase and sale agreement or other bond proceedings may contain 7727
the terms and conditions established by the state and the issuing 7728
authority to carry out and effectuate the purposes of this 7729
section, including, without limitation, covenants binding the 7730
state in favor of the issuing authority and its assignees and the 7731
owners of the obligations. Any such purchase and sale agreement 7732
shall be sufficient to effectuate such purchase and sale without 7733
regard to any other laws governing other property sales or 7734
financial transactions by the state. 7735

Not later than two years following the date on which there 7736
are no longer any obligations outstanding under the bond 7737
proceedings, all assets of the issuing authority shall vest in the 7738
state, the issuing authority shall execute any necessary 7739
assignments or instruments, including any assignment of any right, 7740
title, or ownership to the state for receipt of amounts under the 7741
tobacco master settlement agreement, and the issuing authority 7742
shall be dissolved. 7743

(C) The issuing authority is authorized to issue and to sell 7744
obligations as provided in this section. The aggregate principal 7745
amount of obligations issued under this section shall not exceed 7746
six billion dollars, exclusive of obligations issued under 7747
division (M)(1) of this section to refund, renew, or advance 7748
refund other obligations issued or incurred. At least seventy-five 7749
per cent of the aggregate net proceeds of the obligations issued 7750
under the authority of this section, exclusive of obligations 7751
issued to refund, renew, or advance refund other obligations, 7752
shall be paid to the state for deposit into the school building 7753
program assistance fund created in section 3318.25 of the Revised 7754
Code. 7755

(D) Each issue of obligations shall be authorized by 7756
resolution or order of the issuing authority. The bond proceedings 7757
shall provide for or authorize the manner for determining the 7758
principal amount or maximum principal amount of obligations of an 7759
issue, the principal maturity or maturities, the interest rate or 7760
rates, the date of and the dates of payment of interest on the 7761
obligations, their denominations, and the place or places of 7762
payment of debt service which may be within or outside the state. 7763
Unless otherwise provided by law, the latest principal maturity 7764
may not be later than the earlier of the thirty-first day of 7765
December of the fiftieth calendar year after the year of issuance 7766
of the particular obligations or of the fiftieth calendar year 7767

after the year in which the original obligation to pay was issued 7768
or entered into. Sections 9.96, 9.98, 9.981, 9.982, and 9.983 of 7769
the Revised Code apply to the obligations. 7770

The purpose of the obligations may be stated in the bond 7771
proceedings in general terms, such as, as applicable, "paying 7772
costs of capital facilities for a system of common schools" and 7773
"paying costs of facilities for state-supported and state-assisted 7774
institutions of higher education." Unless otherwise provided in 7775
the bond proceedings or in division (C) of this section, the net 7776
proceeds from the issuance of the obligations shall be paid to the 7777
state for deposit into the applicable improvement fund. 7778
Notwithstanding division (B)(4) of section 3318.38 of the Revised 7779
Code, net proceeds of obligations deposited into the school 7780
building program assistance fund created in section 3318.25 of the 7781
Revised Code may be used to pay basic project costs under section 7782
3318.38 of the Revised Code at the times determined by the Ohio 7783
school facilities commission without regard to whether those 7784
expenditures are in proportion to the state's and the school 7785
district's respective shares of that basic project cost; provided 7786
that this shall not result in any change in the state or school 7787
district shares of the basic project costs provided under Chapter 7788
3318. of the Revised Code. As used in the preceding sentence, 7789
"Ohio school facilities commission" and "basic project costs" have 7790
the same meanings as in section 3318.01 of the Revised Code. 7791

(E) The issuing authority may, without need for any other 7792
approval, appoint or provide for the appointment of paying agents, 7793
bond registrars, securities depositories, credit enhancement 7794
providers or counterparties, clearing corporations, and transfer 7795
agents, and retain or contract for the services of underwriters, 7796
investment bankers, financial advisers, accounting experts, 7797
marketing, remarketing, indexing, and administrative agents, other 7798
consultants, and independent contractors, including printing 7799

services, as are necessary in the judgment of the issuing 7800
authority to carry out the issuing authority's functions under 7801
this section and section 183.52 of the Revised Code. The attorney 7802
general as counsel to the issuing authority shall represent the 7803
authority in the execution of its powers and duties, and shall 7804
institute and prosecute all actions on its behalf. The issuing 7805
authority, in consultation with the attorney general, shall select 7806
counsel, and the attorney general shall appoint the counsel 7807
selected, for the purposes of carrying out the functions under 7808
this section and related sections of the Revised Code. Financing 7809
costs are payable, as may be provided in the bond proceedings, 7810
from the proceeds of the obligations, from special funds, or from 7811
other moneys available for the purpose, including as to future 7812
financing costs, from the pledged receipts. 7813

(F) The issuing authority may irrevocably pledge and assign 7814
all, or such portion as the issuing authority determines, of the 7815
pledged receipts to the payment of the debt service charges on 7816
obligations issued under this section, and for the establishment 7817
and maintenance of any reserves, as provided in the bond 7818
proceedings, and make other provisions in the bond proceedings 7819
with respect to pledged receipts as authorized by this section, 7820
which provisions are controlling notwithstanding any other 7821
provisions of law pertaining to them. Any and all pledged receipts 7822
received by the issuing authority and required by the bond 7823
proceedings, consistent with this section, to be deposited, 7824
transferred, or credited to the bond service fund, and all other 7825
money transferred or allocated to or received for the purposes of 7826
that fund, shall be deposited and credited to the bond service 7827
fund created in the bond proceedings for the obligations, subject 7828
to any applicable provisions of those bond proceedings, but 7829
without necessity for any act of appropriation. Those pledged 7830
receipts shall immediately be subject to the lien of that pledge 7831
without any physical delivery thereof or further act, and shall 7832

not be subject to other court judgments. The lien of the pledge of 7833
those pledged receipts shall be valid and binding against all 7834
parties having claims of any kind against the issuing authority, 7835
irrespective of whether those parties have notice thereof. The 7836
pledge shall create a perfected security interest for all purposes 7837
of Chapter 1309. of the Revised Code and a perfected lien for 7838
purposes of any other interest, all without the necessity for 7839
separation or delivery of funds or for the filing or recording of 7840
the applicable bond proceedings by which that pledge is created or 7841
any certificate, statement, or other document with respect 7842
thereto. The pledge of the pledged receipts shall be effective and 7843
the money therefrom and thereof may be applied to the purposes for 7844
which pledged. 7845

(G) Obligations may be further secured, as determined by the 7846
issuing authority, by an indenture or a trust agreement between 7847
the issuing authority and a corporate trustee, which may be any 7848
trust company or bank having a place of business within the state. 7849
Any indenture or trust agreement may contain the resolution or 7850
order authorizing the issuance of the obligations, any provisions 7851
that may be contained in any bond proceedings, and other 7852
provisions that are customary or appropriate in an agreement of 7853
that type, including, but not limited to: 7854

(1) Maintenance of each pledge, indenture, trust agreement, 7855
or other instrument comprising part of the bond proceedings until 7856
the issuing authority has fully paid or provided for the payment 7857
of debt service on the obligations secured by it; 7858

(2) In the event of default in any payments required to be 7859
made by the bond proceedings, enforcement of those payments or 7860
agreements by mandamus, the appointment of a receiver, suit in 7861
equity, action at law, or any combination of them; 7862

(3) The rights and remedies of the holders or owners of 7863
obligations and of the trustee and provisions for protecting and 7864

enforcing them, including limitations on rights of individual 7865
holders and owners. 7866

(H) The bond proceedings may contain additional provisions 7867
customary or appropriate to the financing or to the obligations or 7868
to particular obligations including, but not limited to, 7869
provisions for: 7870

(1) The redemption of obligations prior to maturity at the 7871
option of the issuing authority or of the holder or upon the 7872
occurrence of certain conditions, and at a particular price or 7873
prices and under particular terms and conditions; 7874

(2) The form of and other terms of the obligations; 7875

(3) The establishment, deposit, investment, and application 7876
of special funds, and the safeguarding of moneys on hand or on 7877
deposit, in lieu of the applicability of provisions of Chapter 7878
131. or 135. of the Revised Code, but subject to any special 7879
provisions of this section with respect to the application of 7880
particular funds or moneys. Any financial institution that acts as 7881
a depository of any moneys in special funds or other funds under 7882
the bond proceedings may furnish indemnifying bonds or pledge 7883
securities as required by the issuing authority. 7884

(4) Any or every provision of the bond proceedings being 7885
binding upon the issuing authority and upon such governmental 7886
agency or entity, officer, board, authority, agency, department, 7887
institution, district, or other person or body as may from time to 7888
time be authorized to take actions as may be necessary to perform 7889
all or any part of the duty required by the provision; 7890

(5) The maintenance of each pledge or instrument comprising 7891
part of the bond proceedings until the issuing authority has fully 7892
paid or provided for the payment of the debt service on the 7893
obligations or met other stated conditions; 7894

(6) In the event of default in any payments required to be 7895

made by the bond proceedings, or by any other agreement of the 7896
issuing authority made as part of a contract under which the 7897
obligations were issued or secured, including a credit enhancement 7898
facility, the enforcement of those payments by mandamus, a suit in 7899
equity, an action at law, or any combination of those remedial 7900
actions; 7901

(7) The rights and remedies of the holders or owners of 7902
obligations or of book-entry interests in them, and of third 7903
parties under any credit enhancement facility, and provisions for 7904
protecting and enforcing those rights and remedies, including 7905
limitations on rights of individual holders or owners; 7906

(8) The replacement of mutilated, destroyed, lost, or stolen 7907
obligations; 7908

(9) The funding, refunding, or advance refunding, or other 7909
provision for payment, of obligations that will then no longer be 7910
outstanding for purposes of this section or of the applicable bond 7911
proceedings; 7912

(10) Amendment of the bond proceedings; 7913

(11) Any other or additional agreements with the owners of 7914
obligations, and such other provisions as the issuing authority 7915
determines, including limitations, conditions, or qualifications, 7916
relating to any of the foregoing or the activities of the issuing 7917
authority in connection therewith. 7918

The bond proceedings shall make provision for the payment of 7919
the expenses of the enforcement activity of the attorney general 7920
referred to in division (B) of this section from the amounts from 7921
the tobacco master settlement agreement assigned and sold to the 7922
issuing authority under that division or from the proceeds of 7923
obligations, or a combination thereof, which may include provision 7924
for both annual payments and a special fund providing reserve 7925
amounts for the payment of those expenses. 7926

The issuing authority shall not, and shall covenant in the 7927
bond proceedings that it shall not, be authorized to and shall not 7928
file a voluntary petition under the United States Bankruptcy Code, 7929
11 U.S.C. 101 et seq., as amended, or voluntarily commence any 7930
similar bankruptcy proceeding under state law including, without 7931
limitation, consenting to the appointment of a receiver or trustee 7932
or making a general or specific assignment for the benefit of 7933
creditors, and neither any public officer or any organization, 7934
entity, or other person shall authorize the issuing authority to 7935
be or become a debtor under the United States Bankruptcy Code or 7936
take any of those actions under the United States Bankruptcy Code 7937
or state law. The state hereby covenants, and the issuing 7938
authority shall covenant, with the holders or owners of the 7939
obligations, that the state shall not permit the issuing authority 7940
to file a voluntary petition under the United States Bankruptcy 7941
Code or take any of those actions under the United States 7942
Bankruptcy Code or state law during the period obligations are 7943
outstanding and for any additional period for which the issuing 7944
authority covenants in the bond proceedings, which additional 7945
period may, but need not, be a period of three hundred sixty-seven 7946
days or more. 7947

(I) The obligations requiring execution by or for the issuing 7948
authority shall be signed as provided in the bond proceedings, and 7949
may bear the official seal of the issuing authority or a facsimile 7950
thereof. Any obligation may be signed by the individual who, on 7951
the date of execution, is the authorized signer even though, on 7952
the date of the obligations, that individual is not an authorized 7953
signer. In case the individual whose signature or facsimile 7954
signature appears on any obligation ceases to be an authorized 7955
signer before delivery of the obligation, that signature or 7956
facsimile is nevertheless valid and sufficient for all purposes as 7957
if that individual had remained the authorized signer until 7958
delivery. 7959

(J) Obligations are investment securities under Chapter 1308. 7960
of the Revised Code. Obligations may be issued in bearer or in 7961
registered form, registrable as to principal alone or as to both 7962
principal and interest, or both, or in certificated or 7963
uncertificated form, as the issuing authority determines. 7964
Provision may be made for the exchange, conversion, or transfer of 7965
obligations and for reasonable charges for registration, exchange, 7966
conversion, and transfer. Pending preparation of final 7967
obligations, the issuing authority may provide for the issuance of 7968
interim instruments to be exchanged for the final obligations. 7969

(K) Obligations may be sold at public sale or at private 7970
sale, in such manner, and at such price at, above, or below par, 7971
all as determined by and provided by the issuing authority in the 7972
bond proceedings. 7973

(L) Except to the extent that rights are restricted by the 7974
bond proceedings, any owner of obligations or provider of or 7975
counterparty to a credit enhancement facility may by any suitable 7976
form of legal proceedings protect and enforce any rights relating 7977
to obligations or that facility under the laws of this state or 7978
granted by the bond proceedings. Those rights include the right to 7979
compel the performance of all applicable duties of the issuing 7980
authority and the state. Each duty of the issuing authority and 7981
that issuing authority's officers, staff, and employees, and of 7982
each state entity or agency, or using district or using 7983
institution, and its officers, members, staff, or employees, 7984
undertaken pursuant to the bond proceedings, is hereby established 7985
as a duty of the entity or individual having authority to perform 7986
that duty, specifically enjoined by law and resulting from an 7987
office, trust, or station within the meaning of section 2731.01 of 7988
the Revised Code. The individuals who are from time to time 7989
members of the issuing authority, or their designees acting 7990
pursuant to section 183.52 of the Revised Code, or the issuing 7991

authority's officers, staff, agents, or employees, when acting 7992
within the scope of their employment or agency, shall not be 7993
liable in their personal capacities on any obligations or 7994
otherwise under the bond proceedings, or for otherwise exercising 7995
or carrying out any purposes or powers of the issuing authority. 7996

(M)(1) Subject to any applicable limitations in division (C) 7997
of this section, the issuing authority may also authorize and 7998
provide for the issuance of: 7999

(a) Obligations in the form of bond anticipation notes, and 8000
may authorize and provide for the renewal of those notes from time 8001
to time by the issuance of new notes. The holders of notes or 8002
appertaining interest coupons have the right to have debt service 8003
on those notes paid solely from the moneys and special funds, and 8004
all or any portion of the pledged receipts, that are or may be 8005
pledged to that payment, including the proceeds of bonds or 8006
renewal notes or both, as the issuing authority provides in the 8007
bond proceedings authorizing the notes. Notes may be additionally 8008
secured by covenants of the issuing authority to the effect that 8009
the issuing authority will do all things necessary for the 8010
issuance of bonds or renewal notes in such principal amount and 8011
upon such terms as may be necessary to provide moneys to pay when 8012
due the debt service on the notes, and apply their proceeds to the 8013
extent necessary, to make full and timely payment of debt service 8014
on the notes as provided in the applicable bond proceedings. In 8015
the bond proceedings authorizing the issuance of bond anticipation 8016
notes the issuing authority shall set forth for the bonds 8017
anticipated an estimated schedule of annual principal payments the 8018
latest of which shall be no later than provided in division (D) of 8019
this section. While the notes are outstanding there shall be 8020
deposited, as shall be provided in the bond proceedings for those 8021
notes, from the sources authorized for payment of debt service on 8022
the bonds, amounts sufficient to pay the principal of the bonds 8023

anticipated as set forth in that estimated schedule during the 8024
time the notes are outstanding, which amounts shall be used solely 8025
to pay the principal of those notes or of the bonds anticipated. 8026

(b) Obligations for the refunding, including funding and 8027
retirement, and advance refunding, with or without payment or 8028
redemption prior to maturity, of any obligations previously issued 8029
under this section and any bonds or notes previously issued for 8030
the purpose of paying costs of capital facilities for: (i) 8031
state-supported or state-assisted institutions of higher education 8032
as authorized by sections 151.01 and 151.04 of the Revised Code, 8033
pursuant to Sections 2i and 2n of Article VIII, Ohio Constitution, 8034
and (ii) housing branches and agencies of state government limited 8035
to facilities for a system of common schools throughout the state 8036
as authorized by sections 151.01 and 151.03 of the Revised Code, 8037
pursuant to Sections 2i and 2n of Article VIII, Ohio Constitution. 8038
Refunding obligations may be issued in amounts sufficient to pay 8039
or to provide for repayment of the principal amount, including 8040
principal amounts maturing prior to the redemption of the 8041
remaining prior obligations or bonds or notes, any redemption 8042
premium, and interest accrued or to accrue to the maturity or 8043
redemption date or dates, payable on the prior obligations or 8044
bonds or notes, and related financing costs and any expenses 8045
incurred or to be incurred in connection with that issuance and 8046
refunding. Subject to the applicable bond proceedings, the portion 8047
of the proceeds of the sale of refunding obligations issued under 8048
division (M)(1)(b) of this section to be applied to debt service 8049
on the prior obligations or bonds or notes shall be credited to an 8050
appropriate separate account in the bond service fund and held in 8051
trust for the purpose by the issuing authority or by a corporate 8052
trustee, and may be invested as provided in the bond proceedings. 8053
Obligations authorized under this division shall be considered to 8054
be issued for those purposes for which the prior obligations or 8055
bonds or notes were issued. 8056

(2) The principal amount of refunding, advance refunding, or renewal obligations issued pursuant to division (M) of this section shall be in addition to the amount authorized in division (C) of this section. 8057
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(N) Obligations are lawful investments for banks, savings and loan associations, credit union share guaranty corporations, trust companies, trustees, fiduciaries, insurance companies, including domestic for life and domestic not for life, trustees or other officers having charge of sinking and bond retirement or other special funds of the state and political subdivisions and taxing districts of this state, notwithstanding any other provisions of the Revised Code or rules adopted pursuant to those provisions by any state agency with respect to investments by them, and are also acceptable as security for the repayment of the deposit of public moneys. The exemptions from taxation in Ohio as provided for in particular sections of the Ohio Constitution and section 5709.76 of the Revised Code apply to the obligations. 8061
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(O)(1) Unless otherwise provided or provided for in any applicable bond proceedings, moneys to the credit of or in a special fund shall be disbursed on the order of the issuing authority. No such order is required for the payment, from the bond service fund or other special fund, when due of debt service or required payments under credit enhancement facilities. 8074
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(2) Payments received by the issuing authority under interest rate hedges entered into as credit enhancement facilities under this section shall be deposited as provided in the applicable bond proceedings. 8080
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(P) The obligations shall not be general obligations of the state and the full faith and credit, revenue, and taxing power of the state shall not be pledged to the payment of debt service on them or to any guarantee of the payment of that debt service. The holders or owners of the obligations shall have no right to have 8084
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any moneys obligated or pledged for the payment of debt service 8089
except as provided in this section and in the applicable bond 8090
proceedings. The rights of the holders and owners to payment of 8091
debt service are limited to all or that portion of the pledged 8092
receipts, and those special funds, pledged to the payment of debt 8093
service pursuant to the bond proceedings in accordance with this 8094
section, and each obligation shall bear on its face a statement to 8095
that effect. 8096

(O) Each bond service fund is a trust fund and is hereby 8097
pledged to the payment of debt service on the applicable 8098
obligations. Payment of that debt service shall be made or 8099
provided for by the issuing authority in accordance with the bond 8100
proceedings without necessity for any act of appropriation. The 8101
bond proceedings may provide for the establishment of separate 8102
accounts in the bond service fund and for the application of those 8103
accounts only to debt service on specific obligations, and for 8104
other accounts in the bond service fund within the general 8105
purposes of that fund. 8106

(R) Subject to the bond proceedings pertaining to any 8107
obligations then outstanding in accordance with their terms, the 8108
issuing authority may in the bond proceedings pledge all, or such 8109
portion as the issuing authority determines, of the moneys in the 8110
bond service fund to the payment of debt service on particular 8111
obligations, and for the establishment and maintenance of any 8112
reserves for payment of particular debt service. 8113

(S)(1) Unless otherwise provided in any applicable bond 8114
proceedings, moneys to the credit of special funds may be invested 8115
by or on behalf of the issuing authority only in one or more of 8116
the following: 8117

(a) Notes, bonds, or other direct obligations of the United 8118
States or of any agency or instrumentality of the United States, 8119
or in no-front-end-load money market mutual funds consisting 8120

exclusively of those obligations, or in repurchase agreements, 8121
including those issued by any fiduciary, secured by those 8122
obligations, or in collective investment funds consisting 8123
exclusively of those obligations; 8124

(b) Obligations of this state or any political subdivision of 8125
this state; 8126

(c) Certificates of deposit of any national bank located in 8127
this state and any bank, as defined in section 1101.01 of the 8128
Revised Code, subject to inspection by the superintendent of 8129
financial institutions; 8130

(d) The treasurer of state's pooled investment program under 8131
section 135.45 of the Revised Code; 8132

(e) Other investment agreements or repurchase agreements that 8133
are consistent with the ratings on the obligations. 8134

(2) The income from investments referred to in division 8135
(S)(1) of this section shall be credited to special funds or 8136
otherwise as the issuing authority determines in the bond 8137
proceedings. Those investments may be sold or exchanged at times 8138
as the issuing authority determines, provides for, or authorizes. 8139

(T) The treasurer of state shall have responsibility for 8140
keeping records, making reports, and making payments, relating to 8141
any arbitrage rebate requirements under the applicable bond 8142
proceedings. 8143

(U) The issuing authority shall make quarterly reports to the 8144
general assembly of the amounts in, and activities of, each 8145
improvement fund, including amounts and activities on the subfund 8146
level. Each report shall include a detailed description and 8147
analysis of the amount of proceeds remaining in each fund from the 8148
sale of obligations pursuant to this section, and any other 8149
deposits, credits, interest earnings, disbursements, expenses, 8150
transfers, or activities of each fund. 8151

(V) The costs of the annual audit of the authority conducted 8152
pursuant to section 117.112 of the Revised Code are payable, as 8153
may be provided in the bond proceedings, from the proceeds of the 8154
obligations, from special funds, or from other moneys available 8155
for the purpose, including as to future financing costs, from the 8156
pledged receipts. 8157

Sec. 183.52. (A) There is hereby created a body, both 8158
corporate and politic, constituting a public body, agency, and 8159
instrumentality of this state and performing essential functions 8160
of the state, to be known as the buckeye tobacco settlement 8161
financing authority, which in that name may contract and be 8162
contracted with, sue and be sued, and exercise all other authority 8163
vested in that authority by this section and section 183.51 of the 8164
Revised Code. The authority is created for the sole purpose of 8165
purchasing and receiving any assignment of the tobacco settlement 8166
receipts and issuing obligations, all as provided for in section 8167
183.51 of the Revised Code, to provide financing of essential 8168
functions and facilities. The property of the authority and its 8169
income and operations shall be exempt from taxation involving the 8170
state or by the state and any political subdivision of the state. 8171
All income of the authority, after the payment of necessary 8172
expenses, shall accrue to the state. 8173

(B) The authority shall consist of, in each case ex officio, 8174
the governor, the director of budget and management, the tax 8175
commissioner, the treasurer of state, and the auditor of state. 8176
The governor shall serve as the chair of the authority, the 8177
director of budget and management shall serve as its secretary, 8178
and the authority shall have such other officers as it determines, 8179
who may but need not be members of the authority. Four members of 8180
the authority constitute a quorum and the affirmative vote of four 8181
members is necessary for any action taken by vote of the 8182
authority. No vacancy in the membership of the authority shall 8183

impair the rights of a quorum by such vote to exercise all the 8184
rights and perform all the duties of the authority. Each of the 8185
members above identified may designate an employee or officer of 8186
their office to attend meetings of the authority when that member 8187
is absent or unable for any reason to attend and that designee, 8188
when present, shall be counted in determining whether a quorum is 8189
present at any meeting and may vote and participate in all 8190
proceedings and actions of the authority. A designee may not 8191
execute or cause a facsimile signature to be placed on any 8192
obligation. That designation shall be in writing, executed by the 8193
designating member, and be filed with the secretary of the 8194
authority. A designation may be changed from time to time by a 8195
similar written designation. The authority may delegate to such of 8196
its members, officers, employees, or staff as it determines those 8197
powers and duties as it deems appropriate. No member of the 8198
authority or designee shall, by reason of being or serving as a 8199
member of the authority, be required to abstain from action in any 8200
other capacity as an incumbent of a state office or position or 8201
from any action as a member of the authority in any matter 8202
affecting or in any way pertaining to both that office or position 8203
and the authority, or for any purpose be deemed to be disqualified 8204
from either such office or position or as a member of the 8205
authority by reason of so acting or to have violated any law by 8206
reason thereof. The authority may adopt and alter bylaws and rules 8207
for the conduct of its affairs, including provisions for meetings, 8208
and for the manner in which its powers and functions are to be 8209
exercised and embodied, and may adopt and alter at will an 8210
official seal to be affixed to official documents, provided that 8211
the failure to affix any such seal shall not affect the legality 8212
of such documents. Members of the authority shall receive no added 8213
compensation for their services as such members but may be 8214
reimbursed, as determined by the authority, for their necessary 8215
and actual expenses incurred in the conduct of the authority's 8216

business. The office of budget and management shall provide staff 8217
support to the authority. 8218

Notwithstanding the existence of common management, the 8219
authority shall be treated and accounted for as a separate and 8220
independent legal entity with its separate purposes as set forth 8221
in this section and section 183.51 of the Revised Code. The 8222
assets, liabilities, and funds of the authority shall not be 8223
consolidated or commingled with those of the state, and contracts 8224
entered into by the authority shall be entered into in the name of 8225
the authority and not in the name of the state. 8226

The authority shall prepare annually an operating and 8227
financial statement covering the authority's operations for the 8228
preceding fiscal year. 8229

(C) In connection with the exercise of its powers pursuant to 8230
this section and section 183.51 of the Revised Code, the authority 8231
may enter into contracts and execute all instruments necessary or 8232
incidental to the performance of the issuing authority's duties 8233
and the execution of the issuing authority's powers and do all 8234
other acts necessary or proper to the fulfillment of the issuing 8235
authority's purposes and to carry out the powers expressly granted 8236
in this section and section 183.51 of the Revised Code. The 8237
authority is subject to sections 121.22 and 149.43 of the Revised 8238
Code. 8239

(D) Unless otherwise provided in Article IV of the Ohio 8240
Constitution, any action, suit, or special proceeding brought 8241
against the issuing authority or the state concerning or relating 8242
to the bond proceedings, section 183.51 of the Revised Code, or 8243
this section, shall be filed and determined in the court of claims 8244
under Chapter 2743. of the Revised Code. Any special proceeding 8245
brought against the issuing authority or the state in which the 8246
court of appeals has original jurisdiction shall be filed and 8247
determined in the court of appeals of Franklin county. Any such 8248

action or proceeding to which the issuing authority or the state 8249
is a party shall be preferred over all other civil causes of 8250
action or cases, except election causes of action or cases, 8251
irrespective of position on the calendar. 8252

Sec. 305.31. The procedure for submitting to a referendum a 8253
resolution adopted by a board of county commissioners under 8254
division (H) of section 307.695 of the Revised Code that is not 8255
submitted to the electors of the county for their approval or 8256
disapproval; any resolution adopted by a board of county 8257
commissioners pursuant to division (D)(1) of section 307.697, 8258
section 322.02, 322.06, or 324.02, sections 1515.22 and 1515.24, 8259
division (B)(1) of section 4301.421, section 4504.02, 5739.021, or 8260
5739.026, division (A)(6) of section 5739.09, section 5741.021, or 8261
5741.023, or division (C)(1) of section 5743.024 of the Revised 8262
Code; or a rule adopted pursuant to section 307.79 of the Revised 8263
Code shall be as prescribed by this section. 8264

Except as otherwise provided in this paragraph, when a 8265
petition, signed by ten per cent of the number of electors who 8266
voted for governor at the most recent general election for the 8267
office of governor in the county, is filed with the county auditor 8268
within thirty days after the date the resolution is passed or rule 8269
is adopted by the board of county commissioners, or is filed 8270
within forty-five days after the resolution is passed, in the case 8271
of a resolution adopted pursuant to section 5739.021 of the 8272
Revised Code that is passed within one year after a resolution 8273
adopted pursuant to that section has been rejected or repealed by 8274
the electors, requesting that the resolution be submitted to the 8275
electors of the county for their approval or rejection, the county 8276
auditor shall, after ten days following the filing of the 8277
petition, and not later than four p.m. of the seventy-fifth day 8278
before the day of election, transmit a certified copy of the text 8279
of the resolution or rule to the board of elections. In the case 8280

of a petition requesting that a resolution adopted under division 8281
(D)(1) of section 307.697, division (B)(1) of section 4301.421, or 8282
division (C)(1) of section 5743.024 of the Revised Code be 8283
submitted to electors for their approval or rejection, the 8284
petition shall be signed by seven per cent of the number of 8285
electors who voted for governor at the most recent election for 8286
the office of governor in the county. The county auditor shall 8287
transmit the petition to the board together with the certified 8288
copy of the resolution or rule. The board shall examine all 8289
signatures on the petition to determine the number of electors of 8290
the county who signed the petition. The board shall return the 8291
petition to the auditor within ten days after receiving it, 8292
together with a statement attesting to the number of such electors 8293
who signed the petition. The board shall submit the resolution or 8294
rule to the electors of the county, for their approval or 8295
rejection, at the succeeding general election held in the county 8296
in any year, or on the day of the succeeding primary election held 8297
in the county in even-numbered years, occurring subsequent to 8298
seventy-five days after the auditor certifies the sufficiency and 8299
validity of the petition to the board of elections. 8300

No resolution shall go into effect until approved by the 8301
majority of those voting upon it. However, a rule shall take 8302
effect and remain in effect unless and until a majority of the 8303
electors voting on the question of repeal approve the repeal. 8304
Sections 305.31 to 305.41 of the Revised Code do not prevent a 8305
county, after the passage of any resolution or adoption of any 8306
rule, from proceeding at once to give any notice or make any 8307
publication required by the resolution or rule. 8308

The board of county commissioners shall make available to any 8309
person, upon request, a certified copy of any resolution or rule 8310
subject to the procedure for submitting a referendum under 8311
sections 305.31 to 305.42 of the Revised Code beginning on the 8312

date the resolution or rule is adopted by the board. The board may 8313
charge a fee for the cost of copying the resolution or rule. 8314

As used in this section, "certified copy" means a copy 8315
containing a written statement attesting that it is a true and 8316
exact reproduction of the original resolution or rule. 8317

Sec. 307.672. (A) As used in this section: 8318

(1) "Bonds" means general obligation bonds, or notes in 8319
anticipation thereof, of the county described in division 8320
(B)(1)(b) of this section, and general obligation bonds, or notes 8321
in anticipation thereof, of the host municipal corporation 8322
described in division (B)(2)(a) of this section. 8323

(2) "Corporation" means a nonprofit corporation that is 8324
organized under the laws of this state and that includes within 8325
the purposes for which it is incorporated the authorization to 8326
lease and operate facilities such as a municipal educational and 8327
cultural facility. 8328

(3) "Debt service charges" means, for any period or payable 8329
at any time, the principal of and interest and any premium due on 8330
bonds for that period or payable at that time whether due at 8331
maturity or upon mandatory redemption, together with any required 8332
deposits to reserves for the payment of principal of and interest 8333
on such bonds. 8334

(4) "Host municipal corporation" means the municipal 8335
corporation within the boundaries of which a municipal educational 8336
and cultural facility is or will be located. 8337

(5) "Municipal educational and cultural facility" means a 8338
facility that may consist of a museum, archives, library, hall of 8339
fame, center for contemporary music, or other facilities necessary 8340
to provide programs of an educational, recreational, and cultural 8341
nature, together with all parking facilities, walkways, and other 8342

auxiliary facilities, real and personal property, property rights, 8343
easements, and interests that may be appropriate for, or used in 8344
connection with, the operation of the facility. 8345

(B) The legislative authorities of a county and a host 8346
municipal corporation may enter into a cooperative agreement with 8347
a corporation, under which: 8348

(1) The legislative authority of the county agrees to: 8349

(a) Levy a tax under division (E) of section 5739.09 of the 8350
Revised Code, for a period not to exceed fifteen years unless 8351
extended under that division for an additional period of time, to 8352
pay the costs of acquiring, constructing, equipping, and improving 8353
a municipal educational and cultural facility, including the debt 8354
service charges on bonds; 8355

(b) Issue bonds of the county pursuant to Chapter 133. of the 8356
Revised Code for the purpose of acquiring, constructing, 8357
equipping, and improving a municipal educational and cultural 8358
facility; 8359

(c) Contribute revenue from the tax and the proceeds from the 8360
bonds described in divisions (B)(1)(a) and (b) of this section to 8361
the host municipal corporation for the purpose of acquiring, 8362
constructing, equipping, and improving a municipal educational and 8363
cultural facility; 8364

(2) The host municipal corporation agrees to: 8365

(a) Issue bonds of the host municipal corporation pursuant to 8366
Chapter 133. of the Revised Code for the purpose of acquiring, 8367
constructing, equipping, and improving a municipal educational and 8368
cultural facility; 8369

(b) Acquire, construct, equip, and improve a municipal 8370
educational and cultural facility; 8371

(c) Accept from the county pursuant to the cooperative 8372

agreement the revenues of the tax and the proceeds of the bonds 8373
described in divisions (B)(1)(a) and (b) of this section; 8374

(d) Lease a municipal educational and cultural facility to 8375
the corporation, or contract with the corporation for the 8376
operation and maintenance of the facility; 8377

(e) To the extent provided for in the cooperative agreement 8378
or the lease or contract with the corporation, authorize the 8379
corporation to administer on behalf of the host municipal 8380
corporation the contracts for acquiring, constructing, equipping, 8381
and improving a municipal educational and cultural facility. 8382

(3) The corporation agrees to: 8383

(a) Either lease the municipal educational and cultural 8384
facility from the host municipal corporation and operate and 8385
maintain the facility pursuant to the lease, or enter into a 8386
contract with the host municipal corporation pursuant to which the 8387
corporation shall operate and maintain the facility on behalf of 8388
the host municipal corporation; 8389

(b) To the extent provided for in the cooperative agreement 8390
or the lease or contract with the host municipal corporation, 8391
administer on behalf of the host municipal corporation the 8392
contracts for acquiring, constructing, equipping, or improving a 8393
municipal educational and cultural facility. 8394

(C) A tax levied pursuant to division (E) of section 5739.09 8395
of the Revised Code, the revenue from which is to be used to pay 8396
debt service charges on bonds described in division (B)(1) or (2) 8397
of this section is not subject to diminution by initiative or 8398
referendum or diminution by statute, unless provision is made 8399
therein for an adequate substitute therefor reasonably 8400
satisfactory to the legislative authorities of the host municipal 8401
corporation and the county. 8402

(D) The legislative authorities of a county and a host 8403

municipal corporation that have entered into a cooperative 8404
agreement with a corporation pursuant to division (B) of this 8405
section may amend that cooperative agreement, with the 8406
participation of the corporation and a port authority as defined 8407
in section 307.674 of the Revised Code, to provide also for a port 8408
authority educational and cultural performing arts facility in 8409
accordance with section 307.674 of the Revised Code. Such an 8410
amendment shall become effective only to the extent that the tax 8411
levied under division (E) of section 5739.09 of the Revised Code 8412
is not needed for the duration of the original tax to pay costs of 8413
the municipal educational and cultural facility, including debt 8414
service charges on related bonds, as determined by the parties to 8415
the amendment. The tax may be pledged and paid by the parties to 8416
the amendment for the balance of the duration of the tax to a port 8417
authority educational and cultural performing arts facility. 8418

Sec. 307.695. (A) As used in this section: 8419

(1) "Arena" means any structure designed and constructed for 8420
the purpose of providing a venue for public entertainment and 8421
recreation by the presentation of concerts, sporting and athletic 8422
events, and other events and exhibitions, including facilities 8423
intended to house or provide a site for one or more athletic or 8424
sports teams or activities, spectator facilities, parking 8425
facilities, walkways, and auxiliary facilities, real and personal 8426
property, property rights, easements, leasehold estates, and 8427
interests that may be appropriate for, or used in connection with, 8428
the operation of the arena. 8429

(2) "Convention center" means any structure expressly 8430
designed and constructed for the purposes of presenting 8431
conventions, public meetings, and exhibitions and includes parking 8432
facilities that serve the center and any personal property used in 8433
connection with any such structure or facilities. 8434

(3) "Eligible county" means a county having a population of 8435
at least four hundred thousand but not more than eight hundred 8436
thousand according to the 2000 federal decennial census and that 8437
directly borders the geographic boundaries of another state. 8438

(4) "Entity" means a nonprofit corporation, a municipal 8439
corporation, a port authority created under Chapter 4582. of the 8440
Revised Code, or a convention facilities authority created under 8441
Chapter 351. of the Revised Code. 8442

(5) "Lodging taxes" means excise taxes levied under division 8443
(A)(1), (A)(2), or (C) of section 5739.09 of the Revised Code and 8444
the revenues arising therefrom. 8445

(6) "Nonprofit corporation" means a nonprofit corporation 8446
that is organized under the laws of this state and that includes 8447
within the purposes for which it is incorporated the authorization 8448
to lease and operate facilities such as a convention center or an 8449
arena or a combination of an arena and convention center. 8450

(7) "Project" means acquiring, constructing, reconstructing, 8451
renovating, rehabilitating, expanding, adding to, equipping, 8452
furnishing or otherwise improving an arena, a convention center, 8453
or a combination of an arena and convention center. For purposes 8454
of this section, a project is a permanent improvement for one 8455
purpose under Chapter 133. of the Revised Code. 8456

(8) "Project revenues" means money received by ~~an eligible a~~ 8457
county with a population greater than four hundred thousand but 8458
less than five hundred thousand, other than money from taxes or 8459
from the proceeds of securities secured by taxes, in connection 8460
with, derived from, related to, or resulting from a project, 8461
including, but not limited to, rentals and other payments received 8462
under a lease or agreement with respect to the project, ticket 8463
charges or surcharges for admission to events at a project, 8464
charges or surcharges for parking for events at a project, charges 8465

for the use of a project or any portion of a project, including 8466
suites and seating rights, the sale of naming rights for the 8467
project or a portion of the project, unexpended proceeds of any 8468
county revenue bonds issued for the project, and any income and 8469
profit from the investment of the proceeds of any such revenue 8470
bonds or any project revenues. 8471

(9) "Chapter 133. securities," "debt charges," "general 8472
obligation," "legislation," "one purpose," "outstanding," 8473
"permanent improvement," "person," and "securities" have the 8474
meanings given to those terms in section 133.01 of the Revised 8475
Code. 8476

(B) A board of county commissioners may enter into an 8477
agreement with a convention and visitors' bureau operating in the 8478
county under which: 8479

(1) The bureau agrees to construct and equip a convention 8480
center in the county and to pledge and contribute from the tax 8481
revenues received by it under division (A) of section 5739.09 of 8482
the Revised Code, not more than such portion thereof that it is 8483
authorized to pledge and contribute for the purpose described in 8484
division (C) of this section; and 8485

(2) The board agrees to levy a tax under division (C) of 8486
section 5739.09 of the Revised Code and pledge and contribute the 8487
revenues therefrom for the purpose described in division (C) of 8488
this section. 8489

(C) The purpose of the pledges and contributions described in 8490
divisions (B)(1) and (2) of this section is payment of principal, 8491
interest, and premium, if any, on bonds and notes issued by or for 8492
the benefit of the bureau to finance the construction and 8493
equipping of a convention center. The pledges and contributions 8494
provided for in the agreement shall be for the period stated in 8495
the agreement. Revenues determined from time to time by the board 8496

to be needed to cover the real and actual costs of administering 8497
the tax imposed by division (C) of section 5739.09 of the Revised 8498
Code may not be pledged or contributed. The agreement shall 8499
provide that any such bonds and notes shall be secured by a trust 8500
agreement between the bureau or other issuer acting for the 8501
benefit of the bureau and a corporate trustee that is a trust 8502
company or bank having the powers of a trust company within or 8503
without the state, and the trust agreement shall pledge or assign 8504
to the retirement of the bonds or notes, all moneys paid by the 8505
county under this section. A tax the revenues from which are 8506
pledged under an agreement entered into by a board of county 8507
commissioners under this section shall not be subject to 8508
diminution by initiative or referendum, or diminution by statute, 8509
unless provision is made therein for an adequate substitute 8510
therefor reasonably satisfactory to the trustee under the trust 8511
agreement that secures the bonds and notes. 8512

(D) A pledge of money by a county under division (B) of this 8513
section shall not be indebtedness of the county for purposes of 8514
Chapter 133. of the Revised Code. 8515

(E) If the terms of the agreement so provide, the board of 8516
county commissioners may acquire and lease real property to the 8517
convention bureau as the site of the convention center. The lease 8518
shall be on such terms as are set forth in the agreement. The 8519
purchase and lease are not subject to the limitations of sections 8520
307.02 and 307.09 of the Revised Code. 8521

(F) In addition to the authority granted to a board of county 8522
commissioners under divisions (B) to (E) of this section, a board 8523
of county commissioners in a county with a population of one 8524
million two hundred thousand or more ~~may establish and provide~~ 8525
~~local funding options for constructing and equipping, or a county~~ 8526
with a population greater than four hundred thousand but less than 8527
five hundred thousand, may purchase, for cash or by installment 8528

payments, enter into lease-purchase agreements for, lease with an 8529
option to purchase, lease, construct, enlarge, improve, rebuild, 8530
equip, or furnish a convention center. 8531

(G) The board of county commissioners of ~~an eligible~~ a county 8532
with a population greater than four hundred thousand but less than 8533
five hundred thousand may undertake, finance, operate, and 8534
maintain a project. The board may lease a project to an entity on 8535
terms that the board determines to be in the best interest of the 8536
county and in furtherance of the public purpose of the project; 8537
the lease may be for a term of thirty-five years or less and may 8538
provide for an option of the entity to renew the lease for a term 8539
of thirty-five years or less. The board may enter into an 8540
agreement with an entity with respect to a project on terms that 8541
the board determines to be in the best interest of the county and 8542
in furtherance of the public purpose of the project. To the extent 8543
provided for in an agreement or a lease with an entity, the board 8544
may authorize the entity to administer on behalf of the board any 8545
contracts for the project. The board may enter into an agreement 8546
providing for the sale to a person of naming rights to a project 8547
or portion of a project, for a period, for consideration, and on 8548
other terms and conditions that the board determines to be in the 8549
best interest of the county and in furtherance of the public 8550
purpose of the project. The board may enter into an agreement with 8551
a person owning or operating a professional athletic or sports 8552
team providing for the use by that person of a project or portion 8553
of a project for that team's offices, training, practices, and 8554
home games for a period, for consideration, and on other terms and 8555
conditions that the board determines to be in the best interest of 8556
the county and in furtherance of the public purpose of the 8557
project. The board may establish ticket charges or surcharges for 8558
admission to events at a project, charges or surcharges for 8559
parking for events at a project, and charges for the use of a 8560
project or any portion of a project, including suites and seating 8561

rights, and may, as necessary, enter into agreements related 8562
thereto with persons for a period, for consideration, and on other 8563
terms and conditions that the board determines to be in the best 8564
interest of the county and in furtherance of the public purpose of 8565
the project. A lease or agreement authorized by this division is 8566
not subject to sections 307.02, 307.09, and 307.12 of the Revised 8567
Code. 8568

(H) Notwithstanding any contrary provision in Chapter 5739. 8569
of the Revised Code, after adopting a resolution declaring it to 8570
be in the best interest of the county to undertake a project as 8571
described in division (G) of this section, the board of county 8572
commissioners of an eligible county may adopt a resolution 8573
enacting or increasing any lodging taxes within the limits 8574
specified in Chapter 5739. of the Revised Code with respect to 8575
those lodging taxes and amending any prior resolution under which 8576
any of its lodging taxes have been imposed in order to provide 8577
that those taxes, after deducting the real and actual costs of 8578
administering the taxes and any portion of the taxes returned to 8579
any municipal corporation or township as provided in division 8580
(A)(1) of section 5739.09 of the Revised Code, shall be used by 8581
the board for the purposes of undertaking, financing, operating, 8582
and maintaining the project, including paying debt charges on any 8583
securities issued by the board under division (I) of this section, 8584
or to make contributions to the convention and visitors' bureau 8585
operating within the county, or to promote, advertise, and market 8586
the region in which the county is located, all as the board may 8587
determine and make appropriations for from time to time, subject 8588
to the terms of any pledge to the payment of debt charges on 8589
outstanding general obligation securities or special obligation 8590
securities authorized under division (I) of this section. A 8591
resolution adopted under division (H) of this section shall be 8592
adopted not earlier than January 15, 2007, and not later than 8593
January 15, 2008. 8594

A resolution adopted under division (H) of this section may 8595
direct the board of elections to submit the question of enacting 8596
or increasing lodging taxes, as the case may be, to the electors 8597
of the county at a special election held on the date specified by 8598
the board in the resolution, provided that the election occurs not 8599
less than seventy-five days after a certified copy of the 8600
resolution is transmitted to the board of elections and no later 8601
than January 15, 2008. A resolution submitted to the electors 8602
under this division shall not go into effect unless it is approved 8603
by a majority of those voting upon it. A resolution adopted under 8604
division (H) of this section that is not submitted to the electors 8605
of the county for their approval or disapproval is subject to a 8606
referendum as provided in sections 305.31 to 305.41 of the Revised 8607
Code. 8608

A resolution adopted under division (H) of this section takes 8609
effect upon its adoption, unless the resolution is submitted to 8610
the electors of the county for their approval or disapproval, in 8611
which case the resolution takes effect on the date the board of 8612
county commissioners receives notification from the board of 8613
elections of the affirmative vote. Lodging taxes received after 8614
the effective date of the resolution may be used for the purposes 8615
described in division (H) of this section, except that lodging 8616
taxes that have been pledged to the payment of debt charges on any 8617
bonds or notes issued by or for the benefit of a convention and 8618
visitors' bureau under division (C) of this section shall be used 8619
exclusively for that purpose until such time as the bonds or notes 8620
are no longer outstanding under the trust agreement securing those 8621
bonds or notes. 8622

(I)(1) The board of county commissioners of ~~an eligible a~~ 8623
county with a population greater than four hundred thousand but 8624
less than five hundred thousand may issue the following securities 8625
of the county for the purpose of paying costs of the project, 8626

refunding any outstanding county securities issued for that 8627
purpose, refunding any outstanding bonds or notes issued by or for 8628
the benefit of the bureau under division (C) of this section, or 8629
for any combination of those purposes: 8630

(a) General obligation securities issued under Chapter 133. 8631
of the Revised Code. The resolution authorizing these securities 8632
may include covenants to appropriate annually from lawfully 8633
available lodging taxes, and to continue to levy and collect those 8634
lodging taxes in, amounts necessary to meet the debt charges on 8635
those securities. 8636

(b) Special obligation securities issued under Chapter 133. 8637
of the Revised Code that are secured only by lawfully available 8638
lodging taxes and any other taxes and revenues pledged to pay the 8639
debt charges on those securities, except ad valorem property 8640
taxes. The resolution authorizing those securities shall include a 8641
pledge of and covenants to appropriate annually from lawfully 8642
available lodging taxes and any other taxes and revenues pledged 8643
for such purpose, and to continue to collect any of those revenues 8644
pledged for such purpose and to levy and collect those lodging 8645
taxes and any other taxes pledged for such purpose, in amounts 8646
necessary to meet the debt charges on those securities. The pledge 8647
is valid and binding from the time the pledge is made, and the 8648
lodging taxes so pledged and thereafter received by the county are 8649
immediately subject to the lien of the pledge without any physical 8650
delivery of the lodging taxes or further act. The lien of any 8651
pledge is valid and binding as against all parties having claims 8652
of any kind in tort, contract, or otherwise against the county, 8653
regardless of whether such parties have notice of the lien. 8654
Neither the resolution nor any trust agreement by which a pledge 8655
is created or further evidenced is required to be filed or 8656
recorded except in the records of the board. The special 8657
obligation securities shall contain a statement on their face to 8658

the effect that they are not general obligation securities, and, 8659
unless paid from other sources, are payable from the pledged 8660
lodging taxes. 8661

(c) Revenue securities authorized under section 133.08 of the 8662
Revised Code and issued under Chapter 133. of the Revised Code 8663
that are secured only by lawfully available project revenues 8664
pledged to pay the debt charges on those securities. 8665

(2) The securities described in division (I)(1) of this 8666
section are subject to Chapter 133. of the Revised Code. 8667

(3) Section 133.34 of the Revised Code, except for division 8668
(A) of that section, applies to the issuance of any refunding 8669
securities authorized under this division. In lieu of division (A) 8670
of section 133.34 of the Revised Code, the board of county 8671
commissioners shall establish the maturity date or dates, the 8672
interest payable on, and other terms of refunding securities as it 8673
considers necessary or appropriate for their issuance, provided 8674
that the final maturity of refunding securities shall not exceed 8675
by more than ten years the final maturity of any bonds refunded by 8676
refunding securities. 8677

(4) The board may not repeal, rescind, or reduce all or any 8678
portion of any lodging taxes pledged to the payment of debt 8679
charges on any outstanding special obligation securities 8680
authorized under this division, and no portion of any lodging 8681
taxes that is pledged, or that the board has covenanted to levy, 8682
collect, and appropriate annually to pay debt charges on any 8683
outstanding securities authorized under this division is subject 8684
to repeal, rescission, or reduction by the electorate of the 8685
county. 8686

Sec. 307.98. ~~Boards~~ As used in this section, "county grantee" 8687
has the same meaning as in section 5101.21 of the Revised Code. 8688

8689

Each board of county commissioners ~~may~~ and each other county 8690
grantee of the county shall jointly enter into one or more written 8691
~~fiscal grant~~ agreements with the director of job and family 8692
services in accordance with section 5101.21 of the Revised Code. 8693
~~If a board enters into a fiscal agreement, the~~ The board of county 8694
commissioners shall enter into the agreement on behalf of the 8695
county family services agencies, other than a county family 8696
services agency that is a county ~~signer as defined in section~~ 8697
~~5101.21 of the Revised Code~~ grantee. 8698

Sec. 307.981. (A)(1) As used in the Revised Code: 8699

(a) "County family services agency" means all of the 8700
following: 8701

(i) A child support enforcement agency; 8702

(ii) A county department of job and family services; 8703

(iii) A public children services agency. 8704

(b) "Family services duty" means a duty state law requires or 8705
allows a county family services agency to assume, including 8706
financial and general administrative duties. "Family services 8707
duty" does not include a duty funded by the United States 8708
department of labor. 8709

(2) As used in sections 307.981 to 307.989 of the Revised 8710
Code, "private entity" means an entity other than a government 8711
entity. 8712

(B) To the extent permitted by federal law, including, when 8713
applicable, subpart F of 5 C.F.R. part 900, and subject to any 8714
limitations established by the Revised Code, including division 8715
(H) of this section, a board of county commissioners may designate 8716
any private or government entity within this state to serve as any 8717
of the following: 8718

(1) A child support enforcement agency; 8719

- (2) A county department of job and family services; 8720
- (3) A public children services agency; 8721
- (4) A county department of job and family services and one 8722
other of those county family services agencies; 8723
- (5) All three of those county family services agencies. 8724
- (C) To the extent permitted by federal law, including, when 8725
applicable, subpart F of 5 C.F.R. part 900, and subject to any 8726
limitations of the Revised Code, including division (H) of this 8727
section, a board of county commissioners may change the 8728
designation it makes under division (B) of this section by 8729
designating another private or government entity. 8730
- (D) If a designation under division (B) or (C) of this 8731
section constitutes a change from the designation in a ~~fiscal~~ 8732
grant agreement between the director of job and family services 8733
and the board under sections 307.98 and 5101.21 of the Revised 8734
Code, the director may require that the director and board amend 8735
the ~~fiscal~~ grant agreement and that the board provide the director 8736
written assurances that the newly designated private or government 8737
entity will meet or exceed all requirements of the family services 8738
duties the entity is to assume. 8739
- (E) Not less than sixty days before a board of county 8740
commissioners designates an entity under division (B) or (C) of 8741
this section, the board shall notify the director of job and 8742
family services and publish notice in a newspaper of general 8743
circulation in the county of the board's intention to make the 8744
designation and reasons for the designation. 8745
- (F) A board of county commissioners shall enter into a 8746
written contract with each entity it designates under division (B) 8747
or (C) of this section specifying the entity's responsibilities 8748
and standards the entity is required to meet. 8749

(G) This section does not require a board of county commissioners to abolish the child support enforcement agency, county department of job and family services, or public children services agency serving the county on October 1, 1997, and designate a different private or government entity to serve as the county's child support enforcement agency, county department of job and family services, or public children services agency.

(H) If a county children services board appointed under section 5153.03 of the Revised Code serves as a public children services agency for a county, the board of county commissioners may not redesignate the public children services agency unless the board of county commissioners does all of the following:

(1) Notifies the county children services board of its intent to redesignate the public children services agency. In its notification, the board of county commissioners shall provide the county children services board a written explanation of the administrative, fiscal, or performance considerations causing the board of county commissioners to seek to redesignate the public children services agency.

(2) Provides the county children services board an opportunity to comment on the proposed redesignation before the redesignation occurs;

(3) If the county children services board, not more than sixty days after receiving the notice under division (H)(1) of this section, notifies the board of county commissioners that the county children services board has voted to oppose the redesignation, votes unanimously to proceed with the redesignation.

Sec. 308.04. Within sixty days after a regional airport authority has been created under section 308.03 of the Revised Code, the board of trustees for such regional airport authority

shall be appointed as provided in the resolution creating it. 8781

Each member of the board of trustees, before entering upon 8782
~~his~~ the member's official duties, shall take and subscribe to an 8783
oath or affirmation that ~~he~~ the member will honestly, faithfully, 8784
and impartially perform the duties of ~~his~~ office, and that ~~he~~ the 8785
member will not be interested directly or indirectly in any 8786
contract let by the regional airport authority. Any contract let 8787
by the regional airport authority in which a member of the board 8788
of trustees is directly or indirectly interested is void and 8789
unenforceable. 8790

After each member of the board has taken the oath as 8791
prescribed by this section the board shall meet and organize by 8792
electing one of its members as president and another as 8793
vice-president, who shall hold their respective offices until the 8794
next annual meeting of the board as provided in its bylaws. At 8795
each annual meeting thereafter the board shall elect from its 8796
membership a president and a vice-president who shall serve for a 8797
term of one year. 8798

The board shall appoint and fix the compensation of a 8799
secretary-treasurer, who shall not be a member of the board and 8800
who shall serve at the pleasure of the board. 8801

Sec. 317.08. (A) Except as provided in divisions (C) and (D) 8802
of this section, the county recorder shall keep six separate sets 8803
of records as follows: 8804

(1) A record of deeds, in which shall be recorded all deeds 8805
and other instruments of writing for the absolute and 8806
unconditional sale or conveyance of lands, tenements, and 8807
hereditaments; all notices as provided in sections 5301.47 to 8808
5301.56 of the Revised Code; all judgments or decrees in actions 8809
brought under section 5303.01 of the Revised Code; all 8810
declarations and bylaws, and all amendments to declarations and 8811

bylaws, as provided in Chapter 5311. of the Revised Code; 8812
affidavits as provided in sections 5301.252 and 5301.56 of the 8813
Revised Code; all certificates as provided in section 5311.17 of 8814
the Revised Code; all articles dedicating archaeological preserves 8815
accepted by the director of the Ohio historical society under 8816
section 149.52 of the Revised Code; all articles dedicating nature 8817
preserves accepted by the director of natural resources under 8818
section 1517.05 of the Revised Code; all agreements for the 8819
registration of lands as archaeological or historic landmarks 8820
under section 149.51 or 149.55 of the Revised Code; all 8821
conveyances of conservation easements and agricultural easements 8822
under section 5301.68 of the Revised Code; all instruments 8823
extinguishing agricultural easements under section 901.21 or 8824
5301.691 of the Revised Code or pursuant to terms of such an 8825
easement granted to a charitable organization under section 8826
5301.68 of the Revised Code; all instruments or orders described 8827
in division (B)(2)(b) of section 5301.56 of the Revised Code; all 8828
no further action letters issued under section 122.654 or 3746.11 8829
of the Revised Code; all covenants not to sue issued under section 8830
3746.12 of the Revised Code, including all covenants not to sue 8831
issued pursuant to section 122.654 of the Revised Code; any 8832
restrictions on the use of property contained in a no further 8833
action letter issued under section 122.654 of the Revised Code, 8834
any restrictions on the use of property identified pursuant to 8835
division (C)(3)(a) of section 3746.10 of the Revised Code, and any 8836
restrictions on the use of property contained in a deed or other 8837
instrument as provided in division (E) or (F) of section 3737.882 8838
of the Revised Code; any easement executed or granted under 8839
section 3734.22, 3734.24, 3734.25, or 3734.26 of the Revised Code; 8840
any environmental covenant entered into in accordance with 8841
sections 5301.80 to 5301.92 of the Revised Code; all memoranda of 8842
trust, as described in division (A) of section 5301.255 of the 8843
Revised Code, that describe specific real property; and all 8844

agreements entered into under division (A) of section ~~1521.26~~ 8845
1506.44 of the Revised Code; 8846

(2) A record of mortgages, in which shall be recorded all of 8847
the following: 8848

(a) All mortgages, including amendments, supplements, 8849
modifications, and extensions of mortgages, or other instruments 8850
of writing by which lands, tenements, or hereditaments are or may 8851
be mortgaged or otherwise conditionally sold, conveyed, affected, 8852
or encumbered; 8853

(b) All executory installment contracts for the sale of land 8854
executed after September 29, 1961, that by their terms are not 8855
required to be fully performed by one or more of the parties to 8856
them within one year of the date of the contracts; 8857

(c) All options to purchase real estate, including 8858
supplements, modifications, and amendments of the options, but no 8859
option of that nature shall be recorded if it does not state a 8860
specific day and year of expiration of its validity; 8861

(d) Any tax certificate sold under section 5721.33 of the 8862
Revised Code, or memorandum of it, that is presented for filing of 8863
record. 8864

(3) A record of powers of attorney, including all memoranda 8865
of trust, as described in division (A) of section 5301.255 of the 8866
Revised Code, that do not describe specific real property; 8867

(4) A record of plats, in which shall be recorded all plats 8868
and maps of town lots, of the subdivision of town lots, and of 8869
other divisions or surveys of lands, any center line survey of a 8870
highway located within the county, the plat of which shall be 8871
furnished by the director of transportation or county engineer, 8872
and all drawings and amendments to drawings, as provided in 8873
Chapter 5311. of the Revised Code; 8874

(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 recorder may record all the instruments required to be recorded by this section in two separate sets of record books. One set shall be called the "official records" and shall contain the instruments listed in divisions (A)(1), (2), (3), (5), and (6) and (D) of this section. The second set of records shall contain the instruments

listed in division (A)(4) of this section. 8907

(D) Except as provided in division (C) of this section, the 8908
county recorder shall keep a separate set of records containing 8909
all corrupt activity lien notices filed with the recorder pursuant 8910
to section 2923.36 of the Revised Code and a separate set of 8911
records containing all medicaid fraud lien notices filed with the 8912
recorder pursuant to section 2933.75 of the Revised Code. 8913

Sec. 319.202. Before the county auditor indorses any real 8914
property conveyance or manufactured or mobile home conveyance 8915
presented to the auditor pursuant to section 319.20 of the Revised 8916
Code or registers any manufactured or mobile home conveyance 8917
pursuant to section 4503.061 of the Revised Code, the grantee or 8918
the grantee's representative shall submit in triplicate a 8919
statement, prescribed by the tax commissioner, and other 8920
information as the county auditor may require, declaring the value 8921
of real property or manufactured or mobile home conveyed, except 8922
that when the transfer is exempt under division ~~(F)~~(G)(3) of 8923
section 319.54 of the Revised Code only a statement of the reason 8924
for the exemption shall be required. Each statement submitted 8925
under this section shall contain the information required under 8926
divisions (A) and (B) of this section. 8927

(A) Each statement submitted under this section shall either: 8928

(1) Contain an affirmation by the grantee that the grantor 8929
has been asked by the grantee or the grantee's representative 8930
whether to the best of the grantor's knowledge either the 8931
preceding or the current year's taxes on the real property or the 8932
current or following year's taxes on the manufactured or mobile 8933
home conveyed will be reduced under division (A) of section 8934
323.152 or under section 4503.065 of the Revised Code and that the 8935
grantor indicated that to the best of the grantor's knowledge the 8936
taxes will not be so reduced; or 8937

- (2) Be accompanied by a sworn or affirmed instrument stating: 8938
- (a) To the best of the grantor's knowledge the real property 8939
or the manufactured or mobile home that is the subject of the 8940
conveyance is eligible for and will receive a reduction in taxes 8941
for or payable in the current year under division (A) of section 8942
323.152 or under section 4503.065 of the Revised Code and that the 8943
reduction or reductions will be reflected in the grantee's taxes; 8944
- (b) The estimated amount of such reductions that will be 8945
reflected in the grantee's taxes; 8946
- (c) That the grantor and the grantee have considered and 8947
accounted for the total estimated amount of such reductions to the 8948
satisfaction of both the grantee and the grantor. The auditor 8949
shall indorse the instrument, return it to the grantee or the 8950
grantee's representative, and provide a copy of the indorsed 8951
instrument to the grantor or the grantor's representative. 8952
- (B) Each statement submitted under this section shall either: 8953
- (1) Contain an affirmation by the grantee that the grantor 8954
has been asked by the grantee or the grantee's representative 8955
whether to the best of the grantor's knowledge the real property 8956
conveyed qualified for the current agricultural use valuation 8957
under section 5713.30 of the Revised Code either for the preceding 8958
or the current year and that the grantor indicated that to the 8959
best of the grantor's knowledge the property conveyed was not so 8960
qualified; or 8961
- (2) Be accompanied by a sworn or affirmed instrument stating: 8962
- (a) To the best of the grantor's knowledge the real property 8963
conveyed was qualified for the current agricultural use valuation 8964
under section 5713.30 of the Revised Code either for the preceding 8965
or the current year; 8966
- (b) To the extent that the property will not continue to 8967

qualify for the current agricultural use valuation either for the 8968
current or the succeeding year, that the property will be subject 8969
to a recoupment charge equal to the tax savings in accordance with 8970
section 5713.34 of the Revised Code; 8971

(c) That the grantor and the grantee have considered and 8972
accounted for the total estimated amount of such recoupment, if 8973
any, to the satisfaction of both the grantee and the grantor. The 8974
auditor shall indorse the instrument, forward it to the grantee or 8975
the grantee's representative, and provide a copy of the indorsed 8976
instrument to the grantor or the grantor's representative. 8977

(C) The grantor shall pay the fee required by division 8978
~~(F)~~(G)(3) of section 319.54 of the Revised Code; and, in the event 8979
the board of county commissioners of the county has levied a real 8980
property or a manufactured home transfer tax pursuant to Chapter 8981
322. of the Revised Code, the amount required by the real property 8982
or manufactured home transfer tax so levied. If the conveyance is 8983
exempt from the fee provided for in division ~~(F)~~(G)(3) of section 8984
319.54 of the Revised Code and the tax, if any, levied pursuant to 8985
Chapter 322. of the Revised Code, the reason for such exemption 8986
shall be shown on the statement. "Value" means, in the case of any 8987
deed or certificate of title not a gift in whole or part, the 8988
amount of the full consideration therefor, paid or to be paid for 8989
the real estate or manufactured or mobile home described in the 8990
deed or title, including the amount of any mortgage or vendor's 8991
lien thereon. If property sold under a land installment contract 8992
is conveyed by the seller under such contract to a third party and 8993
the contract has been of record at least twelve months prior to 8994
the date of conveyance, "value" means the unpaid balance owed to 8995
the seller under the contract at the time of the conveyance, but 8996
the statement shall set forth the amount paid under such contract 8997
prior to the date of conveyance. In the case of a gift in whole or 8998
part, "value" means the estimated price the real estate or 8999

manufactured or mobile home described in the deed or certificate 9000
of title would bring in the open market and under the then 9001
existing and prevailing market conditions in a sale between a 9002
willing seller and a willing buyer, both conversant with the 9003
property and with prevailing general price levels. No person shall 9004
willfully falsify the value of property conveyed. 9005

(D) The auditor shall indorse each conveyance on its face to 9006
indicate the amount of the conveyance fee and compliance with this 9007
section and if the property is residential rental property include 9008
a statement that the grantee shall file with the county auditor 9009
the information required under division (A) or (C) of section 9010
5323.02 of the Revised Code. The auditor shall retain the original 9011
copy of the statement of value, forward to the tax commissioner 9012
one copy on which shall be noted the most recent assessed value of 9013
the property, and furnish one copy to the grantee or the grantee's 9014
representative. 9015

(E) In order to achieve uniform administration and collection 9016
of the transfer fee required by division ~~(F)~~(G)(3) of section 9017
319.54 of the Revised Code, the tax commissioner shall adopt and 9018
promulgate rules for the administration and enforcement of the 9019
levy and collection of such fee. 9020

(F) As used in this section, "residential rental property" 9021
has the same meaning as in section 5323.01 of the Revised Code. 9022

Sec. 319.54. (A) On all moneys collected by the county 9023
treasurer on any tax duplicate of the county, other than estate 9024
tax duplicates, and on all moneys received as advance payments of 9025
personal property and classified property taxes, the county 9026
auditor, on settlement with the treasurer and tax commissioner, on 9027
or before the date prescribed by law for such settlement or any 9028
lawful extension of such date, shall be allowed as compensation 9029
for the county auditor's services the following percentages: 9030

(1) On the first one hundred thousand dollars, two and one-half per cent; 9031
9032

(2) On the next two million dollars, eight thousand three hundred eighteen ten-thousandths of one per cent; 9033
9034

(3) On the next two million dollars, six thousand six hundred fifty-five ten-thousandths of one per cent; 9035
9036

(4) On all further sums, one thousand six hundred sixty-three ten-thousandths of one per cent. 9037
9038

If any settlement is not made on or before the date 9039
prescribed by law for such settlement or any lawful extension of 9040
such date, the aggregate compensation allowed to the auditor shall 9041
be reduced one per cent for each day such settlement is delayed 9042
after the prescribed date. No penalty shall apply if the auditor 9043
and treasurer grant all requests for advances up to ninety per 9044
cent of the settlement pursuant to section 321.34 of the Revised 9045
Code. The compensation allowed in accordance with this section on 9046
settlements made before the dates prescribed by law, or the 9047
reduced compensation allowed in accordance with this section on 9048
settlements made after the date prescribed by law or any lawful 9049
extension of such date, shall be apportioned ratably by the 9050
auditor and deducted from the shares or portions of the revenue 9051
payable to the state as well as to the county, townships, 9052
municipal corporations, and school districts. 9053

(B) For the purpose of reimbursing county auditors for the 9054
expenses associated with the increased number of applications for 9055
reductions in real property taxes under sections 323.152 and 9056
4503.065 of the Revised Code that results from the amendment of 9057
those sections by Am. Sub. H.B. 119 of the 127th general assembly, 9058
on the first day of August of each year there shall be paid from 9059
the state's general revenue fund to the county treasury to the 9060
credit of the real estate assessment fund created by section 9061

325.31 of the Revised Code an amount equal to one per cent of the 9062
total annual amount of property tax relief reimbursement paid to 9063
that county under sections 323.156 and 4503.068 of the Revised 9064
Code for the preceding tax year. 9065

(C) From all moneys collected by the county treasurer on any 9066
tax duplicate of the county, other than estate tax duplicates, and 9067
on all moneys received as advance payments of personal property 9068
and classified property taxes, there shall be paid into the county 9069
treasury to the credit of the real estate assessment fund created 9070
by section 325.31 of the Revised Code, an amount to be determined 9071
by the county auditor, which shall not exceed the ~~following~~ 9072
percentages prescribed in divisions (C)(1) and (2) of this 9073
section. 9074

(1) ~~On~~ For payments made after June 30, 2007, and before 9075
2011, the following percentages: 9076

(a) ~~On~~ the first ~~one~~ five hundred thousand dollars, ~~three and~~ 9077
~~one-half~~ four per cent; 9078

~~(2)~~(b) ~~On~~ the next ~~three~~ five million dollars, ~~one and~~ 9079
~~three-eighths~~ two per cent; 9080

~~(3)~~(c) ~~On~~ the next ~~three~~ five million dollars, one per cent; 9081

~~(4)~~(d) ~~On~~ all further sums not exceeding one hundred fifty 9082
million dollars, three-quarters of one per cent; 9083

~~(5)~~(e) ~~On~~ amounts exceeding one hundred fifty million 9084
dollars, ~~six-tenths~~ five hundred eighty-five thousandths of one 9085
per cent. 9086

(2) For payments made in or after 2011, the following 9087
percentages: 9088

(a) On the first five hundred thousand dollars, four per 9089
cent; 9090

(b) On the next ten million dollars, two per cent; 9091

(c) On amounts exceeding ten million five hundred thousand 9092
dollars, three-fourths of one per cent. 9093

Such compensation shall be apportioned ratably by the auditor 9094
and deducted from the shares or portions of the revenue payable to 9095
the state as well as to the county, townships, municipal 9096
corporations, and school districts. 9097

~~(C)~~(D) Each county auditor shall receive four per cent of the 9098
amount of tax collected and paid into the county treasury, on 9099
property omitted and placed by the county auditor on the tax 9100
duplicate. 9101

~~(D)~~(E) On all estate tax moneys collected by the county 9102
treasurer, the county auditor, on settlement semiannually with the 9103
tax commissioner, shall be allowed, as compensation for the 9104
auditor's services under Chapter 5731. of the Revised Code, the 9105
following percentages: 9106

(1) Four per cent on the first one hundred thousand dollars; 9107

(2) One-half of one per cent on all additional sums. 9108

Such percentages shall be computed upon the amount collected 9109
and reported at each semiannual settlement, and shall be for the 9110
use of the general fund of the county. 9111

~~(E)~~(F) On all cigarette license moneys collected by the 9112
county treasurer, the county auditor, on settlement semiannually 9113
with the treasurer, shall be allowed as compensation for the 9114
auditor's services in the issuing of such licenses one-half of one 9115
per cent of such moneys, to be apportioned ratably and deducted 9116
from the shares of the revenue payable to the county and 9117
subdivisions, for the use of the general fund of the county. 9118

~~(F)~~(G) The county auditor shall charge and receive fees as 9119
follows: 9120

(1) For deeds of land sold for taxes to be paid by the 9121

purchaser, five dollars; 9122

(2) For the transfer or entry of land, lot, or part of lot, 9123
or the transfer or entry on or after January 1, 2000, of a used 9124
manufactured home or mobile home as defined in section 5739.0210 9125
of the Revised Code, fifty cents for each transfer or entry, to be 9126
paid by the person requiring it; 9127

(3) For receiving statements of value and administering 9128
section 319.202 of the Revised Code, one dollar, or ten cents for 9129
each one hundred dollars or fraction of one hundred dollars, 9130
whichever is greater, of the value of the real property 9131
transferred or, for sales occurring on or after January 1, 2000, 9132
the value of the used manufactured home or used mobile home, as 9133
defined in section 5739.0210 of the Revised Code, transferred, 9134
except no fee shall be charged when the transfer is made: 9135

(a) To or from the United States, this state, or any 9136
instrumentality, agency, or political subdivision of the United 9137
States or this state; 9138

(b) Solely in order to provide or release security for a debt 9139
or obligation; 9140

(c) To confirm or correct a deed previously executed and 9141
recorded; 9142

(d) To evidence a gift, in trust or otherwise and whether 9143
revocable or irrevocable, between husband and wife, or parent and 9144
child or the spouse of either; 9145

(e) On sale for delinquent taxes or assessments; 9146

(f) Pursuant to court order, to the extent that such transfer 9147
is not the result of a sale effected or completed pursuant to such 9148
order; 9149

(g) Pursuant to a reorganization of corporations or 9150
unincorporated associations or pursuant to the dissolution of a 9151

corporation, to the extent that the corporation conveys the 9152
property to a stockholder as a distribution in kind of the 9153
corporation's assets in exchange for the stockholder's shares in 9154
the dissolved corporation; 9155

(h) By a subsidiary corporation to its parent corporation for 9156
no consideration, nominal consideration, or in sole consideration 9157
of the cancellation or surrender of the subsidiary's stock; 9158

(i) By lease, whether or not it extends to mineral or mineral 9159
rights, unless the lease is for a term of years renewable forever; 9160

(j) When the value of the real property or the manufactured 9161
or mobile home or the value of the interest that is conveyed does 9162
not exceed one hundred dollars; 9163

(k) Of an occupied residential property, including a 9164
manufactured or mobile home, being transferred to the builder of a 9165
new residence or to the dealer of a new manufactured or mobile 9166
home when the former residence is traded as part of the 9167
consideration for the new residence or new manufactured or mobile 9168
home; 9169

(l) To a grantee other than a dealer in real property or in 9170
manufactured or mobile homes, solely for the purpose of, and as a 9171
step in, the prompt sale of the real property or manufactured or 9172
mobile home to others; 9173

(m) To or from a person when no money or other valuable and 9174
tangible consideration readily convertible into money is paid or 9175
to be paid for the real estate or manufactured or mobile home and 9176
the transaction is not a gift; 9177

(n) Pursuant to division (B) of section 317.22 of the Revised 9178
Code, or section 2113.61 of the Revised Code, between spouses or 9179
to a surviving spouse pursuant to section 5302.17 of the Revised 9180
Code as it existed prior to April 4, 1985, between persons 9181
pursuant to section 5302.17 or 5302.18 of the Revised Code on or 9182

after April 4, 1985, to a person who is a surviving, survivorship	9183
tenant pursuant to section 5302.17 of the Revised Code on or after	9184
April 4, 1985, or pursuant to section 5309.45 of the Revised Code;	9185
(o) To a trustee acting on behalf of minor children of the	9186
deceased;	9187
(p) Of an easement or right-of-way when the value of the	9188
interest conveyed does not exceed one thousand dollars;	9189
(q) Of property sold to a surviving spouse pursuant to	9190
section 2106.16 of the Revised Code;	9191
(r) To or from an organization exempt from federal income	9192
taxation under section 501(c)(3) of the "Internal Revenue Code of	9193
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided such	9194
transfer is without consideration and is in furtherance of the	9195
charitable or public purposes of such organization;	9196
(s) Among the heirs at law or devisees, including a surviving	9197
spouse, of a common decedent, when no consideration in money is	9198
paid or to be paid for the real property or manufactured or mobile	9199
home;	9200
(t) To a trustee of a trust, when the grantor of the trust	9201
has reserved an unlimited power to revoke the trust;	9202
(u) To the grantor of a trust by a trustee of the trust, when	9203
the transfer is made to the grantor pursuant to the exercise of	9204
the grantor's power to revoke the trust or to withdraw trust	9205
assets;	9206
(v) To the beneficiaries of a trust if the fee was paid on	9207
the transfer from the grantor of the trust to the trustee or if	9208
the transfer is made pursuant to trust provisions which became	9209
irrevocable at the death of the grantor;	9210
(w) To a corporation for incorporation into a sports facility	9211
constructed pursuant to section 307.696 of the Revised Code;	9212

(x) Between persons pursuant to section 5302.18 of the Revised Code. 9213
9214

The auditor shall compute and collect the fee. The auditor shall maintain a numbered receipt system, as prescribed by the tax commissioner, and use such receipt system to provide a receipt to each person paying a fee. The auditor shall deposit the receipts of the fees on conveyances in the county treasury daily to the credit of the general fund of the county. 9215
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The real property transfer fee provided for in division ~~(F)~~(G)(3) of this section shall be applicable to any conveyance of real property presented to the auditor on or after January 1, 1968, regardless of its time of execution or delivery. 9221
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The transfer fee for a used manufactured home or used mobile home shall be computed by and paid to the county auditor of the county in which the home is located immediately prior to the transfer. 9225
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Sec. 322.01. As used in sections 322.01 to 322.07 of the Revised Code: 9229
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(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: 9231
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(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; 9235
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(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. 9238
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(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.

(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.

(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 not include any deed, instrument, or writing which grants, assigns, transfers, or otherwise conveys any real property or interests in real property exempted from the fee required by division ~~(F)~~(G)(3) of section 319.54 of the Revised Code.

(E) "Manufactured home" has the same meaning as in division (C)(4) of section 3781.06 of the Revised Code.

(F) "Mobile home" has the same meaning as in division (O) of section 4501.01 of the Revised Code.

Sec. 323.131. (A) Each tax bill prepared and mailed or delivered under section 323.13 of the Revised Code shall be in the form and contain the information required by the tax commissioner. The commissioner may prescribe different forms for each county and may authorize the county auditor to make up tax bills and tax receipts to be used by the county treasurer. For any county in which the board of county commissioners has granted a partial property tax exemption on homesteads under section 323.158 of the Revised Code, the commissioner shall require that the tax bills for those homesteads include a notice of the amount of the tax

reduction that results from the partial exemption. In addition to 9274
the information required by the commissioner, each tax bill shall 9275
contain the following information: 9276

~~(A)~~(1) The taxes levied and the taxes charged and payable 9277
against the property; 9278

~~(B)~~(2) The effective tax rate. The words "effective tax rate" 9279
shall appear in boldface type. 9280

~~(C)~~(3) The following notices: 9281

~~(1)~~(a) "Notice: If the taxes are not paid within one year 9282
from the date they are due, the property is subject to foreclosure 9283
for tax delinquency." Failure to provide such notice has no effect 9284
upon the validity of any tax foreclosure to which a property is 9285
subjected. 9286

~~(2)~~(b) "Notice: If the taxes charged against this parcel have 9287
been reduced by the 2-1/2 per cent tax reduction for residences 9288
occupied by the owner but the property is not a residence occupied 9289
by the owner, the owner must notify the county auditor's office 9290
not later than March 31 of the year following the year for which 9291
the taxes are due. Failure to do so may result in the owner being 9292
convicted of a fourth degree misdemeanor, which is punishable by 9293
imprisonment up to 30 days, a fine up to \$250, or both, and in the 9294
owner having to repay the amount by which the taxes were 9295
erroneously or illegally reduced, plus any interest that may 9296
apply. 9297

If the taxes charged against this parcel have not been 9298
reduced by the 2-1/2 per cent tax reduction and the parcel 9299
includes a residence occupied by the owner, the parcel may qualify 9300
for the tax reduction. To obtain an application for the tax 9301
reduction or further information, the owner may contact the county 9302
auditor's office at (insert the address and telephone 9303
number of the county auditor's office)." 9304

~~(D)~~(4) For a tract or lot on the real property tax suspension list under section 319.48 of the Revised Code, the following notice: "Notice: The taxes shown due on this bill are for the current year only. Delinquent taxes, penalties, and interest also are due on this property. Contact the county treasurer to learn the total amount due." 9305
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The tax bill shall not contain or be mailed or delivered with any information or material that is not required by this section or that is not authorized by section 321.45 of the Revised Code or by the tax commissioner. 9311
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(B) If the property is residential rental property, the tax bill shall contain a statement that the owner of the residential rental property shall file with the county auditor the information required under division (A) or (C) of section 5323.02 of the Revised Code. 9315
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(C) As used in this section, "residential rental property" has the same meaning as in section 5323.01 of the Revised Code. 9320
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Sec. 323.151. As used in sections 323.151 to 323.159 of the Revised Code: 9322
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(A) "Homestead" means either of the following: 9324

(1) A dwelling, including a unit in a multiple-unit dwelling and a manufactured home or mobile home taxed as real property pursuant to division (B) of section 4503.06 of the Revised Code, owned and occupied as a home by an individual whose domicile is in this state and who has not acquired ownership from a person, other than the individual's spouse, related by consanguinity or affinity for the purpose of qualifying for the real property tax reduction provided in section 323.152 of the Revised Code. 9325
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(2) A unit in a housing cooperative that is occupied as a home, but not owned, by an individual whose domicile is in this 9333
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state. 9335

The homestead shall include so much of the land surrounding 9336
it, not exceeding one acre, as is reasonably necessary for the use 9337
of the dwelling or unit as a home. An owner includes a holder of 9338
one of the several estates in fee, a vendee in possession under a 9339
purchase agreement or a land contract, a mortgagor, a life tenant, 9340
one or more tenants with a right of survivorship, tenants in 9341
common, and a settlor of a revocable inter vivos trust holding the 9342
title to a homestead occupied by the settlor as of right under the 9343
trust. The tax commissioner shall adopt rules for the uniform 9344
classification and valuation of real property or portions of real 9345
property as homesteads. 9346

(B) "Sixty-five years of age or older" means a person who has 9347
attained age sixty-four prior to the first day of January of the 9348
year of application for reduction in real estate taxes. 9349

~~(C) "Total income" means the adjusted gross income of the 9350
owner and the owner's spouse for the year preceding the year in 9351
which application for a reduction in taxes is made, as determined 9352
under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 9353
U.S.C.A. 1, as amended, adjusted as follows:~~ 9354

~~(1) Subtract the amount of disability benefits included in 9355
adjusted gross income, but not to exceed fifty two hundred 9356
dollars;~~ 9357

~~(2) Add old age and survivors benefits received pursuant to 9358
the "Social Security Act" that are not included in adjusted gross 9359
income;~~ 9360

~~(3) Add retirement, pension, annuity, or other retirement 9361
payments or benefits not included in adjusted gross income;~~ 9362

~~(4) Add tier I and tier II railroad retirement benefits 9363
received pursuant to the "Railroad Retirement Act," 50 Stat. 307, 9364
45 U.S.C.A. 228;~~ 9365

~~(5) Add interest on federal, state, and local government obligations;~~ 9366
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~~(6) For a person who received the homestead exemption for a prior year on the basis of being permanently and totally disabled and whose current application for the exemption is made on the basis of age, subtract the following amount:~~ 9368
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~~(a) If the person received disability benefits that were not included in adjusted gross income in the year preceding the first year in which the person applied for the exemption on the basis of age, subtract an amount equal to the disability benefits the person received in that preceding year, to the extent included in total income in the current year and not subtracted under division (C)(1) of this section in the current year;~~ 9372
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~~(b) If the person received disability benefits that were included in adjusted gross income in the year preceding the first year in which the person applied for the exemption on the basis of age, subtract an amount equal to the amount of disability benefits that were subtracted pursuant to division (C)(1) of this section in that preceding year, to the extent included in total income in the current year and not subtracted under division (C)(1) of this section in the current year.~~ 9379
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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.~~ 9387
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~~(D) "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:~~ 9391
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~~(1) For those persons receiving the homestead exemption for the first time for tax years 1976 and earlier, old age benefits payable under the social security or railroad retirement laws in~~ 9394
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~~effect on December 31, 1975, except in those cases where a change in social security or railroad retirement benefits would result in a reduction in income.~~ 9397
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~~(2) For those persons receiving the homestead exemption for the first time for tax years 1977 and thereafter, old age benefits payable under the social security or railroad retirement laws in effect on the last day of the calendar year prior to the year for which the homestead exemption is first received, or, if no such benefits are payable that year, old age benefits payable the first succeeding year in which old age benefits under the social security or railroad retirement laws are payable, except in those cases where a change in social security or railroad retirement benefits results in a reduction in income.~~ 9400
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~~(3) The lesser of:~~ 9410

~~(a) Survivors benefits payable under the social security or railroad retirement laws in effect on the last day of the calendar year prior to the year for which the homestead exemption is first received, or, if no such benefits are payable that year, survivors benefits payable the first succeeding year in which survivors benefits are payable; or~~ 9411
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~~(b) Old age benefits of the deceased spouse, as determined under division (D)(1) or (2) of this section, upon which the surviving spouse's survivors benefits are based under the social security or railroad retirement laws, except in those cases where a change in benefits would cause a reduction in income.~~ 9417
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~~Survivors benefits are those described in division (D)(3)(b) of this section only if the deceased spouse received old age benefits in the year in which the deceased spouse died. If the deceased spouse did not receive old age benefits in the year in which the deceased spouse died, then survivors benefits are those described in division (D)(3)(a) of this section.~~ 9422
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~~(E)~~ "Permanently and totally disabled" means a person who 9428
has, on the first day of January of the year of application for 9429
reduction in real estate taxes, some impairment in body or mind 9430
that makes the person unable to work at any substantially 9431
remunerative employment that the person is reasonably able to 9432
perform and that will, with reasonable probability, continue for 9433
an indefinite period of at least twelve months without any present 9434
indication of recovery therefrom or has been certified as 9435
permanently and totally disabled by a state or federal agency 9436
having the function of so classifying persons. 9437

~~(F)~~(D) "Housing cooperative" means a housing complex of at 9438
least two hundred fifty units that is owned and operated by a 9439
nonprofit corporation that issues a share of the corporation's 9440
stock to an individual, entitling the individual to live in a unit 9441
of the complex, and collects a monthly maintenance fee from the 9442
individual to maintain, operate, and pay the taxes of the complex. 9443

Sec. 323.152. In addition to the reduction in taxes required 9444
under section 319.302 of the Revised Code, taxes shall be reduced 9445
as provided in divisions (A) and (B) of this section. 9446

(A)(1) Division (A) of this section applies to any of the 9447
following: 9448

(a) A person who is permanently and totally disabled; 9449

(b) A person who is sixty-five years of age or older; 9450

(c) A person who is the surviving spouse of a deceased person 9451
who was permanently and totally disabled or sixty-five years of 9452
age or older and who applied and qualified for a reduction in 9453
taxes under this division in the year of death, provided the 9454
surviving spouse is at least fifty-nine but not sixty-five or more 9455
years of age on the date the deceased spouse dies. 9456

(2) Real property taxes on a homestead owned and occupied, or 9457

a homestead in a housing cooperative occupied, by a person to whom 9458
division (A) of this section applies shall be reduced for each 9459
year for which the owner obtains a certificate of reduction from 9460
the county auditor under section 323.154 of the Revised Code or 9461
for which the occupant obtains a certificate of reduction in 9462
accordance with section 323.159 of the Revised Code. The reduction 9463
shall equal the amount obtained by multiplying the tax rate for 9464
the tax year for which the certificate is issued by the reduction 9465
in taxable value shown in the following schedule: 9466

Reduce Taxable Value		9467
Total Income	by the Lesser of:	9468
\$11,900 or less	\$5,000 or seventy-five per cent	9469
More than \$11,900 but not more than \$17,500	\$3,000 or sixty per cent	9470
More than \$17,500 but not more than \$23,000	\$1,000 or twenty-five per cent	9471
More than \$23,000	-0-	9472

~~(3) Each calendar year, the tax commissioner shall adjust the 9473
foregoing schedule by completing the following calculations in 9474
September of each year: 9475~~

~~(a) Determine the percentage increase in the gross domestic 9476
product deflator determined by the bureau of economic analysis of 9477
the United States department of commerce from the first day of 9478
January of the preceding calendar year to the last day of December 9479
of the preceding calendar year; 9480~~

~~(b) Multiply that percentage increase by each of the total 9481
income amounts, and by each dollar amount by which taxable value 9482
is reduced, for the current tax year; 9483~~

~~(c) Add the resulting product to each of the total income 9484
amounts, and to each of the dollar amounts by which taxable value 9485
is reduced, for the current tax year; 9486~~

~~(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;~~ 9487
9488
9489

~~(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.~~ 9490
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~~The commissioner shall certify the amounts resulting from the adjustment to each county auditor not later than the first day of December each year. The certified amounts apply to the following tax year. The commissioner shall not make the adjustment in any calendar year in which the amounts resulting from the adjustment would be less than the total income amounts, or less than the dollar amounts by which taxable value is reduced, for the current tax year greater of the reduction granted for the tax year preceding the first tax year to which this section applies pursuant to Section 803.06 of Am. Sub. H.B. 119 of the 127th general assembly, if the taxpayer received a reduction for that preceding tax year, or the product of the following:~~ 9495
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~~(a) Twenty-five thousand dollars of the true value of the property in money;~~ 9507
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~~(b) The assessment percentage established by the tax commissioner under division (B) of section 5715.01 of the Revised Code, not to exceed thirty-five per cent;~~ 9509
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9511

~~(c) The effective tax rate used to calculate the taxes charged against the property for the current year, where "effective tax rate" is defined as in section 323.08 of the Revised Code;~~ 9512
9513
9514
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~~(d) The quantity equal to one minus the sum of the percentage reductions in taxes received by the property for the current tax~~ 9516
9517

year under section 319.302 of the Revised Code and division (B) of 9518
section 323.152 of the Revised Code. 9519

(B) To provide a partial exemption, real property taxes on 9520
any homestead, and manufactured home taxes on any manufactured or 9521
mobile home on which a manufactured home tax is assessed pursuant 9522
to division (D)(2) of section 4503.06 of the Revised Code, shall 9523
be reduced for each year for which the owner obtains a certificate 9524
of reduction from the county auditor under section 323.154 of the 9525
Revised Code. The amount of the reduction shall equal two and 9526
one-half per cent of the amount of taxes to be levied on the 9527
homestead or the manufactured or mobile home after applying 9528
section 319.301 of the Revised Code. 9529

(C) The reductions granted by this section do not apply to 9530
special assessments or respread of assessments levied against the 9531
homestead, and if there is a transfer of ownership subsequent to 9532
the filing of an application for a reduction in taxes, such 9533
reductions are not forfeited for such year by virtue of such 9534
transfer. 9535

(D) The reductions in taxable value referred to in this 9536
section shall be applied solely as a factor for the purpose of 9537
computing the reduction of taxes under this section and shall not 9538
affect the total value of property in any subdivision or taxing 9539
district as listed and assessed for taxation on the tax lists and 9540
duplicates, or any direct or indirect limitations on indebtedness 9541
of a subdivision or taxing district. If after application of 9542
sections 5705.31 and 5705.32 of the Revised Code, including the 9543
allocation of all levies within the ten-mill limitation to debt 9544
charges to the extent therein provided, there would be 9545
insufficient funds for payment of debt charges not provided for by 9546
levies in excess of the ten-mill limitation, the reduction of 9547
taxes provided for in sections 323.151 to 323.159 of the Revised 9548
Code shall be proportionately adjusted to the extent necessary to 9549

provide such funds from levies within the ten-mill limitation. 9550

(E) No reduction shall be made on the taxes due on the 9551
homestead of any person convicted of violating division (C) or (D) 9552
of section 323.153 of the Revised Code for a period of three years 9553
following the conviction. 9554

Sec. 323.153. (A) To obtain a reduction in real property 9555
taxes under division (A) or (B) of section 323.152 of the Revised 9556
Code or in manufactured home taxes under division (B) of section 9557
323.152 of the Revised Code, the owner shall file an application 9558
with the county auditor of the county in which the owner's 9559
homestead is located. 9560

To obtain a reduction in real property taxes under division 9561
(A) of section 323.152 of the Revised Code, the occupant of a 9562
homestead in a housing cooperative shall file an application with 9563
the nonprofit corporation that owns and operates the housing 9564
cooperative, in accordance with this paragraph. Not later than the 9565
first day of March each year, the corporation shall obtain 9566
applications from the county auditor's office and provide one to 9567
each new occupant. Not later than the first day of May, any 9568
occupant who may be eligible for a reduction in taxes under 9569
division (A) of section 323.152 of the Revised Code shall submit 9570
the completed application to the corporation. Not later than the 9571
fifteenth day of May, the corporation shall file all completed 9572
applications, and the information required by division (B) of 9573
section 323.159 of the Revised Code, with the county auditor of 9574
the county in which the occupants' homesteads are located. 9575
Continuing applications shall be furnished to an occupant in the 9576
manner provided in division (C)(4) of this section. 9577

(1) An application for reduction based upon a physical 9578
disability shall be accompanied by a certificate signed by a 9579
physician, and an application for reduction based upon a mental 9580

disability shall be accompanied by a certificate signed by a 9581
physician or psychologist licensed to practice in this state, 9582
attesting to the fact that the applicant is permanently and 9583
totally disabled. The certificate shall be in a form that the tax 9584
commissioner requires and shall include the definition of 9585
permanently and totally disabled as set forth in section 323.151 9586
of the Revised Code. An application for reduction based upon a 9587
disability certified as permanent and total by a state or federal 9588
agency having the function of so classifying persons shall be 9589
accompanied by a certificate from that agency. ~~Such an~~ 9590

An application for a reduction under division (A) of section 9591
323.152 of the Revised Code constitutes a continuing application 9592
for a reduction in taxes for each year in which the dwelling is 9593
the applicant's homestead ~~and the amount of the reduction in~~ 9594
~~taxable value to which the applicant is entitled does not exceed~~ 9595
~~either the amount or percentage of the reduction to which the~~ 9596
~~applicant was entitled for the year in which the application was~~ 9597
~~first filed.~~ 9598

(2) An application for a reduction in taxes under division 9599
(B) of section 323.152 of the Revised Code shall be filed only if 9600
the homestead or manufactured or mobile home was transferred in 9601
the preceding year or did not qualify for and receive the 9602
reduction in taxes under that division for the preceding tax year. 9603
The application for homesteads transferred in the preceding year 9604
shall be incorporated into any form used by the county auditor to 9605
administer the tax law in respect to the conveyance of real 9606
property pursuant to section 319.20 of the Revised Code or of used 9607
manufactured homes or used mobile homes as defined in section 9608
5739.0210 of the Revised Code. The owner of a manufactured or 9609
mobile home who has elected under division (D)(4) of section 9610
4503.06 of the Revised Code to be taxed under division (D)(2) of 9611
that section for the ensuing year may file the application at the 9612

time of making that election. The application shall contain a 9613
statement that failure by the applicant to affirm on the 9614
application that the dwelling on the property conveyed is the 9615
applicant's homestead prohibits the owner from receiving the 9616
reduction in taxes until a proper application is filed within the 9617
period prescribed by division (A)(3) of this section. Such an 9618
application constitutes a continuing application for a reduction 9619
in taxes for each year in which the dwelling is the applicant's 9620
homestead. 9621

(3) Failure to receive a new application filed under division 9622
(A)(1) or (2) or notification under division (C) of this section 9623
after a certificate of reduction has been issued under section 9624
323.154 of the Revised Code, or failure to receive a new 9625
application filed under division (A)(1) or notification under 9626
division (C) of this section after a certificate of reduction has 9627
been issued under section 323.159 of the Revised Code, is 9628
prima-facie evidence that the original applicant is entitled to 9629
the reduction in taxes calculated on the basis of the information 9630
contained in the original application. The original application 9631
and any subsequent application, including any late application, 9632
shall be in the form of a signed statement and shall be filed 9633
after the first Monday in January and not later than the first 9634
Monday in June. The original application and any subsequent 9635
application for a reduction in real property taxes shall be filed 9636
in the year for which the reduction is sought. The original 9637
application and any subsequent application for a reduction in 9638
manufactured home taxes shall be filed in the year preceding the 9639
year for which the reduction is sought. The statement shall be on 9640
a form, devised and supplied by the tax commissioner, which shall 9641
require no more information than is necessary to establish the 9642
applicant's eligibility for the reduction in taxes and the amount 9643
of the reduction, and, for a certificate of reduction issued under 9644
section 323.154 of the Revised Code, shall include an affirmation 9645

by the applicant that ownership of the homestead was not acquired 9646
from a person, other than the applicant's spouse, related to the 9647
owner by consanguinity or affinity for the purpose of qualifying 9648
for the real property or manufactured home tax reduction provided 9649
for in division (A) or (B) of section 323.152 of the Revised Code. 9650
The form shall contain a statement that conviction of willfully 9651
falsifying information to obtain a reduction in taxes or failing 9652
to comply with division (C) of this section results in the 9653
revocation of the right to the reduction for a period of three 9654
years. ~~In the case of an application for a reduction in taxes 9655
under division (A) of section 323.152 of the Revised Code, the 9656
form shall contain a statement that signing the application 9657
constitutes a delegation of authority by the applicant to the 9658
county auditor to examine any financial records relating to income 9659
earned by the applicant as stated on the application for the 9660
purpose of determining a possible violation of division (D) or (E) 9661
of this section.~~ 9662

(B) A late application for a tax reduction for the year 9663
preceding the year in which an original application is filed, or 9664
for a reduction in manufactured home taxes for the year in which 9665
an original application is filed, may be filed with the original 9666
application. If the county auditor determines the information 9667
contained in the late application is correct, the auditor shall 9668
determine the amount of the reduction in taxes to which the 9669
applicant would have been entitled for the preceding tax year had 9670
the applicant's application been timely filed and approved in that 9671
year. 9672

The amount of such reduction shall be treated by the auditor 9673
as an overpayment of taxes by the applicant and shall be refunded 9674
in the manner prescribed in section 5715.22 of the Revised Code 9675
for making refunds of overpayments. On the first day of July of 9676
each year, the county auditor shall certify the total amount of 9677

the reductions in taxes made in the current year under this 9678
division to the tax commissioner, who shall treat the full amount 9679
thereof as a reduction in taxes for the preceding tax year and 9680
shall make reimbursement to the county therefor in the manner 9681
prescribed by section 323.156 of the Revised Code, from money 9682
appropriated for that purpose. 9683

(C)(1) If, in any year after an application has been filed 9684
under division (A)(1) or (2) of this section, the owner does not 9685
qualify for a reduction in taxes on the homestead or on the 9686
manufactured or mobile home set forth on such application,~~or~~ 9687
~~qualifies for a reduction in taxes that is to be based upon a~~ 9688
~~reduction in taxable value less than either the percentage or~~ 9689
~~amount of the reduction in taxable value to which the owner was~~ 9690
~~entitled in the year the application was filed,~~ the owner shall 9691
notify the county auditor that the owner is not qualified for a 9692
reduction in taxes ~~or file a new application under division (A)(1)~~ 9693
~~or (2) of this section.~~ 9694

(2) If, in any year after an application has been filed under 9695
division (A)~~(1)~~ of this section, the occupant of a homestead in a 9696
housing cooperative does not qualify for a reduction in taxes on 9697
the homestead, the occupant shall notify the county auditor that 9698
the occupant is not qualified for a reduction in taxes or file a 9699
new application under division (A)~~(1)~~ of this section. 9700

(3) If the county auditor or county treasurer discovers that 9701
the owner of property not entitled to the reduction in taxes under 9702
division (B) of section 323.152 of the Revised Code failed to 9703
notify the county auditor as required by division (C)(1) of this 9704
section, a charge shall be imposed against the property in the 9705
amount by which taxes were reduced under that division for each 9706
tax year the county auditor ascertains that the property was not 9707
entitled to the reduction and was owned by the current owner. 9708
Interest shall accrue in the manner prescribed by division (B) of 9709

section 323.121 or division (G)(2) of section 4503.06 of the Revised Code on the amount by which taxes were reduced for each such tax year as if the reduction became delinquent taxes at the close of the last day the second installment of taxes for that tax year could be paid without penalty. The county auditor shall notify the owner, by ordinary mail, of the charge, of the owner's right to appeal the charge, and of the manner in which the owner may appeal. The owner may appeal the imposition of the charge and interest by filing an appeal with the county board of revision not later than the last day prescribed for payment of real and public utility property taxes under section 323.12 of the Revised Code following receipt of the notice and occurring at least ninety days after receipt of the notice. The appeal shall be treated in the same manner as a complaint relating to the valuation or assessment of real property under Chapter 5715. of the Revised Code. The charge and any interest shall be collected as other delinquent taxes.

(4) Each year during January, the county auditor shall furnish by ordinary mail a continuing application to each person issued a certificate of reduction under section 323.154 or 323.159 of the Revised Code with respect to a reduction in taxes under division (A) of section 323.152 of the Revised Code. The continuing application shall be used to report ~~changes in total income that would have the effect of increasing or decreasing the reduction in taxable value to which the person is entitled,~~ changes in ownership or occupancy of the homestead, including changes in or revocation of a revocable inter vivos trust, changes in disability, and other changes in the information earlier furnished the auditor relative to the reduction in taxes on the property. The continuing application shall be returned to the auditor not later than the first Monday in June; provided, that if such changes do not affect the status of the homestead exemption or the amount of the reduction to which the owner is entitled

under division (A) of section 323.152 of the Revised Code or to 9743
which the occupant is entitled under section 323.159 of the 9744
Revised Code, the application does not need to be returned. 9745

(5) Each year during February, the county auditor, except as 9746
otherwise provided in this paragraph, shall furnish by ordinary 9747
mail an original application to the owner, as of the first day of 9748
January of that year, of a homestead or a manufactured or mobile 9749
home that transferred during the preceding calendar year and that 9750
qualified for and received a reduction in taxes under division (B) 9751
of section 323.152 of the Revised Code for the preceding tax year. 9752
In order to receive the reduction under that division, the owner 9753
shall file the application with the county auditor not later than 9754
the first Monday in June. If the application is not timely filed, 9755
the auditor shall not grant a reduction in taxes for the homestead 9756
for the current year, and shall notify the owner that the 9757
reduction in taxes has not been granted, in the same manner 9758
prescribed under section 323.154 of the Revised Code for 9759
notification of denial of an application. Failure of an owner to 9760
receive an application does not excuse the failure of the owner to 9761
file an original application. The county auditor is not required 9762
to furnish an application under this paragraph for any homestead 9763
for which application has previously been made on a form 9764
incorporated into any form used by the county auditor to 9765
administer the tax law in respect to the conveyance of real 9766
property or of used manufactured homes or used mobile homes, and 9767
an owner who previously has applied on such a form is not required 9768
to return an application furnished under this paragraph. 9769

(D) No person shall knowingly make a false statement for the 9770
purpose of obtaining a reduction in the person's real property or 9771
manufactured home taxes under section 323.152 of the Revised Code. 9772

(E) No person shall knowingly fail to notify the county 9773
auditor of changes required by division (C) of this section that 9774

have the effect of maintaining or securing a reduction ~~in taxable~~ 9775
~~value of homestead property or a reduction~~ in taxes ~~in excess of~~ 9776
~~the reduction allowed~~ under section 323.152 of the Revised Code. 9777

(F) No person shall knowingly make a false statement or 9778
certification attesting to any person's physical or mental 9779
condition for purposes of qualifying such person for tax relief 9780
pursuant to sections 323.151 to 323.159 of the Revised Code. 9781

Sec. 323.154. On or before the day the county auditor has 9782
completed the duties imposed by sections 319.30 to 319.302 of the 9783
Revised Code, the auditor shall issue a certificate of reduction 9784
in taxes in triplicate for each person who has complied with 9785
section 323.153 of the Revised Code and whose homestead, as 9786
defined in division (A)(1) of section 323.151 of the Revised Code, 9787
or manufactured or mobile home the auditor finds is entitled to a 9788
reduction in real property or manufactured home taxes for that 9789
year under section 323.152 of the Revised Code. Except as provided 9790
in section 323.159 of the Revised Code, in the case of a homestead 9791
entitled to a reduction under division (A) of that section, the 9792
certificate shall state the taxable value of the homestead on the 9793
first day of January of that year, the ~~amount of the reduction in~~ 9794
~~taxable value and the~~ total reduction in taxes for that year under 9795
that section, the tax rate that is applicable against such 9796
homestead for that year, and any other information the tax 9797
commissioner requires. In the case of a homestead or a 9798
manufactured or mobile home entitled to a reduction under division 9799
(B) of that section, the certificate shall state the total amount 9800
of the reduction in taxes for that year under that section and any 9801
other information the tax commissioner requires. The certificate 9802
for reduction in taxes shall be on a form approved by the 9803
commissioner. Upon issuance of such a certificate, the county 9804
auditor shall forward one copy and the original to the county 9805
treasurer and retain one copy. The county auditor also shall 9806

record the amount of reduction in taxes in the appropriate column 9807
on the general tax list and duplicate of real and public utility 9808
property and on the manufactured home tax list. 9809

If an application, late application, or continuing 9810
application is not approved, or if the county auditor otherwise 9811
determines that a homestead or a manufactured or mobile home does 9812
not qualify for a reduction in taxes under division (A) or (B) of 9813
section 323.152 of the Revised Code, the auditor shall notify the 9814
applicant of the reasons for denial not later than the first 9815
Monday in October. If an applicant believes that the application 9816
for reduction has been improperly denied or that the reduction is 9817
for less than that to which the applicant is entitled, the 9818
applicant may file an appeal with the county board of revision not 9819
later than the date of closing of the collection for the first 9820
half of real and public utility property taxes or manufactured 9821
home taxes. The appeal shall be treated in the same manner as a 9822
complaint relating to the valuation or assessment of real property 9823
under Chapter 5715. of the Revised Code. 9824

Sec. 325.31. (A) On the first business day of each month, and 9825
at the end of the officer's term of office, each officer named in 9826
section 325.27 of the Revised Code shall pay into the county 9827
treasury, to the credit of the general county fund, on the warrant 9828
of the county auditor, all fees, costs, penalties, percentages, 9829
allowances, and perquisites collected by the officer's office 9830
during the preceding month or part thereof for official services, 9831
except the fees allowed the county auditor by division ~~(B)~~(C) of 9832
section 319.54 of the Revised Code, which shall be paid into the 9833
county treasury to the credit of the real estate assessment fund 9834
hereby created. 9835

(B) Moneys to the credit of the real estate assessment fund 9836
may be expended, upon appropriation by the board of county 9837

commissioners, for the purpose of defraying one or more of the 9838
following: 9839

(1) The cost incurred by the county auditor in assessing real 9840
estate pursuant to Chapter 5713. of the Revised Code and 9841
manufactured and mobile homes pursuant to Chapter 4503. of the 9842
Revised Code; 9843

(2) At the county auditor's discretion, costs and expenses 9844
incurred by the county auditor in preparing the list of real and 9845
public utility property, in administering laws related to the 9846
taxation of real property and the levying of special assessments 9847
on real property, including administering reductions under 9848
Chapters 319. and 323. and section 4503.065 of the Revised Code, 9849
and to support assessments of real property in any administrative 9850
or judicial proceeding; 9851

(3) At the county auditor's discretion, the expenses incurred 9852
by the county board of revision under Chapter 5715. of the Revised 9853
Code; 9854

(4) At the county auditor's discretion, the expenses incurred 9855
by the county auditor for geographic information systems, mapping 9856
programs, and technological advances in those or similar systems 9857
or programs; 9858

(5) At the county auditor's discretion, expenses incurred by 9859
the county auditor in compiling the general tax list of tangible 9860
personal property and administering tangible personal property 9861
taxes under Chapters 5711. and 5719. of the Revised Code; 9862

(6) At the county auditor's discretion, costs, expenses, and 9863
fees incurred by the county auditor in the administration of 9864
estate taxes under Chapter 5731. of the Revised Code and the 9865
amounts incurred under section 5731.41 of the Revised Code. 9866

Any expenditures made from the real estate assessment fund 9867
shall comply with rules that the tax commissioner adopts under 9868

division (O) of section 5703.05 of the Revised Code. Those rules 9869
shall include a requirement that a copy of any appraisal plans, 9870
progress of work reports, contracts, or other documents required 9871
to be filed with the tax commissioner shall be filed also with the 9872
board of county commissioners. 9873

The board of county commissioners shall not transfer moneys 9874
required to be deposited in the real estate assessment fund to any 9875
other fund. Following an assessment of real property pursuant to 9876
Chapter 5713. of the Revised Code, or an assessment of a 9877
manufactured or mobile home pursuant to Chapter 4503. of the 9878
Revised Code, any moneys not expended for the purpose of defraying 9879
the cost incurred in assessing real estate or manufactured or 9880
mobile homes or for the purpose of defraying the expenses 9881
described in divisions (B)(2), (3), (4), (5), and (6) of this 9882
section, and thereby remaining to the credit of the real estate 9883
assessment fund, shall be apportioned ratably and distributed to 9884
those taxing authorities that contributed to the fund. However, no 9885
such distribution shall be made if the amount of such unexpended 9886
moneys remaining to the credit of the real estate assessment fund 9887
does not exceed five thousand dollars. 9888

(C) None of the officers named in section 325.27 of the 9889
Revised Code shall collect any fees from the county. Each of such 9890
officers shall, at the end of each calendar year, make and file a 9891
sworn statement with the board of county commissioners of all such 9892
fees, costs, penalties, percentages, allowances, and perquisites 9893
which have been due in the officer's office and unpaid for more 9894
than one year prior to the date such statement is required to be 9895
made. 9896

Sec. 329.04. (A) The county department of job and family 9897
services shall have, exercise, and perform the following powers 9898
and duties: 9899

(1) Perform any duties assigned by the state department of job and family services regarding the provision of public family services, including the provision of the following services to prevent or reduce economic or personal dependency and to strengthen family life:

(a) Services authorized by a Title IV-A program, as defined in section 5101.80 of the Revised Code;

(b) Social services authorized by Title XX of the "Social Security Act" and provided for by section 5101.46 or 5101.461 of the Revised Code;

(c) If the county department is designated as the child support enforcement agency, services authorized by Title IV-D of the "Social Security Act" and provided for by Chapter 3125. of the Revised Code. The county department may perform the services itself or contract with other government entities, and, pursuant to division (C) of section 2301.35 and section 2301.42 of the Revised Code, private entities, to perform the Title IV-D services.

(d) Duties assigned under section 5111.98 of the Revised Code.

(2) Administer disability financial assistance, as required by the state department of job and family services under section 5115.03 of the Revised Code;

(3) Administer disability medical assistance, as required by the state department of job and family services under section 5115.13 of the Revised Code;

(4) Administer burials insofar as the administration of burials was, prior to September 12, 1947, imposed upon the board of county commissioners and if otherwise required by state law;

(5) Cooperate with state and federal authorities in any

matter relating to family services and to act as the agent of such 9930
authorities; 9931

(6) Submit an annual account of its work and expenses to the 9932
board of county commissioners and to the state department of job 9933
and family services at the close of each fiscal year; 9934

(7) Exercise any powers and duties relating to family 9935
services duties or workforce development activities imposed upon 9936
the county department of job and family services by law, by 9937
resolution of the board of county commissioners, or by order of 9938
the governor, when authorized by law, to meet emergencies during 9939
war or peace; 9940

(8) Determine the eligibility for medical assistance of 9941
recipients of aid under Title XVI of the "Social Security Act"; 9942

(9) If assigned by the state director of job and family 9943
services under section 5101.515 of the Revised Code, determine 9944
applicants' eligibility for health assistance under the children's 9945
health insurance program part II; 9946

(10) Enter into a plan of cooperation with the board of 9947
county commissioners under section 307.983, consult with the board 9948
in the development of the transportation work plan developed under 9949
section 307.985, establish with the board procedures under section 9950
307.986 for providing services to children whose families relocate 9951
frequently, and comply with the contracts the board enters into 9952
under sections 307.981 and 307.982 of the Revised Code that affect 9953
the county department; 9954

(11) For the purpose of complying with a ~~fiscal~~ grant 9955
agreement the board of county commissioners enters into under 9956
~~section~~ sections 307.98 and 5101.21 of the Revised Code, exercise 9957
the powers and perform the duties the ~~fiscal~~ grant agreement 9958
assigns to the county department; 9959

(12) If the county department is designated as the workforce 9960

development agency, provide the workforce development activities 9961
specified in the contract required by section 330.05 of the 9962
Revised Code. 9963

(B) The powers and duties of a county department of job and 9964
family services are, and shall be exercised and performed, under 9965
the control and direction of the board of county commissioners. 9966
The board may assign to the county department any power or duty of 9967
the board regarding family services duties and workforce 9968
development activities. If the new power or duty necessitates the 9969
state department of job and family services changing its federal 9970
cost allocation plan, the county department may not implement the 9971
power or duty unless the United States department of health and 9972
human services approves the changes. 9973

Sec. 329.05. The county department of job and family services 9974
may administer or assist in administering any state or local 9975
family services duty in addition to those mentioned in section 9976
329.04 of the Revised Code, supported wholly or in part by public 9977
funds from any source provided by agreement between the board of 9978
county commissioners and the officer, department, board, or agency 9979
in which the administration of such activity is vested. Such 9980
officer, department, board, or agency may enter into such 9981
agreement and confer upon the county department of job and family 9982
services, to the extent and in particulars specified in the 9983
agreement, the performance of any duties and the exercise of any 9984
powers imposed upon or vested in such officer, board, department, 9985
or agency, with respect to the administration of such activity. 9986
Such agreement shall be in the form of a resolution of the board 9987
of county commissioners, accepted in writing by the other party to 9988
the agreement, and filed in the office of the county auditor, and 9989
when so filed, shall have the effect of transferring the exercise 9990
of the powers and duties to which the agreement relates and shall 9991
exempt the other party from all further responsibility for the 9992

exercise of the powers and duties so transferred, during the life 9993
of the agreement. 9994

Such agreement shall be coordinated and not conflict with a 9995
~~fiscal grant~~ agreement entered into under ~~section~~ sections 307.98 9996
and 5101.21, a contract entered into under section 307.981 or 9997
307.982, a plan of cooperation entered into under section 307.983, 9998
a regional plan of cooperation entered into under section 307.984, 9999
a transportation work plan developed under section 307.985, or 10000
procedures for providing services to children whose families 10001
relocate frequently established under section 307.986 of the 10002
Revised Code. It may be revoked at the option of either party, by 10003
a resolution or order of the revoking party filed in the office of 10004
the auditor. Such revocation shall become effective at the end of 10005
the fiscal year occurring at least six months following the filing 10006
of the resolution or order. In the absence of such an express 10007
revocation so filed, the agreement shall continue indefinitely. 10008

This section does not permit a county department of job and 10009
family services to manage or control hospitals, humane societies, 10010
detention facilities, jails or probation departments of courts, or 10011
veterans service commissions. 10012

Sec. 329.14. (A) An individual whose household income does 10013
not exceed ~~one~~ two hundred ~~fifty~~ per cent of the federal poverty 10014
line is eligible to participate in an individual development 10015
account program established by the county department of job and 10016
family services of the county in which the individual resides. An 10017
eligible individual seeking to be a participant in the program 10018
shall enter into an agreement with the fiduciary organization 10019
administering the program. The agreement shall specify the terms 10020
and conditions of uses of funds deposited, financial documentation 10021
required to be maintained by the participant, expectations and 10022
responsibilities of the participant, and services to be provided 10023

by the fiduciary organization. 10024

(B) A participant may deposit earned income, as defined in 26 10025
U.S.C. 911(d)(2), as amended, into the account. The fiduciary 10026
organization may deposit into the account an amount not exceeding 10027
~~twice~~ four times the amount deposited by the participant except 10028
that a fiduciary organization may not, pursuant to an agreement 10029
with an employer, deposit an amount into an account held by a 10030
participant who is employed by the employer. An account may have 10031
no more than ten thousand dollars in it at any time. 10032

(C) Notwithstanding eligibility requirements established in 10033
or pursuant to Chapter 5107., 5108., or 5111. of the Revised Code, 10034
to the extent permitted by federal statutes and regulations, money 10035
in an individual development account, including interest, is 10036
exempt from consideration in determining whether the participant 10037
or a member of the participant's assistance group is eligible for 10038
assistance under Chapter 5107., 5108., or 5111. of the Revised 10039
Code and the amount of assistance the participant or assistance 10040
group is eligible to receive. 10041

(D)(1) Except as provided in division (D)(2) of this section, 10042
an individual development account program participant may use 10043
money in the account only for the following purposes: 10044

(a) Postsecondary educational expenses paid directly from the 10045
account to an eligible education institution or vendor; 10046

(b) Qualified acquisition expenses of a principal residence, 10047
as defined in 26 U.S.C. 1034, as amended, paid directly from the 10048
account to the person or government entity to which the expenses 10049
are due; 10050

(c) Qualified business capitalization expenses made in 10051
accordance with a qualified business plan that has been approved 10052
by a financial institution or by a nonprofit microenterprise 10053
program having demonstrated business expertise and paid directly 10054

from the account to the person to whom the expenses are due. 10055

(2) A fiduciary organization shall permit a participant to 10056
withdraw money deposited by the participant if it is needed to 10057
deal with a personal emergency of the participant or a member of 10058
the participant's family or household. Withdrawal shall result in 10059
the loss of any matching funds in an amount equal to the amount of 10060
the withdrawal. 10061

(3) Regardless of the reason for the withdrawal, a withdrawal 10062
from an individual development account may be made only with the 10063
approval of the fiduciary organization. 10064

Sec. 333.02. Before ~~June 1, 2007~~ January 1, 2008, a board of 10065
county commissioners of a county that levies a county sales and 10066
use tax may enter into an agreement with any person that proposes 10067
to construct an impact facility in the county to provide payments 10068
to that person of up to seventy-five per cent of the county sales 10069
and use tax collected on each retail sale made by that person at 10070
the facility, for a term of up to ten years, or until the person's 10071
qualifying investment in the impact facility has been realized 10072
through the payments, whichever occurs first. 10073

Sec. 333.04. (A) After review of the items submitted under 10074
division (A) of section 333.03 of the Revised Code, and after 10075
receipt of the certification from the director of development 10076
under division (B) of that section, a board of county 10077
commissioners, before ~~June 1, 2007~~ January 1, 2008, may enter into 10078
an agreement under section 333.02 of the Revised Code, provided 10079
that the board has determined all of the following: 10080

(1) The proposed impact facility is economically sound; 10081

(2) Construction of the proposed impact facility has not 10082
begun prior to the day the agreement is entered into; 10083

(3) The impact facility will benefit the county by increasing 10084

employment opportunities and strengthening the local and regional economy; and 10085
10086

(4) Receiving payments from the board of county commissioners is a major factor in the person's decision to go forward with construction of the impact facility. 10087
10088
10089

(B) An agreement entered into under this section shall include all of the following: 10090
10091

(1) A description of the impact facility that is the subject of the agreement, including the existing investment level, if any, the proposed amount of investments, the scheduled starting and completion dates for the facility, and the number and type of full-time equivalent positions to be created at the facility; 10092
10093
10094
10095
10096

(2) The percentage of the county sales and use tax collected at the impact facility that will be used to make payments to the person entering into the agreement; 10097
10098
10099

(3) The term of the payments and the first calendar quarter in which the person may apply for a payment under section 333.06 of the Revised Code; 10100
10101
10102

(4) A requirement that the amount of payments made to the person during the term established under division (B)(3) of this section shall not exceed the person's qualifying investment, and that all payments cease when that amount is reached; 10103
10104
10105
10106

(5) A requirement that the person maintain operations at the impact facility for at least the term established under division (B)(3) of this section; 10107
10108
10109

(6) A requirement that the person annually certify to the board of county commissioners, on or before a date established by the board in the agreement, the level of investment in, the number of employees and type of full-time equivalent positions at, and the amount of county sales and use tax collected and remitted to 10110
10111
10112
10113
10114

the tax commissioner or treasurer of state from sales made at, the 10115
facility; 10116

(7) A provision stating that the creation of the proposed 10117
impact facility does not involve the relocation of more than ten 10118
full-time equivalent positions and two million dollars in taxable 10119
assets to the impact facility from another facility owned by the 10120
person, or a related member of the person, that is located in 10121
another political subdivision of this state, other than the 10122
political subdivision in which the impact facility is or will be 10123
located; 10124

(8) A provision stating that the person will not relocate 10125
more than ten full-time equivalent positions and two million 10126
dollars in taxable assets to the impact facility from another 10127
facility in another political subdivision of this state during the 10128
term of the payments without the written approval of the director 10129
of development; 10130

(9) A detailed explanation of how the person determined that 10131
more than fifty per cent of the visitors to the facility live at 10132
least one hundred miles from the facility. 10133

(C) For purposes of this section, the transfer of a full-time 10134
equivalent position or taxable asset from another political 10135
subdivision in this state to the political subdivision in which 10136
the impact facility is or will be located shall be considered a 10137
relocation, unless the person refills the full-time equivalent 10138
position, or replaces the taxable asset with an asset of equal or 10139
greater taxable value, within six months after the transfer. The 10140
person may not receive a payment under this chapter for any year 10141
in which more than ten relocations occurred without the written 10142
consent of the board of county commissioners. 10143

Sec. 340.03. (A) Subject to rules issued by the director of 10144
mental health after consultation with relevant constituencies as 10145

required by division (A)(11) of section 5119.06 of the Revised Code, with regard to mental health services, the board of alcohol, drug addiction, and mental health services shall:

(1) Serve as the community mental health planning agency for the county or counties under its jurisdiction, and in so doing it shall:

(a) Evaluate the need for facilities and community mental health services;

(b) In cooperation with other local and regional planning and funding bodies and with relevant ethnic organizations, assess the community mental health needs, set priorities, and develop plans for the operation of facilities and community mental health services;

(c) In accordance with guidelines issued by the director of mental health after consultation with board representatives, develop and submit to the department of mental health, no later than six months prior to the conclusion of the fiscal year in which the board's current plan is scheduled to expire, a community mental health plan listing community mental health needs, including the needs of all residents of the district now residing in state mental institutions and severely mentally disabled adults, children, and adolescents; all children subject to a determination made pursuant to section 121.38 of the Revised Code; and all the facilities and community mental health services that are or will be in operation or provided during the period for which the plan will be in operation in the service district to meet such needs.

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 10177
available. The plan must also include an explanation of how the 10178
board intends to make any payments that it may be required to pay 10179
under section 5119.62 of the Revised Code, a statement of the 10180
inpatient and community-based services the board proposes that the 10181
department operate, an assessment of the number and types of 10182
residential facilities needed, such other information as the 10183
department requests, and a budget for moneys the board expects to 10184
receive. The board shall also submit an allocation request for 10185
state and federal funds. Within sixty days after the department's 10186
determination that the plan and allocation request are complete, 10187
the department shall approve or disapprove the plan and request, 10188
in whole or in part, according to the criteria developed pursuant 10189
to section 5119.61 of the Revised Code. The department's statement 10190
of approval or disapproval shall specify the inpatient and the 10191
community-based services that the department will operate for the 10192
board. Eligibility 10193

~~Eligibility~~ for state and federal funding shall be contingent 10194
upon an approved plan or relevant part of a plan. ~~The department~~ 10195
~~may provide state and federal funding for services included in a~~ 10196
~~plan only if the services are for individuals whose focus of~~ 10197
~~treatment or prevention is a mental disorder according to the~~ 10198
~~edition of the American psychiatric association's diagnostic and~~ 10199
~~statistical manual of mental disorders that is current at the time~~ 10200
~~the funding is provided. This shall include such services for~~ 10201
~~individuals who have a mental disorder and a co-occurring~~ 10202
~~substance use disorder, substance-induced disorder, chronic~~ 10203
~~dementing organic mental disorder, mental retardation, or~~ 10204
~~developmental disability. The department may not provide state or~~ 10205
~~federal funding under a plan for a service for individuals whose~~ 10206
~~focus of treatment or prevention is solely a substance use~~ 10207
~~disorder, substance-induced disorder, chronic dementing organic~~ 10208
~~mental disorder, mental retardation, or developmental disability.~~ 10209

If the director disapproves all or part of any plan, the 10210
director shall inform the board of the reasons for the disapproval 10211
and of the criteria that must be met before the plan may be 10212
approved. The director shall provide the board an opportunity to 10213
present its case on behalf of the plan. The director shall give 10214
the board a reasonable time in which to meet the criteria, and 10215
shall offer the board technical assistance to help it meet the 10216
criteria. 10217

If the approval of a plan remains in dispute thirty days 10218
prior to the conclusion of the fiscal year in which the board's 10219
current plan is scheduled to expire, the board or the director may 10220
request that the dispute be submitted to a mutually agreed upon 10221
third-party mediator with the cost to be shared by the board and 10222
the department. The mediator shall issue to the board and the 10223
department recommendations for resolution of the dispute. Prior to 10224
the conclusion of the fiscal year in which the current plan is 10225
scheduled to expire, the director, taking into consideration the 10226
recommendations of the mediator, shall make a final determination 10227
and approve or disapprove the plan, in whole or in part. 10228

If a board determines that it is necessary to amend a plan or 10229
an allocation request that has been approved under division 10230
(A)(1)(c) of this section, the board shall submit a proposed 10231
amendment to the director. The director may approve or disapprove 10232
all or part of the amendment. If the director does not approve all 10233
or part of the amendment within thirty days after it is submitted, 10234
the amendment or part of it shall be considered to have been 10235
approved. The director shall inform the board of the reasons for 10236
disapproval of all or part of an amendment and of the criteria 10237
that must be met before the amendment may be approved. The 10238
director shall provide the board an opportunity to present its 10239
case on behalf of the amendment. The director shall give the board 10240
a reasonable time in which to meet the criteria, and shall offer 10241

the board technical assistance to help it meet the criteria. 10242

The board shall implement the plan approved by the 10243
department. 10244

(d) Receive, compile, and transmit to the department of 10245
mental health applications for state reimbursement; 10246

(e) Promote, arrange, and implement working agreements with 10247
social agencies, both public and private, and with judicial 10248
agencies. 10249

(2) Investigate, or request another agency to investigate, 10250
any complaint alleging abuse or neglect of any person receiving 10251
services from a community mental health agency as defined in 10252
section 5122.01 of the Revised Code, or from a residential 10253
facility licensed under section 5119.22 of the Revised Code. If 10254
the investigation substantiates the charge of abuse or neglect, 10255
the board shall take whatever action it determines is necessary to 10256
correct the situation, including notification of the appropriate 10257
authorities. Upon request, the board shall provide information 10258
about such investigations to the department. 10259

(3) For the purpose of section 5119.611 of the Revised Code, 10260
cooperate with the director of mental health in visiting and 10261
evaluating whether the services of a community mental health 10262
agency satisfy the certification standards established by rules 10263
adopted under that section; 10264

(4) In accordance with criteria established under division 10265
(G) of section 5119.61 of the Revised Code, review and evaluate 10266
the quality, effectiveness, and efficiency of services provided 10267
through its community mental health plan and submit its findings 10268
and recommendations to the department of mental health; 10269

(5) In accordance with section 5119.22 of the Revised Code, 10270
review applications for residential facility licenses and 10271
recommend to the department of mental health approval or 10272

disapproval of applications; 10273

(6) Audit, in accordance with rules adopted by the auditor of 10274
state pursuant to section 117.20 of the Revised Code, at least 10275
annually all programs and services provided under contract with 10276
the board. In so doing, the board may contract for or employ the 10277
services of private auditors. A copy of the fiscal audit report 10278
shall be provided to the director of mental health, the auditor of 10279
state, and the county auditor of each county in the board's 10280
district. 10281

(7) Recruit and promote local financial support for mental 10282
health programs from private and public sources; 10283

(8)(a) Enter into contracts with public and private 10284
facilities for the operation of facility services included in the 10285
board's community mental health plan and enter into contracts with 10286
public and private community mental health agencies for the 10287
provision of community mental health services that are listed in 10288
section 340.09 of the Revised Code and included in the board's 10289
community mental health plan. The board may not contract with a 10290
community mental health agency to provide community mental health 10291
services included in the board's community mental health plan 10292
unless the services are certified by the director of mental health 10293
under section 5119.611 of the Revised Code. Section 307.86 of the 10294
Revised Code does not apply to contracts entered into under this 10295
division. In contracting with a community mental health agency, a 10296
board shall consider the cost effectiveness of services provided 10297
by that agency and the quality and continuity of care, and may 10298
review cost elements, including salary costs, of the services to 10299
be provided. A utilization review process shall be established as 10300
part of the contract for services entered into between a board and 10301
a community mental health agency. The board may establish this 10302
process in a way that is most effective and efficient in meeting 10303
local needs. In the case of a contract with a community mental 10304

health facility, as defined in section 5111.023 of the Revised Code, to provide services listed in division (B) of that section, the contract shall provide for the facility to be paid in accordance with the contract entered into between the departments of job and family services and mental health under section 5111.91 of the Revised Code and any rules adopted under division (A) of section 5119.61 of the Revised Code.

If either the board or a facility or community mental health agency with which the board contracts under division (A)(8)(a) of this section proposes not to renew the contract or proposes substantial changes in contract terms, the other party shall be given written notice at least one hundred twenty days before the expiration date of the contract. During the first sixty days of this one hundred twenty-day period, both parties shall attempt to resolve any dispute through good faith collaboration and negotiation in order to continue to provide services to persons in need. If the dispute has not been resolved sixty days before the expiration date of the contract, either party may notify the department of mental health of the unresolved dispute. The director may require both parties to submit the dispute to a third party with the cost to be shared by the board and the facility or community mental health agency. The third party shall issue to the board, the facility or agency, and the department recommendations on how the dispute may be resolved twenty days prior to the expiration date of the contract, unless both parties agree to a time extension. The director shall adopt rules establishing the procedures of this dispute resolution process.

(b) With the prior approval of the director of mental health, a board may operate a facility or provide a community mental health service as follows, if there is no other qualified private or public facility or community mental health agency that is immediately available and willing to operate such a facility or

provide the service: 10337

(i) In an emergency situation, any board may operate a 10338
facility or provide a community mental health service in order to 10339
provide essential services for the duration of the emergency; 10340

(ii) In a service district with a population of at least one 10341
hundred thousand but less than five hundred thousand, a board may 10342
operate a facility or provide a community mental health service 10343
for no longer than one year; 10344

(iii) In a service district with a population of less than 10345
one hundred thousand, a board may operate a facility or provide a 10346
community mental health service for no longer than one year, 10347
except that such a board may operate a facility or provide a 10348
community mental health service for more than one year with the 10349
prior approval of the director and the prior approval of the board 10350
of county commissioners, or of a majority of the boards of county 10351
commissioners if the district is a joint-county district. 10352

The director shall not give a board approval to operate a 10353
facility or provide a community mental health service under 10354
division (A)(8)(b)(ii) or (iii) of this section unless the 10355
director determines that it is not feasible to have the department 10356
operate the facility or provide the service. 10357

The director shall not give a board approval to operate a 10358
facility or provide a community mental health service under 10359
division (A)(8)(b)(iii) of this section unless the director 10360
determines that the board will provide greater administrative 10361
efficiency and more or better services than would be available if 10362
the board contracted with a private or public facility or 10363
community mental health agency. 10364

The director shall not give a board approval to operate a 10365
facility previously operated by a person or other government 10366
entity unless the board has established to the director's 10367

satisfaction that the person or other government entity cannot 10368
effectively operate the facility or that the person or other 10369
government entity has requested the board to take over operation 10370
of the facility. The director shall not give a board approval to 10371
provide a community mental health service previously provided by a 10372
community mental health agency unless the board has established to 10373
the director's satisfaction that the agency cannot effectively 10374
provide the service or that the agency has requested the board 10375
take over providing the service. 10376

The director shall review and evaluate a board's operation of 10377
a facility and provision of community mental health service under 10378
division (A)(8)(b) of this section. 10379

Nothing in division (A)(8)(b) of this section authorizes a 10380
board to administer or direct the daily operation of any facility 10381
or community mental health agency, but a facility or agency may 10382
contract with a board to receive administrative services or staff 10383
direction from the board under the direction of the governing body 10384
of the facility or agency. 10385

(9) Approve fee schedules and related charges or adopt a unit 10386
cost schedule or other methods of payment for contract services 10387
provided by community mental health agencies in accordance with 10388
guidelines issued by the department as necessary to comply with 10389
state and federal laws pertaining to financial assistance; 10390

(10) Submit to the director and the county commissioners of 10391
the county or counties served by the board, and make available to 10392
the public, an annual report of the programs under the 10393
jurisdiction of the board, including a fiscal accounting; 10394

(11) Establish, to the extent resources are available, a 10395
community support system, which provides for treatment, support, 10396
and rehabilitation services and opportunities. The essential 10397
elements of the system include, but are not limited to, the 10398

following components in accordance with section 5119.06 of the Revised Code:	10399 10400
(a) To locate persons in need of mental health services to inform them of available services and benefits mechanisms;	10401 10402
(b) Assistance for clients to obtain services necessary to meet basic human needs for food, clothing, shelter, medical care, personal safety, and income;	10403 10404 10405
(c) Mental health care, including, but not limited to, outpatient, partial hospitalization, and, where appropriate, inpatient care;	10406 10407 10408
(d) Emergency services and crisis intervention;	10409
(e) Assistance for clients to obtain vocational services and opportunities for jobs;	10410 10411
(f) The provision of services designed to develop social, community, and personal living skills;	10412 10413
(g) Access to a wide range of housing and the provision of residential treatment and support;	10414 10415
(h) Support, assistance, consultation, and education for families, friends, consumers of mental health services, and others;	10416 10417 10418
(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;	10419 10420 10421 10422 10423
(j) Grievance procedures and protection of the rights of consumers of mental health services;	10424 10425
(k) Case management, which includes continual individualized assistance and advocacy to ensure that needed services are offered and procured.	10426 10427 10428

(12) Designate the treatment program, agency, or facility for 10429
each person involuntarily committed to the board pursuant to 10430
Chapter 5122. of the Revised Code and authorize payment for such 10431
treatment. The board shall provide the least restrictive and most 10432
appropriate alternative that is available for any person 10433
involuntarily committed to it and shall assure that the services 10434
listed in section 340.09 of the Revised Code are available to 10435
severely mentally disabled persons residing within its service 10436
district. The board shall establish the procedure for authorizing 10437
payment for services, which may include prior authorization in 10438
appropriate circumstances. The board may provide for services 10439
directly to a severely mentally disabled person when life or 10440
safety is endangered and when no community mental health agency is 10441
available to provide the service. 10442

(13) Establish a method for evaluating referrals for 10443
involuntary commitment and affidavits filed pursuant to section 10444
5122.11 of the Revised Code in order to assist the probate 10445
division of the court of common pleas in determining whether there 10446
is probable cause that a respondent is subject to involuntary 10447
hospitalization and what alternative treatment is available and 10448
appropriate, if any; 10449

(14) Ensure that apartments or rooms built, subsidized, 10450
renovated, rented, owned, or leased by the board or a community 10451
mental health agency have been approved as meeting minimum fire 10452
safety standards and that persons residing in the rooms or 10453
apartments are receiving appropriate and necessary services, 10454
including culturally relevant services, from a community mental 10455
health agency. This division does not apply to residential 10456
facilities licensed pursuant to section 5119.22 of the Revised 10457
Code. 10458

(15) Establish a mechanism for involvement of consumer 10459
recommendation and advice on matters pertaining to mental health 10460

services in the alcohol, drug addiction, and mental health service 10461
district; 10462

(16) Perform the duties under section 3722.18 of the Revised 10463
Code required by rules adopted under section 5119.61 of the 10464
Revised Code regarding referrals by the board or mental health 10465
agencies under contract with the board of individuals with mental 10466
illness or severe mental disability to adult care facilities and 10467
effective arrangements for ongoing mental health services for the 10468
individuals. The board is accountable in the manner specified in 10469
the rules for ensuring that the ongoing mental health services are 10470
effectively arranged for the individuals. 10471

(B) The board shall establish such rules, operating 10472
procedures, standards, and bylaws, and perform such other duties 10473
as may be necessary or proper to carry out the purposes of this 10474
chapter. 10475

(C) A board of alcohol, drug addiction, and mental health 10476
services may receive by gift, grant, devise, or bequest any 10477
moneys, lands, or property for the benefit of the purposes for 10478
which the board is established, and may hold and apply it 10479
according to the terms of the gift, grant, or bequest. All money 10480
received, including accrued interest, by gift, grant, or bequest 10481
shall be deposited in the treasury of the county, the treasurer of 10482
which is custodian of the alcohol, drug addiction, and mental 10483
health services funds to the credit of the board and shall be 10484
available for use by the board for purposes stated by the donor or 10485
grantor. 10486

(D) No board member or employee of a board of alcohol, drug 10487
addiction, and mental health services shall be liable for injury 10488
or damages caused by any action or inaction taken within the scope 10489
of the board member's official duties or the employee's 10490
employment, whether or not such action or inaction is expressly 10491
authorized by this section, section 340.033, or any other section 10492

of the Revised Code, unless such action or inaction constitutes 10493
willful or wanton misconduct. Chapter 2744. of the Revised Code 10494
applies to any action or inaction by a board member or employee of 10495
a board taken within the scope of the board member's official 10496
duties or employee's employment. For the purposes of this 10497
division, the conduct of a board member or employee shall not be 10498
considered willful or wanton misconduct if the board member or 10499
employee acted in good faith and in a manner that the board member 10500
or employee reasonably believed was in or was not opposed to the 10501
best interests of the board and, with respect to any criminal 10502
action or proceeding, had no reasonable cause to believe the 10503
conduct was unlawful. 10504

(E) The meetings held by any committee established by a board 10505
of alcohol, drug addiction, and mental health services shall be 10506
considered to be meetings of a public body subject to section 10507
121.22 of the Revised Code. 10508

Sec. 505.37. (A) The board of township trustees may establish 10509
all necessary rules to guard against the occurrence of fires and 10510
to protect the property and lives of the citizens against damage 10511
and accidents, and may, with the approval of the specifications by 10512
the prosecuting attorney or, if the township has adopted limited 10513
home rule government under Chapter 504. of the Revised Code, with 10514
the approval of the specifications by the township's law director, 10515
purchase, lease, lease with an option to purchase, or otherwise 10516
provide any fire apparatus, mechanical resuscitators, or other 10517
equipment, appliances, materials, fire hydrants, and water supply 10518
for fire-fighting purposes that seems advisable to the board. The 10519
board shall provide for the care and maintenance of fire 10520
equipment, and, for these purposes, may purchase, lease, lease 10521
with an option to purchase, or construct and maintain necessary 10522
buildings, and it may establish and maintain lines of fire-alarm 10523
communications within the limits of the township. The board may 10524

employ one or more persons to maintain and operate fire-fighting 10525
equipment, or it may enter into an agreement with a volunteer fire 10526
company for the use and operation of fire-fighting equipment. The 10527
board may compensate the members of a volunteer fire company on 10528
any basis and in any amount that it considers equitable. 10529

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When the estimated cost to purchase fire apparatus, 10531
mechanical resuscitators, other equipment, appliances, materials, 10532
fire hydrants, buildings, or fire-alarm communications equipment 10533
or services exceeds fifty thousand dollars, the contract shall be 10534
let by competitive bidding. When competitive bidding is required, 10535
the board shall advertise for not less than two nor more than four 10536
consecutive weeks in a newspaper of general circulation within the 10537
township. The advertisement shall include the time, date, and 10538
place where the clerk of the township, or the clerk's designee, 10539
will read bids publicly. The time, date, and place of bid openings 10540
may be extended to a later date by the board of township trustees, 10541
provided that written or oral notice of the change shall be given 10542
to all persons who have received or requested specifications not 10543
later than ninety-six hours prior to the original time and date 10544
fixed for the opening. The board may reject all the bids or accept 10545
the lowest and best bid, provided that the successful bidder meets 10546
the requirements of section 153.54 of the Revised Code when the 10547
contract is for the construction, demolition, alteration, repair, 10548
or reconstruction of an improvement. 10549

(B) The boards of township trustees of any two or more 10550
townships, or the legislative authorities of any two or more 10551
political subdivisions, or any combination of these, may, through 10552
joint action, unite in the joint purchase, lease, lease with an 10553
option to purchase, maintenance, use, and operation of 10554
fire-fighting equipment, or for any other purpose designated in 10555
sections 505.37 to 505.42 of the Revised Code, and may prorate the 10556

expense of the joint action on any terms that are mutually agreed upon. 10557
10558

(C) The board of township trustees of any township may, by resolution, whenever it is expedient and necessary to guard against the occurrence of fires or to protect the property and lives of the citizens against damages resulting from their occurrence, create a fire district of any portions of the township that it considers necessary. The board may purchase, lease, lease with an option to purchase, or otherwise provide any fire apparatus, appliances, materials, fire hydrants, and water supply for fire-fighting purposes, or may contract for the fire protection for the fire district as provided in section 9.60 of the Revised Code. The fire district so created shall be given a separate name by which it shall be known. 10559
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Additional unincorporated territory of the township may be added to a fire district upon the board's adoption of a resolution authorizing the addition. A municipal corporation that is within or adjoining the township may be added to a fire district upon the board's adoption of a resolution authorizing the addition and the municipal legislative authority's adoption of a resolution or ordinance requesting the addition of the municipal corporation to the fire district. 10571
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If the township fire district imposes a tax, additional unincorporated territory of the township or a municipal corporation that is within or adjoining the township shall become part of the fire district only after all of the following have occurred: 10579
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(1) Adoption by the board of township trustees of a resolution approving the expansion of the territorial limits of the district and, if the resolution proposes to add a municipal corporation, adoption by the municipal legislative authority of a resolution or ordinance requesting the addition of the municipal 10584
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corporation to the district; 10589

(2) Adoption by the board of township trustees of a 10590
resolution recommending the extension of the tax to the additional 10591
territory; 10592

(3) Approval of the tax by the electors of the territory 10593
proposed for addition to the district. 10594

Each resolution of the board adopted under division (C)(2) of 10595
this section shall state the name of the fire district, a 10596
description of the territory to be added, and the rate and 10597
termination date of the tax, which shall be the rate and 10598
termination date of the tax currently in effect in the fire 10599
district. 10600

The board of trustees shall certify each resolution adopted 10601
under division (C)(2) of this section to the board of elections in 10602
accordance with section 5705.19 of the Revised Code. The election 10603
required under division (C)(3) of this section shall be held, 10604
canvassed, and certified in the manner provided for the submission 10605
of tax levies under section 5705.25 of the Revised Code, except 10606
that the question appearing on the ballot shall read: 10607

"Shall the territory within 10608
(description of the proposed territory to be added) be added to 10609
..... (name) fire district, and a property tax 10610
at a rate of taxation not exceeding (here insert tax rate) 10611
be in effect for (here insert the number of years the 10612
tax is to be in effect or "a continuing period of time," as 10613
applicable)?" 10614

If the question is approved by at least a majority of the 10615
electors voting on it, the joinder shall be effective as of the 10616
first day of July of the year following approval, and on that 10617
date, the township fire district tax shall be extended to the 10618
taxable property within the territory that has been added. If the 10619

territory that has been added is a municipal corporation and if it 10620
had adopted a tax levy for fire purposes, the levy is terminated 10621
on the effective date of the joinder. 10622

Any municipal corporation may withdraw from a township fire 10623
district created under division (C) of this section by the 10624
adoption by the municipal legislative authority of a resolution or 10625
ordinance ordering withdrawal. On the first day of July of the 10626
year following the adoption of the resolution or ordinance of 10627
withdrawal, the municipal corporation withdrawing ceases to be a 10628
part of the district, and the power of the fire district to levy a 10629
tax upon taxable property in the withdrawing municipal corporation 10630
terminates, except that the fire district shall continue to levy 10631
and collect taxes for the payment of indebtedness within the 10632
territory of the fire district as it was composed at the time the 10633
indebtedness was incurred. 10634

Upon the withdrawal of any municipal corporation from a 10635
township fire district created under division (C) of this section, 10636
the county auditor shall ascertain, apportion, and order a 10637
division of the funds on hand, moneys and taxes in the process of 10638
collection except for taxes levied for the payment of 10639
indebtedness, credits, and real and personal property, either in 10640
money or in kind, on the basis of the valuation of the respective 10641
tax duplicates of the withdrawing municipal corporation and the 10642
remaining territory of the fire district. 10643

A board of township trustees may remove unincorporated 10644
territory of the township from the fire district upon the adoption 10645
of a resolution authorizing the removal. On the first day of July 10646
of the year following the adoption of the resolution, the 10647
unincorporated township territory described in the resolution 10648
ceases to be a part of the district, and the power of the fire 10649
district to levy a tax upon taxable property in that territory 10650
terminates, except that the fire district shall continue to levy 10651

and collect taxes for the payment of indebtedness within the 10652
territory of the fire district as it was composed at the time the 10653
indebtedness was incurred. 10654

(D) The board of township trustees of any township, the board 10655
of fire district trustees of a fire district created under section 10656
505.371 of the Revised Code, or the legislative authority of any 10657
municipal corporation may purchase, lease, or lease with an option 10658
to purchase the necessary fire-fighting equipment, buildings, and 10659
sites for the township, fire district, or municipal corporation 10660
and issue securities for that purpose with maximum maturities as 10661
provided in section 133.20 of the Revised Code. The board of 10662
township trustees, board of fire district trustees, or legislative 10663
authority may also construct any buildings necessary to house 10664
fire-fighting equipment and issue securities for that purpose with 10665
maximum maturities as provided in section 133.20 of the Revised 10666
Code. 10667

The board of township trustees, board of fire district 10668
trustees, or legislative authority may issue the securities of the 10669
township, fire district, or municipal corporation, signed by the 10670
board or designated officer of the municipal corporation and 10671
attested by the signature of the township fiscal officer, fire 10672
district clerk, or municipal clerk, covering any deferred payments 10673
and payable at the times provided, which securities shall bear 10674
interest not to exceed the rate determined as provided in section 10675
9.95 of the Revised Code, and shall not be subject to Chapter 133. 10676
of the Revised Code. The legislation authorizing the issuance of 10677
the securities shall provide for levying and collecting annually 10678
by taxation, amounts sufficient to pay the interest on and 10679
principal of the securities. The securities shall be offered for 10680
sale on the open market or given to the vendor or contractor if no 10681
sale is made. 10682

Section 505.40 of the Revised Code does not apply to any 10683

securities issued, or any lease with an option to purchase entered 10684
into, in accordance with this division. 10685

(E) A board of township trustees of any township or a board 10686
of fire district trustees of a fire district created under section 10687
505.371 of the Revised Code may purchase a policy or policies of 10688
liability insurance for the officers, employees, and appointees of 10689
the fire department, fire district, or joint fire district 10690
governed by the board that includes personal injury liability 10691
coverage as to the civil liability of those officers, employees, 10692
and appointees for false arrest, detention, or imprisonment, 10693
malicious prosecution, libel, slander, defamation or other 10694
violation of the right of privacy, wrongful entry or eviction, or 10695
other invasion of the right of private occupancy, arising out of 10696
the performance of their duties. 10697

When a board of township trustees cannot, by deed of gift or 10698
by purchase and upon terms it considers reasonable, procure land 10699
for a township fire station that is needed in order to respond in 10700
reasonable time to a fire or medical emergency, the board may 10701
appropriate land for that purpose under sections 163.01 to 163.22 10702
of the Revised Code. If it is necessary to acquire additional 10703
adjacent land for enlarging or improving the fire station, the 10704
board may purchase, appropriate, or accept a deed of gift for the 10705
land for these purposes. 10706

(F) As used in this division, "emergency medical service 10707
organization" has the same meaning as in section 4766.01 of the 10708
Revised Code. 10709

A board of township trustees, by adoption of an appropriate 10710
resolution, may choose to have the Ohio medical transportation 10711
board license any emergency medical service organization it 10712
operates. If the board adopts such a resolution, Chapter 4766. of 10713
the Revised Code, except for sections 4766.06 and 4766.99 of the 10714
Revised Code, applies to the organization. All rules adopted under 10715

the applicable sections of that chapter also apply to the 10716
organization. A board of township trustees, by adoption of an 10717
appropriate resolution, may remove its emergency medical service 10718
organization from the jurisdiction of the Ohio medical 10719
transportation board. 10720

Sec. 505.376. When any expenditure of a fire and ambulance 10721
district, other than for the compensation of district employees, 10722
exceeds ~~twenty-five~~ fifty thousand dollars, the contract for the 10723
expenditure shall be in writing and made with the lowest and best 10724
bidder after advertising for not less than two nor more than four 10725
consecutive weeks in a newspaper of general circulation within the 10726
district. The bids shall be opened and shall be publicly read by 10727
the clerk of the district, or the clerk's designee, at the time, 10728
date, and place specified in the advertisement to bidders or the 10729
specifications. The time, date, and place of bid openings may be 10730
extended to a later date by the board of trustees of the district, 10731
provided that written or oral notice of the change shall be given 10732
to all persons who have received or requested specifications no 10733
later than ninety-six hours prior to the original time and date 10734
fixed for the opening. 10735

Each bid on any contract shall contain the full name of every 10736
person interested in the bid. If the bid is for a contract for the 10737
construction, demolition, alteration, repair, or reconstruction of 10738
an improvement, it shall meet the requirements of section 153.54 10739
of the Revised Code. If the bid is for any other contract, it 10740
shall be accompanied by a sufficient bond or certified check, 10741
cashier's check, or money order on a solvent bank or savings and 10742
loan association that, if the bid is accepted, a contract will be 10743
entered into and the performance of it will be properly secured. 10744
If the bid for work embraces both labor and material, it shall be 10745
separately stated, with the price of the labor and the material. 10746
The board may reject any and all bids. The contract shall be 10747

between the district and the bidder, and the district shall pay 10748
the contract price in cash. When a bonus is offered for completion 10749
of a contract prior to a specified date, the board may exact a 10750
prorated penalty in like sum for each day of delay beyond the 10751
specified date. When there is reason to believe there is collusion 10752
or combination among bidders, the bids of those concerned shall be 10753
rejected. 10754

Sec. 505.705. A board of township trustees may agree to 10755
appropriate township general revenue fund moneys to, and may agree 10756
to grant or lend moneys from the township general revenue fund to, 10757
any political subdivision with authority to provide water ~~or,~~ 10758
sanitary sewerage services, or both, to storm water drainage 10759
within the township, for the purpose of providing moneys to the 10760
political subdivision to pay for the planning of or actual costs, 10761
fees, debt retirement, or any other expense, including, but not 10762
limited to, administrative and professional fees, incurred in 10763
supplying one or more of these purposes within the township, or 10764
the planning of or actual construction, maintenance, repair, ~~and~~ 10765
or operation of water or, sanitary sewerage systems, or both, that 10766
service storm water drainage within the township. A board of 10767
township trustees that grants or lends moneys to a political 10768
subdivision for this purpose shall expressly state the terms of 10769
the grant or loan agreement in a written memorandum. 10770

Sec. 517.08. The proceeds arising from the sale of cemetery 10771
lots under section 517.07 of the Revised Code shall be used in 10772
maintaining, improving, beautifying, and embellishing such 10773
grounds, except that upon unanimous consent of the board of 10774
township trustees, such proceeds may be used in the purchase or 10775
appropriation of additional land for cemetery purposes in 10776
accordance with sections 517.01 and 517.13 of the Revised Code; 10777
and the board of township trustees may build and maintain proper 10778

and secure fences around all such cemeteries, to be paid for from 10779
the township funds. 10780

Sec. 519.12. (A)(1) Amendments to the zoning resolution may 10781
be initiated by motion of the township zoning commission, by the 10782
passage of a resolution by the board of township trustees, or by 10783
the filing of an application by one or more of the owners or 10784
lessees of property within the area proposed to be changed or 10785
affected by the proposed amendment with the township zoning 10786
commission. The board of township trustees may require that the 10787
owner or lessee of property filing an application to amend the 10788
zoning resolution pay a fee to defray the cost of advertising, 10789
mailing, filing with the county recorder, and other expenses. If 10790
the board of township trustees requires such a fee, it shall be 10791
required generally, for each application. The board of township 10792
trustees, upon the passage of such a resolution, shall certify it 10793
to the township zoning commission. 10794

(2) Upon the adoption of a motion by the township zoning 10795
commission, the certification of a resolution by the board of 10796
township trustees to the commission, or the filing of an 10797
application by property owners or lessees as described in division 10798
(A)(1) of this section with the commission, the commission shall 10799
set a date for a public hearing, which date shall not be less than 10800
twenty nor more than forty days from the date of the certification 10801
of such a resolution, the date of adoption of such a motion, or 10802
the date of the filing of such an application. Notice of the 10803
hearing shall be given by the commission by one publication in one 10804
or more newspapers of general circulation in the township at least 10805
ten days before the date of the hearing. 10806

(B) If the proposed amendment intends to rezone or redistrict 10807
ten or fewer parcels of land, as listed on the county auditor's 10808
current tax list, written notice of the hearing shall be mailed by 10809

the township zoning commission, by first class mail, at least ten 10810
days before the date of the public hearing to all owners of 10811
property within and contiguous to and directly across the street 10812
from the area proposed to be rezoned or redistricted to the 10813
addresses of those owners appearing on the county auditor's 10814
current tax list. The failure of delivery of that notice shall not 10815
invalidate any such amendment. 10816

(C) If the proposed amendment intends to rezone or redistrict 10817
ten or fewer parcels of land as listed on the county auditor's 10818
current tax list, the published and mailed notices shall set forth 10819
the time, date, and place of the public hearing and include all of 10820
the following: 10821

(1) The name of the township zoning commission that will be 10822
conducting the hearing; 10823

(2) A statement indicating that the motion, resolution, or 10824
application is an amendment to the zoning resolution; 10825

(3) A list of the addresses of all properties to be rezoned 10826
or redistricted by the proposed amendment and of the names of 10827
owners of those properties, as they appear on the county auditor's 10828
current tax list; 10829

(4) The present zoning classification of property named in 10830
the proposed amendment and the proposed zoning classification of 10831
that property; 10832

(5) The time and place where the motion, resolution, or 10833
application proposing to amend the zoning resolution will be 10834
available for examination for a period of at least ten days prior 10835
to the hearing; 10836

(6) The name of the person responsible for giving notice of 10837
the hearing by publication, by mail, or by both publication and 10838
mail; 10839

(7) A statement that, after the conclusion of the hearing, 10840
the matter will be submitted to the board of township trustees for 10841
its action; 10842

(8) Any other information requested by the commission. 10843

(D) If the proposed amendment alters the text of the zoning 10844
resolution, or rezones or redistricts more than ten parcels of 10845
land as listed on the county auditor's current tax list, the 10846
published notice shall set forth the time, date, and place of the 10847
public hearing and include all of the following: 10848

(1) The name of the township zoning commission that will be 10849
conducting the hearing on the proposed amendment; 10850

(2) A statement indicating that the motion, application, or 10851
resolution is an amendment to the zoning resolution; 10852

(3) The time and place where the text and maps of the 10853
proposed amendment will be available for examination for a period 10854
of at least ten days prior to the hearing; 10855

(4) The name of the person responsible for giving notice of 10856
the hearing by publication; 10857

(5) A statement that, after the conclusion of the hearing, 10858
the matter will be submitted to the board of township trustees for 10859
its action; 10860

(6) Any other information requested by the commission. 10861

(E) Within five days after the adoption of the motion 10862
described in division (A) of this section, the certification of 10863
the resolution described in division (A) of this section, or the 10864
filing of the application described in division (A) of this 10865
section, the township zoning commission shall transmit a copy of 10866
it together with text and map pertaining to it to the county or 10867
regional planning commission, if there is such a commission. 10868

The county or regional planning commission shall recommend 10869

the approval or denial of the proposed amendment or the approval 10870
of some modification of it and shall submit its recommendation to 10871
the township zoning commission. The recommendation shall be 10872
considered at the public hearing held by the township zoning 10873
commission on the proposed amendment. 10874

The township zoning commission, within thirty days after the 10875
hearing, shall recommend the approval or denial of the proposed 10876
amendment, or the approval of some modification of it, and submit 10877
that recommendation together with the motion, application, or 10878
resolution involved, the text and map pertaining to the proposed 10879
amendment, and the recommendation of the county or regional 10880
planning commission on it to the board of township trustees. 10881

The board of township trustees, upon receipt of that 10882
recommendation, shall set a time for a public hearing on the 10883
proposed amendment, which date shall not be more than thirty days 10884
from the date of the receipt of that recommendation. Notice of the 10885
hearing shall be given by the board by one publication in one or 10886
more newspapers of general circulation in the township, at least 10887
ten days before the date of the hearing. 10888

(F) If the proposed amendment intends to rezone or redistrict 10889
ten or fewer parcels of land as listed on the county auditor's 10890
current tax list, the published notice shall set forth the time, 10891
date, and place of the public hearing and include all of the 10892
following: 10893

(1) The name of the board of township trustees that will be 10894
conducting the hearing; 10895

(2) A statement indicating that the motion, application, or 10896
resolution is an amendment to the zoning resolution; 10897

(3) A list of the addresses of all properties to be rezoned 10898
or redistricted by the proposed amendment and of the names of 10899
owners of those properties, as they appear on the county auditor's 10900

current tax list; 10901

(4) The present zoning classification of property named in 10902
the proposed amendment and the proposed zoning classification of 10903
that property; 10904

(5) The time and place where the motion, application, or 10905
resolution proposing to amend the zoning resolution will be 10906
available for examination for a period of at least ten days prior 10907
to the hearing; 10908

(6) The name of the person responsible for giving notice of 10909
the hearing by publication, by mail, or by both publication and 10910
mail; 10911

(7) Any other information requested by the board. 10912

(G) If the proposed amendment alters the text of the zoning 10913
resolution, or rezones or redistricts more than ten parcels of 10914
land as listed on the county auditor's current tax list, the 10915
published notice shall set forth the time, date, and place of the 10916
public hearing and include all of the following: 10917

(1) The name of the board of township trustees that will be 10918
conducting the hearing on the proposed amendment; 10919

(2) A statement indicating that the motion, application, or 10920
resolution is an amendment to the zoning resolution; 10921

(3) The time and place where the text and maps of the 10922
proposed amendment will be available for examination for a period 10923
of at least ten days prior to the hearing; 10924

(4) The name of the person responsible for giving notice of 10925
the hearing by publication; 10926

(5) Any other information requested by the board. 10927

(H) Within twenty days after its public hearing, the board of 10928
township trustees shall either adopt or deny the recommendations 10929
of the township zoning commission or adopt some modification of 10930

them. If the board denies or modifies the commission's 10931
recommendations, ~~the unanimous~~ a two-thirds vote of the board 10932
shall be required. 10933

The proposed amendment, if adopted by the board, shall become 10934
effective in thirty days after the date of its adoption, unless, 10935
within thirty days after the adoption, there is presented to the 10936
board of township trustees a petition, signed by a number of 10937
registered electors residing in the unincorporated area of the 10938
township or part of that unincorporated area included in the 10939
zoning plan equal to not less than eight per cent of the total 10940
vote cast for all candidates for governor in that area at the most 10941
recent general election at which a governor was elected, 10942
requesting the board of township trustees to submit the amendment 10943
to the electors of that area for approval or rejection at a 10944
special election to be held on the day of the next primary or 10945
general election that occurs at least seventy-five days after the 10946
petition is filed. Each part of this petition shall contain the 10947
number and the full and correct title, if any, of the zoning 10948
amendment resolution, motion, or application, furnishing the name 10949
by which the amendment is known and a brief summary of its 10950
contents. In addition to meeting the requirements of this section, 10951
each petition shall be governed by the rules specified in section 10952
3501.38 of the Revised Code. 10953

The form of a petition calling for a zoning referendum and 10954
the statement of the circulator shall be substantially as follows: 10955

"PETITION FOR ZONING REFERENDUM 10956

(if the proposal is identified by a particular name or number, or 10957
both, these should be inserted here) 10958

A proposal to amend the zoning map of the unincorporated area 10959
of Township, County, Ohio, adopted 10960
.....(date)..... (followed by brief summary of the proposal). 10961

To the Board of Township Trustees of 10962
Township, County, Ohio: 10963
~~..... County, Ohio:~~ 10964

We, the undersigned, being electors residing in the 10965
unincorporated area of Township, included 10966
within the Township Zoning Plan, equal to not less 10967
than eight per cent of the total vote cast for all candidates for 10968
governor in the area at the preceding general election at which a 10969
governor was elected, request the Board of Township Trustees to 10970
submit this amendment of the zoning resolution to the electors of 10971
..... Township residing within the 10972
unincorporated area of the township included in the 10973
..... Township Zoning Resolution, for approval or 10974
rejection at a special election to be held on the day of the 10975
primary or general election to be held on(date)....., 10976
pursuant to section 519.12 of the Revised Code. 10977

Street Address	Date of	10978
Signature or R.F.D. Township Precinct County	Signing	10979
.....		10980
.....		10981

STATEMENT OF CIRCULATOR 10982

I,(name of circulator)....., declare under 10983
penalty of election falsification that I am an elector of the 10984
state of Ohio and reside at the address appearing below my 10985
signature; that I am the circulator of the foregoing part petition 10986
containing(number)..... signatures; that I have 10987
witnessed the affixing of every signature; that all signers were 10988
to the best of my knowledge and belief qualified to sign; and that 10989
every signature is to the best of my knowledge and belief the 10990
signature of the person whose signature it purports to be or of an 10991
attorney in fact acting pursuant to section 3501.382 of the 10992

Revised Code.	10993
.....	10994
(Signature of circulator)	10995
.....	10996
(Address of circulator's permanent residence in this state)	10997
.....	10998
(City, village, or township, and zip code)	10999
.....	11000
.....	11001
WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY	11002
OF THE FIFTH DEGREE."	11003
The petition shall be filed with the board of township trustees and shall be accompanied by an appropriate map of the area affected by the zoning proposal. Within two weeks after receiving a petition filed under this section, the board of township trustees shall certify the petition to the board of elections. A petition filed under this section shall be certified to the board of elections not less than seventy-five days prior to the election at which the question is to be voted upon.	11004
.....	11005
.....	11006
.....	11007
.....	11008
.....	11009
.....	11010
.....	11011
The board of elections shall determine the sufficiency and validity of each petition certified to it by a board of township trustees under this section. If the board of elections determines that a petition is sufficient and valid, the question shall be voted upon at a special election to be held on the day of the next primary or general election that occurs at least seventy-five days after the date the petition is filed with the board of township trustees, regardless of whether any election will be held to nominate or elect candidates on that day.	11012
.....	11013
.....	11014
.....	11015
.....	11016
.....	11017
.....	11018
.....	11019
.....	11020
No amendment for which such a referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the board of elections that the amendment has been approved by	11021
.....	11022
.....	11023
.....	11024

the voters, it shall take immediate effect. 11025

Within five working days after an amendment's effective date, 11026
the board of township trustees shall file the text and maps of the 11027
amendment in the office of the county recorder and with the county 11028
or regional planning commission, if one exists. 11029

The failure to file any amendment, or any text and maps, or 11030
duplicates of any of these documents, with the office of the 11031
county recorder or the county or regional planning commission as 11032
required by this section does not invalidate the amendment and is 11033
not grounds for an appeal of any decision of the board of zoning 11034
appeals. 11035

Sec. 711.001. As used in this chapter: 11036

(A) "Plat" means a map of a tract or parcel of land. 11037

(B) "Subdivision" means either of the following: 11038

(1) The division of any parcel of land shown as a unit or as 11039
contiguous units on the last preceding general tax list and 11040
duplicate of real and public utility property, into two or more 11041
parcels, sites, or lots, any one of which is less than five acres 11042
for the purpose, whether immediate or future, of transfer of 11043
ownership, provided, however, that the following are exempt: 11044

(a) A division or partition of land into parcels of more than 11045
five acres not involving any new streets or easements of access; 11046

(b) The sale or exchange of parcels between adjoining lot 11047
owners, where that sale or exchange does not create additional 11048
building sites; 11049

(c) If the planning authority adopts a rule in accordance 11050
with section 711.133 of the Revised Code that exempts from 11051
division (B)(1) of this section any parcel of land that is four 11052
acres or more, parcels in the size range delineated in that rule. 11053

(2) The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any public or private street or streets, except private streets serving industrial structures, or involving the division or allocation of land as open spaces for common use by owners, occupants, or leaseholders or as easements for the extension and maintenance of public or private sewer, water, storm drainage, or other similar facilities.

(C) "Household sewage treatment system" has the same meaning as in section 3709.091 of the Revised Code.

Sec. 711.05. (A) Upon the submission of a plat for approval, in accordance with section 711.041 of the Revised Code, the board of county commissioners shall certify on it the date of the submission. Within five days of submission of the plat, the board shall schedule a meeting to consider the plat and send a written notice by regular mail to the fiscal officer of the board of township trustees of the township in which the plat is located and the board of health of the health district in which the plat is located. The notice shall inform the trustees and the board of health of the submission of the plat and of the date, time, and location of any meeting at which the board of county commissioners will consider or act upon the proposed plat. The meeting shall take place within thirty days of submission of the plat, and no meeting shall be held until at least seven days have passed from the date the notice was sent by the board of county commissioners. The approval of the board required by section 711.041 of the Revised Code or the refusal to approve shall take place within thirty days from the date of submission or such further time as the applying party may agree to in writing; otherwise, the plat is deemed approved and may be recorded as if bearing such approval.

(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 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 rules governing household sewage treatment ~~rules adopted under section 3718.02 of the Revised Code~~ systems, 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. 11149

(C) Within five calendar days after the submission of a plat 11150
for approval under this division, the county or regional planning 11151
commission shall schedule a meeting to consider the plat and send 11152
a notice by regular mail or by electronic mail to the fiscal 11153
officer of the board of township trustees of the township in which 11154
the plat is located and the board of health of the health district 11155
in which the plat is located. The notice shall inform the trustees 11156
and the board of health of the submission of the plat and of the 11157
date, time, and location of any meeting at which the county or 11158
regional planning commission will consider or act upon the plat. 11159
The meeting shall take place within thirty calendar days after 11160
submission of the plat, and no meeting shall be held until at 11161
least seven calendar days have passed from the date the planning 11162
commission sent the notice. 11163

The approval of the county or regional planning commission, 11164
the commission's conditional approval as described in this 11165
division, or the refusal of the commission to approve shall be 11166
endorsed on the plat within thirty calendar days after the 11167
submission of the plat for approval under this division or within 11168
such further time as the applying party may agree to in writing; 11169
otherwise that plat is deemed approved, and the certificate of the 11170
commission as to the date of the submission of the plat for 11171
approval under this division and the failure to take action on it 11172
within that time shall be sufficient in lieu of the written 11173
endorsement or evidence of approval required by this division. 11174

A county or regional planning commission may grant 11175
conditional approval under this division to a plat by requiring a 11176
person submitting the plat to alter the plat or any part of it, 11177
within a specified period after the end of the thirty calendar 11178
days, as a condition for final approval under this division. Once 11179
all the conditions have been met within the specified period, the 11180

commission shall cause its final approval under this division to 11181
be endorsed on the plat. No plat shall be recorded until it is 11182
endorsed with the commission's final or unconditional approval 11183
under this division. 11184

The ground of refusal of approval of any plat submitted under 11185
this division, including citation of or reference to the rule 11186
violated by the plat, shall be stated upon the record of the 11187
county or regional planning commission. Within sixty calendar days 11188
after the refusal under this division, the person submitting any 11189
plat that the commission refuses to approve under this division 11190
may file a petition in the court of common pleas of the proper 11191
county, and the proceedings on the petition shall be governed by 11192
section 711.09 of the Revised Code as in the case of the refusal 11193
of a planning authority to approve a plat. A board of township 11194
trustees is not entitled to appeal a decision of the commission 11195
under this division. 11196

A county or regional planning commission shall adopt general 11197
rules, of uniform application, governing plats and subdivisions of 11198
land falling within its jurisdiction, to secure and provide for 11199
the proper arrangement of streets or other highways in relation to 11200
existing or planned streets or highways or to the county or 11201
regional plan, for adequate and convenient open spaces for 11202
traffic, utilities, access of firefighting apparatus, recreation, 11203
light, and air, and for the avoidance of congestion of population. 11204
The rules may provide for their modification by the commission in 11205
specific cases where unusual topographical and other exceptional 11206
conditions require the modification. The rules may require the 11207
board of health to review and comment on a plat before the 11208
commission acts upon it and also may require proof of compliance 11209
with any applicable zoning resolutions, and with rules governing 11210
household sewage treatment ~~rules adopted under section 3718.02 of~~ 11211
~~the Revised Code~~ systems, as a basis for approval of a plat. 11212

Before adoption of its rules or amendment of its rules, the 11213
commission shall hold a public hearing on the adoption or 11214
amendment. Notice of the public hearing shall be sent to all 11215
townships in the county or region by regular mail or electronic 11216
mail at least thirty business days before the hearing. No county 11217
or regional planning commission shall adopt any rules requiring 11218
actual construction of streets or other improvements or facilities 11219
or assurance of that construction as a condition precedent to the 11220
approval of a plat of a subdivision unless the requirements have 11221
first been adopted by the board of county commissioners after a 11222
public hearing. A copy of the rules shall be certified by the 11223
planning commission to the county recorders of the appropriate 11224
counties. 11225

After a county or regional street or highway plan has been 11226
adopted as provided in this section, the approval of plats and 11227
subdivisions provided for in this section shall be in lieu of any 11228
approvals provided for in other sections of the Revised Code, 11229
insofar as the territory within the approving jurisdiction of the 11230
county or regional planning commission, as provided in this 11231
section, is concerned. Approval of a plat shall not be an 11232
acceptance by the public of the dedication of any street, highway, 11233
or other way or open space shown upon the plat. 11234

No county or regional planning commission shall require a 11235
person submitting a plat to alter the plat or any part of it as 11236
long as the plat is in accordance with the general rules governing 11237
plats and subdivisions of land, adopted by the commission as 11238
provided in this section, in effect at the time the plat is 11239
submitted. 11240

A county or regional planning commission and a city or 11241
village planning commission, or platting commissioner or 11242
legislative authority of a village, with subdivision regulation 11243
jurisdiction over unincorporated territory within the county or 11244

region may cooperate and agree by written agreement that the 11245
approval of a plat by the city or village planning commission, or 11246
platting commissioner or legislative authority of a village, as 11247
provided in section 711.09 of the Revised Code, shall be 11248
conditioned upon receiving advice from or approval by the county 11249
or regional planning commission. 11250

(D) As used in this section, "business day" means a day of 11251
the week excluding Saturday, Sunday, or a legal holiday as defined 11252
in section 1.14 of the Revised Code. 11253

Sec. 711.131. (A) Notwithstanding sections 711.001 to 711.13 11254
of the Revised Code and except as provided in division (C) of this 11255
section, unless the rules adopted under section 711.05, 711.09, or 11256
711.10 of the Revised Code are amended pursuant to division (B) of 11257
this section, a proposed division of a parcel of land along an 11258
existing public street, not involving the opening, widening, or 11259
extension of any street or road, and involving no more than five 11260
lots after the original tract has been completely subdivided, may 11261
be submitted to the planning authority having approving 11262
jurisdiction of plats under section 711.05, 711.09, or 711.10 of 11263
the Revised Code for approval without plat. If the authority 11264
acting through a properly designated representative finds that a 11265
proposed division is not contrary to applicable platting, 11266
subdividing, zoning, health, sanitary, or access management 11267
regulations, regulations adopted under division (B)(3) of section 11268
307.37 of the Revised Code regarding existing surface or 11269
subsurface drainage, or ~~household sewage treatment rules adopted~~ 11270
~~under section 3718.02 of the Revised Code, including, but not~~ 11271
~~limited to,~~ rules governing household sewage ~~disposal~~ treatment 11272
systems, it shall approve the proposed division within seven 11273
business days after its submission and, on presentation of a 11274
conveyance of the parcel, shall stamp the conveyance "approved by 11275
(planning authority); no plat required" and have it signed by its 11276

clerk, secretary, or other official as may be designated by it. 11277
The planning authority may require the submission of a sketch and 11278
other information that is pertinent to its determination under 11279
this division. 11280

(B) For a period of up to two years after ~~the effective date~~ 11281
~~of this amendment~~ April 15, 2005, the rules adopted under section 11282
711.05, 711.09, or 711.10 of the Revised Code may be amended 11283
within that period to authorize the planning authority involved to 11284
approve proposed divisions of parcels of land without plat under 11285
this division. If an authority so amends its rules, it may approve 11286
no more than five lots without a plat from an original tract as 11287
that original tract exists on the effective date of the amendment 11288
to the rules. The authority shall make the findings and approve a 11289
proposed division in the time and manner specified in division (A) 11290
of this section. 11291

(C) This section does not apply to parcels subject to section 11292
711.133 of the Revised Code. 11293

(D) As used in this section: 11294

~~(1)~~, "Business business day" means a day of the week 11295
excluding Saturday, Sunday, or a legal holiday as defined in 11296
section 1.14 of the Revised Code. 11297

~~(2) "Household sewage disposal system" has the same meaning~~ 11298
~~as in section 3709.091 of the Revised Code.~~ 11299

Sec. 718.051. (A) As used in this section, "Ohio business 11300
gateway" means the online computer network system, ~~initially~~ 11301
~~created~~ maintained by the ~~department of administrative services~~ 11302
office of information technology under section ~~125.30~~ 126.18 of 11303
the Revised Code, that allows private businesses to electronically 11304
file business reply forms with state agencies and includes any 11305
successor electronic filing and payment system. 11306

(B) Notwithstanding section 718.05 of the Revised Code, on 11307
and after January 1, 2005, any taxpayer that is subject to any 11308
municipal corporation's tax on the net profit from a business or 11309
profession and has received an extension to file the federal 11310
income tax return shall not be required to notify the municipal 11311
corporation of the federal extension and shall not be required to 11312
file any municipal income tax return until the last day of the 11313
month to which the due date for filing the federal return has been 11314
extended, provided that, on or before the date for filing the 11315
municipal income tax return, the person notifies the tax 11316
commissioner of the federal extension through the Ohio business 11317
gateway. An extension of time to file is not an extension of the 11318
time to pay any tax due. 11319

(C) For taxable years beginning on or after January 1, 2005, 11320
a taxpayer subject to any municipal corporation's tax on the net 11321
profit from a business or profession may file any municipal income 11322
tax return or estimated municipal income return, and may make 11323
payment of amounts shown to be due on such returns, by using the 11324
Ohio business gateway. 11325

(D)(1) As used in this division, "qualifying wages" has the 11326
same meaning as in section 718.03 of the Revised Code. 11327

(2) Any employer may report the amount of municipal income 11328
tax withheld from qualifying wages paid on or after January 1, 11329
2007, and may make remittance of such amounts, by using the Ohio 11330
business gateway. 11331

(E) Nothing in this section affects the due dates for filing 11332
employer withholding tax returns. 11333

(F) No municipal corporation shall be required to pay any fee 11334
or charge for the operation or maintenance of the Ohio business 11335
gateway. 11336

(G) The use of the Ohio business gateway by municipal 11337

corporations, taxpayers, or other persons pursuant to this section 11338
does not affect the legal rights of municipalities or taxpayers as 11339
otherwise permitted by law. This state shall not be a party to the 11340
administration of municipal income taxes or to an appeal of a 11341
municipal income tax matter, except as otherwise specifically 11342
provided by law. 11343

(H)(1) The tax commissioner shall adopt rules establishing: 11344

(a) The format of documents to be used by taxpayers to file 11345
returns and make payments through the Ohio business gateway; and 11346

(b) The information taxpayers must submit when filing 11347
municipal income tax returns through the Ohio business gateway. 11348

(2) The commissioner shall consult with the Ohio business 11349
gateway steering committee before adopting the rules described in 11350
division (H)(1) of this section. 11351

(I) Nothing in this section shall be construed as limiting or 11352
removing the ability of any municipal corporation to administer, 11353
audit, and enforce the provisions of its municipal income tax. 11354

Sec. 718.13. (A) Any information gained as a result of 11355
returns, investigations, hearings, or verifications required or 11356
authorized by this chapter or by a charter or ordinance of a 11357
municipal corporation levying an income tax pursuant to this 11358
chapter is confidential, and no person shall disclose such 11359
information except in accordance with a proper judicial order or 11360
in connection with the performance of that person's official 11361
duties or the official business of the municipal corporation as 11362
authorized by this chapter or the charter or ordinance authorizing 11363
the levy. The tax administrator of the municipal corporation may 11364
furnish copies of returns filed under this chapter to the internal 11365
revenue service and to the tax commissioner. 11366

(B) This section does not prohibit the legislative authority 11367

of a municipal corporation, by ordinance or resolution, from 11368
authorizing the tax administrator to publish statistics in a form 11369
that does not disclose information with respect to particular 11370
taxpayers. 11371

Sec. 901.171. The department of agriculture may promote the 11372
use of Ohio-produced agricultural goods, including natural spring 11373
water, through the issuance of logotypes to qualified producers 11374
and processors under a promotional certification program to be 11375
developed and administered by the division of markets. 11376

Pursuant to rules adopted under Chapter 119. of the Revised 11377
Code, the department may establish reasonable fees and criteria 11378
for participation in the program. All such fees shall be credited 11379
to the general revenue fund and used to finance the program. 11380

Sec. 901.261. The director of agriculture, in conducting 11381
investigations, inquiries, or hearings, may assess the party to an 11382
action that is brought before the department of agriculture 11383
pursuant to Chapter 119. of the Revised Code the actual costs 11384
incurred by the department for depositions, investigations, 11385
issuance and service of subpoenas, witness fees, employment of a 11386
stenographer and hearing officer, and the production of books, 11387
accounts, papers, records, documents, and testimony if the 11388
applicable hearing officer determines that the party to the action 11389
has failed to comply with any chapter of the Revised Code or any 11390
rule adopted under any of those chapters that is administered by 11391
the director or if the hearing officer determines that the action 11392
was frivolous conduct by the party. Assessment of costs under this 11393
section may be appealed to a court of competent jurisdiction. 11394

Nothing in this section shall be construed to apply to 11395
investigations, inquiries, or hearings conducted under Chapter 11396
4741. of the Revised Code. 11397

Sec. 1306.20. (A) Subject to section 1306.11 of the Revised Code, each state agency shall determine if, and the extent to which, it will send and receive electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures.

(B)(1) Subject to division (B)(2) of this section, a state agency may waive a requirement in the Revised Code, other than a requirement in sections 1306.01 to 1306.15 of the Revised Code, that relates to any of the following:

(a) The method of posting or displaying records;

(b) The manner of sending, communicating, or transmitting records;

(c) The manner of formatting records.

(2) A state agency may exercise its authority to waive a requirement under division (B)(1) of this section only if the following apply:

(a) The requirement relates to a matter over which the state agency has jurisdiction;

(b) The waiver is consistent with criteria set forth in rules adopted by the state agency. The criteria, to the extent reasonable under the circumstances, shall contain standards to facilitate the use of electronic commerce by persons under the jurisdiction of the state agency consistent with rules adopted by the ~~department of administrative services~~ office of information technology pursuant to division (A) of section 1306.21 of the Revised Code.

(C) If a state agency creates, uses, receives, or retains electronic records, both of the following apply:

(1) Any rules adopted by a state agency relating to

electronic records shall be consistent with rules adopted by the 11428
~~department of administrative services~~ office of information 11429
technology pursuant to division (A) of section 1306.21 of the 11430
Revised Code. 11431

(2) Each state agency shall create, use, receive, and retain 11432
electronic records in accordance with section 149.40 of the 11433
Revised Code. 11434

(D) If a state agency creates, uses, or receives electronic 11435
signatures, the state agency shall create, use, or receive the 11436
signatures in accordance with rules adopted by the ~~department of~~ 11437
~~administrative services~~ office of information technology pursuant 11438
to division (A) of section 1306.21 of the Revised Code. 11439

(E)(1) To the extent a state agency retains an electronic 11440
record, the state agency may retain a record in a format that is 11441
different from the format in which the record was originally 11442
created, used, sent, or received only if it can be demonstrated 11443
that the alternative format used accurately and completely 11444
reflects the record as it was originally created, used, sent, or 11445
received. 11446

(2) If a state agency in retaining any set of electronic 11447
records pursuant to division (E)(1) of this section alters the 11448
format of the records, the state agency shall create a certificate 11449
of authenticity for each set of records that is altered. 11450

(3) The ~~department of administrative services~~ office of 11451
information technology, in consultation with the state archivist, 11452
shall adopt rules in accordance with section 111.15 of the Revised 11453
Code that establish the methods for creating certificates of 11454
authenticity pursuant to division (E)(2) of this section. 11455

(F) Whenever any rule of law requires or authorizes the 11456
filing of any information, notice, lien, or other document or 11457
record with any state agency, a filing made by an electronic 11458

record shall have the same force and effect as a filing made on 11459
paper in all cases where the state agency has authorized or agreed 11460
to such electronic filing and the filing is made in accordance 11461
with applicable rules or agreement. 11462

(G) Nothing in sections 1306.01 to 1306.23 of the Revised 11463
Code shall be construed to require any state agency to use or 11464
permit the use of electronic records and electronic signatures. 11465

(H)(1) Notwithstanding division (C)(1) or (D) of this 11466
section, any state agency that, prior to ~~the effective date of~~ 11467
~~this section~~ September 14, 2000, used or permitted the use of 11468
electronic records or electronic signatures pursuant to laws 11469
enacted, rules adopted, or agency policies adopted before ~~the~~ 11470
~~effective date of this section~~ September 14, 2000, may use or 11471
permit the use of electronic records or electronic signatures 11472
pursuant to those previously enacted laws, adopted rules, or 11473
adopted policies for a period of two years after ~~the effective~~ 11474
~~date of this section~~ September 14, 2000. 11475

(2) Subject to division (H)(3) of this section, after the 11476
two-year period described in division (H)(1) of this section has 11477
concluded, all state agencies that use or permit the use of 11478
electronic records or electronic signatures before ~~the effective~~ 11479
~~date of this section~~ September 14, 2000, shall only use or permit 11480
the use of electronic records or electronic signatures consistent 11481
with rules adopted by the ~~department of administrative services~~ 11482
office of information technology pursuant to division (A) of 11483
section 1306.21 of the Revised Code. 11484

(3) After the two-year period described in division (H)(1) of 11485
this section has concluded, the ~~department of administrative~~ 11486
~~services~~ office of information technology may permit a state 11487
agency to use electronic records or electronic signatures that do 11488
not comply with division (H)(2) of this section, if the state 11489
agency files a written request with the ~~department~~ office of 11490

information technology. 11491

(I) For the purposes of this section, "state agency" means 11492
every organized body, office, or agency established by the laws of 11493
the state for the exercise of any function of state government, 11494
but does not include the general assembly, any legislative agency, 11495
the supreme court, the other courts of record in this state, or 11496
any judicial agency. 11497

Sec. 1306.21. (A) With regard to state agency use of 11498
electronic records or electronic signatures, the ~~department of~~ 11499
~~administrative services~~ office of information technology, in 11500
consultation with the state archivist, shall adopt rules in 11501
accordance with section 111.15 of the Revised Code setting forth 11502
all of the following: 11503

(1) The minimum requirements for the method of creation, 11504
maintenance, and security of electronic records and electronic 11505
signatures; 11506

(2) If electronic records must be signed by electronic means, 11507
all of the following: 11508

(a) The type of electronic signature required; 11509

(b) The manner and format in which the electronic signature 11510
must be affixed to the electronic record; 11511

(c) The identity of, or criteria that must be met by, any 11512
third party used by the person filing a document to facilitate the 11513
process. 11514

(3) Control processes and procedures as appropriate to ensure 11515
adequate preservation, disposition, integrity, security, 11516
confidentiality, and auditability of electronic records; 11517

(4) Any other required attributes for electronic records that 11518
are specified for corresponding nonelectronic records or are 11519
reasonably necessary under the circumstances. 11520

(B)(1) The ~~department of administrative services~~ office of information technology may adopt rules in accordance with section 111.15 of the Revised Code to ensure consistency and interoperability among state agencies with regard to electronic transactions, electronic signatures, and security procedures.

(2) If the ~~department of administrative services~~ office of information technology adopts rules pursuant to division (B)(1) of this section, the department shall consider consistency in applications and interoperability with governmental agencies of this state, agencies of other states, the federal government, and nongovernmental persons to the extent practicable when adopting rules pursuant to that division.

(C) With regard to electronic transactions, electronic signatures, and security procedures, the ~~department of administrative services~~ office of information technology may publish recommendations for governmental agencies and nongovernmental persons to promote consistency and interoperability among nongovernmental persons, agencies of this state and other states, and the federal government.

(D) For purposes of this section, "state agency" has the same meaning as in section 1306.20 of the Revised Code.

Sec. 1347.06. The ~~director of administrative services~~ office of information technology shall adopt, amend, and rescind rules pursuant to Chapter 119. of the Revised Code for the purposes of administering and enforcing the provisions of this chapter that pertain to state agencies.

A state or local agency that, or an officer or employee of a state or local agency who, complies in good faith with a rule applicable to the agency is not subject to criminal prosecution or civil liability under this chapter.

Sec. 1503.05. (A) The chief of the division of forestry may 11551
sell timber and other forest products from the state forest and 11552
state forest nurseries whenever the chief considers such a sale 11553
desirable and, with the approval of the attorney general and the 11554
director of natural resources, may sell portions of the state 11555
forest lands when such a sale is advantageous to the state. 11556

(B) Except as otherwise provided in this section, a timber 11557
sale agreement shall not be executed unless the person or 11558
governmental entity bidding on the sale executes and files a 11559
surety bond conditioned on completion of the timber sale in 11560
accordance with the terms of the agreement in an amount equal to 11561
twenty-five per cent of the highest value cutting section. All 11562
bonds shall be given in a form prescribed by the chief and shall 11563
run to the state as obligee. 11564

The chief shall not approve any bond until it is personally 11565
signed and acknowledged by both principal and surety, or as to 11566
either by the attorney in fact thereof, with a certified copy of 11567
the power of attorney attached. The chief shall not approve the 11568
bond unless there is attached a certificate of the superintendent 11569
of insurance that the company is authorized to transact a fidelity 11570
and surety business in this state. 11571

In lieu of a bond, the bidder may deposit any of the 11572
following: 11573

(1) Cash in an amount equal to the amount of the bond; 11574

(2) United States government securities having a par value 11575
equal to or greater than the amount of the bond; 11576

(3) Negotiable certificates of deposit or irrevocable letters 11577
of credit issued by any bank organized or transacting business in 11578
this state having a par value equal to or greater than the amount 11579
of the bond. 11580

The cash or securities shall be deposited on the same terms 11581
as bonds. If one or more certificates of deposit are deposited in 11582
lieu of a bond, the chief shall require the bank that issued any 11583
of the certificates to pledge securities of the aggregate market 11584
value equal to the amount of the certificate or certificates that 11585
is in excess of the amount insured by the federal deposit 11586
insurance corporation. The securities to be pledged shall be those 11587
designated as eligible under section 135.18 of the Revised Code. 11588
The securities shall be security for the repayment of the 11589
certificate or certificates of deposit. 11590

Immediately upon a deposit of cash, securities, certificates 11591
of deposit, or letters of credit, the chief shall deliver them to 11592
the treasurer of state, who shall hold them in trust for the 11593
purposes for which they have been deposited. The treasurer of 11594
state is responsible for the safekeeping of the deposits. A bidder 11595
making a deposit of cash, securities, certificates of deposit, or 11596
letters of credit may withdraw and receive from the treasurer of 11597
state, on the written order of the chief, all or any portion of 11598
the cash, securities, certificates of deposit, or letters of 11599
credit upon depositing with the treasurer of state cash, other 11600
United States government securities, or other negotiable 11601
certificates of deposit or irrevocable letters of credit issued by 11602
any bank organized or transacting business in this state, equal in 11603
par value to the par value of the cash, securities, certificates 11604
of deposit, or letters of credit withdrawn. 11605

A bidder may demand and receive from the treasurer of state 11606
all interest or other income from any such securities or 11607
certificates as it becomes due. If securities so deposited with 11608
and in the possession of the treasurer of state mature or are 11609
called for payment by their issuer, the treasurer of state, at the 11610
request of the bidder who deposited them, shall convert the 11611
proceeds of the redemption or payment of the securities into other 11612

United States government securities, negotiable certificates of 11613
deposit, or cash as the bidder designates. 11614

When the chief finds that a person or governmental agency has 11615
failed to comply with the conditions of the person's or 11616
governmental agency's bond, the chief shall make a finding of that 11617
fact and declare the bond, cash, securities, certificates, or 11618
letters of credit forfeited. The chief thereupon shall certify the 11619
total forfeiture to the attorney general, who shall proceed to 11620
collect the amount of the bond, cash, securities, certificates, or 11621
letters of credit. 11622

In lieu of total forfeiture, the surety, at its option, may 11623
cause the timber sale to be completed or pay to the treasurer of 11624
state the cost thereof. 11625

All moneys collected as a result of forfeitures of bonds, 11626
cash, securities, certificates, and letters of credit under this 11627
section shall be credited to the state forest fund created in this 11628
section. 11629

(C) The chief may grant easements and leases on portions of 11630
the state forest lands and state forest nurseries under terms that 11631
are advantageous to the state, and the chief may grant mineral 11632
rights on a royalty basis on those lands and nurseries, with the 11633
approval of the attorney general and the director. 11634

(D) All moneys received from the sale of state forest lands, 11635
or in payment for easements or leases on or as rents from those 11636
lands or from state forest nurseries, shall be paid into the state 11637
treasury to the credit of the state forest fund, which is hereby 11638
created. In addition, all moneys received from federal grants, 11639
payments, and reimbursements, from the sale of reforestation tree 11640
stock, from the sale of forest products, other than standing 11641
timber, and from the sale of minerals taken from the state forest 11642
lands and state forest nurseries, together with royalties from 11643

mineral rights, shall be paid into the state treasury to the 11644
credit of the state forest fund. Any other revenues derived from 11645
the operation of the state forests and related facilities or 11646
equipment also shall be paid into the state treasury to the credit 11647
of the state forest fund, as shall contributions received for the 11648
issuance of Smokey Bear license plates under section 4503.574 of 11649
the Revised Code and any other moneys required by law to be 11650
deposited in the fund. 11651

The state forest fund shall not be expended for any purpose 11652
other than the administration, operation, maintenance, 11653
development, or utilization of the state forests, forest 11654
nurseries, and forest programs, for facilities or equipment 11655
incident to them, or for the further purchase of lands for state 11656
forest or forest nursery purposes and, in the case of 11657
contributions received pursuant to section 4503.574 of the Revised 11658
Code, for fire prevention purposes. 11659

All moneys received from the sale of standing timber taken 11660
from state forest lands and state forest nurseries shall be 11661
deposited into the state treasury to the credit of the forestry 11662
holding account redistribution fund, which is hereby created. The 11663
moneys shall remain in the fund until they are redistributed in 11664
accordance with this division. 11665

The redistribution shall occur at least once each year. To 11666
begin the redistribution, the chief first shall determine the 11667
amount of all standing timber sold from state forest lands and 11668
state forest nurseries, together with the amount of the total sale 11669
proceeds, in each county, in each township within the county, and 11670
in each school district within the county. The chief next shall 11671
determine the amount of the direct costs that the division of 11672
forestry incurred in association with the sale of that standing 11673
timber. The amount of the direct costs shall be subtracted from 11674
the amount of the total sale proceeds and shall be transferred 11675

from the forestry holding account redistribution fund to the state forest fund. 11676
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The remaining amount of the total sale proceeds equals the net value of the standing timber that was sold. The chief shall determine the net value of standing timber sold from state forest lands and state forest nurseries in each county, in each township within the county, and in each school district within the county and shall send to each county treasurer a copy of the determination at the time that moneys are paid to the county treasurer under this division. 11678
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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. 11686
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The county auditor shall do all of the following: 11695

(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; 11696
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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; 11699
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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 11703
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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.

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 subdivision of the state unless payment is made therefor in the amount of the actual prevailing value thereof. This section is applicable to the moneys so received.

Sec. 1504.02. (A) The division of real estate and land management shall do all of the following:

(1) Except as otherwise provided in the Revised Code, coordinate and conduct all real estate functions for the department of natural resources, including at least acquisitions by purchase, lease, gift, devise, bequest, appropriation, or otherwise; grants through sales, leases, exchanges, easements, and licenses; inventories of land; and other related general management duties;

(2) Assist the department and its divisions by providing department-wide planning, including at least master planning, comprehensive planning, capital improvements planning, and special purpose planning such as trails coordination and planning under section 1519.03 of the Revised Code;

~~(3) On behalf of the director of natural resources, administer the coastal management program established under sections 1506.01 to 1506.03 and 1506.05 to 1506.09 of the Revised Code and consult with and provide coordination among state agencies, political subdivisions, the United States and agencies of it, and interstate, regional, and areawide agencies to assist~~

~~the director in executing the director's duties and~~ 11738
~~responsibilities under that program and to assist the department~~ 11739
~~as the lead agency for the development and implementation of the~~ 11740
~~program;~~ 11741

~~(4) On behalf of the director, administer sections 1506.10~~ 11742
~~and 1506.11 and sections 1506.31 to 1506.36 of the Revised Code;~~ 11743

~~(5)~~ Cooperate with the United States and agencies of it and 11744
with political subdivisions in administering federal recreation 11745
moneys under the "Land and Water Conservation Fund Act of 1965," 11746
78 Stat. 897, 16 U.S.C.A. 4601-8, as amended; prepare and 11747
distribute the statewide comprehensive outdoor recreation plan; 11748
and administer the state recreational vehicle fund created in 11749
section 4519.11 of the Revised Code; 11750

~~(6)~~(4)(a) Support the geographic information system needs for 11751
the department as requested by the director, which shall include, 11752
but not be limited to, all of the following: 11753

(i) Assisting in the training and education of department 11754
resource managers, administrators, and other staff in the 11755
application and use of geographic information system technology; 11756

(ii) Providing technical support to the department in the 11757
design, preparation of data, and use of appropriate geographic 11758
information system applications in order to help solve resource 11759
related problems and to improve the effectiveness and efficiency 11760
of department delivered services; 11761

(iii) Creating, maintaining, and documenting spatial digital 11762
data bases for the division and for other divisions as assigned by 11763
the director. 11764

(b) Provide information to and otherwise assist government 11765
officials, planners, and resource managers in understanding land 11766
use planning and resource management; 11767

(c) Provide continuing assistance to local government officials and others in natural resource digital data base development and in applying and utilizing the geographic information system for land use planning, current agricultural use value assessment, development reviews, coastal management, and other resource management activities;	11768 11769 11770 11771 11772 11773
(d) Coordinate and administer the remote sensing needs of the department, including the collection and analysis of aerial photography, satellite data, and other data pertaining to land, water, and other resources of the state;	11774 11775 11776 11777
(e) Prepare and publish maps and digital data relating to the state's land use and land cover over time on a local, regional, and statewide basis;	11778 11779 11780
(f) Locate and distribute hard copy maps, digital data, aerial photography, and other resource data and information to government agencies and the public.	11781 11782 11783
(7) (5) Prepare special studies and execute any other duties, functions, and responsibilities requested by the director.	11784 11785
(B) The division may do any of the following:	11786
(1) Coordinate such environmental matters concerning the department and the state as are necessary to comply with the "National Environmental Policy Act of 1969," 83 Stat. 852, 42 U.S.C.A. 4321, as amended, the "Intergovernmental Cooperation Act of 1968," 82 Stat. 1098, 31 U.S.C.A. 6506, and the "Federal Water Pollution Control Act," 91 Stat. 1566 (1977), 33 U.S.C.A. 1251, as amended, and regulations adopted under those acts;	11787 11788 11789 11790 11791 11792 11793
(2) With the approval of the director, coordinate and administer compensatory mitigation grant programs and other programs for streams and wetlands as approved in accordance with certifications and permits issued under sections 401 and 404 of the "Federal Water Pollution Control Act", 91 Stat. 1566(1977), 33	11794 11795 11796 11797 11798

U.S.C.A. 1251, as amended, by the environmental protection agency 11799
and the United States army corps of engineers; 11800

(3) Administer any state or federally funded grant program 11801
that is related to natural resources and recreation as considered 11802
necessary by the director. 11803

Sec. 1506.01. As used in this chapter: 11804

(A) "Coastal area" means the waters of Lake Erie, the islands 11805
in the lake, and the lands under and adjacent to the lake, 11806
including transitional areas, wetlands, and beaches. The coastal 11807
area extends in Lake Erie to the international boundary line 11808
between the United States and Canada and landward only to the 11809
extent necessary to include shorelands, the uses of which have a 11810
direct and significant impact on coastal waters as determined by 11811
the director of natural resources. 11812

(B) "Coastal management program" means the comprehensive 11813
action of the state and its political subdivisions cooperatively 11814
to preserve, protect, develop, restore, or enhance the resources 11815
of the coastal area and to ensure wise use of the land and water 11816
resources of the coastal area, giving attention to natural, 11817
cultural, historic, and aesthetic values; agricultural, 11818
recreational, energy, and economic needs; and the national 11819
interest. "Coastal management program" includes the establishment 11820
of objectives, policies, standards, and criteria concerning, 11821
without limitation, protection of air, water, wildlife, rare and 11822
endangered species, wetlands and natural areas, and other natural 11823
resources in the coastal area; management of coastal development 11824
and redevelopment; preservation and restoration of historic, 11825
cultural, and aesthetic coastal features; and public access to the 11826
coastal area for recreation purposes. 11827

(C) "Coastal management program document" means a 11828
comprehensive statement consisting of, without limitation, text, 11829

maps, and illustrations that is adopted by the director in 11830
accordance with this chapter, describes the objectives, policies, 11831
standards, and criteria of the coastal management program for 11832
guiding public and private uses of lands and waters in the coastal 11833
area, lists the governmental agencies, including, without 11834
limitation, state agencies, involved in implementing the coastal 11835
management program, describes their applicable policies and 11836
programs, and cites the statutes and rules under which they may 11837
adopt and implement those policies and programs. 11838

(D) "Person" means any agency of this state, any political 11839
subdivision of this state or of the United States, and any legal 11840
entity defined as a person under section 1.59 of the Revised Code. 11841

(E) "Director" means the director of natural resources or the 11842
director's designee. 11843

(F) "Permanent structure" means any residential, commercial, 11844
industrial, institutional, or agricultural building, any mobile 11845
home as defined in division (O) of section 4501.01 of the Revised 11846
Code, any manufactured home as defined in division (C)(4) of 11847
section 3781.06 of the Revised Code, and any septic system that 11848
receives sewage from a single-family, two-family, or three-family 11849
dwelling, but does not include any recreational vehicle as defined 11850
in section 4501.01 of the Revised Code. 11851

(G) "State agency" or "agency of the state" has the same 11852
meaning as "agency" as defined in section 111.15 of the Revised 11853
Code. 11854

(H) "Coastal flood hazard area" means any territory within 11855
the coastal area that has been identified as a flood hazard area 11856
under the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 11857
42 U.S.C.A. 4002, as amended. 11858

(I) "Coastal erosion area" means any territory included in 11859
Lake Erie coastal erosion areas identified by the director under 11860

section 1506.06 of the Revised Code. 11861

(J) "Conservancy district" means a conservancy district that is established under Chapter 6101. of the Revised Code. 11862
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(K) "Park board" means the board of park commissioners of a park district that is created under Chapter 1545. of the Revised Code. 11864
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(L) "Erosion control structure" means a structure that is designed solely and specifically to reduce or control erosion of the shore along or near Lake Erie, including, without limitation, revetments, seawalls, bulkheads, certain breakwaters, and similar structures. 11867
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(M) "Shore structure" includes, but is not limited to, beaches; groins; revetments; bulkheads; seawalls; breakwaters; certain dikes designated by the chief of the division of water; piers; docks; jetties; wharves; marinas; boat ramps; any associated fill or debris used as part of the construction of shore structures that may affect shore erosion, wave action, or inundation; and fill or debris that is placed along or near the shore, including bluffs, banks, or beach ridges, for the purpose of stabilizing slopes. 11872
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Sec. ~~1521.20~~ 1506.38. The ~~chief director~~ of the ~~division of water~~ natural resources shall act as the erosion agent of the state for the purpose of cooperating with the secretary of the army, acting through the chief of engineers of the United States army corps of engineers in the department of defense. The ~~chief director~~ shall cooperate with the secretary in carrying out, and may conduct, investigations and studies of conditions along the shorelines of Lake Erie and of the bays and projections therefrom, and of the islands therein, within the territorial waters of the state, with a view to devising and perfecting economical and effective methods and works for preventing, correcting, and 11881
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controlling shore erosion and damage therefrom and controlling the 11892
inundation of improved property by the waters of Lake Erie, its 11893
bays, and associated inlets. 11894

Sec. ~~1521.21~~ 1506.39. The ~~chief director~~ of the ~~division of~~ 11895
~~water natural resources~~, in the discharge of the ~~chief's~~ 11896
~~director's~~ duties under sections ~~1507.20~~ 1506.38 to ~~1507.30~~ 11897
1506.48 of the Revised Code, may call to the ~~chief's~~ director's 11898
assistance, temporarily, any engineers or other employees in any 11899
state department, or in the Ohio state university or other 11900
educational institutions financed wholly or in part by the state, 11901
for the purpose of devising the most effective and economical 11902
methods of controlling shore erosion and damage from it and 11903
controlling the inundation of improved property by the waters of 11904
Lake Erie and its bays and associated inlets. 11905

Such engineers and employees shall not receive any additional 11906
compensation over that which they receive from the departments or 11907
institutions by which they are employed, but they shall be 11908
reimbursed for their actual necessary expenses incurred while 11909
working under the direction of the ~~chief~~ director on erosion and 11910
inundation projects. 11911

Sec. ~~1521.22~~ 1506.40. No person shall construct a beach, 11912
groin, or other structure to control erosion, wave action, or 11913
inundation along or near the Ohio shoreline of Lake Erie, 11914
including related islands, bays, and inlets, without first 11915
obtaining a shore structure permit from the ~~chief of the division~~ 11916
director of ~~water. The natural resources.~~ 11917

The application for a ~~shore structure~~ permit shall include 11918
detailed plans and specifications prepared by a professional 11919
engineer registered under Chapter 4733. of the Revised Code. An 11920
applicant shall provide appropriate evidence of compliance with 11921

any applicable provisions of this chapter and Chapters 1505. and 11922
~~1506- 1521.~~ of the Revised Code, as determined by the ~~chief~~ 11923
director. A temporary shore structure permit may be issued by the 11924
~~chief or an authorized representative of the chief~~ director if it 11925
is determined necessary to safeguard life, health, or property. 11926

Each application or reapplication for a permit under this 11927
section shall be accompanied by a non-refundable fee as the ~~chief~~ 11928
director shall prescribe by rule. 11929

If the application is approved, the ~~chief~~ director shall 11930
issue a permit to the applicant authorizing construction of the 11931
project. If requested in writing by the applicant within thirty 11932
days of issuance of a notice of disapproval of the application, 11933
the ~~chief~~ director shall conduct an adjudication hearing under 11934
Chapter 119. of the Revised Code, except sections 119.12 and 11935
119.121 of the Revised Code. After reviewing the record of the 11936
hearing, the ~~chief~~ director shall issue a final order approving 11937
the application, disapproving it, or approving it conditioned on 11938
the making of specified revisions in the plans and specifications. 11939

The ~~chief~~ director, by rule, shall limit the period during 11940
which a construction permit issued under this section is valid and 11941
shall establish reapplication requirements governing a 11942
construction permit that expires before construction is completed. 11943

In accordance with Chapter 119. of the Revised Code, the 11944
~~chief~~ director shall adopt, and may amend or rescind, such rules 11945
as are necessary for the administration, implementation, and 11946
enforcement of this section. 11947

Sec. ~~1521-23~~ 1506.41. All moneys derived from the granting of 11948
permits and leases under section 1505.07 of the Revised Code for 11949
the removal of sand, gravel, stone, gas, oil, and other minerals 11950
and substances from and under the bed of Lake Erie and from 11951
applications for shore structure permits submitted under section 11952

~~1521.22~~ 1506.40 of the Revised Code shall be paid into the state treasury to the credit of the permit and lease fund, which is hereby created. Notwithstanding any section of the Revised Code relating to the distribution or crediting of fines for violations of the Revised Code, all fines imposed under division (A) of section 1505.99 of the Revised Code and under division (C) of section ~~1521.99~~ 1506.99 of the Revised Code shall be paid into that fund. The fund shall be administered by the department of natural resources for the protection of Lake Erie shores and waters; investigation and control of erosion; the planning, development, and construction of facilities for recreational use of Lake Erie; implementation of section ~~1521.22~~ 1506.40 of the Revised Code; preparation of the state shore erosion plan under section ~~1521.29~~ 1506.47 of the Revised Code; and state administration of Lake Erie coastal erosion areas under sections 1506.06 and 1506.07 of the Revised Code.

Sec. ~~1521.24~~ 1506.42. The state, acting through the ~~chief director of the division of water~~ natural resources, subject to section ~~1521.28~~ 1506.46 of the Revised Code, may enter into agreements with counties, townships, municipal corporations, park boards, and conservancy districts, other political subdivisions, or any state departments or divisions for the purpose of constructing and maintaining projects to control erosion along the Ohio shoreline of Lake Erie and in any rivers and bays that are connected with Lake Erie and any other watercourses that flow into Lake Erie. Such projects also may be constructed on any Lake Erie island that is situated within the boundaries of the state.

The cost of such shore erosion projects that are for the benefit of public littoral property shall be prorated on the basis of two-thirds of the total cost to the state through appropriations made to the ~~division~~ department of ~~water~~ natural resources and one-third of the cost to the counties, townships,

municipal corporations, park boards, conservancy districts, or 11985
other political subdivisions. 11986

If a shore erosion emergency is declared by the governor, the 11987
state, acting through the ~~chief~~ director, may spend whatever state 11988
funds are available to alleviate shore erosion, without 11989
participation by any political subdivision, regardless of whether 11990
the project will benefit public or private littoral property. 11991

A board of county commissioners, acting for the county over 11992
which it has jurisdiction, may enter into and carry out agreements 11993
with the ~~chief~~ director for the construction and maintenance of 11994
projects to control shore erosion. In providing the funds for the 11995
county's proportionate share of the cost of constructing and 11996
maintaining the projects referred to in this section, the board 11997
shall be governed by and may issue and refund bonds in accordance 11998
with Chapter 133. of the Revised Code. 11999

A municipal corporation or a township, acting through the 12000
legislative authority or the board of township trustees, may enter 12001
into and carry out agreements with the ~~chief~~ director for the 12002
purpose of constructing and maintaining projects to control shore 12003
erosion. In providing the funds for the municipal corporation's or 12004
township's proportionate share of the cost of constructing and 12005
maintaining the projects referred to in this section, a municipal 12006
corporation or township may issue and refund bonds in accordance 12007
with Chapter 133. of the Revised Code. The contract shall be 12008
executed on behalf of the municipal corporation or township by the 12009
mayor, city manager, or other chief executive officer who has the 12010
authority to act for the municipal corporation or township. 12011

Conservancy districts may enter into and carry out agreements 12012
with the ~~chief~~ director, in accordance with the intent of this 12013
section, under the powers conferred upon conservancy districts 12014
under Chapter 6101. of the Revised Code. 12015

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 district, in accordance with the terms of the agreement entered into between the chief director and the county, township, municipal corporation, park board, or conservancy district, are in the ~~chief's~~ director's possession and deposited in the shore erosion fund, which is hereby created in the state treasury. If the chief director finds it to be in the best interests of the state to construct projects as set forth in this section by the state itself, without the financial contribution of counties, townships, municipal corporations, park boards, or conservancy districts, the chief director may construct the projects.

In deciding whether to assist a county or municipal corporation in constructing and maintaining a project under this section, the state, acting through the chief director, shall consider, among other factors, whether the county or municipal corporation has adopted or is in the process of adopting a Lake Erie coastal erosion area resolution or ordinance under division (D) of section 1506.07 of the Revised Code.

All projects constructed by the state in conformity with sections ~~1521.20~~ 1506.38 to ~~1521.28~~ 1506.46 of the Revised Code shall be constructed subject to sections 153.01 to 153.20 of the Revised Code, except that the state architect and engineer is not required to prepare the plans and specifications for those projects.

Sec. ~~1521.25~~ 1506.43. The chief director of the ~~division of~~ 12048
~~water~~ natural resources may enter into a contract with any county, 12049
township, municipal corporation, conservancy district, or park 12050
board that has an agreement with the state in accordance with 12051
section ~~1521.24~~ 1506.42 of the Revised Code for the construction 12052
of a shore erosion project. No contract shall be let until all 12053
money that is to be paid by the political subdivision entering 12054
into the agreement has been deposited in the shore erosion fund 12055
created in that section ~~1521.24~~ of the Revised Code, and no 12056
~~contract shall be valid until approved by the director of natural~~ 12057
~~resources.~~ 12058

Sec. ~~1521.26~~ 1506.44. (A) A board of county commissioners may 12059
use a loan obtained under division (C) of this section to provide 12060
financial assistance to any person who owns real property in a 12061
coastal erosion area, ~~as defined in section 1506.01 of the Revised~~ 12062
~~Code,~~ and who has received a permit under section ~~1521.22~~ 1506.40 12063
of the Revised Code to construct an erosion control structure in 12064
that coastal erosion area. The board shall enter into an agreement 12065
with the person that complies with all of the following 12066
requirements: 12067

(1) The agreement shall identify the person's real property 12068
for which the erosion control structure is being constructed and 12069
shall include a legal description of that property and a reference 12070
to the volume and page of the deed record in which the title of 12071
that person to that property is recorded. 12072

(2) In accordance with rules adopted by the Ohio water 12073
development authority under division (V) of section 6121.04 of the 12074
Revised Code for the purposes of division (C) of this section and 12075
pursuant to an agreement between the board and the authority under 12076
that division, the board shall agree to cause payments to be made 12077
by the authority to the contractor hired by the person to 12078

construct an erosion control structure in amounts not to exceed 12079
the total amount specified in the agreement between the board and 12080
the person. 12081

(3) The person shall agree to pay to the board, or to the 12082
authority as the assignee pursuant to division (C) of this 12083
section, the total amount of the payments plus administrative or 12084
other costs of the board or the authority at times, in 12085
installments, and bearing interest as specified in the agreement. 12086

The agreement may contain additional provisions that the 12087
board determines necessary to safeguard the interests of the 12088
county or to comply with an agreement entered into under division 12089
(C) of this section. 12090

(B) Upon entering into an agreement under division (A) of 12091
this section, the board shall do all of the following: 12092

(1) Cause the agreement to be recorded in the county deed 12093
records in the office of the county recorder of the county in 12094
which the real property is situated. Failure to record the 12095
agreement does not affect the validity of the agreement or the 12096
collection of any amounts due under the agreement. 12097

(2) Establish by resolution an erosion control repayment fund 12098
into which shall be deposited all amounts collected under division 12099
(B)(3) of this section. Moneys in that fund shall be used by the 12100
board for the repayment of the loan and for administrative or 12101
other costs of the board or the authority as specified in an 12102
agreement entered into under division (C) of this section. If the 12103
amount of money in the fund is inadequate to repay the loan when 12104
due, the board of county commissioners, by resolution, may advance 12105
money from any other fund in order to repay the loan if that use 12106
of the money from the other fund is not in conflict with law. If 12107
the board so advances money in order to repay the loan, the board 12108
subsequently shall reimburse each fund from which the board 12109

advances money with moneys from the erosion control repayment 12110
fund. 12111

(3) Bill and collect all amounts when due under the agreement 12112
entered into under division (A) of this section. The board shall 12113
certify amounts not paid when due to the county auditor, who shall 12114
enter the amounts on the real property tax list and duplicate 12115
against the property identified under division (A)(1) of this 12116
section. The amounts not paid when due shall be a lien on that 12117
property from the date on which the amounts are placed on the tax 12118
list and duplicate and shall be collected in the same manner as 12119
other taxes. 12120

(C) A board may apply to the authority for a loan for the 12121
purpose of entering into agreements under division (A) of this 12122
section. The loan shall be for an amount and on the terms 12123
established in an agreement between the board and the authority. 12124
The board may assign any agreements entered into under division 12125
(A) of this section to the authority in order to provide for the 12126
repayment of the loan and may pledge any lawfully available 12127
revenues to the repayment of the loan, provided that no moneys 12128
raised by taxation shall be obligated or pledged by the board for 12129
the repayment of the loan. Any agreement with the authority 12130
pursuant to this division is not subject to Chapter 133. of the 12131
Revised Code or any requirements or limitations established in 12132
that chapter. 12133

(D) The authority, as assignee of any agreement pursuant to 12134
division (C) of this section, may enforce and compel the board and 12135
the county auditor by mandamus pursuant to Chapter 2731. of the 12136
Revised Code to comply with division (B) of this section in a 12137
timely manner. 12138

(E) The construction of an erosion control structure by a 12139
contractor hired by an individual homeowner, group of individual 12140
homeowners, or homeowners association that enters into an 12141

agreement with a board under division (A) of this section is not a 12142
public improvement, as defined in section 4115.03 of the Revised 12143
Code, and is not subject to competitive bidding or public bond 12144
laws. 12145

Sec. ~~1521.27~~ 1506.45. The state, or any county, township, 12146
municipal corporation, conservancy district, or park board that 12147
has entered into a contract under section ~~1521.25~~ 1506.43 of the 12148
Revised Code, may acquire lands by gift or devise, purchase, or 12149
appropriation. In case of appropriation, the proceedings shall be 12150
instituted in the name of the state or the political subdivision 12151
and shall be conducted in the manner provided for the 12152
appropriation of private property by the state or the political 12153
subdivision insofar as those proceedings are applicable. Either 12154
the fee or any lesser interest may be acquired as the state or the 12155
political subdivision considers advisable. 12156

Sec. ~~1521.28~~ 1506.46. Any action taken by the ~~chief director~~ 12157
of ~~the division of water~~ natural resources under sections ~~1521.20~~ 12158
1506.38 to ~~1521.30~~ 1506.48 of the Revised Code shall not be deemed 12159
in conflict with certain powers and duties conferred upon and 12160
delegated to federal agencies and to municipal corporations under 12161
Section 7 of Article XVIII, Ohio Constitution, or as provided by 12162
sections 721.04 to 721.11 of the Revised Code. 12163

Sec. ~~1521.29~~ 1506.47. The ~~chief director~~ of ~~the division of~~ 12164
~~water~~ natural resources, in cooperation with appropriate offices 12165
and divisions, including the division of geological survey, may 12166
prepare a plan for the management of shore erosion in the state 12167
along Lake Erie, its bays, and associated inlets, revise the plan 12168
whenever it can be made more effective, and make the plan 12169
available for public inspection. In the preparation of the plan, 12170
the ~~chief director~~ may employ such existing plans as are 12171

available. 12172

The ~~chief~~ director also may establish a program to provide 12173
technical assistance on shore erosion control measures to 12174
municipal corporations, counties, townships, conservancy 12175
districts, park boards, and shoreline property owners. 12176

Sec. ~~1521.30~~ 1506.48. Upon application of any owner of real 12177
property damaged or destroyed by shore erosion, the county auditor 12178
of the county in which the real property is situated shall cause a 12179
reappraisal to be made and shall place the property on the tax 12180
list at its true value in money. 12181

Whenever the county auditor finds that ninety per cent or 12182
more of the area of any littoral parcel of land appearing upon the 12183
tax duplicate has been eroded and lies within the natural 12184
boundaries of Lake Erie and that the remainder of the parcel, if 12185
any, has no taxable value, the auditor may certify that finding to 12186
the county board of revision. Upon consideration thereof, the 12187
board may authorize removal of the parcel from the tax duplicate 12188
and cancellation of all current and delinquent taxes, assessments, 12189
interest, and penalties charged against the parcel. 12190

Sec. 1506.99. (A) Whoever violates division (A) of section 12191
1506.09 of the Revised Code shall be fined not less than one 12192
hundred nor more than five hundred dollars for each offense. 12193

(B) Whoever violates division (K) of section 1506.32 of the 12194
Revised Code is guilty of a misdemeanor of the third degree. 12195

(C) Whoever violates sections 1506.38 to 1506.48 of the 12196
Revised Code shall be fined not less than one hundred dollars nor 12197
more than five hundred dollars for each offense. Each day of 12198
violation constitutes a separate offense. 12199

Sec. 1513.08. (A) After a coal mining and reclamation permit 12200

application has been approved, ~~but before the permit is issued,~~ 12201
the applicant shall file with the chief of the division of mineral 12202
resources management, on a form prescribed and furnished by the 12203
chief, the performance security required under this section. 12204

(B) Using the information contained in the permit 12205
application; the requirements contained in the approved permit and 12206
reclamation plan; and, after considering the topography, geology, 12207
hydrology, and revegetation potential of the area of the approved 12208
permit, the probable difficulty of reclamation; the chief shall 12209
determine the estimated cost of reclamation under the initial term 12210
of the permit if the reclamation has to be performed by the 12211
division of mineral resources management in the event of 12212
forfeiture of the performance security by the applicant. The chief 12213
shall send written notice of the amount of the estimated cost of 12214
reclamation by certified mail to the applicant. The applicant 12215
shall send written notice to the chief indicating the method by 12216
which the applicant will provide the performance security pursuant 12217
to division (C) of this section. 12218

(C) The applicant shall provide the performance security in 12219
an amount using one of the following: 12220

(1) If the applicant elects to provide performance security 12221
without reliance on the reclamation forfeiture fund created in 12222
section 1513.18 of the Revised Code, the amount of the estimated 12223
cost of reclamation as determined by the chief under division (B) 12224
of this section for the increments of land on which the operator 12225
will conduct a coal mining and reclamation operation under the 12226
initial term of the permit as indicated in the application; 12227

(2) If the applicant elects to provide performance security 12228
together with reliance on the reclamation forfeiture fund through 12229
payment of the additional tax on the severance of coal that is 12230
levied under division (A)(8) of section 5749.02 of the Revised 12231
Code, an amount of twenty-five hundred dollars per acre of land on 12232

which the operator will conduct coal mining and reclamation under 12233
the initial term of the permit as indicated in the application. 12234
However, in order for an applicant to be eligible to provide 12235
performance security in accordance with division (C)(2) of this 12236
section, ~~an~~ the applicant, an owner and controller of the 12237
applicant, or an affiliate of the applicant shall have held a 12238
permit issued under this chapter for any coal mining and 12239
reclamation operation for a period of not less than five years. In 12240
the event of forfeiture of performance security that was provided 12241
in accordance with division (C)(2) of this section, the difference 12242
between the amount of that performance security and the estimated 12243
cost of reclamation as determined by the chief under division (B) 12244
of this section shall be obtained from money in the reclamation 12245
forfeiture fund as needed to complete the reclamation. 12246

The performance security provided under division (C) of this 12247
section for the entire area to be mined under one permit issued 12248
under this chapter shall not be less than ten thousand dollars. 12249

The performance security shall cover areas of land affected 12250
by mining within or immediately adjacent to the permitted area, so 12251
long as the total number of acres does not exceed the number of 12252
acres for which the performance security is provided. However, the 12253
authority for the performance security to cover areas of land 12254
immediately adjacent to the permitted area does not authorize a 12255
permittee to mine areas outside an approved permit area. As 12256
succeeding increments of coal mining and reclamation operations 12257
are to be initiated and conducted within the permit area, the 12258
permittee shall file with the chief additional performance 12259
security to cover the increments in accordance with this section. 12260
If a permittee intends to mine areas outside the approved permit 12261
area, the permittee shall provide additional performance security 12262
in accordance with this section to cover the areas to be mined. 12263

An applicant shall provide performance security in accordance 12264

with division (C)(1) of this section in the full amount of the 12265
estimated cost of reclamation as determined by the chief for a 12266
permitted coal preparation plant or coal refuse disposal area that 12267
is not located within a permitted area of a mine. A permittee 12268
shall provide the performance security not later than one year 12269
after ~~the effective date of this amendment~~ April 6, 2007, for a 12270
permitted coal preparation plant or coal refuse disposal area that 12271
is in existence on ~~the effective date of this amendment~~ April 6, 12272
2007, and that is not located within a permitted area of a mine. 12273

(D) A permittee's liability under the performance security 12274
shall be limited to the obligations established under the permit, 12275
which include completion of the reclamation plan in order to make 12276
the land capable of supporting the postmining land use that was 12277
approved in the permit. The period of liability under the 12278
performance security shall be for the duration of the coal mining 12279
and reclamation operation and for a period coincident with the 12280
operator's responsibility for revegetation requirements under 12281
section 1513.16 of the Revised Code. 12282

(E) The amount of the estimated cost of reclamation 12283
determined under division (B) of this section and the amount of a 12284
permittee's performance security provided in accordance with 12285
division (C)(1) of this section may be adjusted by the chief as 12286
the land that is affected by mining increases or decreases or if 12287
the cost of reclamation increases or decreases. If the performance 12288
security was provided in accordance with division (C)(2) of this 12289
section and the chief has issued a cessation order under division 12290
(D)(2) of section 1513.02 of the Revised Code for failure to abate 12291
a violation of the contemporaneous reclamation requirement under 12292
division (A)(15) of section 1513.16 of the Revised Code, the chief 12293
may require the permittee to increase the amount of performance 12294
security from twenty-five hundred dollars per acre of land to five 12295
thousand dollars per acre of land. 12296

The chief shall notify the permittee, each surety, and any person who has a property interest in the performance security and who has requested to be notified of any proposed adjustment to the performance security. The permittee may request an informal conference with the chief concerning the proposed adjustment, and the chief shall provide such an informal conference.

If the chief increases the amount of performance security under this division, the permittee shall provide additional performance security in an amount determined by the chief. If the chief decreases the amount of performance security under this division, the chief shall determine the amount of the reduction of the performance security and send written notice of the amount of reduction to the permittee. The permittee may reduce the amount of the performance security in the amount determined by the chief.

(F) A permittee may request a reduction in the amount of the performance security by submitting to the chief documentation proving that the amount of the performance security provided by the permittee exceeds the estimated cost of reclamation if the reclamation would have to be performed by the division in the event of forfeiture of the performance security. The chief shall examine the documentation and determine whether the permittee's performance security exceeds the estimated cost of reclamation. If the chief determines that the performance security exceeds that estimated cost, the chief shall determine the amount of the reduction of the performance security and send written notice of the amount to the permittee. The permittee may reduce the amount of the performance security in the amount determined by the chief. Adjustments in the amount of performance security under this division shall not be considered release of performance security and are not subject to section 1513.16 of the Revised Code.

(G) If the performance security is a bond, it shall be executed by the operator and a corporate surety licensed to do

business in this state. If the performance security is a cash 12329
deposit or negotiable certificates of deposit of a bank or savings 12330
and loan association, the bank or savings and loan association 12331
shall be licensed and operating in this state. The cash deposit or 12332
market value of the securities shall be equal to or greater than 12333
the amount of the performance security required under this 12334
section. The chief shall review any documents pertaining to the 12335
performance security and approve or disapprove the documents. The 12336
chief shall notify the applicant of the chief's determination. 12337

(H) If the performance security is a bond, the chief may 12338
accept the bond of the applicant itself without separate surety 12339
when the applicant demonstrates to the satisfaction of the chief 12340
the existence of a suitable agent to receive service of process 12341
and a history of financial solvency and continuous operation 12342
sufficient for authorization to self-insure or bond the amount. 12343

(I) Performance security provided under this section may be 12344
held in trust, provided that the state is the conditional 12345
beneficiary of the trust and the custodian of the performance 12346
security held in trust is a bank, trust company, or other 12347
financial institution that is licensed and operating in this 12348
state. The chief shall review the trust document and approve or 12349
disapprove the document. The chief shall notify the applicant of 12350
the chief's determination. 12351

(J) If a surety, bank, savings and loan association, trust 12352
company, or other financial institution that holds the performance 12353
security required under this section becomes insolvent, the 12354
permittee shall notify the chief of the insolvency, and the chief 12355
shall order the permittee to submit a plan for replacement 12356
performance security within thirty days after receipt of notice 12357
from the chief. If the permittee provided performance security in 12358
accordance with division (C)(1) of this section, the permittee 12359
shall provide the replacement performance security within ninety 12360

days after receipt of notice from the chief. If the permittee 12361
provided performance security in accordance with division (C)(2) 12362
of this section, the permittee shall provide the replacement 12363
performance security within one year after receipt of notice from 12364
the chief, and, for a period of one year after the permittee's 12365
receipt of notice from the chief or until the permittee provides 12366
the replacement performance security, whichever occurs first, 12367
money in the reclamation forfeiture fund shall be the permittee's 12368
replacement performance security in an amount not to exceed the 12369
estimated cost of reclamation as determined by the chief. 12370

(K) A permittee's responsibility for repairing material 12371
damage and replacement of water supply resulting from subsidence 12372
may be satisfied by liability insurance required under this 12373
chapter in lieu of the permittee's performance security if the 12374
liability insurance policy contains terms and conditions that 12375
specifically provide coverage for repairing material damage and 12376
replacement of water supply resulting from subsidence. 12377

(L) If the performance security provided in accordance with 12378
this section exceeds the estimated cost of reclamation, the chief 12379
may authorize the amount of the performance security that exceeds 12380
the estimated cost of reclamation together with any interest or 12381
other earnings on the performance security to be paid to the 12382
permittee. 12383

(M) A permittee that held a valid coal mining and reclamation 12384
permit immediately prior to April 6, 2007, shall provide, not 12385
later than a date established by the chief, performance security 12386
in accordance with division (C)(1) or (2) of this section, rather 12387
than in accordance with the law as it existed prior to that date, 12388
by filing it with the chief on a form that the chief prescribes 12389
and furnishes. Accordingly, for purposes of this section, 12390
"applicant" is deemed to include such a permittee. 12391

(N) As used in this section: 12392

(1) "Affiliate of the applicant" means an entity that has a 12393
parent entity in common with the applicant. 12394

(2) "Owner and controller of the applicant" means a person 12395
that has any relationship with the applicant that gives the person 12396
authority to determine directly or indirectly the manner in which 12397
the applicant conducts coal mining operations. 12398

Sec. 1513.18. (A) All money that becomes the property of the 12399
state under division (G) of section 1513.16 of the Revised Code 12400
shall be deposited in the reclamation forfeiture fund, which is 12401
hereby created in the state treasury. Disbursements from the fund 12402
shall be made by the chief of the division of mineral resources 12403
management for the purpose of reclaiming areas of land affected by 12404
coal mining under a coal mining and reclamation permit issued on 12405
or after September 1, 1981, on which an operator has defaulted. 12406

(B) The fund also shall consist of all money from the 12407
collection of liens under section 1513.081 of the Revised Code, 12408
any moneys transferred to it under section 1513.181 of the Revised 12409
Code from the coal mining and reclamation reserve fund created in 12410
that section, fines collected under division (E) of section 12411
1513.02 and section 1513.99 of the Revised Code, fines collected 12412
for a violation of section 2921.31 of the Revised Code that, prior 12413
to July 1, 1996, would have been a violation of division (G) of 12414
section 1513.17 of the Revised Code as it existed prior to that 12415
date, and moneys collected and credited to it pursuant to section 12416
5749.02 of the Revised Code. Disbursements from the fund shall be 12417
made by the chief in accordance with division (D) of this section 12418
for the purpose of reclaiming areas that an operator has affected 12419
by mining and failed to reclaim under a coal mining and 12420
reclamation permit issued under this chapter or under a surface 12421
mining permit issued under Chapter 1514. of the Revised Code. 12422

The chief may expend moneys from the fund to pay necessary 12423

administrative costs, including engineering and design services, 12424
incurred by the division of mineral resources management in 12425
reclaiming these areas. The chief also may expend moneys from the 12426
fund to pay necessary administrative costs of the reclamation 12427
forfeiture fund advisory board created in section 1513.182 of the 12428
Revised Code as authorized by the board under that section. 12429
Expenditures from the fund to pay such administrative costs need 12430
not be made under contract. 12431

(C) Except when paying necessary administrative costs 12432
authorized by division (B) of this section, expenditures from the 12433
fund shall be made under contracts entered into by the chief, with 12434
the approval of the director of natural resources, in accordance 12435
with procedures established by the chief, by rules adopted in 12436
accordance with section 1513.02 of the Revised Code. The chief may 12437
reclaim the land in the same manner as set forth in sections 12438
1513.21 to 1513.24 of the Revised Code. Each contract awarded by 12439
the chief shall be awarded to the lowest responsive and 12440
responsible bidder, in accordance with section 9.312 of the 12441
Revised Code, after sealed bids are received, opened, and 12442
published at the time and place fixed by the chief. The chief 12443
shall publish notice of the time and place at which bids will be 12444
received, opened, and published, at least once and at least ten 12445
days before the date of the opening of the bids, in a newspaper of 12446
general circulation in the county in which the area of land to be 12447
reclaimed under the contract is located. If, after advertising, no 12448
bids are received at the time and place fixed for receiving them, 12449
the chief may advertise again for bids, or, if the chief considers 12450
the public interest will best be served, the chief may enter into 12451
a contract for the reclamation of the area of land without further 12452
advertisement for bids. The chief may reject any or all bids 12453
received and again publish notice of the time and place at which 12454
bids for contracts will be received, opened, and published. The 12455
chief, with the approval of the director, may enter into a 12456

contract with the landowner, a coal mine operator or surface mine 12457
operator mining under a current, valid permit issued under this 12458
chapter or Chapter 1514. of the Revised Code, or a contractor 12459
hired by the surety or trustee, if the performance security is 12460
held in trust, to complete reclamation to carry out reclamation on 12461
land affected by coal mining on which an operator has defaulted 12462
without advertising for bids. 12463

(D)(1) The chief shall expend money credited to the 12464
reclamation forfeiture fund from the forfeiture of the performance 12465
security applicable to an area of land to pay for the cost of the 12466
reclamation of the land. 12467

(2) If the performance security for the area of land was 12468
provided under division (C)(1) of section 1513.08 of the Revised 12469
Code, the chief shall use the money from the forfeited performance 12470
security to complete the reclamation that the operator failed to 12471
do under the operator's applicable coal mining and reclamation 12472
permit issued under this chapter. 12473

(3) If the performance security for the area of land was 12474
provided under division (C)(2) of section 1513.08 of the Revised 12475
Code, the chief shall use the money from the forfeited performance 12476
security to complete the reclamation that the operator failed to 12477
do under the operator's applicable coal mining and reclamation 12478
permit issued under this chapter. If the money credited to the 12479
reclamation forfeiture fund from the forfeiture of the performance 12480
security provided under division (C)(2) of section 1513.08 of the 12481
Revised Code is not sufficient to complete the reclamation, the 12482
chief shall notify the reclamation forfeiture fund advisory board 12483
of the amount of the insufficiency. The chief may expend money 12484
credited to the reclamation forfeiture fund under section 5749.02 12485
of the Revised Code or transferred to the fund under section 12486
1513.181 of the Revised Code to complete the reclamation. The 12487
chief shall not expend money from the fund in an amount that 12488

exceeds the difference between the amount of the performance 12489
security provided under division (C)(2) of section 1513.08 of the 12490
Revised Code and the estimated cost of reclamation as determined 12491
by the chief under divisions (B) and (E) of that section. 12492

(4) Money from the reclamation forfeiture fund shall not be 12493
used for reclamation of land or water resources affected by 12494
material damage from subsidence, or mine drainage that requires 12495
extended water treatment after reclamation is completed under the 12496
terms of the permit, ~~or coal preparation plants or coal refuse~~ 12497
~~disposal areas not located within a permitted area of a mine if~~ 12498
~~performance security for the area of land was provided under~~ 12499
~~division (C)(2) of section 1513.08 of the Revised Code. In~~ 12500
addition, money from the reclamation forfeiture fund shall not be 12501
used to supplement the performance security of an applicant or 12502
permittee that has provided performance security in accordance 12503
with division (C)(1) of section 1513.08 of the Revised Code. 12504

(E) The chief shall keep a detailed accounting of the 12505
expenditures from the reclamation forfeiture fund to complete 12506
reclamation of the land and, upon completion of the reclamation, 12507
shall certify the expenditures to the attorney general. Upon the 12508
chief's certification of the expenditures from the reclamation 12509
forfeiture fund, the attorney general shall bring an action for 12510
that amount of money. The operator is liable for that expense in 12511
addition to any other liabilities imposed by law. Moneys so 12512
recovered shall be credited to the reclamation forfeiture fund. 12513
The chief shall not postpone the reclamation because of any action 12514
brought by the attorney general under this division. Prior to 12515
completing reclamation, the chief may collect through the attorney 12516
general any additional amount that the chief believes will be 12517
necessary for reclamation in excess of the forfeited performance 12518
security amount applicable to the land that the operator should 12519
have, but failed to, reclaim. 12520

(F) Except as otherwise provided in division (H) of this section, if any part of the moneys in the reclamation forfeiture fund remains in the fund after the chief has caused the area of land to be reclaimed and has paid all the reclamation costs and expenses, the chief may expend those moneys to complete other reclamation work performed under this section on forfeiture areas affected under a coal mining and reclamation permit issued on or after September 1, 1981.

(G) The chief shall require every contractor performing reclamation work pursuant to this section to pay workers at the greater of their regular rate of pay, as established by contract, agreement, or prior custom or practice, or the average wage rate paid in this state for the same or similar work as determined by the chief under section 1513.02 of the Revised Code.

(H) All investment earnings of the fund shall be credited to the fund and shall be used only for the reclamation of land for which performance security was provided under division (C)(2) of section 1513.08 of the Revised Code.

Sec. 1514.081. (A) As used in this section:

(1) "Lime mining wastes" means residual solid or semisolid materials generated from ~~lime or limestone mining and processing~~ calcining, lime processing, or lime manufacturing operations, including, without limitation, lime kiln dust, scrubber sludge from lime kiln operations, lime ~~or limestone~~ materials not meeting product specification, lime hydrating materials, and other lime ~~or limestone mining~~ manufacturing, processing, or calcining materials associated with lime ~~or limestone mining or processing~~. "Lime mining wastes" does not include materials generated from the manufacture of cement.

(2) "Beneficial use" means the use of lime mining wastes ~~within a lime mining and reclamation area~~ for land application

when it is utilized for agronomic purposes at standard agronomic 12552
rates as determined by standard soil testing, for land reclamation 12553
in accordance with this chapter and rules adopted under it, 12554
including, but not limited to, use as fill material, as defined by 12555
rule, in quarries, and for any other purposes designated by the 12556
chief of the division of mineral resources management, including 12557
demonstration projects approved by the chief. 12558

(3) "Solid waste disposal facility" means a facility for the 12559
disposal of solid wastes that is licensed under Chapter 3734. of 12560
the Revised Code. 12561

(4) "Disposal system" has the same meaning as in section 12562
6111.01 of the Revised Code. 12563

(B) Not later than two hundred seventy days after ~~the~~ 12564
~~effective date of this section~~ October 8, 2001, the chief shall 12565
adopt and may amend, suspend, or rescind rules in accordance with 12566
Chapter 119. of the Revised Code establishing standards and 12567
requirements for both of the following: 12568

(1) The beneficial use of lime mining wastes, including the 12569
beneficial use of lime mining wastes at lime mining and 12570
reclamation operations governed by this chapter; 12571

(2) The monitoring of ground water associated with the 12572
beneficial use of lime mining wastes and the taking of corrective 12573
action in the event of a subsurface discharge of leachate from the 12574
beneficial use of lime mining wastes or of contamination of ground 12575
water resulting from the beneficial use of lime mining wastes, in 12576
order to protect human health and environment. 12577

The beneficial use of lime mining wastes is subject to any 12578
applicable standards and requirements established under this 12579
chapter and rules adopted under it. Until such time as the chief 12580
adopts rules under this section, the beneficial use of lime mining 12581
wastes shall require the prior written approval of the chief in a 12582

surface mining permit issued under this chapter. 12583

(C) The beneficial use of lime mining wastes does not 12584
constitute establishing a solid waste disposal facility or a 12585
disposal system. A beneficial use of lime mining wastes that is 12586
authorized under this section is not subject to any of the 12587
following: 12588

(1) Permit and license requirements for solid waste 12589
facilities established under sections 3734.02 and 3734.05 of the 12590
Revised Code; 12591

(2) The prohibition against open dumping of solid wastes 12592
established under section 3734.03 of the Revised Code; 12593

(3) Solid waste disposal and generation fees established 12594
under sections 3734.57 to 3734.574 of the Revised Code; 12595

(4) Permit to install and plan approval requirements and 12596
prohibitions established under sections 6111.03, 6111.04, 6111.44, 12597
and 6111.45 of the Revised Code. 12598

Nothing in this section shall be construed to limit any other 12599
requirements that are applicable to the beneficial use of lime 12600
mining wastes under Chapter 905., 3704., 3714., 3734., or 6111. of 12601
the Revised Code or any local or federal laws, including, without 12602
limitation, requirements governing air pollution control permits, 12603
hazardous waste installation and operation permits, national 12604
pollutant discharge elimination system permits, and section 401 12605
water quality certifications. 12606

Sec. 1514.40. In accordance with Chapter 119. of the Revised 12607
Code, the chief of the division of mineral resources management, 12608
in consultation with a statewide association that represents the 12609
surface mining industry, shall adopt rules that do all of the 12610
following: 12611

(A) For the purpose of establishing safety standards 12612

governing surface mining operations, incorporate by reference 30 12613
C.F.R. parts 46, 47, 50, 56, 58, and 62, as amended; 12614

(B) Establish criteria, standards, and procedures governing 12615
safety performance evaluations conducted under section 1514.45 of 12616
the Revised Code, including requirements for the notification of 12617
operators and the identification of authorized representatives of 12618
miners at surface mining operations for purposes of inspections 12619
conducted under sections ~~1541.41~~ 1514.41 to ~~1541.47~~ 1514.47 of the 12620
Revised Code; 12621

(C) Establish requirements governing the reporting and 12622
investigation of accidents at surface mining operations. In 12623
adopting the rules, the chief shall establish requirements that 12624
minimize duplication with any reporting and investigations of 12625
accidents that are conducted by the mine safety and health 12626
administration in the United States department of labor. 12627

(D) Establish the time, place, and frequency of mine safety 12628
training conducted under section 1514.06 of the Revised Code and a 12629
fee, if any, for the purpose of that section. The amount of the 12630
fee shall not exceed the costs of conducting the training that is 12631
required under that section. 12632

(E) Establish the minimum qualifications necessary to take 12633
the examination that is required for certification of certified 12634
mine forepersons under division (B) of section 1514.47 of the 12635
Revised Code and requirements, fees, and procedures governing the 12636
taking of the examination; 12637

(F) Establish requirements and fees governing the renewal of 12638
certificates under division (C) of that section; 12639

(G) Establish requirements and procedures for the approval of 12640
training plans submitted under division (E) of that section for 12641
the use of qualified persons to conduct examinations of surface 12642
mining operations in lieu of certified mine forepersons and 12643

minimum qualifications of those persons. The rules shall include 12644
requirements governing training frequency and curriculum that must 12645
be provided for qualified persons under such plans and shall 12646
establish related reporting and record keeping requirements. 12647

As used in sections 1514.41 to 1514.47 of the Revised Code, 12648
"rule" means a rule adopted under this section unless the context 12649
indicates otherwise. 12650

Sec. 1521.01. As used in sections 1521.01 to 1521.05, and 12651
1521.13 to 1521.18, ~~and 1521.20 to 1521.30~~ of the Revised Code: 12652

(A) "Consumptive use," "diversion," "Lake Erie drainage 12653
basin," "other great lakes states and provinces," "water 12654
resources," and "waters of the state" have the same meanings as in 12655
section 1501.30 of the Revised Code. 12656

(B) "Well" means any excavation, regardless of design or 12657
method of construction, created for any of the following purposes: 12658

(1) Removing ground water from or recharging water into an 12659
aquifer, excluding subsurface drainage systems installed to 12660
enhance agricultural crop production or urban or suburban 12661
landscape management or to control seepage in dams, dikes, and 12662
levees; 12663

(2) Determining the quantity, quality, level, or movement of 12664
ground water in or the stratigraphy of an aquifer, excluding 12665
borings for instrumentation in dams, dikes, levees, or highway 12666
embankments; 12667

(3) Removing or exchanging heat from ground water, excluding 12668
horizontal trenches that are installed for water source heat pump 12669
systems. 12670

(C) "Aquifer" means a consolidated or unconsolidated geologic 12671
formation or series of formations that are hydraulically 12672
interconnected and that have the ability to receive, store, or 12673

transmit water.	12674
(D) "Ground water" means all water occurring in an aquifer.	12675
(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.	12676 12677 12678 12679
(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.	12680 12681 12682 12683 12684
(G) "State agency" or "agency of the state" has the same meaning as "agency" in section 111.15 of the Revised Code.	12685 12686
(H) "Development" means any artificial change to improved or unimproved real estate, including the construction of buildings and other structures, any substantial improvement of a structure, mining, dredging, filling, grading, paving, excavating, and drilling operations, and storage of equipment or materials.	12687 12688 12689 12690 12691
(I) "Floodplain" means the area adjoining any river, stream, watercourse, or lake that has been or may be covered by flood water.	12692 12693 12694
(J) "Floodplain management" means the implementation of an overall program of corrective and preventive measures for reducing flood damage, including the collection and dissemination of flood information, construction of flood control works, nonstructural flood damage reduction techniques, and adoption of rules, ordinances, or resolutions governing development in floodplains.	12695 12696 12697 12698 12699 12700
(K) "One-hundred-year flood" means a flood having a one per cent chance of being equaled or exceeded in any given year.	12701 12702
(L) "One-hundred-year floodplain" means that portion of a	12703

floodplain inundated by a one-hundred-year flood. 12704

(M) "Structure" means a walled and roofed building, 12705
including, without limitation, gas or liquid storage tanks, mobile 12706
homes, and manufactured homes. 12707

(N) "Substantial improvement" means any reconstruction, 12708
rehabilitation, addition, or other improvement of a structure, the 12709
cost of which equals or exceeds fifty per cent of the market value 12710
of the structure before the start of construction of the 12711
improvement. "Substantial improvement" includes repairs to 12712
structures that have incurred substantial damage regardless of the 12713
actual repair work performed. "Substantial improvement" does not 12714
include either of the following: 12715

(1) Any project for the improvement of a structure to correct 12716
existing violations of state or local health, sanitary, or safety 12717
code specifications that have been identified by the state or 12718
local code enforcement official having jurisdiction and that are 12719
the minimum necessary to ensure safe living conditions; 12720

(2) Any alteration of an historic structure designated or 12721
listed pursuant to federal or state law, provided that the 12722
alteration will not preclude the structure's continued listing or 12723
designation as an historic structure. 12724

~~(O) "Shore structure" includes, but is not limited to:~~ 12725
~~beaches; groins; revetments; bulkheads; seawalls; breakwaters;~~ 12726
~~certain dikes designated by the chief of the division of water;~~ 12727
~~piers; docks; jetties; wharves; marinas; boat ramps; any~~ 12728
~~associated fill or debris used as part of the construction of~~ 12729
~~shore structures that may affect shore erosion, wave action, or~~ 12730
~~inundation; and fill or debris placed along or near the shore,~~ 12731
~~including bluffs, banks, or beach ridges, for the purpose of~~ 12732
~~stabilizing slopes.~~ 12733

~~(P)~~ "Substantial damage" means damage of any origin that is 12734

sustained by a structure if the cost of restoring the structure to 12735
its condition prior to the damage would equal or exceed fifty per 12736
cent of the market value of the structure before the damage 12737
occurred. 12738

~~(Q)~~(P) "National flood insurance program" means the national 12739
flood insurance program established in the "National Flood 12740
Insurance Act of 1968," 82 Stat. 572, 42 U.S.C. 4001, as amended, 12741
and regulations adopted under it. 12742

~~(R)~~(O) "Conservancy district" means a conservancy district 12743
established under Chapter 6101. of the Revised Code. 12744

~~(S)~~ "Park board" means the board of park commissioners of a 12745
park district created under Chapter 1545. of the Revised Code. 12746

~~(T)~~ "Erosion control structure" means anything that is 12747
designed primarily to reduce or control erosion of the shore along 12748
or near lake erie, including, but not limited to, revetments, 12749
seawalls, bulkheads, certain breakwaters designated by the chief, 12750
and similar structures. "Erosion control structure" does not 12751
include wharves, piers, docks, marinas, boat ramps, and other 12752
similar structures. 12753

Sec. 1521.99. (A) Whoever violates division (E)(1) of section 12754
1521.05 or division (E)(1) of section 1521.16 of the Revised Code 12755
is guilty of a misdemeanor of the fourth degree. 12756

(B) Whoever violates section 1521.06 or 1521.062 of the 12757
Revised Code shall be fined not less than one hundred dollars nor 12758
more than one thousand dollars for each offense. Each day of 12759
violation constitutes a separate offense. 12760

~~(C)~~ Whoever violates sections 1521.20 to 1521.30 of the 12761
Revised Code shall be fined not less than one hundred dollars nor 12762
more than one thousand dollars for each offense. Each day of 12763
violation constitutes a separate offense. 12764

Sec. 1531.06. (A) The chief of the division of wildlife, with 12765
the approval of the director of natural resources, may acquire by 12766
gift, lease, purchase, or otherwise lands or surface rights upon 12767
lands and waters or surface rights upon waters for wild animals, 12768
fish or game management, preservation, propagation, and 12769
protection, outdoor and nature activities, public fishing and 12770
hunting grounds, and flora and fauna preservation. The chief, with 12771
the approval of the director, may receive by grant, devise, 12772
bequest, donation, or assignment evidences of indebtedness, the 12773
proceeds of which are to be used for the purchase of such lands or 12774
surface rights upon lands and waters or surface rights upon 12775
waters. 12776

(B)(1) The chief shall adopt rules for the protection of 12777
state-owned or leased lands and waters and property under the 12778
control of the division of wildlife against wrongful use or 12779
occupancy that will ensure the carrying out of the intent of this 12780
section, protect those lands, waters, and property from 12781
depredations, and preserve them from molestation, spoilation, 12782
destruction, or any improper use or occupancy thereof, including 12783
rules with respect to recreational activities and for the 12784
government and use of such lands, waters, and property. 12785

(2) The chief may adopt rules benefiting wild animals, fish 12786
or game management, preservation, propagation, and protection, 12787
outdoor and nature activities, public fishing and hunting grounds, 12788
and flora and fauna preservation, and regulating the taking and 12789
possession of wild animals on any lands or waters owned or leased 12790
or under the division's supervision and control and, for a 12791
specified period of years, may prohibit or recall the taking and 12792
possession of any wild animal on any portion of such lands or 12793
waters. The division clearly shall define and mark the boundaries 12794
of the lands and waters owned or leased or under its supervision 12795
and control upon which the taking of any wild animal is 12796

prohibited. 12797

(C) The chief, with the approval of the director, may acquire 12798
by gift, lease, or purchase land for the purpose of establishing 12799
state fish hatcheries and game farms and may erect on it buildings 12800
or structures that are necessary. 12801

The title to or lease of such lands and waters shall be taken 12802
by the chief in the name of the state. The lease or purchase price 12803
of all such lands and waters may be paid from hunting and trapping 12804
and fishing licenses and any other funds. 12805

(D) To provide more public recreation, stream and lake 12806
agreements for public fishing only may be obtained under rules 12807
adopted by the chief. 12808

(E) The chief, with the approval of the director, may 12809
establish user fees for the use of special public facilities or 12810
participation in special activities on lands and waters 12811
administered by the division. The special facilities and 12812
activities may include hunting or fishing on special designated 12813
public lands and waters intensively managed or stocked with 12814
artificially propagated game birds or fish, field trial 12815
facilities, wildlife nature centers, firearm ranges, boat mooring 12816
facilities, camping sites, and other similar special facilities 12817
and activities. The chief shall determine whether the user fees 12818
are refundable and shall ensure that that information is provided 12819
at the time the user fees are paid. 12820

(F) The chief, with the approval of the director, may enter 12821
into lease agreements for rental of concessions or other special 12822
projects situated on state-owned or leased lands or waters or 12823
other property under the division's control. The chief shall set 12824
and collect the fees for concession rentals or other special 12825
projects; regulate through contracts between the division and 12826
concessionaires the sale of tangible objects at concessions or 12827

other special projects; and keep a record of all such fee payments 12828
showing the amount received, from whom received, and for what 12829
purpose the fee was collected. 12830

(G) The chief may sell or donate conservation-related items 12831
or items that promote wildlife conservation, including, but not 12832
limited to, stamps, pins, badges, books, bulletins, maps, 12833
publications, calendars, and any other educational article or 12834
artifact pertaining to wild animals; sell confiscated or forfeited 12835
items; and sell surplus structures and equipment, and timber or 12836
crops from lands owned, administered, leased, or controlled by the 12837
division. The chief, with the approval of the director, also may 12838
engage in campaigns and special events that promote wildlife 12839
conservation by selling or donating wildlife-related materials, 12840
memberships, and other items of promotional value. 12841

(H) The chief may sell, lease, or transfer minerals or 12842
mineral rights, with the approval of the director, when the chief 12843
and the director determine it to be in the best interest of the 12844
state. Upon approval of the director, the chief may make, execute, 12845
and deliver contracts, including leases, to mine, drill, or 12846
excavate iron ore, stone, coal, petroleum, gas, salt, and other 12847
minerals upon and under lands owned by the state and administered 12848
by the division to any person who complies with the terms of such 12849
a contract. No such contract shall be valid for more than fifty 12850
years from its effective date. Consideration for minerals and 12851
mineral rights shall be by rental or royalty basis as prescribed 12852
by the chief and payable as prescribed by contract. Moneys 12853
collected under this division shall be paid into the state 12854
treasury to the credit of the wildlife habitat fund created in 12855
section 1531.33 of the Revised Code. Contracts entered into under 12856
this division also may provide for consideration for minerals or 12857
mineral rights in the form of acquisition of lands as provided 12858
under divisions (A) and (C) of this section. 12859

(I) All moneys received under divisions (E), (F), and (G) of 12860
this section shall be paid into the state treasury to the credit 12861
of a fund that shall be used for the purposes outlined in section 12862
1533.15 of the Revised Code and for the management of other wild 12863
animals for their ecological and nonconsumptive recreational value 12864
or benefit. 12865

(J) The chief, with the approval of the director, may barter 12866
or sell wild animals to other states, state or federal agencies, 12867
and conservation or zoological organizations. Moneys received from 12868
the sale of wild animals shall be deposited into the wild animal 12869
fund created in section 1531.34 of the Revised Code. 12870

(K) The chief shall adopt rules establishing standards and 12871
guidelines for the administration of contraceptive chemicals to 12872
noncaptive wild animals. The rules may specify chemical delivery 12873
methods and devices and monitoring requirements. 12874

The chief shall establish criteria for the issuance of and 12875
shall issue permits for the administration of contraceptive 12876
chemicals to noncaptive wild animals. No person shall administer 12877
contraceptive chemicals to noncaptive wild animals without a 12878
permit issued by the chief. 12879

(L) All fees set by the chief under this section shall be 12880
approved by the wildlife council. 12881

(M) Information contained in the wildlife diversity database 12882
that is established pursuant to division (B)(2) of this section 12883
and section 1531.25 of the Revised Code may be made available to 12884
any individual or public or private agency for research, 12885
educational, environmental, land management, or other similar 12886
purposes that are not detrimental to the conservation of a species 12887
or feature. Information regarding sensitive site locations of 12888
species that are listed pursuant to section 1531.25 of the Revised 12889
Code and of features that are included in the wildlife diversity 12890

database is not subject to section 149.43 of the Revised Code if 12891
the chief determines that the release of the information could be 12892
detrimental to the conservation of a species or feature. 12893

Sec. 1531.35. The wildlife boater angler fund is hereby 12894
created in the state treasury. The fund shall consist of money 12895
credited to the fund pursuant to section 5735.051 of the Revised 12896
Code and other money contributed to the division of wildlife for 12897
the purposes of the fund. The fund shall be used for boating 12898
access construction, improvements, and maintenance, and to pay for 12899
equipment and personnel costs involved with those activities, on 12900
lakes on which the operation of gasoline-powered watercraft is 12901
permissible. However, not more than two hundred thousand dollars 12902
of the annual expenditures from the fund may be used to pay for 12903
the equipment and personnel costs. 12904

Sec. 1555.08. (A) Subject to the limitations provided in 12905
Section 15 of Article VIII, Ohio Constitution, the commissioners 12906
of the sinking fund, upon certification by the director of the 12907
Ohio coal development office of the amount of moneys or additional 12908
moneys needed in the coal research and development fund for the 12909
purpose of making grants or loans for allowable costs, or needed 12910
for capitalized interest, for funding reserves, and for paying 12911
costs and expenses incurred in connection with the issuance, 12912
carrying, securing, paying, redeeming, or retirement of the 12913
obligations or any obligations refunded thereby, including payment 12914
of costs and expenses relating to letters of credit, lines of 12915
credit, insurance, put agreements, standby purchase agreements, 12916
indexing, marketing, remarketing and administrative arrangements, 12917
interest swap or hedging agreements, and any other credit 12918
enhancement, liquidity, remarketing, renewal, or refunding 12919
arrangements, all of which are authorized by this section, or 12920
providing moneys for loan guarantees, shall issue obligations of 12921

the state under this section in amounts authorized by the general 12922
assembly; provided that such obligations may be issued to the 12923
extent necessary to satisfy the covenants in contracts of 12924
guarantee made under section 1555.05 of the Revised Code to issue 12925
obligations to meet such guarantees, notwithstanding limitations 12926
otherwise applicable to the issuance of obligations under this 12927
section except the one-hundred-million-dollar limitation provided 12928
in Section 15 of Article VIII, Ohio Constitution. The proceeds of 12929
such obligations, except for the portion to be deposited in the 12930
coal research and development bond service fund as may be provided 12931
in the bond proceedings, shall as provided in the bond proceedings 12932
be deposited in the coal research and development fund. The 12933
commissioners of the sinking fund may appoint trustees, paying 12934
agents, and transfer agents and may retain the services of 12935
financial advisors, accounting experts, and attorneys, and retain 12936
or contract for the services of marketing, remarketing, indexing, 12937
and administrative agents, other consultants, and independent 12938
contractors, including printing services, as are necessary in 12939
their judgment to carry out this section. 12940

(B) The full faith and credit of the state of Ohio is hereby 12941
pledged to obligations issued under this section. The right of the 12942
holders and owners to payment of bond service charges is limited 12943
to all or that portion of the moneys pledged thereto pursuant to 12944
the bond proceedings in accordance with this section, and each 12945
such obligation shall bear on its face a statement to that effect. 12946

(C) Obligations shall be authorized by resolution of the 12947
commissioners of the sinking fund on request of the director of 12948
the Ohio coal development office as provided in section 1555.02 of 12949
the Revised Code and the bond proceedings shall provide for the 12950
purpose thereof and the principal amount or amounts, and shall 12951
provide for or authorize the manner or agency for determining the 12952
principal maturity or maturities, not exceeding forty years from 12953

the date of issuance, the interest rate or rates or the maximum 12954
interest rate, the date of the obligations and the dates of 12955
payment of interest thereon, their denomination, and the 12956
establishment within or without the state of a place or places of 12957
payment of bond service charges. Sections 9.98 to 9.983 of the 12958
Revised Code apply to obligations issued under this section. The 12959
purpose of such obligations may be stated in the bond proceedings 12960
in terms describing the general purpose or purposes to be served. 12961
The bond proceedings shall also provide, subject to the provisions 12962
of any other applicable bond proceedings, for the pledge of all, 12963
or such part as the commissioners of the sinking fund may 12964
determine, of the moneys credited to the coal research and 12965
development bond service fund to the payment of bond service 12966
charges, which pledges may be made either prior or subordinate to 12967
other expenses, claims, or payments and may be made to secure the 12968
obligations on a parity with obligations theretofore or thereafter 12969
issued, if and to the extent provided in the bond proceedings. The 12970
moneys so pledged and thereafter received by the state are 12971
immediately subject to the lien of such pledge without any 12972
physical delivery thereof or further act, and the lien of any such 12973
pledges is valid and binding against all parties having claims of 12974
any kind against the state or any governmental agency of the 12975
state, irrespective of whether such parties have notice thereof, 12976
and shall create a perfected security interest for all purposes of 12977
Chapter 1309. of the Revised Code, without the necessity for 12978
separation or delivery of funds or for the filing or recording of 12979
the bond proceedings by which such pledge is created or any 12980
certificate, statement or other document with respect thereto; and 12981
the pledge of such moneys is effective and the money therefrom and 12982
thereof may be applied to the purposes for which pledged without 12983
necessity for any act of appropriation. Every pledge, and every 12984
covenant and agreement made with respect thereto, made in the bond 12985
proceedings may therein be extended to the benefit of the owners 12986

and holders of obligations authorized by this section, and to any trustee therefor, for the further security of the payment of the bond service charges.

(D) The bond proceedings may contain additional provisions as to:

(1) The redemption of obligations prior to maturity at the option of the commissioners of the sinking fund at such price or prices and under such terms and conditions as are provided in the bond proceedings;

(2) Other terms of the obligations;

(3) Limitations on the issuance of additional obligations;

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

(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;

(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;

(7) Any provision which may be made in a trust agreement or indenture;

(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 13017
mortgages or other security obtained or to be obtained for loans 13018
under this chapter. 13019

(E) The obligations may have the great seal of the state or a 13020
facsimile thereof affixed thereto or printed thereon. The 13021
obligations shall be signed by such members of the commissioners 13022
of the sinking fund as are designated in the resolution 13023
authorizing the obligations or bear the facsimile signatures of 13024
such members. Any coupons attached to the obligations shall bear 13025
the facsimile signature of the treasurer of state. Any obligations 13026
may be executed by the persons who, on the date of execution, are 13027
the commissioners although on the date of such bonds the persons 13028
were not the commissioners. Any coupons may be executed by the 13029
person who, on the date of execution, is the treasurer of state 13030
although on the date of such coupons the person was not the 13031
treasurer of state. In case any officer or commissioner whose 13032
signature or a facsimile of whose signature appears on any such 13033
obligations or any coupons ceases to be such officer or 13034
commissioner before delivery thereof, such signature or facsimile 13035
is nevertheless valid and sufficient for all purposes as if the 13036
individual had remained such officer or commissioner until such 13037
delivery; and in case the seal to be affixed to obligations has 13038
been changed after a facsimile of the seal has been imprinted on 13039
such obligations, such facsimile seal shall continue to be 13040
sufficient as to such obligations and obligations issued in 13041
substitution or exchange therefor. 13042

(F) All obligations except loan guarantees are negotiable 13043
instruments and securities under Chapter 1308. of the Revised 13044
Code, subject to the provisions of the bond proceedings as to 13045
registration. The obligations may be issued in coupon or in 13046
registered form, or both, as the commissioners of the sinking fund 13047
determine. Provision may be made for the registration of any 13048

obligations with coupons attached thereto as to principal alone or 13049
as to both principal and interest, their exchange for obligations 13050
so registered, and for the conversion or reconversion into 13051
obligations with coupons attached thereto of any obligations 13052
registered as to both principal and interest, and for reasonable 13053
charges for such registration, exchange, conversion, and 13054
reconversion. 13055

(G) Obligations may be sold at public sale or at private 13056
sale, as determined in the bond proceedings. 13057

(H) Pending preparation of definitive obligations, the 13058
commissioners of the sinking fund may issue interim receipts or 13059
certificates which shall be exchanged for such definitive 13060
obligations. 13061

(I) In the discretion of the commissioners of the sinking 13062
fund, obligations may be secured additionally by a trust agreement 13063
or indenture between the commissioners and a corporate trustee, 13064
which may be any trust company or bank having ~~its principal a~~ 13065
place of business within the state. Any such agreement or 13066
indenture may contain the resolution authorizing the issuance of 13067
the obligations, any provisions that may be contained in any bond 13068
proceedings, and other provisions that are customary or 13069
appropriate in an agreement or indenture of such type, including, 13070
but not limited to: 13071

(1) Maintenance of each pledge, trust agreement, indenture, 13072
or other instrument comprising part of the bond proceedings until 13073
the state has fully paid the bond service charges on the 13074
obligations secured thereby, or provision therefor has been made; 13075

(2) In the event of default in any payments required to be 13076
made by the bond proceedings, or any other agreement of the 13077
commissioners of the sinking fund made as a part of the contract 13078
under which the obligations were issued, enforcement of such 13079

payments or agreement by mandamus, the appointment of a receiver, 13080
suit in equity, action at law, or any combination of the 13081
foregoing; 13082

(3) The rights and remedies of the holders of obligations and 13083
of the trustee, and provisions for protecting and enforcing them, 13084
including limitations on rights of individual holders of 13085
obligations; 13086

(4) The replacement of any obligations that become mutilated 13087
or are destroyed, lost, or stolen; 13088

(5) Such other provisions as the trustee and the 13089
commissioners of the sinking fund agree upon, including 13090
limitations, conditions, or qualifications relating to any of the 13091
foregoing. 13092

(J) Any holder of obligations or a trustee under the bond 13093
proceedings, except to the extent that the holder's rights are 13094
restricted by the bond proceedings, may by any suitable form of 13095
legal proceedings protect and enforce any rights under the laws of 13096
this state or granted by such bond proceedings. Such rights 13097
include the right to compel the performance of all duties of the 13098
commissioners of the sinking fund, the Ohio air quality 13099
development authority, or the Ohio coal development office 13100
required by this chapter and Chapter 1551. of the Revised Code or 13101
the bond proceedings; to enjoin unlawful activities; and in the 13102
event of default with respect to the payment of any bond service 13103
charges on any obligations or in the performance of any covenant 13104
or agreement on the part of the commissioners, the authority, or 13105
the office in the bond proceedings, to apply to a court having 13106
jurisdiction of the cause to appoint a receiver to receive and 13107
administer the moneys pledged, other than those in the custody of 13108
the treasurer of state, that are pledged to the payment of the 13109
bond service charges on such obligations or that are the subject 13110
of the covenant or agreement, with full power to pay, and to 13111

provide for payment of bond service charges on, such obligations, 13112
and with such powers, subject to the direction of the court, as 13113
are accorded receivers in general equity cases, excluding any 13114
power to pledge additional revenues or receipts or other income or 13115
moneys of the commissioners of the sinking fund or the state or 13116
governmental agencies of the state to the payment of such 13117
principal and interest and excluding the power to take possession 13118
of, mortgage, or cause the sale or otherwise dispose of any 13119
project. 13120

Each duty of the commissioners of the sinking fund and their 13121
employees, and of each governmental agency and its officers, 13122
members, or employees, undertaken pursuant to the bond proceedings 13123
or any grant, loan, or loan guarantee agreement made under 13124
authority of this chapter, and in every agreement by or with the 13125
commissioners, is hereby established as a duty of the 13126
commissioners, and of each such officer, member, or employee 13127
having authority to perform such duty, specifically enjoined by 13128
the law resulting from an office, trust, or station within the 13129
meaning of section 2731.01 of the Revised Code. 13130

The persons who are at the time the commissioners of the 13131
sinking fund, or their employees, are not liable in their personal 13132
capacities on any obligations issued by the commissioners or any 13133
agreements of or with the commissioners. 13134

(K) Obligations issued under this section are lawful 13135
investments for banks, societies for savings, savings and loan 13136
associations, deposit guarantee associations, trust companies, 13137
trustees, fiduciaries, insurance companies, including domestic for 13138
life and domestic not for life, trustees or other officers having 13139
charge of sinking and bond retirement or other special funds of 13140
political subdivisions and taxing districts of this state, the 13141
commissioners of the sinking fund of the state, the administrator 13142
of workers' compensation, the state teachers retirement system, 13143

the public employees retirement system, the school employees 13144
retirement system, and the Ohio police and fire pension fund, 13145
notwithstanding any other provisions of the Revised Code or rules 13146
adopted pursuant thereto by any governmental agency of the state 13147
with respect to investments by them, and are also acceptable as 13148
security for the deposit of public moneys. 13149

(L) If the law or the instrument creating a trust pursuant to 13150
division (I) of this section expressly permits investment in 13151
direct obligations of the United States or an agency of the United 13152
States, unless expressly prohibited by the instrument, such moneys 13153
also may be invested in no-front-end-load money market mutual 13154
funds consisting exclusively of obligations of the United States 13155
or an agency of the United States and in repurchase agreements, 13156
including those issued by the fiduciary itself, secured by 13157
obligations of the United States or an agency of the United 13158
States; and in collective investment funds established in 13159
accordance with section 1111.14 of the Revised Code and consisting 13160
exclusively of any such securities, notwithstanding division 13161
(A)(1)(c) of that section. The income from such investments shall 13162
be credited to such funds as the commissioners of the sinking fund 13163
determine, and such investments may be sold at such times as the 13164
commissioners determine or authorize. 13165

(M) Provision may be made in the applicable bond proceedings 13166
for the establishment of separate accounts in the bond service 13167
fund and for the application of such accounts only to the 13168
specified bond service charges on obligations pertinent to such 13169
accounts and bond service fund and for other accounts therein 13170
within the general purposes of such fund. Moneys to the credit of 13171
the bond service fund shall be disbursed on the order of the 13172
treasurer of state; provided, that no such order is required for 13173
the payment from the bond service fund when due of bond service 13174
charges on obligations. 13175

(N) The commissioners of the sinking fund may pledge all, or 13176
such portion as they determine, of the receipts of the bond 13177
service fund to the payment of bond service charges on obligations 13178
issued under this section, and for the establishment and 13179
maintenance of any reserves, as provided in the bond proceedings, 13180
and make other provisions therein with respect to pledged receipts 13181
as authorized by this chapter, which provisions control 13182
notwithstanding any other provisions of law pertaining thereto. 13183

(O) The commissioners of the sinking fund may covenant in the 13184
bond proceedings, and any such covenants control notwithstanding 13185
any other provision of law, that the state and applicable officers 13186
and governmental agencies of the state, including the general 13187
assembly, so long as any obligations are outstanding, shall: 13188

(1) Maintain statutory authority for and cause to be levied 13189
and collected taxes so that the pledged receipts are sufficient in 13190
amount to meet bond service charges, and the establishment and 13191
maintenance of any reserves and other requirements provided for in 13192
the bond proceedings, and, as necessary, to meet covenants 13193
contained in any loan guarantees made under this chapter; 13194

(2) Take or permit no action, by statute or otherwise, that 13195
would impair the exemption from federal income taxation of the 13196
interest on the obligations. 13197

(P) All moneys received by or on account of the state and 13198
required by the applicable bond proceedings, consistent with this 13199
section, to be deposited, transferred, or credited to the coal 13200
research and development bond service fund, and all other moneys 13201
transferred or allocated to or received for the purposes of the 13202
fund, shall be credited to such fund and to any separate accounts 13203
therein, subject to applicable provisions of the bond proceedings, 13204
but without necessity for any act of appropriation. During the 13205
period beginning with the date of the first issuance of 13206
obligations and continuing during such time as any such 13207

obligations are outstanding, and so long as moneys in the bond 13208
service fund are insufficient to pay all bond service charges on 13209
such obligations becoming due in each year, a sufficient amount of 13210
moneys of the state are committed and shall be paid to the bond 13211
service fund in each year for the purpose of paying the bond 13212
service charges becoming due in that year without necessity for 13213
further act of appropriation for such purpose. The bond service 13214
fund is a trust fund and is hereby pledged to the payment of bond 13215
service charges to the extent provided in the applicable bond 13216
proceedings, and payment thereof from such fund shall be made or 13217
provided for by the treasurer of state in accordance with such 13218
bond proceedings without necessity for any act of appropriation. 13219
All investment earnings of the fund shall be credited to the fund. 13220

(Q) For purposes of establishing the limitations contained in 13221
Section 15 of Article VIII, Ohio Constitution, the "principal 13222
amount" refers to the aggregate of the offering price of the bonds 13223
or notes. "Principal amount" does not refer to the aggregate value 13224
at maturity or redemption of the bonds or notes. 13225

(R) This section applies only with respect to obligations 13226
issued and delivered prior to September 30, 2000. 13227

Sec. 1557.03. (A)(1) The commissioners of the sinking fund 13228
are authorized to issue and sell, as provided in this section and 13229
in amounts from time to time authorized by the general assembly, 13230
general obligations of this state for the purpose of financing or 13231
assisting in the financing of the costs of projects. The full 13232
faith and credit, revenues, and taxing power of the state are and 13233
shall be pledged to the timely payment of debt charges on 13234
outstanding obligations, all in accordance with Section 21 of 13235
Article VIII, Ohio Constitution, and Chapter 1557. of the Revised 13236
Code, excluding from that pledge fees, excises, or taxes relating 13237
to the registration, operation, or use of vehicles on the public 13238

highways, or to fuels used for propelling those vehicles, and so long as such obligations are outstanding there shall be levied and collected excises and taxes, excluding those excepted above, in amount sufficient to pay the debt charges on such obligations and financing costs relating to credit enhancement facilities.

(2) For meetings of the commissioners of the sinking fund pertaining to the obligations under this chapter, each of the commissioners may designate an employee or officer of that commissioner's office to attend meetings when that commissioner is absent for any reason, and such designee, when present, shall be counted in determining whether a quorum is present at any meeting and may vote and participate in all proceedings and actions of the commissioners at that meeting pertaining to the obligations, provided, that such designee shall not execute or cause a facsimile of the designee's signature to be placed on any obligation, or execute any trust agreement or indenture of the commissioners. Such designation shall be in writing, executed by the designating member, and shall be filed with the secretary of the commissioners and such designation may be changed from time to time by a similar written designation.

(B) The total principal amount of obligations outstanding at any one time shall not exceed two hundred million dollars, and not more than fifty million dollars in principal amount of obligations to pay costs of projects may be issued in any fiscal year, all determined as provided in Chapter 1557. of the Revised Code.

(C) The state may participate by grants or contributions in financing projects under this section made by local government entities. Of the proceeds of the first two hundred million dollars principal amount in obligations issued under this section to pay costs of projects, at least twenty per cent shall be allocated in accordance with section 1557.06 of the Revised Code to grants or contributions to local government entities. The director of budget

and management shall establish and maintain records in such manner 13271
as to show that the proceeds credited to the Ohio parks and 13272
natural resources fund have been expended for the purposes and in 13273
accordance with the limitations set forth herein. 13274

(D) Each issue of obligations shall be authorized by 13275
resolution of the commissioners of the sinking fund. The bond 13276
proceedings shall provide for the principal amount or maximum 13277
principal amount of obligations of an issue, and shall provide for 13278
or authorize the manner or agency for determining the principal 13279
maturity or maturities, not exceeding the earlier of twenty-five 13280
years from the date the debt represented by the particular 13281
obligations was originally contracted, the interest rate or rates, 13282
the date of and the dates of payment of interest on the 13283
obligations, their denominations, and the establishment within or 13284
without the state of a place or places of payment of debt charges. 13285
Sections 9.96 and 9.98 to 9.983 of the Revised Code are applicable 13286
to the obligations. The purpose of the obligations may be stated 13287
in the bond proceedings as "financing or assisting in the 13288
financing of projects as provided in Section 21 of Article VIII, 13289
Ohio Constitution." 13290

(E) The proceeds of the obligations, except for any portion 13291
to be deposited in special funds, or in escrow funds for the 13292
purpose of refunding outstanding obligations, all as may be 13293
provided in the bond proceedings, shall be deposited in the Ohio 13294
parks and natural resources fund established by section 1557.02 of 13295
the Revised Code. 13296

(F) The commissioners of the sinking fund may appoint paying 13297
agents, bond registrars, securities depositories, and transfer 13298
agents, and may retain the services of financial advisers and 13299
accounting experts, and retain or contract for the services of 13300
marketing, remarketing, indexing, and administrative agents, other 13301
consultants, and independent contractors, including printing 13302

services, as are necessary in the judgment of the commissioners to 13303
carry out this chapter of the Revised Code. Financing costs are 13304
payable, as provided in the bond proceedings, from the proceeds of 13305
the obligations, from special funds, or from other moneys 13306
available for the purpose. 13307

(G) The bond proceedings, including any trust agreement, may 13308
contain additional provisions customary or appropriate to the 13309
financing or to the obligations or to particular obligations, 13310
including, but not limited to: 13311

(1) The redemption of obligations prior to maturity at the 13312
option of the state or of the holder or upon the occurrence of 13313
certain conditions at such price or prices and under such terms 13314
and conditions as are provided in the bond proceedings; 13315

(2) The form of and other terms of the obligations; 13316

(3) The establishment, deposit, investment, and application 13317
of special funds, and the safeguarding of moneys on hand or on 13318
deposit, without regard to Chapter 131. or 135. of the Revised 13319
Code, provided that any bank or trust company that acts as a 13320
depository of any moneys in special funds may furnish such 13321
indemnifying bonds or may pledge such securities as required by 13322
the commissioners of the sinking fund; 13323

(4) Any or every provision of the bond proceedings binding 13324
upon the commissioners of the sinking fund and such state agency 13325
or local government entities, officer, board, commission, 13326
authority, agency, department, or other person or body as may from 13327
time to time have the authority under law to take such actions as 13328
may be necessary to perform all or any part of the duty required 13329
by such provision; 13330

(5) The maintenance of each pledge, any trust agreement, or 13331
other instrument composing part of the bond proceedings until the 13332
state has fully paid or provided for the payment of the debt 13333

charges on the obligations or met other stated conditions;	13334
(6) In the event of default in any payments required to be made by the bond proceedings, or any other agreement of the commissioners of the sinking fund made as part of a contract under which the obligations were issued or secured, the enforcement of such payments or agreements by mandamus, suit in equity, action at law, or any combination of the foregoing;	13335 13336 13337 13338 13339 13340
(7) The rights and remedies of the holders of obligations and of the trustee under any trust agreement, and provisions for protecting and enforcing them, including limitations on rights of individual holders of obligations;	13341 13342 13343 13344
(8) The replacement of any obligations that become mutilated or are destroyed, lost, or stolen;	13345 13346
(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;	13347 13348 13349 13350
(10) Any provision that may be made in bond proceedings or a trust agreement, including provision for amendment of the bond proceedings;	13351 13352 13353
(11) Such other provisions as the commissioners of the sinking fund determine, including limitations, conditions, or qualifications relating to any of the foregoing;	13354 13355 13356
(12) Any other or additional agreements with the holders of the obligations relating to the obligations or the security for the obligations.	13357 13358 13359
(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	13360 13361 13362 13363

proceedings. Any obligations may be signed by the person who, on 13364
the date of execution, is the authorized signer although on the 13365
date of such obligations such person was not a commissioner. In 13366
case the individual whose signature or a facsimile of whose 13367
signature appears on any obligation ceases to be a commissioner 13368
before delivery of the obligation, such signature or facsimile is 13369
nevertheless valid and sufficient for all purposes as if the 13370
individual had remained the member until such delivery, and in 13371
case the seal to be affixed to or printed on obligations has been 13372
changed after the seal has been affixed to or a facsimile of the 13373
seal has been printed on the obligations, that seal or facsimile 13374
seal shall continue to be sufficient as to those obligations and 13375
obligations issued in substitution or exchange therefor. 13376

(I) Obligations may be issued in coupon or in fully 13377
registered form, or both, as the commissioners of the sinking fund 13378
determine. Provision may be made for the registration of any 13379
obligations with coupons attached as to principal alone or as to 13380
both principal and interest, their exchange for obligations so 13381
registered, and for the conversion or reconversion into 13382
obligations with coupons attached of any obligations registered as 13383
to both principal and interest, and for reasonable charges for 13384
such registration, exchange, conversion, and reconversion. Pending 13385
preparation of definitive obligations, the commissioners of the 13386
sinking fund may issue interim receipts or certificates which 13387
shall be exchanged for such definitive obligations. 13388

(J) Obligations may be sold at public sale or at private 13389
sale, and at such price at, above, or below par, as determined by 13390
the commissioners of the sinking fund in the bond proceedings. 13391

(K) In the discretion of the commissioners of the sinking 13392
fund, obligations may be secured additionally by a trust agreement 13393
between the state and a corporate trustee which may be any trust 13394
company or bank having ~~its principal~~ a place of business within 13395

the state. Any trust agreement may contain the resolution 13396
authorizing the issuance of the obligations, any provisions that 13397
may be contained in the bond proceedings, and other provisions 13398
that are customary or appropriate in an agreement of the type. 13399

(L) Except to the extent that their rights are restricted by 13400
the bond proceedings, any holder of obligations, or a trustee 13401
under the bond proceedings, may by any suitable form of legal 13402
proceedings protect and enforce any rights under the laws of this 13403
state or granted by the bond proceedings. Such rights include the 13404
right to compel the performance of all duties of the commissioners 13405
and the state. Each duty of the commissioners and employees of the 13406
commissioners, and of each state agency and local public entity 13407
and its officers, members, or employees, undertaken pursuant to 13408
the bond proceedings, is hereby established as a duty of the 13409
commissioners, and of each such agency, local government entity, 13410
officer, member, or employee having authority to perform such 13411
duty, specifically enjoined by the law and resulting from an 13412
office, trust, or station within the meaning of section 2731.01 of 13413
the Revised Code. The persons who are at the time the 13414
commissioners, or employees of the commissioners, are not liable 13415
in their personal capacities on any obligations or any agreements 13416
of or with the commissioners relating to obligations or under the 13417
bond proceedings. 13418

(M) Obligations are lawful investments for banks, societies 13419
for savings, savings and loan associations, deposit guarantee 13420
associations, trust companies, trustees, fiduciaries, insurance 13421
companies, including domestic for life and domestic not for life, 13422
trustees or other officers having charge of sinking and bond 13423
retirement or other special funds of political subdivisions and 13424
taxing districts of this state, the commissioners of the sinking 13425
fund, the administrator of workers' compensation, the state 13426
teachers retirement system, the public employees retirement 13427

system, the school employees retirement system, and the Ohio 13428
police and fire pension fund, notwithstanding any other provisions 13429
of the Revised Code or rules adopted pursuant thereto by any state 13430
agency with respect to investments by them, and are also 13431
acceptable as security for the deposit of public moneys. 13432

(N) Unless otherwise provided in any applicable bond 13433
proceedings, moneys to the credit of or in the special funds 13434
established by or pursuant to this section may be invested by or 13435
on behalf of the commissioners of the sinking fund only in notes, 13436
bonds, or other direct obligations of the United States or of any 13437
agency or instrumentality of the United States, in obligations of 13438
this state or any political subdivision of this state, in 13439
certificates of deposit of any national bank located in this state 13440
and any bank, as defined in section 1101.01 of the Revised Code, 13441
subject to inspection by the superintendent of financial 13442
institutions, in the Ohio subdivision's fund established pursuant 13443
to section 135.45 of the Revised Code, in no-front-end-load money 13444
market mutual funds consisting exclusively of direct obligations 13445
of the United States or of an agency or instrumentality of the 13446
United States, and in repurchase agreements, including those 13447
issued by any fiduciary, secured by direct obligations of the 13448
United States or an agency or instrumentality of the United 13449
States, and in collective investment funds established in 13450
accordance with section 1111.14 of the Revised Code and consisting 13451
exclusively of direct obligations of the United States or of an 13452
agency or instrumentality of the United States, notwithstanding 13453
division (A)(1)(c) of that section. The income from investments 13454
shall be credited to such special funds or otherwise as the 13455
commissioners of the sinking fund determine in the bond 13456
proceedings, and the investments may be sold or exchanged at such 13457
times as the commissioners determine or authorize. 13458

(O) Unless otherwise provided in any applicable bond 13459

proceedings, moneys to the credit of or in a special fund shall be 13460
disbursed on the order of the commissioners of the sinking fund, 13461
provided that no such order is required for the payment from the 13462
bond service fund or other special fund when due of debt charges 13463
or required payments under credit enhancement facilities. 13464

(P) The commissioners of the sinking fund may covenant in the 13465
bond proceedings, and any such covenants shall be controlling 13466
notwithstanding any other provision of law, that the state and the 13467
applicable officers and agencies of the state, including the 13468
general assembly, so long as any obligations are outstanding in 13469
accordance with their terms, shall maintain statutory authority 13470
for and cause to be charged and collected taxes, excises, and 13471
other receipts of the state so that the receipts to the bond 13472
service fund shall be sufficient in amounts to meet debt charges 13473
and for the establishment and maintenance of any reserves and 13474
other requirements, including payment of the costs of credit 13475
enhancement facilities, provided for in the bond proceedings. 13476

(Q) The obligations, the transfer thereof, and the interest, 13477
other accreted amounts, and other income therefrom, including any 13478
profit made on the sale thereof, at all times shall be free from 13479
taxation, direct or indirect, within the state. 13480

(R) This section applies only with respect to obligations 13481
issued and delivered before September 30, 2000. 13482

Sec. 1713.031. The Ohio board of regents shall review an 13483
application for a certificate of authorization from a school 13484
described in division (E) of section 3332.01 of the Revised Code 13485
within twenty-two weeks. 13486

Sec. 2113.041. (A) The administrator of the medicaid estate 13487
recovery program established pursuant to section 5111.11 of the 13488
Revised Code may present an affidavit to a financial institution 13489

requesting that the financial institution release account proceeds 13490
to recover the cost of services correctly provided to a medicaid 13491
recipient who is subject to the medicaid estate recovery program. 13492
The affidavit shall include all of the following information: 13493

(1) The name of the decedent; 13494

(2) The name of any person who gave notice that the decedent 13495
was a medicaid recipient and that person's relationship to the 13496
decedent; 13497

(3) The name of the financial institution; 13498

(4) The account number; 13499

(5) A description of the claim for estate recovery; 13500

(6) The amount of funds to be recovered. 13501

(B) A financial institution may release account proceeds to 13502
the administrator of the medicaid estate recovery program if all 13503
of the following apply: 13504

(1) The decedent held an account at the financial institution 13505
that was in the decedent's name only. 13506

(2) No estate has been, and it is reasonable to assume that 13507
no estate will be, opened for the decedent. 13508

(3) The decedent has no outstanding debts known to the 13509
administrator of the medicaid estate recovery program. 13510

(4) The financial institution has received no objections or 13511
has determined that no valid objections to release of proceeds 13512
have been received. 13513

(C) If proceeds have been released pursuant to division (B) 13514
of this section and the department of job and family services 13515
receives notice of a valid claim to the proceeds that has a higher 13516
priority under section 2117.25 of the Revised Code than the claim 13517
of the medicaid estate recovery program, the department may refund 13518

the proceeds to the financial institution or pay them to the 13519
person or government entity with the claim. 13520

Sec. 2117.061. (A) As used in this section: 13521

(1) "Medicaid estate recovery program" means the program 13522
instituted under section 5111.11 of the Revised Code. 13523

(2) "Permanently institutionalized individual" has the same 13524
meaning as in section 5111.11 of the Revised Code. 13525

(3) "Person responsible for the estate" means the executor, 13526
administrator, commissioner, or person who filed pursuant to 13527
section 2113.03 of the Revised Code for release from 13528
administration of an estate. 13529

(B) ~~If a decedent, at the time of death, was fifty five years 13530
of age or older or a permanently institutionalized individual, the 13531
person responsible for the decedent's estate shall determine 13532
whether the decedent was, at any time during the decedent's life, 13533
a medicaid recipient under Chapter 5111. of the Revised Code. If 13534
the decedent was a medicaid recipient, the The person responsible 13535
for the estate of a decedent subject to the medicaid estate 13536
recovery program or the estate of a decedent who was the spouse of 13537
a decedent subject to the medicaid estate recovery program shall 13538
submit a properly completed medicaid estate recovery reporting 13539
form prescribed under division (D) of this section to the 13540
administrator of the medicaid estate recovery program not later 13541
than thirty days after the occurrence of any of the following: 13542~~

(1) The granting of letters testamentary; 13543

(2) The administration of the estate; 13544

(3) The filing of an application for release from 13545
administration or summary release from administration. 13546

(C) The person responsible for the estate shall mark the 13547
appropriate box on the appropriate probate form to indicate 13548

compliance with the requirements of division (B) of this section. 13549

The probate court shall send a copy of the completed probate 13550
form to the administrator of the medicaid estate recovery program. 13551

(D) The administrator of the medicaid estate recovery program 13552
shall prescribe a medicaid estate recovery reporting form for the 13553
purpose of division (B) of this section. The In the case of a 13554
decedent subject to the medicaid estate recovery program, the 13555
form shall require, at a minimum, that the person responsible for the 13556
estate list all of the decedent's real and personal property and 13557
other assets that are part of the decedent's estate as defined in 13558
section 5111.11 of the Revised Code. In the case of a decedent who 13559
was the spouse of a decedent subject to the medicaid estate 13560
recovery program, the form shall require, at a minimum, that the 13561
person responsible for the estate list all of the decedent's real 13562
and personal property and other assets that are part of the 13563
decedent's estate as defined in section 5111.11 of the Revised 13564
Code and were also part of the estate, as so defined, of the 13565
decedent subject to the medicaid estate recovery program. The 13566
administrator shall include on the form a statement printed in 13567
bold letters informing the person responsible for the estate that 13568
knowingly making a false statement on the form is falsification 13569
under section 2921.13 of the Revised Code, a misdemeanor of the 13570
first degree. 13571

(E) The ~~estate recovery program~~ administrator of the medicaid 13572
estate recovery program shall present a claim for estate recovery 13573
to the person responsible for the estate of the decedent or the 13574
person's legal representative not later than ninety days after the 13575
date on which the medicaid estate recovery reporting form is 13576
received under division (B) of this section or one year after the 13577
decedent's death, whichever is later. 13578

Sec. 2117.25. (A) Every executor or administrator shall 13579

proceed with diligence to pay the debts of the decedent and shall	13580
apply the assets in the following order:	13581
(1) Costs and expenses of administration;	13582
(2) An amount, not exceeding four thousand dollars, for	13583
funeral expenses that are included in the bill of a funeral	13584
director, funeral expenses other than those in the bill of a	13585
funeral director that are approved by the probate court, and an	13586
amount, not exceeding three thousand dollars, for burial and	13587
cemetery expenses, including that portion of the funeral	13588
director's bill allocated to cemetery expenses that have been paid	13589
to the cemetery by the funeral director.	13590
For purposes of this division, burial and cemetery expenses	13591
shall be limited to the following:	13592
(a) The purchase of a right of interment;	13593
(b) Monuments or other markers;	13594
(c) The outer burial container;	13595
(d) The cost of opening and closing the place of interment;	13596
(e) The urn.	13597
(3) The allowance for support made to the surviving spouse,	13598
minor children, or both under section 2106.13 of the Revised Code;	13599
(4) Debts entitled to a preference under the laws of the	13600
United States;	13601
(5) Expenses of the last sickness of the decedent;	13602
(6) If the total bill of a funeral director for funeral	13603
expenses exceeds four thousand dollars, then, in addition to the	13604
amount described in division (A)(2) of this section, an amount,	13605
not exceeding two thousand dollars, for funeral expenses that are	13606
included in the bill and that exceed four thousand dollars;	13607
(7) Personal property taxes, claims made under the <u>medicaid</u>	13608

estate recovery program instituted pursuant to section 5111.11 of 13609
the Revised Code, and obligations for which the decedent was 13610
personally liable to the state or any of its subdivisions; 13611

(8) Debts for manual labor performed for the decedent within 13612
twelve months preceding the decedent's death, not exceeding three 13613
hundred dollars to any one person; 13614

(9) Other debts for which claims have been presented and 13615
finally allowed. 13616

(B) The part of the bill of a funeral director that exceeds 13617
the total of six thousand dollars as described in divisions (A)(2) 13618
and (6) of this section, and the part of a claim included in 13619
division (A)(8) of this section that exceeds three hundred dollars 13620
shall be included as a debt under division (A)(9) of this section, 13621
depending upon the time when the claim for the additional amount 13622
is presented. 13623

(C) Any natural person or fiduciary who pays a claim of any 13624
creditor described in division (A) of this section shall be 13625
subrogated to the rights of that creditor proportionate to the 13626
amount of the payment and shall be entitled to reimbursement for 13627
that amount in accordance with the priority of payments set forth 13628
in that division. 13629

(D)(1) Chapters 2113. to 2125. of the Revised Code, relating 13630
to the manner in which and the time within which claims shall be 13631
presented, shall apply to claims set forth in divisions (A)(2), 13632
(6), and (8) of this section. Claims for an expense of 13633
administration or for the allowance for support need not be 13634
presented. The executor or administrator shall pay debts included 13635
in divisions (A)(4) and (7) of this section, of which the executor 13636
or administrator has knowledge, regardless of presentation. 13637

(2) The giving of written notice to an executor or 13638
administrator of a motion or application to revive an action 13639

pending against the decedent at the date of death shall be 13640
equivalent to the presentation of a claim to the executor or 13641
administrator for the purpose of determining the order of payment 13642
of any judgment rendered or decree entered in such an action. 13643

(E) No payments shall be made to creditors of one class until 13644
all those of the preceding class are fully paid or provided for. 13645
If the assets are insufficient to pay all the claims of one class, 13646
the creditors of that class shall be paid ratably. 13647

(F) If it appears at any time that the assets have been 13648
exhausted in paying prior or preferred charges, allowances, or 13649
claims, those payments shall be a bar to an action on any claim 13650
not entitled to that priority or preference. 13651

Sec. 2151.362. (A)(1) In the manner prescribed by division 13652
(C)(1) or (2) of section 3313.64 of the Revised Code, as 13653
applicable, the court, at the time of making any order that 13654
removes a child from the child's own home or that vests legal or 13655
permanent custody of the child in a person other than the child's 13656
parent or a government agency, shall determine the school district 13657
that is to bear the cost of educating the child. The court shall 13658
make the determination a part of the order that provides for the 13659
child's placement or commitment. That school district shall bear 13660
the cost of educating the child unless and until the ~~court~~ 13661
~~modifies its order~~ department of education determines that a 13662
different district shall be responsible for bearing that cost 13663
pursuant to division (A)(2) of this section. The court's order 13664
shall state that the determination of which school district is 13665
responsible to bear the cost of educating the child is subject to 13666
re-determination by the department pursuant to that division. 13667

(2) If, while the child is in the custody of a person other 13668
than the child's parent or a government agency, the department of 13669
education ~~notifies the court~~ determines that the place of 13670

residence of the child's parent has changed since the court issued 13671
its initial order, the ~~court~~ department may ~~modify its order to~~ 13672
name a different school district to bear the cost of educating the 13673
child. The department ~~may submit the notice to the court upon~~ 13674
~~receipt,~~ shall make this new determination, and any future 13675
determinations, based on evidence received from the school 13676
district ~~initially ordered~~ currently responsible to bear the cost 13677
of educating the child, ~~of evidence acceptable to the department.~~ 13678
If the department finds that the evidence demonstrates to its 13679
satisfaction that the residence of the child's parent has changed 13680
since the court issued its initial order. ~~In the notice to the~~ 13681
~~court, the department shall recommend to the court whether a~~ 13682
~~different district should be ordered to bear the cost of educating~~ 13683
~~the child and, if so, which district should be so ordered. The~~ 13684
under division (A)(1) of this section, or since the department 13685
last made a determination under division (A)(2) of this section, 13686
the department shall recommend to the court name the district in 13687
which the child's parent currently resides or, if the parent's 13688
residence is not known, the district in which the parent's last 13689
known residence is located. If the department cannot determine any 13690
Ohio district in which the parent currently resides or has 13691
resided, the school district designated in the initial court order 13692
under division (A)(1) of this section, or in the most recent 13693
determination made by the department under division (A)(2) of this 13694
section, shall continue to bear the cost of educating the child. 13695

~~The court may consider the content of a notice by the~~ 13696
~~department of education under division (A)(2) of this section as~~ 13697
~~conclusive evidence as to which school district should bear the~~ 13698
~~cost of educating the child and may amend its order accordingly.~~ 13699

(B) Whenever a child is placed in a detention facility 13700
established under section 2152.41 of the Revised Code or a 13701
juvenile facility established under section 2151.65 of the Revised 13702

Code, the child's school district as determined by the court or 13703
the department, in the same manner as prescribed in division (A) 13704
of this section, shall pay the cost of educating the child based 13705
on the per capita cost of the educational facility within the 13706
detention home or juvenile facility. 13707

(C) Whenever a child is placed by the court in a private 13708
institution, school, or residential treatment center or any other 13709
private facility, the state shall pay to the court a subsidy to 13710
help defray the expense of educating the child in an amount equal 13711
to the product of the daily per capita educational cost of the 13712
private facility, as determined pursuant to this section, and the 13713
number of days the child resides at the private facility, provided 13714
that the subsidy shall not exceed twenty-five hundred dollars per 13715
year per child. The daily per capita educational cost of a private 13716
facility shall be determined by dividing the actual program cost 13717
of the private facility or twenty-five hundred dollars, whichever 13718
is less, by three hundred sixty-five days or by three hundred 13719
sixty-six days for years that include February twenty-ninth. The 13720
state shall pay seventy-five per cent of the total subsidy for 13721
each year quarterly to the court. The state may adjust the 13722
remaining twenty-five per cent of the total subsidy to be paid to 13723
the court for each year to an amount that is less than twenty-five 13724
per cent of the total subsidy for that year based upon the 13725
availability of funds appropriated to the department of education 13726
for the purpose of subsidizing courts that place a child in a 13727
private institution, school, or residential treatment center or 13728
any other private facility and shall pay that adjusted amount to 13729
the court at the end of the year. 13730

Sec. 2305.2341. (A) The medical liability insurance 13731
reimbursement program is hereby established. Free clinics and 13732
federally qualified health center look-alikes, including the 13733
clinics' and centers' staff and volunteer health care 13734

professionals and volunteer health care workers, may participate 13735
in the medical liability insurance reimbursement program 13736
established by this section. The coverage provided under the 13737
program shall be limited to claims that arise out of the 13738
diagnosis, treatment, and care of patients of free clinics and 13739
centers, as defined in division (D)~~(1)~~ of this section. 13740

(B) A free clinic or federally qualified health center 13741
look-alike is eligible to receive reimbursement under the medical 13742
liability insurance reimbursement program for the premiums that 13743
the clinic or center pays for medical liability insurance coverage 13744
for the clinic or center, its staff, and volunteer health care 13745
professionals and health care workers. Free clinics and federally 13746
qualified health center look-alikes shall register with the 13747
department of health by the thirty-first day of January of each 13748
year in order to participate in and to obtain reimbursement under 13749
the program. Free Clinics that register with the department in 13750
accordance with this division shall receive priority over centers 13751
that register for reimbursement. 13752

Free clinics and federally qualified health center 13753
look-alikes shall provide all of the following to the department 13754
of health at the time of registration: 13755

(1) A statement of the number of volunteer and paid health 13756
care professionals and health care workers providing health care 13757
services at the free clinic or federally qualified health center 13758
look-alike at that time; 13759

(2) A statement of the number of health care services 13760
rendered by the free clinic or federally qualified health center 13761
look-alike during the previous fiscal year; 13762

(3) A signed form acknowledging that the free clinic or 13763
federally qualified health center look-alike agrees to follow its 13764
medical liability insurer's risk management and loss prevention 13765

policies; 13766

(4) A copy of the medical liability insurance policy 13767
purchased by the free clinic or federally qualified health center 13768
look-alike, or the policy's declaration page, and documentation of 13769
the premiums paid by the clinic or center. 13770

(C) The department of health shall reimburse free clinics and 13771
federally qualified health center look-alikes participating in the 13772
professional liability insurance reimbursement program for up to 13773
eighty per cent of the premiums that the ~~free~~ clinic or center 13774
pays for medical liability insurance coverage up to twenty 13775
thousand dollars. Appropriations to the department of health may 13776
be made from the general fund of the state for this purpose. 13777

(D) As used in this section: 13778

(1) "Federally qualified health center look-alike" means a 13779
public or not-for-profit health center that meets the eligibility 13780
requirements to receive a federal public health services grant 13781
under the "Public Health Services Act," 117 Stat. 2020, 42 U.S.C. 13782
254b, as amended, but does not receive grant funding. 13783

(2) "Free clinic" means a nonprofit organization exempt from 13784
federal income taxation under section 501(c)(3) of the "Internal 13785
Revenue Code of 1986," as amended, or a program component of a 13786
nonprofit organization, whose primary mission is to provide health 13787
care services for free or for a minimal administrative fee to 13788
individuals with limited resources. A free clinic facilitates the 13789
delivery of health care services through the use of volunteer 13790
health care professionals and voluntary care networks. For this 13791
purpose, a free clinic shall comply with all of the following: 13792

(a) If a free clinic does request a minimal administrative 13793
fee, a free clinic shall not deny an individual access to its 13794
health care services based on an individual's ability to pay the 13795
fee. 13796

(b) A free clinic shall not bill a patient for health care services rendered. 13797
13798

(c) Free clinics shall not perform operations, as defined by divisions (A)(9) and (F)(1)(b) of section 2305.234 of the Revised Code. 13799
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A clinic is not a free clinic if the clinic bills medicaid, medicare, or other third-party payers for health care services rendered at the clinic, and receives twenty-five per cent or more of the clinic's annual revenue from the third-party payments. 13802
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~~(2)~~(3) "Health care professional" and "health care worker" have the same meanings as in section 2305.234 of the Revised Code. 13806
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Sec. 2913.40. (A) As used in this section: 13808

(1) "Statement or representation" means any oral, written, electronic, electronic impulse, or magnetic communication that is used to identify an item of goods or a service for which reimbursement may be made under the medical assistance program or that states income and expense and is or may be used to determine a rate of reimbursement under the medical assistance program. 13809
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(2) "Medical assistance program" means the program established by the department of job and family services to provide medical assistance under section 5111.01 of the Revised Code and the medicaid program of Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. 13815
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(3) "Provider" means any person who has signed a provider agreement with the department of job and family services to provide goods or services pursuant to the medical assistance program or any person who has signed an agreement with a party to such a provider agreement under which the person agrees to provide goods or services that are reimbursable under the medical assistance program. 13820
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(4) "Provider agreement" means an oral or written agreement 13827
between the department of job and family services and a person in 13828
which the person agrees to provide goods or services under the 13829
medical assistance program. 13830

(5) "Recipient" means any individual who receives goods or 13831
services from a provider under the medical assistance program. 13832

(6) "Records" means any medical, professional, financial, or 13833
business records relating to the treatment or care of any 13834
recipient, to goods or services provided to any recipient, or to 13835
rates paid for goods or services provided to any recipient and any 13836
records that are required by the rules of the director of job and 13837
family services to be kept for the medical assistance program. 13838

(B) No person shall knowingly make or cause to be made a 13839
false or misleading statement or representation for use in 13840
obtaining reimbursement from the medical assistance program. 13841

(C) No person, with purpose to commit fraud or knowing that 13842
the person is facilitating a fraud, shall do either of the 13843
following: 13844

(1) Contrary to the terms of the person's provider agreement, 13845
charge, solicit, accept, or receive for goods or services that the 13846
person provides under the medical assistance program any property, 13847
money, or other consideration in addition to the amount of 13848
reimbursement under the medical assistance program and the 13849
person's provider agreement for the goods or services and any 13850
~~deductibles or co-payments~~ cost-sharing expenses authorized by 13851
section 5111.0112 of the Revised Code or rules adopted pursuant to 13852
section 5111.01, 5111.011, or 5111.02 of the Revised Code. 13853

(2) Solicit, offer, or receive any remuneration, other than 13854
any ~~deductibles or co-payments~~ cost-sharing expenses authorized by 13855
section 5111.0112 of the Revised Code or rules adopted under 13856
section 5111.01, 5111.011, or 5111.02 of the Revised Code, in cash 13857

or in kind, including, but not limited to, a kickback or rebate, 13858
in connection with the furnishing of goods or services for which 13859
whole or partial reimbursement is or may be made under the medical 13860
assistance program. 13861

(D) No person, having submitted a claim for or provided goods 13862
or services under the medical assistance program, shall do either 13863
of the following for a period of at least six years after a 13864
reimbursement pursuant to that claim, or a reimbursement for those 13865
goods or services, is received under the medical assistance 13866
program: 13867

(1) Knowingly alter, falsify, destroy, conceal, or remove any 13868
records that are necessary to fully disclose the nature of all 13869
goods or services for which the claim was submitted, or for which 13870
reimbursement was received, by the person; 13871

(2) Knowingly alter, falsify, destroy, conceal, or remove any 13872
records that are necessary to disclose fully all income and 13873
expenditures upon which rates of reimbursements were based for the 13874
person. 13875

(E) Whoever violates this section is guilty of medicaid 13876
fraud. Except as otherwise provided in this division, medicaid 13877
fraud is a misdemeanor of the first degree. If the value of 13878
property, services, or funds obtained in violation of this section 13879
is five hundred dollars or more and is less than five thousand 13880
dollars, medicaid fraud is a felony of the fifth degree. If the 13881
value of property, services, or funds obtained in violation of 13882
this section is five thousand dollars or more and is less than one 13883
hundred thousand dollars, medicaid fraud is a felony of the fourth 13884
degree. If the value of the property, services, or funds obtained 13885
in violation of this section is one hundred thousand dollars or 13886
more, medicaid fraud is a felony of the third degree. 13887

(F) Upon application of the governmental agency, office, or 13888

other entity that conducted the investigation and prosecution in a case under this section, the court shall order any person who is convicted of a violation of this section for receiving any reimbursement for furnishing goods or services under the medical assistance program to which the person is not entitled to pay to the applicant its cost of investigating and prosecuting the case. The costs of investigation and prosecution that a defendant is ordered to pay pursuant to this division shall be in addition to any other penalties for the receipt of that reimbursement that are provided in this section, section 5111.03 of the Revised Code, or any other provision of law.

(G) The provisions of this section are not intended to be exclusive remedies and do not preclude the use of any other criminal or civil remedy for any act that is in violation of this section.

Sec. 2921.42. (A) No public official shall knowingly do any of the following:

(1) Authorize, or employ the authority or influence of ~~his~~ the public official's office to secure authorization of any public contract in which ~~he~~ the public official, a member of ~~his~~ the public official's family, or any of ~~his~~ the public official's business associates has an interest;

(2) Authorize, or employ the authority or influence of ~~his~~ the public official's office to secure the investment of public funds in any share, bond, mortgage, or other security, with respect to which ~~he~~ the public official, a member of ~~his~~ the public official's family, or any of ~~his~~ the public official's business associates either has an interest, is an underwriter, or receives any brokerage, origination, or servicing fees;

(3) During ~~his~~ the public official's term of office or within one year thereafter, occupy any position of profit in the

prosecution of a public contract authorized by ~~him~~ the public 13920
official or by a legislative body, commission, or board of which 13921
~~he~~ the public official was a member at the time of authorization, 13922
unless the contract was let by competitive bidding to the lowest 13923
and best bidder; 13924

(4) Have an interest in the profits or benefits of a public 13925
contract entered into by or for the use of the political 13926
subdivision or governmental agency or instrumentality with which 13927
~~he~~ the public official is connected; 13928

(5) Have an interest in the profits or benefits of a public 13929
contract that is not let by competitive bidding if required by law 13930
and that involves more than one hundred fifty dollars. 13931

(B) In the absence of bribery or a purpose to defraud, a 13932
public official, member of ~~his~~ a public official's family, or any 13933
of ~~his~~ a public official's business associates shall not be 13934
considered as having an interest in a public contract or the 13935
investment of public funds, if all of the following apply: 13936

(1) The interest of that person is limited to owning or 13937
controlling shares of the corporation, or being a creditor of the 13938
corporation or other organization, that is the contractor on the 13939
public contract involved, or that is the issuer of the security in 13940
which public funds are invested; 13941

(2) The shares owned or controlled by that person do not 13942
exceed five per cent of the outstanding shares of the corporation, 13943
and the amount due that person as creditor does not exceed five 13944
per cent of the total indebtedness of the corporation or other 13945
organization; 13946

(3) That person, prior to the time the public contract is 13947
entered into, files with the political subdivision or governmental 13948
agency or instrumentality involved, an affidavit giving ~~his~~ that 13949
person's exact status in connection with the corporation or other 13950

organization. 13951

(C) This section does not apply to a public contract in which 13952
a public official, member of ~~his~~ a public official's family, or 13953
one of ~~his~~ a public official's business associates has an 13954
interest, when all of the following apply: 13955

(1) The subject of the public contract is necessary supplies 13956
or services for the political subdivision or governmental agency 13957
or instrumentality involved; 13958

(2) The supplies or services are unobtainable elsewhere for 13959
the same or lower cost, or are being furnished to the political 13960
subdivision or governmental agency or instrumentality as part of a 13961
continuing course of dealing established prior to the public 13962
official's becoming associated with the political subdivision or 13963
governmental agency or instrumentality involved; 13964

(3) The treatment accorded the political subdivision or 13965
governmental agency or instrumentality is either preferential to 13966
or the same as that accorded other customers or clients in similar 13967
transactions; 13968

(4) The entire transaction is conducted at arm's length, with 13969
full knowledge by the political subdivision or governmental agency 13970
or instrumentality involved, of the interest of the public 13971
official, member of ~~his~~ the public official's family, or business 13972
associate, and the public official takes no part in the 13973
deliberations or decision of the political subdivision or 13974
governmental agency or instrumentality with respect to the public 13975
contract. 13976

(D) Division (A)(4) of this section does not prohibit 13977
participation by a public employee in any housing program funded 13978
by public moneys if the public employee otherwise qualifies for 13979
the program and does not use the authority or influence of ~~his~~ the 13980
public employee's office or employment to secure benefits from the 13981

program and if the moneys are to be used on the primary residence 13982
of the public employee. Such participation does not constitute an 13983
unlawful interest in a public contract in violation of this 13984
section. 13985

(E) Whoever violates this section is guilty of having an 13986
unlawful interest in a public contract. Violation of division 13987
(A)(1) or (2) of this section is a felony of the fourth degree. 13988
Violation of division (A)(3), (4), or (5) of this section is a 13989
misdemeanor of the first degree. 13990

(F) It is not a violation of this section for a prosecuting 13991
attorney to appoint assistants and employees in accordance with 13992
sections 309.06 and 2921.421 of the Revised Code, for a chief 13993
legal officer of a municipal corporation or an official designated 13994
as prosecutor in a municipal corporation to appoint assistants and 13995
employees in accordance with sections 733.621 and 2921.421 of the 13996
Revised Code, or for a township law director appointed under 13997
section 504.15 of the Revised Code to appoint assistants and 13998
employees in accordance with sections 504.151 and 2921.421 of the 13999
Revised Code. 14000

~~(F)~~(G) This section does not apply to a public contract in 14001
which a township trustee in a township with a population of five 14002
thousand or less in its unincorporated area, a member of the 14003
township trustee's family, or one of ~~his~~ the township trustee's 14004
business associates has an interest, if all of the following 14005
apply: 14006

(1) The subject of the public contract is necessary supplies 14007
or services for the township and the amount of the contract is 14008
less than five thousand dollars per year; 14009

(2) The supplies or services are being furnished to the 14010
township as part of a continuing course of dealing established 14011
before the township trustee held that office with the township; 14012

(3) The treatment accorded the township is either 14013
preferential to or the same as that accorded other customers or 14014
clients in similar transactions; 14015

(4) The entire transaction is conducted with full knowledge 14016
by the township of the interest of the township trustee, member of 14017
~~his~~ the township trustee's family, or ~~his~~ the township trustee's 14018
business associate. 14019

~~(G)~~(H) Any public contract in which a public official, a 14020
member of the public official's family, or any of the public 14021
official's business associates has an interest in violation of 14022
this section is void and unenforceable. Any contract securing the 14023
investment of public funds in which a public official, a member of 14024
the public official's family, or any of the public official's 14025
business associates has an interest, is an underwriter, or 14026
receives any brokerage, origination, or servicing fees and that 14027
was entered into in violation of this section is void and 14028
unenforceable. 14029

(I) As used in this section: 14030

(1) "Public contract" means any of the following: 14031

(a) The purchase or acquisition, or a contract for the 14032
purchase or acquisition, of property or services by or for the use 14033
of the state, any of its political subdivisions, or any agency or 14034
instrumentality of either, including the employment of an 14035
individual by the state, any of its political subdivisions, or any 14036
agency or instrumentality of either; 14037

(b) A contract for the design, construction, alteration, 14038
repair, or maintenance of any public property. 14039

(2) "Chief legal officer" has the same meaning as in section 14040
733.621 of the Revised Code. 14041

Sec. 2927.023. (A) As used in this section "authorized 14042

recipient of tobacco products" means a person who is:	14043
(1) Licensed as a cigarette wholesale dealer under section 5743.15 of the Revised Code;	14044 14045
(2) Licensed as a distributor of tobacco products under section 5743.61 of the Revised Code <u>retail dealer as long as the person purchases cigarettes with the appropriate tax stamp affixed;</u>	14046 14047 14048 14049
(3) An export warehouse proprietor as defined in section 5702 of the Internal Revenue Code;	14050 14051
(4) An operator of a customs bonded warehouse under 19 U.S.C. 1311 or 19 U.S.C. 1555;	14052 14053
(5) An officer, employee, or agent of the federal government or of this state acting in the person's official capacity;	14054 14055
(6) A department, agency, instrumentality, or political subdivision of the federal government or of this state;	14056 14057
(7) A person having a consent for consumer shipment issued by the tax commissioner under section 5743.71 of the Revised Code.	14058 14059
The purpose of this section is to prevent the sale of cigarettes to minors and to ensure compliance with the Master Settlement Agreement, as defined in section 1346.01 of the Revised Code.	14060 14061 14062 14063
(B)(1) No person shall cause to be shipped any cigarettes to any person in this state other than an authorized recipient of tobacco products.	14064 14065 14066
(2) No common carrier, contract carrier, or other person shall knowingly transport cigarettes to any person in this state that the carrier or other person reasonably believes is not an authorized recipient of tobacco products. If cigarettes are transported to a home or residence, it shall be presumed that the common carrier, contract carrier, or other person knew that the	14067 14068 14069 14070 14071 14072

person to whom the cigarettes were delivered was not an authorized 14073
recipient of tobacco products. 14074

(C) No person engaged in the business of selling cigarettes 14075
who ships or causes to be shipped cigarettes to any person in this 14076
state in any container or wrapping other than the original 14077
container or wrapping of the cigarettes shall fail to plainly and 14078
visibly mark the exterior of the container or wrapping in which 14079
the cigarettes are shipped with the words "cigarettes." 14080

(D) A court shall impose a fine of up to one thousand dollars 14081
for each violation of division (B)(1), (B)(2), or (C) of this 14082
section. 14083

Sec. 2935.03. (A)(1) A sheriff, deputy sheriff, marshal, 14084
deputy marshal, municipal police officer, township constable, 14085
police officer of a township or joint township police district, 14086
member of a police force employed by a metropolitan housing 14087
authority under division (D) of section 3735.31 of the Revised 14088
Code, member of a police force employed by a regional transit 14089
authority under division (Y) of section 306.35 of the Revised 14090
Code, state university law enforcement officer appointed under 14091
section 3345.04 of the Revised Code, veterans' home police officer 14092
appointed under section 5907.02 of the Revised Code, special 14093
police officer employed by a port authority under section 4582.04 14094
or 4582.28 of the Revised Code, or a special police officer 14095
employed by a municipal corporation at a municipal airport, or 14096
other municipal air navigation facility, that has scheduled 14097
operations, as defined in section 119.3 of Title 14 of the Code of 14098
Federal Regulations, 14 C.F.R. 119.3, as amended, and that is 14099
required to be under a security program and is governed by 14100
aviation security rules of the transportation security 14101
administration of the United States department of transportation 14102
as provided in Parts 1542. and 1544. of Title 49 of the Code of 14103

Federal Regulations, as amended, shall arrest and detain, until a warrant can be obtained, a person found violating, within the limits of the political subdivision, metropolitan housing authority housing project, regional transit authority facilities or areas of a municipal corporation that have been agreed to by a regional transit authority and a municipal corporation located within its territorial jurisdiction, college, university, veterans' home operated under Chapter 5907. of the Revised Code, port authority, or municipal airport or other municipal air navigation facility, in which the peace officer is appointed, employed, or elected, a law of this state, an ordinance of a municipal corporation, or a resolution of a township.

(2) A peace officer of the department of natural resources or an individual designated to perform law enforcement duties under section 511.232, 1545.13, or 6101.75 of the Revised Code shall arrest and detain, until a warrant can be obtained, a person found violating, within the limits of the peace officer's or individual's territorial jurisdiction, a law of this state.

(3) The house sergeant at arms if the house sergeant at arms has arrest authority pursuant to division (E)(1) of section 101.311 of the Revised Code and an assistant house sergeant at arms shall arrest and detain, until a warrant can be obtained, a person found violating, within the limits of the sergeant at arms's or assistant sergeant at arms's territorial jurisdiction specified in division (D)(1)(a) of section 101.311 of the Revised Code or while providing security pursuant to division (D)(1)(f) of section 101.311 of the Revised Code, a law of this state, an ordinance of a municipal corporation, or a resolution of a township.

(B)(1) When there is reasonable ground to believe that an offense of violence, the offense of criminal child enticement as defined in section 2905.05 of the Revised Code, the offense of

public indecency as defined in section 2907.09 of the Revised Code, the offense of domestic violence as defined in section 2919.25 of the Revised Code, the offense of violating a protection order as defined in section 2919.27 of the Revised Code, the offense of menacing by stalking as defined in section 2903.211 of the Revised Code, the offense of aggravated trespass as defined in section 2911.211 of the Revised Code, a theft offense as defined in section 2913.01 of the Revised Code, or a felony drug abuse offense as defined in section 2925.01 of the Revised Code, has been committed within the limits of the political subdivision, metropolitan housing authority housing project, regional transit authority facilities or those areas of a municipal corporation that have been agreed to by a regional transit authority and a municipal corporation located within its territorial jurisdiction, college, university, veterans' home operated under Chapter 5907. of the Revised Code, port authority, or municipal airport or other municipal air navigation facility, in which the peace officer is appointed, employed, or elected or within the limits of the territorial jurisdiction of the peace officer, a peace officer described in division (A) of this section may arrest and detain until a warrant can be obtained any person who the peace officer has reasonable cause to believe is guilty of the violation.

(2) For purposes of division (B)(1) of this section, the execution of any of the following constitutes reasonable ground to believe that the offense alleged in the statement was committed and reasonable cause to believe that the person alleged in the statement to have committed the offense is guilty of the violation:

(a) A written statement by a person alleging that an alleged offender has committed the offense of menacing by stalking or aggravated trespass;

(b) A written statement by the administrator of the

interstate compact on mental health appointed under section 14168
5119.51 of the Revised Code alleging that a person who had been 14169
hospitalized, institutionalized, or confined in any facility under 14170
an order made pursuant to or under authority of section 2945.37, 14171
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 14172
Revised Code has escaped from the facility, from confinement in a 14173
vehicle for transportation to or from the facility, or from 14174
supervision by an employee of the facility that is incidental to 14175
hospitalization, institutionalization, or confinement in the 14176
facility and that occurs outside of the facility, in violation of 14177
section 2921.34 of the Revised Code; 14178

(c) A written statement by the administrator of any facility 14179
in which a person has been hospitalized, institutionalized, or 14180
confined under an order made pursuant to or under authority of 14181
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 14182
2945.402 of the Revised Code alleging that the person has escaped 14183
from the facility, from confinement in a vehicle for 14184
transportation to or from the facility, or from supervision by an 14185
employee of the facility that is incidental to hospitalization, 14186
institutionalization, or confinement in the facility and that 14187
occurs outside of the facility, in violation of section 2921.34 of 14188
the Revised Code. 14189

(3)(a) For purposes of division (B)(1) of this section, a 14190
peace officer described in division (A) of this section has 14191
reasonable grounds to believe that the offense of domestic 14192
violence or the offense of violating a protection order has been 14193
committed and reasonable cause to believe that a particular person 14194
is guilty of committing the offense if any of the following 14195
occurs: 14196

(i) A person executes a written statement alleging that the 14197
person in question has committed the offense of domestic violence 14198
or the offense of violating a protection order against the person 14199

who executes the statement or against a child of the person who 14200
executes the statement. 14201

(ii) No written statement of the type described in division 14202
(B)(3)(a)(i) of this section is executed, but the peace officer, 14203
based upon the peace officer's own knowledge and observation of 14204
the facts and circumstances of the alleged incident of the offense 14205
of domestic violence or the alleged incident of the offense of 14206
violating a protection order or based upon any other information, 14207
including, but not limited to, any reasonably trustworthy 14208
information given to the peace officer by the alleged victim of 14209
the alleged incident of the offense or any witness of the alleged 14210
incident of the offense, concludes that there are reasonable 14211
grounds to believe that the offense of domestic violence or the 14212
offense of violating a protection order has been committed and 14213
reasonable cause to believe that the person in question is guilty 14214
of committing the offense. 14215

(iii) No written statement of the type described in division 14216
(B)(3)(a)(i) of this section is executed, but the peace officer 14217
witnessed the person in question commit the offense of domestic 14218
violence or the offense of violating a protection order. 14219

(b) If pursuant to division (B)(3)(a) of this section a peace 14220
officer has reasonable grounds to believe that the offense of 14221
domestic violence or the offense of violating a protection order 14222
has been committed and reasonable cause to believe that a 14223
particular person is guilty of committing the offense, it is the 14224
preferred course of action in this state that the officer arrest 14225
and detain that person pursuant to division (B)(1) of this section 14226
until a warrant can be obtained. 14227

If pursuant to division (B)(3)(a) of this section a peace 14228
officer has reasonable grounds to believe that the offense of 14229
domestic violence or the offense of violating a protection order 14230
has been committed and reasonable cause to believe that family or 14231

household members have committed the offense against each other, 14232
it is the preferred course of action in this state that the 14233
officer, pursuant to division (B)(1) of this section, arrest and 14234
detain until a warrant can be obtained the family or household 14235
member who committed the offense and whom the officer has 14236
reasonable cause to believe is the primary physical aggressor. 14237
There is no preferred course of action in this state regarding any 14238
other family or household member who committed the offense and 14239
whom the officer does not have reasonable cause to believe is the 14240
primary physical aggressor, but, pursuant to division (B)(1) of 14241
this section, the peace officer may arrest and detain until a 14242
warrant can be obtained any other family or household member who 14243
committed the offense and whom the officer does not have 14244
reasonable cause to believe is the primary physical aggressor. 14245

(c) If a peace officer described in division (A) of this 14246
section does not arrest and detain a person whom the officer has 14247
reasonable cause to believe committed the offense of domestic 14248
violence or the offense of violating a protection order when it is 14249
the preferred course of action in this state pursuant to division 14250
(B)(3)(b) of this section that the officer arrest that person, the 14251
officer shall articulate in the written report of the incident 14252
required by section 2935.032 of the Revised Code a clear statement 14253
of the officer's reasons for not arresting and detaining that 14254
person until a warrant can be obtained. 14255

(d) In determining for purposes of division (B)(3)(b) of this 14256
section which family or household member is the primary physical 14257
aggressor in a situation in which family or household members have 14258
committed the offense of domestic violence or the offense of 14259
violating a protection order against each other, a peace officer 14260
described in division (A) of this section, in addition to any 14261
other relevant circumstances, should consider all of the 14262
following: 14263

(i) Any history of domestic violence or of any other violent acts by either person involved in the alleged offense that the officer reasonably can ascertain;	14264 14265 14266
(ii) If violence is alleged, whether the alleged violence was caused by a person acting in self-defense;	14267 14268
(iii) Each person's fear of physical harm, if any, resulting from the other person's threatened use of force against any person or resulting from the other person's use or history of the use of force against any person, and the reasonableness of that fear;	14269 14270 14271 14272
(iv) The comparative severity of any injuries suffered by the persons involved in the alleged offense.	14273 14274
(e)(i) A peace officer described in division (A) of this section shall not require, as a prerequisite to arresting or charging a person who has committed the offense of domestic violence or the offense of violating a protection order, that the victim of the offense specifically consent to the filing of charges against the person who has committed the offense or sign a complaint against the person who has committed the offense.	14275 14276 14277 14278 14279 14280 14281
(ii) If a person is arrested for or charged with committing the offense of domestic violence or the offense of violating a protection order and if the victim of the offense does not cooperate with the involved law enforcement or prosecuting authorities in the prosecution of the offense or, subsequent to the arrest or the filing of the charges, informs the involved law enforcement or prosecuting authorities that the victim does not wish the prosecution of the offense to continue or wishes to drop charges against the alleged offender relative to the offense, the involved prosecuting authorities, in determining whether to continue with the prosecution of the offense or whether to dismiss charges against the alleged offender relative to the offense and notwithstanding the victim's failure to cooperate or the victim's	14282 14283 14284 14285 14286 14287 14288 14289 14290 14291 14292 14293 14294

wishes, shall consider all facts and circumstances that are 14295
relevant to the offense, including, but not limited to, the 14296
statements and observations of the peace officers who responded to 14297
the incident that resulted in the arrest or filing of the charges 14298
and of all witnesses to that incident. 14299

(f) In determining pursuant to divisions (B)(3)(a) to (g) of 14300
this section whether to arrest a person pursuant to division 14301
(B)(1) of this section, a peace officer described in division (A) 14302
of this section shall not consider as a factor any possible 14303
shortage of cell space at the detention facility to which the 14304
person will be taken subsequent to the person's arrest or any 14305
possibility that the person's arrest might cause, contribute to, 14306
or exacerbate overcrowding at that detention facility or at any 14307
other detention facility. 14308

(g) If a peace officer described in division (A) of this 14309
section intends pursuant to divisions (B)(3)(a) to (g) of this 14310
section to arrest a person pursuant to division (B)(1) of this 14311
section and if the officer is unable to do so because the person 14312
is not present, the officer promptly shall seek a warrant for the 14313
arrest of the person. 14314

(h) If a peace officer described in division (A) of this 14315
section responds to a report of an alleged incident of the offense 14316
of domestic violence or an alleged incident of the offense of 14317
violating a protection order and if the circumstances of the 14318
incident involved the use or threatened use of a deadly weapon or 14319
any person involved in the incident brandished a deadly weapon 14320
during or in relation to the incident, the deadly weapon that was 14321
used, threatened to be used, or brandished constitutes contraband, 14322
and, to the extent possible, the officer shall seize the deadly 14323
weapon as contraband pursuant to Chapter 2981. of the Revised 14324
Code. Upon the seizure of a deadly weapon pursuant to division 14325
(B)(3)(h) of this section, section 2981.12 of the Revised Code 14326

shall apply regarding the treatment and disposition of the deadly 14327
weapon. For purposes of that section, the "underlying criminal 14328
offense" that was the basis of the seizure of a deadly weapon 14329
under division (B)(3)(h) of this section and to which the deadly 14330
weapon had a relationship is any of the following that is 14331
applicable: 14332

(i) The alleged incident of the offense of domestic violence 14333
or the alleged incident of the offense of violating a protection 14334
order to which the officer who seized the deadly weapon responded; 14335

(ii) Any offense that arose out of the same facts and 14336
circumstances as the report of the alleged incident of the offense 14337
of domestic violence or the alleged incident of the offense of 14338
violating a protection order to which the officer who seized the 14339
deadly weapon responded. 14340

(4) If, in the circumstances described in divisions (B)(3)(a) 14341
to (g) of this section, a peace officer described in division (A) 14342
of this section arrests and detains a person pursuant to division 14343
(B)(1) of this section, or if, pursuant to division (B)(3)(h) of 14344
this section, a peace officer described in division (A) of this 14345
section seizes a deadly weapon, the officer, to the extent 14346
described in and in accordance with section 9.86 or 2744.03 of the 14347
Revised Code, is immune in any civil action for damages for 14348
injury, death, or loss to person or property that arises from or 14349
is related to the arrest and detention or the seizure. 14350

(C) When there is reasonable ground to believe that a 14351
violation of division (A)(1), (2), (3), (4), or (5) of section 14352
4506.15 or a violation of section 4511.19 of the Revised Code has 14353
been committed by a person operating a motor vehicle subject to 14354
regulation by the public utilities commission of Ohio under Title 14355
XLIX of the Revised Code, a peace officer with authority to 14356
enforce that provision of law may stop or detain the person whom 14357
the officer has reasonable cause to believe was operating the 14358

motor vehicle in violation of the division or section and, after 14359
investigating the circumstances surrounding the operation of the 14360
vehicle, may arrest and detain the person. 14361

(D) If a sheriff, deputy sheriff, marshal, deputy marshal, 14362
municipal police officer, member of a police force employed by a 14363
metropolitan housing authority under division (D) of section 14364
3735.31 of the Revised Code, member of a police force employed by 14365
a regional transit authority under division (Y) of section 306.35 14366
of the Revised Code, special police officer employed by a port 14367
authority under section 4582.04 or 4582.28 of the Revised Code, 14368
special police officer employed by a municipal corporation at a 14369
municipal airport or other municipal air navigation facility 14370
described in division (A) of this section, township constable, 14371
police officer of a township or joint township police district, 14372
state university law enforcement officer appointed under section 14373
3345.04 of the Revised Code, peace officer of the department of 14374
natural resources, individual designated to perform law 14375
enforcement duties under section 511.232, 1545.13, or 6101.75 of 14376
the Revised Code, the house sergeant at arms if the house sergeant 14377
at arms has arrest authority pursuant to division (E)(1) of 14378
section 101.311 of the Revised Code, or an assistant house 14379
sergeant at arms is authorized by division (A) or (B) of this 14380
section to arrest and detain, within the limits of the political 14381
subdivision, metropolitan housing authority housing project, 14382
regional transit authority facilities or those areas of a 14383
municipal corporation that have been agreed to by a regional 14384
transit authority and a municipal corporation located within its 14385
territorial jurisdiction, port authority, municipal airport or 14386
other municipal air navigation facility, college, or university in 14387
which the officer is appointed, employed, or elected or within the 14388
limits of the territorial jurisdiction of the peace officer, a 14389
person until a warrant can be obtained, the peace officer, outside 14390
the limits of that territory, may pursue, arrest, and detain that 14391

person until a warrant can be obtained if all of the following 14392
apply: 14393

(1) The pursuit takes place without unreasonable delay after 14394
the offense is committed; 14395

(2) The pursuit is initiated within the limits of the 14396
political subdivision, metropolitan housing authority housing 14397
project, regional transit authority facilities or those areas of a 14398
municipal corporation that have been agreed to by a regional 14399
transit authority and a municipal corporation located within its 14400
territorial jurisdiction, port authority, municipal airport or 14401
other municipal air navigation facility, college, or university in 14402
which the peace officer is appointed, employed, or elected or 14403
within the limits of the territorial jurisdiction of the peace 14404
officer; 14405

(3) The offense involved is a felony, a misdemeanor of the 14406
first degree or a substantially equivalent municipal ordinance, a 14407
misdemeanor of the second degree or a substantially equivalent 14408
municipal ordinance, or any offense for which points are 14409
chargeable pursuant to section 4510.036 of the Revised Code. 14410

(E) In addition to the authority granted under division (A) 14411
or (B) of this section: 14412

(1) A sheriff or deputy sheriff may arrest and detain, until 14413
a warrant can be obtained, any person found violating section 14414
4503.11, 4503.21, or 4549.01, sections 4549.08 to 4549.12, section 14415
4549.62, or Chapter 4511. or 4513. of the Revised Code on the 14416
portion of any street or highway that is located immediately 14417
adjacent to the boundaries of the county in which the sheriff or 14418
deputy sheriff is elected or appointed. 14419

(2) A member of the police force of a township police 14420
district created under section 505.48 of the Revised Code, a 14421
member of the police force of a joint township police district 14422

created under section 505.481 of the Revised Code, or a township constable appointed in accordance with section 509.01 of the Revised Code, who has received a certificate from the Ohio peace officer training commission under section 109.75 of the Revised Code, may arrest and detain, until a warrant can be obtained, any person found violating any section or chapter of the Revised Code listed in division (E)(1) of this section, other than sections 4513.33 and 4513.34 of the Revised Code, on the portion of any street or highway that is located immediately adjacent to the boundaries of the township police district or joint township police district, in the case of a member of a township police district or joint township police district police force, or the unincorporated territory of the township, in the case of a township constable. However, if the population of the township that created the township police district served by the member's police force, or the townships that created the joint township police district served by the member's police force, or the township that is served by the township constable, is sixty thousand or less, the member of the township police district or joint police district police force or the township constable may not make an arrest under division (E)(2) of this section on a state highway that is included as part of the interstate system.

(3) A police officer or village marshal appointed, elected, or employed by a municipal corporation may arrest and detain, until a warrant can be obtained, any person found violating any section or chapter of the Revised Code listed in division (E)(1) of this section on the portion of any street or highway that is located immediately adjacent to the boundaries of the municipal corporation in which the police officer or village marshal is appointed, elected, or employed.

(4) A peace officer of the department of natural resources or an individual designated to perform law enforcement duties under

section 511.232, 1545.13, or 6101.75 of the Revised Code may 14455
arrest and detain, until a warrant can be obtained, any person 14456
found violating any section or chapter of the Revised Code listed 14457
in division (E)(1) of this section, other than sections 4513.33 14458
and 4513.34 of the Revised Code, on the portion of any street or 14459
highway that is located immediately adjacent to the boundaries of 14460
the lands and waters that constitute the territorial jurisdiction 14461
of the peace officer. 14462

(F)(1) A department of mental health special police officer 14463
or a department of mental retardation and developmental 14464
disabilities special police officer may arrest without a warrant 14465
and detain until a warrant can be obtained any person found 14466
committing on the premises of any institution under the 14467
jurisdiction of the particular department a misdemeanor under a 14468
law of the state. 14469

A department of mental health special police officer or a 14470
department of mental retardation and developmental disabilities 14471
special police officer may arrest without a warrant and detain 14472
until a warrant can be obtained any person who has been 14473
hospitalized, institutionalized, or confined in an institution 14474
under the jurisdiction of the particular department pursuant to or 14475
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 14476
2945.40, 2945.401, or 2945.402 of the Revised Code and who is 14477
found committing on the premises of any institution under the 14478
jurisdiction of the particular department a violation of section 14479
2921.34 of the Revised Code that involves an escape from the 14480
premises of the institution. 14481

(2)(a) If a department of mental health special police 14482
officer or a department of mental retardation and developmental 14483
disabilities special police officer finds any person who has been 14484
hospitalized, institutionalized, or confined in an institution 14485
under the jurisdiction of the particular department pursuant to or 14486

under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 14487
2945.40, 2945.401, or 2945.402 of the Revised Code committing a 14488
violation of section 2921.34 of the Revised Code that involves an 14489
escape from the premises of the institution, or if there is 14490
reasonable ground to believe that a violation of section 2921.34 14491
of the Revised Code has been committed that involves an escape 14492
from the premises of an institution under the jurisdiction of the 14493
department of mental health or the department of mental 14494
retardation and developmental disabilities and if a department of 14495
mental health special police officer or a department of mental 14496
retardation and developmental disabilities special police officer 14497
has reasonable cause to believe that a particular person who has 14498
been hospitalized, institutionalized, or confined in the 14499
institution pursuant to or under authority of section 2945.37, 14500
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 14501
Revised Code is guilty of the violation, the special police 14502
officer, outside of the premises of the institution, may pursue, 14503
arrest, and detain that person for that violation of section 14504
2921.34 of the Revised Code, until a warrant can be obtained, if 14505
both of the following apply: 14506

(i) The pursuit takes place without unreasonable delay after 14507
the offense is committed; 14508

(ii) The pursuit is initiated within the premises of the 14509
institution from which the violation of section 2921.34 of the 14510
Revised Code occurred. 14511

(b) For purposes of division (F)(2)(a) of this section, the 14512
execution of a written statement by the administrator of the 14513
institution in which a person had been hospitalized, 14514
institutionalized, or confined pursuant to or under authority of 14515
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 14516
2945.402 of the Revised Code alleging that the person has escaped 14517
from the premises of the institution in violation of section 14518

2921.34 of the Revised Code constitutes reasonable ground to 14519
believe that the violation was committed and reasonable cause to 14520
believe that the person alleged in the statement to have committed 14521
the offense is guilty of the violation. 14522

(G) As used in this section: 14523

(1) A "department of mental health special police officer" 14524
means a special police officer of the department of mental health 14525
designated under section 5119.14 of the Revised Code who is 14526
certified by the Ohio peace officer training commission under 14527
section 109.77 of the Revised Code as having successfully 14528
completed an approved peace officer basic training program. 14529

(2) A "department of mental retardation and developmental 14530
disabilities special police officer" means a special police 14531
officer of the department of mental retardation and developmental 14532
disabilities designated under section 5123.13 of the Revised Code 14533
who is certified by the Ohio peace officer training council under 14534
section 109.77 of the Revised Code as having successfully 14535
completed an approved peace officer basic training program. 14536

(3) "Deadly weapon" has the same meaning as in section 14537
2923.11 of the Revised Code. 14538

(4) "Family or household member" has the same meaning as in 14539
section 2919.25 of the Revised Code. 14540

(5) "Street" or "highway" has the same meaning as in section 14541
4511.01 of the Revised Code. 14542

(6) "Interstate system" has the same meaning as in section 14543
5516.01 of the Revised Code. 14544

(7) "Peace officer of the department of natural resources" 14545
means an employee of the department of natural resources who is a 14546
natural resources law enforcement staff officer designated 14547
pursuant to section 1501.013 of the Revised Code, a forest officer 14548

designated pursuant to section 1503.29 of the Revised Code, a 14549
preserve officer designated pursuant to section 1517.10 of the 14550
Revised Code, a wildlife officer designated pursuant to section 14551
1531.13 of the Revised Code, a park officer designated pursuant to 14552
section 1541.10 of the Revised Code, or a state watercraft officer 14553
designated pursuant to section 1547.521 of the Revised Code. 14554

(8) "Portion of any street or highway" means all lanes of the 14555
street or highway irrespective of direction of travel, including 14556
designated turn lanes, and any berm, median, or shoulder. 14557

Sec. 3109.04. (A) In any divorce, legal separation, or 14558
annulment proceeding and in any proceeding pertaining to the 14559
allocation of parental rights and responsibilities for the care of 14560
a child, upon hearing the testimony of either or both parents and 14561
considering any mediation report filed pursuant to section 14562
3109.052 of the Revised Code and in accordance with sections 14563
3127.01 to 3127.53 of the Revised Code, the court shall allocate 14564
the parental rights and responsibilities for the care of the minor 14565
children of the marriage. Subject to division (D)(2) of this 14566
section, the court may allocate the parental rights and 14567
responsibilities for the care of the children in either of the 14568
following ways: 14569

(1) If neither parent files a pleading or motion in 14570
accordance with division (G) of this section, if at least one 14571
parent files a pleading or motion under that division but no 14572
parent who filed a pleading or motion under that division also 14573
files a plan for shared parenting, or if at least one parent files 14574
both a pleading or motion and a shared parenting plan under that 14575
division but no plan for shared parenting is in the best interest 14576
of the children, the court, in a manner consistent with the best 14577
interest of the children, shall allocate the parental rights and 14578
responsibilities for the care of the children primarily to one of 14579

the parents, designate that parent as the residential parent and 14580
the legal custodian of the child, and divide between the parents 14581
the other rights and responsibilities for the care of the 14582
children, including, but not limited to, the responsibility to 14583
provide support for the children and the right of the parent who 14584
is not the residential parent to have continuing contact with the 14585
children. 14586

(2) If at least one parent files a pleading or motion in 14587
accordance with division (G) of this section and a plan for shared 14588
parenting pursuant to that division and if a plan for shared 14589
parenting is in the best interest of the children and is approved 14590
by the court in accordance with division (D)(1) of this section, 14591
the court may allocate the parental rights and responsibilities 14592
for the care of the children to both parents and issue a shared 14593
parenting order requiring the parents to share all or some of the 14594
aspects of the physical and legal care of the children in 14595
accordance with the approved plan for shared parenting. If the 14596
court issues a shared parenting order under this division and it 14597
is necessary for the purpose of receiving public assistance, the 14598
court shall designate which one of the parents' residences is to 14599
serve as the child's home. The child support obligations of the 14600
parents under a shared parenting order issued under this division 14601
shall be determined in accordance with Chapters 3119., 3121., 14602
3123., and 3125. of the Revised Code. 14603

(B)(1) When making the allocation of the parental rights and 14604
responsibilities for the care of the children under this section 14605
in an original proceeding or in any proceeding for modification of 14606
a prior order of the court making the allocation, the court shall 14607
take into account that which would be in the best interest of the 14608
children. In determining the child's best interest for purposes of 14609
making its allocation of the parental rights and responsibilities 14610
for the care of the child and for purposes of resolving any issues 14611

related to the making of that allocation, the court, in its 14612
discretion, may and, upon the request of either party, shall 14613
interview in chambers any or all of the involved children 14614
regarding their wishes and concerns with respect to the 14615
allocation. 14616

(2) If the court interviews any child pursuant to division 14617
(B)(1) of this section, all of the following apply: 14618

(a) The court, in its discretion, may and, upon the motion of 14619
either parent, shall appoint a guardian ad litem for the child. 14620

(b) The court first shall determine the reasoning ability of 14621
the child. If the court determines that the child does not have 14622
sufficient reasoning ability to express the child's wishes and 14623
concern with respect to the allocation of parental rights and 14624
responsibilities for the care of the child, it shall not determine 14625
the child's wishes and concerns with respect to the allocation. If 14626
the court determines that the child has sufficient reasoning 14627
ability to express the child's wishes or concerns with respect to 14628
the allocation, it then shall determine whether, because of 14629
special circumstances, it would not be in the best interest of the 14630
child to determine the child's wishes and concerns with respect to 14631
the allocation. If the court determines that, because of special 14632
circumstances, it would not be in the best interest of the child 14633
to determine the child's wishes and concerns with respect to the 14634
allocation, it shall not determine the child's wishes and concerns 14635
with respect to the allocation and shall enter its written 14636
findings of fact and opinion in the journal. If the court 14637
determines that it would be in the best interests of the child to 14638
determine the child's wishes and concerns with respect to the 14639
allocation, it shall proceed to make that determination. 14640

(c) The interview shall be conducted in chambers, and no 14641
person other than the child, the child's attorney, the judge, any 14642
necessary court personnel, and, in the judge's discretion, the 14643

attorney of each parent shall be permitted to be present in the 14644
chambers during the interview. 14645

(3) No person shall obtain or attempt to obtain from a child 14646
a written or recorded statement or affidavit setting forth the 14647
child's wishes and concerns regarding the allocation of parental 14648
rights and responsibilities concerning the child. No court, in 14649
determining the child's best interest for purposes of making its 14650
allocation of the parental rights and responsibilities for the 14651
care of the child or for purposes of resolving any issues related 14652
to the making of that allocation, shall accept or consider a 14653
written or recorded statement or affidavit that purports to set 14654
forth the child's wishes and concerns regarding those matters. 14655

(C) Prior to trial, the court may cause an investigation to 14656
be made as to the character, family relations, past conduct, 14657
earning ability, and financial worth of each parent and may order 14658
the parents and their minor children to submit to medical, 14659
psychological, and psychiatric examinations. The report of the 14660
investigation and examinations shall be made available to either 14661
parent or the parent's counsel of record not less than five days 14662
before trial, upon written request. The report shall be signed by 14663
the investigator, and the investigator shall be subject to 14664
cross-examination by either parent concerning the contents of the 14665
report. The court may tax as costs all or any part of the expenses 14666
for each investigation. 14667

If the court determines that either parent previously has 14668
been convicted of or pleaded guilty to any criminal offense 14669
involving any act that resulted in a child being a neglected 14670
child, that either parent previously has been determined to be the 14671
perpetrator of the neglectful act that is the basis of an 14672
adjudication that a child is a neglected child, or that there is 14673
reason to believe that either parent has acted in a manner 14674
resulting in a child being a neglected child, the court shall 14675

consider that fact against naming that parent the residential 14676
parent and against granting a shared parenting decree. When the 14677
court allocates parental rights and responsibilities for the care 14678
of children or determines whether to grant shared parenting in any 14679
proceeding, it shall consider whether either parent or any member 14680
of the household of either parent has been convicted of or pleaded 14681
guilty to a violation of section 2919.25 of the Revised Code or a 14682
sexually oriented offense involving a victim who at the time of 14683
the commission of the offense was a member of the family or 14684
household that is the subject of the proceeding, has been 14685
convicted of or pleaded guilty to any sexually oriented offense or 14686
other offense involving a victim who at the time of the commission 14687
of the offense was a member of the family or household that is the 14688
subject of the proceeding and caused physical harm to the victim 14689
in the commission of the offense, or has been determined to be the 14690
perpetrator of the abusive act that is the basis of an 14691
adjudication that a child is an abused child. If the court 14692
determines that either parent has been convicted of or pleaded 14693
guilty to a violation of section 2919.25 of the Revised Code or a 14694
sexually oriented offense involving a victim who at the time of 14695
the commission of the offense was a member of the family or 14696
household that is the subject of the proceeding, has been 14697
convicted of or pleaded guilty to any sexually oriented offense or 14698
other offense involving a victim who at the time of the commission 14699
of the offense was a member of the family or household that is the 14700
subject of the proceeding and caused physical harm to the victim 14701
in the commission of the offense, or has been determined to be the 14702
perpetrator of the abusive act that is the basis of an 14703
adjudication that a child is an abused child, it may designate 14704
that parent as the residential parent and may issue a shared 14705
parenting decree or order only if it determines that it is in the 14706
best interest of the child to name that parent the residential 14707
parent or to issue a shared parenting decree or order and it makes 14708

specific written findings of fact to support its determination. 14709

(D)(1)(a) Upon the filing of a pleading or motion by either 14710
parent or both parents, in accordance with division (G) of this 14711
section, requesting shared parenting and the filing of a shared 14712
parenting plan in accordance with that division, the court shall 14713
comply with division (D)(1)(a)(i), (ii), or (iii) of this section, 14714
whichever is applicable: 14715

(i) If both parents jointly make the request in their 14716
pleadings or jointly file the motion and also jointly file the 14717
plan, the court shall review the parents' plan to determine if it 14718
is in the best interest of the children. If the court determines 14719
that the plan is in the best interest of the children, the court 14720
shall approve it. If the court determines that the plan or any 14721
part of the plan is not in the best interest of the children, the 14722
court shall require the parents to make appropriate changes to the 14723
plan to meet the court's objections to it. If changes to the plan 14724
are made to meet the court's objections, and if the new plan is in 14725
the best interest of the children, the court shall approve the 14726
plan. If changes to the plan are not made to meet the court's 14727
objections, or if the parents attempt to make changes to the plan 14728
to meet the court's objections, but the court determines that the 14729
new plan or any part of the new plan still is not in the best 14730
interest of the children, the court may reject the portion of the 14731
parents' pleadings or deny their motion requesting shared 14732
parenting of the children and proceed as if the request in the 14733
pleadings or the motion had not been made. The court shall not 14734
approve a plan under this division unless it determines that the 14735
plan is in the best interest of the children. 14736

(ii) If each parent makes a request in the parent's pleadings 14737
or files a motion and each also files a separate plan, the court 14738
shall review each plan filed to determine if either is in the best 14739
interest of the children. If the court determines that one of the 14740

filed plans is in the best interest of the children, the court may 14741
approve the plan. If the court determines that neither filed plan 14742
is in the best interest of the children, the court may order each 14743
parent to submit appropriate changes to the parent's plan or both 14744
of the filed plans to meet the court's objections, or may select 14745
one of the filed plans and order each parent to submit appropriate 14746
changes to the selected plan to meet the court's objections. If 14747
changes to the plan or plans are submitted to meet the court's 14748
objections, and if any of the filed plans with the changes is in 14749
the best interest of the children, the court may approve the plan 14750
with the changes. If changes to the plan or plans are not 14751
submitted to meet the court's objections, or if the parents submit 14752
changes to the plan or plans to meet the court's objections but 14753
the court determines that none of the filed plans with the 14754
submitted changes is in the best interest of the children, the 14755
court may reject the portion of the parents' pleadings or deny 14756
their motions requesting shared parenting of the children and 14757
proceed as if the requests in the pleadings or the motions had not 14758
been made. If the court approves a plan under this division, 14759
either as originally filed or with submitted changes, or if the 14760
court rejects the portion of the parents' pleadings or denies 14761
their motions requesting shared parenting under this division and 14762
proceeds as if the requests in the pleadings or the motions had 14763
not been made, the court shall enter in the record of the case 14764
findings of fact and conclusions of law as to the reasons for the 14765
approval or the rejection or denial. Division (D)(1)(b) of this 14766
section applies in relation to the approval or disapproval of a 14767
plan under this division. 14768

(iii) If each parent makes a request in the parent's 14769
pleadings or files a motion but only one parent files a plan, or 14770
if only one parent makes a request in the parent's pleadings or 14771
files a motion and also files a plan, the court in the best 14772
interest of the children may order the other parent to file a plan 14773

for shared parenting in accordance with division (G) of this 14774
section. The court shall review each plan filed to determine if 14775
any plan is in the best interest of the children. If the court 14776
determines that one of the filed plans is in the best interest of 14777
the children, the court may approve the plan. If the court 14778
determines that no filed plan is in the best interest of the 14779
children, the court may order each parent to submit appropriate 14780
changes to the parent's plan or both of the filed plans to meet 14781
the court's objections or may select one filed plan and order each 14782
parent to submit appropriate changes to the selected plan to meet 14783
the court's objections. If changes to the plan or plans are 14784
submitted to meet the court's objections, and if any of the filed 14785
plans with the changes is in the best interest of the children, 14786
the court may approve the plan with the changes. If changes to the 14787
plan or plans are not submitted to meet the court's objections, or 14788
if the parents submit changes to the plan or plans to meet the 14789
court's objections but the court determines that none of the filed 14790
plans with the submitted changes is in the best interest of the 14791
children, the court may reject the portion of the parents' 14792
pleadings or deny the parents' motion or reject the portion of the 14793
parents' pleadings or deny their motions requesting shared 14794
parenting of the children and proceed as if the request or 14795
requests or the motion or motions had not been made. If the court 14796
approves a plan under this division, either as originally filed or 14797
with submitted changes, or if the court rejects the portion of the 14798
pleadings or denies the motion or motions requesting shared 14799
parenting under this division and proceeds as if the request or 14800
requests or the motion or motions had not been made, the court 14801
shall enter in the record of the case findings of fact and 14802
conclusions of law as to the reasons for the approval or the 14803
rejection or denial. Division (D)(1)(b) of this section applies in 14804
relation to the approval or disapproval of a plan under this 14805
division. 14806

(b) The approval of a plan under division (D)(1)(a)(ii) or 14807
(iii) of this section is discretionary with the court. The court 14808
shall not approve more than one plan under either division and 14809
shall not approve a plan under either division unless it 14810
determines that the plan is in the best interest of the children. 14811
If the court, under either division, does not determine that any 14812
filed plan or any filed plan with submitted changes is in the best 14813
interest of the children, the court shall not approve any plan. 14814

(c) Whenever possible, the court shall require that a shared 14815
parenting plan approved under division (D)(1)(a)(i), (ii), or 14816
(iii) of this section ensure the opportunity for both parents to 14817
have frequent and continuing contact with the child, unless 14818
frequent and continuing contact with any parent would not be in 14819
the best interest of the child. 14820

(d) If a court approves a shared parenting plan under 14821
division (D)(1)(a)(i), (ii), or (iii) of this section, the 14822
approved plan shall be incorporated into a final shared parenting 14823
decree granting the parents the shared parenting of the children. 14824
Any final shared parenting decree shall be issued at the same time 14825
as and shall be appended to the final decree of dissolution, 14826
divorce, annulment, or legal separation arising out of the action 14827
out of which the question of the allocation of parental rights and 14828
responsibilities for the care of the children arose. 14829

No provisional shared parenting decree shall be issued in 14830
relation to any shared parenting plan approved under division 14831
(D)(1)(a)(i), (ii), or (iii) of this section. A final shared 14832
parenting decree issued under this division has immediate effect 14833
as a final decree on the date of its issuance, subject to 14834
modification or termination as authorized by this section. 14835

(2) If the court finds, with respect to any child under 14836
eighteen years of age, that it is in the best interest of the 14837
child for neither parent to be designated the residential parent 14838

and legal custodian of the child, it may commit the child to a relative of the child or certify a copy of its findings, together with as much of the record and the further information, in narrative form or otherwise, that it considers necessary or as the juvenile court requests, to the juvenile court for further proceedings, and, upon the certification, the juvenile court has exclusive jurisdiction.

(E)(1)(a) The court shall not modify a prior decree allocating parental rights and responsibilities for the care of children unless it finds, based on facts that have arisen since the prior decree or that were unknown to the court at the time of the prior decree, that a change has occurred in the circumstances of the child, the child's residential parent, or either of the parents subject to a shared parenting decree, and that the modification is necessary to serve the best interest of the child. In applying these standards, the court shall retain the residential parent designated by the prior decree or the prior 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 14870
requesting that the prior decree be modified to give both parents 14871
shared rights and responsibilities for the care of the children. 14872
The motion shall include both a request for modification of the 14873
prior decree and a request for a shared parenting order that 14874
complies with division (G) of this section. Upon the filing of the 14875
motion, if the court determines that a modification of the prior 14876
decree is authorized under division (E)(1)(a) of this section, the 14877
court may modify the prior decree to grant a shared parenting 14878
order, provided that the court shall not modify the prior decree 14879
to grant a shared parenting order unless the court complies with 14880
divisions (A) and (D)(1) of this section and, in accordance with 14881
those divisions, approves the submitted shared parenting plan and 14882
determines that shared parenting would be in the best interest of 14883
the children. 14884

(2) In addition to a modification authorized under division 14885
(E)(1) of this section: 14886

(a) Both parents under a shared parenting decree jointly may 14887
modify the terms of the plan for shared parenting approved by the 14888
court and incorporated by it into the shared parenting decree. 14889
Modifications under this division may be made at any time. The 14890
modifications to the plan shall be filed jointly by both parents 14891
with the court, and the court shall include them in the plan, 14892
unless they are not in the best interest of the children. If the 14893
modifications are not in the best interests of the children, the 14894
court, in its discretion, may reject the modifications or make 14895
modifications to the proposed modifications or the plan that are 14896
in the best interest of the children. Modifications jointly 14897
submitted by both parents under a shared parenting decree shall be 14898
effective, either as originally filed or as modified by the court, 14899
upon their inclusion by the court in the plan. Modifications to 14900
the plan made by the court shall be effective upon their inclusion 14901

by the court in the plan. 14902

(b) The court may modify the terms of the plan for shared 14903
parenting approved by the court and incorporated by it into the 14904
shared parenting decree upon its own motion at any time if the 14905
court determines that the modifications are in the best interest 14906
of the children or upon the request of one or both of the parents 14907
under the decree. Modifications under this division may be made at 14908
any time. The court shall not make any modification to the plan 14909
under this division, unless the modification is in the best 14910
interest of the children. 14911

(c) The court may terminate a prior final shared parenting 14912
decree that includes a shared parenting plan approved under 14913
division (D)(1)(a)(i) of this section upon the request of one or 14914
both of the parents or whenever it determines that shared 14915
parenting is not in the best interest of the children. The court 14916
may terminate a prior final shared parenting decree that includes 14917
a shared parenting plan approved under division (D)(1)(a)(ii) or 14918
(iii) of this section if it determines, upon its own motion or 14919
upon the request of one or both parents, that shared parenting is 14920
not in the best interest of the children. If modification of the 14921
terms of the plan for shared parenting approved by the court and 14922
incorporated by it into the final shared parenting decree is 14923
attempted under division (E)(2)(a) of this section and the court 14924
rejects the modifications, it may terminate the final shared 14925
parenting decree if it determines that shared parenting is not in 14926
the best interest of the children. 14927

(d) Upon the termination of a prior final shared parenting 14928
decree under division (E)(2)(c) of this section, the court shall 14929
proceed and issue a modified decree for the allocation of parental 14930
rights and responsibilities for the care of the children under the 14931
standards applicable under divisions (A), (B), and (C) of this 14932
section as if no decree for shared parenting had been granted and 14933

as if no request for shared parenting ever had been made. 14934

(F)(1) In determining the best interest of a child pursuant 14935
to this section, whether on an original decree allocating parental 14936
rights and responsibilities for the care of children or a 14937
modification of a decree allocating those rights and 14938
responsibilities, the court shall consider all relevant factors, 14939
including, but not limited to: 14940

(a) The wishes of the child's parents regarding the child's 14941
care; 14942

(b) If the court has interviewed the child in chambers 14943
pursuant to division (B) of this section regarding the child's 14944
wishes and concerns as to the allocation of parental rights and 14945
responsibilities concerning the child, the wishes and concerns of 14946
the child, as expressed to the court; 14947

(c) The child's interaction and interrelationship with the 14948
child's parents, siblings, and any other person who may 14949
significantly affect the child's best interest; 14950

(d) The child's adjustment to the child's home, school, and 14951
community; 14952

(e) The mental and physical health of all persons involved in 14953
the situation; 14954

(f) The parent more likely to honor and facilitate 14955
court-approved parenting time rights or visitation and 14956
companionship rights; 14957

(g) Whether either parent has failed to make all child 14958
support payments, including all arrearages, that are required of 14959
that parent pursuant to a child support order under which that 14960
parent is an obligor; 14961

(h) Whether either parent or any member of the household of 14962
either parent previously has been convicted of or pleaded guilty 14963

to any criminal offense involving any act that resulted in a child being an abused child or a neglected child; whether either parent, in a case in which a child has been adjudicated an abused child or a neglected child, previously has been determined to be the perpetrator of the abusive or neglectful act that is the basis of an adjudication; whether either parent or any member of the household of either parent previously has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code or a sexually oriented offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the current proceeding; whether either parent or any member of the household of either parent previously has been convicted of or pleaded guilty to any offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the current proceeding and caused physical harm to the victim in the commission of the offense; and whether there is reason to believe that either parent has acted in a manner resulting in a child being an abused child or a neglected child;

(i) Whether the residential parent or one of the parents subject to a shared parenting decree has continuously and willfully denied the other parent's right to parenting time in accordance with an order of the court;

(j) Whether either parent has established a residence, or is planning to establish a residence, outside this state.

(2) In determining whether shared parenting is in the best interest of the children, the court shall consider all relevant factors, including, but not limited to, the factors enumerated in division (F)(1) of this section, the factors enumerated in section 3119.23 of the Revised Code, and all of the following factors:

(a) The ability of the parents to cooperate and make decisions jointly, with respect to the children;

(b) The ability of each parent to encourage the sharing of love, affection, and contact between the child and the other parent;	14996 14997 14998
(c) Any history of, or potential for, child abuse, spouse abuse, other domestic violence, or parental kidnapping by either parent;	14999 15000 15001
(d) The geographic proximity of the parents to each other, as the proximity relates to the practical considerations of shared parenting;	15002 15003 15004
(e) The recommendation of the guardian ad litem of the child, if the child has a guardian ad litem.	15005 15006
(3) When allocating parental rights and responsibilities for the care of children, the court shall not give preference to a parent because of that parent's financial status or condition.	15007 15008 15009
(G) Either parent or both parents of any children may file a pleading or motion with the court requesting the court to grant both parents shared parental rights and responsibilities for the care of the children in a proceeding held pursuant to division (A) of this section. If a pleading or motion requesting shared parenting is filed, the parent or parents filing the pleading or motion also shall file with the court a plan for the exercise of shared parenting by both parents. If each parent files a pleading or motion requesting shared parenting but only one parent files a plan or if only one parent files a pleading or motion requesting shared parenting and also files a plan, the other parent as ordered by the court shall file with the court a plan for the exercise of shared parenting by both parents. The plan for shared parenting shall be filed with the petition for dissolution of marriage, if the question of parental rights and responsibilities for the care of the children arises out of an action for dissolution of marriage, or, in other cases, at a time at least	15010 15011 15012 15013 15014 15015 15016 15017 15018 15019 15020 15021 15022 15023 15024 15025 15026

thirty days prior to the hearing on the issue of the parental 15027
rights and responsibilities for the care of the children. A plan 15028
for shared parenting shall include provisions covering all factors 15029
that are relevant to the care of the children, including, but not 15030
limited to, provisions covering factors such as physical living 15031
arrangements, child support obligations, provision for the 15032
children's medical and dental care, school placement, and the 15033
parent with which the children will be physically located during 15034
legal holidays, school holidays, and other days of special 15035
importance. 15036

(H) If an appeal is taken from a decision of a court that 15037
grants or modifies a decree allocating parental rights and 15038
responsibilities for the care of children, the court of appeals 15039
shall give the case calendar priority and handle it expeditiously. 15040

(I) Upon receipt of an order to active military service in 15041
the uniformed services, a parent who is subject to an order 15042
allocating parental rights and responsibilities or in relation to 15043
whom an action to allocate parental rights and responsibilities is 15044
pending and who is ordered to active military service shall notify 15045
the other parent who is subject to the order or in relation to 15046
whom the case is pending of the order to active military service. 15047
Either parent may apply to the court for a hearing to expedite an 15048
allocation or modification proceeding. The application shall 15049
include the date on which the active military service begins. 15050

The court shall schedule a hearing upon receipt of the 15051
application and hold the hearing not later than thirty days after 15052
receipt of the application, except that the court shall give the 15053
case calendar priority and handle the case expeditiously if 15054
exigent circumstances exist in the case. 15055

The court shall not modify a prior decree allocating parental 15056
rights and responsibilities unless the court determines by clear 15057
and convincing evidence that there has been a change in 15058

circumstances of the child, the child's residential parent, or 15059
either of the parents subject to a shared parenting decree, and 15060
that modification is necessary to serve the best interest of the 15061
child. The court shall not consider active military service in the 15062
uniformed services in determining whether a change in 15063
circumstances exists under this section. 15064

Nothing in this division shall prevent a court from issuing a 15065
temporary order allocating or modifying parental rights and 15066
responsibilities for the duration of the parent's active military 15067
service. 15068

(J) As used in this section: 15069

(1) "Abused child" has the same meaning as in section 15070
2151.031 of the Revised Code, ~~and "neglected,~~ 15071

(2) "Active military service" means the performance of active 15072
military duty by a member of the uniformed services for a period 15073
of more than thirty days. 15074

(3) "Neglected child" has the same meaning as in section 15075
2151.03 of the Revised Code. 15076

~~(2)~~(4) "Sexually oriented offense" has the same meaning as in 15077
section 2950.01 of the Revised Code. 15078

(5) "Uniformed services" means the United States armed 15079
forces, army national guard and air national guard when engaged in 15080
active duty for training, or the commissioned corps of the United 15081
States public health service. 15082

~~(J)~~(K) As used in the Revised Code, "shared parenting" means 15083
that the parents share, in the manner set forth in the plan for 15084
shared parenting that is approved by the court under division 15085
(D)(1) and described in division ~~(K)~~(L)(6) of this section, all or 15086
some of the aspects of physical and legal care of their children. 15087

~~(K)~~(L) For purposes of the Revised Code: 15088

(1) A parent who is granted the care, custody, and control 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 has "custody of the child" and "care, custody, and control of the child" under the order, and is the "residential parent," the "residential parent and legal custodian," or the "custodial parent" of the child under the order.

(2) A parent who primarily is allocated the parental rights and responsibilities for the care of a child and who is 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 has "custody of the child" and "care, custody, and control of the child" under the order, and is the "residential parent," the "residential parent and legal custodian," or the "custodial parent" of the child under the order.

(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 15121
"custody of the child" or "care, custody, and control of the 15122
child" under the order, to the extent and in the manner specified 15123
in the order. 15124

(6) Unless the context clearly requires otherwise and except 15125
as otherwise provided in the order, if an order is issued by a 15126
court pursuant to this section and the order provides for shared 15127
parenting of a child, each parent, regardless of where the child 15128
is physically located or with whom the child is residing at a 15129
particular point in time, as specified in the order, is the 15130
"residential parent," the "residential parent and legal 15131
custodian," or the "custodial parent" of the child. 15132

(7) Unless the context clearly requires otherwise and except 15133
as otherwise provided in the order, a designation in the order of 15134
a parent as the residential parent for the purpose of determining 15135
the school the child attends, as the custodial parent for purposes 15136
of claiming the child as a dependent pursuant to section 152(e) of 15137
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 15138
1, as amended, or as the residential parent for purposes of 15139
receiving public assistance pursuant to division (A)(2) of this 15140
section, does not affect the designation pursuant to division 15141
~~(K)~~(L)(6) of this section of each parent as the "residential 15142
parent," the "residential parent and legal custodian," or the 15143
"custodial parent" of the child. 15144

~~(L)~~(M) The court shall require each parent of a child to file 15145
an affidavit attesting as to whether the parent, and the members 15146
of the parent's household, have been convicted of or pleaded 15147
guilty to any of the offenses identified in divisions (C) and 15148
(F)(1)(h) of this section. 15149

Sec. 3109.041. (A) Parties to any custody decree issued 15150
pursuant to section 3109.04 of the Revised Code prior to ~~the~~ 15151

~~effective date of this amendment~~ April 11, 1991, may file a motion 15152
with the court that issued the decree requesting the issuance of a 15153
shared parenting decree in accordance with division (G) of section 15154
3109.04 of the Revised Code. Upon the filing of the motion, the 15155
court shall determine whether to grant the parents shared rights 15156
and responsibilities for the care of the children in accordance 15157
with divisions (A), (D)(1), ~~and~~ (E)(1), and (I) of section 3109.04 15158
of the Revised Code. 15159

(B) A custody decree issued pursuant to section 3109.04 of 15160
the Revised Code prior to ~~the effective date of this amendment~~ 15161
April 11, 1991, that granted joint care, custody, and control of 15162
the children to the parents shall not be affected or invalidated 15163
by, and shall not be construed as being affected or invalidated 15164
by, the provisions of section 3109.04 of the Revised Code relative 15165
to the granting of a shared parenting decree or a decree 15166
allocating parental rights and responsibilities for the care of 15167
children on and after ~~the effective date of this amendment~~ April 15168
11, 1991. The decree issued prior to ~~the effective date of this~~ 15169
~~amendment~~ April 11, 1991 shall remain in full force and effect, 15170
subject to modification or termination pursuant to section 3109.04 15171
of the Revised Code as that section exists on and after ~~the~~ 15172
~~effective date of this amendment~~ April 11, 1991. 15173

(C) As used in this section, "joint custody" and "joint care, 15174
custody, and control" have the same meaning as "shared parenting." 15175

Sec. 3119.022. When a court or child support enforcement 15176
agency calculates the amount of child support to be paid pursuant 15177
to a child support order in a proceeding in which one parent is 15178
the residential parent and legal custodian of all of the children 15179
who are the subject of the child support order or in which the 15180
court issues a shared parenting order, the court or agency shall 15181
use a worksheet identical in content and form to the following: 15182

(Include in Col. I and/or			15215
Col. II the average of the			15216
three years or the year 1			15217
amount, whichever is less,			15218
if there exists a reasonable			15219
expectation that the total			15220
earnings from overtime and/or			15221
bonuses during the current			15222
calendar year will meet or			15223
exceed the amount that is			15224
the lower of the average			15225
of the three years or the			15226
year 1 amount. If, however,			15227
there exists a reasonable			15228
expectation that the total			15229
earnings from overtime/			15230
bonuses during the current			15231
calendar year will be less			15232
than the lower of the average			15233
of the 3 years or the year 1			15234
amount, include only the			15235
amount reasonably expected			15236
to be earned this year.)... \$..... \$.....			15237
			15238
2. For self-employment income:			15239
a. Gross receipts from			15240
business..... \$..... \$.....			15241
b. Ordinary and necessary			15242
business expenses..... \$..... \$.....			15243
c. 5.6% of adjusted gross			15244
income or the actual			15245
marginal difference between			15246
the actual rate paid by the			15247

self-employed individual			15248
and the F.I.C.A. rate	\$.....	\$.....	15249
d. Adjusted gross income from			15250
self-employment (subtract			15251
the sum of 2b and 2c from			15252
2a).....	\$.....	\$.....	15253
			15254
3. Annual income from interest			15255
and dividends (whether or			15256
not taxable).....	\$.....	\$.....	15257
			15258
4. Annual income from			15259
unemployment compensation...	\$.....	\$.....	15260
			15261
5. Annual income from workers'			15262
compensation, disability			15263
insurance benefits, or social			15264
security disability/			15265
retirement benefits.....	\$.....	\$.....	15266
			15267
6. Other annual income			15268
(identify).....	\$.....	\$.....	15269
			15270
7. <u>a.</u> Total annual gross income			15271
(add lines 1a, 1b, 2d, and			15272
3-6).....	\$.....	\$.....	15273
<u>b.</u> <u>Health insurance maximum</u>			15274
<u>(multiply line 7a by 5%)</u>	<u>\$.....</u>	<u>\$.....</u>	15275
			15276
ADJUSTMENTS TO INCOME:			15277
8. Adjustment for minor children			15278
born to or adopted by either			15279
parent and another parent who			15280

are living with this parent;			15281
adjustment does not apply			15282
to stepchildren (number of			15283
children times federal income			15284
tax exemption less child			15285
support received, not to			15286
exceed the federal tax			15287
exemption).....	\$.....	\$.....	15288
			15289
9. Annual court-ordered support			15290
paid for other children....	\$.....	\$.....	15291
			15292
10. Annual court-ordered spousal			15293
support paid to any spouse			15294
or former spouse.....	\$.....	\$.....	15295
			15296
11. Amount of local income taxes			15297
actually paid or estimated			15298
to be paid.....	\$.....	\$.....	15299
			15300
12. Mandatory work-related			15301
deductions such as union			15302
dues, uniform fees, etc.			15303
(not including taxes, social			15304
security, or retirement)...	\$.....	\$.....	15305
			15306
13. Total gross income			15307
adjustments (add lines			15308
8 through 12).....	\$.....	\$.....	15309
			15310
14.			15311
<u>a.</u> Adjusted annual gross			15312
income (subtract line 13			15313

from line 7a).....	\$.....	\$.....	15314
b. <u>Cash medical support</u>			15315
<u>maximum (If the amount</u>			15316
<u>on line 7a, Col. I, is</u>			15317
<u>under 150% of the federal</u>			15318
<u>poverty level for an</u>			15319
<u>individual, enter \$0 on</u>			15320
<u>line 14b, Col. I. If</u>			15321
<u>the amount on line 7a,</u>			15322
<u>Col. I, is 150% or</u>			15323
<u>higher of the federal</u>			15324
<u>poverty level for an</u>			15325
<u>individual, multiply the</u>			15326
<u>amount on line 14a, Col. I,</u>			15327
<u>by 5% and enter this amount</u>			15328
<u>on line 14b, Col. I.</u>			15329
<u>If the amount on line 7a,</u>			15330
<u>Col. II, is under 150%</u>			15331
<u>of the federal poverty level</u>			15332
<u>for an individual, enter</u>			15333
<u>\$0 on line 14b, Col. II.</u>			15334
<u>If the amount on line 7a,</u>			15335
<u>Col. II, is 150% or higher</u>			15336
<u>of the federal poverty level</u>			15337
<u>for an individual, multiply</u>			15338
<u>the amount on line 14a,</u>			15339
<u>Col. II, by 5% and enter</u>			15340
<u>this amount on line 14b,</u>			15341
<u>Col. II.).....</u>	\$.....	\$.....	15342
			15343
15. Combined annual income that			15344
is basis for child support			15345
order (add line 14 <u>14a</u> , Col.			15346

I and Col. II)	\$.....	15347
		15348
16. Percentage of parent's		15349
income to total income		15350
a. Father (divide line 14 <u>14a</u> ,		15351
Col. I, by line 15, Col.		15352
III).....%		15353
b. Mother (divide line 14 <u>14a</u> ,		15354
Col. II, by line 15, Col.		15355
III).....%		15356
		15357
17. Basic combined child		15358
support obligation (refer		15359
to schedule, first column,		15360
locate the amount nearest		15361
to the amount on line 15,		15362
Col. III, then refer to		15363
column for number of		15364
children in this family.		15365
If the income of the		15366
parents is more than one		15367
sum but less than another,		15368
you may calculate the		15369
difference.).....	\$.....	15370
		15371
18. Annual support obligation per parent		15372
a. Father (multiply line 17,		15373
Col. III, by line 16a).....	\$.....	15374
b. Mother (multiply line 17,		15375
Col. III, by line 16b).....	\$.....	15376
		15377
19. Annual child care expenses		15378
for children who are the		15379

subject of this order that	15380
are work-, employment	15381
training-, or education-	15382
related, as approved by	15383
the court or agency	15384
(deduct tax credit from	15385
annual cost, whether or	15386
not claimed).....	\$..... \$..... 15387
	15388
20.	15389
<u>a.</u> Marginal, out-of-pocket	15390
costs, necessary to provide	15391
for health insurance for	15392
the children who are the	15393
subject of this order	15394
<u>(contributing cost of private</u>	15395
<u>family health insurance,</u>	15396
<u>minus the contributing cost</u>	15397
<u>of private single health</u>	15398
<u>insurance, divided by the</u>	15399
<u>total number of dependents</u>	15400
<u>covered by the plan,</u>	15401
<u>including the children</u>	15402
<u>subject of the support</u>	15403
<u>order, times the number of</u>	15404
<u>children subject of the</u>	15405
<u>support order)</u>	\$..... \$..... 15406
<u>b.</u> <u>Cash medical support</u>	15407
<u>obligation (enter the amount</u>	15408
<u>on line 14b or the amount</u>	15409
<u>of annual health care</u>	15410
<u>expenditures estimated by</u>	15411
<u>the United States Department</u>	15412

<u>of Agriculture and</u>		15413
<u>described in section 3119.30</u>		15414
<u>of the Revised Code,</u>		15415
<u>whichever amount is</u>		15416
<u>lower)</u>	<u>\$.....</u> <u>\$.....</u>	15417
		15418
21. ADJUSTMENTS TO CHILD SUPPORT <u>WHEN HEALTH INSURANCE IS</u>		15419
<u>PROVIDED:</u>		
Father (only if obligor	Mother (only if obligor	15420
or shared parenting)	or shared parenting)	15421
a. Additions: line 16a	b. Additions: line 16b	15422
times sum of amounts	times sum of amounts	15423
shown on line 19, Col. II	shown on line 19, Col. I	15424
and line 20 <u>20a</u> , Col. II	and line 20 <u>20a</u> , Col. I	15425
\$.....	\$.....	15426
c. Subtractions: line 16b	d. Subtractions: line 16a	15427
times sum of amounts	times sum of amounts	15428
shown on line 19, Col. I	shown on line 19, Col. II	15429
and line 20 <u>20a</u> , Col. I	and line 20 <u>20a</u> , Col. II	15430
\$.....	\$.....	15431
		15432
22. OBLIGATION AFTER ADJUSTMENTS TO CHILD SUPPORT <u>WHEN HEALTH</u>		15433
<u>INSURANCE IS PROVIDED:</u>		
a. Father: line 18a plus or		15434
minus the difference between		15435
line 21a minus line 21c		15436
.....	\$.....	15437
b. Mother: line 18b plus or		15438
minus the difference between		15439
line 21b minus line 21d		15440
.....	\$.....	15441
		15442
23. ACTUAL ANNUAL OBLIGATION <u>WHEN HEALTH INSURANCE IS PROVIDED:</u>		15443

a. (Line 22a or 22b, whichever line corresponds to the parent who is the obligor).	\$.....	15444	15445	15446
b. Any non-means-tested benefits, including social security and veterans' benefits, paid to and received by a child or a person on behalf of the child due to death, disability, or retirement of the parent.....	\$.....	15447	15448	15449
		15450	15451	15452
		15453	15454	15455
c. Actual annual obligation (subtract line 23b from line 23a).....	\$.....	15456	15457	15458
		15459		
24. ADJUSTMENTS TO CHILD SUPPORT WHEN HEALTH INSURANCE IS NOT PROVIDED:		15460		
<u>Father (only if obligor or shared parenting)</u>	<u>Mother (only if obligor or shared parenting)</u>	15461		
		15462		
a. <u>Additions: line 16a times the sum of the amounts shown on line 19, Col. II and line 20b, Col. II</u>	b. <u>Additions: line 16b times the sum of the amounts shown on line 19, Col. I and line 20b, Col. I</u>	15463	15464	15465
		15466	15467	
		15468	15469	15470
		15471	15472	15473
		15474		
c. <u>Subtractions: line 16b times the sum of the amounts shown on line 19, Col. I and line 20b, Col. I</u>	d. <u>Subtractions: line 16a times the sum of the amounts shown on line 19, Col. II and line 20b, Col. II</u>	15474	15475	15476
		15477	15478	15479
		15480	15481	15482
		15483	15484	15485
		15486	15487	15488
		15489	15490	15491
25. <u>OBLIGATION AFTER ADJUSTMENTS TO CHILD SUPPORT</u>		15492		

<u>WHEN HEALTH INSURANCE IS NOT PROVIDED:</u>	15476
a. <u>Father: line 18a plus or</u>	15477
<u>minus the difference between</u>	
<u>line 24a minus line 24c</u>	
..... \$.....	15478
b. <u>Mother: line 18b plus or</u>	15479
<u>minus the difference between</u>	
<u>line 24b and 24d</u>	
..... \$.....	15480
	15481
26. <u>ACTUAL ANNUAL OBLIGATION WHEN HEALTH INSURANCE IS NOT PROVIDED:</u>	15482
a. <u>(Line 25a or 25b, whichever</u>	15483
<u>line corresponds to the</u>	
<u>parent who is the</u>	
<u>obligor)</u>	\$..... 15484
b. <u>Any non-means-tested</u>	15485
<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>	\$..... 15486
c. <u>Actual annual obligation</u>	15487
<u>(subtract line 26b from line</u>	
<u>26a</u>	\$..... 15488
	15489
27.a. <u>Deviation from sole residential parent support amount shown</u>	15490
<u>on line 23c if amount would be unjust or inappropriate: (see</u>	15491
<u>section 3119.23 of the Revised Code.) (Specific facts and</u>	15492
<u>monetary value must be stated.)</u>	15493
.....	15494

.....	15495
.....	15496
.....	15497
b. Deviation from shared parenting order: (see sections 3119.23	15498
and 3119.24 of the Revised Code.) (Specific facts including	15499
amount of time children spend with each parent, ability of	15500
each parent to maintain adequate housing for children, and	15501
each parent's expenses for children must be stated to justify	15502
deviation.)	15503
.....	15504
.....	15505
.....	15506
.....	15507
.....	15508
	<u>WHEN</u> <u>WHEN</u>
	<u>HEALTH</u> <u>HEALTH</u>
	<u>INSURANCE</u> <u>INSURANCE</u>
	<u>IS</u> <u>IS NOT</u>
	<u>PROVIDED</u> <u>PROVIDED</u>
<u>25</u> FINAL <u>CHILD SUPPORT</u> FIGURE:	15509
<u>28.</u> (This amount reflects final	
annual child support	
obligation; <u>in Col. I, enter</u>	
line 23c plus or minus any	
amounts indicated in line <u>24a</u>	
<u>27a</u> or <u>24b 27b</u> ; <u>in Col. II,</u>	
<u>enter line 26c plus or minus</u>	
<u>any amounts indicated in line</u>	
<u>27a</u> or <u>27b</u>)	
..... \$.....	\$..... Father/Mother, 15510
	OBLIGOR
	15511
<u>26</u> FOR DECREE: Child support per	15512
<u>29.</u> month (divide obligor's	

annual share, line 25 <u>28</u> , by			
12) plus any processing			
charge			
.....	\$.....	<u>\$.....</u>	15513
			15514
<u>30. FINAL CASH MEDICAL SUPPORT</u>			15515
<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 cash</u>			
<u>medical support amount</u>			
<u>from line 20b</u>		<u>\$.....</u>	15516
			15517
<u>31. FOR DECREE: Cash medical</u>			15518
<u>support per month (divide</u>			
<u>line 30 by 12)</u>		<u>\$.....</u>	15519
Prepared by:			15520
Counsel:	Pro se:		15521
(For mother/father)			15522
CSEA:	Other:		15523
Worksheet Has Been Reviewed and Agreed To:			15524
.....	.....		15525
Mother	Date		15526
.....	.....		15527
Father	Date		15528
Sec. 3119.023. When a court or child support enforcement			15529
agency calculates the amount of child support to be paid pursuant			15530
to a court child support order in a proceeding in which the			15531
parents have split parental rights and responsibilities with			15532

respect to the children who are the subject of the child support	15533
order, the court or child support enforcement agency shall use a	15534
worksheet that is identical in content and form to the following:	15535
CHILD SUPPORT COMPUTATION WORKSHEET	15536
SPLIT PARENTAL RIGHTS AND RESPONSIBILITIES	15537
Name of parties	15538
Case No.	15539
Number of minor children	15540
Number of minor children with mother father	15541
Column I Column II Column III	15542
Father Mother Combined	15543
INCOME:	15544
1.a. Annual gross income from	15545
employment or, when	15546
determined appropriate	15547
by the court or agency,	15548
average annual gross income	15549
from employment over a	15550
reasonable period of years.	15551
(Exclude overtime, bonuses,	15552
self-employment income, or	15553
commissions)..... \$..... \$.....	15554
b. Amount of overtime,	15555
bonuses, and commissions	15556
(year 1 representing the	15557
most recent year)	15558
Father	15559
Mother	15559
Yr. 3 \$.....	15560
(Three years ago)	15561
Yr. 2 \$.....	15562
(Two years ago)	15563

Yr. 1 \$.....	Yr. 1 \$.....	15564
(Last calendar year)	(Last calendar year)	15565
Average \$.....	\$.....	15566
(Include in Col. I and/or		15567
Col. II the average of the		15568
three years or the year 1		15569
amount, whichever is less,		15570
if there exists a reasonable		15571
expectation that the total		15572
earnings from overtime and/or		15573
bonuses during the current		15574
calendar year will meet or		15575
exceed the amount that is		15576
the lower of the average		15577
of the three years or the		15578
year 1 amount. If, however,		15579
there exists a reasonable		15580
expectation that the total		15581
earnings from overtime/		15582
bonuses during the current		15583
calendar year will be less		15584
than the lower of the average		15585
of the 3 years or the year 1		15586
amount, include only the		15587
amount reasonably expected		15588
to be earned this year.)... \$..... \$.....		15589
		15590
2. For self-employment income		15591
a. Gross receipts from		15592
business..... \$..... \$.....		15593
b. Ordinary and necessary		15594
business expenses..... \$..... \$.....		15595
c. 5.6% of adjusted gross		15596

income or the actual			15597
marginal difference between			15598
the actual rate paid by the			15599
self-employed individual			15600
and the F.I.C.A. rate	\$.....	\$.....	15601
d. Adjusted gross income from			15602
self-employment (subtract			15603
the sum of 2b and 2c from			15604
2a).....	\$.....	\$.....	15605
			15606
3. Annual income from interest			15607
and dividends (whether or			15608
not taxable).....	\$.....	\$.....	15609
			15610
4. Annual income from			15611
unemployment compensation...	\$.....	\$.....	15612
			15613
5. Annual income from workers'			15614
compensation, disability			15615
insurance benefits or social			15616
security disability			15617
retirement benefits.....	\$.....	\$.....	15618
			15619
6. Other annual income			15620
(identify).....	\$.....	\$.....	15621
			15622
7. <u>a.</u> Total annual gross income			15623
(add lines 1a, 1b, 2d, and			15624
3-6).....	\$.....	\$.....	15625
b. <u>Health insurance maximum</u>			15626
<u>(multiply line 7a</u>			15627
<u>by 5%)</u>	<u>\$.....</u>	<u>\$.....</u>	15628
			15629

ADJUSTMENTS TO INCOME:			15630
8. Adjustment for minor children			15631
born to or adopted by either			15632
parent and another parent who			15633
are living with this parent;			15634
adjustment does not apply			15635
to stepchildren (number of			15636
children times federal income			15637
tax exemption less child			15638
support received, not to			15639
exceed the federal tax			15640
exemption).....	\$.....	\$.....	15641
			15642
9. Annual court-ordered support			15643
paid for other children....	\$.....	\$.....	15644
			15645
10. Annual court-ordered spousal			15646
support paid to any spouse			15647
or former spouse.....	\$.....	\$.....	15648
			15649
11. Amount of local income taxes			15650
actually paid or estimated			15651
to be paid.....	\$.....	\$.....	15652
			15653
12. Mandatory work-related			15654
deductions such as union			15655
dues, uniform fees, etc.			15656
(not including taxes, social			15657
security, or retirement)...	\$.....	\$.....	15658
			15659
13. Total gross income			15660
adjustments (add lines			15661
8 through 12).....	\$.....	\$.....	15662

			15663
14.			15664
<u>a.</u>	Adjusted annual gross		15665
	income (subtract line 13		15666
	from 7a).....	\$.....	\$.....
			15667
<u>b.</u>	Cash medical support		15668
	<u>maximum (If the amount on</u>		15669
	<u>line 7a, Col. I, is under</u>		
	<u>150% of the federal poverty</u>		
	<u>level for an individual,</u>		
	<u>enter \$0 on line 14b., Col.</u>		
	<u>I. If the amount on line 7a,</u>		
	<u>Col. I, is 150% or higher of</u>		
	<u>the federal poverty level for</u>		
	<u>an individual, multiply the</u>		
	<u>amount on line 14a, Col. I,</u>		
	<u>by 5% and enter this amount</u>		
	<u>on line 14b, Col. I. If the</u>		
	<u>amount on line 7a, Col. II,</u>		
	<u>is under 150% of the federal</u>		
	<u>poverty level for an</u>		
	<u>individual, enter \$0 on line</u>		
	<u>14b, Col. II. If the amount</u>		
	<u>on line 7a, Col. II, is 150%</u>		
	<u>or higher of the federal</u>		
	<u>poverty level for an</u>		
	<u>individual, multiply the</u>		
	<u>amount on line 14a, Col. II,</u>		
	<u>by 5% and enter this amount</u>		
	<u>on line 14b, Col. II.)</u>		
	\$.....	\$.....
			15670
			15671
15.	Combined annual income that		15672

is basis for child support	15673	
order (add line 14 <u>14a</u> ,	15674	
Col. I and Col. II).....	\$..... 15675	
	15676	
16. Percentage of parent's	15677	
income to total income	15678	
a. Father (divide line 14 <u>14a</u> ,	15679	
Col. I, by line 15, Col.	15680	
III).....%	15681	
b. Mother (divide line 14 <u>14a</u> ,	15682	
Col. II, by line 15, Col.	15683	
III).....%	15684	
	15685	
17. Basic combined child	15686	
support obligation (refer	15687	
to schedule, first column,	15688	
locate the amount nearest	15689	
to the amount on line 15,	15690	
Col. III, then refer to	15691	
column for number of	15692	
children with this parent.	15693	
If the income of the	15694	
parents is more than one	15695	
sum but less than another,	15696	
you may calculate the	15697	
difference).....	15698	
	15699	
For children	For children	15700
for whom the	for whom the	15701
mother is the	father is the	15702
residential	residential	15703
parent and	parent and	15704
legal custodian	legal custodian	15705

	\$.....	\$.....	15706
			15707
18. Annual support obligation per parent			15708
a. Of father for children for			15709
whom mother is the			15710
residential parent and			15711
legal custodian (multiply			15712
line 17, Col. I, by line			15713
16a).....	\$.....		15714
b. Of mother for children for			15715
whom the father is the			15716
residential parent and			15717
legal custodian (multiply			15718
line 17, Col. II, by line			15719
16b).....		\$.....	15720
			15721
19. Annual child care expenses			15722
for children who are the			15723
subject of this order that			15724
are work-, employment			15725
training-, or education-			15726
related, as approved by			15727
the court or agency			15728
(deduct tax credit from			15729
annual cost whether or			15730
not claimed).....	Paid by	Paid by	15731
	father	mother	15732
	\$.....	\$.....	15733
			15734
20.			15735
<u>a.</u> Marginal, out-of-pocket			15736
costs, necessary to provide			15737
for health insurance for			15738

the children who are the			15739
subject of this order			15740
<u>(contributing cost of private</u>			15741
<u>family health insurance,</u>			
<u>minus the contributing cost</u>			
<u>of private single health</u>			
<u>insurance, divided by the</u>			
<u>total number of dependents</u>			
<u>covered by the plan,</u>			
<u>including the children</u>			
<u>subject of the support order,</u>			
<u>times the number of children</u>			
<u>subject of the support</u>			
<u>order)</u>	Paid by	Paid by	15742
	father	mother	15743
	\$.....	\$.....	15744
b. <u>Cash medical support</u>			15745
<u>obligation (enter the amount</u>			15746
<u>on line 14b or the amount of</u>			
<u>annual health care</u>			
<u>expenditures estimated by the</u>			
<u>United States Department of</u>			
<u>Agriculture and described in</u>			
<u>section 3119.30 of the</u>			
<u>Revised Code, whichever</u>			
<u>amount is lower).....</u>	\$.....	\$.....	15747
			15748
21. ADJUSTMENTS TO CHILD SUPPORT <u>WHEN HEALTH INSURANCE IS</u>			15749
<u>PROVIDED:</u>			
Father	Mother		15750
a. Additions: line 16a	b. Additions: line 16b		15751
times sum of amounts	times sum of amounts		15752
shown on line 19, Col. II	shown on line 19, Col. I		15753

and line 20 <u>20a</u> , Col. II	and line 20 <u>20a</u> , Col. I	15754
\$.....	\$.....	15755
c. Subtractions: line 16b	d. Subtractions: line 16a	15756
times sum of amounts	times sum of amounts	15757
shown on line 19, Col. I	shown on line 19, Col. II	15758
and line 20 <u>20a</u> , Col. I	and line 20 <u>20a</u> , Col. II	15759
\$.....	\$.....	15760
		15761
22. ACTUAL ANNUAL OBLIGATION <u>WHEN HEALTH INSURANCE IS PROVIDED:</u>		15762
a. Father: line 18a plus line		15763
21a minus line 21c (if the		15764
amount on line 21c is		15765
greater than or equal to		15766
the amount on line 21a--		15767
enter the number on line		15768
18a in Col. I).....	\$.....	15769
b. Any non-means-tested		15770
benefits, including social		15771
security and veterans'		15772
benefits, paid to and		15773
received by children for		15774
whom the mother is the		15775
residential parent and		15776
legal custodian or a person		15777
on behalf of those children		15778
due to death, disability,		15779
or retirement of the		15780
father.....	\$.....	15781
c. Actual annual obligation of		15782
father (subtract line 22b		15783
from line 22a).....	\$.....	15784
d. Mother: line 18b plus line		15785
21b minus line 21d (if the		15786

amount on line 21d is		15787
greater than or equal to		15788
the amount on line		15789
21b--enter the number on		15790
line 18b in Col. II).....	\$.....	15791
e. Any non-means-tested		15792
benefits, including social		15793
security and veterans'		15794
benefits, paid to and		15795
received by children for		15796
whom the father is the		15797
residential parent and		15798
legal custodian or a person		15799
on behalf of those children		15800
due to death, disability,		15801
or retirement of the		15802
mother.....	\$.....	15803
f. Actual annual obligation		15804
of mother (subtract line 22e		15805
from line 22d).....	\$.....	15806
g. Actual annual obligation		15807
payable (subtract lesser		15808
actual annual obligation		15809
from greater actual annual		15810
obligation using amounts in		15811
lines 22c and 22f to		15812
determine net child support		15813
payable).....	\$..... \$.....	15814
		15815
23. <u>ADJUSTMENTS TO CHILD SUPPORT WHEN HEALTH INSURANCE IS NOT</u>		15816
<u>PROVIDED:</u>		
<u>Father</u>	<u>Mother</u>	15817
a. <u>Additions: line 16a times</u>	b. <u>Additions: line 16b times</u>	15818

<u>the sum of the amounts</u>	<u>the sum of the amounts shown</u>	
<u>shown on line 19, Col. II</u>	<u>on line 19, Col. I and line</u>	
<u>and line 20b, Col. II</u>	<u>20b, Col. I</u>	
<u>\$.....</u>	<u>\$.....</u>	15819
c. <u>Subtractions: line 16b</u>	d. <u>Subtractions: line 16a times</u>	15820
<u>times the sum of the</u>	<u>the sum of the amounts shown</u>	
<u>amounts shown on line 19,</u>	<u>on line 19, Col. II and line</u>	
<u>Col. I and line 20b, Col. I</u>	<u>20b, Col. II</u>	
<u>\$.....</u>	<u>\$.....</u>	15821
		15822
24. <u>ACTUAL ANNUAL OBLIGATION WHEN HEALTH INSURANCE IS NOT PROVIDED:</u>		15823
a. <u>Father: line 18a plus line</u>		15824
<u>23a minus line 23c (if the</u>		
<u>amount on line 23c is greater</u>		
<u>than or equal to the amount</u>		
<u>on line 23a, enter the number</u>		
<u>on line 18a in</u>		
<u>Col. I)</u>	<u>\$.....</u>	15825
b. <u>Any non-means-tested</u>		15826
<u>benefits, including social</u>		
<u>security and veterans'</u>		
<u>benefits, paid to and</u>		
<u>received by a child for whom</u>		
<u>the mother is the residential</u>		
<u>parent and legal custodian,</u>		
<u>or a person on behalf of the</u>		
<u>child, due to death,</u>		
<u>disability, or</u>		
<u>retirement of the father</u>	<u>\$.....</u>	15827
c. <u>Actual annual obligation of</u>		15828
<u>the father (subtract line 24b</u>		
<u>from line 24a)</u>	<u>\$.....</u>	15829
d. <u>Mother: line 18b plus line</u>		15830

	<u>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>		
	.....	\$.....	15831
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, or a person on behalf of the child, due to death, disability, or retirement of the mother</u>		15832
	.....	\$.....	15833
f.	<u>Actual annual obligation of the mother (subtract line 24e from line 24d)</u>		15834
	.....	\$.....	15835
g.	<u>Actual annual obligation payable (subtract lesser actual annual obligation from greater annual obligation of parents using amounts in lines 24c and 24f to determine net child support payable)</u>		15836
	\$.....	\$.....
h.	<u>Add line 20b, Col. I, to line 24g, Col. I, when father is the obligor or line 20b, Col.</u>		15837
			15838

II, to line 24g, Col. II,

when mother is obligor

..... \$..... \$..... 15839

15840

25. Deviation from split residential parent guideline amount 15841

shown on line 22c ~~or 22f~~, 22f, 24c, or 24f if amount would be unjust or inappropriate: (see section 3119.23 of the Revised Code.) (Specific facts and monetary value must be stated.)

..... 15842

..... 15843

..... 15844

..... 15845

	<u>WHEN</u>	<u>WHEN</u>	15846
	<u>HEALTH</u>	<u>HEALTH</u>	
	<u>INSURANCE</u>	<u>INSURANCE</u>	
	<u>IS</u>	<u>IS NOT</u>	
	<u>PROVIDED</u>	<u>PROVIDED</u>	

24 FINAL CHILD SUPPORT FIGURE: 15847

26. (This amount reflects final annual child support obligation; in Col. I enter line 22g plus or minus any amounts indicated in line 23 25, or in Col. II enter line 24h plus or minus any amounts indicated on line 25.)

..... \$..... \$..... Father/Mother, 15848

OBLIGOR

15849

25 FOR DECREE: Child support per 15850

27. month (divide obligor's annual share, line ~~24~~ 26, by 12) plus any processing

charge			
.....	\$.....	\$.....	15851
			15852
28. <u>FINAL CASH MEDICAL SUPPORT</u>			15853
<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 cash</u>			
<u>medical support from line</u>			
<u>20b)</u>			
.....		\$.....	15854
			15855
29. <u>FOR DECREE: Cash medical</u>			15856
<u>support per month (divide</u>			
<u>line 28 by 12)</u>			
.....		\$.....	15857
Prepared by:			15858
Counsel:	Pro se:		15859
(For mother/father)			15860
CSEA:	Other:		15861
Worksheet Has Been Reviewed and Agreed To:			15862
.....	.....		15863
Mother	Date		15864
.....	.....		15865
Father	Date		15866
Sec. 3119.05. When a court computes the amount of child			15867
support required to be paid under a court child support order or a			15868
child support enforcement agency computes the amount of child			15869
support to be paid pursuant to an administrative child support			15870

order, all of the following apply: 15871

(A) The parents' current and past income and personal 15872
earnings shall be verified by electronic means or with suitable 15873
documents, including, but not limited to, paystubs, employer 15874
statements, receipts and expense vouchers related to 15875
self-generated income, tax returns, and all supporting 15876
documentation and schedules for the tax returns. 15877

(B) The amount of any pre-existing child support obligation 15878
of a parent under a child support order and the amount of any 15879
court-ordered spousal support actually paid shall be deducted from 15880
the gross income of that parent to the extent that payment under 15881
the child support order or that payment of the court-ordered 15882
spousal support is verified by supporting documentation. 15883

(C) If other minor children who were born to the parent and a 15884
person other than the other parent who is involved in the 15885
immediate child support determination live with the parent, the 15886
court or agency shall deduct an amount from that parent's gross 15887
income that equals the number of such minor children times the 15888
federal income tax exemption for such children less child support 15889
received for them for the year, not exceeding the federal income 15890
tax exemption. 15891

(D) When the court or agency calculates the gross income of a 15892
parent, it shall include the lesser of the following as income 15893
from overtime and bonuses: 15894

(1) The yearly average of all overtime, commissions, and 15895
bonuses received during the three years immediately prior to the 15896
time when the person's child support obligation is being computed; 15897

(2) The total overtime, commissions, and bonuses received 15898
during the year immediately prior to the time when the person's 15899
child support obligation is being computed. 15900

(E) When the court or agency calculates the gross income of a 15901

parent, it shall not include any income earned by the spouse of 15902
that parent. 15903

~~(F) The court shall not order an amount of child support for 15904
reasonable and ordinary uninsured medical or dental expenses in 15905
addition to the amount of the child support obligation determined 15906
in accordance with the schedule. The court shall issue a separate 15907
order for extraordinary medical or dental expenses, including, but 15908
not limited to, orthodontia, psychological, appropriate private 15909
education, and other expenses, and may consider the expenses in 15910
adjusting a child support order. 15911~~

(G) When a court or agency calculates the amount of child 15912
support to be paid pursuant to a court child support order or an 15913
administrative child support order, if the combined gross income 15914
of both parents is an amount that is between two amounts set forth 15915
in the first column of the schedule, the court or agency may use 15916
the basic child support obligation that corresponds to the higher 15917
of the two amounts in the first column of the schedule, use the 15918
basic child support obligation that corresponds to the lower of 15919
the two amounts in the first column of the schedule, or calculate 15920
a basic child support obligation that is between those two amounts 15921
and corresponds proportionally to the parents' actual combined 15922
gross income. 15923

(H) When the court or agency calculates gross income, the 15924
court or agency, when appropriate, may average income over a 15925
reasonable period of years. 15926

(I) A court or agency shall not determine a parent receiving 15927
means-tested public assistance benefits to be voluntarily 15928
unemployed or underemployed and shall not impute income to that 15929
parent, unless not making such determination and not imputing 15930
income would be unjust, inappropriate, and not in the best 15931
interest of the child. 15932

(J) When a court or agency requires a parent to pay an amount 15933
for that parent's failure to support a child for a period of time 15934
prior to the date the court modifies or issues a court child 15935
support order or an agency modifies or issues an administrative 15936
child support order for the current support of the child, the 15937
court or agency shall calculate that amount using the basic child 15938
support schedule, worksheets, and child support laws in effect, 15939
and the incomes of the parents as they existed, for that prior 15940
period of time. 15941

Sec. 3119.27. (A) A court that issues or modifies a court 15942
support order, or an administrative agency that issues or modifies 15943
an administrative child support order, shall impose on the obligor 15944
under the support order a processing charge that is the greater of 15945
two per cent of the support payment to be collected under a 15946
support order or one dollar per month. No court or agency may call 15947
the charge a poundage fee. 15948

(B) In each child support case that is a Title IV-D case, the 15949
department of job and family services shall claim twenty-five 15950
dollars from the processing charge described in division (A) of 15951
this section for federal reporting purposes if the obligee has 15952
never received assistance under Title IV-A and the department has 15953
collected at least five hundred dollars of child support for the 15954
obligee. The director of job and family services shall adopt rules 15955
under Chapter 119. of the Revised Code to implement this division, 15956
and the department shall implement this division not later than 15957
March 31, 2008. 15958

(C) As used in this section: 15959

(1) "Annual" means the period as defined in regulations 15960
issued by the United States secretary of health and human services 15961
to implement the Deficit Reduction Act of 2005 (P.L. 109-171). 15962

(2) "Title IV-A" has the same meaning as in section 5107.02 15963

of the Revised Code. 15964

(3) "Title IV-D case" has the same meaning as in section 15965
3125.01 of the Revised Code. 15966

Sec. 3119.29. (A) As used in this section and sections 15967
3119.30 to 3119.56 of the Revised Code: 15968

(A)(1) "Cash medical support" means an amount ordered to be 15969
paid in a child support order toward the cost of health insurance 15970
provided by a public entity, another parent, or person with whom 15971
the child resides, through employment or otherwise, or for other 15972
medical cost not covered by insurance. 15973

(2) "Federal poverty line" has the same meaning as defined in 15974
section 5104.01 of the Revised Code. 15975

(3) "Health care" means such medical support that includes 15976
coverage under a health insurance plan, payment of costs of 15977
premiums, co-payments, and deductibles, or payment for medical 15978
expenses incurred on behalf of the child. 15979

(4) "Health insurance coverage" means accessible private 15980
health insurance that provides primary care services within thirty 15981
miles from the residence of the child subject to the child support 15982
order. 15983

(5) "Health plan administrator" means any entity authorized 15984
under Title XXXIX of the Revised Code to engage in the business of 15985
insurance in this state, any health insuring corporation, any 15986
legal entity that is self-insured and provides benefits to its 15987
employees or members, and the administrator of any such entity or 15988
corporation. 15989

(B)(6) "National medical support notice" means a form 15990
required by the "Child Support Performance and Incentive Act of 15991
1998," P.L. 105-200, 112 Stat. 659, 42 U.S.C. 666(a)(19), as 15992
amended, and jointly developed and promulgated by the secretary of 15993

health and human services and the secretary of labor in federal 15994
regulations adopted under that act as modified by the department 15995
of job and family services under section 3119.291 of the Revised 15996
Code. 15997

~~(C)~~(7) "Person required to provide health insurance coverage" 15998
means the obligor, obligee, or both, required by the court under a 15999
court child support order or by the child support enforcement 16000
agency under an administrative child support order to provide 16001
health insurance coverage pursuant to section 3119.30 of the 16002
Revised Code. 16003

(8) Subject to division (B) of this section, "reasonable 16004
cost" means the contributing cost of private family health 16005
insurance to the person responsible for the health care of the 16006
children subject to the child support order that does not exceed 16007
an amount equal to five per cent of the annual gross income of 16008
that person. 16009

(9) "Title XIX" has the same meaning as defined in section 16010
5111.20 of the Revised Code. 16011

(B) If the United States secretary of health and human 16012
services issues a regulation defining "reasonable cost" or a 16013
similar term or phrase relevant to the provisions in child support 16014
orders relating to the provision of health care for children 16015
subject to the orders, and if that definition is substantively 16016
different from the meaning of "reasonable cost" as defined in 16017
division (A) of this section, "reasonable cost" as used in this 16018
section shall have the meaning as defined by the United States 16019
secretary of health and human services. 16020

Sec. 3119.30. (A) In any action or proceeding in which a 16021
child support order is issued or modified, the court, with respect 16022
to court child support orders, and the child support enforcement 16023
agency, with respect to administrative child support orders, shall 16024

determine the person or persons responsible for the health care of 16025
the children subject to the child support order and shall include 16026
provisions for the health care of the children in the child 16027
support order. The order shall specify that the obligor and 16028
obligee are both liable for the health care of the children who 16029
are not covered by private health insurance or cash medical 16030
support as calculated in accordance with section 3119.022 or 16031
3119.023 of the Revised Code, as applicable. The determination 16032
shall be based 16033

(B) Based on information provided to the court or to the 16034
child support enforcement agency under section 3119.31 of the 16035
Revised Code. ~~The, the~~ order shall include one of the following: 16036

~~(A) A requirement that the obligor under the child support~~ 16037
~~order obtain health insurance coverage for the children if~~ 16038
~~coverage is available at a reasonable cost through a group policy,~~ 16039
~~contract, or plan offered by the obligor's employer or through any~~ 16040
~~other group policy, contract, or plan available to the obligor and~~ 16041
~~is not available for a more reasonable cost through a group~~ 16042
~~policy, contract, or plan available to the obligee;~~ 16043

~~(B)(1) A requirement that both the obligor and the obligee~~ 16044
~~obtain private health insurance coverage for the children if~~ 16045
~~coverage is available for the children at a reasonable cost to~~ 16046
~~both the obligor and the obligee and dual coverage would provide~~ 16047
~~for coordination of medical benefits without unnecessary~~ 16048
~~duplication of coverage.~~ 16049

(2) A requirement that the obligee obtain private health 16050
insurance coverage for the children if coverage is available 16051
~~through a group policy, contract, or plan offered by the obligee's~~ 16052
~~employer or through any other~~ group policy, contract, or plan 16053
available to the obligee and is available at a more reasonable 16054
cost than coverage is available to the obligor; 16055

~~(C)(3) A requirement that the obligor obtain private health insurance coverage for the children if coverage is available through any group policy, contract, or plan available to the obligor at a more reasonable cost than coverage is available to the obligee;~~ 16056
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~~(4) If health insurance coverage for the children is not available at a reasonable cost through a group policy, contract, or plan offered by the obligor's or obligee's employer or through any other group policy, contract, or plan available to the obligor or the obligee at the time the court or child enforcement agency issues the order, a requirement that the obligor and or the obligee share liability for the cost of the medical and health care needs of the children, under an equitable formula established by the court, with respect to a court child support order, or the child support enforcement agency, with respect to an administrative child support order, and a requirement that if, after the issuance of the order, health insurance coverage for the children becomes available at a reasonable cost through a group policy, contract, or plan offered by the obligor's or obligee's employer or through any other group policy, contract, or plan available to the obligor or obligee, the obligor or obligee to whom the coverage becomes available immediately inform the court, with respect to a court child support order, or the child support enforcement agency, with respect to an administrative child support order;~~ 16061
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~~(D) A requirement that both the obligor and the obligee obtain health insurance coverage for the children if coverage is available for the children at a reasonable cost to both the obligor and the obligee and dual coverage would provide for coordination of medical benefits without unnecessary duplication of coverage immediately inform the court or child support enforcement agency that private health insurance coverage for the~~ 16081
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children has become available to either the obligor or obligee. 16088
The court or child support enforcement agency shall determine if 16089
the private health insurance coverage is available at a reasonable 16090
cost and if coverage is reasonable, division (B)(2) or (3) shall 16091
apply, as applicable. 16092

(C) When a child support order is issued or modified, and the 16093
obligor's gross income is one hundred fifty per cent or more of 16094
the federal poverty level for an individual, the order shall 16095
include the amount of cash medical support to be paid by the 16096
obligor that is either five per cent of the obligor's adjusted 16097
gross income or the obligor's share of the United States 16098
department of agriculture estimated annual health care expenditure 16099
per child as determined in accordance with federal law and 16100
regulation, whichever is the lower amount. The amount of cash 16101
medical support paid by the obligor shall be paid during any 16102
period after the court or child support enforcement agency issues 16103
or modifies the order in which the children are not covered by 16104
private health insurance. 16105

(D) Any cash medical support paid pursuant to division (C) of 16106
this section shall be paid by the obligor to either the obligee if 16107
the children are not Medicaid recipients, or to the office of 16108
child support to defray the cost of Medicaid expenditures if the 16109
children are Medicaid recipients. The court or child support 16110
enforcement agency shall adjust the monthly child support 16111
obligation in accordance with the terms of the support order 16112
calculated pursuant to section 3119.022 or 3119.023 of the Revised 16113
Code, as applicable. 16114

The court or child support enforcement agency shall give the 16115
obligor notice in accordance with Chapter 3121. of the Revised 16116
Code and provide the obligor an opportunity to be heard if the 16117
obligor believes there is a mistake of fact regarding the 16118
availability of private health insurance at a reasonable cost as 16119

determined under division (B) of this section. 16120

(E) The obligor shall begin payment of any cash medical support on the first day of the month immediately following the month in which private health insurance coverage is unavailable or terminates and shall cease payment on the last day of the month immediately preceding the month in which private health insurance coverage begins or resumes. During payment of cash medical support, the obligor or obligee must immediately inform the court or child support enforcement agency that health insurance coverage for the children has become available. 16121
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Sec. 3119.302. (A) When the court, with respect to a court child support order, or the child support enforcement agency, with respect to an administrative child support order, determines the person or persons responsible for the health care of the children subject to the order pursuant to section 3119.30 of the Revised Code, all of the following apply: 16130
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(1) The court or agency shall consider any private health insurance in which the obligor, obligee, or children, are enrolled at the time the court or agency issues the order. 16136
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(2) If the contributing cost of private family health insurance to either parent exceeds five per cent of that parent's annual gross income, that parent shall not be ordered to provide private health insurance for the child except as follows: 16139
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(a) When both parents agree that one, or both, of the parents obtain or maintain the private health insurance that exceeds five per cent of the annual gross income of the parent obtaining or maintaining the private health insurance; 16143
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(b) When either parent requests to obtain or maintain the private health insurance that exceeds five per cent of that parent's annual gross income; 16147
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(c) When the court determines that it is in the best interest of the children for a parent to obtain and maintain private health insurance that exceeds five per cent of that parent's annual gross income and the cost will not impose an undue financial burden on either parent. If the court makes such a determination, the court must include the facts and circumstances of the determination in the child support order. 16150
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(3) If private health insurance is available at a reasonable cost to either parent through a group policy, contract, or plan, and the court determines that it is not in the best interest of the children to utilize the available private health insurance, the court shall state the facts and circumstances of the determination in the child support order. The court determination under this division shall not limit any obligation to provide cash medical support pursuant to section 3119.30 of the Revised Code. 16157
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(4) Notwithstanding division (A)(4) of section 3119.29 of the Revised Code, the court or agency may allow private health insurance to be farther than thirty miles if residents in part or all of the immediate geographic area customarily travel farther distances or if primary care services are accessible only by public transportation. The court or agency shall include this accessibility determination in the child support order. 16165
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(B) The director of job and family services shall create and annually update a table to be used to determine the amount of cash medical support to be paid pursuant to division (C) of section 3119.30 of the Revised Code. The table shall incorporate potential combined gross incomes of the parties, in a manner determined by the director, and the United States department of agriculture estimated annual health care expenditure per child as determined in accordance with federal law and regulation. 16172
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Sec. 3119.32. A child support order shall contain all of the 16180

following: 16181

(A) If the obligor, obligee, or both obligor and obligee, are 16182
required under section 3119.30 of the Revised Code to provide 16183
private health insurance coverage for the children, a requirement 16184
pursuant to section 3119.30 of the Revised Code that whoever is 16185
required to provide private health insurance coverage provide to 16186
the other, not later than thirty days after the issuance of the 16187
order, information regarding the benefits, limitations, and 16188
exclusions of the coverage, copies of any insurance forms 16189
necessary to receive reimbursement, payment, or other benefits 16190
under the coverage, and a copy of any necessary insurance cards; 16191

(B) A statement setting forth the name, address, and 16192
telephone number of the individual who is to be reimbursed for 16193
out-of-pocket medical, optical, hospital, dental, or prescription 16194
expenses paid for each child and a statement that the health plan 16195
administrator that provides the private health insurance coverage 16196
for the children may continue making payment for medical, optical, 16197
hospital, dental, or prescription services directly to any health 16198
care provider in accordance with the applicable private health 16199
insurance policy, contract, or plan; 16200

(C) A requirement that a person required to provide private 16201
health insurance coverage for the children designate the children 16202
as covered dependents under any private health insurance policy, 16203
contract, or plan for which the person contracts; 16204

(D) A requirement that the obligor, the obligee, or both of 16205
them under a formula established by the court, with respect to a 16206
court child support order, or the child support enforcement 16207
agency, with respect to an administrative child support order, pay 16208
co-payment or deductible costs required under the private health 16209
insurance policy, contract, or plan that covers the children; 16210

(E) A notice that the employer of the person required to 16211

obtain private health insurance coverage is required to release to 16212
the other parent, any person subject to an order issued under 16213
section 3109.19 of the Revised Code, or the child support 16214
enforcement agency on written request any necessary information on 16215
the private health insurance coverage, including the name and 16216
address of the health plan administrator and any policy, contract, 16217
or plan number, and to otherwise comply with this section and any 16218
order or notice issued under this section; 16219

(F) A statement setting forth the full name and date of birth 16220
of each child who is the subject of the child support order; 16221

(G) A requirement that the obligor and the obligee comply 16222
with any requirement described in section 3119.30 of the Revised 16223
Code and divisions (A) and (C) of this section that is contained 16224
in an order issued in compliance with this section no later than 16225
thirty days after the issuance of the order; 16226

(H) A notice that states the following: "If the person 16227
required to obtain private health care insurance coverage for the 16228
children subject to this child support order obtains new 16229
employment, the agency shall comply with the requirements of 16230
section 3119.34 of the Revised Code, which may result in the 16231
issuance of a notice requiring the new employer to take whatever 16232
action is necessary to enroll the children in private health care 16233
insurance coverage provided by the new employer." 16234

(I) A statement that, upon receipt of notice by the court or 16235
child support enforcement agency that private health insurance 16236
coverage is not available at a reasonable cost, cash medical 16237
support shall be paid in the amount as determined by the child 16238
support computation worksheets in section 3119.022 or 3119.023 of 16239
the Revised Code, as applicable. The court or child support 16240
enforcement agency may change the financial obligations of the 16241
parties to pay child support and cash medical support without a 16242
hearing or additional notice to the parties. 16243

Sec. 3123.23. (A) The director of job and family services 16244
shall adopt rules under Chapter 119. of the Revised Code to 16245
implement a program to collect arrearages owed under child support 16246
orders from insurance claims, settlements, awards, and payments 16247
based on information obtained pursuant to Title IV-D of the Social 16248
Security Act, 42 U.S.C. 652. 16249

(B) Any insurer and any director, agent, or employee 16250
authorized to act on behalf of an insurer, that releases 16251
information or makes a disclosure in accordance with rules adopted 16252
pursuant to this section shall be immune from liability in a civil 16253
action for harm resulting from the disclosure. 16254

(C) As used in this section, "insurer" has the same meaning 16255
as in section 3901.32 of the Revised Code. 16256

Sec. 3125.12. Each child support enforcement agency shall 16257
enter into a plan of cooperation with the board of county 16258
commissioners under section 307.983 of the Revised Code and comply 16259
with each ~~fiscal~~ grant agreement the board enters into under 16260
~~section sections~~ sections 307.98 and 5101.21 and contracts the board enters 16261
into under sections 307.981 and 307.982 of the Revised Code that 16262
affect the agency. 16263

Sec. 3301.011. As used in Title XXXVIII of the Revised Code, 16264
"total student count" for any school district means the average 16265
number of students enrolled during the first full school week of 16266
October in a school district in grades kindergarten through 16267
twelve, including students with dual enrollment in a joint 16268
vocational or cooperative education district that week, and the 16269
total number of students enrolled in ~~preschool handicapped~~ units 16270
for preschool children with disabilities on the first day of 16271
December in the district. 16272

Sec. 3301.07. The state board of education shall exercise 16273
under the acts of the general assembly general supervision of the 16274
system of public education in the state. In addition to the powers 16275
otherwise imposed on the state board under the provisions of law, 16276
the board shall have the following powers: 16277

(A) Exercise policy forming, planning, and evaluative 16278
functions for the public schools of the state, and for adult 16279
education, except as otherwise provided by law; 16280

(B) Exercise leadership in the improvement of public 16281
education in this state, and administer the educational policies 16282
of this state relating to public schools, and relating to 16283
instruction and instructional material, building and equipment, 16284
transportation of pupils, administrative responsibilities of 16285
school officials and personnel, and finance and organization of 16286
school districts, educational service centers, and territory. 16287
Consultative and advisory services in such matters shall be 16288
provided by the board to school districts and educational service 16289
centers of this state. The board also shall develop a standard of 16290
financial reporting which shall be used by all school districts 16291
and educational service centers to make their financial 16292
information available to the public in a format understandable by 16293
the average citizen and provide year-to-year comparisons for at 16294
least five years. The format shall show, among other things, 16295
district and educational service center revenue by source; 16296
expenditures for salaries, wages, and benefits of employees, 16297
showing such amounts separately for classroom teachers, other 16298
employees required to hold licenses issued pursuant to sections 16299
3319.22 to 3319.31 of the Revised Code, and all other employees; 16300
expenditures other than for personnel, by category, including 16301
utilities, textbooks and other educational materials, equipment, 16302
permanent improvements, pupil transportation, extracurricular 16303
athletics, and other extracurricular activities; and per pupil 16304

expenditures. 16305

(C) Administer and supervise the allocation and distribution 16306
of all state and federal funds for public school education under 16307
the provisions of law, and may prescribe such systems of 16308
accounting as are necessary and proper to this function. It may 16309
require county auditors and treasurers, boards of education, 16310
educational service center governing boards, treasurers of such 16311
boards, teachers, and other school officers and employees, or 16312
other public officers or employees, to file with it such reports 16313
as it may prescribe relating to such funds, or to the management 16314
and condition of such funds. 16315

(D) Formulate and prescribe minimum standards to be applied 16316
to all elementary and secondary schools in this state for the 16317
purpose of requiring a general education of high quality. Such 16318
standards shall provide adequately for: the licensing of teachers, 16319
administrators, and other professional personnel and their 16320
assignment according to training and qualifications; efficient and 16321
effective instructional materials and equipment, including library 16322
facilities; the proper organization, administration, and 16323
supervision of each school, including regulations for preparing 16324
all necessary records and reports and the preparation of a 16325
statement of policies and objectives for each school; buildings, 16326
grounds, health and sanitary facilities and services; admission of 16327
pupils, and such requirements for their promotion from grade to 16328
grade as will assure that they are capable and prepared for the 16329
level of study to which they are certified; requirements for 16330
graduation; and such other factors as the board finds necessary. 16331

In the formulation and administration of such standards for 16332
nonpublic schools the board shall also consider the particular 16333
needs, methods and objectives of those schools, provided they do 16334
not conflict with the provision of a general education of a high 16335
quality and provided that regular procedures shall be followed for 16336

promotion from grade to grade of pupils who have met the 16337
educational requirements prescribed. 16338

(E) May require as part of the health curriculum information 16339
developed under section 2108.15 of the Revised Code promoting the 16340
donation of anatomical gifts pursuant to Chapter 2108. of the 16341
Revised Code and may provide the information to high schools, 16342
educational service centers, and joint vocational school district 16343
boards of education; 16344

(F) Prepare and submit annually to the governor and the 16345
general assembly a report on the status, needs, and major problems 16346
of the public schools of the state, with recommendations for 16347
necessary legislative action and a ten-year projection of the 16348
state's public and nonpublic school enrollment, by year and by 16349
grade level; 16350

(G) Prepare and submit to the director of budget and 16351
management the biennial budgetary requests of the state board of 16352
education, for its agencies and for the public schools of the 16353
state; 16354

(H) Cooperate with federal, state, and local agencies 16355
concerned with the health and welfare of children and youth of the 16356
state; 16357

(I) Require such reports from school districts and 16358
educational service centers, school officers, and employees as are 16359
necessary and desirable. The superintendents and treasurers of 16360
school districts and educational service centers shall certify as 16361
to the accuracy of all reports required by law or state board or 16362
state department of education rules to be submitted by the 16363
district or educational service center and which contain 16364
information necessary for calculation of state funding. Any 16365
superintendent who knowingly falsifies such report shall be 16366
subject to license revocation pursuant to section 3319.31 of the 16367

Revised Code. 16368

(J) In accordance with Chapter 119. of the Revised Code, 16369
adopt procedures, standards, and guidelines for the education of 16370
~~handicapped~~ children with disabilities pursuant to Chapter 3323. 16371
of the Revised Code, including procedures, standards, and 16372
guidelines governing programs and services operated by county 16373
boards of mental retardation and developmental disabilities 16374
pursuant to section 3323.09 of the Revised Code; 16375

(K) For the purpose of encouraging the development of special 16376
programs of education for academically gifted children, employ 16377
competent persons to analyze and publish data, promote research, 16378
advise and counsel with boards of education, and encourage the 16379
training of teachers in the special instruction of gifted 16380
children. The board may provide financial assistance out of any 16381
funds appropriated for this purpose to boards of education and 16382
educational service center governing boards for developing and 16383
conducting programs of education for academically gifted children. 16384

(L) Require that all public schools emphasize and encourage, 16385
within existing units of study, the teaching of energy and 16386
resource conservation as recommended to each district board of 16387
education by leading business persons involved in energy 16388
production and conservation, beginning in the primary grades; 16389

(M) Formulate and prescribe minimum standards requiring the 16390
use of phonics as a technique in the teaching of reading in grades 16391
kindergarten through three. In addition, the state board shall 16392
provide in-service training programs for teachers on the use of 16393
phonics as a technique in the teaching of reading in grades 16394
kindergarten through three. 16395

(N) Develop and modify as necessary a state plan for 16396
technology to encourage and promote the use of technological 16397
advancements in educational settings. 16398

The board may adopt rules necessary for carrying out any function imposed on it by law, and may provide rules as are necessary for its government and the government of its employees, and may delegate to the superintendent of public instruction the management and administration of any function imposed on it by law. It may provide for the appointment of board members to serve on temporary committees established by the board for such purposes as are necessary. Permanent or standing committees shall not be created.

Sec. 3301.0711. (A) The department of education shall:

(1) Annually furnish to, grade, and score all tests required by section 3301.0710 of the Revised Code to be administered by city, local, exempted village, and joint vocational school districts, except that each district shall score any test administered pursuant to division (B)(10) of this section. Each test so furnished shall include the data verification code of the student to whom the test will be administered, as assigned pursuant to division (D)(2) of section 3301.0714 of the Revised Code. In furnishing the practice versions of Ohio graduation tests prescribed by division (F) of section 3301.0710 of the Revised Code, the department shall make the tests available on its web site for reproduction by districts. In awarding contracts for grading tests, the department shall give preference to Ohio-based entities employing Ohio residents.

(2) Adopt rules for the ethical use of tests and prescribing the manner in which the tests prescribed by section 3301.0710 of the Revised Code shall be administered to students.

(B) Except as provided in divisions (C) and (J) of this section, the board of education of each city, local, and exempted village school district shall, in accordance with rules adopted under division (A) of this section:

(1) Administer the reading test prescribed under division	16430
(A)(1)(a) of section 3301.0710 of the Revised Code twice annually	16431
to all students in the third grade who have not attained the score	16432
designated for that test under division (A)(2)(c) of section	16433
3301.0710 of the Revised Code.	16434
(2) Administer the mathematics test prescribed under division	16435
(A)(1)(a) of section 3301.0710 of the Revised Code at least once	16436
annually to all students in the third grade.	16437
(3) Administer the tests prescribed under division (A)(1)(b)	16438
of section 3301.0710 of the Revised Code at least once annually to	16439
all students in the fourth grade.	16440
(4) Administer the tests prescribed under division (A)(1)(c)	16441
of section 3301.0710 of the Revised Code at least once annually to	16442
all students in the fifth grade.	16443
(5) Administer the tests prescribed under division (A)(1)(d)	16444
of section 3301.0710 of the Revised Code at least once annually to	16445
all students in the sixth grade.	16446
(6) Administer the tests prescribed under division (A)(1)(e)	16447
of section 3301.0710 of the Revised Code at least once annually to	16448
all students in the seventh grade.	16449
(7) Administer the tests prescribed under division (A)(1)(f)	16450
of section 3301.0710 of the Revised Code at least once annually to	16451
all students in the eighth grade.	16452
(8) Except as provided in division (B)(9) of this section,	16453
administer any test prescribed under division (B) of section	16454
3301.0710 of the Revised Code as follows:	16455
(a) At least once annually to all tenth grade students and at	16456
least twice annually to all students in eleventh or twelfth grade	16457
who have not yet attained the score on that test designated under	16458
that division;	16459

(b) To any person who has successfully completed the 16460
curriculum in any high school or the individualized education 16461
program developed for the person by any high school pursuant to 16462
section 3323.08 of the Revised Code but has not received a high 16463
school diploma and who requests to take such test, at any time 16464
such test is administered in the district. 16465

(9) In lieu of the board of education of any city, local, or 16466
exempted village school district in which the student is also 16467
enrolled, the board of a joint vocational school district shall 16468
administer any test prescribed under division (B) of section 16469
3301.0710 of the Revised Code at least twice annually to any 16470
student enrolled in the joint vocational school district who has 16471
not yet attained the score on that test designated under that 16472
division. A board of a joint vocational school district may also 16473
administer such a test to any student described in division 16474
(B)(8)(b) of this section. 16475

(10) If the district has been declared to be under an 16476
academic watch or in a state of academic emergency pursuant to 16477
section 3302.03 of the Revised Code or has a three-year average 16478
graduation rate of not more than seventy-five per cent, administer 16479
each test prescribed by division (F) of section 3301.0710 of the 16480
Revised Code in September to all ninth grade students, beginning 16481
in the school year that starts July 1, 2005. 16482

(C)(1)(a) Any student receiving special education services 16483
under Chapter 3323. of the Revised Code may be excused from taking 16484
any particular test required to be administered under this section 16485
if the individualized education program developed for the student 16486
pursuant to section 3323.08 of the Revised Code excuses the 16487
student from taking that test and instead specifies an alternate 16488
assessment method approved by the department of education as 16489
conforming to requirements of federal law for receipt of federal 16490
funds for disadvantaged pupils. To the extent possible, the 16491

individualized education program shall not excuse the student from 16492
taking a test unless no reasonable accommodation can be made to 16493
enable the student to take the test. 16494

(b) Any alternate assessment approved by the department for a 16495
student under this division shall produce measurable results 16496
comparable to those produced by the tests which the alternate 16497
assessments are replacing in order to allow for the student's 16498
assessment results to be included in the data compiled for a 16499
school district or building under section 3302.03 of the Revised 16500
Code. 16501

(c) Any student enrolled in a chartered nonpublic school who 16502
has been identified, based on an evaluation conducted in 16503
accordance with section 3323.03 of the Revised Code or section 504 16504
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 16505
794, as amended, as a child with a disability shall be excused 16506
from taking any particular test required to be administered under 16507
this section if a plan developed for the student pursuant to rules 16508
adopted by the state board excuses the student from taking that 16509
test. In the case of any student so excused from taking a test, 16510
the chartered nonpublic school shall not prohibit the student from 16511
taking the test. 16512

(2) A district board may, for medical reasons or other good 16513
cause, excuse a student from taking a test administered under this 16514
section on the date scheduled, but any such test shall be 16515
administered to such excused student not later than nine days 16516
following the scheduled date. The board shall annually report the 16517
number of students who have not taken one or more of the tests 16518
required by this section to the state board of education not later 16519
than the thirtieth day of June. 16520

(3) As used in this division, "limited English proficient 16521
student" has the same meaning as in 20 U.S.C. 7801. 16522

No school district board shall excuse any limited English proficient student from taking any particular test required to be administered under this section, except that any limited English proficient student who has been enrolled in United States schools for less than one full school year shall not be required to take any such reading or writing test. However, no board shall prohibit a limited English proficient student who is not required to take a test under this division from taking the test. A board may permit any limited English proficient student to take any test required to be administered under this section with appropriate accommodations, as determined by the department. For each limited English proficient student, each school district shall annually assess that student's progress in learning English, in accordance with procedures approved by the department.

The governing authority of a chartered nonpublic school may excuse a limited English proficient student from taking any test administered under this section. However, no governing authority shall prohibit a limited English proficient student from taking the test.

(D)(1) In the school year next succeeding the school year in which the tests prescribed by division (A)(1) or (B) of section 3301.0710 of the Revised Code or former division (A)(1), (A)(2), or (B) of section 3301.0710 of the Revised Code as it existed prior to September 11, 2001, are administered to any student, the board of education of any school district in which the student is enrolled in that year shall provide to the student intervention services commensurate with the student's test performance, including any intensive intervention required under section 3313.608 of the Revised Code, in any skill in which the student failed to demonstrate at least a score at the proficient level on the test.

(2) Following any administration of the tests prescribed by

division (F) of section 3301.0710 of the Revised Code to ninth 16555
grade students, each school district that has a three-year average 16556
graduation rate of not more than seventy-five per cent shall 16557
determine for each high school in the district whether the school 16558
shall be required to provide intervention services to any students 16559
who took the tests. In determining which high schools shall 16560
provide intervention services based on the resources available, 16561
the district shall consider each school's graduation rate and 16562
scores on the practice tests. The district also shall consider the 16563
scores received by ninth grade students on the reading and 16564
mathematics tests prescribed under division (A)(1)(f) of section 16565
3301.0710 of the Revised Code in the eighth grade in determining 16566
which high schools shall provide intervention services. 16567

Each high school selected to provide intervention services 16568
under this division shall provide intervention services to any 16569
student whose test results indicate that the student is failing to 16570
make satisfactory progress toward being able to attain scores at 16571
the proficient level on the Ohio graduation tests. Intervention 16572
services shall be provided in any skill in which a student 16573
demonstrates unsatisfactory progress and shall be commensurate 16574
with the student's test performance. Schools shall provide the 16575
intervention services prior to the end of the school year, during 16576
the summer following the ninth grade, in the next succeeding 16577
school year, or at any combination of those times. 16578

(E) Except as provided in section 3313.608 of the Revised 16579
Code and division (M) of this section, no school district board of 16580
education shall utilize any student's failure to attain a 16581
specified score on any test administered under this section as a 16582
factor in any decision to deny the student promotion to a higher 16583
grade level. However, a district board may choose not to promote 16584
to the next grade level any student who does not take any test 16585
administered under this section or make up such test as provided 16586

by division (C)(2) of this section and who is not exempt from the 16587
requirement to take the test under division (C)(3) of this 16588
section. 16589

(F) No person shall be charged a fee for taking any test 16590
administered under this section. 16591

(G)(1) Each school district board shall ~~submit~~ designate one 16592
location for the collection of tests administered in the spring 16593
under division (B)(1) of this section and the tests administered 16594
under divisions (B)(2) to (7) of this section. Each district board 16595
shall submit the tests to the entity with which the department 16596
contracts for the scoring of the tests as follows: 16597

(a) If the district's total enrollment in grades kindergarten 16598
through twelve during the first full school week of October was 16599
less than two thousand five hundred, not later than the Friday 16600
after the tests are administered, ~~except that;~~ 16601

(b) If the district's total enrollment in grades kindergarten 16602
through twelve during the first full school week of October was 16603
two thousand five hundred or more, but less than seven thousand, 16604
not later than the Monday after the tests are administered; 16605

(c) If the district's total enrollment in grades kindergarten 16606
through twelve during the first full school week of October was 16607
seven thousand or more, not later than the Tuesday after the tests 16608
are administered. 16609

However, any such test that a student takes during the 16610
make-up period described in division (C)(2) of this section shall 16611
be submitted not later than the Friday following the day the 16612
student takes the test. 16613

(2) The department or an entity with which the department 16614
contracts for the scoring of the test shall send to each school 16615
district board a list of the individual test scores of all persons 16616
taking any test prescribed by division (A)(1) or (B) of section 16617

3301.0710 of the Revised Code within sixty days after its 16618
administration, but in no case shall the scores be returned later 16619
than the fifteenth day of June following the administration. For 16620
any tests administered under this section by a joint vocational 16621
school district, the department or entity shall also send to each 16622
city, local, or exempted village school district a list of the 16623
individual test scores of any students of such city, local, or 16624
exempted village school district who are attending school in the 16625
joint vocational school district. 16626

(H) Individual test scores on any tests administered under 16627
this section shall be released by a district board only in 16628
accordance with section 3319.321 of the Revised Code and the rules 16629
adopted under division (A) of this section. No district board or 16630
its employees shall utilize individual or aggregate test results 16631
in any manner that conflicts with rules for the ethical use of 16632
tests adopted pursuant to division (A) of this section. 16633

(I) Except as provided in division (G) of this section, the 16634
department or an entity with which the department contracts for 16635
the scoring of the test shall not release any individual test 16636
scores on any test administered under this section. The state 16637
board of education shall adopt rules to ensure the protection of 16638
student confidentiality at all times. The rules may require the 16639
use of the data verification codes assigned to students pursuant 16640
to division (D)(2) of section 3301.0714 of the Revised Code to 16641
protect the confidentiality of student test scores. 16642

(J) Notwithstanding division (D) of section 3311.52 of the 16643
Revised Code, this section does not apply to the board of 16644
education of any cooperative education school district except as 16645
provided under rules adopted pursuant to this division. 16646

(1) In accordance with rules that the state board of 16647
education shall adopt, the board of education of any city, 16648
exempted village, or local school district with territory in a 16649

cooperative education school district established pursuant to 16650
divisions (A) to (C) of section 3311.52 of the Revised Code may 16651
enter into an agreement with the board of education of the 16652
cooperative education school district for administering any test 16653
prescribed under this section to students of the city, exempted 16654
village, or local school district who are attending school in the 16655
cooperative education school district. 16656

(2) In accordance with rules that the state board of 16657
education shall adopt, the board of education of any city, 16658
exempted village, or local school district with territory in a 16659
cooperative education school district established pursuant to 16660
section 3311.521 of the Revised Code shall enter into an agreement 16661
with the cooperative district that provides for the administration 16662
of any test prescribed under this section to both of the 16663
following: 16664

(a) Students who are attending school in the cooperative 16665
district and who, if the cooperative district were not 16666
established, would be entitled to attend school in the city, 16667
local, or exempted village school district pursuant to section 16668
3313.64 or 3313.65 of the Revised Code; 16669

(b) Persons described in division (B)(8)(b) of this section. 16670

Any testing of students pursuant to such an agreement shall 16671
be in lieu of any testing of such students or persons pursuant to 16672
this section. 16673

(K)(1) Any chartered nonpublic school may participate in the 16674
testing program by administering any of the tests prescribed by 16675
section 3301.0710 or 3301.0712 of the Revised Code if the chief 16676
administrator of the school specifies which tests the school 16677
wishes to administer. Such specification shall be made in writing 16678
to the superintendent of public instruction prior to the first day 16679
of August of any school year in which tests are administered and 16680

shall include a pledge that the nonpublic school will administer 16681
the specified tests in the same manner as public schools are 16682
required to do under this section and rules adopted by the 16683
department. 16684

(2) The department of education shall furnish the tests 16685
prescribed by section 3301.0710 or 3301.0712 of the Revised Code 16686
to any chartered nonpublic school electing to participate under 16687
this division. 16688

(L)(1) The superintendent of the state school for the blind 16689
and the superintendent of the state school for the deaf shall 16690
administer the tests described by section 3301.0710 of the Revised 16691
Code. Each superintendent shall administer the tests in the same 16692
manner as district boards are required to do under this section 16693
and rules adopted by the department of education and in conformity 16694
with division (C)(1)(a) of this section. 16695

(2) The department of education shall furnish the tests 16696
described by section 3301.0710 of the Revised Code to each 16697
superintendent. 16698

(M) Notwithstanding division (E) of this section, a school 16699
district may use a student's failure to attain a score in at least 16700
the basic range on the mathematics test described by division 16701
(A)(1)(a) of section 3301.0710 of the Revised Code or on any of 16702
the tests described by division (A)(1)(b), (c), (d), (e), or (f) 16703
of section 3301.0710 of the Revised Code as a factor in retaining 16704
that student in the current grade level. 16705

(N)(1) In the manner specified in divisions (N)(3) to (5) of 16706
this section, the tests required by section 3301.0710 of the 16707
Revised Code shall become public records pursuant to section 16708
149.43 of the Revised Code on the first day of July following the 16709
school year that the test was administered. 16710

(2) The department may field test proposed test questions 16711

with samples of students to determine the validity, reliability, 16712
or appropriateness of test questions for possible inclusion in a 16713
future year's test. The department also may use anchor questions 16714
on tests to ensure that different versions of the same test are of 16715
comparable difficulty. 16716

Field test questions and anchor questions shall not be 16717
considered in computing test scores for individual students. Field 16718
test questions and anchor questions may be included as part of the 16719
administration of any test required by section 3301.0710 of the 16720
Revised Code. 16721

(3) Any field test question or anchor question administered 16722
under division (N)(2) of this section shall not be a public 16723
record. Such field test questions and anchor questions shall be 16724
redacted from any tests which are released as a public record 16725
pursuant to division (N)(1) of this section. 16726

(4) This division applies to the tests prescribed by division 16727
(A) of section 3301.0710 of the Revised Code. 16728

(a) The first administration of each test, as specified in 16729
section 3301.0712 of the Revised Code, shall be a public record. 16730

(b) For subsequent administrations of each test, not less 16731
than forty per cent of the questions on the test that are used to 16732
compute a student's score shall be a public record. The department 16733
shall determine which questions will be needed for reuse on a 16734
future test and those questions shall not be public records and 16735
shall be redacted from the test prior to its release as a public 16736
record. However, for each redacted question, the department shall 16737
inform each city, local, and exempted village school district of 16738
the statewide academic standard adopted by the state board of 16739
education under section 3301.079 of the Revised Code and the 16740
corresponding benchmark to which the question relates. The 16741
preceding sentence does not apply to field test questions that are 16742

redacted under division (N)(3) of this section. 16743

(5) Each test prescribed by division (B) of section 3301.0710 16744
of the Revised Code that is administered in the spring shall be a 16745
public record. Each test prescribed by that division that is 16746
administered in the fall or summer shall not be a public record. 16747

(0) As used in this section: 16748

(1) "Three-year average" means the average of the most recent 16749
consecutive three school years of data. 16750

(2) "Dropout" means a student who withdraws from school 16751
before completing course requirements for graduation and who is 16752
not enrolled in an education program approved by the state board 16753
of education or an education program outside the state. "Dropout" 16754
does not include a student who has departed the country. 16755

(3) "Graduation rate" means the ratio of students receiving a 16756
diploma to the number of students who entered ninth grade four 16757
years earlier. Students who transfer into the district are added 16758
to the calculation. Students who transfer out of the district for 16759
reasons other than dropout are subtracted from the calculation. If 16760
a student who was a dropout in any previous year returns to the 16761
same school district, that student shall be entered into the 16762
calculation as if the student had entered ninth grade four years 16763
before the graduation year of the graduating class that the 16764
student joins. 16765

Sec. 3301.0714. (A) The state board of education shall adopt 16766
rules for a statewide education management information system. The 16767
rules shall require the state board to establish guidelines for 16768
the establishment and maintenance of the system in accordance with 16769
this section and the rules adopted under this section. The 16770
guidelines shall include: 16771

(1) Standards identifying and defining the types of data in 16772

the system in accordance with divisions (B) and (C) of this section; 16773
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(2) Procedures for annually collecting and reporting the data to the state board in accordance with division (D) of this section; 16775
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(3) Procedures for annually compiling the data in accordance with division (G) of this section; 16778
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(4) Procedures for annually reporting the data to the public in accordance with division (H) of this section. 16780
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(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following: 16782
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(1) Student participation and performance data, for each grade in each school district as a whole and for each grade in each school building in each school district, that includes: 16785
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(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for ~~handicapped~~ students with disabilities, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services for students with a specific type of ~~handicap~~ disability. The categories of instructional services required by the guidelines under this division shall be the same 16788
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as the categories of instructional services used in determining	16804
cost units pursuant to division (C)(3) of this section.	16805
(b) The numbers of students receiving support or	16806
extracurricular services for each of the support services or	16807
extracurricular programs offered by the school district, such as	16808
counseling services, health services, and extracurricular sports	16809
and fine arts programs. The categories of services required by the	16810
guidelines under this division shall be the same as the categories	16811
of services used in determining cost units pursuant to division	16812
(C)(4)(a) of this section.	16813
(c) Average student grades in each subject in grades nine	16814
through twelve;	16815
(d) Academic achievement levels as assessed by the testing of	16816
student achievement under sections 3301.0710 and 3301.0711 of the	16817
Revised Code;	16818
(e) The number of students designated as having a	16819
handicapping <u>disabling</u> condition pursuant to division (C)(1) of	16820
section 3301.0711 of the Revised Code;	16821
(f) The numbers of students reported to the state board	16822
pursuant to division (C)(2) of section 3301.0711 of the Revised	16823
Code;	16824
(g) Attendance rates and the average daily attendance for the	16825
year. For purposes of this division, a student shall be counted as	16826
present for any field trip that is approved by the school	16827
administration.	16828
(h) Expulsion rates;	16829
(i) Suspension rates;	16830
(j) The percentage of students receiving corporal punishment;	16831
(k) Dropout rates;	16832
(l) Rates of retention in grade;	16833

(m) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;

(n) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;

(o) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student if the parent of that student requests the district not to report those results.

(2) Personnel and classroom enrollment data for each school district, including:

(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 16865
nonlicensed employees providing each category used pursuant to 16866
division (C)(4)(c) of this section. The guidelines adopted under 16867
this section shall require these categories of data to be 16868
maintained for the school district as a whole and, wherever 16869
applicable, for each grade in the school district as a whole, for 16870
each school building as a whole, and for each grade in each school 16871
building. 16872

(c) The total number of regular classroom teachers teaching 16873
classes of regular education and the average number of pupils 16874
enrolled in each such class, in each of grades kindergarten 16875
through five in the district as a whole and in each school 16876
building in the school district. 16877

(d) The number of master teachers employed by each school 16878
district and each school building, once a definition of master 16879
teacher has been developed by the educator standards board 16880
pursuant to section 3319.61 of the Revised Code. 16881

(3)(a) Student demographic data for each school district, 16882
including information regarding the gender ratio of the school 16883
district's pupils, the racial make-up of the school district's 16884
pupils, the number of limited English proficient students in the 16885
district, and an appropriate measure of the number of the school 16886
district's pupils who reside in economically disadvantaged 16887
households. The demographic data shall be collected in a manner to 16888
allow correlation with data collected under division (B)(1) of 16889
this section. Categories for data collected pursuant to division 16890
(B)(3) of this section shall conform, where appropriate, to 16891
standard practices of agencies of the federal government. 16892

(b) With respect to each student entering kindergarten, 16893
whether the student previously participated in a public preschool 16894
program, a private preschool program, or a head start program, and 16895
the number of years the student participated in each of these 16896

programs. 16897

(4) Any data required to be collected pursuant to federal 16898
law. 16899

(C) The education management information system shall include 16900
cost accounting data for each district as a whole and for each 16901
school building in each school district. The guidelines adopted 16902
under this section shall require the cost data for each school 16903
district to be maintained in a system of mutually exclusive cost 16904
units and shall require all of the costs of each school district 16905
to be divided among the cost units. The guidelines shall require 16906
the system of mutually exclusive cost units to include at least 16907
the following: 16908

(1) Administrative costs for the school district as a whole. 16909
The guidelines shall require the cost units under this division 16910
(C)(1) to be designed so that each of them may be compiled and 16911
reported in terms of average expenditure per pupil in formula ADM 16912
in the school district, as determined pursuant to section 3317.03 16913
of the Revised Code. 16914

(2) Administrative costs for each school building in the 16915
school district. The guidelines shall require the cost units under 16916
this division (C)(2) to be designed so that each of them may be 16917
compiled and reported in terms of average expenditure per 16918
full-time equivalent pupil receiving instructional or support 16919
services in each building. 16920

(3) Instructional services costs for each category of 16921
instructional service provided directly to students and required 16922
by guidelines adopted pursuant to division (B)(1)(a) of this 16923
section. The guidelines shall require the cost units under 16924
division (C)(3) of this section to be designed so that each of 16925
them may be compiled and reported in terms of average expenditure 16926
per pupil receiving the service in the school district as a whole 16927

and average expenditure per pupil receiving the service in each 16928
building in the school district and in terms of a total cost for 16929
each category of service and, as a breakdown of the total cost, a 16930
cost for each of the following components: 16931

(a) The cost of each instructional services category required 16932
by guidelines adopted under division (B)(1)(a) of this section 16933
that is provided directly to students by a classroom teacher; 16934

(b) The cost of the instructional support services, such as 16935
services provided by a speech-language pathologist, classroom 16936
aide, multimedia aide, or librarian, provided directly to students 16937
in conjunction with each instructional services category; 16938

(c) The cost of the administrative support services related 16939
to each instructional services category, such as the cost of 16940
personnel that develop the curriculum for the instructional 16941
services category and the cost of personnel supervising or 16942
coordinating the delivery of the instructional services category. 16943

(4) Support or extracurricular services costs for each 16944
category of service directly provided to students and required by 16945
guidelines adopted pursuant to division (B)(1)(b) of this section. 16946
The guidelines shall require the cost units under division (C)(4) 16947
of this section to be designed so that each of them may be 16948
compiled and reported in terms of average expenditure per pupil 16949
receiving the service in the school district as a whole and 16950
average expenditure per pupil receiving the service in each 16951
building in the school district and in terms of a total cost for 16952
each category of service and, as a breakdown of the total cost, a 16953
cost for each of the following components: 16954

(a) The cost of each support or extracurricular services 16955
category required by guidelines adopted under division (B)(1)(b) 16956
of this section that is provided directly to students by a 16957
licensed employee, such as services provided by a guidance 16958

counselor or any services provided by a licensed employee under a supplemental contract;

(b) The cost of each such services category provided directly to students by a nonlicensed employee, such as janitorial services, cafeteria services, or services of a sports trainer;

(c) The cost of the administrative services related to each services category in division (C)(4)(a) or (b) of this section, such as the cost of any licensed or nonlicensed employees that develop, supervise, coordinate, or otherwise are involved in administering or aiding the delivery of each services category.

(D)(1) The guidelines adopted under this section shall require school districts to collect information about individual students, staff members, or both in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines may also require school districts to report information about individual staff members in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines shall not authorize school districts to request social security numbers of individual students. The guidelines shall prohibit the reporting under this section of a student's name, address, and social security number to the state board of education or the department of education. The guidelines shall also prohibit the reporting under this section of any personally identifiable information about any student, except for the purpose of assigning the data verification code required by division (D)(2) of this section, to any other person unless such person is employed by the school district or the information technology center operated under section 3301.075 of the Revised Code and is authorized by the district or technology center to have access to such information or is employed by an entity with which the department

contracts for the scoring of tests administered under section 16991
3301.0711 or 3301.0712 of the Revised Code. The guidelines may 16992
require school districts to provide the social security numbers of 16993
individual staff members. 16994

(2) The guidelines shall provide for each school district or 16995
community school to assign a data verification code that is unique 16996
on a statewide basis over time to each student whose initial Ohio 16997
enrollment is in that district or school and to report all 16998
required individual student data for that student utilizing such 16999
code. The guidelines shall also provide for assigning data 17000
verification codes to all students enrolled in districts or 17001
community schools on the effective date of the guidelines 17002
established under this section. 17003

Individual student data shall be reported to the department 17004
through the information technology centers utilizing the code but, 17005
except as provided in section 3310.11 of the Revised Code, at no 17006
time shall the state board or the department have access to 17007
information that would enable any data verification code to be 17008
matched to personally identifiable student data. 17009

Each school district shall ensure that the data verification 17010
code is included in the student's records reported to any 17011
subsequent school district or community school in which the 17012
student enrolls. Any such subsequent district or school shall 17013
utilize the same identifier in its reporting of data under this 17014
section. 17015

The director of health shall request and receive, pursuant to 17016
sections 3301.0723 and 3701.62 of the Revised Code, a data 17017
verification code for a child who is receiving services under 17018
division (A)(2) of section 3701.61 of the Revised Code. 17019

(E) The guidelines adopted under this section may require 17020
school districts to collect and report data, information, or 17021

reports other than that described in divisions (A), (B), and (C) 17022
of this section for the purpose of complying with other reporting 17023
requirements established in the Revised Code. The other data, 17024
information, or reports may be maintained in the education 17025
management information system but are not required to be compiled 17026
as part of the profile formats required under division (G) of this 17027
section or the annual statewide report required under division (H) 17028
of this section. 17029

(F) Beginning with the school year that begins July 1, 1991, 17030
the board of education of each school district shall annually 17031
collect and report to the state board, in accordance with the 17032
guidelines established by the board, the data required pursuant to 17033
this section. A school district may collect and report these data 17034
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 17035

(G) The state board shall, in accordance with the procedures 17036
it adopts, annually compile the data reported by each school 17037
district pursuant to division (D) of this section. The state board 17038
shall design formats for profiling each school district as a whole 17039
and each school building within each district and shall compile 17040
the data in accordance with these formats. These profile formats 17041
shall: 17042

(1) Include all of the data gathered under this section in a 17043
manner that facilitates comparison among school districts and 17044
among school buildings within each school district; 17045

(2) Present the data on academic achievement levels as 17046
assessed by the testing of student achievement maintained pursuant 17047
to division (B)(1)(d) of this section. 17048

(H)(1) The state board shall, in accordance with the 17049
procedures it adopts, annually prepare a statewide report for all 17050
school districts and the general public that includes the profile 17051
of each of the school districts developed pursuant to division (G) 17052

of this section. Copies of the report shall be sent to each school district. 17053
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(2) The state board shall, in accordance with the procedures it adopts, annually prepare an individual report for each school district and the general public that includes the profiles of each of the school buildings in that school district developed pursuant to division (G) of this section. Copies of the report shall be sent to the superintendent of the district and to each member of the district board of education. 17055
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(3) Copies of the reports received from the state board under divisions (H)(1) and (2) of this section shall be made available to the general public at each school district's offices. Each district board of education shall make copies of each report available to any person upon request and payment of a reasonable fee for the cost of reproducing the report. The board shall annually publish in a newspaper of general circulation in the school district, at least twice during the two weeks prior to the week in which the reports will first be available, a notice containing the address where the reports are available and the date on which the reports will be available. 17062
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(I) Any data that is collected or maintained pursuant to this section and that identifies an individual pupil is not a public record for the purposes of section 149.43 of the Revised Code. 17073
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(J) As used in this section: 17076

(1) "School district" means any city, local, exempted village, or joint vocational school district and, in accordance with section 3314.17 of the Revised Code, any community school. As used in division (L) of this section, "school district" also includes any educational service center or other educational entity required to submit data using the system established under this section. 17077
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(2) "Cost" means any expenditure for operating expenses made 17084
by a school district excluding any expenditures for debt 17085
retirement except for payments made to any commercial lending 17086
institution for any loan approved pursuant to section 3313.483 of 17087
the Revised Code. 17088

(K) Any person who removes data from the information system 17089
established under this section for the purpose of releasing it to 17090
any person not entitled under law to have access to such 17091
information is subject to section 2913.42 of the Revised Code 17092
prohibiting tampering with data. 17093

~~(L) Any time the department of education determines that a 17094
school district has taken any of the actions described under 17095
division (L)(1), (2), or (3) of this section, it shall make a 17096
report of the actions of the district, send a copy of the report 17097
to the superintendent of such school district, and maintain a copy 17098
of the report in its files. 17099~~

~~(1) The school district fails to meet any deadline 17100
established pursuant to this section for the reporting of any data 17101
to the education management information system; 17102~~

~~(2) The school district fails to meet any deadline 17103
established pursuant to this section for the correction of any 17104
data reported to the education management information system; 17105~~

~~(3) The school district reports data to the education 17106
management information system in a condition, as determined by the 17107
department, that indicates that the district did not make a good 17108
faith effort in reporting the data to the system. 17109~~

~~Any report made under this division shall include 17110
recommendations for corrective action by the school district. 17111~~

~~Upon making a report for the first time in a fiscal year, the 17112
department shall withhold ten per cent of the total amount due 17113
during that fiscal year under Chapter 3317. of the Revised Code to 17114~~

~~the school district to which the report applies. Upon making a
second report in a fiscal year, the department shall withhold an
additional twenty per cent of such total amount due during that
fiscal year to the school district to which the report applies.
The department shall not release such funds unless it determines
that the district has taken corrective action. However, no such
release of funds shall occur if the district fails to take
corrective action within forty five days of the date upon which
the report was made by the department.~~

(1) In accordance with division (L)(2) of this section, the
department of education may sanction any school district that
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.

(2) If the department decides to sanction a school district
under this division, the department shall take the following
sequential actions:

(a) Notify the district in writing that the department has
determined that data has not been reported as required under this
section and require the district to review its data submission and
submit corrected data by a deadline established by the department.
The department also may require the district to develop a
corrective action plan, which shall include provisions for the
district to provide mandatory staff training on data reporting
procedures.

(b) Withhold up to ten per cent of the total amount of state
funds due to the district for the current fiscal year and, if not
previously required under division (L)(2)(a) of this section,
require the district to develop a corrective action plan in
accordance with that division;

<u>(c) Withhold an additional amount of up to twenty per cent of</u>	17147
<u>the total amount of state funds due to the district for the</u>	17148
<u>current fiscal year;</u>	17149
<u>(d) Direct department staff or an outside entity to</u>	17150
<u>investigate the district's data reporting practices and make</u>	17151
<u>recommendations for subsequent actions. The recommendations may</u>	17152
<u>include one or more of the following actions:</u>	17153
<u>(i) Arrange for an audit of the district's data reporting</u>	17154
<u>practices by department staff or an outside entity;</u>	17155
<u>(ii) Conduct a site visit and evaluation of the district;</u>	17156
<u>(iii) Withhold an additional amount of up to thirty per cent</u>	17157
<u>of the total amount of state funds due to the district for the</u>	17158
<u>current fiscal year;</u>	17159
<u>(iv) Continue monitoring the district's data reporting;</u>	17160
<u>(v) Assign department staff to supervise the district's data</u>	17161
<u>management system;</u>	17162
<u>(vi) Conduct an investigation to determine whether to suspend</u>	17163
<u>or revoke the license of any district employee in accordance with</u>	17164
<u>division (N) of this section;</u>	17165
<u>(vii) If the district is issued a report card under section</u>	17166
<u>3302.03 of the Revised Code, indicate on the report card that the</u>	17167
<u>district has been sanctioned for failing to report data as</u>	17168
<u>required by this section;</u>	17169
<u>(viii) If the district is issued a report card under section</u>	17170
<u>3302.03 of the Revised Code and incomplete or inaccurate data</u>	17171
<u>submitted by the district likely caused the district to receive a</u>	17172
<u>higher performance rating than it deserved under that section,</u>	17173
<u>issue a revised report card for the district;</u>	17174
<u>(ix) Any other action designed to correct the district's data</u>	17175
<u>reporting problems.</u>	17176

(3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the report in its files. 17177
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(4) If any action taken under division (L)(2) of this section resolves a school district's data reporting problems to the department's satisfaction, the department shall not take any further actions described by that division. If the department withheld funds from the district under that division, the department may release those funds to the district, except that if the department withheld funding under division (L)(2)(c) of this section, the department shall not release the funds withheld under division (L)(2)(b) of this section and, if the department withheld funding under division (L)(2)(d) of this section, the department shall not release the funds withheld under division (L)(2)(b) or (c) of this section. 17183
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(5) Notwithstanding anything in this section to the contrary, the department may use its own staff or an outside entity to conduct an audit of a school district's data reporting practices any time the department has reason to believe the district has not made a good faith effort to report data as required by this section. If any audit conducted by an outside entity under division (L)(2)(d)(i) or (5) of this section confirms that a district has not made a good faith effort to report data as required by this section, the district shall reimburse the department for the full cost of the audit. The department may withhold state funds due to the district for this purpose. 17195
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(6) Prior to issuing a revised report card for a school district under division (L)(2)(d)(viii) of this section, the department may hold a hearing to provide the district with an 17206
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opportunity to demonstrate that it made a good faith effort to 17209
report data as required by this section. The hearing shall be 17210
conducted by a referee appointed by the department. Based on the 17211
information provided in the hearing, the referee shall recommend 17212
whether the department should issue a revised report card for the 17213
district. If the referee affirms the department's contention that 17214
the district did not make a good faith effort to report data as 17215
required by this section, the district shall bear the full cost of 17216
conducting the hearing and of issuing any revised report card. 17217

(7) If the department determines that any inaccurate data 17218
reported under this section caused a school district to receive 17219
excess state funds in any fiscal year, the district shall 17220
reimburse the department an amount equal to the excess funds, in 17221
accordance with a payment schedule determined by the department. 17222
The department may withhold state funds due to the district for 17223
this purpose. 17224

(8) Any school district that has funds withheld under 17225
division (L)(2) of this section may appeal the withholding in 17226
accordance with Chapter 119. of the Revised Code. 17227

(9) In all cases of a disagreement between the department and 17228
a school district regarding the appropriateness of an action taken 17229
under division (L)(2) of this section, the burden of proof shall 17230
be on the district to demonstrate that it made a good faith effort 17231
to report data as required by this section. 17232

(M) No information technology center or school district shall 17233
acquire, change, or update its student administration software 17234
package to manage and report data required to be reported to the 17235
department unless it converts to a student software package that 17236
is certified by the department. 17237

(N) The state board of education, in accordance with sections 17238
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 17239

license as defined under division (A) of section 3319.31 of the Revised Code that has been issued to any school district employee found to have willfully reported erroneous, inaccurate, or incomplete data to the education management information system.

(O) No person shall release or maintain any information about any student in violation of this section. Whoever violates this division is guilty of a misdemeanor of the fourth degree.

(P) The department shall disaggregate the data collected under division (B)(1)(o) of this section according to the race and socioeconomic status of the students assessed. No data collected under that division shall be included on the report cards required by section 3302.03 of the Revised Code.

(Q) If the department cannot compile any of the information required by division (C)(5) of section 3302.03 of the Revised Code based upon the data collected under this section, the department shall develop a plan and a reasonable timeline for the collection of any data necessary to comply with that division.

Sec. 3301.0718. (A) After completing the required standards specified in section 3301.079 of the Revised Code, the state board of education shall adopt standards and model curricula for instruction in computer literacy for grades three through twelve and in fine arts and foreign language for grades kindergarten through twelve. ~~The~~

(B) Not later than December 31, 2007, the state board shall adopt the most recent standards developed by the national association for sport and physical education for physical education in grades kindergarten through twelve or shall adopt its own standards for physical education in those grades. The department of education shall provide the standards, and any revisions of the standards, to all school districts and community schools established under Chapter 3314. of the Revised Code. Any

school district or community school may utilize the standards. 17271

The department shall employ a full-time physical education 17272
coordinator to provide guidance and technical assistance to 17273
districts and community schools in implementing the standards 17274
adopted under this division. The superintendent of public 17275
instruction shall determine that the person employed as 17276
coordinator is qualified for the position, as demonstrated by 17277
possessing an adequate combination of education, license, and 17278
experience. The department shall hire a coordinator not later than 17279
October 31, 2007. 17280

(C) The state board shall not adopt or revise any standards 17281
or curriculum in the area of health or physical education unless, 17282
by concurrent resolution, the standards, curriculum, or revisions 17283
are approved by both houses of the general assembly. Before the 17284
house of representatives or senate votes on a concurrent 17285
resolution approving health or physical education standards, 17286
curriculum, or revisions, its standing committee having 17287
jurisdiction over education legislation shall conduct at least one 17288
public hearing on the standards, curriculum, or revisions. 17289

(D) The state board shall not adopt a diagnostic 17290
assessment or achievement test for any grade level or subject area 17291
other than those specified in section 3301.079 of the Revised 17292
Code. 17293

Sec. 3301.0724. (A) The department of education annually 17294
shall report to the general assembly, in accordance with section 17295
101.68 of the Revised Code, for each school district all of the 17296
following information for the previous school year: 17297

(1) The aggregate amount spent for teacher salaries; 17298

(2) The aggregate amount spent for salaries of nonteaching 17299
employees; 17300

(3) The aggregate amount spent for health care benefits for all employees and the percentage that amount is of the total amount paid in employer's contributions and employees' contributions for those benefits; 17301
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(4) The aggregate amount spent for the employer's contributions to the state teachers retirement system and the school employees retirement system; 17305
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(5) Whether the school district pays any part of the employees' contributions to the state teachers retirement system or the school employees retirement system; 17308
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(6) The number of sick days, vacation days, and personal days provided for teachers and nonteaching employees. 17311
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(B) The department shall consult with the state employment relations board in preparing the report required by this section. 17313
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(C) If necessary, as determined by the department, each school district shall report to the department data prescribed by division (A) of this section in the manner and by the deadline specified by the department so that the department can comply with this section. 17315
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(D) As used in this section, "school year" has the same meaning as in section 3313.62 of the Revised Code. 17320
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Sec. 3301.12. (A) The superintendent of public instruction in addition to the authority otherwise imposed on the superintendent, shall perform the following duties: 17322
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(1) The superintendent shall provide technical and professional assistance and advice to all school districts in reference to all aspects of education, including finance, buildings and equipment, administration, organization of school districts, curriculum and instruction, transportation of pupils, personnel problems, and the interpretation of school laws and 17325
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state regulations. 17331

(2) The superintendent shall prescribe and require the 17332
preparation and filing of such financial and other reports from 17333
school districts, officers, and employees as are necessary or 17334
proper. The superintendent shall prescribe and require the 17335
installation by school districts of such standardized reporting 17336
forms and accounting procedures as are essential to the 17337
businesslike operations of the public schools of the state. 17338

(3) The superintendent shall conduct such studies and 17339
research projects as are necessary or desirable for the 17340
improvement of public school education in Ohio, and such as may be 17341
assigned to the superintendent by the state board of education. 17342
Such studies and projects may include analysis of data contained 17343
in the education management information system established under 17344
section 3301.0714 of the Revised Code. For any study or project 17345
that requires the analysis of individual student data, the 17346
department of education or any entity with which the 17347
superintendent or department contracts to conduct the study or 17348
project shall maintain the confidentiality of student data at all 17349
times. For this purpose, the department or contracting entity 17350
shall use the data verification code assigned pursuant to division 17351
(D)(2) of section 3301.0714 of the Revised Code for each student 17352
whose data is analyzed. Except as otherwise provided in division 17353
(D)(1) of section 3301.0714 of the Revised Code, at no time shall 17354
the superintendent, the department, the state board of education, 17355
or any entity conducting a study or research project on the 17356
superintendent's behalf have access to a student's name, address, 17357
or social security number while analyzing individual student data. 17358

(4) The superintendent shall prepare and submit annually to 17359
the state board of education a report of the activities of the 17360
department of education and the status, problems, and needs of 17361
education in the state of Ohio. 17362

(5) The superintendent shall supervise all agencies over which the board exercises administrative control, including schools for education of ~~handicapped~~ persons with disabilities.

(B) The superintendent of public instruction may annually inspect and analyze the expenditures of each school district and make a determination as to the efficiency of each district's costs, relative to other school districts in the state, for instructional, administrative, and student support services. The superintendent shall notify each school district as to the nature of, and reasons for, the determination. The state board of education shall adopt rules in accordance with Chapter 119. of the Revised Code setting forth the procedures and standards for the performance of the inspection and analysis.

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:

(1) The department of education;

(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;

(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.

The notice shall include the school year and, if possible, the actual date the school will close.

(B) The chief administrator of each chartered nonpublic school that closes shall deposit the school's records with either:

(1) The accrediting association that most recently accredited the school for purposes of chartering the school in accordance

with the rules of the state board, if applicable; 17393

(2) The school district that received auxiliary services 17394
funding under division (I) of section 3317.024 of the Revised Code 17395
on behalf of the students enrolled in the school. 17396

The school district that receives the records may charge for 17397
and receive a one-time reimbursement from auxiliary services 17398
funding under division (I) of section 3317.024 of the Revised Code 17399
for costs the district incurred to store the records. 17400

Sec. 3301.311. (A) As used in this section, "preschool 17401
program" has the same meaning as in section 3301.52 of the Revised 17402
Code. 17403

(B)~~(1)~~ Subject to ~~division (B)~~~~(2)~~ divisions (C) and (D) of 17404
this section, ~~after July 1, 2005~~ beginning in fiscal year 2006, no 17405
preschool program, and no early childhood education program or 17406
early learning program as defined by the department of education 17407
shall receive any funds from the state unless fifty per cent of 17408
the staff members employed by that program as teachers are working 17409
toward an associate degree of a type approved by the department. 17410

(C)(1) Subject to division ~~(B)~~(C)(2) of this section, 17411
beginning in fiscal year ~~2008~~ 2010, no preschool program, and no 17412
early childhood education program, or early learning program as 17413
defined by the department, existing prior to fiscal year 2007, 17414
shall receive any funds from the state unless every staff member 17415
employed by that program as a teacher has attained ~~such a~~ an 17416
associate degree of a type approved by the department. 17417

(2) ~~After July 1, 2010~~ Beginning in fiscal year 2011, no 17418
preschool program, and no early childhood education program or 17419
early learning program as defined by the department ~~of education,~~ 17420
existing prior to fiscal year 2007, shall receive any funds from 17421
the state unless fifty per cent of the staff members employed by 17422

the program as teachers have attained a bachelor's degree of a 17423
type approved by the department. 17424

(D)(1) Subject to division (D)(2) of this section, beginning 17425
in fiscal year 2012, no preschool program, and no early childhood 17426
education program or early learning program as defined by the 17427
department, established during or after fiscal year 2007, shall 17428
receive any funds from the state unless every staff member 17429
employed by that program as a teacher has attained an associate 17430
degree of a type approved by the department. 17431

(2) Beginning in fiscal year 2013, no preschool program, and 17432
no early childhood education program or early learning program as 17433
defined by the department, established during or after fiscal year 17434
2007, shall receive any funds from the state unless fifty per cent 17435
of the staff members employed by the program as teachers have 17436
attained a bachelor's degree of a type approved by the department. 17437

Sec. 3301.53. (A) ~~Not later than July 1, 1988, the~~ The state 17438
board of education, in consultation with the director of job and 17439
family services, shall formulate and prescribe by rule adopted 17440
under Chapter 119. of the Revised Code minimum standards to be 17441
applied to preschool programs operated by school district boards 17442
of education, county MR/DD boards, or eligible nonpublic schools. 17443
The rules shall include the following: 17444

(1) Standards ensuring that the preschool program is located 17445
in a safe and convenient facility that accommodates the enrollment 17446
of the program, is of the quality to support the growth and 17447
development of the children according to the program objectives, 17448
and meets the requirements of section 3301.55 of the Revised Code; 17449

(2) Standards ensuring that supervision, discipline, and 17450
programs will be administered according to established objectives 17451
and procedures; 17452

(3) Standards ensuring that preschool staff members and 17453
nonteaching employees are recruited, employed, assigned, 17454
evaluated, and provided inservice education without discrimination 17455
on the basis of age, color, national origin, race, or sex; and 17456
that preschool staff members and nonteaching employees are 17457
assigned responsibilities in accordance with written position 17458
descriptions commensurate with their training and experience; 17459

(4) A requirement that boards of education intending to 17460
establish a preschool program ~~on or after March 17, 1989,~~ 17461
demonstrate a need for a preschool program ~~that is not being met~~ 17462
~~by any existing program providing child care,~~ prior to 17463
establishing the program; 17464

(5) Requirements that children participating in preschool 17465
programs have been immunized to the extent considered appropriate 17466
by the state board to prevent the spread of communicable disease; 17467

(6) Requirements that the parents of preschool children 17468
complete the emergency medical authorization form specified in 17469
section 3313.712 of the Revised Code. 17470

(B) The state board of education in consultation with the 17471
director of job and family services shall ensure that the rules 17472
adopted by the state board under sections 3301.52 to 3301.58 of 17473
the Revised Code are consistent with and meet or exceed the 17474
requirements of Chapter 5104. of the Revised Code with regard to 17475
child day-care centers. The state board and the director of job 17476
and family services shall review all such rules at least once 17477
every five years. 17478

(C) ~~On or before January 1, 1992, the~~ The state board of 17479
education, in consultation with the director of job and family 17480
services, shall adopt rules for school child programs that are 17481
consistent with and meet or exceed the requirements of the rules 17482
adopted for school child day-care centers under Chapter 5104. of 17483

the Revised Code. 17484

Sec. 3302.03. (A) Annually the department of education shall 17485
report for each school district and each school building in a 17486
district all of the following: 17487

(1) The extent to which the school district or building meets 17488
each of the applicable performance indicators created by the state 17489
board of education under section 3302.02 of the Revised Code and 17490
the number of applicable performance indicators that have been 17491
achieved; 17492

(2) The performance index score of the school district or 17493
building; 17494

(3) Whether the school district or building has made adequate 17495
yearly progress; 17496

(4) Whether the school district or building is excellent, 17497
effective, needs continuous improvement, is under an academic 17498
watch, or is in a state of academic emergency. 17499

(B) Except as otherwise provided in ~~division~~ divisions (B)(6) 17500
and (7) of this section: 17501

(1) A school district or building shall be declared excellent 17502
if it fulfills one of the following requirements: 17503

(a) It makes adequate yearly progress and either meets at 17504
least ninety-four per cent of the applicable state performance 17505
indicators or has a performance index score established by the 17506
department. 17507

(b) It has failed to make adequate yearly progress for not 17508
more than two consecutive years and either meets at least 17509
ninety-four per cent of the applicable state performance 17510
indicators or has a performance index score established by the 17511
department. 17512

(2) A school district or building shall be declared effective 17513
if it fulfills one of the following requirements: 17514

(a) It makes adequate yearly progress and either meets at 17515
least seventy-five per cent but less than ninety-four per cent of 17516
the applicable state performance indicators or has a performance 17517
index score established by the department. 17518

(b) It does not make adequate yearly progress and either 17519
meets at least seventy-five per cent of the applicable state 17520
performance indicators or has a performance index score 17521
established by the department, except that if it does not make 17522
adequate yearly progress for three consecutive years, it shall be 17523
declared in need of continuous improvement. 17524

(3) A school district or building shall be declared to be in 17525
need of continuous improvement if it fulfills one of the following 17526
requirements: 17527

(a) It makes adequate yearly progress, meets less than 17528
seventy-five per cent of the applicable state performance 17529
indicators, and has a performance index score established by the 17530
department. 17531

(b) It does not make adequate yearly progress and either 17532
meets at least fifty per cent but less than seventy-five per cent 17533
of the applicable state performance indicators or has a 17534
performance index score established by the department. 17535

(4) A school district or building shall be declared to be 17536
under an academic watch if it does not make adequate yearly 17537
progress and either meets at least thirty-one per cent but less 17538
than fifty per cent of the applicable state performance indicators 17539
or has a performance index score established by the department. 17540

(5) A school district or building shall be declared to be in 17541
a state of academic emergency if it does not make adequate yearly 17542
progress, does not meet at least thirty-one per cent of the 17543

applicable state performance indicators, and has a performance 17544
index score established by the department. 17545

(6) When designating performance ratings for school districts 17546
and buildings under divisions (B)(1) to (5) of this section, the 17547
department shall not assign a school district or building a lower 17548
designation from its previous year's designation based solely on 17549
one subgroup not making adequate yearly progress. 17550

(7) Division (B)(7) of this section does not apply to any 17551
community school established under Chapter 3314. of the Revised 17552
Code in which a majority of the students are enrolled in a dropout 17553
prevention and recovery program. 17554

A school district or building shall not be assigned a higher 17555
performance rating than in need of continuous improvement if at 17556
least ten per cent but not more than fifteen per cent of the 17557
enrolled students do not take all achievement tests prescribed for 17558
their grade level under section 3301.0710 of the Revised Code from 17559
which they are not excused pursuant to division (C)(1) or (3) of 17560
section 3301.0711 of the Revised Code. A school district or 17561
building shall not be assigned a higher performance rating than 17562
under an academic watch if more than fifteen per cent but not more 17563
than twenty per cent of the enrolled students do not take all 17564
achievement tests prescribed for their grade level under section 17565
3301.0710 of the Revised Code from which they are not excused 17566
pursuant to division (C)(1) or (3) of section 3301.0711 of the 17567
Revised Code. A school district or building shall not be assigned 17568
a higher performance rating than in a state of academic emergency 17569
if more than twenty per cent of the enrolled students do not take 17570
all achievement tests prescribed for their grade level under 17571
section 3301.0710 of the Revised Code from which they are not 17572
excused pursuant to division (C)(1) or (3) of section 3301.0711 of 17573
the Revised Code. 17574

(C)(1) The department shall issue annual report cards for 17575

each school district, each building within each district, and for 17576
the state as a whole reflecting performance on the indicators 17577
created by the state board under section 3302.02 of the Revised 17578
Code, the performance index score, and adequate yearly progress. 17579

(2) The department shall include on the report card for each 17580
district information pertaining to any change from the previous 17581
year made by the school district or school buildings within the 17582
district on any performance indicator. 17583

(3) When reporting data on student performance, the 17584
department shall disaggregate that data according to the following 17585
categories: 17586

(a) Performance of students by age group; 17587

(b) Performance of students by race and ethnic group; 17588

(c) Performance of students by gender; 17589

(d) Performance of students grouped by those who have been 17590
enrolled in a district or school for three or more years; 17591

(e) Performance of students grouped by those who have been 17592
enrolled in a district or school for more than one year and less 17593
than three years; 17594

(f) Performance of students grouped by those who have been 17595
enrolled in a district or school for one year or less; 17596

(g) Performance of students grouped by those who are 17597
economically disadvantaged; 17598

(h) Performance of students grouped by those who are enrolled 17599
in a conversion community school established under Chapter 3314. 17600
of the Revised Code; 17601

(i) Performance of students grouped by those who are 17602
classified as limited English proficient; 17603

(j) Performance of students grouped by those who have 17604

disabilities; 17605

(k) Performance of students grouped by those who are 17606
classified as migrants; 17607

(l) Performance of students grouped by those who are 17608
identified as gifted pursuant to Chapter 3324. of the Revised 17609
Code. 17610

The department may disaggregate data on student performance 17611
according to other categories that the department determines are 17612
appropriate. To the extent possible, the department shall 17613
disaggregate data on student performance according to any 17614
combinations of two or more of the categories listed in divisions 17615
(C)(3)(a) to (l) of this section that it deems relevant. 17616

In reporting data pursuant to division (C)(3) of this 17617
section, the department shall not include in the report cards any 17618
data statistical in nature that is statistically unreliable or 17619
that could result in the identification of individual students. 17620
For this purpose, the department shall not report student 17621
performance data for any group identified in division (C)(3) of 17622
this section that contains less than ten students. 17623

(4) The department may include with the report cards any 17624
additional education and fiscal performance data it deems 17625
valuable. 17626

(5) The department shall include on each report card a list 17627
of additional information collected by the department that is 17628
available regarding the district or building for which the report 17629
card is issued. When available, such additional information shall 17630
include student mobility data disaggregated by race and 17631
socioeconomic status, college enrollment data, and the reports 17632
prepared under section 3302.031 of the Revised Code. 17633

The department shall maintain a site on the world wide web. 17634
The report card shall include the address of the site and shall 17635

specify that such additional information is available to the public at that site. The department shall also provide a copy of each item on the list to the superintendent of each school district. The district superintendent shall provide a copy of any item on the list to anyone who requests it.

(6)(a) This division does not apply to conversion community schools that primarily enroll students between sixteen and twenty-two years of age who dropped out of high school or are at risk of dropping out of high school due to poor attendance, disciplinary problems, or suspensions.

For any district that sponsors a conversion community school under Chapter 3314. of the Revised Code, the department shall combine data regarding the academic performance of students enrolled in the community school with comparable data from the schools of the district for the purpose of calculating the performance of the district as a whole on the report card issued for the district.

(b) Any district that leases a building to a community school located in the district or that enters into an agreement with a community school located in the district whereby the district and the school endorse each other's programs may elect to have data regarding the academic performance of students enrolled in the community school combined with comparable data from the schools of the district for the purpose of calculating the performance of the district as a whole on the district report card. Any district that so elects shall annually file a copy of the lease or agreement with the department.

(7) The department shall include on each report card the percentage of teachers in the district or building who are highly qualified, as defined by the "No Child Left Behind Act of 2001," and a comparison of that percentage with the percentages of such teachers in similar districts and buildings.

(8) The department shall include on the report card the number of master teachers employed by each district and each building once the data is available from the education management information system established under section 3301.0714 of the Revised Code;

(9) The department shall display a designation of "Ohio Core Certified School District" or "Ohio Core Certified Community School" on the report card for each school district or community school, respectively, submitting evidence satisfactory to the department that, in the school year to which the report card pertains, the district or school both:

(a) Offered all components of the Ohio core curriculum prescribed in division (C) of section 3313.603 of the Revised Code for its high school students;

(b) Applied the fine arts education requirement of division (K) of that section.

The department shall display the designation on report cards published in 2008 through 2013 for the 2007-2008 through 2012-2013 school years. The department shall list on the web site established under division (C)(5) of this section the school districts and community schools designated as Ohio core certified.

(D)(1) In calculating reading, writing, mathematics, social studies, or science proficiency or achievement test passage rates used to determine school district or building performance under this section, the department shall include all students taking a test with accommodation or to whom an alternate assessment is administered pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code.

(2) In calculating performance index scores, rates of achievement on the performance indicators established by the state board under section 3302.02 of the Revised Code, and adequate

yearly progress for school districts and buildings under this 17699
section, the department shall do all of the following: 17700

(a) Include for each district or building only those students 17701
who are included in the ADM certified for the first full school 17702
week of October and are continuously enrolled in the district or 17703
building through the time of the spring administration of any test 17704
prescribed by section 3301.0710 of the Revised Code that is 17705
administered to the student's grade level; 17706

(b) Include cumulative totals from both the fall and spring 17707
administrations of the third grade reading achievement test; 17708

(c) Except as required by the "No Child Left Behind Act of 17709
2001" for the calculation of adequate yearly progress, exclude for 17710
each district or building any limited English proficient student 17711
who has been enrolled in United States schools for less than one 17712
full school year. 17713

Sec. 3302.10. (A) Beginning July 1, 2007, the superintendent 17714
of public instruction shall establish an academic distress 17715
commission for each school district that has been declared to be 17716
in a state of academic emergency pursuant to section 3302.03 of 17717
the Revised Code and has failed to make adequate yearly progress 17718
for four or more consecutive school years. Each commission shall 17719
assist the district for which it was established in improving the 17720
district's academic performance. 17721

Each commission is a body both corporate and politic, 17722
constituting an agency and instrumentality of the state and 17723
performing essential governmental functions of the state. A 17724
commission shall be known as the "academic distress commission for 17725
..... (name of school district)," and, in that name, may 17726
exercise all authority vested in such a commission by this 17727
section. A separate commission shall be established for each 17728
school district to which this division applies. 17729

(B) Each academic distress commission shall consist of five 17730
voting members, three of whom shall be appointed by the 17731
superintendent of public instruction and two of whom shall be 17732
residents of the applicable school district appointed by the 17733
president of the district board of education of the applicable 17734
school district. When a school district becomes subject to this 17735
section, the superintendent of public instruction shall provide 17736
written notification of that fact to the district board of 17737
education and shall request the president of the district board to 17738
submit to the superintendent of public instruction, in writing, 17739
the names of the president's appointees to the commission. The 17740
superintendent of public instruction and the president of the 17741
district board shall make appointments to the commission within 17742
thirty days after the district is notified that it is subject to 17743
this section. 17744

Members of the commission shall serve at the pleasure of 17745
their appointing authority during the life of the commission. In 17746
the event of the death, resignation, incapacity, removal, or 17747
ineligibility to serve of a member, the appointing authority shall 17748
appoint a successor within fifteen days after the vacancy occurs. 17749
Members shall serve without compensation, but shall be paid by the 17750
commission their necessary and actual expenses incurred while 17751
engaged in the business of the commission. 17752

(C) Immediately after appointment of the initial members of 17753
an academic distress commission, the superintendent of public 17754
instruction shall call the first meeting of the commission and 17755
shall cause written notice of the time, date, and place of that 17756
meeting to be given to each member of the commission at least 17757
forty-eight hours in advance of the meeting. The first meeting 17758
shall include an overview of the commission's roles and 17759
responsibilities, the requirements of section 2921.42 and Chapter 17760
102. of the Revised Code as they pertain to commission members, 17761

the requirements of section 121.22 of the Revised Code, and the 17762
provisions of division (F) of this section. At its first meeting, 17763
the commission shall adopt temporary bylaws in accordance with 17764
division (D) of this section to govern its operations until the 17765
adoption of permanent bylaws. 17766

The superintendent of public instruction shall designate a 17767
chairperson for the commission from among the members appointed by 17768
the superintendent. The chairperson shall call and conduct 17769
meetings, set meeting agendas, and serve as a liaison between the 17770
commission and the district board of education. The chairperson 17771
also shall appoint a secretary, who shall not be a member of the 17772
commission. 17773

The department of education shall provide administrative 17774
support for the commission, provide data requested by the 17775
commission, and inform the commission of available state resources 17776
that could assist the commission in its work. 17777

(D) Each academic distress commission may adopt and alter 17778
bylaws and rules, which shall not be subject to section 111.15 or 17779
Chapter 119. of the Revised Code, for the conduct of its affairs 17780
and for the manner, subject to this section, in which its powers 17781
and functions shall be exercised and embodied. 17782

(E) Three members of an academic distress commission 17783
constitute a quorum of the commission. The affirmative vote of 17784
three members of the commission is necessary for any action taken 17785
by vote of the commission. No vacancy in the membership of the 17786
commission shall impair the rights of a quorum by such vote to 17787
exercise all the rights and perform all the duties of the 17788
commission. Members of the commission are not disqualified from 17789
voting by reason of the functions of any other office they hold 17790
and are not disqualified from exercising the functions of the 17791
other office with respect to the school district, its officers, or 17792
the commission. 17793

(F) The members of an academic distress commission, the superintendent of public instruction, and any person authorized to act on behalf of or assist them shall not be personally liable or subject to any suit, judgment, or claim for damages resulting from the exercise of or failure to exercise the powers, duties, and functions granted to them in regard to their functioning under this section, but the commission, superintendent of public instruction, and such other persons shall be subject to mandamus proceedings to compel performance of their duties under this section. 17794
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(G) Each member of an academic distress commission shall file the statement described in section 102.02 of the Revised Code with the Ohio ethics commission. The statement shall be confidential, subject to review, as described in division (B) of that section. 17804
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(H) Meetings of each academic distress commission shall be subject to section 121.22 of the Revised Code. 17808
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(I)(1) Within one hundred twenty days after the first meeting of an academic distress commission, the commission shall adopt an academic recovery plan to improve academic performance in the school district. The plan shall address academic problems at both the district and school levels. The plan shall include the following: 17810
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(a) Short-term and long-term actions to be taken to improve the district's academic performance, including any actions required by section 3302.04 of the Revised Code; 17816
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(b) The sequence and timing of the actions described in division (I)(1)(a) of this section and the persons responsible for implementing the actions; 17819
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(c) Resources that will be applied toward improvement efforts; 17822
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(d) Procedures for monitoring and evaluating improvement 17824

efforts; 17825

(e) Requirements for reporting to the commission and the district board of education on the status of improvement efforts. 17826
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(2) The commission may amend the academic recovery plan subsequent to adoption. The commission shall update the plan at least annually. 17828
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(3) The commission shall submit the academic recovery plan it adopts or updates to the superintendent of public instruction for approval immediately following its adoption or updating. The superintendent shall evaluate the plan and either approve or disapprove it within thirty days after its submission. If the plan is disapproved, the superintendent shall recommend modifications that will render it acceptable. No academic distress commission shall implement an academic recovery plan unless the superintendent has approved it. 17831
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(4) County, state, and school district officers and employees shall assist the commission diligently and promptly in the implementation of the academic recovery plan. 17840
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(J) Each academic distress commission shall seek input from the district board of education regarding ways to improve the district's academic performance, but any decision of the commission related to any authority granted to the commission under this section shall be final. 17843
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The commission may do any of the following: 17848

(1) Appoint school building administrators and reassign administrative personnel; 17849
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(2) Terminate the contracts of administrators or administrative personnel. The commission shall not be required to comply with section 3319.16 of the Revised Code with respect to any contract terminated under this division. 17851
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(3) Contract with a private entity to perform school or district management functions; 17855
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(4) Establish a budget for the district and approve district appropriations and expenditures, unless a financial planning and supervision commission has been established for the district pursuant to section 3316.05 of the Revised Code. 17857
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~~(D)~~(K) If the board of education of a district for which an academic distress commission has been established under this section renews any collective bargaining agreement under Chapter 4117. of the Revised Code during the existence of the commission, the district board shall not enter into any agreement that would render any decision of the commission unenforceable. Section 3302.08 of the Revised Code does not apply to this division. 17861
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Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, if the board of education has entered into a collective bargaining agreement after ~~the effective date of this section~~ September 29, 2005, that contains stipulations relinquishing one or more of the rights or responsibilities listed in division (C) of section 4117.08 of the Revised Code, those stipulations are not enforceable and the district board shall resume holding those rights or responsibilities as if it had not relinquished them in that agreement until such time as both the academic distress commission ceases to exist and the district board agrees to relinquish those rights or responsibilities in a new collective bargaining agreement. The provisions of this paragraph apply to a collective bargaining agreement entered into after ~~the effective date of this section~~ September 29, 2005, and those provisions are deemed to be part of that agreement regardless of whether the district satisfied the conditions prescribed in division (A) of this section at the time the district entered into that agreement. 17868
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~~(E)~~(L) An academic distress commission shall cease to exist 17886

when the district for which it was established receives a 17887
performance rating under section 3302.03 of the Revised Code of in 17888
need of continuous improvement or better for two ~~out~~ of the three 17889
prior school years; however, the superintendent of public 17890
instruction may dissolve the commission earlier if the 17891
superintendent determines that the district can perform adequately 17892
without the supervision of the commission. Upon termination of the 17893
commission, the department of education shall compile a final 17894
report of the commission's activities to assist other academic 17895
distress commissions in the conduct of their functions. 17896

Sec. 3303.20. The superintendent of public instruction shall 17897
appoint a supervisor of agricultural education within the 17898
department of education. The supervisor shall be responsible for 17899
administering and disseminating to school districts information 17900
about agricultural education. 17901

The department shall maintain an appropriate number of 17902
full-time employees focusing on agricultural education. The 17903
department shall employ at least three program consultants who 17904
shall be available to provide assistance to school districts on a 17905
regional basis throughout the state. At least one consultant may 17906
coordinate local activities of the student organization known as 17907
the future farmers of America. 17908

Sec. 3310.41. (A) As used in this section: 17909

(1) "Alternative public provider" means either of the 17910
following providers that agrees to enroll a child in the 17911
provider's special education program to implement the child's 17912
individualized education program and to which the child's parent 17913
owes fees for the services provided to the child: 17914

(a) A school district that is not the school district in 17915
which the child is entitled to attend school; 17916

- (b) A public entity other than a school district. 17917
- (2) "Entitled to attend school" means entitled to attend 17918
school in a school district under section 3313.64 or 3313.65 of 17919
the Revised Code. 17920
- (3) "Formula ADM" and "category six special education ADM" 17921
have the same meanings as in section 3317.02 of the Revised Code. 17922
- (4) "~~Handicapped preschool~~ Preschool child with a disability" 17923
and "individualized education program" have the same meanings as 17924
in section 3323.01 of the Revised Code. 17925
- (5) "Parent" has the same meaning as in section 3313.64 of 17926
the Revised Code, except that "parent" does not mean a parent 17927
whose custodial rights have been terminated. 17928
- (6) "Preschool scholarship ADM" means the number of 17929
~~handicapped~~ preschool children with disabilities reported under 17930
division (B)(3)(h) of section 3317.03 of the Revised Code. 17931
- (7) "Qualified special education child" is a child for whom 17932
all of the following conditions apply: 17933
- (a) The school district in which the child is entitled to 17934
attend school has identified the child as autistic. A child who 17935
has been identified as having a "pervasive developmental disorder 17936
- not otherwise specified (PPD-NOS)" shall be considered to be an 17937
autistic child for purposes of this section. 17938
- (b) The school district in which the child is entitled to 17939
attend school has developed an individualized education program 17940
under Chapter 3323. of the Revised Code for the child. 17941
- (c) The child either: 17942
- (i) Was enrolled in the school district in which the child is 17943
entitled to attend school in any grade from preschool through 17944
twelve in the school year prior to the year in which a scholarship 17945
under this section is first sought for the child; or 17946

(ii) Is eligible to enter school in any grade preschool 17947
through twelve in the school district in which the child is 17948
entitled to attend school in the school year in which a 17949
scholarship under this section is first sought for the child. 17950

(8) "Registered private provider" means a nonpublic school or 17951
other nonpublic entity that has been approved by the ~~Department~~ 17952
department of Education education to participate in the program 17953
established under this section. 17954

(9) "Special education program" means a school or facility 17955
that provides special education and related services to children 17956
with disabilities. 17957

(B) There is hereby established the autism scholarship 17958
program. Under the program, the department of education shall pay 17959
a scholarship to the parent of each qualified special education 17960
child upon application of that parent pursuant to procedures and 17961
deadlines established by rule of the state board of education. 17962
Each scholarship shall be used only to pay tuition for the child 17963
on whose behalf the scholarship is awarded to attend a special 17964
education program that implements the child's individualized 17965
education program and that is operated by an alternative public 17966
provider or by a registered private provider. Each scholarship 17967
shall be in an amount not to exceed the lesser of the tuition 17968
charged for the child by the special education program or twenty 17969
thousand dollars. The purpose of the scholarship is to permit the 17970
parent of a qualified special education child the choice to send 17971
the child to a special education program, instead of the one 17972
operated by or for the school district in which the child is 17973
entitled to attend school, to receive the services prescribed in 17974
the child's individualized education program once the 17975
individualized education program is finalized. A scholarship under 17976
this section shall not be awarded to the parent of a child while 17977
the child's individualized education program is being developed by 17978

the school district in which the child is entitled to attend 17979
school, or while any administrative or judicial mediation or 17980
proceedings with respect to the content of the child's 17981
individualized education program are pending. A scholarship under 17982
this section shall not be used for a child to attend a public 17983
special education program that operates under a contract, compact, 17984
or other bilateral agreement between the school district in which 17985
the child is entitled to attend school and another school district 17986
or other public provider, or for a child to attend a community 17987
school established under Chapter 3314. of the Revised Code. 17988
However, nothing in this section or in any rule adopted by the 17989
state board shall prohibit a parent whose child attends a public 17990
special education program under a contract, compact, or other 17991
bilateral agreement, or a parent whose child attends a community 17992
school, from applying for and accepting a scholarship under this 17993
section so that the parent may withdraw the child from that 17994
program or community school and use the scholarship for the child 17995
to attend a special education program for which the parent is 17996
required to pay for services for the child. A child attending a 17997
special education program with a scholarship under this section 17998
shall continue to be entitled to transportation to and from that 17999
program in the manner prescribed by law. 18000

(C)(1) As prescribed in divisions (A)(2)(h), (B)(3)(g), and 18001
(B)(10) of section 3317.03 of the Revised Code, a child who is not 18002
a ~~handicapped~~ preschool child with a disability for whom a 18003
scholarship is awarded under this section shall be counted in the 18004
formula ADM and the category six special education ADM of the 18005
district in which the child is entitled to attend school and not 18006
in the formula ADM and the category six special education ADM of 18007
any other school district. As prescribed in divisions (B)(3)(h) 18008
and (B)(10) of section 3317.03 of the Revised Code, a child who is 18009
a ~~handicapped~~ preschool child with a disability for whom a 18010
scholarship is awarded under this section shall be counted in the 18011

preschool scholarship ADM and category six special education ADM 18012
of the school district in which the child is entitled to attend 18013
school and not in the preschool scholarship ADM or category six 18014
special education ADM of any other school district. 18015

(2) In each fiscal year, the department shall deduct from the 18016
amounts paid to each school district under Chapter 3317. of the 18017
Revised Code, and, if necessary, sections 321.24 and 323.156 of 18018
the Revised Code, the aggregate amount of scholarships awarded 18019
under this section for qualified special education children 18020
included in the formula ADM, or preschool scholarship ADM, and in 18021
the category six special education ADM of that school district as 18022
provided in division (C)(1) of this section. The scholarships 18023
deducted shall be considered as an approved special education and 18024
related services expense for the purpose of the school district's 18025
compliance with division (C)(5) of section 3317.022 of the Revised 18026
Code. 18027

(3) From time to time, the department shall make a payment to 18028
the parent of each qualified special education child for whom a 18029
scholarship has been awarded under this section. The scholarship 18030
amount shall be proportionately reduced in the case of any such 18031
child who is not enrolled in the special education program for 18032
which a scholarship was awarded under this section for the entire 18033
school year. The department shall make no payments to the parent 18034
of a child while any administrative or judicial mediation or 18035
proceedings with respect to the content of the child's 18036
individualized education program are pending. 18037

(D) A scholarship shall not be paid to a parent for payment 18038
of tuition owed to a nonpublic entity unless that entity is a 18039
registered private provider. The department shall approve entities 18040
that meet the standards established by rule of the state board for 18041
the program established under this section. 18042

(E) The state board shall adopt rules under Chapter 119. of 18043

the Revised Code prescribing procedures necessary to implement 18044
this section, including, but not limited to, procedures and 18045
deadlines for parents to apply for scholarships, standards for 18046
registered private providers, and procedures for approval of 18047
entities as registered private providers. 18048

Sec. 3310.51. As used in sections 3310.51 to 3310.63 of the 18049
Revised Code: 18050

(A) "Alternative public provider" means either of the 18051
following providers that agrees to enroll a child in the 18052
provider's special education program to implement the child's 18053
individualized education program and to which the eligible 18054
applicant owes fees for the services provided to the child: 18055

(1) A school district that is not the school district in 18056
which the child is entitled to attend school or the child's school 18057
district of residence, if different; 18058

(2) A public entity other than a school district. 18059

(B) "Applicable special education weight" means the multiple 18060
specified in section 3317.013 of the Revised Code for a disability 18061
described in that section. 18062

(C) "Category one through six special education ADM" means 18063
the respective categories prescribed in divisions (F)(1) to (6) of 18064
section 3317.02 of the Revised Code. 18065

(D) "Child with a disability" and "individualized education 18066
program" have the same meanings as in section 3323.01 of the 18067
Revised Code. 18068

(E) "Eligible applicant" means any of the following: 18069

(1) Either of the natural or adoptive parents of a qualified 18070
special education child, except as otherwise specified in this 18071
division. When the marriage of the natural or adoptive parents of 18072
the student has been terminated by a divorce, dissolution of 18073

marriage, or annulment, or when the natural or adoptive parents of 18074
the student are living separate and apart under a legal separation 18075
decree, and a court has issued an order allocating the parental 18076
rights and responsibilities with respect to the child, "eligible 18077
applicant" means the residential parent as designated by the 18078
court. If the court issues a shared parenting decree, "eligible 18079
applicant" means either parent. "Eligible applicant" does not mean 18080
a parent whose custodial rights have been terminated. 18081

(2) The custodian of a qualified special education child, 18082
when a court has granted temporary, legal, or permanent custody of 18083
the child to an individual other than either of the natural or 18084
adoptive parents of the child or to a government agency; 18085

(3) The guardian of a qualified special education child, when 18086
a court has appointed a guardian for the child; 18087

(4) The grandparent of a qualified special education child, 18088
when the grandparent is the child's attorney in fact under a power 18089
of attorney executed under sections 3109.51 to 3109.62 of the 18090
Revised Code or when the grandparent has executed a caregiver 18091
authorization affidavit under sections 3109.65 to 3109.73 of the 18092
Revised Code; 18093

(5) The surrogate parent appointed for a qualified special 18094
education child pursuant to division (B) of section 3323.05 and 18095
section 3323.051 of the Revised Code; 18096

(6) A qualified special education child, if the child does 18097
not have a custodian or guardian and the child is at least 18098
eighteen years of age. 18099

(F) "Entitled to attend school" means entitled to attend 18100
school in a school district under sections 3313.64 and 3313.65 of 18101
the Revised Code. 18102

(G) "Formula ADM" and "formula amount" have the same meanings 18103
as in section 3317.02 of the Revised Code. 18104

<u>(H) "Qualified special education child" is a child for whom</u>	18105
<u>all of the following conditions apply:</u>	18106
<u>(1) The child is at least five years of age and less than</u>	18107
<u>twenty-two years of age;</u>	18108
<u>(2) The school district in which the child is entitled to</u>	18109
<u>attend school, or the child's school district of residence if</u>	18110
<u>different, has identified the child as a child with a disability;</u>	18111
<u>(3) The school district in which the child is entitled to</u>	18112
<u>attend school, or the child's school district of residence if</u>	18113
<u>different, has developed an individualized education program under</u>	18114
<u>Chapter 3323. of the Revised Code for the child;</u>	18115
<u>(4) The child either:</u>	18116
<u>(a) Was enrolled in the schools of the school district in</u>	18117
<u>which the child is entitled to attend school in any grade from</u>	18118
<u>kindergarten through twelve in the school year prior to the school</u>	18119
<u>year in which a scholarship is first sought for the child;</u>	18120
<u>(b) Is eligible to enter school in any grade kindergarten</u>	18121
<u>through twelve in the school district in which the child is</u>	18122
<u>entitled to attend school in the school year in which a</u>	18123
<u>scholarship is first sought for the child.</u>	18124
<u>(I) "Registered private provider" means a nonpublic school or</u>	18125
<u>other nonpublic entity that has been registered by the</u>	18126
<u>superintendent of public instruction under section 3310.58 of the</u>	18127
<u>Revised Code.</u>	18128
<u>(J) "Scholarship" means a scholarship awarded under the</u>	18129
<u>special education scholarship pilot program pursuant to sections</u>	18130
<u>3310.51 to 3310.63 of the Revised Code.</u>	18131
<u>(K) "School district of residence" has the same meaning as in</u>	18132
<u>section 3323.01 of the Revised Code. A community school</u>	18133
<u>established under Chapter 3314. of the Revised Code is not a</u>	18134

"school district of residence" for purposes of sections 3310.51 to 18135
3310.63 of the Revised Code. 18136

(L) "School year" has the same meaning as in section 3313.62 18137
of the Revised Code. 18138

(M) "Special education program" means a school or facility 18139
that provides special education and related services to children 18140
with disabilities. 18141

Sec. 3310.52. (A) The special education scholarship pilot 18142
program is hereby established. Under the program, in fiscal years 18143
2009 through 2014, subject to division (B) of this section, the 18144
department of education annually shall pay a scholarship to an 18145
alternative public provider or a registered private provider on 18146
behalf of an eligible applicant for services provided for a 18147
qualified special education child. The scholarship shall be used 18148
only to pay all or part of the fees for the child to attend the 18149
special education program operated by the alternative public 18150
provider or registered private provider to implement the child's 18151
individualized education program in lieu of the child's attending 18152
the special education program operated by the school district in 18153
which the child is entitled to attend school. 18154

(B) The number of scholarships awarded under the pilot 18155
program in any fiscal year shall not exceed three per cent of the 18156
total number of students residing in the state identified as 18157
children with disabilities during the previous fiscal year. 18158

(C) No scholarship or renewal of a scholarship shall be 18159
awarded to an eligible applicant on behalf of a qualified special 18160
education child for the next school year, unless on or before the 18161
fifteenth day of April the eligible applicant completes the 18162
application for the scholarship or renewal, in the manner 18163
prescribed by the department, and notifies the school district in 18164
which the child is entitled to attend school that the eligible 18165

applicant has applied for the scholarship or renewal. 18166

Sec. 3310.53. (A) Except for development of the child's 18167
individualized education program, as specified in division (B) of 18168
this section, the school district in which a qualified special 18169
education child is entitled to attend school and the child's 18170
school district of residence, if different, are not obligated to 18171
provide the child with a free appropriate public education under 18172
Chapter 3323. of the Revised Code for as long as the child 18173
continues to attend the special education program operated by 18174
either an alternative public provider or a registered private 18175
provider for which a scholarship is awarded under the special 18176
education scholarship pilot program. If at any time, the eligible 18177
applicant for the child decides no longer to accept scholarship 18178
payments and enrolls the child in the special education program of 18179
the school district in which the child is entitled to attend 18180
school, that district shall provide the child with a free 18181
appropriate public education under Chapter 3323. of the Revised 18182
Code. 18183

(B) Each eligible applicant and each qualified special 18184
education child have a continuing right to the development of an 18185
individualized education program for the child that complies with 18186
Chapter 3323. of the Revised Code, 20 U.S.C. 1400 et seq., and 18187
administrative rules or guidelines adopted by the Ohio department 18188
of education or the United States department of education. The 18189
school district in which a qualified special education child is 18190
entitled to attend school, or the child's school district of 18191
residence if different, shall develop each individualized 18192
education program for the child in accordance with those 18193
provisions. 18194

(C) Each school district shall notify an eligible applicant 18195
of the applicant's and qualified special education child's rights 18196

under sections 3310.51 to 3310.63 of the Revised Code by providing 18197
to each eligible applicant the comparison document prescribed in 18198
section 3323.052 of the Revised Code. An eligible applicant's 18199
receipt of that document, as acknowledged in a format prescribed 18200
by the department of education, shall constitute notice that the 18201
eligible applicant has been informed of those rights. Upon receipt 18202
of that document, subsequent acceptance of a scholarship 18203
constitutes the eligible applicant's informed consent to the 18204
provisions of sections 3310.51 to 3310.63 of the Revised Code. 18205

Sec. 3310.54. As prescribed in divisions (A)(2)(h), 18206
(B)(3)(g), and (B)(5) to (10) of section 3317.03 of the Revised 18207
Code, a qualified special education child in any of grades 18208
kindergarten through twelve for whom a scholarship is awarded 18209
under the special education scholarship pilot program shall be 18210
counted in the formula ADM and category one through six special 18211
education ADM, as appropriate, of the school district in which the 18212
child is entitled to attend school. A qualified special education 18213
child shall not be counted in the formula ADM or category one 18214
through six special education ADM of any other school district. 18215

Sec. 3310.55. The department of education shall deduct from a 18216
school district's state education aid, as defined in section 18217
3317.02 of the Revised Code, and, if necessary, from its payment 18218
under sections 321.24 and 323.156 of the Revised Code, the 18219
aggregate amount of scholarships paid under section 3310.57 of the 18220
Revised Code for qualified special education children included in 18221
the formula ADM and the category one through six special education 18222
ADM of that school district. 18223

Sec. 3310.56. The amount of the scholarship awarded and paid 18224
on behalf of an eligible applicant for services for a qualified 18225
special education child under the special education scholarship 18226

<u>pilot program in each school year shall be the least of the</u>	18227
<u>following:</u>	18228
<u>(A) The amount of fees charged for that school year by the</u>	18229
<u>alternative public provider or registered private provider;</u>	18230
<u>(B) The sum of the amounts calculated under divisions (B)(1)</u>	18231
<u>and (2) of this section:</u>	18232
<u>(1) The sum of the formula amount plus the per pupil amount</u>	18233
<u>of the base funding supplements specified in divisions (C)(1) to</u>	18234
<u>(4) of section 3317.012 of the Revised Code;</u>	18235
<u>(2) The formula amount times the applicable special education</u>	18236
<u>weight for the child's disability;</u>	18237
<u>(C) Twenty thousand dollars.</u>	18238
<u>Sec. 3310.57. The department of education shall make periodic</u>	18239
<u>payments to an alternative public provider or a registered private</u>	18240
<u>provider on behalf of an eligible applicant for services for each</u>	18241
<u>qualified special education child for whom a scholarship has been</u>	18242
<u>awarded. The total of all payments made on behalf of an applicant</u>	18243
<u>in each school year shall not exceed the amount calculated for the</u>	18244
<u>child under section 3310.56 of the Revised Code.</u>	18245
	18246
<u>The scholarship amount shall be proportionately reduced in</u>	18247
<u>the case of a child who is not enrolled in the special education</u>	18248
<u>program of an alternative public provider or a registered private</u>	18249
<u>provider for the entire school year.</u>	18250
<u>In accordance with division (A) of section 3310.62 of the</u>	18251
<u>Revised Code, the department shall make no payments on behalf of</u>	18252
<u>an applicant for a first-time scholarship for a qualified special</u>	18253
<u>education child while any administrative or judicial mediation or</u>	18254
<u>proceedings with respect to the content of the child's</u>	18255
<u>individualized education program are pending.</u>	18256

Sec. 3310.58. No nonpublic school or entity shall receive 18257
payments for services for a qualified special education child 18258
under the special education scholarship pilot program until the 18259
school or entity registers with the superintendent of public 18260
instruction. The superintendent shall register and designate as a 18261
registered private provider any nonpublic school or entity that 18262
meets the following requirements: 18263

(A) The special education program operated by the school or 18264
entity meets the minimum education standards established by the 18265
state board of education. 18266

(B) The school or entity complies with the antidiscrimination 18267
provisions of 42 U.S.C. 2000d, regardless of whether the school or 18268
entity receives federal financial assistance. 18269

(C) If the school or entity is not chartered by the state 18270
board under section 3301.16 of the Revised Code, the school or 18271
entity agrees to comply with section 3319.39 of the Revised Code 18272
as if it were a school district. 18273

(D) The teaching and nonteaching professionals employed by 18274
the school or entity, or employed by any subcontractors of the 18275
school or entity, hold credentials determined by the state board 18276
to be appropriate for the qualified special education children 18277
enrolled in the special education program it operates. 18278

(E) The school or entity meets applicable health and safety 18279
standards established by law for school buildings. 18280

(F) The school or entity agrees to retain on file 18281
documentation as required by the department of education. 18282

(G) The school or entity demonstrates fiscal soundness to the 18283
satisfaction of the department. 18284

(H) The school or entity agrees to meet other requirements 18285
established by rule of the state board under section 3310.63 of 18286

the Revised Code. 18287

Sec. 3310.59. The superintendent of public instruction shall 18288
revoke the registration of any school or entity if, after a 18289
hearing, the superintendent determines that the school or entity 18290
is in violation of any provision of section 3310.58 of the Revised 18291
Code. 18292

Sec. 3310.60. A qualified special education child attending a 18293
special education program at an alternative public provider or a 18294
registered private provider with a scholarship shall be entitled 18295
to transportation to and from that program in the manner 18296
prescribed by law for any child with a disability attending a 18297
nonpublic special education program. 18298

Sec. 3310.61. An eligible applicant on behalf of a child who 18299
currently attends a public special education program under a 18300
contract, compact, or other bilateral agreement, or on behalf of a 18301
child who currently attends a community school, shall not be 18302
prohibited from applying for and accepting a scholarship so that 18303
the applicant may withdraw the child from that program or 18304
community school and use the scholarship for the child to attend a 18305
special education program operated by an alternative public 18306
provider or a registered private provider. 18307

Sec. 3310.62. (A) A scholarship under the special education 18308
scholarship pilot program shall not be awarded for the first time 18309
to an eligible applicant on behalf of a qualified special 18310
education child while the child's individualized education program 18311
is being developed by the school district in which the child is 18312
entitled to attend school, or by the child's school district of 18313
residence if different, or while any administrative or judicial 18314
mediation or proceedings with respect to the content of that 18315

individualized education program are pending. 18316

(B) Development of individualized education programs 18317
subsequent to the one developed for the child the first time a 18318
scholarship was awarded on behalf of the child and the 18319
prosecuting, by the eligible applicant on behalf of the child, of 18320
administrative or judicial mediation or proceedings with respect 18321
to any of those subsequent individualized education programs do 18322
not affect the applicant's and the child's continued eligibility 18323
for scholarship payments. 18324

(C) In the case of any child for whom a scholarship has been 18325
awarded, if the school district in which the child is entitled to 18326
attend school has agreed to provide some services for the child 18327
under an agreement entered into with the eligible applicant or 18328
with the alternative public provider or registered private 18329
provider implementing the child's individualized education 18330
program, or if the district is required by law to provide some 18331
services for the child, including transportation services under 18332
sections 3310.60 and 3327.01 of the Revised Code, the district 18333
shall not discontinue the services it is providing pending 18334
completion of any administrative proceedings regarding those 18335
services. The prosecuting, by the eligible applicant on behalf of 18336
the child, of administrative proceedings regarding the services 18337
provided by the district does not affect the applicant's and the 18338
child's continued eligibility for scholarship payments. 18339

(D) The department of education shall continue to make 18340
payments to the alternative public provider or registered private 18341
provider on behalf of the eligible applicant under section 3310.57 18342
of the Revised Code while either of the following are pending: 18343

(1) Administrative or judicial mediation or proceedings with 18344
respect to a subsequent individualized education program for the 18345
child referred to in division (B) of this section; 18346

(2) Administrative proceedings regarding services provided by 18347
the district under division (C) of this section. 18348

Sec. 3310.63. The state board of education shall adopt rules 18349
in accordance with Chapter 119. of the Revised Code prescribing 18350
procedures necessary to implement sections 3310.51 to 3310.62 of 18351
the Revised Code including, but not limited to, procedures for 18352
parents to apply for scholarships, standards for registered 18353
private providers, and procedures for registration of private 18354
providers. 18355

Sec. 3311.24. (A)(1) Except as provided in division (B) of 18356
this section, ~~if~~ the board of education of a city, exempted 18357
village, or local school district ~~deems it advisable~~ shall file 18358
with the state board of education a proposal to transfer territory 18359
from such district to an adjoining city, exempted village, or 18360
local school district, ~~or if a~~ in any of the following 18361
circumstances: 18362

(a) The district board deems the transfer advisable; 18363

(b) A petition, signed by seventy-five per cent of the 18364
qualified electors residing within that portion of a city, 18365
exempted village, or local school district proposed to be 18366
transferred voting at the last general election, requests such a 18367
transfer, ~~the~~ 18368

(c) If no qualified electors reside in that portion of the 18369
district proposed to be transferred, a petition, signed by 18370
seventy-five per cent of the owners of parcels of real property on 18371
the tax duplicate within that portion of the district, requests 18372
such a transfer. 18373

(2) The board of education of the district in which such 18374
proposal originates shall file such proposal, together with a map 18375
showing the boundaries of the territory proposed to be 18376

transferred, with the state board of education prior to the first 18377
day of April in any even-numbered year. The state board of 18378
education may, if it is advisable, provide for a hearing in any 18379
suitable place in any of the school districts affected by such 18380
proposed transfer of territory. The state board of education or 18381
its representatives shall preside at any such hearing. 18382

(3) A board of education of a city, exempted village, or 18383
local school district that receives a petition of transfer signed 18384
by electors of the district under ~~this~~ division (A)(1)(b) of this 18385
section shall cause the board of elections to check the 18386
sufficiency of signatures on the petition. A board of education of 18387
a city, exempted village, or local school district that receives a 18388
petition of transfer signed by owners of parcels of real property 18389
under division (A)(1)(c) of this section shall cause the county 18390
auditor to check the sufficiency of signatures on the petition. 18391

(4) Not later than the first day of September the state board 18392
of education shall either approve or disapprove a proposed 18393
transfer of territory filed with it as provided by this section 18394
and shall notify, in writing, the boards of education of the 18395
districts affected by such proposed transfer of territory of its 18396
decision. 18397

If the decision of the state board of education is an 18398
approval of the proposed transfer of territory then the board of 18399
education of the district in which the territory is located shall, 18400
within thirty days after receiving the state board of education's 18401
decision, adopt a resolution transferring the territory and shall 18402
forthwith submit a copy of such resolution to the treasurer of the 18403
board of education of the city, exempted village, or local school 18404
district to which the territory is transferred. Such transfer 18405
shall not be complete however, until: 18406

~~(1)~~(a) A resolution accepting the transfer has been passed by 18407
a majority vote of the full membership of the board of education 18408

of the city, exempted village, or local school district to which 18409
the territory is transferred; 18410

~~(2)~~(b) An equitable division of the funds and indebtedness 18411
between the districts involved has been made by the board of 18412
education making the transfer; 18413

~~(3)~~(c) A map showing the boundaries of the territory 18414
transferred has been filed, by the board of education accepting 18415
the transfer, with the county auditor of each county affected by 18416
the transfer. 18417

When such transfer is complete the legal title of the school 18418
property in the territory transferred shall be vested in the board 18419
of education or governing board of the school district to which 18420
the territory is transferred. 18421

(B) Whenever the transfer of territory pursuant to this 18422
section is initiated by a board of education, the board shall, 18423
before filing a proposal for transfer with the state board of 18424
education under this section, make a good faith effort to 18425
negotiate the terms of transfer with any other school district 18426
whose territory would be affected by the transfer. Before the 18427
state board may hold a hearing on the transfer, or approve or 18428
disapprove any such transfer, it must receive the following: 18429

(1) A resolution requesting approval of the transfer, passed 18430
by the school district submitting the proposal; 18431

(2) Evidence determined to be sufficient by the state board 18432
to show that good faith negotiations have taken place or that the 18433
district requesting the transfer has made a good faith effort to 18434
hold such negotiations; 18435

(3) If any negotiations took place, a statement signed by all 18436
boards that participated in the negotiations, listing the terms 18437
agreed on and the points on which no agreement could be reached. 18438

Negotiations held pursuant to this section shall be governed 18439
by the rules adopted by the state board under division (D) of 18440
section 3311.06 of the Revised Code. Districts involved in a 18441
transfer under division (B) of this section may agree to share 18442
revenues from the property included in the territory to be 18443
transferred, establish cooperative programs between the 18444
participating districts, and establish mechanisms for the 18445
settlement of any future boundary disputes. 18446

Sec. 3311.51. Nothing in this section or sections 3311.50 and 18447
5705.215 of the Revised Code shall be construed to permit or 18448
require the education of ~~handicapped~~ children with disabilities 18449
other than in the manner required by Chapter 3323. of the Revised 18450
Code. To the maximum extent appropriate, ~~handicapped~~ children with 18451
disabilities shall be educated with ~~nonhandicapped~~ nondisabled 18452
children. 18453

The governing board that is taxing authority of a county 18454
school financing district that levies a tax pursuant to section 18455
5705.215 of the Revised Code may, by resolution adopted by 18456
majority vote of its members, expend the proceeds of such tax for 18457
the benefit of school districts with territory in the county 18458
school financing district in accordance with this section and the 18459
resolution to levy the tax. 18460

(A) In the case of a district created for special education, 18461
as described in division (B)(1) of section 3311.50 of the Revised 18462
Code, the proceeds may be expended either: 18463

(1) To pay for operating costs and permanent improvements 18464
necessary to implement and maintain special education programs and 18465
related services in accordance with a contract or agreement 18466
entered into under section 3313.92 or 3323.08 of the Revised Code; 18467

(2) To make grants or otherwise distribute funds to boards of 18468
education with territory in the county school financing district 18469

for special education programs and related services. 18470

(B) In the case of a district created for the provision of 18471
specified educational programs and services as described in 18472
division (B)(2) of section 3311.50 of the Revised Code, the 18473
proceeds may be expended either: 18474

(1) To pay for operating costs and permanent improvements 18475
necessary to implement and maintain specified educational programs 18476
in accordance with a contract or agreement entered into under 18477
section 3313.812, 3313.842, or division (A)(3) of section 3313.90 18478
of the Revised Code; 18479

(2) To make grants or otherwise distribute funds for those 18480
programs to boards of education with territory in the county 18481
school financing district. 18482

(C) In the case of a district created for the making of 18483
permanent improvements under division (B)(3) of section 3311.50 of 18484
the Revised Code, the proceeds shall be expended either: 18485

(1) To pay for the permanent improvements in accordance with 18486
a contract entered into under section 3313.92 of the Revised Code; 18487

(2) To make grants or otherwise distribute funds for those 18488
permanent improvements to boards of education with territory in 18489
the county school financing district. 18490

Sec. 3311.521. (A) The boards of education of any two or more 18491
contiguous city, exempted village, or local school districts may 18492
establish a cooperative education school district in accordance 18493
with this section for the purpose of operating a joint high school 18494
in lieu of each of such boards operating any high school. Such a 18495
cooperative education school district shall only be established 18496
pursuant to the adoption of identical resolutions in accordance 18497
with this section within a sixty-day period by a majority of the 18498
members of the board of education of all such boards. Upon the 18499

adoption of all such resolutions, a copy of each resolution shall 18500
be filed with the state board of education. 18501

The territory of any cooperative education school district 18502
established pursuant to this section shall consist of the 18503
territory of all of the school districts whose boards of education 18504
adopt identical resolutions under this section. 18505

(B) Any resolutions adopted under division (A) of this 18506
section shall include all of the following: 18507

(1) Provision for the date on which the cooperative district 18508
will be created, which date shall be the first day of July in the 18509
year specified in the resolution; 18510

(2) Provision for the composition, selection, and terms of 18511
office of the board of education of the cooperative district, 18512
which provision shall include but not necessarily be limited to 18513
both of the following: 18514

(a) A requirement that the board include at least two members 18515
selected from or by the members of the board of education of each 18516
city, local, and exempted village school district within the 18517
territory of the cooperative district; 18518

(b) Specification of the date by which the initial members of 18519
the board must be selected, which date shall be the same as the 18520
date specified pursuant to division (B)(1) of this section. 18521

(3) Provision for the selection of a superintendent and 18522
treasurer of the cooperative school district, which provision 18523
shall require one of the following: 18524

(a) The selection of one person as both the superintendent 18525
and treasurer of the cooperative district, which provision may 18526
require such person to be the superintendent or treasurer of any 18527
city, local, or exempted village school district within the 18528
territory of the cooperative district; 18529

(b) The selection of one person as the superintendent and 18530
another person as the treasurer of the cooperative district, which 18531
provision may require either one or both such persons to be 18532
superintendents or treasurers of any city, local, or exempted 18533
village school district within the territory of the cooperative 18534
district. 18535

(4) A statement of the high school education program the 18536
board of education of the cooperative education school district 18537
will conduct in lieu of any high school education program being 18538
operated by the boards of education of the city, local, and 18539
exempted village school districts within the territory of the 18540
cooperative district, which statement shall include but not 18541
necessarily be limited to the high school grade levels to be 18542
operated in the program, the timetable for commencing operation of 18543
the program, and the facilities proposed to be used or constructed 18544
to be used by the program; 18545

(5) A statement that the boards of education of the city, 18546
local, and exempted village school districts within the territory 18547
of the cooperative district will not operate any high school 18548
education program for the grade levels operated by the cooperative 18549
district; 18550

(6) A statement of how special education and related services 18551
will be provided in accordance with Chapter 3323. of the Revised 18552
Code to the ~~handicapped~~ children with disabilities who are 18553
identified by each city, exempted village, or local school 18554
district with territory in the cooperative district and who are in 18555
the grade levels to be operated by the cooperative district; 18556

(7) A statement of how transportation of students to and from 18557
school will be provided in the cooperative district, which 18558
statement shall include but not be necessarily limited to both of 18559
the following: 18560

(a) How special education students will be transported as 18561
required by their individualized education program adopted 18562
pursuant to section 3323.08 of the Revised Code; 18563

(b) Whether transportation to and from school will be 18564
provided to any other students of the cooperative district and, if 18565
so, the manner in which this transportation will be provided. 18566

(8) A statement of the annual amount, or the method for 18567
determining the annual amount, of funds or services or facilities 18568
that each city, local, and exempted village school district is 18569
required to pay to or provide for the use of the board of 18570
education of the cooperative education school district; 18571

(9) Provision for adopting amendments to the provisions 18572
adopted pursuant to divisions (B)(3) to (8) of this section, which 18573
provision shall require that any such amendments comply with 18574
divisions (B)(3) to (8) of this section. 18575

(C) Upon the adoption of identical resolutions in accordance 18576
with this section, the cooperative education school district and 18577
board of education of that district specified in and selected in 18578
accordance with such resolutions shall be established on the date 18579
specified in the resolutions. Upon the establishment of the 18580
district and board, the board of the cooperative district shall 18581
give written notice of the creation of the district to the county 18582
auditor and the board of elections of each county having any 18583
territory in the new district. 18584

Sec. 3313.532. (A) Any person twenty-two or more years of age 18585
and enrolled in an adult high school continuation program 18586
established pursuant to section 3313.531 of the Revised Code may 18587
request the board of education operating the program to conduct an 18588
evaluation in accordance with division (C) of this section. 18589

(B) Any applicant to a board of education for a diploma of 18590

adult education under division (B) of section 3313.611 of the Revised Code may request the board to conduct an evaluation in accordance with division (C) of this section.

(C) Upon the request of any person pursuant to division (A) or (B) of this section, the board of education to which the request is made shall evaluate the person to determine whether the person is ~~handicapped~~ disabled, in accordance with rules adopted by the state board of education. If the evaluation indicates that the person is ~~handicapped~~ disabled, the board shall determine whether to excuse the person from taking any of the tests required by division (B) of section 3301.0710 of the Revised Code as a requirement for receiving a diploma under section 3313.611 of the Revised Code. The board may require the person to take an alternate assessment in place of any test from which the person is so excused.

Sec. 3313.603. (A) As used in this section:

(1) "One unit" means a minimum of one hundred twenty hours of course instruction, except that for a laboratory course, "one unit" means a minimum of one hundred fifty hours of course instruction.

(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;	18621
(3) Mathematics, three units;	18622
(4) Physical education, one-half unit;	18623
(5) Science, two units until September 15, 2003, and three	18624
units thereafter, which at all times shall include both of the	18625
following:	18626
(a) Biological sciences, one unit;	18627
(b) Physical sciences, one unit.	18628
(6) Social studies, three units, which shall include both of	18629
the following:	18630
(a) American history, one-half unit;	18631
(b) American government, one-half unit.	18632
(7) Elective units, seven units until September 15, 2003, and	18633
six units thereafter.	18634
Each student's electives shall include at least one unit, or	18635
two half units, chosen from among the areas of	18636
business/technology, fine arts, and/or foreign language.	18637
(C) Beginning with students who enter ninth grade for the	18638
first time on or after July 1, 2010, except as provided in	18639
divisions (D) to (F) of this section, the requirements for	18640
graduation from every public and chartered nonpublic high school	18641
shall include twenty units that are designed to prepare students	18642
for the workforce and college. The units shall be distributed as	18643
follows:	18644
(1) English language arts, four units;	18645
(2) Health, one-half unit;	18646
(3) Mathematics, four units, which shall include one unit of	18647
algebra II or the equivalent of algebra II;	18648

(4) Physical education, one-half unit;	18649
(5) Science, three units with inquiry-based laboratory	18650
experience that engages students in asking valid scientific	18651
questions and gathering and analyzing information, which shall	18652
include the following, or their equivalent:	18653
(a) Physical sciences, one unit;	18654
(b) Biology <u>Life sciences</u> , one unit;	18655
(c) Advanced study in one or more of the following sciences,	18656
one unit:	18657
(i) Chemistry, physics, or other physical science;	18658
(ii) Advanced biology or other life science;	18659
(iii) Astronomy, physical geology, or other earth or space	18660
science.	18661
(6) Social studies, three units, which shall include both of	18662
the following:	18663
(a) American history, one-half unit;	18664
(b) American government, one-half unit.	18665
Each school shall integrate the study of economics and	18666
financial literacy, as expressed in the social studies academic	18667
content standards adopted by the state board of education under	18668
section 3301.079 of the Revised Code, into one or more existing	18669
social studies credits required under division (C)(6) of this	18670
section, or into the content of another class, so that every high	18671
school student receives instruction in those concepts. In	18672
developing the curriculum required by this paragraph, schools	18673
shall use available public-private partnerships and resources and	18674
materials that exist in business, industry, and through the	18675
centers for economics education at institutions of higher	18676
education in the state.	18677

(7) Five units consisting of one or any combination of 18678
foreign language, fine arts, business, career-technical education, 18679
family and consumer sciences, technology, agricultural education, 18680
or English language arts, mathematics, science, or social studies 18681
courses not otherwise required under division (C) of this section. 18682

Ohioans must be prepared to apply increased knowledge and 18683
skills in the workplace and to adapt their knowledge and skills 18684
quickly to meet the rapidly changing conditions of the 18685
twenty-first century. National studies indicate that all high 18686
school graduates need the same academic foundation, regardless of 18687
the opportunities they pursue after graduation. The goal of Ohio's 18688
system of elementary and secondary education is to prepare all 18689
students for and seamlessly connect all students to success in 18690
life beyond high school graduation, regardless of whether the next 18691
step is entering the workforce, beginning an apprenticeship, 18692
engaging in post-secondary training, serving in the military, or 18693
pursuing a college degree. 18694

The Ohio core curriculum is the standard expectation for all 18695
students entering ninth grade for the first time at a public or 18696
chartered nonpublic high school on or after July 1, 2010. A 18697
student may satisfy this expectation through a variety of methods, 18698
including, but not limited to, integrated, applied, 18699
career-technical, and traditional coursework. 18700

Whereas teacher quality is essential for student success in 18701
completing the Ohio core curriculum, the general assembly shall 18702
appropriate funds for strategic initiatives designed to strengthen 18703
schools' capacities to hire and retain highly qualified teachers 18704
in the subject areas required by the curriculum. Such initiatives 18705
are expected to require an investment of \$120,000,000 over five 18706
years. 18707

Stronger coordination between high schools and institutions 18708
of higher education is necessary to prepare students for more 18709

challenging academic endeavors and to lessen the need for academic 18710
remediation in college, thereby reducing the costs of higher 18711
education for Ohio's students, families, and the state. The state 18712
board of education, the Ohio board of regents, and the partnership 18713
for continued learning shall develop policies to ensure that only 18714
in rare instances will students who complete the Ohio core 18715
curriculum require academic remediation after high school. 18716

School districts, community schools, and chartered nonpublic 18717
schools shall integrate technology into learning experiences 18718
whenever practicable across the curriculum in order to maximize 18719
efficiency, enhance learning, and prepare students for success in 18720
the technology-driven twenty-first century. Districts and schools 18721
may use distance and web-based course delivery as a method of 18722
providing or augmenting all instruction required under this 18723
division, including laboratory experience in science. Districts 18724
and schools shall whenever practicable utilize technology access 18725
and electronic learning opportunities provided by the eTech Ohio 18726
commission, the Ohio learning network, education technology 18727
centers, public television stations, and other public and private 18728
providers. 18729

(D) Except as provided in division (E) of this section, a 18730
student who enters ninth grade on or after July 1, 2010, and 18731
before July 1, 2014, may qualify for graduation from a public or 18732
chartered nonpublic high school even though the student has not 18733
completed the Ohio core curriculum prescribed in division (C) of 18734
this section if all of the following conditions are satisfied: 18735

(1) After the student has attended high school for two years, 18736
as determined by the school, the student and the student's parent, 18737
guardian, or custodian sign and file with the school a written 18738
statement asserting the parent's, guardian's, or custodian's 18739
consent to the student's graduating without completing the Ohio 18740
core curriculum and acknowledging that one consequence of not 18741

completing the Ohio core curriculum is ineligibility to enroll in 18742
most state universities in Ohio without further coursework. 18743

(2) The student and parent, guardian, or custodian fulfill 18744
any procedural requirements the school stipulates to ensure the 18745
student's and parent's, guardian's, or custodian's informed 18746
consent and to facilitate orderly filing of statements under 18747
division (D)(1) of this section. 18748

(3) The student and the student's parent, guardian, or 18749
custodian and a representative of the student's high school 18750
jointly develop an individual career plan for the student that 18751
specifies the student matriculating to a two-year degree program, 18752
acquiring a business and industry credential, or entering an 18753
apprenticeship. 18754

(4) The student's high school provides counseling and support 18755
for the student related to the plan developed under division 18756
(D)(3) of this section during the remainder of the student's high 18757
school experience. 18758

(5) The student successfully completes, at a minimum, the 18759
curriculum prescribed in division (B) of this section. 18760

The partnership for continued learning, in collaboration with 18761
the department of education and the Ohio board of regents, shall 18762
analyze student performance data to determine if there are 18763
mitigating factors that warrant extending the exception permitted 18764
by division (D) of this section to high school classes beyond 18765
those entering ninth grade before July 1, 2014. The partnership 18766
shall submit its findings and any recommendations not later than 18767
August 1, 2014, to the speaker and minority leader of the house of 18768
representatives, the president and minority leader of the senate, 18769
the chairpersons and ranking minority members of the standing 18770
committees of the house of representatives and the senate that 18771
consider education legislation, the state board of education, and 18772

the superintendent of public instruction. 18773

(E) Each school district and chartered nonpublic school 18774
retains the authority to require an even more rigorous minimum 18775
curriculum for high school graduation than specified in division 18776
(B) or (C) of this section. A school district board of education, 18777
through the adoption of a resolution, or the governing authority 18778
of a chartered nonpublic school may stipulate any of the 18779
following: 18780

(1) A minimum high school curriculum that requires more than 18781
twenty units of academic credit to graduate; 18782

(2) An exception to the district's or school's minimum high 18783
school curriculum that is comparable to the exception provided in 18784
division (D) of this section but with additional requirements, 18785
which may include a requirement that the student successfully 18786
complete more than the minimum curriculum prescribed in division 18787
(B) of this section; 18788

(3) That no exception comparable to that provided in division 18789
(D) of this section is available. 18790

(F) A student enrolled in a dropout prevention and recovery 18791
program, which program has received a waiver from the department 18792
of education, may qualify for graduation from high school by 18793
successfully completing a competency-based instructional program 18794
administered by the dropout prevention and recovery program in 18795
lieu of completing the Ohio core curriculum prescribed in division 18796
(C) of this section. The department shall grant a waiver to a 18797
dropout prevention and recovery program, within sixty days after 18798
the program applies for the waiver, if the program meets all of 18799
the following conditions: 18800

(1) The program serves only students not younger than sixteen 18801
years of age and not older than twenty-one years of age. 18802

(2) The program enrolls students who, at the time of their 18803

initial enrollment, either, or both, are at least one grade level 18804
behind their cohort age groups or experience crises that 18805
significantly interfere with their academic progress such that 18806
they are prevented from continuing their traditional programs. 18807

(3) The program requires students to attain at least the 18808
applicable score designated for each of the tests prescribed under 18809
division (B) of section 3301.0710 of the Revised Code. 18810

(4) The program develops an individual career plan for the 18811
student that specifies the student's matriculating to a two-year 18812
degree program, acquiring a business and industry credential, or 18813
entering an apprenticeship. 18814

(5) The program provides counseling and support for the 18815
student related to the plan developed under division (F)(4) of 18816
this section during the remainder of the student's high school 18817
experience. 18818

(6) The program requires the student and the student's 18819
parent, guardian, or custodian to sign and file, in accordance 18820
with procedural requirements stipulated by the program, a written 18821
statement asserting the parent's, guardian's, or custodian's 18822
consent to the student's graduating without completing the Ohio 18823
core curriculum and acknowledging that one consequence of not 18824
completing the Ohio core curriculum is ineligibility to enroll in 18825
most state universities in Ohio without further coursework. 18826

(7) Prior to receiving the waiver, the program has submitted 18827
to the department an instructional plan that demonstrates how the 18828
academic content standards adopted by the state board of education 18829
under section 3301.079 of the Revised Code will be taught and 18830
assessed. 18831

If the department does not act either to grant the waiver or 18832
to reject the program application for the waiver within sixty days 18833
as required under this section, the waiver shall be considered to 18834

be granted. 18835

(G) Every high school may permit students below the ninth 18836
grade to take advanced work for high school credit. A high school 18837
shall count such advanced work toward the graduation requirements 18838
of division (B) or (C) of this section if the advanced work was 18839
both: 18840

(1) Taught by a person who possesses a license or certificate 18841
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 18842
Code that is valid for teaching high school; 18843

(2) Designated by the board of education of the city, local, 18844
or exempted village school district, the board of the cooperative 18845
education school district, or the governing authority of the 18846
chartered nonpublic school as meeting the high school curriculum 18847
requirements. 18848

Each high school shall record on the student's high school 18849
transcript all high school credit awarded under division (G) of 18850
this section. In addition, if the student completed a seventh- or 18851
eighth-grade fine arts course described in division (K) of this 18852
section and the course qualified for high school credit under that 18853
division, the high school shall record that course on the 18854
student's high school transcript. 18855

(H) The department shall make its individual academic career 18856
plan available through its Ohio career information system web site 18857
for districts and schools to use as a tool for communicating with 18858
and providing guidance to students and families in selecting high 18859
school courses. 18860

(I) Units earned in English language arts, mathematics, 18861
science, and social studies that are delivered through integrated 18862
academic and career-technical instruction are eligible to meet the 18863
graduation requirements of division (B) or (C) of this section. 18864

(J) The state board of education, in consultation with the 18865

Ohio board of regents and the partnership for continued learning, 18866
shall adopt a statewide plan implementing methods for students to 18867
earn units of high school credit based on a demonstration of 18868
subject area competency, instead of or in combination with 18869
completing hours of classroom instruction. The state board shall 18870
adopt the plan not later than March 31, 2009, and commence phasing 18871
in the plan during the 2009-2010 school year. The plan shall 18872
include a standard method for recording demonstrated proficiency 18873
on high school transcripts. Each school district, community 18874
school, and chartered nonpublic school shall comply with the state 18875
board's plan adopted under this division and award units of high 18876
school credit in accordance with the plan. The state board may 18877
adopt existing methods for earning high school credit based on a 18878
demonstration of subject area competency as necessary prior to the 18879
2009-2010 school year. 18880

(K) This division does not apply to students who qualify for 18881
graduation from high school under division (D) or (F) of this 18882
section, or to students pursuing a career-technical instructional 18883
track as determined by the school district board of education or 18884
the chartered nonpublic school's governing authority. 18885
Nevertheless, the general assembly encourages such students to 18886
consider enrolling in a fine arts course as an elective. 18887

Beginning with students who enter ninth grade for the first 18888
time on or after July 1, 2010, each student enrolled in a public 18889
or chartered nonpublic high school shall complete two semesters or 18890
the equivalent of fine arts to graduate from high school. The 18891
coursework may be completed in any of grades seven to twelve. Each 18892
student who completes a fine arts course in grade seven or eight 18893
may elect to count that course toward the five units of electives 18894
required for graduation under division (C)(7) of this section, if 18895
the course satisfied the requirements of division (G) of this 18896
section. In that case, the high school shall award the student 18897

high school credit for the course and count the course toward the 18898
five units required under division (C)(7) of this section. If the 18899
course in grade seven or eight did not satisfy the requirements of 18900
division (G) of this section, the high school shall not award the 18901
student high school credit for the course but shall count the 18902
course toward the two semesters or the equivalent of fine arts 18903
required by this division. 18904

(L) Notwithstanding anything to the contrary in this section, 18905
the board of education of each school district and the governing 18906
authority of each chartered nonpublic school may adopt a policy to 18907
excuse from the high school physical education requirement each 18908
student who, during high school, has participated in 18909
interscholastic athletics, marching band, or cheerleading for at 18910
least two full seasons. If the board or authority adopts such a 18911
policy, the board or authority shall not require the student to 18912
complete any physical education course as a condition to graduate. 18913
However, the student shall be required to complete one-half unit, 18914
consisting of at least sixty hours of instruction, in another 18915
course of study. 18916

Sec. 3313.615. This section shall apply to diplomas awarded 18917
after September 15, 2006, to students who are required to take the 18918
five Ohio graduation tests prescribed by division (B) of section 18919
3301.0710 of the Revised Code. 18920

(A) As an alternative to the requirement that a person attain 18921
the scores designated under division (B) of section 3301.0710 of 18922
the Revised Code on all the tests required under that division in 18923
order to be eligible for a high school diploma or an honors 18924
diploma under sections 3313.61, 3313.612, or 3325.08 of the 18925
Revised Code or for a diploma of adult education under section 18926
3313.611 of the Revised Code, a person who has attained at least 18927
the applicable scores designated under division (B) of section 18928

3301.0710 of the Revised Code on all but one of the tests required 18929
by that division and from which the person was not excused or 18930
exempted, pursuant to division ~~(H) or~~ (L) of section 3313.61, 18931
division (B)(1) of section 3313.612, or section 3313.532 of the 18932
Revised Code, may be awarded a diploma or honors diploma if the 18933
person has satisfied all of the following conditions: 18934

(1) On the one test required under division (B) of section 18935
3301.0710 of the Revised Code for which the person failed to 18936
attain the designated score, the person missed that score by ten 18937
points or less; 18938

(2) Has a ninety-seven per cent school attendance rate in 18939
each of the last four school years, excluding any excused 18940
absences; 18941

(3) Has not been expelled from school under section 3313.66 18942
of the Revised Code in any of the last four school years; 18943

(4) Has a grade point average of at least 2.5 out of 4.0, or 18944
its equivalent as designated in rules adopted by the state board 18945
of education, in the subject area of the test required under 18946
division (B) of section 3301.0710 of the Revised Code for which 18947
the person failed to attain the designated score; 18948

(5) Has completed the high school curriculum requirements 18949
prescribed in section 3313.603 of the Revised Code or has 18950
qualified under division (D) or (F) of that section; 18951

(6) Has taken advantage of any intervention programs provided 18952
by the school district or school in the subject area described in 18953
division (A)(4) of this section and has a ninety-seven per cent 18954
attendance rate, excluding any excused absences, in any of those 18955
programs that are provided at times beyond the normal school day, 18956
school week, or school year or has received comparable 18957
intervention services from a source other than the school district 18958
or school; 18959

(7) Holds a letter recommending graduation from each of the person's high school teachers in the subject area described in division (A)(4) of this section and from the person's high school principal.

(B) The state board of education shall establish rules designating grade point averages equivalent to the average specified in division (A)(4) of this section for use by school districts and schools with different grading systems.

(C) Any student who is exempt from attaining the applicable score designated under division (B) of section 3301.0710 of the Revised Code on the Ohio graduation test in social studies pursuant to division (H) of section 3313.61 or division (B)(2) of section 3313.612 of the Revised Code shall not qualify for a high school diploma under this section, unless, notwithstanding the exemption, the student attains the applicable score on that test. If the student attains the applicable score on that test, the student may qualify for a diploma under this section in the same manner as any other student who is required to take the five Ohio graduation tests prescribed by division (B) of section 3301.0710 of the Revised Code.

Sec. 3313.64. (A) As used in this section and in section 3313.65 of the Revised Code:

(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 18991
adoptive parent, "parent" means the parent who was divested of 18992
parental rights and responsibilities for the care of the child and 18993
the right to have the child live with the parent and be the legal 18994
custodian of the child and all residual parental rights, 18995
privileges, and responsibilities. 18996

(b) When a child is the subject of a power of attorney 18997
executed under sections 3109.51 to 3109.62 of the Revised Code, 18998
"parent" means the grandparent designated as attorney in fact 18999
under the power of attorney. When a child is the subject of a 19000
caretaker authorization affidavit executed under sections 3109.64 19001
to 3109.73 of the Revised Code, "parent" means the grandparent 19002
that executed the affidavit. 19003

(2) "Legal custody," "permanent custody," and "residual 19004
parental rights, privileges, and responsibilities" have the same 19005
meanings as in section 2151.011 of the Revised Code. 19006

(3) "School district" or "district" means a city, local, or 19007
exempted village school district and excludes any school operated 19008
in an institution maintained by the department of youth services. 19009

(4) Except as used in division (C)(2) of this section, "home" 19010
means a home, institution, foster home, group home, or other 19011
residential facility in this state that receives and cares for 19012
children, to which any of the following applies: 19013

(a) The home is licensed, certified, or approved for such 19014
purpose by the state or is maintained by the department of youth 19015
services. 19016

(b) The home is operated by a person who is licensed, 19017
certified, or approved by the state to operate the home for such 19018
purpose. 19019

(c) The home accepted the child through a placement by a 19020
person licensed, certified, or approved to place a child in such a 19021

home by the state.	19022
(d) The home is a children's home created under section 5153.21 or 5153.36 of the Revised Code.	19023 19024
(5) "Agency" means all of the following:	19025
(a) A public children services agency;	19026
(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;	19027 19028 19029 19030 19031 19032
(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.	19033 19034 19035
(6) A child is placed for adoption if either of the following occurs:	19036 19037
(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.	19038 19039 19040 19041
(b) The child's natural parent places the child pursuant to section 5103.16 of the Revised Code with a person who will care for and adopt the child.	19042 19043 19044
(7) "Handicapped preschool <u>Preschool child with a disability"</u> means a handicapped child, as defined by division (A) of <u>has the same meaning as in</u> section 3323.01 of the Revised Code, who is at least three years of age 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.	19045 19046 19047 19048 19049 19050
(8) "Child," unless otherwise indicated, includes handicapped	19051

preschool children with disabilities. 19052

(9) "Active duty" means active duty pursuant to an executive 19053
order of the president of the United States, an act of the 19054
congress of the United States, or section 5919.29 or 5923.21 of 19055
the Revised Code. 19056

(B) Except as otherwise provided in section 3321.01 of the 19057
Revised Code for admittance to kindergarten and first grade, a 19058
child who is at least five but under twenty-two years of age and 19059
any ~~handicapped~~ preschool child with a disability shall be 19060
admitted to school as provided in this division. 19061

(1) A child shall be admitted to the schools of the school 19062
district in which the child's parent resides. 19063

(2) A child who does not reside in the district where the 19064
child's parent resides shall be admitted to the schools of the 19065
district in which the child resides if any of the following 19066
applies: 19067

(a) The child is in the legal or permanent custody of a 19068
government agency or a person other than the child's natural or 19069
adoptive parent. 19070

(b) The child resides in a home. 19071

(c) The child requires special education. 19072

(3) A child who is not entitled under division (B)(2) of this 19073
section to be admitted to the schools of the district where the 19074
child resides and who is residing with a resident of this state 19075
with whom the child has been placed for adoption shall be admitted 19076
to the schools of the district where the child resides unless 19077
either of the following applies: 19078

(a) The placement for adoption has been terminated. 19079

(b) Another school district is required to admit the child 19080
under division (B)(1) of this section. 19081

Division (B) of this section does not prohibit the board of 19082
education of a school district from placing a ~~handicapped~~ child 19083
with a disability who resides in the district in a special 19084
education program outside of the district or its schools in 19085
compliance with Chapter 3323. of the Revised Code. 19086

(C) A district shall not charge tuition for children admitted 19087
under division (B)(1) or (3) of this section. If the district 19088
admits a child under division (B)(2) of this section, tuition 19089
shall be paid to the district that admits the child as follows: 19090

(1) If the child receives special education in accordance 19091
with Chapter 3323. of the Revised Code, the school district of 19092
residence, as defined in section 3323.01 of the Revised Code, 19093
shall pay tuition for the child in accordance with section 19094
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 19095
regardless of who has custody of the child or whether the child 19096
resides in a home. 19097

(2) For a child that does not receive special education in 19098
accordance with Chapter 3323. of the Revised Code, except as 19099
otherwise provided in division (C)(2)(d) of this section, if the 19100
child is in the permanent or legal custody of a government agency 19101
or person other than the child's parent, tuition shall be paid by: 19102

(a) The district in which the child's parent resided at the 19103
time the court removed the child from home or at the time the 19104
court vested legal or permanent custody of the child in the person 19105
or government agency, whichever occurred first; 19106

(b) If the parent's residence at the time the court removed 19107
the child from home or placed the child in the legal or permanent 19108
custody of the person or government agency is unknown, tuition 19109
shall be paid by the district in which the child resided at the 19110
time the child was removed from home or placed in legal or 19111
permanent custody, whichever occurred first; 19112

(c) If a school district cannot be established under division 19113
(C)(2)(a) or (b) of this section, tuition shall be paid by the 19114
district determined as required by section 2151.362 of the Revised 19115
Code by the court at the time it vests custody of the child in the 19116
person or government agency; 19117

(d) If at the time the court removed the child from home or 19118
vested legal or permanent custody of the child in the person or 19119
government agency, whichever occurred first, one parent was in a 19120
residential or correctional facility or a juvenile residential 19121
placement and the other parent, if living and not in such a 19122
facility or placement, was not known to reside in this state, 19123
tuition shall be paid by the district determined under division 19124
(D) of section 3313.65 of the Revised Code as the district 19125
required to pay any tuition while the parent was in such facility 19126
or placement; 19127

(e) If the ~~court has modified its order as to which district~~ 19128
department of education has determined, pursuant to division 19129
(A)(2) of section 2151.362 of the Revised Code, that a school 19130
district other than the one named in the court's initial order, or 19131
in a prior determination of the department, is responsible to bear 19132
the cost of educating the child ~~pursuant to division (A)(2) of~~ 19133
~~section 2151.362 of the Revised Code, the district so determined~~ 19134
~~to shall be responsible for that cost in the order so modified.~~ 19135

(3) If the child is not in the permanent or legal custody of 19136
a government agency or person other than the child's parent and 19137
the child resides in a home, tuition shall be paid by one of the 19138
following: 19139

(a) The school district in which the child's parent resides; 19140

(b) If the child's parent is not a resident of this state, 19141
the home in which the child resides. 19142

(D) Tuition required to be paid under divisions (C)(2) and 19143

(3)(a) of this section shall be computed in accordance with 19144
section 3317.08 of the Revised Code. Tuition required to be paid 19145
under division (C)(3)(b) of this section shall be computed in 19146
accordance with section 3317.081 of the Revised Code. If a home 19147
fails to pay the tuition required by division (C)(3)(b) of this 19148
section, the board of education providing the education may 19149
recover in a civil action the tuition and the expenses incurred in 19150
prosecuting the action, including court costs and reasonable 19151
attorney's fees. If the prosecuting attorney or city director of 19152
law represents the board in such action, costs and reasonable 19153
attorney's fees awarded by the court, based upon the prosecuting 19154
attorney's, director's, or one of their designee's time spent 19155
preparing and presenting the case, shall be deposited in the 19156
county or city general fund. 19157

(E) A board of education may enroll a child free of any 19158
tuition obligation for a period not to exceed sixty days, on the 19159
sworn statement of an adult resident of the district that the 19160
resident has initiated legal proceedings for custody of the child. 19161

(F) In the case of any individual entitled to attend school 19162
under this division, no tuition shall be charged by the school 19163
district of attendance and no other school district shall be 19164
required to pay tuition for the individual's attendance. 19165
Notwithstanding division (B), (C), or (E) of this section: 19166

(1) All persons at least eighteen but under twenty-two years 19167
of age who live apart from their parents, support themselves by 19168
their own labor, and have not successfully completed the high 19169
school curriculum or the individualized education program 19170
developed for the person by the high school pursuant to section 19171
3323.08 of the Revised Code, are entitled to attend school in the 19172
district in which they reside. 19173

(2) Any child under eighteen years of age who is married is 19174
entitled to attend school in the child's district of residence. 19175

(3) A child is entitled to attend school in the district in which either of the child's parents is employed if the child has a medical condition that may require emergency medical attention. The parent of a child entitled to attend school under division (F)(3) of this section shall submit to the board of education of the district in which the parent is employed a statement from the child's physician certifying that the child's medical condition may require emergency medical attention. The statement shall be supported by such other evidence as the board may require.

(4) Any child residing with a person other than the child's parent is entitled, for a period not to exceed twelve months, to attend school in the district in which that person resides if the child's parent files an affidavit with the superintendent of the district in which the person with whom the child is living resides stating all of the following:

(a) That the parent is serving outside of the state in the armed services of the United States;

(b) That the parent intends to reside in the district upon returning to this state;

(c) The name and address of the person with whom the child is living while the parent is outside the state.

(5) Any child under the age of twenty-two years who, after the death of a parent, resides in a school district other than the district in which the child attended school at the time of the parent's death is entitled to continue to attend school in the district in which the child attended school at the time of the parent's death for the remainder of the school year, subject to approval of that district board.

(6) A child under the age of twenty-two years who resides with a parent who is having a new house built in a school district outside the district where the parent is residing is entitled to

attend school for a period of time in the district where the new house is being built. In order to be entitled to such attendance, the parent shall provide the district superintendent with the following:

(a) A sworn statement explaining the situation, revealing the location of the house being built, and stating the parent's intention to reside there upon its completion;

(b) A statement from the builder confirming that a new house is being built for the parent and that the house is at the location indicated in the parent's statement.

(7) A child under the age of twenty-two years residing with a parent who has a contract to purchase a house in a school district outside the district where the parent is residing and who is waiting upon the date of closing of the mortgage loan for the purchase of such house is entitled to attend school for a period of time in the district where the house is being purchased. In order to be entitled to such attendance, the parent shall provide the district superintendent with the following:

(a) A sworn statement explaining the situation, revealing the location of the house being purchased, and stating the parent's intent to reside there;

(b) A statement from a real estate broker or bank officer confirming that the parent has a contract to purchase the house, that the parent is waiting upon the date of closing of the mortgage loan, and that the house is at the location indicated in the parent's statement.

The district superintendent shall establish a period of time not to exceed ninety days during which the child entitled to attend school under division (F)(6) or (7) of this section may attend without tuition obligation. A student attending a school under division (F)(6) or (7) of this section shall be eligible to

participate in interscholastic athletics under the auspices of 19238
that school, provided the board of education of the school 19239
district where the student's parent resides, by a formal action, 19240
releases the student to participate in interscholastic athletics 19241
at the school where the student is attending, and provided the 19242
student receives any authorization required by a public agency or 19243
private organization of which the school district is a member 19244
exercising authority over interscholastic sports. 19245

(8) A child whose parent is a full-time employee of a city, 19246
local, or exempted village school district, or of an educational 19247
service center, may be admitted to the schools of the district 19248
where the child's parent is employed, or in the case of a child 19249
whose parent is employed by an educational service center, in the 19250
district that serves the location where the parent's job is 19251
primarily located, provided the district board of education 19252
establishes such an admission policy by resolution adopted by a 19253
majority of its members. Any such policy shall take effect on the 19254
first day of the school year and the effective date of any 19255
amendment or repeal may not be prior to the first day of the 19256
subsequent school year. The policy shall be uniformly applied to 19257
all such children and shall provide for the admission of any such 19258
child upon request of the parent. No child may be admitted under 19259
this policy after the first day of classes of any school year. 19260

(9) A child who is with the child's parent under the care of 19261
a shelter for victims of domestic violence, as defined in section 19262
3113.33 of the Revised Code, is entitled to attend school free in 19263
the district in which the child is with the child's parent, and no 19264
other school district shall be required to pay tuition for the 19265
child's attendance in that school district. 19266

The enrollment of a child in a school district under this 19267
division shall not be denied due to a delay in the school 19268
district's receipt of any records required under section 3313.672 19269

of the Revised Code or any other records required for enrollment. 19270
Any days of attendance and any credits earned by a child while 19271
enrolled in a school district under this division shall be 19272
transferred to and accepted by any school district in which the 19273
child subsequently enrolls. The state board of education shall 19274
adopt rules to ensure compliance with this division. 19275

(10) Any child under the age of twenty-two years whose parent 19276
has moved out of the school district after the commencement of 19277
classes in the child's senior year of high school is entitled, 19278
subject to the approval of that district board, to attend school 19279
in the district in which the child attended school at the time of 19280
the parental move for the remainder of the school year and for one 19281
additional semester or equivalent term. A district board may also 19282
adopt a policy specifying extenuating circumstances under which a 19283
student may continue to attend school under division (F)(10) of 19284
this section for an additional period of time in order to 19285
successfully complete the high school curriculum for the 19286
individualized education program developed for the student by the 19287
high school pursuant to section 3323.08 of the Revised Code. 19288

(11) As used in this division, "grandparent" means a parent 19289
of a parent of a child. A child under the age of twenty-two years 19290
who is in the custody of the child's parent, resides with a 19291
grandparent, and does not require special education is entitled to 19292
attend the schools of the district in which the child's 19293
grandparent resides, provided that, prior to such attendance in 19294
any school year, the board of education of the school district in 19295
which the child's grandparent resides and the board of education 19296
of the school district in which the child's parent resides enter 19297
into a written agreement specifying that good cause exists for 19298
such attendance, describing the nature of this good cause, and 19299
consenting to such attendance. 19300

In lieu of a consent form signed by a parent, a board of 19301

education may request the grandparent of a child attending school 19302
in the district in which the grandparent resides pursuant to 19303
division (F)(11) of this section to complete any consent form 19304
required by the district, including any authorization required by 19305
sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised 19306
Code. Upon request, the grandparent shall complete any consent 19307
form required by the district. A school district shall not incur 19308
any liability solely because of its receipt of a consent form from 19309
a grandparent in lieu of a parent. 19310

Division (F)(11) of this section does not create, and shall 19311
not be construed as creating, a new cause of action or substantive 19312
legal right against a school district, a member of a board of 19313
education, or an employee of a school district. This section does 19314
not affect, and shall not be construed as affecting, any 19315
immunities from defenses to tort liability created or recognized 19316
by Chapter 2744. of the Revised Code for a school district, 19317
member, or employee. 19318

(12) A child under the age of twenty-two years is entitled to 19319
attend school in a school district other than the district in 19320
which the child is entitled to attend school under division (B), 19321
(C), or (E) of this section provided that, prior to such 19322
attendance in any school year, both of the following occur: 19323

(a) The superintendent of the district in which the child is 19324
entitled to attend school under division (B), (C), or (E) of this 19325
section contacts the superintendent of another district for 19326
purposes of this division; 19327

(b) The superintendents of both districts enter into a 19328
written agreement that consents to the attendance and specifies 19329
that the purpose of such attendance is to protect the student's 19330
physical or mental well-being or to deal with other extenuating 19331
circumstances deemed appropriate by the superintendents. 19332

While an agreement is in effect under this division for a student who is not receiving special education under Chapter 3323. of the Revised Code and notwithstanding Chapter 3327. of the Revised Code, the board of education of neither school district involved in the agreement is required to provide transportation for the student to and from the school where the student attends.

A student attending a school of a district pursuant to this division shall be allowed to participate in all student activities, including interscholastic athletics, at the school where the student is attending on the same basis as any student who has always attended the schools of that district while of compulsory school age.

(13) All school districts shall comply with the "McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et seq., for the education of homeless children. Each city, local, and exempted village school district shall comply with the requirements of that act governing the provision of a free, appropriate public education, including public preschool, to each homeless child.

When a child loses permanent housing and becomes a homeless person, as defined in 42 U.S.C.A. 11481(5), or when a child who is such a homeless person changes temporary living arrangements, the child's parent or guardian shall have the option of enrolling the child in either of the following:

(a) The child's school of origin, as defined in 42 U.S.C.A. 11432(g)(3)(C);

(b) The school that is operated by the school district in which the shelter where the child currently resides is located and that serves the geographic area in which the shelter is located.

(14) A child under the age of twenty-two years who resides with a person other than the child's parent is entitled to attend

school in the school district in which that person resides if both 19364
of the following apply: 19365

(a) That person has been appointed, through a military power 19366
of attorney executed under section 574(a) of the "National Defense 19367
Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 19368
U.S.C. 1044b, or through a comparable document necessary to 19369
complete a family care plan, as the parent's agent for the care, 19370
custody, and control of the child while the parent is on active 19371
duty as a member of the national guard or a reserve unit of the 19372
armed forces of the United States or because the parent is a 19373
member of the armed forces of the United States and is on a duty 19374
assignment away from the parent's residence. 19375

(b) The military power of attorney or comparable document 19376
includes at least the authority to enroll the child in school. 19377

The entitlement to attend school in the district in which the 19378
parent's agent under the military power of attorney or comparable 19379
document resides applies until the end of the school year in which 19380
the military power of attorney or comparable document expires. 19381

(G) A board of education, after approving admission, may 19382
waive tuition for students who will temporarily reside in the 19383
district and who are either of the following: 19384

(1) Residents or domiciliaries of a foreign nation who 19385
request admission as foreign exchange students; 19386

(2) Residents or domiciliaries of the United States but not 19387
of Ohio who request admission as participants in an exchange 19388
program operated by a student exchange organization. 19389

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 19390
3327.04, and 3327.06 of the Revised Code, a child may attend 19391
school or participate in a special education program in a school 19392
district other than in the district where the child is entitled to 19393
attend school under division (B) of this section. 19394

(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 19427
attendance under division (I)(1) of this section for the lesser of 19428
the balance of the school year or the balance of the time that the 19429
child attends school in the district under division (I)(1) of this 19430
section. 19431

(4) A pupil who may attend school in the district under 19432
division (I)(1) of this section shall be entitled to 19433
transportation services pursuant to an agreement between the 19434
district and the district in which the child or child's parent has 19435
relocated unless the districts have not entered into such 19436
agreement, in which case the child shall be entitled to 19437
transportation services in the same manner as a pupil attending 19438
school in the district under interdistrict open enrollment as 19439
described in division (H) of section 3313.981 of the Revised Code, 19440
regardless of whether the district has adopted an open enrollment 19441
policy as described in division (B)(1)(b) or (c) of section 19442
3313.98 of the Revised Code. 19443

(J) This division does not apply to a child receiving special 19444
education. 19445

A school district required to pay tuition pursuant to 19446
division (C)(2) or (3) of this section or section 3313.65 of the 19447
Revised Code shall have an amount deducted under division (F) of 19448
section 3317.023 of the Revised Code equal to its own tuition rate 19449
for the same period of attendance. A school district entitled to 19450
receive tuition pursuant to division (C)(2) or (3) of this section 19451
or section 3313.65 of the Revised Code shall have an amount 19452
credited under division (F) of section 3317.023 of the Revised 19453
Code equal to its own tuition rate for the same period of 19454
attendance. If the tuition rate credited to the district of 19455
attendance exceeds the rate deducted from the district required to 19456
pay tuition, the department of education shall pay the district of 19457
attendance the difference from amounts deducted from all 19458

districts' payments under division (F) of section 3317.023 of the Revised Code but not credited to other school districts under such division and from appropriations made for such purpose. The treasurer of each school district shall, by the fifteenth day of January and July, furnish the superintendent of public instruction a report of the names of each child who attended the district's schools under divisions (C)(2) and (3) of this section or section 3313.65 of the Revised Code during the preceding six calendar months, the duration of the attendance of those children, the school district responsible for tuition on behalf of the child, and any other information that the superintendent requires.

Upon receipt of the report the superintendent, pursuant to division (F) of section 3317.023 of the Revised Code, shall deduct each district's tuition obligations under divisions (C)(2) and (3) of this section or section 3313.65 of the Revised Code and pay to the district of attendance that amount plus any amount required to be paid by the state.

(K) In the event of a disagreement, the superintendent of public instruction shall determine the school district in which the parent resides.

(L) Nothing in this section requires or authorizes, or shall be construed to require or authorize, the admission to a public school in this state of a pupil who has been permanently excluded from public school attendance by the superintendent of public instruction pursuant to sections 3301.121 and 3313.662 of the Revised Code.

(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 19491
called to active duty or ordered to a temporary duty assignment 19492
outside of the district, as long as the child's parent continues 19493
to be a resident of that district, and regardless of where the 19494
child lives as a result of the parent's active duty status or 19495
temporary duty assignment. However, the district is not 19496
responsible for providing transportation for the child if the 19497
child lives outside of the district as a result of the parent's 19498
active duty status or temporary duty assignment. 19499

Sec. 3313.646. (A) The board of education of a school 19500
district, except a cooperative education district established 19501
pursuant to section 3311.521 of the Revised Code, may establish 19502
and operate a preschool program ~~except that no such program shall~~ 19503
~~be established after March 17, 1989, unless both of the following~~ 19504
~~apply at the time the program is established.~~ 19505

~~(1) The, provided the~~ board has demonstrated a need for the 19506
program. 19507

~~(2) Unless it is a cooperative education district established~~ 19508
~~pursuant to divisions (A) to (C) of section 3311.52 of the Revised~~ 19509
~~Code, the school district is eligible for moneys distributed by~~ 19510
~~the department of education pursuant to section 3317.029 of the~~ 19511
~~Revised Code.~~ A board may use school funds in support of preschool 19512
programs. The board shall maintain, operate, and admit children to 19513
any such program pursuant to rules adopted by such board and the 19514
rules of the state board of education adopted under sections 19515
3301.52 to 3301.57 of the Revised Code. 19516

A board of education may establish fees or tuition, which may 19517
be graduated in proportion to family income, for participation in 19518
a preschool program. In cases where payment of fees or tuition 19519
would create a hardship for the child's parent or guardian, the 19520
board may waive any such fees or tuition. 19521

(B) No board of education that is not receiving funds under the "Head Start Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, on March 17, 1989, shall compete for funds under the "Head Start Act" with any grantee receiving funds under that act.

(C) A board of education may contract with any of the following preschool providers to provide preschool programs, other than programs for units described by divisions (B) and (C) of section 3317.05 of the Revised Code, for children of the school district:

(1) Any organization receiving funds under the "Head Start Act";

(2) Any nonsectarian eligible nonpublic school as defined in division (H) of section 3301.52 of the Revised Code;

(3) Any child care provider licensed under Chapter 5104. of the Revised Code.

Boards may contract to provide preschool programs only with such organizations whose staff meet the requirements of rules adopted under section 3301.53 of the Revised Code or those of the child development associate credential established by the national association for the education of young children.

(D) A contract entered into under division (C) of this section may provide for the board of education to lease school facilities to the preschool provider or to furnish transportation, utilities, or staff for the preschool program.

(E) The treasurer of any board of education operating a preschool program pursuant to this section shall keep an account of all funds used to operate the program in the same manner as ~~he~~ the treasurer would any other funds of the district pursuant to this chapter.

Sec. 3313.66. (A) Except as provided under division (B)(2) of

this section, the superintendent of schools of a city, exempted 19552
village, or local school district, or the principal of a public 19553
school may suspend a pupil from school for not more than ten 19554
school days. The board of education of a city, exempted village, 19555
or local school district may adopt a policy granting assistant 19556
principals and other administrators the authority to suspend a 19557
pupil from school for a period of time as specified in the policy 19558
of the board of education, not to exceed ten school days. If at 19559
the time a suspension is imposed there are fewer than ten school 19560
days remaining in the school year in which the incident that gives 19561
rise to the suspension takes place, the superintendent may apply 19562
any remaining part or all of the period of the suspension to the 19563
following school year. Except in the case of a pupil given an 19564
in-school suspension, no pupil shall be suspended unless prior to 19565
the suspension such superintendent or principal does both of the 19566
following: 19567

(1) Gives the pupil written notice of the intention to 19568
suspend the pupil and the reasons for the intended suspension and, 19569
if the proposed suspension is based on a violation listed in 19570
division (A) of section 3313.662 of the Revised Code and if the 19571
pupil is sixteen years of age or older, includes in the notice a 19572
statement that the superintendent may seek to permanently exclude 19573
the pupil if the pupil is convicted of or adjudicated a delinquent 19574
child for that violation; 19575

(2) Provides the pupil an opportunity to appear at an 19576
informal hearing before the principal, assistant principal, 19577
superintendent, or superintendent's designee and challenge the 19578
reason for the intended suspension or otherwise to explain the 19579
pupil's actions. 19580

(B)(1) Except as provided under division (B)(2), (3), or (4) 19581
of this section, the superintendent of schools of a city, exempted 19582
village, or local school district may expel a pupil from school 19583

for a period not to exceed the greater of eighty school days or 19584
the number of school days remaining in the semester or term in 19585
which the incident that gives rise to the expulsion takes place, 19586
unless the expulsion is extended pursuant to division (F) of this 19587
section. If at the time an expulsion is imposed there are fewer 19588
than eighty school days remaining in the school year in which the 19589
incident that gives rise to the expulsion takes place, the 19590
superintendent may apply any remaining part or all of the period 19591
of the expulsion to the following school year. 19592

(2)(a) Unless a pupil is permanently excluded pursuant to 19593
section 3313.662 of the Revised Code, the superintendent of 19594
schools of a city, exempted village, or local school district 19595
shall expel a pupil from school for a period of one year for 19596
bringing a firearm to a school operated by the board of education 19597
of the district or onto any other property owned or controlled by 19598
the board, except that the superintendent may reduce this 19599
requirement on a case-by-case basis in accordance with the policy 19600
adopted by the board under section 3313.661 of the Revised Code. 19601

(b) The superintendent of schools of a city, exempted 19602
village, or local school district may expel a pupil from school 19603
for a period of one year for bringing a firearm to an 19604
interscholastic competition, an extracurricular event, or any 19605
other school program or activity that is not located in a school 19606
or on property that is owned or controlled by the district. The 19607
superintendent may reduce this disciplinary action on a 19608
case-by-case basis in accordance with the policy adopted by the 19609
board under section 3313.661 of the Revised Code. 19610

(c) Any expulsion pursuant to division (B)(2) of this section 19611
shall extend, as necessary, into the school year following the 19612
school year in which the incident that gives rise to the expulsion 19613
takes place. As used in this division, "firearm" has the same 19614
meaning as provided pursuant to the "Gun-Free Schools Act of 19615

1994," ~~108~~ 115 Stat. ~~270~~ 1762, 20 U.S.C. ~~8001(a)(2)~~ 7151. 19616

(3) The board of education of a city, exempted village, or 19617
local school district may adopt a resolution authorizing the 19618
superintendent of schools to expel a pupil from school for a 19619
period not to exceed one year for bringing a knife to a school 19620
operated by the board, onto any other property owned or controlled 19621
by the board, or to an interscholastic competition, an 19622
extracurricular event, or any other program or activity sponsored 19623
by the school district or in which the district is a participant, 19624
or for possessing a firearm or knife at a school, on any other 19625
property owned or controlled by the board, or at an 19626
interscholastic competition, an extracurricular event, or any 19627
other school program or activity, which firearm or knife was 19628
initially brought onto school board property by another person. 19629
The resolution may authorize the superintendent to extend such an 19630
expulsion, as necessary, into the school year following the school 19631
year in which the incident that gives rise to the expulsion takes 19632
place. 19633

(4) The board of education of a city, exempted village, or 19634
local school district may adopt a resolution establishing a policy 19635
under section 3313.661 of the Revised Code that authorizes the 19636
superintendent of schools to expel a pupil from school for a 19637
period not to exceed one year for committing an act that is a 19638
criminal offense when committed by an adult and that results in 19639
serious physical harm to persons as defined in division (A)(5) of 19640
section 2901.01 of the Revised Code or serious physical harm to 19641
property as defined in division (A)(6) of section 2901.01 of the 19642
Revised Code while the pupil is at school, on any other property 19643
owned or controlled by the board, or at an interscholastic 19644
competition, an extracurricular event, or any other school program 19645
or activity. Any expulsion under this division shall extend, as 19646
necessary, into the school year following the school year in which 19647

the incident that gives rise to the expulsion takes place. 19648

(5) The board of education of any city, exempted village, or 19649
local school district may adopt a resolution establishing a policy 19650
under section 3313.661 of the Revised Code that authorizes the 19651
superintendent of schools to expel a pupil from school for a 19652
period not to exceed one year for making a bomb threat to a school 19653
building or to any premises at which a school activity is 19654
occurring at the time of the threat. Any expulsion under this 19655
division shall extend, as necessary, into the school year 19656
following the school year in which the incident that gives rise to 19657
the expulsion takes place. 19658

(6) No pupil shall be expelled under division (B)(1), (2), 19659
(3), (4), or (5) of this section unless, prior to the pupil's 19660
expulsion, the superintendent does both of the following: 19661

(a) Gives the pupil and the pupil's parent, guardian, or 19662
custodian written notice of the intention to expel the pupil; 19663

(b) Provides the pupil and the pupil's parent, guardian, 19664
custodian, or representative an opportunity to appear in person 19665
before the superintendent or the superintendent's designee to 19666
challenge the reasons for the intended expulsion or otherwise to 19667
explain the pupil's actions. 19668

The notice required in this division shall include the 19669
reasons for the intended expulsion, notification of the 19670
opportunity of the pupil and the pupil's parent, guardian, 19671
custodian, or representative to appear before the superintendent 19672
or the superintendent's designee to challenge the reasons for the 19673
intended expulsion or otherwise to explain the pupil's action, and 19674
notification of the time and place to appear. The time to appear 19675
shall not be earlier than three nor later than five school days 19676
after the notice is given, unless the superintendent grants an 19677
extension of time at the request of the pupil or the pupil's 19678

parent, guardian, custodian, or representative. If an extension is 19679
granted after giving the original notice, the superintendent shall 19680
notify the pupil and the pupil's parent, guardian, custodian, or 19681
representative of the new time and place to appear. If the 19682
proposed expulsion is based on a violation listed in division (A) 19683
of section 3313.662 of the Revised Code and if the pupil is 19684
sixteen years of age or older, the notice shall include a 19685
statement that the superintendent may seek to permanently exclude 19686
the pupil if the pupil is convicted of or adjudicated a delinquent 19687
child for that violation. 19688

(7) A superintendent of schools of a city, exempted village, 19689
or local school district shall initiate expulsion proceedings 19690
pursuant to this section with respect to any pupil who has 19691
committed an act warranting expulsion under the district's policy 19692
regarding expulsion even if the pupil has withdrawn from school 19693
for any reason after the incident that gives rise to the hearing 19694
but prior to the hearing or decision to impose the expulsion. If, 19695
following the hearing, the pupil would have been expelled for a 19696
period of time had the pupil still been enrolled in the school, 19697
the expulsion shall be imposed for the same length of time as on a 19698
pupil who has not withdrawn from the school. 19699

(C) If a pupil's presence poses a continuing danger to 19700
persons or property or an ongoing threat of disrupting the 19701
academic process taking place either within a classroom or 19702
elsewhere on the school premises, the superintendent or a 19703
principal or assistant principal may remove a pupil from 19704
curricular activities or from the school premises, and a teacher 19705
may remove a pupil from curricular activities under the teacher's 19706
supervision, without the notice and hearing requirements of 19707
division (A) or (B) of this section. As soon as practicable after 19708
making such a removal, the teacher shall submit in writing to the 19709
principal the reasons for such removal. 19710

If a pupil is removed under this division from a curricular activity or from the school premises, written notice of the hearing and of the reason for the removal shall be given to the pupil as soon as practicable prior to the hearing, which shall be held within three school days from the time the initial removal is ordered. The hearing shall be held in accordance with division (A) of this section unless it is probable that the pupil may be subject to expulsion, in which case a hearing in accordance with division (B) of this section shall be held, except that the hearing shall be held within three school days of the initial removal. The individual who ordered, caused, or requested the removal to be made shall be present at the hearing.

If the superintendent or the principal reinstates a pupil in a curricular activity under the teacher's supervision prior to the hearing following a removal under this division, the teacher, upon request, shall be given in writing the reasons for such reinstatement.

(D) The superintendent or principal, within one school day after the time of a pupil's expulsion or suspension, shall notify in writing the parent, guardian, or custodian of the pupil and the treasurer of the board of education of the expulsion or suspension. The notice shall include the reasons for the expulsion or suspension, notification of the right of the pupil or the pupil's parent, guardian, or custodian to appeal the expulsion or suspension to the board of education or to its designee, to be represented in all appeal proceedings, to be granted a hearing before the board or its designee in order to be heard against the suspension or expulsion, and to request that the hearing be held in executive session, notification that the expulsion may be subject to extension pursuant to division (F) of this section if the pupil is sixteen years of age or older, and notification that the superintendent may seek the pupil's permanent exclusion if the

suspension or expulsion was based on a violation listed in 19743
division (A) of section 3313.662 of the Revised Code that was 19744
committed when the child was sixteen years of age or older and if 19745
the pupil is convicted of or adjudicated a delinquent child for 19746
that violation. 19747

In accordance with the policy adopted by the board of 19748
education under section 3313.661 of the Revised Code, the notice 19749
provided under this division shall specify the manner and date by 19750
which the pupil or the pupil's parent, guardian, or custodian 19751
shall notify the board of the pupil's, parent's, guardian's, or 19752
custodian's intent to appeal the expulsion or suspension to the 19753
board or its designee. 19754

Any superintendent expelling a pupil under this section for 19755
more than twenty school days or for any period of time if the 19756
expulsion will extend into the following semester or school year 19757
shall, in the notice required under this division, provide the 19758
pupil and the pupil's parent, guardian, or custodian with 19759
information about services or programs offered by public and 19760
private agencies that work toward improving those aspects of the 19761
pupil's attitudes and behavior that contributed to the incident 19762
that gave rise to the pupil's expulsion. The information shall 19763
include the names, addresses, and phone numbers of the appropriate 19764
public and private agencies. 19765

(E) A pupil or the pupil's parent, guardian, or custodian may 19766
appeal the pupil's expulsion by a superintendent or suspension by 19767
a superintendent, principal, assistant principal, or other 19768
administrator to the board of education or to its designee. If the 19769
pupil or the pupil's parent, guardian, or custodian intends to 19770
appeal the expulsion or suspension to the board or its designee, 19771
the pupil or the pupil's parent, guardian, or custodian shall 19772
notify the board in the manner and by the date specified in the 19773
notice provided under division (D) of this section. The pupil or 19774

the pupil's parent, guardian, or custodian may be represented in 19775
all appeal proceedings and shall be granted a hearing before the 19776
board or its designee in order to be heard against the suspension 19777
or expulsion. At the request of the pupil or of the pupil's 19778
parent, guardian, custodian, or attorney, the board or its 19779
designee may hold the hearing in executive session but shall act 19780
upon the suspension or expulsion only at a public meeting. The 19781
board, by a majority vote of its full membership or by the action 19782
of its designee, may affirm the order of suspension or expulsion, 19783
reinstate the pupil, or otherwise reverse, vacate, or modify the 19784
order of suspension or expulsion. 19785

The board or its designee shall make a verbatim record of 19786
hearings held under this division. The decisions of the board or 19787
its designee may be appealed under Chapter 2506. of the Revised 19788
Code. 19789

This section shall not be construed to require notice and 19790
hearing in accordance with division (A), (B), or (C) of this 19791
section in the case of normal disciplinary procedures in which a 19792
pupil is removed from a curricular activity for a period of less 19793
than one school day and is not subject to suspension or expulsion. 19794

(F)(1) If a pupil is expelled pursuant to division (B) of 19795
this section for committing any violation listed in division (A) 19796
of section 3313.662 of the Revised Code and the pupil was sixteen 19797
years of age or older at the time of committing the violation, if 19798
a complaint, indictment, or information is filed alleging that the 19799
pupil is a delinquent child based upon the commission of the 19800
violation or the pupil is prosecuted as an adult for the 19801
commission of the violation, and if the resultant juvenile court 19802
or criminal proceeding is pending at the time that the expulsion 19803
terminates, the superintendent of schools that expelled the pupil 19804
may file a motion with the court in which the proceeding is 19805
pending requesting an order extending the expulsion for the lesser 19806

of an additional eighty days or the number of school days 19807
remaining in the school year. Upon the filing of the motion, the 19808
court immediately shall schedule a hearing and give written notice 19809
of the time, date, and location of the hearing to the 19810
superintendent and to the pupil and the pupil's parent, guardian, 19811
or custodian. At the hearing, the court shall determine whether 19812
there is reasonable cause to believe that the pupil committed the 19813
alleged violation that is the basis of the expulsion and, upon 19814
determining that reasonable cause to believe the pupil committed 19815
the violation does exist, shall grant the requested extension. 19816

(2) If a pupil has been convicted of or adjudicated a 19817
delinquent child for a violation listed in division (A) of section 19818
3313.662 of the Revised Code for an act that was committed when 19819
the child was sixteen years of age or older, if the pupil has been 19820
expelled pursuant to division (B) of this section for that 19821
violation, and if the board of education of the school district of 19822
the school from which the pupil was expelled has adopted a 19823
resolution seeking the pupil's permanent exclusion, the 19824
superintendent may file a motion with the court that convicted the 19825
pupil or adjudicated the pupil a delinquent child requesting an 19826
order to extend the expulsion until an adjudication order or other 19827
determination regarding permanent exclusion is issued by the 19828
superintendent of public instruction pursuant to section 3301.121 19829
and division (D) of section 3313.662 of the Revised Code. Upon the 19830
filing of the motion, the court immediately shall schedule a 19831
hearing and give written notice of the time, date, and location of 19832
the hearing to the superintendent of the school district, the 19833
pupil, and the pupil's parent, guardian, or custodian. At the 19834
hearing, the court shall determine whether there is reasonable 19835
cause to believe the pupil's continued attendance in the public 19836
school system may endanger the health and safety of other pupils 19837
or school employees and, upon making that determination, shall 19838
grant the requested extension. 19839

(G) The failure of the superintendent or the board of education to provide the information regarding the possibility of permanent exclusion in the notice required by divisions (A), (B), and (D) of this section is not jurisdictional, and the failure shall not affect the validity of any suspension or expulsion procedure that is conducted in accordance with this section or the validity of a permanent exclusion procedure that is conducted in accordance with sections 3301.121 and 3313.662 of the Revised Code.

(H) With regard to suspensions and expulsions pursuant to divisions (A) and (B) of this section by the board of education of any city, exempted village, or local school district, this section shall apply to any student, whether or not the student is enrolled in the district, attending or otherwise participating in any curricular program provided in a school operated by the board or provided on any other property owned or controlled by the board.

(I) Whenever a student is expelled under this section, the expulsion shall result in removal of the student from the student's regular school setting. However, during the period of the expulsion, the board of education of the school district that expelled the student or any board of education admitting the student during that expulsion period may provide educational services to the student in an alternative setting.

(J)(1) Notwithstanding sections 3109.51 to 3109.80, 3313.64, and 3313.65 of the Revised Code, any school district, after offering an opportunity for a hearing, may temporarily deny admittance to any pupil if one of the following applies:

(a) The pupil has been suspended from the schools of another district under division (A) of this section and the period of suspension, as established under that division, has not expired;

(b) The pupil has been expelled from the schools of another

district under division (B) of this section and the period of the 19871
expulsion, as established under that division or as extended under 19872
division (F) of this section, has not expired. 19873

If a pupil is temporarily denied admission under this 19874
division, the pupil shall be admitted to school in accordance with 19875
sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the Revised 19876
Code no later than upon expiration of the suspension or expulsion 19877
period, as applicable. 19878

(2) Notwithstanding sections 3109.51 to 3109.80, 3313.64, and 19879
3313.65 of the Revised Code, any school district, after offering 19880
an opportunity for a hearing, may temporarily deny admittance to 19881
any pupil if the pupil has been expelled or otherwise removed for 19882
disciplinary purposes from a public school in another state and 19883
the period of expulsion or removal has not expired. If a pupil is 19884
temporarily denied admission under this division, the pupil shall 19885
be admitted to school in accordance with sections 3109.51 to 19886
3109.80, 3313.64, or 3313.65 of the Revised Code no later than the 19887
earlier of the following: 19888

(a) Upon expiration of the expulsion or removal period 19889
imposed by the out-of-state school; 19890

(b) Upon expiration of a period established by the district, 19891
beginning with the date of expulsion or removal from the 19892
out-of-state school, that is no greater than the period of 19893
expulsion that the pupil would have received under the policy 19894
adopted by the district under section 3313.661 of the Revised Code 19895
had the offense that gave rise to the expulsion or removal by the 19896
out-of-state school been committed while the pupil was enrolled in 19897
the district. 19898

(K) As used in this section: 19899

(1) "Permanently exclude" and "permanent exclusion" have the 19900
same meanings as in section 3313.662 of the Revised Code. 19901

(2) "In-school suspension" means the pupil will serve all of 19902
the suspension in a school setting. 19903

Sec. 3313.661. (A) The board of education of each city, 19904
exempted village, and local school district shall adopt a policy 19905
regarding suspension, expulsion, removal, and permanent exclusion 19906
that specifies the types of misconduct for which a pupil may be 19907
suspended, expelled, or removed. The types of misconduct may 19908
include misconduct by a pupil that occurs off of property owned or 19909
controlled by the district but that is connected to activities or 19910
incidents that have occurred on property owned or controlled by 19911
that district and misconduct by a pupil that, regardless of where 19912
it occurs, is directed at a district official or employee, or the 19913
property of such official or employee. The policy shall specify 19914
the reasons for which the superintendent of the district may 19915
reduce the expulsion requirement in division (B)(2) of section 19916
3313.66 of the Revised Code. If a board of education adopts a 19917
resolution pursuant to division (B)(3) of section 3313.66 of the 19918
Revised Code, the policy shall define the term "knife" or 19919
"firearm," as applicable, for purposes of expulsion under that 19920
resolution and shall specify any reasons for which the 19921
superintendent of the district may reduce any required expulsion 19922
period on a case-by-case basis. If a board of education adopts a 19923
resolution pursuant to division (B)(4) or (5) of section 3313.66 19924
of the Revised Code, the policy shall specify any reasons for 19925
which the superintendent of the district may reduce any required 19926
expulsion period on a case-by-case basis. The policy also shall 19927
set forth the acts listed in section 3313.662 of the Revised Code 19928
for which a pupil may be permanently excluded. 19929

The policy adopted under this division shall specify the date 19930
and manner by which a pupil or a pupil's parent, guardian, or 19931
custodian may notify the board of the pupil's, parent's, 19932
guardian's, or custodian's intent to appeal an expulsion or 19933

suspension to the board or its designee pursuant to division (E) 19934
of section 3313.66 of the Revised Code. In the case of any 19935
expulsion, the policy shall not specify a date that is less than 19936
fourteen days after the date of the notice provided to the pupil 19937
or the pupil's parent, guardian, or custodian under division (D) 19938
of that section. 19939

A copy of the policy shall be posted in a central location in 19940
the school and made available to pupils upon request. No pupil 19941
shall be suspended, expelled, or removed except in accordance with 19942
the policy adopted by the board of education of the school 19943
district in which the pupil attends school, and no pupil shall be 19944
permanently excluded except in accordance with sections 3301.121 19945
and 3313.662 of the Revised Code. 19946

(B) A board of education may establish a program and adopt 19947
guidelines under which a superintendent may require a pupil to 19948
perform community service in conjunction with a suspension or 19949
expulsion imposed under section 3313.66 of the Revised Code or in 19950
place of a suspension or expulsion imposed under section 3313.66 19951
of the Revised Code except for an expulsion imposed pursuant to 19952
division (B)(2) of that section. If a board adopts guidelines 19953
under this division, they shall permit, except with regard to an 19954
expulsion pursuant to division (B)(2) of section 3313.66 of the 19955
Revised Code, a superintendent to impose a community service 19956
requirement beyond the end of the school year in lieu of applying 19957
the suspension or expulsion into the following school year. Any 19958
guidelines adopted shall be included in the policy adopted under 19959
this section. 19960

(C) The written policy of each board of education that is 19961
adopted pursuant to section 3313.20 of the Revised Code shall be 19962
posted in a central location in each school that is subject to the 19963
policy and shall be made available to pupils upon request. 19964

(D) Any policy, program, or guideline adopted by a board of 19965

education under this section with regard to suspensions or 19966
expulsions pursuant to division (A) or (B) of section 3313.66 of 19967
the Revised Code shall apply to any student, whether or not the 19968
student is enrolled in the district, attending or otherwise 19969
participating in any curricular program provided in a school 19970
operated by the board or provided on any other property owned or 19971
controlled by the board. 19972

(E) As used in this section, "permanently exclude" and 19973
"permanent exclusion" have the same meanings as in section 19974
3313.662 of the Revised Code. 19975

Sec. 3313.82. (A)(1) The boards of education of two or more 19976
city, local, or exempted village school districts each having a 19977
majority of its territory in a county with a population greater 19978
than one million two hundred thousand, by adopting identical 19979
resolutions, may enter into an agreement providing for the 19980
creation of a student special services district for the purpose of 19981
funding the following for students enrolled in those school 19982
districts, including students diagnosed as autistic and students 19983
with special needs, and their immediate family members: 19984

(a) Special education services; 19985

(b) Behavioral health services for persons with special 19986
needs. 19987

If more than eight boards of education adopt resolutions to 19988
form a student special services district, the boards may meet at 19989
facilities of the educational service center of the county to 19990
discuss membership in the district. 19991

(2) The territory of a student special services district at 19992
any time shall be composed of the combined territories of the 19993
school districts that are parties to the agreement at that time. 19994
Services funded by a student special services district shall be 19995

available to all individuals enrolled in a school district that is 19996
a part of the student special services district and members of 19997
their immediate family. 19998

(3) The agreement may be amended pursuant to terms and 19999
procedures mutually agreed to by the boards of education that are 20000
parties to the agreement. 20001

(B) Each student special services district shall be governed 20002
by a board of directors. The superintendent of each board of 20003
education that is a party to the agreement shall serve on the 20004
board of directors. The agreement shall provide for the terms of 20005
office of directors. Directors shall receive no compensation, but 20006
shall be reimbursed, from the special fund of the student special 20007
services district, for the reasonable and necessary expenses they 20008
incur in the performance of their duties for the district. The 20009
agreement shall provide for the conduct of the board's initial 20010
organizational meeting and for the frequency of subsequent 20011
meetings and quorum requirements. At its first meeting, the board 20012
shall designate from among its members a president and secretary 20013
in the manner provided in the agreement. 20014

The board of directors of a student special services district 20015
is a body corporate and politic, is capable of suing and being 20016
sued, is capable of contracting within the limits of this section 20017
and the agreement governing the district, and is capable of 20018
accepting gifts, donations, bequests, or other grants of money for 20019
use in paying its expenses. The district is a public office and 20020
its directors are public officials within the meaning of section 20021
117.01 of the Revised Code, the board of directors is a public 20022
body within the meaning of section 121.22 of the Revised Code, and 20023
records of the board and of the district are public records within 20024
the meaning of section 149.43 of the Revised Code. 20025

The agreement shall require the board to designate a 20026
permanent location for its offices and meeting place, and may 20027

provide for the use of such facilities and property for the 20028
provision of services by the agencies with which the board 20029
contracts under division (C) of this section. 20030

(C)(1) To provide the services identified in division (A)(1) 20031
of this section, the board of directors of a student special 20032
services district shall provide for the hiring of employees or 20033
shall contract with one or more entities. Except as provided in 20034
division (C)(2) of this section, any entity with which the board 20035
of directors contracts to provide the services identified in 20036
division (A)(1)(b) shall be a qualified nonprofit, nationally 20037
accredited agency to which all of the following apply: 20038

(a) The agency is licensed or certified by the departments of 20039
mental health, job and family services, and alcohol and drug 20040
addiction services. 20041

(b) The agency is chartered by the department of education 20042
and provides services to persons diagnosed with autism. 20043

(c) The agency provides school-based behavioral health 20044
services. 20045

(2) The board of directors may contract with an entity that 20046
does not meet the conditions stated in division (C)(1) of this 20047
section if the services to be provided by the entity are only 20048
incidental to the services identified in division (A)(1)(b) of 20049
this section. 20050

(3) The board of directors may levy a tax throughout the 20051
district as provided in section 5705.219 of the Revised Code. The 20052
board of directors shall provide for the creation of a special 20053
fund to hold the proceeds of any tax levied under section 5705.219 20054
of the Revised Code and any gifts, donations, bequests, or other 20055
grants of money coming into the possession of the district. A 20056
student special services district is a subdivision, and the board 20057
of directors is a governing body, within the meaning of section 20058

135.01 of the Revised Code. The board of directors may not issue securities or otherwise incur indebtedness. 20059
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(4) The adoption or rejection by electors of a tax levy to fund a student special services district pursuant to section 5705.219 of the Revised Code does not alter the duty of each school district member of the student special services district to provide special education and related services as required under Chapter 3323. of the Revised Code. On the expiration of a student special services district levy, the state, member school districts of the student special services district, and any other governmental entity shall not be obligated to provide replacement funding for the revenues under the expired levy. The tax levy, in whole or in part, shall not be considered a levy for current operating expenses pursuant to division (A) of section 3317.01 of the Revised Code for any of the school districts that are members of the student special services district. 20061
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(D)(1) The agreement shall provide for the manner of appointing an individual or entity to perform the duties of fiscal officer of the student special services district. The agreement shall specify the length of time the individual or entity shall perform those duties and whether the individual or entity may be reappointed upon the completion of a term. The fiscal officer may receive compensation for performing the duties of the position and be reimbursed for reasonable expenses of performing those duties from the student special services district's special fund. 20075
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(2) The legal advisor of the board of directors of a student special services district shall be the prosecuting attorney of the most populous county containing a school district that is a member of the student special services district. The prosecuting attorney shall prosecute all actions against a member of the board of directors for malfeasance or misfeasance in office and shall be the legal counsel for the board and its members in all other 20084
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actions brought by or against them and shall conduct those actions 20091
in the prosecuting attorney's official capacity. No compensation 20092
in addition to the prosecuting attorney's regular salary shall be 20093
allowed. 20094

(E) The board of directors of a student special services 20095
district shall procure a policy or policies of insurance insuring 20096
the board, the fiscal officer, and the legal representative 20097
against liability on account of damage or injury to persons and 20098
property. Before procuring such insurance the board shall adopt a 20099
resolution setting forth the amount of insurance to be purchased, 20100
the necessity of the insurance, and a statement of its estimated 20101
premium cost. Insurance procured pursuant to this section shall be 20102
from one or more recognized insurance companies authorized to do 20103
business in this state. The cost of the insurance shall be paid 20104
from the district's special fund. 20105

A student special services district is a political 20106
subdivision within the meaning of section 2744.01 of the Revised 20107
Code. 20108

(F)(1) The board of education of a school district having a 20109
majority of its territory in the county may join an existing 20110
student special services district by adopting a resolution 20111
requesting to join as a party to the agreement and upon approval 20112
by the boards of education that currently are parties to the 20113
agreement. If a tax is levied in the student special services 20114
district under section 5705.219 of the Revised Code, a board of 20115
education may join the district only after a majority of qualified 20116
electors in the school district voting on the question vote in 20117
favor of levying the tax throughout the school district. A board 20118
of education joining an existing district shall have the same 20119
powers, rights, and obligations under the agreement as other 20120
boards of education that are parties to the agreement. 20121

(2) A board of education that is a party to an agreement 20122

under this section may withdraw the school district from a student special services district by adopting a resolution. The withdrawal shall take effect on the date provided in the resolution. If a tax is levied in the student special services district under section 5705.219 of the Revised Code, the resolution shall take effect not later than the first day of January following adoption of the resolution. Beginning with the first day of January following adoption of the resolution, any tax levied under section 5705.219 of the Revised Code shall not be levied within the territory of the withdrawing school district. Any collection of tax levied in the territory of the withdrawing school district under that section that has not been settled and distributed when the resolution takes effect shall be credited to the district's special fund.

(G) An agreement entered into under this section shall provide for the manner of the student special services district's dissolution. The district shall cease to exist when not more than one school district remains in the district, and the levy of any tax under section 5705.219 of the Revised Code shall not be extended on the tax lists in any tax year beginning after the dissolution of the district. The agreement shall provide that, upon dissolution of the district, any unexpended balance in the district's special fund shall be divided among the school districts that are parties to the agreement immediately before dissolution in proportion to the taxable valuation of taxable property in the districts, and credited to their respective general funds.

Sec. 3313.841. The boards of education and governing boards of two or more city, local, joint vocational, or exempted village school districts or educational service centers may contract in accordance with the terms of this section for the sharing on a cooperative basis of the services of supervisory teachers, special

instruction teachers, special education teachers, and other 20155
licensed personnel necessary to conduct approved cooperative 20156
classes for special education and related services and gifted 20157
education. 20158

The boards of two or more districts or service centers 20159
desiring to enroll students in such classes shall each adopt 20160
resolutions indicating such desire and designating one of the 20161
participating districts or service centers as the funding agent 20162
for purposes of this section. The district or service center 20163
designated as the funding agent shall enter into an employment 20164
contract with each licensed teacher whose services are to be 20165
shared among the participating districts and service centers. In 20166
turn, the funding agent shall enter into contracts with each of 20167
the districts and service centers which have adopted resolutions 20168
agreeing to participate in the cooperative program upon terms 20169
agreed to by all parties to such contract. Such contracts between 20170
districts and service centers shall set forth the services to be 20171
provided by the licensed teacher employed by the funding agent 20172
whose services are to be shared by the participating districts and 20173
service centers and the basis for computing the amounts to be paid 20174
for such services to the funding agent by the participating 20175
districts and service centers. 20176

For purposes of division (B) of section 3317.05 of the 20177
Revised Code, the funding agent shall count all pupils enrolled in 20178
cooperative programs for ~~handicapped~~ pupils with disabilities as 20179
pupils enrolled in such programs in the funding agent district. 20180
Upon receipt of payment for such programs, the funding agent 20181
district shall credit the account of districts participating in 20182
the cooperative program for the amounts due under contracts 20183
entered into under the terms of this section in proportion to the 20184
number of resident students enrolled in the cooperative program 20185
from each participating district and service center. 20186

In determining the terms of the contract entered into by the funding agent district or service center and the participating districts and service centers, the superintendent of schools of each participating board of education and governing board shall serve as a committee which shall recommend such terms to such boards.

Sec. 3313.843. (A) Notwithstanding division (D) of section 3311.52 of the Revised Code, this section does not apply to either of the following:

(1) Any cooperative education school district;

(2) Any city or exempted village school district with a total student count of thirteen thousand or more determined pursuant to section 3317.03 of the Revised Code that has not entered into one or more agreements pursuant to this section prior to July 1, 1993, unless the district's total student count did not exceed thirteen thousand at the time it entered into an initial agreement under this section.

(B) The board of education of a city or exempted village school district and the governing board of an educational service center may enter into an agreement, through adoption of identical resolutions, under which the educational service center governing board will provide services to the city or exempted village school district.

Services provided under the agreement shall be specified in the agreement, and may include any one or a combination of the following: supervisory teachers; in-service and continuing education programs for city or exempted village school district personnel; curriculum services as provided to the local school districts under the supervision of the service center governing board; research and development programs; academic instruction for which the governing board employs teachers pursuant to section

3319.02 of the Revised Code; and assistance in the provision of 20218
special accommodations and classes for ~~handicapped~~ students with 20219
disabilities. Services included in the agreement shall be provided 20220
to the city or exempted village district in the same manner they 20221
are provided to local school districts under the governing board's 20222
supervision, unless otherwise specified in the agreement. The city 20223
or exempted village board of education shall reimburse the 20224
educational service center governing board pursuant to section 20225
3317.11 of the Revised Code. 20226

(C) If an educational service center received funding under 20227
division (B) of former section 3317.11 or division (F) of section 20228
3317.11 of the Revised Code for an agreement under this section 20229
involving a city school district whose total student count was 20230
less than thirteen thousand, the service center may continue to 20231
receive funding under that division for such an agreement in any 20232
subsequent year if the city district's total student count exceeds 20233
thirteen thousand. However, only the first thirteen thousand 20234
pupils in the formula ADM of such district shall be included in 20235
determining the amount of the per pupil subsidy the service center 20236
shall receive under division (F) of section 3317.11 of the Revised 20237
Code. 20238

(D) Any agreement entered into pursuant to this section shall 20239
be valid only if a copy is filed with the department of education 20240
by the first day of the school year for which the agreement is in 20241
effect. 20242

Sec. 3313.97. Notwithstanding division (D) of section 3311.19 20243
and division (D) of section 3311.52 of the Revised Code, this 20244
section does not apply to any joint vocational or cooperative 20245
education school district. 20246

(A) As used in this section: 20247

(1) "Parent" has the same meaning as in section 3313.64 of 20248

the Revised Code. 20249

(2) "Alternative school" means a school building other than 20250
the one to which a student is assigned by the district 20251
superintendent. 20252

(3) "IEP" ~~means an individualized education program defined~~ 20253
~~by division (E) of~~ has the same meaning as in section 3323.01 of 20254
the Revised Code. 20255

(B) The board of education of each city, local, and exempted 20256
village school district shall adopt an open enrollment policy 20257
allowing students entitled to attend school in the district 20258
pursuant to section 3313.64 or 3313.65 of the Revised Code to 20259
enroll in an alternative school. Each policy shall provide for the 20260
following: 20261

(1) Application procedures, including deadlines for 20262
application and for notification of students and principals of 20263
alternative schools whenever a student's application is accepted. 20264
The policy shall require a student to apply only if the student 20265
wishes to attend an alternative school. 20266

(2) The establishment of district capacity limits by grade 20267
level, school building, and education program; 20268

(3) A requirement that students enrolled in a school building 20269
or living in any attendance area of the school building 20270
established by the superintendent or board be given preference 20271
over applicants; 20272

(4) Procedures to ensure that an appropriate racial balance 20273
is maintained in the district schools. 20274

(C) Except as provided in section 3313.982 of the Revised 20275
Code, the procedures for admitting applicants to alternative 20276
schools shall not include: 20277

(1) Any requirement of academic ability, or any level of 20278

athletic, artistic, or other extracurricular skills; 20279

(2) Limitations on admitting applicants because of 20280
~~handicapping~~ disabling conditions, except that a board may require 20281
a student receiving services under Chapter 3323. of the Revised 20282
Code to attend school where the services described in the 20283
student's IEP are available; 20284

(3) A requirement that the student be proficient in the 20285
English language; 20286

(4) Rejection of any applicant because the student has been 20287
subject to disciplinary proceedings, except that if an applicant 20288
has been suspended or expelled for ten consecutive days or more in 20289
the term for which admission is sought or in the term immediately 20290
preceding the term for which admission is sought, the procedures 20291
may include a provision denying admission of such applicant to an 20292
alternative school. 20293

(D)(1) Notwithstanding Chapter 3327. of the Revised Code, and 20294
except as provided in division (D)(2) of this section, a district 20295
board is not required to provide transportation to a 20296
~~nonhandicapped~~ nondisabled student enrolled in an alternative 20297
school unless such student can be picked up and dropped off at a 20298
regular school bus stop designated in accordance with the board's 20299
transportation policy or unless the board is required to provide 20300
additional transportation to the student in accordance with a 20301
court-approved desegregation plan. 20302

(2) A district board shall provide transportation to any 20303
student enrolled in an alternative school pursuant to division (E) 20304
of section 3302.04 of the Revised Code to the extent required by 20305
that division, except that no district board shall be required to 20306
provide transportation to any student enrolled in an alternative 20307
school pursuant to division (E) of section 3302.04 of the Revised 20308
Code after the date the school in which the student was enrolled 20309

immediately prior to enrolling in the alternative school ceases to 20310
be subject to that division. 20311

(E) Each school board shall provide information about the 20312
policy adopted under this section and the application procedures 20313
and deadlines to the parent of each student in the district and to 20314
the general public. 20315

(F) The state board of education shall monitor school 20316
districts to ensure compliance with this section and the 20317
districts' policies. 20318

Sec. 3313.974. As used in this section and in sections 20319
3313.975 to 3313.979 of the Revised Code: 20320

(A) "Individualized education program" and "~~handicapped~~ child 20321
with a disability" have the same meanings as in section 3323.01 of 20322
the Revised Code. 20323

(B) "Mainstreamed ~~handicapped~~ student with a disability" 20324
means a ~~handicapped~~ child with a disability who has an 20325
individualized education program providing for the student to 20326
spend more than half of each school day in a regular school 20327
setting with ~~nonhandicapped~~ nondisabled students. 20328

(C) "Separately educated ~~handicapped~~ student with a 20329
disability" means a ~~handicapped~~ child with a disability who has an 20330
individualized education program providing for the student to 20331
spend at least half of each school day in a class or setting 20332
separated from ~~nonhandicapped~~ nondisabled students. 20333

(D) "Low-income family" means a family whose income is below 20334
the level which the superintendent of public instruction shall 20335
establish. 20336

(E) "Parent" has the same meaning as in section 3313.98 of 20337
the Revised Code. 20338

(F) "Registered private school" means a school registered 20339

with the superintendent of public instruction pursuant to section 20340
3313.976 of the Revised Code. 20341

(G) "Alternative school" means a registered private school 20342
located in a school district or a public school located in an 20343
adjacent school district. 20344

(H) "Tutorial assistance" means instructional services 20345
provided to a student outside of regular school hours approved by 20346
the commission on school choice pursuant to section 3313.976 of 20347
the Revised Code. 20348

Sec. 3313.977. (A)(1) Each registered private school shall 20349
admit students to kindergarten and first, second, and third grades 20350
in accordance with the following priorities: 20351

(a) Students who were enrolled in the school during the 20352
preceding year; 20353

(b) Siblings of students enrolled in the school during the 20354
preceding year, at the discretion of the school; 20355

(c) Children from low-income families attending school or 20356
residing in the school district in which the school is located 20357
until the number of such students in each grade equals the number 20358
that constituted twenty per cent of the total number of students 20359
enrolled in the school during the preceding year in such grade. 20360
Admission of such twenty per cent shall be by lot from among all 20361
low-income family applicants who apply prior to the fifteenth day 20362
of February prior to admission. 20363

(d) All other applicants residing anywhere, provided that all 20364
remaining available spaces shall be filled from among such 20365
applicants by lot. 20366

Children from low-income families not selected by lot under 20367
division (A)(1)(c) of this section shall be included in the 20368
lottery of all remaining applicants pursuant to division (A)(1)(d) 20369

of this section. 20370

(2) Each registered private school shall first admit to 20371
grades four through twelve students who were enrolled in the 20372
school during the preceding year. Any remaining spaces for 20373
students in these grades may be filled as determined by the 20374
school. 20375

(B) Notwithstanding division (A) of this section, except 20376
where otherwise prohibited by federal law, a registered private 20377
school may elect to admit students of only one gender and may deny 20378
admission to any separately educated ~~handicapped~~ student with a 20379
disability. 20380

(C) If a scholarship student who has been accepted in 20381
accordance with this section fails to enroll in the school for any 20382
reason or withdraws from the school during the school year for any 20383
reason, the school may elect to replace such student with another 20384
scholarship student only by first offering the admission to any 20385
low-income scholarship students who filed applications by the 20386
preceding fifteenth day of February and who were not accepted at 20387
that time due to space limitations. 20388

Sec. 3313.978. (A) Annually by the first day of November, the 20389
superintendent of public instruction shall notify the pilot 20390
project school district of the number of initial scholarships that 20391
the state superintendent will be awarding in each of grades 20392
kindergarten through eight. 20393

The state superintendent shall provide information about the 20394
scholarship program to all students residing in the district, 20395
shall accept applications from any such students until such date 20396
as shall be established by the state superintendent as a deadline 20397
for applications, and shall establish criteria for the selection 20398
of students to receive scholarships from among all those applying 20399
prior to the deadline, which criteria shall give preference to 20400

students from low-income families. For each student selected, the state superintendent shall also determine whether the student qualifies for seventy-five or ninety per cent of the scholarship amount. Students whose family income is at or above two hundred per cent of the maximum income level established by the state superintendent for low-income families shall qualify for seventy-five per cent of the scholarship amount and students whose family income is below two hundred per cent of that maximum income level shall qualify for ninety per cent of the scholarship amount. The state superintendent shall notify students of their selection prior to the fifteenth day of January and whether they qualify for seventy-five or ninety per cent of the scholarship amount.

(1) A student receiving a pilot project scholarship may utilize it at an alternative public school by notifying the district superintendent, at any time before the beginning of the school year, of the name of the public school in an adjacent school district to which the student has been accepted pursuant to section 3327.06 of the Revised Code.

(2) A student may decide to utilize a pilot project scholarship at a registered private school in the district if all of the following conditions are met:

(a) By the fifteenth day of February of the preceding school year, or at any time prior to the start of the school year, the parent makes an application on behalf of the student to a registered private school.

(b) The registered private school notifies the parent and the state superintendent as follows that the student has been admitted:

(i) By the fifteenth day of March of the preceding school year if the student filed an application by the fifteenth day of February and was admitted by the school pursuant to division (A)

of section 3313.977 of the Revised Code; 20432

(ii) Within one week of the decision to admit the student if 20433
the student is admitted pursuant to division (C) of section 20434
3313.977 of the Revised Code. 20435

(c) The student actually enrolls in the registered private 20436
school to which the student was first admitted or in another 20437
registered private school in the district or in a public school in 20438
an adjacent school district. 20439

(B) The state superintendent shall also award in any school 20440
year tutorial assistance grants to a number of students equal to 20441
the number of students who receive scholarships under division (A) 20442
of this section. Tutorial assistance grants shall be awarded 20443
solely to students who are enrolled in the public schools of the 20444
district in a grade level covered by the pilot project. Tutorial 20445
assistance grants may be used solely to obtain tutorial assistance 20446
from a provider approved pursuant to division (D) of section 20447
3313.976 of the Revised Code. 20448

All students wishing to obtain tutorial assistance grants 20449
shall make application to the state superintendent by the first 20450
day of the school year in which the assistance will be used. The 20451
state superintendent shall award assistance grants in accordance 20452
with criteria the superintendent shall establish. For each student 20453
awarded a grant, the state superintendent shall also determine 20454
whether the student qualifies for seventy-five or ninety per cent 20455
of the grant amount and so notify the student. Students whose 20456
family income is at or above two hundred per cent of the maximum 20457
income level established by the state superintendent for 20458
low-income families shall qualify for seventy-five per cent of the 20459
grant amount and students whose family income is below two hundred 20460
per cent of that maximum income level shall qualify for ninety per 20461
cent of the grant amount. 20462

(C)(1) In the case of basic scholarships for students in 20463
grades kindergarten through eight, the scholarship amount shall 20464
not exceed the lesser of the tuition charges of the alternative 20465
school the scholarship recipient attends or three thousand dollars 20466
before fiscal year 2007 and three thousand four hundred fifty 20467
dollars in fiscal year 2007 and thereafter. 20468

In the case of basic scholarships for students in grades nine 20469
through twelve, the scholarship amount shall not exceed the lesser 20470
of the tuition charges of the alternative school the scholarship 20471
recipient attends or two thousand seven hundred dollars before 20472
fiscal year 2007 and three thousand four hundred fifty dollars in 20473
fiscal year 2007 and thereafter. 20474

(2) The state superintendent shall provide for an increase in 20475
the basic scholarship amount in the case of any student who is a 20476
mainstreamed ~~handicapped~~ student with a disability and shall 20477
further increase such amount in the case of any separately 20478
educated ~~handicapped-child~~ student with a disability. Such 20479
increases shall take into account the instruction, related 20480
services, and transportation costs of educating such students. 20481

(3) In the case of tutorial assistance grants, the grant 20482
amount shall not exceed the lesser of the provider's actual 20483
charges for such assistance or: 20484

(a) Before fiscal year 2007, a percentage established by the 20485
state superintendent, not to exceed twenty per cent, of the amount 20486
of the pilot project school district's average basic scholarship 20487
amount; 20488

(b) In fiscal year 2007 and thereafter, four hundred dollars. 20489

(4) No scholarship or tutorial assistance grant shall be 20490
awarded unless the state superintendent determines that 20491
twenty-five or ten per cent, as applicable, of the amount 20492
specified for such scholarship or grant pursuant to division 20493

(C)(1), (2), or (3) of this section will be furnished by a 20494
political subdivision, a private nonprofit or for profit entity, 20495
or another person. Only seventy-five or ninety per cent of such 20496
amounts, as applicable, shall be paid from state funds pursuant to 20497
section 3313.979 of the Revised Code. 20498

(D)(1) Annually by the first day of November, the state 20499
superintendent shall estimate the maximum per-pupil scholarship 20500
amounts for the ensuing school year. The state superintendent 20501
shall make this estimate available to the general public at the 20502
offices of the district board of education together with the forms 20503
required by division (D)(2) of this section. 20504

(2) Annually by the fifteenth day of January, the chief 20505
administrator of each registered private school located in the 20506
pilot project district and the principal of each public school in 20507
such district shall complete a parental information form and 20508
forward it to the president of the board of education. The 20509
parental information form shall be prescribed by the department of 20510
education and shall provide information about the grade levels 20511
offered, the numbers of students, tuition amounts, achievement 20512
test results, and any sectarian or other organizational 20513
affiliations. 20514

Sec. 3313.98. Notwithstanding division (D) of section 3311.19 20515
and division (D) of section 3311.52 of the Revised Code, the 20516
provisions of this section and sections 3313.981 to 3313.983 of 20517
the Revised Code that apply to a city school district do not apply 20518
to a joint vocational or cooperative education school district 20519
unless expressly specified. 20520

(A) As used in this section and sections 3313.981 to 3313.983 20521
of the Revised Code: 20522

(1) "Parent" means either of the natural or adoptive parents 20523
of a student, except under the following conditions: 20524

(a) When the marriage of the natural or adoptive parents of the student has been terminated by a divorce, dissolution of marriage, or annulment or the natural or adoptive parents of the student are living separate and apart under a legal separation decree and the court has issued an order allocating the parental rights and responsibilities with respect to the student, "parent" means the residential parent as designated by the court except that "parent" means either parent when the court issues a shared parenting decree.

(b) When a court has granted temporary or permanent custody of the student to an individual or agency other than either of the natural or adoptive parents of the student, "parent" means the legal custodian of the child.

(c) When a court has appointed a guardian for the student, "parent" means the guardian of the student.

(2) "Native student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in a district adopting a resolution under this section.

(3) "Adjacent district" means a city, exempted village, or local school district having territory that abuts the territory of a district adopting a resolution under this section.

(4) "Adjacent district student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in an adjacent district.

(5) "Adjacent district joint vocational student" means an adjacent district student who enrolls in a city, exempted village, or local school district pursuant to this section and who also enrolls in a joint vocational school district that does not contain the territory of the district for which that student is a native student and does contain the territory of the city, exempted village, or local district in which the student enrolls.

- (6) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code. 20556
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- (7) "Adjusted formula amount" means the ~~greater of the~~ following: 20558
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- ~~(a) The fiscal year 2005 formula amount multiplied by the fiscal year 2005 cost of doing business factor for a district defined in the version of section 3317.02 of the Revised Code in effect that year;~~ 20560
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- ~~(b) The sum of (the current formula amount times the current cost of doing business factor as defined in section 3317.02 of the Revised Code)~~ plus the per pupil amount of the base funding supplements specified in divisions (C)(1) to (4) of section 3317.012 of the Revised Code. 20564
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- (8) "Poverty line" means the poverty line established by the director of the United States office of management and budget as revised by the director of the office of community services in accordance with section 673(2) of the "Community Services Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902, as amended. 20569
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- (9) "IEP" ~~means an individualized education program defined by division (E) of~~ has the same meaning as in section 3323.01 of the Revised Code. 20574
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- (10) "Other district" means a city, exempted village, or local school district having territory outside of the territory of a district adopting a resolution under this section. 20577
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- (11) "Other district student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in an other district. 20580
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- (12) "Other district joint vocational student" means a student who is enrolled in any city, exempted village, or local school district and who also enrolls in a joint vocational school 20583
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20585

district that does not contain the territory of the district for 20586
which that student is a native student in accordance with a policy 20587
adopted under section 3313.983 of the Revised Code. 20588

(B)(1) The board of education of each city, local, and 20589
exempted village school district shall adopt a resolution 20590
establishing for the school district one of the following 20591
policies: 20592

(a) A policy that entirely prohibits the enrollment of 20593
students from adjacent districts or other districts, other than 20594
students for whom tuition is paid in accordance with section 20595
3317.08 of the Revised Code; 20596

(b) A policy that permits enrollment of students from all 20597
adjacent districts in accordance with policy statements contained 20598
in the resolution; 20599

(c) A policy that permits enrollment of students from all 20600
other districts in accordance with policy statements contained in 20601
the resolution. 20602

(2) A policy permitting enrollment of students from adjacent 20603
or from other districts, as applicable, shall provide for all of 20604
the following: 20605

(a) Application procedures, including deadlines for 20606
application and for notification of students and the 20607
superintendent of the applicable district whenever an adjacent or 20608
other district student's application is approved. 20609

(b) Procedures for admitting adjacent or other district 20610
applicants free of any tuition obligation to the district's 20611
schools, including, but not limited to: 20612

(i) The establishment of district capacity limits by grade 20613
level, school building, and education program; 20614

(ii) A requirement that all native students wishing to be 20615

enrolled in the district will be enrolled and that any adjacent or 20616
other district students previously enrolled in the district shall 20617
receive preference over first-time applicants; 20618

(iii) Procedures to ensure that an appropriate racial balance 20619
is maintained in the district schools. 20620

(C) Except as provided in section 3313.982 of the Revised 20621
Code, the procedures for admitting adjacent or other district 20622
students, as applicable, shall not include: 20623

(1) Any requirement of academic ability, or any level of 20624
athletic, artistic, or other extracurricular skills; 20625

(2) Limitations on admitting applicants because of 20626
~~handicapping conditions~~ disability, except that a board may refuse 20627
to admit a student receiving services under Chapter 3323. of the 20628
Revised Code, if the services described in the student's IEP are 20629
not available in the district's schools; 20630

(3) A requirement that the student be proficient in the 20631
English language; 20632

(4) Rejection of any applicant because the student has been 20633
subject to disciplinary proceedings, except that if an applicant 20634
has been suspended or expelled by the student's district for ten 20635
consecutive days or more in the term for which admission is sought 20636
or in the term immediately preceding the term for which admission 20637
is sought, the procedures may include a provision denying 20638
admission of such applicant. 20639

(D)(1) Each school board permitting only enrollment of 20640
adjacent district students shall provide information about the 20641
policy adopted under this section, including the application 20642
procedures and deadlines, to the superintendent and the board of 20643
education of each adjacent district and, upon request, to the 20644
parent of any adjacent district student. 20645

(2) Each school board permitting enrollment of other district students shall provide information about the policy adopted under this section, including the application procedures and deadlines, upon request, to the board of education of any other school district or to the parent of any student anywhere in the state.

(E) Any school board shall accept all credits toward graduation earned in adjacent or other district schools by an adjacent or other district student or a native student.

(F)(1) No board of education may adopt a policy discouraging or prohibiting its native students from applying to enroll in the schools of an adjacent or any other district that has adopted a policy permitting such enrollment, except that:

(a) A district may object to the enrollment of a native student in an adjacent or other district in order to maintain an appropriate racial balance.

(b) The board of education of a district receiving funds under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, may adopt a resolution objecting to the enrollment of its native students in adjacent or other districts if at least ten per cent of its students are included in the determination of the United States secretary of education made under section 20 U.S.C.A. 238(a).

(2) If a board objects to enrollment of native students under this division, any adjacent or other district shall refuse to enroll such native students unless tuition is paid for the students in accordance with section 3317.08 of the Revised Code. An adjacent or other district enrolling such students may not receive funding for those students in accordance with section 3313.981 of the Revised Code.

(G) The state board of education shall monitor school districts to ensure compliance with this section and the

districts' policies. The board may adopt rules requiring uniform 20677
application procedures, deadlines for application, notification 20678
procedures, and record-keeping requirements for all school boards 20679
that adopt policies permitting the enrollment of adjacent or other 20680
district students, as applicable. If the state board adopts such 20681
rules, no school board shall adopt a policy that conflicts with 20682
those rules. 20683

(H) A resolution adopted by a board of education under this 20684
section that entirely prohibits the enrollment of students from 20685
adjacent and from other school districts does not abrogate any 20686
agreement entered into under section 3313.841 or 3313.92 of the 20687
Revised Code or any contract entered into under section 3313.90 of 20688
the Revised Code between the board of education adopting the 20689
resolution and the board of education of any adjacent or other 20690
district or prohibit these boards of education from entering into 20691
any such agreement or contract. 20692

(I) Nothing in this section shall be construed to permit or 20693
require the board of education of a city, exempted village, or 20694
local school district to exclude any native student of the 20695
district from enrolling in the district. 20696

Sec. 3313.983. (A) The board of education of each joint 20697
vocational school district shall adopt a policy pertaining to 20698
enrollment of students who, upon enrollment, will be adjacent 20699
district joint vocational students except that, in lieu of such a 20700
policy, a board may adopt a policy pertaining to enrollment of 20701
students who, upon enrollment, will be other district joint 20702
vocational students. Any such policy to enroll other district 20703
joint vocational students shall apply beginning with the school 20704
year that commences July 1, 1998. 20705

A policy adopted under this section shall provide for all of 20706
the following: 20707

(1) Application procedures, including procedures for notifying any future adjacent district or other district joint vocational students, as applicable, and the superintendent of the city, exempted village, or local school districts in which they are also enrolled whenever their applications are approved;

(2) Procedures for admitting to the district applicants who will be, as applicable, adjacent district or other district joint vocational students, including, but not limited to:

(a) The establishment of district capacity limits by grade level, school building, and education program;

(b) A requirement that all students entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in a district that has territory in the joint vocational school district will be enrolled in the district ahead of any adjacent district or other district joint vocational students;

(c) A requirement that any previously enrolled adjacent district or other district joint vocational student, as applicable, shall receive preference over first-time applicants to become adjacent district or other district joint vocational students.

(B) The procedures for admitting students who will be, as applicable, adjacent district or other district joint vocational students shall not include:

(1) Any requirement of academic ability, or any level of athletic, artistic, or other extracurricular skills;

(2) Limitations on admitting applicants because of ~~handicapping conditions~~ disability, except that a board may refuse to admit an applicant receiving services under Chapter 3323. of the Revised Code if the services described in the student's IEP are not available in the district;

(3) A requirement that the student be proficient in the English language;

(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 any school 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.

(C) The board of education of each joint vocational school district shall provide information about the policy it adopts under this section, including the application procedures, to the superintendent and the board of education of each city, exempted village, and local school district with territory in the district and, upon request, to the parent of any student who could become, as applicable, an adjacent district or other district joint vocational student of the district.

Sec. 3314.015. (A) The department of education shall be responsible for the oversight of sponsors of the community schools established under this chapter and shall provide technical assistance to schools and sponsors in their compliance with applicable laws and the terms of the contracts entered into under section 3314.03 of the Revised Code and in the development and start-up activities of those schools. In carrying out its duties under this section, the department shall do all of the following:

(1) In providing technical assistance to proposing parties, governing authorities, and sponsors, conduct training sessions and distribute informational materials;

(2) Approve entities to be sponsors of community schools and monitor the effectiveness of those sponsors in their oversight of the schools with which they have contracted;

(3) By December thirty-first of each year, issue a report to 20769
the governor, the speaker of the house of representatives, the 20770
president of the senate, and the chairpersons of the house and 20771
senate committees principally responsible for education matters 20772
regarding the effectiveness of academic programs, operations, and 20773
legal compliance and of the financial condition of all community 20774
schools established under this chapter; 20775

(4) From time to time, make legislative recommendations to 20776
the general assembly designed to enhance the operation and 20777
performance of community schools. 20778

(B)(1) No entity listed in division (C)(1) of section 3314.02 20779
of the Revised Code shall enter into a preliminary agreement under 20780
division (C)(2) of section 3314.02 of the Revised Code until it 20781
has received approval from the department of education to sponsor 20782
community schools under this chapter and has entered into a 20783
written agreement with the department regarding the manner in 20784
which the entity will conduct such sponsorship. The department 20785
shall adopt in accordance with Chapter 119. of the Revised Code 20786
rules containing criteria, procedures, and deadlines for 20787
processing applications for such approval, for oversight of 20788
sponsors, for revocation of the approval of sponsors, and for 20789
entering into written agreements with sponsors. The rules shall 20790
require an entity to submit evidence of the entity's ability and 20791
willingness to comply with the provisions of division (D) of 20792
section 3314.03 of the Revised Code. The rules also shall require 20793
entities approved as sponsors on and after June 30, 2005, to 20794
demonstrate a record of financial responsibility and successful 20795
implementation of educational programs. If an entity seeking 20796
approval on or after June 30, 2005, to sponsor community schools 20797
in this state sponsors or operates schools in another state, at 20798
least one of the schools sponsored or operated by the entity must 20799
be comparable to or better than the performance of Ohio schools in 20800

~~a state of academic watch~~ need of continuous improvement under 20801
section 3302.03 of the Revised Code, as determined by the 20802
department. 20803

An entity that sponsors community schools may enter into 20804
preliminary agreements and sponsor schools as follows, provided 20805
each school and the contract for sponsorship meets the 20806
requirements of this chapter: 20807

(a) An entity that sponsored fifty or fewer schools that were 20808
open for operation as of May 1, 2005, may sponsor not more than 20809
fifty schools. 20810

(b) An entity that sponsored more than fifty but not more 20811
than seventy-five schools that were open for operation as of May 20812
1, 2005, may sponsor not more than the number of schools the 20813
entity sponsored that were open for operation as of May 1, 2005. 20814

(c) Until June 30, 2006, an entity that sponsored more than 20815
seventy-five schools that were open for operation as of May 1, 20816
2005, may sponsor not more than the number of schools the entity 20817
sponsored that were open for operation as of May 1, 2005. After 20818
June 30, 2006, such an entity may sponsor not more than 20819
seventy-five schools. 20820

Upon approval of an entity to be a sponsor under this 20821
division, the department shall notify the entity of the number of 20822
schools the entity may sponsor. 20823

The limit imposed on an entity to which division (B)(1) of 20824
this section applies shall be decreased by one for each school 20825
sponsored by the entity that permanently closes. 20826

If at any time an entity exceeds the number of schools it may 20827
sponsor under this division, the department shall assist the 20828
schools in excess of the entity's limit in securing new sponsors. 20829
If a school is unable to secure a new sponsor, the department 20830
shall assume sponsorship of the school in accordance with division 20831

(C) of this section. Those schools for which another sponsor or 20832
the department assumes sponsorship shall be the schools that most 20833
recently entered into contracts with the entity under section 20834
3314.03 of the Revised Code. 20835

(2) The department of education shall determine, pursuant to 20836
criteria adopted by rule of the department, whether the mission 20837
proposed to be specified in the contract of a community school to 20838
be sponsored by a state university board of trustees or the 20839
board's designee under division (C)(1)(e) of section 3314.02 of 20840
the Revised Code complies with the requirements of that division. 20841
Such determination of the department is final. 20842

(3) The department of education shall determine, pursuant to 20843
criteria adopted by rule of the department, if any tax-exempt 20844
entity under section 501(c)(3) of the Internal Revenue Code that 20845
is proposed to be a sponsor of a community school is an 20846
education-oriented entity for purpose of satisfying the condition 20847
prescribed in division (C)(1)(f)(iii) of section 3314.02 of the 20848
Revised Code. Such determination of the department is final. 20849

(C) If at any time the state board of education finds that a 20850
sponsor is not in compliance or is no longer willing to comply 20851
with its contract with any community school or with the 20852
department's rules for sponsorship, the state board or designee 20853
shall conduct a hearing in accordance with Chapter 119. of the 20854
Revised Code on that matter. If after the hearing, the state board 20855
or designee has confirmed the original finding, the department of 20856
education may revoke the sponsor's approval to sponsor community 20857
schools and may assume the sponsorship of any schools with which 20858
the sponsor has contracted until the earlier of the expiration of 20859
two school years or until a new sponsor as described in division 20860
(C)(1) of section 3314.02 of the Revised Code is secured by the 20861
school's governing authority. The department may extend the term 20862
of the contract in the case of a school for which it has assumed 20863

sponsorship under this division as necessary to accommodate the 20864
term of the department's authorization to sponsor the school 20865
specified in this division. 20866

(D) The decision of the department to disapprove an entity 20867
for sponsorship of a community school or to revoke approval for 20868
such sponsorship, as provided in division (C) of this section, may 20869
be appealed by the entity in accordance with section 119.12 of the 20870
Revised Code. 20871

(E) The department shall adopt procedures for use by a 20872
community school governing authority and sponsor when the school 20873
permanently closes and ceases operation, which shall include at 20874
least procedures for data reporting to the department, handling of 20875
student records, distribution of assets in accordance with section 20876
3314.074 of the Revised Code, and other matters related to ceasing 20877
operation of the school. 20878

(F) In carrying out its duties under this chapter, the 20879
department shall not impose requirements on community schools or 20880
their sponsors that are not permitted by law or duly adopted 20881
rules. 20882

Sec. 3314.016. (A) After June 30, 2007, a new start-up school 20883
may be established under this chapter only if the school's 20884
governing authority enters into a contract with an operator that 20885
manages other schools in the United States that perform at a level 20886
higher than academic watch. The governing authority of the 20887
community school may sign a contract with an operator only if the 20888
operator has fewer contracts with the governing authorities of new 20889
start-up schools established under this chapter after June 30, 20890
2007, than the number of schools managed by the operator in the 20891
United States that perform at a level higher than academic watch, 20892
as determined by the department of education. 20893

(B) Notwithstanding division (A) of this section, the 20894

governing authority of a start-up school sponsored by an entity 20895
described in divisions (C)(1)(b) to (f) of section 3314.02 of the 20896
Revised Code may establish one additional school serving the same 20897
grade levels and providing the same educational program as the 20898
current start-up school and may open that additional school in the 20899
2007-2008 school year, if both of the following conditions are 20900
met: 20901

(1) The governing authority entered into another contract 20902
with the same sponsor or a different sponsor described in 20903
divisions (C)(1)(b) to (f) of section 3314.02 of the Revised Code 20904
and filed a copy of that contract with the superintendent of 20905
public instruction prior to March 15, 2006. 20906

(2) The governing authority's current school satisfies all of 20907
the following conditions: 20908

(a) The school currently is rated as excellent or effective 20909
pursuant to section 3302.03 of the Revised Code. 20910

(b) The school made adequate yearly progress, as defined in 20911
section 3302.01 of the Revised Code, for the previous school year. 20912

(c) The school has been in operation for at least four school 20913
years. 20914

(d) The school is not managed by an operator. 20915

Sec. 3314.017. Notwithstanding division (A) of section 20916
3314.016 of the Revised Code, the governing authority of a 20917
start-up school sponsored by an entity described in divisions 20918
(C)(1)(b) to (f) of section 3314.02 of the Revised Code may 20919
establish one additional start-up school that is located in the 20920
same school district as the current start-up school, regardless of 20921
whether that district is a challenged school district as otherwise 20922
required by division (C)(1) of section 3314.02 of the Revised 20923
Code, and that provides a general educational program to students 20924

in grades kindergarten through six to facilitate their transition 20925
to the current start-up school, and may open the additional 20926
start-up school in the 2008-2009 school year, if both of the 20927
following conditions are met: 20928

(A) The governing authority enters into another contract with 20929
the same sponsor, which is hereby authorized to sponsor the 20930
additional start-up school and to continue that sponsorship as 20931
long as the entity sponsors the current start-up school, and files 20932
a copy of the contract with the superintendent of public 20933
instruction prior to March 15, 2008. 20934

(B) The governing authority's current school satisfies all of 20935
the following conditions: 20936

(1) The school was rated excellent or effective pursuant to 20937
section 3302.03 of the Revised Code for three of the four school 20938
years beginning with the 2002-2003 school year and ending with the 20939
2005-2006 school year. 20940

(2) The school made adequate yearly progress, as defined in 20941
section 3302.01 of the Revised Code, for each of the four school 20942
years beginning with the 2002-2003 school year and ending with the 20943
2005-2006 school year. 20944

(3) The school was recognized by the superintendent of public 20945
instruction as a school of promise for three of the four school 20946
years beginning with the 2002-2003 school year and ending with the 20947
2005-2006 school year. 20948

(4) The school has been in operation for at least five school 20949
years. 20950

(5) The school is not managed by an operator. 20951

Sec. 3314.02. (A) As used in this chapter: 20952

(1) "Sponsor" means an entity listed in division (C)(1) of 20953
this section, which has been approved by the department of 20954

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.

(3) "Challenged school district" means any of the following:

(a) A school district that is part of the pilot project area;

(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;

(c) A big eight school district.

(4) "Big eight school district" means a school district that for fiscal year 1997 had both of the following:

(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;

(b) An average daily membership greater than twelve thousand, as reported pursuant to former division (A) of section 3317.03 of the Revised Code.

(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.

(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.

(7) "Internet- or computer-based community school" means a community school established under this chapter in which the enrolled students work primarily from their residences on assignments in nonclassroom-based learning opportunities provided via an internet- or other computer-based instructional method that does not rely on regular classroom instruction or via comprehensive instructional methods that include internet-based, other computer-based, and noncomputer-based learning opportunities.

(B) Any person or group of individuals may initially propose under this division the conversion of all or a portion of a public school to a community school. The proposal shall be made to the board of education of the city, local, or exempted village school district in which the public school is proposed to be converted. Upon receipt of a proposal, a board may enter into a preliminary agreement with the person or group proposing the conversion of the public school, indicating the intention of the board of education to support the conversion to a community school. A proposing person or group that has a preliminary agreement under this division may proceed to finalize plans for the school, establish a governing authority for the school, and negotiate a contract with the board of education. Provided the proposing person or group adheres to the preliminary agreement and all provisions of this chapter, the board of education shall negotiate in good faith to enter into a contract in accordance with section 3314.03 of the Revised Code and division (C) of this section.

(C)(1) Any person or group of individuals may propose under this division the establishment of a new start-up school to be located in a challenged school district. The proposal may be made to any of the following entities:

(a) The board of education of the district in which the school is proposed to be located;

(b) The board of education of any joint vocational school district with territory in the county in which is located the majority of the territory of the district in which the school is proposed to be located;

(c) The board of education of any other city, local, or exempted village school district having territory in the same county where the district in which the school is proposed to be located has the major portion of its territory;

(d) The governing board of any educational service center, as long as the proposed school will be located in a county within the territory of the service center or in a county contiguous to such county;

(e) A sponsoring authority designated by the board of trustees of any of the thirteen state universities listed in section 3345.011 of the Revised Code or the board of trustees itself as long as a mission of the proposed school to be specified in the contract under division (A)(2) of section 3314.03 of the Revised Code and as approved by the department of education under division (B)(2) of section 3314.015 of the Revised Code will be the practical demonstration of teaching methods, educational technology, or other teaching practices that are included in the curriculum of the university's teacher preparation program approved by the state board of education;

(f) Any qualified tax-exempt entity under section 501(c)(3) of the Internal Revenue Code as long as all of the following conditions are satisfied:

(i) The entity has been in operation for at least five years prior to applying to be a community school sponsor.

(ii) The entity has assets of at least five hundred thousand dollars and a demonstrated record of financial responsibility.

(iii) The department of education has determined that the

entity is an education-oriented entity under division (B)(3) of 21048
section 3314.015 of the Revised Code and the entity has a 21049
demonstrated record of successful implementation of educational 21050
programs. 21051

(iv) The entity is not a community school. 21052

Any entity described in division (C)(1) of this section may 21053
enter into a preliminary agreement pursuant to division (C)(2) of 21054
this section with the proposing person or group. 21055

(2) A preliminary agreement indicates the intention of an 21056
entity described in division (C)(1) of this section to sponsor the 21057
community school. A proposing person or group that has such a 21058
preliminary agreement may proceed to finalize plans for the 21059
school, establish a governing authority as described in division 21060
(E) of this section for the school, and negotiate a contract with 21061
the entity. Provided the proposing person or group adheres to the 21062
preliminary agreement and all provisions of this chapter, the 21063
entity shall negotiate in good faith to enter into a contract in 21064
accordance with section 3314.03 of the Revised Code. 21065

(3) A new start-up school that is established in a school 21066
district while that district is either in a state of academic 21067
emergency or in a state of academic watch under section 3302.03 of 21068
the Revised Code may continue in existence once the school 21069
district is no longer in a state of academic emergency or academic 21070
watch, provided there is a valid contract between the school and a 21071
sponsor. 21072

(4) A copy of every preliminary agreement entered into under 21073
this division shall be filed with the superintendent of public 21074
instruction. 21075

(D) A majority vote of the board of a sponsoring entity and a 21076
majority vote of the members of the governing authority of a 21077
community school shall be required to adopt a contract and convert 21078

the public school to a community school or establish the new 21079
start-up school. Beginning September 29, 2005, adoption of the 21080
contract shall occur not later than the fifteenth day of March, 21081
and signing of the contract shall occur not later than the 21082
fifteenth day of May, prior to the school year in which the school 21083
will open. The governing authority shall notify the department of 21084
education when the contract has been signed. Subject to sections 21085
3314.013 ~~and~~, 3314.014, 3314.016, and 3314.017 of the Revised 21086
Code, an unlimited number of community schools may be established 21087
in any school district provided that a contract is entered into 21088
for each community school pursuant to this chapter. 21089

(E)(1) As used in this division, "immediate relatives" are 21090
limited to spouses, children, parents, grandparents, siblings, and 21091
in-laws. 21092

Each new start-up community school established under this 21093
chapter shall be under the direction of a governing authority 21094
which shall consist of a board of not less than five individuals . 21095

No person shall serve on the governing authority or operate 21096
the community school under contract with the governing authority 21097
so long as the person owes the state any money or is in a dispute 21098
over whether the person owes the state any money concerning the 21099
operation of a community school that has closed. 21100

(2) No person shall serve on the governing authorities of 21101
more than two start-up community schools at the same time. 21102

(3) No present or former member, or immediate relative of a 21103
present or former member, of the governing authority of any 21104
community school established under this chapter shall be an owner, 21105
employee, or consultant of any nonprofit or for-profit operator of 21106
a community school, ~~as defined in section 3314.014 of the Revised~~ 21107
~~Code,~~ unless at least one year has elapsed since the conclusion of 21108
the person's membership. 21109

(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 big-eight school district may continue to operate after that date and the contract between the school's governing authority and the school's sponsor may be renewed, as provided under this chapter, after that date, but no additional new start-up schools may be established in such a district unless the district is a challenged school district as defined in this section as it exists on and after that date.

(2) A community school that was established prior to June 29, 1999, and is located in a county contiguous to the pilot project area and in a school district that is not a challenged school district may continue to operate after that date, provided the school complies with all provisions of this chapter. The contract between the school's governing authority and the school's sponsor may be renewed, but no additional start-up community school may be established in that district unless the district is a challenged school district.

(3) Any educational service center that, on the effective date of this amendment, sponsors a community school that is not located in a county within the territory of the service center or in a county contiguous to such county may continue to sponsor that community school on and after the effective date of this amendment and may renew its contract with the school. However, the educational service center shall not enter into a contract with any additional community school unless the school is located in a county within the territory of the service center or in a county contiguous to such county.

Sec. 3314.06. The governing authority of each community 21141
school established under this chapter shall adopt admission 21142
procedures that specify the following: 21143

(A) That except as otherwise provided in this section, 21144
admission to the school shall be open to any individual age five 21145
to twenty-two entitled to attend school pursuant to section 21146
3313.64 or 3313.65 of the Revised Code in a school district in the 21147
state. 21148

(B)(1) That admission to the school may be limited to 21149
students who have attained a specific grade level or are within a 21150
specific age group; to students that meet a definition of 21151
"at-risk," as defined in the contract; to residents of a specific 21152
geographic area within the district, as defined in the contract; 21153
or to separate groups of autistic students and ~~nonhandicapped~~ 21154
nondisabled students, as authorized in section 3314.061 of the 21155
Revised Code and as defined in the contract. 21156

(2) For purposes of division (B)(1) of this section, 21157
"at-risk" students may include those students identified as gifted 21158
students under section 3324.03 of the Revised Code. 21159

(C) Whether enrollment is limited to students who reside in 21160
the district in which the school is located or is open to 21161
residents of other districts, as provided in the policy adopted 21162
pursuant to the contract. 21163

(D)(1) That there will be no discrimination in the admission 21164
of students to the school on the basis of race, creed, color, 21165
~~handicapping condition~~ disability, or sex except that: 21166

(a) The governing authority may establish single-gender 21167
schools for the purpose described in division (G) of this section 21168
provided comparable facilities and learning opportunities are 21169
offered for both boys and girls. Such comparable facilities and 21170

opportunities may be offered for each sex at separate locations. 21171

(b) The governing authority may establish a school that 21172
simultaneously serves a group of students identified as autistic 21173
and a group of students who are not ~~handicapped~~ disabled, as 21174
authorized in section 3314.061 of the Revised Code. However, 21175
unless the total capacity established for the school has been 21176
filled, no student with any ~~handicap~~ disability shall be denied 21177
admission on the basis of that ~~handicap~~ disability. 21178

(2) That upon admission of any ~~handicapped~~ student with a 21179
disability, the community school will comply with all federal and 21180
state laws regarding the education of ~~handicapped~~ students with 21181
disabilities. 21182

(E) That the school may not limit admission to students on 21183
the basis of intellectual ability, measures of achievement or 21184
aptitude, or athletic ability, except that a school may limit its 21185
enrollment to students as described in division (B) of this 21186
section. 21187

(F) That the community school will admit the number of 21188
students that does not exceed the capacity of the school's 21189
programs, classes, grade levels, or facilities. 21190

(G) That the purpose of single-gender schools that are 21191
established shall be to take advantage of the academic benefits 21192
some students realize from single-gender instruction and 21193
facilities and to offer students and parents residing in the 21194
district the option of a single-gender education. 21195

(H) That, except as otherwise provided under division (B) of 21196
this section or section 3314.061 of the Revised Code, if the 21197
number of applicants exceeds the capacity restrictions of division 21198
(F) of this section, students shall be admitted by lot from all 21199
those submitting applications, except preference shall be given to 21200
students attending the school the previous year and to students 21201

who reside in the district in which the school is located. 21202
Preference may be given to siblings of students attending the 21203
school the previous year. 21204

Notwithstanding divisions (A) to (H) of this section, in the 21205
event the racial composition of the enrollment of the community 21206
school is violative of a federal desegregation order, the 21207
community school shall take any and all corrective measures to 21208
comply with the desegregation order. 21209

Sec. 3314.061. A governing authority may establish a 21210
community school under this chapter that is limited to providing 21211
simultaneously special education and related services to a 21212
specified number of students identified as autistic and regular 21213
educational programs to a specified number of students who are not 21214
~~handicapped~~ disabled. The contract between the governing authority 21215
and the school's sponsor shall specify the target ratio of number 21216
of autistic students to number of ~~nonhandicapped~~ nondisabled 21217
students in the school's population, the total number of autistic 21218
students that may be enrolled in the school, and the total number 21219
of ~~nonhandicapped~~ nondisabled students that may be enrolled in the 21220
school. A school established in accordance with this section is 21221
subject to division (H) of section 3314.06 of the Revised Code, 21222
except that because the governing authority establishes a separate 21223
capacity for autistic students and ~~nonhandicapped~~ nondisabled 21224
students, if the number of applicants among the group of autistic 21225
students or the group of ~~nonhandicapped~~ students with disabilities 21226
exceeds the capacity restrictions for that group, students shall 21227
be admitted by lot from all those of that same group submitting 21228
applications. However, unless the total capacity established for 21229
the school has been filled, no student with any ~~handicap~~ 21230
disability shall be denied admission on the basis of that ~~handicap~~ 21231
disability. 21232

Sec. 3314.074. Divisions (A) and (B) of this section apply 21233
only to the extent permitted under Chapter 1702. of the Revised 21234
Code. 21235

(A) If any community school established under this chapter 21236
permanently closes and ceases its operation as a community school, 21237
the assets of that school shall be distributed first to the 21238
retirement funds of employees of the school, employees of the 21239
school, and private creditors who are owed compensation, and then 21240
any remaining funds shall be paid to the ~~state treasury to the~~ 21241
~~credit of the general revenue fund~~ department of education for 21242
redistribution to the school districts in which the students who 21243
were enrolled in the school at the time it ceased operation were 21244
entitled to attend school under section 3313.64 or 3313.65 of the 21245
Revised Code. The amount distributed to each school district shall 21246
be proportional to the district's share of the total enrollment in 21247
the community school. 21248

(B) If a community school closes and ceases to operate as a 21249
community school and the school has received computer hardware or 21250
software from the former Ohio SchoolNet commission or the eTech 21251
Ohio commission, such hardware or software shall be returned to 21252
the eTech Ohio commission, and the eTech Ohio commission shall 21253
redistribute the hardware and software, to the extent such 21254
redistribution is possible, to school districts in conformance 21255
with the provisions of the programs operated and administered by 21256
the eTech Ohio commission. 21257

(C) If the assets of the school are insufficient to pay all 21258
persons or entities to whom compensation is owed, the 21259
prioritization of the distribution of the assets to individual 21260
persons or entities within each class of payees may be determined 21261
by decree of a court in accordance with this section and Chapter 21262
1702. of the Revised Code. 21263

Sec. 3314.08. (A) As used in this section:	21264
(1) "Base formula amount" means the amount specified as such in a community school's financial plan for a school year pursuant to division (A)(15) of section 3314.03 of the Revised Code.	21265 21266 21267
(2) "Cost of doing business factor" has the same meaning as in section 3317.02 of the Revised Code.	21268 21269
(3) "IEP" means an individualized education program as defined <u>has the same meaning as</u> in section 3323.01 of the Revised Code.	21270 21271 21272
(4) (3) "Applicable special education weight" means the multiple specified in section 3317.013 of the Revised Code for a <u>handicap disability</u> described in that section.	21273 21274 21275
(5) (4) "Applicable vocational education weight" means:	21276
(a) For a student enrolled in vocational education programs or classes described in division (A) of section 3317.014 of the Revised Code, the multiple specified in that division;	21277 21278 21279
(b) For a student enrolled in vocational education programs or classes described in division (B) of section 3317.014 of the Revised Code, the multiple specified in that division.	21280 21281 21282
(6) (5) "Entitled to attend school" means entitled to attend school in a district under section 3313.64 or 3313.65 of the Revised Code.	21283 21284 21285
(7) (6) A community school student is "included in the poverty student count" of a school district if the student is entitled to attend school in the district and the student's family receives assistance under the Ohio works first program.	21286 21287 21288 21289
(8) (7) "Poverty-based assistance reduction factor" means the percentage figure, if any, for reducing the per pupil amount of poverty-based assistance a community school is entitled to receive	21290 21291 21292

pursuant to divisions (D)(5) ~~and (6)~~ to (9) of this section in any 21293
year, as specified in the school's financial plan for the year 21294
pursuant to division (A)(15) of section 3314.03 of the Revised 21295
Code. 21296

~~(9)~~(8) "All-day kindergarten" has the same meaning as in 21297
section 3317.029 of the Revised Code. 21298

~~(10) "SF-3 payment" means the sum of the payments to a school 21299
district in a fiscal year under divisions (A), (C)(1), (C)(4), 21300
(D), (E), and (F) of section 3317.022, divisions (G), (L), and (N) 21301
of section 3317.024, and sections 3317.029, 3317.0216, 3317.0217, 21302
3317.04, 3317.05, 3317.052, and 3317.053 of the Revised Code after 21303
making the adjustments required by sections 3313.981 and 3313.979, 21304
divisions (B), (C), (D), (E), (K), (L), (M), (N), and (O) of 21305
section 3317.023, and division (C) of section 3317.20 (9) "State 21306
education aid" has the same meaning as in section 5751.20 of the 21307
Revised Code. 21308~~

(B) The state board of education shall adopt rules requiring 21309
both of the following: 21310

(1) The board of education of each city, exempted village, 21311
and local school district to annually report the number of 21312
students entitled to attend school in the district who are 21313
enrolled in grades one through twelve in a community school 21314
established under this chapter, the number of students entitled to 21315
attend school in the district who are enrolled in kindergarten in 21316
a community school, the number of those kindergartners who are 21317
enrolled in all-day kindergarten in their community school, and 21318
for each child, the community school in which the child is 21319
enrolled. 21320

(2) The governing authority of each community school 21321
established under this chapter to annually report all of the 21322
following: 21323

(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;	21324 21325 21326 21327
(b) The number of enrolled students in grades one through twelve and the number of enrolled students in kindergarten, who are receiving special education and related services pursuant to an IEP;	21328 21329 21330 21331
(c) The number of students reported under division (B)(2)(b) of this section receiving special education and related services pursuant to an IEP for a handicap <u>disability</u> described in each of divisions (A) to (F) of section 3317.013 of the Revised Code;	21332 21333 21334 21335
(d) The full-time equivalent number of students reported under divisions (B)(2)(a) and (b) of this section who are enrolled in vocational education programs or classes described in each of divisions (A) and (B) of section 3317.014 of the Revised Code that are provided by the community school;	21336 21337 21338 21339 21340
(e) Twenty per cent of the number of students reported under divisions (B)(2)(a) and (b) of this section who are not reported under division (B)(2)(d) of this section but who are enrolled in vocational education programs or classes described in each of divisions (A) and (B) of section 3317.014 of the Revised Code at a joint vocational school district under a contract between the community school and the joint vocational school district and are entitled to attend school in a city, local, or exempted village school district whose territory is part of the territory of the joint vocational district;	21341 21342 21343 21344 21345 21346 21347 21348 21349 21350
(f) The number of enrolled preschool handicapped students <u>children with disabilities</u> receiving special education services in a state-funded unit;	21351 21352 21353
(g) The community school's base formula amount;	21354

(h) For each student, the city, exempted village, or local school district in which the student is entitled to attend school; 21355
21356

(i) Any poverty-based assistance reduction factor that applies to a school year. 21357
21358

(C) From the ~~SF-3 payment made to~~ state education aid calculated for a city, exempted village, or local school district and, if necessary, from the payment made to the district under sections 321.24 and 323.156 of the Revised Code, the department of education shall annually subtract the sum of the amounts described in divisions (C)(1) to (9) of this section. However, when deducting payments on behalf of students enrolled in internet- or computer-based community schools, the department shall deduct only those amounts described in divisions (C)(1) and (2) of this section. Furthermore, the aggregate amount deducted under this division shall not exceed the sum of the district's ~~SF-3 payment~~ state education aid and its payment under sections 321.24 and 323.156 of the Revised Code. 21359
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(1) An amount equal to the sum of the amounts obtained when, for each community school where the district's students are enrolled, the number of the district's students reported under divisions (B)(2)(a), (b), and (e) of this section who are enrolled in grades one through twelve, and one-half the number of students reported under those divisions who are enrolled in kindergarten, in that community school is multiplied by the ~~greater of the following:~~ 21372
21373
21374
21375
21376
21377
21378
21379

~~(a) The fiscal year 2005 base formula amount of that community school as adjusted by the school district's fiscal year 2005 cost of doing business factor;~~ 21380
21381
21382

~~(b) The sum of (the current base formula amount of that community school times the school district's current cost of doing business factor) plus the per pupil amount of the~~ 21383
21384
21385

base funding supplements specified in divisions (C)(1) to (4) of 21386
section 3317.012 of the Revised Code. 21387

(2) The sum of the amounts calculated under divisions 21388
(C)(2)(a) and (b) of this section: 21389

(a) For each of the district's students reported under 21390
division (B)(2)(c) of this section as enrolled in a community 21391
school in grades one through twelve and receiving special 21392
education and related services pursuant to an IEP for a ~~handicap~~ 21393
disability described in section 3317.013 of the Revised Code, the 21394
product of the applicable special education weight times the 21395
community school's base formula amount; 21396

(b) For each of the district's students reported under 21397
division (B)(2)(c) of this section as enrolled in kindergarten in 21398
a community school and receiving special education and related 21399
services pursuant to an IEP for a ~~handicap~~ disability described in 21400
section 3317.013 of the Revised Code, one-half of the amount 21401
calculated as prescribed in division (C)(2)(a) of this section. 21402

(3) For each of the district's students reported under 21403
division (B)(2)(d) of this section for whom payment is made under 21404
division (D)(4) of this section, the amount of that payment; 21405

(4) An amount equal to the sum of the amounts obtained when, 21406
for each community school where the district's students are 21407
enrolled, the number of the district's students enrolled in that 21408
community school who are included in the district's poverty 21409
student count is multiplied by the per pupil amount of 21410
poverty-based assistance the school district receives that year 21411
pursuant to division ~~(B) or~~ (C) of section 3317.029 of the Revised 21412
Code, as adjusted by any poverty-based assistance reduction factor 21413
of that community school. ~~If the district receives poverty-based~~ 21414
~~assistance under division (B) of that section, the per pupil~~ 21415
~~amount of that aid is the quotient of the amount the district~~ 21416

~~received under that division divided by the district's poverty~~ 21417
~~student count, as defined in that section. If the district~~ 21418
~~receives poverty based assistance under division (C) of section~~ 21419
~~3317.029 of the Revised Code, the~~ The per pupil amount of that aid 21420
for the district shall be calculated by the department. 21421

(5) An amount equal to the sum of the amounts obtained when, 21422
for each community school where the district's students are 21423
enrolled, the district's per pupil amount of aid received under 21424
division (E) of section 3317.029 of the Revised Code, as adjusted 21425
by any poverty-based assistance reduction factor of the community 21426
school, is multiplied by the sum of the following: 21427

(a) The number of the district's students reported under 21428
division (B)(2)(a) of this section who are enrolled in grades one 21429
to three in that community school and who are not receiving 21430
special education and related services pursuant to an IEP; 21431

(b) One-half of the district's students who are enrolled in 21432
all-day or any other kindergarten class in that community school 21433
and who are not receiving special education and related services 21434
pursuant to an IEP; 21435

(c) One-half of the district's students who are enrolled in 21436
all-day kindergarten in that community school and who are not 21437
receiving special education and related services pursuant to an 21438
IEP. 21439

The district's per pupil amount of aid under division (E) of 21440
section 3317.029 of the Revised Code is the quotient of the amount 21441
the district received under that division divided by the 21442
district's kindergarten through third grade ADM, as defined in 21443
that section. 21444

(6) An amount equal to the sum of the amounts obtained when, 21445
for each community school where the district's students are 21446
enrolled, the district's per pupil amount received under division 21447

(F) of section 3317.029 of the Revised Code, as adjusted by any 21448
poverty-based assistance reduction factor of that community 21449
school, is multiplied by the number of the district's students 21450
enrolled in the community school who are identified as 21451
limited-English proficient. 21452

(7) An amount equal to the sum of the amounts obtained when, 21453
for each community school where the district's students are 21454
enrolled, the district's per pupil amount received under division 21455
(G) of section 3317.029 of the Revised Code, as adjusted by any 21456
poverty-based assistance reduction factor of that community 21457
school, is multiplied by the sum of the following: 21458

(a) The number of the district's students enrolled in grades 21459
one through twelve in that community school; 21460

(b) One-half of the number of the district's students 21461
enrolled in kindergarten in that community school. 21462

The district's per pupil amount under division (G) of section 21463
3317.029 of the Revised Code is the district's amount per teacher 21464
calculated under division (G)(1) or (2) of that section divided by 21465
~~17, times a multiple of 0.40 in fiscal year 2006 and 0.70 in~~ 21466
~~fiscal year 2007.~~ 21467

(8) An amount equal to the sum of the amounts obtained when, 21468
for each community school where the district's students are 21469
enrolled, the district's per pupil amount received under divisions 21470
(H) and (I) of section 3317.029 of the Revised Code, as adjusted 21471
by any poverty-based assistance reduction factor of that community 21472
school, is multiplied by the sum of the following: 21473

(a) The number of the district's students enrolled in grades 21474
one through twelve in that community school; 21475

(b) One-half of the number of the district's students 21476
enrolled in kindergarten in that community school. 21477

The district's per pupil amount under divisions (H) and (I) 21478
of section 3317.029 of the Revised Code is the amount calculated 21479
under each division divided by the district's formula ADM, as 21480
defined in section 3317.02 of the Revised Code. 21481

(9) An amount equal to the per pupil state parity aid funding 21482
calculated for the school district under either division (C) or 21483
(D) of section 3317.0217 of the Revised Code multiplied by the sum 21484
of the number of students in grades one through twelve, and 21485
one-half of the number of students in kindergarten, who are 21486
entitled to attend school in the district and are enrolled in a 21487
community school as reported under division (B)(1) of this 21488
section. 21489

(D) The department shall annually pay to a community school 21490
established under this chapter the sum of the amounts described in 21491
divisions (D)(1) to (10) of this section. However, the department 21492
shall calculate and pay to each internet- or computer-based 21493
community school only the amounts described in divisions (D)(1) to 21494
(3) of this section. Furthermore, the sum of the payments to all 21495
community schools under divisions (D)(1), (2), and (4) to (10) of 21496
this section for the students entitled to attend school in any 21497
particular school district shall not exceed the sum of that 21498
district's ~~SF-3 payment~~ state education aid and its payment under 21499
sections 321.24 and 323.156 of the Revised Code. If the sum of the 21500
payments calculated under those divisions for the students 21501
entitled to attend school in a particular school district exceeds 21502
the sum of that district's ~~SF-3 payment~~ state education aid and 21503
its payment under sections 321.24 and 323.156 of the Revised Code, 21504
the department shall calculate and apply a proration factor to the 21505
payments to all community schools under those divisions for the 21506
students entitled to attend school in that district. 21507

(1) Subject to section 3314.085 of the Revised Code, an 21508
amount equal to the sum of the amounts obtained when the number of 21509

students enrolled in grades one through twelve, plus one-half of 21510
the kindergarten students in the school, reported under divisions 21511
(B)(2)(a), (b), and (e) of this section who are not receiving 21512
special education and related services pursuant to an IEP for a 21513
~~handicap~~ disability described in section 3317.013 of the Revised 21514
Code is multiplied by the ~~greater of the following:~~ 21515

~~(a) The community school's fiscal year 2005 base formula 21516
amount, as adjusted by the fiscal year 2005 cost of doing business 21517
factor of the school district in which the student is entitled to 21518
attend school;~~ 21519

~~(b) The sum of (the community school's ~~current~~ base formula 21520
amount times the current cost of doing business factor of the 21521
school district in which the student is entitled to attend school) 21522
plus the per pupil amount of the base funding supplements 21523
specified in divisions (C)(1) to (4) of section 3317.012 of the 21524
Revised Code. 21525~~

(2) Prior to fiscal year 2007, the greater of the amount 21526
calculated under division (D)(2)(a) or (b) of this section, and in 21527
fiscal year 2007 and thereafter, the amount calculated under 21528
division (D)(2)(b) of this section: 21529

(a) The aggregate amount that the department paid to the 21530
community school in fiscal year 1999 for students receiving 21531
special education and related services pursuant to IEPs, excluding 21532
federal funds and state disadvantaged pupil impact aid funds; 21533

(b) The sum of the amounts calculated under divisions 21534
(D)(2)(b)(i) and (ii) of this section: 21535

(i) For each student reported under division (B)(2)(c) of 21536
this section as enrolled in the school in grades one through 21537
twelve and receiving special education and related services 21538
pursuant to an IEP for a ~~handicap~~ disability described in section 21539
3317.013 of the Revised Code, the following amount: 21540

~~the greater of (the community school's fiscal year 2005~~ 21541
~~base formula amount X the fiscal year 2005~~ 21542
~~cost of doing business factor of the district~~ 21543
~~where the student is entitled to attend school)~~ 21544
~~or [(the school's current base formula amount times~~ 21545
~~the current cost of doing business factor of the school district~~ 21546
~~where the student is entitled to attend school) plus~~ 21547
the per pupil amount of the base funding supplements specified in 21548
divisions (C)(1) to (4) of section 3317.012 of the Revised Code~~]~~ 21549
+ (the applicable special education weight X the 21550
community school's base formula amount); 21551

(ii) For each student reported under division (B)(2)(c) of 21552
this section as enrolled in kindergarten and receiving special 21553
education and related services pursuant to an IEP for a ~~handicap~~ 21554
disability described in section 3317.013 of the Revised Code, 21555
one-half of the amount calculated under the formula prescribed in 21556
division (D)(2)(b)(i) of this section. 21557

(3) An amount received from federal funds to provide special 21558
education and related services to students in the community 21559
school, as determined by the superintendent of public instruction. 21560

(4) For each student reported under division (B)(2)(d) of 21561
this section as enrolled in vocational education programs or 21562
classes that are described in section 3317.014 of the Revised 21563
Code, are provided by the community school, and are comparable as 21564
determined by the superintendent of public instruction to school 21565
district vocational education programs and classes eligible for 21566
state weighted funding under section 3317.014 of the Revised Code, 21567
an amount equal to the applicable vocational education weight 21568
times the community school's base formula amount times the 21569
percentage of time the student spends in the vocational education 21570
programs or classes. 21571

(5) An amount equal to the sum of the amounts obtained when, 21572

for each school district where the community school's students are 21573
entitled to attend school, the number of that district's students 21574
enrolled in the community school who are included in the 21575
district's poverty student count is multiplied by the per pupil 21576
amount of poverty-based assistance that school district receives 21577
that year pursuant to division ~~(B)~~ (C) of section 3317.029 of 21578
the Revised Code, as adjusted by any poverty-based assistance 21579
reduction factor of the community school. The per pupil amount of 21580
aid shall be determined as described in division (C)(4) of this 21581
section. 21582

(6) An amount equal to the sum of the amounts obtained when, 21583
for each school district where the community school's students are 21584
entitled to attend school, the district's per pupil amount of aid 21585
received under division (E) of section 3317.029 of the Revised 21586
Code, as adjusted by any poverty-based assistance reduction factor 21587
of the community school, is multiplied by the sum of the 21588
following: 21589

(a) The number of the district's students reported under 21590
division (B)(2)(a) of this section who are enrolled in grades one 21591
to three in that community school and who are not receiving 21592
special education and related services pursuant to an IEP; 21593

(b) One-half of the district's students who are enrolled in 21594
all-day or any other kindergarten class in that community school 21595
and who are not receiving special education and related services 21596
pursuant to an IEP; 21597

(c) One-half of the district's students who are enrolled in 21598
all-day kindergarten in that community school and who are not 21599
receiving special education and related services pursuant to an 21600
IEP. 21601

The district's per pupil amount of aid under division (E) of 21602
section 3317.029 of the Revised Code shall be determined as 21603

described in division (C)(5) of this section. 21604

(7) An amount equal to the sum of the amounts obtained when, 21605
for each school district where the community school's students are 21606
entitled to attend school, the number of that district's students 21607
enrolled in the community school who are identified as 21608
limited-English proficient is multiplied by the district's per 21609
pupil amount received under division (F) of section 3317.029 of 21610
the Revised Code, as adjusted by any poverty-based assistance 21611
reduction factor of the community school. 21612

(8) An amount equal to the sum of the amounts obtained when, 21613
for each school district where the community school's students are 21614
entitled to attend school, the district's per pupil amount 21615
received under division (G) of section 3317.029 of the Revised 21616
Code, as adjusted by any poverty-based assistance reduction factor 21617
of the community school, is multiplied by the sum of the 21618
following: 21619

(a) The number of the district's students enrolled in grades 21620
one through twelve in that community school; 21621

(b) One-half of the number of the district's students 21622
enrolled in kindergarten in that community school. 21623

The district's per pupil amount under division (G) of section 21624
3317.029 of the Revised Code shall be determined as described in 21625
division (C)(7) of this section. 21626

(9) An amount equal to the sum of the amounts obtained when, 21627
for each school district where the community school's students are 21628
entitled to attend school, the district's per pupil amount 21629
received under divisions (H) and (I) of section 3317.029 of the 21630
Revised Code, as adjusted by any poverty-based assistance 21631
reduction factor of the community school, is multiplied by the sum 21632
of the following: 21633

(a) The number of the district's students enrolled in grades 21634

one through twelve in that community school; 21635

(b) One-half of the number of the district's students 21636
enrolled in kindergarten in that community school. 21637

The district's per pupil amount under divisions (H) and (I) 21638
of section 3317.029 of the Revised Code shall be determined as 21639
described in division (C)(8) of this section. 21640

(10) An amount equal to the sum of the amounts obtained when, 21641
for each school district where the community school's students are 21642
entitled to attend school, the district's per pupil amount of 21643
state parity aid funding calculated under either division (C) or 21644
(D) of section 3317.0217 of the Revised Code is multiplied by the 21645
sum of the number of that district's students enrolled in grades 21646
one through twelve, and one-half of the number of that district's 21647
students enrolled in kindergarten, in the community school as 21648
reported under division (B)(2)(a) and (b) of this section. 21649

(E)(1) If a community school's costs for a fiscal year for a 21650
student receiving special education and related services pursuant 21651
to an IEP for a ~~handicap~~ disability described in divisions (B) to 21652
(F) of section 3317.013 of the Revised Code exceed the threshold 21653
catastrophic cost for serving the student as specified in division 21654
(C)(3)(b) of section 3317.022 of the Revised Code, the school may 21655
submit to the superintendent of public instruction documentation, 21656
as prescribed by the superintendent, of all its costs for that 21657
student. Upon submission of documentation for a student of the 21658
type and in the manner prescribed, the department shall pay to the 21659
community school an amount equal to the school's costs for the 21660
student in excess of the threshold catastrophic costs. 21661

(2) The community school shall only report under division 21662
(E)(1) of this section, and the department shall only pay for, the 21663
costs of educational expenses and the related services provided to 21664
the student in accordance with the student's individualized 21665

education program. Any legal fees, court costs, or other costs 21666
associated with any cause of action relating to the student may 21667
not be included in the amount. 21668

(F) A community school may apply to the department of 21669
education for preschool ~~handicapped~~ children with disabilities or 21670
gifted unit funding the school would receive if it were a school 21671
district. Upon request of its governing authority, a community 21672
school that received unit funding as a school district-operated 21673
school before it became a community school shall retain any units 21674
awarded to it as a school district-operated school provided the 21675
school continues to meet eligibility standards for the unit. 21676

A community school shall be considered a school district and 21677
its governing authority shall be considered a board of education 21678
for the purpose of applying to any state or federal agency for 21679
grants that a school district may receive under federal or state 21680
law or any appropriations act of the general assembly. The 21681
governing authority of a community school may apply to any private 21682
entity for additional funds. 21683

(G) A board of education sponsoring a community school may 21684
utilize local funds to make enhancement grants to the school or 21685
may agree, either as part of the contract or separately, to 21686
provide any specific services to the community school at no cost 21687
to the school. 21688

(H) A community school may not levy taxes or issue bonds 21689
secured by tax revenues. 21690

(I) No community school shall charge tuition for the 21691
enrollment of any student. 21692

(J)(1)(a) A community school may borrow money to pay any 21693
necessary and actual expenses of the school in anticipation of the 21694
receipt of any portion of the payments to be received by the 21695
school pursuant to division (D) of this section. The school may 21696

issue notes to evidence such borrowing. The proceeds of the notes 21697
shall be used only for the purposes for which the anticipated 21698
receipts may be lawfully expended by the school. 21699

(b) A school may also borrow money for a term not to exceed 21700
fifteen years for the purpose of acquiring facilities. 21701

(2) Except for any amount guaranteed under section 3318.50 of 21702
the Revised Code, the state is not liable for debt incurred by the 21703
governing authority of a community school. 21704

(K) For purposes of determining the number of students for 21705
which divisions (D)(5) and (6) of this section applies in any 21706
school year, a community school may submit to the department of 21707
job and family services, no later than the first day of March, a 21708
list of the students enrolled in the school. For each student on 21709
the list, the community school shall indicate the student's name, 21710
address, and date of birth and the school district where the 21711
student is entitled to attend school. Upon receipt of a list under 21712
this division, the department of job and family services shall 21713
determine, for each school district where one or more students on 21714
the list is entitled to attend school, the number of students 21715
residing in that school district who were included in the 21716
department's report under section 3317.10 of the Revised Code. The 21717
department shall make this determination on the basis of 21718
information readily available to it. Upon making this 21719
determination and no later than ninety days after submission of 21720
the list by the community school, the department shall report to 21721
the state department of education the number of students on the 21722
list who reside in each school district who were included in the 21723
department's report under section 3317.10 of the Revised Code. In 21724
complying with this division, the department of job and family 21725
services shall not report to the state department of education any 21726
personally identifiable information on any student. 21727

(L) The department of education shall adjust the amounts 21728

subtracted and paid under divisions (C) and (D) of this section to 21729
reflect any enrollment of students in community schools for less 21730
than the equivalent of a full school year. The state board of 21731
education within ninety days after April 8, 2003, shall adopt in 21732
accordance with Chapter 119. of the Revised Code rules governing 21733
the payments to community schools under this section and section 21734
3314.13 of the Revised Code including initial payments in a school 21735
year and adjustments and reductions made in subsequent periodic 21736
payments to community schools and corresponding deductions from 21737
school district accounts as provided under divisions (C) and (D) 21738
of this section and section 3314.13 of the Revised Code. For 21739
purposes of this section and section 3314.13 of the Revised Code: 21740

(1) A student shall be considered enrolled in the community 21741
school for any portion of the school year the student is 21742
participating at a college under Chapter 3365. of the Revised 21743
Code. 21744

(2) A student shall be considered to be enrolled in a 21745
community school during a school year for the period of time 21746
beginning on the later of the date on which the school both has 21747
received documentation of the student's enrollment from a parent 21748
and the student has commenced participation in learning 21749
opportunities as defined in the contract with the sponsor, or 21750
thirty days prior to the date on which the student is entered into 21751
the education management information system established under 21752
section 3301.0714 of the Revised Code. For purposes of applying 21753
this division and division (L)(3) of this section to a community 21754
school student, "learning opportunities" shall be defined in the 21755
contract, which shall describe both classroom-based and 21756
non-classroom-based learning opportunities and shall be in 21757
compliance with criteria and documentation requirements for 21758
student participation which shall be established by the 21759
department. Any student's instruction time in non-classroom-based 21760

learning opportunities shall be certified by an employee of the 21761
community school. A student's enrollment shall be considered to 21762
cease on the date on which any of the following occur: 21763

(a) The community school receives documentation from a parent 21764
terminating enrollment of the student. 21765

(b) The community school is provided documentation of a 21766
student's enrollment in another public or private school. 21767

(c) The community school ceases to offer learning 21768
opportunities to the student pursuant to the terms of the contract 21769
with the sponsor or the operation of any provision of this 21770
chapter. 21771

(3) ~~A~~ The department shall determine each community school 21772
student's percentage of full-time equivalency ~~shall be considered~~ 21773
~~to be based on~~ the percentage ~~the hours~~ of learning ~~opportunity~~ 21774
~~offered opportunities provided by the community school~~ to that 21775
student, reported either as number of hours or number of days, is 21776
of ~~nine hundred and twenty hours~~ the total learning opportunities 21777
offered by the community school to a student who attends for the 21778
school's entire school year. However, no internet- or 21779
computer-based community school shall be credited for any time a 21780
student spends participating in learning opportunities beyond ten 21781
hours within any period of twenty-four consecutive hours. Whether 21782
it reports hours or days of learning opportunities, each community 21783
school shall offer not less than nine hundred twenty hours of 21784
learning opportunities during the school year. 21785

(M) The department of education shall reduce the amounts paid 21786
under division (D) of this section to reflect payments made to 21787
colleges under division (B) of section 3365.07 of the Revised 21788
Code. 21789

(N)(1) No student shall be considered enrolled in any 21790
internet- or computer-based community school or, if applicable to 21791

the student, in any community school that is required to provide 21792
the student with a computer pursuant to division (C) of section 21793
3314.22 of the Revised Code, unless both of the following 21794
conditions are satisfied: 21795

(a) The student possesses or has been provided with all 21796
required hardware and software materials and all such materials 21797
are operational so that the student is capable of fully 21798
participating in the learning opportunities specified in the 21799
contract between the school and the school's sponsor as required 21800
by division (A)(23) of section 3314.03 of the Revised Code; 21801

(b) The school is in compliance with division (A) of section 21802
3314.22 of the Revised Code, relative to such student. 21803

(2) In accordance with policies adopted jointly by the 21804
superintendent of public instruction and the auditor of state, the 21805
department shall reduce the amounts otherwise payable under 21806
division (D) of this section to any community school that includes 21807
in its program the provision of computer hardware and software 21808
materials to any student, if such hardware and software materials 21809
have not been delivered, installed, and activated for each such 21810
student in a timely manner or other educational materials or 21811
services have not been provided according to the contract between 21812
the individual community school and its sponsor. 21813

The superintendent of public instruction and the auditor of 21814
state shall jointly establish a method for auditing any community 21815
school to which this division pertains to ensure compliance with 21816
this section. 21817

The superintendent, auditor of state, and the governor shall 21818
jointly make recommendations to the general assembly for 21819
legislative changes that may be required to assure fiscal and 21820
academic accountability for such schools. 21821

(O)(1) If the department determines that a review of a 21822

community school's enrollment is necessary, such review shall be 21823
completed and written notice of the findings shall be provided to 21824
the governing authority of the community school and its sponsor 21825
within ninety days of the end of the community school's fiscal 21826
year, unless extended for a period not to exceed thirty additional 21827
days for one of the following reasons: 21828

(a) The department and the community school mutually agree to 21829
the extension. 21830

(b) Delays in data submission caused by either a community 21831
school or its sponsor. 21832

(2) If the review results in a finding that additional 21833
funding is owed to the school, such payment shall be made within 21834
thirty days of the written notice. If the review results in a 21835
finding that the community school owes moneys to the state, the 21836
following procedure shall apply: 21837

(a) Within ten business days of the receipt of the notice of 21838
findings, the community school may appeal the department's 21839
determination to the state board of education or its designee. 21840

(b) The board or its designee shall conduct an informal 21841
hearing on the matter within thirty days of receipt of such an 21842
appeal and shall issue a decision within fifteen days of the 21843
conclusion of the hearing. 21844

(c) If the board has enlisted a designee to conduct the 21845
hearing, the designee shall certify its decision to the board. The 21846
board may accept the decision of the designee or may reject the 21847
decision of the designee and issue its own decision on the matter. 21848

(d) Any decision made by the board under this division is 21849
final. 21850

(3) If it is decided that the community school owes moneys to 21851
the state, the department shall deduct such amount from the 21852

school's future payments in accordance with guidelines issued by 21853
the superintendent of public instruction. 21854

(P) The department shall not subtract from a school 21855
district's state aid account under division (C) of this section 21856
and shall not pay to a community school under division (D) of this 21857
section any amount for any of the following: 21858

(1) Any student who has graduated from the twelfth grade of a 21859
public or nonpublic high school; 21860

(2) Any student who is not a resident of the state; 21861

(3) Any student who was enrolled in the community school 21862
during the previous school year when tests were administered under 21863
section 3301.0711 of the Revised Code but did not take one or more 21864
of the tests required by that section and was not excused pursuant 21865
to division (C)(1) or (3) of that section, unless the 21866
superintendent of public instruction grants the student a waiver 21867
from the requirement to take the test and a parent is not paying 21868
tuition for the student pursuant to section 3314.26 of the Revised 21869
Code. The superintendent may grant a waiver only for good cause in 21870
accordance with rules adopted by the state board of education. 21871

(4) Any student who has attained the age of twenty-two years, 21872
except for veterans of the armed services whose attendance was 21873
interrupted before completing the recognized twelve-year course of 21874
the public schools by reason of induction or enlistment in the 21875
armed forces and who apply for enrollment in a community school 21876
not later than four years after termination of war or their 21877
honorable discharge. If, however, any such veteran elects to 21878
enroll in special courses organized for veterans for whom tuition 21879
is paid under federal law, or otherwise, the department shall not 21880
subtract from a school district's state aid account under division 21881
(C) of this section and shall not pay to a community school under 21882
division (D) of this section any amount for that veteran. 21883

Sec. 3314.083. If the department of education pays a joint 21884
vocational school district under division (G)(4) of section 21885
3317.16 of the Revised Code for excess costs of providing special 21886
education and related services to a ~~handicapped~~ student with a 21887
disability who is enrolled in a community school, as calculated 21888
under division (G)(2) of that section, the department shall deduct 21889
the amount of that payment from the amount calculated for payment 21890
to the community school under section 3314.08 of the Revised Code. 21891

Sec. 3314.086. If the department of education is required to 21892
pay an amount under section 3353.25 of the Revised Code to a 21893
school district delivering a course included in the clearinghouse 21894
established under section 3353.21 of the Revised Code for a 21895
student enrolled in a community school established under this 21896
chapter, the department shall deduct the amount of that payment 21897
from the amount calculated for payment to the community school 21898
under section 3314.08 of the Revised Code. 21899

Sec. 3314.087. (A) As used in this section: 21900

(1) "Career-technical program" means vocational programs or 21901
classes described in division (A) or (B) of section 3317.014 of 21902
the Revised Code in which a student is enrolled. 21903

(2) "Formula ADM," "category one or two vocational education 21904
ADM," and "FTE basis" have the same meanings as in section 3317.02 21905
of the Revised Code. 21906

(3) "Resident school district" means the city, exempted 21907
village, or local school district in which a student is entitled 21908
to attend school under section 3313.64 or 3313.65 of the Revised 21909
Code. 21910

(B) Notwithstanding anything to the contrary in this chapter 21911
or Chapter 3317. of the Revised Code, a student enrolled in a 21912

community school may simultaneously enroll in the career-technical 21913
program operated by the student's resident school district. On an 21914
FTE basis, the student's resident school district shall count the 21915
student in the category one or two vocational education ADM for 21916
the proportion of the time the student is enrolled in the 21917
district's career-technical program and, accordingly, the 21918
department of education shall calculate funds under Chapter 3317. 21919
for the district attributable to the student for the proportion of 21920
time the student attends the career-technical program. The 21921
community school shall count the student in its enrollment report 21922
under section 3314.08 of the Revised Code and shall report to the 21923
department the proportion of time that the student attends classes 21924
at the community school. The department shall pay the community 21925
school and deduct from the student's resident school district the 21926
amount computed for the student under section 3314.08 of the 21927
Revised Code in proportion to the fraction of the time on an FTE 21928
basis that the student attends classes at the community school. 21929
"Full-time equivalency" for a community school student, as defined 21930
in division (L) of section 3314.08 of the Revised Code, does not 21931
apply to the student. 21932

Sec. 3314.088. This section applies to any student who, in 21933
accordance with division (A)(6)(b) of section 3314.03 of the 21934
Revised Code, is withdrawn from a community school managed by an 21935
operator for failure to participate in one hundred five 21936
consecutive hours of the learning opportunities offered to the 21937
student without a legitimate excuse. 21938

If a student to whom this section applies enrolls in the same 21939
community school or a different community school managed by the 21940
same operator in the same school year after becoming subject to 21941
this section and that community school subsequently withdraws the 21942
student in accordance with division (A)(6)(b) of section 3314.03 21943
of the Revised Code prior to the end of the same school year, the 21944

department of education shall not pay any state funds under this 21945
chapter for the student to that community school, and shall not 21946
deduct any funds under this chapter for the student from the state 21947
aid account of the school district in which the student is 21948
entitled to attend school, for the period of one hundred five 21949
consecutive hours of learning opportunities in which the student 21950
failed to participate without a legitimate excuse. 21951

Sec. 3314.19. The sponsor of each community school annually 21952
shall provide the following assurances in writing to the 21953
department of education not later than ten business days prior to 21954
the opening of the school: 21955

(A) That a current copy of the contract between the sponsor 21956
and the governing authority of the school entered into under 21957
section 3314.03 of the Revised Code has been filed with the state 21958
office of community schools established under section 3314.11 of 21959
the Revised Code and that any subsequent modifications to that 21960
contract will be filed with the office; 21961

(B) That the school has submitted to the sponsor a plan for 21962
providing special education and related services to students with 21963
disabilities and has demonstrated the capacity to provide those 21964
services in accordance with Chapter 3323. of the Revised Code and 21965
federal law; 21966

(C) That the school has a plan and procedures for 21967
administering the achievement tests and diagnostic assessments 21968
prescribed by sections 3301.0710 and 3301.0715 of the Revised 21969
Code; 21970

(D) That school personnel have the necessary training, 21971
knowledge, and resources to properly use and submit information to 21972
all databases maintained by the department for the collection of 21973
education data, including the education management information 21974
system established under section 3301.0714 of the Revised Code in 21975

<u>accordance with methods and timelines established under section</u>	21976
<u>3314.17 of the Revised Code;</u>	21977
<u>(E) That all required information about the school has been</u>	21978
<u>submitted to the Ohio education directory system or any successor</u>	21979
<u>system;</u>	21980
<u>(F) That the school will enroll at least the minimum number</u>	21981
<u>of students required by division (A)(11)(a) of section 3314.03 of</u>	21982
<u>the Revised Code in the school year for which the assurances are</u>	21983
<u>provided;</u>	21984
<u>(G) That all classroom teachers are licensed in accordance</u>	21985
<u>with sections 3319.22 to 3319.31 of the Revised Code, except for</u>	21986
<u>noncertificated persons engaged to teach up to twelve hours per</u>	21987
<u>week pursuant to section 3319.301 of the Revised Code;</u>	21988
<u>(H) That the school's fiscal officer is in compliance with</u>	21989
<u>section 3314.011 of the Revised Code;</u>	21990
<u>(I) That the school has complied with section 3319.39 of the</u>	21991
<u>Revised Code with respect to all employees who are responsible for</u>	21992
<u>the care, custody, or control of a child and that the school has</u>	21993
<u>conducted a criminal records check of each of its governing</u>	21994
<u>authority members;</u>	21995
<u>(J) That the school holds all of the following:</u>	21996
<u>(1) Proof of property ownership or a lease for the facilities</u>	21997
<u>used by the school;</u>	21998
<u>(2) A certificate of occupancy;</u>	21999
<u>(3) Liability insurance for the school, as required by</u>	22000
<u>division (A)(11)(b) of section 3314.03 of the Revised Code, that</u>	22001
<u>the sponsor considers sufficient to indemnify the school's</u>	22002
<u>facilities, staff, and governing authority against risk;</u>	22003
<u>(4) A satisfactory health and safety inspection;</u>	22004
<u>(5) A satisfactory fire inspection;</u>	22005

<u>(6) A valid food permit, if applicable.</u>	22006
<u>(K) That the sponsor has conducted a pre-opening site visit to the school for the school year for which the assurances are provided;</u>	22007 22008 22009
<u>(L) That the school has designated a date it will open for the school year for which the assurances are provided that is in compliance with division (A)(25) of section 3314.03 of the Revised Code;</u>	22010 22011 22012 22013
<u>(M) That the school has met all of the sponsor's requirements for opening and any other requirements of the sponsor.</u>	22014 22015
Sec. 3317.01. As used in this section and section 3317.011 of the Revised Code, "school district," unless otherwise specified, means any city, local, exempted village, joint vocational, or cooperative education school district and any educational service center.	22016 22017 22018 22019 22020
This chapter shall be administered by the state board of education. The superintendent of public instruction shall calculate the amounts payable to each school district and shall certify the amounts payable to each eligible district to the treasurer of the district as provided by this chapter. As soon as possible after such amounts are calculated, the superintendent shall certify to the treasurer of each school district the district's adjusted charge-off increase, as defined in section 5705.211 of the Revised Code. No moneys shall be distributed pursuant to this chapter without the approval of the controlling board.	22021 22022 22023 22024 22025 22026 22027 22028 22029 22030 22031
The state board of education shall, in accordance with appropriations made by the general assembly, meet the financial obligations of this chapter.	22032 22033 22034
Annually, the department of education shall calculate and	22035

report to each school district the district's total state and 22036
local funds for providing an adequate basic education to the 22037
district's ~~nonhandicapped~~ nondisabled students, utilizing the 22038
determination in section 3317.012 of the Revised Code. In 22039
addition, the department shall calculate and report separately for 22040
each school district the district's total state and local funds 22041
for providing an adequate education for its ~~handicapped~~ 22042
with disabilities, utilizing the determinations in both sections 22043
3317.012 and 3317.013 of the Revised Code. 22044

Not later than the thirty-first day of August of each fiscal 22045
year, the department of education shall provide to each school 22046
district and county MR/DD board a preliminary estimate of the 22047
amount of funding that the department calculates the district will 22048
receive under each of divisions (C)(1) and (4) of section 3317.022 22049
of the Revised Code. No later than the first day of December of 22050
each fiscal year, the department shall update that preliminary 22051
estimate. 22052

Moneys distributed pursuant to this chapter shall be 22053
calculated and paid on a fiscal year basis, beginning with the 22054
first day of July and extending through the thirtieth day of June. 22055
The moneys appropriated for each fiscal year shall be distributed 22056
at least monthly to each school district unless otherwise provided 22057
for. The state board shall submit a yearly distribution plan to 22058
the controlling board at its first meeting in July. The state 22059
board shall submit any proposed midyear revision of the plan to 22060
the controlling board in January. Any year-end revision of the 22061
plan shall be submitted to the controlling board in June. If 22062
moneys appropriated for each fiscal year are distributed other 22063
than monthly, such distribution shall be on the same basis for 22064
each school district. 22065

The total amounts paid each month shall constitute, as nearly 22066
as possible, one-twelfth of the total amount payable for the 22067

entire year. 22068

~~Until fiscal year 2007, payments~~ Payments made during the 22069
first six months of the fiscal year may be based on an estimate of 22070
the amounts payable for the entire year. Payments made in the last 22071
six months shall be based on the final calculation of the amounts 22072
payable to each school district for that fiscal year. Payments 22073
made in the last six months may be adjusted, if necessary, to 22074
correct the amounts distributed in the first six months, and to 22075
reflect enrollment increases when such are at least three per 22076
cent. 22077

~~Beginning in fiscal year 2007, payments shall be calculated~~ 22078
~~to reflect the biannual reporting of average daily membership. In~~ 22079
~~fiscal year 2007 and in each fiscal year thereafter, annualized~~ 22080
~~periodic payments for each school district shall be based on the~~ 22081
~~district's student counts certified pursuant to section 3317.03 of~~ 22082
~~the Revised Code as follows:~~ 22083

~~the sum of one half of the number of students reported~~ 22084
~~for the first full week in October plus one half of the~~ 22085
~~average of the numbers reported for the first full week~~ 22086
~~in October and for the first full week in February~~ 22087

Except as otherwise provided, payments under this chapter 22088
shall be made only to those school districts in which: 22089

(A) The school district, except for any educational service 22090
center and any joint vocational or cooperative education school 22091
district, levies for current operating expenses at least twenty 22092
mills. Levies for joint vocational or cooperative education school 22093
districts or county school financing districts, limited to or to 22094
the extent apportioned to current expenses, shall be included in 22095
this qualification requirement. School district income tax levies 22096
under Chapter 5748. of the Revised Code, limited to or to the 22097
extent apportioned to current operating expenses, shall be 22098
included in this qualification requirement to the extent 22099

determined by the tax commissioner under division (D) of section 22100
3317.021 of the Revised Code. 22101

(B) The school year next preceding the fiscal year for which 22102
such payments are authorized meets the requirement of section 22103
3313.48 or 3313.481 of the Revised Code, with regard to the 22104
minimum number of days or hours school must be open for 22105
instruction with pupils in attendance, for individualized 22106
parent-teacher conference and reporting periods, and for 22107
professional meetings of teachers. This requirement shall be 22108
waived by the superintendent of public instruction if it had been 22109
necessary for a school to be closed because of disease epidemic, 22110
hazardous weather conditions, inoperability of school buses or 22111
other equipment necessary to the school's operation, damage to a 22112
school building, or other temporary circumstances due to utility 22113
failure rendering the school building unfit for school use, 22114
provided that for those school districts operating pursuant to 22115
section 3313.48 of the Revised Code the number of days the school 22116
was actually open for instruction with pupils in attendance and 22117
for individualized parent-teacher conference and reporting periods 22118
is not less than one hundred seventy-five, or for those school 22119
districts operating on a trimester plan the number of days the 22120
school was actually open for instruction with pupils in attendance 22121
not less than seventy-nine days in any trimester, for those school 22122
districts operating on a quarterly plan the number of days the 22123
school was actually open for instruction with pupils in attendance 22124
not less than fifty-nine days in any quarter, or for those school 22125
districts operating on a pentamester plan the number of days the 22126
school was actually open for instruction with pupils in attendance 22127
not less than forty-four days in any pentamester. 22128

A school district shall not be considered to have failed to 22129
comply with this division or section 3313.481 of the Revised Code 22130
because schools were open for instruction but either twelfth grade 22131

students were excused from attendance for up to three days or only 22132
a portion of the kindergarten students were in attendance for up 22133
to three days in order to allow for the gradual orientation to 22134
school of such students. 22135

The superintendent of public instruction shall waive the 22136
requirements of this section with reference to the minimum number 22137
of days or hours school must be in session with pupils in 22138
attendance for the school year succeeding the school year in which 22139
a board of education initiates a plan of operation pursuant to 22140
section 3313.481 of the Revised Code. The minimum requirements of 22141
this section shall again be applicable to such a district 22142
beginning with the school year commencing the second July 22143
succeeding the initiation of one such plan, and for each school 22144
year thereafter. 22145

A school district shall not be considered to have failed to 22146
comply with this division or section 3313.48 or 3313.481 of the 22147
Revised Code because schools were open for instruction but the 22148
length of the regularly scheduled school day, for any number of 22149
days during the school year, was reduced by not more than two 22150
hours due to hazardous weather conditions. 22151

(C) The school district has on file, and is paying in 22152
accordance with, a teachers' salary schedule which complies with 22153
section 3317.13 of the Revised Code. 22154

A board of education or governing board of an educational 22155
service center which has not conformed with other law and the 22156
rules pursuant thereto, shall not participate in the distribution 22157
of funds authorized by sections 3317.022 to 3317.0211, 3317.11, 22158
3317.16, 3317.17, and 3317.19 of the Revised Code, except for good 22159
and sufficient reason established to the satisfaction of the state 22160
board of education and the state controlling board. 22161

All funds allocated to school districts under this chapter, 22162

except those specifically allocated for other purposes, shall be 22163
used to pay current operating expenses only. 22164

Sec. 3317.012. (A) The general assembly, having deliberated 22165
on the model with which to calculate the base cost of an adequate 22166
education per pupil, has made a policy decision to calculate that 22167
amount as consisting of the following building blocks: 22168

(1) Base classroom teachers; 22169

(2) Other personnel support, which includes additional 22170
teachers, such as music, arts, and physical education teachers 22171
funded by state, local, or federal funds or other funds that are 22172
above the base cost funding level, and other school personnel 22173
including administrators; 22174

(3) Nonpersonnel support. 22175

This model reflects policy decisions made by the general 22176
assembly concerning the cost of base classroom teachers, which 22177
decisions entail two policy variables: the number of students per 22178
base classroom teacher necessary for an adequate education and the 22179
average compensation for a base classroom teacher necessary for an 22180
adequate education. The model requires the general assembly to 22181
decide the amount of other personnel support necessary for an 22182
adequate education, ~~and increase that amount from year to year by~~ 22183
~~the same percentage as it increases the average compensation for~~ 22184
~~base classroom teachers.~~ The model finally requires the general 22185
assembly to decide the nonpersonnel costs necessary for an 22186
adequate education and to inflate the nonpersonnel costs from year 22187
to year using the projected inflationary measure for the gross 22188
domestic product deflator (all items) prepared by the bureau of 22189
labor statistics of the United States department of labor. 22190

(B)(1) For fiscal year ~~2006~~ 2008, the general assembly has 22191
resolved that a ratio of one base classroom teacher per twenty 22192

students is necessary for an adequate education. The general 22193
assembly has made a policy decision that the average compensation 22194
for base classroom teachers is ~~\$53,680~~ \$56,754 for fiscal year 22195
~~2006~~ 2008, which includes an amount for the value of fringe 22196
benefits. For fiscal year ~~2007~~ 2009, the general assembly has 22197
resolved that a ratio of one base classroom teacher per twenty 22198
students is necessary for an adequate education. The general 22199
assembly has made a policy decision that the average compensation 22200
for base classroom teachers is ~~\$54,941~~ \$58,621 for fiscal year 22201
2009, which includes an amount for the value of fringe benefits. 22202
Based on a ratio of twenty students per base classroom teacher, 22203
these amounts equal ~~\$2,684~~ \$2,838 per pupil in fiscal year ~~2006~~ 22204
2008 and ~~\$2,747~~ \$2,931 per pupil in fiscal year ~~2007~~ 2009. 22205

(2) The general assembly has made a policy decision that the 22206
per pupil cost of salary and benefits of other personnel support 22207
is ~~\$1,807~~ \$1,905 in fiscal year ~~2006~~ 2008. Based on the percentage 22208
increase for the ~~average compensation of base classroom teachers~~ 22209
per pupil cost of salary and benefits of other personnel support 22210
from fiscal year ~~2006~~ 2007 to fiscal year ~~2007~~ 2008, the per pupil 22211
cost of other personnel support is ~~\$1,850~~ \$1,962 in fiscal year 22212
~~2007~~ 2009. 22213

(3) The general assembly has made a policy decision that the 22214
per pupil cost of nonpersonnel support is ~~\$792~~ \$822 in fiscal year 22215
~~2006~~ 2008 and ~~\$806~~ \$839 in fiscal year ~~2007~~ 2009. The amount for 22216
fiscal year ~~2007~~ 2009 reflects the projected inflationary measure 22217
for the gross domestic product deflator (all items) of ~~1.80%~~ 22218
2.00%. 22219

(4) Based on the determinations specified in divisions (B)(1) 22220
to (3) of this section, the per-pupil base cost is ~~\$5,283~~ \$5,565 22221
in fiscal year ~~2006~~ 2008 and ~~\$5,403~~ \$5,732 in fiscal year ~~2007~~ 22222
2009. 22223

(C) In addition to the per-pupil base cost as determined 22224

under divisions (A) and (B) of this section, the general assembly 22225
determines that the following base funding supplements shall be 22226
paid to each school district: 22227

(1) Base funding for large-group academic intervention for 22228
all students, based on 25 hours per group of students per year at 22229
an hourly rate of ~~\$20.00~~ \$21.01 in fiscal year ~~2006~~ 2008 and 22230
~~\$20.40~~ \$21.64 in fiscal year ~~2007~~ 2009, as follows: 22231

large-group intervention units X 25 hours X hourly rate 22232

Where: 22233

(a) "Large-group intervention units" equals the district's 22234
formula ADM divided by 20; 22235

(b) "Hourly rate" equals ~~\$20.00~~ \$21.01 in fiscal year ~~2006~~ 22236
2008 and ~~\$20.40~~ \$21.64 in fiscal year ~~2007~~ 2009. 22237

(2) Base funding for professional development, phased in 22238
according to the following formula: 22239

district's teacher factor X 0.045 X 22240

formula amount X phase-in percentage 22241

Where: 22242

(a) For each school district, the district's "teacher factor" 22243
is the district's formula ADM divided by 17; 22244

(b) "Phase-in percentage" equals ~~0.25 in fiscal year 2006 and~~ 22245
~~0.75 in fiscal year 2007.~~ 22246

(3) Base funding for data-based decision making, calculated 22247
according to the following formula: 22248

0.001 X formula amount X formula ADM 22249

(4) Base funding for professional development regarding 22250
data-based decision making, calculated according to the following 22251
formula: 22252

(0.20 X the district's teacher factor X 0.08 X formula amount) + 22253

(the district's principal factor X 22254

0.08 X formula amount)	22255
Where:	22256
(a) For each school district, the district's "teacher factor" is the district's formula ADM divided by 17;	22257 22258
(b) For each school district, the district's "principal factor" is the district's formula ADM divided by 340.	22259 22260
(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.	22261 22262 22263 22264 22265
Sec. 3317.013. Except for a handicapped preschool child <u>with a disability</u> for whom a scholarship has been awarded under section 3310.41 of the Revised Code, this section does not apply to handicapped preschool students <u>children with disabilities</u> .	22266 22267 22268 22269
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:	22270 22271 22272 22273 22274 22275 22276 22277
(A) A multiple of 0.2892 for students whose primary or only identified handicap <u>disability</u> is a speech and language handicap <u>disability</u> , as this term is defined pursuant to Chapter 3323. of the Revised Code;	22278 22279 22280 22281
(B) A multiple of 0.3691 for students identified as specific learning disabled or developmentally handicapped <u>disabled</u> , as these terms are defined pursuant to Chapter 3323. of the Revised	22282 22283 22284

Code, or as having an other health ~~handicapped-minor~~ 22285
impairment-minor; 22286

(C) A multiple of 1.7695 for students identified as hearing 22287
~~handicapped~~ disabled, vision impaired, or severe behavior 22288
~~handicapped~~ disabled, as these terms are defined pursuant to 22289
Chapter 3323. of the Revised Code; 22290

(D) A multiple of 2.3646 for students identified as 22291
orthopedically ~~handicapped~~ disabled, as this term is defined 22292
pursuant to Chapter 3323. of the Revised Code or as having an 22293
other health ~~handicapped—major~~ impairment-major; 22294

(E) A multiple of 3.1129 for students identified as 22295
~~multihandicapped~~ having multiple disabilities, as this term is 22296
defined pursuant to Chapter 3323. of the Revised Code; 22297

(F) A multiple of 4.7342 for students identified as autistic, 22298
having traumatic brain injuries, or as both visually and hearing 22299
~~disabled~~ impaired, as these terms are defined pursuant to Chapter 22300
3323. of the Revised Code. 22301

In fiscal ~~year 2004~~ years 2008 and 2009, the multiples 22302
specified in divisions (A) to (F) of this section ~~shall be~~ 22303
~~adjusted by multiplying them by 0.88. In fiscal years 2005, 2006,~~ 22304
~~and 2007, the multiples specified in those divisions~~ shall be 22305
adjusted by multiplying them by 0.90. 22306

Not later than the thirtieth day of ~~May~~ December in ~~2004,~~ 22307
~~2005, 2006, and 2007,~~ 2008, and 2009, the department of education 22308
shall submit to the office of budget and management a report that 22309
specifies for each city, local, exempted village, and joint 22310
vocational school district the fiscal year allocation of the state 22311
and local shares of special education and related services 22312
additional weighted funding and federal special education funds 22313
passed through to the district. 22314

Sec. 3317.014. The average vocational education additional 22315
cost per pupil can be expressed as a multiple of the base cost per 22316
pupil calculated under section 3317.012 of the Revised Code. ~~the~~ 22317
The multiples for the following categories of vocational education 22318
programs are as follows: 22319

(A) A multiple of 0.57 for students enrolled in vocational 22320
education job-training and workforce development programs approved 22321
by the department of education in accordance with rules adopted 22322
under section 3313.90 of the Revised Code. 22323

(B) A multiple of 0.28 for students enrolled in vocational 22324
education classes other than job-training and workforce 22325
development programs. 22326

Vocational education associated services costs can be 22327
expressed as a multiple of 0.05 of the base cost per pupil 22328
calculated under section 3317.012 of the Revised Code. 22329

~~The general assembly has adjusted the multiples specified in 22330
this section for calculating payments beginning in fiscal year 22331
2002 in recognition that its policy change regarding the 22332
application of the cost of doing business factor produces a higher 22333
base cost amount than would exist if no change were made to its 22334
application. The adjustment maintains the same weighted costs as 22335
would exist if no change were made to the application of the 22336
cost of doing business factor. 22337~~

~~The~~ By the thirtieth day of each December, the department of 22338
education shall ~~annually~~ report to the governor office of budget 22339
and management and the general assembly the amount of weighted 22340
funding for vocational education and associated services that ~~is~~ 22341
was spent by each city, local, exempted village, and joint 22342
vocational school district specifically for vocational educational 22343
and associated services during the previous fiscal year. 22344

Sec. 3317.015. (A) In addition to the information certified 22345
to the department of education and the office of budget and 22346
management under division (A) of section 3317.021 of the Revised 22347
Code, the tax commissioner shall, at the same time, certify the 22348
following information to the department and the office of budget 22349
and management for each city, exempted village, and local school 22350
district to be used for the same purposes as described under that 22351
division: 22352

(1) The taxable value of the school district's carryover 22353
property, as defined in section 319.301 of the Revised Code, for 22354
the preceding tax year; 22355

(2) The increase in such carryover value, if any, between the 22356
second preceding tax year and the preceding tax year as used in 22357
calculating the percentage reduction under section 319.301 of the 22358
Revised Code. 22359

(B) For each fiscal year the department of education shall 22360
calculate each school district's recognized valuation in the 22361
following manner: 22362

(1) For a school district located in a county in which a 22363
reappraisal or triennial update occurred in the preceding tax 22364
year, the recognized valuation equals the district's total taxable 22365
value for the preceding tax year minus two-thirds times the 22366
increase in the carryover value from the second preceding tax year 22367
to the preceding tax year. 22368

(2) For a school district located in a county in which a 22369
reappraisal or triennial update occurred in the second preceding 22370
tax year, the recognized valuation equals the district's total 22371
taxable value for the preceding tax year minus one-third times the 22372
increase in the carryover value from the third preceding tax year 22373
to the second preceding tax year. 22374

(3) For a school district located in a county in which a
reappraisal or triennial update occurred in the third preceding
tax year, the recognized valuation equals the district's total
taxable value for the preceding tax year.

Sec. 3317.016. In addition to its form SF-3, or any successor
to that form, the department of education shall publish on its web
site a spreadsheet for each school district that specifies the
constituent components of the district's "building blocks" funds,
as follows:

(A) For compensation of base classroom teachers, as described
in division (B)(1) of section 3317.012 of the Revised Code, each
spreadsheet shall specify the district's aggregate and per pupil
amounts of state funds and of combined state and local funds, the
average compensation decided by the general assembly for base
classroom teachers, as specified in that division, and the number
of base classroom teachers attributable to the district based on
the student-teacher ratio decided by the general assembly, as
specified in that division.

(B) Each spreadsheet shall specify the district's aggregate
and per pupil amounts of state funds and of combined state and
local funds for each of the following:

(1) Other personnel support, as described in division (B)(2)
of section 3317.012 of the Revised Code;

(2) Nonpersonnel support, as described in division (B)(3) of
that section;

(3) Academic intervention services, as described in division
(C)(1) of that section;

(4) Professional development, as described in division (C)(2)
of that section;

(5) Data-based decision making, as described in division

(C)(3) of that section;	22405
(6) Professional development for data-based decision making, as described in division (C)(4) of that section.	22406 22407
(C) Each spreadsheet shall separately specify the district's aggregate and per pupil state funds for each of the following components of poverty-based assistance under section 3317.029 of the Revised Code:	22408 22409 22410 22411
(1) Poverty based assistance guarantee payment under division (B) of that section;	22412 22413
(2) Academic intervention funding under division (C) of that section;	22414 22415
(3) <u>(2)</u> All-day kindergarten under division (D) of that section;	22416 22417
(4) Class size reduction <u>(3) Increased classroom learning opportunities</u> under division (E) of that section;	22418 22419
(5) <u>(4)</u> Services to limited English proficient students under division (F) of that section;	22420 22421
(6) <u>(5)</u> Professional development, under division (G) of that section;	22422 22423
(7) <u>(6)</u> Dropout prevention under division (H) of that section;	22424
(8) <u>(7)</u> Community outreach under division (I) of that section;	22425
<u>(8) Assistance in closing the achievement gap under division (K) of that section.</u>	22426 22427
Sec. 3317.017. (A) Not later than July 1, 2006, the superintendent of public instruction shall adopt a rule under which the superintendent may issue an order with respect to the spending, by a school district declared to be under an academic watch or in a state of academic emergency under section 3302.03 of the Revised Code, of the following state building block funds	22428 22429 22430 22431 22432 22433

intended to pay instructional-related costs:	22434
(1) State funds for compensation of base classroom teachers, as described in division (B)(1) of section 3317.012 of the Revised Code;	22435 22436 22437
(2) State funds for academic intervention services under division (C)(1) of section 3317.012 and division (C) of section 3317.029 of the Revised Code;	22438 22439 22440
(3) State funds for professional development under divisions (C)(2) and (4) of section 3317.012 and division (G) of section 3317.029 of the Revised Code;	22441 22442 22443
(4) State funds for data based decision making under division (C)(3) of section 3317.012 of the Revised Code;	22444 22445
(5) The poverty based assistance guarantee payment under division (B) of section 3317.029 of the Revised Code;	22446 22447
(6) State funds for all-day kindergarten under division (D) of section 3317.029 of the Revised Code;	22448 22449
(7) <u>(6)</u> State funds for <u>class-size reduction increased classroom learning opportunities</u> under division (E) of section 3317.029 of the Revised Code;	22450 22451 22452
(8) <u>(7)</u> State funds for services to limited English proficient students under division (F) of section 3317.029 of the Revised Code;	22453 22454 22455
(9) <u>(8)</u> State funds for dropout prevention under division (H) of section 3317.029 of the Revised Code;	22456 22457
(10) <u>(9)</u> State funds for community outreach under division (I) of section 3317.029 of the Revised Code;	22458 22459
<u>(10) State funds for assistance in closing the achievement gap under division (K) of section 3317.029 of the Revised Code.</u>	22460 22461
(B) The rule shall authorize the superintendent of public	22462

instruction to issue an order that does one or a combination of 22463
the following: 22464

(1) Requires the school district to periodically report to 22465
the superintendent of public instruction on its spending of the 22466
state funds paid for each building blocks component described in 22467
divisions (A)(1) to (10) of this section; 22468

(2) Requires the district to establish a separate account for 22469
each of the building blocks components described in divisions 22470
(A)(1) to (10) of this section to which the district shall credit 22471
the state funds paid for each; 22472

(3) Directs the district's spending of any or all of the 22473
state funds paid for the components described in divisions (A)(1) 22474
to (10) of this section in accordance with the descriptions and 22475
requirements of sections 3317.012 and 3317.029 of the Revised 22476
Code. 22477

(C) The rule shall specify situations in which the 22478
superintendent may issue an order and the types of orders the 22479
superintendent will issue for each of those situations. The rule, 22480
however, shall authorize the superintendent to issue orders in 22481
situations that are not enumerated or described in the rule. 22482

(D) The board of education of each school district to which 22483
the superintendent of public instruction issues an order pursuant 22484
to the rule adopted under this section shall comply with that 22485
order. 22486

Sec. 3317.02. As used in this chapter: 22487

(A) Unless otherwise specified, "school district" means city, 22488
local, and exempted village school districts. 22489

(B) "Formula amount" means the base cost for the fiscal year 22490
specified in division (B)(4) of section 3317.012 of the Revised 22491
Code. 22492

(C) "FTE basis" means a count of students based on full-time 22493
equivalency, in accordance with rules adopted by the department of 22494
education pursuant to section 3317.03 of the Revised Code. In 22495
adopting its rules under this division, the department shall 22496
provide for counting any student in category one, two, three, 22497
four, five, or six special education ADM or in category one or two 22498
vocational education ADM in the same proportion the student is 22499
counted in formula ADM. 22500

(D) "Formula ADM" means, for a city, local, or exempted 22501
village school district, the final number verified by the 22502
superintendent of public instruction, based on the number reported 22503
pursuant to division (A) of section 3317.03 of the Revised Code, 22504
and as adjusted, if so ordered, under division (K) of that 22505
section. "Formula ADM" means, for a joint vocational school 22506
district, the final number verified by the superintendent of 22507
public instruction, based on the number reported pursuant to 22508
division (D) of section 3317.03 of the Revised Code. ~~Beginning in~~ 22509
~~fiscal year 2007, for payments in which formula ADM is a factor,~~ 22510
~~the formula ADM for each school district for the fiscal year is~~ 22511
~~the sum of one half of the number reported for October of that~~ 22512
~~fiscal year plus one half of the average of the numbers reported~~ 22513
~~for October and February of that fiscal year, as adjusted, if so~~ 22514
~~ordered, under division (K) of that section.~~ 22515

(E) "Three-year average formula ADM" means the average of 22516
formula ADMs for the ~~current and~~ preceding ~~two~~ three fiscal years. 22517

(F)(1) "Category one special education ADM" means the average 22518
daily membership of ~~handicapped~~ children with disabilities 22519
receiving special education services for the ~~handicap~~ disability 22520
specified in division (A) of section 3317.013 of the Revised Code 22521
and reported under division (B)(5) or (D)(2)(b) of section 3317.03 22522
of the Revised Code. ~~Beginning in fiscal year 2007, the district's~~ 22523
~~category one special education ADM for a fiscal year is the sum of~~ 22524

~~one half of the number reported for October of that fiscal year 22525
plus one half of the average of the numbers reported for October 22526
and February of that fiscal year. 22527~~

(2) "Category two special education ADM" means the average 22528
daily membership of ~~handicapped~~ children with disabilities 22529
receiving special education services for those ~~handicaps~~ 22530
disabilities specified in division (B) of section 3317.013 of the 22531
Revised Code and reported under division (B)(6) or (D)(2)(c) of 22532
section 3317.03 of the Revised Code. ~~Beginning in fiscal year 22533
2007, the district's category two special education ADM for a 22534
fiscal year is the sum of one half of the number reported for 22535
October of that fiscal year plus one half of the average of the 22536
numbers reported for October and February of that fiscal year. 22537~~

(3) "Category three special education ADM" means the average 22538
daily membership of students receiving special education services 22539
for those ~~handicaps~~ disabilities specified in division (C) of 22540
section 3317.013 of the Revised Code, and reported under division 22541
(B)(7) or (D)(2)(d) of section 3317.03 of the Revised Code. 22542
~~Beginning in fiscal year 2007, the district's category three 22543
special education ADM for a fiscal year is the sum of one half of 22544
the number reported for October of that fiscal year plus one half 22545
of the average of the numbers reported for October and February of 22546
that fiscal year. 22547~~

(4) "Category four special education ADM" means the average 22548
daily membership of students receiving special education services 22549
for those ~~handicaps~~ disabilities specified in division (D) of 22550
section 3317.013 of the Revised Code and reported under division 22551
(B)(8) or (D)(2)(e) of section 3317.03 of the Revised Code. 22552
~~Beginning in fiscal year 2007, the district's category four 22553
special education ADM for a fiscal year is the sum of one half of 22554
the number reported for October of that fiscal year plus one half 22555
of the average of the numbers reported for October and February of 22556~~

~~that fiscal year.~~ 22557

(5) "Category five special education ADM" means the average 22558
daily membership of students receiving special education services 22559
for the handicap disabilities specified in division (E) of section 22560
3317.013 of the Revised Code and reported under division (B)(9) or 22561
(D)(2)(f) of section 3317.03 of the Revised Code. ~~Beginning in~~ 22562
~~fiscal year 2007, the district's category five special education~~ 22563
~~ADM for a fiscal year is the sum of one half of the number~~ 22564
~~reported for October of that fiscal year plus one half of the~~ 22565
~~average of the numbers reported for October and February of that~~ 22566
~~fiscal year.~~ 22567

(6) "Category six special education ADM" means the average 22568
daily membership of students receiving special education services 22569
for the handicap disabilities specified in division (F) of section 22570
3317.013 of the Revised Code and reported under division (B)(10) 22571
or (D)(2)(g) of section 3317.03 of the Revised Code. ~~Beginning in~~ 22572
~~fiscal year 2007, the district's category six special education~~ 22573
~~ADM for a fiscal year is the sum of one half of the number~~ 22574
~~reported for October of that fiscal year plus one half of the~~ 22575
~~average of the numbers reported for October and February of that~~ 22576
~~fiscal year.~~ 22577

(7) "Category one vocational education ADM" means the average 22578
daily membership of students receiving vocational education 22579
services described in division (A) of section 3317.014 of the 22580
Revised Code and reported under division (B)(11) or (D)(2)(h) of 22581
section 3317.03 of the Revised Code. ~~Beginning in fiscal year~~ 22582
~~2007, the district's category one vocational education ADM for a~~ 22583
~~fiscal year is the sum of one half of the number reported for~~ 22584
~~October of that fiscal year plus one half of the average of the~~ 22585
~~numbers reported for October and February of that fiscal year.~~ 22586

(8) "Category two vocational education ADM" means the average 22587
daily membership of students receiving vocational education 22588

services described in division (B) of section 3317.014 of the Revised Code and reported under division (B)(12) or (D)(2)(i) of section 3317.03 of the Revised Code. ~~Beginning in fiscal year 2007, the district's category two vocational education ADM for a fiscal year is the sum of one half of the number reported for October of that fiscal year plus one half of the average of the numbers reported for October and February of that fiscal year.~~

(G) "~~Handicapped preschool~~ Preschool child with a disability" means a ~~handicapped~~ child with a disability, 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.

(H) "County MR/DD board" means a county board of mental retardation and developmental disabilities.

(I) "Recognized valuation" means the amount calculated for a school district pursuant to section 3317.015 of the Revised Code.

(J) "Transportation ADM" means the number of children reported under division (B)(13) of section 3317.03 of the Revised Code.

(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.

(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.

(M) "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint vocational school district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code.

(N) ~~"Cost of doing business factor" means the amount~~ 22620
~~indicated in division (N)(1) or (2) of this section for the county~~ 22621
~~in which a city, local, exempted village, or joint vocational~~ 22622
~~school district is located. If a city, local, or exempted village~~ 22623
~~school district is located in more than one county, the factor is~~ 22624
~~the amount indicated for the county to which the district is~~ 22625
~~assigned by the state department of education. If a joint~~ 22626
~~vocational school district is located in more than one county, the~~ 22627
~~factor is the amount indicated for the county in which the joint~~ 22628
~~vocational school with the greatest formula ADM operated by the~~ 22629
~~district is located.~~ 22630

~~(1) In fiscal year 2006, the cost of doing business factor~~ 22631
~~for each county is:~~ 22632

~~COST OF DOING BUSINESS~~ 22633

COUNTY	FACTOR AMOUNT	
Adams	1.00233	22635
Allen	1.01373	22636
Ashland	1.01980	22637
Ashtabula	1.02647	22638
Athens	1.00093	22639
Auglaize	1.01647	22640
Belmont	1.00427	22641
Brown	1.01180	22642
Butler	1.04307	22643
Carroll	1.00913	22644
Champaign	1.02973	22645
Clark	1.02980	22646
Clermont	1.03607	22647
Clinton	1.02193	22648
Columbiana	1.01427	22649
Coshocton	1.01153	22650
Crawford	1.01093	22651

Cuyahoga	1.04173	22652
Darke	1.02253	22653
Defiance	1.00973	22654
Delaware	1.03520	22655
Erie	1.02587	22656
Fairfield	1.02440	22657
Fayette	1.02127	22658
Franklin	1.04053	22659
Fulton	1.0220	22660
Gallia	1.00000	22661
Geauga	1.03340	22662
Greene	1.02960	22663
Guernsey	1.00440	22664
Hamilton	1.05000	22665
Hancock	1.01433	22666
Hardin	1.02373	22667
Harrison	1.00493	22668
Henry	1.02120	22669
Highland	1.00987	22670
Hocking	1.01253	22671
Holmes	1.01187	22672
Huron	1.01953	22673
Jackson	1.00920	22674
Jefferson	1.00487	22675
Knox	1.01860	22676
Lake	1.03493	22677
Lawrence	1.00540	22678
Licking	1.02540	22679
Logan	1.02567	22680
Lorain	1.03433	22681
Lucas	1.02600	22682
Madison	1.03253	22683
Mahoning	1.02307	22684

Marion	1.02040	22685
Medina	1.03573	22686
Meigs	1.00173	22687
Mercer	1.01353	22688
Miami	1.02740	22689
Monroe	1.00333	22690
Montgomery	1.03020	22691
Morgan	1.00593	22692
Morrow	1.02007	22693
Muskingum	1.00847	22694
Noble	1.00487	22695
Ottawa	1.03240	22696
Paulding	1.00767	22697
Perry	1.01067	22698
Pickaway	1.02607	22699
Pike	1.00687	22700
Portage	1.03147	22701
Preble	1.02947	22702
Putnam	1.01440	22703
Richland	1.01327	22704
Ross	1.01007	22705
Sandusky	1.02140	22706
Scioto	1.00080	22707
Seneca	1.01487	22708
Shelby	1.01853	22709
Stark	1.01700	22710
Summit	1.03613	22711
Trumbull	1.02340	22712
Tuscarawas	1.00593	22713
Union	1.03333	22714
Van Wert	1.00887	22715
Vinton	1.00633	22716
Warren	1.04387	22717

Washington	1.00400	22718
Wayne	1.02320	22719
Williams	1.01520	22720
Wood	1.02400	22721
Wyandot	1.01140	22722

~~(2) In fiscal year 2007, the cost of doing business factor
for each county is:~~ 22723
22724

~~COST OF DOING BUSINESS~~ 22725

COUNTY	FACTOR AMOUNT	
Adams	1.00117	22727
Allen	1.00687	22728
Ashland	1.00990	22729
Ashtabula	1.01323	22730
Athens	1.00047	22731
Auglaize	1.00823	22732
Belmont	1.00213	22733
Brown	1.00590	22734
Butler	1.02153	22735
Carroll	1.00457	22736
Champaign	1.01487	22737
Clark	1.01490	22738
Clermont	1.01803	22739
Clinton	1.01097	22740
Columbiana	1.00713	22741
Coshocton	1.00577	22742
Crawford	1.00547	22743
Cuyahoga	1.02087	22744
Darke	1.01127	22745
Defiance	1.00487	22746
Delaware	1.01760	22747
Erie	1.01293	22748
Fairfield	1.01220	22749
Fayette	1.01063	22750

Franklin	1.02027	22751
Fulton	1.01100	22752
Gallia	1.00000	22753
Geauga	1.01670	22754
Greene	1.01480	22755
Guernsey	1.00220	22756
Hamilton	1.02500	22757
Hancock	1.00717	22758
Hardin	1.01187	22759
Harrison	1.00247	22760
Henry	1.01060	22761
Highland	1.00493	22762
Hocking	1.00627	22763
Holmes	1.00593	22764
Huron	1.00977	22765
Jackson	1.00460	22766
Jefferson	1.00243	22767
Knox	1.00930	22768
Lake	1.01747	22769
Lawrence	1.00270	22770
Licking	1.01270	22771
Logan	1.01283	22772
Lorain	1.01717	22773
Lucas	1.01300	22774
Madison	1.01627	22775
Mahoning	1.01153	22776
Marion	1.01020	22777
Medina	1.01787	22778
Meigs	1.00087	22779
Mercer	1.00677	22780
Miami	1.01370	22781
Monroe	1.00167	22782
Montgomery	1.01510	22783

Morgan	1.00297	22784
Morrow	1.01003	22785
Muskingum	1.00423	22786
Noble	1.00243	22787
Ottawa	1.01620	22788
Paulding	1.00383	22789
Perry	1.00533	22790
Pickaway	1.01303	22791
Pike	1.00343	22792
Portage	1.01573	22793
Preble	1.01473	22794
Putnam	1.00720	22795
Richland	1.00663	22796
Ross	1.00503	22797
Sandusky	1.01070	22798
Scioto	1.00040	22799
Seneca	1.00743	22800
Shelby	1.00927	22801
Stark	1.00850	22802
Summit	1.01807	22803
Trumbull	1.01170	22804
Tuscarawas	1.00297	22805
Union	1.01667	22806
Van Wert	1.00443	22807
Vinton	1.00317	22808
Warren	1.02193	22809
Washington	1.00200	22810
Wayne	1.01160	22811
Williams	1.00760	22812
Wood	1.01200	22813
Wyandot	1.00570	22814

(0) "Tax exempt value" of a school district means the amount 22815
certified for a school district under division (A)(4) of section 22816

3317.021 of the Revised Code. 22817

~~(P)~~(O) "Potential value" of a school district means the 22818
recognized valuation of a school district plus the tax exempt 22819
value of the district. 22820

~~(Q)~~(P) "District median income" means the median Ohio 22821
adjusted gross income certified for a school district. On or 22822
before the first day of July of each year, the tax commissioner 22823
shall certify to the department of education and the office of 22824
budget and management for each city, exempted village, and local 22825
school district the median Ohio adjusted gross income of the 22826
residents of the school district determined on the basis of tax 22827
returns filed for the second preceding tax year by the residents 22828
of the district. 22829

~~(R)~~(O) "Statewide median income" means the median district 22830
median income of all city, exempted village, and local school 22831
districts in the state. 22832

~~(S)~~(R) "Income factor" for a city, exempted village, or local 22833
school district means the quotient obtained by dividing that 22834
district's median income by the statewide median income. 22835

~~(T)~~(S) "Medically fragile child" means a child to whom all of 22836
the following apply: 22837

(1) The child requires the services of a doctor of medicine 22838
or osteopathic medicine at least once a week due to the 22839
instability of the child's medical condition. 22840

(2) The child requires the services of a registered nurse on 22841
a daily basis. 22842

(3) The child is at risk of institutionalization in a 22843
hospital, skilled nursing facility, or intermediate care facility 22844
for the mentally retarded. 22845

~~(U)~~(T) A child may be identified as having an "other health 22846

~~handicapped-major~~ impairment-major" if the child's condition meets 22847
the definition of "other health impaired" established in rules 22848
adopted by the state board of education prior to July 1, 2001, and 22849
if either of the following apply: 22850

(1) The child is identified as having a medical condition 22851
that is among those listed by the superintendent of public 22852
instruction as conditions where a substantial majority of cases 22853
fall within the definition of "medically fragile child." The 22854
superintendent of public instruction shall issue an initial list 22855
no later than September 1, 2001. 22856

(2) The child is determined by the superintendent of public 22857
instruction to be a medically fragile child. A school district 22858
superintendent may petition the superintendent of public 22859
instruction for a determination that a child is a medically 22860
fragile child. 22861

~~(V)~~(U) A child may be identified as having an "other health 22862
~~handicapped-minor~~ impairment-minor" if the child's condition meets 22863
the definition of "other health impaired" established in rules 22864
adopted by the state board of education prior to July 1, 2001, but 22865
the child's condition does not meet either of the conditions 22866
specified in division ~~(U)~~(T)(1) or (2) of this section. 22867

~~(W) "SF-3 payment" means the sum of the payments to a school 22868
district in a fiscal year under divisions (A), (C)(1), (C)(4), 22869
(D), (E), and (F) of section 3317.022, divisions (G), (L), and (N) 22870
of section 3317.024, and sections 3317.029, 3317.0216, 3317.0217, 22871
3317.04, 3317.05, 3317.052, and 3317.053 of the Revised Code after 22872
making the adjustments required by sections 3313.981 and 3313.979 22873
of the Revised Code, divisions (B), (C), (D), (E), (K), (L), (M), 22874
(N), and (O) of section 3317.023, and division (C) of section 22875
3317.20 (V) "State education aid" has the same meaning as in 22876
section 5751.20 of the Revised Code. 22877~~

~~(X)~~(W) "Property exemption value" means zero in fiscal year 22878
2006, and in fiscal year 2007 and each fiscal year thereafter, the 22879
amount certified for a school district under divisions (A)(6) and 22880
(7) of section 3317.021 of the Revised Code. 22881

(X) "Internet- or computer-based community school" has the 22882
same meaning as in section 3314.02 of the Revised Code. 22883

Sec. 3317.021. (A) On or before the first day of June of each 22884
year, the tax commissioner shall certify to the department of 22885
education and the office of budget and management the information 22886
described in divisions (A)(1) to (8) of this section for each 22887
city, exempted village, and local school district, and the 22888
information required by divisions (A)(1) and (2) of this section 22889
for each joint vocational school district, and it shall be used, 22890
along with the information certified under division (B) of this 22891
section, in making the computations for the district under 22892
sections 3317.022, 3317.0216, and 3317.0217 or section 3317.16 of 22893
the Revised Code. 22894

(1) The taxable value of real and public utility real 22895
property in the school district subject to taxation in the 22896
preceding tax year, by class and by county of location. 22897

(2) The taxable value of tangible personal property, 22898
including public utility personal property, subject to taxation by 22899
the district for the preceding tax year. 22900

(3)(a) The total property tax rate and total taxes charged 22901
and payable for the current expenses for the preceding tax year 22902
and the total property tax rate and the total taxes charged and 22903
payable to a joint vocational district for the preceding tax year 22904
that are limited to or to the extent apportioned to current 22905
expenses. 22906

(b) The portion of the amount of taxes charged and payable 22907

reported for each city, local, and exempted village school 22908
district under division (A)(3)(a) of this section attributable to 22909
a joint vocational school district. 22910

(4) The value of all real and public utility real property in 22911
the school district exempted from taxation minus both of the 22912
following: 22913

(a) The value of real and public utility real property in the 22914
district owned by the United States government and used 22915
exclusively for a public purpose; 22916

(b) The value of real and public utility real property in the 22917
district exempted from taxation under Chapter 725. or 1728. or 22918
section 3735.67, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632, 22919
5709.73, or 5709.78 of the Revised Code. 22920

(5) The total federal adjusted gross income of the residents 22921
of the school district, based on tax returns filed by the 22922
residents of the district, for the most recent year for which this 22923
information is available. 22924

(6) The sum of the school district compensation value as 22925
indicated on the list of exempted property for the preceding tax 22926
year under section 5713.08 of the Revised Code as if such property 22927
had been assessed for taxation that year and the other 22928
compensation value for the school district, minus the amounts 22929
described in divisions (A)(6)(c) to (i) of this section. The 22930
portion of school district compensation value or other 22931
compensation value attributable to an incentive district exemption 22932
may be subtracted only once even if that incentive district 22933
satisfies more than one of the criteria in divisions (A)(6)(c) to 22934
(i) of this section. 22935

(a) "School district compensation value" means the aggregate 22936
value of real property in the school district exempted from 22937
taxation pursuant to an ordinance or resolution adopted under 22938

division (C) of section 5709.40, division (C) of section 5709.73, 22939
or division (B) of section 5709.78 of the Revised Code to the 22940
extent that the exempted value results in the charging of payments 22941
in lieu of taxes required to be paid to the school district under 22942
division (D)(1) or (2) of section 5709.40, division (D) of section 22943
5709.73, or division (C) of section 5709.78 of the Revised Code. 22944

(b) "Other compensation value" means the quotient that 22945
results from dividing (i) the dollar value of compensation 22946
received by the school district during the preceding tax year 22947
pursuant to division (B), (C), or (D) of section 5709.82 of the 22948
Revised Code and the amounts received pursuant to an agreement as 22949
specified in division (D)(2) of section 5709.40, division (D) of 22950
section 5709.73, or division (C) of section 5709.78 of the Revised 22951
Code to the extent those amounts were not previously reported or 22952
included in division (A)(6)(a) of this section, and so that any 22953
such amount is reported only once under division (A)(6)(b) of this 22954
section, in relation to exemptions from taxation granted pursuant 22955
to an ordinance or resolution adopted under division (C) of 22956
section 5709.40, division (C) of section 5709.73, or division (B) 22957
of section 5709.78 of the Revised Code, by (ii) the real property 22958
tax rate in effect for the preceding tax year for 22959
nonresidential/agricultural real property after making the 22960
reductions required by section 319.301 of the Revised Code. 22961

(c) The portion of school district compensation value or 22962
other compensation value that was exempted from taxation pursuant 22963
to such an ordinance or resolution for the preceding tax year, if 22964
the ordinance or resolution is adopted prior to January 1, 2006, 22965
and the legislative authority or board of township trustees or 22966
county commissioners, prior to January 1, 2006, executes a 22967
contract or agreement with a developer, whether for-profit or 22968
not-for-profit, with respect to the development of a project 22969
undertaken or to be undertaken and identified in the ordinance or 22970

resolution, and upon which parcels such project is being, or will
be, undertaken; 22971
22972

(d) The portion of school district compensation value that 22973
was exempted from taxation for the preceding tax year and for 22974
which payments in lieu of taxes for the preceding tax year were 22975
provided to the school district under division (D)(1) of section 22976
5709.40 of the Revised Code. 22977

(e) The portion of school district compensation value that 22978
was exempted from taxation for the preceding tax year pursuant to 22979
such an ordinance or resolution, if and to the extent that, on or 22980
before April 1, 2006, the fiscal officer of the municipal 22981
corporation that adopted the ordinance, or of the township or 22982
county that adopted the resolution, certifies and provides 22983
appropriate supporting documentation to the tax commissioner and 22984
the director of development that, based on hold-harmless 22985
provisions in any agreement between the school district and the 22986
legislative authority of the municipal corporation, board of 22987
township trustees, or board of county commissioners that was 22988
entered into on or before June 1, 2005, the ability or obligation 22989
of the municipal corporation, township, or county to repay bonds, 22990
notes, or other financial obligations issued or entered into prior 22991
to January 1, 2006, will be impaired, including obligations to or 22992
of any other body corporate and politic with whom the legislative 22993
authority of the municipal corporation or board of township 22994
trustees or county commissioners has entered into an agreement 22995
pertaining to the use of service payments derived from the 22996
improvements exempted; 22997

(f) The portion of school district compensation value that 22998
was exempted from taxation for the preceding tax year pursuant to 22999
such an ordinance or resolution, if the ordinance or resolution is 23000
adopted prior to January 1, 2006, in a municipal corporation with 23001
a population that exceeds one hundred thousand, as shown by the 23002

most recent federal decennial census, that includes a major 23003
employment center and that is adjacent to historically distressed 23004
neighborhoods, if the legislative authority of the municipal 23005
corporation that exempted the property prepares an economic 23006
analysis that demonstrates that all taxes generated within the 23007
incentive district accruing to the state by reason of improvements 23008
constructed within the district during its existence exceed the 23009
amount the state pays the school district under section 3317.022 23010
of the Revised Code attributable to such property exemption from 23011
the school district's recognized valuation. The analysis shall be 23012
submitted to and approved by the department of development prior 23013
to January 1, 2006, and the department shall not unreasonably 23014
withhold approval. 23015

(g) The portion of school district compensation value that 23016
was exempted from taxation for the preceding tax year under such 23017
an ordinance or resolution, if the ordinance or resolution is 23018
adopted prior to January 1, 2006, and if service payments have 23019
been pledged to be used for mixed-use riverfront entertainment 23020
development in any county with a population that exceeds six 23021
hundred thousand, as shown by the most recent federal decennial 23022
census; 23023

(h) The portion of school district compensation value that 23024
was exempted from taxation for the preceding tax year under such 23025
an ordinance or resolution, if, prior to January 1, 2006, the 23026
legislative authority of a municipal corporation, board of 23027
township trustees, or board of county commissioners has pledged 23028
service payments for a designated transportation capacity project 23029
approved by the transportation review advisory council under 23030
Chapter 5512. of the Revised Code; 23031

(i) The portion of school district compensation value that 23032
was exempted from taxation for the preceding tax year under such 23033
an ordinance or resolution if the legislative authority of a 23034

municipal corporation, board of township trustees, or board of 23035
county commissioners have, by January 1, 2006, pledged proceeds 23036
for designated transportation improvement projects that involve 23037
federal funds for which the proceeds are used to meet a local 23038
share match requirement for such funding. 23039

As used in division (A)(6) of this section, "project" has the 23040
same meaning as in section 5709.40 of the Revised Code. 23041

(7) The aggregate value of real property in the school 23042
district for which an exemption from taxation is granted by an 23043
ordinance or resolution adopted on or after January 1, 2006, under 23044
Chapter 725. or 1728., sections 3735.65 to 3735.70, or section 23045
5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the Revised 23046
Code, as indicated on the list of exempted property for the 23047
preceding tax year under section 5713.08 of the Revised Code and 23048
as if such property had been assessed for taxation that year, 23049
minus the product determined by multiplying (a) the aggregate 23050
value of the real property in the school district exempted from 23051
taxation for the preceding tax year under any of the chapters or 23052
sections specified in this division, by (b) a fraction, the 23053
numerator of which is the difference between (i) the amount of 23054
anticipated revenue such school district would have received for 23055
the preceding tax year if the real property exempted from taxation 23056
had not been exempted from taxation and (ii) the aggregate amount 23057
of payments in lieu of taxes on the exempt real property for the 23058
preceding tax year and other compensation received for the 23059
preceding tax year by the school district pursuant to any 23060
agreements entered into on or after January 1, 2006, under section 23061
5709.82 of the Revised Code between the school district and the 23062
legislative authority of a political subdivision that acted under 23063
the authority of a chapter or statute specified in this division, 23064
that were entered into in relation to such exemption, and the 23065
denominator of which is the amount of anticipated revenue such 23066

school district would have received in the preceding fiscal year 23067
if the real property exempted from taxation had not been exempted. 23068

(8) For each school district receiving payments under 23069
division (B) or (C) of section 3317.0216 of the Revised Code 23070
during the current fiscal year, as included on the most recent 23071
list of such districts sent to the tax commissioner under division 23072
(F) of that section, the following: 23073

(a) The portion of the total amount of taxes charged and 23074
payable for current expenses certified under division (A)(3)(a) of 23075
this section that is attributable to each new levy approved and 23076
charged in the preceding tax year and the respective tax rate of 23077
each of those new levies; 23078

(b) The portion of the total taxes collected for current 23079
expenses under a school district income tax adopted pursuant to 23080
section 5748.03 or 5748.08 of the Revised Code, as certified under 23081
division (A)(2) of section 3317.08 of the Revised Code, that is 23082
attributable to each new school district income tax first 23083
effective in the current taxable year or in the preceding taxable 23084
year. 23085

(B) On or before the first day of May each year, the tax 23086
commissioner shall certify to the department of education and the 23087
office of budget and management the total taxable real property 23088
value of railroads and, separately, the total taxable tangible 23089
personal property value of all public utilities for the preceding 23090
tax year, by school district and by county of location. 23091

(C) If a public utility has properly and timely filed a 23092
petition for reassessment under section 5727.47 of the Revised 23093
Code with respect to an assessment issued under section 5727.23 of 23094
the Revised Code affecting taxable property apportioned by the tax 23095
commissioner to a school district, the taxable value of public 23096
utility tangible personal property included in the certification 23097

under divisions (A)(2) and (B) of this section for the school 23098
district shall include only the amount of taxable value on the 23099
basis of which the public utility paid tax for the preceding year 23100
as provided in division (B)(1) or (2) of section 5727.47 of the 23101
Revised Code. 23102

(D) If on the basis of the information certified under 23103
division (A) of this section, the department determines that any 23104
district fails in any year to meet the qualification requirement 23105
specified in division (A) of section 3317.01 of the Revised Code, 23106
the department shall immediately request the tax commissioner to 23107
determine the extent to which any school district income tax 23108
levied by the district under Chapter 5748. of the Revised Code 23109
shall be included in meeting that requirement. Within five days of 23110
receiving such a request from the department, the tax commissioner 23111
shall make the determination required by this division and report 23112
the quotient obtained under division (D)(3) of this section to the 23113
department and the office of budget and management. This quotient 23114
represents the number of mills that the department shall include 23115
in determining whether the district meets the qualification 23116
requirement of division (A) of section 3317.01 of the Revised 23117
Code. 23118

The tax commissioner shall make the determination required by 23119
this division as follows: 23120

(1) Multiply one mill times the total taxable value of the 23121
district as determined in divisions (A)(1) and (2) of this 23122
section; 23123

(2) Estimate the total amount of tax liability for the 23124
current tax year under taxes levied by Chapter 5748. of the 23125
Revised Code that are apportioned to current operating expenses of 23126
the district; 23127

(3) Divide the amount estimated under division (D)(2) of this 23128

section by the product obtained under division (D)(1) of this 23129
section. 23130

(E)(1) On or before June 1, 2006, and the first day of April 23131
of each year thereafter, the director of development shall report 23132
to the department of education ~~and~~, the tax commissioner, and the 23133
director of budget and management the total amounts of payments 23134
received by each city, local, exempted village, or joint 23135
vocational school district for the preceding tax year pursuant to 23136
division (D) of section 5709.40, division (D) of section 5709.73, 23137
division (C) of section 5709.78, or division (B)(1), (B)(2), (C), 23138
or (D) of section 5709.82 of the Revised Code in relation to 23139
exemptions from taxation granted pursuant to an ordinance adopted 23140
by the legislative authority of a municipal corporation under 23141
division (C) of section 5709.40 of the Revised Code, or a 23142
resolution adopted by a board of township trustees or board of 23143
county commissioners under division (C) of section 5709.73 or 23144
division (B) of section 5709.78 of the Revised Code, respectively. 23145
On or before April 1, 2006, and the first day of March of each 23146
year thereafter, the treasurer of each city, local, exempted 23147
village, or joint vocational school district that has entered into 23148
such an agreement shall report to the director of development the 23149
total amounts of such payments the district received for the 23150
preceding tax year as provided in this section. The state board of 23151
education, in accordance with sections 3319.31 and 3319.311 of the 23152
Revised Code, may suspend or revoke the license of a treasurer 23153
found to have willfully reported erroneous, inaccurate, or 23154
incomplete data under this division. 23155

(2) On or before April 1, 2007, and the first day of April of 23156
each year thereafter, the director of development shall report to 23157
the department of education ~~and to~~, the tax commissioner, and the 23158
director of budget and management the total amounts of payments 23159
received by each city, local, exempted village, or joint 23160

vocational school district for the preceding tax year pursuant to 23161
divisions (B), (C), and (D) of section 5709.82 of the Revised Code 23162
in relation to exemptions from taxation granted pursuant to 23163
ordinances or resolutions adopted on or after January 1, 2006, 23164
under Chapter 725. or 1728., sections 3735.65 to 3735.70, or 23165
section 5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the 23166
Revised Code. On or before March 1, 2007, and the first day of 23167
March of each year thereafter, the treasurer of each city, local, 23168
exempted village, or joint vocational school district that has 23169
entered into such an agreement shall report to the director of 23170
development the total amounts of such payments the district 23171
received for the preceding tax year as provided by this section. 23172
The state board of education, in accordance with sections 3319.31 23173
and 3319.311 of the Revised Code, may suspend or revoke the 23174
license of a treasurer found to have willfully reported erroneous, 23175
inaccurate, or incomplete data under this division. 23176

Sec. 3317.022. (A)(1) The department of education shall 23177
compute and distribute state base cost funding to each eligible 23178
school district for the fiscal year, using the information 23179
obtained under section 3317.021 of the Revised Code in the 23180
calendar year in which the fiscal year begins. 23181

~~(1) Compute, according to the following for each eligible 23182
district formula: 23183~~

~~{[cost of doing business factor X 23184
the formula amount X (formula ADM + 23185
preschool scholarship ADM)] + 23186
the sum of the base funding supplements 23187
prescribed in divisions (C)(1) to (4) 23188
of section 3317.012 of the Revised Code} - 23189
[.023 x (the sum of recognized valuation 23190
and property exemption value)] ± 23191~~

the amounts calculated for the district under 23192
sections 3317.029 and 3317.0217 of the Revised Code 23193

If the difference obtained is a negative number, the 23194
district's computation shall be zero. 23195

~~(2) Compute both of the following for each school district:~~ 23196

~~(a) The difference of (i) the district's fiscal year 2005~~ 23197
~~base cost payment under the version of division (A)(1) of this~~ 23198
~~section in effect in fiscal year 2005, minus (ii) the amount~~ 23199
~~computed for the district for the current fiscal year under~~ 23200
~~current division (A)(1) of this section;~~ 23201

~~(b) The following amount:~~ 23202

~~{(fiscal year 2005 base cost payment/fiscal~~ 23203
~~year 2005 formula ADM) X~~ 23204
~~(current year formula ADM + preschool scholarship ADM)}~~ 23205
~~minus the amount computed for the district~~ 23206
~~under current division (A)(1) of this section~~ 23207

~~If one of the amounts computed under division (A)(2)(a) or~~ 23208
~~(b) of this section is a positive amount, the department shall pay~~ 23209
~~the district that amount in addition to the amount calculated~~ 23210
~~under division (A)(1) of this section. If both amounts are~~ 23211
~~positive amounts, the department shall pay the district the lesser~~ 23212
~~of the two amounts in addition to the amount calculated under~~ 23213
~~division (A)(1) of this section.~~ 23214

~~(3)(a) For each school district for which the tax exempt~~ 23215
~~value of the district equals or exceeds twenty-five per cent of~~ 23216
~~the potential value of the district, the department of education~~ 23217
~~shall calculate the difference between the district's tax exempt~~ 23218
~~value and twenty-five per cent of the district's potential value.~~ 23219

~~(b) For each school district to which division (A)~~(3)~~(2)(a)~~ 23220
~~of this section applies, the department shall adjust the~~ 23221
~~recognized valuation used in the calculation under division (A)(1)~~ 23222

of this section by subtracting from it the amount calculated under 23223
division (A)~~(3)~~(2)(a) of this section. 23224

(B) As used in this section: 23225

(1) The "total special education weight" for a district means 23226
the sum of the following amounts: 23227

(a) The district's category one special education ADM 23228
multiplied by the multiple specified in division (A) of section 23229
3317.013 of the Revised Code; 23230

(b) The district's category two special education ADM 23231
multiplied by the multiple specified in division (B) of section 23232
3317.013 of the Revised Code; 23233

(c) The district's category three special education ADM 23234
multiplied by the multiple specified in division (C) of section 23235
3317.013 of the Revised Code; 23236

(d) The district's category four special education ADM 23237
multiplied by the multiple specified in division (D) of section 23238
3317.013 of the Revised Code; 23239

(e) The district's category five special education ADM 23240
multiplied by the multiple specified in division (E) of section 23241
3317.013 of the Revised Code; 23242

(f) The district's category six special education ADM 23243
multiplied by the multiple specified in division (F) of section 23244
3317.013 of the Revised Code. 23245

(2) "State share percentage" means the percentage calculated 23246
for a district as follows: 23247

(a) Calculate the state base cost funding amount for the 23248
district for the fiscal year under division (A) of this section. 23249
If the district would not receive any state base cost funding for 23250
that year under that division, the district's state share 23251
percentage is zero. 23252

(b) If the district would receive state base cost funding 23253
under that division, divide that amount by an amount equal to the 23254
following: 23255

~~(Cost of doing business factor X~~ 23256
the formula amount X formula ADM) + 23257
the sum of the base funding supplements 23258
prescribed in divisions (C)(1) to (4) 23259
of section 3317.012 of the Revised Code ± 23260
the sum of the amounts calculated for the district under 23261
sections 3317.029 and 3317.0217 of the Revised Code 23262

The resultant number is the district's state share 23263
percentage. 23264

(3) "Related services" includes: 23265

(a) Child study, special education supervisors and 23266
coordinators, speech and hearing services, adaptive physical 23267
development services, occupational or physical therapy, teacher 23268
assistants for ~~handicapped~~ children with disabilities whose 23269
~~handicaps~~ disabilities are described in division (B) of section 23270
3317.013 or division (F)(3) of section 3317.02 of the Revised 23271
Code, behavioral intervention, interpreter services, work study, 23272
nursing services, and specialized integrative services as those 23273
terms are defined by the department; 23274

(b) Speech and language services provided to any student with 23275
a ~~handicap~~ disability, including any student whose primary or only 23276
~~handicap~~ disability is a speech and language ~~handicap~~ disability; 23277

(c) Any related service not specifically covered by other 23278
state funds but specified in federal law, including but not 23279
limited to, audiology and school psychological services; 23280

(d) Any service included in units funded under former 23281
division (O)(1) of section ~~3317.023~~ 3317.024 of the Revised Code; 23282

(e) Any other related service needed by ~~handicapped~~ children 23283

<u>with disabilities</u> in accordance with their individualized	23284
education plans <u>programs</u> .	23285
(4) The "total vocational education weight" for a district	23286
means the sum of the following amounts:	23287
(a) The district's category one vocational education ADM	23288
multiplied by the multiple specified in division (A) of section	23289
3317.014 of the Revised Code;	23290
(b) The district's category two vocational education ADM	23291
multiplied by the multiple specified in division (B) of section	23292
3317.014 of the Revised Code.	23293
(5) "Preschool scholarship ADM" means the number of	23294
handicapped preschool children <u>with disabilities</u> reported under	23295
division (B)(3)(h) of section 3317.03 of the Revised Code.	23296
(C)(1) The department shall compute and distribute state	23297
special education and related services additional weighted costs	23298
funds to each school district in accordance with the following	23299
formula:	23300
The district's state share percentage X	23301
the formula amount for the year for which	23302
the aid is calculated X the district's	23303
total special education weight	23304
(2) The attributed local share of special education and	23305
related services additional weighted costs equals:	23306
(1 - the district's state share percentage) X the district's	23307
total special education weight X the formula amount	23308
(3)(a) The department shall compute and pay in accordance	23309
with this division additional state aid to school districts for	23310
students in categories two through six special education ADM. If a	23311
district's costs for the fiscal year for a student in its	23312
categories two through six special education ADM exceed the	23313
threshold catastrophic cost for serving the student, the district	23314

may submit to the superintendent of public instruction 23315
documentation, as prescribed by the superintendent, of all its 23316
costs for that student. Upon submission of documentation for a 23317
student of the type and in the manner prescribed, the department 23318
shall pay to the district an amount equal to the sum of the 23319
following: 23320

(i) One-half of the district's costs for the student in 23321
excess of the threshold catastrophic cost; 23322

(ii) The product of one-half of the district's costs for the 23323
student in excess of the threshold catastrophic cost multiplied by 23324
the district's state share percentage. 23325

(b) For purposes of division (C)(3)(a) of this section, the 23326
threshold catastrophic cost for serving a student equals: 23327

(i) For a student in the school district's category two, 23328
three, four, or five special education ADM, ~~twenty five thousand~~ 23329
~~dollars in fiscal year 2002, twenty five thousand seven hundred~~ 23330
~~dollars in fiscal years 2003, 2004, and 2005, and twenty six~~ 23331
~~thousand five hundred dollars in fiscal years 2006 and 2007~~ 23332
twenty-seven thousand three hundred seventy-five dollars in fiscal 23333
years 2008 and 2009; 23334

(ii) For a student in the district's category six special 23335
education ADM, ~~thirty thousand dollars in fiscal year 2002, thirty~~ 23336
~~thousand eight hundred forty dollars in fiscal years 2003, 2004,~~ 23337
~~and 2005, and thirty one thousand eight hundred dollars in fiscal~~ 23338
~~years 2006 and 2007~~ thirty-two thousand eight hundred fifty 23339
dollars in fiscal years 2008 and 2009. 23340

(c) The district shall only report under division (C)(3)(a) 23341
of this section, and the department shall only pay for, the costs 23342
of educational expenses and the related services provided to the 23343
student in accordance with the student's individualized education 23344
program. Any legal fees, court costs, or other costs associated 23345

with any cause of action relating to the student may not be 23346
included in the amount. 23347

(4)(a) As used in this division, the "personnel allowance" 23348
means thirty thousand dollars in fiscal years ~~2002, 2003, 2004,~~ 23349
~~2005, 2006, and 2007~~ 2008 and 2009. 23350

(b) For the provision of speech language pathology services 23351
to students, including students who do not have individualized 23352
education programs prepared for them under Chapter 3323. of the 23353
Revised Code, and for no other purpose, the department of 23354
education shall pay each school district an amount calculated 23355
under the following formula: 23356

(formula ADM divided by 2000) X 23357
the personnel allowance X 23358
the state share percentage 23359

(5) In any fiscal year, a school district shall spend for 23360
purposes that the department designates as approved for special 23361
education and related services expenses at least the amount 23362
calculated as follows: 23363

~~(cost of doing business factor X~~ 23364
formula amount X the sum of categories 23365
one through six special education ADM) + 23366
(total special education weight X formula amount) 23367

The purposes approved by the department for special education 23368
expenses shall include, but shall not be limited to, 23369
identification of ~~handicapped~~ children with disabilities, 23370
compliance with state rules governing the education of ~~handicapped~~ 23371
children with disabilities and prescribing the continuum of 23372
program options for ~~handicapped~~ children with disabilities, 23373
provision of speech language pathology services, and the portion 23374
of the school district's overall administrative and overhead costs 23375
that are attributable to the district's special education student 23376
population. 23377

The scholarships deducted from the school district's account 23378
under section 3310.41 or 3310.55 of the Revised Code shall be 23379
considered to be an approved special education and related 23380
services expense for the purpose of the school district's 23381
compliance with division (C)(5) of this section. 23382

The department shall require school districts to report data 23383
annually to allow for monitoring compliance with division (C)(5) 23384
of this section. The department shall annually report to the 23385
governor and the general assembly the amount of money spent by 23386
each school district for special education and related services. 23387

(6) In any fiscal year, a school district shall spend for the 23388
provision of speech language pathology services not less than the 23389
sum of the amount calculated under division (C)(1) of this section 23390
for the students in the district's category one special education 23391
ADM and the amount calculated under division (C)(4) of this 23392
section. 23393

The scholarships deducted from the school district's account 23394
under section 3310.55 of the Revised Code for students counted in 23395
the district's category one special education ADM shall be 23396
considered to be an approved speech language pathology services 23397
expense for the purpose of the school district's compliance with 23398
division (C)(6) of this section. 23399

(D)(1) As used in this division: 23400

(a) "Daily bus miles per student" equals the number of bus 23401
miles traveled per day, divided by transportation base. 23402

(b) "Transportation base" equals total student count as 23403
defined in section 3301.011 of the Revised Code, minus the number 23404
of students enrolled in ~~preschool-handicapped~~ units for preschool 23405
children with disabilities, plus the number of nonpublic school 23406
students included in transportation ADM. 23407

(c) "Transported student percentage" equals transportation 23408

ADM divided by transportation base. 23409

(d) "Transportation cost per student" equals total operating 23410
costs for board-owned or contractor-operated school buses divided 23411
by transportation base. 23412

(2) Analysis of student transportation cost data has resulted 23413
in a finding that an average efficient transportation use cost per 23414
student can be calculated by means of a regression formula that 23415
has as its two independent variables the number of daily bus miles 23416
per student and the transported student percentage. For fiscal 23417
year 1998 transportation cost data, the average efficient 23418
transportation use cost per student is expressed as follows: 23419

51.79027 + (139.62626 X daily bus miles per student) + 23420
(116.25573 X transported student percentage) 23421

The department of education shall annually determine the 23422
average efficient transportation use cost per student in 23423
accordance with the principles stated in division (D)(2) of this 23424
section, updating the intercept and regression coefficients of the 23425
regression formula modeled in this division, based on an annual 23426
statewide analysis of each school district's daily bus miles per 23427
student, transported student percentage, and transportation cost 23428
per student data. The department shall conduct the annual update 23429
using data, including daily bus miles per student, transported 23430
student percentage, and transportation cost per student data, from 23431
the prior fiscal year. The department shall notify the office of 23432
budget and management of such update by the fifteenth day of 23433
February of each year. 23434

(3) In addition to funds paid under divisions (A), (C), and 23435
(E) of this section, each district with a transported student 23436
percentage greater than zero shall receive a payment equal to a 23437
percentage of the product of the district's transportation base 23438
from the prior fiscal year times the annually updated average 23439
efficient transportation use cost per student, times an inflation 23440

factor of two and eight tenths per cent to account for the 23441
one-year difference between the data used in updating the formula 23442
and calculating the payment and the year in which the payment is 23443
made. The percentage shall be the following percentage of that 23444
product specified for the corresponding fiscal year: 23445

FISCAL YEAR	PERCENTAGE	
2000	52.5%	23446
2001	55%	23447
2002	57.5%	23448
2003 and thereafter	The greater of 60% or the district's state share percentage	23449 23450

The payments made under division (D)(3) of this section each 23451
year shall be calculated based on all of the same prior year's 23452
data used to update the formula. 23453

(4) In addition to funds paid under divisions (D)(2) and (3) 23454
of this section, a school district shall receive a rough road 23455
subsidy if both of the following apply: 23456

(a) Its county rough road percentage is higher than the 23457
statewide rough road percentage, as those terms are defined in 23458
division (D)(5) of this section; 23459

(b) Its district student density is lower than the statewide 23460
student density, as those terms are defined in that division. 23461

(5) The rough road subsidy paid to each district meeting the 23462
qualifications of division (D)(4) of this section shall be 23463
calculated in accordance with the following formula: 23464

(per rough mile subsidy X total rough road miles) 23465
X density multiplier 23466

where: 23467

(a) "Per rough mile subsidy" equals the amount calculated in 23468
accordance with the following formula: 23469

0.75 - {0.75 X [(maximum rough road percentage -
county rough road percentage)/(maximum rough road
percentage - statewide rough road percentage)]}

(i) "Maximum rough road percentage" means the highest county
rough road percentage in the state.

(ii) "County rough road percentage" equals the percentage of
the mileage of state, municipal, county, and township roads that
is rated by the department of transportation as type A, B, C, E2,
or F in the county in which the school district is located or, if
the district is located in more than one county, the county to
which it is assigned for purposes of determining its
cost-of-doing-business factor.

(iii) "Statewide rough road percentage" means the percentage
of the statewide total mileage of state, municipal, county, and
township roads that is rated as type A, B, C, E2, or F by the
department of transportation.

(b) "Total rough road miles" means a school district's total
bus miles traveled in one year times its county rough road
percentage.

(c) "Density multiplier" means a figure calculated in
accordance with the following formula:

1 - [(minimum student density - district student
density)/(minimum student density -
statewide student density)]

(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. 23501

(6) In addition to funds paid under divisions (D)(2) to (5) 23502
of this section, each district shall receive in accordance with 23503
rules adopted by the state board of education a payment for 23504
students transported by means other than board-owned or 23505
contractor-operated buses and whose transportation is not funded 23506
under division (G) of section 3317.024 of the Revised Code. The 23507
rules shall include provisions for school district reporting of 23508
such students. 23509

(E)(1) The department shall compute and distribute state 23510
vocational education additional weighted costs funds to each 23511
school district in accordance with the following formula: 23512
state share percentage X 23513
the formula amount X 23514
total vocational education weight 23515

In any fiscal year, a school district receiving funds under 23516
division (E)(1) of this section shall spend those funds only for 23517
the purposes that the department designates as approved for 23518
vocational education expenses. Vocational educational expenses 23519
approved by the department shall include only expenses connected 23520
to the delivery of career-technical programming to 23521
career-technical students. The department shall require the school 23522
district to report data annually so that the department may 23523
monitor the district's compliance with the requirements regarding 23524
the manner in which funding received under division (E)(1) of this 23525
section may be spent. 23526

(2) The department shall compute for each school district 23527
state funds for vocational education associated services in 23528
accordance with the following formula: 23529
state share percentage X .05 X the formula amount X 23530
the sum of categories one and two vocational education ADM 23531

In any fiscal year, a school district receiving funds under 23532
division (E)(2) of this section, or through a transfer of funds 23533
pursuant to division (L) of section 3317.023 of the Revised Code, 23534
shall spend those funds only for the purposes that the department 23535
designates as approved for vocational education associated 23536
services expenses, which may include such purposes as 23537
apprenticeship coordinators, coordinators for other vocational 23538
education services, vocational evaluation, and other purposes 23539
designated by the department. The department may deny payment 23540
under division (E)(2) of this section to any district that the 23541
department determines is not operating those services or is using 23542
funds paid under division (E)(2) of this section, or through a 23543
transfer of funds pursuant to division (L) of section 3317.023 of 23544
the Revised Code, for other purposes. 23545

(F) The actual local share in any fiscal year for the 23546
combination of special education and related services additional 23547
weighted costs funding calculated under division (C)(1) of this 23548
section, transportation funding calculated under divisions (D)(2) 23549
and (3) of this section, and vocational education and associated 23550
services additional weighted costs funding calculated under 23551
divisions (E)(1) and (2) of this section shall not exceed for any 23552
school district the product of three and three-tenths mills times 23553
the district's recognized valuation. The department annually shall 23554
pay each school district as an excess cost supplement any amount 23555
by which the sum of the district's attributed local shares for 23556
that funding exceeds that product. For purposes of calculating the 23557
excess cost supplement: 23558

(1) The attributed local share for special education and 23559
related services additional weighted costs funding is the amount 23560
specified in division (C)(2) of this section. 23561

(2) The attributed local share of transportation funding 23562
equals the difference of the total amount calculated for the 23563

district using the formula developed under division (D)(2) of this 23564
section minus the actual amount paid to the district after 23565
applying the percentage specified in division (D)(3) of this 23566
section. 23567

(3) The attributed local share of vocational education and 23568
associated services additional weighted costs funding is the 23569
amount determined as follows: 23570

(1 - state share percentage) X 23571
[(total vocational education weight X 23572
the formula amount) + the payment under 23573
division (E)(2) of this section] 23574

Sec. 3317.023. (A) Notwithstanding section 3317.022 of the 23575
Revised Code, the amounts required to be paid to a district under 23576
this chapter shall be adjusted by the amount of the computations 23577
made under divisions (B) to ~~(O)~~(P) of this section. 23578

As used in this section: 23579

(1) "Classroom teacher" means a licensed employee who 23580
provides direct instruction to pupils, excluding teachers funded 23581
from money paid to the district from federal sources; educational 23582
service personnel; and vocational and special education teachers. 23583

(2) "Educational service personnel" shall not include such 23584
specialists funded from money paid to the district from federal 23585
sources or assigned full-time to vocational or special education 23586
students and classes and may only include those persons employed 23587
in the eight specialist areas in a pattern approved by the 23588
department of education under guidelines established by the state 23589
board of education. 23590

(3) "Annual salary" means the annual base salary stated in 23591
the state minimum salary schedule for the performance of the 23592
teacher's regular teaching duties that the teacher earns for 23593

services rendered for the first full week of October of the fiscal 23594
year for which the adjustment is made under division (C) of this 23595
section. It shall not include any salary payments for supplemental 23596
teachers contracts. 23597

(4) "Regular student population" means the formula ADM plus 23598
the number of students reported as enrolled in the district 23599
pursuant to division (A)(1) of section 3313.981 of the Revised 23600
Code; minus the number of students reported under division (A)(2) 23601
of section 3317.03 of the Revised Code; minus the FTE of students 23602
reported under division (B)(6), (7), (8), (9), (10), (11), or (12) 23603
of that section who are enrolled in a vocational education class 23604
or receiving special education; and minus twenty per cent of the 23605
students enrolled concurrently in a joint vocational school 23606
district. 23607

(5) "State share percentage" has the same meaning as in 23608
section 3317.022 of the Revised Code. 23609

(6) "VEPD" means a school district or group of school 23610
districts designated by the department of education as being 23611
responsible for the planning for and provision of vocational 23612
education services to students within the district or group. 23613

(7) "Lead district" means a school district, including a 23614
joint vocational school district, designated by the department as 23615
a VEPD, or designated to provide primary vocational education 23616
leadership within a VEPD composed of a group of districts. 23617

(B) If the district employs less than one full-time 23618
equivalent classroom teacher for each twenty-five pupils in the 23619
regular student population in any school district, deduct the sum 23620
of the amounts obtained from the following computations: 23621

(1) Divide the number of the district's full-time equivalent 23622
classroom teachers employed by one twenty-fifth; 23623

(2) Subtract the quotient in (1) from the district's regular 23624

student population; 23625

(3) Multiply the difference in (2) by seven hundred fifty-two 23626
dollars. 23627

(C) If a positive amount, add one-half of the amount obtained 23628
by multiplying the number of full-time equivalent classroom 23629
teachers by: 23630

(1) The mean annual salary of all full-time equivalent 23631
classroom teachers employed by the district at their respective 23632
training and experience levels minus; 23633

(2) The mean annual salary of all such teachers at their 23634
respective levels in all school districts receiving payments under 23635
this section. 23636

The number of full-time equivalent classroom teachers used in 23637
this computation shall not exceed one twenty-fifth of the 23638
district's regular student population. In calculating the 23639
district's mean salary under this division, those full-time 23640
equivalent classroom teachers with the highest training level 23641
shall be counted first, those with the next highest training level 23642
second, and so on, in descending order. Within the respective 23643
training levels, teachers with the highest years of service shall 23644
be counted first, the next highest years of service second, and so 23645
on, in descending order. 23646

(D) This division does not apply to a school district that 23647
has entered into an agreement under division (A) of section 23648
3313.42 of the Revised Code. Deduct the amount obtained from the 23649
following computations if the district employs fewer than five 23650
full-time equivalent educational service personnel, including 23651
elementary school art, music, and physical education teachers, 23652
counselors, librarians, visiting teachers, school social workers, 23653
and school nurses for each one thousand pupils in the regular 23654
student population: 23655

(1) Divide the number of full-time equivalent educational service personnel employed by the district by five one-thousandths;

(2) Subtract the quotient in (1) from the district's regular student population;

(3) Multiply the difference in (2) by ninety-four dollars.

(E) If a local school district, or a city or exempted village school district to which a governing board of an educational service center provides services pursuant to section 3313.843 of the Revised Code, deduct the amount of the payment required for the reimbursement of the governing board under section 3317.11 of the Revised Code.

(F)(1) If the district is required to pay to or entitled to receive tuition from another school district under division (C)(2) or (3) of section 3313.64 or section 3313.65 of the Revised Code, or if the superintendent of public instruction is required to determine the correct amount of tuition and make a deduction or credit under section 3317.08 of the Revised Code, deduct and credit such amounts as provided in division (J) of section 3313.64 or section 3317.08 of the Revised Code.

(2) For each child for whom the district is responsible for tuition or payment under division (A)(1) of section 3317.082 or section 3323.091 of the Revised Code, deduct the amount of tuition or payment for which the district is responsible.

(G) If the district has been certified by the superintendent of public instruction under section 3313.90 of the Revised Code as not in compliance with the requirements of that section, deduct an amount equal to ten per cent of the amount computed for the district under section 3317.022 of the Revised Code.

(H) If the district has received a loan from a commercial lending institution for which payments are made by the

superintendent of public instruction pursuant to division (E)(3) 23687
of section 3313.483 of the Revised Code, deduct an amount equal to 23688
such payments. 23689

(I)(1) If the district is a party to an agreement entered 23690
into under division (D), (E), or (F) of section 3311.06 or 23691
division (B) of section 3311.24 of the Revised Code and is 23692
obligated to make payments to another district under such an 23693
agreement, deduct an amount equal to such payments if the district 23694
school board notifies the department in writing that it wishes to 23695
have such payments deducted. 23696

(2) If the district is entitled to receive payments from 23697
another district that has notified the department to deduct such 23698
payments under division (I)(1) of this section, add the amount of 23699
such payments. 23700

(J) If the district is required to pay an amount of funds to 23701
a cooperative education district pursuant to a provision described 23702
by division (B)(4) of section 3311.52 or division (B)(8) of 23703
section 3311.521 of the Revised Code, deduct such amounts as 23704
provided under that provision and credit those amounts to the 23705
cooperative education district for payment to the district under 23706
division (B)(1) of section 3317.19 of the Revised Code. 23707

(K)(1) If a district is educating a student entitled to 23708
attend school in another district pursuant to a shared education 23709
contract, compact, or cooperative education agreement other than 23710
an agreement entered into pursuant to section 3313.842 of the 23711
Revised Code, credit to that educating district on an FTE basis 23712
both of the following: 23713

(a) An amount equal to the ~~greater of the following:~~ 23714

~~(i) The fiscal year 2005 formula amount times the fiscal year 23715
2005 cost of doing business factor of the school district where 23716
the student is entitled to attend school pursuant to section 23717~~

~~3313.64 or 3313.65 of the Revised Code;~~ 23718

~~(ii) The sum of (the current formula amount times the current~~ 23719
~~cost of doing business factor of the school district when the~~ 23720
~~student is entitled to attend school pursuant to section 3313.64~~ 23721
~~or 3313.65 of the Revised Code) plus the per pupil amount of the~~ 23722
base funding supplements specified in divisions (C)(1) to (4) of 23723
section 3317.012 of the Revised Code. 23724

(b) An amount equal to the current formula amount times the 23725
state share percentage times any multiple applicable to the 23726
student pursuant to section 3317.013 or 3317.014 of the Revised 23727
Code. 23728

(2) Deduct any amount credited pursuant to division (K)(1) of 23729
this section from amounts paid to the school district in which the 23730
student is entitled to attend school pursuant to section 3313.64 23731
or 3313.65 of the Revised Code. 23732

(3) If the district is required by a shared education 23733
contract, compact, or cooperative education agreement to make 23734
payments to an educational service center, deduct the amounts from 23735
payments to the district and add them to the amounts paid to the 23736
service center pursuant to section 3317.11 of the Revised Code. 23737

(L)(1) If a district, including a joint vocational school 23738
district, is a lead district of a VEPD, credit to that district 23739
the amounts calculated for all the school districts within that 23740
VEPD pursuant to division (E)(2) of section 3317.022 of the 23741
Revised Code. 23742

(2) Deduct from each appropriate district that is not a lead 23743
district, the amount attributable to that district that is 23744
credited to a lead district under division (L)(1) of this section. 23745

(M) If the department pays a joint vocational school district 23746
under division (G)(4) of section 3317.16 of the Revised Code for 23747
excess costs of providing special education and related services 23748

to a ~~handicapped~~ student with a disability, as calculated under 23749
division (G)(2) of that section, the department shall deduct the 23750
amount of that payment from the city, local, or exempted village 23751
school district that is responsible as specified in that section 23752
for the excess costs. 23753

(N)(1) If the district reports an amount of excess cost for 23754
special education services for a child under division (C) of 23755
section 3323.14 of the Revised Code, the department shall pay that 23756
amount to the district. 23757

(2) If the district reports an amount of excess cost for 23758
special education services for a child under division (C) of 23759
section 3323.14 of the Revised Code, the department shall deduct 23760
that amount from the district of residence of that child. 23761

(O) If the department of job and family services presents to 23762
the department of education a payment request through an 23763
intrastate transfer voucher for the nonfederal share of 23764
reimbursements made to a school district for medicaid services 23765
provided by the district, the department of education shall pay 23766
the amount of that request to the department of job and family 23767
services and shall deduct the amount of that payment from the 23768
district. 23769

(P) If the department is required to pay an amount under 23770
section 3353.25 of the Revised Code to a school district 23771
delivering a course included in the clearinghouse established 23772
under section 3353.21 of the Revised Code for a student enrolled 23773
in a school district, the department shall deduct that amount from 23774
the school district in which the student is enrolled. 23775

Sec. 3317.024. In addition to the moneys paid to eligible 23776
school districts pursuant to section 3317.022 of the Revised Code, 23777
moneys appropriated for the education programs in divisions (A) to 23778
(I), (K), (L), and (N) of this section shall be distributed to 23779

school districts meeting the requirements of section 3317.01 of 23780
the Revised Code; in the case of divisions (G) and (L) of this 23781
section, to educational service centers as provided in section 23782
3317.11 of the Revised Code; in the case of divisions (D) and (J) 23783
of this section, to county MR/DD boards; in the case of division 23784
(N) of this section, to joint vocational school districts; in the 23785
case of division (H) of this section, to cooperative education 23786
school districts; and in the case of division (M) of this section, 23787
to the institutions defined under section 3317.082 of the Revised 23788
Code providing elementary or secondary education programs to 23789
children other than children receiving special education under 23790
section 3323.091 of the Revised Code. The following shall be 23791
distributed monthly, quarterly, or annually as may be determined 23792
by the state board of education: 23793

(A) An amount for each island school district and each joint 23794
state school district for the operation of each high school and 23795
each elementary school maintained within such district and for 23796
capital improvements for such schools. Such amounts shall be 23797
determined on the basis of standards adopted by the state board of 23798
education. 23799

(B) An amount for each school district operating classes for 23800
children of migrant workers who are unable to be in attendance in 23801
an Ohio school during the entire regular school year. The amounts 23802
shall be determined on the basis of standards adopted by the state 23803
board of education, except that payment shall be made only for 23804
subjects regularly offered by the school district providing the 23805
classes. 23806

(C) An amount for each school district with guidance, 23807
testing, and counseling programs approved by the state board of 23808
education. The amount shall be determined on the basis of 23809
standards adopted by the state board of education. 23810

(D) An amount for the emergency purchase of school buses as 23811

provided for in section 3317.07 of the Revised Code; 23812

(E) An amount for each school district required to pay 23813
tuition for a child in an institution maintained by the department 23814
of youth services pursuant to section 3317.082 of the Revised 23815
Code, provided the child was not included in the calculation of 23816
the district's average daily membership for the preceding school 23817
year. 23818

(F) An amount for adult basic literacy education for each 23819
district participating in programs approved by the state board of 23820
education. The amount shall be determined on the basis of 23821
standards adopted by the state board of education. 23822

(G) An amount for the approved cost of transporting eligible 23823
pupils with disabilities attending a special education program 23824
approved by the department of education whom it is impossible or 23825
impractical to transport by regular school bus in the course of 23826
regular route transportation provided by the district or service 23827
center. No district or service center is eligible to receive a 23828
payment under this division for the cost of transporting any pupil 23829
whom it transports by regular school bus and who is included in 23830
the district's transportation ADM. The state board of education 23831
shall establish standards and guidelines for use by the department 23832
of education in determining the approved cost of such 23833
transportation for each district or service center. 23834

(H) An amount to each school district, including each 23835
cooperative education school district, pursuant to section 3313.81 23836
of the Revised Code to assist in providing free lunches to needy 23837
children and an amount to assist needy school districts in 23838
purchasing necessary equipment for food preparation. The amounts 23839
shall be determined on the basis of rules adopted by the state 23840
board of education. 23841

(I) An amount to each school district, for each pupil 23842

attending a chartered nonpublic elementary or high school within 23843
the district. The amount shall equal the amount appropriated for 23844
the implementation of section 3317.06 of the Revised Code divided 23845
by the average daily membership in grades kindergarten through 23846
twelve in nonpublic elementary and high schools within the state 23847
as determined during the first full week in October of each school 23848
year. 23849

(J) An amount for each county MR/DD board, distributed on the 23850
basis of standards adopted by the state board of education, for 23851
the approved cost of transportation required for children 23852
attending special education programs operated by the county MR/DD 23853
board under section 3323.09 of the Revised Code; 23854

(K) An amount for each school district that establishes a 23855
mentor teacher program that complies with rules of the state board 23856
of education. No school district shall be required to establish or 23857
maintain such a program in any year unless sufficient funds are 23858
appropriated to cover the district's total costs for the program. 23859

(L) An amount to each school district or educational service 23860
center for the total number of gifted units approved pursuant to 23861
section 3317.05 of the Revised Code. The amount for each such unit 23862
shall be the sum of the minimum salary for the teacher of the 23863
unit, calculated on the basis of the teacher's training level and 23864
years of experience pursuant to the salary schedule prescribed in 23865
the version of section 3317.13 of the Revised Code in effect prior 23866
to July 1, 2001, plus fifteen per cent of that minimum salary 23867
amount, plus two thousand six hundred seventy-eight dollars. 23868

(M) An amount to each institution defined under section 23869
3317.082 of the Revised Code providing elementary or secondary 23870
education to children other than children receiving special 23871
education under section 3323.091 of the Revised Code. This amount 23872
for any institution in any fiscal year shall equal the total of 23873
all tuition amounts required to be paid to the institution under 23874

division (A)(1) of section 3317.082 of the Revised Code. 23875

(N) A grant to each school district and joint vocational 23876
school district that operates a "graduation, reality, and 23877
dual-role skills" (GRADS) program for pregnant and parenting 23878
students that is approved by the department. The amount of the 23879
payment shall be the district's state share percentage, as defined 23880
in section 3317.022 or 3317.16 of the Revised Code, times the 23881
GRADS personnel allowance times the full-time-equivalent number of 23882
GRADS teachers approved by the department. The GRADS personnel 23883
allowance is \$47,555 in fiscal years ~~2004, 2005, 2006, and 2007~~ 23884
2008 and 2009. 23885

The state board of education or any other board of education 23886
or governing board may provide for any resident of a district or 23887
educational service center territory any educational service for 23888
which funds are made available to the board by the United States 23889
under the authority of public law, whether such funds come 23890
directly or indirectly from the United States or any agency or 23891
department thereof or through the state or any agency, department, 23892
or political subdivision thereof. 23893

Sec. 3317.025. On or before the first day of June of each 23894
year, the tax commissioner shall certify the following information 23895
to the department of education and the office of budget and 23896
management, for each school district in which the value of the 23897
property described under division (A) of this section exceeds one 23898
per cent of the taxable value of all real and tangible personal 23899
property in the district or in which is located tangible personal 23900
property designed for use or used in strip mining operations, 23901
whose taxable value exceeds five million dollars, and the taxes 23902
upon which the district is precluded from collecting by virtue of 23903
legal proceedings to determine the value of such property: 23904

(A) The total taxable value of all property in the district 23905

owned by a public utility or railroad that has filed a petition 23906
for reorganization under the "Bankruptcy Act," 47 Stat. 1474 23907
(1898), 11 U.S.C. 205, as amended, and all tangible personal 23908
property in the district designed for use or used in strip mining 23909
operations whose taxable value exceeds five million dollars upon 23910
which have not been paid in full on or before the first day of 23911
April of that calendar year all real and tangible personal 23912
property taxes levied for the preceding calendar year and which 23913
the district was precluded from collecting by virtue of 23914
proceedings under section 205 of said act or by virtue of legal 23915
proceedings to determine the tax liability of such strip mining 23916
equipment; 23917

(B) The percentage of the total operating taxes charged and 23918
payable for school district purposes levied against such valuation 23919
for the preceding calendar year that have not been paid by such 23920
date; 23921

(C) The product obtained by multiplying the value certified 23922
under division (A) of this section by the percentage certified 23923
under division (B) of this section. If the value certified under 23924
division (A) of this section includes taxable property owned by a 23925
public utility or railroad that has filed a petition for 23926
reorganization under the bankruptcy act, the amount used in making 23927
the calculation under this division shall be reduced by one per 23928
cent of the total value of all real and tangible personal property 23929
in the district or the value of the utility's or railroad's 23930
property, whichever is less. 23931

Upon receipt of the certification, the department shall 23932
recompute the payments required under section 3317.022 of the 23933
Revised Code in the manner the payments would have been computed 23934
if: 23935

(1) The amount certified under division (C) of this section 23936
was not subject to taxation by the district and was not included 23937

in the certification made under division (A)(1), (A)(2), or (D) of 23938
section 3317.021 of the Revised Code. 23939

(2) The amount of taxes charged and payable and unpaid and 23940
used to make the computation under division (B) of this section 23941
had not been levied and had not been used in the computation 23942
required by division (B) of section 3317.021 of the Revised Code. 23943
The department shall pay the district that amount in the ensuing 23944
fiscal year in lieu of the amounts computed under section 3317.022 23945
of the Revised Code. 23946

If a school district received a grant from the catastrophic 23947
expenditures account pursuant to division (C) of section 3316.20 23948
of the Revised Code on the basis of the same circumstances for 23949
which a recomputation is made under this section, the amount of 23950
the recomputation shall be reduced and transferred in accordance 23951
with division (C) of section 3316.20 of the Revised Code. 23952

Sec. 3317.026. (A) As used in this section, "refunded taxes" 23953
means taxes charged and payable from real and tangible personal 23954
property, including public utility property, that have been found 23955
to have been overpaid as the result of reductions in the taxable 23956
value of such property and that have been refunded, including any 23957
interest or penalty refunded with those taxes. If taxes are 23958
refunded over a period of time pursuant to division (B)(2), (3), 23959
or (4) of section 319.36 or division (C) of section 5727.471 of 23960
the Revised Code, the total amount of taxes required to be 23961
refunded, excluding any interest accruing after the day the 23962
undertaking is entered into, shall be considered to have been 23963
refunded on the day the first portion of the overpayment is paid 23964
or credited. 23965

(B) Not later than the last day of February each year, each 23966
county auditor shall certify to the tax commissioner, for each 23967
school district in the county, the amount of refunded taxes 23968

refunded in the preceding calendar year and the reductions in 23969
taxable value that resulted in those refunds, except for 23970
reductions in taxable value that previously have been reported to 23971
the tax commissioner on an abstract. If the tax commissioner 23972
determines that the amount of refunded taxes certified for a 23973
school district exceeds three per cent of the total taxes charged 23974
and payable for current expenses of the school district for the 23975
calendar year in which those taxes were refunded, the tax 23976
commissioner shall certify the reductions in taxable value that 23977
resulted in those refunds on or before the first day of June to 23978
the department of education and the office of budget and 23979
management. Upon receiving the certification by the tax 23980
commissioner, the department of education shall reduce the total 23981
taxable value of the school district, as defined in section 23982
3317.02 of the Revised Code, by the total amount of the reductions 23983
in taxable value that resulted in those refunds for the purpose of 23984
computing the ~~SF-3 payment~~ state education aid for the school 23985
district for the current fiscal year. The increase in the amount 23986
of such aid resulting from the adjustment required by this section 23987
shall be paid to the school district ~~on or before the thirty-first~~ 23988
~~day of July of the following fiscal year.~~ The payment date shall 23989
be determined by the director of budget and management. The 23990
director shall select a payment date that is not earlier than the 23991
first day of June of the current fiscal year and not later than 23992
the thirty-first day of July of the following fiscal year. The 23993
department of education shall not pay the district under this 23994
section prior to approval by the director of budget and management 23995
to make that payment. 23996

If an adjustment is made under this division in the amount of 23997
state aid paid to a school district, the tax value reductions from 23998
which that adjustment results shall not be used in recomputing aid 23999
to a school district under section 3317.027 of the Revised Code. 24000

(C) If a school district received a grant from the catastrophic expenditures account pursuant to division (C) of section 3316.20 of the Revised Code on the basis of the same circumstances for which an adjustment is made under this section, the amount of the adjustment shall be reduced and transferred in accordance with division (C) of section 3316.20 of the Revised Code.

(D) Not later than the first day of June each year, the tax commissioner shall certify to the department of education and the office of budget and management for each school district the total of the increases in taxable value above the amount of taxable value on which tax was paid, as provided in division (B)(1) or (2) of section 5727.47 of the Revised Code, as determined by the commissioner, and for which a notification was sent pursuant to section 5727.471 of the Revised Code, in the preceding calendar year. Upon receiving the certification, the department shall increase the total taxable value, as defined in section 3317.02 of the Revised Code, of the school district by the total amount of the increase in taxable value certified by the commissioner for the school district for the purpose of computing the school district's ~~SF-3 payment~~ state education aid for the following fiscal year.

Sec. 3317.027. On or before the fifteenth day of May of each year, the tax commissioner shall certify to the department of education and the office of budget and management:

(A) The amount by which applications filed under section 5713.38 of the Revised Code or complaints filed under section 5715.19 of the Revised Code resulted in a reduction in the second preceding year's taxable value in each school district in which such a reduction occurred, and the amount by which such reduction reduced the district's taxes charged and payable for such year;

and 24032

(B) The taxes charged and payable for the second preceding 24033
tax year that were remitted under section 5713.081 of the Revised 24034
Code and the taxable value against which such taxes were imposed. 24035

Upon receipt of such certifications, the department shall 24036
recompute the district's ~~SF-3 payment~~ state education aid and 24037
determine the amount that the ~~SF-3 payment~~ state education aid 24038
would have been ~~paid~~ had the taxable value not been used in the 24039
computation made under division (A)(1) of section 3317.021 of the 24040
Revised Code and had the taxes charged and payable not been 24041
included in the certification made under division (A)(3) of such 24042
section. The department shall calculate the amount that the 24043
remainder of the fiscal year's payments should have been for the 24044
fiscal year including the amount of the ~~SF-3 payment~~ state 24045
education aid as recomputed. The increase or decrease in the 24046
amount of aid resulting from the adjustment required under this 24047
section shall be paid to the school district ~~on or before the~~ 24048
~~thirty-first day of July of the following fiscal year. The payment~~ 24049
date shall be determined by the director of budget and management. 24050
The director shall select a payment date that is not earlier than 24051
the first day of June of the current fiscal year and not later 24052
than the thirty-first day of July of the following fiscal year. 24053
The department of education shall not pay the district under this 24054
section prior to approval by the director of budget and management 24055
to make that payment. 24056

If a school district received a grant from the catastrophic 24057
expenditures account pursuant to division (C) of section 3316.20 24058
of the Revised Code on the basis of the same circumstances for 24059
which a recomputation is made under this section, the amount of 24060
the recomputation shall be reduced and transferred in accordance 24061
with division (C) of section 3316.20 of the Revised Code. 24062

Sec. 3317.028. (A) On or before the fifteenth day of May in 24063
each calendar year prior to calendar year 2007, the tax 24064
commissioner shall determine for each school district whether the 24065
taxable value of all tangible personal property, including utility 24066
tangible personal property, subject to taxation by the district in 24067
the preceding tax year was less or greater than the taxable value 24068
of such property during the second preceding tax year. If any such 24069
decrease exceeds five per cent of the district's tangible personal 24070
property taxable value included in the total taxable value used in 24071
computing the district's ~~SF-3 payment~~ state education aid for the 24072
fiscal year that ends in the current calendar year, or if any such 24073
increase exceeds five per cent of the district's total taxable 24074
value used in computing the district's ~~SF-3 payment~~ state 24075
education aid for the fiscal year that ends in the current 24076
calendar year, the tax commissioner shall certify both of the 24077
following to the department of education and the office of budget 24078
and management:

(1) The taxable value of the tangible personal property 24080
increase or decrease, including utility tangible personal property 24081
increase or decrease, which shall be considered a change in 24082
valuation; 24083

(2) The decrease or increase in taxes charged and payable on 24084
such change in taxable value calculated in the same manner as in 24085
division (A)(3) of section 3317.021 of the Revised Code. 24086

(B) On or before May 15, 2007, and the fifteenth day of May 24087
in each calendar year thereafter, the tax commissioner shall 24088
determine for each school district whether the taxable value of 24089
all utility tangible personal property subject to taxation by the 24090
district in the preceding tax year was less or greater than the 24091
taxable value of such property during the second preceding tax 24092
year. If any decrease exceeds five per cent of the district's 24093

tangible personal property taxable value included in the total 24094
taxable value used in the district's state aid computation for the 24095
fiscal year that ends in the current calendar year, or if any 24096
increase exceeds five per cent of the district's total taxable 24097
value used in the district's state education aid computation for 24098
the fiscal year that ends in the current calendar year, the tax 24099
commissioner shall certify both of the following to the department 24100
of education and the office of budget and management: 24101

(1) The taxable value of the utility tangible personal 24102
property increase or decrease, which shall be considered a change 24103
in valuation; 24104

(2) The decrease or increase in taxes charged and payable on 24105
such change in taxable value calculated in the same manner as in 24106
division (A)(3) of section 3317.021 of the Revised Code. 24107

(C) Upon receipt of a certification specified in this 24108
section, the department of education shall reduce or increase by 24109
the respective amounts certified and the taxable value and the 24110
taxes charged and payable that were used in computing the 24111
district's ~~SF-3 payment~~ state education aid for the fiscal year 24112
that ends in the current calendar year and shall recompute the 24113
~~SF-3 payment~~ state education aid for such fiscal year. The 24114
department shall pay ~~the district a sum equal to one-half of the~~ 24115
~~recomputed payments in lieu of the payments otherwise required~~ 24116
~~under that section on or before the thirty first day of July of~~ 24117
~~the following fiscal year~~ to or deduct from the district an amount 24118
equal to one-half of the difference between the district's state 24119
education aid prior to the recomputation under this section and 24120
the district's recomputed state education aid. The payment date 24121
shall be determined by the director of budget and management. The 24122
director shall select a payment date that is not earlier than the 24123
first day of June of the current fiscal year and not later than 24124
the thirty-first day of July of the following fiscal year. The 24125

department of education shall not pay the district under this 24126
section prior to approval by the director of budget and management 24127
to make that payment. 24128

(D) If a school district received a grant from the 24129
catastrophic expenditures account pursuant to division (C) of 24130
section 3316.20 of the Revised Code on the basis of the same 24131
circumstances for which a recomputation is made under this 24132
section, the amount of the recomputation shall be reduced and 24133
transferred in accordance with division (C) of section 3316.20 of 24134
the Revised Code. 24135

Sec. 3317.029. (A) As used in this section: 24136

(1) "Poverty percentage" means the quotient obtained by 24137
dividing the ~~five-year~~ average number of children ages five to 24138
seventeen residing in the school district and living in a family 24139
receiving assistance under the Ohio works first program or an 24140
antecedent program known as TANF or ADC for the preceding five 24141
years, as certified or adjusted under section 3317.10 of the 24142
Revised Code, by the district's three-year average formula ADM. 24143

(2) "Statewide poverty percentage" means the ~~five-year~~ 24144
average of the total number of children ages five to seventeen 24145
years residing in the state and receiving assistance under the 24146
Ohio works first program or an antecedent program known as TANF or 24147
ADC for the preceding five years, divided by the sum of the 24148
three-year average formula ADMs for all school districts in the 24149
state. 24150

(3) "Poverty index" means the quotient obtained by dividing 24151
the school district's poverty percentage by the statewide poverty 24152
percentage. 24153

(4) "Poverty student count" means the ~~five-year~~ average 24154
number of children ages five to seventeen residing in the school 24155

district and living in a family receiving assistance under the 24156
Ohio works first program or an antecedent program known as TANF or 24157
ADC for the preceding five years, as certified under section 24158
3317.10 of the Revised Code. 24159

(5) "Kindergarten ADM" means the number of students reported 24160
under section 3317.03 of the Revised Code as enrolled in 24161
kindergarten, excluding any kindergarten students reported under 24162
division (B)(3)(e), (f), or (g) of section 3317.03 of the Revised 24163
Code. 24164

(6) "Kindergarten through third grade ADM" means the amount 24165
calculated as follows: 24166

(a) Multiply the kindergarten ADM by the sum of one plus the 24167
all-day kindergarten percentage; 24168

(b) Add the number of students in grades one through three; 24169

(c) Subtract from the sum calculated under division (A)(6)(b) 24170
of this section the number of special education students in grades 24171
kindergarten through three. 24172

"Kindergarten through third grade ADM" shall not include any 24173
students reported under division (B)(3)(e), (f), or (g) of section 24174
3317.03 of the Revised Code. 24175

(7) "All-day kindergarten" means a kindergarten class that is 24176
in session five days per week for not less than the same number of 24177
clock hours each day as for pupils in grades one through six. 24178

(8) "All-day kindergarten percentage" means the percentage of 24179
a district's actual total number of students enrolled in 24180
kindergarten who are enrolled in all-day kindergarten. 24181

(9) "All-day kindergarten ADM" means the number of students 24182
reported under section 3317.03 of the Revised Code as enrolled in 24183
all-day kindergarten, excluding any kindergarten students reported 24184
under division (B)(3)(e), (f), or (g) of that section. 24185

(10) "Academic distress percentage" means the quotient of the number of district-operated buildings in the school district designated under section 3302.03 of the Revised Code as in a state of academic watch or academic emergency, divided by the total number of buildings in the district that were open for instruction during the same school year to which the ratings apply.

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(11) "Statewide academic distress percentage" means the quotient of the statewide number of school district buildings and community schools designated under section 3302.03 of the Revised Code as in a state of academic watch or academic emergency, divided by the statewide total number of school district buildings and community schools that were open for instruction during the same school year to which the ratings apply.

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(12) "Academic distress index" means the quotient of the school district's academic distress percentage, divided by the statewide academic distress percentage.

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(13) "Buildings with the highest concentration of need" means the school buildings in a district with that meet either of the following criteria:

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(a) Are in school improvement status pursuant to the "No Child Left Behind Act of 2001," as defined in section 3302.01 of the Revised Code;

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(b) Have percentages of students in grades kindergarten through three receiving assistance under Ohio works first at least as high as the district-wide percentage of students receiving such assistance. However, the district shall give priority to any of those buildings that have been declared to be in a state of academic watch or academic emergency under section 3302.03 of the Revised Code.

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If, in any fiscal year, the information provided by the department of job and family services under section 3317.10 of the

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Revised Code is insufficient to determine the Ohio works first 24217
percentage in each building, "buildings with the highest 24218
concentration of need" has the meaning given in rules that the 24219
department of education shall adopt. The rules shall base the 24220
definition of "buildings with the highest concentration of need" 24221
on family income of students ~~in grades kindergarten through three~~ 24222
in a manner that, to the extent possible with available data, 24223
approximates the intent ~~of this division and division (K) of this~~ 24224
~~section~~ to designate buildings where the Ohio works first 24225
percentage ~~in these grades~~ equals or exceeds the district-wide 24226
Ohio works first percentage. 24227

(B) ~~In addition to the amounts required to be paid to a~~ 24228
~~school district under section 3317.022 of the Revised Code, the~~ 24229
The department of education shall compute ~~and distribute to for~~ 24230
each school district for poverty-based assistance the ~~greater of~~ 24231
~~the following:~~ 24232

~~(1) The amount the district received in fiscal year 2005 for~~ 24233
~~disadvantaged pupil impact aid pursuant to Section 41.10 of Am.~~ 24234
~~Sub. H.B. 95 of the 125th general assembly, as amended, minus the~~ 24235
~~amount deducted from the district under Section 16 of Am. Sub.~~ 24236
~~S.B. 2 of the 125th general assembly that year for payments to~~ 24237
~~internet and computer based community schools;~~ 24238

~~(2) The sum of the computations made under divisions (C) to~~ 24239
~~(I) and (K) of this section and shall pay that sum to the district~~ 24240
~~in accordance with division (A) of section 3317.022 of the Revised~~ 24241
~~Code.~~ 24242

(C) A payment for academic intervention programs, if the 24243
district's poverty index is greater than or equal to 0.25, 24244
calculated as follows: 24245

(1) If the district's poverty index is greater than or equal 24246
to 0.25, calculate the district's level one amount for large-group 24247

academic intervention for all students as follows: 24248

(a) If the district's poverty index is greater than or equal 24249
to 0.25 but less than 0.75: 24250

large-group intervention units X hourly rate X 24251

level one hours X [(poverty index - 0.25)/0.5] 24252

~~X phase in percentage~~ 24253

Where: 24254

(i) "Large-group intervention units" equals the district's 24255
formula ADM divided by 20; 24256

(ii) "Hourly rate" equals ~~\$20.00~~ \$21.01 in fiscal year ~~2006~~ 24257
2008 and ~~\$20.40~~ \$21.64 in fiscal year ~~2007~~ 2009; 24258

(iii) "Level one hours" equals 25 hours; 24259

~~(iv) "Phase in percentage" equals 0.60 in fiscal year 2006~~ 24260
~~and 1.00 in fiscal year 2007.~~ 24261

(b) If the district's poverty index is greater than or equal 24262
to 0.75: 24263

large-group intervention units X hourly rate X 24264

level one hours ~~X phase in percentage~~ 24265

Where "large-group intervention units," "hourly rate," and 24266
"level one hours," ~~and "phase in percentage"~~ have the same 24267
meanings as in division (C)(1)(a) of this section. 24268

(2) If the district's poverty index is greater than or equal 24269
to 0.75, calculate the district's level two amount for 24270
medium-group academic intervention for all students as follows: 24271

(a) If the district's poverty index is greater than or equal 24272
to 0.75 but less than 1.50: 24273

medium-group intervention units X hourly rate 24274

X {level one hours + [25 hours X ((poverty index - 0.75)/0.75)]} 24275

~~X phase in percentage~~ 24276

Where: 24277

(i) "Medium group intervention units" equals the district's formula ADM divided by 15;

(ii) "Hourly rate_T" and "level one hours_T" and "~~phase in percentage~~" have the same meanings as in division (C)(1)(a) of this section.

(b) If the district's poverty index is greater than or equal to 1.50:

medium-group intervention units X hourly rate X
level two hours ~~X phase in percentage~~

Where:

(i) "Medium group intervention units" has the same meaning as in division (C)(2)(a)(i) of this section;

(ii) "Hourly rate" ~~and "phase in percentage"~~ has the same ~~meanings~~ meaning as in division (C)(1)(a) of this section;

(iii) "Level two hours" equals 50 hours.

(3) If the district's poverty index is greater than or equal to 1.50, calculate the district's level three amount for small-group academic intervention for impoverished students as follows:

(a) If the district's poverty index is greater than or equal to 1.50 but less than 2.50:

small group intervention units X hourly rate X
{level one hours + [level three hours X
(poverty index - 1.50)]} ~~X phase in percentage~~

Where:

(i) "Small group intervention units" equals the quotient of (the district's poverty student count times 3) divided by 10;

(ii) "Hourly rate_T" and "level one hours_T" and "~~phase in percentage~~" have the same meanings as in division (C)(1)(a) of this section;

(iii) "Level three hours" equals 135 hours. 24308

(b) If the district's poverty index is greater than or equal 24309
to 2.50: 24310

 small group intervention units X hourly rate 24311
 X level three hours ~~X phase in percentage~~ 24312

Where: 24313

(i) "Small group intervention units" has the same meaning as 24314
in division (C)(3)(a)(i) of this section; 24315

(ii) "Hourly rate" ~~and "phase in percentage" have~~ has the 24316
same ~~meanings~~ meaning as in division (C)(1)(a) of this section; 24317

(iii) "Level three hours" equals 160 hours. 24318

Any district that receives funds under division (C)(2) or (3) 24319
of this section annually shall submit to the department of 24320
education by a date established by the department a plan 24321
describing how the district will deploy those funds. The 24322
deployment measures described in that plan shall comply with any 24323
applicable spending requirements prescribed in division (J)(6) of 24324
this section or with any order issued by the superintendent of 24325
public instruction under section 3317.017 of the Revised Code. 24326

(D) A payment for all-day kindergarten if the poverty index 24327
of the school district is greater than or equal to 1.0 or if the 24328
district's three-year average formula ADM exceeded seventeen 24329
thousand five hundred. In addition, the department shall make a 24330
payment under this division to any school district that, in a 24331
prior fiscal year, qualified for this payment and provided all-day 24332
kindergarten, regardless of changes to the district's poverty 24333
index. The department shall calculate the payment under this 24334
division by multiplying the all-day ~~kindergarten percentage by the~~ 24335
~~kindergarten ADM and multiplying that product~~ by the formula 24336
amount. 24337

(E) A ~~class size reduction~~ payment for increased classroom learning opportunities based on calculating the number of new teachers necessary to achieve a lower student-teacher ratio, as follows:

(1) Determine or calculate a formula number of teachers per one thousand students based on the poverty index of the school district as follows:

(a) If the poverty index of the school district is less than 1.0, the formula number of teachers is 50.0, which is the number of teachers per one thousand students at a student-teacher ratio of twenty to one;

(b) If the poverty index of the school district is greater than or equal to 1.0, but less than 1.5, the formula number of teachers is calculated as follows:

$$50.0 + \{[(\text{poverty index} - 1.0)/0.5] \times 16.667\}$$

Where 50.0 is the number of teachers per one thousand students at a student-teacher ratio of twenty to one; 0.5 is the interval from a poverty index of 1.0 to a poverty index of 1.5; and 16.667 is the difference in the number of teachers per one thousand students at a student-teacher ratio of fifteen to one and the number of teachers per one thousand students at a student-teacher ratio of twenty to one.

(c) If the poverty index of the school district is greater than or equal to 1.5, the formula number of teachers is 66.667, which is the number of teachers per one thousand students at a student-teacher ratio of fifteen to one.

(2) Multiply the formula number of teachers determined or calculated in division (E)(1) of this section by the kindergarten through third grade ADM for the district and divide that product by one thousand;

(3) Calculate the number of new teachers as follows:

(a) Multiply the kindergarten through third grade ADM by 24369
50.0, which is the number of teachers per one thousand students at 24370
a student-teacher ratio of twenty to one, and divide that product 24371
by one thousand; 24372

(b) Subtract the quotient obtained in division (E)(3)(a) of 24373
this section from the product in division (E)(2) of this section. 24374

(4) Multiply the greater of the difference obtained under 24375
division (E)(3) of this section or zero by the statewide average 24376
teachers compensation. For this purpose, the "statewide average 24377
teacher compensation" is ~~\$53,680~~ \$56,754 in fiscal year ~~2006~~ 2008 24378
and ~~\$54,941~~ \$58,621 in fiscal year ~~2007~~ 2009, which includes an 24379
amount for the value of fringe benefits. 24380

(F) A payment for services to limited English proficient 24381
students, if the district's poverty index is greater than or equal 24382
to 1.0 and the proportion of its students who are limited English 24383
proficient, as reported in 2003 on its school district report 24384
issued under section 3302.03 of the Revised Code for the 2002-2003 24385
school year, is greater than or equal to 2.0%, calculated as 24386
follows: 24387

(1) If the district's poverty index is greater than or equal 24388
to 1.0, but less than 1.75, determine the amount per limited 24389
English proficient student as follows: 24390

{0.125 + [0.125 X ((poverty index - 1.0)/0.75)]} 24391

X formula amount 24392

(2) If the district's poverty index is greater than or equal 24393
to 1.75, the amount per limited English proficient student equals: 24394

0.25 X formula amount 24395

(3) Multiply the per student amount determined for the 24396
district under division (F)(1) or (2) of this section by the 24397
number of the district's limited English proficient students, 24398
times a phase-in percentage of ~~0.40 in fiscal year 2006~~ and 0.70 24399

in fiscal year ~~2007~~ years 2008 and 2009. For purposes of this 24400
calculation, the number of limited English proficient students for 24401
each district shall be the number determined by the department 24402
when it calculated the district's percentage of limited English 24403
proficient students for its school district report card issued in 24404
2003 for the 2002-2003 school year. 24405

~~Not later than December 31, 2006, the department of education 24406
shall recommend to the general assembly and the director of budget 24407
and management a method of identifying the number of limited 24408
English proficient students for purposes of calculating payments 24409
under this division after fiscal year 2007. 24410~~

(G) A payment for professional development of teachers, if 24411
the district's poverty index is greater than or equal to 1.0, 24412
calculated as follows: 24413

(1) If the district's poverty index is greater than or equal 24414
to 1.0, but less than 1.75, determine the amount per teacher as 24415
follows: 24416

$[(\text{poverty index} - 1.0)/0.75] \times 0.045 \times \text{formula amount}$ 24417

(2) If the district's poverty index is greater than or equal 24418
to 1.75, the amount per teacher equals: 24419

$0.045 \times \text{formula amount}$ 24420

(3) Determine the number of teachers, as follows: 24421

(formula ADM/17) 24422

(4) Multiply the per teacher amount determined for the 24423
district under division (G)(1) or (2) of this section by the 24424
number of teachers determined under division (G)(3) of this 24425
section, ~~times a phase in percentage of 0.40 in fiscal year 2006 24426
and 0.70 in fiscal year 2007. 24427~~

(H) A payment for dropout prevention, if the district is a 24428
big eight school district as defined in section 3314.02 of the 24429
Revised Code, calculated as follows: 24430

0.005 X formula amount X poverty index 24431
X formula ADM ~~X phase in percentage~~ 24432

~~Where "phase in percentage" equals 0.40 in fiscal year 2006~~ 24433
~~and 0.70 in fiscal year 2007.~~ 24434

(I) An amount for community outreach, if the district is an 24435
urban school district as defined in section 3314.02 of the Revised 24436
Code, calculated as follows: 24437

0.005 X formula amount X poverty index X 24438
formula ADM ~~X phase in percentage~~ 24439

~~Where "phase in percentage" equals 0.40 in fiscal year 2006~~ 24440
~~and 0.70 in fiscal year 2007.~~ 24441

(J) This division applies only to school districts ~~whose~~ 24442
~~poverty index is 1.0 or greater. that receive more than ten~~ 24443
~~thousand dollars under this section. Each such district shall use~~ 24444
~~funds paid under this section only for one or more of the~~ 24445
~~following purposes:~~ 24446

(1) ~~Each school district subject to this division shall first~~ 24447
~~utilize funds received under this section so that, when combined~~ 24448
~~with other funds of the district, sufficient funds exist to To~~ 24449
provide all-day kindergarten to at least the number of children in 24450
the district's all-day kindergarten percentage. ~~To satisfy this~~ 24451
~~requirement, a district may use funds paid under division (C),~~ 24452
~~(F), (G), (H), or (I) of this section to provide all day~~ 24453
~~kindergarten in addition to the all-day kindergarten payment under~~ 24454
~~division (D) of this section. ADM;~~ 24455

(2) ~~Except as permitted under division (J)(1) of this~~ 24456
~~section, each school district shall use its payment under division~~ 24457
~~(F) of this section for To provide services to students with~~ 24458
~~limited English proficiency through one or more of the following~~ 24459
~~purposes activities:~~ 24460

(a) ~~To hire Hiring teachers for limited English proficient~~ 24461

students or other personnel to provide intervention services for 24462
those students; 24463

(b) ~~To contract~~ Contracting for intervention services for 24464
those students; 24465

(c) ~~To provide~~ Providing other services to assist those 24466
students in passing the third-grade reading achievement test, and 24467
to provide for those students the intervention services required 24468
by section 3313.608 of the Revised Code. 24469

(3) ~~Except as permitted under division (J)(1) of this~~ 24470
~~section, each school district shall use its payment under division~~ 24471
~~(C) of this section for~~ To provide professional development of 24472
teachers or other licensed personnel providing educational 24473
services to students only in one or more of the following areas: 24474

(a) Data-based decision making; 24475

(b) Standards-based curriculum models; 24476

(c) ~~Job embedded~~ High quality professional development 24477
activities that are research-based, as defined ~~in federal law by~~ 24478
state standards developed under section 3319.61 of the Revised 24479
Code; 24480

(d) Professional learning communities. 24481

In addition, each district that elects to use funds paid 24482
under this section for professional development shall ~~use the~~ 24483
~~payment~~ only to implement programs identified on a list of 24484
eligible professional development programs provided by the 24485
department of education. The department annually shall provide the 24486
list to each district receiving a payment under ~~division (C) of~~ 24487
this section. ~~However, a district may apply to the department for~~ 24488
~~a waiver to implement an alternative professional development~~ 24489
~~program in one or more of the areas specified in divisions~~ 24490
~~(J)(3)(a) to (c) of this section. If the department grants the~~ 24491

~~waiver, the district may use its payment under division (G) of
this section to implement the alternative program.~~ 24492
24493

~~(4) Except as permitted under division (J)(1) of this
section, each big eight school district shall use its payment
under division (H) of this section either for For preventing
at-risk students from dropping out of school, ~~for safety and
security measures described in division (J)(5)(b) of this section,
for academic intervention services described in division (J)(6) of
this section, or for a combination of those purposes.~~ Not later
than September 1, ~~2005~~ 2007, the department of education shall
provide each ~~big eight~~ school district receiving a payment under
this section with a list of dropout prevention programs that it
has determined are successful. The department subsequently may
update the list. Each district that elects to use its payment
under ~~division (H) of~~ this section for dropout prevention shall
use the payment only to implement a dropout prevention program
specified on the department's list. ~~However, a district may apply
to the department for a waiver to implement an alternative dropout
prevention program. If the department grants the waiver, the
district may use its payment under division (H) of this section to
implement the alternative program.~~~~

~~(5) Except as permitted under division (J)(1) of this
section, each urban school district that has a poverty index
greater than or equal to 1.0 shall use its payment under division
(I) of this section for For one or a combination of the following
purposes:~~

(a) To hire or contract for community liaison officers,
attendance or truant officers, or safety and security personnel;

(b) To implement programs designed to ensure that schools are
free of drugs and violence and have a disciplined environment
conducive to learning in accordance with safe school guidelines
adopted by the state board of education;

(c) To implement academic intervention services described in 24524
division (J)(6) of this section. 24525

(6) Except as permitted under division (J)(1) of this 24526
section, each school district with a poverty index greater than or 24527
equal to 1.0 shall use the amount of its payment under division 24528
(C) of this section, ~~and may use any amount of its payment under~~ 24529
~~division (H) or (I) of this section,~~ for academic intervention 24530
services, designed in accordance with student intervention 24531
guidelines adopted by the state board, for students who have 24532
failed or are in danger of failing any of the tests administered 24533
pursuant to section 3301.0710 of the Revised Code, including 24534
intervention services required by section 3313.608 of the Revised 24535
Code. Except as permitted under division (J)(1) of this section, 24536
no district shall spend any portion of its payment under division 24537
(C) of this section for any other purpose. Notwithstanding any 24538
provision to the contrary in Chapter 4117. of the Revised Code, no 24539
collective bargaining agreement entered into after June 30, 2005, 24540
shall require use of the payment for any other purpose. 24541

(7) ~~Except as otherwise required by division (K) or permitted~~ 24542
~~under division (O) of this section, all remaining funds~~ 24543
~~distributed under this section to districts with a poverty index~~ 24544
~~greater than or equal to 1.0 shall be utilized for the purpose of~~ 24545
~~the third grade guarantee. The third grade guarantee consists of~~ 24546
For increased classroom learning opportunities by increasing the 24547
amount of instructional attention received per pupil in 24548
kindergarten through third grade, either by reducing the ratio of 24549
students to instructional personnel or by increasing the amount of 24550
instruction and curriculum-related activities by extending the 24551
length of the school day or the school year. 24552

School districts may implement a reduction of the ratio of 24553
students to instructional personnel through any or all of the 24554
following methods: 24555

(a) Reducing the number of students in a classroom taught by a single teacher;	24556 24557
(b) Employing full-time educational aides or educational paraprofessionals, issued a permit or license under section 3319.088 of the Revised Code, <u>who are engaged in classroom support activities;</u>	24558 24559 24560 24561
(c) Instituting a team-teaching method that will result in a lower student-teacher ratio in a classroom.	24562 24563
Districts may extend the school day either by increasing the amount of time allocated for each class, increasing the number of classes provided per day, offering optional academic-related after-school programs, providing curriculum-related extra curricular activities, or establishing tutoring or remedial services for students who have demonstrated an educational need. In accordance with section 3319.089 of the Revised Code, a district extending the school day pursuant to this division may utilize a participant of the work experience program who has a child enrolled in a public school in that district and who is fulfilling the work requirements of that program by volunteering or working in that public school. If the work experience program participant is compensated, the school district may use the funds distributed under this section for all or part of the compensation.	24564 24565 24566 24567 24568 24569 24570 24571 24572 24573 24574 24575 24576 24577 24578
Districts may extend the school year either through adding regular days of instruction to the school calendar or by providing summer programs.	24579 24580 24581
<u>(8) For early childhood programs or early learning programs, as defined by the department of education, for children age three or four who are not eligible for kindergarten;</u>	24582 24583 24584
<u>(9) To furnish, free of charge, materials used in courses of instruction, except for the necessary textbooks or electronic</u>	24585 24586

textbooks required to be furnished without charge pursuant to 24587
section 3329.06 of the Revised Code, to pupils living in families 24588
participating in Ohio works first in accordance with section 24589
3313.642 of the Revised Code; 24590

(10) For programs designed to reduce nonacademic barriers to 24591
learning, in accordance with guidelines developed by the 24592
department of education; 24593

(11) For start-up costs associated with school breakfast 24594
programs provided pursuant to section 3313.813 of the Revised 24595
Code. 24596

A school district may apply to the department, in the form 24597
and manner prescribed by the department, for a waiver to spend 24598
funds paid under this section for programs not described in 24599
divisions (J)(1) to (11) of this section. The waiver application 24600
shall specify the rationale for the alternative expenditure and 24601
the intended benefits for disadvantaged students. If the 24602
department grants the waiver, the district may use funds paid 24603
under this section to implement the alternative program. 24604

~~(K) Each district shall not expend any funds received under~~ 24605
~~division (E) of this section in any school buildings that are not~~ 24606
~~buildings with the highest concentration of need, unless there is~~ 24607
~~a ratio of instructional personnel to students of no more than~~ 24608
~~fifteen to one in each kindergarten and first grade class in all~~ 24609
~~buildings with the highest concentration of need. This division~~ 24610
~~does not require that the funds used in buildings with the highest~~ 24611
~~concentration of need be spent solely to reduce the ratio of~~ 24612
~~instructional personnel to students in kindergarten and first~~ 24613
~~grade. A school district may spend the funds in those buildings in~~ 24614
~~any manner permitted by division (J)(7) of this section, but may~~ 24615
~~not spend the money in other buildings unless the fifteen to one~~ 24616
~~ratio required by this division is attained. A payment for~~ 24617
assistance in closing the achievement gap, calculated as follows: 24618

(1) In fiscal year 2008 the department shall pay each school district that has both a poverty index that is greater than or equal to 1.0 and an academic distress index, as determined based on the most recent report card issued under section 3302.03 of the Revised Code, that is greater than or equal to 1.0, an amount calculated in accordance with the following formula:

$$\frac{\text{poverty index} \times \text{academic distress index}}{(0.0015 \times \text{formula amount}) \times \text{formula ADM}}$$

(2) In fiscal year 2009:

(a) If the district received a payment under division (K)(1) of this section for fiscal year 2008, and its academic distress percentage for fiscal year 2009, as determined based on the most recent report card issued under section 3302.03 of the Revised Code, is less than its academic distress percentage for fiscal year 2008, the department shall pay the district the product of its payment under division (K)(1) of this section for fiscal year 2008 times 1.035.

(b) If the district received a payment under division (K)(1) of this section for fiscal year 2008, and its academic distress percentage for fiscal year 2009, as determined based on the most recent report card issued under section 3302.03 of the Revised Code, is greater than or equal to its academic distress percentage for fiscal year 2008, the department shall pay the district the same amount as its payment under division (K)(1) of this section for fiscal year 2008.

(c) If the district did not receive a payment under division (K)(1) of this section for fiscal year 2008, and it has both a poverty index that is greater than or equal to 1.0 and an academic distress index, as determined based on the most recent report card issued under section 3302.03 of the Revised Code, that is greater than or equal to 1.0 for fiscal year 2009, the department shall pay the district an amount calculated in accordance with the

following formula: 24651

poverty index X academic distress index X 24652

(0.0015 X formula amount) X formula ADM 24653

~~(L)(1) By the first day of August of each fiscal year, each~~ 24654

This division applies only to funds paid under division (K)(2)(b) 24655

of this section. 24656

(1) If applicable, each school district shall use the funds 24657

for any necessary expenses for the continued operation of a school 24658

district academic distress commission appointed under section 24659

3302.10 of the Revised Code. 24660

(2) After satisfying the requirement of division (L)(1) of 24661

this section, each district shall spend the remaining funds only 24662

for one or more of the following purposes and only in buildings 24663

with the highest concentration of need: 24664

(a) Assistance in improving student performance; 24665

(b) Professional development for teachers and administrators; 24666

(c) Assistance in recruiting and retaining teachers and 24667

administrators. 24668

(M)(1) Each school district wishing to receive any funds 24669

under division (D) of this section shall submit to the department 24670

of education an estimate of its the number of students attending 24671

all-day kindergarten percentage when reporting formula ADM under 24672

section 3317.03 of the Revised Code. Each district shall update 24673

its estimate throughout the fiscal year in the form and manner 24674

required by the department, and the department shall adjust 24675

payments under this section to reflect the updates. 24676

~~(2) Annually by the end of December, the department of~~ 24677

~~education, utilizing data from the information system established~~ 24678

~~under section 3301.0714 of the Revised Code, shall determine for~~ 24679

~~each school district subject to division (J) of this section~~ 24680

~~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.~~

~~(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 exist division to provide all-day kindergarten to at least the number of children in the district's all day kindergarten percentage. To satisfy this requirement, a district may use funds paid under division (C) or (I) of this section to provide all day kindergarten in addition to the all day kindergarten payment under division (D) of this section.~~

~~(2)(N) Except as permitted under division (M)(1) of this section, each school district with a poverty index less than 1.0 that receives a payment under division (C) of this section shall use its payment under that division in accordance with all requirements of division (J)(6) of this section.~~

~~(3) Except as permitted under division (M)(1) of this~~

~~section, each school district with a poverty index less than 1.0 24713
that receives a payment under division (I) of this section shall 24714
use its payment under that division for one or a combination of 24715
the following purposes: 24716~~

~~(a) To hire or contract for community liaison officers, 24717
attendance or truant officers, or safety and security personnel; 24718~~

~~(b) To implement programs designed to ensure that schools are 24719
free of drugs and violence and have a disciplined environment 24720
conducive to learning; 24721~~

~~(c) To implement academic intervention services described in 24722
division (J)(6) of this section. 24723~~

~~(4) Each school district to which division (M)(1), (2), or 24724
(3) of this section applies shall expend the remaining funds 24725
received under this section, and any other district with a poverty 24726
index less than 1.0 shall expend all funds received under this 24727
section, for any of the following purposes: 24728~~

~~(a) The purchase of technology for instructional purposes for 24729
remediation; 24730~~

~~(b) All day kindergarten; 24731~~

~~(c) Reduction of class sizes in grades kindergarten through 24732
three, as described in division (J)(7) of this section; 24733~~

~~(d) Summer school remediation; 24734~~

~~(e) Dropout prevention programs approved by the department of 24735
education under division (J)(4) of this section; 24736~~

~~(f) Guaranteeing that all third graders are ready to progress 24737
to more advanced work; 24738~~

~~(g) Summer education and work programs; 24739~~

~~(h) Adolescent pregnancy programs; 24740~~

~~(i) Head start, preschool, early childhood education, or 24741~~

~~early learning programs;~~ 24742

~~(j) Reading improvement and remediation programs described by
the department of education;~~ 24743
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~~(k) Programs designed to ensure that schools are free of
drugs and violence and have a disciplined environment conducive to
learning;~~ 24745
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~~(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;~~ 24748
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~~(m) School breakfasts provided pursuant to section 3313.813
of the Revised Code.~~ 24754
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~~(N)(O)~~ If at any time the superintendent of public 24756
instruction determines that a school district receiving funds 24757
under division (D) of this section has enrolled ~~less~~ fewer than 24758
the number of all-day kindergarten ~~percentage~~ students reported 24759
for that fiscal year, the superintendent shall withhold from the 24760
funds otherwise due the district under this section a proportional 24761
amount as determined by the difference in the certified all-day 24762
kindergarten ~~percentage~~ ADM and the ~~percentage actually enrolled~~ 24763
in actual all-day kindergarten ADM. 24764

The superintendent shall also withhold an appropriate amount 24765
of funds otherwise due a district for any other misuse of funds 24766
not in accordance with this section. 24767

~~(O)(P)~~(1) A district may use a portion of the funds 24768
~~calculated for it~~ paid under ~~division (D)~~ of this section to 24769
modify or purchase classroom space to provide all-day 24770
kindergarten, if both of the following conditions are met: 24771

(a) The district certifies to the department, in a manner acceptable to the department, that it has a shortage of space for providing all-day kindergarten. 24772
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(b) The district provides all-day kindergarten to the number of children in the all-day kindergarten percentage it certified under this section. 24775
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(2) A district may use a portion of the funds ~~described in division (J)(7) of~~ paid under this section to modify or purchase classroom space to enable it to further reduce class size in grades kindergarten through two with a goal of attaining class sizes of fifteen students per licensed teacher. To do so, the district must certify its need for additional space to the department, in a manner satisfactory to the department. 24778
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(O) Not later than the thirtieth day of September each year, each school district paid more than ten thousand dollars under this section shall report to the department, in the form and manner prescribed by the department, how the district deployed funds received under this section in the prior fiscal year. If a school district does not meet adequate progress standards as defined by the department, the department shall make recommendations to the district for deploying funds under this section in a more effective manner. 24785
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Sec. 3317.0216. (A) As used in this section: 24794

(1) "Total taxes charged and payable for current expenses" means the sum of the taxes charged and payable as certified under division (A)(3)(a) of section 3317.021 of the Revised Code less any amounts reported under division (A)(3)(b) of that section, and the tax distribution for the preceding year under any school district income tax levied by the district pursuant to Chapter 5748. of the Revised Code to the extent the revenue from the income tax is allocated or apportioned to current expenses. 24795
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(2) "Charge-off amount" means two and three-tenths per cent multiplied by (the sum of recognized valuation and property exemption value). 24803
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(3) Until fiscal year 2003, the "actual local share of special education, transportation, and vocational education funding" for any school district means the sum of the district's attributed local shares described in divisions (F)(1) to (3) of section 3317.022 of the Revised Code. Beginning in fiscal year 2003, the "actual local share of special education, transportation, and vocational education funding" means that sum minus the amount of any excess cost supplement payment calculated for the district under division (F) of section 3317.022 of the Revised Code. 24806
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~~(4) "Current expense revenues from the tangible property tax replacement fund" means payments received from the school district tangible property tax replacement fund or the general revenue fund under section 5751.21 of the Revised Code for fixed rate levies for current expenses and for fixed sum levies for current expenses, including school district emergency levies under sections 5705.194 to 5705.197 of the Revised Code.~~ 24816
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(B) Upon receiving the certifications under section 3317.021 of the Revised Code, the department of education shall determine for each city, local, and exempted village school district whether the district's charge-off amount is greater than ~~the sum of the~~ district's total taxes charged and payable for current expenses ~~and current expense revenues from the tangible property tax replacement fund~~, and if the charge-off amount is greater, shall pay the district the amount of the difference. A payment shall not be made to any school district for which the computation under division (A) of section 3317.022 of the Revised Code equals zero. 24823
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(C)(1) If a district's charge-off amount is equal to or greater than ~~the sum of~~ its total taxes charged and payable for 24833
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current expenses and ~~current expense revenues from the tangible~~ 24835
~~property tax replacement fund~~, the department shall, in addition 24836
to the payment required under division (B) of this section, pay 24837
the district the amount of its actual local share of special 24838
education, transportation, and vocational education funding. 24839

(2) If a district's charge-off amount is less than ~~the sum of~~ 24840
its total taxes charged and payable for current expenses and 24841
~~current expense revenues from the tangible property tax~~ 24842
~~replacement fund~~, the department shall pay the district any amount 24843
by which its actual local share of special education, 24844
transportation, and vocational education funding exceeds ~~the sum~~ 24845
~~of~~ its total taxes charged and payable for current expenses and 24846
~~current expense revenues from the tangible property tax~~ 24847
~~replacement fund~~ minus its charge-off amount. 24848

(D) If a school district that received a payment under 24849
division (B) or (C) of this section in the prior fiscal year is 24850
ineligible for payment under those divisions in the current fiscal 24851
year, the department shall determine if the ineligibility is the 24852
result of a property tax or income tax levy approved by the 24853
district's voters to take effect in tax year 2005 or thereafter. 24854
If the department determines that is the case, and calculates that 24855
the levy causing the ineligibility exceeded by at least one mill 24856
the equivalent millage of the prior year's payment under divisions 24857
(B) and (C) of this section, the department shall make a payment 24858
to the district for the first three years that the district loses 24859
eligibility for payment under divisions (B) and (C) of this 24860
section, as follows: 24861

(1) In the first year of ineligibility, the department shall 24862
pay the district seventy-five per cent of the amount it last paid 24863
the district under divisions (B) and (C) of this section. 24864

(2) In the second year of ineligibility, the department shall 24865
pay the district fifty per cent of the amount it last paid the 24866

district under those divisions. 24867

(3) In the third year of ineligibility, the department shall 24868
pay the district twenty-five per cent of the amount it last paid 24869
the district under those divisions. 24870

(E) A district that receives payment under division (D) of 24871
this section and subsequently qualifies for payment under division 24872
(B) or (C) of this section is ineligible for future payments under 24873
division (D) of this section. 24874

(F) To enable the department of education to make the 24875
determinations and to calculate payments under division (D) of 24876
this section, on ~~the effective date of this amendment~~ March 30, 24877
2006, and on or before the first day of March of each year 24878
thereafter, the department shall send to the tax commissioner a 24879
list of school districts receiving payments under division (B) or 24880
(C) of this section for the current fiscal year. On or before the 24881
first day of the following June, the tax commissioner shall 24882
certify to the department of education for those school districts 24883
the information required by division (A)(8) of section 3317.021 of 24884
the Revised Code. 24885

Sec. 3317.0217. The Payment of the amount calculated for a 24886
school district under this section shall be made under division 24887
(A) of section 3317.022 of the Revised Code. 24888

The department of education shall annually compute ~~and pay~~ 24889
state parity aid to school districts, as follows: 24890

(A) Calculate the local wealth per pupil of each school 24891
district, which equals the following sum: 24892

(1) Two-thirds times the quotient of (a) the district's 24893
recognized valuation divided by (b) its formula ADM; plus 24894

(2) One-third times the quotient of (a) the average of the 24895
total federal adjusted gross income of the school district's 24896

residents for the three years most recently reported under section 24897
3317.021 of the Revised Code divided by (b) its formula ADM. 24898

(B) Rank all school districts in order of local wealth per 24899
pupil, from the district with the lowest local wealth per pupil to 24900
the district with the highest local wealth per pupil. 24901

(C) Compute the per pupil state parity aid funding for each 24902
eligible school district in accordance with the following formula: 24903

(threshold local wealth 24904
per pupil - the district's local 24905
wealth per pupil) X ~~0.0075~~ parity millage 24906

Where: 24907

~~(1) Seven and one half mills (0.0075) is an adjustment to the 24908
original parity aid standard of nine and one half mills, to 24909
account for the general assembly's policy decision to phase out 24910
use of the cost of doing business factor in the base cost formula 24911
In fiscal year 2008, an "eligible school district" means a school 24912
district with a local wealth per pupil less than that of the 24913
school district with the four-hundred-eleventh lowest local wealth 24914
per pupil. In fiscal year 2009, an "eligible school district" 24915
means a school district with a local wealth per pupil less than 24916
that of the school district with the three-hundred-sixty-eighth 24917
lowest local wealth per pupil. 24918~~

(2) The "threshold local wealth per pupil" is the local 24919
wealth per pupil of the school district with the 24920
four-hundred-ninetieth lowest local wealth per pupil. 24921

(3) "Parity millage," in fiscal year 2008, equals 0.0080 and, 24922
in fiscal year 2009, equals 0.0085. 24923

If the result of the calculation for a school district under 24924
division (C) of this section is less than zero, the district's per 24925
pupil parity aid shall be zero. 24926

(D) Compute the per pupil alternative parity aid for each school district that has a combination of an income factor of 1.0 or less, a poverty index of 1.0 or greater, and a fiscal year 2005 cost-of-doing-business factor of 1.0375 or greater, in accordance with the following formula:

$$\text{Payment percentage} \times \$60,000 \times (1 - \text{income factor}) \times 4/15 \times 0.023$$

Where:

(1) "Poverty index" has the same meaning as in section 3317.029 of the Revised Code.

(2) "Payment percentage," for purposes of division (D) of this section, equals 50% in fiscal year 2002 and 100% after fiscal year 2002.

(3) "Fiscal year 2005 cost-of-doing-business factor" means the cost-of-doing-business factor in effect for fiscal year 2005 designated under former division (N) of section 3317.02 of the Revised Code as that division existed in fiscal year 2005.

(E) Pay each district that has a combination of an income factor of 1.0 or less, a poverty index of 1.0 or greater, and a 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 the first paragraph of division (B) of section 3317.01 of the Revised Code, the superintendent may apply to the superintendent of public instruction for a waiver, under which the superintendent of public instruction may exempt the district superintendent from certifying the formula ADM for that school for that week and specify an alternate week for certifying the formula ADM of that school.

The formula ADM shall consist of the average daily membership during such week of the sum of the following:

(1) On an FTE basis, the number of students in grades kindergarten through twelve receiving any educational services

from the district, except that the following categories of	24988
students shall not be included in the determination:	24989
(a) Students enrolled in adult education classes;	24990
(b) Adjacent or other district students enrolled in the	24991
district under an open enrollment policy pursuant to section	24992
3313.98 of the Revised Code;	24993
(c) Students receiving services in the district pursuant to a	24994
compact, cooperative education agreement, or a contract, but who	24995
are entitled to attend school in another district pursuant to	24996
section 3313.64 or 3313.65 of the Revised Code;	24997
(d) Students for whom tuition is payable pursuant to sections	24998
3317.081 and 3323.141 of the Revised Code;	24999
(e) Students receiving services in the district through a	25000
scholarship awarded under <u>either</u> section 3310.41 <u>or sections</u>	25001
<u>3310.51 to 3310.63</u> of the Revised Code.	25002
(2) On an FTE basis, except as provided in division (A)(2)(h)	25003
of this section, the number of students entitled to attend school	25004
in the district pursuant to section 3313.64 or 3313.65 of the	25005
Revised Code, but receiving educational services in grades	25006
kindergarten through twelve from one or more of the following	25007
entities:	25008
(a) A community school pursuant to Chapter 3314. of the	25009
Revised Code, including any participation in a college pursuant to	25010
Chapter 3365. of the Revised Code while enrolled in such community	25011
school;	25012
(b) An alternative school pursuant to sections 3313.974 to	25013
3313.979 of the Revised Code as described in division (I)(2)(a) or	25014
(b) of this section;	25015
(c) A college pursuant to Chapter 3365. of the Revised Code,	25016
except when the student is enrolled in the college while also	25017

enrolled in a community school pursuant to Chapter 3314. of the Revised Code; 25018
25019

(d) An adjacent or other school district under an open enrollment policy adopted pursuant to section 3313.98 of the Revised Code; 25020
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(e) An educational service center or cooperative education district; 25023
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(f) Another school district under a cooperative education agreement, compact, or contract; 25025
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(g) A chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code; 25027
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(h) An alternative public provider or a registered private provider with a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.63 of the Revised Code. Each such scholarship student who is enrolled in kindergarten shall be counted as one full-time-equivalent student. 25029
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As used in this section, "alternative public provider" and "registered private provider" have the same meanings as in section 3310.41 or 3310.51 of the Revised Code, as applicable. 25034
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(3) Twenty per cent of the number of students enrolled in a joint vocational school district or under a vocational education compact, excluding any students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in another school district through an open enrollment policy as reported under division (A)(2)(d) of this section and then enroll in a joint vocational school district or under a vocational education compact; 25037
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(4) The number of ~~handicapped~~ children with disabilities, other than ~~handicapped~~ preschool children with disabilities, entitled to attend school in the district pursuant to section 25045
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3313.64 or 3313.65 of the Revised Code who are placed by the 25048
district with a county MR/DD board, minus the number of such 25049
children placed with a county MR/DD board in fiscal year 1998. If 25050
this calculation produces a negative number, the number reported 25051
under division (A)(4) of this section shall be zero. 25052

~~(5) Beginning in fiscal year 2007, in the case of the report 25053
submitted for the first full week in February, or the alternative 25054
week if specified by the superintendent of public instruction, the 25055
number of students reported under division (A)(1) or (2) of this 25056
section for the first full week of the preceding October but who 25057
since that week have received high school diplomas. 25058~~

(B) To enable the department of education to obtain the data 25059
needed to complete the calculation of payments pursuant to this 25060
chapter, in addition to the formula ADM, each superintendent shall 25061
report separately the following student counts for the same week 25062
for which formula ADM is certified: 25063

(1) The total average daily membership in regular day classes 25064
included in the report under division (A)(1) or (2) of this 25065
section for kindergarten, and each of grades one through twelve in 25066
schools under the superintendent's supervision; 25067

(2) The number of all ~~handicapped~~ preschool children with 25068
disabilities enrolled as of the first day of December in classes 25069
in the district that are eligible for approval under division (B) 25070
of section 3317.05 of the Revised Code and the number of those 25071
classes, which shall be reported not later than the fifteenth day 25072
of December, in accordance with rules adopted under that section; 25073

(3) The number of children entitled to attend school in the 25074
district pursuant to section 3313.64 or 3313.65 of the Revised 25075
Code who are: 25076

(a) Participating in a pilot project scholarship program 25077
established under sections 3313.974 to 3313.979 of the Revised 25078

Code as described in division (I)(2)(a) or (b) of this section;	25079
(b) Enrolled in a college under Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. of the Revised Code;	25080 25081 25082 25083
(c) Enrolled in an adjacent or other school district under section 3313.98 of the Revised Code;	25084 25085
(d) Enrolled in a community school established under Chapter 3314. of the Revised Code that is not an internet- or computer-based community school as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;	25086 25087 25088 25089 25090 25091
(e) Enrolled in an internet- or computer-based community school, as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	25092 25093 25094 25095
(f) Enrolled in a chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code;	25096 25097
(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> <u>3310.51 to 3310.63</u> of the Revised Code;	25098 25099 25100 25101
(h) Enrolled as a handicapped preschool child <u>with a disability</u> in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;	25102 25103 25104 25105
(i) Participating in a program operated by a county MR/DD board or a state institution.	25106 25107
(4) The number of pupils enrolled in joint vocational	25108

schools;	25109
(5) The <u>combined</u> average daily membership of handicapped	25110
children <u>with disabilities</u> reported under division (A)(1) or (2)	25111
of this section receiving special education services for the	25112
category one handicap <u>disability</u> described in division (A) of	25113
section 3317.013 of the Revised Code, <u>including children attending</u>	25114
<u>a special education program operated by an alternative public</u>	25115
<u>provider or a registered private provider with a scholarship</u>	25116
<u>awarded under sections 3310.51 to 3310.63 of the Revised Code;</u>	25117
(6) The <u>combined</u> average daily membership of handicapped	25118
children <u>with disabilities</u> reported under division (A)(1) or (2)	25119
of this section receiving special education services for category	25120
two handicaps <u>disabilities</u> described in division (B) of section	25121
3317.013 of the Revised Code, <u>including children attending a</u>	25122
<u>special education program operated by an alternative public</u>	25123
<u>provider or a registered private provider with a scholarship</u>	25124
<u>awarded under sections 3310.51 to 3310.63 of the Revised Code;</u>	25125
(7) The <u>combined</u> average daily membership of handicapped	25126
children <u>with disabilities</u> reported under division (A)(1) or (2)	25127
of this section receiving special education services for category	25128
three handicaps <u>disabilities</u> described in division (C) of section	25129
3317.013 of the Revised Code, <u>including children attending a</u>	25130
<u>special education program operated by an alternative public</u>	25131
<u>provider or a registered private provider with a scholarship</u>	25132
<u>awarded under sections 3310.51 to 3310.63 of the Revised Code;</u>	25133
(8) The <u>combined</u> average daily membership of handicapped	25134
children <u>with disabilities</u> reported under division (A)(1) or (2)	25135
of this section receiving special education services for category	25136
four handicaps <u>disabilities</u> described in division (D) of section	25137
3317.013 of the Revised Code, <u>including children attending a</u>	25138
<u>special education program operated by an alternative public</u>	25139
<u>provider or a registered private provider with a scholarship</u>	25140

awarded under sections 3310.51 to 3310.63 of the Revised Code; 25141

(9) The combined average daily membership of ~~handicapped~~ 25142
children with disabilities reported under division (A)(1) or (2) 25143
of this section receiving special education services for the 25144
category five ~~handicap~~ disabilities described in division (E) of 25145
section 3317.013 of the Revised Code, including children attending 25146
a special education program operated by an alternative public 25147
provider or a registered private provider with a scholarship 25148
awarded under sections 3310.51 to 3310.63 of the Revised Code; 25149

(10) The combined average daily membership of ~~handicapped~~ 25150
children with disabilities reported under division (A)(1) or (2) 25151
and under division (B)(3)(h) of this section receiving special 25152
education services for category six ~~handicaps~~ disabilities 25153
described in division (F) of section 3317.013 of the Revised Code, 25154
including children attending a special education program operated 25155
by an alternative public provider or a registered private provider 25156
with a scholarship awarded under either section 3310.41 or 25157
sections 3310.51 to 3310.63 of the Revised Code; 25158

(11) The average daily membership of pupils reported under 25159
division (A)(1) or (2) of this section enrolled in category one 25160
vocational education programs or classes, described in division 25161
(A) of section 3317.014 of the Revised Code, operated by the 25162
school district or by another district, other than a joint 25163
vocational school district, or by an educational service center, 25164
excluding any student reported under division (B)(3)(e) of this 25165
section as enrolled in an internet- or computer-based community 25166
school, notwithstanding division (C) of section 3317.02 of the 25167
Revised Code and division (C)(3) of this section; 25168

(12) The average daily membership of pupils reported under 25169
division (A)(1) or (2) of this section enrolled in category two 25170
vocational education programs or services, described in division 25171
(B) of section 3317.014 of the Revised Code, operated by the 25172

school district or another school district, other than a joint 25173
vocational school district, or by an educational service center, 25174
excluding any student reported under division (B)(3)(e) of this 25175
section as enrolled in an internet- or computer-based community 25176
school, notwithstanding division (C) of section 3317.02 of the 25177
Revised Code and division (C)(3) of this section; 25178

(13) The average number of children transported by the school 25179
district on board-owned or contractor-owned and -operated buses, 25180
reported in accordance with rules adopted by the department of 25181
education; 25182

(14)(a) The number of children, other than ~~handicapped~~ 25183
preschool children with disabilities, the district placed with a 25184
county MR/DD board in fiscal year 1998; 25185

(b) The number of ~~handicapped~~ children with disabilities, 25186
other than ~~handicapped~~ preschool children with disabilities, 25187
placed with a county MR/DD board in the current fiscal year to 25188
receive special education services for the category one ~~handicap~~ 25189
disability described in division (A) of section 3317.013 of the 25190
Revised Code; 25191

(c) The number of ~~handicapped~~ children with disabilities, 25192
other than ~~handicapped~~ preschool children with disabilities, 25193
placed with a county MR/DD board in the current fiscal year to 25194
receive special education services for category two ~~handicaps~~ 25195
disabilities described in division (B) of section 3317.013 of the 25196
Revised Code; 25197

(d) The number of ~~handicapped~~ children with disabilities, 25198
other than ~~handicapped~~ preschool children with disabilities, 25199
placed with a county MR/DD board in the current fiscal year to 25200
receive special education services for category three ~~handicaps~~ 25201
disabilities described in division (C) of section 3317.013 of the 25202
Revised Code; 25203

(e) The number of ~~handicapped~~ children with disabilities, 25204
other than ~~handicapped~~ preschool children with disabilities, 25205
placed with a county MR/DD board in the current fiscal year to 25206
receive special education services for category four ~~handicaps~~ 25207
disabilities described in division (D) of section 3317.013 of the 25208
Revised Code; 25209

(f) The number of ~~handicapped~~ children with disabilities, 25210
other than ~~handicapped~~ preschool children with disabilities, 25211
placed with a county MR/DD board in the current fiscal year to 25212
receive special education services for the category five ~~handicap~~ 25213
disabilities described in division (E) of section 3317.013 of the 25214
Revised Code; 25215

(g) The number of ~~handicapped~~ children with disabilities, 25216
other than ~~handicapped~~ preschool children with disabilities, 25217
placed with a county MR/DD board in the current fiscal year to 25218
receive special education services for category six ~~handicaps~~ 25219
disabilities described in division (F) of section 3317.013 of the 25220
Revised Code. 25221

(C)(1) Except as otherwise provided in this section for 25222
kindergarten students, the average daily membership in divisions 25223
(B)(1) to (12) of this section shall be based upon the number of 25224
full-time equivalent students. The state board of education shall 25225
adopt rules defining full-time equivalent students and for 25226
determining the average daily membership therefrom for the 25227
purposes of divisions (A), (B), and (D) of this section. 25228

(2) A student enrolled in a community school established 25229
under Chapter 3314. of the Revised Code shall be counted in the 25230
formula ADM and, if applicable, the category one, two, three, 25231
four, five, or six special education ADM of the school district in 25232
which the student is entitled to attend school under section 25233
3313.64 or 3313.65 of the Revised Code for the same proportion of 25234
the school year that the student is counted in the enrollment of 25235

the community school for purposes of section 3314.08 of the Revised Code. Notwithstanding the number of students reported pursuant to division (B)(3)(d) or (e) of this section, the department may adjust the formula ADM of a school district to account for students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in a community school for only a portion of the school year.

(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~~ disability 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.

(D)(1) The superintendent of each joint vocational school 25268
district shall certify to the superintendent of public instruction 25269
on or before the fifteenth day of October in each year for the 25270
first full school week in October the formula ADM. ~~Beginning in~~ 25271
~~fiscal year 2007, each superintendent also shall certify to the~~ 25272
~~state superintendent the formula ADM for the first full week in~~ 25273
~~February.~~ If a school operated by the joint vocational school 25274
district is closed for one or more days during that week due to 25275
hazardous weather conditions or other circumstances described in 25276
the first paragraph of division (B) of section 3317.01 of the 25277
Revised Code, the superintendent may apply to the superintendent 25278
of public instruction for a waiver, under which the superintendent 25279
of public instruction may exempt the district superintendent from 25280
certifying the formula ADM for that school for that week and 25281
specify an alternate week for certifying the formula ADM of that 25282
school. 25283

The formula ADM, except as otherwise provided in this 25284
division, shall consist of the average daily membership during 25285
such week, on an FTE basis, of the number of students receiving 25286
any educational services from the district, including students 25287
enrolled in a community school established under Chapter 3314. of 25288
the Revised Code who are attending the joint vocational district 25289
under an agreement between the district board of education and the 25290
governing authority of the community school and are entitled to 25291
attend school in a city, local, or exempted village school 25292
district whose territory is part of the territory of the joint 25293
vocational district. ~~Beginning in fiscal year 2007, in the case of~~ 25294
~~the report submitted for the first week in February, or the~~ 25295
~~alternative week if specified by the superintendent of public~~ 25296
~~instruction, the superintendent of the joint vocational school~~ 25297
~~district may include the number of students reported under~~ 25298
~~division (D)(1) of this section for the first full week of the~~ 25299
~~preceding October but who since that week have received high~~ 25300

school diplomas.	25301
The following categories of students shall not be included in	25302
the determination made under division (D)(1) of this section:	25303
(a) Students enrolled in adult education classes;	25304
(b) Adjacent or other district joint vocational students	25305
enrolled in the district under an open enrollment policy pursuant	25306
to section 3313.98 of the Revised Code;	25307
(c) Students receiving services in the district pursuant to a	25308
compact, cooperative education agreement, or a contract, but who	25309
are entitled to attend school in a city, local, or exempted	25310
village school district whose territory is not part of the	25311
territory of the joint vocational district;	25312
(d) Students for whom tuition is payable pursuant to sections	25313
3317.081 and 3323.141 of the Revised Code.	25314
(2) To enable the department of education to obtain the data	25315
needed to complete the calculation of payments pursuant to this	25316
chapter, in addition to the formula ADM, each superintendent shall	25317
report separately the average daily membership included in the	25318
report under division (D)(1) of this section for each of the	25319
following categories of students for the same week for which	25320
formula ADM is certified:	25321
(a) Students enrolled in each grade included in the joint	25322
vocational district schools;	25323
(b) Handicapped children <u>Children with disabilities</u> receiving	25324
special education services for the category one handicap	25325
<u>disability</u> described in division (A) of section 3317.013 of the	25326
Revised Code;	25327
(c) Handicapped children <u>Children with disabilities</u> receiving	25328
special education services for the category two handicaps	25329
<u>disabilities</u> described in division (B) of section 3317.013 of the	25330

Revised Code;	25331
(d) Handicapped children <u>Children with disabilities</u> receiving special education services for category three handicaps <u>disabilities</u> described in division (C) of section 3317.013 of the Revised Code;	25332 25333 25334 25335
(e) Handicapped children <u>Children with disabilities</u> receiving special education services for category four handicaps <u>disabilities</u> described in division (D) of section 3317.013 of the Revised Code;	25336 25337 25338 25339
(f) Handicapped children <u>Children with disabilities</u> receiving special education services for the category five handicap <u>disabilities</u> described in division (E) of section 3317.013 of the Revised Code;	25340 25341 25342 25343
(g) Handicapped children <u>Children with disabilities</u> receiving special education services for category six handicaps <u>disabilities</u> described in division (F) of section 3317.013 of the Revised Code;	25344 25345 25346
(h) Students receiving category one vocational education services, described in division (A) of section 3317.014 of the Revised Code;	25347 25348 25349
(i) Students receiving category two vocational education services, described in division (B) of section 3317.014 of the Revised Code.	25350 25351 25352
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.	25353 25354 25355 25356 25357
(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	25358 25359 25360

shall accurately show, for each day the school is in session, the 25361
actual membership enrolled in regular day classes. For the purpose 25362
of determining average daily membership, the membership figure of 25363
any school shall not include any pupils except those pupils 25364
described by division (A) of this section. The record of 25365
membership for each school shall be maintained in such manner that 25366
no pupil shall be counted as in membership prior to the actual 25367
date of entry in the school and also in such manner that where for 25368
any cause a pupil permanently withdraws from the school that pupil 25369
shall not be counted as in membership from and after the date of 25370
such withdrawal. There shall not be included in the membership of 25371
any school any of the following: 25372

(1) Any pupil who has graduated from the twelfth grade of a 25373
public or nonpublic high school; 25374

(2) Any pupil who is not a resident of the state; 25375

(3) Any pupil who was enrolled in the schools of the district 25376
during the previous school year when tests were administered under 25377
section 3301.0711 of the Revised Code but did not take one or more 25378
of the tests required by that section and was not excused pursuant 25379
to division (C)(1) or (3) of that section; 25380

(4) Any pupil who has attained the age of twenty-two years, 25381
except for veterans of the armed services whose attendance was 25382
interrupted before completing the recognized twelve-year course of 25383
the public schools by reason of induction or enlistment in the 25384
armed forces and who apply for reenrollment in the public school 25385
system of their residence not later than four years after 25386
termination of war or their honorable discharge. 25387

If, however, any veteran described by division (E)(4) of this 25388
section elects to enroll in special courses organized for veterans 25389
for whom tuition is paid under the provisions of federal laws, or 25390
otherwise, that veteran shall not be included in average daily 25391

membership. 25392

Notwithstanding division (E)(3) of this section, the 25393
membership of any school may include a pupil who did not take a 25394
test required by section 3301.0711 of the Revised Code if the 25395
superintendent of public instruction grants a waiver from the 25396
requirement to take the test to the specific pupil and a parent is 25397
not paying tuition for the pupil pursuant to section 3313.6410 of 25398
the Revised Code. The superintendent may grant such a waiver only 25399
for good cause in accordance with rules adopted by the state board 25400
of education. 25401

Except as provided in divisions (B)(2) and (F) of this 25402
section, the average daily membership figure of any local, city, 25403
exempted village, or joint vocational school district shall be 25404
determined by dividing the figure representing the sum of the 25405
number of pupils enrolled during each day the school of attendance 25406
is actually open for instruction during the week for which the 25407
formula ADM is being certified by the total number of days the 25408
school was actually open for instruction during that week. For 25409
purposes of state funding, "enrolled" persons are only those 25410
pupils who are attending school, those who have attended school 25411
during the current school year and are absent for authorized 25412
reasons, and those ~~handicapped~~ children with disabilities 25413
currently receiving home instruction. 25414

The average daily membership figure of any cooperative 25415
education school district shall be determined in accordance with 25416
rules adopted by the state board of education. 25417

(F)(1) If the formula ADM for the first full school week in 25418
February is at least three per cent greater than that certified 25419
for the first full school week in the preceding October, the 25420
superintendent of schools of any city, exempted village, or joint 25421
vocational school district or educational service center shall 25422
certify such increase to the superintendent of public instruction. 25423

Such certification shall be submitted no later than the fifteenth 25424
day of February. For the balance of the fiscal year, beginning 25425
with the February payments, the superintendent of public 25426
instruction shall use the increased formula ADM in calculating or 25427
recalculating the amounts to be allocated in accordance with 25428
section 3317.022 or 3317.16 of the Revised Code. In no event shall 25429
the superintendent use an increased membership certified to the 25430
superintendent after the fifteenth day of February. ~~Division~~ 25431
~~(F)(1) of this section does not apply after fiscal year 2006.~~ 25432

(2) If on the first school day of April the total number of 25433
classes or units for ~~handicapped~~ preschool children with 25434
disabilities that are eligible for approval under division (B) of 25435
section 3317.05 of the Revised Code exceeds the number of units 25436
that have been approved for the year under that division, the 25437
superintendent of schools of any city, exempted village, or 25438
cooperative education school district or educational service 25439
center shall make the certifications required by this section for 25440
that day. If the department determines additional units can be 25441
approved for the fiscal year within any limitations set forth in 25442
the acts appropriating moneys for the funding of such units, the 25443
department shall approve additional units for the fiscal year on 25444
the basis of such average daily membership. For each unit so 25445
approved, the department shall pay an amount computed in the 25446
manner prescribed in section 3317.052 or 3317.19 and section 25447
3317.053 of the Revised Code. 25448

(3) If a student attending a community school under Chapter 25449
3314. of the Revised Code is not included in the formula ADM 25450
certified for the school district in which the student is entitled 25451
to attend school under section 3313.64 or 3313.65 of the Revised 25452
Code, the department of education shall adjust the formula ADM of 25453
that school district to include the community school student in 25454
accordance with division (C)(2) of this section, and shall 25455

recalculate the school district's payments under this chapter for 25456
the entire fiscal year on the basis of that adjusted formula ADM. 25457
This requirement applies regardless of whether the student was 25458
enrolled, as defined in division (E) of this section, in the 25459
community school during the week for which the formula ADM is 25460
being certified. 25461

(4) If a student awarded an educational choice scholarship is 25462
not included in the formula ADM of the school district from which 25463
the department deducts funds for the scholarship under section 25464
3310.08 of the Revised Code, the department shall adjust the 25465
formula ADM of that school district to include the student to the 25466
extent necessary to account for the deduction, and shall 25467
recalculate the school district's payments under this chapter for 25468
the entire fiscal year on the basis of that adjusted formula ADM. 25469
This requirement applies regardless of whether the student was 25470
enrolled, as defined in division (E) of this section, in the 25471
chartered nonpublic school, the school district, or a community 25472
school during the week for which the formula ADM is being 25473
certified. 25474

(G)(1)~~(a)~~ The superintendent of an institution operating a 25475
special education program pursuant to section 3323.091 of the 25476
Revised Code shall, for the programs under such superintendent's 25477
supervision, certify to the state board of education, in the 25478
manner prescribed by the superintendent of public instruction, 25479
both of the following: 25480

~~(i)~~(a) The average daily membership of all ~~handicapped~~ 25481
children with disabilities other than ~~handicapped~~ preschool 25482
children with disabilities receiving services at the institution 25483
for each category of ~~handicap~~ disability described in divisions 25484
(A) to (F) of section 3317.013 of the Revised Code; 25485

~~(ii)~~(b) The average daily membership of all ~~handicapped~~ 25486
preschool children with disabilities in classes or programs 25487

approved annually by the department of education for unit funding 25488
under section 3317.05 of the Revised Code. 25489

~~(b) The superintendent of an institution with vocational 25490
education units approved under division (A) of section 3317.05 of 25491
the Revised Code shall, for the units under the superintendent's 25492
supervision, certify to the state board of education the average 25493
daily membership in those units, in the manner prescribed by the 25494
superintendent of public instruction. 25495~~

(2) The superintendent of each county MR/DD board that 25496
maintains special education classes under section 3317.20 of the 25497
Revised Code or units approved pursuant to section 3317.05 of the 25498
Revised Code shall do both of the following: 25499

(a) Certify to the state board, in the manner prescribed by 25500
the board, the average daily membership in classes under section 25501
3317.20 of the Revised Code for each school district that has 25502
placed children in the classes; 25503

(b) Certify to the state board, in the manner prescribed by 25504
the board, the number of all ~~handicapped~~ preschool children with 25505
disabilities enrolled as of the first day of December in classes 25506
eligible for approval under division (B) of section 3317.05 of the 25507
Revised Code, and the number of those classes. 25508

(3)(a) If on the first school day of April the number of 25509
classes or units maintained for ~~handicapped~~ preschool children 25510
with disabilities by the county MR/DD board that are eligible for 25511
approval under division (B) of section 3317.05 of the Revised Code 25512
is greater than the number of units approved for the year under 25513
that division, the superintendent shall make the certification 25514
required by this section for that day. 25515

(b) If the department determines that additional classes or 25516
units can be approved for the fiscal year within any limitations 25517
set forth in the acts appropriating moneys for the funding of the 25518

classes and units described in division (G)(3)(a) of this section, 25519
the department shall approve and fund additional units for the 25520
fiscal year on the basis of such average daily membership. For 25521
each unit so approved, the department shall pay an amount computed 25522
in the manner prescribed in sections 3317.052 and 3317.053 of the 25523
Revised Code. 25524

(H) Except as provided in division (I) of this section, when 25525
any city, local, or exempted village school district provides 25526
instruction for a nonresident pupil whose attendance is 25527
unauthorized attendance as defined in section 3327.06 of the 25528
Revised Code, that pupil's membership shall not be included in 25529
that district's membership figure used in the calculation of that 25530
district's formula ADM or included in the determination of any 25531
unit approved for the district under section 3317.05 of the 25532
Revised Code. The reporting official shall report separately the 25533
average daily membership of all pupils whose attendance in the 25534
district is unauthorized attendance, and the membership of each 25535
such pupil shall be credited to the school district in which the 25536
pupil is entitled to attend school under division (B) of section 25537
3313.64 or section 3313.65 of the Revised Code as determined by 25538
the department of education. 25539

(I)(1) A city, local, exempted village, or joint vocational 25540
school district admitting a scholarship student of a pilot project 25541
district pursuant to division (C) of section 3313.976 of the 25542
Revised Code may count such student in its average daily 25543
membership. 25544

(2) In any year for which funds are appropriated for pilot 25545
project scholarship programs, a school district implementing a 25546
state-sponsored pilot project scholarship program that year 25547
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 25548
count in average daily membership: 25549

(a) All children residing in the district and utilizing a 25550

scholarship to attend kindergarten in any alternative school, as 25551
defined in section 3313.974 of the Revised Code; 25552

(b) All children who were enrolled in the district in the 25553
preceding year who are utilizing a scholarship to attend any such 25554
alternative school. 25555

(J) The superintendent of each cooperative education school 25556
district shall certify to the superintendent of public 25557
instruction, in a manner prescribed by the state board of 25558
education, the applicable average daily memberships for all 25559
students in the cooperative education district, also indicating 25560
the city, local, or exempted village district where each pupil is 25561
entitled to attend school under section 3313.64 or 3313.65 of the 25562
Revised Code. 25563

(K) If the superintendent of public instruction determines 25564
that a component of the formula ADM certified or reported by a 25565
district superintendent, or other reporting entity, is not 25566
correct, the superintendent of public instruction may order that 25567
the formula ADM used for the purposes of payments under any 25568
section of Title XXXVIII of the Revised Code be adjusted in the 25569
amount of the error. 25570

Sec. 3317.031. A membership record shall be kept by grade 25571
level in each city, local, exempted village, joint vocational, and 25572
cooperative education school district and such a record shall be 25573
kept by grade level in each educational service center that 25574
provides academic instruction to pupils, classes for ~~handicapped~~ 25575
pupils with disabilities, or any other direct instructional 25576
services to pupils. Such membership record shall show the 25577
following information for each pupil enrolled: Name, date of 25578
birth, name of parent, date entered school, date withdrawn from 25579
school, days present, days absent, and the number of days school 25580
was open for instruction while the pupil was enrolled. At the end 25581

of the school year this membership record shall show the total 25582
days present, the total days absent, and the total days due for 25583
all pupils in each grade. Such membership record shall show the 25584
pupils that are transported to and from school and it shall also 25585
show the pupils that are transported living within one mile of the 25586
school attended. This membership record shall also show any other 25587
information prescribed by the state board of education. 25588

This membership record shall be kept intact for at least five 25589
years and shall be made available to the state board of education 25590
or its representative in making an audit of the average daily 25591
membership or the transportation of the district or educational 25592
service center. The membership records of local school districts 25593
shall be filed at the close of each school year in the office of 25594
the educational service center superintendent. 25595

The state board of education may withhold any money due any 25596
school district or educational service center under sections 25597
3317.022 to 3317.0211, 3317.11, 3317.16, 3317.17, or 3317.19 of 25598
the Revised Code until it has satisfactory evidence that the board 25599
of education or educational service center governing board has 25600
fully complied with all of the provisions of this section. 25601

Nothing in this section shall require any person to release, 25602
or to permit access to, public school records in violation of 25603
section 3319.321 of the Revised Code. 25604

Sec. 3317.032. (A) Each city, local, exempted village, and 25605
cooperative education school district, each educational service 25606
center, each county MR/DD board, and each institution operating a 25607
special education program pursuant to section 3323.091 of the 25608
Revised Code shall, in accordance with procedures adopted by the 25609
state board of education, maintain a record of district membership 25610
of both of the following: 25611

(1) All ~~handicapped~~ preschool children with disabilities in 25612

units approved under division (B) of section 3317.05 of the Revised Code; 25613
25614

(2) All ~~handicapped~~ preschool children with disabilities who are not in units approved under division (B) of section 3317.05 of the Revised Code but who are otherwise served by a special education program. 25615
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(B) The superintendent of each district, board, or institution subject to division (A) of this section shall certify to the state board of education, in accordance with procedures adopted by that board, membership figures of all ~~handicapped~~ preschool children with disabilities whose membership is maintained under division (A)(2) of this section. The figures certified under this division shall be used in the determination of the ADM used to compute funds for educational service center governing boards under section 3317.11 of the Revised Code. 25619
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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: 25628
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(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. 25631
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(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 25637
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consummation of the transfer. 25644

~~(C) In the case of any school district, the amount paid under 25645
Chapter 3317. of the Revised Code to the district in the fiscal 25646
year of distribution shall not be less than that paid under such 25647
chapter in the preceding fiscal year, less any amount paid in that 25648
preceding fiscal year under section 3317.0216 of the Revised Code, 25649
if in the calendar year ending the thirty first day of December 25650
preceding the fiscal year of distribution, the county auditor of 25651
the county to which the district has been assigned by the 25652
department of education for administrative purposes has completed 25653
reassessment of all real estate within the county, or the tax 25654
duplicate of that county was increased by the application of a 25655
uniform taxable value per cent of true value pursuant to a rule or 25656
order of the tax commissioner and the revised valuations were 25657
entered on the tax list and duplicate. Notwithstanding sections 25658
3311.22, 3311.231, 3311.26, 3311.37, and 3311.38 of the Revised 25659
Code, this minimum guarantee is applicable only during the fiscal 25660
year immediately following the reassessment or application. 25661~~

~~(D) In the case of any school district that has territory in 25662
three or more counties, each of which contains at least twenty per 25663
cent of the district's territory, the amount paid under Chapter 25664
3317. of the Revised Code to the district in the fiscal year of 25665
distribution shall not be less than that paid under such chapter 25666
in the preceding fiscal year, less any amount paid in that 25667
preceding fiscal year under section 3317.0216 of the Revised Code, 25668
if in the calendar year ending the thirty first day of December 25669
preceding the fiscal year of distribution, the county auditor of 25670
any such county completed reassessment of all real estate within 25671
the county, or the tax duplicate of any such county was increased 25672
by the application of a uniform taxable value per cent of true 25673
value pursuant to a rule or order of the tax commissioner and the 25674
revised valuations were entered on the tax list and duplicate. 25675~~

~~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.~~

Notwithstanding sections 3311.22, 3311.231, 3311.26, 3311.37, and 3311.38 of the Revised Code, the minimum guarantees prescribed by divisions (A) and (B) of this section shall not affect the amount of aid received by a school district for more than three consecutive years.

Sec. 3317.05. (A) For The department of education shall assign units under this division until July 1, 2007.

For the purpose of calculating payments under sections 3317.052 and 3317.053 of the Revised Code, the department of education shall determine for each institution, by the last day of January of each year and based on information certified under section 3317.03 of the Revised Code, the number of vocational education units or fractions of units approved by the department on the basis of standards and rules adopted by the state board of education. As used in this division, "institution" means an institution operated by a department specified in section 3323.091 of the Revised Code and that provides vocational education programs under the supervision of the division of vocational education of the department that meet the standards and rules for these programs, including licensure of professional staff involved in the programs, as established by the state board.

(B) For the purpose of calculating payments under sections 3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the department shall determine, based on information certified under section 3317.03 of the Revised Code, the following by the last day of January of each year for each educational service center, for each school district, including each cooperative education school

district, for each institution eligible for payment under section 25707
3323.091 of the Revised Code, and for each county MR/DD board: the 25708
number of classes operated by the school district, service center, 25709
institution, or county MR/DD board for ~~handicapped~~ preschool 25710
children with disabilities, or fraction thereof, including in the 25711
case of a district or service center that is a funding agent, 25712
classes taught by a licensed teacher employed by that district or 25713
service center under section 3313.841 of the Revised Code, 25714
approved annually by the department on the basis of standards and 25715
rules adopted by the state board. 25716

(C) For the purpose of calculating payments under sections 25717
3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 25718
department shall determine, based on information certified under 25719
section 3317.03 of the Revised Code, the following by the last day 25720
of January of each year for each school district, including each 25721
cooperative education school district, for each institution 25722
eligible for payment under section 3323.091 of the Revised Code, 25723
and for each county MR/DD board: the number of ~~preschool~~ 25724
~~handicapped~~ units for related services, as defined in section 25725
3323.01 of the Revised Code, for preschool children with 25726
disabilities approved annually by the department on the basis of 25727
standards and rules adopted by the state board. 25728

(D) All of the arithmetical calculations made under this 25729
section shall be carried to the second decimal place. The total 25730
number of units for school districts, service centers, and 25731
institutions approved annually under this section shall not exceed 25732
the number of units included in the estimate of cost for these 25733
units and appropriations made for them by the general assembly. 25734

In the case of ~~handicapped preschool~~ units for preschool 25735
children with disabilities described in division (B) of this 25736
section, the department shall approve only preschool units for 25737
children who are under age six on the thirtieth day of September 25738

of the academic year, or on the first day of August of the 25739
academic year if the school district in which the child is 25740
enrolled has adopted a resolution under division (A)(3) of section 25741
3321.01 of the Revised Code, but not less than age three on the 25742
first day of December of the academic year, except that such a 25743
unit may include one or more children who are under age three or 25744
are age six or over on the applicable date, as reported under 25745
division (B)(2) or (G)(2)(b) of section 3317.03 of the Revised 25746
Code, if such children have been admitted to the unit pursuant to 25747
rules of the state board. The number of units for county MR/DD 25748
boards and institutions eligible for payment under section 25749
3323.091 of the Revised Code approved under this section shall not 25750
exceed the number that can be funded with appropriations made for 25751
such purposes by the general assembly. 25752

No unit shall be approved under divisions (B) and (C) of this 25753
section unless a plan has been submitted and approved under 25754
Chapter 3323. of the Revised Code. 25755

(E) The department shall approve units or fractions thereof 25756
for gifted children on the basis of standards and rules adopted by 25757
the state board. 25758

Sec. 3317.051. (A)(1) Notwithstanding sections 3317.05 and 25759
3317.11 of the Revised Code, a unit funded pursuant to division 25760
(L) of section 3317.024 or division (A)(2) of section 3317.052 of 25761
the Revised Code shall not be approved for state funding in one 25762
school district, including any cooperative education school 25763
district or any educational service center, to the extent that 25764
such unit provides programs in or services to another district 25765
which receives payment pursuant to section 3317.04 of the Revised 25766
Code. 25767

(2) Any city, local, exempted village, or cooperative 25768
education school district or any educational service center may 25769

combine partial unit eligibility for ~~handicapped preschool~~ 25770
programs for preschool children with disabilities pursuant to 25771
section 3317.05 of the Revised Code, and such combined partial 25772
units may be approved for state funding in one school district or 25773
service center. 25774

(B) After units have been initially approved for any fiscal 25775
year under section 3317.05 of the Revised Code, no unit shall be 25776
subsequently transferred from a school district or educational 25777
service center to another city, exempted village, local, or 25778
cooperative education school district or educational service 25779
center or to an institution or county MR/DD board solely for the 25780
purpose of reducing the financial obligations of the school 25781
district in a fiscal year it receives payment pursuant to section 25782
3317.04 of the Revised Code. 25783

Sec. 3317.052. As used in this section, "institution" means 25784
an institution operated by a department specified in division (A) 25785
of section 3323.091 of the Revised Code. 25786

(A)(1) The department of education shall pay each school 25787
district, educational service center, institution eligible for 25788
payment under section 3323.091 of the Revised Code, or county 25789
MR/DD board an amount for the total of all classroom units for 25790
~~handicapped~~ preschool children with disabilities approved under 25791
division (B) of section 3317.05 of the Revised Code. For each 25792
unit, the amount shall be the sum of the minimum salary for the 25793
teacher of the unit, calculated on the basis of the teacher's 25794
training level and years of experience pursuant to the salary 25795
schedule prescribed in the version of section 3317.13 of the 25796
Revised Code in effect prior to July 1, 2001, plus fifteen per 25797
cent of that minimum salary amount, and eight thousand 25798
twenty-three dollars. 25799

(2) The department shall pay each school district, 25800

educational service center, institution eligible for payment under 25801
section 3323.091 of the Revised Code, or county MR/DD board an 25802
amount for the total of all related services units for ~~handicapped~~ 25803
preschool children with disabilities approved under division (C) 25804
of section 3317.05 of the Revised Code. For each such unit, the 25805
amount shall be the sum of the minimum salary for the teacher of 25806
the unit calculated on the basis of the teacher's training level 25807
and years of experience pursuant to the salary schedule prescribed 25808
in the version of section 3317.13 of the Revised Code in effect 25809
prior to July 1, 2001, fifteen per cent of that minimum salary 25810
amount, and two thousand one hundred thirty-two dollars. 25811

(B) If a school district, educational service center, or 25812
county MR/DD board has had additional ~~handicapped preschool~~ units 25813
for preschool children with disabilities approved for the year 25814
under division (F)(2) or (G)(3) of section 3317.03 of the Revised 25815
Code, the district, educational service center, or board shall 25816
receive an additional amount during the last half of the fiscal 25817
year. For each district, center, or board, the additional amount 25818
for each unit shall equal fifty per cent of the amounts computed 25819
for the unit in the manner prescribed by division (A) of this 25820
section and division (C) of section 3317.053 of the Revised Code. 25821

(C) The department ~~shall~~ may pay each institution approved 25822
for vocational education ~~units under division (A) of section~~ 25823
~~3317.05 of the Revised Code an amount for the total of all the~~ 25824
~~units approved under that division. The amount for each unit shall~~ 25825
~~be the sum of the minimum salary for the teacher of the unit,~~ 25826
~~calculated on the basis of the teacher's training level and years~~ 25827
~~of experience pursuant to the salary schedule prescribed in the~~ 25828
~~version of section 3317.13 of the Revised Code in effect prior to~~ 25829
~~July 1, 2001, plus fifteen per cent of that minimum salary amount,~~ 25830
~~and nine thousand five hundred ten dollars~~ a grant amount based on 25831
the institution's submission of a comprehensive plan for a program 25832

to provide vocational education services. Each institution that 25833
receives ~~units funds~~ a grant under this division annually shall 25834
report to the department on the delivery of services and the 25835
performance of students and any other information required by the 25836
department to evaluate the institution's vocational education 25837
program. 25838

Sec. 3317.06. Moneys paid to school districts under division 25839
(I) of section 3317.024 of the Revised Code shall be used for the 25840
following independent and fully severable purposes: 25841

(A) To purchase such secular textbooks or electronic 25842
textbooks as have been approved by the superintendent of public 25843
instruction for use in public schools in the state and to loan 25844
such textbooks or electronic textbooks to pupils attending 25845
nonpublic schools within the district or to their parents and to 25846
hire clerical personnel to administer such lending program. Such 25847
loans shall be based upon individual requests submitted by such 25848
nonpublic school pupils or parents. Such requests shall be 25849
submitted to the school district in which the nonpublic school is 25850
located. Such individual requests for the loan of textbooks or 25851
electronic textbooks shall, for administrative convenience, be 25852
submitted by the nonpublic school pupil or the pupil's parent to 25853
the nonpublic school, which shall prepare and submit collective 25854
summaries of the individual requests to the school district. As 25855
used in this section: 25856

(1) "Textbook" means any book or book substitute that a pupil 25857
uses as a consumable or nonconsumable text, text substitute, or 25858
text supplement in a particular class or program in the school the 25859
pupil regularly attends. 25860

(2) "Electronic textbook" means computer software, 25861
interactive videodisc, magnetic media, CD-ROM, computer 25862
courseware, local and remote computer assisted instruction, 25863

on-line service, electronic medium, or other means of conveying 25864
information to the student or otherwise contributing to the 25865
learning process through electronic means. 25866

(B) To provide speech and hearing diagnostic services to 25867
pupils attending nonpublic schools within the district. Such 25868
service shall be provided in the nonpublic school attended by the 25869
pupil receiving the service. 25870

(C) To provide physician, nursing, dental, and optometric 25871
services to pupils attending nonpublic schools within the 25872
district. Such services shall be provided in the school attended 25873
by the nonpublic school pupil receiving the service. 25874

(D) To provide diagnostic psychological services to pupils 25875
attending nonpublic schools within the district. Such services 25876
shall be provided in the school attended by the pupil receiving 25877
the service. 25878

(E) To provide therapeutic psychological and speech and 25879
hearing services to pupils attending nonpublic schools within the 25880
district. Such services shall be provided in the public school, in 25881
nonpublic schools, in public centers, or in mobile units located 25882
on or off of the nonpublic premises. If such services are provided 25883
in the public school or in public centers, transportation to and 25884
from such facilities shall be provided by the school district in 25885
which the nonpublic school is located. 25886

(F) To provide guidance ~~and~~, counseling, and social work 25887
services to pupils attending nonpublic schools within the 25888
district. Such services shall be provided in the public school, in 25889
nonpublic schools, in public centers, or in mobile units located 25890
on or off of the nonpublic premises. If such services are provided 25891
in the public school or in public centers, transportation to and 25892
from such facilities shall be provided by the school district in 25893
which the nonpublic school is located. 25894

(G) To provide remedial services to pupils attending nonpublic schools within the district. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(H) To supply for use by pupils attending nonpublic schools within the district such standardized tests and scoring services as are in use in the public schools of the state;

(I) To provide programs for children who attend nonpublic schools within the district and are ~~handicapped~~ children with disabilities as defined in ~~division (A) of~~ section 3323.01 of the Revised Code or gifted children. Such programs shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such programs are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(J) To hire clerical personnel to assist in the administration of programs pursuant to divisions (B), (C), (D), (E), (F), (G), and (I) of this section and to hire supervisory personnel to supervise the providing of services and textbooks pursuant to this section.

(K) To purchase or lease any secular, neutral, and nonideological computer software (including site-licensing), prerecorded video laserdiscs, digital video on demand (DVD), compact discs, and video cassette cartridges, wide area connectivity and related technology as it relates to internet access, mathematics or science equipment and materials,

instructional materials, and school library materials that are in 25927
general use in the public schools of the state and loan such items 25928
to pupils attending nonpublic schools within the district or to 25929
their parents, and to hire clerical personnel to administer the 25930
lending program. Only such items that are incapable of diversion 25931
to religious use and that are susceptible of loan to individual 25932
pupils and are furnished for the use of individual pupils shall be 25933
purchased and loaned under this division. As used in this section, 25934
"instructional materials" means prepared learning materials that 25935
are secular, neutral, and nonideological in character and are of 25936
benefit to the instruction of school children, and may include 25937
educational resources and services developed by the eTech Ohio 25938
commission. 25939

(L) To purchase or lease instructional equipment, including 25940
computer hardware and related equipment in general use in the 25941
public schools of the state, for use by pupils attending nonpublic 25942
schools within the district and to loan such items to pupils 25943
attending nonpublic schools within the district or to their 25944
parents, and to hire clerical personnel to administer the lending 25945
program. 25946

(M) To purchase mobile units to be used for the provision of 25947
services pursuant to divisions (E), (F), (G), and (I) of this 25948
section and to pay for necessary repairs and operating costs 25949
associated with these units. 25950

(N) To reimburse costs the district incurred to store the 25951
records of a chartered nonpublic school that closes. 25952
Reimbursements under this division shall be made one time only for 25953
each chartered nonpublic school that closes. 25954

Clerical and supervisory personnel hired pursuant to division 25955
(J) of this section shall perform their services in the public 25956
schools, in nonpublic schools, public centers, or mobile units 25957
where the services are provided to the nonpublic school pupil, 25958

except that such personnel may accompany pupils to and from the 25959
service sites when necessary to ensure the safety of the children 25960
receiving the services. 25961

All services provided pursuant to this section may be 25962
provided under contract with educational service centers, the 25963
department of health, city or general health districts, or private 25964
agencies whose personnel are properly licensed by an appropriate 25965
state board or agency. 25966

Transportation of pupils provided pursuant to divisions (E), 25967
(F), (G), and (I) of this section shall be provided by the school 25968
district from its general funds and not from moneys paid to it 25969
under division (I) of section 3317.024 of the Revised Code unless 25970
a special transportation request is submitted by the parent of the 25971
child receiving service pursuant to such divisions. If such an 25972
application is presented to the school district, it may pay for 25973
the transportation from moneys paid to it under division (I) of 25974
section 3317.024 of the Revised Code. 25975

No school district shall provide health or remedial services 25976
to nonpublic school pupils as authorized by this section unless 25977
such services are available to pupils attending the public schools 25978
within the district. 25979

Materials, equipment, computer hardware or software, 25980
textbooks, electronic textbooks, and health and remedial services 25981
provided for the benefit of nonpublic school pupils pursuant to 25982
this section and the admission of pupils to such nonpublic schools 25983
shall be provided without distinction as to race, creed, color, or 25984
national origin of such pupils or of their teachers. 25985

No school district shall provide services, materials, or 25986
equipment that contain religious content for use in religious 25987
courses, devotional exercises, religious training, or any other 25988
religious activity. 25989

As used in this section, "parent" includes a person standing 25990
in loco parentis to a child. 25991

Notwithstanding section 3317.01 of the Revised Code, payments 25992
shall be made under this section to any city, local, or exempted 25993
village school district within which is located one or more 25994
nonpublic elementary or high schools and any payments made to 25995
school districts under division (I) of section 3317.024 of the 25996
Revised Code for purposes of this section may be disbursed without 25997
submission to and approval of the controlling board. 25998

The allocation of payments for materials, equipment, 25999
textbooks, electronic textbooks, health services, and remedial 26000
services to city, local, and exempted village school districts 26001
shall be on the basis of the state board of education's estimated 26002
annual average daily membership in nonpublic elementary and high 26003
schools located in the district. 26004

Payments made to city, local, and exempted village school 26005
districts under this section shall be equal to specific 26006
appropriations made for the purpose. All interest earned by a 26007
school district on such payments shall be used by the district for 26008
the same purposes and in the same manner as the payments may be 26009
used. 26010

The department of education shall adopt guidelines and 26011
procedures under which such programs and services shall be 26012
provided, under which districts shall be reimbursed for 26013
administrative costs incurred in providing such programs and 26014
services, and under which any unexpended balance of the amounts 26015
appropriated by the general assembly to implement this section may 26016
be transferred to the auxiliary services personnel unemployment 26017
compensation fund established pursuant to section 4141.47 of the 26018
Revised Code. The department shall also adopt guidelines and 26019
procedures limiting the purchase and loan of the items described 26020
in division (K) of this section to items that are in general use 26021

in the public schools of the state, that are incapable of 26022
diversion to religious use, and that are susceptible to individual 26023
use rather than classroom use. Within thirty days after the end of 26024
each biennium, each board of education shall remit to the 26025
department all moneys paid to it under division (I) of section 26026
3317.024 of the Revised Code and any interest earned on those 26027
moneys that are not required to pay expenses incurred under this 26028
section during the biennium for which the money was appropriated 26029
and during which the interest was earned. If a board of education 26030
subsequently determines that the remittal of moneys leaves the 26031
board with insufficient money to pay all valid expenses incurred 26032
under this section during the biennium for which the remitted 26033
money was appropriated, the board may apply to the department of 26034
education for a refund of money, not to exceed the amount of the 26035
insufficiency. If the department determines the expenses were 26036
lawfully incurred and would have been lawful expenditures of the 26037
refunded money, it shall certify its determination and the amount 26038
of the refund to be made to the director of job and family 26039
services who shall make a refund as provided in section 4141.47 of 26040
the Revised Code. 26041

Each school district shall label materials, equipment, 26042
computer hardware or software, textbooks, and electronic textbooks 26043
purchased or leased for loan to a nonpublic school under this 26044
section, acknowledging that they were purchased or leased with 26045
state funds under this section. However, a district need not label 26046
materials, equipment, computer hardware or software, textbooks, or 26047
electronic textbooks that the district determines are consumable 26048
in nature or have a value of less than two hundred dollars. 26049

Sec. 3317.063. The superintendent of public instruction, in 26050
accordance with rules adopted by the department of education, 26051
shall annually reimburse each chartered nonpublic school for the 26052
actual mandated service administrative and clerical costs incurred 26053

by such school during the preceding school year in preparing, 26054
maintaining, and filing reports, forms, and records, and in 26055
providing such other administrative and clerical services that are 26056
not an integral part of the teaching process as may be required by 26057
state law or rule or by requirements duly promulgated by city, 26058
exempted village, or local school districts. The mandated service 26059
costs reimbursed pursuant to this section shall include, but are 26060
not limited to, the preparation, filing and maintenance of forms, 26061
reports, or records and other clerical and administrative services 26062
relating to state chartering or approval of the nonpublic school, 26063
pupil attendance, pupil health and health testing, transportation 26064
of pupils, federally funded education programs, pupil appraisal, 26065
pupil progress, educator licensure, unemployment and workers' 26066
compensation, transfer of pupils, and such other education related 26067
data which are now or hereafter shall be required of such 26068
nonpublic school by state law or rule, or by requirements of the 26069
state department of education, other state agencies, or city, 26070
exempted village, or local school districts. 26071

The reimbursement required by this section shall be for 26072
school years beginning on or after July 1, 1981. 26073

Each nonpublic school which seeks reimbursement pursuant to 26074
this section shall submit to the superintendent of public 26075
instruction an application together with such additional reports 26076
and documents as the department of education may require. Such 26077
application, reports, and documents shall contain such information 26078
as the department of education may prescribe in order to carry out 26079
the purposes of this section. No payment shall be made until the 26080
superintendent of public instruction has approved such 26081
application. 26082

Each nonpublic school which applies for reimbursement 26083
pursuant to this section shall maintain a separate account or 26084
system of accounts for the expenses incurred in rendering the 26085

required services for which reimbursement is sought. Such accounts 26086
shall contain such information as is required by the department of 26087
education and shall be maintained in accordance with rules adopted 26088
by the department of education. 26089

Reimbursement payments to a nonpublic school pursuant to this 26090
section shall not exceed an amount for each school year equal to 26091
~~two~~ three hundred ~~seventy-five~~ dollars per pupil enrolled in that 26092
nonpublic school. 26093

The superintendent of public instruction may, from time to 26094
time, examine any and all accounts and records of a nonpublic 26095
school which have been maintained pursuant to this section in 26096
support of an application for reimbursement, for the purpose of 26097
determining the costs to such school of rendering the services for 26098
which reimbursement is sought. If after such audit it is 26099
determined that any school has received funds in excess of the 26100
actual cost of providing such services, said school shall 26101
immediately reimburse the state in such excess amount. 26102

Any payments made to chartered nonpublic schools under this 26103
section may be disbursed without submission to and approval of the 26104
controlling board. 26105

Sec. 3317.07. The state board of education shall establish 26106
rules for the purpose of distributing subsidies for the purchase 26107
of school buses under division (D) of section 3317.024 of the 26108
Revised Code. 26109

No school bus subsidy payments shall be paid to any district 26110
unless such district can demonstrate that pupils residing more 26111
than one mile from the school could not be transported without 26112
such additional aid. 26113

The amount paid to a county MR/DD board for buses purchased 26114
for transportation of children in special education programs 26115

operated by the board shall be based on a per pupil allocation for 26116
eligible students. 26117

The amount paid to a school district for buses purchased for 26118
transportation of ~~handicapped~~ pupils with disabilities and 26119
nonpublic school pupils shall be determined by a per pupil 26120
allocation based on the number of special education and nonpublic 26121
school pupils for whom transportation is provided. 26122

The state board of education shall adopt a formula to 26123
determine the amount of payments that shall be distributed to 26124
school districts to purchase school buses for pupils other than 26125
~~handicapped~~ pupils with disabilities or nonpublic school pupils. 26126

If any district or MR/DD board obtains bus services for pupil 26127
transportation pursuant to a contract, such district or board may 26128
use payments received under this section to defray the costs of 26129
contracting for bus services in lieu of for purchasing buses. 26130

If the department of education determines that a county MR/DD 26131
board no longer needs a school bus because the board no longer 26132
transports children to a special education program operated by the 26133
board, or if the department determines that a school district no 26134
longer needs a school bus to transport pupils to a nonpublic 26135
school or special education program, the department may reassign a 26136
bus that was funded with payments provided pursuant to this 26137
section for the purpose of transporting such pupils. The 26138
department may reassign a bus to a county MR/DD board or school 26139
district that transports children to a special education program 26140
designated in the children's individualized education plans, or to 26141
a school district that transports pupils to a nonpublic school, 26142
and needs an additional school bus. 26143

Sec. 3317.08. A board of education may admit to its schools a 26144
child it is not required by section 3313.64 or 3313.65 of the 26145
Revised Code to admit, if tuition is paid for the child. 26146

Unless otherwise provided by law, tuition shall be computed 26147
in accordance with this section. A district's tuition charge for a 26148
school year shall be one of the following: 26149

(A) For any child, except a ~~handicapped~~ preschool child with 26150
a disability described in division (B) of this section, the 26151
quotient obtained by dividing the sum of the amounts described in 26152
divisions (A)(1) and (2) of this section by the district's formula 26153
ADM. 26154

(1) The district's total taxes charged and payable for 26155
current expenses for the tax year preceding the tax year in which 26156
the school year begins as certified under division (A)(3) of 26157
section 3317.021 of the Revised Code. 26158

(2) The district's total taxes collected for current expenses 26159
under a school district income tax adopted pursuant to section 26160
5748.03 or 5748.08 of the Revised Code that are disbursed to the 26161
district during the fiscal year. On or before the first day of 26162
June of each year, the tax commissioner shall certify the amount 26163
to be used in the calculation under this division for the next 26164
fiscal year to the department of education and the office of 26165
budget and management for each city, local, and exempted village 26166
school district that levies a school district income tax. 26167

(B) For any ~~handicapped~~ preschool child with a disability not 26168
included in a unit approved under division (B) of section 3317.05 26169
of the Revised Code, an amount computed for the school year as 26170
follows: 26171

(1) For each type of special education service provided to 26172
the child for whom tuition is being calculated, determine the 26173
amount of the district's operating expenses in providing that type 26174
of service to all ~~handicapped~~ preschool children with disabilities 26175
not included in units approved under division (B) of section 26176
3317.05 of the Revised Code; 26177

(2) For each type of special education service for which 26178
operating expenses are determined under division (B)(1) of this 26179
section, determine the amount of such operating expenses that was 26180
paid from any state funds received under this chapter; 26181

(3) For each type of special education service for which 26182
operating expenses are determined under division (B)(1) of this 26183
section, divide the difference between the amount determined under 26184
division (B)(1) of this section and the amount determined under 26185
division (B)(2) of this section by the total number of ~~handicapped~~ 26186
preschool children with disabilities not included in units 26187
approved under division (B) of section 3317.05 of the Revised Code 26188
who received that type of service; 26189

(4) Determine the sum of the quotients obtained under 26190
division (B)(3) of this section for all types of special education 26191
services provided to the child for whom tuition is being 26192
calculated. 26193

The state board of education shall adopt rules defining the 26194
types of special education services and specifying the operating 26195
expenses to be used in the computation under this section. 26196

If any child for whom a tuition charge is computed under this 26197
section for any school year is enrolled in a district for only 26198
part of that school year, the amount of the district's tuition 26199
charge for the child for the school year shall be computed in 26200
proportion to the number of school days the child is enrolled in 26201
the district during the school year. 26202

Except as otherwise provided in division (J) of section 26203
3313.64 of the Revised Code, whenever a district admits a child to 26204
its schools for whom tuition computed in accordance with this 26205
section is an obligation of another school district, the amount of 26206
the tuition shall be certified by the treasurer of the board of 26207
education of the district of attendance, to the board of education 26208

of the district required to pay tuition for its approval and 26209
payment. If agreement as to the amount payable or the district 26210
required to pay the tuition cannot be reached, or the board of 26211
education of the district required to pay the tuition refuses to 26212
pay that amount, the board of education of the district of 26213
attendance shall notify the superintendent of public instruction. 26214
The superintendent shall determine the correct amount and the 26215
district required to pay the tuition and shall deduct that amount, 26216
if any, under division (G) of section 3317.023 of the Revised 26217
Code, from the district required to pay the tuition and add that 26218
amount to the amount allocated to the district attended under such 26219
division. The superintendent of public instruction shall send to 26220
the district required to pay the tuition an itemized statement 26221
showing such deductions at the time of such deduction. 26222

When a political subdivision owns and operates an airport, 26223
welfare, or correctional institution or other project or facility 26224
outside its corporate limits, the territory within which the 26225
facility is located is exempt from taxation by the school district 26226
within which such territory is located, and there are school age 26227
children residing within such territory, the political subdivision 26228
owning such tax exempt territory shall pay tuition to the district 26229
in which such children attend school. The tuition for these 26230
children shall be computed as provided for in this section. 26231

Sec. 3317.15. (A) As used in this section, "~~handicapped~~ child 26232
with a disability" has the same meaning as in section 3323.01 of 26233
the Revised Code. 26234

(B) Each city, exempted village, local, and joint vocational 26235
school district shall continue to comply with all requirements of 26236
federal statutes and regulations, the Revised Code, and rules 26237
adopted by the state board of education governing education of 26238
~~handicapped~~ children with disabilities, including, but not limited 26239

to, requirements that ~~handicapped~~ children with disabilities be 26240
served by appropriately licensed or certificated education 26241
personnel. 26242

(C) Each city, exempted village, local, and joint vocational 26243
school district shall consult with the educational service center 26244
serving the county in which the school district is located and, if 26245
it elects to participate pursuant to section 5126.04 of the 26246
Revised Code, the county MR/DD board of that county, in providing 26247
services that serve the best interests of ~~handicapped~~ children 26248
with disabilities. 26249

(D) Each school district shall annually provide documentation 26250
to the department of education that it employs the appropriate 26251
number of licensed or certificated personnel to serve the 26252
district's ~~handicapped~~ students with disabilities. 26253

(E) The department annually shall audit a sample of school 26254
districts to ensure that ~~handicapped~~ children with disabilities 26255
are being appropriately reported. 26256

(F) Each school district shall provide speech-language 26257
pathology services at a ratio of one speech-language pathologist 26258
per two thousand students receiving any educational services from 26259
the district other than adult education. Each district shall 26260
provide school psychological services at a ratio of one school 26261
psychologist per two thousand five hundred students receiving any 26262
educational services from the district other than adult education. 26263
A district may obtain the services of speech-language pathologists 26264
and school psychologists by any means permitted by law, including 26265
contracting with an educational service center. If, however, a 26266
district is unable to obtain the services of the required number 26267
of speech-language pathologists or school psychologists, the 26268
district may request from the superintendent of public 26269
instruction, and the superintendent may grant, a waiver of this 26270
provision for a period of time established by the superintendent. 26271

Sec. 3317.16. (A) As used in this section:	26272
(1) "State share percentage" means the percentage calculated for a joint vocational school district as follows:	26273 26274
(a) Calculate the state base cost funding amount for the district under division (B) of this section. If the district would not receive any base cost funding for that year under that division, the district's state share percentage is zero.	26275 26276 26277 26278
(b) If the district would receive base cost funding under that division, divide that base cost amount by an amount equal to the following:	26279 26280 26281
cost of doing business factor X	26282
the formula amount X	26283
formula ADM	26284
The resultant number is the district's state share percentage.	26285 26286
(2) The "total special education weight" for a joint vocational school district shall be calculated in the same manner as prescribed in division (B)(1) of section 3317.022 of the Revised Code.	26287 26288 26289 26290
(3) The "total vocational education weight" for a joint vocational school district shall be calculated in the same manner as prescribed in division (B)(4) of section 3317.022 of the Revised Code.	26291 26292 26293 26294
(4) The "total recognized valuation" of a joint vocational school district shall be determined by adding the recognized valuations of all its constituent school districts for the applicable fiscal year.	26295 26296 26297 26298
(5) "Resident district" means the city, local, or exempted village school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.	26299 26300 26301

(6) "Community school" means a community school established under Chapter 3314. of the Revised Code.

(B) The department of education shall compute and distribute state base cost funding to each joint vocational school district for the fiscal year in accordance with ~~division (B) of this section.~~

~~(1) Compute the following for each eligible district formula:~~
~~(cost of doing business factor X~~
~~formula amount X~~
~~formula ADM) -~~
~~(.0005 X total recognized valuation)~~

If the difference obtained under this division is a negative number, the district's computation shall be zero.

~~(2) Compute both of the following for each district:~~

~~(a) The difference of (i) the district's fiscal year 2005 base cost payment under the version of division (B) of this section in effect in fiscal year 2005, minus (ii) the amount computed for the district for the current fiscal year under current division (B)(1) of this section;~~

~~(b) The following amount:~~

~~[(fiscal year 2005 base cost payment/fiscal year 2005 formula ADM) X current year formula ADM] minus the amount computed for the district under current division (B)(1) of this section~~

~~If one of the amounts computed under division (B)(2)(a) or (b) of this section is a positive amount, the department shall pay the district that amount in addition to the amount calculated under division (B)(1) of this section. If both amounts are positive amounts, the department shall pay the district the lesser of the two amounts in addition to the amount calculated under division (B)(1) of this section.~~

(C)(1) The department shall compute and distribute state vocational education additional weighted costs funds to each joint vocational school district in accordance with the following formula:

$$\frac{\text{state share percentage} \times \text{formula amount}}{\text{total vocational education weight}}$$

In each fiscal year, a joint vocational school district receiving funds under division (C)(1) of this section shall spend those funds only for the purposes the department designates as approved for vocational education expenses. Vocational educational expenses approved by the department shall include only expenses connected to the delivery of career-technical programming to career-technical students. The department shall require the joint vocational school district to report data annually so that the department may monitor the district's compliance with the requirements regarding the manner in which funding received under division (C)(1) of this section may be spent.

(2) The department shall compute for each joint vocational school district state funds for vocational education associated services costs in accordance with the following formula:

$$\frac{\text{state share percentage} \times .05 \times \text{the formula amount} \times \text{the sum of categories one and two vocational education ADM}}$$

In any fiscal year, a joint vocational school district receiving funds under division (C)(2) of this section, or through a transfer of funds pursuant to division (L) of section 3317.023 of the Revised Code, shall spend those funds only for the purposes that the department designates as approved for vocational education associated services expenses, which may include such purposes as apprenticeship coordinators, coordinators for other vocational education services, vocational evaluation, and other

purposes designated by the department. The department may deny 26364
payment under division (C)(2) of this section to any district that 26365
the department determines is not operating those services or is 26366
using funds paid under division (C)(2) of this section, or through 26367
a transfer of funds pursuant to division (L) of section 3317.023 26368
of the Revised Code, for other purposes. 26369

(D)(1) The department shall compute and distribute state 26370
special education and related services additional weighted costs 26371
funds to each joint vocational school district in accordance with 26372
the following formula: 26373

state share percentage X formula amount X 26374
total special education weight 26375

(2)(a) As used in this division, the "personnel allowance" 26376
means thirty thousand dollars in fiscal years ~~2002, 2003, 2004,~~ 26377
~~2005, 2006, and 2007~~ 2008 and 2009. 26378

(b) For the provision of speech language pathology services 26379
to students, including students who do not have individualized 26380
education programs prepared for them under Chapter 3323. of the 26381
Revised Code, and for no other purpose, the department shall pay 26382
each joint vocational school district an amount calculated under 26383
the following formula: 26384

(formula ADM divided by 2000) X the personnel 26385
allowance X state share percentage 26386

(3) In any fiscal year, a joint vocational school district 26387
shall spend for purposes that the department designates as 26388
approved for special education and related services expenses at 26389
least the amount calculated as follows: 26390

~~(cost of doing business factor X formula amount~~ 26391
X the sum of categories one through 26392
six special education ADM) + 26393
(total special education weight X 26394

formula amount) 26395

The purposes approved by the department for special education 26396
expenses shall include, but shall not be limited to, compliance 26397
with state rules governing the education of ~~handicapped~~ children 26398
with disabilities, providing services identified in a student's 26399
individualized education program as defined in section 3323.01 of 26400
the Revised Code, provision of speech language pathology services, 26401
and the portion of the district's overall administrative and 26402
overhead costs that are attributable to the district's special 26403
education student population. 26404

The department shall require joint vocational school 26405
districts to report data annually to allow for monitoring 26406
compliance with division (D)(3) of this section. The department 26407
shall annually report to the governor and the general assembly the 26408
amount of money spent by each joint vocational school district for 26409
special education and related services. 26410

(4) In any fiscal year, a joint vocational school district 26411
shall spend for the provision of speech language pathology 26412
services not less than the sum of the amount calculated under 26413
division (D)(1) of this section for the students in the district's 26414
category one special education ADM and the amount calculated under 26415
division (D)(2) of this section. 26416

(E)(1) If a joint vocational school district's costs for a 26417
fiscal year for a student in its categories two through six 26418
special education ADM exceed the threshold catastrophic cost for 26419
serving the student, as specified in division (C)(3)(b) of section 26420
3317.022 of the Revised Code, the district may submit to the 26421
superintendent of public instruction documentation, as prescribed 26422
by the superintendent, of all of its costs for that student. Upon 26423
submission of documentation for a student of the type and in the 26424
manner prescribed, the department shall pay to the district an 26425
amount equal to the sum of the following: 26426

(a) One-half of the district's costs for the student in excess of the threshold catastrophic cost; 26427
26428

(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. 26429
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(2) The district shall only report under division (E)(1) of this section, and the department shall only pay for, the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount. 26432
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(F) Each fiscal year, the department shall pay each joint vocational school district an amount for adult technical and vocational education and specialized consultants. 26439
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(G)(1) A joint vocational school district's local share of special education and related services additional weighted costs equals: 26442
26443
26444

(1 - state share percentage) X 26445
Total special education weight X 26446
the formula amount 26447

(2) For each ~~handicapped~~ student with a disability receiving special education and related services under an individualized education program, as defined in section 3323.01 of the Revised Code, at a joint vocational district, the resident district or, if the student is enrolled in a community school, the community school shall be responsible for the amount of any costs of providing those special education and related services to that student that exceed the sum of the amount calculated for those services attributable to that student under divisions (B), (D), (E), and (G)(1) of this section. 26448
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Those excess costs shall be calculated by subtracting the sum 26458
of the following from the actual cost to provide special education 26459
and related services to the student: 26460

(a) The ~~product of the~~ formula amount ~~times the~~ 26461
~~cost of doing business factor;~~ 26462

(b) The product of the formula amount times the applicable 26463
multiple specified in section 3317.013 of the Revised Code; 26464

(c) Any funds paid under division (E) of this section for the 26465
student; 26466

(d) Any other funds received by the joint vocational school 26467
district under this chapter to provide special education and 26468
related services to the student, not including the amount 26469
calculated under division (G)(2) of this section. 26470

(3) The board of education of the joint vocational school 26471
district may report the excess costs calculated under division 26472
(G)(2) of this section to the department of education. 26473

(4) If the board of education of the joint vocational school 26474
district reports excess costs under division (G)(3) of this 26475
section, the department shall pay the amount of excess cost 26476
calculated under division (G)(2) of this section to the joint 26477
vocational school district and shall deduct that amount as 26478
provided in division (G)(4)(a) or (b) of this section, as 26479
applicable: 26480

(a) If the student is not enrolled in a community school, the 26481
department shall deduct the amount from the account of the 26482
student's resident district pursuant to division (M) of section 26483
3317.023 of the Revised Code. 26484

(b) If the student is enrolled in a community school, the 26485
department shall deduct the amount from the account of the 26486
community school pursuant to section 3314.083 of the Revised Code. 26487

Sec. 3317.161. If the department of education is required to 26488
pay an amount under section 3353.25 of the Revised Code to a 26489
school district delivering a course included in the clearinghouse 26490
established under section 3353.21 of the Revised Code for a 26491
student enrolled in a joint vocational school district, the 26492
department shall deduct the amount of that payment from the amount 26493
calculated for the joint vocational school district under section 26494
3317.16 of the Revised Code. 26495

Sec. 3317.19. (A) As used in this section, "total unit 26496
allowance" means an amount equal to the sum of the following: 26497

(1) The total of the salary allowances for the teachers 26498
employed in the cooperative education school district for all 26499
units approved under division (B) or (C) of section 3317.05 of the 26500
Revised Code. The salary allowance for each unit shall equal the 26501
minimum salary for the teacher of the unit calculated on the basis 26502
of the teacher's training level and years of experience pursuant 26503
to the salary schedule prescribed in the version of section 26504
3317.13 of the Revised Code in effect prior to July 1, 2001. 26505

(2) Fifteen per cent of the total computed under division 26506
(A)(1) of this section; 26507

(3) The total of the unit operating allowances for all 26508
approved units. The amount of each allowance shall equal one of 26509
the following: 26510

(a) Eight thousand twenty-three dollars times the number of 26511
~~preschool handicapped~~ units for preschool children with 26512
disabilities or fraction thereof approved for the year under 26513
division (B) of section 3317.05 of the Revised Code; 26514

(b) Two thousand one hundred thirty-two dollars times the 26515
number of units or fraction thereof approved for the year under 26516
division (C) of section 3317.05 of the Revised Code. 26517

(B) The state board of education shall compute and distribute 26518
to each cooperative education school district for each fiscal year 26519
an amount equal to the sum of the following: 26520

(1) An amount equal to the total of the amounts credited to 26521
the cooperative education school district pursuant to division (K) 26522
of section 3317.023 of the Revised Code; 26523

(2) The total unit allowance; 26524

(3) An amount for assisting in providing free lunches to 26525
needy children and an amount for assisting needy school districts 26526
in purchasing necessary equipment for food preparation pursuant to 26527
division (H) of section 3317.024 of the Revised Code. 26528

(C) If a cooperative education school district has had 26529
additional special education units approved for the year under 26530
division (F)(2) of section 3317.03 of the Revised Code, the 26531
district shall receive an additional amount during the last half 26532
of the fiscal year. For each unit, the additional amount shall 26533
equal fifty per cent of the amount computed under division (A) of 26534
this section for a unit approved under division (B) of section 26535
3317.05 of the Revised Code. 26536

Sec. 3317.20. This section does not apply to ~~handicapped~~ 26537
preschool children with disabilities. 26538

(A) As used in this section: 26539

(1) "Applicable weight" means the multiple specified in 26540
section 3317.013 of the Revised Code for a ~~handicap~~ disability 26541
described in that section. 26542

(2) "Child's school district" means the school district in 26543
which a child is entitled to attend school pursuant to section 26544
3313.64 or 3313.65 of the Revised Code. 26545

(3) "State share percentage" means the state share percentage 26546
of the child's school district as defined in section 3317.022 of 26547

the Revised Code. 26548

(B) Except as provided in division (C) of this section, the 26549
department shall annually pay each county MR/DD board for each 26550
~~handicapped~~ child with a disability, other than a ~~handicapped~~ 26551
preschool child with a disability, for whom the county MR/DD board 26552
provides special education and related services ~~the greater of the~~ 26553
~~amount calculated under division (B)(1) or (2) of this section:~~ 26554

~~(1) (The formula amount for fiscal year 2005 X the 26555
cost of doing business factor for the child's school district for 26556
fiscal year 2005) + (state share percentage for fiscal year 2005 X 26557
formula amount for fiscal year 2005 X the applicable weight):~~ 26558

~~(2) (The current an amount equal to the formula amount ~~times~~ 26559
~~the current cost of doing business factor for the child's school~~ 26560
~~district) + (state share percentage X current formula amount X the~~ 26561
applicable weight).~~ 26562

(C) If any school district places with a county MR/DD board 26563
more ~~handicapped~~ children with disabilities than it had placed 26564
with a county MR/DD board in fiscal year 1998, the department 26565
shall not make a payment under division (B) of this section for 26566
the number of children exceeding the number placed in fiscal year 26567
1998. The department instead shall deduct from the district's 26568
payments under this chapter, and pay to the county MR/DD board, an 26569
amount calculated in accordance with the formula prescribed in 26570
division (B) of this section for each child over the number of 26571
children placed in fiscal year 1998. 26572

(D) The department shall calculate for each county MR/DD 26573
board receiving payments under divisions (B) and (C) of this 26574
section the following amounts: 26575

(1) The amount received by the county MR/DD board for 26576
approved special education and related services units, other than 26577
~~preschool handicapped~~ units for preschool children with 26578

disabilities, in fiscal year 1998, divided by the total number of 26579
children served in the units that year; 26580

(2) The product of the quotient calculated under division 26581
(D)(1) of this section times the number of children for whom 26582
payments are made under divisions (B) and (C) of this section. 26583

If the amount calculated under division (D)(2) of this 26584
section is greater than the total amount calculated under 26585
divisions (B) and (C) of this section, the department shall pay 26586
the county MR/DD board one hundred per cent of the difference in 26587
addition to the payments under divisions (B) and (C) of this 26588
section. 26589

Sec. 3317.201. This section does not apply to ~~handicapped~~ 26590
preschool children with disabilities. 26591

(A) As used in this section, the "total special education 26592
weight" for an institution means the sum of the following amounts: 26593

(1) The number of children reported by the institution under 26594
division (G)(1)(a)(~~i~~) of section 3317.03 of the Revised Code as 26595
receiving services for a ~~handicap~~ disability described in division 26596
(A) of section 3317.013 of the Revised Code multiplied by the 26597
multiple specified in that division; 26598

(2) The number of children reported by the institution under 26599
division (G)(1)(a)(~~i~~) of section 3317.03 of the Revised Code as 26600
receiving services for a ~~handicap~~ disability described in division 26601
(B) of section 3317.013 of the Revised Code multiplied by the 26602
multiple specified in that division; 26603

(3) The number of children reported by the institution under 26604
division (G)(1)(a)(~~i~~) of section 3317.03 of the Revised Code as 26605
receiving services for a ~~handicap~~ disability described in division 26606
(C) of section 3317.013 of the Revised Code multiplied by the 26607
multiple specified in that division; 26608

(4) The number of children reported by the institution under 26609
division (G)(1)(a)(~~i~~) of section 3317.03 of the Revised Code as 26610
receiving services for a ~~handicap~~ disability described in division 26611
(D) of section 3317.013 of the Revised Code multiplied by the 26612
multiple specified in that division; 26613

(5) The number of children reported by the institution under 26614
division (G)(1)(a)(~~i~~) of section 3317.03 of the Revised Code as 26615
receiving services for a ~~handicap~~ disability described in division 26616
(E) of section 3317.013 of the Revised Code multiplied by the 26617
multiple specified in that division; 26618

(6) The number of children reported by the institution under 26619
division (G)(1)(a)(~~i~~) of section 3317.03 of the Revised Code as 26620
receiving services for a ~~handicap~~ disability described in division 26621
(F) of section 3317.013 of the Revised Code multiplied by the 26622
multiple specified in that division. 26623

(B) ~~The~~ For each fiscal year, the department of education 26624
~~annually~~ shall pay each state institution required to provide 26625
special education services under division (A) of section 3323.091 26626
of the Revised Code an amount equal to the greater of: 26627

(1) The formula amount times the institution's total special 26628
education weight; 26629

(2) The aggregate amount of special education and related 26630
services unit funding the institution received for all ~~handicapped~~ 26631
children with disabilities other than ~~handicapped~~ preschool 26632
children with disabilities in fiscal year 2005 under sections 26633
3317.052 and 3317.053 of the Revised Code, as those sections 26634
existed prior to ~~the effective date of this section~~ June 30, 2005. 26635

Sec. 3318.01. As used in sections 3318.01 to 3318.20 of the 26636
Revised Code: 26637

(A) "Ohio school facilities commission" means the commission 26638

created pursuant to section 3318.30 of the Revised Code. 26639

(B) "Classroom facilities" means rooms in which pupils 26640
regularly assemble in public school buildings to receive 26641
instruction and education and such facilities and building 26642
improvements for the operation and use of such rooms as may be 26643
needed in order to provide a complete educational program, and may 26644
include space within which a child care facility or a community 26645
resource center is housed. "Classroom facilities" includes any 26646
space necessary for the operation of a vocational education 26647
program for secondary students in any school district that 26648
operates such a program. 26649

(C) "Project" means a project to construct or acquire 26650
classroom facilities, or to reconstruct or make additions to 26651
existing classroom facilities, to be used for housing the 26652
applicable school district and its functions. 26653

(D) "School district" means a local, exempted village, or 26654
city school district as such districts are defined in Chapter 26655
3311. of the Revised Code, acting as an agency of state 26656
government, performing essential governmental functions of state 26657
government pursuant to sections 3318.01 to 3318.20 of the Revised 26658
Code. 26659

For purposes of assistance provided under sections 3318.40 to 26660
3318.45 of the Revised Code, the term "school district" as used in 26661
this section and in divisions (A), (C), and (D) of section 3318.03 26662
and in sections 3318.031, 3318.042, 3318.07, 3318.08, 3318.083, 26663
3318.084, 3318.085, 3318.086, 3318.10, 3318.11, 3318.12, 3318.13, 26664
3318.14, 3318.15, 3318.16, 3318.19, and 3318.20 of the Revised 26665
Code means a joint vocational school district established pursuant 26666
to section 3311.18 of the Revised Code. 26667

(E) "School district board" means the board of education of a 26668
school district. 26669

(F) "Net bonded indebtedness" means the difference between 26670
the sum of the par value of all outstanding and unpaid bonds and 26671
notes which a school district board is obligated to pay and any 26672
amounts the school district is obligated to pay under 26673
lease-purchase agreements entered into under section 3313.375 of 26674
the Revised Code, and the amount held in the sinking fund and 26675
other indebtedness retirement funds for their redemption. Notes 26676
issued for school buses in accordance with section 3327.08 of the 26677
Revised Code, notes issued in anticipation of the collection of 26678
current revenues, and bonds issued to pay final judgments shall 26679
not be considered in calculating the net bonded indebtedness. 26680

"Net bonded indebtedness" does not include indebtedness 26681
arising from the acquisition of land to provide a site for 26682
classroom facilities constructed, acquired, or added to pursuant 26683
to sections 3318.01 to 3318.20 of the Revised Code or the par 26684
value of bonds that have been authorized by the electors and the 26685
proceeds of which will be used by the district to provide any part 26686
of its portion of the basic project cost. 26687

(G) "Board of elections" means the board of elections of the 26688
county containing the most populous portion of the school 26689
district. 26690

(H) "County auditor" means the auditor of the county in which 26691
the greatest value of taxable property of such school district is 26692
located. 26693

(I) "Tax duplicates" means the general tax lists and 26694
duplicates prescribed by sections 319.28 and 319.29 of the Revised 26695
Code. 26696

(J) "Required level of indebtedness" means: 26697

(1) In the case of school districts in the first percentile, 26698
five per cent of the district's valuation for the year preceding 26699
the year in which the controlling board approved the project under 26700

section 3318.04 of the Revised Code. 26701

(2) In the case of school districts ranked in a subsequent 26702
percentile, five per cent of the district's valuation for the year 26703
preceding the year in which the controlling board approved the 26704
project under section 3318.04 of the Revised Code, plus [two 26705
one-hundredths of one per cent multiplied by (the percentile in 26706
which the district ranks for the fiscal year preceding the fiscal 26707
year in which the controlling board approved the district's 26708
project minus one)]. 26709

(K) "Required percentage of the basic project costs" means 26710
one per cent of the basic project costs times the percentile in 26711
which the school district ranks for the fiscal year preceding the 26712
fiscal year in which the controlling board approved the district's 26713
project. 26714

(L) "Basic project cost" means a cost amount determined in 26715
accordance with rules adopted under section 111.15 of the Revised 26716
Code by the Ohio school facilities commission. The basic project 26717
cost calculation shall take into consideration the square footage 26718
and cost per square foot necessary for the grade levels to be 26719
housed in the classroom facilities, the variation across the state 26720
in construction and related costs, the cost of the installation of 26721
site utilities and site preparation, the cost of demolition of all 26722
or part of any existing classroom facilities that are abandoned 26723
under the project, the cost of insuring the project until it is 26724
completed, any contingency reserve amount prescribed by the 26725
commission under section 3318.086 of the Revised Code, and the 26726
professional planning, administration, and design fees that a 26727
school district may have to pay to undertake a classroom 26728
facilities project. 26729

For a joint vocational school district that receives 26730
assistance under sections 3318.40 to 3318.45 of the Revised Code, 26731
the basic project cost calculation for a project under those 26732

sections shall also take into account the types of laboratory 26733
spaces and program square footages needed for the vocational 26734
education programs for high school students offered by the school 26735
district. 26736

(M)(1) Except for a joint vocational school district that 26737
receives assistance under sections 3318.40 to 3318.45 of the 26738
Revised Code, a "school district's portion of the basic project 26739
cost" means the amount determined under section 3318.032 of the 26740
Revised Code. 26741

(2) For a joint vocational school district that receives 26742
assistance under sections 3318.40 to 3318.45 of the Revised Code, 26743
a "school district's portion of the basic project cost" means the 26744
amount determined under division (C) of section 3318.42 of the 26745
Revised Code. 26746

(N) "Child care facility" means space within a classroom 26747
facility in which the needs of infants, toddlers, preschool 26748
children, and school children are provided for by persons other 26749
than the parent or guardian of such children for any part of the 26750
day, including persons not employed by the school district 26751
operating such classroom facility. 26752

(O) "Community resource center" means space within a 26753
classroom facility in which comprehensive services that support 26754
the needs of families and children are provided by community-based 26755
social service providers. 26756

(P) "Valuation" means the total value of all property in the 26757
school district as listed and assessed for taxation on the tax 26758
duplicates. 26759

(Q) "Percentile" means the percentile in which the school 26760
district is ranked pursuant to ~~division (D)~~ of section 3318.011 of 26761
the Revised Code. 26762

(R) "Installation of site utilities" means the installation 26763

of a site domestic water system, site fire protection system, site 26764
gas distribution system, site sanitary system, site storm drainage 26765
system, and site telephone and data system. 26766

(S) "Site preparation" means the earthwork necessary for 26767
preparation of the building foundation system, the paved 26768
pedestrian and vehicular circulation system, playgrounds on the 26769
project site, and lawn and planting on the project site. 26770

Sec. 3318.011. For purposes of providing assistance under 26771
sections 3318.01 to 3318.20 of the Revised Code, the department of 26772
education shall annually do all of the following: 26773

(A) Calculate the adjusted valuation per pupil of each city, 26774
local, and exempted village school district according to the 26775
following formula: 26776

The district's valuation per pupil - 26777

[\$30,000 X (1 - the district's income factor)]. 26778

For purposes of this calculation: 26779

(1) "Valuation Except for a district with an open enrollment 26780
net gain that is ten per cent or more of its formula ADM, 26781
"valuation per pupil" for a district means its average taxable 26782
value, divided by its formula ADM reported under section 3317.03 26783
of the Revised Code for the previous fiscal year. "Valuation per 26784
pupil," for a district with an open enrollment net gain that is 26785
ten per cent or more of its formula ADM, means its average taxable 26786
value, divided by the sum of its formula ADM for the previous 26787
fiscal year plus its open enrollment net gain for the previous 26788
fiscal year. 26789

(2) "Average taxable value" means the average of the amounts 26790
certified for a district in the second, third, and fourth 26791
preceding fiscal years under divisions (A)(1) and (2) of section 26792
3317.021 of the Revised Code. 26793

- (3) "Income Entitled to attend school" means entitled to attend school in a city, local, or exempted village school district under section 3313.64 or 3313.65 of the Revised Code. 26794
26795
26796
- (4) "Formula ADM" and "income factor" ~~has~~ have the same meaning meanings as in section 3317.02 of the Revised Code. 26797
26798
- (5) "Native student" has the same meaning as in section 3313.98 of the Revised Code. 26799
26800
- (6) "Open enrollment net gain" for a district means (a) the number of the students entitled to attend school in another district but who are enrolled in the schools of the district under its open enrollment policy minus (b) the number of the district's native students who are enrolled in the schools of another district under the other district's open enrollment policy, both numbers as certified to the department under section 3313.981 of the Revised Code. If the difference is a negative number, the district's "open enrollment net gain" is zero. 26801
26802
26803
26804
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26806
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26809
- (7) "Open enrollment policy" means an interdistrict open enrollment policy adopted under section 3313.98 of the Revised Code. 26810
26811
26812
- (B) Calculate for each district the three-year average of the adjusted valuations per pupil calculated for the district for the current and two preceding fiscal years; 26813
26814
26815
- (C) Rank all such districts in order of adjusted valuation per pupil from the district with the lowest three-year average adjusted valuation per pupil to the district with the highest three-year average adjusted valuation per pupil; 26816
26817
26818
26819
- (D) Divide such ranking into percentiles with the first percentile containing the one per cent of school districts having the lowest three-year average adjusted valuations per pupil and the one-hundredth percentile containing the one per cent of school districts having the highest three-year average adjusted 26820
26821
26822
26823
26824

valuations per pupil; 26825

(E) Determine the school districts that have three-year 26826
average adjusted valuations per pupil that are greater than the 26827
median three-year average adjusted valuation per pupil for all 26828
school districts in the state; 26829

(F) On or before the first day of September, certify the 26830
information described in divisions (A) to (E) of this section to 26831
the Ohio school facilities commission. 26832

Notwithstanding anything in this section to the contrary, the 26833
department shall not rank any school district subject to division 26834
(F) of section 3318.36 of the Revised Code in a higher percentile 26835
than the percentile in which the district was ranked on the date 26836
the electors of the district approved a bond issue to pay the 26837
district's portion of the basic project cost. The percentile 26838
ranking resulting from this paragraph shall be used by the 26839
commission only to determine when the district is eligible for 26840
assistance under sections 3318.01 to 3318.20 of the Revised Code 26841
and shall not be used to calculate the district's portion of the 26842
basic project cost. For this purpose, the commission annually 26843
shall notify the department of all school districts that have 26844
become subject to division (F) of section 3318.36 of the Revised 26845
Code since the department completed its most recent school 26846
district rankings under this section. 26847

Sec. 3318.023. Notwithstanding anything to the contrary in 26848
section 3318.02 of the Revised Code, each fiscal year, at the time 26849
that the Ohio school facilities commission conditionally approves 26850
projects of school districts under ~~section~~ sections 3318.01 to 26851
3318.20 of the Revised Code for which it plans to provide 26852
assistance under those sections for that fiscal year, the 26853
commission also shall identify the next ten school districts from 26854
lowest to highest in order of the ranking calculated for the 26855

previous fiscal year under ~~division (D)~~ of section 3318.011 of the 26856
Revised Code that have not yet been conditionally approved for 26857
assistance under ~~section~~ sections 3318.01 to 3318.20 of the 26858
Revised Code. Those districts shall have priority in the order of 26859
such ranking with the lowest valuation having the highest priority 26860
for future assistance under those sections over all other school 26861
districts except for districts receiving assistance under division 26862
(B)(2) of section 3318.04, section 3318.37, or section 3318.38 of 26863
the Revised Code or districts that have priority under section 26864
3318.05 of the Revised Code. 26865

Sec. 3318.12. (A) The Ohio school facilities commission shall 26866
cause to be transferred to the school district's project 26867
construction fund the necessary amounts from amounts appropriated 26868
by the general assembly and set aside for such purpose, from time 26869
to time as may be necessary to pay obligations chargeable to such 26870
fund when due. All investment earnings of a school district's 26871
project construction fund shall be credited to the fund. 26872

(B)(1) The treasurer of the school district board shall 26873
disburse funds from the school district's project construction 26874
fund, including investment earnings credited to the fund, only 26875
upon the approval of the commission or the commission's designated 26876
representative. The commission or the commission's designated 26877
representative shall issue vouchers against such fund, in such 26878
amounts, and at such times as required by the contracts for 26879
construction of the project. 26880

(2) Notwithstanding anything to the contrary in division 26881
(B)(1) of this section, the school district board may, by a duly 26882
adopted resolution, choose to use all or part of the investment 26883
earnings of the district's project construction fund that are 26884
attributable to the district's contribution to the fund to pay the 26885
cost of classroom facilities or portions or components of 26886

classroom facilities that are not included in the district's basic project cost but that are related to the district's project. If the district board adopts a resolution in favor of using those investment earnings as authorized under division (B)(2) of this section, the treasurer shall disburse the amount as designated and directed by the board. However, if the district board chooses to use any part of the investment earnings for classroom facilities or portions or components of classroom facilities that are not included in the basic project cost, as authorized under division (B)(2) of this section, and, subsequently, the cost of the project exceeds the amount in the project construction fund, the district board shall restore to the project construction fund the full amount of the investment earnings used under division (B)(2) of this section before any additional state moneys shall be released for the project.

(C) After the project has been completed:

(1) ~~Any~~ At the discretion of the school district board, any investment earnings remaining in the project construction fund that are attributable to the school district's contribution to the fund shall be transferred:

(a) Retained in the project construction fund for future projects;

(b) Transferred to the district's maintenance fund required by division (B) of section 3318.05 or section 3318.43 of the Revised Code, and the money so transferred shall be used solely for maintaining the classroom facilities included in the project;

(c) Transferred to the district's permanent improvement fund.

(2) Any investment earnings remaining in the project construction fund that are attributable to the state's contribution to the fund shall be transferred to the commission for expenditure pursuant to sections 3318.01 to 3318.20 or

sections 3318.40 to 3318.45 of the Revised Code. 26918

(3) Any other surplus remaining in the school district's 26919
project construction fund after the project has been completed 26920
shall be transferred to the commission and the school district 26921
board in proportion to their respective contributions to the fund. 26922
The commission shall use the money transferred to it under this 26923
division for expenditure pursuant to sections 3318.01 to 3318.20 26924
or sections 3318.40 to 3318.45 of the Revised Code. 26925

(D) Pursuant to appropriations of the general assembly, any 26926
moneys transferred to the commission under division (C)(2) or (3) 26927
of this section from a project construction fund for a project 26928
under sections 3318.40 to 3318.45 of the Revised Code may be used 26929
for future expenditures for projects under sections 3318.40 to 26930
3318.45 of the Revised Code, notwithstanding the two per cent 26931
annual limit specified in division (B) of section 3318.40 of the 26932
Revised Code. 26933

Sec. 3318.15. There is hereby created the public school 26934
building fund within the state treasury consisting of any moneys 26935
transferred or appropriated to the fund by the general assembly, 26936
moneys paid into or transferred in accordance with section 3318.47 26937
of the Revised Code, and any grants, gifts, or contributions 26938
received by the Ohio school facilities commission to be used for 26939
the purposes of the fund. All investment earnings of the fund 26940
shall be credited to the fund. 26941

Moneys transferred or appropriated to the fund by the general 26942
assembly and moneys in the fund from grants, gifts, and 26943
contributions shall be used for the purposes of Chapter 3318. of 26944
the Revised Code as prescribed by the general assembly. 26945

Sec. 3318.26. (A) The provisions of this section apply only 26946
to obligations issued by the issuing authority prior to December 26947

1, 1999. 26948

(B) Subject to the limitations provided in section 3318.29 of 26949
the Revised Code, the issuing authority, upon the certification by 26950
the Ohio school facilities commission to the issuing authority of 26951
the amount of moneys or additional moneys needed in the school 26952
building program assistance fund for the purposes of sections 26953
3318.01 to 3318.20 and sections 3318.40 to 3318.45 of the Revised 26954
Code, or needed for capitalized interest, for funding reserves, 26955
and for paying costs and expenses incurred in connection with the 26956
issuance, carrying, securing, paying, redeeming, or retirement of 26957
the obligations or any obligations refunded thereby, including 26958
payment of costs and expenses relating to letters of credit, lines 26959
of credit, insurance, put agreements, standby purchase agreements, 26960
indexing, marketing, remarketing and administrative arrangements, 26961
interest swap or hedging agreements, and any other credit 26962
enhancement, liquidity, remarketing, renewal, or refunding 26963
arrangements, all of which are authorized by this section, shall 26964
issue obligations of the state under this section in the required 26965
amount. The proceeds of such obligations, except for obligations 26966
issued to provide moneys for the school building program 26967
assistance fund shall be deposited by the treasurer of state in 26968
special funds, including reserve funds, as provided in the bond 26969
proceedings. The issuing authority may appoint trustees, paying 26970
agents, and transfer agents and may retain the services of 26971
financial advisors and accounting experts and retain or contract 26972
for the services of marketing, remarketing, indexing, and 26973
administrative agents, other consultants, and independent 26974
contractors, including printing services, as are necessary in the 26975
issuing authority's judgment to carry out this section. The costs 26976
of such services are payable from the school building program 26977
assistance fund or any special fund determined by the issuing 26978
authority. 26979

(C) The holders or owners of such obligations shall have no right to have moneys raised by taxation obligated or pledged, and moneys raised by taxation shall not be obligated or pledged, for the payment of bond service charges. Such holders or owners shall have no rights to payment of bond service charges from any money or property received by the commission, treasurer of state, or the state, or from any other use of the proceeds of the sale of the obligations, and no such moneys may be used for the payment of bond service charges, except for accrued interest, capitalized interest, and reserves funded from proceeds received upon the sale of the obligations and except as otherwise expressly provided in the applicable bond proceedings pursuant to written directions by the treasurer of state. The right of such holders and owners to payment of bond service charges shall be limited to all or that portion of the pledged receipts and those special funds pledged thereto pursuant to the bond proceedings in accordance with this section, and each such obligation shall bear on its face a statement to that effect.

(D) Obligations shall be authorized by resolution or order of the issuing authority and the bond proceedings shall provide for the purpose thereof and the principal amount or amounts, and shall provide for or authorize the manner or agency for determining the principal maturity or maturities, not exceeding the limits specified in section 3318.29 of the Revised Code, the interest rate or rates or the maximum interest rate, the date of the obligations and the dates of payment of interest thereon, their denomination, and the establishment within or without the state of a place or places of payment of bond service charges. Sections 9.98 to 9.983 of the Revised Code are applicable to obligations issued under this section, subject to any applicable limitation under section 3318.29 of the Revised Code. The purpose of such obligations may be stated in the bond proceedings in terms describing the general purpose or purposes to be served. The bond

proceedings shall also provide, subject to the provisions of any 27013
other applicable bond proceedings, for the pledge of all, or such 27014
part as the issuing authority may determine, of the pledged 27015
receipts and the applicable special fund or funds to the payment 27016
of bond service charges, which pledges may be made either prior or 27017
subordinate to other expenses, claims, or payments, and may be 27018
made to secure the obligations on a parity with obligations 27019
theretofore or thereafter issued, if and to the extent provided in 27020
the bond proceedings. The pledged receipts and special funds so 27021
pledged and thereafter received by the state are immediately 27022
subject to the lien of such pledge without any physical delivery 27023
thereof or further act, and the lien of any such pledges is valid 27024
and binding against all parties having claims of any kind against 27025
the state or any governmental agency of the state, irrespective of 27026
whether such parties have notice thereof, and shall create a 27027
perfected security interest for all purposes of Chapter 1309. of 27028
the Revised Code, without the necessity for separation or delivery 27029
of funds or for the filing or recording of the bond proceedings by 27030
which such pledge is created or any certificate, statement or 27031
other document with respect thereto; and the pledge of such 27032
pledged receipts and special funds is effective and the money 27033
therefrom and thereof may be applied to the purposes for which 27034
pledged without necessity for any act of appropriation, except as 27035
required by section 3770.06 of the Revised Code. Every pledge, and 27036
every covenant and agreement made with respect thereto, made in 27037
the bond proceedings may therein be extended to the benefit of the 27038
owners and holders of obligations authorized by this section, and 27039
to any trustee therefor, for the further security of the payment 27040
of the bond service charges. 27041

(E) The bond proceedings may contain additional provisions as 27042
to: 27043

(1) The redemption of obligations prior to maturity at the 27044

option of the issuing authority at such price or prices and under	27045
such terms and conditions as are provided in the bond proceedings;	27046
(2) Other terms of the obligations;	27047
(3) Limitations on the issuance of additional obligations;	27048
(4) The terms of any trust agreement or indenture securing	27049
the obligations or under which the same may be issued;	27050
(5) The deposit, investment and application of special funds,	27051
and the safeguarding of moneys on hand or on deposit, without	27052
regard to Chapter 131., 133., or 135. of the Revised Code, but	27053
subject to any special provisions of sections 3318.21 to 3318.29	27054
of the Revised Code, with respect to particular funds or moneys,	27055
provided that any bank or trust company that acts as depository of	27056
any moneys in the special funds may furnish such indemnifying	27057
bonds or may pledge such securities as required by the issuing	27058
authority;	27059
(6) Any or every provision of the bond proceedings being	27060
binding upon such officer, board, commission, authority, agency,	27061
department, or other person or body as may from time to time have	27062
the authority under law to take such actions as may be necessary	27063
to perform all or any part of the duty required by such provision;	27064
(7) Any provision that may be made in a trust agreement or	27065
indenture;	27066
(8) The lease or sublease of any interest of the school	27067
district or the state in one or more projects as defined in	27068
division (C) of section 3318.01 of the Revised Code, or in one or	27069
more permanent improvements, to or from the issuing authority, as	27070
provided in one or more lease or sublease agreements between the	27071
school or the state and the issuing authority;	27072
(9) Any other or additional agreements with the holders of	27073
the obligations, or the trustee therefor, relating to the	27074

obligations or the security therefor. 27075

(F) The obligations may have the great seal of the state or a 27076
facsimile thereof affixed thereto or printed thereon. The 27077
obligations and any coupons pertaining to obligations shall be 27078
signed or bear the facsimile signature of the issuing authority. 27079
Any obligations or coupons may be executed by the person who, on 27080
the date of execution, is the proper issuing authority although on 27081
the date of such bonds or coupons such person was not the issuing 27082
authority. In case the issuing authority whose signature or a 27083
facsimile of whose signature appears on any such obligation or 27084
coupon ceases to be the issuing authority before delivery thereof, 27085
such signature or facsimile is nevertheless valid and sufficient 27086
for all purposes as if the issuing authority had remained the 27087
issuing authority until such delivery; and in case the seal to be 27088
affixed to obligations has been changed after a facsimile of the 27089
seal has been imprinted on such obligations, such facsimile seal 27090
shall continue to be sufficient as to such obligations and 27091
obligations issued in substitution or exchange therefor. 27092

(G) All obligations are negotiable instruments and securities 27093
under Chapter 1308. of the Revised Code, subject to the provisions 27094
of the bond proceedings as to registration. The obligations may be 27095
issued in coupon or in registered form, or both, as the issuing 27096
authority determines. Provision may be made for the registration 27097
of any obligations with coupons attached thereto as to principal 27098
alone or as to both principal and interest, their exchange for 27099
obligations so registered, and for the conversion or reconversion 27100
into obligations with coupons attached thereto of any obligations 27101
registered as to both principal and interest, and for reasonable 27102
charges for such registration, exchange, conversion, and 27103
reconversion. 27104

(H) Obligations may be sold at public sale or at private 27105
sale, as determined in the bond proceedings. 27106

(I) Pending preparation of definitive obligations, the 27107
issuing authority may issue interim receipts or certificates which 27108
shall be exchanged for such definitive obligations. 27109

(J) In the discretion of the issuing authority, obligations 27110
may be secured additionally by a trust agreement or indenture 27111
between the issuing authority and a corporate trustee which may be 27112
any trust company or bank having ~~its principal~~ a place of business 27113
within the state. Any such agreement or indenture may contain the 27114
resolution or order authorizing the issuance of the obligations, 27115
any provisions that may be contained in any bond proceedings, and 27116
other provisions that are customary or appropriate in an agreement 27117
or indenture of such type, including, but not limited to: 27118

(1) Maintenance of each pledge, trust agreement, indenture, 27119
or other instrument comprising part of the bond proceedings until 27120
the state has fully paid the bond service charges on the 27121
obligations secured thereby, or provision therefor has been made; 27122

(2) In the event of default in any payments required to be 27123
made by the bond proceedings, or any other agreement of the 27124
issuing authority made as a part of the contract under which the 27125
obligations were issued, enforcement of such payments or agreement 27126
by mandamus, the appointment of a receiver, suit in equity, action 27127
at law, or any combination of the foregoing; 27128

(3) The rights and remedies of the holders of obligations and 27129
of the trustee, and provisions for protecting and enforcing them, 27130
including limitations on rights of individual holders of 27131
obligations; 27132

(4) The replacement of any obligations that become mutilated 27133
or are destroyed, lost, or stolen; 27134

(5) Such other provisions as the trustee and the issuing 27135
authority agree upon, including limitations, conditions, or 27136
qualifications relating to any of the foregoing. 27137

(K) Any holder of obligations or a trustee under the bond 27138
proceedings, except to the extent that the holder's or trustee's 27139
rights are restricted by the bond proceedings, may by any suitable 27140
form of legal proceedings, protect and enforce any rights under 27141
the laws of this state or granted by such bond proceedings. Such 27142
rights include the right to compel the performance of all duties 27143
of the issuing authority, the commission, or the director of 27144
budget and management required by sections 3318.21 to 3318.29 of 27145
the Revised Code or the bond proceedings; to enjoin unlawful 27146
activities; and in the event of default with respect to the 27147
payment of any bond service charges on any obligations or in the 27148
performance of any covenant or agreement on the part of the 27149
issuing authority, the commission, or the director of budget and 27150
management in the bond proceedings, to apply to a court having 27151
jurisdiction of the cause to appoint a receiver to receive and 27152
administer the pledged receipts and special funds, other than 27153
those in the custody of the treasurer of state or the commission, 27154
which are pledged to the payment of the bond service charges on 27155
such obligations or which are the subject of the covenant or 27156
agreement, with full power to pay, and to provide for payment of 27157
bond service charges on, such obligations, and with such powers, 27158
subject to the direction of the court, as are accorded receivers 27159
in general equity cases, excluding any power to pledge additional 27160
revenues or receipts or other income or moneys of the issuing 27161
authority or the state or governmental agencies of the state to 27162
the payment of such principal and interest and excluding the power 27163
to take possession of, mortgage, or cause the sale or otherwise 27164
dispose of any permanent improvement. 27165

Each duty of the issuing authority and the issuing 27166
authority's officers and employees, and of each governmental 27167
agency and its officers, members, or employees, undertaken 27168
pursuant to the bond proceedings or any agreement or loan made 27169
under authority of sections 3318.21 to 3318.29 of the Revised 27170

Code, and in every agreement by or with the issuing authority, is 27171
hereby established as a duty of the issuing authority, and of each 27172
such officer, member, or employee having authority to perform such 27173
duty, specifically enjoined by the law resulting from an office, 27174
trust, or station within the meaning of section 2731.01 of the 27175
Revised Code. 27176

The person who is at the time the issuing authority, or the 27177
issuing authority's officers or employees, are not liable in their 27178
personal capacities on any obligations issued by the issuing 27179
authority or any agreements of or with the issuing authority. 27180

(L) Obligations issued under this section are lawful 27181
investments for banks, societies for savings, savings and loan 27182
associations, deposit guarantee associations, trust companies, 27183
trustees, fiduciaries, insurance companies, including domestic for 27184
life and domestic not for life, trustees or other officers having 27185
charge of sinking and bond retirement or other special funds of 27186
political subdivisions and taxing districts of this state, the 27187
commissioners of the sinking fund of the state, the administrator 27188
of workers' compensation, the state teachers retirement system, 27189
the public employees retirement system, the school employees 27190
retirement system, and the Ohio police and fire pension fund, 27191
notwithstanding any other provisions of the Revised Code or rules 27192
adopted pursuant thereto by any governmental agency of the state 27193
with respect to investments by them, and also are acceptable as 27194
security for the deposit of public moneys. 27195

(M) Unless otherwise provided in any applicable bond 27196
proceedings, moneys to the credit of or in the special funds 27197
established by or pursuant to this section may be invested by or 27198
on behalf of the issuing authority only in notes, bonds, or other 27199
obligations of the United States, or of any agency or 27200
instrumentality of the United States, obligations guaranteed as to 27201
principal and interest by the United States, obligations of this 27202

state or any political subdivision of this state, and certificates 27203
of deposit of any national bank located in this state and any 27204
bank, as defined in section 1101.01 of the Revised Code, subject 27205
to inspection by the superintendent of financial institutions. If 27206
the law or the instrument creating a trust pursuant to division 27207
(J) of this section expressly permits investment in direct 27208
obligations of the United States or an agency of the United 27209
States, unless expressly prohibited by the instrument, such moneys 27210
also may be invested in no front end load money market mutual 27211
funds consisting exclusively of obligations of the United States 27212
or an agency of the United States and in repurchase agreements, 27213
including those issued by the fiduciary itself, secured by 27214
obligations of the United States or an agency of the United 27215
States; and in collective investment funds established in 27216
accordance with section 1111.14 of the Revised Code and consisting 27217
exclusively of any such securities, notwithstanding division 27218
(B)(1)(c) of that section. The income from such investments shall 27219
be credited to such funds as the issuing authority determines, and 27220
such investments may be sold at such times as the issuing 27221
authority determines or authorizes. 27222

(N) Provision may be made in the applicable bond proceedings 27223
for the establishment of separate accounts in the bond service 27224
fund and for the application of such accounts only to the 27225
specified bond service charges on obligations pertinent to such 27226
accounts and bond service fund and for other accounts therein 27227
within the general purposes of such fund. Unless otherwise 27228
provided in any applicable bond proceedings, moneys to the credit 27229
of or in the several special funds established pursuant to this 27230
section shall be disbursed on the order of the treasurer of state, 27231
provided that no such order is required for the payment from the 27232
bond service fund when due of bond service charges on obligations. 27233

(O) The issuing authority may pledge all, or such portion as 27234

the issuing authority determines, of the pledged receipts to the 27235
payment of bond service charges on obligations issued under this 27236
section, and for the establishment and maintenance of any 27237
reserves, as provided in the bond proceedings, and make other 27238
provisions therein with respect to pledged receipts as authorized 27239
by this chapter, which provisions shall be controlling 27240
notwithstanding any other provisions of law pertaining thereto. 27241

(P) The issuing authority may covenant in the bond 27242
proceedings, and any such covenants shall be controlling 27243
notwithstanding any other provision of law, that the state and 27244
applicable officers and governmental agencies of the state, 27245
including the general assembly, so long as any obligations are 27246
outstanding, shall: 27247

(1) Maintain statutory authority for and cause to be operated 27248
the state lottery, including the transfers to and from the lottery 27249
profits education fund created in section 3770.06 of the Revised 27250
Code so that the pledged receipts shall be sufficient in amount to 27251
meet bond service charges, and the establishment and maintenance 27252
of any reserves and other requirements provided for in the bond 27253
proceedings; 27254

(2) Take or permit no action, by statute or otherwise, that 27255
would impair the exclusion from gross income for federal income 27256
tax purposes of the interest on any obligations designated by the 27257
bond proceeding as tax-exempt obligations. 27258

(Q) There is hereby created the school building program bond 27259
service fund, which shall be in the custody of the treasurer of 27260
state but shall be separate and apart from and not a part of the 27261
state treasury. All moneys received by or on account of the 27262
issuing authority or state agencies and required by the applicable 27263
bond proceedings, consistent with this section, to be deposited, 27264
transferred, or credited to the school building program bond 27265
service fund, and all other moneys transferred or allocated to or 27266

received for the purposes of the fund, shall be deposited and 27267
credited to such fund and to any separate accounts therein, 27268
subject to applicable provisions of the bond proceedings, but 27269
without necessity for any act of appropriation, except as required 27270
by section 3770.06 of the Revised Code. During the period 27271
beginning with the date of the first issuance of obligations and 27272
continuing during such time as any such obligations are 27273
outstanding, and so long as moneys in the school building program 27274
bond service fund are insufficient to pay all bond service charges 27275
on such obligations becoming due in each year, a sufficient amount 27276
of the moneys from the lottery profits education fund included in 27277
pledged receipts, subject to appropriation for such purpose as 27278
provided in section 3770.06 of the Revised Code, are committed and 27279
shall be paid to the school building program bond service fund in 27280
each year for the purpose of paying the bond service charges 27281
becoming due in that year. The school building program bond 27282
service fund is a trust fund and is hereby pledged to the payment 27283
of bond service charges solely on obligations issued to provide 27284
moneys for the school building program assistance fund to the 27285
extent provided in the applicable bond proceedings, and payment 27286
thereof from such fund shall be made or provided for by the 27287
treasurer of state in accordance with such bond proceedings 27288
without necessity for any act of appropriation except as required 27289
by section 3770.06 of the Revised Code. 27290

(R) The obligations, the transfer thereof, and the income 27291
therefrom, including any profit made on the sale thereof, at all 27292
times shall be free from taxation within the state. 27293

Sec. 3318.36. (A)(1) As used in this section: 27294

(a) "Ohio school facilities commission," "classroom 27295
facilities," "school district," "school district board," "net 27296
bonded indebtedness," "required percentage of the basic project 27297

costs," "basic project cost," "valuation," and "percentile" have 27298
the same meanings as in section 3318.01 of the Revised Code. 27299

(b) "Required level of indebtedness" means five per cent of 27300
the school district's valuation for the year preceding the year in 27301
which the commission and school district enter into an agreement 27302
under division (B) of this section, plus [two one-hundredths of 27303
one per cent multiplied by (the percentile in which the district 27304
ranks minus one)]. 27305

(c) "Local resources" means any moneys generated in any 27306
manner permitted for a school district board to raise the school 27307
district portion of a project undertaken with assistance under 27308
sections 3318.01 to 3318.20 of the Revised Code. 27309

(2) For purposes of determining either the required level of 27310
indebtedness, as defined in division (A)(1)(b) of this section, or 27311
the required percentage of the basic project costs, under division 27312
(C)(1) of this section, the percentile ranking of a school 27313
district with which the commission has entered into an agreement 27314
under this section between the first day of July and the 27315
thirty-first day of August in each fiscal year is the percentile 27316
ranking calculated for that district for the immediately preceding 27317
fiscal year, and the percentile ranking of a school district with 27318
which the commission has entered into such agreement between the 27319
first day of September and the thirtieth day of June in each 27320
fiscal year is the percentile ranking calculated for that district 27321
for the current fiscal year. 27322

(B)(1) There is hereby established the school building 27323
assistance expedited local partnership program. Under the program, 27324
the Ohio school facilities commission may enter into an agreement 27325
with the school district board of any school district under which 27326
the school district board may proceed with the new construction or 27327
major repairs of a part of the school district's classroom 27328
facilities needs, as determined under sections 3318.01 to 3318.20 27329

of the Revised Code, through the expenditure of local resources 27330
prior to the school district's eligibility for state assistance 27331
under sections 3318.01 to 3318.20 of the Revised Code and may 27332
apply that expenditure toward meeting the school district's 27333
portion of the basic project cost of the total of the school 27334
district's classroom facilities needs, as determined under 27335
sections 3318.01 to 3318.20 of the Revised Code and as 27336
recalculated under division (E) of this section, that are eligible 27337
for state assistance under sections 3318.01 to 3318.20 of the 27338
Revised Code when the school district becomes eligible for such 27339
state assistance. Any school district that is reasonably expected 27340
to receive assistance under sections 3318.01 to 3318.20 of the 27341
Revised Code within two fiscal years from the date the school 27342
district adopts its resolution under division (B) of this section 27343
shall not be eligible to participate in the program. 27344

(2) To participate in the program, a school district board 27345
shall first adopt a resolution certifying to the commission the 27346
board's intent to participate in the program. 27347

The resolution shall specify the approximate date that the 27348
board intends to seek elector approval of any bond or tax measures 27349
or to apply other local resources to use to pay the cost of 27350
classroom facilities to be constructed under this section. The 27351
resolution may specify the application of local resources or 27352
elector-approved bond or tax measures after the resolution is 27353
adopted by the board, and in such case the board may proceed with 27354
a discrete portion of its project under this section as soon as 27355
the commission and the controlling board have approved the basic 27356
project cost of the district's classroom facilities needs as 27357
specified in division (D) of this section. The board shall submit 27358
its resolution to the commission not later than ten days after the 27359
date the resolution is adopted by the board. 27360

The commission shall not consider any resolution that is 27361

submitted pursuant to division (B)(2) of this section, as amended 27362
by this amendment, sooner than September 14, 2000. 27363

(3) Any project under this section shall comply with section 27364
3318.03 of the Revised Code and with any specifications for plans 27365
and materials for classroom facilities adopted by the commission 27366
under section 3318.04 of the Revised Code. 27367

(4) If a school district that enters into an agreement under 27368
this section has not begun a project applying local resources as 27369
provided for under that agreement at the time the district is 27370
notified by the commission that it is eligible to receive state 27371
assistance under sections 3318.01 to 3318.20 of the Revised Code, 27372
all assessment and agreement documents entered into under this 27373
section are void. 27374

(5) Only construction of or repairs to classroom facilities 27375
that have been approved by the commission and have been therefore 27376
included as part of a district's basic project cost qualify for 27377
application of local resources under this section. 27378

(C) Based on the results of the on-site visits and assessment 27379
conducted under division (B)(2) of this section, the commission 27380
shall determine the basic project cost of the school district's 27381
classroom facilities needs. The commission shall determine the 27382
school district's portion of such basic project cost, which shall 27383
be the greater of: 27384

(1) The required percentage of the basic project costs, 27385
determined based on the school district's percentile ranking; 27386

(2) An amount necessary to raise the school district's net 27387
bonded indebtedness, as of the fiscal year the commission and the 27388
school district enter into the agreement under division (B) of 27389
this section, to within five thousand dollars of the required 27390
level of indebtedness. 27391

(D)(1) When the commission determines the basic project cost 27392

of the classroom facilities needs of a school district and the 27393
school district's portion of that basic project cost under 27394
division (C) of this section, the project shall be conditionally 27395
approved. Such conditional approval shall be submitted to the 27396
controlling board for approval thereof. The controlling board 27397
shall forthwith approve or reject the commission's determination, 27398
conditional approval, and the amount of the state's portion of the 27399
basic project cost; however, no state funds shall be encumbered 27400
under this section. Upon approval by the controlling board, the 27401
school district board may identify a discrete part of its 27402
classroom facilities needs, which shall include only new 27403
construction of or additions or major repairs to a particular 27404
building, to address with local resources. Upon identifying a part 27405
of the school district's basic project cost to address with local 27406
resources, the school district board may allocate any available 27407
school district moneys to pay the cost of that identified part, 27408
including the proceeds of an issuance of bonds if approved by the 27409
electors of the school district. 27410

All local resources utilized under this division shall first 27411
be deposited in the project construction account required under 27412
section 3318.08 of the Revised Code. 27413

(2) Unless the school district board exercises its option 27414
under division (D)(3) of this section, for a school district to 27415
qualify for participation in the program authorized under this 27416
section, one of the following conditions shall be satisfied: 27417

(a) The electors of the school district by a majority vote 27418
shall approve the levy of taxes outside the ten-mill limitation 27419
for a period of twenty-three years at the rate of not less than 27420
one-half mill for each dollar of valuation to be used to pay the 27421
cost of maintaining the classroom facilities included in the basic 27422
project cost as determined by the commission. The form of the 27423
ballot to be used to submit the question whether to approve the 27424

tax required under this division to the electors of the school 27425
district shall be the form for an additional levy of taxes 27426
prescribed in section 3318.361 of the Revised Code, which may be 27427
combined in a single ballot question with the questions prescribed 27428
under section 5705.218 of the Revised Code. 27429

(b) As authorized under division (C) of section 3318.05 of 27430
the Revised Code, the school district board shall earmark from the 27431
proceeds of a permanent improvement tax levied under section 27432
5705.21 of the Revised Code, an amount equivalent to the 27433
additional tax otherwise required under division (D)(2)(a) of this 27434
section for the maintenance of the classroom facilities included 27435
in the basic project cost as determined by the commission. 27436

(c) As authorized under section 3318.051 of the Revised Code, 27437
the school district board shall, if approved by the commission, 27438
annually transfer into the maintenance fund required under section 27439
3318.05 of the Revised Code the amount prescribed in section 27440
3318.051 of the Revised Code in lieu of the tax otherwise required 27441
under division (D)(2)(a) of this section for the maintenance of 27442
the classroom facilities included in the basic project cost as 27443
determined by the commission. 27444

(d) If the school district board has rescinded the agreement 27445
to make transfers under section 3318.051 of the Revised Code, as 27446
provided under division (F) of that section, the electors of the 27447
school district, in accordance with section 3318.063 of the 27448
Revised Code, first shall approve the levy of taxes outside the 27449
ten-mill limitation for the period specified in that section at a 27450
rate of not less than one-half mill for each dollar of valuation. 27451

(e) The school district board shall apply the proceeds of a 27452
tax to leverage bonds as authorized under section 3318.052 of the 27453
Revised Code or dedicate a local donated contribution in the 27454
manner described in division (B) of section 3318.084 of the 27455
Revised Code in an amount equivalent to the additional tax 27456

otherwise required under division (D)(2)(a) of this section for 27457
the maintenance of the classroom facilities included in the basic 27458
project cost as determined by the commission. 27459

(3) A school district board may opt to delay taking any of 27460
the actions described in division (D)(2) of this section until 27461
such time as the school district becomes eligible for state 27462
assistance under sections 3318.01 to 3318.20 of the Revised Code. 27463
In order to exercise this option, the board shall certify to the 27464
commission a resolution indicating the board's intent to do so 27465
prior to entering into an agreement under division (B) of this 27466
section. 27467

(4) If pursuant to division (D)(3) of this section a district 27468
board opts to delay levying an additional tax until the district 27469
becomes eligible for state assistance, it shall submit the 27470
question of levying that tax to the district electors as follows: 27471

(a) In accordance with section 3318.06 of the Revised Code if 27472
it will also be necessary pursuant to division (E) of this section 27473
to submit a proposal for approval of a bond issue; 27474

(b) In accordance with section 3318.361 of the Revised Code 27475
if it is not necessary to also submit a proposal for approval of a 27476
bond issue pursuant to division (E) of this section. 27477

(5) No state assistance under sections 3318.01 to 3318.20 of 27478
the Revised Code shall be released until a school district board 27479
that adopts and certifies a resolution under division (D) of this 27480
section also demonstrates to the satisfaction of the commission 27481
compliance with the provisions of division (D)(2) of this section. 27482

Any amount required for maintenance under division (D)(2) of 27483
this section shall be deposited into a separate fund as specified 27484
in division (B) of section 3318.05 of the Revised Code. 27485

(E)(1) If the school district becomes eligible for state 27486
assistance under sections 3318.01 to 3318.20 of the Revised Code 27487

based on its percentile ranking as determined under division (B) 27488
of this section, the commission shall conduct a new assessment of 27489
the school district's classroom facilities needs and shall 27490
recalculate the basic project cost based on this new assessment. 27491
The basic project cost recalculated under this division shall 27492
include the amount of expenditures made by the school district 27493
board under division (D)(1) of this section. The commission shall 27494
then recalculate the school district's portion of the new basic 27495
project cost, which shall be the percentage of the original basic 27496
project cost assigned to the school district as its portion under 27497
division (C) of this section. The commission shall deduct the 27498
expenditure of school district moneys made under division (D)(1) 27499
of this section from the school district's portion of the basic 27500
project cost as recalculated under this division. If the amount of 27501
school district resources applied by the school district board to 27502
the school district's portion of the basic project cost under this 27503
section is less than the total amount of such portion as 27504
recalculated under this division, the school district board by a 27505
majority vote of all of its members shall, if it desires to seek 27506
state assistance under sections 3318.01 to 3318.20 of the Revised 27507
Code, adopt a resolution as specified in section 3318.06 of the 27508
Revised Code to submit to the electors of the school district the 27509
question of approval of a bond issue in order to pay any 27510
additional amount of school district portion required for state 27511
assistance. Any tax levy approved under division (D) of this 27512
section satisfies the requirements to levy the additional tax 27513
under section 3318.06 of the Revised Code. 27514

(2) If the amount of school district resources applied by the 27515
school district board to the school district's portion of the 27516
basic project cost under this section is more than the total 27517
amount of such portion as recalculated under this division, within 27518
one year after the school district's portion is recalculated under 27519
division (E)(1) of this section the commission may grant to the 27520

school district the difference between the two calculated 27521
portions, but at no time shall the commission expend any state 27522
funds on a project in an amount greater than the state's portion 27523
of the basic project cost as recalculated under this division. 27524

Any reimbursement under this division shall be only for local 27525
resources the school district has applied toward construction cost 27526
expenditures for the classroom facilities approved by the 27527
commission, which shall not include any financing costs associated 27528
with that construction. 27529

The school district board shall use any moneys reimbursed to 27530
the district under this division to pay off any debt service the 27531
district owes for classroom facilities constructed under its 27532
project under this section before such moneys are applied to any 27533
other purpose. However, the district board first may deposit 27534
moneys reimbursed under this division into the district's general 27535
fund or a permanent improvement fund to replace local resources 27536
the district withdrew from those funds, as long as, and to the 27537
extent that, those local resources were used by the district for 27538
constructing classroom facilities included in the district's basic 27539
project cost. 27540

(F) If a school district has entered into an agreement with 27541
the commission under this section and the electors of the district 27542
have approved a bond issue to pay the district's portion of the 27543
basic project cost, the district shall not be ranked in a higher 27544
percentile under section 3318.011 of the Revised Code than the 27545
percentile in which the district was ranked on the date that the 27546
bond issue was approved, regardless of the district's three-year 27547
average adjusted valuation per pupil calculated under that section 27548
for any subsequent fiscal year. 27549

Sec. 3318.47. (A) On the effective date of this section, the 27550
director of budget and management shall transfer any amount on 27551

hand in the fund established under former section 3318.47 of the 27552
Revised Code, as that section existed prior to the effective date 27553
of this section, into the fund established under section 3318.15 27554
of the Revised Code. 27555

(B) On or after the effective date of this section, any 27556
amounts received from school districts in repayment of loans made 27557
under former sections 3318.47 to 3318.49, as those sections 27558
existed prior to the effective date of this section, shall be 27559
deposited into the fund established under section 3318.15 of the 27560
Revised Code. 27561

Sec. 3319.55. (A) A grant program is hereby established to 27562
recognize and reward teachers in public and chartered nonpublic 27563
schools who hold valid teaching certificates or licenses issued by 27564
the national board for professional teaching standards. The 27565
superintendent of public instruction shall administer this program 27566
in accordance with this section and rules which the state board of 27567
education shall adopt in accordance with Chapter 119. of the 27568
Revised Code. 27569

In each fiscal year that the general assembly appropriates 27570
funds for purposes of this section, the superintendent of public 27571
instruction shall award a grant to each person who, by the first 27572
day of April of that year and in accordance with the rules adopted 27573
under this section, submits to the superintendent evidence 27574
indicating ~~all~~ both of the following: 27575

(1) The person holds a valid certificate or license issued by 27576
the national board for professional teaching standards; 27577

(2) The person has been employed full-time as a teacher by 27578
the board of education of a school district or by a chartered 27579
nonpublic school in this state during the current school year; 27580

~~(3) The date the person was accepted into the national board~~ 27581

~~certification or licensure program.~~ 27582

An individual may receive a grant under this section in each 27583
fiscal year the person is eligible for a grant and submits 27584
evidence of that eligibility in accordance with this section. No 27585
person may receive a grant after the expiration of the person's 27586
initial certification or license issued by the national board. 27587

(B) The amount of the grant awarded to each eligible person 27588
under division (A) of this section in any fiscal year shall equal 27589
~~the following:~~ 27590

~~(1) Two two thousand five hundred dollars for any teacher 27591
accepted as a candidate for certification or licensure by the 27592
national board on or before May 31, 2003, and issued a certificate 27593
or license by the national board on or before December 31, 2004;~~ 27594

~~(2) One thousand dollars for any other teacher issued a 27595
certificate or license by the national board.~~ 27596

~~However.~~ However, if the funds appropriated for purposes of 27597
this section in any fiscal year are not sufficient to award the 27598
full grant amount to each person who is eligible in that fiscal 27599
year, the superintendent shall prorate the amount of the grant 27600
awarded in that fiscal year to each eligible person. 27601

Sec. 3321.03. ~~Except~~ As used in this section and section 27602
3321.04 of the Revised Code, "special education program" means a 27603
school or the educational agency that provides special education 27604
and related services to children with disabilities in accordance 27605
with Chapter 3323. of the Revised Code. 27606

Except as provided in this section, the parent of a child of 27607
compulsory school age shall cause such child to attend a school in 27608
the school district in which the child is entitled to attend 27609
school under division (B) or (F) of section 3313.64 or section 27610
3313.65 of the Revised Code, to participate in a special education 27611

program under Chapter 3323. of the Revised Code, or to otherwise 27612
cause ~~him~~ the child to be instructed in accordance with law. Every 27613
child of compulsory school age shall attend a school or 27614
participate in a special education program that conforms to the 27615
minimum standards prescribed by the state board of education until 27616
the child: 27617

(A) Receives a diploma granted by the board of education or 27618
other governing authority, successfully completes the curriculum 27619
of any high school, or successfully completes the individualized 27620
education program developed for the student by any high school 27621
pursuant to ~~section 3323.08~~ Chapter 3323. of the Revised Code; 27622

(B) Receives an age and schooling certificate as provided in 27623
section 3331.01 of the Revised Code; or 27624

(C) Is excused from school under standards adopted by the 27625
state board of education pursuant to section 3321.04 of the 27626
Revised Code, or if in need of special education, ~~he~~ the child is 27627
excused from such programs pursuant to section 3321.04 of the 27628
Revised Code. 27629

Sec. 3323.01. As used in this chapter: 27630

(A) "Child with a disability" means a child who is at least 27631
three years of age and less than twenty-two years of age; who has 27632
mental retardation, a hearing impairment (including deafness), a 27633
speech or language impairment, a visual impairment (including 27634
blindness), a serious emotional disturbance, an orthopedic 27635
impairment, autism, traumatic brain injury, an other health 27636
impairment, a specific learning disability, deaf-blindness, or 27637
multiple disabilities; and who, by reason thereof, needs special 27638
education and related services. 27639

A "child with a disability" may include a child who is at 27640
least three years of age and less than six years of age; who is 27641

experiencing developmental delays, as defined by standards adopted 27642
by the state board of education and as measured by appropriate 27643
diagnostic instruments and procedures in one or more of the 27644
following areas: physical development, cognitive development, 27645
communication development, social or emotional development, or 27646
adaptive development; and who, by reason thereof, needs special 27647
education and related services. 27648

(B) "County MR/DD board" means a county board of mental 27649
retardation and developmental disabilities. 27650

(C) "Free appropriate public education" means special 27651
education and related services that meet all of the following: 27652

(1) Are provided at public expense, under public supervision 27653
and direction, and without charge; 27654

(2) Meet the standards of the state board of education; 27655

(3) Include an appropriate preschool, elementary, or 27656
secondary education as otherwise provided by the law of this 27657
state; 27658

(4) Are provided for each child with a disability in 27659
conformity with the child's individualized education program. 27660

(D) "Homeless children" means "homeless children and youths" 27661
as defined in section 725 of the "McKinney-Vento Homeless 27662
Assistance Act," 42 U.S.C. 11434a. 27663

(E) "Individualized education program" or "IEP" means the 27664
written statement described in section 3323.011 of the Revised 27665
Code. 27666

(F) "Individualized education program team" or "IEP team" 27667
means a group of individuals composed of: 27668

(1) The parents of a child with a disability; 27669

(2) At least one regular education teacher of the child, if 27670
the child is or may be participating in the regular education 27671

environment; 27672

(3) At least one special education teacher, or where 27673
appropriate, at least one special education provider of the child; 27674

(4) A representative of the school district who meets all of 27675
the following: 27676

(a) Is qualified to provide, or supervise the provision of, 27677
specially designed instruction to meet the unique needs of 27678
children with disabilities; 27679

(b) Is knowledgeable about the general education curriculum; 27680

(c) Is knowledgeable about the availability of resources of 27681
the school district. 27682

(5) An individual who can interpret the instructional 27683
implications of evaluation results, who may be a member of the 27684
team as described in divisions (F)(2) to (4) of this section; 27685

(6) At the discretion of the parent or the school district, 27686
other individuals who have knowledge or special expertise 27687
regarding the child, including related services personnel as 27688
appropriate; 27689

(7) Whenever appropriate, the child with a disability. 27690

(G) "Instruction in braille reading and writing" means the 27691
teaching of the system of reading and writing through touch 27692
commonly known as standard English braille. 27693

(H) "Other educational agency" means a department, division, 27694
bureau, office, institution, board, commission, committee, 27695
authority, or other state or local agency, which is not a city, 27696
local, or exempted village school district or an agency 27697
administered by the department of mental retardation and 27698
developmental disabilities, that provides or seeks to provide 27699
special education or related services to children with 27700
disabilities. The term "other educational agency" includes a joint 27701

<u>vocational school district.</u>	27702
<u>(I) "Parent" of a child with a disability, except as used in sections 3323.09 and 3323.141 of the Revised Code, means:</u>	27703
<u>(1) A natural or adoptive parent of a child but not a foster parent of a child;</u>	27704
<u>(2) A guardian, but not the state if the child is a ward of the state;</u>	27705
<u>(3) An individual acting in the place of a natural or adoptive parent, including a grandparent, stepparent, or other relative, with whom the child lives, or an individual who is legally responsible for the child's welfare;</u>	27706
<u>(4) An individual assigned to be a surrogate parent, provided the individual is not prohibited by this chapter from serving as a surrogate parent for a child.</u>	27707
<u>(J) "Preschool child with a disability" means a child with a disability 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.</u>	27708
<u>(K) "Related services" means transportation, and such developmental, corrective, and other supportive services (including speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, school nurse services designed to enable a child with a disability to receive a free appropriate public education as described in the individualized education program of the child, counseling services, including rehabilitation counseling, orientation and mobility services, school health services, social work services in schools, and parent counseling and training, and medical services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to</u>	27709
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assist a child with a disability to benefit from special 27733
education, and includes the early identification and assessment of 27734
disabling conditions in children. "Related services" does not 27735
include a medical device that is surgically implanted, or the 27736
replacement of such device. 27737

(L) "School district" means a city, local, or exempted 27738
village school district. 27739

(M) "School district of residence," as used in sections 27740
3323.09, 3323.091, 3323.13, and 3323.14 of the Revised Code, 27741
means: 27742

(1) The school district in which the child's natural or 27743
adoptive parents reside; 27744

(2) If the school district specified in division (M)(1) of 27745
this section cannot be determined, the last school district in 27746
which the child's natural or adoptive parents are known to have 27747
resided if the parents' whereabouts are unknown; 27748

(3) If the school district specified in division (M)(2) of 27749
this section cannot be determined, the school district determined 27750
under section 2151.362 of the Revised Code, or if no district has 27751
been so determined, the school district as determined by the 27752
probate court of the county in which the child resides. 27753

(4) Notwithstanding divisions (M)(1) to (3) of this section, 27754
if a school district is required by section 3313.65 of the Revised 27755
Code to pay tuition for a child, that district shall be the 27756
child's school district of residence. 27757

(N) "Special education" means specially designed instruction, 27758
at no cost to parents, to meet the unique needs of a child with a 27759
disability. "Special education" includes instruction conducted in 27760
the classroom, in the home, in hospitals and institutions, and in 27761
other settings, including an early childhood education setting, 27762
and instruction in physical education. 27763

(O) "Student with a visual impairment" means any person who is less than twenty-two years of age and who has a visual impairment as that term is defined in this section. 27764
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(P) "Transition services" means a coordinated set of activities for a child with a disability that meet all of the following: 27767
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(1) Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including post-secondary education; vocational education; integrated employment (including supported employment); continuing and adult education; adult services; independent living; or community participation; 27770
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(2) Is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; 27777
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(3) Includes instruction, related services, 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. 27779
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"Transition services" for children with disabilities may be special education, if provided as specially designed instruction, or may be a related service, if required to assist a child with a disability to benefit from special education. 27783
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(O) "Visual impairment" for any individual means that one of the following applies to the individual: 27787
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(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. 27789
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(2) The individual has a medically indicated expectation of 27793

meeting the requirements of division (O)(1) of this section over a 27794
period of time. 27795

(3) The individual has a medically diagnosed and medically 27796
uncorrectable limitation in visual functioning that adversely 27797
affects the individual's ability to read and write standard print 27798
at levels expected of the individual's peers of comparable ability 27799
and grade level. 27800

(R) "Ward of the state" has the same meaning as in section 27801
602(36) of the "Individuals with Disabilities Education 27802
Improvement Act of 2004," 20 U.S.C. 1401(36). 27803

Sec. 3323.011. As used in this chapter, "individualized 27804
education program" or "IEP" means a written statement for each 27805
child with a disability that is developed, reviewed, and revised 27806
in accordance with this definition and that includes: 27807

(A) A statement of the child's present levels of academic 27808
achievement and functional performance, including: 27809

(1) How the child's disability affects the child's 27810
involvement and progress in the general education curriculum; 27811

(2) For a preschool child with a disability, as appropriate, 27812
how the disability affects the child's participation in 27813
appropriate activities; 27814

(3) For a child with a disability who is not a preschool 27815
child and who will take alternate assessments aligned to alternate 27816
achievement standards, a description of benchmarks or short-term 27817
objectives. 27818

(B) A statement of measurable annual goals, including 27819
academic and functional goals and, at the discretion of the 27820
department of education, short-term instructional objectives that 27821
are designed to: 27822

(1) Meet the child's needs that result from the child's 27823

disability so as to enable the child to be involved in and make 27824
progress in the general education curriculum; 27825

(2) Meet each of the child's other educational needs that 27826
result from the child's disability. 27827

(C) A description of how the child's progress toward meeting 27828
the annual goals described pursuant to division (B) of this 27829
section will be measured and when periodic reports on the progress 27830
the child is making toward meeting the annual goals will be 27831
provided. Such reports may be quarterly or other periodic reports 27832
that are issued concurrent with the issuance of regular report 27833
cards. 27834

(D) A statement of the special education and related services 27835
and supplementary aids and services, based on peer-reviewed 27836
research to the extent practicable, to be provided to the child, 27837
or on behalf of the child, and a statement of the program 27838
modifications or supports for school personnel that will be 27839
provided for the child so that the child may: 27840

(1) Advance appropriately toward attaining the annual goals 27841
described pursuant to division (B) of this section; 27842

(2) Be involved in and make progress in the general education 27843
curriculum and participate in extracurricular and other 27844
nonacademic activities; 27845

(3) Be educated with and participate with both other children 27846
with disabilities and nondisabled children in the specific 27847
activities described pursuant to division (D) of this section. 27848

(E) An explanation of the extent, if any, to which the child 27849
will not participate with nondisabled children in the regular 27850
class, including an early childhood education setting, and in the 27851
activities described pursuant to division (D) of this section; 27852

(F) A statement of any individual appropriate accommodations 27853

that are necessary to measure the academic achievement and 27854
functional performance of the child on state and districtwide 27855
assessments consistent with section 612(a)(16) of the "Individuals 27856
with Disabilities Education Improvement Act of 2004," 20 U.S.C. 27857
1412(a)(16). If the IEP team determines that the child shall take 27858
an alternate assessment on a particular state or districtwide 27859
assessment of student achievement, the IEP shall contain a 27860
statement of why the child cannot participate in the regular 27861
assessment and why the particular alternate assessment selected is 27862
appropriate for the child. 27863

(G) The projected date for the beginning of the services and 27864
modifications described pursuant to division (D) of this section 27865
and the anticipated frequency, location, and duration of those 27866
services and modifications; 27867

(H) Beginning not later than the first IEP to be in effect 27868
when the child is sixteen years of age, and updated annually 27869
thereafter, a statement describing: 27870

(1) Appropriate measurable post-secondary goals based upon 27871
age-appropriate transition assessments related to training, 27872
education, employment, and independent living skills; 27873

(2) The transition services, including courses of study, 27874
needed to assist the child in reaching the goals described in 27875
division (H)(1) of this section. 27876

(I) Beginning not later than one year before the child 27877
reaches eighteen years of age, a statement that the child has been 27878
informed of the child's rights under Title XX of the United States 27879
Code that will transfer to the child on reaching eighteen years of 27880
age in accordance with section 615(m) of the "Individuals with 27881
Disabilities Education Improvement Act of 2004," 20 U.S.C. 27882
1415(m). 27883

Nothing in this section shall be construed to require that 27884

additional information be included in a child's IEP beyond the 27885
items explicitly required by this section and that the IEP team 27886
include information under one component of a child's IEP that is 27887
already contained under another component of the IEP. 27888

Sec. ~~3323.011~~ 3323.013. (A) The individualized education 27889
program required for any student with a visual ~~disability~~ 27890
impairment under this chapter shall include the following, in 27891
addition to the statements required pursuant to ~~division (E) of~~ 27892
section ~~3323.01~~ 3323.011 of the Revised Code: 27893

(1) A statement that instruction in braille reading and 27894
writing was carefully considered for the student and that 27895
pertinent literature describing the educational benefits of 27896
instruction in braille reading and writing was reviewed by the 27897
persons developing the student's individualized education program; 27898

(2) A statement specifying the one or more reading and 27899
writing media in which instruction is appropriate for the 27900
student's educational needs; 27901

(3) If instruction in braille reading and writing is 27902
specified as appropriate for the student pursuant to division 27903
(A)(2) of this section, a statement of the instruction in braille 27904
reading and writing that is to be provided to the student. This 27905
statement shall specify the date on which the instruction is to 27906
commence, the frequency and duration of instruction sessions, the 27907
level of competency in braille reading and writing expected to be 27908
achieved annually, and the objective assessment measures to be 27909
used. Whenever appropriate, the expected level of braille 27910
competency for the student shall be to enable the student to 27911
communicate effectively and efficiently with the same level of 27912
proficiency expected of the student's peers of comparable ability 27913
and grade level and the instruction in braille reading and writing 27914
that is to be provided shall be designed accordingly. 27915

(B) If the individualized education program for any student 27916
with a visual ~~disability~~ impairment does not specify instruction 27917
in braille reading and writing as appropriate for the student 27918
pursuant to division (A)(2) of this section, each annual review of 27919
that student's individualized education program, ~~as provided~~ 27920
~~pursuant to division (C) of section 3323.08 of the Revised Code,~~ 27921
shall include a written statement specifying the reasons why 27922
instruction in braille reading and writing is not appropriate for 27923
the student. 27924

(C)(1) No student with a visual ~~disability~~ impairment shall 27925
be denied instruction in braille reading and writing pursuant to 27926
this section solely because the student has some remaining vision 27927
or because the student is to receive reading and writing 27928
instruction in another medium. 27929

(2) Nothing in this section shall be construed to require the 27930
exclusive use of instruction through the medium of braille reading 27931
and writing if other reading and writing media are appropriate to 27932
a student's educational needs. 27933

(D) Any instruction in braille reading and writing provided 27934
to any student with a visual ~~disability~~ impairment pursuant to 27935
division (A)(3) of this section shall be provided by a teacher 27936
licensed to teach students with visual ~~disabilities~~ impairments. 27937

Sec. 3323.014. If an agency other than the school district 27938
responsible for a child's IEP fails to provide the transition 27939
services described in the IEP, the school district that is 27940
responsible for the IEP shall reconvene the IEP team to identify 27941
alternative strategies to meet the transition objectives for the 27942
child set out in the child's IEP. 27943

Sec. 3323.02. ~~It~~ As used in this section, "IDEIA" means the 27944
"Individuals with Disabilities Education Improvement Act of 2004," 27945

Pub. L. No. 108-446. 27946

It is the purpose of this chapter to assure ensure that all 27947
handicapped children three to twenty one years of age in this 27948
state shall be provided with an with disabilities residing in this 27949
state who are at least three years of age and less than twenty-two 27950
years of age, including children with disabilities who have been 27951
suspended or expelled from school, have available to them a free 27952
appropriate public education. No educational program for 27953
handicapped children shall be operated except in accordance with 27954
procedures, standards, and guidelines adopted by the state board 27955
of education, and no school district, county board of mental 27956
retardation and developmental disabilities, or other educational 27957
agency shall receive state or federal funds for a special 27958
education program unless such program is operated in accordance 27959
with all procedures, standards, and guidelines adopted by the 27960
state board. The state board of education shall establish 27961
standards for special education and related services for all 27962
handicapped children in the state, regardless of the severity of 27963
their handicap school district, county MR/DD board, or other 27964
educational agency shall receive state or federal funds for 27965
special education and related services unless those services for 27966
children with disabilities are provided in accordance with IDEIA 27967
and related provisions of the Code of Federal Regulations, the 27968
provisions of this chapter, rules and standards adopted by the 27969
state board of education, and any procedures or guidelines issued 27970
by the superintendent of public instruction. Any options or 27971
discretion provided to the state by IDEIA may be exercised in 27972
state law or in rules or standards adopted by the state board of 27973
education. 27974

The state board of education shall establish rules or 27975
standards for the provision of special education and related 27976
services for all children with disabilities who are at least three 27977

years of age and less than twenty-two years of age residing in the 27978
state, regardless of the severity of their disabilities, including 27979
children with disabilities who have been suspended or expelled 27980
from school. The state law and the rules or standards of the state 27981
board of education may impose requirements that are not required 27982
by IDEIA or related provisions of the Code of Federal Regulations. 27983
The school district of residence is responsible, in all instances, 27984
for ensuring that the requirements of Part B of IDEIA are met for 27985
every eligible child in its jurisdiction, regardless of whether 27986
services are provided by another school district, other 27987
educational agency, or other agency, department, or entity, unless 27988
IDEIA or related provisions of the Code of Federal Regulations, 27989
another section of this chapter, or a rule adopted by the state 27990
board of education specifies that another school district, other 27991
educational agency, or other agency, department, or entity is 27992
responsible for ensuring compliance with Part B of IDEIA. 27993

Notwithstanding division (A)(4) of section 3301.53 of the 27994
Revised Code and any rules adopted pursuant to that section and 27995
division (A) of section 3313.646 of the Revised Code, a board of 27996
education of a school district may ~~operate an educational program~~ 27997
~~for handicapped~~ provide special education and related services for 27998
preschool children with disabilities in accordance with this 27999
chapter and section 3301.52, divisions (A)(1) to (3) and (A)(5) 28000
and (6) of section 3301.53, and sections 3301.54 to ~~3301.57~~ 28001
3301.59 of the Revised Code. 28002

The ~~state board of education~~ superintendent of public 28003
instruction may require any state or local agency to provide 28004
documentation that ~~programs for handicapped children operated~~ 28005
special education and related services for children with 28006
disabilities provided by the agency are in compliance with the 28007
requirements of this chapter. 28008

Not later than the first day of February of each year the 28009

superintendent of public instruction shall furnish the ~~chairmen~~ 28010
chairpersons of the education committees of the house of 28011
representatives and the senate with a report on the status of 28012
implementation of ~~programs and~~ special education and related 28013
services for ~~handicapped~~ children with disabilities required by 28014
this chapter. The report shall include but shall not be limited to 28015
the following items: the most recent available figures on the 28016
number of children identified as ~~handicapped~~, ~~the number of~~ 28017
~~persons placed in appropriate special education programs, and a~~ 28018
~~summary of the reasons for nonplacement of identified persons~~ 28019
children with disabilities and the number of identified children 28020
receiving special education and related services. The information 28021
contained in these reports shall be public information. 28022

Sec. 3323.03. The state board of education shall, in 28023
consultation with the department of health, the department of 28024
mental health, and the department of mental retardation and 28025
developmental disabilities, establish standards and procedures for 28026
the identification, location, and evaluation of all ~~handicapped~~ 28027
children with disabilities residing in the state, including 28028
children with disabilities who are homeless children or are wards 28029
of the state and children with disabilities attending nonpublic 28030
schools, regardless of the severity of their ~~handicap. No single~~ 28031
~~method, device, or evaluation criterion shall be the sole~~ 28032
~~eriterion for determining an appropriate educational program for a~~ 28033
~~handicapped child. The state board shall require the~~ disabilities, 28034
and who are in need of special education and related services. The 28035
state board shall develop and implement a practical method to 28036
determine which children with disabilities are currently receiving 28037
needed special education and related services. 28038

In conducting the evaluation, the board of education of each 28039
school district shall use a variety of assessment tools and 28040
strategies to gather relevant functional, developmental, and 28041

academic information about the child, including information 28042
provided by the child's parent. The board of education of each 28043
school district, in consultation with the county ~~boards of mental~~ 28044
~~retardation and developmental disabilities and the boards~~ MR/DD 28045
board, the county family and children first council, and the board 28046
of alcohol, drug addiction, and mental health services of each 28047
county in which the school district has territory, ~~to~~ shall 28048
identify, locate, and evaluate all ~~handicapped~~ children with 28049
disabilities residing within the district to determine which 28050
~~handicapped~~ children with disabilities are not receiving 28051
appropriate special education and related services. In addition, 28052
the board of education of each school district, in consultation 28053
with such county boards or council, shall identify, locate, and 28054
evaluate all children with disabilities who are enrolled by their 28055
parents in nonpublic elementary and secondary schools located 28056
within the public school district, without regard to where those 28057
children reside in accordance with rules of the state board of 28058
education or guidelines of the superintendent of public 28059
instruction. 28060

~~County boards of mental retardation and developmental~~ 28061
~~disabilities and boards~~ Each county MR/DD board, county family and 28062
children first council, and board of alcohol, drug addiction, and 28063
mental health services and ~~their~~ the board's or council's contract 28064
agencies may transmit to boards of education the names and 28065
addresses of ~~handicapped~~ children with disabilities who are not 28066
receiving appropriate special education and related services. 28067

Sec. 3323.031. The board of education of each school district 28068
shall annually assess the reading and writing skills of each 28069
student with a visual ~~disability~~ impairment enrolled in the 28070
district in each medium in which instruction is specified as 28071
appropriate for the student pursuant to division (A)(2) of section 28072
~~3323.011~~ 3323.013 of the Revised Code. The results of each 28073

assessment shall be provided in a written statement that specifies 28074
the student's strengths and weaknesses in each medium assessed. 28075

Sec. 3323.04. The state board of education, in consultation 28076
with the department of mental health and the department of mental 28077
retardation and developmental disabilities, shall establish 28078
procedures and standards for the ~~placement of handicapped children~~ 28079
~~in appropriate educational programs~~ development of individualized 28080
education programs for children with disabilities. 28081

The state board shall require the board of education of each 28082
school district to ~~place each handicapped child three to~~ 28083
~~twenty one years of age residing within the district in an~~ 28084
~~appropriate education program in accordance with section 3319.01~~ 28085
~~of the Revised Code, which may include instruction in regular~~ 28086
~~classes, a special education program, or any combination thereof.~~ 28087
Prior develop an individualized education program for each child 28088
with a disability who is at least three years of age and less than 28089
twenty-two years of age residing in the district in a manner that 28090
is in accordance with rules of the state board. 28091

Prior to the placement of a handicapped child with a 28092
disability in a program operated under section 3323.09 of the 28093
Revised Code, the district board of education shall consult the 28094
county MR/DD board of ~~mental retardation and developmental~~ 28095
~~disabilities~~ of the county in which the child resides. ~~The board~~ 28096
~~of education shall evaluate the educational placement of each~~ 28097
~~handicapped child at least once each year~~ regarding the proposed 28098
placement. 28099

A child with a disability enrolled in a nonpublic school or 28100
facility shall be provided special education and related services, 28101
in accordance with an individualized education program, at no cost 28102
for those services, if the child is placed in, or referred to, 28103
that nonpublic school or facility by the department of education 28104

or a school district. 28105

The IEP team shall review the individualized education 28106
program of each child with a disability periodically, but at least 28107
annually, to determine whether the annual goals for the child are 28108
being achieved, and shall revise the individualized education 28109
program as appropriate. 28110

The state board shall establish procedures and standards to 28111
assure that to the maximum extent appropriate, ~~handicapped~~ 28112
children with disabilities, including children in public or 28113
private institutions or other care facilities, shall be educated 28114
with children who are not ~~handicapped disabled~~. Special classes, 28115
separate schools, or other removal of children with disabilities 28116
from the regular educational environment shall be used only when 28117
the nature or severity of a child's disability is such that 28118
education in regular classes with supplementary aids and services 28119
cannot be achieved satisfactorily. 28120

If an agency directly affected by a placement decision 28121
objects to such decision, an ~~independent~~ impartial hearing 28122
officer, appointed by the ~~school district and the objecting agency~~ 28123
department of education from a list prepared by the ~~state~~ 28124
~~department of education in consultation with the department of~~ 28125
~~mental health or the department of mental retardation and~~ 28126
~~developmental disabilities~~, shall conduct a hearing to review the 28127
placement decision. The agencies that are parties to a hearing 28128
shall divide the costs of such hearing equally. The decision of 28129
the hearing officer shall be final, except that any party to the 28130
hearing who is aggrieved by the findings or the decision of the 28131
hearing officer may appeal the findings or decision in accordance 28132
with division (H) of section 3323.05 of the Revised Code or the 28133
parent of any child affected by such decision or his parents may 28134
present a complaint in accordance with that ~~section 3323.05 of the~~ 28135
~~Revised Code.~~ 28136

Sec. 3323.041. To the extent consistent with the number and location of children with disabilities in the state who are enrolled by their parents in nonpublic elementary and secondary schools in the school district served by a board of education of a school district, provision is made for the participation of those children in the program for the education of children with disabilities which is assisted or carried out under Part B of the Individuals with Disabilities Education Improvement Act of 2004, P.L. 108-446. The district in which the nonpublic elementary or secondary school is located shall provide for such children special education and related services in accordance with Section 612(a)(10) of the Individuals with Disabilities Education Improvement Act of 2004, 20 U.S.C. 1412(a)(10) and related provisions of the Code of Federal Regulations and in accordance with any rules adopted by the state board of education or guidelines issued by the superintendent of public instruction.

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Amounts to be expended for the provision of those services, including direct services to parentally placed nonpublic school children, by the school district shall be equal to a proportionate amount of federal funds made available under Part B of the Individuals with Disabilities Education Improvement Act of 2004. The school district shall exercise the following responsibilities towards parentally placed children with disabilities who attend nonpublic schools located in the school district: child find, timely and meaningful consultation, written affirmation of timely and meaningful consultation, compliance, and provision of equitable services, as provided by the Individuals with Disabilities Education Improvement Act of 2004 and related provisions of the Code of Federal Regulations and in accordance with any rules adopted by the state board of education or guidelines issued by the superintendent of public instruction.

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Sec. 3323.05. The state board of education shall establish 28168
procedures to ~~assure~~ ensure that ~~handicapped~~ children with 28169
disabilities and their parents are guaranteed procedural 28170
safeguards ~~in decisions~~ under this chapter ~~relating to the~~ 28171
~~identification, evaluation, or educational placement of a~~ 28172
~~handicapped child or the provision of education or related~~ 28173
~~services under this chapter~~ with respect to a free appropriate 28174
public education. 28175

The procedures shall include, but need not be limited to: 28176

(A) An opportunity for the parents of a child with a 28177
disability to examine all ~~relevant~~ records related to the child 28178
and to participate in meetings with respect to identification, 28179
evaluation, ~~or~~ and educational placement of the child, and to 28180
obtain ~~at their own expense~~ an independent educational evaluation 28181
of the child; 28182

(B) Procedures to protect the rights of the child ~~when~~ 28183
whenever the parents of the child are ~~unknown or unavailable~~ not 28184
known, an agency after making reasonable efforts cannot find the 28185
parents, or ~~when~~ the child is a ward of the state, including the 28186
assignment, in accordance with section 3323.051 of the Revised 28187
Code, of an individual to act as a surrogate for the parents; 28188

(C) Prior written notice to the child's parents of ~~any a~~ 28189
school district's proposal or refusal to initiate or change the 28190
identification, evaluation, or educational placement of the child, 28191
~~including notice of all procedures available under this section.~~ 28192
~~The state board of education may establish procedures to provide~~ 28193
~~for the written acknowledgment by the parent of a notice of a~~ 28194
~~child's placement or change of placement. In cases when no written~~ 28195
~~acknowledgment has been obtained, notice of placement or change of~~ 28196
~~placement shall be made by certified mail. A parent's~~ 28197
~~acknowledgment under this division does not negate his rights to~~ 28198

~~present complaints and appeal a placement decision under this~~ 28199
~~section or the provision of a free appropriate education for the~~ 28200
~~child. The procedures established under this division shall:~~ 28201

(1) Be designed to ensure that the written prior notice is in 28202
the native language of the parents, unless it clearly is not 28203
feasible to do so. 28204

(2) Specify that the prior written notice shall include: 28205

(a) A description of the action proposed or refused by the 28206
district; 28207

(b) An explanation of why the district proposes or refuses to 28208
take the action and a description of each evaluation procedure, 28209
assessment, record, or report the district used as a basis for the 28210
proposed or refused action; 28211

(c) A statement that the parents of a child with a disability 28212
have protection under the procedural safeguards and, if the notice 28213
is not in regard to an initial referral for evaluation, the means 28214
by which a copy of a description of the procedural safeguards can 28215
be obtained; 28216

(d) Sources for parents to contact to obtain assistance in 28217
understanding the provisions of Part B of the "Individuals with 28218
Disabilities Education Improvement Act of 2004"; 28219

(e) A description of other options considered by the IEP team 28220
and the reason why those options were rejected; 28221

(f) A description of the factors that are relevant to the 28222
agency's proposal or refusal. 28223

(D) An opportunity for the ~~child or his~~ child's parents to 28224
present complaints to the superintendent of the child's school 28225
district of residence with respect to any matter relating to the 28226
identification, evaluation, or educational placement of the child, 28227
or the provision of ~~special education~~ a free appropriate public 28228

~~education under this chapter to the superintendent of the school 28229
district of the child's residence. Upon presentation of a 28230
complaint, the superintendent shall review the case, may conduct 28231
an informal hearing, and shall notify all parties of his decision. 28232
Where the child is placed in a program operated by a county board 28233
of mental retardation and developmental disabilities or other 28234
educational agency, the superintendent shall consult with the 28235
administrator of the agency involved. Any party aggrieved by the 28236
decision of the superintendent may present a formal complaint in 28237
writing to the board of education. 28238~~

~~(E) When a formal written complaint is received, an 28239
opportunity for the aggrieved party to receive a due process 28240
hearing conducted by an impartial hearing officer in accordance 28241
with standards and procedures adopted by the state board of 28242
education. No hearing shall be conducted by an employee of the 28243
board of education or any agency involved in the education or care 28244
of the child. 28245~~

~~A Within twenty school days after receipt of a complaint, the 28246
district superintendent or the superintendent's designee, without 28247
undue delay and at a time and place convenient to all parties, 28248
shall review the case, may conduct an administrative review, and 28249
shall notify all parties in writing of the superintendent's or 28250
designee's decision. Where the child is placed in a program 28251
operated by a county MR/DD board or other educational agency, the 28252
superintendent shall consult with the administrator of that county 28253
MR/DD board or agency. 28254~~

~~Any party aggrieved by the decision of the district 28255
superintendent or the superintendent's designee may file a 28256
complaint with the state board as provided under division (E) of 28257
this section, request mediation as provided under division (F) of 28258
this section, or present a due process complaint notice and 28259
request for a due process hearing in writing to the superintendent 28260~~

of the district, with a copy to the state board, as provided under 28261
division (G) of this section. 28262

(E) An opportunity for a party to file a complaint with the 28263
state board of education with respect to the identification, 28264
evaluation, or educational placement of the child, or the 28265
provision of a free appropriate public education to such child. 28266
The department of education shall review and, where appropriate, 28267
investigate the complaint and issue findings. 28268

(F) An opportunity for parents and a school district to 28269
resolve through mediation disputes involving any matter. 28270

(1) The procedures established under this section shall 28271
ensure that the mediation process is voluntary on the part of the 28272
parties, is not used to deny or delay a parent's right to a due 28273
process hearing or to deny any other rights afforded under this 28274
chapter, and is conducted by a qualified and impartial mediator 28275
who is trained in effective mediation techniques. 28276

(2) A school district may establish procedures to offer to 28277
parents and schools that choose not to use the mediation process, 28278
an opportunity to meet, at a time and location convenient to the 28279
parents, with a disinterested party to encourage the use, and 28280
explain the benefits, of the mediation process to the parents. The 28281
disinterested party shall be an individual who is under contract 28282
with a parent training and information center or community parent 28283
resource center in the state or is under contract with an 28284
appropriate alternative dispute resolution entity. 28285

(3) The department shall maintain a list of individuals who 28286
are qualified mediators and knowledgeable in laws and regulations 28287
relating to the provision of special education and related 28288
services. 28289

(4) The department shall bear the cost of the mediation 28290
process, including the costs of meetings described in division 28291

<u>(F)(2) of this section.</u>	28292
<u>(5) Each session in the mediation process shall be scheduled</u>	28293
<u>in a timely manner and shall be held in a location that is</u>	28294
<u>convenient to the parties to the dispute.</u>	28295
<u>(6) Discussions that occur during the mediation process shall</u>	28296
<u>be confidential and shall not be used as evidence in any</u>	28297
<u>subsequent due process hearing or civil proceeding.</u>	28298
<u>(7) In the case that a resolution is reached to resolve the</u>	28299
<u>complaint through the mediation process, the parties shall execute</u>	28300
<u>a legally binding agreement that sets forth the resolution and</u>	28301
<u>that:</u>	28302
<u>(a) States that all discussions that occurred during the</u>	28303
<u>mediation process shall be confidential and shall not be used as</u>	28304
<u>evidence in any subsequent due process hearing or civil</u>	28305
<u>proceeding;</u>	28306
<u>(b) Is signed by both the parent and a representative for the</u>	28307
<u>school district who has the authority to bind the district;</u>	28308
<u>(c) Is enforceable in any state court of competent</u>	28309
<u>jurisdiction or in a district court of the United States.</u>	28310
<u>(G)(1) An opportunity for parents or a school district to</u>	28311
<u>present a due process complaint and request for a due process</u>	28312
<u>hearing to the superintendent of the school district of the</u>	28313
<u>child's residence with respect to the identification, evaluation,</u>	28314
<u>or educational placement of the child, or the provision of a free</u>	28315
<u>appropriate public education to the child. The party presenting</u>	28316
<u>the due process complaint and request for a due process hearing</u>	28317
<u>shall provide due process complaint notice to the other party and</u>	28318
<u>forward a copy of the notice to the state board. The due process</u>	28319
<u>complaint notice shall include:</u>	28320
<u>(a) The name of the child, the address of the residence of</u>	28321

the child, or the available contact information in the case of a 28322
homeless child, and the name of the school the child is attending; 28323

(b) A description of the nature of the problem of the child 28324
relating to the proposed initiation or change, including facts 28325
relating to the problem; 28326

(c) A proposed resolution of the problem to the extent known 28327
and available to the party at the time. 28328

A party shall not have a due process hearing until the party, 28329
or the attorney representing the party, files a notice that meets 28330
the requirement for filing a due process complaint notice. 28331

A due process hearing shall be conducted by an impartial 28332
hearing officer in accordance with standards and procedures 28333
adopted by the state board. A hearing officer shall not be an 28334
employee of the state board or any agency involved in the 28335
education or care of the child or a person having a personal or 28336
professional interest that conflicts with the person's objectivity 28337
in the hearing. A hearing officer shall possess knowledge of, and 28338
the ability to understand, the provisions of the "Individuals with 28339
Disabilities Education Improvement Act of 2004," federal and state 28340
regulations pertaining to that act, and legal interpretations of 28341
that act by federal and state courts; possess the knowledge and 28342
ability to conduct hearings in accordance with appropriate 28343
standard legal practice; and possess the knowledge and ability to 28344
render and write decisions in accordance with appropriate standard 28345
legal practice. The due process requirements of section 615 of the 28346
"Individuals with Disabilities Education Improvement Act of 2004," 28347
20 U.S.C. 1415, apply to due process complaint notices and 28348
requests for due process hearings and to due process hearings held 28349
under division (G) of this section, including, but not limited to, 28350
timelines for requesting hearings, requirements for sufficient 28351
complaint notices, resolution sessions, and sufficiency and 28352
hearing decisions. 28353

(2) Discussions that occur during a resolution session shall be confidential and shall not be used as evidence in any subsequent due process hearing or civil proceeding. If a resolution to the dispute is reached at a resolution session, the parties must execute a legally binding written settlement agreement which shall state that all discussions that occurred during the resolution process shall be confidential and shall not be used as evidence in any subsequent due process hearing or civil proceeding. 28354
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(3) A party to a hearing under ~~this~~ division (G) of this section shall be accorded: 28363
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~~(1)~~(a) The right to be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of ~~handicapped~~ children with disabilities; 28365
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~~(2)~~(b) The right to present evidence and confront, cross-examine, and compel the attendance of witnesses; 28368
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~~(3)~~(c) The right to a written or electronic verbatim record of ~~such~~ the hearing; 28370
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~~(4)~~(d) The right to written findings of fact and decisions, which findings of fact and decisions shall be made available to the public consistent with the requirements relating to the confidentiality of personally identifiable data, information, and records collected and maintained by state educational agencies and local educational agencies; and shall be transmitted to the advisory panel established and maintained by the department for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the state. 28372
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~~(F)~~(H) An opportunity for any party aggrieved by the findings and decision rendered in a hearing under division ~~(F)~~(G) of this section to appeal within forty-five days of notification of the 28382
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decision to the state board ~~of education~~, which shall appoint a 28385
reviewing state level officer who shall review the case and issue 28386
a final order. The ~~reviewing state level~~ officer shall be 28387
appointed and shall review the case in accordance with standards 28388
and procedures adopted by the state board. 28389

Any party aggrieved by the final order of the ~~reviewing state~~ 28390
level officer may appeal the final order, in accordance with 28391
Chapter 119. of the Revised Code, within forty-five days ~~of~~ after 28392
notification of the order to the court of common pleas of the 28393
county in which the child's school district of residence is 28394
located, ~~under Chapter 119. of the Revised Code~~ or to a district 28395
court of the United States within ninety days after the date of 28396
the decision of the state level review officer, as provided in 28397
section 615(i)(2) of the "Individuals with Disabilities Education 28398
Improvement Act of 2004," 20 U.S.C. 1415(i)(2). 28399

Sec. 3323.051. No individual shall be assigned to act as a 28400
surrogate ~~parent~~ for the parents of a child with a disability 28401
under division (B) of section 3323.05 of the Revised Code if ~~he~~ 28402
the individual is an employee of the department of education or 28403
the school district or any other agency involved in the education 28404
or care of the child or if ~~he~~ the individual has any interest that 28405
conflicts with the interests of the child. If a conflict of 28406
interest arises subsequent to the assignment of a surrogate 28407
~~parent~~, the authority that made the assignment shall terminate it 28408
and assign another surrogate ~~parent~~. Neither the surrogate ~~parent~~ 28409
nor the authority that assigned ~~him~~ the surrogate shall be liable 28410
in civil damages for acts of the surrogate ~~parent~~ unless such acts 28411
constitute willful or wanton misconduct. 28412

Sec. 3323.052. Not later than January 31, 2008, the 28413
department of education shall develop a document that compares a 28414
parent's and child's rights under this chapter and 20 U.S.C. 1400 28415

et seq. with the parent's and child's rights under the special 28416
education scholarship pilot program, established in sections 28417
3310.51 to 3310.63 of the Revised Code, including the deadline for 28418
application for a scholarship or renewal of a scholarship and 28419
notice of that application to the child's school district, 28420
prescribed in division (C) of section 3310.52 of the Revised Code, 28421
and the provisions of divisions (A) and (B) of section 3310.53 of 28422
the Revised Code. The department shall revise that document as 28423
necessary to reflect any pertinent changes in state or federal 28424
statutory law, rule, or regulation enacted or adopted after the 28425
initial document is developed. The department and each school 28426
district shall ensure that the document prescribed in this section 28427
is included in, appended to, or otherwise distributed in 28428
conjunction with the notice required under 20 U.S.C. 1415(d), and 28429
any provision of the Code of Federal Regulations implementing that 28430
requirement, in the manner and at all the times specified for such 28431
notice in federal law or regulation. As used in this section, a 28432
"child's school district" means the school district in which the 28433
child is entitled to attend school under section 3313.64 or 28434
3313.65 of the Revised Code. 28435

Sec. 3323.06. (A) The state board of education shall develop, 28436
implement, provide general supervision of, and assure compliance 28437
with a state plan for the following: 28438

(1) The identification, location, and evaluation of all 28439
children with disabilities in the state; 28440

(2) The provision of special education and related services 28441
to ensure a free appropriate public education for all children 28442
with disabilities at least three years of age and less than 28443
twenty-two years of age, including children with disabilities who 28444
have been suspended or expelled from school; 28445

(3) The availability of special education and related 28446

services for children with disabilities under three years of age, 28447
as authorized by division (C) of this section and as specified in 28448
rules of the state board. 28449

The state plan shall provide assurances that the state board 28450
has in effect policies and procedures to ensure that the state 28451
meets the conditions specified in section 612 of the "Individuals 28452
with Disabilities Education Improvement Act of 2004," 20 U.S.C. 28453
1412. 28454

(B) The state board shall establish and maintain an advisory 28455
panel for the purpose of providing policy guidance with respect to 28456
special education and related services for children with 28457
disabilities in the state. A majority of the members of the panel 28458
shall be individuals with disabilities or parents of children with 28459
disabilities representing all ages, birth through twenty-six years 28460
of age. The advisory panel shall meet the requirements of section 28461
612(a)(21) of the "Individuals with Disabilities Education 28462
Improvement Act of 2004," 20 U.S.C. 1412(a)(21), and related 28463
provisions of the Code of Federal Regulations. The panel shall 28464
advise the Ohio department of education of unmet needs within the 28465
state in the education of children with disabilities; comment 28466
publicly on rules proposed by that department regarding the 28467
education of children with disabilities; advise that department in 28468
developing evaluations and reporting on data to the United States 28469
secretary of education under section 618 of the act, 20 U.S.C. 28470
1418; advise the Ohio department in developing corrective action 28471
plans to address findings identified in federal monitoring reports 28472
under Part B of the act; and advise the Ohio department in 28473
developing and implementing policies relating to the coordination 28474
of services for children with disabilities. 28475

(C) In addition to the policies and procedures authorized 28476
under division (A) of this section, the state board may authorize 28477
school districts to establish and maintain special education and 28478

related services for children less than three years of age as 28479
specified in rules of the state board. 28480

(D) In the exercise of its general supervisory 28481
responsibility, the state board shall monitor the implementation 28482
of Part B of the "Individuals with Disabilities Education 28483
Improvement Act of 2004" by school districts. Monitoring 28484
activities shall include, but are not limited to, focused 28485
monitoring, investigations of complaints, and technical 28486
assistance. The primary focus of the state board's monitoring 28487
activities shall be improving educational results and functional 28488
outcomes for all children with disabilities and ensuring that the 28489
state board meets the program requirements under Part B, with a 28490
particular emphasis on those requirements that are most closely 28491
related to improving educational results for children with 28492
disabilities. 28493

Sec. 3323.07. The state board of education shall authorize 28494
the establishment and maintenance of ~~programs for the education of~~ 28495
~~all handicapped children three to twenty one years of age, and may~~ 28496
~~authorize such programs for handicapped children under three years~~ 28497
~~of age~~ special education and related services for all children 28498
with disabilities who are at least three years of age and less 28499
than twenty-two years of age, including children with disabilities 28500
who have been suspended or expelled from school, and may authorize 28501
special education and related services for children with 28502
disabilities who are less than three years of age in accordance 28503
with rules adopted by the state board. The state board shall 28504
require the boards of education of school districts, shall 28505
authorize the department of mental health and the department of 28506
mental retardation and developmental disabilities, and may 28507
authorize any other educational agency, to establish and maintain 28508
such ~~special educational programs~~ education and related services 28509
in accordance with standards adopted by the state board ~~of~~ 28510

education. 28511

Sec. 3323.08. (A) Each school district shall submit a plan to 28512
the superintendent of public instruction that provides assurances 28513
that the school district will provide for the education of 28514
children with disabilities within its jurisdiction and has in 28515
effect policies, procedures, and programs that are consistent with 28516
the policies and procedures adopted by the state board of 28517
education in accordance with section 612 of the "Individuals with 28518
Disabilities Education Improvement Act of 2004," 20 U.S.C. 1412, 28519
and that meet the conditions applicable to school districts under 28520
section 613 of that act, 20 U.S.C. 1413. 28521

Each district's plan shall do all of the following: 28522

(1) Provide, as specified in section 3323.11 of the Revised 28523
Code and in accordance with standards established by the state 28524
board, for an organizational structure and necessary and qualified 28525
staffing and supervision for the identification of and provision 28526
of special education and related services for children with 28527
disabilities; 28528

(2) Provide, as specified by section 3323.03 of the Revised 28529
Code and in accordance with standards established by the state 28530
board, for the identification, location, and evaluation of all 28531
children with disabilities residing in the district, including 28532
children with disabilities who are homeless children or are wards 28533
of the state and children with disabilities attending private 28534
schools and who are in need of special education and related 28535
services. A practical method shall be developed and implemented to 28536
determine which children with disabilities are currently receiving 28537
needed special education and related services. 28538

(3) Provide, as specified by section 3323.07 of the Revised 28539
Code and standards established by the state board, for the 28540
establishment and maintenance of special education and related 28541

services for children with disabilities who are at least three 28542
years of age and less than twenty-two years of age, including 28543
children with disabilities who have been suspended or expelled 28544
from school. 28545

(4) Provide, as specified by section 3323.04 of the Revised 28546
Code and in accordance with standards adopted by the state board, 28547
for an individualized education program for each child with a 28548
disability who is at least three years of age and less than 28549
twenty-two years of age residing within the district; 28550

(5) Provide, as specified by section 3323.02 of the Revised 28551
Code and in accordance with standards established by the state 28552
board, for special education and related services and a free 28553
appropriate public education for every child with a disability who 28554
is at least three years of age and less than twenty-two years of 28555
age, including children with disabilities who have been suspended 28556
or expelled from school; 28557

(6) Provide procedural safeguards and prior written notice as 28558
required under section 3323.05 of the Revised Code and the 28559
standards established by the state board; 28560

(7) Outline the steps that have been or are being taken to 28561
comply with standards established by the state board. 28562

(B)(1) A school district may arrange, by a cooperative 28563
agreement or contract with one or more school districts or with a 28564
cooperative education or joint vocational school district or an 28565
educational service center, to provide for the identification, 28566
location, and evaluation of children with disabilities, and to 28567
provide special education and related services for such children 28568
that meet the standards established by the state board. A school 28569
district may arrange, by a cooperative agreement or contract, for 28570
the provision of related services for children with disabilities 28571
that meet the standards established by the state board. 28572

(2) A school district shall arrange by interagency agreement with one or more school districts or with a cooperative education or joint vocational school district or an educational service center or other providers of early learning services to provide for the identification, location, evaluation of children with disabilities of ages birth through five years of age and for the transition of children with disabilities at age three in accordance with the standards established by the state board. A school district may arrange by interagency agreement with providers of early learning services to provide special education and related services for such children that meet the standards established by the state board.

(3) If at the time an individualized education program is developed for a child a school district is not providing special education and related services required by that individualized education program, the school district may arrange by contract with a nonpublic entity for the provision of the special education and related services, provided the special education and related services meet the standards for special education and related services established by the state board and is provided within the state.

(4) Any cooperative agreement or contract under division (B)(1) or (2) of this section involving a local school district shall be approved by the governing board of the educational service center which serves that district.

(C) No plan of a local school district shall be submitted to the superintendent of public instruction until it has been approved by the superintendent of the educational service center which serves that district.

(D) Upon approval of a school district's plan by the superintendent of public instruction, the district shall immediately certify students for state funds under section 3317.03

of the Revised Code to implement and maintain such plan. The 28605
district also shall request approval of classroom units under 28606
division (B) of section 3317.05 of the Revised Code for which the 28607
district has adequately identified preschool children with 28608
disabilities and shall, in accordance with procedures adopted by 28609
the state board, request approval of units under division (C) of 28610
section 3317.05 of the Revised Code. The district shall, in 28611
accordance with guidelines adopted by the state board, identify 28612
problems relating to the provision of qualified personnel and 28613
adequate facilities, and indicate the extent to which the cost of 28614
programs required under the plan will exceed anticipated state 28615
reimbursement. Each school district shall immediately implement 28616
the identification, location, and evaluation of children with 28617
disabilities in accordance with this chapter, and shall implement 28618
those parts of the plan involving placement and provision of 28619
special education and related services. 28620

Sec. 3323.09. (A) As used in this section: 28621

(1) "Home" has the meaning given in section 3313.64 of the 28622
Revised Code. 28623

(2) "Preschool child" means a child who is at least age three 28624
but under age six on the thirtieth day of September of an academic 28625
year. 28626

(B) Each county MR/DD board shall establish special education 28627
programs for all ~~handicapped~~ children with disabilities who in 28628
accordance with section 3323.04 of the Revised Code have been 28629
placed in special education programs operated by the county board 28630
and for preschool children who are developmentally delayed or at 28631
risk of being developmentally delayed. The board annually shall 28632
submit to the department of education a plan for the provision of 28633
these programs and, if applicable, a request for approval of units 28634
under section 3317.05 of the Revised Code. The superintendent of 28635

public instruction shall review the plan and approve or modify it 28636
in accordance with rules adopted by the state board of education 28637
under section 3301.07 of the Revised Code. The superintendent of 28638
public instruction shall compile the plans submitted by county 28639
boards and shall submit a comprehensive plan to the state board of 28640
education. 28641

A county MR/DD board may combine transportation for children 28642
enrolled in classes funded under section 3317.20 or units approved 28643
under section 3317.05 with transportation for children and adults 28644
enrolled in programs and services offered by the board under 28645
section 5126.12 of the Revised Code. 28646

(C) A county MR/DD board that during the school year provided 28647
special education pursuant to this section for any ~~mentally~~ 28648
~~handicapped~~ child with mental disabilities under twenty-two years 28649
of age shall prepare and submit the following reports and 28650
statements: 28651

(1) The board shall prepare a statement for each child who at 28652
the time of receiving such special education was a resident of a 28653
home and was not in the legal or permanent custody of an Ohio 28654
resident or a government agency in this state, and whose natural 28655
or adoptive parents are not known to have been residents of this 28656
state subsequent to the child's birth. The statement shall contain 28657
the child's name, the name of the child's school district of 28658
residence, the name of the county board providing the special 28659
education, and the number of months, including any fraction of a 28660
month, it was provided. Not later than the thirtieth day of June, 28661
the board shall forward a certified copy of such statement to both 28662
the director of mental retardation and developmental disabilities 28663
and to the home. 28664

Within thirty days after its receipt of a statement, the home 28665
shall pay tuition to the county board computed in the manner 28666
prescribed by section 3323.141 of the Revised Code. 28667

(2) The board shall prepare a report for each school district 28668
that is the school district of residence of one or more of such 28669
children for whom statements are not required by division (C)(1) 28670
of this section. The report shall contain the name of the county 28671
board providing special education, the name of each child 28672
receiving special education, the number of months, including 28673
fractions of a month, that the child received it, and the name of 28674
the child's school district of residence. Not later than the 28675
thirtieth day of June, the board shall forward certified copies of 28676
each report to the school district named in the report, the 28677
superintendent of public instruction, and the director of mental 28678
retardation and developmental disabilities. 28679

Sec. 3323.091. (A) The department of mental health, the 28680
department of mental retardation and developmental disabilities, 28681
the department of youth services, and the department of 28682
rehabilitation and correction shall establish and maintain special 28683
education programs for ~~handicapped~~ children with disabilities in 28684
institutions under their jurisdiction according to standards 28685
adopted by the state board of education. 28686

(B) The superintendent of each state institution required to 28687
provide services under division (A) of this section, and each 28688
county MR/DD board, providing special education for ~~handicapped~~ 28689
preschool children with disabilities under this chapter may apply 28690
to the state department of education for unit funding, which shall 28691
be paid in accordance with sections 3317.052 and 3317.053 of the 28692
Revised Code. 28693

The superintendent of each state institution required to 28694
provide services under division (A) of this section may apply to 28695
the department of education for special education and related 28696
services weighted funding for ~~handicapped~~ children with 28697
disabilities other than ~~handicapped~~ preschool children with 28698

disabilities, calculated in accordance with section 3317.201 of 28699
the Revised Code. 28700

Each county MR/DD board providing special education for 28701
~~handicapped~~ children with disabilities other than ~~handicapped~~ 28702
preschool children with disabilities may apply to the department 28703
of education for base cost and special education and related 28704
services weighted funding calculated in accordance with section 28705
3317.20 of the Revised Code. 28706

(C) In addition to the authorization to apply for state 28707
funding described in division (B) of this section, each state 28708
institution required to provide services under division (A) of 28709
this section is entitled to tuition payments calculated in the 28710
manner described in division (C) of this section. 28711

On or before the thirtieth day of June of each year, the 28712
superintendent of each institution that during the school year 28713
provided special education pursuant to this section shall prepare 28714
a statement for each ~~handicapped~~ child with a disability under 28715
twenty-two years of age who has received special education. The 28716
statement shall contain the child's data verification code 28717
assigned pursuant to division (D)(2) of section 3301.0714 of the 28718
Revised Code and the name of the child's school district of 28719
residence. Within sixty days after receipt of such statement, the 28720
department of education shall perform one of the following: 28721

(1) For any child except a ~~handicapped~~ preschool child with a 28722
disability described in division (C)(2) of this section, pay to 28723
the institution submitting the statement an amount equal to the 28724
tuition calculated under division (A) of section 3317.08 of the 28725
Revised Code for the period covered by the statement, and deduct 28726
the same from the amount of state funds, if any, payable under 28727
sections 3317.022 and 3317.023 of the Revised Code, to the child's 28728
school district of residence or, if the amount of such state funds 28729
is insufficient, require the child's school district of residence 28730

to pay the institution submitting the statement an amount equal to 28731
the amount determined under this division. 28732

(2) For any ~~handicapped~~ preschool child with a disability not 28733
included in a unit approved under division (B) of section 3317.05 28734
of the Revised Code, perform the following: 28735

(a) Pay to the institution submitting the statement an amount 28736
equal to the tuition calculated under division (B) of section 28737
3317.08 of the Revised Code for the period covered by the 28738
statement, except that in calculating the tuition under that 28739
section the operating expenses of the institution submitting the 28740
statement under this section shall be used instead of the 28741
operating expenses of the school district of residence; 28742

(b) Deduct from the amount of state funds, if any, payable 28743
under sections 3317.022 and 3317.023 of the Revised Code to the 28744
child's school district of residence an amount equal to the amount 28745
paid under division (C)(2)(a) of this section. 28746

Sec. 3323.11. Each school district shall employ, as 28747
necessary, the personnel to meet the needs of the children with 28748
disabilities enrolled in its schools. Personnel shall possess 28749
appropriate qualifications and certificates or licenses as 28750
prescribed in rules of the state board of education. Teachers 28751
shall be "highly qualified," as that term is defined in section 28752
602(10) of the "Individuals with Disabilities Education 28753
Improvement Act of 2004," 20 U.S.C.1401(10). 28754

Sec. 3323.12. The board of education of a school district 28755
shall provide home instruction for ~~handicapped~~ children ~~three to~~ 28756
~~twenty-one~~ with disabilities who are at least three years of age 28757
and less than twenty-two years of age and who are unable to attend 28758
school, even with the help of special transportation. The board 28759
may arrange for the provision of home instruction for a child by a 28760

cooperative agreement or contract with a county MR/DD board of 28761
~~mental retardation and developmental disabilities~~ or other 28762
educational agency. For the purposes of determining formula ADM 28763
under section 3317.03 of the Revised Code, five hours of home 28764
instruction shall be equivalent to attendance for five school 28765
days. 28766

Sec. 3323.13. (A) If a child who is a school resident of one 28767
school district receives special education from another district, 28768
the board of education of the district providing the education, 28769
subject to division (C) of this section, may require the payment 28770
by the board of education of the district of residence of a sum 28771
not to exceed one of the following, as applicable: 28772

(1) For any child except a ~~handicapped~~ preschool child with a 28773
disability described in division (A)(2) of this section, the 28774
tuition of the district providing the education for a child of 28775
normal needs of the same school grade. The determination of the 28776
amount of such tuition shall be in the manner provided for by 28777
division (A) of section 3317.08 of the Revised Code. 28778

(2) For any ~~handicapped~~ preschool child with a disability not 28779
included in a unit approved under division (B) of section 3317.05 28780
of the Revised Code, the tuition of the district providing the 28781
education for the child as calculated under division (B) of 28782
section 3317.08 of the Revised Code. 28783

(B) The board of the district of residence may contract with 28784
the board of another district for the transportation of such child 28785
into any school in such other district, on terms agreed upon by 28786
such boards. Upon direction of the state board of education, the 28787
board of the district of residence shall pay for the child's 28788
transportation and the tuition. 28789

(C) The board of education of a district providing the 28790
education for a child shall be entitled to require payment from 28791

the district of residence under this section or section 3323.14 of 28792
the Revised Code only if the district providing the education has 28793
done at least one of the following: 28794

(1) Invited the district of residence to send representatives 28795
to attend the meetings of the team developing the child's 28796
individualized education program; 28797

(2) Received from the district of residence a copy of the 28798
individualized education program or a ~~multi-factored~~ multifactored 28799
evaluation developed for the child by the district of residence; 28800

(3) Informed the district of residence in writing that the 28801
district is providing the education for the child. 28802

As used in division (C)(2) of this section, "~~multi-factored~~ 28803
multifactored evaluation" means an evaluation, conducted by a 28804
~~multi-disciplinary~~ multidisciplinary team, of more than one area 28805
of the child's functioning so that no single procedure shall be 28806
the sole criterion for determining an appropriate educational 28807
program placement for the child. 28808

Sec. 3323.14. This section does not apply to any ~~handicapped~~ 28809
preschool child with a disability except if included in a unit 28810
approved under division (B) of section 3317.05 of the Revised 28811
Code. 28812

(A) Where a child who is a school resident of one school 28813
district receives special education from another district and the 28814
per capita cost to the educating district for that child exceeds 28815
the sum of the amount received by the educating district for that 28816
child under division (A) of section 3317.08 of the Revised Code 28817
and the amount received by the district from the state board of 28818
education for that child, then the board of education of the 28819
district of residence shall pay to the board of the school 28820
district that is providing the special education such excess cost 28821

as is determined by using a formula approved by the department of 28822
education and agreed upon in contracts entered into by the boards 28823
of the ~~district~~ districts concerned at the time the district 28824
providing such special education accepts the child for enrollment. 28825
The department of ~~education~~ shall certify the amount of the 28826
payments under Chapter 3317. of the Revised Code for such 28827
~~handicapped~~ pupils with disabilities for each school year ending 28828
on the thirtieth day of July. 28829

(B) In the case of a child described in division (A) of this 28830
section who has been placed in a home, as defined in section 28831
3313.64 of the Revised Code, pursuant to the order of a court and 28832
who is not subject to section 3323.141 of the Revised Code, the 28833
district providing the child with special education and related 28834
services may charge to the child's district of residence the 28835
excess cost determined by formula approved by the department, 28836
regardless of whether the district of residence has entered into a 28837
contract with the district providing the services. If the district 28838
providing the services chooses to charge excess costs, the 28839
district may report the amount calculated under this division to 28840
the department. 28841

(C) If a district providing special education for a child 28842
reports an amount for the excess cost of those services, as 28843
authorized and calculated under division (A) or (B) of this 28844
section, the department shall pay that amount of excess cost to 28845
the district providing the services and shall deduct that amount 28846
from the child's district of residence in accordance with division 28847
(N) of section 3317.023 of the Revised Code. 28848

Sec. 3323.141. (A) When a child who is not in the legal or 28849
permanent custody of an Ohio resident or a government agency in 28850
this state and whose natural or adoptive parents are not known to 28851
have been residents of this state subsequent to the child's birth 28852

is a resident of a home as defined in section 3313.64 of the Revised Code and receives special education and related services from a school district or county ~~MR/DD board of mental retardation and developmental disabilities~~, the home shall pay tuition to the board providing the special education.

(B) In the case of a child described in division (A) of this section who receives special education and related services from a school district, tuition shall be the amount determined under division (B)(1) or (2) of this section.

(1) For a child other than a child described in division (B)(2) of this section the tuition shall be an amount equal to the sum of the following:

(a) Tuition as determined in the manner provided for by division (B) of section 3317.081 of the Revised Code for the district that provides the special education;

(b) Such excess cost as is determined by using a formula established by rule of the department of education. The excess cost computed in this section shall not be used as excess cost computed under section 3323.14 of the Revised Code.

(2) For a child who is a ~~handicapped~~ preschool child with a disability not included in a unit approved under division (B) of section 3317.05 of the Revised Code, the tuition shall be computed as follows:

(a) Determine the amount of the tuition of the district providing the education for the child as calculated under division (B) of section 3317.08 of the Revised Code;

(b) For each type of special education service included in the computation of the amount of tuition under division (B)(2)(a) of this section, divide the amount determined for that computation under division (B)(2) of section 3317.08 of the Revised Code by the total number of ~~handicapped~~ preschool children with

disabilities used for that computation under division (B)(3) of 28884
section 3317.08 of the Revised Code; 28885

(c) Determine the sum of the quotients obtained under 28886
division (B)(2)(b) of this section; 28887

(d) Determine the sum of the amounts determined under 28888
divisions (B)(2)(a) and (c) of this section. 28889

(C) In the case of a child described in division (A) of this 28890
section who receives special education and related services from a 28891
county MR/DD board ~~of mental retardation and developmental~~ 28892
~~disabilities~~, tuition shall be the amount determined under 28893
division (C)(1) or (2) of this section. 28894

(1) For a child other than a child described in division 28895
(C)(2) of this section, the tuition shall be an amount equal to 28896
such board's per capita cost of providing special education and 28897
related services for children at least three but less than 28898
twenty-two years of age as determined by using a formula 28899
established by rule of the department of mental retardation and 28900
developmental disabilities. 28901

(2) For a child who is a ~~handicapped~~ preschool child with a 28902
disability not included in a unit approved under division (B) of 28903
section 3317.05 of the Revised Code, the tuition shall equal the 28904
sum of the amounts of each such board's per capita cost of 28905
providing each of the special education or related service that 28906
the child receives. The calculation of tuition shall be made by 28907
using a formula established by rule of the department of mental 28908
retardation and developmental disabilities. The formula for the 28909
calculation of per capita costs under division (C)(2) of this 28910
section shall be based only on each such MR/DD board's cost of 28911
providing each type of special education or related service to 28912
~~handicapped~~ preschool children with disabilities not included in a 28913
unit approved under division (B) of section 3317.05 of the Revised 28914

Code. 28915

(D) If a home fails to pay the tuition required under this 28916
section, the board of education or county MR/DD board ~~of mental~~ 28917
~~retardation and developmental disabilities~~ providing the education 28918
may recover in a civil action the tuition and the expenses 28919
incurred in prosecuting the action, including court costs and 28920
reasonable attorney's fees. If the prosecuting attorney or city 28921
director of law represents the board in such action, costs and 28922
reasonable attorney's fees awarded by the court, based upon the 28923
time spent preparing and presenting the case by the prosecuting 28924
attorney, director, or a designee of either, shall be deposited in 28925
the county or city general fund. 28926

Sec. 3323.142. This section does not apply to any ~~handicapped~~ 28927
preschool child with a disability except if included in a unit 28928
approved under division (B) of section 3317.05 of the Revised 28929
Code. 28930

As used in this section, "per pupil amount" for a ~~handicapped~~ 28931
preschool child with a disability included in such an approved 28932
unit means the amount determined by dividing the amount received 28933
for the classroom unit in which the child has been placed by the 28934
number of children in the unit. For any other child, "per pupil 28935
amount" means the amount paid for the child under section 3317.20 28936
of the Revised Code. 28937

When a school district places or has placed a child with a 28938
county MR/DD board for special education, but another district is 28939
responsible for tuition under section 3313.64 or 3313.65 of the 28940
Revised Code and the child is not a resident of the territory 28941
served by the county MR/DD board, the board may charge the 28942
district responsible for tuition with the educational costs in 28943
excess of the per pupil amount received by the board under Chapter 28944
3317. of the Revised Code. The amount of the excess cost shall be 28945

determined by the formula established by rule of the department of 28946
education under section 3323.14 of the Revised Code, and the 28947
payment for such excess cost shall be made by the school district 28948
directly to the county MR/DD board. 28949

A school district board of education and the county MR/DD 28950
board that serves the school district may negotiate and contract, 28951
at or after the time of placement, for payments by the board of 28952
education to the county MR/DD board for additional services 28953
provided to a child placed with the county MR/DD board and whose 28954
individualized education program established pursuant to section 28955
3323.08 of the Revised Code requires additional services that are 28956
not routinely provided children in the county MR/DD board's 28957
program but are necessary to maintain the child's enrollment and 28958
participation in the program. Additional services may include, but 28959
are not limited to, specialized supplies and equipment for the 28960
benefit of the child and instruction, training, or assistance 28961
provided by staff members other than staff members for which 28962
funding is received under Chapter 3317. of the Revised Code. 28963

Sec. 3323.143. If a ~~handicapped child's~~ child with a 28964
disability's custodial parent has made a unilateral placement of 28965
the child, the parent shall be responsible for payment of tuition 28966
to the program or facility the child is attending as a result of 28967
that placement as long as the district of residence has offered a 28968
free appropriate public education to that child. As used in this 28969
section, "unilateral placement" means withdrawing a ~~handicapped~~ 28970
child with a disability from a program or facility operated by the 28971
district of residence or from a program or facility with which the 28972
district of residence has arranged for education of the child and 28973
instead enrolling that child in another program or facility that 28974
is not a home, as defined in section 3313.64 of the Revised Code, 28975
or that is not a facility or program available to the child 28976
pursuant to an open enrollment policy under section 3313.98 or 28977

3313.983 of the Revised Code. 28978

Sec. 3323.15. The state board of education may arrange to pay 28979
to any board of education, the board for any ~~handicapped~~ children 28980
with disabilities who are not residents of the district but for 28981
whom the district is providing special education. Payments shall 28982
be made in accordance with rules and standards of the state board 28983
of education. 28984

Sec. 3323.17. The department of education shall: 28985

(A) Provide supervision and technical assistance to school 28986
districts in all accepted methods of educating ~~handicapped~~ 28987
children with disabilities who ~~are deaf or hard of hearing~~ have 28988
hearing impairments, including the oral, manual, and total 28989
communication methods, with no demonstrable bias toward any one 28990
method over another; 28991

(B) Consult with employees of school districts and chartered 28992
nonpublic schools who confer with the parents of ~~deaf or hard of~~ 28993
hearing ~~handicapped~~ impaired children about ~~such~~ their children's 28994
education; 28995

(C) Consult with chartered nonpublic schools and consult with 28996
and provide technical assistance to school districts that are or 28997
may be interested in integrating sign language into their 28998
curricula and that offer or may be interested in offering American 28999
sign language as a foreign language; 29000

(D) Consult with school districts and chartered nonpublic 29001
schools that use interpreters in classrooms and with any other 29002
interested school districts or chartered nonpublic schools about 29003
how to obtain the best interpreters and how interpreters can 29004
improve their skills. 29005

Sec. 3323.18. If any special education program provided 29006

pursuant to this chapter or Chapter 3325. of the Revised Code 29007
serves a student with a visual disability impairment for whom 29008
instruction in braille reading and writing is specified as 29009
appropriate pursuant to division (A)(2) of section 3323.011 of the 29010
Revised Code, the entity providing the program shall integrate the 29011
use of braille reading and writing into the student's entire 29012
curriculum and other classroom activities in such a manner that 29013
braille reading and writing becomes an effective learning tool for 29014
the student. 29015

Sec. 3323.20. On July 1, 2006, and on each first day of July 29016
thereafter, the department of education shall electronically 29017
report to the general assembly the number of ~~handicapped~~ preschool 29018
children with disabilities who received services for which the 29019
department made a payment to any provider during the previous 29020
fiscal year, disaggregated according to each area of developmental 29021
deficiency identified by the department for the evaluation of such 29022
children. 29023

Sec. 3323.30. The Ohio center for autism and low incidence is 29024
hereby established within the department of education's office for 29025
exceptional children, or any successor of that office. The center 29026
shall administer programs and coordinate services for infants, 29027
preschool and school-age children, and adults with autism and low 29028
incidence disabilities. The center's principal focus shall be 29029
programs and services for persons with autism. The center shall be 29030
under the direction of an executive director, appointed by the 29031
superintendent of public instruction in consultation with the 29032
advisory board established under section 3323.31 of the Revised 29033
Code. The department shall use state and federal funds 29034
appropriated to the department for operation of the center. 29035

As used in this section and in sections 3323.31 to 3323.33 of 29036
the Revised Code, "autism and low incidence disabilities" includes 29037

- any of the following: 29038
- (A) Autism; 29039
 - (B) ~~Deafness or hearing handicap~~ Hearing impairment; 29040
 - (C) ~~Multihandicap~~ Multiple disabilities; 29041
 - (D) Orthopedic ~~handicap~~ disability; 29042
 - (E) Other health ~~handicap~~ impairment; 29043
 - (F) Traumatic brain injury; 29044
 - (G) Visual ~~disability~~ impairment. 29045

Sec. 3325.011. Subject to the regulations adopted by the 29046
state board of education, the state school for the deaf shall be 29047
open to receive persons who are deaf, partially deaf, and both 29048
blind and deaf residents of this state, who, in the judgment of 29049
the superintendent of public instruction and the superintendent of 29050
the school for the deaf, due to such ~~handicap~~ disability, cannot 29051
be educated in the public school system and are suitable persons 29052
to receive instructions according to the methods employed in such 29053
school. The superintendent of the school for the deaf may pay the 29054
expenses necessary for the instruction of children who are both 29055
blind and deaf, who are resident of this state, in any suitable 29056
institution. 29057

Sec. 3325.02. Subject to the regulations adopted by the state 29058
board of education, the state school for the blind shall be open 29059
to receive such blind and partially blind persons, residents of 29060
this state, who, in the judgment of the superintendent of public 29061
instruction and the superintendent of the school for the blind, 29062
due to such ~~handicap~~ disability, cannot be educated in the public 29063
school system and are suitable persons to receive instructions 29064
according to the methods employed in such school. 29065

Sec. 3327.01. Notwithstanding division (D) of section 3311.19 29066
and division (D) of section 3311.52 of the Revised Code, this 29067
section and sections 3327.011, 3327.012, and 3327.02 of the 29068
Revised Code do not apply to any joint vocational or cooperative 29069
education school district. 29070

In all city, local, and exempted village school districts 29071
where resident school pupils in grades kindergarten through eight 29072
live more than two miles from the school for which the state board 29073
of education prescribes minimum standards pursuant to division (D) 29074
of section 3301.07 of the Revised Code and to which they are 29075
assigned by the board of education of the district of residence or 29076
to and from the nonpublic or community school which they attend 29077
the board of education shall provide transportation for such 29078
pupils to and from such school except as provided in section 29079
3327.02 of the Revised Code. 29080

In all city, local, and exempted village school districts 29081
where pupil transportation is required under a career-technical 29082
plan approved by the state board of education under section 29083
3313.90 of the Revised Code, for any student attending a 29084
career-technical program operated by another school district, 29085
including a joint vocational school district, as prescribed under 29086
that section, the board of education of the student's district of 29087
residence shall provide transportation from the public high school 29088
operated by that district to which the student is assigned to the 29089
career-technical program. 29090

In all city, local, and exempted village school districts the 29091
board may provide transportation for resident school pupils in 29092
grades nine through twelve to and from the high school to which 29093
they are assigned by the board of education of the district of 29094
residence or to and from the nonpublic or community high school 29095
which they attend for which the state board of education 29096

prescribes minimum standards pursuant to division (D) of section 29097
3301.07 of the Revised Code. 29098

A board of education shall not be required to transport 29099
elementary or high school pupils to and from a nonpublic or 29100
community school where such transportation would require more than 29101
thirty minutes of direct travel time as measured by school bus 29102
from the public school building to which the pupils would be 29103
assigned if attending the public school designated by the district 29104
of residence. 29105

Where it is impractical to transport a pupil by school 29106
conveyance, a board of education may offer payment, in lieu of 29107
providing such transportation in accordance with section 3327.02 29108
of the Revised Code. 29109

In all city, local, and exempted village school districts the 29110
board shall provide transportation for all children who are so 29111
~~crippled~~ disabled that they are unable to walk to and from the 29112
school for which the state board of education prescribes minimum 29113
standards pursuant to division (D) of section 3301.07 of the 29114
Revised Code and which they attend. In case of dispute whether the 29115
child is able to walk to and from the school, the health 29116
commissioner shall be the judge of such ability. In all city, 29117
exempted village, and local school districts the board shall 29118
provide transportation to and from school or special education 29119
classes for educable mentally retarded children in accordance with 29120
standards adopted by the state board of education. 29121

When transportation of pupils is provided the conveyance 29122
shall be run on a time schedule that shall be adopted and put in 29123
force by the board not later than ten days after the beginning of 29124
the school term. 29125

The cost of any transportation service authorized by this 29126
section shall be paid first out of federal funds, if any, 29127

available for the purpose of pupil transportation, and secondly 29128
out of state appropriations, in accordance with regulations 29129
adopted by the state board of education. 29130

No transportation of any pupils shall be provided by any 29131
board of education to or from any school which in the selection of 29132
pupils, faculty members, or employees, practices discrimination 29133
against any person on the grounds of race, color, religion, or 29134
national origin. 29135

Sec. 3327.05. (A) Except as provided in division (B) of this 29136
section, no board of education of any school district shall 29137
provide transportation for any pupil who is a school resident of 29138
another school district unless the pupil is enrolled pursuant to 29139
section 3313.98 of the Revised Code or the board of the other 29140
district has given its written consent thereto. If the board of 29141
any school district files with the state board of education a 29142
written complaint that transportation for resident pupils is being 29143
provided by the board of another school district contrary to this 29144
division, the state board of education shall make an investigation 29145
of such complaint. If the state board of education finds that 29146
transportation is being provided contrary to this section, it may 29147
withdraw from state funds due the offending district any part of 29148
the amount that has been approved for transportation pursuant to 29149
division (D) of section 3317.022 of the Revised Code. 29150

(B) Notwithstanding division (D) of section 3311.19 and 29151
division (D) of section 3311.52 of the Revised Code, this division 29152
does not apply to any joint vocational or cooperative education 29153
school district. 29154

A board of education may provide transportation to and from 29155
the nonpublic ~~high~~ school of attendance if both of the following 29156
apply: 29157

(1) The parent, guardian, or other person in charge of the 29158

pupil agrees to pay the board for all costs incurred in providing 29159
the transportation that are not reimbursed pursuant to Chapter 29160
3317. of the Revised Code; 29161

(2) The pupil's school district of residence does not provide 29162
transportation for public school pupils of the same grade as the 29163
pupil being transported under this division, or that district is 29164
not required under section 3327.01 of the Revised Code to 29165
transport the pupil to and from the nonpublic school because the 29166
direct travel time to the nonpublic school is more than thirty 29167
minutes. 29168

Upon receipt of the request to provide transportation, the 29169
board shall review the request and determine whether the board 29170
will accommodate the request. If the board agrees to transport the 29171
pupil, the board may transport the pupil to and from the nonpublic 29172
school and a collection point in the district, as determined by 29173
the board. If the board transports the pupil, the board may 29174
include the pupil in the district's transportation ADM reported to 29175
the department of education under section 3317.03 of the Revised 29176
Code and, accordingly, may receive a state payment under division 29177
(D) of section 3317.022 of the Revised Code for transporting the 29178
pupil. 29179

If the board declines to transport the pupil, the board, in a 29180
written communication to the parent, guardian, or other person in 29181
charge of the pupil, shall state the reasons for declining the 29182
request. 29183

Sec. 3327.16. Notwithstanding division (D) of section 3311.19 29184
and division (D) of section 3311.52 of the Revised Code, this 29185
section does not apply to any joint vocational or cooperative 29186
education school district or its superintendent. 29187

(A) The superintendent of each school district may establish 29188
a volunteer bus rider assistance program, under which qualified 29189

adults or responsible older pupils, as determined by the 29190
superintendent, may be authorized to ride on school buses with 29191
pupils during such periods of time that the buses are being used 29192
to transport pupils to and from schools. Volunteers shall not be 29193
compensated for their services, but older pupils may be excused 29194
early from school to participate in the program. 29195

Volunteers may be assigned duties or responsibilities by the 29196
superintendent, including but not limited to, assisting younger 29197
pupils in embarking and disembarking from buses and in crossing 29198
streets where necessary to ensure the safety of the pupil, aiding 29199
the driver of the bus to maintain order on buses, assisting 29200
~~handicapped~~ pupils with disabilities, and such other activities as 29201
the superintendent determines will aid in the safe and efficient 29202
transportation of pupils. 29203

Volunteers serving under this section are not employees for 29204
purposes of Chapter 4117. or 4123. of the Revised Code. Nothing in 29205
this section shall authorize a board of education to adversely 29206
affect the employment of any employee of the board. 29207

(B) The board of education of each city, local, or exempted 29208
village school district shall present a program to all pupils in 29209
kindergarten through third grade who are offered school bus 29210
transportation and who have not previously attended such program. 29211
The program shall consist of instruction in bus rider behavior, 29212
school bus safety, and the potential problems and hazards 29213
associated with school bus ridership. The department of education 29214
shall prescribe the content and length of such program, which 29215
shall be presented within two weeks after the commencement of 29216
classes each school year. 29217

Sec. 3327.17. The department of development shall establish a 29218
biodiesel school bus program under which the director of 29219
development shall make grants to school districts that use 29220

biodiesel fuel for pupil transportation to help offset incremental 29221
costs incurred by using biodiesel instead of one hundred per cent 29222
petroleum diesel. 29223

As used in this section, "biodiesel" has the same meaning as 29224
in section 122.075 of the Revised Code. 29225

Sec. 3333.04. The chancellor of the Ohio board of regents 29226
shall: 29227

(A) Make studies of state policy in the field of higher 29228
education and formulate a master plan for higher education for the 29229
state, considering the needs of the people, the needs of the 29230
state, and the role of individual public and private institutions 29231
within the state in fulfilling these needs; 29232

(B)(1) Report annually to the governor and the general 29233
assembly on the findings from the chancellor's studies and the 29234
master plan for higher education for the state; 29235

(2) Report at least semiannually to the general assembly and 29236
the governor the enrollment numbers at each state-assisted 29237
institution of higher education. 29238

(C) Approve or disapprove the establishment of new branches 29239
or academic centers of state colleges and universities; 29240

(D) Approve or disapprove the establishment of state 29241
technical colleges or any other state institution of higher 29242
education; 29243

(E) Recommend the nature of the programs, undergraduate, 29244
graduate, professional, state-financed research, and public 29245
services which should be offered by the state colleges, 29246
universities, and other state-assisted institutions of higher 29247
education in order to utilize to the best advantage their 29248
facilities and personnel; 29249

(F) Recommend to the state colleges, universities, and other 29250

state-assisted institutions of higher education graduate or 29251
professional programs, including, but not limited to, doctor of 29252
philosophy, doctor of education, and juris doctor programs, that 29253
could be eliminated because they constitute unnecessary 29254
duplication, as shall be determined using the process developed 29255
pursuant to this division, or for other good and sufficient cause. 29256
Prior to recommending a program for elimination, the chancellor 29257
shall request the board of regents to hold at least one public 29258
hearing on the matter and advise the chancellor on whether the 29259
program should be recommended for elimination. The board shall 29260
provide notice of each hearing within a reasonable amount of time 29261
prior to its scheduled date. Following the hearing, the board 29262
shall issue a recommendation to the chancellor. The chancellor 29263
shall consider the board's recommendation but shall not be 29264
required to accept it. 29265

For purposes of determining the amounts of any state 29266
instructional subsidies paid to state colleges, universities, and 29267
other state-assisted institutions of higher education, the 29268
chancellor may exclude students enrolled in any program that the 29269
chancellor has recommended for elimination pursuant to this 29270
division except that the chancellor shall not exclude any such 29271
student who enrolled in the program prior to the date on which the 29272
chancellor initially commences to exclude students under this 29273
division. 29274

The chancellor and state colleges, universities, and other 29275
state-assisted institutions of higher education shall jointly 29276
develop a process for determining which existing graduate or 29277
professional programs constitute unnecessary duplication. 29278

(G) Recommend to the state colleges, universities, and other 29279
state-assisted institutions of higher education programs which 29280
should be added to their present programs; 29281

(H) Conduct studies for the state colleges, universities, and 29282

other state-assisted institutions of higher education to assist 29283
them in making the best and most efficient use of their existing 29284
facilities and personnel; 29285

(I) Make recommendations to the governor and general assembly 29286
concerning the development of state-financed capital plans for 29287
higher education; the establishment of new state colleges, 29288
universities, and other state-assisted institutions of higher 29289
education; and the establishment of new programs at the existing 29290
state colleges, universities, and other institutions of higher 29291
education; 29292

(J) Review the appropriation requests of the public community 29293
colleges and the state colleges and universities and submit to the 29294
office of budget and management and to the chairpersons of the 29295
finance committees of the house of representatives and of the 29296
senate the chancellor's recommendations in regard to the biennial 29297
higher education appropriation for the state, including 29298
appropriations for the individual state colleges and universities 29299
and public community colleges. For the purpose of determining the 29300
amounts of instructional subsidies to be paid to state-assisted 29301
colleges and universities, the chancellor shall define "full-time 29302
equivalent student" by program per academic year. The definition 29303
may take into account the establishment of minimum enrollment 29304
levels in technical education programs below which support 29305
allowances will not be paid. Except as otherwise provided in this 29306
section, the chancellor shall make no change in the definition of 29307
"full-time equivalent student" in effect on November 15, 1981, 29308
which would increase or decrease the number of subsidy-eligible 29309
full-time equivalent students, without first submitting a fiscal 29310
impact statement to the president of the senate, the speaker of 29311
the house of representatives, the legislative service commission, 29312
and the director of budget and management. The chancellor shall 29313
work in close cooperation with the director of budget and 29314

management in this respect and in all other matters concerning the 29315
expenditures of appropriated funds by state colleges, 29316
universities, and other institutions of higher education. 29317

(K) Seek the cooperation and advice of the officers and 29318
trustees of both public and private colleges, universities, and 29319
other institutions of higher education in the state in performing 29320
the chancellor's duties and making the chancellor's plans, 29321
studies, and recommendations; 29322

(L) Appoint advisory committees consisting of persons 29323
associated with public or private secondary schools, members of 29324
the state board of education, or personnel of the state department 29325
of education; 29326

(M) Appoint advisory committees consisting of college and 29327
university personnel, or other persons knowledgeable in the field 29328
of higher education, or both, in order to obtain their advice and 29329
assistance in defining and suggesting solutions for the problems 29330
and needs of higher education in this state; 29331

(N) Approve or disapprove all new degrees and new degree 29332
programs at all state colleges, universities, and other 29333
state-assisted institutions of higher education; 29334

(O) Adopt such rules as are necessary to carry out the 29335
chancellor's duties and responsibilities. The rules shall 29336
prescribe procedures for the chancellor to follow when taking 29337
actions associated with the chancellor's duties and 29338
responsibilities and shall indicate which types of actions are 29339
subject to those procedures. The procedures adopted under this 29340
division shall be in addition to any other procedures prescribed 29341
by law for such actions. However, if any other provision of the 29342
Revised Code or rule adopted by the chancellor prescribes 29343
different procedures for such an action, the procedures adopted 29344
under this division shall not apply to that action to the extent 29345

they conflict with the procedures otherwise prescribed by law. The 29346
procedures adopted under this division shall include at least the 29347
following: 29348

(1) Provision for public notice of the proposed action; 29349

(2) An opportunity for public comment on the proposed action, 29350
which may include a public hearing on the action by the board of 29351
regents; 29352

(3) Methods for parties that may be affected by the proposed 29353
action to submit comments during the public comment period; 29354

(4) Submission of recommendations from the board of regents 29355
regarding the proposed action, at the request of the chancellor; 29356

(5) Written publication of the final action taken by the 29357
chancellor and the chancellor's rationale for the action; 29358

(6) A timeline for the process described in divisions (0)(1) 29359
to (5) of this section. 29360

(P) Establish and submit to the governor and the general 29361
assembly a clear and measurable set of goals and timetables for 29362
their achievement for each program under the chancellor's 29363
supervision that is designed to accomplish any of the following: 29364

(1) Increased access to higher education; 29365

(2) Job training; 29366

(3) Adult literacy; 29367

(4) Research; 29368

(5) Excellence in higher education; 29369

(6) Reduction in the number of graduate programs within the 29370
same subject area. 29371

In July of each odd-numbered year, the chancellor shall 29372
submit to the governor and the general assembly a report on 29373
progress made toward these goals. 29374

(Q) Make recommendations to the governor and the general assembly regarding the design and funding of the student financial aid programs specified in sections 3333.12, 3333.122, 3333.21 to 3333.27, and 5910.02 of the Revised Code;	29375 29376 29377 29378
(R) Participate in education-related state or federal programs on behalf of the state and assume responsibility for the administration of such programs in accordance with applicable state or federal law;	29379 29380 29381 29382
(S) Adopt rules for student financial aid programs as required by sections 3333.12, 3333.122, 3333.21 to 3333.27, 3333.28, 3333.29 , and 5910.02 of the Revised Code, and perform any other administrative functions assigned to the chancellor by those sections;	29383 29384 29385 29386 29387
(T) Administer contracts under sections 3702.74 and 3702.75 of the Revised Code in accordance with rules adopted by the director of health under section 3702.79 of the Revised Code;	29388 29389 29390
(U) Conduct enrollment audits of state-supported institutions of higher education;	29391 29392
(V) Appoint consortiums of college and university personnel to participate in the development and operation of statewide collaborative efforts, including the Ohio supercomputer center, the Ohio academic resources network, OhioLink, and the Ohio learning network. For each consortium, the chancellor shall designate a college or university to serve as that consortium's fiscal agent, financial officer, and employer. Any funds appropriated for the consortiums shall be distributed to the fiscal agents for the operation of the consortiums. A consortium shall follow the rules of the college or university that serves as its fiscal agent.	29393 29394 29395 29396 29397 29398 29399 29400 29401 29402 29403
(W) Adopt rules establishing advisory duties and responsibilities of the board of regents not otherwise prescribed	29404 29405

by law;	29406
(X) Respond to requests for information about higher education from members of the general assembly and direct staff to conduct research or analysis as needed for this purpose.	29407 29408 29409
Sec. 3333.122. (A) As used in this section:	29410
(1) "Eligible student" means a student who is:	29411
(a) An Ohio resident who first enrolls in an undergraduate program in the 2006-2007 academic year or thereafter;	29412 29413
(b) <u>Enrolled</u> <u>If the student first enrolled in an undergraduate program in the 2006-2007 or 2007-2008 academic year, the student is enrolled</u> in either of the following:	29414 29415 29416
(i) An accredited institution of higher education in this state that meets the requirements of Title VI of the Civil Rights Act of 1964 and is state-assisted, is nonprofit and has a certificate of authorization pursuant to Chapter 1713. of the Revised Code, 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.	29417 29418 29419 29420 29421 29422 29423 29424 29425 29426 29427 29428 29429 29430
(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.	29431 29432 29433 29434
(c) <u>If the student first enrolled in an undergraduate program</u>	29435

after the 2007-2008 academic year, the student is enrolled in 29436
either of the following: 29437

(i) An accredited institution of higher education in this 29438
state that meets the requirements of Title VI of the Civil Rights 29439
Act of 1964 and is state-assisted, is nonprofit and has a 29440
certificate of authorization pursuant to Chapter 1713. of the 29441
Revised Code, or is a private institution exempt from regulation 29442
under Chapter 3332. of the Revised Code as prescribed in section 29443
3333.046 of the Revised Code; 29444

(ii) An education program of at least two years duration 29445
sponsored by a private institution of higher education in this 29446
state that meets the requirements of Title VI of the Civil Rights 29447
Act of 1964 and has a certificate of authorization pursuant to 29448
Chapter 1713. of the Revised Code. 29449

(2) A student who participated in either the early college 29450
high school program administered by the department of education or 29451
in the post-secondary enrollment options program pursuant to 29452
Chapter 3365. of the Revised Code before the 2006-2007 academic 29453
year shall not be excluded from eligibility for a needs-based 29454
financial aid grant under this section. 29455

(3) "Resident," "expected family contribution" or "EFC," 29456
"full-time student," "three-quarters-time student," "half-time 29457
student," "one-quarter-time student," and "accredited" shall be 29458
defined by rules adopted by the chancellor of the Ohio board of 29459
regents. 29460

(B) The chancellor shall establish and administer a 29461
needs-based financial aid program based on the United States 29462
department of education's method of determining financial need and 29463
may adopt rules to carry out this section. The program shall be 29464
known as the Ohio college opportunity grant program. The general 29465
assembly shall support the needs-based financial aid program by 29466

such sums and in such manner as it may provide, but the chancellor 29467
may also receive funds from other sources to support the program. 29468
If the amounts available for support of the program are inadequate 29469
to provide grants to all eligible students, preference in the 29470
payment of grants shall be given in terms of expected family 29471
contribution, beginning with the lowest expected family 29472
contribution category and proceeding upward by category to the 29473
highest expected family contribution category. 29474

A needs-based financial aid grant shall be paid to an 29475
eligible student through the institution in which the student is 29476
enrolled, except that no needs-based financial aid grant shall be 29477
paid to any person serving a term of imprisonment. Applications 29478
for such grants shall be made as prescribed by the chancellor, and 29479
such applications may be made in conjunction with and upon the 29480
basis of information provided in conjunction with student 29481
assistance programs funded by agencies of the United States 29482
government or from financial resources of the institution of 29483
higher education. The institution shall certify that the student 29484
applicant meets the requirements set forth in divisions (A)(1)(a) 29485
and (b) of this section. Needs-based financial aid grants shall be 29486
provided to an eligible student only as long as the student is 29487
making appropriate progress toward a nursing diploma or an 29488
associate or bachelor's degree. No student shall be eligible to 29489
receive a grant for more than ten semesters, fifteen quarters, or 29490
the equivalent of five academic years. A grant made to an eligible 29491
student on the basis of less than full-time enrollment shall be 29492
based on the number of credit hours for which the student is 29493
enrolled and shall be computed in accordance with a formula 29494
adopted by the chancellor. No student shall receive more than one 29495
grant on the basis of less than full-time enrollment. 29496

A needs-based financial aid grant shall not exceed the total 29497
instructional and general charges of the institution. 29498

(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 pursuant to Chapter 1713. of the Revised Code.

(2) "Career college" means either an institution that holds a certificate of registration from the state board of career colleges and schools or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code.

Full-time students shall be eligible to receive awards according to the following table:

Full-Time Enrollment

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
2,001	2,100	402	798	642
1,901	2,000	498	1,002	798
1,801	1,900	600	1,200	960
1,701	1,800	702	1,398	1,122
1,601	1,700	798	1,602	1,278

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1,501	1,600	900	1,800	1,440	29523
1,401	1,500	1,002	1,998	1,602	29524
1,301	1,400	1,098	2,202	1,758	29525
1,201	1,300	1,200	2,400	1,920	29526
1,101	1,200	1,302	2,598	2,082	29527
1,001	1,100	1,398	2,802	2,238	29528
901	1,000	1,500	3,000	2,400	29529
801	900	1,602	3,198	2,562	29530
701	800	1,698	3,402	2,718	29531
601	700	1,800	3,600	2,280	29532
501	600	1,902	3,798	3,042	29533
401	500	1,998	4,002	3,198	29534
301	400	2,100	4,200	3,360	29535
201	300	2,202	4,398	3,522	29536
101	200	2,298	4,602	3,678	29537
1	100	2,400	4,800	3,840	29538
0	0	2,496	4,992	3,996	29539

Three-quarters-time students shall be eligible to receive 29540
awards according to the following table: 29541

Three-Quarters-Time Enrollment 29542

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	29544
2,001	2,100	300	600	480	29545
1,901	2,000	372	750	600	29546
1,801	1,900	450	900	720	29547
1,701	1,800	528	1,050	840	29548

1,601	1,700	600	1,200	960	29549
1,501	1,600	678	1,350	1,080	29550
1,401	1,500	750	1,500	1,200	29551
1,301	1,400	822	1,650	1,320	29552
1,201	1,300	900	1,800	1,440	29553
1,101	1,200	978	1,950	1,560	29554
1,001	1,100	1,050	2,100	1,680	29555
901	1,000	1,128	2,250	1,800	29556
801	900	1,200	2,400	1,920	29557
701	800	1,272	2,550	2,040	29558
601	700	1,350	2,700	2,160	29559
501	600	1,428	2,850	2,280	29560
401	500	1,500	3,000	2,400	29561
301	400	1,578	3,150	2,520	29562
201	300	1,650	3,300	2,640	29563
101	200	1,722	3,450	2,760	29564
1	100	1,800	3,600	2,880	29565
0	0	1,872	3,744	3,000	29566

Half-time students shall be eligible to receive awards 29567
according to the following table: 29568

Half-Time Enrollment 29569

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	29570
2,001	2,100	204	402	324	29571
1,901	2,000	252	504	402	29572
1,801	1,900	300	600	480	29573

1,701	1,800	354	702	564	29575
1,601	1,700	402	804	642	29576
1,501	1,600	450	900	720	29577
1,401	1,500	504	1,002	804	29578
1,301	1,400	552	1,104	882	29579
1,201	1,300	600	1,200	960	29580
1,101	1,200	654	1,302	1,044	29581
1,001	1,100	702	1,404	1,122	29582
901	1,000	750	1,500	1,200	29583
801	900	804	1,602	1,284	29584
701	800	852	1,704	1,362	29585
601	700	900	1,800	1,440	29586
501	600	954	1,902	1,524	29587
401	500	1,002	2,004	1,602	29588
301	400	1,050	2,100	1,680	29589
201	300	1,104	2,202	1,764	29590
101	200	1,152	2,304	1,842	29591
1	100	1,200	2,400	1,920	29592
0	0	1,248	2,496	1,998	29593

One-quarter-time students shall be eligible to receive awards 29594
according to the following table: 29595

One-Quarter-Time Enrollment 29596

If the EFC is equal to or greater than:	And if the EFC is no more than:	If the student attends a public institution, the annual award shall be:	If the student attends a private institution, the annual award shall be:	If the student attends a career college, the annual award shall be:	
\$2,101	\$2,190	\$78	\$150	\$120	29598
2,001	2,100	102	198	162	29599
1,901	2,000	126	252	198	29600

1,801	1,900	150	300	240	29601
1,701	1,800	174	348	282	29602
1,601	1,700	198	402	318	29603
1,501	1,600	228	450	360	29604
1,401	1,500	252	498	402	29605
1,301	1,400	276	552	438	29606
1,201	1,300	300	600	480	29607
1,101	1,200	324	648	522	29608
1,001	1,100	348	702	558	29609
901	1,000	378	750	600	29610
801	900	402	798	642	29611
701	800	426	852	678	29612
601	700	450	900	720	29613
501	600	474	948	762	29614
401	500	498	1,002	798	29615
301	400	528	1,050	840	29616
201	300	552	1,098	882	29617
101	200	576	1,152	918	29618
1	100	600	1,200	960	29619
0	0	624	1,248	1,002	29620

(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. 29634

(F)(1) Except as provided in division (F)(2) of this section, 29635
no grant shall be made to any student for enrollment during a 29636
fiscal year in an institution with a cohort default rate 29637
determined by the United States secretary of education pursuant to 29638
the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 29639
20 U.S.C.A. 1085, as amended, as of the fifteenth day of June 29640
preceding the fiscal year, equal to or greater than thirty per 29641
cent for each of the preceding two fiscal years. 29642

(2) Division (F)(1) of this section does not apply to the 29643
following: 29644

(a) Any student enrolled in an institution that under the 29645
federal law appeals its loss of eligibility for federal financial 29646
aid and the United States secretary of education determines its 29647
cohort default rate after recalculation is lower than the rate 29648
specified in division (F)(1) of this section or the secretary 29649
determines due to mitigating circumstances the institution may 29650
continue to participate in federal financial aid programs. The 29651
chancellor shall adopt rules requiring institutions to provide 29652
information regarding an appeal to the chancellor. 29653

(b) Any student who has previously received a grant under 29654
this section who meets all other requirements of this section. 29655

(3) The chancellor shall adopt rules for the notification of 29656
all institutions whose students will be ineligible to participate 29657
in the grant program pursuant to division (F)(1) of this section. 29658

(4) A student's attendance at an institution whose students 29659
lose eligibility for grants under division (F)(1) of this section 29660
shall not affect that student's eligibility to receive a grant 29661
when enrolled in another institution. 29662

(G) Institutions of higher education that enroll students 29663
receiving needs-based financial aid grants under this section 29664

shall report to the chancellor all students who have received 29665
needs-based financial aid grants but are no longer eligible for 29666
all or part of such grants and shall refund any moneys due the 29667
state within thirty days after the beginning of the quarter or 29668
term immediately following the quarter or term in which the 29669
student was no longer eligible to receive all or part of the 29670
student's grant. There shall be an interest charge of one per cent 29671
per month on all moneys due and payable after such thirty-day 29672
period. The chancellor shall immediately notify the office of 29673
budget and management and the legislative service commission of 29674
all refunds so received. 29675

Sec. 3333.201. The chancellor of the Ohio board of regents 29676
shall require any college or university that offers classes at a 29677
technical college that is co-located with a university branch to 29678
pay a share of the facility maintenance cost based proportionally 29679
on the number of students enrolled in classes offered by that 29680
college or university. 29681

Sec. 3333.36. ~~Provided~~ If the chancellor determines that 29682
sufficient ~~unencumbered and unexpended~~ funds are available from 29683
general revenue fund appropriations made to the Ohio board of 29684
regents, the chancellor of the Ohio board of regents shall 29685
allocate ~~up~~ the following: 29686

(A) Up to seventy thousand dollars in each fiscal year to 29687
make payments to the Columbus program in intergovernmental issues, 29688
an Ohio internship program at Kent state university, for 29689
scholarships of up to two thousand dollars for each student 29690
enrolled in the program. ~~The;~~ 29691

(B) Up to one hundred sixty-five thousand dollars in each 29692
fiscal year to make payments to the Washington center for 29693
scholarships provided to undergraduates of Ohio's four-year public 29694

and private institutions of higher education selected to 29695
participate in the Washington center internship program. The 29696
amount of a student's scholarship shall not exceed the amount 29697
specified for such scholarships in the biennial operating 29698
appropriations act. 29699

The chancellor may utilize any general revenue funds 29700
appropriated to the board of regents that the chancellor 29701
determines to be available for purposes of this section. 29702

Sec. 3333.38. (A) As used in this section: 29703

(1) "Institution of higher education" includes all of the 29704
following: 29705

(a) A state institution of higher education, as defined in 29706
section 3345.011 of the Revised Code; 29707

(b) A nonprofit institution issued a certificate of 29708
authorization under Chapter 1713. of the Revised Code; 29709

(c) A private institution exempt from regulation under 29710
Chapter 3332. of the Revised Code, as prescribed in section 29711
3333.046 of the Revised Code; 29712

(d) An institution of higher education with a certificate of 29713
registration from the state board of career colleges and schools 29714
under Chapter 3332. of the Revised Code. 29715

(2) "Student financial assistance supported by state funds" 29716
includes assistance granted under sections 3315.33, 3333.12, 29717
3333.122, 3333.21, 3333.26, 3333.27, 3333.28, ~~3333.29~~, 3333.372, 29718
5910.03, 5910.032, and 5919.34 of the Revised Code or financed by 29719
an award under the choose Ohio first scholarship program 29720
established under section 3333.61 of the Revised Code and any 29721
other post-secondary student financial assistance supported by 29722
state funds. 29723

(B) An individual who is convicted of, pleads guilty to, or 29724

is adjudicated a delinquent child for one of the following 29725
violations shall be ineligible to receive any student financial 29726
assistance supported by state funds at an institution of higher 29727
education for two calendar years from the time the individual 29728
applies for assistance of that nature: 29729

(1) A violation of section 2917.02 or 2917.03 of the Revised 29730
Code; 29731

(2) A violation of section 2917.04 of the Revised Code that 29732
is a misdemeanor of the fourth degree; 29733

(3) A violation of section 2917.13 of the Revised Code that 29734
is a misdemeanor of the fourth or first degree and occurs within 29735
the proximate area where four or more others are acting in a 29736
course of conduct in violation of section 2917.11 of the Revised 29737
Code. 29738

(C) If an individual is convicted of, pleads guilty to, or is 29739
adjudicated a delinquent child for committing a violation of 29740
section 2917.02 or 2917.03 of the Revised Code, and if the 29741
individual is enrolled in a state-supported institution of higher 29742
education, the institution in which the individual is enrolled 29743
shall immediately dismiss the individual. No state-supported 29744
institution of higher education shall admit an individual of that 29745
nature for one academic year after the individual applies for 29746
admission to a state-supported institution of higher education. 29747
This division does not limit or affect the ability of a 29748
state-supported institution of higher education to suspend or 29749
otherwise discipline its students. 29750

Sec. 3333.50. The Ohio board of regents, in consultation with 29751
the governor and the department of development, shall develop a 29752
critical needs rapid response system to respond quickly to 29753
critical workforce shortages in the state. Not later than ninety 29754
days after a critical workforce shortage is identified, the 29755

chancellor of the board shall submit to the governor a proposal 29756
for addressing the shortage through initiatives of the board or 29757
institutions of higher education. 29758

Sec. 3333.55. (A) The health information and imaging 29759
technology workforce development pilot project is hereby 29760
established. Under the project, in fiscal years 2008 through 2010, 29761
the Ohio board of regents shall design and implement a three-year 29762
pilot program to test, in the vicinity of Clark, Greene, and 29763
Montgomery counties, how a P-16 public-private education and 29764
workforce development collaborative may address each of the 29765
following goals: 29766

(1) Increase the number of students taking and mastering 29767
high-level science, technology, engineering, or mathematics 29768
courses and pursuing careers in those subjects, in all demographic 29769
regions of the state; 29770

(2) Increase the number of students pursuing professional 29771
careers in health information and imaging technology upon 29772
receiving related technical education and professional experience, 29773
in all demographic regions of the state; 29774

(3) Unify efforts among schools, career centers, 29775
post-secondary programs, and employers in a region for career and 29776
workforce development, preservation, and public education. 29777

(B) The project shall focus on enhancing P-16 education and 29778
workforce development in the field of health information and 29779
imaging technology through such activities as increased academic 29780
intervention in related areas of study, after-school and summer 29781
intervention programs, tutoring, career and job fairs and other 29782
promotional and recruitment activities, externships, professional 29783
development, field trips, academic competitions, development of 29784
related specialized study modules, development of honors programs, 29785
and development and enhancement of dual high school and college 29786

enrollment programs. 29787

(C) Project participants shall include Clark-Shawnee local 29788
school district, Springfield city school district, Greene county 29789
career center, Clark state community college, Central state 29790
university, Wright state university, Cedarville university, 29791
Wittenberg university, the university of Dayton, and private 29792
employers in the health information and imaging technology 29793
industry in the vicinity of Clark, Greene, and Montgomery 29794
counties, selected by the board of regents. 29795

For the third year of the project, the board of regents may 29796
add as participants the Dayton city school district and Xenia city 29797
school district. 29798

(D) Wittenberg university shall be the lead coordinating 29799
agent and Clark state community college shall be the fiscal agent 29800
for the project. 29801

(E) The board of regents shall create an advisory council 29802
made up of representatives of the participating entities to 29803
coordinate, monitor, and evaluate the project. The advisory 29804
council shall submit an annual activity report to the board of 29805
regents by a date specified by the board of regents. 29806

Sec. 3333.60. As used in sections 3333.61 to 3333.70 of the 29807
Revised Code: 29808

(A) "State university or college" has the same meaning as in 29809
section 3345.12 of the Revised Code. 29810

(B) "State institution of higher education" has the same 29811
meaning as in section 3345.011 of the Revised Code. 29812

Sec. 3333.61. The chancellor of the Ohio board of regents 29813
shall establish and administer the Ohio innovation partnership, 29814
which shall consist of the choose Ohio first scholarship program 29815

and the Ohio research scholars program. Under the programs, the 29816
chancellor, subject to approval by the controlling board, shall 29817
award grants to state universities or colleges for programs and 29818
initiatives that recruit students and scientists in the fields of 29819
science, technology, engineering, mathematics, and medicine to 29820
state universities or colleges, in order to enhance regional 29821
educational and economic strengths and meet the needs of the 29822
state's regional economies. Grants may be awarded for programs and 29823
initiatives to be implemented by a state university or college 29824
alone or in collaboration with other state institutions of higher 29825
education, nonpublic Ohio universities and colleges, or other 29826
public or private Ohio entities. 29827

The choose Ohio first scholarship program shall award grants 29828
to state universities and colleges to establish scholarships, 29829
fellowships, grants, or other monetary or nonmonetary incentives 29830
to recruit Ohio residents as undergraduate or graduate students in 29831
the fields of science, technology, engineering, mathematics, and 29832
medicine, or in science, technology, engineering, mathematics, or 29833
medical education. Each state university or college receiving a 29834
grant under the choose Ohio first scholarship program shall award 29835
one hundred per cent of the grant amount in the form of 29836
scholarships, fellowships, grants, or other monetary or 29837
nonmonetary incentives to students, and shall not use any amount 29838
of the grant for administration. 29839

The Ohio research scholars program shall award grants to be 29840
deposited into new or existing endowment funds of state 29841
universities and colleges for use in recruiting scientists to 29842
their faculties. 29843

The chancellor shall adopt rules in accordance with Chapter 29844
119. of the Revised Code to administer the programs. 29845

Sec. 3333.62. The chancellor of the Ohio board of regents 29846

shall establish a competitive process for making awards under the 29847
choose Ohio first scholarship program and the Ohio research 29848
scholars program. The chancellor, on completion of that process, 29849
shall make a recommendation to the controlling board asking for 29850
approval to award each grant selected by the chancellor. 29851

Any state university or college may apply for one or more 29852
awards under one or both programs. Each university or college 29853
shall submit a proposal and other documentation required by the 29854
chancellor, in the form and manner prescribed by the chancellor, 29855
for each award it seeks. A proposal may propose an initiative to 29856
be implemented solely by the state university or college or in 29857
collaboration with other state institutions of higher education, 29858
nonpublic Ohio universities or colleges, or other public or 29859
nonpublic Ohio entities. A single proposal may seek an award under 29860
one or both programs. 29861

The chancellor shall determine which proposals will receive 29862
awards each fiscal year, and the amount of each award, on the 29863
basis of the merit of each proposal, which the chancellor, subject 29864
to approval by the controlling board, shall determine based on one 29865
or more of the following criteria: 29866

(A) The quality of the program that is the subject of the 29867
proposal and the extent to which additional resources will enhance 29868
its quality; 29869

(B) The extent to which the proposal is integrated with the 29870
strengths of the regional economy; 29871

(C) The extent to which the proposal is integrated with 29872
centers of research excellence within the private sector; 29873

(D) The amount of other institutional, public, or private 29874
resources, whether monetary or nonmonetary, that the proposal 29875
pledges to leverage; 29876

(E) The extent to which the proposal is collaborative with 29877

<u>other public or nonpublic Ohio institutions of higher education;</u>	29878
<u>(F) The extent to which the proposal is integrated with the</u>	29879
<u>university's or college's mission and does not displace existing</u>	29880
<u>resources already committed to the mission;</u>	29881
<u>(G) The extent to which the proposal facilitates a more</u>	29882
<u>efficient utilization of existing faculty and programs;</u>	29883
<u>(H) The extent to which the proposal meets a statewide</u>	29884
<u>educational need;</u>	29885
<u>(I) The demonstrated productivity or future capacity of the</u>	29886
<u>students or scientists to be recruited;</u>	29887
<u>(J) The extent to which the proposal will create additional</u>	29888
<u>capacity in educational or economic areas of need.</u>	29889
<u>Sec. 3333.63. The chancellor of the Ohio board of regents</u>	29890
<u>shall conduct at least one public meeting annually, prior to</u>	29891
<u>deciding awards under the Ohio innovation partnership. At the</u>	29892
<u>meeting, an employee of the chancellor shall summarize the</u>	29893
<u>proposals submitted for consideration, and each state university</u>	29894
<u>or college that has a proposal pending shall have the opportunity</u>	29895
<u>to review the summary of their proposal prepared by the</u>	29896
<u>chancellor's staff and answer questions or respond to concerns</u>	29897
<u>about the proposal raised by the chancellor's staff.</u>	29898
<u>Sec. 3333.64. The chancellor of the Ohio board of regents</u>	29899
<u>shall make awards under the choose Ohio first scholarship program</u>	29900
<u>and the Ohio research scholars program such that the aggregate,</u>	29901
<u>statewide amount of other institutional, public, and private money</u>	29902
<u>pledged to the proposals in each fiscal year equals at least one</u>	29903
<u>hundred per cent of the aggregate amount of the money awarded</u>	29904
<u>under both programs that year.</u>	29905
<u>The chancellor also shall endeavor to distribute awards in</u>	29906

such a way that all regions of the state benefit from the economic development impact of the programs and shall guarantee that students from all regions of the state are able to participate in the scholarship program. 29907
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Sec. 3333.65. The chancellor of the Ohio board of regents shall require each state university or college that the controlling board approves to receive an award under the Ohio innovation partnership to enter into an agreement governing the use of the award. The agreement shall contain terms the chancellor determines to be necessary, which shall include performance measures, reporting requirements, and an obligation to fulfill pledges of other institutional, public, or nonpublic resources for the proposal. 29911
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The chancellor may require a state university or college that violates the terms of its agreement to repay the award plus interest at the rate required by section 5703.47 of the Revised Code to the chancellor. 29920
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Sec. 3333.66. The chancellor of the Ohio board of regents shall encourage state universities and colleges, alone or in collaboration with other state institutions of higher education, nonpublic Ohio universities and colleges, or other public or private Ohio entities, to submit proposals under the choose Ohio first scholarship program for initiatives that recruit Ohio residents enrolled in colleges and universities in other states or other countries to return to Ohio and enroll in state universities or colleges as graduate students in the fields of science, technology, engineering, mathematics, and medicine, or in the fields of science, technology, engineering, mathematics, or medical education. If such proposals are submitted and meet the chancellor's competitive criteria for awards, the chancellor, subject to approval by the controlling board, shall give at least 29924
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one of the proposals preference for an award. 29938

Sec. 3333.67. Each state university or college that receives 29939
an award under the Ohio research scholars program shall deposit 29940
the award into a new or existing endowment fund. The university or 29941
college shall maintain the amount awarded and use income generated 29942
from that award, and other institutional, public, or nonpublic 29943
resources, to finance the proposal approved by the chancellor of 29944
the Ohio board of regents and the controlling board. 29945

Sec. 3333.68. When making an award under the Ohio innovation 29946
partnership, the chancellor of the Ohio board of regents, subject 29947
to approval by the controlling board, may commit to giving a state 29948
university's or college's proposal preference for future awards 29949
after the current fiscal year or fiscal biennium. A proposal's 29950
eligibility for future awards remains conditional on both of the 29951
following: 29952

(A) Future appropriations of the general assembly; 29953

(B) The university's or college's adherence to the agreement 29954
entered into under section 3333.65 of the Revised Code, including 29955
its fulfillment of pledges of other institutional, public, or 29956
nonpublic resources. 29957

The chancellor and the controlling board shall not commit to 29958
awarding any proposal for more than five fiscal years at a time. 29959
However, when a commitment for future awards expires, a state 29960
university or college may reapply. 29961

Sec. 3333.69. The chancellor of the Ohio board of regents 29962
shall monitor each initiative for which an award is granted under 29963
the Ohio innovation partnership to ensure the following: 29964

(A) Fiscal accountability, so that the award is used in 29965
accordance with the agreement entered into under section 3333.65 29966

of the Revised Code; 29967

(B) Operating progress, so that the initiative is managed to 29968
achieve the goals stated in the proposal and in the agreement, and 29969
so that problems may be promptly identified and remedied; 29970

(C) Desired outcomes, so that the initiative contributes to 29971
the programs' goals of enhancing regional educational and economic 29972
strengths and meeting regional economic needs. 29973

Sec. 3333.70. Not later than December 31, 2008, and the 29974
thirty-first day of December of each year thereafter, the 29975
chancellor of the Ohio board of regents shall submit to the 29976
general assembly in accordance with section 101.68 of the Revised 29977
Code a report on the academic and economic impact of the Ohio 29978
innovation partnership. At a minimum, the report shall include the 29979
following: 29980

(A) Progress and performance metrics for each initiative that 29981
received an award in the previous fiscal year; 29982

(B) Economic indicators of the impact of each initiative, and 29983
all initiatives as a whole, on the regional economies and the 29984
statewide economy. 29985

Sec. 3345.02. As used in this section, "state institution of 29986
higher education" has the same meaning as in section 3345.011 of 29987
the Revised Code. 29988

Beginning in the 2008-2009 academic year, each state 29989
institution of higher education shall include in each statement of 29990
estimated or actual charges owed by a student enrolled in the 29991
institution an itemized list of the instructional fees, general 29992
fees, special purpose fees, service charges, fines, and any other 29993
fees or surcharges applicable to the student. 29994

Sec. 3345.05. (A) All registration fees, nonresident tuition 29995

fees, academic fees for the support of off-campus instruction, 29996
laboratory and course fees when so assessed and collected, student 29997
health fees for the support of a student health service, all other 29998
fees, deposits, charges, receipts, and income from all or part of 29999
the students, all subsidy or other payments from state 30000
appropriations, and all other fees, deposits, charges, receipts, 30001
~~and income, and revenue~~ received by each ~~state-supported~~ 30002
~~university and college~~ state institution of higher education, the 30003
Ohio state university hospitals and their ancillary facilities, 30004
the Ohio agricultural research and development center, and the 30005
Ohio state university cooperative extension service shall be held 30006
and administered by the respective boards of trustees of the 30007
~~state-supported universities and colleges~~ state institution of 30008
higher education; provided, that such fees, deposits, charges, 30009
receipts, ~~and income~~ and revenue, to the extent required by 30010
resolutions, trust agreements, indentures, leases, and agreements 30011
adopted, made, or entered into under Chapter 154. or section 30012
3345.07, 3345.11, or 3345.12 of the Revised Code, shall be held, 30013
administered, transferred, and applied in accordance therewith. 30014

(B) The Ohio board of regents shall require annual reporting 30015
by the Ohio agricultural research and development center and by 30016
each university and college receiving state aid in such form and 30017
detail as determined by the board in consultation with such 30018
center, universities and colleges, and the director of budget and 30019
management. 30020

(C) Notwithstanding any provision of the Revised Code to the 30021
contrary, the title to investments made by the board of trustees 30022
of a ~~state-supported university or college~~ state institution of 30023
higher education with funds derived from ~~revenues~~ any of the 30024
sources described in division (A) of this section shall not be 30025
vested in the state or the political subdivision but shall be held 30026
in trust by the board. Such investments shall be made pursuant to 30027

an investment policy adopted by the board in public session that 30028
requires all fiduciaries to discharge their duties with the care, 30029
skill, prudence, and diligence under the circumstances then 30030
prevailing that a prudent person acting in like capacity and 30031
familiar with such matters would use in the conduct of an 30032
enterprise of a like character and with like aims. The policy also 30033
shall require at least the following: 30034

(1) A stipulation that investment ~~be made only in publicly~~ 30035
~~traded securities averaging~~ of at least twenty-five per cent of 30036
the average amount of the investment portfolio over the course of 30037
the previous fiscal year be invested in securities of the United 30038
States government or of its agencies or instrumentalities, the 30039
treasurer of state's pooled investment program, obligations of 30040
this state or any political subdivision of this state, 30041
certificates of deposit of any national bank located in this 30042
state, written repurchase agreements with any eligible Ohio 30043
financial institution that is a member of the federal reserve 30044
system or federal home loan bank, money market funds, or bankers 30045
acceptances maturing in two hundred seventy days or less which are 30046
eligible for purchase by the federal reserve system, as a reserve; 30047

(2) Eligible funds above those that meet the conditions of 30048
division (C)(1) of this section may be pooled with other 30049
institutional funds and invested in accordance with section 30050
1715.54 of the Revised Code. 30051

(3) The establishment of an investment committee. 30052

(D) The investment committee established under division 30053
(C)~~(2)~~(3) of this section shall meet at least quarterly. The 30054
committee shall review and recommend revisions to the board's 30055
investment policy and shall advise the board on its investments 30056
made under division (C) of this section in an effort to assist it 30057
in meeting its obligations as a fiduciary as described in division 30058
(C) of this section. The committee shall be authorized to retain 30059

the services of an investment advisor who meets both of the	30060
following qualifications:	30061
(1) The advisor is either:	30062
(a) Licensed by the division of securities under section	30063
1707.141 of the Revised Code;	30064
(b) Registered with the securities and exchange commission.	30065
(2) The advisor either:	30066
(a) Has experience in the management of investments of public	30067
funds, especially in the investment of state-government investment	30068
portfolios;	30069
(b) Is an eligible institution referenced in section 135.03	30070
of the Revised Code.	30071
<u>(E) As used in this section, "state institution of higher</u>	30072
<u>education" means a state institution of higher education as</u>	30073
<u>defined in section 3345.011 of the Revised Code.</u>	30074
Sec. 3345.32. (A) As used in this section:	30075
(1) "State university or college" means the institutions	30076
described in section 3345.27 of the Revised Code and the	30077
northeastern Ohio universities college of medicine.	30078
(2) "Resident" has the meaning specified by rule of the	30079
<u>chancellor of the</u> Ohio board of regents.	30080
(3) "Statement of selective service status" means a statement	30081
certifying one of the following:	30082
(a) That the individual filing the statement has registered	30083
with the selective service system in accordance with the "Military	30084
Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as	30085
amended;	30086
(b) That the individual filing the statement is not required	30087

to register with the selective service for one of the following 30088
reasons: 30089

(i) The individual is under eighteen or over twenty-six years 30090
of age. 30091

(ii) The individual is on active duty with the armed forces 30092
of the United States other than for training in a reserve or 30093
national guard unit. 30094

(iii) The individual is a nonimmigrant alien lawfully in the 30095
United States in accordance with section 101 (a)(15) of the 30096
"Immigration and Nationality Act," 8 U.S.C. 1101, as amended. 30097

(iv) The individual is not a citizen of the United States and 30098
is a permanent resident of the Trust Territory of the Pacific 30099
Islands or the Northern Mariana Islands. 30100

(4) "Institution of higher education" means any eligible 30101
institution approved by the United States department of education 30102
pursuant to the "Higher Education Act of 1965," 79 Stat. 1219, as 30103
amended, or any institution whose students are eligible for 30104
financial assistance under any of the programs described by 30105
division (E) of this section. 30106

(B) The ~~Ohio board of regents~~ chancellor shall, by rule, 30107
specify the form of statements of selective service status to be 30108
filed in compliance with divisions (C) to (F) of this section. 30109
Each statement of selective service status shall contain a section 30110
wherein a male student born after December 31, 1959, certifies 30111
that the student has registered with the selective service system 30112
in accordance with the "Military Selective Service Act," 62 Stat. 30113
604, 50 U.S.C. App. 453, as amended. For those students not 30114
required to register with the selective service, as specified in 30115
divisions (A)(2)(b)(i) to (iv) of this section, a section shall be 30116
provided on the statement of selective service status for the 30117
certification of nonregistration and for an explanation of the 30118

reason for the exemption. The ~~board of regents~~ chancellor may 30119
require that such statements be accompanied by documentation 30120
specified by rule of the ~~board~~ chancellor. 30121

(C) A state university or college that enrolls in any course, 30122
class, or program a male student born after December 31, 1959, who 30123
has not filed a statement of selective service status with the 30124
university or college shall, regardless of the student's 30125
residency, charge the student any tuition surcharge charged 30126
students who are not residents of this state. 30127

(D) No male born after December 31, 1959, shall be eligible 30128
to receive any loan, grant, scholarship, or other financial 30129
assistance for educational expenses granted under section 3315.33, 30130
3333.12, 3333.122, 3333.21, 3333.22, 3333.26, 3333.27, 5910.03, 30131
5910.032, or 5919.34 of the Revised Code, or financed by an award 30132
under the choose Ohio first scholarship program established under 30133
section 3333.61 of the Revised Code, unless that person has filed 30134
a statement of selective service status with that person's 30135
institution of higher education. 30136

(E) If an institution of higher education receives a 30137
statement from an individual certifying that the individual has 30138
registered with the selective service system in accordance with 30139
the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 30140
453, as amended or that the individual is exempt from registration 30141
for a reason other than that the individual is under eighteen 30142
years of age, the institution shall not require the individual to 30143
file any further statements. If it receives a statement certifying 30144
that the individual is not required to register because the 30145
individual is under eighteen years of age, the institution shall 30146
require the individual to file a new statement of selective 30147
service status each time the individual seeks to enroll for a new 30148
academic term or makes application for a new loan or loan 30149
guarantee or for any form of financial assistance for educational 30150

expenses, until it receives a statement certifying that the 30151
individual has registered with the selective service system or is 30152
exempt from registration for a reason other than that the 30153
individual is under eighteen years of age. 30154

Sec. 3353.02. (A) There is hereby created the eTech Ohio 30155
commission as an independent agency to advance education and 30156
accelerate the learning of the citizens of this state through 30157
technology. The commission shall provide leadership and support in 30158
extending the knowledge of the citizens of this state by promoting 30159
access to and use of all forms of educational technology, 30160
including educational television and radio, radio reading 30161
services, broadband networks, videotapes, compact discs, digital 30162
video on demand (DVD), and the internet. The commission also shall 30163
administer programs to provide financial and other assistance to 30164
school districts, educational television and radio stations, radio 30165
reading services, educational technology organizations, and other 30166
educational institutions for the acquisition and utilization of 30167
educational technology. 30168

The commission is a body corporate and politic, an agency of 30169
the state performing essential governmental functions of the 30170
state. 30171

(B) The commission shall consist of ~~thirteen~~ fourteen 30172
members, ~~nine~~ ten of whom shall be voting members. Six of the 30173
voting members shall be representatives of the public. Of the 30174
representatives of the public, four shall be appointed by the 30175
governor with the advice and consent of the senate, one shall be 30176
appointed by the speaker of the house of representatives, and one 30177
shall be appointed by the president of the senate. The 30178
superintendent of public instruction or a designee of the 30179
superintendent, the chancellor of the Ohio board of regents or a 30180
designee of the chancellor, ~~and the director of the office of~~ 30181

~~information technology~~ state chief information officer or a 30182
designee of the ~~director~~ officer, and the president of the Ohio 30183
alliance for public telecommunications or a designee of the 30184
president shall be ex officio voting members. Of the nonvoting 30185
members, two shall be members of the house of representatives 30186
appointed by the speaker of the house of representatives and two 30187
shall be members of the senate appointed by the president of the 30188
senate. The members appointed from each chamber shall not be 30189
members of the same political party. 30190

(C) Initial terms of office for members appointed by the 30191
governor shall be one year for one member, two years for one 30192
member, three years for one member, and four years for one member. 30193
At the first meeting of the commission, members appointed by the 30194
governor shall draw lots to determine the length of the term each 30195
member will serve. Thereafter, terms of office for members 30196
appointed by the governor shall be for four years. Terms of office 30197
for voting members appointed by the speaker of the house of 30198
representatives and the president of the senate shall be for four 30199
years. Any member who is a representative of the public may be 30200
reappointed by the member's respective appointing authority, but 30201
no such member may serve more than two consecutive four-year 30202
terms. Such a member may be removed by the member's respective 30203
appointing authority for cause. 30204

Any legislative member appointed by the speaker of the house 30205
of representatives or the president of the senate who ceases to be 30206
a member of the legislative chamber from which the member was 30207
appointed shall cease to be a member of the commission. The 30208
speaker of the house of representatives and the president of the 30209
senate may remove their respective appointments to the commission 30210
at any time. 30211

(D) Vacancies among appointed members shall be filled in the 30212
manner provided for original appointments. Any member appointed to 30213

fill a vacancy occurring prior to the expiration of the term for 30214
which the member's predecessor was appointed shall hold office for 30215
the remainder of that term. Any appointed member shall continue in 30216
office subsequent to the expiration of that member's term until 30217
the member's successor takes office or until a period of sixty 30218
days has elapsed, whichever occurs first. 30219

(E) Members of the commission shall serve without 30220
compensation. The members who are representatives of the public 30221
shall be reimbursed, pursuant to office of budget and management 30222
guidelines, for actual and necessary expenses incurred in the 30223
performance of official duties. 30224

(F) The governor shall appoint the chairperson of the 30225
commission from among the commission's voting members who are 30226
representatives of the public. The chairperson shall serve a term 30227
of two years and may be reappointed. The commission shall elect 30228
other officers as necessary from among its voting members and 30229
shall prescribe its rules of procedure. 30230

(G) The commission shall establish advisory groups ~~as needed~~ 30231
~~to~~ comprised of interested parties. The advisory groups shall 30232
address topics of interest and to provide guidance ~~to~~ the 30233
commission regarding educational technology, educational 30234
television and radio, radio reading services, and other issues ~~and~~ 30235
~~the technology needs of educators, learners, and the public~~. 30236
Members of each advisory group shall be appointed by the 30237
commission ~~and shall include representatives of individuals or~~ 30238
~~organizations with an interest in the topic addressed by the~~ 30239
~~advisory group~~. 30240

Sec. 3353.03. (A) The eTech Ohio commission shall appoint an 30241
executive director, who shall serve at the pleasure of the 30242
commission. The executive director shall have no authority other 30243
than that provided by law or delegated to the executive director 30244

by the commission. The executive director shall do all of the 30245
following: 30246

(1) Direct commission employees in the administration of all 30247
programs of the commission; 30248

(2) Provide leadership and support in extending the knowledge 30249
of the citizens of this state by promoting equal access to and use 30250
of all forms of educational technology, as directed by the 30251
commission; 30252

(3) Provide financial and other assistance to school 30253
districts, educational television and radio stations, radio 30254
reading services, educational technology organizations, and other 30255
educational institutions, ~~affiliates, and, if approved by the~~ 30256
~~commission, educational technology organizations~~ for the 30257
acquisition and utilization of educational technology; 30258

(4) Implement policies and directives issued by the 30259
commission; 30260

(5) Perform other duties authorized by the commission. 30261

(B) The commission shall fix the compensation of the 30262
executive director. The executive director shall employ and fix 30263
the compensation for such employees as necessary to facilitate the 30264
activities and purposes of the commission. The employees shall 30265
serve at the pleasure of the executive director. 30266

(C) The employees of the commission shall be placed in the 30267
unclassified service. 30268

(D)(1) Except as provided in division (D)(2) of this section, 30269
the employees of the commission shall be exempt from Chapter 4117. 30270
of the Revised Code and shall not be public employees as defined 30271
in section 4117.01 of the Revised Code. 30272

(2) All employees of the commission who transferred to the 30273
commission from one of the commission's predecessor agencies upon 30274

the commission's creation and, when employed by the predecessor 30275
agency were included in a bargaining unit established under 30276
Chapter 4117. of the Revised Code, shall continue to be included 30277
in that bargaining unit, are public employees as defined in 30278
section 4117.01 of the Revised Code, and may collectively bargain 30279
with the commission in accordance with that chapter. Otherwise, 30280
any employee hired by the commission after ~~the effective date of~~ 30281
~~this section~~ July 1, 2005, either to fill vacancies or to fill new 30282
positions, shall be exempt from Chapter 4117. of the Revised Code 30283
and shall not be public employees as defined in section 4117.10 of 30284
the Revised Code. 30285

Sec. 3353.20. As used in sections 3353.20 to 3353.30 of the 30286
Revised Code: 30287

(A) "Clearinghouse" means the clearinghouse established under 30288
section 3353.21 of the Revised Code. 30289

(B) "Data verification code" means the code assigned to a 30290
student under division (D)(2) of section 3301.0714 of the Revised 30291
Code. 30292

(C) "One-half unit" of instruction has the same meaning as in 30293
section 3313.603 of the Revised Code. 30294

(D) A "student's community school" means the community school 30295
established under Chapter 3314. of the Revised Code in which the 30296
student is enrolled instead of being enrolled in a school operated 30297
by a school district. 30298

(E) A "student's school district" means the school district 30299
operating the school in which the student is lawfully enrolled. 30300

Sec. 3353.21. (A) The eTech Ohio commission shall establish a 30301
clearinghouse of interactive distance learning courses and other 30302
distance learning courses delivered via a computer-based method 30303
offered by school districts for sharing with other school 30304

districts and community schools for the fee set pursuant to 30305
section 3353.24 of the Revised Code. The commission shall not be 30306
responsible for the content of courses offered through the 30307
clearinghouse; however, all such courses shall be delivered only 30308
in accordance with technical specifications approved by the 30309
commission. 30310

(B) To offer a course through the clearinghouse, a school 30311
district shall apply to the commission in a form and manner 30312
prescribed by the commission. The application for each course 30313
shall describe the course of study in as much detail as required 30314
by the commission, the qualification and credentials of the 30315
teacher, the number of hours of instruction, the technology 30316
required to deliver and receive the course, the technical capacity 30317
of the school district to deliver the course, the times that the 30318
school district plans to deliver the course, and any other 30319
information required by the commission. The commission may require 30320
school districts to include in their applications information 30321
recommended by the state board of education under section 3353.30 30322
of the Revised Code. 30323

(C) The commission shall review the technical specifications 30324
of each application submitted under division (B) of this section 30325
and shall approve a course offered if the commission determines 30326
that the school district can satisfactorily deliver the course 30327
through the technology necessary for that delivery. In reviewing 30328
applications, the commission may consult with the department of 30329
education; however, the responsibility to either approve or not 30330
approve a course for the clearinghouse belongs to the commission. 30331
The commission may request additional information from a school 30332
district that submits an application under division (B) of this 30333
section, if the commission determines that such information is 30334
necessary. The commission may negotiate changes in the proposal to 30335
offer a course, if the commission determines that changes are 30336

necessary in order to approve the course. 30337

(D) The commission shall catalog each course approved for the 30338
clearinghouse, through a print or electronic medium, displaying 30339
the following: 30340

(1) Information necessary for a student and the student's 30341
parent, guardian, or custodian and the student's school district 30342
or community school to decide whether to enroll in the course; 30343

(2) Instructions for enrolling in that course, including 30344
deadlines for enrollment. 30345

Sec. 3353.22. (A) A student who is enrolled in a school 30346
operated by a school district or in a community school may enroll 30347
in a course included in the clearinghouse only if both of the 30348
following conditions are satisfied: 30349

(1) The student's enrollment in the course is approved by the 30350
student's school district or the student's community school. 30351

(2) The student's school district or the student's community 30352
school agrees to accept for credit the grade assigned by the 30353
district that is delivering the course. 30354

(B) For each student enrolling in a course, the student's 30355
school district or the student's community school shall transmit 30356
the student's data verification code and the student's name to the 30357
school district delivering the course. 30358

The district delivering the course may request from the 30359
student's school district or the student's community school other 30360
information from the student's school record. The student's school 30361
district or the student's community school shall provide the 30362
requested information only in accordance with section 3319.321 of 30363
the Revised Code. 30364

(C) The student's school district or the student's community 30365
school shall determine the manner in which and facilities at which 30366

the student shall participate in the course consistent with 30367
specifications for technology and connectivity adopted by the 30368
commission. 30369

(D) A student may withdraw from a course prior to the end of 30370
the course only by a date and in a manner prescribed by the 30371
student's school district or community school. 30372

(E) A student who is enrolled in a school operated by a 30373
school district or in a community school and who takes a course 30374
included in the clearinghouse shall be counted in the formula ADM 30375
of a school district under section 3317.03 of the Revised Code as 30376
if the student were taking the course from the student's school 30377
district or the student's community school. 30378

Sec. 3353.23. For each student enrolled in a course included 30379
in the clearinghouse, the student's school district or the 30380
student's community school and the school district delivering the 30381
course shall report to the department of education, in accordance 30382
with the guidelines established under section 3301.0714 of the 30383
Revised Code, the information the department determines is 30384
necessary for the department to make the deductions and payments 30385
required under section 3353.25 of the Revised Code. 30386

Sec. 3353.24. (A) Unless the eTech Ohio commission sets a 30387
different fee amount pursuant to division (B) of this section, the 30388
fee for each course that is the equivalent of one-half unit of 30389
instruction offered through the clearinghouse shall be one hundred 30390
seventy-five dollars per student. The commission shall set the fee 30391
for a course that is either less than or greater than one-half 30392
unit of instruction based on the proportional amount the course is 30393
either less than or greater than one-half unit of instruction. 30394

(B) The commission, by rule adopted in accordance with 30395
Chapter 119. of the Revised Code, may set a fee for courses 30396

offered through the clearinghouse at a rate other than the one 30397
specified in division (A) of this section. 30398

(C) The commission shall proportionally reduce the fee for 30399
any student who withdraws from a course prior to the end of the 30400
course pursuant to division (D) of section 3353.22 of the Revised 30401
Code. 30402

Sec. 3353.25. For each student enrolled in a course included 30403
in the clearinghouse, in accordance with information reported 30404
under section 3353.23 of the Revised Code and not later than the 30405
last day of that course, the department of education shall deduct 30406
the amount of the fee for that course from the student's school 30407
district or the student's community school, under division (P) of 30408
section 3317.023 or section 3314.086 or 3317.161 of the Revised 30409
Code, and shall pay that amount to the school district delivering 30410
the course. 30411

Sec. 3353.26. The grade for a student who enrolls in a course 30412
included in the clearinghouse shall be assigned by the school 30413
district that delivers the course and shall be transmitted by that 30414
district to the student's school district or the student's 30415
community school. 30416

Sec. 3353.27. The eTech Ohio commission may determine the 30417
manner in which a course included in the clearinghouse may be 30418
offered as a dual enrollment program as defined in section 30419
3313.6013 of the Revised Code, may be offered to students who are 30420
enrolled in nonpublic schools or are instructed at home pursuant 30421
to section 3321.04 of the Revised Code, or may be offered at times 30422
outside the normal school day or school week, including any 30423
necessary additional fees and methods of payment for a course so 30424
offered. 30425

Sec. 3353.28. The eTech Ohio commission shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing procedures for the implementation of sections 3353.20 to 3353.27 of the Revised Code.

Sec. 3353.29. Nothing in sections 3353.20 to 3353.28 of the Revised Code, or in rules implementing those sections, shall prohibit a school district from offering an interactive distance learning course or other distance learning course using a computer-based method through any means other than the clearinghouse established and maintained under those sections.

Sec. 3353.30. Not later than six months after the effective date of this section, the state board of education shall adopt a resolution recommending to the eTech Ohio commission the types of information about a distance learning course that the commission might require school districts to submit with their applications to include the course in the clearinghouse.

Sec. 3354.10. (A) All funds under the control of a board of trustees of a community college district, regardless of the source thereof, may be deposited by such board to its credit in banks or trust companies designated by it. Such banks or trust companies shall furnish security for every such deposit to the extent and in the manner provided in section 135.18 of the Revised Code, but no such deposit shall otherwise be subject to sections 135.01 to 135.21 of the Revised Code. Thereupon, such funds may be disbursed by the board of trustees for the uses and purposes of such district. No contract of the board involving the expenditure of money shall become effective until there is placed thereon by the treasurer as fiscal officer of the district the certificate provided for by section 5705.41 of the Revised Code.

(B) The board of trustees of a community college district may provide for the investment of district funds. Investments may be made in securities of the United States government or of its agencies or instrumentalities, the treasurer of state's pooled investment program, obligations of this state or any political subdivision of this state, certificates of deposit of any national bank located in this state, written repurchase agreements with any eligible Ohio financial institution that is a member of the federal reserve system or federal home loan bank, money market funds, or bankers acceptances maturing in two hundred seventy days or less which are eligible for purchase by the federal reserve system, as a reserve. Notwithstanding the foregoing or any provision of the Revised Code to the contrary, the board of trustees of a community college district may provide for the investment of district funds in any manner authorized under section 3345.05 of the Revised Code.

(C) Any community college district is subject to audit by the auditor of state, who shall furnish to the county or counties which created the district a copy of the audit report.

Sec. 3355.01. As used in ~~sections 3355.01 to 3355.14, inclusive, of the Revised Code~~ this chapter:

(A) "University branch district" means a political subdivision of the state and a body corporate with all the powers of a corporation, and organized for the purpose of establishing, owning, and operating a branch university district within the territory of such district.

(B) "University branch" means an academic program administered by a state or municipal university in a community other than the community wherein is located the main campus of such university, and affording to the students in such program academic credit corresponding to that afforded to the students on

the main campus upon satisfactory completion of comparable courses 30486
of instruction. 30487

Sec. 3355.15. A university branch may offer any baccalaureate 30488
program that has been approved under Chapter 3333. of the Revised 30489
Code to be offered at the main campus of the university. 30490

Sec. 3357.01. As used in ~~sections 3357.01 to 3357.19,~~ 30491
~~inclusive, of the Revised Code~~ this chapter: 30492

(A) "Technical college" means an institution of education 30493
beyond the high school, including an institution of higher 30494
education, organized for the principal purpose of providing for 30495
the residents of the technical college district, wherein such 30496
college is situated, any one or more of the instructional programs 30497
defined in this section as "~~technical college~~ technical college," 30498
or "adult-education technical programs," normally not exceeding 30499
two years duration and not leading to a baccalaureate degree. 30500

(B) "Technical college district" means a political 30501
subdivision of the state and a body corporate with all the powers 30502
of a corporation, comprised of the territory of a city school 30503
district or a county, or two or more contiguous school districts 30504
or counties, which meets the standards prescribed by the Ohio 30505
board of regents pursuant to section 3357.02 of the Revised Code, 30506
and which is organized for the purpose of establishing, owning, 30507
and operating one or more technical colleges within the territory 30508
of such district. 30509

(C) "Contiguous school districts or counties" means school 30510
districts or counties so located that each such school district or 30511
county shares at least one boundary or a portion thereof in common 30512
with at least one other such school district or county in the 30513
group of school districts or counties referred to as being 30514
"contiguous." 30515

(D) "Technical college program" means a post high school 30516
curricular program provided within a technical college, planned 30517
and intended to qualify students, after satisfactory completion of 30518
such a program normally two years in duration, to pursue careers 30519
in which they provide immediate technical assistance to 30520
professional or managerial persons generally required to hold 30521
baccalaureate or higher academic degrees in technical or 30522
professional fields. The technical and professional fields 30523
referred to in this section include, but are not limited to, 30524
engineering and physical, medical, or other sciences. 30525

(E) "Adult-education technical program" means the 30526
dissemination of post high school technical education service and 30527
knowledge, for the occupational, or general educational benefit of 30528
adult persons. 30529

(F) "Charter amendment" means a change in the official plan 30530
of a technical college for the purpose of acquiring additional 30531
lands or structures, disposing of or transferring lands or 30532
structures, erecting structures, creating or abolishing technical 30533
college or adult education technical curricular programs. 30534

(G) "Baccalaureate-oriented associate degree program" means a 30535
curricular program of not more than two years' duration that is 30536
planned and intended to enable students to gain academic credit 30537
for courses comparable to first- and second-year courses offered 30538
by accredited colleges and universities. The purpose of 30539
baccalaureate-oriented associate degree coursework in technical 30540
colleges is to enable students to transfer to colleges and 30541
universities and earn baccalaureate degrees or to enable students 30542
to terminate academic study after two years with a proportionate 30543
recognition of academic achievement through receipt of an 30544
associate degree. 30545

Sec. 3357.10. (A) The board of trustees of a technical 30546

college district shall elect a treasurer, who is not a member of 30547
the board, to serve at its pleasure. The treasurer may be the 30548
person serving as secretary under section 3357.06 of the Revised 30549
Code. The treasurer shall be the fiscal officer of the district 30550
and shall receive and disburse all funds of the district under the 30551
direction of the board. No contract of the board involving the 30552
expenditure of money shall become effective until the treasurer 30553
certifies that there are funds of the board otherwise 30554
unappropriated sufficient to provide therefor. 30555

When the treasurer of the district ceases to hold such 30556
office, the treasurer or the treasurer's legal representatives 30557
shall deliver to the board or to the treasurer's successor all 30558
moneys, books, papers, and other property of the district in the 30559
treasurer's possession as treasurer. In case of the death or 30560
incapacity of the treasurer, the treasurer's legal representatives 30561
shall, in like manner, deliver all moneys, books, papers, and 30562
other property of the district to the board or to the person named 30563
as the treasurer's successor. 30564

(B) All funds under the control of a board of trustees of a 30565
technical college district, regardless of the source of the funds, 30566
may be deposited by the board to its credit in banks or trust 30567
companies designated by it. The banks or trust companies shall 30568
furnish security for every deposit to the extent and in the manner 30569
provided in section 135.18 of the Revised Code, but no deposit 30570
shall otherwise be subject to sections 135.01 to 135.21 of the 30571
Revised Code. Funds deposited in a bank or trust company may be 30572
disbursed by the board of trustees for the uses and purposes of 30573
the district. 30574

(C) The board may provide for the investment of district 30575
funds. Investments may be made in securities of the United States 30576
government or of its agencies or instrumentalities, the treasurer 30577
of state's pooled investment program, obligations of this state or 30578

any political subdivision of this state, certificates of deposit 30579
of any national bank located in this state, written repurchase 30580
agreements with any eligible Ohio financial institution that is a 30581
member of the federal reserve system or federal home loan bank, 30582
money market funds, or bankers acceptances maturing in two hundred 30583
seventy days or less which are eligible for purchase by the 30584
federal reserve system, as a reserve. Notwithstanding the 30585
foregoing or any provision of the Revised Code to the contrary, 30586
the board of trustees of a technical college district may provide 30587
for the investment of district funds in any manner authorized 30588
under section 3345.05 of the Revised Code. 30589

Sec. 3357.13. As used in this section, "state institution of 30590
higher education" has the same meaning as in section 3345.011 of 30591
the Revised Code. 30592

A technical college regardless of its co-location with 30593
another state institution of higher education may offer any 30594
baccalaureate-oriented associate degree program, provided however 30595
that any new or expanded programs at co-located campuses must be 30596
approved by the chancellor of the Ohio board of regents. In 30597
reviewing such programs, the chancellor shall determine whether 30598
the proposed program would promote cooperation and collaboration 30599
between co-located institutions while minimizing duplication. 30600

Sec. 3358.06. (A) The treasurer of each state community 30601
college district shall be its fiscal officer, and the treasurer 30602
shall receive and disburse all funds under the direction of the 30603
college president. No contract of the college's board of trustees 30604
involving the expenditure of money shall become effective until 30605
the treasurer certifies that there are funds of the board 30606
otherwise uncommitted and sufficient to provide therefor. 30607

When the treasurer ceases to hold the office, the treasurer 30608

or the treasurer's legal representative shall deliver to the 30609
treasurer's successor or the president all moneys, books, papers, 30610
and other property of the college. 30611

Before entering upon the discharge of official duties, the 30612
treasurer shall give bond to the state for the faithful 30613
performance of official duties and the proper accounting for all 30614
moneys coming into the treasurer's care. The amount of the bond 30615
shall be determined by the board but shall not be for a sum less 30616
than the estimated amount that may come into the treasurer's 30617
control at any time. The bond shall be approved by the attorney 30618
general. 30619

(B) The board of trustees may provide for the investment of 30620
district funds. Investments may be made in securities of the 30621
United States government or of its agencies or instrumentalities, 30622
the treasurer of state's pooled investment program, obligations of 30623
this state or any political subdivision of this state, 30624
certificates of deposit of any national bank located in this 30625
state, written repurchase agreements with any eligible Ohio 30626
financial institution that is a member of the federal reserve 30627
system or federal home loan bank, money market funds, or bankers 30628
acceptances maturing in two hundred seventy days or less which are 30629
eligible for purchase by the federal reserve system, as a reserve. 30630
Notwithstanding the foregoing or any provision of the Revised Code 30631
to the contrary, the board of trustees of a state community 30632
college district may provide for the investment of district funds 30633
in any manner authorized under section 3345.05 of the Revised 30634
Code. 30635

Sec. 3365.01. As used in this chapter: 30636

(A) "College" means any state-assisted college or university 30637
described in section 3333.041 of the Revised Code, any nonprofit 30638
institution holding a certificate of authorization pursuant to 30639

Chapter 1713. of the Revised Code, any private institution exempt 30640
from regulation under Chapter 3332. of the Revised Code as 30641
prescribed in section 3333.046 of the Revised Code, and any 30642
institution holding a certificate of registration from the state 30643
board of career colleges and schools and program authorization for 30644
an associate or bachelor's degree program issued under section 30645
3332.05 of the Revised Code. 30646

(B) "School district," except as specified in division (G) of 30647
this section, means any school district to which a student is 30648
admitted under section 3313.64, 3313.65, 3313.98, or 3317.08 of 30649
the Revised Code and does not include a joint vocational or 30650
cooperative education school district. 30651

(C) "Parent" has the same meaning as in section 3313.64 of 30652
the Revised Code. 30653

(D) "Participant" means a student enrolled in a college under 30654
the post-secondary enrollment options program established by this 30655
chapter. 30656

(E) "Secondary grade" means the ninth through twelfth grades. 30657

(F) "School foundation payments" means the amount required to 30658
be paid to a school district for a fiscal year under Chapter 3317. 30659
of the Revised Code. 30660

(G) "Tuition base" means, with respect to a participant's 30661
school district, the ~~greater of the following:~~ 30662

~~(1) The fiscal year 2005 formula amount defined in section 30663
3317.02 of the Revised Code multiplied by the district's fiscal 30664
year 2005 cost of doing business factor defined in that section;~~ 30665

~~(2) The sum of (the current formula amount times the current 30666
cost of doing business factor defined in section 3317.02 of the 30667
Revised Code) plus the per pupil amount of the base funding 30668
supplements specified in divisions (C)(1) to (4) of section 30669~~

3317.012 of the Revised Code. 30670

The participant's "school district" in the case of a 30671
participant enrolled in a community school shall be the school 30672
district in which the student is entitled to attend school under 30673
section 3313.64 or 3313.65 of the Revised Code. 30674

(H) "Educational program" means enrollment in one or more 30675
school districts, in a nonpublic school, or in a college under 30676
division (B) of section 3365.04 of the Revised Code. 30677

(I) "Nonpublic school" means a chartered or nonchartered 30678
school for which minimum standards are prescribed by the state 30679
board of education pursuant to division (D) of section 3301.07 of 30680
the Revised Code. 30681

(J) "School year" means the year beginning on the first day 30682
of July and ending on the thirtieth day of June. 30683

(K) "Community school" means any school established pursuant 30684
to Chapter 3314. of the Revised Code that includes secondary 30685
grades. 30686

(L) "Community school payments" means payments made by the 30687
department of education to a community school pursuant to division 30688
(D) of section 3314.08 of the Revised Code. 30689

Sec. 3381.04. (A) In lieu of the procedure set forth in 30690
section 3381.03 of the Revised Code, any county with a population 30691
of five hundred thousand or more, at any time before the creation 30692
of a regional arts and cultural district under that section, may 30693
create a regional arts and cultural district by adoption of a 30694
resolution by the board of county commissioners of that county. 30695
The resolution shall state all of the following: 30696

(1) The purposes for the creation of the district; 30697

(2) That the territory of the district shall be coextensive 30698
with the territory of the county; 30699

(3) The official name by which the district shall be known; 30700

(4) The location of the principal office of the district or 30701
the manner in which the location shall be selected. 30702

(B) The district provided for in the resolution shall be 30703
created upon the adoption of the resolution by the board of county 30704
commissioners of that county. Upon the adoption of the resolution, 30705
the county and the municipal corporations and townships contained 30706
in the county shall not thereafter be a part of any other regional 30707
arts and cultural district. 30708

(C) The board of trustees of any regional arts and cultural 30709
district formed in accordance with this section shall be comprised 30710
of ~~three~~ five members appointed by the board of county 30711
commissioners. 30712

Sec. 3501.01. As used in the sections of the Revised Code 30713
relating to elections and political communications: 30714

(A) "General election" means the election held on the first 30715
Tuesday after the first Monday in each November. 30716

(B) "Regular municipal election" means the election held on 30717
the first Tuesday after the first Monday in November in each 30718
odd-numbered year. 30719

(C) "Regular state election" means the election held on the 30720
first Tuesday after the first Monday in November in each 30721
even-numbered year. 30722

(D) "Special election" means any election other than those 30723
elections defined in other divisions of this section. A special 30724
election may be held only on the first Tuesday after the first 30725
Monday in February, May, August, or November, or on the day 30726
authorized by a particular municipal or county charter for the 30727
holding of a primary election, except that in any year in which a 30728
presidential primary election is held, no special election shall 30729

be held in February or May, except as authorized by a municipal or 30730
county charter, but may be held on the first Tuesday after the 30731
first Monday in March. 30732

(E)(1) "Primary" or "primary election" means an election held 30733
for the purpose of nominating persons as candidates of political 30734
parties for election to offices, and for the purpose of electing 30735
persons as members of the controlling committees of political 30736
parties and as delegates and alternates to the conventions of 30737
political parties. Primary elections shall be held on the first 30738
Tuesday after the first Monday in May of each year except in years 30739
in which a presidential primary election is held. 30740

(2) "Presidential primary election" means a primary election 30741
as defined by division (E)(1) of this section at which an election 30742
is held for the purpose of choosing delegates and alternates to 30743
the national conventions of the major political parties pursuant 30744
to section 3513.12 of the Revised Code. Unless otherwise 30745
specified, presidential primary elections are included in 30746
references to primary elections. In years in which a presidential 30747
primary election is held, all primary elections shall be held on 30748
the first Tuesday after the first Monday in March except as 30749
otherwise authorized by a municipal or county charter. 30750

(F) "Political party" means any group of voters meeting the 30751
requirements set forth in section 3517.01 of the Revised Code for 30752
the formation and existence of a political party. 30753

(1) "Major political party" means any political party 30754
organized under the laws of this state whose candidate for 30755
governor or nominees for presidential electors received no less 30756
than twenty per cent of the total vote cast for such office at the 30757
most recent regular state election. 30758

(2) "Intermediate political party" means any political party 30759
organized under the laws of this state whose candidate for 30760

governor or nominees for presidential electors received less than 30761
twenty per cent but not less than ten per cent of the total vote 30762
cast for such office at the most recent regular state election. 30763

(3) "Minor political party" means any political party 30764
organized under the laws of this state whose candidate for 30765
governor or nominees for presidential electors received less than 30766
ten per cent but not less than five per cent of the total vote 30767
cast for such office at the most recent regular state election or 30768
which has filed with the secretary of state, subsequent to any 30769
election in which it received less than five per cent of such 30770
vote, a petition signed by qualified electors equal in number to 30771
at least one per cent of the total vote cast for such office in 30772
the last preceding regular state election, except that a newly 30773
formed political party shall be known as a minor political party 30774
until the time of the first election for governor or president 30775
which occurs not less than twelve months subsequent to the 30776
formation of such party, after which election the status of such 30777
party shall be determined by the vote for the office of governor 30778
or president. 30779

(G) "Dominant party in a precinct" or "dominant political 30780
party in a precinct" means that political party whose candidate 30781
for election to the office of governor at the most recent regular 30782
state election at which a governor was elected received more votes 30783
than any other person received for election to that office in such 30784
precinct at such election. 30785

(H) "Candidate" means any qualified person certified in 30786
accordance with the provisions of the Revised Code for placement 30787
on the official ballot of a primary, general, or special election 30788
to be held in this state, or any qualified person who claims to be 30789
a write-in candidate, or who knowingly assents to being 30790
represented as a write-in candidate by another at either a 30791
primary, general, or special election to be held in this state. 30792

(I) "Independent candidate" means any candidate who claims not to be affiliated with a political party, and whose name has been certified on the office-type ballot at a general or special election through the filing of a statement of candidacy and nominating petition, as prescribed in section 3513.257 of the Revised Code.

(J) "Nonpartisan candidate" means any candidate whose name is required, pursuant to section 3505.04 of the Revised Code, to be listed on the nonpartisan ballot, including all candidates for judicial office, for member of any board of education, for municipal or township offices in which primary elections are not held for nominating candidates by political parties, and for offices of municipal corporations having charters that provide for separate ballots for elections for these offices.

(K) "Party candidate" means any candidate who claims to be a member of a political party, whose name has been certified on the office-type ballot at a general or special election through the filing of a declaration of candidacy and petition of candidate, and who has won the primary election of the candidate's party for the public office the candidate seeks or is selected by party committee in accordance with section 3513.31 of the Revised Code.

(L) "Officer of a political party" includes, but is not limited to, any member, elected or appointed, of a controlling committee, whether representing the territory of the state, a district therein, a county, township, a city, a ward, a precinct, or other territory, of a major, intermediate, or minor political party.

(M) "Question or issue" means any question or issue certified in accordance with the Revised Code for placement on an official ballot at a general or special election to be held in this state.

(N) "Elector" or "qualified elector" means a person having

the qualifications provided by law to be entitled to vote.	30824
(O) "Voter" means an elector who votes at an election.	30825
(P) "Voting residence" means that place of residence of an elector which shall determine the precinct in which the elector may vote.	30826 30827 30828
(Q) "Precinct" means a district within a county established by the board of elections of such county within which all qualified electors having a voting residence therein may vote at the same polling place.	30829 30830 30831 30832
(R) "Polling place" means that place provided for each precinct at which the electors having a voting residence in such precinct may vote.	30833 30834 30835
(S) "Board" or "board of elections" means the board of elections appointed in a county pursuant to section 3501.06 of the Revised Code.	30836 30837 30838
(T) "Political subdivision" means a county, township, city, village, or school district.	30839 30840
(U) "Election officer" or "election official" means any of the following:	30841 30842
(1) Secretary of state;	30843
(2) Employees of the secretary of state serving the division of elections in the capacity of attorney, administrative officer, administrative assistant, elections administrator, office manager, or clerical supervisor;	30844 30845 30846 30847
(3) Director of a board of elections;	30848
(4) Deputy director of a board of elections;	30849
(5) Member of a board of elections;	30850
(6) Employees of a board of elections;	30851
(7) Precinct polling place judges and clerks ;	30852

(8) Employees appointed by the boards of elections on a 30853
temporary or part-time basis. 30854

(V) "Acknowledgment notice" means a notice sent by a board of 30855
elections, on a form prescribed by the secretary of state, 30856
informing a voter registration applicant or an applicant who 30857
wishes to change the applicant's residence or name of the status 30858
of the application; the information necessary to complete or 30859
update the application, if any; and if the application is 30860
complete, the precinct in which the applicant is to vote. 30861

(W) "Confirmation notice" means a notice sent by a board of 30862
elections, on a form prescribed by the secretary of state, to a 30863
registered elector to confirm the registered elector's current 30864
address. 30865

(X) "Designated agency" means an office or agency in the 30866
state that provides public assistance or that provides 30867
state-funded programs primarily engaged in providing services to 30868
persons with disabilities and that is required by the National 30869
Voter Registration Act of 1993 to implement a program designed and 30870
administered by the secretary of state for registering voters, or 30871
any other public or government office or agency that implements a 30872
program designed and administered by the secretary of state for 30873
registering voters, including the department of job and family 30874
services, the program administered under section 3701.132 of the 30875
Revised Code by the department of health, the department of mental 30876
health, the department of mental retardation and developmental 30877
disabilities, the rehabilitation services commission, and any 30878
other agency the secretary of state designates. "Designated 30879
agency" does not include public high schools and vocational 30880
schools, public libraries, or the office of a county treasurer. 30881

(Y) "National Voter Registration Act of 1993" means the 30882
"National Voter Registration Act of 1993," 107 Stat. 77, 42 30883
U.S.C.A. 1973gg. 30884

(Z) "Voting Rights Act of 1965" means the "Voting Rights Act of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended. 30885
30886

(AA) "Photo identification" means a document that meets each of the following requirements: 30887
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(1) It shows the name of the individual to whom it was issued, which shall conform to the name in the poll list or signature pollbook. 30889
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30891

(2) It shows the current address of the individual to whom it was issued, which shall conform to the address in the poll list or signature pollbook, except for a driver's license or a state identification card issued under section 4507.50 of the Revised Code, which may show either the current or former address of the individual to whom it was issued, regardless of whether that address conforms to the address in the poll list or signature pollbook. 30892
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(3) It shows a photograph of the individual to whom it was issued. 30900
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(4) It includes an expiration date that has not passed. 30902

(5) It was issued by the government of the United States or this state. 30903
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Sec. 3501.05. The secretary of state shall do all of the following: 30905
30906

(A) Appoint all members of boards of elections; 30907

(B) Issue instructions by directives and advisories to members of the boards as to the proper methods of conducting elections. In addition to any other publication of those directives and advisories, the secretary of state shall publish those directives and advisories on a web site of the office of the secretary of state as soon as is practicable after they are issued, but not later than the close of business on the same day 30908
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as a directive or advisory is issued. The secretary of state shall 30915
not remove from the web site any directives and advisories so 30916
posted. The secretary of state shall provide on that web site 30917
access to all directives and advisories currently in effect and ~~to~~ 30918
maintain an archive of all directives and advisories previously 30919
published on that web site. 30920

(C) Prepare rules and instructions for the conduct of 30921
elections; 30922

(D) Publish and furnish to the boards from time to time a 30923
sufficient number of indexed copies of all election laws then in 30924
force; 30925

(E) Edit and issue all pamphlets concerning proposed laws or 30926
amendments required by law to be submitted to the voters; 30927

(F) Prescribe the form of registration cards, blanks, and 30928
records; 30929

(G) Determine and prescribe the forms of ballots and the 30930
forms of all blanks, cards of instructions, pollbooks, tally 30931
sheets, certificates of election, and forms and blanks required by 30932
law for use by candidates, committees, and boards; 30933

(H) Prepare the ballot title or statement to be placed on the 30934
ballot for any proposed law or amendment to the constitution to be 30935
submitted to the voters of the state; 30936

(I) Except as otherwise provided in section 3519.08 of the 30937
Revised Code, certify to the several boards the forms of ballots 30938
and names of candidates for state offices, and the form and 30939
wording of state referendum questions and issues, as they shall 30940
appear on the ballot; 30941

(J) Except as otherwise provided in division (I)(2)(b) of 30942
section 3501.38 of the Revised Code, give final approval to ballot 30943
language for any local question or issue approved and transmitted 30944

by boards of elections under section 3501.11 of the Revised Code; 30945

(K) Receive all initiative and referendum petitions on state 30946
questions and issues and determine and certify to the sufficiency 30947
of those petitions; 30948

(L) Require such reports from the several boards as are 30949
provided by law, or as the secretary of state considers necessary; 30950

(M) Compel the observance by election officers in the several 30951
counties of the requirements of the election laws; 30952

(N)(1) Except as otherwise provided in division (N)(2) of 30953
this section, investigate the administration of election laws, 30954
frauds, and irregularities in elections in any county, and report 30955
violations of election laws to the attorney general or prosecuting 30956
attorney, or both, for prosecution; 30957

(2) On and after August 24, 1995, report a failure to comply 30958
with or a violation of a provision in sections 3517.08 to 3517.13, 30959
3517.17, 3517.18, 3517.20 to 3517.22, 3599.03, or 3599.031 of the 30960
Revised Code, whenever the secretary of state has or should have 30961
knowledge of a failure to comply with or a violation of a 30962
provision in one of those sections, by filing a complaint with the 30963
Ohio elections commission under section 3517.153 of the Revised 30964
Code; 30965

(O) Make an annual report to the governor containing the 30966
results of elections, the cost of elections in the various 30967
counties, a tabulation of the votes in the several political 30968
subdivisions, and other information and recommendations relative 30969
to elections the secretary of state considers desirable; 30970

(P) Prescribe and distribute to boards of elections a list of 30971
instructions indicating all legal steps necessary to petition 30972
successfully for local option elections under sections 4301.32 to 30973
4301.41, 4303.29, 4305.14, and 4305.15 of the Revised Code; 30974

(Q) Adopt rules pursuant to Chapter 119. of the Revised Code 30975
~~to require each board for the removal by boards~~ of elections ~~to~~ 30976
~~remove of~~ ineligible voters from the statewide voter registration 30977
database and, if ~~already prepared for a particular election~~ 30978
applicable, from the poll list or signature pollbook used in each 30979
precinct, which rules shall provide for all of the following: 30980

(1) A process for the removal of voters who have changed 30981
residence, which shall be uniform, nondiscriminatory, and in 30982
compliance with the Voting Rights Act of 1965 and the National 30983
Voter Registration Act of 1993, including a program that uses the 30984
national change of address service provided by the United States 30985
postal system through its licensees; 30986

(2) A process for the removal of ineligible voters under 30987
section 3503.21 of the Revised Code; 30988

(3) A uniform system for marking or removing the name of ~~an~~ 30989
~~ineligible a voter who is ineligible to vote~~ from the statewide 30990
voter registration database and, if ~~already prepared for a~~ 30991
~~particular election applicable~~, from the poll list or signature 30992
pollbook used in each precinct and noting the reason for that mark 30993
or removal. 30994

(R) Prescribe a general program for registering voters or 30995
updating voter registration information, such as name and 30996
residence changes, at designated agencies, the offices of deputy 30997
registrars of motor vehicles, public high schools and vocational 30998
schools, public libraries, and the offices of county treasurers, 30999
and prescribe a program of distribution of voter registration 31000
forms through those agencies, the offices of the registrar and 31001
deputy registrars of motor vehicles, public high schools and 31002
vocational schools, public libraries, and the offices of county 31003
treasurers; 31004

(S) To the extent feasible, provide copies, at no cost and 31005

upon request, of the voter registration form in post offices in 31006
this state; 31007

(T) Adopt rules pursuant to section 111.15 of the Revised 31008
Code for the purpose of implementing the program for registering 31009
voters at designated agencies and the offices of the registrar and 31010
deputy registrars of motor vehicles consistent with this chapter; 31011

(U) Establish the full-time position of Americans with 31012
Disabilities Act coordinator within the office of the secretary of 31013
state to do all of the following: 31014

(1) Assist the secretary of state with ensuring that there is 31015
equal access to polling places for persons with disabilities; 31016

(2) Assist the secretary of state with ensuring that each 31017
voter may cast the voter's ballot in a manner that provides the 31018
same opportunity for access and participation, including privacy 31019
and independence, as for other voters; 31020

(3) Advise the secretary of state in the development of 31021
standards for the certification of voting machines, marking 31022
devices, and automatic tabulating equipment. 31023

(V) Establish and maintain a computerized statewide database 31024
of all legally registered voters under section 3503.15 of the 31025
Revised Code that complies with the requirements of the "Help 31026
America Vote Act of 2002," Pub. L. No. 107-252, 116 Stat. 1666, 31027
and provide training in the operation of that system; 31028

(W) Ensure that all directives, advisories, other 31029
instructions, or decisions issued or made during or as a result of 31030
any conference or teleconference call with a board of elections to 31031
discuss the proper methods and procedures for conducting 31032
elections, to answer questions regarding elections, or to discuss 31033
the interpretation of directives, advisories, or other 31034
instructions issued by the secretary of state are posted on a web 31035
site of the office of the secretary of state as soon as is 31036

practicable after the completion of the conference or 31037
teleconference call, but not later than the close of business on 31038
the same day as the conference or teleconference call takes place. 31039

(X) Publish a report on a web site of the office of the 31040
secretary of state not later than one month after the completion 31041
of the canvass of the election returns for each primary and 31042
general election, identifying, by county, the number of absent 31043
voter's ballots cast and the number of those ballots that were 31044
counted, and the number of provisional ballots cast and the number 31045
of those ballots that were counted, for that election. The 31046
secretary of state shall maintain the information on the web site 31047
in an archive format for each subsequent election. 31048

(Y) Conduct voter education outlining voter identification, 31049
absent voters ballot, provisional ballot, and other voting 31050
requirements; 31051

(Z) Establish a procedure by which a registered elector may 31052
~~update the elector's~~ make available to a board of elections a more 31053
recent signature to be used in the poll list or signature pollbook 31054
produced by the board of elections of the county in which the 31055
elector resides; 31056

(AA) Disseminate information, which may include all or part 31057
of the official explanations and arguments, by means of direct 31058
mail or other written publication, broadcast, or other means or 31059
combination of means, as directed by the Ohio ballot board under 31060
division (F) of section 3505.062 of the Revised Code, in order to 31061
inform the voters as fully as possible concerning each proposed 31062
constitutional amendment, proposed law, or referendum; 31063

(BB) Perform other duties required by law. 31064

Whenever a primary election is held under section 3513.32 of 31065
the Revised Code or a special election is held under section 31066
3521.03 of the Revised Code to fill a vacancy in the office of 31067

representative to congress, the secretary of state shall establish 31068
a deadline, notwithstanding any other deadline required under the 31069
Revised Code, by which any or all of the following shall occur: 31070
the filing of a declaration of candidacy and petitions or a 31071
statement of candidacy and nominating petition together with the 31072
applicable filing fee; the filing of protests against the 31073
candidacy of any person filing a declaration of candidacy or 31074
nominating petition; the filing of a declaration of intent to be a 31075
write-in candidate; the filing of campaign finance reports; the 31076
preparation of, and the making of corrections or challenges to, 31077
precinct voter registration lists; the receipt of applications for 31078
absent voter's ballots or armed service absent voter's ballots; 31079
the supplying of election materials to precincts by boards of 31080
elections; the holding of hearings by boards of elections to 31081
consider challenges to the right of a person to appear on a voter 31082
registration list; and the scheduling of programs to instruct or 31083
reinstruct election officers. 31084

In the performance of the secretary of state's duties as the 31085
chief election officer, the secretary of state may administer 31086
oaths, issue subpoenas, summon witnesses, compel the production of 31087
books, papers, records, and other evidence, and fix the time and 31088
place for hearing any matters relating to the administration and 31089
enforcement of the election laws. 31090

In any controversy involving or arising out of the adoption 31091
of registration or the appropriation of funds for registration, 31092
the secretary of state may, through the attorney general, bring an 31093
action in the name of the state in the court of common pleas of 31094
the county where the cause of action arose or in an adjoining 31095
county, to adjudicate the question. 31096

In any action involving the laws in Title XXXV of the Revised 31097
Code wherein the interpretation of those laws is in issue in such 31098
a manner that the result of the action will affect the lawful 31099

duties of the secretary of state or of any board of elections, the 31100
secretary of state may, on the secretary of state's motion, be 31101
made a party. 31102

The secretary of state may apply to any court that is hearing 31103
a case in which the secretary of state is a party, for a change of 31104
venue as a substantive right, and the change of venue shall be 31105
allowed, and the case removed to the court of common pleas of an 31106
adjoining county named in the application or, if there are cases 31107
pending in more than one jurisdiction that involve the same or 31108
similar issues, the court of common pleas of Franklin county. 31109

Public high schools and vocational schools, public libraries, 31110
and the office of a county treasurer shall implement voter 31111
registration programs as directed by the secretary of state 31112
pursuant to this section. 31113

Sec. 3501.11. Each board of elections shall exercise by a 31114
majority vote all powers granted to the board by Title XXXV of the 31115
Revised Code, shall perform all the duties imposed by law, and 31116
shall do all of the following: 31117

(A) Establish, define, provide, rearrange, and combine 31118
election precincts; 31119

(B) Fix and provide the places for registration and for 31120
holding primaries and elections; 31121

(C) Provide for the purchase, preservation, and maintenance 31122
of booths, ballot boxes, books, maps, flags, blanks, cards of 31123
instructions, and other forms, papers, and equipment used in 31124
registration, nominations, and elections; 31125

(D) Appoint and remove its director, deputy director, and 31126
employees and all registrars, judges, and other officers of 31127
elections, fill vacancies, and designate the ward or district and 31128
precinct in which each shall serve; 31129

(E) Make and issue rules and instructions, not inconsistent with law or the rules, directives, or advisories issued by the secretary of state, as it considers necessary for the guidance of election officers and voters; 31130
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(F) Advertise and contract for the printing of all ballots and other supplies used in registrations and elections; 31134
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(G) Provide for the issuance of all notices, advertisements, and publications concerning elections, except as otherwise provided in division (G) of section 3501.17 and divisions (F) and (G) of section 3505.062 of the Revised Code; 31136
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(H) Provide for the delivery of ballots, pollbooks, and other required papers and material to the polling places; 31140
31141

(I) Cause the polling places to be suitably provided with voting machines, marking devices, automatic tabulating equipment, stalls, and other required supplies. In fulfilling this duty, each board of a county that uses voting machines, marking devices, or automatic tabulating equipment shall conduct a full vote of the board during a public session of the board on the allocation and distribution of voting machines, marking devices, and automatic tabulating equipment for each precinct in the county. 31142
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(J) Investigate irregularities, nonperformance of duties, or violations of Title XXXV of the Revised Code by election officers and other persons; administer oaths, issue subpoenas, summon witnesses, and compel the production of books, papers, records, and other evidence in connection with any such investigation; and report the facts to the prosecuting attorney or the secretary of state; 31150
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(K) Review, examine, and certify the sufficiency and validity of petitions and nomination papers, and, after certification, return to the secretary of state all petitions and nomination papers that the secretary of state forwarded to the board; 31157
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(L) Receive the returns of elections, canvass the returns,	31161
make abstracts of them, and transmit those abstracts to the proper	31162
authorities;	31163
(M) Issue certificates of election on forms to be prescribed	31164
by the secretary of state;	31165
(N) Make an annual report to the secretary of state, on the	31166
form prescribed by the secretary of state, containing a statement	31167
of the number of voters registered, elections held, votes cast,	31168
appropriations received, expenditures made, and other data	31169
required by the secretary of state;	31170
(O) Prepare and submit to the proper appropriating officer a	31171
budget estimating the cost of elections for the ensuing fiscal	31172
year;	31173
(P) Perform other duties as prescribed by law or the rules,	31174
directives, or advisories of the secretary of state;	31175
(Q) Investigate and determine the residence qualifications of	31176
electors;	31177
(R) Administer oaths in matters pertaining to the	31178
administration of the election laws;	31179
(S) Prepare and submit to the secretary of state, whenever	31180
the secretary of state requires, a report containing the names and	31181
residence addresses of all incumbent county, municipal, township,	31182
and board of education officials serving in their respective	31183
counties;	31184
(T) Establish and maintain a voter registration <u>database</u> of	31185
all qualified electors in the county who offer to register;	31186
(U) Maintain voter registration records, make reports	31187
concerning voter registration as required by the secretary of	31188
state, and remove ineligible electors from voter registration	31189
lists in accordance with law and directives of the secretary of	31190

state; 31191

(V) Give approval to ballot language for any local question 31192
or issue and transmit the language to the secretary of state for 31193
the secretary of state's final approval; 31194

(W) Prepare and cause the following notice to be displayed in 31195
a prominent location in every polling place: 31196

"NOTICE 31197

Ohio law prohibits any person from voting or attempting to 31198
vote more than once at the same election. 31199

Violators are guilty of a felony of the fourth degree and 31200
shall be imprisoned and additionally may be fined in accordance 31201
with law." 31202

(X) In all cases of a tie vote or a disagreement in the 31203
board, if no decision can be arrived at, the director or 31204
chairperson shall submit the matter in controversy, not later than 31205
fourteen days after the tie vote or the disagreement, to the 31206
secretary of state, who shall summarily decide the question, and 31207
the secretary of state's decision shall be final. 31208

(Y) Assist each designated agency, deputy registrar of motor 31209
vehicles, public high school and vocational school, public 31210
library, and office of a county treasurer in the implementation of 31211
a program for registering voters at all voter registration 31212
locations as prescribed by the secretary of state. Under this 31213
program, each board of elections shall direct to the appropriate 31214
board of elections any voter registration applications for persons 31215
residing outside the county where the board is located within five 31216
days after receiving the applications. 31217

(Z) On any day on which an elector may vote in person at the 31218
office of the board or at another site designated by the board, 31219
consider the board or other designated site a polling place for 31220
that day. All requirements or prohibitions of law that apply to a 31221

polling place shall apply to the office of the board or other 31222
designated site on that day. 31223

Sec. 3501.17. (A) The expenses of the board of elections 31224
shall be paid from the county treasury, in pursuance of 31225
appropriations by the board of county commissioners, in the same 31226
manner as other county expenses are paid. If the board of county 31227
commissioners fails to appropriate an amount sufficient to provide 31228
for the necessary and proper expenses of the board of elections 31229
pertaining to the conduct of elections, the board of elections may 31230
apply to the court of common pleas within the county, which shall 31231
fix the amount necessary to be appropriated and the amount shall 31232
be appropriated. Payments shall be made upon vouchers of the board 31233
of elections certified to by its chairperson or acting chairperson 31234
and the director or deputy director, upon warrants of the county 31235
auditor. 31236

The board of elections shall not incur any obligation 31237
involving the expenditure of money unless there are moneys 31238
sufficient in the funds appropriated therefor to meet the 31239
obligation. If the board of elections requests a transfer of funds 31240
from one of its appropriation items to another, the board of 31241
county commissioners shall adopt a resolution providing for the 31242
transfer except as otherwise provided in section 5705.40 of the 31243
Revised Code. The expenses of the board of elections shall be 31244
apportioned among the county and the various subdivisions as 31245
provided in this section, and the amount chargeable to each 31246
subdivision shall be withheld by the auditor from the moneys 31247
payable thereto at the time of the next tax settlement. At the 31248
time of submitting budget estimates in each year, the board of 31249
elections shall submit to the taxing authority of each 31250
subdivision, upon the request of the subdivision, an estimate of 31251
the amount to be withheld from the subdivision during the next 31252
fiscal year. 31253

(B) Except as otherwise provided in division (F) of this section, the ~~entire~~ compensation of the members of the board of elections and of the director, deputy director, and ~~other~~ regular employees in the board's offices, other than compensation for overtime worked; the expenditures for the rental, furnishing, and equipping of the office of the board and for the necessary office supplies for the use of the board; the expenditures for the acquisition, repair, care, and custody of the polling places, booths, guardrails, and other equipment for polling places; the cost of ~~pollbooks~~, tally sheets, maps, flags, ballot boxes, and all other permanent records and equipment; the cost of all elections held in and for the state and county; and all other expenses of the board which are not chargeable to a political subdivision in accordance with this section shall be paid in the same manner as other county expenses are paid.

(C) The compensation of judges ~~and clerks~~ of elections and intermittent employees in the board's offices; the cost of renting, moving, heating, and lighting polling places and of placing and removing ballot boxes and other fixtures and equipment thereof, including voting machines, marking devices, and automatic tabulating equipment; the cost of printing and delivering ballots, cards of instructions, registration lists required under section 3503.23 of the Revised Code, and other election supplies, including the supplies required to comply with division (H) of section 3506.01 of the Revised Code; the cost of contractors engaged by the board to prepare, program, test, and operate voting machines, marking devices, and automatic tabulating equipment; and all other expenses of conducting primaries and elections in the odd-numbered years shall be charged to the subdivisions in and for which such primaries or elections are held. The charge for each primary or general election in odd-numbered years for each subdivision shall be determined in the following manner: first, the total cost of all chargeable items used in conducting such

elections shall be ascertained; second, the total charge shall be 31287
divided by the number of precincts participating in such election, 31288
in order to fix the cost per precinct; third, the cost per 31289
precinct shall be prorated by the board of elections to the 31290
subdivisions conducting elections for the nomination or election 31291
of offices in such precinct; fourth, the total cost for each 31292
subdivision shall be determined by adding the charges prorated to 31293
it in each precinct within the subdivision. 31294

(D) The entire cost of special elections held on a day other 31295
than the day of a primary or general election, both in 31296
odd-numbered or in even-numbered years, shall be charged to the 31297
subdivision. Where a special election is held on the same day as a 31298
primary or general election in an even-numbered year, the 31299
subdivision submitting the special election shall be charged only 31300
for the cost of ballots and advertising. Where a special election 31301
is held on the same day as a primary or general election in an 31302
odd-numbered year, the subdivision submitting the special election 31303
shall be charged for the cost of ballots and advertising for such 31304
special election, in addition to the charges prorated to such 31305
subdivision for the election or nomination of candidates in each 31306
precinct within the subdivision, as set forth in the preceding 31307
paragraph. 31308

(E) Where a special election is held on the day specified by 31309
division (E) of section 3501.01 of the Revised Code for the 31310
holding of a primary election, for the purpose of submitting to 31311
the voters of the state constitutional amendments proposed by the 31312
general assembly, and a subdivision conducts a special election on 31313
the same day, the entire cost of the special election shall be 31314
divided proportionally between the state and the subdivision based 31315
upon a ratio determined by the number of issues placed on the 31316
ballot by each, except as otherwise provided in division (G) of 31317
this section. Such proportional division of cost shall be made 31318

only to the extent funds are available for such purpose from 31319
amounts appropriated by the general assembly to the secretary of 31320
state. If a primary election is also being conducted in the 31321
subdivision, the costs shall be apportioned as otherwise provided 31322
in this section. 31323

(F) When a precinct is open during a general, primary, or 31324
special election solely for the purpose of submitting to the 31325
voters a statewide ballot issue, the state shall bear the entire 31326
cost of the election in that precinct and shall reimburse the 31327
county for all expenses incurred in opening the precinct. 31328

(G) The state shall bear the entire cost of advertising in 31329
newspapers statewide ballot issues, explanations of those issues, 31330
and arguments for or against those issues, as required by Section 31331
1g of Article II and Section 1 of Article XVI, Ohio Constitution, 31332
and any other section of law ~~and~~. The Ohio ballot board shall 31333
reimburse the ~~counties~~ secretary of state for all expenses ~~they~~ 31334
~~incur~~ the secretary of state incurs for such advertising under 31335
division (G) of section 3505.062 of the Revised Code. 31336

(H) The cost of renting, heating, and lighting registration 31337
places; the cost of the necessary books, forms, and supplies for 31338
the conduct of registration; and the cost of printing and posting 31339
precinct registration lists shall be charged to the subdivision in 31340
which such registration is held. 31341

(I) At the request of a majority of the members of the board 31342
of elections, the board of county commissioners may, by 31343
resolution, establish an elections revenue fund. Except as 31344
otherwise provided in this division, the purpose of the fund shall 31345
be to accumulate revenue withheld by or paid to the county under 31346
this section for the payment of any expense related to the duties 31347
of the board of elections specified in section 3501.11 of the 31348
Revised Code, upon approval of a majority of the members of the 31349
board of elections. The fund shall not accumulate any revenue 31350

withheld by or paid to the county under this section for the 31351
compensation of the members of the board of elections or of the 31352
director, deputy director, or other regular employees in the 31353
board's offices, other than compensation for overtime worked. 31354

Notwithstanding sections 5705.14, 5705.15, and 5705.16 of the 31355
Revised Code, the board of county commissioners may, by 31356
resolution, transfer money to the elections revenue fund from any 31357
other fund of the political subdivision from which such payments 31358
lawfully may be made. Following an affirmative vote of a majority 31359
of the members of the board of elections, the board of county 31360
commissioners may, by resolution, rescind an elections revenue 31361
fund established under this division. If an elections revenue fund 31362
is rescinded, money that has accumulated in the fund shall be 31363
transferred to the county general fund. 31364

(J) As used in this section, ~~"statewide:~~ 31365

(1) "Political subdivision" and "subdivision" mean any board 31366
of county commissioners, board of township trustees, legislative 31367
authority of a municipal corporation, board of education, or any 31368
other board, commission, district, or authority that is empowered 31369
to levy taxes or permitted to receive the proceeds of a tax levy, 31370
regardless of whether the entity receives tax settlement moneys as 31371
described in division (A) of this section; 31372

(2) "Statewide ballot issue" means any ballot issue, whether 31373
proposed by the general assembly or by initiative or referendum, 31374
that is submitted to the voters throughout the state. 31375

Sec. 3501.31. The board of elections shall mail to each 31376
precinct election official notice of the date, hours, and place of 31377
holding each election in the official's respective precinct at 31378
which it desires the official to serve. Each of such officials 31379
shall notify the board immediately upon receipt of such notice of 31380
any inability to serve. 31381

The election official designated as presiding judge under 31382
section 3501.22 of the Revised Code shall call at the office of 31383
the board at such time before the day of the election, not earlier 31384
than the tenth day before the day of the election, as the board 31385
designates to obtain the ballots, pollbooks, registration forms 31386
and lists, and other material to be used in the official's polling 31387
place on election day. 31388

The board may also provide for the delivery of such materials 31389
to polling places in a municipal corporation by members of the 31390
police department of such municipal corporation; or the board may 31391
provide for the delivery of such materials to the presiding judge 31392
not earlier than the tenth day before the election, in any manner 31393
it finds to be advisable. 31394

On election day the precinct election officials shall 31395
punctually attend the polling place one-half hour before the time 31396
fixed for opening the polls. Each of the precinct election 31397
officials shall thereupon make and subscribe to a statement which 31398
shall be as follows: 31399

"State of Ohio 31400
County of 31401

I do solemnly swear under the penalty of perjury that I will 31402
support the constitution of the United States of America and the 31403
constitution of the state of Ohio and its laws; that I have not 31404
been convicted of a felony or any violation of the election laws; 31405
that I will discharge to the best of my ability the duties of 31406
~~..... (judge or clerk)~~ judge 31407
of election in and for precinct in the 31408
..... (township) or (ward and city or village) 31409
..... in the county of, in the 31410
election to be held on the day of, 31411
....., as required by law and the rules and instructions of the 31412

board of elections of said county; and that I will endeavor to 31413
prevent fraud in such election, and will report immediately to 31414
said board any violations of the election laws which come to my 31415
attention, and will not disclose any information as to how any 31416
elector voted which is gained by me in the discharge of my 31417
official duties. 31418

..... 31419
..... 31420
..... 31421
..... 31422
..... 31423
..... 31424

(Signatures of precinct election officials)" 31425

If any of the other precinct officials is absent at that 31426
time, the presiding judge, with the concurrence of a majority of 31427
the precinct election officials present, shall appoint a qualified 31428
elector who is a member of the same political party as the 31429
political party of which such absent precinct election official is 31430
a member to fill the vacancy until the board appoints a person to 31431
fill such vacancy and the person so appointed reports for duty at 31432
the polling place. The presiding judge shall promptly notify the 31433
board of such vacancy by telephone or otherwise. The presiding 31434
judge also shall assign the precinct election officials to their 31435
respective duties and shall have general charge of the polling 31436
place. 31437

Sec. 3505.062. The Ohio ballot board shall do all of the 31438
following: 31439

(A) Examine, within ten days after its receipt, each written 31440
initiative petition received from the attorney general under 31441
section 3519.01 of the Revised Code to determine whether it 31442

contains only one proposed law or constitutional amendment so as 31443
to enable the voters to vote on a proposal separately. If the 31444
board so determines, it shall certify its approval to the attorney 31445
general, who then shall file with the secretary of state in 31446
accordance with division (A) of section 3519.01 of the Revised 31447
Code a verified copy of the proposed law or constitutional 31448
amendment together with its summary and the attorney general's 31449
certification of it. 31450

If the board determines that the initiative petition contains 31451
more than one proposed law or constitutional amendment, the board 31452
shall divide the initiative petition into individual petitions 31453
containing only one proposed law or constitutional amendment so as 31454
to enable the voters to vote on each proposal separately and 31455
certify its approval to the attorney general. If the board so 31456
divides an initiative petition and so certifies its approval to 31457
the attorney general, the petitioners shall resubmit to the 31458
attorney general appropriate summaries for each of the individual 31459
petitions arising from the board's division of the initiative 31460
petition, and the attorney general then shall review the 31461
resubmissions as provided in division (A) of section 3519.01 of 31462
the Revised Code. 31463

(B) Prescribe the ballot language for constitutional 31464
amendments proposed by the general assembly to be printed on the 31465
questions and issues ballot, which language shall properly 31466
identify the substance of the proposal to be voted upon; 31467

(C) Prepare an explanation of each constitutional amendment 31468
proposed by the general assembly, which explanation may include 31469
the purpose and effects of the proposed amendment; 31470

(D) Certify the ballot language and explanation, if any, to 31471
the secretary of state no later than seventy-five days before the 31472
election at which the proposed question or issue is to be 31473
submitted to the voters; 31474

(E) Prepare, or designate a group of persons to prepare, arguments in support of or in opposition to a constitutional amendment proposed by a resolution of the general assembly, a constitutional amendment or state law proposed by initiative petition, or a state law, or section or item of state law, subject to a referendum petition, if the persons otherwise responsible for the preparation of those arguments fail to timely prepare and file them;

(F) Direct the means by which the secretary of state shall disseminate information concerning proposed constitutional amendments, proposed laws, and referenda to the voters;

(G) Direct the ~~chairperson to reimburse county boards of elections for public notice costs associated with statewide ballot issues, to the extent that the general assembly appropriates money for that purpose~~ secretary of state to contract for the publication in a newspaper of general circulation in each county in the state of the ballot language, explanations, and arguments regarding each of the following:

(1) A constitutional amendment or law proposed by initiative petition under Section 1g of Article II of the Ohio Constitution;

(2) A law, section, or item of law submitted to the electors by referendum petition under Section 1g of Article II of the Ohio Constitution;

(3) A constitutional amendment submitted to the electors by the general assembly under Section 1 of Article XVI of the Ohio Constitution.

Sec. 3505.063. (A) When the general assembly adopts a resolution proposing a constitutional amendment, it may, by resolution, designate a group of members who voted in support of the resolution to prepare arguments for the proposed amendment,

and a group of members who voted in opposition to the resolution 31505
to prepare arguments against the proposed amendment. If no members 31506
voted in opposition to the resolution, or if the general assembly 31507
chooses not to designate a group of members to prepare arguments 31508
for the proposed amendment or chooses not to designate a group of 31509
members to prepare arguments against the proposed amendment, the 31510
Ohio ballot board shall prepare or designate a group of persons to 31511
prepare the relevant arguments. All arguments prepared under this 31512
division shall be filed with the secretary of state not later than 31513
eighty days before the date of the election. No argument shall 31514
exceed three hundred words. 31515

(B)(1) If the group of members of the general assembly or 31516
other group of persons designated under division (A) of this 31517
section fail to prepare and file their arguments in support of or 31518
in opposition to the proposed amendment by the eightieth day 31519
before the date of the election, the secretary of state shall 31520
notify the Ohio ballot board that those arguments have not been so 31521
prepared and filed. The board then shall prepare the missing 31522
arguments or designate a group of persons to prepare those 31523
arguments. All arguments prepared under this division shall be 31524
filed with the secretary of state not later than seventy-five days 31525
before the date of the election. No argument shall exceed three 31526
hundred words. 31527

(2) If the Ohio ballot board fails to provide for the 31528
preparation of missing arguments under division (B)(1) of this 31529
section after being notified by the secretary of state that one or 31530
more arguments have not been timely prepared and filed, the 31531
positions of the four appointed members of the board shall be 31532
considered vacant, and new members shall be appointed in the 31533
manner provided for original appointments. 31534

~~(C) The secretary of state shall disseminate information, 31535
which may include part or all of the official explanation and 31536~~

~~arguments concerning proposed amendments, by means of direct mail 31537
or other written publication, broadcast, or other means or 31538
combination of means, as the Ohio ballot board may direct, in 31539
order to inform the voters as fully as possible concerning 31540
proposed amendments. 31541~~

Sec. 3505.23. No voter shall be allowed to occupy a voting 31542
compartment or use a voting machine more than five minutes when 31543
all the voting compartments or machines are in use and voters are 31544
waiting to occupy them. Except as otherwise provided by section 31545
3505.24 of the Revised Code, no voter shall occupy a voting 31546
compartment or machine with another person or speak to anyone, nor 31547
shall anyone speak to the voter, while the voter is in a voting 31548
compartment or machine. 31549

In precincts that do not use voting machines the following 31550
procedure shall be followed: 31551

If a voter tears, soils, defaces, or erroneously marks a 31552
ballot the voter may return it to the precinct election officials 31553
and a second ballot shall be issued to the voter. Before returning 31554
a torn, soiled, defaced, or erroneously marked ballot, the voter 31555
shall fold it so as to conceal any marks the voter made upon it, 31556
but the voter shall not remove Stub A therefrom. If the voter 31557
tears, soils, defaces, or erroneously marks such second ballot, 31558
the voter may return it to the precinct election officials, and a 31559
third ballot shall be issued to the voter. In no case shall more 31560
than three ballots be issued to a voter. Upon receiving a returned 31561
torn, soiled, defaced, or erroneously marked ballot the precinct 31562
election officials shall detach Stub A therefrom, write "Defaced" 31563
on the back of such ballot, and place the stub and the ballot in 31564
the separate containers provided therefor. 31565

No elector shall leave the polling place until the elector 31566
returns to the precinct election officials every ballot issued to 31567

the elector with Stub A on each ballot attached thereto, 31568
regardless of whether the elector has or has not placed any marks 31569
upon the ballot. 31570

Before leaving the voting compartment, the voter shall fold 31571
each ballot marked by the voter so that no part of the face of the 31572
ballot is visible, and so that the printing thereon indicating the 31573
kind of ballot it is and the facsimile signatures of the members 31574
of the board of elections are visible. The voter shall then leave 31575
the voting compartment, deliver the voter's ballots, and state the 31576
voter's name to the judge having charge of the ballot boxes, who 31577
shall announce the name, detach Stub A from each ballot, and 31578
announce the number on the stubs. The ~~clerks~~ judges in charge of 31579
the poll lists or poll books shall check to ascertain whether the 31580
number so announced is the number on Stub B of the ballots issued 31581
to such voter, and if no discrepancy appears to exist, the judge 31582
in charge of the ballot boxes shall, in the presence of the voter, 31583
deposit each such ballot in the proper ballot box and shall place 31584
Stub A from each ballot in the container provided therefor. The 31585
voter shall then immediately leave the polling place. 31586

No ballot delivered by a voter to the judge in charge of the 31587
ballot boxes with Stub A detached therefrom, and only ballots 31588
provided in accordance with Title XXXV of the Revised Code, shall 31589
be voted or deposited in the ballot boxes. 31590

In marking a presidential ballot, the voter shall record the 31591
vote in the manner provided on the ballot next to the names of the 31592
candidates for the offices of president and vice-president. Such 31593
ballot shall be considered and counted as a vote for each of the 31594
candidates for election as presidential elector whose names were 31595
certified to the secretary of state by the political party of such 31596
nominees for president and vice-president. 31597

In marking an office type ballot or nonpartisan ballot, the 31598
voter shall record the vote in the manner provided on the ballot 31599

next to the name of each candidate for whom the voter desires to vote. 31600
31601

In marking a primary election ballot, the voter shall record 31602
the vote in the manner provided on the ballot next to the name of 31603
each candidate for whom the voter desires to vote. If the voter 31604
desires to vote for the nomination of a person whose name is not 31605
printed on the primary election ballot, the voter may do so by 31606
writing such person's name on the ballot in the proper place 31607
provided for such purpose. 31608

In marking a questions and issues ballot, the voter shall 31609
record the vote in the manner provided on the ballot at the left 31610
or at the right of "YES" or "NO" or other words of similar import 31611
which are printed on the ballot to enable the voter to indicate 31612
how the voter votes in connection with each question or issue upon 31613
which the voter desires to vote. 31614

In marking any ballot on which a blank space has been 31615
provided wherein an elector may write in the name of a person for 31616
whom ~~he~~ the elector desires to vote, the elector shall write such 31617
person's name in such blank space and on no other place on the 31618
ballot. Unless specific provision is made by statute, no blank 31619
space shall be provided on a ballot for write-in votes, and any 31620
names written on a ballot other than in a blank space provided 31621
therefor shall not be counted or recorded. 31622

Sec. 3513.21. At the close of the polls in a primary 31623
election, the judges ~~and clerks~~ of election shall proceed without 31624
delay to canvass the vote, sign and seal it, and make returns 31625
thereof to the board of elections forthwith on the forms to be 31626
provided by the board. The provisions of Title XXXV of the Revised 31627
Code relating to the accounting for and return of all ballots at 31628
general elections apply to primary ballots. 31629

If there is any disagreement as to how a ballot should be 31630

counted it shall be submitted to all of the judges. If three of 31631
the judges do not agree as to how any part of the ballot shall be 31632
counted, that part of such ballot which three of the judges do 31633
agree shall be counted and a notation made upon the ballot 31634
indicating what part has not been counted, and shall be placed in 31635
an envelope provided for that purpose, marked "Disputed Ballots" 31636
and returned to the board. ~~When the board has, by the adoption of~~ 31637
~~a resolution, provided that the officials at a party primary~~ 31638
~~election when only one party primary is to be held for the~~ 31639
~~nomination of candidates for municipal office, shall be two judges~~ 31640
~~and two clerks, the clerks shall be considered judges for the~~ 31641
~~purposes of this section.~~ 31642

The board shall, on the day when the vote is canvassed, open 31643
such sealed envelopes, determine what ballots and for whom they 31644
should be counted, and proceed to count and tally the votes on 31645
such ballots. 31646

Sec. 3517.106. (A) As used in this section: 31647

(1) "Statewide office" means any of the offices of governor, 31648
lieutenant governor, secretary of state, auditor of state, 31649
treasurer of state, attorney general, chief justice of the supreme 31650
court, and justice of the supreme court. 31651

(2) "Addendum to a statement" includes an amendment or other 31652
correction to that statement. 31653

(B)(1) The secretary of state shall store on computer the 31654
information contained in statements of contributions and 31655
expenditures and monthly statements required to be filed under 31656
section 3517.10 of the Revised Code and in statements of 31657
independent expenditures required to be filed under section 31658
3517.105 of the Revised Code by any of the following: 31659

(a) The campaign committees of candidates for statewide 31660

office;	31661
(b) The political action committees and political contributing entities described in division (A)(1) of section 3517.11 of the Revised Code;	31662 31663 31664
(c) Legislative campaign funds;	31665
(d) State political parties;	31666
(e) Individuals, partnerships, corporations, labor organizations, or other entities that make independent expenditures in support of or opposition to a statewide candidate or a statewide ballot issue or question;	31667 31668 31669 31670
(f) The campaign committees of candidates for the office of member of the general assembly;	31671 31672
(g) County political parties, with respect to their state candidate funds.	31673 31674
(2) The secretary of state shall store on computer the information contained in disclosure of electioneering communications statements required to be filed under section 3517.1011 of the Revised Code.	31675 31676 31677 31678
(3) The secretary of state shall store on computer the information contained in deposit and disbursement statements required to be filed with the office of the secretary of state under section 3517.1012 of the Revised Code.	31679 31680 31681 31682
(4) The secretary of state shall store on computer the gift and disbursement information contained in statements required to be filed with the office of the secretary of state under section 3517.1013 of the Revised Code.	31683 31684 31685 31686
(C)(1) The secretary of state shall make available to the campaign committees, political action committees, political contributing entities, legislative campaign funds, political parties, individuals, partnerships, corporations, labor	31687 31688 31689 31690

organizations, and other entities described in division (B) of 31691
this section, and to members of the news media and other 31692
interested persons, for a reasonable fee, computer programs that 31693
are compatible with the secretary of state's method of storing the 31694
information contained in the statements. 31695

(2) The secretary of state shall make the information 31696
required to be stored under division (B) of this section available 31697
on computer at the secretary of state's office so that, to the 31698
maximum extent feasible, individuals may obtain at the secretary 31699
of state's office any part or all of that information for any 31700
given year, subject to the limitation expressed in division (D) of 31701
this section. 31702

(D) The secretary of state shall keep the information stored 31703
on computer under division (B) of this section for at least six 31704
years. 31705

(E)(1) Subject to division (L) of this section and subject to 31706
the secretary of state having implemented, tested, and verified 31707
the successful operation of any system the secretary of state 31708
prescribes pursuant to division (H)(1) of this section and 31709
divisions (C)(6)(b) and (D)(6) of section 3517.10 of the Revised 31710
Code for the filing of campaign finance statements by electronic 31711
means of transmission, the campaign committee of each candidate 31712
for statewide office may file the statements prescribed by section 31713
3517.10 of the Revised Code by electronic means of transmission 31714
or, if the total amount of the contributions received or the total 31715
amount of the expenditures made by the campaign committee for the 31716
applicable reporting period as specified in division (A) of 31717
section 3517.10 of the Revised Code exceeds ten thousand dollars, 31718
shall file those statements by electronic means of transmission. 31719

Except as otherwise provided in this division, within five 31720
business days after a statement filed by a campaign committee of a 31721
candidate for statewide office is received by the secretary of 31722

state by electronic or other means of transmission, the secretary 31723
of state shall make available online to the public through the 31724
internet, as provided in division (I) of this section, the 31725
contribution and expenditure information in that statement. The 31726
secretary of state shall not make available online to the public 31727
through the internet any contribution or expenditure information 31728
contained in a statement for any candidate until the secretary of 31729
state is able to make available online to the public through the 31730
internet the contribution and expenditure information for all 31731
candidates for a particular office, or until the applicable filing 31732
deadline for that statement has passed, whichever is sooner. As 31733
soon as the secretary of state has available all of the 31734
contribution and expenditure information for all candidates for a 31735
particular office, or as soon as the applicable filing deadline 31736
for a statement has passed, whichever is sooner, the secretary of 31737
state shall simultaneously make available online to the public 31738
through the internet the information for all candidates for that 31739
office. 31740

If a statement filed by electronic means of transmission is 31741
found to be incomplete or inaccurate after the examination of the 31742
statement for completeness and accuracy pursuant to division 31743
(B)(3)(a) of section 3517.11 of the Revised Code, the campaign 31744
committee shall file by electronic means of transmission any 31745
addendum to the statement that provides the information necessary 31746
to complete or correct the statement or, if required by the 31747
secretary of state under that division, an amended statement. 31748

Within five business days after the secretary of state 31749
receives from a campaign committee of a candidate for statewide 31750
office an addendum to the statement or an amended statement by 31751
electronic or other means of transmission under this division or 31752
division (B)(3)(a) of section 3517.11 of the Revised Code, the 31753
secretary of state shall make the contribution and expenditure 31754

information in the addendum or amended statement available online 31755
to the public through the internet as provided in division (I) of 31756
this section. 31757

(2) Subject to the secretary of state having implemented, 31758
tested, and verified the successful operation of any system the 31759
secretary of state prescribes pursuant to division (H)(1) of this 31760
section and divisions (C)(6)(b) and (D)(6) of section 3517.10 of 31761
the Revised Code for the filing of campaign finance statements by 31762
electronic means of transmission, a political action committee and 31763
a political contributing entity described in division (B)(1)(b) of 31764
this section, a legislative campaign fund, and a state political 31765
party may file the statements prescribed by section 3517.10 of the 31766
Revised Code by electronic means of transmission or, if the total 31767
amount of the contributions received or the total amount of the 31768
expenditures made by the political action committee, political 31769
contributing entity, legislative campaign fund, or state political 31770
party for the applicable reporting period as specified in division 31771
(A) of section 3517.10 of the Revised Code exceeds ten thousand 31772
dollars, shall file those statements by electronic means of 31773
transmission. 31774

Within five business days after a statement filed by a 31775
political action committee or a political contributing entity 31776
described in division (B)(1)(b) of this section, a legislative 31777
campaign fund, or a state political party is received by the 31778
secretary of state by electronic or other means of transmission, 31779
the secretary of state shall make available online to the public 31780
through the internet, as provided in division (I) of this section, 31781
the contribution and expenditure information in that statement. 31782

If a statement filed by electronic means of transmission is 31783
found to be incomplete or inaccurate after the examination of the 31784
statement for completeness and accuracy pursuant to division 31785
(B)(3)(a) of section 3517.11 of the Revised Code, the political 31786

action committee, political contributing entity, legislative 31787
campaign fund, or state political party shall file by electronic 31788
means of transmission any addendum to the statement that provides 31789
the information necessary to complete or correct the statement or, 31790
if required by the secretary of state under that division, an 31791
amended statement. 31792

Within five business days after the secretary of state 31793
receives from a political action committee or a political 31794
contributing entity described in division (B)(1)(b) of this 31795
section, a legislative campaign fund, or a state political party 31796
an addendum to the statement or an amended statement by electronic 31797
or other means of transmission under this division or division 31798
(B)(3)(a) of section 3517.11 of the Revised Code, the secretary of 31799
state shall make the contribution and expenditure information in 31800
the addendum or amended statement available online to the public 31801
through the internet as provided in division (I) of this section. 31802

(3) Subject to the secretary of state having implemented, 31803
tested, and verified the successful operation of any system the 31804
secretary of state prescribes pursuant to division (H)(1) of this 31805
section and divisions (C)(6)(b) and (D)(6) of section 3517.10 of 31806
the Revised Code for the filing of campaign finance statements by 31807
electronic means of transmission, a county political party shall 31808
file the statements prescribed by section 3517.10 of the Revised 31809
Code with respect to its state candidate fund by electronic means 31810
of transmission to the office of the secretary of state. 31811

Within five business days after a statement filed by a county 31812
political party with respect to its state candidate fund is 31813
received by the secretary of state by electronic means of 31814
transmission, the secretary of state shall make available online 31815
to the public through the internet, as provided in division (I) of 31816
this section, the contribution and expenditure information in that 31817
statement. 31818

If a statement is found to be incomplete or inaccurate after 31819
the examination of the statement for completeness and accuracy 31820
pursuant to division (B)(3)(a) of section 3517.11 of the Revised 31821
Code, a county political party shall file by electronic means of 31822
transmission any addendum to the statement that provides the 31823
information necessary to complete or correct the statement or, if 31824
required by the secretary of state under that division, an amended 31825
statement. 31826

Within five business days after the secretary of state 31827
receives from a county political party an addendum to the 31828
statement or an amended statement by electronic means of 31829
transmission under this division or division (B)(3)(a) of section 31830
3517.11 of the Revised Code, the secretary of state shall make the 31831
contribution and expenditure information in the addendum or 31832
amended statement available online to the public through the 31833
internet as provided in division (I) of this section. 31834

(F)(1) Subject to division (L) of this section and subject to 31835
the secretary of state having implemented, tested, and verified 31836
the successful operation of any system the secretary of state 31837
prescribes pursuant to division (H)(1) of this section and 31838
divisions (C)(6)(b) and (D)(6) of section 3517.10 of the Revised 31839
Code for the filing of campaign finance statements by electronic 31840
means of transmission, a campaign committee of a candidate for the 31841
office of member of the general assembly or a campaign committee 31842
of a candidate for the office of judge of a court of appeals may 31843
file the statements prescribed by section 3517.10 of the Revised 31844
Code in accordance with division (A)(2) of section 3517.11 of the 31845
Revised Code or by electronic means of transmission to the office 31846
of the secretary of state or, if the total amount of the 31847
contributions received by the campaign committee for the 31848
applicable reporting period as specified in division (A) of 31849
section 3517.10 of the Revised Code exceeds ten thousand dollars, 31850

shall file those statements by electronic means of transmission to 31851
the office of the secretary of state. 31852

Except as otherwise provided in this division, within five 31853
business days after a statement filed by a campaign committee of a 31854
candidate for the office of member of the general assembly or a 31855
campaign committee of a candidate for the office of judge of a 31856
court of appeals is received by the secretary of state by 31857
electronic or other means of transmission, the secretary of state 31858
shall make available online to the public through the internet, as 31859
provided in division (I) of this section, the contribution and 31860
expenditure information in that statement. The secretary of state 31861
shall not make available online to the public through the internet 31862
any contribution or expenditure information contained in a 31863
statement for any candidate until the secretary of state is able 31864
to make available online to the public through the internet the 31865
contribution and expenditure information for all candidates for a 31866
particular office, or until the applicable filing deadline for 31867
that statement has passed, whichever is sooner. As soon as the 31868
secretary of state has available all of the contribution and 31869
expenditure information for all candidates for a particular 31870
office, or as soon as the applicable filing deadline for a 31871
statement has passed, whichever is sooner, the secretary of state 31872
shall simultaneously make available online to the public through 31873
the internet the information for all candidates for that office. 31874

If a statement filed by electronic means of transmission is 31875
found to be incomplete or inaccurate after the examination of the 31876
statement for completeness and accuracy pursuant to division 31877
(B)(3)(a) of section 3517.11 of the Revised Code, the campaign 31878
committee shall file by electronic means of transmission to the 31879
office of the secretary of state any addendum to the statement 31880
that provides the information necessary to complete or correct the 31881
statement or, if required by the secretary of state under that 31882

division, an amended statement. 31883

Within five business days after the secretary of state 31884
receives from a campaign committee of a candidate for the office 31885
of member of the general assembly or a campaign committee of a 31886
candidate for the office of judge of a court of appeals an 31887
addendum to the statement or an amended statement by electronic or 31888
other means of transmission under this division or division 31889
(B)(3)(a) of section 3517.11 of the Revised Code, the secretary of 31890
state shall make the contribution and expenditure information in 31891
the addendum or amended statement available online to the public 31892
through the internet as provided in division (I) of this section. 31893

(2) If a statement, addendum, or amended statement is not 31894
filed by electronic means of transmission to the office of the 31895
secretary of state but is filed by printed version only under 31896
division (A)(2) of section 3517.11 of the Revised Code with the 31897
appropriate board of elections, the campaign committee of a 31898
candidate for the office of member of the general assembly or a 31899
campaign committee of a candidate for the office of judge of a 31900
court of appeals shall file two copies of the printed version of 31901
the statement, addendum, or amended statement with the board of 31902
elections. The board of elections shall send one of those copies 31903
by ~~overnight delivery service~~ certified mail to the secretary of 31904
state before the close of business on the day the board of 31905
elections receives the statement, addendum, or amended statement. 31906

(G) Subject to the secretary of state having implemented, 31907
tested, and verified the successful operation of any system the 31908
secretary of state prescribes pursuant to division (H)(1) of this 31909
section and divisions (C)(6)(b) and (D)(6) of section 3517.10 of 31910
the Revised Code for the filing of campaign finance statements by 31911
electronic means of transmission, any individual, partnership, or 31912
other entity that makes independent expenditures in support of or 31913
opposition to a statewide candidate or a statewide ballot issue or 31914

question as provided in division (B)(2)(b) or (C)(2)(b) of section 31915
3517.105 of the Revised Code may file the statement specified in 31916
that division by electronic means of transmission or, if the total 31917
amount of independent expenditures made during the reporting 31918
period under that division exceeds ten thousand dollars, shall 31919
file the statement specified in that division by electronic means 31920
of transmission. 31921

Within five business days after a statement filed by an 31922
individual, partnership, or other entity is received by the 31923
secretary of state by electronic or other means of transmission, 31924
the secretary of state shall make available online to the public 31925
through the internet, as provided in division (I) of this section, 31926
the expenditure information in that statement. 31927

If a statement filed by electronic means of transmission is 31928
found to be incomplete or inaccurate after the examination of the 31929
statement for completeness and accuracy pursuant to division 31930
(B)(3)(a) of section 3517.11 of the Revised Code, the individual, 31931
partnership, or other entity shall file by electronic means of 31932
transmission any addendum to the statement that provides the 31933
information necessary to complete or correct the statement or, if 31934
required by the secretary of state under that division, an amended 31935
statement. 31936

Within five business days after the secretary of state 31937
receives from an individual, partnership, or other entity 31938
described in division (B)(2)(b) or (C)(2)(b) of section 3517.105 31939
of the Revised Code an addendum to the statement or an amended 31940
statement by electronic or other means of transmission under this 31941
division or division (B)(3)(a) of section 3517.11 of the Revised 31942
Code, the secretary of state shall make the expenditure 31943
information in the addendum or amended statement available online 31944
to the public through the internet as provided in division (I) of 31945
this section. 31946

(H)(1) The secretary of state, by rule adopted pursuant to 31947
section 3517.23 of the Revised Code, shall prescribe one or more 31948
techniques by which a person who executes and transmits by 31949
electronic means a statement of contributions and expenditures, a 31950
statement of independent expenditures, a disclosure of 31951
electioneering communications statement, a deposit and 31952
disbursement statement, or a gift and disbursement statement, an 31953
addendum to any of those statements, an amended statement of 31954
contributions and expenditures, an amended statement of 31955
independent expenditures, an amended disclosure of electioneering 31956
communications statement, an amended deposit and disbursement 31957
statement, or an amended gift and disbursement statement, under 31958
this section or section 3517.10, 3517.105, 3517.1011, 3517.1012, 31959
or 3517.1013 of the Revised Code shall electronically sign the 31960
statement, addendum, or amended statement. Any technique 31961
prescribed by the secretary of state pursuant to this division 31962
shall create an electronic signature that satisfies all of the 31963
following: 31964

(a) It is unique to the signer. 31965

(b) It objectively identifies the signer. 31966

(c) It involves the use of a signature device or other means 31967
or method that is under the sole control of the signer and that 31968
cannot be readily duplicated or compromised. 31969

(d) It is created and linked to the electronic record to 31970
which it relates in a manner that, if the record or signature is 31971
intentionally or unintentionally changed after signing, the 31972
electronic signature is invalidated. 31973

(2) An electronic signature prescribed by the secretary of 31974
state under division (H)(1) of this section shall be attached to 31975
or associated with the statement of contributions and 31976
expenditures, the statement of independent expenditures, the 31977

disclosure of electioneering communications statement, the deposit 31978
and disbursement statement, or the gift and disbursement 31979
statement, the addendum to any of those statements, the amended 31980
statement of contributions and expenditures, the amended statement 31981
of independent expenditures, the amended disclosure of 31982
electioneering communications statement, the amended deposit and 31983
disbursement statement, or the amended gift and disbursement 31984
statement that is executed and transmitted by electronic means by 31985
the person to whom the electronic signature is attributed. The 31986
electronic signature that is attached to or associated with the 31987
statement, addendum, or amended statement under this division 31988
shall be binding on all persons and for all purposes under the 31989
campaign finance reporting law as if the signature had been 31990
handwritten in ink on a printed form. 31991

(I) The secretary of state shall make the contribution and 31992
expenditure, the contribution and disbursement, the deposit and 31993
disbursement, or the gift and disbursement information in all 31994
statements, all addenda to the statements, and all amended 31995
statements that are filed with the secretary of state by 31996
electronic or other means of transmission under this section or 31997
section 3517.10, 3517.105, 3517.1011, 3517.1012, 3517.1013, or 31998
3517.11 of the Revised Code available online to the public by any 31999
means that are searchable, viewable, and accessible through the 32000
internet. 32001

(J)(1) As used in this division, "library" means a library 32002
that is open to the public and that is one of the following: 32003

(a) A library that is maintained and regulated under section 32004
715.13 of the Revised Code; 32005

(b) A library that is created, maintained, and regulated 32006
under Chapter 3375. of the Revised Code. 32007

(2) The secretary of state shall notify all libraries of the 32008

location on the internet at which the contribution and 32009
expenditure, contribution and disbursement, deposit and 32010
disbursement, or gift and disbursement information in campaign 32011
finance statements required to be made available online to the 32012
public through the internet pursuant to division (I) of this 32013
section may be accessed. 32014

If that location is part of the world wide web and if the 32015
secretary of state has notified a library of that world wide web 32016
location as required by this division, the library shall include a 32017
link to that world wide web location on each internet-connected 32018
computer it maintains that is accessible to the public. 32019

(3) If the system the secretary of state prescribes for the 32020
filing of campaign finance statements by electronic means of 32021
transmission pursuant to division (H)(1) of this section and 32022
divisions (C)(6)(b) and (D)(6) of section 3517.10 of the Revised 32023
Code includes filing those statements through the internet via the 32024
world wide web, the secretary of state shall notify all libraries 32025
of the world wide web location at which those statements may be 32026
filed. 32027

If those statements may be filed through the internet via the 32028
world wide web and if the secretary of state has notified a 32029
library of that world wide web location as required by this 32030
division, the library shall include a link to that world wide web 32031
location on each internet-connected computer it maintains that is 32032
accessible to the public. 32033

(K) It is an affirmative defense to a complaint or charge 32034
brought against any campaign committee, political action 32035
committee, political contributing entity, legislative campaign 32036
fund, or political party, any individual, partnership, or other 32037
entity, or any person making disbursements to pay the direct costs 32038
of producing or airing electioneering communications, for the 32039
failure to file by electronic means of transmission a campaign 32040

finance statement as required by this section or section 3517.10, 32041
3517.105, 3517.1011, 3517.1012, or 3517.1013 of the Revised Code 32042
that all of the following apply to the campaign committee, 32043
political action committee, political contributing entity, 32044
legislative campaign fund, or political party, the individual, 32045
partnership, or other entity, or the person making disbursements 32046
to pay the direct costs of producing or airing electioneering 32047
communications, that failed to so file: 32048

(1) The campaign committee, political action committee, 32049
political contributing entity, legislative campaign fund, or 32050
political party, the individual, partnership, or other entity, or 32051
the person making disbursements to pay the direct costs of 32052
producing or airing electioneering communications attempted to 32053
file by electronic means of transmission the required statement 32054
prior to the deadline set forth in the applicable section. 32055

(2) The campaign committee, political action committee, 32056
political contributing entity, legislative campaign fund, or 32057
political party, the individual, partnership, or other entity, or 32058
the person making disbursements to pay the direct costs of 32059
producing or airing electioneering communications was unable to 32060
file by electronic means of transmission due to an expected or 32061
unexpected shutdown of the whole or part of the electronic 32062
campaign finance statement-filing system, such as for maintenance 32063
or because of hardware, software, or network connection failure. 32064

(3) The campaign committee, political action committee, 32065
political contributing entity, legislative campaign fund, or 32066
political party, the individual, partnership, or other entity, or 32067
the person making disbursements to pay the direct costs of 32068
producing or airing electioneering communications filed by 32069
electronic means of transmission the required statement within a 32070
reasonable period of time after being unable to so file it under 32071
the circumstance described in division (K)(2) of this section. 32072

(L)(1) The secretary of state shall adopt rules pursuant to 32073
Chapter 119. of the Revised Code to permit a campaign committee of 32074
a candidate for statewide office that makes expenditures of less 32075
than twenty-five thousand dollars during the filing period or a 32076
campaign committee for the office of member of the general 32077
assembly or the office of judge of a court of appeals that would 32078
otherwise be required to file campaign finance statements by 32079
electronic means of transmission under division (E) or (F) of this 32080
section to file those statements by paper with the office of the 32081
secretary of state. Those rules shall provide for all of the 32082
following: 32083

(a) An eligible campaign committee that wishes to file a 32084
campaign finance statement by paper instead of by electronic means 32085
of transmission shall file the statement on paper with the office 32086
of the secretary of state not sooner than twenty-four hours after 32087
the end of the filing period set forth in section 3517.10 of the 32088
Revised Code that is covered by the applicable statement. 32089

(b) The statement shall be accompanied by a fee, the amount 32090
of which the secretary of state shall determine by rule. The 32091
amount of the fee established under this division shall not exceed 32092
the data entry and data verification costs the secretary of state 32093
will incur to convert the information on the statement to an 32094
electronic format as required under division (I) of this section. 32095

(c) The secretary of state shall arrange for the information 32096
in campaign finance statements filed pursuant to division (L) of 32097
this section to be made available online to the public through the 32098
internet in the same manner, and at the same times, as information 32099
is made available under divisions (E), (F), and (I) of this 32100
section for candidates whose campaign committees file those 32101
statements by electronic means of transmission. 32102

(d) The candidate of an eligible campaign committee that 32103
intends to file a campaign finance statement pursuant to division 32104

(L) of this section shall file a notice indicating that the candidate's campaign committee intends to so file and stating that filing the statement by electronic means of transmission would constitute a hardship for the candidate or for the eligible campaign committee.

(e) An eligible campaign committee that files a campaign finance statement on paper pursuant to division (L) of this section shall review the contribution and information made available online by the secretary of state with respect to that paper filing and shall notify the secretary of state of any errors with respect to that filing that appear in the data made available on that web site.

(f) If an eligible campaign committee whose candidate has filed a notice in accordance with rules adopted under division (L)(1)(d) of this section subsequently fails to file that statement on paper by the applicable deadline established in rules adopted under division (L)(1)(a) of this section, penalties for the late filing of the campaign finance statement shall apply to that campaign committee for each day after that paper filing deadline, as if the campaign committee had filed the statement after the applicable deadline set forth in division (A) of section 3517.10 of the Revised Code.

(2) The process for permitting campaign committees that would otherwise be required to file campaign finance statements by electronic means of transmission to file those statements on paper with the office of the secretary of state that is required to be developed under division (L)(1) of this section shall be in effect and available for use by eligible campaign committees for all campaign finance statements that are required to be filed on or after June 30, 2005. Notwithstanding any provision of the Revised Code to the contrary, if the process the secretary of state is required to develop under division (L)(1) of this section is not

in effect and available for use on and after June 30, 2005, all 32137
penalties for the failure of campaign committees to file campaign 32138
finance statements by electronic means of transmission shall be 32139
suspended until such time as that process is in effect and 32140
available for use. 32141

(3) Notwithstanding any provision of the Revised Code to the 32142
contrary, any eligible campaign committee that files campaign 32143
finance statements on paper with the office of the secretary of 32144
state pursuant to division (L)(1) of this section shall be deemed 32145
to have filed those campaign finance statements by electronic 32146
means of transmission to the office of the secretary of state. 32147

Sec. 3517.11. (A)(1) Campaign committees of candidates for 32148
statewide office or the state board of education, political action 32149
committees or political contributing entities that make 32150
contributions to campaign committees of candidates that are 32151
required to file the statements prescribed by section 3517.10 of 32152
the Revised Code with the secretary of state, political action 32153
committees or political contributing entities that make 32154
contributions to campaign committees of candidates for member of 32155
the general assembly, political action committees or political 32156
contributing entities that make contributions to state and 32157
national political parties and to legislative campaign funds, 32158
political action committees or political contributing entities 32159
that receive contributions or make expenditures in connection with 32160
a statewide ballot issue, political action committees or political 32161
contributing entities that make contributions to other political 32162
action committees or political contributing entities, political 32163
parties, and campaign committees, except as set forth in division 32164
(A)(3) of this section, legislative campaign funds, and state and 32165
national political parties shall file the statements prescribed by 32166
section 3517.10 of the Revised Code with the secretary of state. 32167

(2)(a) Except as otherwise provided in division (F) of 32168
section 3517.106 of the Revised Code, campaign committees of 32169
candidates for all other offices shall file the statements 32170
prescribed by section 3517.10 of the Revised Code with the board 32171
of elections where their candidates are required to file their 32172
petitions or other papers for nomination or election. 32173

(b) A campaign committee of a candidate for office of member 32174
of the general assembly or a campaign committee of a candidate for 32175
the office of judge of a court of appeals shall file two copies of 32176
the printed version of any statement, addendum, or amended 32177
statement if the committee does not file pursuant to division 32178
(F)(1) or (L) of section 3517.106 of the Revised Code but files by 32179
printed version only with the appropriate board of elections. The 32180
board of elections shall send one of those copies by ~~overnight~~ 32181
~~delivery service~~ certified mail to the secretary of state before 32182
the close of business on the day the board of elections receives 32183
the statement, addendum, or amended statement. 32184

(3) Political action committees or political contributing 32185
entities that only contribute to a county political party, 32186
contribute to campaign committees of candidates whose nomination 32187
or election is to be submitted only to electors within a county, 32188
subdivision, or district, excluding candidates for member of the 32189
general assembly, and receive contributions or make expenditures 32190
in connection with ballot questions or issues to be submitted only 32191
to electors within a county, subdivision, or district shall file 32192
the statements prescribed by section 3517.10 of the Revised Code 32193
with the board of elections in that county or in the county 32194
contained in whole or part within the subdivision or district 32195
having a population greater than that of any other county 32196
contained in whole or part within that subdivision or district, as 32197
the case may be. 32198

(4) Except as otherwise provided in division (E)(3) of 32199

section 3517.106 of the Revised Code with respect to state 32200
candidate funds, county political parties shall file the 32201
statements prescribed by section 3517.10 of the Revised Code with 32202
the board of elections of their respective counties. 32203

(B)(1) The official with whom petitions and other papers for 32204
nomination or election to public office are filed shall furnish 32205
each candidate at the time of that filing a copy of sections 32206
3517.01, 3517.08 to 3517.11, 3517.13 to 3517.993, 3599.03, and 32207
3599.031 of the Revised Code and any other materials that the 32208
secretary of state may require. Each candidate receiving the 32209
materials shall acknowledge their receipt in writing. 32210

(2) On or before the tenth day before the dates on which 32211
statements are required to be filed by section 3517.10 of the 32212
Revised Code, every candidate subject to the provisions of this 32213
section and sections 3517.10 and 3517.106 of the Revised Code 32214
shall be notified of the requirements and applicable penalties of 32215
those sections. The secretary of state, by certified mail, return 32216
receipt requested, shall notify all candidates required to file 32217
those statements with the secretary of state's office. The board 32218
of elections of every county shall notify by first class mail any 32219
candidate who has personally appeared at the office of the board 32220
on or before the tenth day before the statements are required to 32221
be filed and signed a form, to be provided by the secretary of 32222
state, attesting that the candidate has been notified of the 32223
candidate's obligations under the campaign finance law. The board 32224
shall forward the completed form to the secretary of state. The 32225
board shall use certified mail, return receipt requested, to 32226
notify all other candidates required to file those statements with 32227
it. 32228

(3)(a) Any statement required to be filed under sections 32229
3517.081 to 3517.17 of the Revised Code that is found to be 32230
incomplete or inaccurate by the officer to whom it is submitted 32231

shall be accepted on a conditional basis, and the person who filed 32232
it shall be notified by certified mail as to the incomplete or 32233
inaccurate nature of the statement. The secretary of state may 32234
examine statements filed for candidates for the office of member 32235
of the general assembly and candidates for the office of judge of 32236
a court of appeals for completeness and accuracy. The secretary of 32237
state shall examine for completeness and accuracy statements that 32238
campaign committees of candidates for the office of member of the 32239
general assembly and campaign committees of candidates for the 32240
office of judge of a court of appeals file pursuant to division 32241
(F) or (L) of section 3517.106 of the Revised Code. If an officer 32242
at the board of elections where a statement filed for a candidate 32243
for the office of member of the general assembly or for a 32244
candidate for the office of judge of a court of appeals was 32245
submitted finds the statement to be incomplete or inaccurate, the 32246
officer shall immediately notify the secretary of state of its 32247
incomplete or inaccurate nature. If either an officer at the board 32248
of elections or the secretary of state finds a statement filed for 32249
a candidate for the office of member of the general assembly or 32250
for a candidate for the office of judge of a court of appeals to 32251
be incomplete or inaccurate, only the secretary of state shall 32252
send the notification as to the incomplete or inaccurate nature of 32253
the statement. 32254

Within twenty-one days after receipt of the notice, in the 32255
case of a pre-election statement, a postelection statement, a 32256
monthly statement, an annual statement, or a semiannual statement 32257
prescribed by section 3517.10, an annual statement prescribed by 32258
section 3517.101, or a statement prescribed by division (B)(2)(b) 32259
or (C)(2)(b) of section 3517.105 or section 3517.107 of the 32260
Revised Code, the recipient shall file an addendum, amendment, or 32261
other correction to the statement providing the information 32262
necessary to complete or correct the statement. The secretary of 32263
state may require that, in lieu of filing an addendum, amendment, 32264

or other correction to a statement that is filed by electronic 32265
means of transmission to the office of the secretary of state 32266
pursuant to section 3517.106 of the Revised Code, the recipient of 32267
the notice described in this division file by electronic means of 32268
transmission an amended statement that incorporates the 32269
information necessary to complete or correct the statement. 32270

The secretary of state shall determine by rule when an 32271
addendum, amendment, or other correction to any of the following 32272
or when an amended statement of any of the following shall be 32273
filed: 32274

(i) A two-business-day statement prescribed by section 32275
3517.10 of the Revised Code; 32276

(ii) A disclosure of electioneering communications statement 32277
prescribed by division (D) of section 3517.1011 of the Revised 32278
Code; 32279

(iii) A deposit and disbursement statement prescribed under 32280
division (B) of section 3517.1012 of the Revised Code; 32281

(iv) A gift and disbursement statement prescribed under 32282
section 3517.1013 of the Revised Code. 32283

An addendum, amendment, or other correction to a statement 32284
that is filed by electronic means of transmission pursuant to 32285
section 3517.106 of the Revised Code shall be filed in the same 32286
manner as the statement. 32287

The provisions of sections 3517.10, 3517.106, 3517.1011, 32288
3517.1012, and 3517.1013 of the Revised Code pertaining to the 32289
filing of statements of contributions and expenditures, statements 32290
of independent expenditures, disclosure of electioneering 32291
communications statements, deposit and disbursement statements, 32292
and gift and disbursement statements by electronic means of 32293
transmission apply to the filing of addenda, amendments, or other 32294
corrections to those statements by electronic means of 32295

transmission and the filing of amended statements by electronic 32296
means of transmission. 32297

(b) Within five business days after the secretary of state 32298
receives, by electronic or other means of transmission, an 32299
addendum, amendment, or other correction to a statement or an 32300
amended statement under division (B)(3)(a) of this section, the 32301
secretary of state, pursuant to divisions (E), (F), (G), and (I) 32302
of section 3517.106 or division (D) of section 3517.1011 of the 32303
Revised Code, shall make the contribution and expenditure, 32304
contribution and disbursement, deposit and disbursement, or gift 32305
and disbursement information in that addendum, amendment, 32306
correction, or amended statement available online to the public 32307
through the internet. 32308

(4)(a) The secretary of state or the board of elections shall 32309
examine all statements for compliance with sections 3517.08 to 32310
3517.17 of the Revised Code. 32311

(b) The secretary of state may contract with an individual or 32312
entity not associated with the secretary of state and experienced 32313
in interpreting the campaign finance law of this state to conduct 32314
examinations of statements filed by any statewide candidate, as 32315
defined in section 3517.103 of the Revised Code. 32316

(c) The examination shall be conducted by a person or entity 32317
qualified to conduct it. The results of the examination shall be 32318
available to the public, and, when the examination is conducted by 32319
an individual or entity not associated with the secretary of 32320
state, the results of the examination shall be reported to the 32321
secretary of state. 32322

(C)(1) In the event of a failure to file or a late filing of 32323
a statement required to be filed under sections 3517.081 to 32324
3517.17 of the Revised Code, or if a filed statement or any 32325
addendum, amendment, or other correction to a statement or any 32326

amended statement, if an addendum, amendment, or other correction 32327
or an amended statement is required to be filed, is incomplete or 32328
inaccurate or appears to disclose a failure to comply with or a 32329
violation of law, the official whose duty it is to examine the 32330
statement shall promptly file a complaint with the Ohio elections 32331
commission under section 3517.153 of the Revised Code if the law 32332
is one over which the commission has jurisdiction to hear 32333
complaints, or the official shall promptly report the failure or 32334
violation to the board of elections and the board shall promptly 32335
report it to the prosecuting attorney in accordance with division 32336
(J) of section 3501.11 of the Revised Code. If the official files 32337
a complaint with the commission, the commission shall proceed in 32338
accordance with sections 3517.154 to 3517.157 of the Revised Code. 32339

(2) For purposes of division (C)(1) of this section, a 32340
statement or an addendum, amendment, or other correction to a 32341
statement or an amended statement required to be filed under 32342
sections 3517.081 to 3517.17 of the Revised Code is incomplete or 32343
inaccurate under this section if the statement, addendum, 32344
amendment, other correction, or amended statement fails to 32345
disclose substantially all contributions or gifts that are 32346
received or deposits that are made that are required to be 32347
reported under sections 3517.10, 3517.107, 3517.108, 3517.1011, 32348
3517.1012, and 3517.1013 of the Revised Code or if the statement, 32349
addendum, amendment, other correction, or amended statement fails 32350
to disclose at least ninety per cent of the total contributions or 32351
gifts received or deposits made or of the total expenditures or 32352
disbursements made during the reporting period. 32353

(D) No certificate of nomination or election shall be issued 32354
to a person, and no person elected to an office shall enter upon 32355
the performance of the duties of that office, until that person or 32356
that person's campaign committee, as appropriate, has fully 32357
complied with this section and sections 3517.08, 3517.081, 32358

3517.10, and 3517.13 of the Revised Code. 32359

Sec. 3599.17. (A) No elections official serving as a 32360
registrar, or judge, ~~or clerk~~ of elections shall do any of the 32361
following: 32362

(1) Fail to appear before the board of elections, or its 32363
representative, after notice has been served personally upon the 32364
official or left at the official's usual place of residence, for 32365
examination as to the official's qualifications; 32366

(2) Fail to appear at the polling place to which the official 32367
is assigned at the hour and during the hours set for the 32368
registration or election; 32369

(3) Fail to take the oath prescribed by section 3501.31 of 32370
the Revised Code, unless excused by such board; 32371

(4) Refuse or sanction the refusal of another registrar or 32372
judge of elections to administer an oath required by law; 32373

(5) Fail to send notice to the board of the appointment of a 32374
judge ~~or clerk~~ to fill a vacancy; 32375

(6) Act as registrar, or judge, ~~or clerk~~ without having been 32376
appointed and having received a certificate of appointment, except 32377
a judge ~~or clerk~~ appointed to fill a vacancy caused by absence or 32378
removal; 32379

(7) Fail in any other way to perform any duty imposed by law. 32380

(B) Whoever violates division (A) of this section is guilty 32381
of a misdemeanor of the first degree. 32382

Sec. 3599.19. (A) No judge ~~or clerk~~ of elections shall 32383
knowingly do any of the following: 32384

(1) Unlawfully open or permit to be opened the sealed package 32385
containing registration lists, ballots, blanks, pollbooks, and 32386

other papers and material to be used in an election;	32387
(2) Unlawfully misplace, carry away, negligently lose or	32388
permit to be taken from the judge or clerk , fail to deliver, or	32389
destroy any such packages, papers, or material;	32390
(3) Receive or sanction the reception of a ballot from a	32391
person not a qualified elector or from a person who refused to	32392
answer a question in accordance with the election law;	32393
(4) Refuse to receive or sanction the rejection of a ballot	32394
from a person, knowing that person to be a qualified elector;	32395
(5) Permit a fraudulent ballot to be placed in the ballot	32396
box;	32397
(6) Place or permit to be placed in any ballot box any ballot	32398
known by the judge or clerk to be improperly or falsely marked;	32399
(7) Count or permit to be counted any illegal or fraudulent	32400
ballot;	32401
(8) Mislead an elector who is physically unable to prepare	32402
the elector's ballot, mark a ballot for such elector otherwise	32403
than as directed by that elector, or disclose to any person,	32404
except when legally required to do so, how such elector voted;	32405
(9) Alter or mark or permit any alteration or marking on any	32406
ballot when counting the ballots;	32407
(10) Unlawfully count or tally or sanction the wrongful	32408
counting or tallying of votes;	32409
(11) After the counting of votes commences, as required by	32410
law, postpone or sanction the postponement of the counting of	32411
votes, adjourn at any time or to any place, or remove the ballot	32412
box from the place of voting, or from the custody or presence of	32413
all the judges and clerks of such elections;	32414
(12) Permit any ballot to remain or to be in the ballot box	32415
at the opening of the polls, or to be put in the box during the	32416

counting of the ballots, or to be left in the box without being counted;	32417 32418
(13) Admit or sanction the admission to the polling room at an election during the receiving, counting, and certifying of votes of any person not qualified by law to be so admitted;	32419 32420 32421
(14) Refuse to admit or sanction the refusal to admit any person, upon lawful request for admission, who is legally qualified to be present;	32422 32423 32424
(15) Permit or sanction the counting of the ballots contrary to the manner prescribed by law;	32425 32426
(16) Neglect or unlawfully execute any duty enjoined upon the judge or clerk by law.	32427 32428
(B) Whoever violates division (A) of this section is guilty of a misdemeanor of the first degree.	32429 32430
Sec. 3599.37. (A) No person having been subpoenaed or ordered to appear before a grand jury, court, board, or officer in a proceeding or prosecution upon a complaint, information, affidavit, or indictment for an offense under an election law shall do either of the following:	32431 32432 32433 32434 32435
(1) Fail to appear or, having appeared, refuse to answer a question pertinent to the matter under inquiry or investigation;	32436 32437
(2) Refuse to produce, upon reasonable notice, any material, books, papers, documents, or records in that person's possession or under that person's control.	32438 32439 32440
(B) Whoever violates division (A) of this section, unless the violator claims <u>personally appears before the grand jury, court, board, or officer and asserts the protection of the violator's constitutional rights</u> , is guilty of a misdemeanor of the first degree.	32441 32442 32443 32444 32445

Sec. 3701.047. (A) As used in this section: 32446

(1) "Federally qualified health center" means a health center 32447
that receives a federal public health services grant under the 32448
"Public Health Services Act," 117 Stat. 2020, 42 U.S.C. 254b, as 32449
amended, or another health center designated by the U.S. Health 32450
Resources and Services Administration as a federally qualified 32451
health center. 32452

(2) "Federally qualified health center look-alike" means a 32453
public or not-for-profit health center that meets the eligibility 32454
requirements to receive a federal public health services grant 32455
under the "Public Health Services Act," 117 Stat. 2020, 42 U.S.C. 32456
254b, as amended, but does not receive grant funding. 32457

(B) The department of health may enter into an agreement with 32458
the state's primary care association to promote the establishment 32459
of new federally qualified health centers and federally qualified 32460
health center look-alikes. 32461

The department and the association may assist local 32462
communities and community health centers by providing grants and 32463
grant writing assistance to establish health centers as defined in 32464
42 U.S.C. 254b, regardless of whether the health centers apply for 32465
a grant under that section. 32466

Sec. 3701.135. (A) The autism diagnosis education pilot 32467
program is hereby established in the department of health. The 32468
program shall have the following goals: 32469

(1) To educate health care professionals, teachers and other 32470
educational personnel, child care providers, parents, early 32471
intervention and developmental disabilities providers, and other 32472
community-based services providers in this state regarding the 32473
diagnosis of autism spectrum disorders, including the range of 32474
symptoms that may indicate autism spectrum disorders and screening 32475

<u>tools;</u>	32476
<u>(2) To promote appropriate standards for the diagnosis of</u>	32477
<u>autism spectrum disorders in children, including screening tools</u>	32478
<u>and treatment planning for children diagnosed with autism spectrum</u>	32479
<u>disorders;</u>	32480
<u>(3) To encourage physicians and other health care</u>	32481
<u>professionals with expertise in screening, diagnosing, and</u>	32482
<u>treating autism spectrum disorders to share that information with</u>	32483
<u>other health care professionals in this state;</u>	32484
<u>(4) To encourage the regional coordination of services to</u>	32485
<u>facilitate the effective, timely treatment of children diagnosed</u>	32486
<u>with autism spectrum disorders.</u>	32487
<u>(B) The director of health shall contract with a statewide</u>	32488
<u>association representing pediatric physicians to conduct or</u>	32489
<u>administer the autism diagnosis education pilot program.</u>	32490
Sec. 3701.74. (A) As used in this section and section	32491
3701.741 of the Revised Code:	32492
(1) "Ambulatory care facility" means a facility that provides	32493
medical, diagnostic, or surgical treatment to patients who do not	32494
require hospitalization, including a dialysis center, ambulatory	32495
surgical facility, cardiac catheterization facility, diagnostic	32496
imaging center, extracorporeal shock wave lithotripsy center, home	32497
health agency, inpatient hospice, birthing center, radiation	32498
therapy center, emergency facility, and an urgent care center.	32499
"Ambulatory care facility" does not include the private office of	32500
a physician or dentist, whether the office is for an individual or	32501
group practice.	32502
(2) "Chiropractor" means an individual licensed under Chapter	32503
4734. of the Revised Code to practice chiropractic.	32504
(3) "Emergency facility" means a hospital emergency	32505

department or any other facility that provides emergency medical services.	32506 32507
(4) "Health care practitioner" means all of the following:	32508
(a) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;	32509 32510
(b) A registered or licensed practical nurse licensed under Chapter 4723. of the Revised Code;	32511 32512
(c) An optometrist licensed under Chapter 4725. of the Revised Code;	32513 32514
(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;	32515 32516 32517 32518
(e) A pharmacist licensed under Chapter 4729. of the Revised Code;	32519 32520
(f) A physician;	32521
(g) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;	32522 32523
(h) A practitioner of a limited branch of medicine issued a certificate under Chapter 4731. of the Revised Code;	32524 32525
(i) A psychologist licensed under Chapter 4732. of the Revised Code;	32526 32527
(j) A chiropractor;	32528
(k) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	32529 32530
(l) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	32531 32532
(m) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	32533 32534

(n) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	32535 32536
(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;	32537 32538 32539 32540
(p) A dietitian licensed under Chapter 4759. of the Revised Code;	32541 32542
(q) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	32543 32544
(r) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code.	32545 32546 32547
(5) "Health care provider" means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency facility, or health care practitioner.	32548 32549 32550
(6) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.	32551 32552
(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.	32553 32554 32555 32556 32557 32558 32559 32560 32561
(8) "Medical record" means data in any form that pertains to a patient's medical history, diagnosis, prognosis, or medical condition and that is generated and maintained by a health care	32562 32563 32564

provider in the process of the patient's health care treatment. 32565

(9) "Medical records company" means a person who stores, 32566
locates, or copies medical records for a health care provider, or 32567
is compensated for doing so by a health care provider, and charges 32568
a fee for providing medical records to a patient or patient's 32569
representative. 32570

(10) "Patient" means either of the following: 32571

(a) An individual who received health care treatment from a 32572
health care provider; 32573

(b) A guardian, as defined in section 1337.11 of the Revised 32574
Code, of an individual described in division (A)(10)(a) of this 32575
section. 32576

(11) "Patient's personal representative" means a minor 32577
patient's parent or other person acting in loco parentis, a 32578
court-appointed guardian, or a person with durable power of 32579
attorney for health care for a patient, the executor or 32580
administrator of the patient's estate, or the person responsible 32581
for the patient's estate if it is not to be probated. "Patient's 32582
personal representative" does not include an insurer authorized 32583
under Title XXXIX of the Revised Code to do the business of 32584
sickness and accident insurance in this state, a health insuring 32585
corporation holding a certificate of authority under Chapter 1751. 32586
of the Revised Code, or any other person not named in this 32587
division. 32588

(12) "Pharmacy" has the same meaning as in section 4729.01 of 32589
the Revised Code. 32590

(13) "Physician" means a person authorized under Chapter 32591
4731. of the Revised Code to practice medicine and surgery, 32592
osteopathic medicine and surgery, or podiatric medicine and 32593
surgery. 32594

(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 32656
following: 32657

(a) An initial fee of fifteen dollars and thirty-five cents, 32658
which shall compensate for the records search; 32659

(b) With respect to data recorded on paper, the following 32660
amounts: 32661

(i) One dollar and two cents per page for the first ten 32662
pages; 32663

(ii) Fifty-one cents per page for pages eleven through fifty; 32664

(iii) Twenty cents per page for pages fifty-one and higher. 32665

(c) With respect to data recorded other than on paper, one 32666
dollar and seventy cents per page; 32667

(d) The actual cost of any related postage incurred by the 32668
health care provider or medical records company. 32669

(C)(1) A health care provider or medical records company 32670
shall provide one copy without charge to the following: 32671

(a) The bureau of workers' compensation, in accordance with 32672
Chapters 4121. and 4123. of the Revised Code and the rules adopted 32673
under those chapters; 32674

(b) The industrial commission, in accordance with Chapters 32675
4121. and 4123. of the Revised Code and the rules adopted under 32676
those chapters; 32677

(c) The department of job and family services or a county 32678
department of job and family services, in accordance with ~~Chapter~~ 32679
Chapters 5101. and 5111. of the Revised Code and the rules adopted 32680
under those chapters; 32681

(d) The attorney general, in accordance with sections 2743.51 32682
to 2743.72 of the Revised Code and any rules that may be adopted 32683
under those sections; 32684

(e) A patient or patient's personal representative if the 32685
medical record is necessary to support a claim under Title II or 32686
Title XVI of the "Social Security Act," 49 Stat. 620 (1935), 42 32687
U.S.C.A. 401 and 1381, as amended, and the request is accompanied 32688
by documentation that a claim has been filed. 32689

(2) Nothing in division (C)(1) of this section requires a 32690
health care provider or medical records company to provide a copy 32691
without charge to any person or entity not listed in division 32692
(C)(1) of this section. 32693

(D) Division (C) of this section shall not be construed to 32694
supersede any rule of the bureau of workers' compensation, the 32695
industrial commission, or the department of job and family 32696
services. 32697

(E) A health care provider or medical records company may 32698
enter into a contract with either of the following for the copying 32699
of medical records at a fee other than as provided in division (B) 32700
of this section: 32701

(1) A patient, a patient's personal representative, or an 32702
authorized person; 32703

(2) An insurer authorized under Title XXXIX of the Revised 32704
Code to do the business of sickness and accident insurance in this 32705
state or health insuring corporations holding a certificate of 32706
authority under Chapter 1751. of the Revised Code. 32707

(F) This section does not apply to medical records the 32708
copying of which is covered by section 173.20 of the Revised Code 32709
or by 42 C.F.R. 483.10. 32710

Sec. 3702.52. The director of health shall administer a state 32711
certificate of need program in accordance with sections 3702.51 to 32712
3702.62 of the Revised Code and rules adopted under those 32713
sections. 32714

(A) The director shall issue rulings on whether a particular proposed project is a reviewable activity. The director shall issue a ruling not later than forty-five days after receiving a request for a ruling accompanied by the information needed to make the ruling. If the director does not issue a ruling in that time, the project shall be considered to have been ruled not a reviewable activity.

(B) The director shall review applications for certificates of need. Each application shall be submitted to the director on forms prescribed by the director, shall include all information required by rules adopted under division (B) of section 3702.57 of the Revised Code, and shall be accompanied by the application fee established in rules adopted under division (G) of that section.

~~Application~~

Application fees received by the director under this division shall be deposited into the state treasury to the credit of the certificate of need fund, which is hereby created. The director shall use the fund only to pay the costs of administering sections 3702.11 to 3702.20, 3702.30, and 3702.51 to 3702.62 of the Revised Code and rules adopted under those sections.

The director shall mail to the applicant a written notice that the application meets the criteria for a complete application specified in rules adopted under section 3702.57 of the Revised Code, or a written request for additional information, not later than ~~fifteen~~ thirty days after receiving an application or a response to an earlier request for information. The director shall not make more than two requests for additional information.

The director may conduct a public informational hearing in the course of reviewing any application for a certificate of need, and shall conduct one if requested to do so by any affected person not later than fifteen days after the director mails the notice that the application is complete. The hearing shall be conducted

in the community in which the activities authorized by the 32747
certificate of need would be carried out. Any affected person may 32748
testify at the hearing. The director may, with the health service 32749
agency's consent, designate a health service agency to conduct the 32750
hearing. 32751

Except during a public hearing or as necessary to comply with 32752
a subpoena issued under division (F) of this section, after a 32753
notice of completeness has been received, no person shall 32754
knowingly discuss in person or by telephone the merits of the 32755
application with the director. If one or more persons request a 32756
meeting in person or by telephone, the director shall make a 32757
reasonable effort to invite interested parties to the meeting or 32758
conference call. 32759

~~(C) Divisions (C)(1) to (7) of this section apply to 32760
certificate of need applications for which the director had not 32761
issued a written decision prior to April 20, 1995, unless the 32762
director was required, under the version of this section in effect 32763
immediately prior to June 30, 1995, to grant a certificate of need 32764
prior to June 30, 1995, because of a lack of written objections 32765
from any affected person. Divisions (C)(1) to (7) of this section 32766
do not invalidate any certificate of need that the director was 32767
required to grant prior to June 30, 1995, under that circumstance. 32768~~

~~(1) The All of the following apply to the process of granting 32769
or denying a certificate of need: 32770~~

~~(1) If the project proposed in a certificate of need 32771
application meets all of the applicable certificate of need 32772
criteria for approval under sections 3702.51 to 3702.62 of the 32773
Revised Code and the rules adopted under those sections, the 32774
director shall grant a certificate of need for the entire project 32775
that is the subject of the application immediately after both of 32776
the following conditions are met: 32777~~

(a) The board of trustees of the health service agency of the health service area in which the reviewable activity is proposed to be conducted recommends, prior to the deadline specified in division (C)(4) of this section or any extension of it under division (C)(5) of this section, that the certificate of need be granted;

(b) The director ~~receives no~~ does not receive any written objections to the application from any affected person by the ~~later of May 20, 1995, or thirty days~~ thirtieth day after the director mails the notice of completeness.

(2) In the case of certificate of need applications under comparative review, if the projects proposed in the applications meet all of the applicable certificate of need criteria for approval under sections 3702.51 to 3702.62 of the Revised Code and the rules adopted under those sections, the director shall grant certificates of need for the entire projects that are the subject of the applications immediately after both of the following conditions are met:

(a) The board of trustees of the health service agency of each health service area in which the reviewable activities are proposed to be conducted recommends, prior to the deadline specified in division (C)(4) of this section or any extension of it under division (C)(5) of this section, that certificates of need be granted for each of the reviewable activities to be conducted in its health service area;

(b) The director ~~receives no~~ does not receive any written objections to any of the applications from any affected person by the ~~later of May 20, 1995, or thirty days~~ thirtieth day after the director mails the last notice of completeness.

The director's grant of a certificate of need under division (C)(1) or (2) of this section does not affect, and sets no

precedent for, the director's decision to grant or deny other 32809
applications for similar reviewable activities proposed to be 32810
conducted in the same or different health service areas. 32811

(3) If the director receives written objections to an 32812
application from any affected person by the ~~later of May 20, 1995,~~ 32813
~~or thirty days~~ thirtieth day after mailing the notice of 32814
completeness, regardless of the health service agency's 32815
recommendation, the director shall notify the applicant and assign 32816
a hearing examiner to conduct an adjudication hearing concerning 32817
the application in accordance with Chapter 119. of the Revised 32818
Code. In the case of applications under comparative review, if the 32819
director receives written objections to any of the applications 32820
from any affected person by the ~~later of May 20, 1995, or thirty~~ 32821
~~days~~ thirtieth day after the director mails the last notice of 32822
completeness, regardless of the health service agencies' 32823
recommendation, the director shall notify all of the applicants 32824
and appoint a hearing examiner to conduct a consolidated 32825
adjudication hearing concerning the applications in accordance 32826
with Chapter 119. of the Revised Code. The hearing examiner shall 32827
be employed by or under contract with the department of health. 32828

The adjudication hearings may be conducted in the health 32829
service area in which the reviewable activity is proposed to be 32830
conducted. Consolidated adjudication hearings for applications in 32831
comparative review may be conducted in the geographic region in 32832
which all of the reviewable activities will be conducted. The 32833
applicant, the director, and the affected persons that filed 32834
objections to the application shall be parties to the hearing. If 32835
none of the affected persons that submitted written objections to 32836
the application appears or prosecutes the hearing, the hearing 32837
examiner shall dismiss the hearing and the director shall grant a 32838
certificate of need for the entire project that is the subject of 32839
the application if the proposed project meets all of the 32840

applicable certificate of need criteria for approval under 32841
sections 3702.51 to 3702.62 of the Revised Code and the rules 32842
adopted under those sections. The affected persons bear the burden 32843
of proving by a preponderance of evidence that the project is not 32844
needed or that granting the certificate would not be in accordance 32845
with sections 3702.51 to 3702.62 of the Revised Code or the rules 32846
adopted under ~~section 3702.57 of the Revised Code~~ those sections. 32847

(4) Except as provided in divisions (C)(1) and (2) of this 32848
section, the director shall grant or deny certificate of need 32849
applications for which an adjudication hearing is not conducted 32850
under division (C)(3) of this section not later than ~~ninety~~ sixty 32851
days after mailing the notice of completeness or, in the case of 32852
an application proposing addition of long-term care beds, not 32853
later than ~~ninety~~ sixty days after such other time as is specified 32854
in rules adopted under section 3702.57 of the Revised Code. The 32855
director shall grant or deny certificate of need applications for 32856
which an adjudication hearing is conducted under division (C)(3) 32857
of this section not later than thirty days after the expiration of 32858
the time for filing objections to the report and recommendation of 32859
the hearing examiner under section 119.09 of the Revised Code. The 32860
director shall base decisions concerning applications for which an 32861
adjudication hearing is conducted under division (C)(3) of this 32862
section on the report and recommendations of the hearing examiner. 32863

(5) Except as otherwise provided in division (C)(1), (2), or 32864
(6) of this section, the director or the applicant may extend the 32865
deadline prescribed in division (C)(4) of this section once, for 32866
no longer than thirty days, by written notice before the end of 32867
the original thirty-day period. An extension by the director under 32868
division (C)(5) of this section shall apply to all applications 32869
that are in comparative review. 32870

(6) No applicant in a comparative review may extend the 32871
deadline specified in division (C)(4) of this section. 32872

(7) Except as provided in divisions (C)(1) and (2) of this section, the director may grant a certificate of need for all or part of the project that is the subject of an application. If the director does not grant or deny the certificate by the applicable deadline specified in division (C)(4) of this section or any extension of it under division (C)(5) of this section, the certificate shall be considered to have been granted. ~~The director, in reviewing certificate of need applications for solid organ transplantation services, may ask for assistance from a statewide transplantation advisory group consisting of qualified professionals and administrators. Such consultation shall not cause the review period for any application to be extended beyond the applicable deadline specified in division (C)(4) of this section or any extension of it under division (C)(5) of this section.~~

~~(D)(8)~~ In granting a certificate of need, the director shall specify as the maximum capital expenditure the certificate holder may obligate under the certificate a figure equal to one hundred ten per cent of the approved project cost.

~~(E)(9)~~ In granting a certificate of need, the director may grant the certificate with conditions that must be met by the holder of the certificate.

(D) The director shall monitor the activities of persons granted certificates of need concerning long-term care beds during the period beginning with the granting of the certificate of need and ending five years after implementation of the activity for which the certificate was granted.

In the case of any other certificate of need, the director shall monitor the activities of persons granted certificates of need during the period beginning with the granting of the certificate of need and ending when the activity for which the certificate was granted ceases to be a reviewable activity in

accordance with section 3702.511 of the Revised Code. 32905

~~(F)~~(E) When reviewing applications for certificates of need 32906
or monitoring activities of persons granted certificates of need, 32907
the director may issue and enforce, in the manner provided in 32908
section 119.09 of the Revised Code, subpoenas duces tecum to 32909
compel the production of documents relevant to review of the 32910
application or monitoring of the activities. In addition, the 32911
director or the director's designee, which may include a health 32912
service agency, may visit the sites where the activities are or 32913
will be conducted. 32914

~~(G)~~(F) The director may withdraw certificates of need. 32915

~~(H)~~(G) The director shall conduct, on a regular basis, health 32916
system data collection and analysis activities and prepare 32917
reports. The director shall make recommendations based upon these 32918
activities to the public health council concerning the adoption of 32919
appropriate rules under section 3702.57 of the Revised Code. All 32920
health care facilities and other health care providers shall 32921
submit to the director, upon request, any information that is 32922
necessary to conduct reviews of certificate of need applications 32923
and to develop recommendations for criteria for reviews, and that 32924
is prescribed by rules adopted under division (H) of section 32925
3702.57 of the Revised Code. 32926

~~(I)~~(H) Any decision to grant or deny a certificate of need 32927
shall consider the special needs and circumstances resulting from 32928
moral and ethical values and the free exercise of religious rights 32929
of health care facilities administered by religious organizations, 32930
and the special needs and circumstances of children's hospitals, 32931
inner city hospitals, and small rural hospitals. 32932

Sec. 3702.5211. Notwithstanding any conflicting provision of 32933
sections 3702.51 to ~~3702.68~~ 3702.62 of the Revised Code, the 32934
veterans' home operated under Chapter 5907. of the Revised Code 32935

that is located in Sandusky, including the Secrest nursing home 32936
and Giffin care facility, is not required to obtain a certificate 32937
of need for the addition of up to fifty-two additional nursing 32938
home beds to be licensed under Chapter 3721. of the Revised Code 32939
if the additional beds are placed in service prior to June 30, 32940
1999. 32941

Sec. 3702.5212. (A) This section applies to each long-term 32942
care facility that meets the following requirements: 32943

(1) The facility has been in continuous operation for not 32944
less than one hundred twenty years prior to the effective date of 32945
this section; 32946

(2) The facility is located in an inner city area; 32947

(3) The facility is operating as a nonprofit entity organized 32948
under Chapter 1702. of the Revised Code or the nonprofit law of 32949
another state. 32950

(B) Notwithstanding any conflicting provision of sections 32951
3702.51 to ~~3702.68~~ 3702.62 of the Revised Code, the owner or 32952
operator of a long-term care facility described in division (A) of 32953
this section is not required to obtain a certificate of need for 32954
the addition of up to thirty long-term care beds to be licensed 32955
under Chapter 3721. of the Revised Code. The exemption shall apply 32956
only as long as the beds are owned and operated by the facility to 32957
which the exemption is granted. 32958

Sec. 3702.5213. Notwithstanding any conflicting provision of 32959
sections 3702.51 to ~~3702.68~~ 3702.62 of the Revised Code, the 32960
veterans' home operated under Chapter 5907. of the Revised Code 32961
that is located in Brown county is not required to obtain a 32962
certificate of need for the addition of up to one hundred 32963
sixty-eight additional nursing home beds to be licensed under 32964
Chapter 3721. of the Revised Code if the additional beds are 32965

placed in service prior to December 31, 2004. 32966

Sec. 3702.57. (A) The public health council shall adopt rules 32967
establishing procedures and criteria for reviews of applications 32968
for certificates of need and issuance, denial, or withdrawal of 32969
certificates. 32970

(1) The rules shall require that, in addition to any other 32971
applicable review requirements of sections 3702.51 to 3702.62 of 32972
the Revised Code and rules adopted thereunder, any application for 32973
a certificate of need from an osteopathic hospital be reviewed on 32974
the basis of the need for and the availability in the community of 32975
services and hospitals for osteopathic physicians and their 32976
patients, and in terms of its impact on existing and proposed 32977
institutional training programs for doctors of osteopathy and 32978
doctors of medicine at the student, internship, and residency 32979
training levels. 32980

(2) In adopting rules that establish criteria for reviews of 32981
applications of certificates of need, the council shall consider 32982
the availability of and need for long-term care beds to provide 32983
care and treatment to persons diagnosed as having traumatic brain 32984
injuries and shall prescribe criteria for reviewing applications 32985
that propose to add long-term care beds to provide care and 32986
treatment to persons diagnosed as having traumatic brain injuries. 32987

(3) The criteria for reviews of applications for certificates 32988
of need shall relate to the need for the reviewable activity and 32989
shall pertain to all of the following matters: 32990

(a) The impact of the reviewable activity on the cost and 32991
quality of health services in the relevant geographic area, 32992
including, but not limited, to the historical and projected 32993
utilization of the services to which the application pertains and 32994
the effect of the reviewable activity on utilization of other 32995
providers of similar services; 32996

(b) The quality of the services to be provided as the result of the activity, as evidenced by the historical performance of the persons that will be involved in providing the services and by the provisions that are proposed in the application to ensure quality, including but not limited to adequate available personnel, available ancillary and support services, available equipment, size and configuration of physical plant, and relations with other providers;

(c) The impact of the reviewable activity on the availability and accessibility of the type of services proposed in the application to the population of the relevant geographic area, and the level of access to the services proposed in the application that will be provided to medically underserved individuals such as recipients of public assistance and individuals who have no health insurance or whose health insurance is insufficient;

(d) The activity's short- and long-term financial feasibility and cost-effectiveness, the impact of the activity on the applicant's costs and charges, and a comparison of the applicant's costs and charges with those of providers of similar services in the applicant's proposed service area;

(e) The advantages, disadvantages, and costs of alternatives to the reviewable activity;

(f) The impact of the activity on all other providers of similar services in the health service area or other relevant geographic area, including the impact on their utilization, market share, and financial status;

(g) The historical performance of the applicant and related or affiliated parties in complying with previously granted certificates of need and any applicable certification, accreditation, or licensure requirements;

(h) The relationship of the activity to the current edition

of the state health resources plan issued under section 3702.521 33028
of the Revised Code; 33029

(i) The historical performance of the applicant and related 33030
or affiliated parties in providing cost-effective health care 33031
services; 33032

(j) The special needs and circumstances of the applicant or 33033
population proposed to be served by the proposed project, 33034
including research activities, prevalence of particular diseases, 33035
unusual demographic characteristics, cost-effective contractual 33036
affiliations, and other special circumstances; 33037

(k) The appropriateness of the zoning status of the proposed 33038
site of the activity; 33039

(l) The participation by the applicant in research conducted 33040
by the United States food and drug administration or clinical 33041
trials sponsored by the national institutes of health. 33042

(4) The criteria for reviews of applications may include 33043
formulas for determining need for beds and services. 33044

(a) The criteria prescribing formulas shall not, either by 33045
themselves or in conjunction with any established occupancy 33046
guidelines, require, as a condition of being granted a certificate 33047
of need, that a hospital reduce its complement of registered beds 33048
or discontinue any service that is not related to the service or 33049
project for which the certificate of need is sought. 33050

(b) With respect to applications to conduct reviewable 33051
activities that are affected directly by the inpatient occupancy 33052
of a health care facility, including addition, relocation, or 33053
recategorization of beds or renovation or other construction 33054
activities relating to inpatient services, the rules shall 33055
prescribe criteria for determining whether the scope of the 33056
proposed project is appropriate in light of the historical and 33057
reasonably projected occupancy rates for the beds related to the 33058

project. 33059

(c) Any rules prescribing criteria that establish ratios of 33060
beds, services, or equipment to population shall specify the bases 33061
for establishing the ratios or mitigating factors or exceptions to 33062
the ratios. 33063

(B) The council shall adopt rules specifying all of the 33064
following: 33065

(1) Information that must be provided in applications for 33066
certificates of need, which shall include a plan for obligating 33067
the capital expenditure or implementing the proposed project on a 33068
timely basis in accordance with section 3702.525 of the Revised 33069
Code; 33070

(2) Procedures for reviewing applications for completeness of 33071
information; 33072

(3) Criteria for determining that the application is 33073
complete. 33074

(C) The council shall adopt rules specifying requirements 33075
that holders of certificates of need must meet in order for the 33076
certificates to remain valid and establishing definitions and 33077
requirements for obligation of capital expenditures and 33078
implementation of projects authorized by certificates of need. 33079

(D) The council shall adopt rules establishing criteria and 33080
procedures under which the director of health may withdraw a 33081
certificate of need if the holder fails to meet requirements for 33082
continued validity of the certificate. 33083

(E) The council shall adopt rules establishing procedures 33084
under which the department of health shall monitor project 33085
implementation activities of holders of certificates of need. The 33086
rules adopted under this division also may establish procedures 33087
for monitoring implementation activities of persons that have 33088

received nonreviewability rulings. 33089

(F) The council shall adopt rules establishing procedures 33090
under which the director of health shall review certificates of 33091
need whose holders exceed or appear likely to exceed an 33092
expenditure maximum specified in a certificate. 33093

(G) The council shall adopt rules establishing certificate of 33094
need application fees sufficient to pay the costs incurred by the 33095
department for administering sections 3702.51 to 3702.62 of the 33096
Revised Code and to pay health service agencies for the functions 33097
they perform under division (D)(5) of section 3702.58 of the 33098
Revised Code. Unless rules are adopted under this division 33099
establishing different application fees, the application fee for a 33100
project not involving a capital expenditure shall be three 33101
thousand dollars and the application fee for a project involving a 33102
capital expenditure shall be nine-tenths of one per cent of the 33103
capital expenditure proposed subject to a minimum of three 33104
thousand dollars and a maximum of twenty thousand dollars. 33105

(H) The council shall adopt rules specifying information that 33106
is necessary to conduct reviews of certificate of need 33107
applications and to develop recommendations for criteria for 33108
reviews that health care facilities and other health care 33109
providers are to submit to the director under division ~~(H)~~(G) of 33110
section 3702.52 of the Revised Code. 33111

(I) The council shall adopt rules defining "affiliated 33112
person," "related person," and "ultimate controlling interest" for 33113
purposes of section 3702.524 of the Revised Code. 33114

(J) The council shall adopt rules prescribing requirements 33115
for holders of certificates of need to demonstrate to the director 33116
under section 3702.526 of the Revised Code that reasonable 33117
progress is being made toward completion of the reviewable 33118
activity and establishing standards by which the director shall 33119

determine whether reasonable progress is being made. 33120

(K) The council shall adopt rules defining high-risk cardiac 33121
catheterization patients. High-risk patients shall include 33122
patients with significant ischemic syndromes or unstable 33123
myocardial infarction, patients who need intervention such as 33124
angioplasty or bypass surgery, patients who may require difficult 33125
or complex catheterization procedures such as transeptal 33126
assessment of valvular dysfunction, patients with critical aortic 33127
stenosis or congestive heart failure, and other patients specified 33128
by the council. 33129

(L) The public health council shall adopt all rules under 33130
divisions (A) to (K) of this section in accordance with Chapter 33131
119. of the Revised Code. The council may adopt other rules as 33132
necessary to carry out the purposes of sections 3702.51 to 3702.62 33133
of the Revised Code. 33134

Sec. ~~3702.68~~ 3702.59. (A) Notwithstanding any conflicting 33135
provision of sections 3702.51 to 3702.62 of the Revised Code, 33136
other than the provisions of sections 3702.5210, 3702.5211, 33137
3702.5212, and 3702.5213 of the Revised Code, both of the 33138
following apply under the certificate of need program: 33139

(1) Divisions (B) to (E) of this section ~~applies~~ apply to the 33140
review of certificate of need applications during the period 33141
beginning July 1, 1993, and ending June 30, ~~2007~~ 2009. 33142

~~As used in this section, "existing health care facility" has~~ 33143
~~the same meaning as in section 3702.51 of the Revised Code~~ (2) 33144
Beginning July 1, 2009, the director of health shall not accept 33145
for review under section 3702.52 of the Revised Code any 33146
application for a certificate of need to recategorize hospital 33147
beds as described in section 3702.522 of the Revised Code. 33148

(B)(1) Except as provided in division (B)(2) of this section, 33149

the director of health shall neither grant nor deny any 33150
application for a certificate of need submitted prior to July 1, 33151
1993, if the application was for any of the following and the 33152
director had not issued a written decision concerning the 33153
application prior to that date: 33154

(a) Approval of beds in a new health care facility or an 33155
increase of beds in an existing health care facility, if the beds 33156
are proposed to be licensed as nursing home beds under Chapter 33157
3721. of the Revised Code; 33158

(b) Approval of beds in a new county home or new county 33159
nursing home as defined in section 5155.31 of the Revised Code, or 33160
an increase of beds in an existing county home or existing county 33161
nursing home, if the beds are proposed to be certified as skilled 33162
nursing facility beds under Title XVIII or nursing facility beds 33163
under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 33164
42 U.S.C.A. 301, as amended; 33165

(c) Recategorization of hospital beds as described in section 33166
3702.522 of the Revised Code, an increase of hospital beds 33167
registered pursuant to section 3701.07 of the Revised Code as 33168
long-term care beds or skilled nursing facility beds, or a 33169
recategorization of hospital beds that would result in an increase 33170
of beds registered pursuant to that section as long-term care beds 33171
or skilled nursing facility beds. 33172

On July 1, 1993, the director shall return each such 33173
application to the applicant and, notwithstanding section 3702.52 33174
of the Revised Code regarding the uses of the certificate of need 33175
fund, shall refund to the applicant the application fee paid under 33176
that section. Applications returned under division (B)(1) of this 33177
section may be resubmitted in accordance with section 3702.52 of 33178
the Revised Code no sooner than July 1, ~~2007~~ 2009. 33179

(2) The director shall continue to review and shall issue a 33180

decision regarding any application submitted prior to July 1, 33181
1993, to increase beds for either of the purposes described in 33182
division (B)(1)(a) or (b) of this section if the proposed increase 33183
in beds is attributable solely to a replacement or relocation of 33184
existing beds within the same county. The director shall authorize 33185
under such an application no additional beds beyond those being 33186
replaced or relocated. 33187

(C)(1) Except as provided in division (C)(2) of this section, 33188
the director, during the period beginning July 1, 1993, and ending 33189
June 30, ~~2007~~ 2009, shall not accept for review under section 33190
3702.52 of the Revised Code any application for a certificate of 33191
need for any of the purposes described in divisions (B)(1)(a) to 33192
(c) of this section. 33193

(2)(a) The director shall accept for review any application 33194
for either of the purposes described in division (B)(1)(a) or (b) 33195
of this section if the proposed increase in beds is attributable 33196
solely to a replacement or relocation of existing beds from an 33197
existing health care facility within the same county. The director 33198
shall authorize under such an application no additional beds 33199
beyond those being replaced or relocated. 33200

The director shall not approve an application for a 33201
certificate of need for addition of long-term care beds to an 33202
existing health care facility by relocation of beds or for the 33203
development of a new health care facility by relocation of beds 33204
unless all of the following conditions are met: 33205

(i) The existing health care facility to which the beds are 33206
being relocated has no waivers for life safety code ~~waivers~~ 33207
deficiencies, no state fire code violations, and no state building 33208
code violations, or the project identified in the application 33209
proposes to correct all life safety code deficiencies for which a 33210
waiver has been granted, all state fire code violations, and all 33211
state building code violations at the existing health care 33212

facility to which the beds are being relocated; 33213

(ii) During the sixty-month period preceding the filing of 33214
the application, no notice of proposed revocation of the 33215
facility's license was issued under section 3721.03 of the Revised 33216
Code to the operator of the existing facility to which the beds 33217
are being relocated or to any health care facility owned or 33218
operated by the applicant or any principal participant in the same 33219
corporation or other business; 33220

(iii) Neither the existing health care facility to which the 33221
beds are being relocated nor any health care facility owned or 33222
operated by the applicant or any principal participant in the same 33223
corporation or other business has had a long-standing pattern of 33224
violations of this chapter or deficiencies that caused one or more 33225
residents physical, emotional, mental, or psychosocial harm. 33226

(b) The director also shall accept for review any application 33227
for the conversion of infirmary beds to long-term care beds if the 33228
infirmary meets all of the following conditions: 33229

(i) Is operated exclusively by a religious order; 33230

(ii) Provides care exclusively to members of religious orders 33231
who take vows of celibacy and live by virtue of their vows within 33232
the orders as if related; 33233

(iii) Was providing care exclusively to members of such a 33234
religious order on January 1, 1994. 33235

(D) The director shall issue a decision regarding any case 33236
remanded by a court as the result of a decision issued by the 33237
director prior to July 1, 1993, to grant, deny, or withdraw a 33238
certificate of need for any of the purposes described in divisions 33239
(B)(1)(a) to (c) of this section. 33240

(E) The director shall not project the need for beds listed 33241
in division (B)(1) of this section for the period beginning July 33242

1, 1993, and ending June 30, ~~2007~~ 2009. 33243

~~This section is an interim section effective until July 1, 33244
2007. 33245~~

Sec. ~~3702.63~~ 3702.591. As specified in former Section 11 of 33246
Am. Sub. S.B. 50 of the 121st general assembly, as amended by Am. 33247
Sub. H.B. 405 of the 124th general assembly, all of the following 33248
apply: 33249

(A) The removal of former divisions (E) and (F) of section 33250
3702.52 of the Revised Code by Sections 1 and 2 of Am. Sub. S.B. 33251
50 of the 121st general assembly does not release the holders of 33252
certificates of need issued under those divisions from complying 33253
with any conditions on which the granting of the certificates of 33254
need was based, including the requirement of former division 33255
(E)(6) of that section that the holders not enter into provider 33256
agreements under Chapter 5111. of the Revised Code and Title XIX 33257
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, 33258
as amended, for at least ten years following initial licensure of 33259
the long-term care facilities for which the certificates were 33260
granted. 33261

(B) The repeal of section 3702.55 of the Revised Code by 33262
Section 2 of Am. Sub. S.B. 50 of the 121st general assembly does 33263
not release the holders of certificates of need issued under that 33264
section from complying with any conditions on which the granting 33265
of the certificates of need was based, other than the requirement 33266
of division (A)(6) of that section that the holders not seek 33267
certification under Title XVIII of the "Social Security Act" for 33268
beds recategorized under the certificates. That repeal also does 33269
not eliminate the requirement that the director of health revoke 33270
the licensure of the beds under Chapter 3721. of the Revised Code 33271
if a person to which their ownership is transferred fails, as 33272
required by division (A)(6) of the repealed section, to file 33273

within ten days after the transfer a sworn statement not to seek 33274
certification under Title XIX of the "Social Security Act" for 33275
beds recategorized under the certificates of need. 33276

(C) The repeal of section 3702.56 of the Revised Code by 33277
Section 2 of Am. Sub. S.B. 50 of the 121st general assembly does 33278
not release the holders of certificates of need issued under that 33279
section from complying with any conditions on which the granting 33280
of the certificates of need was based. 33281

Sec. 3704.03. The director of environmental protection may do 33282
any of the following: 33283

(A) Develop programs for the prevention, control, and 33284
abatement of air pollution; 33285

(B) Advise, consult, contract, and cooperate with any 33286
governmental or private agency in the furtherance of the purposes 33287
of this chapter; 33288

(C) Encourage, participate in, or conduct studies, 33289
investigations, and research relating to air pollution, collect 33290
and disseminate information, and conduct education and training 33291
programs relating to the causes, prevention, control, and 33292
abatement of air pollution; 33293

(D) Adopt, modify, and rescind rules prescribing ambient air 33294
quality standards for the state as a whole or for various areas of 33295
the state that are consistent with and no more stringent than the 33296
national ambient air quality standards in effect under the federal 33297
Clean Air Act; 33298

(E) Adopt, modify, suspend, and rescind rules for the 33299
prevention, control, and abatement of air pollution, including 33300
rules prescribing for the state as a whole or for various areas of 33301
the state emission standards for air contaminants, and other 33302
necessary rules for the purpose of achieving and maintaining 33303

compliance with ambient air quality standards in all areas within 33304
the state as expeditiously as practicable, but not later than any 33305
deadlines applicable under the federal Clean Air Act; rules for 33306
the prevention or control of the emission of hazardous or toxic 33307
air contaminants; rules prescribing fugitive dust limitations and 33308
standards that are related, on an areawide basis, to attainment 33309
and maintenance of ambient air quality standards; rules 33310
prescribing shade, density, or opacity limitations and standards 33311
for emissions, provided that with regard to air contaminant 33312
sources for which there are particulate matter emission standards 33313
in addition to a shade, density, or opacity rule, upon 33314
demonstration by such a source of compliance with those other 33315
standards, the shade, density, or opacity rule shall provide for 33316
establishment of a shade, density, or opacity limitation for that 33317
source that does not require the source to reduce emissions below 33318
the level specified by those other standards; rules for the 33319
prevention or control of odors and air pollution nuisances; rules 33320
that prevent significant deterioration of air quality to the 33321
extent required by the federal Clean Air Act; rules for the 33322
protection of visibility as required by the federal Clean Air Act; 33323
and rules prescribing open burning limitations and standards. In 33324
adopting, modifying, suspending, or rescinding any such rules, the 33325
director, to the extent consistent with the federal Clean Air Act, 33326
shall hear and give consideration to evidence relating to all of 33327
the following: 33328

(1) Conditions calculated to result from compliance with the 33329
rules, the overall cost within this state of compliance with the 33330
rules, and their relation to benefits to the people of the state 33331
to be derived from that compliance; 33332

(2) The quantity and characteristics of air contaminants, the 33333
frequency and duration of their presence in the ambient air, and 33334
the dispersion and dilution of those contaminants; 33335

(3) Topography, prevailing wind directions and velocities, 33336
physical conditions, and other factors that may or may combine to 33337
affect air pollution. 33338

Consistent with division (K) of section 3704.036 of the 33339
Revised Code, the director shall consider alternative emission 33340
limits proposed by the owner or operator of an air contaminant 33341
source that is subject to an emission limit established in rules 33342
adopted under this division and shall accept those alternative 33343
emission limits that the director determines to be equivalent to 33344
emission limits established in rules adopted under this division. 33345

(F)(1) Adopt, modify, suspend, and rescind rules consistent 33346
with the purposes of this chapter prohibiting the location, 33347
installation, construction, or modification of any air contaminant 33348
source or any machine, equipment, device, apparatus, or physical 33349
facility intended primarily to prevent or control the emission of 33350
air contaminants unless an installation permit therefor has been 33351
obtained from the director or the director's authorized 33352
representative. 33353

(2) Applications for installation permits shall be 33354
accompanied by plans, specifications, construction schedules, and 33355
such other pertinent information and data, including data on 33356
ambient air quality impact and a demonstration of best available 33357
technology, as the director may require. Installation permits 33358
shall be issued for a period specified by the director and are 33359
transferable. The director shall specify in each permit the 33360
applicable emission standards and that the permit is conditioned 33361
upon payment of the applicable fees as required by section 3745.11 33362
of the Revised Code and upon the right of the director's 33363
authorized representatives to enter upon the premises of the 33364
person to whom the permit has been issued, at any reasonable time 33365
and subject to safety requirements of the person in control of the 33366
premises, for the purpose of determining compliance with such 33367

standards, this chapter, the rules adopted thereunder, and the 33368
conditions of any permit, variance, or order issued thereunder. 33369
Each proposed new or modified air contaminant source shall provide 33370
such notice of its proposed installation or modification to other 33371
states as is required under the federal Clean Air Act. 33372
Installation permits shall include the authorization to operate 33373
sources installed and operated in accordance with terms and 33374
conditions of the installation permits for a period not to exceed 33375
one year from commencement of operation, which authorization shall 33376
constitute an operating permit under division (G) of this section 33377
and rules adopted under it. 33378

No installation permit shall be required for activities that 33379
are subject to and in compliance with a plant-wide applicability 33380
limit issued by the director in accordance with rules adopted 33381
under this section. 33382

No installation permit shall be issued except in accordance 33383
with all requirements of this chapter and rules adopted 33384
thereunder. No application shall be denied or permit revoked or 33385
modified without a written order stating the findings upon which 33386
denial, revocation, or modification is based. A copy of the order 33387
shall be sent to the applicant or permit holder by certified mail. 33388

(3) Not later than two years after ~~the effective date of this~~ 33389
~~amendment~~ August 3, 2006, the director shall adopt a rule in 33390
accordance with Chapter 119. of the Revised Code specifying that a 33391
permit to install is required only for new or modified air 33392
contaminant sources that emit any of the following air 33393
contaminants: 33394

(a) An air contaminant or precursor of an air contaminant for 33395
which a national ambient air quality standard has been adopted 33396
under the federal Clean Air Act; 33397

(b) An air contaminant for which the air contaminant source 33398

is regulated under the federal Clean Air Act; 33399

(c) An air contaminant that presents, or may present, through 33400
inhalation or other routes of exposure, a threat of adverse human 33401
health effects, including, but not limited to, substances that are 33402
known to be, or may reasonably be anticipated to be, carcinogenic, 33403
mutagenic, teratogenic, or neurotoxic, that cause reproductive 33404
dysfunction, or that are acutely or chronically toxic, or a threat 33405
of adverse environmental effects whether through ambient 33406
concentrations, bioaccumulation, deposition, or otherwise, and 33407
that is identified in the rule by chemical name and chemical 33408
abstract service number. 33409

The director may modify the rule adopted under division 33410
(F)(3)(c) of this section for the purpose of adding or deleting 33411
air contaminants. For each air contaminant that is contained in or 33412
deleted from the rule adopted under division (F)(3)(c) of this 33413
section, the director shall include in a notice accompanying any 33414
proposed or final rule an explanation of the director's 33415
determination that the air contaminant meets the criteria 33416
established in that division and should be added to, or no longer 33417
meets the criteria and should be deleted from, the list of air 33418
contaminants. The explanation shall include an identification of 33419
the scientific evidence on which the director relied in making the 33420
determination. Until adoption of the rule under division (F)(3)(c) 33421
of this section, nothing shall affect the director's authority to 33422
issue, deny, modify, or revoke permits to install under this 33423
chapter and rules adopted under it. 33424

(4)(a) Applications for permits to install new or modified 33425
air contaminant sources shall contain sufficient information 33426
regarding air contaminants for which the director may require a 33427
permit to install to determine conformity with the environmental 33428
protection agency's document entitled "Review of New Sources of 33429
Air Toxics Emissions, Option A," dated May 1986, which the 33430

director shall use to evaluate toxic emissions from new or 33431
modified air contaminant sources. The director shall make copies 33432
of the document available to the public upon request at no cost 33433
and post the document on the environmental protection agency's web 33434
site. Any inconsistency between the document and division (F)(4) 33435
of this section shall be resolved in favor of division (F)(4) of 33436
this section. 33437

(b) The maximum acceptable ground level concentration of an 33438
air contaminant shall be calculated in accordance with the 33439
document entitled "Review of New Sources of Air Toxics Emissions, 33440
Option A." Modeling shall be conducted to determine the increase 33441
in the ground level concentration of an air contaminant beyond the 33442
facility's boundary caused by the emissions from a new or modified 33443
source that is the subject of an application for a permit to 33444
install. Modeling shall be based on the maximum hourly rate of 33445
emissions from the source using information including, but not 33446
limited to, any emission control devices or methods, operational 33447
restrictions, stack parameters, and emission dispersion devices or 33448
methods that may affect ground level concentrations, either 33449
individually or in combination. The director shall determine 33450
whether the activities for which a permit to install is sought 33451
will cause an increase in the ground level concentration of one or 33452
more relevant air contaminants beyond the facility's boundary by 33453
an amount in excess of the maximum acceptable ground level 33454
concentration. In making the determination as to whether the 33455
maximum acceptable ground level concentration will be exceeded, 33456
the director shall give consideration to the modeling conducted 33457
under division (F)(4)(b) of this section and other relevant 33458
information submitted by the applicant. 33459

(c) If the modeling conducted under division (F)(4)(b) of 33460
this section with respect to an application for a permit to 33461
install demonstrates that the maximum ground level concentration 33462

from a new or modified source will be greater than or equal to 33463
eighty per cent, but less than one hundred per cent of the maximum 33464
acceptable ground level concentration for an air contaminant, the 33465
director may establish terms and conditions in the permit to 33466
install for the air contaminant source that will require the owner 33467
or operator of the air contaminant source to maintain emissions of 33468
that air contaminant commensurate with the modeled level, which 33469
shall be expressed as allowable emissions per day. In order to 33470
calculate the allowable emissions per day, the director shall 33471
multiply the hourly emission rate modeled under division (F)(4)(b) 33472
of this section to determine the ground level concentration by the 33473
operating schedule that has been identified in the permit to 33474
install application. Terms and conditions imposed under division 33475
(F)(4)(c) of this section are not federally enforceable 33476
requirements and, if included in a Title V permit, shall be placed 33477
in the portion of the permit that is only enforceable by the 33478
state. 33479

(d) If the modeling conducted under division (F)(4)(b) of 33480
this section with respect to an application for a permit to 33481
install demonstrates that the maximum ground level concentration 33482
from a new or modified source will be less than eighty per cent of 33483
the maximum acceptable ground level concentration, the owner or 33484
operator of the source annually shall report to the director, on a 33485
form prescribed by the director, whether operations of the source 33486
are consistent with the information regarding the operations that 33487
was used to conduct the modeling with regard to the permit to 33488
install application. The annual report to the director shall be in 33489
lieu of an emission limit or other permit terms and conditions 33490
imposed pursuant to division (F)(4) of this section. The director 33491
may consider any significant departure from the operations of the 33492
source described in the permit to install application that results 33493
in greater emissions than the emissions rate modeled to determine 33494
the ground level concentration as a modification and require the 33495

owner or operator to submit a permit to install application for 33496
the increased emissions. The requirements established in division 33497
(F)(4)(d) of this section are not federally enforceable 33498
requirements and, if included in a Title V permit, shall be placed 33499
in the portion of the permit that is only enforceable by the 33500
state. 33501

(e) Division (F)(4) of this section and the document entitled 33502
"Review of New Sources of Air Toxics Emissions, Option A" shall 33503
not be included in the state implementation plan under section 110 33504
of the federal Clean Air Act and do not apply to an air 33505
contaminant source that is subject to a maximum achievable control 33506
technology standard or residual risk standard under section 112 of 33507
the federal Clean Air Act, to a particular air contaminant 33508
identified under 40 C.F.R. 51.166, division (b)(23), for which the 33509
director has determined that the owner or operator of the source 33510
is required to install best available control technology for that 33511
particular air contaminant, or to a particular air contaminant for 33512
which the director has determined that the source is required to 33513
meet the lowest achievable emission rate, as defined in 40 C.F.R. 33514
part 51, Appendix S, for that particular air contaminant. 33515

(f)(i) Division (F)(4) of this section and the document 33516
entitled "Review of New Sources of Air Toxics Emissions, Option A" 33517
do not apply to parking lots, storage piles, storage tanks, 33518
transfer operations, grain silos, grain dryers, emergency 33519
generators, gasoline dispensing operations, air contaminant 33520
sources that emit air contaminants solely from the combustion of 33521
fossil fuels, or the emission of wood dust, sand, glass dust, coal 33522
dust, silica, and grain dust. 33523

(ii) Notwithstanding division (F)(4)(f)(i) of this section, 33524
the director may require an individual air contaminant source that 33525
is within one of the source categories identified in division 33526
(F)(4)(f)(i) of this section to submit information in an 33527

application for a permit to install a new or modified source in 33528
order to determine the source's conformity to the document if the 33529
director has information to conclude that the particular new or 33530
modified source will potentially cause an increase in ground level 33531
concentration beyond the facility's boundary that exceeds the 33532
maximum acceptable ground level concentration as set forth in the 33533
document. 33534

(iii) The director may adopt rules in accordance with Chapter 33535
119. of the Revised Code that are consistent with the purposes of 33536
this chapter and that add to or delete from the source category 33537
exemptions established in division (F)(4)(f)(i) of this section. 33538

(5) Not later than one year after ~~the effective date of this~~ 33539
~~amendment~~ August 3, 2006, the director shall adopt rules in 33540
accordance with Chapter 119. of the Revised Code specifying 33541
activities that do not, by themselves, constitute beginning actual 33542
construction activities related to the installation or 33543
modification of an air contaminant source for which a permit to 33544
install is required such as the grading and clearing of land, 33545
on-site storage of portable parts and equipment, and the 33546
construction of foundations or buildings that do not themselves 33547
emit air contaminants. The rules also shall allow specified 33548
initial activities that are part of the installation or 33549
modification of an air contaminant source, such as the 33550
installation of electrical and other utilities for the source, 33551
prior to issuance of a permit to install, provided that the owner 33552
or operator of the source has filed a complete application for a 33553
permit to install, the director or the director's designee has 33554
determined that the application is complete, and the owner or 33555
operator of the source has notified the director that this 33556
activity will be undertaken prior to the issuance of a permit to 33557
install. Any activity that is undertaken by the source under those 33558
rules shall be at the risk of the owner or operator. The rules 33559

shall not apply to activities that are precluded prior to permit 33560
issuance under section 111, section 112, Part C of Title I, and 33561
Part D of Title I of the federal Clean Air Act. 33562

(G) Adopt, modify, suspend, and rescind rules prohibiting the 33563
operation or other use of any new, modified, or existing air 33564
contaminant source unless an operating permit has been obtained 33565
from the director or the director's authorized representative, or 33566
the air contaminant source is being operated in compliance with 33567
the conditions of a variance issued pursuant to division (H) of 33568
this section. Applications for operating permits shall be 33569
accompanied by such plans, specifications, and other pertinent 33570
information as the director may require. Operating permits may be 33571
issued for a period determined by the director not to exceed ~~five~~ 33572
ten years, are renewable, and are transferable. The director shall 33573
specify in each operating permit that the permit is conditioned 33574
upon payment of the applicable fees as required by section 3745.11 33575
of the Revised Code and upon the right of the director's 33576
authorized representatives to enter upon the premises of the 33577
person to whom the permit has been issued, at any reasonable time 33578
and subject to safety requirements of the person in control of the 33579
premises, for the purpose of determining compliance with this 33580
chapter, the rules adopted thereunder, and the conditions of any 33581
permit, variance, or order issued thereunder. Operating permits 33582
may be denied or revoked for failure to comply with this chapter 33583
or the rules adopted thereunder. An operating permit shall be 33584
issued only upon a showing satisfactory to the director or the 33585
director's representative that the air contaminant source is being 33586
operated in compliance with applicable emission standards and 33587
other rules or upon submission of a schedule of compliance 33588
satisfactory to the director for a source that is not in 33589
compliance with all applicable requirements at the time of permit 33590
issuance, provided that the compliance schedule shall be 33591
consistent with and at least as stringent as that contained in any 33592

judicial consent decree or administrative order to which the air 33593
contaminant source is subject. The rules shall provide for the 33594
issuance of conditional operating permits for such reasonable 33595
periods as the director may determine to allow the holder of an 33596
installation permit, who has constructed, installed, located, or 33597
modified a new air contaminant source in accordance with the 33598
provisions of an installation permit, to make adjustments or 33599
modifications necessary to enable the new air contaminant source 33600
to comply with applicable emission standards and other rules. 33601
Terms and conditions of operating permits issued pursuant to this 33602
division shall be federally enforceable for the purpose of 33603
establishing the potential to emit of a stationary source and 33604
shall be expressly designated as federally enforceable. Any such 33605
federally enforceable restrictions on a source's potential to emit 33606
shall include both an annual limit and a short-term limit of not 33607
more than thirty days for each pollutant to be restricted together 33608
with adequate methods for establishing compliance with the 33609
restrictions. In other respects, operating permits issued pursuant 33610
to this division are enforceable as state law only. No application 33611
shall be denied or permit revoked or modified without a written 33612
order stating the findings upon which denial, revocation, or 33613
modification is based. A copy of the order shall be sent to the 33614
applicant or permit holder by certified mail. 33615

(H) Adopt, modify, and rescind rules governing the issuance, 33616
revocation, modification, or denial of variances that authorize 33617
emissions in excess of the applicable emission standards. 33618

No variance shall be issued except pursuant to those rules. 33619
The rules shall prescribe conditions and criteria in furtherance 33620
of the purposes of this chapter and consistent with the federal 33621
Clean Air Act governing eligibility for issuance of variances, 33622
which shall include all of the following: 33623

(1) Provisions requiring consistency of emissions authorized 33624

by a variance with timely attainment and maintenance of ambient 33625
air quality standards; 33626

(2) Provisions prescribing the classes and categories of air 33627
contaminants and air contaminant sources for which variances may 33628
be issued; 33629

(3) Provisions defining the circumstances under which an 33630
applicant shall demonstrate that compliance with applicable 33631
emission standards is technically infeasible, economically 33632
unreasonable, or impossible because of conditions beyond the 33633
control of the applicant; 33634

(4) Other provisions prescribed in furtherance of the goals 33635
of this chapter. 33636

The rules shall prohibit the issuance of variances from any 33637
emission limitation that was applicable to a source pursuant to an 33638
installation permit and shall prohibit issuance of variances that 33639
conflict with the federal Clean Air Act. 33640

Applications for variances shall be accompanied by such 33641
information as the director may require. In issuing variances, the 33642
director may order the person to whom a variance is issued to 33643
furnish plans and specifications and such other information and 33644
data, including interim reports, as the director may require and 33645
to proceed to take such action within such time as the director 33646
may determine to be appropriate and reasonable to prevent, 33647
control, or abate the person's existing emissions of air 33648
contaminants. The director shall specify in each variance that the 33649
variance is conditioned upon payment of the applicable fees as 33650
required by section 3745.11 of the Revised Code and upon the right 33651
of the director's authorized representatives to enter upon the 33652
premises of the person to whom the variance has been issued, at 33653
any reasonable time and subject to safety requirements of the 33654
person in control of the premises, for the purpose of determining 33655

compliance with this chapter, the rules adopted thereunder, and 33656
the conditions of any permit, variance, or order issued 33657
thereunder. 33658

The director may hold a public hearing on an application for 33659
a variance or renewal thereof at a location in the county where 33660
the variance is sought. The director shall give not less than 33661
twenty days' notice of the hearing to the applicant by certified 33662
mail and cause at least one publication of notice in a newspaper 33663
with general circulation in the county where the variance is 33664
sought. The director shall keep available for public inspection at 33665
the principal office of the environmental protection agency a 33666
current schedule of pending applications for variances and a 33667
current schedule of pending variance hearings. The director shall 33668
make a complete stenographic record of testimony and other 33669
evidence submitted at the hearing. The director shall make a 33670
written determination to issue, renew, or deny the variance and 33671
shall enter the determination and the basis therefor into the 33672
record of the hearing. The director shall issue, renew, or deny an 33673
application for a variance or renewal thereof, or issue a proposed 33674
action upon the application pursuant to section 3745.07 of the 33675
Revised Code, within six months of the date upon which the 33676
director receives a complete application with all pertinent 33677
information and data required by the director. 33678

Any variance granted pursuant to rules adopted under this 33679
division shall be for a period specified by the director, not to 33680
exceed three years, and may be renewed from time to time on such 33681
terms and for such periods, not to exceed three years each, as the 33682
director determines to be appropriate. A variance may be revoked, 33683
or renewal denied, for failure to comply with conditions specified 33684
in the variance. No variance shall be issued, denied, revoked, or 33685
modified without a written order stating the findings upon which 33686
the issuance, denial, revocation, or modification is based. A copy 33687

of the order shall be sent to the applicant or variance holder by 33688
certified mail. 33689

(I) Require the owner or operator of an air contaminant 33690
source to install, employ, maintain, and operate such emissions, 33691
ambient air quality, meteorological, or other monitoring devices 33692
or methods as the director shall prescribe; to sample those 33693
emissions at such locations, at such intervals, and in such manner 33694
as the director prescribes; to maintain records and file periodic 33695
reports with the director containing information as to location, 33696
size, and height of emission outlets, rate, duration, and 33697
composition of emissions, and any other pertinent information the 33698
director prescribes; and to provide such written notice to other 33699
states as the director shall prescribe. In requiring monitoring 33700
devices, records, and reports, the director, to the extent 33701
consistent with the federal Clean Air Act, shall give 33702
consideration to technical feasibility and economic reasonableness 33703
and allow reasonable time for compliance. For sources where a 33704
specific monitoring, record-keeping, or reporting requirement is 33705
specified for a particular air contaminant from a particular air 33706
contaminant source in an applicable regulation adopted by the 33707
United States environmental protection agency under the federal 33708
Clean Air Act or in an applicable rule adopted by the director, 33709
the director shall not impose an additional requirement in a 33710
permit that is a different monitoring, record-keeping, or 33711
reporting requirement other than the requirement specified in the 33712
applicable regulation or rule for that air contaminant except as 33713
otherwise agreed to by the owner or operator of the air 33714
contaminant source and the director. If two or more regulations or 33715
rules impose different monitoring, record-keeping, or reporting 33716
requirements for the same air contaminant from the same air 33717
contaminant source, the director may impose permit terms and 33718
conditions that consolidate or streamline the monitoring, 33719
record-keeping, or reporting requirements in a manner that 33720

conforms with each applicable requirement. To the extent 33721
consistent with the federal Clean Air Act and except as otherwise 33722
agreed to by the owner or operator of an air contaminant source 33723
and the director, the director shall not require an operating 33724
restriction that has the practical effect of increasing the 33725
stringency of an existing applicable emission limitation or 33726
standard. 33727

(J) Establish, operate, and maintain monitoring stations and 33728
other devices designed to measure air pollution and enter into 33729
contracts with any public or private agency for the establishment, 33730
operation, or maintenance of such stations and devices; 33731

(K) By rule adopt procedures for giving reasonable public 33732
notice and conducting public hearings on any plans for the 33733
prevention, control, and abatement of air pollution that the 33734
director is required to submit to the federal government; 33735

(L) Through any employee, agent, or authorized representative 33736
of the director or the environmental protection agency, enter upon 33737
private or public property, including improvements thereon, at any 33738
reasonable time, to make inspections, take samples, conduct tests, 33739
and examine records or reports pertaining to any emission of air 33740
contaminants and any monitoring equipment or methods and to 33741
determine if there are any actual or potential emissions from such 33742
premises and, if so, to determine the sources, amounts, contents, 33743
and extent of those emissions, or to ascertain whether there is 33744
compliance with this chapter, any orders issued or rules adopted 33745
thereunder, or any other determination of the director. The 33746
director, at reasonable times, may have access to and copy any 33747
such records. If entry or inspection authorized by this division 33748
is refused, hindered, or thwarted, the director or the director's 33749
authorized representative may by affidavit apply for, and any 33750
judge of a court of record may issue, an appropriate inspection 33751
warrant necessary to achieve the purposes of this chapter within 33752

the court's territorial jurisdiction. 33753

(M) Accept and administer gifts or grants from the federal 33754
government and from any other source, public or private, for 33755
carrying out any of the functions under this chapter; 33756

(N) Obtain necessary scientific, technical, and laboratory 33757
services; 33758

(O) Establish advisory boards in accordance with section 33759
121.13 of the Revised Code; 33760

(P) Delegate to any city or general health district or 33761
political subdivision of the state any of the director's 33762
enforcement and monitoring powers and duties, other than 33763
rule-making powers, as the director elects to delegate, and in 33764
addition employ, compensate, and prescribe the powers and duties 33765
of such officers, employees, and consultants as are necessary to 33766
enable the director to exercise the authority and perform duties 33767
imposed upon the director by law. Technical and other services 33768
shall be performed, insofar as practical, by personnel of the 33769
environmental protection agency. 33770

(Q) Certify to the government of the United States or any 33771
agency thereof that an industrial air pollution facility is in 33772
conformity with the state program or requirements for control of 33773
air pollution whenever such certificate is required for a taxpayer 33774
pursuant to any federal law or requirements; 33775

(R) Issue, modify, or revoke orders requiring abatement of or 33776
prohibiting emissions that violate applicable emission standards 33777
or other requirements of this chapter and rules adopted 33778
thereunder, or requiring emission control devices or measures in 33779
order to comply with applicable emission standards or other 33780
requirements of this chapter and rules adopted thereunder. Any 33781
such order shall require compliance with applicable emission 33782
standards by a specified date and shall not conflict with any 33783

requirement of the federal Clean Air Act. In the making of such 33784
orders, the director, to the extent consistent with the federal 33785
Clean Air Act, shall give consideration to, and base the 33786
determination on, evidence relating to the technical feasibility 33787
and economic reasonableness of compliance with such orders and 33788
their relation to benefits to the people of the state to be 33789
derived from such compliance. If, under the federal Clean Air Act, 33790
any such order shall provide for the posting of a bond or surety 33791
to secure compliance with the order as a condition of issuance of 33792
the order, the order shall so provide, but only to the extent 33793
required by the federal Clean Air Act. 33794

(S) To the extent provided by the federal Clean Air Act, 33795
adopt, modify, and rescind rules providing for the administrative 33796
assessment and collection of monetary penalties, not in excess of 33797
those required pursuant to the federal Clean Air Act, for failure 33798
to comply with any emission limitation or standard, compliance 33799
schedule, or other requirement of any rule, order, permit, or 33800
variance issued or adopted under this chapter or required under 33801
the applicable implementation plan whether or not the source is 33802
subject to a federal or state consent decree. The director may 33803
require the submission of compliance schedules, calculations of 33804
penalties for noncompliance, and related information. Any orders, 33805
payments, sanctions, or other requirements imposed pursuant to 33806
rules adopted under this division shall be in addition to any 33807
other permits, orders, payments, sanctions, or other requirements 33808
established under this chapter and shall not affect any civil or 33809
criminal enforcement proceedings brought under any provision of 33810
this chapter or any other provision of state or local law. This 33811
division does not apply to any requirement of this chapter 33812
regarding the prevention or abatement of odors. 33813

(T) Require new or modified air contaminant sources to 33814
install best available technology, but only in accordance with 33815

this division. With respect to permits issued pursuant to division 33816
(F) of this section beginning three years after ~~the effective date~~ 33817
~~of this amendment~~ August 3, 2006, best available technology for 33818
air contaminant sources and air contaminants emitted by those 33819
sources that are subject to standards adopted under section 112, 33820
Part C of Title I, and Part D of Title I of the federal Clean Air 33821
Act shall be equivalent to and no more stringent than those 33822
standards. For an air contaminant or precursor of an air 33823
contaminant for which a national ambient air quality standard has 33824
been adopted under the federal Clean Air Act, best available 33825
technology only shall be required to the extent required by rules 33826
adopted under Chapter 119. of the Revised Code for permit to 33827
install applications filed three or more years after ~~the effective~~ 33828
~~date of this amendment~~ August 3, 2006. 33829

Best available technology requirements established in rules 33830
adopted under this division shall be expressed only in one of the 33831
following ways that is most appropriate for the applicable source 33832
or source categories: 33833

(1) Work practices; 33834

(2) Source design characteristics or design efficiency of 33835
applicable air contaminant control devices; 33836

(3) Raw material specifications or throughput limitations 33837
averaged over a twelve-month rolling period; 33838

(4) Monthly allowable emissions averaged over a twelve-month 33839
rolling period. 33840

Best available technology requirements shall not apply to an 33841
air contaminant source that has the potential to emit, taking into 33842
account air pollution controls installed on the source, less than 33843
ten tons per year of emissions of an air contaminant or precursor 33844
of an air contaminant for which a national ambient air quality 33845
standard has been adopted under the federal Clean Air Act. In 33846

addition, best available technology requirements established in 33847
rules adopted under this division shall not apply to any existing, 33848
new, or modified air contaminant source that is subject to a 33849
plant-wide applicability limit that has been approved by the 33850
director. Further, best available technology requirements 33851
established in rules adopted under this division shall not apply 33852
to general permits issued prior to January 1, 2006, under rules 33853
adopted under this chapter. 33854

For permits to install issued three or more years after ~~the~~ 33855
~~effective date of this amendment~~ August 3, 2006, any new or 33856
modified air contaminant source that has the potential to emit, 33857
taking into account air pollution controls installed on the 33858
source, ten or more tons per year of volatile organic compounds or 33859
nitrogen oxides shall meet, at a minimum, the requirements of any 33860
applicable reasonably available control technology rule in effect 33861
as of January 1, 2006, regardless of the location of the source. 33862

(U) Consistent with section 507 of the federal Clean Air Act, 33863
adopt, modify, suspend, and rescind rules for the establishment of 33864
a small business stationary source technical and environmental 33865
compliance assistance program as provided in section 3704.18 of 33866
the Revised Code; 33867

(V) Provide for emissions trading, marketable permits, 33868
auctions of emission rights, and economic incentives that would 33869
reduce the cost or increase the efficiency of achieving a 33870
specified level of environmental protection; 33871

(W) Provide for the construction of an air contaminant source 33872
prior to obtaining a permit to install pursuant to division (F) of 33873
this section if the applicant demonstrates that the source will be 33874
installed to comply with all applicable emission limits and will 33875
not adversely affect public health or safety or the environment 33876
and if the director determines that such an action will avoid an 33877
unreasonable hardship on the owner or operator of the source. Any 33878

such determination shall be consistent with the federal Clean Air Act. 33879
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(X) Exercise all incidental powers, including adoption of rules, required to carry out this chapter. 33881
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The environmental protection agency shall develop a plan to control air pollution resulting from state-operated facilities and property. 33883
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Sec. 3704.14. (A) It is the intent of the general assembly that the enhanced motor vehicle inspection and maintenance program that was in operation pursuant to the federal Clean Air Act on January 3, 2006, in certain counties of this state pursuant to a contract that is scheduled to expire on December 31, 2007, not be extended beyond that date in those counties. If the governor determines that the extension of a transportation-based ozone reduction program in those counties is necessary to comply with federal law, the governor, by executive order, may extend the compliance efforts of this state for one year using the most cost effective, least costly, consumer accommodating, and decentralized available technology and approaches that meet federal performance standards, using an open public bidding process. Thereafter, if the governor determines that continuation of the enhanced motor vehicle inspection and maintenance program is necessary in those counties to comply with federal law, the governor, by executive order, may extend that program for an additional year or as otherwise required to comply with applicable law. The cost of any program shall be paid by the state from the auto emissions test fund, which is hereby created in the state treasury. The fund shall consist of money appropriated to it and shall be administered by the director of environmental protection. 33886
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An executive order issued under this division shall include provisions providing the authority that is necessary for the 33908
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environmental protection agency to adopt decentralized approaches 33910
that meet federal performance standards through program design 33911
changes that affect normal inspection and maintenance input 33912
parameters to the mobile source emission factor model or through 33913
program changes that reduce in-use mobile source emissions. Upon 33914
issuance of such an executive order, the governor shall notify the 33915
general assembly in writing of the governor's decision to issue 33916
the executive order. 33917

(B)(1) It is the intent of the general assembly that a 33918
tailpipe motor vehicle inspection and maintenance program not be 33919
implemented in any county in the state. Moreover, it is the intent 33920
of the general assembly that, if a motor vehicle-based ozone 33921
testing program is mandated by federal law for counties in the 33922
northeastern portion of this state, a tailpipe motor vehicle 33923
inspection and maintenance program not be implemented and that an 33924
onboard diagnostic only inspection and gas-cap testing program be 33925
utilized to satisfy any federal requirements for vehicle emissions 33926
testing. 33927

(2) If any motor vehicle testing program is established under 33928
this section, the director shall ensure that motor vehicles that 33929
are four years old or newer are exempt from the testing program. 33930

(C) Not later than thirty days after the effective date of 33931
this section and on the first day of January of each subsequent 33932
year, the director shall request the United States environmental 33933
protection agency to provide to the director a list of alternative 33934
approaches to meet federal performance standards and program 33935
changes that this state may employ to comply with the federal 33936
Clean Air Act in lieu of the implementation of a motor vehicle 33937
inspection and maintenance program. Based on the information 33938
received from the United States environmental protection agency, 33939
the director shall prepare a report concerning those alternative 33940
approaches. The director shall issue the report and provide it to 33941

the general assembly not later than thirty days after receiving 33942
the list of alternative approaches from the United States 33943
environmental protection agency. 33944

Sec. 3705.24. (A)(1) The public health council shall, in 33945
accordance with section 111.15 of the Revised Code, adopt rules 33946
prescribing fees for the following services provided by the state 33947
office of vital statistics: 33948

(a) Except as provided in division (A)(4) of this section: 33949

(i) A certified copy of a vital record or a certification of 33950
birth; 33951

(ii) A search by the office of vital statistics of its files 33952
and records pursuant to a request for information, regardless of 33953
whether a copy of a record is provided; 33954

(iii) A copy of a record provided pursuant to a request; 33955

(b) Replacement of a birth certificate following an adoption, 33956
legitimation, paternity determination or acknowledgement, or court 33957
order; 33958

(c) Filing of a delayed registration of a vital record; 33959

(d) Amendment of a vital record that is requested later than 33960
one year after the filing date of the vital record; 33961

(e) Any other documents or services for which the public 33962
health council considers the charging of a fee appropriate. 33963

(2) Fees prescribed under division (A)(1)(a) of this section 33964
shall not be less than seven dollars. 33965

(3) Fees prescribed under division (A)(1) of this section 33966
shall be collected in addition to any fees required by sections 33967
3109.14 and 3705.242 of the Revised Code. 33968

(4) Fees prescribed under division (A) of this section shall 33969
not apply to certifications issued under division (H) of this 33970

section or copies provided under section 3705.241 of the Revised Code. 33971
33972

(B) In addition to the fees prescribed under division (A) of 33973
this section or section 3709.09 of the Revised Code, the office of 33974
vital statistics or the board of health of a city or general 33975
health district shall charge a five-dollar fee for each certified 33976
copy of a vital record and each certification of birth. This fee 33977
shall be deposited in the general operations fund created under 33978
section 3701.83 of the Revised Code and be used ~~solely toward to~~ 33979
support the operations, the modernization, and the automation of 33980
the ~~system of~~ vital records program in this state. A board of 33981
health shall forward all fees collected under this division to the 33982
department of health not later than thirty days after the end of 33983
each calendar quarter. 33984

(C) Except as otherwise provided in division (H) of this 33985
section, and except as provided in section 3705.241 of the Revised 33986
Code, fees collected by the director of health under sections 33987
3705.01 to 3705.29 of the Revised Code shall be paid into the 33988
state treasury to the credit of the general operations fund 33989
created by section 3701.83 of the Revised Code. Except as provided 33990
in division (B) of this section, money generated by the fees shall 33991
be used only for administration and enforcement of this chapter 33992
and the rules adopted under it. Amounts submitted to the 33993
department of health for copies of vital records or services in 33994
excess of the fees imposed by this section shall be dealt with as 33995
follows: 33996

(1) An overpayment of two dollars or less shall be retained 33997
by the department and deposited in the state treasury to the 33998
credit of the general operations fund created by section 3701.83 33999
of the Revised Code. 34000

(2) An overpayment in excess of two dollars shall be returned 34001
to the person who made the overpayment. 34002

(D) If a local registrar is a salaried employee of a city or 34003
a general health district, any fees the local registrar receives 34004
pursuant to section 3705.23 of the Revised Code shall be paid into 34005
the general fund of the city or the health fund of the general 34006
health district. 34007

Each local registrar of vital statistics, or each health 34008
district where the local registrar is a salaried employee of the 34009
district, shall be entitled to a fee for each birth, fetal death, 34010
death, or military service certificate properly and completely 34011
made out and registered with the local registrar or district and 34012
correctly copied and forwarded to the office of vital statistics 34013
in accordance with the population of the primary registration 34014
district at the last federal census. The fee for each birth, fetal 34015
death, death, or military service certificate shall be: 34016

(1) In primary registration districts of over two hundred 34017
fifty thousand, twenty cents; 34018

(2) In primary registration districts of over one hundred 34019
twenty-five thousand and less than two hundred fifty thousand, 34020
sixty cents; 34021

(3) In primary registration districts of over fifty thousand 34022
and less than one hundred twenty-five thousand, eighty cents; 34023

(4) In primary registration districts of less than fifty 34024
thousand, one dollar. 34025

(E) The director of health shall annually certify to the 34026
county treasurers of the several counties the number of birth, 34027
fetal death, death, and military service certificates registered 34028
from their respective counties with the names of the local 34029
registrars and the amounts due each registrar and health district 34030
at the rates fixed in this section. Such amounts shall be paid by 34031
the treasurer of the county in which the registration districts 34032
are located. No fees shall be charged or collected by registrars 34033

except as provided by this chapter and section 3109.14 of the Revised Code. 34034
34035

(F) A probate judge shall be paid a fee of fifteen cents for each certified abstract of marriage prepared and forwarded by the probate judge to the department of health pursuant to section 3705.21 of the Revised Code. The fee shall be in addition to the fee paid for a marriage license and shall be paid by the applicants for the license. 34036
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(G) The clerk of a court of common pleas shall be paid a fee of one dollar for each certificate of divorce, dissolution, and annulment of marriage prepared and forwarded by the clerk to the department pursuant to section 3705.21 of the Revised Code. The fee for the certified abstract of divorce, dissolution, or annulment of marriage shall be added to the court costs allowed in these cases. 34042
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(H) The fee for an heirloom certification of birth issued pursuant to division (B)(2) of section 3705.23 of the Revised Code shall be an amount prescribed by rule by the director of health plus any fee required by section 3109.14 of the Revised Code. In setting the amount of the fee, the director shall establish a surcharge in addition to an amount necessary to offset the expense of processing heirloom certifications of birth. The fee prescribed by the director of health pursuant to this division shall be deposited into the state treasury to the credit of the heirloom certification of birth fund which is hereby created. Money credited to the fund shall be used by the office of vital statistics to offset the expense of processing heirloom certifications of birth. However, the money collected for the surcharge, subject to the approval of the controlling board, shall be used for the purposes specified by the family and children first council pursuant to section 121.37 of the Revised Code. 34049
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Sec. 3706.01. As used in this chapter:	34065
(A) "Governmental agency" means a department, division, or other unit of state government, a municipal corporation, county, township, and other political subdivision, or any other public corporation or agency having the power to acquire, construct, or operate air quality facilities, the United States or any agency thereof, and any agency, commission, or authority established pursuant to an interstate compact or agreement.	34066 34067 34068 34069 34070 34071 34072
(B) "Person" means any individual, firm, partnership, association, or corporation, or any combination thereof.	34073 34074
(C) "Air contaminant" means particulate matter, dust, fumes, gas, mist, smoke, noise, vapor, heat, radioactivity, radiation, or odorous substance, or any combination thereof.	34075 34076 34077
(D) "Air pollution" means the presence in the ambient air of one or more air contaminants in sufficient quantity and of such characteristics and duration as to injure human health or welfare, plant or animal life, or property, or that unreasonably interferes with the comfortable enjoyment of life or property.	34078 34079 34080 34081 34082
(E) "Ambient air" means that portion of the atmosphere outside of buildings and other enclosures, stacks, or ducts that surrounds human, plant, or animal life, or property.	34083 34084 34085
(F) "Emission" means the release into the outdoor atmosphere of an air contaminant.	34086 34087
(G) "Air quality facility" means any of the following:	34088
(1) Any method, modification or replacement of property, process, device, structure, or equipment that removes, reduces, prevents, contains, alters, conveys, stores, disperses, or disposes of air contaminants or substances containing air contaminants, or that renders less noxious or reduces the concentration of air contaminants in the ambient air, including,	34089 34090 34091 34092 34093 34094

without limitation, facilities and expenditures that qualify as 34095
air pollution control facilities under section 103 (C)(4)(F) of 34096
the Internal Revenue Code of 1954, as amended, and regulations 34097
adopted thereunder; 34098

(2) Motor vehicle inspection stations operated in accordance 34099
with, and any equipment used for motor vehicle inspections 34100
conducted under, section 3704.14 of the Revised Code and rules 34101
adopted under it; 34102

(3) Ethanol or other biofuel facilities, including any 34103
equipment used at the ethanol or other biofuel facility for the 34104
production of ethanol or other biofuels; 34105

(4) Any property or portion thereof used for the collection, 34106
storage, treatment, utilization, processing, or final disposal of 34107
a by-product or solid waste resulting from any method, process, 34108
device, structure, or equipment that removes, reduces, prevents, 34109
contains, alters, conveys, stores, disperses, or disposes of air 34110
contaminants, or that renders less noxious or reduces the 34111
concentration of air contaminants in the ambient air; 34112

(5) Any property, device, or equipment that promotes the 34113
reduction of emissions of air contaminants into the ambient air 34114
through improvements in the efficiency of energy utilization or 34115
energy conservation; 34116

(6) Any coal research and development project conducted under 34117
Chapter 1555. of the Revised Code; 34118

(7) As determined by the director of the Ohio coal 34119
development office, any property or portion thereof that is used 34120
for the collection, storage, treatment, utilization, processing, 34121
or final disposal of a by-product resulting from a coal research 34122
and development project as defined in section 1555.01 of the 34123
Revised Code or from the use of clean coal technology, excluding 34124
any property or portion thereof that is used primarily for other 34125

subsequent commercial purposes; 34126

(8) Any property or portion thereof that is part of the 34127
FutureGen project of the United States department of energy or 34128
related to the siting of the FutureGen project. 34129

"Air quality facility" further includes any property or 34130
system to be used in whole or in part for any of the purposes in 34131
divisions (G)(1) to (8) of this section, whether another purpose 34132
is also served, and any property or system incidental to or that 34133
has to do with, or the end purpose of which is, any of the 34134
foregoing. Air quality facilities that are defined in this 34135
division for industry, commerce, distribution, or research, 34136
including public utility companies, are hereby determined to be 34137
those that qualify as facilities for the control of air pollution 34138
and thermal pollution related to air under Section 13 of Article 34139
VIII, Ohio Constitution. 34140

(H) "Project" or "air quality project" means any air quality 34141
facility, including undivided or other interests therein, acquired 34142
or to be acquired or constructed or to be constructed by the Ohio 34143
air quality development authority under this chapter, or acquired 34144
or to be acquired or constructed or to be constructed by a 34145
governmental agency or person with all or a part of the cost 34146
thereof being paid from a loan or grant from the authority under 34147
this chapter or otherwise paid from the proceeds of air quality 34148
revenue bonds, including all buildings and facilities that the 34149
authority determines necessary for the operation of the project, 34150
together with all property, rights, easements, and interests that 34151
may be required for the operation of the project. 34152

(I) "Cost" as applied to an air quality project means the 34153
cost of acquisition and construction, the cost of acquisition of 34154
all land, rights-of-way, property rights, easements, franchise 34155
rights, and interests required for such acquisition and 34156
construction, the cost of demolishing or removing any buildings or 34157

structures on land so acquired, including the cost of acquiring 34158
any lands to which such buildings or structures may be moved, the 34159
cost of acquiring or constructing and equipping a principal office 34160
and sub-offices of the authority, the cost of diverting highways, 34161
interchange of highways, and access roads to private property, 34162
including the cost of land or easements for such access roads, the 34163
cost of public utility and common carrier relocation or 34164
duplication, the cost of all machinery, furnishings, and 34165
equipment, financing charges, interest prior to and during 34166
construction and for no more than eighteen months after completion 34167
of construction, engineering, expenses of research and development 34168
with respect to air quality facilities, the cost of any commodity 34169
contract, including fees and expenses related thereto, legal 34170
expenses, plans, specifications, surveys, studies, estimates of 34171
cost and revenues, working capital, other expenses necessary or 34172
incident to determining the feasibility or practicability of 34173
acquiring or constructing such project, administrative expense, 34174
and such other expense as may be necessary or incident to the 34175
acquisition or construction of the project, the financing of such 34176
acquisition or construction, including the amount authorized in 34177
the resolution of the authority providing for the issuance of air 34178
quality revenue bonds to be paid into any special funds from the 34179
proceeds of such bonds, and the financing of the placing of such 34180
project in operation. Any obligation, cost, or expense incurred by 34181
any governmental agency or person for surveys, borings, 34182
preparation of plans and specifications, and other engineering 34183
services, or any other cost described above, in connection with 34184
the acquisition or construction of a project may be regarded as a 34185
part of the cost of that project and may be reimbursed out of the 34186
proceeds of air quality revenue bonds as authorized by this 34187
chapter. 34188

(J) "Owner" includes an individual, copartnership, 34189
association, or corporation having any title or interest in any 34190

property, rights, easements, or interests authorized to be 34191
acquired by this chapter. 34192

(K) "Revenues" means all rentals and other charges received 34193
by the authority for the use or services of any air quality 34194
project, any gift or grant received with respect to any air 34195
quality project, any moneys received with respect to the lease, 34196
sublease, sale, including installment sale or conditional sale, or 34197
other disposition of an air quality project, moneys received in 34198
repayment of and for interest on any loans made by the authority 34199
to a person or governmental agency, whether from the United States 34200
or any department, administration, or agency thereof, or 34201
otherwise, proceeds of such bonds to the extent that use thereof 34202
for payment of principal of, premium, if any, or interest on the 34203
bonds is authorized by the authority, amounts received or 34204
otherwise derived from a commodity contract or from the sale of 34205
the related commodity under such a contract, proceeds from any 34206
insurance, condemnation, or guaranty pertaining to a project or 34207
property mortgaged to secure bonds or pertaining to the financing 34208
of the project, and income and profit from the investment of the 34209
proceeds of air quality revenue bonds or of any revenues. 34210

(L) "Public roads" includes all public highways, roads, and 34211
streets in the state, whether maintained by the state, county, 34212
city, township, or other political subdivision. 34213

(M) "Public utility facilities" includes tracks, pipes, 34214
mains, conduits, cables, wires, towers, poles, and other equipment 34215
and appliances of any public utility. 34216

(N) "Construction," unless the context indicates a different 34217
meaning or intent, includes reconstruction, enlargement, 34218
improvement, or providing furnishings or equipment. 34219

(O) "Air quality revenue bonds," unless the context indicates 34220
a different meaning or intent, includes air quality revenue notes, 34221

air quality revenue renewal notes, and air quality revenue 34222
refunding bonds, except that notes issued in anticipation of the 34223
issuance of bonds shall have a maximum maturity of five years as 34224
provided in section 3706.05 of the Revised Code and notes or 34225
renewal notes issued as the definitive obligation may be issued 34226
maturing at such time or times with a maximum maturity of forty 34227
years from the date of issuance of the original note. 34228

(P) "Solid waste" means any garbage; refuse; sludge from a 34229
waste water treatment plant, water supply treatment plant, or air 34230
pollution control facility; and other discarded material, 34231
including solid, liquid, semisolid, or contained gaseous material 34232
resulting from industrial, commercial, mining, and agricultural 34233
operations, and from community activities, but not including solid 34234
or dissolved material in domestic sewage, or solid or dissolved 34235
material in irrigation return flows or industrial discharges that 34236
are point sources subject to permits under section 402 of the 34237
"Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 34238
880, 33 U.S.C.A. 1342, as amended, or source, special nuclear, or 34239
byproduct material as defined by the "Atomic Energy Act of 1954," 34240
68 Stat. 921, 42 U.S.C.A. 2011, as amended. 34241

(Q) "Sludge" means any solid, semisolid, or liquid waste, 34242
other than a recyclable by-product, generated from a municipal, 34243
commercial, or industrial waste water treatment plant, water 34244
supply plant, or air pollution control facility or any other such 34245
wastes having similar characteristics and effects. 34246

(R) "Ethanol or other biofuel facility" means a plant at 34247
which ethanol or other biofuel is produced. 34248

(S) "Ethanol" means fermentation ethyl alcohol derived from 34249
agricultural products, including potatoes, cereal, grains, cheese 34250
whey, and sugar beets; forest products; or other renewable or 34251
biomass resources, including residue and waste generated from the 34252
production, processing, and marketing of agricultural products, 34253

forest products, and other renewable or biomass resources, that 34254
meets all of the specifications in the American society for 34255
testing and materials (ASTM) specification D 4806-88 and is 34256
denatured as specified in Parts 20 and 21 of Title 27 of the Code 34257
of Federal Regulations. 34258

(T) "Biofuel" means any fuel that is made from cellulosic 34259
biomass resources, including renewable organic matter, crop waste 34260
residue, wood, aquatic plants and other crops, animal waste, solid 34261
waste, or sludge, and that is used for the production of energy 34262
for transportation or other purposes. 34263

(U) "FutureGen project" means the buildings, equipment, and 34264
real property and functionally related buildings, equipment, and 34265
real property, including related research projects that support 34266
the development and operation of the buildings, equipment, and 34267
real property, designated by the United States department of 34268
energy and the FutureGen industrial alliance, inc., as the 34269
coal-fueled, zero-emissions power plant designed to prove the 34270
technical and economic feasibility of producing electricity and 34271
hydrogen from coal and nearly eliminating carbon dioxide emissions 34272
through capture and permanent storage. 34273

(V) "Commodity contract" means a contract or series of 34274
contracts entered into in connection with the acquisition or 34275
construction of air quality facilities for the purchase or sale of 34276
a commodity that is eligible for prepayment with the proceeds of 34277
federally tax exempt bonds under sections 103, 141, and 148 of the 34278
Internal Revenue Code of 1986, as amended, and regulations adopted 34279
under it. 34280

Sec. 3706.03. It is hereby declared to be the public policy 34281
of the state through the operations of the Ohio air quality 34282
development authority under this chapter to contribute toward one 34283
or more of the following: to provide for the conservation of air 34284

as a natural resource of the state, and to prevent or abate the 34285
pollution thereof, to provide for the comfort, health, safety, and 34286
general welfare of all employees, as well as all other inhabitants 34287
of the state, to assist in the financing of air quality facilities 34288
for industry, commerce, distribution, and research, including 34289
public utility companies, to create or preserve jobs and 34290
employment opportunities or improve the economic welfare of the 34291
people, or assist and cooperate with governmental agencies in 34292
achieving such purposes. In furtherance of such public policy the 34293
Ohio air quality development authority may initiate, acquire, 34294
construct, maintain, repair, and operate air quality projects or 34295
cause the same to be operated pursuant to a lease, sublease, or 34296
agreement with any person or governmental agency; may make loans 34297
and grants to governmental agencies for the acquisition or 34298
construction of air quality facilities by such governmental 34299
agencies; may make loans to persons for the acquisition or 34300
construction of air quality facilities by such persons; may enter 34301
into commodity contracts with, or make loans for the purpose of 34302
entering into commodity contracts to, any person, governmental 34303
agency, or entity located within or without the state in 34304
connection with the acquisition or construction of air quality 34305
facilities; and may issue air quality revenue bonds of this state 34306
payable solely from revenues, to pay the cost of such projects, 34307
including any related commodity contracts. Any air quality project 34308
shall be determined by the authority to be not inconsistent with 34309
any applicable air quality standards duly established and then 34310
required to be met pursuant to the "Clean Air Act," 84 Stat. 1679 34311
(1970), 42 U.S.C.A. 1857, as amended. Any resolution of the 34312
authority providing for acquiring or constructing such projects or 34313
for making a loan or grant for such projects shall include a 34314
finding by the authority that such determination has been made. 34315
Determinations by resolution of the authority that a project is an 34316
air quality facility under this chapter and is consistent with the 34317

purposes of section 13 of Article VIII, Ohio Constitution, and 34318
this chapter, shall be conclusive as to the validity and 34319
enforceability of the air quality revenue bonds issued to finance 34320
such project and of the resolutions, trust agreements or 34321
indentures, leases, subleases, sale agreements, loan agreements, 34322
and other agreements made in connection therewith, all in 34323
accordance with their terms. 34324

Sec. 3706.041. (A) With respect to projects, and the 34325
financing thereof, for industry, commerce, distribution, or 34326
research, including public utility companies, under agreements 34327
whereby the person to whom the project is to be leased, subleased, 34328
or sold, or to whom a loan is to be made for the project, is to 34329
make payments sufficient to pay all of the principal of, premium, 34330
if any, and interest on the air quality revenue bonds issued for 34331
the project, or the counterparty under any related commodity 34332
contract agrees to make payments sufficient in amount to pay all 34333
of the principal of, premium, if any, and interest on the related 34334
air quality revenue bonds, the Ohio air quality development 34335
authority may, in addition to other powers under this chapter: 34336

(1) Make loans for the acquisition or construction of the 34337
project to such person upon such terms as the authority may 34338
determine or authorize, including secured or unsecured loans, and, 34339
in connection therewith, enter into loan agreements and other 34340
agreements, including commodity contracts, accept notes and other 34341
forms of obligation to evidence such indebtedness and mortgages, 34342
liens, pledges, assignments, or other security interests to secure 34343
such indebtedness, which may be prior or ~~subordinate~~ subordinate 34344
to or on a parity with other indebtedness, obligations, mortgages, 34345
pledges, assignments, other security interests, or liens or 34346
encumbrances, and take such actions as may be considered by it 34347
appropriate to protect such security and safeguard against losses, 34348
including, without limitation thereto, foreclosure and the bidding 34349

upon and purchase of property upon foreclosure or other sale. 34350

(2) Sell such project under such terms as it may determine, 34351
including, without limitation thereto, sale by conditional sale or 34352
installment sale, under which title may pass prior to or after 34353
completion of the project or payment or provisions for payment of 34354
all principal of, premium, if any, and interest on such bonds, or 34355
at any other time provided in such agreement pertaining to such 34356
sale, and including sale under an option to purchase at a price 34357
which may be a nominal amount or less than true value at the time 34358
of purchase. 34359

(3) Grant a mortgage, lien, or other encumbrance on, or 34360
pledge or assignment of, or other security interest with respect 34361
to, all or any part of the project, revenues, reserve funds, or 34362
other funds established in connection with such bonds, or on, of, 34363
or with respect to any lease, sublease, sale, conditional sale or 34364
installment sale agreement, loan agreement, or other agreement 34365
pertaining to the lease, sublease, sale, or other disposition of a 34366
project or pertaining to a loan made for a project, or any 34367
guaranty or insurance agreement made with respect thereto, or any 34368
interest of the authority therein, or any other interest granted, 34369
assigned, or released to secure payments of the principal of, 34370
premium, if any, or interest on the bonds or to secure any other 34371
payments to be made by the authority, which mortgage, lien, 34372
encumbrance, pledge, assignment, or other security interest may be 34373
prior or subordinate to or on a parity with any other mortgage, 34374
assignment, other security interest, or lien or encumbrance. 34375

(4) Provide that the interest on such bonds may be at a 34376
variable rate or rates changing from time to time in accordance 34377
with a base or formula as authorized by the authority. 34378

(5) Contract for the acquisition or construction of such 34379
project or any part thereof, including any related commodity 34380
contracts, and for the leasing, subleasing, sale or other 34381

disposition of such project in a manner determined by the 34382
authority in its sole discretion, without necessity for 34383
competitive bidding or performance bonds. 34384

(B) Property comprising a project shall not be subject to 34385
taxes or assessments and so long as the bonds or notes issued to 34386
finance the costs of such project are outstanding, and the 34387
transfer of title to or possession of such property to the person 34388
to whom a loan or installment sale or conditional sale with 34389
respect to such project is made shall not be subject to the taxes 34390
levied pursuant to Chapters 5739. and 5741. of the Revised Code. 34391

The authority shall certify the property comprising a project 34392
which is exempt from taxes and assessments pursuant to this 34393
section, and shall send, by certified mail, copies of such 34394
certification to the owner of such exempt property, to the tax 34395
commissioner, and to the county auditor of the county or counties 34396
in which any such exempt property is located. 34397

Each county auditor shall maintain a separate list of all 34398
property exempt pursuant to this section and sections 6121.044 and 34399
6123.041 of the Revised Code, in addition to the list of exempt 34400
property required to be maintained pursuant to section 5713.07 of 34401
the Revised Code. 34402

(C) The authority, in the lease, sale or loan agreement with 34403
respect to a project referred to in division (A) of this section, 34404
shall make appropriate provision for adequate maintenance of the 34405
project. 34406

(D) With respect to the projects referred to in this section, 34407
the authority granted by this section is cumulative and 34408
supplementary to all other authority granted in this chapter. The 34409
authority granted by this section does not alter or impair any 34410
similar authority granted elsewhere in this chapter for or with 34411
respect to other projects. 34412

Sec. 3706.05. The Ohio air quality development authority may 34413
at any time issue revenue bonds and notes of the state in such 34414
principal amount as, in the opinion of the authority, are 34415
necessary for the purpose of paying any part of the cost of one or 34416
more air quality projects or parts thereof, including one or more 34417
payments pursuant to a commodity contract entered into in 34418
connection with the acquisition or construction of air quality 34419
facilities. The authority may at any time issue renewal notes, 34420
issue bonds to pay such notes and whenever it deems refunding 34421
expedient, refund any bonds by the issuance of air quality revenue 34422
refunding bonds of the state, whether the bonds to be refunded 34423
have or have not matured, and issue bonds partly to refund bonds 34424
then outstanding, and partly for any other authorized purpose. The 34425
refunding bonds shall be sold and the proceeds applied to the 34426
purchase, redemption, or payment of the bonds to be refunded. 34427
Except as may otherwise be expressly provided by the authority, 34428
every issue of its bonds or notes shall be general obligations of 34429
the authority payable out of the revenues of the authority that 34430
are pledged for such payment, without preference or priority of 34431
the first bonds issued, subject only to any agreements with the 34432
holders of particular bonds or notes pledging any particular 34433
revenues. Such pledge shall be valid and binding from the time the 34434
pledge is made and the revenues so pledged and thereafter received 34435
by the authority shall immediately be subject to the lien of such 34436
pledge without any physical delivery thereof or further act, and 34437
the lien of any such pledge is valid and binding as against all 34438
parties having claims of any kind in tort, contract, or otherwise 34439
against the authority, irrespective of whether such parties have 34440
notice thereof. Neither the resolution nor any trust agreement by 34441
which a pledge is created need be filed or recorded except in the 34442
records of the authority. 34443

Whether or not the bonds or notes are of such form and 34444

character as to be negotiable instruments, the bonds or notes 34445
shall have all the qualities and incidents of negotiable 34446
instruments, subject only to the provisions of the bonds or notes 34447
for registration. 34448

The bonds and notes shall be authorized by resolution of the 34449
authority, shall bear such date or dates, and shall mature at such 34450
time or times, in the case of any such note or any renewals 34451
thereof not exceeding five years from the date of issue of such 34452
original note and in the case of any such bond not exceeding forty 34453
years from the date of issue, as such resolution or resolutions 34454
may provide. The bonds and notes shall bear interest at such rate 34455
or rates, be in such denominations, be in such form, either coupon 34456
or registered, carry such registration privileges, be payable in 34457
such medium of payment, at such place or places, and be subject to 34458
such terms of redemption as the authority may authorize. The bonds 34459
and notes of the authority may be sold by the authority, at public 34460
or private sale, at or at not less than such price or prices as 34461
the authority determines. The bonds and notes shall be executed by 34462
the ~~chairman~~ chairperson and ~~vice-chairman~~ vice-chairperson of the 34463
authority, either or both of whom may use a facsimile signature, 34464
the official seal of the authority or a facsimile thereof shall be 34465
affixed thereto or printed thereon and attested, manually or by 34466
facsimile signature, by the secretary-treasurer of the authority, 34467
and any coupons attached thereto shall bear the signature or 34468
facsimile signature of the ~~chairman~~ chairperson of the authority. 34469
In case any officer whose signature, or a facsimile of whose 34470
signature, appears on any bonds, notes or coupons ceases to be 34471
such officer before delivery of bonds or notes, such signature or 34472
facsimile shall nevertheless be sufficient for all purposes the 34473
same as if ~~he~~ the officer had remained in office until such 34474
delivery, and in case the seal of the authority has been changed 34475
after a facsimile has been imprinted on such bonds or notes, such 34476
facsimile seal will continue to be sufficient for all purposes. 34477

Any resolution or resolutions authorizing any bonds or notes 34478
or any issue thereof may contain provisions, subject to such 34479
agreements with bondholders or noteholders as may then exist, 34480
which provisions shall be a part of the contract with the holders 34481
thereof, as to: the pledging of all or any part of the revenues of 34482
the authority to secure the payment of the bonds or notes or of 34483
any issue thereof; the use and disposition of revenues of the 34484
authority; a covenant to fix, alter, and collect rentals and other 34485
charges so that pledged revenues will be sufficient to pay costs 34486
of operation, maintenance, and repairs, pay principal of and 34487
interest on bonds or notes secured by the pledge of such revenues, 34488
and provide such reserves as may be required by the applicable 34489
resolution or trust agreement; the setting aside of reserve funds, 34490
sinking funds, or replacement and improvement funds and the 34491
regulation and disposition thereof; the crediting of the proceeds 34492
of the sale of bonds or notes to and among the funds referred to 34493
or provided for in the resolution authorizing the issuance of the 34494
bonds or notes; the use, lease, sale, or other disposition of any 34495
air quality project or any other assets of the authority; 34496
limitations on the purpose to which the proceeds of sale of bonds 34497
or notes may be applied and the pledging of such proceeds to 34498
secure the payment of the bonds or notes or of any issue thereof; 34499
as to notes issued in anticipation of the issuance of bonds, the 34500
agreement of the authority to do all things necessary for the 34501
authorization, issuance, and sale of such bonds in such amounts as 34502
may be necessary for the timely retirement of such notes; 34503
limitations on the issuance of additional bonds or notes; the 34504
terms upon which additional bonds or notes may be issued and 34505
secured; the refunding of outstanding bonds or notes; the 34506
procedure, if any, by which the terms of any contract with 34507
bondholders or noteholders may be amended or abrogated, the amount 34508
of bonds or notes the holders of which must consent thereto, and 34509
the manner in which such consent may be given; limitations on the 34510

amount of moneys to be expended by the authority for operating, 34511
administrative, or other expenses of the authority; securing any 34512
bonds or notes by a trust agreement in accordance with section 34513
3706.07 of the Revised Code; any other matters, of like or 34514
different character, that in any way affect the security or 34515
protection of the bonds or notes. 34516

Neither the members of the authority nor any person executing 34517
the bonds or notes shall be liable personally on the bonds or 34518
notes or be subject to any personal liability or accountability by 34519
reason of the issuance thereof. 34520

Sec. 3706.07. In the discretion of the Ohio air quality 34521
development authority, any air quality revenue bonds or notes or 34522
air quality revenue refunding bonds issued under Chapter 3706. of 34523
the Revised Code, may be secured by a trust agreement between the 34524
authority and a corporate trustee, which trustee may be any trust 34525
company or bank having the powers of a trust company within or 34526
without the state. 34527

Any such trust agreement may pledge or assign revenues of the 34528
authority to be received, but shall not convey or mortgage any air 34529
quality project or any part thereof. Any such trust agreement or 34530
any resolution providing for the issuance of such bonds or notes 34531
may contain such provisions for protecting and enforcing the 34532
rights and remedies of the bondholders or noteholders as are 34533
reasonable and proper and not in violation of law, including 34534
covenants setting forth the duties of the authority in relation to 34535
the acquisition of property, the construction, improvement, 34536
maintenance, repair, operation, and insurance of the air quality 34537
project or projects in connection with which such bonds or notes 34538
are authorized, the rentals or other charges to be imposed for the 34539
use or services of any air quality project, the application of 34540
revenues received or otherwise derived from a commodity contract 34541

or from the sale of the related commodity under such contract, the 34542
custody, safeguarding, and application of all moneys, and 34543
provisions for the employment of consulting engineers in 34544
connection with the construction or operation of such air quality 34545
project or projects. Any bank or trust company incorporated under 34546
the laws of this state that may act as depository of the proceeds 34547
of bonds or notes or of revenues may furnish such indemnifying 34548
bonds or may pledge such securities as are required by the 34549
authority. Any such trust agreement may set forth the rights and 34550
remedies of the bondholders and noteholders and of the trustee, 34551
and may restrict the individual right of action by bondholders and 34552
noteholders as is customary in trust agreements or trust 34553
indentures securing similar bonds. Such trust agreement may 34554
contain such other provisions as the authority determines 34555
reasonable and proper for the security of the bondholders or 34556
noteholders. All expenses incurred in carrying out the provisions 34557
of any such trust agreement may be treated as a part of the cost 34558
of the operation of the air quality project or projects. Any such 34559
trust agreement or resolution authorizing the issuance of air 34560
quality revenue bonds may provide the method whereby the general 34561
administrative overhead expenses of the authority shall be 34562
allocated among the several projects acquired or constructed by it 34563
as a factor of the operation expense of each such project. 34564

Sec. 3718.03. (A) There is hereby created the sewage 34565
treatment system technical advisory committee consisting of the 34566
director of health or the director's designee and ten members who 34567
are knowledgeable about sewage treatment systems and technologies 34568
~~to be appointed by the director.~~ Of the ten members, four shall be 34569
~~appointed by the director, one shall represent academia, two shall~~ 34570
~~represent the interests of manufacturers of household sewage~~ 34571
~~treatment systems, one shall represent installers and service~~ 34572
~~providers, two shall be health commissioners who are members of~~ 34573

~~and recommended by the association of Ohio health commissioners, 34574
one shall be a sanitarian who is registered under Chapter 4736. of 34575
the Revised Code and who is a member of the Ohio environmental 34576
health association, one shall be an engineer from the 34577
environmental protection agency, one shall be selected from among 34578
soil scientists from the division of soil and water conservation 34579
in the department of natural resources, and one shall be a 34580
representative of the public who is not employed by the state or 34581
any of its political subdivisions and who does not have a 34582
pecuniary interest in sewage treatment systems. All appointments 34583
to the committee shall be made not later than sixty days after the 34584
effective date of this section governor, three shall be appointed 34585
by the president of the senate, and three shall be appointed by 34586
the speaker of the house of representatives. 34587~~

(1) Of the members appointed by the governor, one shall 34588
represent academia, one shall be a representative of the public 34589
who is not employed by the state or any of its political 34590
subdivisions and who does not have a pecuniary interest in 34591
household sewage treatment systems, one shall be an engineer from 34592
the environmental protection agency, and one shall be selected 34593
from among soil scientists in the division of soil and water 34594
conservation in the department of natural resources. 34595

(2) Of the members appointed by the president of the senate, 34596
one shall be a health commissioner who is a member of and 34597
recommended by the association of Ohio health commissioners, one 34598
shall represent the interests of manufacturers of household sewage 34599
treatment systems, and one shall represent installers and service 34600
providers. 34601

(3) Of the members appointed by the speaker of the house of 34602
representatives, one shall be a health commissioner who is a 34603
member of and recommended by the association of Ohio health 34604
commissioners, one shall represent the interests of manufacturers 34605

of household sewage treatment systems, and one shall be a 34606
sanitarian who is registered under Chapter 4736. of the Revised 34607
Code and who is a member of the Ohio environmental health 34608
association. 34609

~~(B) Of the initial members appointed by the director to the~~ 34610
~~technical advisory committee, three shall be appointed for one~~ 34611
~~year, three shall be appointed for two years, and four shall be~~ 34612
~~appointed for three years. Thereafter, terms~~ Terms of members 34613
appointed to the committee shall be for three years, with each 34614
term ending on the same day of the same month as did the term that 34615
it succeeds. Each member shall serve from the date of appointment 34616
until the end of the term for which the member was appointed. 34617

Members may be reappointed. Vacancies shall be filled in the 34618
same manner as provided for original appointments. Any member 34619
appointed to fill a vacancy occurring prior to the expiration date 34620
of the term for which the member was appointed shall hold office 34621
for the remainder of that term. A member shall continue to serve 34622
after the expiration date of the member's term until the member's 34623
successor is appointed or until a period of sixty days has 34624
elapsed, whichever occurs first. ~~The director~~ applicable 34625
appointing authority may remove a member from the committee for 34626
failure to attend two consecutive meetings without showing good 34627
cause for the absences. 34628

~~(C) The director or the director's designee shall serve as~~ 34629
~~the chairperson of the technical advisory committee. The~~ technical 34630
advisory committee annually shall select from among its members a 34631
chairperson and a vice-chairperson and a secretary to keep a 34632
record of its proceedings. A majority vote of the members of the 34633
full committee is necessary to take action on any matter. The 34634
committee may adopt bylaws governing its operation, including 34635
bylaws that establish the frequency of meetings. 34636

(D) Serving as a member of the sewage treatment system 34637

technical advisory committee does not constitute holding a public 34638
office or position of employment under the laws of this state and 34639
does not constitute grounds for removal of public officers or 34640
employees from their offices or positions of employment. Members 34641
of the committee shall serve without compensation for attending 34642
committee meetings. 34643

(E) A member of the committee shall not have a conflict of 34644
interest with the position. For the purposes of this division, 34645
"conflict of interest" means the taking of any action that 34646
violates any provision of Chapter 102. or 2921. of the Revised 34647
Code. 34648

(F) The sewage treatment system technical advisory committee 34649
shall do all of the following: 34650

(1) Develop with the department of health standards and 34651
guidelines for ~~use by the director in~~ approving or disapproving a 34652
sewage treatment system or components of a system under section 34653
3718.04 of the Revised Code; 34654

(2) Develop with the department an application form to be 34655
submitted to the director by an applicant for approval or 34656
disapproval of a sewage treatment system or components of a system 34657
and specify the information that must be included with an 34658
application form; 34659

(3) Advise the director on the approval or disapproval of an 34660
application sent to the director under section 3718.04 of the 34661
Revised Code requesting approval of a sewage treatment system or 34662
components of a system; 34663

(4) Pursue and recruit in an active manner the research, 34664
development, introduction, and timely approval of innovative and 34665
cost-effective household sewage treatment systems and components 34666
of a system for use in this state, which shall include conducting 34667
pilot projects to assess the effectiveness of a system or 34668

components of a system; 34669

(5) By January 1, 2008, provide the household sewage and 34670
small flow on-site sewage treatment system study commission 34671
created by Am. Sub. H.B. 119 of the 127th general assembly with a 34672
list of available alternative systems and the estimated cost of 34673
each system. 34674

~~(G) If the committee meets in a calendar year, the director~~ 34675
~~of health~~ The chairperson of the committee shall prepare and 34676
submit a an annual report concerning the activities of the 34677
committee to the general assembly not later than ninety days after 34678
the end of the calendar year. The report shall discuss the number 34679
of applications submitted under section 3718.04 of the Revised 34680
Code for the approval of a new sewage treatment system or a 34681
component of a system, the number of such systems and components 34682
that were approved, any information that the committee considers 34683
beneficial to the general assembly, and any other information that 34684
the ~~director~~ chairperson determines is beneficial to the general 34685
assembly. If other members of the committee ~~determines~~ determine 34686
that certain information should be included in the report, ~~the~~ 34687
~~committee~~ they shall submit the information to the ~~director~~ 34688
chairperson not later than thirty days after the end of the 34689
calendar year. 34690

(H) The department shall provide meeting space for the 34691
committee. The committee shall be assisted in its duties by the 34692
staff of the department. 34693

(I) Sections 101.82 to 101.87 of the Revised Code do not 34694
apply to the sewage treatment system technical advisory committee. 34695

Sec. 3721.51. The department of job and family services shall 34696
do all of the following: 34697

(A) Subject to division (C) of this section and for the 34698

purposes specified in sections 3721.56 and 3721.561 of the Revised Code, determine an annual franchise permit fee on each nursing home in an amount equal to six dollars and twenty-five cents ~~for fiscal years 2006 and 2007 and one dollar for each fiscal year thereafter~~, multiplied by the product of the following:

(1) The number of beds licensed as nursing home beds, plus any other beds certified as skilled nursing facility beds under Title XVIII or nursing facility beds under Title XIX on the first day of May of the calendar year in which the fee is determined pursuant to division (A) of section 3721.53 of the Revised Code;

(2) The number of days in the fiscal year beginning on the first day of July of the calendar year in which the fee is determined pursuant to division (A) of section 3721.53 of the Revised Code.

(B) Subject to division (C) of this section and for the purposes specified in sections 3721.56 and 3721.561 of the Revised Code, determine an annual franchise permit fee on each hospital in an amount equal to six dollars and twenty-five cents ~~for fiscal years 2006 and 2007 and one dollar for each fiscal year thereafter~~, multiplied by the product of the following:

(1) The number of beds registered pursuant to section 3701.07 of the Revised Code as skilled nursing facility beds or long-term care beds, plus any other beds licensed as nursing home beds under section 3721.02 or 3721.09 of the Revised Code, on the first day of May of the calendar year in which the fee is determined pursuant to division (A) of section 3721.53 of the Revised Code;

(2) The number of days in the fiscal year beginning on the first day of July of the calendar year in which the fee is determined pursuant to division (A) of section 3721.53 of the Revised Code.

(C) If the United States centers for medicare and medicaid

services determines that the franchise permit fee established by 34730
sections 3721.50 to 3721.58 of the Revised Code is an 34731
impermissible health care related tax under section 1903(w) of the 34732
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 1396b(w), as 34733
amended, take all necessary actions to cease implementation of 34734
sections 3721.50 to 3721.58 of the Revised Code in accordance with 34735
rules adopted under section 3721.58 of the Revised Code. 34736

Sec. 3721.541. (A) In addition to assessing a penalty 34737
pursuant to section 3721.54 of the Revised Code, the department of 34738
job and family services may do ~~either~~ any of the following if a 34739
nursing facility or hospital fails to pay the full amount of a 34740
franchise permit fee installment when due: 34741

(1) Withhold an amount less than or equal to the installment 34742
and penalty assessed under section 3721.54 of the Revised Code 34743
from a medicaid payment due the nursing facility or hospital until 34744
the nursing facility or hospital pays the installment and penalty; 34745

(2) Offset an amount less than or equal to the installment 34746
and penalty assessed under section 3721.54 of the Revised Code 34747
from a Medicaid payment due the nursing facility or hospital; 34748

(3) Terminate the nursing facility or hospital's medicaid 34749
provider agreement. 34750

(B) The department may ~~withhold~~ offset a medicaid payment 34751
under division (A)(1) of this section without providing notice to 34752
the nursing facility or hospital and without conducting an 34753
adjudication under Chapter 119. of the Revised Code. 34754

Sec. 3721.56. There is hereby created in the state treasury 34755
the home- and community-based services for the aged fund. Sixteen 34756
per cent of all payments and penalties paid by nursing homes and 34757
hospitals under sections 3721.53 and 3721.54 of the Revised Code 34758
~~for fiscal years 2006 and 2007, and all such payments and~~ 34759

~~penalties paid for subsequent fiscal years,~~ shall be deposited 34760
into the fund. The departments of job and family services and 34761
aging shall use the moneys in the fund to fund the following in 34762
accordance with rules adopted under section 3721.58 of the Revised 34763
Code: 34764

(A) The medicaid program established under Chapter 5111. of 34765
the Revised Code, including the PASSPORT program established under 34766
section 173.40 of the Revised Code; 34767

(B) The residential state supplement program established 34768
under section 173.35 of the Revised Code. 34769

Sec. 3727.391. ~~(A) The duties of the director of health under 34770
section 3727.39 of the Revised Code apply only to the extent that 34771
appropriations are made by the general assembly to make 34772
performance of the duties possible. 34773~~

~~(B) Subject to division (A) of this section, the The director 34774
of health shall enter into a contract with a person under which 34775
the director's duties under section 3727.39 of the Revised Code 34776
are performed by the person pursuant to the contract. The contract 34777
may be entered into with any person selected by the director. For 34778
purposes of section 3727.39 of the Revised Code, all references to 34779
the director are references to the person who is under contract 34780
with the director pursuant to this division. 34781~~

The department of health may accept gifts, grants, donations, 34782
and awards for purposes of paying the fees or other costs incurred 34783
when a contract is entered into under this division. 34784

Sec. 3734.57. (A) The following fees are hereby levied on the 34786
transfer or disposal of solid wastes in this state: 34787

(1) One dollar per ton on and after July 1, 2003, through 34788
June 30, ~~2008~~ 2010, one-half of the proceeds of which shall be 34789

deposited in the state treasury to the credit of the hazardous 34790
waste facility management fund created in section 3734.18 of the 34791
Revised Code and one-half of the proceeds of which shall be 34792
deposited in the state treasury to the credit of the hazardous 34793
waste clean-up fund created in section 3734.28 of the Revised 34794
Code; 34795

(2) An additional one dollar per ton on and after July 1, 34796
2003, through June 30, ~~2008~~ 2010, the proceeds of which shall be 34797
deposited in the state treasury to the credit of the solid waste 34798
fund, which is hereby created. The environmental protection agency 34799
shall use money in the solid waste fund to pay the costs of 34800
administering and enforcing the laws pertaining to solid wastes, 34801
infectious wastes, and construction and demolition debris, 34802
including, without limitation, ground water evaluations related to 34803
solid wastes, infectious wastes, and construction and demolition 34804
debris, under this chapter and Chapter 3714. of the Revised Code 34805
and any rules adopted under them, providing compliance assistance 34806
to small businesses, and paying a share of the administrative 34807
costs of the environmental protection agency pursuant to section 34808
3745.014 of the Revised Code. 34809

(3) An additional one dollar and fifty cents per ton on and 34810
after July 1, 2005, through June 30, ~~2008~~ 2010, the proceeds of 34811
which shall be deposited in the state treasury to the credit of 34812
the environmental protection fund created in section 3745.015 of 34813
the Revised Code. 34814

In the case of solid wastes that are taken to a solid waste 34815
transfer facility located in this state prior to being transported 34816
for disposal at a solid waste disposal facility located in this 34817
state or outside of this state, the fees levied under this 34818
division shall be collected by the owner or operator of the 34819
transfer facility as a trustee for the state. The amount of fees 34820
required to be collected under this division at such a transfer 34821

facility shall equal the total tonnage of solid wastes received at 34822
the facility multiplied by the fees levied under this division. In 34823
the case of solid wastes that are not taken to a solid waste 34824
transfer facility located in this state prior to being transported 34825
to a solid waste disposal facility, the fees shall be collected by 34826
the owner or operator of the solid waste disposal facility as a 34827
trustee for the state. The amount of fees required to be collected 34828
under this division at such a disposal facility shall equal the 34829
total tonnage of solid wastes received at the facility that was 34830
not previously taken to a solid waste transfer facility located in 34831
this state multiplied by the fees levied under this division. Fees 34832
levied under this division do not apply to materials separated 34833
from a mixed waste stream for recycling by a generator or 34834
materials removed from the solid waste stream through recycling, 34835
as "recycling" is defined in rules adopted under section 3734.02 34836
of the Revised Code. 34837

The owner or operator of a solid waste transfer facility or 34838
disposal facility, as applicable, shall prepare and file with the 34839
director of environmental protection each month a return 34840
indicating the total tonnage of solid wastes received at the 34841
facility during that month and the total amount of the fees 34842
required to be collected under this division during that month. In 34843
addition, the owner or operator of a solid waste disposal facility 34844
shall indicate on the return the total tonnage of solid wastes 34845
received from transfer facilities located in this state during 34846
that month for which the fees were required to be collected by the 34847
transfer facilities. The monthly returns shall be filed on a form 34848
prescribed by the director. Not later than thirty days after the 34849
last day of the month to which a return applies, the owner or 34850
operator shall mail to the director the return for that month 34851
together with the fees required to be collected under this 34852
division during that month as indicated on the return. If the 34853
return is filed and the amount of the fees due is paid in a timely 34854

manner as required in this division, the owner or operator may 34855
retain a discount of three-fourths of one per cent of the total 34856
amount of the fees that are required to be paid as indicated on 34857
the return. 34858

The owner or operator may request an extension of not more 34859
than thirty days for filing the return and remitting the fees, 34860
provided that the owner or operator has submitted such a request 34861
in writing to the director together with a detailed description of 34862
why the extension is requested, the director has received the 34863
request not later than the day on which the return is required to 34864
be filed, and the director has approved the request. If the fees 34865
are not remitted within thirty days after the last day of the 34866
month to which the return applies or are not remitted by the last 34867
day of an extension approved by the director, the owner or 34868
operator shall not retain the three-fourths of one per cent 34869
discount and shall pay an additional ten per cent of the amount of 34870
the fees for each month that they are late. For purposes of 34871
calculating the late fee, the first month in which fees are late 34872
begins on the first day after the deadline has passed for timely 34873
submitting the return and fees, and one additional month shall be 34874
counted every thirty days thereafter. 34875

The owner or operator of a solid waste facility may request a 34876
refund or credit of fees levied under this division and remitted 34877
to the director that have not been paid to the owner or operator. 34878
Such a request shall be made only if the fees have not been 34879
collected by the owner or operator, have become a debt that has 34880
become worthless or uncollectable for a period of six months or 34881
more, and may be claimed as a deduction, including a deduction 34882
claimed if the owner or operator keeps accounts on an accrual 34883
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 34884
U.S.C. 166, as amended, and regulations adopted under it. Prior to 34885
making a request for a refund or credit, an owner or operator 34886

shall make reasonable efforts to collect the applicable fees. A 34887
request for a refund or credit shall not include any costs 34888
resulting from those efforts to collect unpaid fees. 34889

A request for a refund or credit of fees shall be made in 34890
writing, on a form prescribed by the director, and shall be 34891
supported by evidence that may be required in rules adopted by the 34892
director under this chapter. After reviewing the request, and if 34893
the request and evidence submitted with the request indicate that 34894
a refund or credit is warranted, the director shall grant a refund 34895
to the owner or operator or shall permit a credit to be taken by 34896
the owner or operator on a subsequent monthly return submitted by 34897
the owner or operator. The amount of a refund or credit shall not 34898
exceed an amount that is equal to ninety days' worth of fees owed 34899
to an owner or operator by a particular debtor of the owner or 34900
operator. A refund or credit shall not be granted by the director 34901
to an owner or operator more than once in any twelve-month period 34902
for fees owed to the owner or operator by a particular debtor. 34903

If, after receiving a refund or credit from the director, an 34904
owner or operator receives payment of all or part of the fees, the 34905
owner or operator shall remit the fees with the next monthly 34906
return submitted to the director together with a written 34907
explanation of the reason for the submittal. 34908

For purposes of computing the fees levied under this division 34909
or division (B) of this section, any solid waste transfer or 34910
disposal facility that does not use scales as a means of 34911
determining gate receipts shall use a conversion factor of three 34912
cubic yards per ton of solid waste or one cubic yard per ton for 34913
baled waste, as applicable. 34914

The fees levied under this division and divisions (B) and (C) 34915
of this section are in addition to all other applicable fees and 34916
taxes and shall be paid by the customer or a political subdivision 34917
to the owner or operator of a solid waste transfer or disposal 34918

facility notwithstanding the existence of any provision in a 34919
contract that the customer or a political subdivision may have 34920
with the owner or operator or with a transporter of waste to the 34921
facility that would not require or allow such payment. 34922

(B) For the purposes specified in division (G) of this 34923
section, the solid waste management policy committee of a county 34924
or joint solid waste management district may levy fees upon the 34925
following activities: 34926

(1) The disposal at a solid waste disposal facility located 34927
in the district of solid wastes generated within the district; 34928

(2) The disposal at a solid waste disposal facility within 34929
the district of solid wastes generated outside the boundaries of 34930
the district, but inside this state; 34931

(3) The disposal at a solid waste disposal facility within 34932
the district of solid wastes generated outside the boundaries of 34933
this state. 34934

The solid waste management plan of the county or joint 34935
district approved under section 3734.521 or 3734.55 of the Revised 34936
Code and any amendments to it, or the resolution adopted under 34937
this division, as appropriate, shall establish the rates of the 34938
fees levied under divisions (B)(1), (2), and (3) of this section, 34939
if any, and shall specify whether the fees are levied on the basis 34940
of tons or cubic yards as the unit of measurement. A solid waste 34941
management district that levies fees under this division on the 34942
basis of cubic yards shall do so in accordance with division (A) 34943
of this section. 34944

The fee levied under division (B)(1) of this section shall be 34945
not less than one dollar per ton nor more than two dollars per 34946
ton, the fee levied under division (B)(2) of this section shall be 34947
not less than two dollars per ton nor more than four dollars per 34948
ton, and the fee levied under division (B)(3) of this section 34949

shall be not more than the fee levied under division (B)(1) of 34950
this section. 34951

Prior to the approval of the solid waste management plan of a 34952
district under section 3734.55 of the Revised Code, the solid 34953
waste management policy committee of a district may levy fees 34954
under this division by adopting a resolution establishing the 34955
proposed amount of the fees. Upon adopting the resolution, the 34956
committee shall deliver a copy of the resolution to the board of 34957
county commissioners of each county forming the district and to 34958
the legislative authority of each municipal corporation and 34959
township under the jurisdiction of the district and shall prepare 34960
and publish the resolution and a notice of the time and location 34961
where a public hearing on the fees will be held. Upon adopting the 34962
resolution, the committee shall deliver written notice of the 34963
adoption of the resolution; of the amount of the proposed fees; 34964
and of the date, time, and location of the public hearing to the 34965
director and to the fifty industrial, commercial, or institutional 34966
generators of solid wastes within the district that generate the 34967
largest quantities of solid wastes, as determined by the 34968
committee, and to their local trade associations. The committee 34969
shall make good faith efforts to identify those generators within 34970
the district and their local trade associations, but the 34971
nonprovision of notice under this division to a particular 34972
generator or local trade association does not invalidate the 34973
proceedings under this division. The publication shall occur at 34974
least thirty days before the hearing. After the hearing, the 34975
committee may make such revisions to the proposed fees as it 34976
considers appropriate and thereafter, by resolution, shall adopt 34977
the revised fee schedule. Upon adopting the revised fee schedule, 34978
the committee shall deliver a copy of the resolution doing so to 34979
the board of county commissioners of each county forming the 34980
district and to the legislative authority of each municipal 34981
corporation and township under the jurisdiction of the district. 34982

Within sixty days after the delivery of a copy of the resolution 34983
adopting the proposed revised fees by the policy committee, each 34984
such board and legislative authority, by ordinance or resolution, 34985
shall approve or disapprove the revised fees and deliver a copy of 34986
the ordinance or resolution to the committee. If any such board or 34987
legislative authority fails to adopt and deliver to the policy 34988
committee an ordinance or resolution approving or disapproving the 34989
revised fees within sixty days after the policy committee 34990
delivered its resolution adopting the proposed revised fees, it 34991
shall be conclusively presumed that the board or legislative 34992
authority has approved the proposed revised fees. The committee 34993
shall determine if the resolution has been ratified in the same 34994
manner in which it determines if a draft solid waste management 34995
plan has been ratified under division (B) of section 3734.55 of 34996
the Revised Code. 34997

The committee may amend the schedule of fees levied pursuant 34998
to a resolution adopted and ratified under this division by 34999
adopting a resolution establishing the proposed amount of the 35000
amended fees. The committee may repeal the fees levied pursuant to 35001
such a resolution by adopting a resolution proposing to repeal 35002
them. Upon adopting such a resolution, the committee shall proceed 35003
to obtain ratification of the resolution in accordance with this 35004
division. 35005

Not later than fourteen days after declaring the new fees to 35006
be ratified or the fees to be repealed under this division, the 35007
committee shall notify by certified mail the owner or operator of 35008
each solid waste disposal facility that is required to collect the 35009
fees of the ratification and the amount of the fees or of the 35010
repeal of the fees. Collection of any fees shall commence or 35011
collection of repealed fees shall cease on the first day of the 35012
second month following the month in which notification is sent to 35013
the owner or operator. 35014

Fees levied under this division also may be established, 35015
amended, or repealed by a solid waste management policy committee 35016
through the adoption of a new district solid waste management 35017
plan, the adoption of an amended plan, or the amendment of the 35018
plan or amended plan in accordance with sections 3734.55 and 35019
3734.56 of the Revised Code or the adoption or amendment of a 35020
district plan in connection with a change in district composition 35021
under section 3734.521 of the Revised Code. 35022

Not later than fourteen days after the director issues an 35023
order approving a district's solid waste management plan, amended 35024
plan, or amendment to a plan or amended plan that establishes, 35025
amends, or repeals a schedule of fees levied by the district, the 35026
committee shall notify by certified mail the owner or operator of 35027
each solid waste disposal facility that is required to collect the 35028
fees of the approval of the plan or amended plan, or the amendment 35029
to the plan, as appropriate, and the amount of the fees, if any. 35030
In the case of an initial or amended plan approved under section 35031
3734.521 of the Revised Code in connection with a change in 35032
district composition, other than one involving the withdrawal of a 35033
county from a joint district, the committee, within fourteen days 35034
after the change takes effect pursuant to division (G) of that 35035
section, shall notify by certified mail the owner or operator of 35036
each solid waste disposal facility that is required to collect the 35037
fees that the change has taken effect and of the amount of the 35038
fees, if any. Collection of any fees shall commence or collection 35039
of repealed fees shall cease on the first day of the second month 35040
following the month in which notification is sent to the owner or 35041
operator. 35042

If, in the case of a change in district composition involving 35043
the withdrawal of a county from a joint district, the director 35044
completes the actions required under division (G)(1) or (3) of 35045
section 3734.521 of the Revised Code, as appropriate, forty-five 35046

days or more before the beginning of a calendar year, the policy 35047
committee of each of the districts resulting from the change that 35048
obtained the director's approval of an initial or amended plan in 35049
connection with the change, within fourteen days after the 35050
director's completion of the required actions, shall notify by 35051
certified mail the owner or operator of each solid waste disposal 35052
facility that is required to collect the district's fees that the 35053
change is to take effect on the first day of January immediately 35054
following the issuance of the notice and of the amount of the fees 35055
or amended fees levied under divisions (B)(1) to (3) of this 35056
section pursuant to the district's initial or amended plan as so 35057
approved or, if appropriate, the repeal of the district's fees by 35058
that initial or amended plan. Collection of any fees set forth in 35059
such a plan or amended plan shall commence on the first day of 35060
January immediately following the issuance of the notice. If such 35061
an initial or amended plan repeals a schedule of fees, collection 35062
of the fees shall cease on that first day of January. 35063

If, in the case of a change in district composition involving 35064
the withdrawal of a county from a joint district, the director 35065
completes the actions required under division (G)(1) or (3) of 35066
section 3734.521 of the Revised Code, as appropriate, less than 35067
forty-five days before the beginning of a calendar year, the 35068
director, on behalf of each of the districts resulting from the 35069
change that obtained the director's approval of an initial or 35070
amended plan in connection with the change proceedings, shall 35071
notify by certified mail the owner or operator of each solid waste 35072
disposal facility that is required to collect the district's fees 35073
that the change is to take effect on the first day of January 35074
immediately following the mailing of the notice and of the amount 35075
of the fees or amended fees levied under divisions (B)(1) to (3) 35076
of this section pursuant to the district's initial or amended plan 35077
as so approved or, if appropriate, the repeal of the district's 35078
fees by that initial or amended plan. Collection of any fees set 35079

forth in such a plan or amended plan shall commence on the first 35080
day of the second month following the month in which notification 35081
is sent to the owner or operator. If such an initial or amended 35082
plan repeals a schedule of fees, collection of the fees shall 35083
cease on the first day of the second month following the month in 35084
which notification is sent to the owner or operator. 35085

If the schedule of fees that a solid waste management 35086
district is levying under divisions (B)(1) to (3) of this section 35087
is amended or repealed, the fees in effect immediately prior to 35088
the amendment or repeal shall continue to be collected until 35089
collection of the amended fees commences or collection of the 35090
repealed fees ceases, as applicable, as specified in this 35091
division. In the case of a change in district composition, money 35092
so received from the collection of the fees of the former 35093
districts shall be divided among the resulting districts in 35094
accordance with division (B) of section 343.012 of the Revised 35095
Code and the agreements entered into under division (B) of section 35096
343.01 of the Revised Code to establish the former and resulting 35097
districts and any amendments to those agreements. 35098

For the purposes of the provisions of division (B) of this 35099
section establishing the times when newly established or amended 35100
fees levied by a district are required to commence and the 35101
collection of fees that have been amended or repealed is required 35102
to cease, "fees" or "schedule of fees" includes, in addition to 35103
fees levied under divisions (B)(1) to (3) of this section, those 35104
levied under section 3734.573 or 3734.574 of the Revised Code. 35105

(C) For the purposes of defraying the added costs to a 35106
municipal corporation or township of maintaining roads and other 35107
public facilities and of providing emergency and other public 35108
services, and compensating a municipal corporation or township for 35109
reductions in real property tax revenues due to reductions in real 35110
property valuations resulting from the location and operation of a 35111

solid waste disposal facility within the municipal corporation or 35112
township, a municipal corporation or township in which such a 35113
solid waste disposal facility is located may levy a fee of not 35114
more than twenty-five cents per ton on the disposal of solid 35115
wastes at a solid waste disposal facility located within the 35116
boundaries of the municipal corporation or township regardless of 35117
where the wastes were generated. 35118

The legislative authority of a municipal corporation or 35119
township may levy fees under this division by enacting an 35120
ordinance or adopting a resolution establishing the amount of the 35121
fees. Upon so doing the legislative authority shall mail a 35122
certified copy of the ordinance or resolution to the board of 35123
county commissioners or directors of the county or joint solid 35124
waste management district in which the municipal corporation or 35125
township is located or, if a regional solid waste management 35126
authority has been formed under section 343.011 of the Revised 35127
Code, to the board of trustees of that regional authority, the 35128
owner or operator of each solid waste disposal facility in the 35129
municipal corporation or township that is required to collect the 35130
fee by the ordinance or resolution, and the director of 35131
environmental protection. Although the fees levied under this 35132
division are levied on the basis of tons as the unit of 35133
measurement, the legislative authority, in its ordinance or 35134
resolution levying the fees under this division, may direct that 35135
the fees be levied on the basis of cubic yards as the unit of 35136
measurement based upon a conversion factor of three cubic yards 35137
per ton generally or one cubic yard per ton for baled wastes. 35138

Not later than five days after enacting an ordinance or 35139
adopting a resolution under this division, the legislative 35140
authority shall so notify by certified mail the owner or operator 35141
of each solid waste disposal facility that is required to collect 35142
the fee. Collection of any fee levied on or after March 24, 1992, 35143

shall commence on the first day of the second month following the 35144
month in which notification is sent to the owner or operator. 35145

(D)(1) The fees levied under divisions (A), (B), and (C) of 35146
this section do not apply to the disposal of solid wastes that: 35147

(a) Are disposed of at a facility owned by the generator of 35148
the wastes when the solid waste facility exclusively disposes of 35149
solid wastes generated at one or more premises owned by the 35150
generator regardless of whether the facility is located on a 35151
premises where the wastes are generated; 35152

(b) Are disposed of at facilities that exclusively dispose of 35153
wastes that are generated from the combustion of coal, or from the 35154
combustion of primarily coal in combination with scrap tires, that 35155
is not combined in any way with garbage at one or more premises 35156
owned by the generator. 35157

(2) Except as provided in section 3734.571 of the Revised 35158
Code, any fees levied under division (B)(1) of this section apply 35159
to solid wastes originating outside the boundaries of a county or 35160
joint district that are covered by an agreement for the joint use 35161
of solid waste facilities entered into under section 343.02 of the 35162
Revised Code by the board of county commissioners or board of 35163
directors of the county or joint district where the wastes are 35164
generated and disposed of. 35165

(3) When solid wastes, other than solid wastes that consist 35166
of scrap tires, are burned in a disposal facility that is an 35167
incinerator or energy recovery facility, the fees levied under 35168
divisions (A), (B), and (C) of this section shall be levied upon 35169
the disposal of the fly ash and bottom ash remaining after burning 35170
of the solid wastes and shall be collected by the owner or 35171
operator of the sanitary landfill where the ash is disposed of. 35172

(4) When solid wastes are delivered to a solid waste transfer 35173
facility, the fees levied under divisions (B) and (C) of this 35174

section shall be levied upon the disposal of solid wastes 35175
transported off the premises of the transfer facility for disposal 35176
and shall be collected by the owner or operator of the solid waste 35177
disposal facility where the wastes are disposed of. 35178

(5) The fees levied under divisions (A), (B), and (C) of this 35179
section do not apply to sewage sludge that is generated by a waste 35180
water treatment facility holding a national pollutant discharge 35181
elimination system permit and that is disposed of through 35182
incineration, land application, or composting or at another 35183
resource recovery or disposal facility that is not a landfill. 35184

(6) The fees levied under divisions (A), (B), and (C) of this 35185
section do not apply to solid wastes delivered to a solid waste 35186
composting facility for processing. When any unprocessed solid 35187
waste or compost product is transported off the premises of a 35188
composting facility and disposed of at a landfill, the fees levied 35189
under divisions (A), (B), and (C) of this section shall be 35190
collected by the owner or operator of the landfill where the 35191
unprocessed waste or compost product is disposed of. 35192

(7) When solid wastes that consist of scrap tires are 35193
processed at a scrap tire recovery facility, the fees levied under 35194
divisions (A), (B), and (C) of this section shall be levied upon 35195
the disposal of the fly ash and bottom ash or other solid wastes 35196
remaining after the processing of the scrap tires and shall be 35197
collected by the owner or operator of the solid waste disposal 35198
facility where the ash or other solid wastes are disposed of. 35199

(8) The director of environmental protection may issue an 35200
order exempting from the fees levied under this section solid 35201
wastes, including, but not limited to, scrap tires, that are 35202
generated, transferred, or disposed of as a result of a contract 35203
providing for the expenditure of public funds entered into by the 35204
administrator or regional administrator of the United States 35205
environmental protection agency, the director of environmental 35206

protection, or the director of administrative services on behalf 35207
of the director of environmental protection for the purpose of 35208
remediating conditions at a hazardous waste facility, solid waste 35209
facility, or other location at which the administrator or regional 35210
administrator or the director of environmental protection has 35211
reason to believe that there is a substantial threat to public 35212
health or safety or the environment or that the conditions are 35213
causing or contributing to air or water pollution or soil 35214
contamination. An order issued by the director of environmental 35215
protection under division (D)(8) of this section shall include a 35216
determination that the amount of the fees not received by a solid 35217
waste management district as a result of the order will not 35218
adversely impact the implementation and financing of the 35219
district's approved solid waste management plan and any approved 35220
amendments to the plan. Such an order is a final action of the 35221
director of environmental protection. 35222

(E) The fees levied under divisions (B) and (C) of this 35223
section shall be collected by the owner or operator of the solid 35224
waste disposal facility where the wastes are disposed of as a 35225
trustee for the county or joint district and municipal corporation 35226
or township where the wastes are disposed of. Moneys from the fees 35227
levied under division (B) of this section shall be forwarded to 35228
the board of county commissioners or board of directors of the 35229
district in accordance with rules adopted under division (H) of 35230
this section. Moneys from the fees levied under division (C) of 35231
this section shall be forwarded to the treasurer or such other 35232
officer of the municipal corporation as, by virtue of the charter, 35233
has the duties of the treasurer or to the fiscal officer of the 35234
township, as appropriate, in accordance with those rules. 35235

(F) Moneys received by the treasurer or other officer of the 35236
municipal corporation under division (E) of this section shall be 35237
paid into the general fund of the municipal corporation. Moneys 35238

received by the fiscal officer of the township under that division 35239
shall be paid into the general fund of the township. The treasurer 35240
or other officer of the municipal corporation or the township 35241
fiscal officer, as appropriate, shall maintain separate records of 35242
the moneys received from the fees levied under division (C) of 35243
this section. 35244

(G) Moneys received by the board of county commissioners or 35245
board of directors under division (E) of this section or section 35246
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 35247
shall be paid to the county treasurer, or other official acting in 35248
a similar capacity under a county charter, in a county district or 35249
to the county treasurer or other official designated by the board 35250
of directors in a joint district and kept in a separate and 35251
distinct fund to the credit of the district. If a regional solid 35252
waste management authority has been formed under section 343.011 35253
of the Revised Code, moneys received by the board of trustees of 35254
that regional authority under division (E) of this section shall 35255
be kept by the board in a separate and distinct fund to the credit 35256
of the district. Moneys in the special fund of the county or joint 35257
district arising from the fees levied under division (B) of this 35258
section and the fee levied under division (A) of section 3734.573 35259
of the Revised Code shall be expended by the board of county 35260
commissioners or directors of the district in accordance with the 35261
district's solid waste management plan or amended plan approved 35262
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 35263
exclusively for the following purposes: 35264

(1) Preparation of the solid waste management plan of the 35265
district under section 3734.54 of the Revised Code, monitoring 35266
implementation of the plan, and conducting the periodic review and 35267
amendment of the plan required by section 3734.56 of the Revised 35268
Code by the solid waste management policy committee; 35269

(2) Implementation of the approved solid waste management 35270

plan or amended plan of the district, including, without	35271
limitation, the development and implementation of solid waste	35272
recycling or reduction programs;	35273
(3) Providing financial assistance to boards of health within	35274
the district, if solid waste facilities are located within the	35275
district, for enforcement of this chapter and rules, orders, and	35276
terms and conditions of permits, licenses, and variances adopted	35277
or issued under it, other than the hazardous waste provisions of	35278
this chapter and rules adopted and orders and terms and conditions	35279
of permits issued under those provisions;	35280
(4) Providing financial assistance to each county within the	35281
district to defray the added costs of maintaining roads and other	35282
public facilities and of providing emergency and other public	35283
services resulting from the location and operation of a solid	35284
waste facility within the county under the district's approved	35285
solid waste management plan or amended plan;	35286
(5) Pursuant to contracts entered into with boards of health	35287
within the district, if solid waste facilities contained in the	35288
district's approved plan or amended plan are located within the	35289
district, for paying the costs incurred by those boards of health	35290
for collecting and analyzing samples from public or private water	35291
wells on lands adjacent to those facilities;	35292
(6) Developing and implementing a program for the inspection	35293
of solid wastes generated outside the boundaries of this state	35294
that are disposed of at solid waste facilities included in the	35295
district's approved solid waste management plan or amended plan;	35296
(7) Providing financial assistance to boards of health within	35297
the district for the enforcement of section 3734.03 of the Revised	35298
Code or to local law enforcement agencies having jurisdiction	35299
within the district for enforcing anti-littering laws and	35300
ordinances;	35301

(8) Providing financial assistance to boards of health of health districts within the district that are on the approved list under section 3734.08 of the Revised Code to defray the costs to the health districts for the participation of their employees responsible for enforcement of the solid waste provisions of this chapter and rules adopted and orders and terms and conditions of permits, licenses, and variances issued under those provisions in the training and certification program as required by rules adopted under division (L) of section 3734.02 of the Revised Code;

(9) Providing financial assistance to individual municipal corporations and townships within the district to defray their added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation within their boundaries of a composting, energy or resource recovery, incineration, or recycling facility that either is owned by the district or is furnishing solid waste management facility or recycling services to the district pursuant to a contract or agreement with the board of county commissioners or directors of the district;

(10) Payment of any expenses that are agreed to, awarded, or ordered to be paid under section 3734.35 of the Revised Code and of any administrative costs incurred pursuant to that section. In the case of a joint solid waste management district, if the board of county commissioners of one of the counties in the district is negotiating on behalf of affected communities, as defined in that section, in that county, the board shall obtain the approval of the board of directors of the district in order to expend moneys for administrative costs incurred.

Prior to the approval of the district's solid waste management plan under section 3734.55 of the Revised Code, moneys in the special fund of the district arising from the fees shall be expended for those purposes in the manner prescribed by the solid

waste management policy committee by resolution. 35334

Notwithstanding division (G)(6) of this section as it existed 35335
prior to October 29, 1993, or any provision in a district's solid 35336
waste management plan prepared in accordance with division 35337
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 35338
prior to that date, any moneys arising from the fees levied under 35339
division (B)(3) of this section prior to January 1, 1994, may be 35340
expended for any of the purposes authorized in divisions (G)(1) to 35341
(10) of this section. 35342

(H) The director shall adopt rules in accordance with Chapter 35343
119. of the Revised Code prescribing procedures for collecting and 35344
forwarding the fees levied under divisions (B) and (C) of this 35345
section to the boards of county commissioners or directors of 35346
county or joint solid waste management districts and to the 35347
treasurers or other officers of municipal corporations and the 35348
fiscal officers of townships. The rules also shall prescribe the 35349
dates for forwarding the fees to the boards and officials and may 35350
prescribe any other requirements the director considers necessary 35351
or appropriate to implement and administer divisions (A), (B), and 35352
(C) of this section. 35353

Sec. 3735.672. (A) On or before the thirty-first day of March 35354
each year, a legislative authority that has entered into an 35355
agreement with a party under section 3735.671 of the Revised Code 35356
shall submit to the director of development and the board of 35357
education of each school district of which a municipal corporation 35358
or township to which such an agreement applies is a part a report 35359
on all such agreements in effect during the preceding calendar 35360
year. The report shall include the following information: 35361

(1) The designation, assigned by the director of development, 35362
of each community reinvestment area within the municipal 35363
corporation or county, and the total population of each area 35364

according to the most recent data available; 35365

(2) The number of agreements and the number of full-time 35366
employees subject to those agreements within each area, each 35367
according to the most recent data available and identified and 35368
categorized by the appropriate standard industrial code, and the 35369
rate of unemployment in the municipal corporation or county in 35370
which the area is located for each year since the area was 35371
certified; 35372

(3) The number of agreements approved and executed during the 35373
calendar year for which the report is submitted, the total number 35374
of agreements in effect on the thirty-first day of December of the 35375
preceding calendar year, the number of agreements that expired 35376
during the calendar year for which the report is submitted, and 35377
the number of agreements scheduled to expire during the calendar 35378
year in which the report is submitted. For each agreement that 35379
expired during the calendar year for which the report is 35380
submitted, the legislative authority shall include the amount of 35381
taxes exempted under the agreement. 35382

(4) The number of agreements receiving compliance reviews by 35383
the tax incentive review council in the municipal corporation or 35384
county during the calendar year for which the report is submitted, 35385
including all of the following information: 35386

(a) The number of agreements the terms of which the party has 35387
complied with, indicating separately for each such agreement the 35388
value of the real property exempted pursuant to the agreement and 35389
a comparison of the stipulated and actual schedules for hiring new 35390
employees, for retaining existing employees, and for the amount of 35391
payroll of the party attributable to these employees; 35392

(b) The number of agreements the terms of which a party has 35393
failed to comply with, indicating separately for each such 35394
agreement the value of the real and personal property exempted 35395

pursuant to the agreement and a comparison of the stipulated and 35396
actual schedules for hiring new employees, for retaining existing 35397
employees, and for the amount of payroll of the enterprise 35398
attributable to these employees; 35399

(c) The number of agreements about which the tax incentive 35400
review council made recommendations to the legislative authority, 35401
and the number of such recommendations that have not been 35402
followed; 35403

(d) The number of agreements rescinded during the calendar 35404
year for which the report is submitted. 35405

(5) The number of parties subject to agreements that expanded 35406
within each area, including the number of new employees hired and 35407
existing employees retained by that party, and the number of new 35408
parties subject to agreements that established within each area, 35409
including the number of new employees hired by each party; 35410

(6) For each agreement in effect during any part of the 35411
preceding year, the number of employees employed by the party at 35412
the property that is the subject of the agreement immediately 35413
prior to formal approval of the agreement, the number of employees 35414
employed by the party at that property on the thirty-first day of 35415
December of the preceding year, the payroll of the party for the 35416
preceding year, the amount of taxes paid on real property that was 35417
exempted under the agreement, and the amount of such taxes that 35418
were not paid because of the exemption. 35419

(B) Upon the failure of a municipal corporation or county to 35420
comply with division (A) of this section: 35421

(1) Beginning on the first day of April of the calendar year 35422
in which the municipal corporation or county fails to comply with 35423
that division, the municipal corporation or county shall not enter 35424
into any agreements under section 3735.671 of the Revised Code 35425
until the municipal corporation or county has complied with 35426

division (A) of this section. 35427

(2) On the first day of each ensuing calendar month until the 35428
municipal corporation or county complies with that division, the 35429
director of development shall either order the proper county 35430
auditor to deduct from the next succeeding payment of taxes to the 35431
municipal corporation or county under section 321.31, 321.32, 35432
321.33, or 321.34 of the Revised Code an amount equal to five 35433
hundred dollars for each calendar month the municipal corporation 35434
or county fails to comply with that division, or order the county 35435
auditor to deduct such an amount from the next succeeding payment 35436
to the municipal corporation or county from the undivided local 35437
government fund under section 5747.51 of the Revised Code. At the 35438
time such a payment is made, the county auditor shall comply with 35439
the director's order by issuing a warrant, drawn on the fund from 35440
which such money would have been paid, to the director of 35441
development, who shall deposit the warrant into the state 35442
community reinvestment area program administration fund created in 35443
division (C) of this section. 35444

(C) The director, by rule, shall establish the state's 35445
application fee for applications submitted to a municipal 35446
corporation or county to enter into an agreement under section 35447
3735.671 of the Revised Code. In establishing the amount of the 35448
fee, the director shall consider the state's cost of administering 35449
the community reinvestment area program, including the cost of 35450
reviewing the reports required under division (A) of this section. 35451
The director may change the amount of the fee at such times and in 35452
such increments as ~~he~~ the director considers necessary. Any 35453
municipal corporation or county that receives an application shall 35454
collect the application fee and remit the fee for deposit in the 35455
state treasury to the credit of the ~~state community reinvestment~~ 35456
~~area program administration fund, which is hereby created. Money~~ 35457
~~credited to the fund shall be used by the department of~~ 35458

~~development to pay the costs of administering the community 35459
reinvestment area program, including the cost of reviewing the 35460
reports required under division (A) of this section tax incentive 35461
programs operating fund created in section 122.174 of the Revised 35462
Code. 35463~~

Sec. 3743.17. (A) The license of a wholesaler of fireworks is 35464
effective for one year beginning on the first day of December. The 35465
fire marshal shall issue or renew a license only on that date and 35466
at no other time. If a wholesaler of fireworks wishes to continue 35467
engaging in the wholesale sale of fireworks at the particular 35468
location after its then effective license expires, it shall apply 35469
not later than the first day of October for a new license pursuant 35470
to section 3743.15 of the Revised Code. The fire marshal shall 35471
send a written notice of the expiration of its license to a 35472
licensed wholesaler at least three months before the expiration 35473
date. 35474

(B) If, during the effective period of its licensure, a 35475
licensed wholesaler of fireworks wishes to perform any 35476
construction, or make any structural change or renovation, on the 35477
premises on which the fireworks are sold, the wholesaler shall 35478
notify the fire marshal in writing. The fire marshal may require a 35479
licensed wholesaler also to submit documentation, including, but 35480
not limited to, plans covering the proposed construction or 35481
structural change or renovation, if the fire marshal determines 35482
the documentation is necessary for evaluation purposes in light of 35483
the proposed construction or structural change or renovation. 35484

Upon receipt of the notification and additional documentation 35485
required by the fire marshal, the fire marshal shall inspect the 35486
premises on which the fireworks are sold to determine if the 35487
proposed construction or structural change or renovation conforms 35488
to sections 3743.15 to 3743.21 of the Revised Code and the rules 35489

adopted by the fire marshal pursuant to section 3743.18 of the Revised Code. The fire marshal shall issue a written authorization to the wholesaler for the construction or structural change or renovation if the fire marshal determines, upon the inspection and a review of submitted documentation, that the construction or structural change or renovation conforms to those sections and rules.

(C) The license of a wholesaler of fireworks authorizes the wholesaler to engage only in the following activities:

(1) Possess for sale at wholesale and sell at wholesale fireworks to persons who are licensed wholesalers of fireworks, to out-of-state residents in accordance with section 3743.44 of the Revised Code, to residents of this state in accordance with section 3743.45 of the Revised Code, or to persons located in another state provided the fireworks are shipped directly out of this state to them by the wholesaler. The possession for sale shall be at the location described in the application for licensure or in the notification submitted under division (B) of this section, and the sale shall be from the inside of a licensed building and from no structure or device outside a licensed building. At no time shall a licensed wholesaler sell any class of fireworks outside a licensed building.

(2) Possess for sale at retail and sell at retail fireworks, other than 1.4G fireworks as designated by the fire marshal in rules adopted pursuant to division (A) of section 3743.05 of the Revised Code, to licensed exhibitors in accordance with sections 3743.50 to 3743.55 of the Revised Code, and possess for sale at retail and sell at retail fireworks, including 1.4G fireworks, to out-of-state residents in accordance with section 3743.44 of the Revised Code, to residents of this state in accordance with section 3743.45 of the Revised Code, or to persons located in another state provided the fireworks are shipped directly out of

this state to them by the wholesaler. The possession for sale 35522
shall be at the location described in the application for 35523
licensure or in the notification submitted under division (B) of 35524
this section, and the sale shall be from the inside of the 35525
licensed building and from no other structure or device outside 35526
this licensed building. At no time shall a licensed wholesaler 35527
sell any class of fireworks outside a licensed building. 35528

A licensed wholesaler of fireworks shall sell under division 35529
(C) of this section only fireworks that meet the standards set by 35530
the consumer product safety commission or by the American 35531
fireworks standard laboratories or that have received an EX number 35532
from the United States department of transportation. 35533

(D) The license of a wholesaler of fireworks shall be 35534
protected under glass and posted in a conspicuous place at the 35535
location described in the application for licensure or in the 35536
notification submitted under division (B) of this section. Except 35537
as otherwise provided in this section, the license is not 35538
transferable or assignable. A license may be transferred to 35539
another person for the same location for which the license was 35540
issued if the assets of the wholesaler are transferred to that 35541
person by inheritance or by a sale approved by the fire marshal. 35542
The license is subject to revocation in accordance with section 35543
3743.21 of the Revised Code. 35544

(E) The fire marshal shall adopt rules for the expansion or 35545
contraction of a licensed premises and for the approval of an 35546
expansion or contraction. The boundaries of a licensed premises, 35547
including any geographic expansion or contraction of those 35548
boundaries, shall be approved by the fire marshal in accordance 35549
with rules the fire marshal adopts. If the licensed premises of a 35550
licensed wholesaler from which the wholesaler operates consists of 35551
more than one parcel of real estate, those parcels must be 35552
contiguous, unless an exception is allowed pursuant to division 35553

(G) of this section. 35554

(F)(1) Upon application by a licensed wholesaler of 35555
fireworks, a wholesaler license may be transferred from one 35556
geographic location to another within the same municipal 35557
corporation or within the unincorporated area of the same 35558
township, but only if all of the following apply: 35559

(a) The identity of the holder of the license remains the 35560
same in the new location. 35561

(b) The former location is closed prior to the opening of the 35562
new location and no fireworks business of any kind is conducted at 35563
the former location after the transfer of the license. 35564

(c) The new location has received a local certificate of 35565
zoning compliance and a local certificate of occupancy, and 35566
otherwise is in compliance with all local building regulations. 35567

(d) ~~The transfer of the license is requested by the licensee 35568
because the existing facility poses an immediate hazard to the 35569
public.~~ 35570

~~(e)~~ Every building or structure at the new location is 35571
separated from occupied residential and nonresidential buildings 35572
or structures, railroads, highways, or any other buildings or 35573
structures located on the licensed premises in accordance with the 35574
distances specified in the rules adopted by the fire marshal 35575
pursuant to section 3743.18 of the Revised Code. If the licensee 35576
fails to comply with the requirements of division (F)(1)(e) of 35577
this section by the licensee's own act, the license at the new 35578
location is forfeited. 35579

~~(f)~~(e) Neither the licensee nor any person holding, owning, 35580
or controlling a five per cent or greater beneficial or equity 35581
interest in the licensee has been convicted of or has pleaded 35582
guilty to a felony under the laws of this state, any other state, 35583
or the United States after June 30, 1997. 35584

~~(g)~~(f) The fire marshal approves the request for the 35585
transfer. 35586

(2) The new location shall comply with the requirements 35587
specified in divisions (A)(1) and (2) of section 3743.25 of the 35588
Revised Code whether or not the fireworks showroom at the new 35589
location is constructed, expanded, or first begins operating on 35590
and after June 30, 1997. 35591

(G)(1) A licensed wholesaler may expand its licensed premises 35592
within this state to include not more than two storage locations 35593
that are located upon one or more real estate parcels that are 35594
noncontiguous to the licensed premises as that licensed premises 35595
exists on the date a licensee submits an application as described 35596
below, if all of the following apply: 35597

(a) The licensee submits an application to the fire marshal 35598
requesting the expansion and an application fee of one hundred 35599
dollars per storage location for which the licensee is requesting 35600
approval. 35601

(b) The identity of the holder of the license remains the 35602
same at the storage location. 35603

(c) The storage location has received a valid certificate of 35604
zoning compliance, as applicable, and a valid certificate of 35605
occupancy for each building or structure at the storage location 35606
issued by the authority having jurisdiction to issue the 35607
certificate for the storage location, and those certificates 35608
permit the distribution and storage of fireworks regulated under 35609
this chapter at the storage location and in the buildings or 35610
structures. The storage location shall be in compliance with all 35611
other applicable federal, state, and local laws and regulations. 35612

(d) Every building or structure located upon the storage 35613
location is separated from occupied residential and nonresidential 35614
buildings or structures, railroads, highways, and any other 35615

buildings or structures on the licensed premises in accordance 35616
with the distances specified in the rules adopted by the fire 35617
marshal pursuant to section 3743.18 of the Revised Code. 35618

(e) Neither the licensee nor any person holding, owning, or 35619
controlling a five per cent or greater beneficial or equity 35620
interest in the licensee has been convicted of or pleaded guilty 35621
to a felony under the laws of this state, any other state, or the 35622
United States, after ~~the effective date of this amendment~~ 35623
September 29, 2005. 35624

(f) The fire marshal approves the application for expansion. 35625

(2) The fire marshal shall approve an application for 35626
expansion requested under division (G)(1) of this section if the 35627
fire marshal receives the application fee and proof that the 35628
requirements of divisions (G)(1)(b) to (e) of this section are 35629
satisfied. The storage location shall be considered part of the 35630
original licensed premises and shall use the same distinct number 35631
assigned to the original licensed premises with any additional 35632
designations as the fire marshal deems necessary in accordance 35633
with section 3743.16 of the Revised Code. 35634

(H)(1) A licensee who obtains approval for use of a storage 35635
location in accordance with division (G) of this section shall use 35636
the site exclusively for the following activities, in accordance 35637
with division (C)(1) of this section: 35638

(a) Packaging, assembling, or storing fireworks, which shall 35639
occur only in buildings approved for such hazardous uses by the 35640
building code official having jurisdiction for the storage 35641
location and shall be in accordance with the rules adopted by the 35642
fire marshal under division (B)(4) of section 3743.18 of the 35643
Revised Code for the packaging, assembling, and storage of 35644
fireworks. 35645

(b) Distributing fireworks to other parcels of real estate 35646

located on the wholesaler's licensed premises, to licensed 35647
manufacturers or other licensed wholesalers in this state or to 35648
similarly licensed persons located in another state or country; 35649

(c) Distributing fireworks to a licensed exhibitor of 35650
fireworks pursuant to a properly issued permit in accordance with 35651
section 3743.54 of the Revised Code. 35652

(2) A licensed wholesaler shall not engage in any sales 35653
activity, including the retail sale of fireworks otherwise 35654
permitted under division (C)(2) of this section or pursuant to 35655
section 3743.44 or 3743.45 of the Revised Code, at a storage 35656
location approved under this section. 35657

(I) A licensee shall prohibit public access to all storage 35658
locations it uses. The fire marshal shall adopt rules establishing 35659
acceptable measures a wholesaler shall use to prohibit access to 35660
storage sites. 35661

(J) The fire marshal shall not place the license of a 35662
wholesaler of fireworks in temporarily inactive status while the 35663
holder of the license is attempting to qualify to retain the 35664
license. 35665

(K) Each licensed wholesaler of fireworks or a designee of 35666
the wholesaler, whose identity is provided to the fire marshal by 35667
the wholesaler, annually shall attend a continuing education 35668
program consisting of not less than eight hours of instruction. 35669
The fire marshal shall develop the program and the fire marshal or 35670
a person or public agency approved by the fire marshal shall 35671
conduct it. A licensed wholesaler or the wholesaler's designee who 35672
attends a program as required under this division, within one year 35673
after attending the program, shall conduct in-service training for 35674
other employees of the licensed wholesaler regarding the 35675
information obtained in the program. A licensed wholesaler shall 35676
provide the fire marshal with notice of the date, time, and place 35677

of all in-service training not less than thirty days prior to an 35678
in-service training event. 35679

(L) A licensed wholesaler shall maintain comprehensive 35680
general liability insurance coverage in the amount and type 35681
specified under division (B)(2) of section 3743.15 of the Revised 35682
Code at all times. Each policy of insurance required under this 35683
division shall contain a provision requiring the insurer to give 35684
not less than fifteen days' prior written notice to the fire 35685
marshal before termination, lapse, or cancellation of the policy, 35686
or any change in the policy that reduces the coverage below the 35687
minimum required under this division. Prior to canceling or 35688
reducing the amount of coverage of any comprehensive general 35689
liability insurance coverage required under this division, a 35690
licensed wholesaler shall secure supplemental insurance in an 35691
amount and type that satisfies the requirements of this division 35692
so that no lapse in coverage occurs at any time. A licensed 35693
wholesaler who secures supplemental insurance shall file evidence 35694
of the supplemental insurance with the fire marshal prior to 35695
canceling or reducing the amount of coverage of any comprehensive 35696
general liability insurance coverage required under this division. 35697

Sec. 3743.19. In addition to conforming to the rules of the 35698
fire marshal adopted pursuant to section 3743.18 of the Revised 35699
Code, licensed wholesalers of fireworks shall conduct their 35700
business operations in accordance with the following: 35701

(A) A wholesaler shall conduct its business operations from 35702
the location described in its application for licensure or in a 35703
notification submitted under division (B) of section 3743.17 of 35704
the Revised Code. 35705

(B) Signs indicating that smoking is generally forbidden and 35706
trespassing is prohibited on the premises of a wholesaler shall be 35707
posted on the premises as determined by the fire marshal. 35708

(C) Reasonable precautions shall be taken to protect the premises of a wholesaler from trespass, loss, theft, or destruction.

(D) Smoking or the carrying of pipes, cigarettes, or cigars, matches, lighters, other flame-producing items, or open flame on, or the carrying of a concealed source of ignition into, the premises of a wholesaler is prohibited, except that a wholesaler may permit smoking in specified lunchrooms or restrooms in buildings or other structures in which no sales, handling, or storage of fireworks takes place. "NO SMOKING" signs shall be posted on the premises as required by the fire marshal.

(E) Fire and explosion prevention and other reasonable safety measures and precautions shall be implemented by a wholesaler.

(F) Persons shall not be permitted to have in their possession or under their control, while they are on the premises of a wholesaler, any intoxicating liquor, beer, or controlled substance, and they shall not be permitted to enter or remain on the premises if they are found to be under the influence of any intoxicating liquor, beer, or controlled substance.

(G) A wholesaler shall conform to all building, safety, and zoning statutes, ordinances, rules, or other enactments that apply to its premises.

(H) Each building used in the sale of fireworks shall be kept open to the public for at least four hours each day between the hours of eight a.m. and five p.m., five days of each week, every week of the year. Upon application from a licensed wholesaler, the fire marshal may waive any of the requirements of this division.

(I) Awnings, tents, or canopies shall not be used as facilities for the storage or sale of fireworks. This division does not prohibit the use of an awning or canopy attached to a public access showroom for storing nonflammable shopping

convenience items such as shopping carts or baskets or providing a 35740
shaded area for patrons waiting to enter the public sales area. 35741

(J) Fireworks may be stored in trailers if the trailers are 35742
properly enclosed, secured, and grounded and are separated from 35743
any structure to which the public is admitted by a distance that 35744
will, in the fire marshal's judgment, allow fire-fighting 35745
equipment to have full access to the structures on the licensed 35746
premises. Such trailers may be moved into closer proximity to any 35747
structure only to accept or discharge cargo for a period not to 35748
exceed forty-eight hours. Only two such trailers may be placed in 35749
such closer proximity at any one time. At no time may trailers be 35750
used for conducting sales of any class of fireworks nor may 35751
members of the public have access to the trailers. 35752

Storage areas for fireworks that are in the same building 35753
where fireworks are displayed and sold to the public shall be 35754
separated from the areas to which the public has access by an 35755
appropriately rated fire barrier wall. 35756

(K) A fire suppression system as defined in section 3781.108 35757
of the Revised Code may be turned off only for repair, drainage of 35758
the system to prevent damage by freezing during the period of 35759
time, approved by the fire marshal under division (I) of this 35760
section, that the facility is closed to public access during 35761
winter months, or maintenance of the system. If any repair or 35762
maintenance is necessary during times when the facility is open 35763
for public access and business, the licensed wholesaler shall 35764
notify in advance the appropriate insurance company and fire chief 35765
or fire prevention officer regarding the nature of the maintenance 35766
or repair and the time when it will be performed. 35767

(L) If any fireworks item is removed from its original 35768
package or is manufactured with any fuse other than a fuse 35769
approved by the consumer product safety commission, then the item 35770
shall be covered completely by repackaging or bagging or it shall 35771

otherwise be covered so as to prevent ignition prior to sale. 35772

(M) A safety officer shall be present during regular business 35773
hours at a building open to the public during the period 35774
commencing fourteen days before, and ending two days after, each 35775
fourth day of July. The officer shall be highly visible, enforce 35776
this chapter and any applicable building codes to the extent the 35777
officer is authorized by law, and be one of the following: 35778

(1) A deputy sheriff; 35779

(2) A law enforcement officer of a municipal corporation, 35780
township, or township or joint township police district; 35781

(3) A private uniformed security guard registered under 35782
section 4749.06 of the Revised Code. 35783

(N) All doors of all buildings on the licensed premises shall 35784
swing outward. 35785

(O) All wholesale and commercial sales of fireworks shall be 35786
packaged, shipped, placarded, and transported in accordance with 35787
United States department of transportation regulations applicable 35788
to the transportation, and the offering for transportation, of 35789
hazardous materials. For purposes of this division, "wholesale and 35790
commercial sales" includes all sales for resale and any nonretail 35791
sale made in furtherance of a commercial enterprise. For purposes 35792
of enforcement of these regulations under section 4905.83 of the 35793
Revised Code, any sales transaction exceeding one thousand pounds 35794
shall be rebuttably presumed to be a wholesale or commercial sale. 35795

Sec. 3743.25. (A) A licensed manufacturer, wholesaler, or 35796
exhibitor shall bring fireworks showroom structures, to which the 35797
public may have any access and in which employees are required to 35798
work, on all licensed premises, into compliance with the following 35799
safety requirements: 35800

(1) A Except as otherwise provided in division (A)(1) of this 35801

section, a fireworks showroom that is constructed or upon which expansion is undertaken on and after ~~the effective date of this section~~ June 30, 1997, shall be equipped with interlinked fire detection, fire suppression, smoke exhaust, and smoke evacuation systems that are approved by the superintendent of the division of industrial compliance in the department of commerce. Division (A)(1) of this section does not apply if a licensee conducts sales only on the basis of defused representative samples in closed and covered displays within a fireworks showroom.

(2) A fireworks showroom that first begins to operate on or after ~~the effective date of this section~~ June 30, 1997, and to which the public has access for retail purposes shall not exceed five thousand square feet in floor area.

(3) A fireworks showroom structure that exists on ~~the effective date of this section~~ June 30, 1997, but that, on or after ~~the effective date of this section~~ June 30, 1997, is altered or added to in a manner requiring the submission of plans, drawings, specifications, or data pursuant to section 3791.04 of the Revised Code, shall comply with a graphic floor plan layout that is approved by the fire marshal and superintendent of the division of industrial compliance showing width of aisles, parallel arrangement of aisles to exits, number of exits per wall, maximum occupancy load, evacuation plan for occupants, height of storage or display of merchandise, and other information as may be required by the fire marshal and superintendent.

(4)(a) Except as provided in division (A)(4)(b) of this section, a fireworks showroom structure that exists on ~~the effective date of this section~~ June 30, 1997, shall be retrofitted on or before June 1, 1998, with interlinked fire detection, smoke exhaust, and smoke evacuation systems that are approved by the superintendent of the division of industrial compliance.

(b) If meeting the retrofitting requirements set forth in

division (A)(4)(a) of this section would constitute an extreme 35834
financial hardship that would force a licensee to terminate 35835
business operations or if a licensee voluntarily so elects, the 35836
licensee shall conduct sales only on the basis of ~~de-fused~~ defused 35837
representative samples in closed and covered displays within the 35838
fireworks showroom, in which case division (A)(1) of this section 35839
does not apply. 35840

(5) A fireworks showroom structure that exists on ~~the~~ 35841
~~effective date of this section~~ June 30, 1997, shall be in 35842
compliance on or before June 1, 1998, with floor plans showing 35843
occupancy load limits and internal circulation and egress patterns 35844
that are approved by the fire marshal and superintendent of 35845
industrial compliance, and that are submitted under seal as 35846
required by section 3791.04 of the Revised Code. 35847

(B) The safety requirements established in division (A) of 35848
this section are not subject to any variance, waiver, or exclusion 35849
pursuant to this chapter or any applicable building code. 35850

Sec. 3743.75. (A) During the period beginning on June 29, 35851
2001, and ending on December 15, ~~2008~~ 2011, the state fire marshal 35852
shall not do any of the following: 35853

(1) Issue a license as a manufacturer of fireworks under 35854
sections 3743.02 and 3743.03 of the Revised Code to a person for a 35855
particular fireworks plant unless that person possessed such a 35856
license for that fireworks plant immediately prior to June 29, 35857
2001; 35858

(2) Issue a license as a wholesaler of fireworks under 35859
sections 3743.15 and 3743.16 of the Revised Code to a person for a 35860
particular location unless that person possessed such a license 35861
for that location immediately prior to June 29, 2001; 35862

(3) Except as provided in division (B) of this section, 35863

approve the geographic transfer of a license as a manufacturer or 35864
wholesaler of fireworks issued under this chapter to any location 35865
other than a location for which a license was issued under this 35866
chapter immediately prior to June 29, 2001. 35867

(B) Division (A)(3) of this section does not apply to a 35868
transfer that the state fire marshal approves under division (F) 35869
of section 3743.17 of the Revised Code. 35870

(C) Notwithstanding section 3743.59 of the Revised Code, the 35871
prohibited activities established in divisions (A)(1) and (2) of 35872
this section, geographic transfers approved pursuant to division 35873
(F) of section 3743.17 of the Revised Code, and storage locations 35874
allowed pursuant to division (I) of section 3743.04 of the Revised 35875
Code or division (G) of section 3743.17 of the Revised Code are 35876
not subject to any variance, waiver, or exclusion. 35877

(D) As used in division (A) of this section: 35878

(1) "Person" includes any person or entity, in whatever form 35879
or name, that acquires possession of a manufacturer or wholesaler 35880
of fireworks license issued pursuant to this chapter by transfer 35881
of possession of a license, whether that transfer occurs by 35882
purchase, assignment, inheritance, bequest, stock transfer, or any 35883
other type of transfer, on the condition that the transfer is in 35884
accordance with division (D) of section 3743.04 of the Revised 35885
Code or division (D) of section 3743.17 of the Revised Code and is 35886
approved by the fire marshal. 35887

(2) "Particular location" includes a licensed premises and, 35888
regardless of when approved, any storage location approved in 35889
accordance with section 3743.04 or 3743.17 of the Revised Code. 35890

(3) "Such a license" includes a wholesaler of fireworks 35891
license that was issued in place of a manufacturer of fireworks 35892
license that existed prior to June 29, 2001, and was requested to 35893
be canceled by the license holder pursuant to division (D) of 35894

section 3743.03 of the Revised Code. 35895

Sec. 3745.04. (A) As used in this section, "any person" means 35896
any individual, any partnership, corporation, association, or 35897
other legal entity, or any political subdivision, instrumentality, 35898
or agency of a state, whether or not the individual or legal 35899
entity is an applicant for or holder of a license, permit, or 35900
variance from the environmental protection agency, and includes 35901
any department, agency, or instrumentality of the federal 35902
government that is an applicant for or holder of a license, 35903
permit, or variance from the environmental protection agency. 35904

As used in this section, "action" or "act" includes the 35905
adoption, modification, or repeal of a rule or standard, the 35906
issuance, modification, or revocation of any lawful order other 35907
than an emergency order, and the issuance, denial, modification, 35908
or revocation of a license, permit, lease, variance, or 35909
certificate, or the approval or disapproval of plans and 35910
specifications pursuant to law or rules adopted thereunder. 35911

(B) Any person who was a party to a proceeding before the 35912
director of environmental protection may participate in an appeal 35913
to the environmental review appeals commission for an order 35914
vacating or modifying the action of the director or a local board 35915
of health, or ordering the director or board of health to perform 35916
an act. The environmental review appeals commission has exclusive 35917
original jurisdiction over any matter that may, under this 35918
section, be brought before it. However, the director has and 35919
retains jurisdiction to modify, amend, revise, renew, or revoke, a 35920
permit, rule, order, or other action that is already the subject 35921
of an appeal to the commission, provided that if a party to that 35922
appeal does not concur with the director's modification, 35923
amendment, revision, renewal, or revocation, the party shall be 35924
deemed to have appealed the modification, amendment, revision, 35925

renewal, or revocation upon providing notification to the 35926
commission of the party's objection. Notwithstanding any other 35927
provision in this section, such a party does not need to do either 35928
of the following: 35929

(1) File a new notice of appeal of the modification, 35930
amendment, revision, renewal, or revocation; 35931

(2) Pay any additional filing fee to the commission. 35932

The A person ~~se~~ appealing to the commission shall be known as 35933
appellant, and the director and any party to a proceeding 35934
substantially supporting the finding from which the appeal is 35935
taken shall be known as appellee, except that when an appeal 35936
involves a license to operate a disposal site or facility, the 35937
local board of health or the director of environmental protection, 35938
and any party to a proceeding substantially supporting the finding 35939
from which the appeal is taken, shall, as appropriate, be known as 35940
the appellee. Appellant and appellee shall be deemed to be parties 35941
to the appeal. 35942

(C) The director may appeal an action of a local board of 35943
health conducted under Chapter 3714. or 3734. of the Revised Code 35944
to the environmental review appeals commission for an order 35945
vacating or modifying the action of the board or may appeal to the 35946
commission for an order requiring the local board of health to 35947
perform an act. 35948

(D) An appeal shall be in writing and shall set forth the 35949
action complained of and the grounds upon which the appeal is 35950
based. 35951

The appeal shall be filed with the commission within thirty 35952
days after notice of the action. Notice of the filing of the 35953
appeal shall be filed with the appellee within three days after 35954
the appeal is filed with the commission. 35955

The appeal shall be accompanied by a filing fee of seventy 35956

dollars, which the commission, in its discretion, may reduce if by 35957
affidavit the appellant demonstrates that payment of the full 35958
amount of the fee would cause extreme hardship. 35959

Within seven days after receipt of the notice of an appeal 35960
filed under division (B) of this section, the director or local 35961
board of health, as applicable, shall prepare and certify to the 35962
commission a record of the proceedings out of which the appeal 35963
arises, including all documents and correspondence, and a 35964
transcript of all testimony. 35965

Upon the filing of an appeal, the commission shall fix the 35966
time and place at which the hearing on the appeal will be held. 35967
The commission shall give the appellant and the appellee at least 35968
ten days' written notice thereof by certified mail. The commission 35969
shall hold the hearing within thirty days after the notice of 35970
appeal is filed. The commission may postpone or continue any 35971
hearing upon its own motion or upon application of the appellant 35972
or of the appellee. 35973

The filing of an appeal does not automatically suspend or 35974
stay execution of the action appealed from. Upon application by 35975
the appellant, the commission may suspend or stay the execution 35976
pending immediate determination of the appeal without interruption 35977
by continuances, other than for unavoidable circumstances. 35978

(E) As used in this section and sections 3745.05 and 3745.06 35979
of the Revised Code, "director of environmental protection" and 35980
"director" are deemed to include the director of agriculture and 35981
"environmental protection agency" is deemed to include the 35982
department of agriculture with respect to actions that are 35983
appealable to the commission under Chapter 903. of the Revised 35984
Code. 35985

Sec. 3745.11. (A) Applicants for and holders of permits, 35986
licenses, variances, plan approvals, and certifications issued by 35987

the director of environmental protection pursuant to Chapters 35988
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 35989
to the environmental protection agency for each such issuance and 35990
each application for an issuance as provided by this section. No 35991
fee shall be charged for any issuance for which no application has 35992
been submitted to the director. 35993

(B) Each person who is issued a permit to install prior to 35994
July 1, 2003, pursuant to rules adopted under division (F) of 35995
section 3704.03 of the Revised Code shall pay the fees specified 35996
in the following schedules: 35997

(1) Fuel-burning equipment (boilers) 35998
Input capacity (maximum) 35999
(million British thermal units per hour) Permit to install 36000
Greater than 0, but less than 10 \$ 200 36001
10 or more, but less than 100 400 36002
100 or more, but less than 300 800 36003
300 or more, but less than 500 1500 36004
500 or more, but less than 1000 2500 36005
1000 or more, but less than 5000 4000 36006
5000 or more 6000 36007

Units burning exclusively natural gas, number two fuel oil, 36008
or both shall be assessed a fee that is one-half of the applicable 36009
amount established in division (F)(1) of this section. 36010

(2) Incinerators 36011
Input capacity (pounds per hour) Permit to install 36012
0 to 100 \$ 100 36013
101 to 500 400 36014
501 to 2000 750 36015
2001 to 20,000 1000 36016
more than 20,000 2500 36017

(3)(a) Process 36018

Process weight rate (pounds per hour)	Permit to install	
0 to 1000	\$ 200	36019
1001 to 5000	400	36020
5001 to 10,000	600	36021
10,001 to 50,000	800	36022
more than 50,000	1000	36023

In any process where process weight rate cannot be ascertained, the minimum fee shall be assessed. 36025
36026

(b) Notwithstanding division (B)(3)(a) of this section, any person issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code shall pay the fees established in division (B)(3)(c) of this section for a process used in any of the following industries, as identified by the applicable four-digit standard industrial classification code according to the Standard Industrial Classification Manual published by the United States office of management and budget in the executive office of the president, 1972, as revised: 36027
36028
36029
36030
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- 1211 Bituminous coal and lignite mining; 36036
- 1213 Bituminous coal and lignite mining services; 36037
- 1411 Dimension stone; 36038
- 1422 Crushed and broken limestone; 36039
- 1427 Crushed and broken stone, not elsewhere classified; 36040
- 1442 Construction sand and gravel; 36041
- 1446 Industrial sand; 36042
- 3281 Cut stone and stone products; 36043
- 3295 Minerals and earth, ground or otherwise treated. 36044

(c) The fees established in the following schedule apply to the issuance of a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code for a process listed in division (B)(3)(b) of this section: 36045
36046
36047
36048

Process weight rate (pounds per hour)	Permit to install	36049
0 to 1000	\$ 200	36050
10,001 to 50,000	300	36051
50,001 to 100,000	400	36052
100,001 to 200,000	500	36053
200,001 to 400,000	600	36054
400,001 or more	700	36055
(4) Storage tanks		36056
Gallons (maximum useful capacity)	Permit to install	36057
0 to 20,000	\$ 100	36058
20,001 to 40,000	150	36059
40,001 to 100,000	200	36060
100,001 to 250,000	250	36061
250,001 to 500,000	350	36062
500,001 to 1,000,000	500	36063
1,000,001 or greater	750	36064
(5) Gasoline/fuel dispensing facilities		36065
For each gasoline/fuel dispensing facility	Permit to install	36066
	\$ 100	36067
(6) Dry cleaning facilities		36068
For each dry cleaning facility	Permit to install	36069
(includes all units at the facility)	\$ 100	36070
(7) Registration status		36071
For each source covered	Permit to install	36072
by registration status	\$ 75	36073
(C)(1) Except as otherwise provided in division (C)(2) of this section, beginning July 1, 1994, each person who owns or operates an air contaminant source and who is required to apply for and obtain a Title V permit under section 3704.036 of the Revised Code shall pay the fees set forth in division (C)(1) of this section. For the purposes of that division, total emissions of air contaminants may be calculated using engineering		36074 36075 36076 36077 36078 36079 36080

calculations, emissions factors, material balance calculations, or 36081
performance testing procedures, as authorized by the director. 36082

The following fees shall be assessed on the total actual 36083
emissions from a source in tons per year of the regulated 36084
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 36085
organic compounds, and lead: 36086

(a) Fifteen dollars per ton on the total actual emissions of 36087
each such regulated pollutant during the period July through 36088
December 1993, to be collected no sooner than July 1, 1994; 36089

(b) Twenty dollars per ton on the total actual emissions of 36090
each such regulated pollutant during calendar year 1994, to be 36091
collected no sooner than April 15, 1995; 36092

(c) Twenty-five dollars per ton on the total actual emissions 36093
of each such regulated pollutant in calendar year 1995, and each 36094
subsequent calendar year, to be collected no sooner than the 36095
fifteenth day of April of the year next succeeding the calendar 36096
year in which the emissions occurred. 36097

The fees levied under division (C)(1) of this section do not 36098
apply to that portion of the emissions of a regulated pollutant at 36099
a facility that exceed four thousand tons during a calendar year. 36100

(2) The fees assessed under division (C)(1) of this section 36101
are for the purpose of providing funding for the Title V permit 36102
program. 36103

(3) The fees assessed under division (C)(1) of this section 36104
do not apply to emissions from any electric generating unit 36105
designated as a Phase I unit under Title IV of the federal Clean 36106
Air Act prior to calendar year 2000. Those fees shall be assessed 36107
on the emissions from such a generating unit commencing in 36108
calendar year 2001 based upon the total actual emissions from the 36109
generating unit during calendar year 2000 and shall continue to be 36110
assessed each subsequent calendar year based on the total actual 36111

emissions from the generating unit during the preceding calendar 36112
year. 36113

(4) The director shall issue invoices to owners or operators 36114
of air contaminant sources who are required to pay a fee assessed 36115
under division (C) or (D) of this section. Any such invoice shall 36116
be issued no sooner than the applicable date when the fee first 36117
may be collected in a year under the applicable division, shall 36118
identify the nature and amount of the fee assessed, and shall 36119
indicate that the fee is required to be paid within thirty days 36120
after the issuance of the invoice. 36121

(D)(1) Except as provided in division (D)(3) of this section, 36122
from January 1, 1994, through December 31, 2003, each person who 36123
owns or operates an air contaminant source; who is required to 36124
apply for a permit to operate pursuant to rules adopted under 36125
division (G), or a variance pursuant to division (H), of section 36126
3704.03 of the Revised Code; and who is not required to apply for 36127
and obtain a Title V permit under section 3704.036 of the Revised 36128
Code shall pay a single fee based upon the sum of the actual 36129
annual emissions from the facility of the regulated pollutants 36130
particulate matter, sulfur dioxide, nitrogen oxides, organic 36131
compounds, and lead in accordance with the following schedule: 36132

Total tons per year 36133		
of regulated pollutants 36134	Annual fee	
emitted 36135	per facility	
More than 0, but less than 50 36136	\$ 75	
50 or more, but less than 100 36137	300	
100 or more 36138	700	

(2) Except as provided in division (D)(3) of this section, 36139
beginning January 1, 2004, each person who owns or operates an air 36140
contaminant source; who is required to apply for a permit to 36141
operate pursuant to rules adopted under division (G), or a 36142
variance pursuant to division (H), of section 3704.03 of the 36143

Revised Code; and who is not required to apply for and obtain a Title V permit under section 3704.03 of the Revised Code shall pay a single fee based upon the sum of the actual annual emissions from the facility of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead in accordance with the following schedule:

Total tons per year of regulated pollutants emitted	Annual fee per facility
More than 0, but less than 10	\$ 100
10 or more, but less than 50	200
50 or more, but less than 100	300
100 or more	700

(3)(a) As used in division (D) of this section, "synthetic minor facility" means a facility for which one or more permits to install or permits to operate have been issued for the air contaminant sources at the facility that include terms and conditions that lower the facility's potential to emit air contaminants below the major source thresholds established in rules adopted under section 3704.036 of the Revised Code.

(b) Beginning January 1, 2000, through June 30, ~~2008~~ 2010, each person who owns or operates a synthetic minor facility shall pay an annual fee based on the sum of the actual annual emissions from the facility of particulate matter, sulfur dioxide, nitrogen dioxide, organic compounds, and lead in accordance with the following schedule:

Combined total tons per year of all regulated pollutants emitted	Annual fee per facility
Less than 10	\$ 170
10 or more, but less than 20	340
20 or more, but less than 30	670

30 or more, but less than 40	1,010	36176
40 or more, but less than 50	1,340	36177
50 or more, but less than 60	1,680	36178
60 or more, but less than 70	2,010	36179
70 or more, but less than 80	2,350	36180
80 or more, but less than 90	2,680	36181
90 or more, but less than 100	3,020	36182
100 or more	3,350	36183

(4) The fees assessed under division (D)(1) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 1995. The fees assessed under division (D)(2) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 2005. The fees assessed under division (D)(3) of this section shall be collected no sooner than the fifteenth day of April, commencing in 2000. The fees assessed under division (D) of this section in a calendar year shall be based upon the sum of the actual emissions of those regulated pollutants during the preceding calendar year. For the purpose of division (D) of this section, emissions of air contaminants may be calculated using engineering calculations, emission factors, material balance calculations, or performance testing procedures, as authorized by the director. The director, by rule, may require persons who are required to pay the fees assessed under division (D) of this section to pay those fees biennially rather than annually.

(E)(1) Consistent with the need to cover the reasonable costs of the Title V permit program, the director annually shall increase the fees prescribed in division (C)(1) of this section by the percentage, if any, by which the consumer price index for the most recent calendar year ending before the beginning of a year exceeds the consumer price index for calendar year 1989. Upon calculating an increase in fees authorized by division (E)(1) of this section, the director shall compile revised fee schedules for

the purposes of division (C)(1) of this section and shall make the revised schedules available to persons required to pay the fees assessed under that division and to the public.

(2) For the purposes of division (E)(1) of this section:

(a) The consumer price index for any year is the average of the consumer price index for all urban consumers published by the United States department of labor as of the close of the twelve-month period ending on the thirty-first day of August of that year.

(b) If the 1989 consumer price index is revised, the director shall use the revision of the consumer price index that is most consistent with that for calendar year 1989.

(F) Each person who is issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code on or after July 1, 2003, shall pay the fees specified in the following schedules:

(1) Fuel-burning equipment (boilers, furnaces, or process heaters used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer)

Input capacity (maximum (million British thermal units per hour)	Permit to install
Greater than 0, but less than 10	\$ 200
10 or more, but less than 100	400
100 or more, but less than 300	1000
300 or more, but less than 500	2250
500 or more, but less than 1000	3750
1000 or more, but less than 5000	6000
5000 or more	9000

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.

(2) Combustion turbines and stationary internal combustion engines designed to generate electricity		36240
Generating capacity (mega watts)	Permit to install	36242
0 or more, but less than 10	\$ 25	36243
10 or more, but less than 25	150	36244
25 or more, but less than 50	300	36245
50 or more, but less than 100	500	36246
100 or more, but less than 250	1000	36247
250 or more	2000	36248
(3) Incinerators		36249
Input capacity (pounds per hour)	Permit to install	36250
0 to 100	\$ 100	36251
101 to 500	500	36252
501 to 2000	1000	36253
2001 to 20,000	1500	36254
more than 20,000	3750	36255
(4)(a) Process		36256
Process weight rate (pounds per hour)	Permit to install	36257
0 to 1000	\$ 200	36258
1001 to 5000	500	36259
5001 to 10,000	750	36260
10,001 to 50,000	1000	36261
more than 50,000	1250	36262
In any process where process weight rate cannot be ascertained, the minimum fee shall be assessed. A boiler, furnace, combustion turbine, stationary internal combustion engine, or process heater designed to provide direct heat or power to a process not designed to generate electricity shall be assessed a fee established in division (F)(4)(a) of this section. A combustion turbine or stationary internal combustion engine designed to generate electricity shall be assessed a fee established in division (F)(2) of this section.		36263 36264 36265 36266 36267 36268 36269 36270 36271

(b) Notwithstanding division (F)(4)(a) of this section, any person issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code shall pay the fees set forth in division (F)(4)(c) of this section for a process used in any of the following industries, as identified by the applicable two-digit, three-digit, or four-digit standard industrial classification code according to the Standard Industrial Classification Manual published by the United States office of management and budget in the executive office of the president, 1987, as revised:

- Major group 10, metal mining; 36282
- Major group 12, coal mining; 36283
- Major group 14, mining and quarrying of nonmetallic minerals; 36284
- Industry group 204, grain mill products; 36285
- 2873 Nitrogen fertilizers; 36286
- 2874 Phosphatic fertilizers; 36287
- 3281 Cut stone and stone products; 36288
- 3295 Minerals and earth, ground or otherwise treated; 36289
- 4221 Grain elevators (storage only); 36290
- 5159 Farm related raw materials; 36291
- 5261 Retail nurseries and lawn and garden supply stores. 36292

(c) The fees set forth in the following schedule apply to the issuance of a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code for a process identified in division (F)(4)(b) of this section:

Process weight rate (pounds per hour)	Permit to install	
0 to 10,000	\$ 200	36298
10,001 to 50,000	400	36299

50,001 to 100,000	500	36300
100,001 to 200,000	600	36301
200,001 to 400,000	750	36302
400,001 or more	900	36303
(5) Storage tanks		36304
Gallons (maximum useful capacity)	Permit to install	36305
0 to 20,000	\$ 100	36306
20,001 to 40,000	150	36307
40,001 to 100,000	250	36308
100,001 to 500,000	400	36309
500,001 or greater	750	36310
(6) Gasoline/fuel dispensing facilities		36311
For each gasoline/fuel		36312
dispensing facility (includes all	Permit to install	36313
units at the facility)	\$ 100	36314
(7) Dry cleaning facilities		36315
For each dry cleaning		36316
facility (includes all units	Permit to install	36317
at the facility)	\$ 100	36318
(8) Registration status		36319
For each source covered	Permit to install	36320
by registration status	\$ 75	36321
(G) An owner or operator who is responsible for an asbestos		36322
demolition or renovation project pursuant to rules adopted under		36323
section 3704.03 of the Revised Code shall pay the fees set forth		36324
in the following schedule:		36325
Action	Fee	36326
Each notification	\$75	36327
Asbestos removal	\$3/unit	36328
Asbestos cleanup	\$4/cubic yard	36329
For purposes of this division, "unit" means any combination of		36330

linear feet or square feet equal to fifty. 36331

(H) A person who is issued an extension of time for a permit 36332
to install an air contaminant source pursuant to rules adopted 36333
under division (F) of section 3704.03 of the Revised Code shall 36334
pay a fee equal to one-half the fee originally assessed for the 36335
permit to install under this section, except that the fee for such 36336
an extension shall not exceed two hundred dollars. 36337

(I) A person who is issued a modification to a permit to 36338
install an air contaminant source pursuant to rules adopted under 36339
section 3704.03 of the Revised Code shall pay a fee equal to 36340
one-half of the fee that would be assessed under this section to 36341
obtain a permit to install the source. The fee assessed by this 36342
division only applies to modifications that are initiated by the 36343
owner or operator of the source and shall not exceed two thousand 36344
dollars. 36345

(J) Notwithstanding division (B) or (F) of this section, a 36346
person who applies for or obtains a permit to install pursuant to 36347
rules adopted under division (F) of section 3704.03 of the Revised 36348
Code after the date actual construction of the source began shall 36349
pay a fee for the permit to install that is equal to twice the fee 36350
that otherwise would be assessed under the applicable division 36351
unless the applicant received authorization to begin construction 36352
under division (W) of section 3704.03 of the Revised Code. This 36353
division only applies to sources for which actual construction of 36354
the source begins on or after July 1, 1993. The imposition or 36355
payment of the fee established in this division does not preclude 36356
the director from taking any administrative or judicial 36357
enforcement action under this chapter, Chapter 3704., 3714., 36358
3734., or 6111. of the Revised Code, or a rule adopted under any 36359
of them, in connection with a violation of rules adopted under 36360
division (F) of section 3704.03 of the Revised Code. 36361

As used in this division, "actual construction of the source" 36362

means the initiation of physical on-site construction activities 36363
in connection with improvements to the source that are permanent 36364
in nature, including, without limitation, the installation of 36365
building supports and foundations and the laying of underground 36366
pipework. 36367

(K) Fifty cents per ton of each fee assessed under division 36368
(C) of this section on actual emissions from a source and received 36369
by the environmental protection agency pursuant to that division 36370
shall be deposited into the state treasury to the credit of the 36371
small business assistance fund created in section 3706.19 of the 36372
Revised Code. The remainder of the moneys received by the division 36373
pursuant to that division and moneys received by the agency 36374
pursuant to divisions (D), (F), (G), (H), (I), and (J) of this 36375
section shall be deposited in the state treasury to the credit of 36376
the clean air fund created in section 3704.035 of the Revised 36377
Code. 36378

(L)(1)(a) Except as otherwise provided in division (L)(1)(b) 36379
or (c) of this section, a person issued a water discharge permit 36380
or renewal of a water discharge permit pursuant to Chapter 6111. 36381
of the Revised Code shall pay a fee based on each point source to 36382
which the issuance is applicable in accordance with the following 36383
schedule: 36384

Design flow discharge (gallons per day)	Fee	
0 to 1000	\$ 0	36385
1,001 to 5000	100	36387
5,001 to 50,000	200	36388
50,001 to 100,000	300	36389
100,001 to 300,000	525	36390
over 300,000	750	36391

(b) Notwithstanding the fee schedule specified in division 36392
(L)(1)(a) of this section, the fee for a water discharge permit 36393
that is applicable to coal mining operations regulated under 36394

Chapter 1513. of the Revised Code shall be two hundred fifty 36395
dollars per mine. 36396

(c) Notwithstanding the fee schedule specified in division 36397
(L)(1)(a) of this section, the fee for a water discharge permit 36398
for a public discharger identified by I in the third character of 36399
the permittee's NPDES permit number shall not exceed seven hundred 36400
fifty dollars. 36401

(2) A person applying for a plan approval for a wastewater 36402
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 36403
of the Revised Code shall pay a fee of one hundred dollars plus 36404
sixty-five one-hundredths of one per cent of the estimated project 36405
cost through June 30, ~~2008~~ 2010, and one hundred dollars plus 36406
two-tenths of one per cent of the estimated project cost on and 36407
after July 1, ~~2008~~ 2010, except that the total fee shall not 36408
exceed fifteen thousand dollars through June 30, ~~2008~~ 2010, and 36409
five thousand dollars on and after July 1, ~~2008~~ 2010. The fee 36410
shall be paid at the time the application is submitted. 36411

(3) A person issued a modification of a water discharge 36412
permit shall pay a fee equal to one-half the fee that otherwise 36413
would be charged for a water discharge permit, except that the fee 36414
for the modification shall not exceed four hundred dollars. 36415

(4) A person who has entered into an agreement with the 36416
director under section 6111.14 of the Revised Code shall pay an 36417
administrative service fee for each plan submitted under that 36418
section for approval that shall not exceed the minimum amount 36419
necessary to pay administrative costs directly attributable to 36420
processing plan approvals. The director annually shall calculate 36421
the fee and shall notify all persons who have entered into 36422
agreements under that section, or who have applied for agreements, 36423
of the amount of the fee. 36424

(5)(a)(i) Not later than January 30, ~~2006~~ 2008, and January 36425

30, ~~2007~~ 2009, a person holding an NPDES discharge permit issued 36426
pursuant to Chapter 6111. of the Revised Code with an average 36427
daily discharge flow of five thousand gallons or more shall pay a 36428
nonrefundable annual discharge fee. Any person who fails to pay 36429
the fee at that time shall pay an additional amount that equals 36430
ten per cent of the required annual discharge fee. 36431

(ii) The billing year for the annual discharge fee 36432
established in division (L)(5)(a)(i) of this section shall consist 36433
of a twelve-month period beginning on the first day of January of 36434
the year preceding the date when the annual discharge fee is due. 36435
In the case of an existing source that permanently ceases to 36436
discharge during a billing year, the director shall reduce the 36437
annual discharge fee, including the surcharge applicable to 36438
certain industrial facilities pursuant to division (L)(5)(c) of 36439
this section, by one-twelfth for each full month during the 36440
billing year that the source was not discharging, but only if the 36441
person holding the NPDES discharge permit for the source notifies 36442
the director in writing, not later than the first day of October 36443
of the billing year, of the circumstances causing the cessation of 36444
discharge. 36445

(iii) The annual discharge fee established in division 36446
(L)(5)(a)(i) of this section, except for the surcharge applicable 36447
to certain industrial facilities pursuant to division (L)(5)(c) of 36448
this section, shall be based upon the average daily discharge flow 36449
in gallons per day calculated using first day of May through 36450
thirty-first day of October flow data for the period two years 36451
prior to the date on which the fee is due. In the case of NPDES 36452
discharge permits for new sources, the fee shall be calculated 36453
using the average daily design flow of the facility until actual 36454
average daily discharge flow values are available for the time 36455
period specified in division (L)(5)(a)(iii) of this section. The 36456
annual discharge fee may be prorated for a new source as described 36457

in division (L)(5)(a)(ii) of this section. 36458

(b) An NPDES permit holder that is a public discharger shall 36459
pay the fee specified in the following schedule: 36460

Average daily discharge flow	Fee due by	
	January 30,	36462
	2006 <u>2008</u> , and	36463
	January 30, 2007	36464
	<u>2009</u>	
5,000 to 49,999	\$ 200	36465
50,000 to 100,000	500	36466
100,001 to 250,000	1,050	36467
250,001 to 1,000,000	2,600	36468
1,000,001 to 5,000,000	5,200	36469
5,000,001 to 10,000,000	10,350	36470
10,000,001 to 20,000,000	15,550	36471
20,000,001 to 50,000,000	25,900	36472
50,000,001 to 100,000,000	41,400	36473
100,000,001 or more	62,100	36474

Public dischargers owning or operating two or more publicly 36475
owned treatment works serving the same political subdivision, as 36476
"treatment works" is defined in section 6111.01 of the Revised 36477
Code, and that serve exclusively political subdivisions having a 36478
population of fewer than one hundred thousand shall pay an annual 36479
discharge fee under division (L)(5)(b) of this section that is 36480
based on the combined average daily discharge flow of the 36481
treatment works. 36482

(c) An NPDES permit holder that is an industrial discharger, 36483
other than a coal mining operator identified by P in the third 36484
character of the permittee's NPDES permit number, shall pay the 36485
fee specified in the following schedule: 36486

Average daily discharge flow	Fee due by	
	January 30,	36488

	2006 <u>2008</u> , and	36489
	January 30, 2007	36490
	<u>2009</u>	
5,000 to 49,999	\$ 250	36491
50,000 to 250,000	1,200	36492
250,001 to 1,000,000	2,950	36493
1,000,001 to 5,000,000	5,850	36494
5,000,001 to 10,000,000	8,800	36495
10,000,001 to 20,000,000	11,700	36496
20,000,001 to 100,000,000	14,050	36497
100,000,001 to 250,000,000	16,400	36498
250,000,001 or more	18,700	36499

In addition to the fee specified in the above schedule, an NPDES permit holder that is an industrial discharger classified as a major discharger during all or part of the annual discharge fee billing year specified in division (L)(5)(a)(ii) of this section shall pay a nonrefundable annual surcharge of seven thousand five hundred dollars not later than January 30, ~~2006~~ 2008, and not later than January 30, ~~2007~~ 2009. Any person who fails to pay the surcharge at that time shall pay an additional amount that equals ten per cent of the amount of the surcharge.

(d) Notwithstanding divisions (L)(5)(b) and (c) of this section, a public discharger identified by I in the third character of the permittee's NPDES permit number and an industrial discharger identified by I, J, L, V, W, X, Y, or Z in the third character of the permittee's NPDES permit number shall pay a nonrefundable annual discharge fee of one hundred eighty dollars not later than January 30, ~~2006~~ 2008, and not later than January 30, ~~2007~~ 2009. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required fee.

(6) Each person obtaining a national pollutant discharge

elimination system general or individual permit for municipal 36520
storm water discharge shall pay a nonrefundable storm water 36521
discharge fee of one hundred dollars per square mile of area 36522
permitted. The fee shall not exceed ten thousand dollars and shall 36523
be payable on or before January 30, 2004, and the thirtieth day of 36524
January of each year thereafter. Any person who fails to pay the 36525
fee on the date specified in division (L)(6) of this section shall 36526
pay an additional amount per year equal to ten per cent of the 36527
annual fee that is unpaid. 36528

(7) The director shall transmit all moneys collected under 36529
division (L) of this section to the treasurer of state for deposit 36530
into the state treasury to the credit of the surface water 36531
protection fund created in section 6111.038 of the Revised Code. 36532

(8) As used in division (L) of this section: 36533

(a) "NPDES" means the federally approved national pollutant 36534
discharge elimination system program for issuing, modifying, 36535
revoking, reissuing, terminating, monitoring, and enforcing 36536
permits and imposing and enforcing pretreatment requirements under 36537
Chapter 6111. of the Revised Code and rules adopted under it. 36538

(b) "Public discharger" means any holder of an NPDES permit 36539
identified by P in the second character of the NPDES permit number 36540
assigned by the director. 36541

(c) "Industrial discharger" means any holder of an NPDES 36542
permit identified by I in the second character of the NPDES permit 36543
number assigned by the director. 36544

(d) "Major discharger" means any holder of an NPDES permit 36545
classified as major by the regional administrator of the United 36546
States environmental protection agency in conjunction with the 36547
director. 36548

(M) Through June 30, ~~2008~~ 2010, a person applying for a 36549
license or license renewal to operate a public water system under 36550

section 6109.21 of the Revised Code shall pay the appropriate fee 36551
established under this division at the time of application to the 36552
director. Any person who fails to pay the fee at that time shall 36553
pay an additional amount that equals ten per cent of the required 36554
fee. The director shall transmit all moneys collected under this 36555
division to the treasurer of state for deposit into the drinking 36556
water protection fund created in section 6109.30 of the Revised 36557
Code. 36558

Except as provided in division (M)(4) of this section, fees 36559
required under this division shall be calculated and paid in 36560
accordance with the following schedule: 36561

(1) For the initial license required under division (A)(1) of 36562
section 6109.21 of the Revised Code for any public water system 36563
that is a community water system as defined in section 6109.01 of 36564
the Revised Code, and for each license renewal required for such a 36565
system prior to January 31, ~~2008~~ 2010, the fee is: 36566

Number of service connections	Fee amount	
Not more than 49	\$ 112	36568
50 to 99	176	36569
Number of service connections	Average cost per connection	
100 to 2,499	\$ 1.92	36571
2,500 to 4,999	1.48	36572
5,000 to 7,499	1.42	36573
7,500 to 9,999	1.34	36574
10,000 to 14,999	1.16	36575
15,000 to 24,999	1.10	36576
25,000 to 49,999	1.04	36577
50,000 to 99,999	.92	36578
100,000 to 149,999	.86	36579
150,000 to 199,999	.80	36580
200,000 or more	.76	36581

A public water system may determine how it will pay the total 36582

amount of the fee calculated under division (M)(1) of this 36583
section, including the assessment of additional user fees that may 36584
be assessed on a volumetric basis. 36585

As used in division (M)(1) of this section, "service 36586
connection" means the number of active or inactive pipes, 36587
goosenecks, pigtails, and any other fittings connecting a water 36588
main to any building outlet. 36589

(2) For the initial license required under division (A)(2) of 36590
section 6109.21 of the Revised Code for any public water system 36591
that is not a community water system and serves a nontransient 36592
population, and for each license renewal required for such a 36593
system prior to January 31, ~~2008~~ 2010, the fee is: 36594

Population served	Fee amount	
Fewer than 150	\$ 112	36596
150 to 299	176	36597
300 to 749	384	36598
750 to 1,499	628	36599
1,500 to 2,999	1,268	36600
3,000 to 7,499	2,816	36601
7,500 to 14,999	5,510	36602
15,000 to 22,499	9,048	36603
22,500 to 29,999	12,430	36604
30,000 or more	16,820	36605

As used in division (M)(2) of this section, "population 36606
served" means the total number of individuals receiving water from 36607
the water supply during a twenty-four-hour period for at least 36608
sixty days during any calendar year. In the absence of a specific 36609
population count, that number shall be calculated at the rate of 36610
three individuals per service connection. 36611

(3) For the initial license required under division (A)(3) of 36612
section 6109.21 of the Revised Code for any public water system 36613
that is not a community water system and serves a transient 36614

population, and for each license renewal required for such a 36615
system prior to January 31, ~~2008~~ 2010, the fee is: 36616

Number of wells supplying system	Fee amount	
1	\$112	36618
2	112	36619
3	176	36620
4	278	36621
5	568	36622
System designated as using a		36623
surface water source	792	36624

As used in division (M)(3) of this section, "number of wells 36625
supplying system" means those wells that are physically connected 36626
to the plumbing system serving the public water system. 36627

(4) A public water system designated as using a surface water 36628
source shall pay a fee of seven hundred ninety-two dollars or the 36629
amount calculated under division (M)(1) or (2) of this section, 36630
whichever is greater. 36631

(N)(1) A person applying for a plan approval for a public 36632
water supply system under section 6109.07 of the Revised Code 36633
shall pay a fee of one hundred fifty dollars plus thirty-five 36634
hundredths of one per cent of the estimated project cost, except 36635
that the total fee shall not exceed twenty thousand dollars 36636
through June 30, ~~2008~~ 2010, and fifteen thousand dollars on and 36637
after July 1, ~~2008~~ 2010. The fee shall be paid at the time the 36638
application is submitted. 36639

(2) A person who has entered into an agreement with the 36640
director under division (A)(2) of section 6109.07 of the Revised 36641
Code shall pay an administrative service fee for each plan 36642
submitted under that section for approval that shall not exceed 36643
the minimum amount necessary to pay administrative costs directly 36644
attributable to processing plan approvals. The director annually 36645
shall calculate the fee and shall notify all persons that have 36646

entered into agreements under that division, or who have applied 36647
for agreements, of the amount of the fee. 36648

(3) Through June 30, ~~2008~~ 2010, the following fee, on a per 36649
survey basis, shall be charged any person for services rendered by 36650
the state in the evaluation of laboratories and laboratory 36651
personnel for compliance with accepted analytical techniques and 36652
procedures established pursuant to Chapter 6109. of the Revised 36653
Code for determining the qualitative characteristics of water: 36654

microbiological		36655
MMO-MUG	\$2,000	36656
MF	2,100	36657
MMO-MUG and MF	2,550	36658
organic chemical	5,400	36659
trace metals	5,400	36660
standard chemistry	2,800	36661
limited chemistry	1,550	36662

On and after July 1, ~~2008~~ 2010, the following fee, on a per 36663
survey basis, shall be charged any such person: 36664

microbiological	\$ 1,650	36665
organic chemicals	3,500	36666
trace metals	3,500	36667
standard chemistry	1,800	36668
limited chemistry	1,000	36669

The fee for those services shall be paid at the time the request 36670
for the survey is made. Through June 30, ~~2008~~ 2010, an individual 36671
laboratory shall not be assessed a fee under this division more 36672
than once in any three-year period unless the person requests the 36673
addition of analytical methods or analysts, in which case the 36674
person shall pay eighteen hundred dollars for each additional 36675
survey requested. 36676

As used in division (N)(3) of this section: 36677

- (a) "MF" means microfiltration. 36678
- (b) "MMO" means minimal medium ONPG. 36679
- (c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide. 36680
- (d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 36681

The director shall transmit all moneys collected under this 36682
division to the treasurer of state for deposit into the drinking 36683
water protection fund created in section 6109.30 of the Revised 36684
Code. 36685

(O) Any person applying to the director for examination for 36686
certification as an operator of a water supply system or 36687
wastewater system under Chapter 6109. or 6111. of the Revised 36688
Code, at the time the application is submitted, shall pay an 36689
application fee of forty-five dollars through November 30, ~~2008~~ 36690
2010, and twenty-five dollars on and after December 1, ~~2008~~ 2010. 36691
Upon approval from the director that the applicant is eligible to 36692
take the examination therefor, the applicant shall pay a fee in 36693
accordance with the following schedule through November 30, ~~2008~~ 36694
2010: 36695

Class A operator	\$35	36696
Class I operator	60	36697
Class II operator	75	36698
Class III operator	85	36699
Class IV operator	100	36700

On and after December 1, ~~2008~~ 2010, the applicant shall pay a 36701
fee in accordance with the following schedule: 36702

Class A operator	\$25	36703
Class I operator	\$45	36704
Class II operator	55	36705
Class III operator	65	36706
Class IV operator	75	36707

A person shall pay a biennial certification renewal fee for 36708

each applicable class of certification in accordance with the 36709
following schedule: 36710

Class A operator	\$25	36711
Class I operator	35	36712
Class II operator	45	36713
Class III operator	55	36714
Class IV operator	65	36715

If a certification renewal fee is received by the director 36716
more than thirty days, but not more than one year after the 36717
expiration date of the certification, the person shall pay a 36718
certification renewal fee in accordance with the following 36719
schedule: 36720

Class A operator	\$45	36721
Class I operator	55	36722
Class II operator	65	36723
Class III operator	75	36724
Class IV operator	85	36725

A person who requests a replacement certificate shall pay a 36726
fee of twenty-five dollars at the time the request is made. 36727

The director shall transmit all moneys collected under this 36728
division to the treasurer of state for deposit into the drinking 36729
water protection fund created in section 6109.30 of the Revised 36730
Code. 36731

(P) Any person submitting an application for an industrial 36732
water pollution control certificate under section 6111.31 of the 36733
Revised Code, as that section existed before its repeal by H.B. 95 36734
of the 125th general assembly, shall pay a nonrefundable fee of 36735
five hundred dollars at the time the application is submitted. The 36736
director shall transmit all moneys collected under this division 36737
to the treasurer of state for deposit into the surface water 36738
protection fund created in section 6111.038 of the Revised Code. A 36739
person paying a certificate fee under this division shall not pay 36740

an application fee under division (S)(1) of this section. On and 36741
after June 26, 2003, persons shall file such applications and pay 36742
the fee as required under sections 5709.20 to 5709.27 of the 36743
Revised Code, and proceeds from the fee shall be credited as 36744
provided in section 5709.212 of the Revised Code. 36745

(Q) Except as otherwise provided in division (R) of this 36746
section, a person issued a permit by the director for a new solid 36747
waste disposal facility other than an incineration or composting 36748
facility, a new infectious waste treatment facility other than an 36749
incineration facility, or a modification of such an existing 36750
facility that includes an increase in the total disposal or 36751
treatment capacity of the facility pursuant to Chapter 3734. of 36752
the Revised Code shall pay a fee of ten dollars per thousand cubic 36753
yards of disposal or treatment capacity, or one thousand dollars, 36754
whichever is greater, except that the total fee for any such 36755
permit shall not exceed eighty thousand dollars. A person issued a 36756
modification of a permit for a solid waste disposal facility or an 36757
infectious waste treatment facility that does not involve an 36758
increase in the total disposal or treatment capacity of the 36759
facility shall pay a fee of one thousand dollars. A person issued 36760
a permit to install a new, or modify an existing, solid waste 36761
transfer facility under that chapter shall pay a fee of two 36762
thousand five hundred dollars. A person issued a permit to install 36763
a new or to modify an existing solid waste incineration or 36764
composting facility, or an existing infectious waste treatment 36765
facility using incineration as its principal method of treatment, 36766
under that chapter shall pay a fee of one thousand dollars. The 36767
increases in the permit fees under this division resulting from 36768
the amendments made by Amended Substitute House Bill 592 of the 36769
117th general assembly do not apply to any person who submitted an 36770
application for a permit to install a new, or modify an existing, 36771
solid waste disposal facility under that chapter prior to 36772
September 1, 1987; any such person shall pay the permit fee 36773

established in this division as it existed prior to June 24, 1988. 36774
In addition to the applicable permit fee under this division, a 36775
person issued a permit to install or modify a solid waste facility 36776
or an infectious waste treatment facility under that chapter who 36777
fails to pay the permit fee to the director in compliance with 36778
division (V) of this section shall pay an additional ten per cent 36779
of the amount of the fee for each week that the permit fee is 36780
late. 36781

Permit and late payment fees paid to the director under this 36782
division shall be credited to the general revenue fund. 36783

(R)(1) A person issued a registration certificate for a scrap 36784
tire collection facility under section 3734.75 of the Revised Code 36785
shall pay a fee of two hundred dollars, except that if the 36786
facility is owned or operated by a motor vehicle salvage dealer 36787
licensed under Chapter 4738. of the Revised Code, the person shall 36788
pay a fee of twenty-five dollars. 36789

(2) A person issued a registration certificate for a new 36790
scrap tire storage facility under section 3734.76 of the Revised 36791
Code shall pay a fee of three hundred dollars, except that if the 36792
facility is owned or operated by a motor vehicle salvage dealer 36793
licensed under Chapter 4738. of the Revised Code, the person shall 36794
pay a fee of twenty-five dollars. 36795

(3) A person issued a permit for a scrap tire storage 36796
facility under section 3734.76 of the Revised Code shall pay a fee 36797
of one thousand dollars, except that if the facility is owned or 36798
operated by a motor vehicle salvage dealer licensed under Chapter 36799
4738. of the Revised Code, the person shall pay a fee of fifty 36800
dollars. 36801

(4) A person issued a permit for a scrap tire monocell or 36802
monofill facility under section 3734.77 of the Revised Code shall 36803
pay a fee of ten dollars per thousand cubic yards of disposal 36804

capacity or one thousand dollars, whichever is greater, except 36805
that the total fee for any such permit shall not exceed eighty 36806
thousand dollars. 36807

(5) A person issued a registration certificate for a scrap 36808
tire recovery facility under section 3734.78 of the Revised Code 36809
shall pay a fee of one hundred dollars. 36810

(6) A person issued a permit for a scrap tire recovery 36811
facility under section 3734.78 of the Revised Code shall pay a fee 36812
of one thousand dollars. 36813

(7) In addition to the applicable registration certificate or 36814
permit fee under divisions (R)(1) to (6) of this section, a person 36815
issued a registration certificate or permit for any such scrap 36816
tire facility who fails to pay the registration certificate or 36817
permit fee to the director in compliance with division (V) of this 36818
section shall pay an additional ten per cent of the amount of the 36819
fee for each week that the fee is late. 36820

(8) The registration certificate, permit, and late payment 36821
fees paid to the director under divisions (R)(1) to (7) of this 36822
section shall be credited to the scrap tire management fund 36823
created in section 3734.82 of the Revised Code. 36824

(S)(1) Except as provided by divisions (L), (M), (N), (O), 36825
(P), and (S)(2) of this section, division (A)(2) of section 36826
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 36827
and rules adopted under division (T)(1) of this section, any 36828
person applying for a registration certificate under section 36829
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 36830
variance, or plan approval under Chapter 3734. of the Revised Code 36831
shall pay a nonrefundable fee of fifteen dollars at the time the 36832
application is submitted. 36833

Except as otherwise provided, any person applying for a 36834
permit, variance, or plan approval under Chapter 6109. or 6111. of 36835

the Revised Code shall pay a nonrefundable fee of one hundred 36836
dollars at the time the application is submitted through June 30, 36837
~~2008~~ 2010, and a nonrefundable fee of fifteen dollars at the time 36838
the application is submitted on and after July 1, ~~2008~~ 2010. 36839
Through June 30, ~~2008~~ 2010, any person applying for a national 36840
pollutant discharge elimination system permit under Chapter 6111. 36841
of the Revised Code shall pay a nonrefundable fee of two hundred 36842
dollars at the time of application for the permit. On and after 36843
July 1, ~~2008~~ 2010, such a person shall pay a nonrefundable fee of 36844
fifteen dollars at the time of application. 36845

In addition to the application fee established under division 36846
(S)(1) of this section, any person applying for a national 36847
pollutant discharge elimination system general storm water 36848
construction permit shall pay a nonrefundable fee of twenty 36849
dollars per acre for each acre that is permitted above five acres 36850
at the time the application is submitted. However, the per acreage 36851
fee shall not exceed three hundred dollars. In addition, any 36852
person applying for a national pollutant discharge elimination 36853
system general storm water industrial permit shall pay a 36854
nonrefundable fee of one hundred fifty dollars at the time the 36855
application is submitted. 36856

The director shall transmit all moneys collected under 36857
division (S)(1) of this section pursuant to Chapter 6109. of the 36858
Revised Code to the treasurer of state for deposit into the 36859
drinking water protection fund created in section 6109.30 of the 36860
Revised Code. 36861

The director shall transmit all moneys collected under 36862
division (S)(1) of this section pursuant to Chapter 6111. of the 36863
Revised Code to the treasurer of state for deposit into the 36864
surface water protection fund created in section 6111.038 of the 36865
Revised Code. 36866

If a registration certificate is issued under section 36867

3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 36868
the application fee paid shall be deducted from the amount of the 36869
registration certificate fee due under division (R)(1), (2), or 36870
(5) of this section, as applicable. 36871

If a person submits an electronic application for a 36872
registration certificate, permit, variance, or plan approval for 36873
which an application fee is established under division (S)(1) of 36874
this section, the person shall pay the applicable application fee 36875
as expeditiously as possible after the submission of the 36876
electronic application. An application for a registration 36877
certificate, permit, variance, or plan approval for which an 36878
application fee is established under division (S)(1) of this 36879
section shall not be reviewed or processed until the applicable 36880
application fee, and any other fees established under this 36881
division, are paid. 36882

(2) Division (S)(1) of this section does not apply to an 36883
application for a registration certificate for a scrap tire 36884
collection or storage facility submitted under section 3734.75 or 36885
3734.76 of the Revised Code, as applicable, if the owner or 36886
operator of the facility or proposed facility is a motor vehicle 36887
salvage dealer licensed under Chapter 4738. of the Revised Code. 36888

(T) The director may adopt, amend, and rescind rules in 36889
accordance with Chapter 119. of the Revised Code that do all of 36890
the following: 36891

(1) Prescribe fees to be paid by applicants for and holders 36892
of any license, permit, variance, plan approval, or certification 36893
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 36894
the Revised Code that are not specifically established in this 36895
section. The fees shall be designed to defray the cost of 36896
processing, issuing, revoking, modifying, denying, and enforcing 36897
the licenses, permits, variances, plan approvals, and 36898
certifications. 36899

The director shall transmit all moneys collected under rules 36900
adopted under division (T)(1) of this section pursuant to Chapter 36901
6109. of the Revised Code to the treasurer of state for deposit 36902
into the drinking water protection fund created in section 6109.30 36903
of the Revised Code. 36904

The director shall transmit all moneys collected under rules 36905
adopted under division (T)(1) of this section pursuant to Chapter 36906
6111. of the Revised Code to the treasurer of state for deposit 36907
into the surface water protection fund created in section 6111.038 36908
of the Revised Code. 36909

(2) Exempt the state and political subdivisions thereof, 36910
including education facilities or medical facilities owned by the 36911
state or a political subdivision, or any person exempted from 36912
taxation by section 5709.07 or 5709.12 of the Revised Code, from 36913
any fee required by this section; 36914

(3) Provide for the waiver of any fee, or any part thereof, 36915
otherwise required by this section whenever the director 36916
determines that the imposition of the fee would constitute an 36917
unreasonable cost of doing business for any applicant, class of 36918
applicants, or other person subject to the fee; 36919

(4) Prescribe measures that the director considers necessary 36920
to carry out this section. 36921

(U) When the director reasonably demonstrates that the direct 36922
cost to the state associated with the issuance of a permit to 36923
install, license, variance, plan approval, or certification 36924
exceeds the fee for the issuance or review specified by this 36925
section, the director may condition the issuance or review on the 36926
payment by the person receiving the issuance or review of, in 36927
addition to the fee specified by this section, the amount, or any 36928
portion thereof, in excess of the fee specified under this 36929
section. The director shall not so condition issuances for which 36930

fees are prescribed in divisions (B)(7) and (L)(1)(b) of this section. 36931
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(V) Except as provided in divisions (L), (M), and (P) of this section or unless otherwise prescribed by a rule of the director adopted pursuant to Chapter 119. of the Revised Code, all fees required by this section are payable within thirty days after the issuance of an invoice for the fee by the director or the effective date of the issuance of the license, permit, variance, plan approval, or certification. If payment is late, the person responsible for payment of the fee shall pay an additional ten per cent of the amount due for each month that it is late. 36933
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(W) As used in this section, "fuel-burning equipment," "fuel-burning equipment input capacity," "incinerator," "incinerator input capacity," "process," "process weight rate," "storage tank," "gasoline dispensing facility," "dry cleaning facility," "design flow discharge," and "new source treatment works" have the meanings ascribed to those terms by applicable rules or standards adopted by the director under Chapter 3704. or 6111. of the Revised Code. 36942
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(X) As used in divisions (B), (C), (D), (E), (F), (H), (I), and (J) of this section, and in any other provision of this section pertaining to fees paid pursuant to Chapter 3704. of the Revised Code: 36950
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(1) "Facility," "federal Clean Air Act," "person," and "Title V permit" have the same meanings as in section 3704.01 of the Revised Code. 36954
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(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: 36957
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(a) Preparing and adopting, if applicable, generally applicable rules or guidance regarding the permit program or its 36960
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implementation or enforcement;	36962
(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;	36963 36964 36965 36966
(c) Administering the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry;	36967 36968 36969
(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;	36970 36971 36972
(e) Emission and ambient monitoring;	36973
(f) Modeling, analyses, or demonstrations;	36974
(g) Preparing inventories and tracking emissions;	36975
(h) Providing direct and indirect support to small business stationary sources to determine and meet their obligations under the federal Clean Air Act pursuant to the small business stationary source technical and environmental compliance assistance program required by section 507 of that act and established in sections 3704.18, 3704.19, and 3706.19 of the Revised Code.	36976 36977 36978 36979 36980 36981 36982
(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) of this section, each sewage sludge facility shall pay a nonrefundable annual sludge fee equal to three dollars and fifty cents per dry ton of sewage sludge, including the dry tons of sewage sludge in materials derived from sewage sludge, that the sewage sludge facility treats or disposes of in this state. The annual volume of sewage sludge treated or disposed of by a sewage sludge facility shall be calculated using the first day of January through the thirty-first day of December of the calendar year	36983 36984 36985 36986 36987 36988 36989 36990 36991

preceding the date on which payment of the fee is due. 36992

(2)(a) Except as provided in division (Y)(2)(d) of this 36993
section, each sewage sludge facility shall pay a minimum annual 36994
sewage sludge fee of one hundred dollars. 36995

(b) The annual sludge fee required to be paid by a sewage 36996
sludge facility that treats or disposes of exceptional quality 36997
sludge in this state shall be thirty-five per cent less per dry 36998
ton of exceptional quality sludge than the fee assessed under 36999
division (Y)(1) of this section, subject to the following 37000
exceptions: 37001

(i) Except as provided in division (Y)(2)(d) of this section, 37002
a sewage sludge facility that treats or disposes of exceptional 37003
quality sludge shall pay a minimum annual sewage sludge fee of one 37004
hundred dollars. 37005

(ii) A sewage sludge facility that treats or disposes of 37006
exceptional quality sludge shall not be required to pay the annual 37007
sludge fee for treatment or disposal in this state of exceptional 37008
quality sludge generated outside of this state and contained in 37009
bags or other containers not greater than one hundred pounds in 37010
capacity. 37011

A thirty-five per cent reduction for exceptional quality 37012
sludge applies to the maximum annual fees established under 37013
division (Y)(3) of this section. 37014

(c) A sewage sludge facility that transfers sewage sludge to 37015
another sewage sludge facility in this state for further treatment 37016
prior to disposal in this state shall not be required to pay the 37017
annual sludge fee for the tons of sewage sludge that have been 37018
transferred. In such a case, the sewage sludge facility that 37019
disposes of the sewage sludge shall pay the annual sludge fee. 37020
However, the facility transferring the sewage sludge shall pay the 37021
one-hundred-dollar minimum fee required under division (Y)(2)(a) 37022

of this section. 37023

In the case of a sewage sludge facility that treats sewage 37024
sludge in this state and transfers it out of this state to another 37025
entity for disposal, the sewage sludge facility in this state 37026
shall be required to pay the annual sludge fee for the tons of 37027
sewage sludge that have been transferred. 37028

(d) A sewage sludge facility that generates sewage sludge 37029
resulting from an average daily discharge flow of less than five 37030
thousand gallons per day is not subject to the fees assessed under 37031
division (Y) of this section. 37032

(3) No sewage sludge facility required to pay the annual 37033
sludge fee shall be required to pay more than the maximum annual 37034
fee for each disposal method that the sewage sludge facility uses. 37035
The maximum annual fee does not include the additional amount that 37036
may be charged under division (Y)(5) of this section for late 37037
payment of the annual sludge fee. The maximum annual fee for the 37038
following methods of disposal of sewage sludge is as follows: 37039

(a) Incineration: five thousand dollars; 37040

(b) Preexisting land reclamation project or disposal in a 37041
landfill: five thousand dollars; 37042

(c) Land application, land reclamation, surface disposal, or 37043
any other disposal method not specified in division (Y)(3)(a) or 37044
(b) of this section: twenty thousand dollars. 37045

(4)(a) In the case of an entity that generates sewage sludge 37046
or a sewage sludge facility that treats sewage sludge and 37047
transfers the sewage sludge to an incineration facility for 37048
disposal, the incineration facility, and not the entity generating 37049
the sewage sludge or the sewage sludge facility treating the 37050
sewage sludge, shall pay the annual sludge fee for the tons of 37051
sewage sludge that are transferred. However, the entity or 37052
facility generating or treating the sewage sludge shall pay the 37053

one-hundred-dollar minimum fee required under division (Y)(2)(a) 37054
of this section. 37055

(b) In the case of an entity that generates sewage sludge and 37056
transfers the sewage sludge to a landfill for disposal or to a 37057
sewage sludge facility for land reclamation or surface disposal, 37058
the entity generating the sewage sludge, and not the landfill or 37059
sewage sludge facility, shall pay the annual sludge fee for the 37060
tons of sewage sludge that are transferred. 37061

(5) Not later than the first day of April of the calendar 37062
year following March 17, 2000, and each first day of April 37063
thereafter, the director shall issue invoices to persons who are 37064
required to pay the annual sludge fee. The invoice shall identify 37065
the nature and amount of the annual sludge fee assessed and state 37066
the first day of May as the deadline for receipt by the director 37067
of objections regarding the amount of the fee and the first day of 37068
July as the deadline for payment of the fee. 37069

Not later than the first day of May following receipt of an 37070
invoice, a person required to pay the annual sludge fee may submit 37071
objections to the director concerning the accuracy of information 37072
regarding the number of dry tons of sewage sludge used to 37073
calculate the amount of the annual sludge fee or regarding whether 37074
the sewage sludge qualifies for the exceptional quality sludge 37075
discount established in division (Y)(2)(b) of this section. The 37076
director may consider the objections and adjust the amount of the 37077
fee to ensure that it is accurate. 37078

If the director does not adjust the amount of the annual 37079
sludge fee in response to a person's objections, the person may 37080
appeal the director's determination in accordance with Chapter 37081
119. of the Revised Code. 37082

Not later than the first day of June, the director shall 37083
notify the objecting person regarding whether the director has 37084

found the objections to be valid and the reasons for the finding. 37085
If the director finds the objections to be valid and adjusts the 37086
amount of the annual sludge fee accordingly, the director shall 37087
issue with the notification a new invoice to the person 37088
identifying the amount of the annual sludge fee assessed and 37089
stating the first day of July as the deadline for payment. 37090

Not later than the first day of July, any person who is 37091
required to do so shall pay the annual sludge fee. Any person who 37092
is required to pay the fee, but who fails to do so on or before 37093
that date shall pay an additional amount that equals ten per cent 37094
of the required annual sludge fee. 37095

(6) The director shall transmit all moneys collected under 37096
division (Y) of this section to the treasurer of state for deposit 37097
into the surface water protection fund created in section 6111.038 37098
of the Revised Code. The moneys shall be used to defray the costs 37099
of administering and enforcing provisions in Chapter 6111. of the 37100
Revised Code and rules adopted under it that govern the use, 37101
storage, treatment, or disposal of sewage sludge. 37102

(7) Beginning in fiscal year 2001, and every two years 37103
thereafter, the director shall review the total amount of moneys 37104
generated by the annual sludge fees to determine if that amount 37105
exceeded six hundred thousand dollars in either of the two 37106
preceding fiscal years. If the total amount of moneys in the fund 37107
exceeded six hundred thousand dollars in either fiscal year, the 37108
director, after review of the fee structure and consultation with 37109
affected persons, shall issue an order reducing the amount of the 37110
fees levied under division (Y) of this section so that the 37111
estimated amount of moneys resulting from the fees will not exceed 37112
six hundred thousand dollars in any fiscal year. 37113

If, upon review of the fees under division (Y)(7) of this 37114
section and after the fees have been reduced, the director 37115
determines that the total amount of moneys collected and 37116

accumulated is less than six hundred thousand dollars, the 37117
director, after review of the fee structure and consultation with 37118
affected persons, may issue an order increasing the amount of the 37119
fees levied under division (Y) of this section so that the 37120
estimated amount of moneys resulting from the fees will be 37121
approximately six hundred thousand dollars. Fees shall never be 37122
increased to an amount exceeding the amount specified in division 37123
(Y)(7) of this section. 37124

Notwithstanding section 119.06 of the Revised Code, the 37125
director may issue an order under division (Y)(7) of this section 37126
without the necessity to hold an adjudicatory hearing in 37127
connection with the order. The issuance of an order under this 37128
division is not an act or action for purposes of section 3745.04 37129
of the Revised Code. 37130

(8) As used in division (Y) of this section: 37131

(a) "Sewage sludge facility" means an entity that performs 37132
treatment on or is responsible for the disposal of sewage sludge. 37133

(b) "Sewage sludge" means a solid, semi-solid, or liquid 37134
residue generated during the treatment of domestic sewage in a 37135
treatment works as defined in section 6111.01 of the Revised Code. 37136
"Sewage sludge" includes, but is not limited to, scum or solids 37137
removed in primary, secondary, or advanced wastewater treatment 37138
processes. "Sewage sludge" does not include ash generated during 37139
the firing of sewage sludge in a sewage sludge incinerator, grit 37140
and screenings generated during preliminary treatment of domestic 37141
sewage in a treatment works, animal manure, residue generated 37142
during treatment of animal manure, or domestic septage. 37143

(c) "Exceptional quality sludge" means sewage sludge that 37144
meets all of the following qualifications: 37145

(i) Satisfies the class A pathogen standards in 40 C.F.R. 37146
503.32(a); 37147

(ii) Satisfies one of the vector attraction reduction requirements in 40 C.F.R. 503.33(b)(1) to (b)(8);	37148 37149
(iii) Does not exceed the ceiling concentration limitations for metals listed in table one of 40 C.F.R. 503.13;	37150 37151
(iv) Does not exceed the concentration limitations for metals listed in table three of 40 C.F.R. 503.13.	37152 37153
(d) "Treatment" means the preparation of sewage sludge for final use or disposal and includes, but is not limited to, thickening, stabilization, and dewatering of sewage sludge.	37154 37155 37156
(e) "Disposal" means the final use of sewage sludge, including, but not limited to, land application, land reclamation, surface disposal, or disposal in a landfill or an incinerator.	37157 37158 37159
(f) "Land application" means the spraying or spreading of sewage sludge onto the land surface, the injection of sewage sludge below the land surface, or the incorporation of sewage sludge into the soil for the purposes of conditioning the soil or fertilizing crops or vegetation grown in the soil.	37160 37161 37162 37163 37164
(g) "Land reclamation" means the returning of disturbed land to productive use.	37165 37166
(h) "Surface disposal" means the placement of sludge on an area of land for disposal, including, but not limited to, monofills, surface impoundments, lagoons, waste piles, or dedicated disposal sites.	37167 37168 37169 37170
(i) "Incinerator" means an entity that disposes of sewage sludge through the combustion of organic matter and inorganic matter in sewage sludge by high temperatures in an enclosed device.	37171 37172 37173 37174
(j) "Incineration facility" includes all incinerators owned or operated by the same entity and located on a contiguous tract of land. Areas of land are considered to be contiguous even if	37175 37176 37177

they are separated by a public road or highway. 37178

(k) "Annual sludge fee" means the fee assessed under division 37179
(Y)(1) of this section. 37180

(l) "Landfill" means a sanitary landfill facility, as defined 37181
in rules adopted under section 3734.02 of the Revised Code, that 37182
is licensed under section 3734.05 of the Revised Code. 37183

(m) "Preexisting land reclamation project" means a 37184
property-specific land reclamation project that has been in 37185
continuous operation for not less than five years pursuant to 37186
approval of the activity by the director and includes the 37187
implementation of a community outreach program concerning the 37188
activity. 37189

Sec. 3767.41. (A) As used in this section: 37190

(1) "Building" means, except as otherwise provided in this 37191
division, any building or structure that is used or intended to be 37192
used for residential purposes. "Building" includes, but is not 37193
limited to, a building or structure in which any floor is used for 37194
retail stores, shops, salesrooms, markets, or similar commercial 37195
uses, or for offices, banks, civic administration activities, 37196
professional services, or similar business or civic uses, and in 37197
which the other floors are used, or designed and intended to be 37198
used, for residential purposes. "Building" does not include any 37199
building or structure that is occupied by its owner and that 37200
contains three or fewer residential units. 37201

(2)(a) "Public nuisance" means a building that is a menace to 37202
the public health, welfare, or safety; that is structurally 37203
unsafe, unsanitary, or not provided with adequate safe egress; 37204
that constitutes a fire hazard, is otherwise dangerous to human 37205
life, or is otherwise no longer fit and habitable; or that, in 37206
relation to its existing use, constitutes a hazard to the public 37207

health, welfare, or safety by reason of inadequate maintenance, 37208
dilapidation, obsolescence, or abandonment. 37209

(b) "Public nuisance" as it applies to subsidized housing 37210
means subsidized housing that fails to meet the following 37211
standards as specified in the federal rules governing each 37212
standard: 37213

(i) Each building on the site is structurally sound, secure, 37214
habitable, and in good repair, as defined in 24 C.F.R. 5.703(b); 37215

(ii) Each building's domestic water, electrical system, 37216
elevators, emergency power, fire protection, HVAC, and sanitary 37217
system is free of health and safety hazards, functionally 37218
adequate, operable, and in good repair, as defined in 24 C.F.R. 37219
5.703(c); 37220

(iii) Each dwelling unit within the building is structurally 37221
sound, habitable, and in good repair, and all areas and aspects of 37222
the dwelling unit are free of health and safety hazards, 37223
functionally adequate, operable, and in good repair, as defined in 37224
24 C.F.R. 5.703(d)(1); 37225

(iv) Where applicable, the dwelling unit has hot and cold 37226
running water, including an adequate source of potable water, as 37227
defined in 24 C.F.R. 5.703(d)(2); 37228

(v) If the dwelling unit includes its own sanitary facility, 37229
it is in proper operating condition, usable in privacy, and 37230
adequate for personal hygiene, and the disposal of human waste, as 37231
defined in 24 C.F.R. 5.703(d)(3); 37232

(vi) The common areas are structurally sound, secure, and 37233
functionally adequate for the purposes intended. The basement, 37234
garage, carport, restrooms, closets, utility, mechanical, 37235
community rooms, daycare, halls, corridors, stairs, kitchens, 37236
laundry rooms, office, porch, patio, balcony, and trash collection 37237
areas are free of health and safety hazards, operable, and in good 37238

repair. All common area ceilings, doors, floors, HVAC, lighting, 37239
smoke detectors, stairs, walls, and windows, to the extent 37240
applicable, are free of health and safety hazards, operable, and 37241
in good repair, as defined in 24 C.F.R. 5.703(e); 37242

(vii) All areas and components of the housing are free of 37243
health and safety hazards. These areas include, but are not 37244
limited to, air quality, electrical hazards, elevators, 37245
emergency/fire exits, flammable materials, garbage and debris, 37246
handrail hazards, infestation, and lead-based paint, as defined in 37247
24 C.F.R. 5.703(f). 37248

(3) "Abate" or "abatement" in connection with any building 37249
means the removal or correction of any conditions that constitute 37250
a public nuisance and the making of any other improvements that 37251
are needed to effect a rehabilitation of the building that is 37252
consistent with maintaining safe and habitable conditions over its 37253
remaining useful life. "Abatement" does not include the closing or 37254
boarding up of any building that is found to be a public nuisance. 37255

(4) "Interested party" means any owner, mortgagee, 37256
lienholder, tenant, or person that possesses an interest of record 37257
in any property that becomes subject to the jurisdiction of a 37258
court pursuant to this section, and any applicant for the 37259
appointment of a receiver pursuant to this section. 37260

(5) "Neighbor" means any owner of property, including, but 37261
not limited to, any person who is purchasing property by land 37262
installment contract or under a duly executed purchase contract, 37263
that is located within five hundred feet of any property that 37264
becomes subject to the jurisdiction of a court pursuant to this 37265
section, and any occupant of a building that is so located. 37266

(6) "Tenant" has the same meaning as in section 5321.01 of 37267
the Revised Code. 37268

(7) "Subsidized housing" means a property consisting of more 37269

than four dwelling units that, in whole or in part, receives 37270
project-based assistance pursuant to a contract under any of the 37271
following federal housing programs: 37272

(a) The new construction or substantial rehabilitation 37273
program under section 8(b)(2) of the "United States Housing Act of 37274
1937," Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f(b)(2) as 37275
that program was in effect immediately before the first day of 37276
October, 1983; 37277

(b) The moderate rehabilitation program under section 8(e)(2) 37278
of the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 37279
Stat. 888, 42 U.S.C. 1437f(e)(2); 37280

(c) The loan management assistance program under section 8 of 37281
the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 37282
Stat. 888, 42 U.S.C. 1437f; 37283

(d) The rent supplement program under section 101 of the 37284
"Housing and Urban Development Act of 1965," Pub. L. No. 89-174, 37285
79 Stat. 667, 12 U.S.C. 1701s; 37286

(e) Section 8 of the "United States Housing Act of 1937," 37287
Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f, following 37288
conversion from assistance under section 101 of the "Housing and 37289
Urban Development Act of 1965," Pub. L. No. 89-174, 79 Stat. 667, 37290
12 U.S.C. 1701s; 37291

(f) The program of supportive housing for the elderly under 37292
section 202 of the "Housing Act of 1959," Pub. L. No. 86-372, 73 37293
Stat. 654, 12 U.S.C. 1701g; 37294

(g) The program of supportive housing for persons with 37295
disabilities under section 811 of the "National Affordable Housing 37296
Act of 1990," Pub. L. No. 101-625, 104 Stat. 4313, 42 U.S.C. 8013; 37297

(h) The rental assistance program under section 521 of the 37298
"United States Housing Act of 1949," Pub. L. No. 90-448, 82 Stat. 37299

551, as amended by Pub. L. No. 93-383, 88 Stat. 696, 42 U.S.C. 37300
1490a. 37301

(8) "Project-based assistance" means the assistance is 37302
attached to the property and provides rental assistance only on 37303
behalf of tenants who reside in that property. 37304

(9) "Landlord" has the same meaning as in section 5321.01 of 37305
the Revised Code. 37306

(B)(1)(a) In any civil action to enforce any local building, 37307
housing, air pollution, sanitation, health, fire, zoning, or 37308
safety code, ordinance, or regulation applicable to buildings, 37309
that is commenced in a court of common pleas, municipal court, 37310
housing or environmental division of a municipal court, or county 37311
court, or in any civil action for abatement commenced in a court 37312
of common pleas, municipal court, housing or environmental 37313
division of a municipal court, or county court, by a municipal 37314
corporation in which the building involved is located, by any 37315
neighbor, tenant, or by a nonprofit corporation that is duly 37316
organized and has as one of its goals the improvement of housing 37317
conditions in the county or municipal corporation in which the 37318
building involved is located, if a building is alleged to be a 37319
public nuisance, the municipal corporation, neighbor, tenant, or 37320
nonprofit corporation may apply in its complaint for an injunction 37321
or other order as described in division (C)(1) of this section, or 37322
for the relief described in division (C)(2) of this section, 37323
including, if necessary, the appointment of a receiver as 37324
described in divisions (C)(2) and (3) of this section, or for both 37325
such an injunction or other order and such relief. The municipal 37326
corporation, neighbor, tenant, or nonprofit corporation commencing 37327
the action is not liable for the costs, expenses, and fees of any 37328
receiver appointed pursuant to divisions (C)(2) and (3) of this 37329
section. 37330

(b) Prior to commencing a civil action for abatement when the 37331

property alleged to be a public nuisance is subsidized housing, 37332
the municipal corporation, neighbor, tenant, or nonprofit 37333
corporation commencing the action shall provide the landlord of 37334
that property with written notice that specifies one or more 37335
defective conditions that constitute a public nuisance as that 37336
term applies to subsidized housing and states that if the landlord 37337
fails to remedy the condition within sixty days of the service of 37338
the notice, a claim pursuant to this section may be brought on the 37339
basis that the property constitutes a public nuisance in 37340
subsidized housing. Any party authorized to bring an action 37341
against the landlord shall make reasonable attempts to serve the 37342
notice in the manner prescribed in the Rules of Civil Procedure to 37343
the landlord or the landlord's agent for the property at the 37344
property's management office, or at the place where the tenants 37345
normally pay or send rent. If the landlord is not the owner of 37346
record, the party bringing the action shall make a reasonable 37347
attempt to serve the owner. If the owner does not receive service 37348
the person bringing the action shall certify the attempts to serve 37349
the owner. 37350

(2)(a) In a civil action described in division (B)(1) of this 37351
section, a copy of the complaint and a notice of the date and time 37352
of a hearing on the complaint shall be served upon the owner of 37353
the building and all other interested parties in accordance with 37354
the Rules of Civil Procedure. If certified mail service, personal 37355
service, or residence service of the complaint and notice is 37356
refused or certified mail service of the complaint and notice is 37357
not claimed, and if the municipal corporation, neighbor, tenant, 37358
or nonprofit corporation commencing the action makes a written 37359
request for ordinary mail service of the complaint and notice, or 37360
uses publication service, in accordance with the Rules of Civil 37361
Procedure, then a copy of the complaint and notice shall be posted 37362
in a conspicuous place on the building. 37363

(b) The judge in a civil action described in division (B)(1) 37364
of this section shall conduct a hearing at least twenty-eight days 37365
after the owner of the building and the other interested parties 37366
have been served with a copy of the complaint and the notice of 37367
the date and time of the hearing in accordance with division 37368
(B)(2)(a) of this section. 37369

(c) In considering whether subsidized housing is a public 37370
nuisance, the judge shall construe the standards set forth in 37371
division (A)(2)(b) of this section in a manner consistent with 37372
department of housing and urban development and judicial 37373
interpretations of those standards. The judge shall deem that the 37374
property is not a public nuisance if during the twelve months 37375
prior to the service of the notice that division (B)(1)(b) of this 37376
section requires, the department of housing and urban 37377
development's real estate assessment center issued a score of 37378
seventy-five or higher out of a possible one hundred points 37379
pursuant to its regulations governing the physical condition of 37380
multifamily properties pursuant to 24 C.F.R. part 200, subpart P, 37381
and since the most recent inspection, there has been no 37382
significant change in the property's conditions that would create 37383
a serious threat to the health, safety, or welfare of the 37384
property's tenants. 37385

(C)(1) If the judge in a civil action described in division 37386
(B)(1) of this section finds at the hearing required by division 37387
(B)(2) of this section that the building involved is a public 37388
nuisance, if the judge additionally determines that the owner of 37389
the building previously has not been afforded a reasonable 37390
opportunity to abate the public nuisance or has been afforded such 37391
an opportunity and has not refused or failed to abate the public 37392
nuisance, and if the complaint of the municipal corporation, 37393
neighbor, tenant, or nonprofit corporation commencing the action 37394
requested the issuance of an injunction as described in this 37395

division, then the judge may issue an injunction requiring the 37396
owner of the building to abate the public nuisance or issue any 37397
other order that the judge considers necessary or appropriate to 37398
cause the abatement of the public nuisance. If an injunction is 37399
issued pursuant to this division, the owner of the building 37400
involved shall be given no more than thirty days from the date of 37401
the entry of the judge's order to comply with the injunction, 37402
unless the judge, for good cause shown, extends the time for 37403
compliance. 37404

(2) If the judge in a civil action described in division 37405
(B)(1) of this section finds at the hearing required by division 37406
(B)(2) of this section that the building involved is a public 37407
nuisance, if the judge additionally determines that the owner of 37408
the building previously has been afforded a reasonable opportunity 37409
to abate the public nuisance and has refused or failed to do so, 37410
and if the complaint of the municipal corporation, neighbor, 37411
tenant, or nonprofit corporation commencing the action requested 37412
relief as described in this division, then the judge shall offer 37413
any mortgagee, lienholder, or other interested party associated 37414
with the property on which the building is located, in the order 37415
of the priority of interest in title, the opportunity to undertake 37416
the work and to furnish the materials necessary to abate the 37417
public nuisance. Prior to selecting any interested party, the 37418
judge shall require the interested party to demonstrate the 37419
ability to promptly undertake the work and furnish the materials 37420
required, to provide the judge with a viable financial and 37421
construction plan for the rehabilitation of the building as 37422
described in division (D) of this section, and to post security 37423
for the performance of the work and the furnishing of the 37424
materials. 37425

If the judge determines, at the hearing, that no interested 37426
party is willing or able to undertake the work and to furnish the 37427

materials necessary to abate the public nuisance, or if the judge 37428
determines, at any time after the hearing, that any party who is 37429
undertaking corrective work pursuant to this division cannot or 37430
will not proceed, or has not proceeded with due diligence, the 37431
judge may appoint a receiver pursuant to division (C)(3) of this 37432
section to take possession and control of the building. 37433

(3)(a) The judge in a civil action described in division 37434
(B)(1) of this section shall not appoint any person as a receiver 37435
unless the person first has provided the judge with a viable 37436
financial and construction plan for the rehabilitation of the 37437
building involved as described in division (D) of this section and 37438
has demonstrated the capacity and expertise to perform the 37439
required work and to furnish the required materials in a 37440
satisfactory manner. An appointed receiver may be a financial 37441
institution that possesses an interest of record in the building 37442
or the property on which it is located, a nonprofit corporation as 37443
described in divisions (B)(1) and (C)(3)(b) of this section, 37444
including, but not limited to, a nonprofit corporation that 37445
commenced the action described in division (B)(1) of this section, 37446
or any other qualified property manager. 37447

(b) To be eligible for appointment as a receiver, no part of 37448
the net earnings of a nonprofit corporation shall inure to the 37449
benefit of any private shareholder or individual. Membership on 37450
the board of trustees of a nonprofit corporation appointed as a 37451
receiver does not constitute the holding of a public office or 37452
employment within the meaning of sections 731.02 and 731.12 or any 37453
other section of the Revised Code and does not constitute a direct 37454
or indirect interest in a contract or expenditure of money by any 37455
municipal corporation. A member of a board of trustees of a 37456
nonprofit corporation appointed as a receiver shall not be 37457
disqualified from holding any public office or employment, and 37458
shall not forfeit any public office or employment, by reason of 37459

~~his~~ membership on the board of trustees, notwithstanding any law 37460
to the contrary. 37461

(D) Prior to ordering any work to be undertaken, or the 37462
furnishing of any materials, to abate a public nuisance under this 37463
section, the judge in a civil action described in division (B)(1) 37464
of this section shall review the submitted financial and 37465
construction plan for the rehabilitation of the building involved 37466
and, if it specifies all of the following, shall approve that 37467
plan: 37468

(1) The estimated cost of the labor, materials, and any other 37469
development costs that are required to abate the public nuisance; 37470

(2) The estimated income and expenses of the building and the 37471
property on which it is located after the furnishing of the 37472
materials and the completion of the repairs and improvements; 37473

(3) The terms, conditions, and availability of any financing 37474
that is necessary to perform the work and to furnish the 37475
materials; 37476

(4) If repair and rehabilitation of the building are found 37477
not to be feasible, the cost of demolition of the building or of 37478
the portions of the building that constitute the public nuisance. 37479

(E) Upon the written request of any of the interested parties 37480
to have a building, or portions of a building, that constitute a 37481
public nuisance demolished because repair and rehabilitation of 37482
the building are found not to be feasible, the judge may order the 37483
demolition. However, the demolition shall not be ordered unless 37484
the requesting interested parties have paid the costs of 37485
demolition and, if any, of the receivership, and, if any, all 37486
notes, certificates, mortgages, and fees of the receivership. 37487

(F) Before proceeding with ~~his~~ the duties of receiver, any 37488
receiver appointed by the judge in a civil action described in 37489
division (B)(1) of this section may be required by the judge to 37490

post a bond in an amount fixed by the judge, but not exceeding the 37491
value of the building involved as determined by the judge. 37492

The judge may empower the receiver to do any or all of the 37493
following: 37494

(1) Take possession and control of the building and the 37495
property on which it is located, operate and manage the building 37496
and the property, establish and collect rents and income, lease 37497
and rent the building and the property, and evict tenants; 37498

(2) Pay all expenses of operating and conserving the building 37499
and the property, including, but not limited to, the cost of 37500
electricity, gas, water, sewerage, heating fuel, repairs and 37501
supplies, custodian services, taxes and assessments, and insurance 37502
premiums, and hire and pay reasonable compensation to a managing 37503
agent; 37504

(3) Pay pre-receivership mortgages or installments of them 37505
and other liens; 37506

(4) Perform or enter into contracts for the performance of 37507
all work and the furnishing of materials necessary to abate, and 37508
obtain financing for the abatement of, the public nuisance; 37509

(5) Pursuant to court order, remove and dispose of any 37510
personal property abandoned, stored, or otherwise located in or on 37511
the building and the property that creates a dangerous or unsafe 37512
condition or that constitutes a violation of any local building, 37513
housing, air pollution, sanitation, health, fire, zoning, or 37514
safety code, ordinance, or regulation; 37515

(6) Obtain mortgage insurance for any receiver's mortgage 37516
from any agency of the federal government; 37517

(7) Enter into any agreement and do those things necessary to 37518
maintain and preserve the building and the property and comply 37519
with all local building, housing, air pollution, sanitation, 37520

health, fire, zoning, or safety codes, ordinances, and 37521
regulations; 37522

(8) Give the custody of the building and the property, and 37523
the opportunity to abate the nuisance and operate the property, to 37524
its owner or any mortgagee or lienholder of record; 37525

(9) Issue notes and secure them by a mortgage bearing 37526
interest, and upon terms and conditions, that the judge approves. 37527
When sold or transferred by the receiver in return for valuable 37528
consideration in money, material, labor, or services, the notes or 37529
certificates shall be freely transferable. Any mortgages granted 37530
by the receiver shall be superior to any claims of the receiver. 37531
Priority among the receiver's mortgages shall be determined by the 37532
order in which they are recorded. 37533

(G) A receiver appointed pursuant to this section is not 37534
personally liable except for misfeasance, malfeasance, or 37535
nonfeasance in the performance of the functions of ~~his~~ the office 37536
of receiver. 37537

(H)(1) The judge in a civil action described in division 37538
(B)(1) of this section may assess as court costs, the expenses 37539
described in division (F)(2) of this section, and may approve 37540
receiver's fees to the extent that they are not covered by the 37541
income from the property. Subject to that limitation, a receiver 37542
appointed pursuant to divisions (C)(2) and (3) of this section is 37543
entitled to receive fees in the same manner and to the same extent 37544
as receivers appointed in actions to foreclose mortgages. 37545

(2)(a) Pursuant to the police powers vested in the state, all 37546
expenditures of a mortgagee, lienholder, or other interested party 37547
that has been selected pursuant to division (C)(2) of this section 37548
to undertake the work and to furnish the materials necessary to 37549
abate a public nuisance, and any expenditures in connection with 37550
the foreclosure of the lien created by this division, is a first 37551

lien upon the building involved and the property on which it is 37552
located and is superior to all prior and subsequent liens or other 37553
encumbrances associated with the building or the property, 37554
including, but not limited to, those for taxes and assessments, 37555
upon the occurrence of both of the following: 37556

(i) The prior approval of the expenditures by, and the entry 37557
of a judgment to that effect by, the judge in the civil action 37558
described in division (B)(1) of this section; 37559

(ii) The recordation of a certified copy of the judgment 37560
entry and a sufficient description of the property on which the 37561
building is located with the county recorder in the county in 37562
which the property is located within sixty days after the date of 37563
the entry of the judgment. 37564

(b) Pursuant to the police powers vested in the state, all 37565
expenses and other amounts paid in accordance with division (F) of 37566
this section by a receiver appointed pursuant to divisions (C)(2) 37567
and (3) of this section, the amounts of any notes issued by the 37568
receiver in accordance with division (F) of this section, all 37569
mortgages granted by the receiver in accordance with that 37570
division, the fees of the receiver approved pursuant to division 37571
(H)(1) of this section, and any amounts expended in connection 37572
with the foreclosure of a mortgage granted by the receiver in 37573
accordance with division (F) of this section or with the 37574
foreclosure of the lien created by this division, are a first lien 37575
upon the building involved and the property on which it is located 37576
and are superior to all prior and subsequent liens or other 37577
encumbrances associated with the building or the property, 37578
including, but not limited to, those for taxes and assessments, 37579
upon the occurrence of both of the following: 37580

(i) The approval of the expenses, amounts, or fees by, and 37581
the entry of a judgment to that effect by, the judge in the civil 37582
action described in division (B)(1) of this section; or the 37583

approval of the mortgages in accordance with division (F)(9) of 37584
this section by, and the entry of a judgment to that effect by, 37585
that judge; 37586

(ii) The recordation of a certified copy of the judgment 37587
entry and a sufficient description of the property on which the 37588
building is located, or, in the case of a mortgage, the 37589
recordation of the mortgage, a certified copy of the judgment 37590
entry, and such a description, with the county recorder of the 37591
county in which the property is located within sixty days after 37592
the date of the entry of the judgment. 37593

(c) Priority among the liens described in divisions (H)(2)(a) 37594
and (b) of this section shall be determined as described in 37595
division (I) of this section. Additionally, the creation pursuant 37596
to this section of a mortgage lien that is prior to or superior to 37597
any mortgage of record at the time the mortgage lien is so 37598
created, does not disqualify the mortgage of record as a legal 37599
investment under Chapter 1107. or 1151. or any other chapter of 37600
the Revised Code. 37601

(I)(1) If a receiver appointed pursuant to divisions (C)(2) 37602
and (3) of this section files with the judge in the civil action 37603
described in division (B)(1) of this section a report indicating 37604
that the public nuisance has been abated, if the judge confirms 37605
that the receiver has abated the public nuisance, and if the 37606
receiver or any interested party requests the judge to enter an 37607
order directing the receiver to sell the building and the property 37608
on which it is located, the judge may enter that order after 37609
holding a hearing as described in division (I)(2) of this section 37610
and otherwise complying with that division. 37611

(2)(a) The receiver or interested party requesting an order 37612
as described in division (I)(1) of this section shall cause a 37613
notice of the date and time of a hearing on the request to be 37614
served on the owner of the building involved and all other 37615

interested parties in accordance with division (B)(2)(a) of this 37616
section. The judge in the civil action described in division 37617
(B)(1) of this section shall conduct the scheduled hearing. At the 37618
hearing, if the owner or any interested party objects to the sale 37619
of the building and the property, the burden of proof shall be 37620
upon the objecting person to establish, by a preponderance of the 37621
evidence, that the benefits of not selling the building and the 37622
property outweigh the benefits of selling them. If the judge 37623
determines that there is no objecting person, or if the judge 37624
determines that there is one or more objecting persons but no 37625
objecting person has sustained the burden of proof specified in 37626
this division, the judge may enter an order directing the receiver 37627
to offer the building and the property for sale upon terms and 37628
conditions that the judge shall specify. 37629

(b) In any sale of subsidized housing that is ordered 37630
pursuant to this section, the judge shall specify that the 37631
subsidized housing not be conveyed unless that conveyance complies 37632
with applicable federal law and applicable program contracts for 37633
that housing. Any such conveyance shall be subject to the 37634
condition that the purchaser enter into a contract with the 37635
department of housing and urban development or the rural housing 37636
service of the federal department of agriculture under which the 37637
property continues to be subsidized housing and the owner 37638
continues to operate that property as subsidized housing unless 37639
the secretary of housing and urban development or the 37640
administrator of the rural housing service terminates that 37641
property's contract prior to or upon the conveyance of the 37642
property. 37643

(3) If a sale of a building and the property on which it is 37644
located is ordered pursuant to divisions (I)(1) and (2) of this 37645
section and if the sale occurs in accordance with the terms and 37646
conditions specified by the judge in ~~his~~ the judge's order of 37647

sale, then the receiver shall distribute the proceeds of the sale 37648
and the balance of any funds that the receiver may possess, after 37649
the payment of the costs of the sale, in the following order of 37650
priority and in the described manner: 37651

(a) First, in satisfaction of any notes issued by the 37652
receiver pursuant to division (F) of this section, in their order 37653
of priority; 37654

(b) Second, any unreimbursed expenses and other amounts paid 37655
in accordance with division (F) of this section by the receiver, 37656
and the fees of the receiver approved pursuant to division (H)(1) 37657
of this section; 37658

(c) Third, all expenditures of a mortgagee, lienholder, or 37659
other interested party that has been selected pursuant to division 37660
(C)(2) of this section to undertake the work and to furnish the 37661
materials necessary to abate a public nuisance, provided that the 37662
expenditures were approved as described in division (H)(2)(a) of 37663
this section and provided that, if any such interested party 37664
subsequently became the receiver, its expenditures shall be paid 37665
prior to the expenditures of any of the other interested parties 37666
so selected; 37667

(d) Fourth, the amount due for delinquent taxes, assessments, 37668
charges, penalties, and interest owed to this state or a political 37669
subdivision of this state, provided that, if the amount available 37670
for distribution pursuant to division (I)(3)(d) of this section is 37671
insufficient to pay the entire amount of those taxes, assessments, 37672
charges, penalties, and interest, the proceeds and remaining funds 37673
shall be paid to each claimant in proportion to the amount of 37674
those taxes, assessments, charges, penalties, and interest that 37675
each is due. 37676

(e) The amount of any pre-receivership mortgages, liens, or 37677
other encumbrances, in their order of priority. 37678

(4) Following a distribution in accordance with division 37679
(I)(3) of this section, the receiver shall request the judge in 37680
the civil action described in division (B)(1) of this section to 37681
enter an order terminating the receivership. If the judge 37682
determines that the sale of the building and the property on which 37683
it is located occurred in accordance with the terms and conditions 37684
specified by the judge in ~~his~~ the judge's order of sale under 37685
division (I)(2) of this section and that the receiver distributed 37686
the proceeds of the sale and the balance of any funds that the 37687
receiver possessed, after the payment of the costs of the sale, in 37688
accordance with division (I)(3) of this section, and if the judge 37689
approves any final accounting required of the receiver, the judge 37690
may terminate the receivership. 37691

(J)(1) A receiver appointed pursuant to divisions (C)(2) and 37692
(3) of this section may be discharged at any time in the 37693
discretion of the judge in the civil action described in division 37694
(B)(1) of this section. The receiver shall be discharged by the 37695
judge as provided in division (I)(4) of this section, or when all 37696
of the following have occurred: 37697

(a) The public nuisance has been abated; 37698

(b) All costs, expenses, and approved fees of the 37699
receivership have been paid; 37700

(c) Either all receiver's notes issued and mortgages granted 37701
pursuant to this section have been paid, or all the holders of the 37702
notes and mortgages request that the receiver be discharged. 37703

(2) If a judge in a civil action described in division (B)(1) 37704
of this section determines that, and enters of record a 37705
declaration that, a public nuisance has been abated by a receiver, 37706
and if, within three days after the entry of the declaration, all 37707
costs, expenses, and approved fees of the receivership have not 37708
been paid in full, then, in addition to the circumstances 37709

specified in division (I) of this section for the entry of such an order, the judge may enter an order directing the receiver to sell the building involved and the property on which it is located. Any such order shall be entered, and the sale shall occur, only in compliance with division (I) of this section.

(K) The title in any building, and in the property on which it is located, that is sold at a sale ordered under division (I) or (J)(2) of this section shall be incontestable in the purchaser and shall be free and clear of all liens for delinquent taxes, assessments, charges, penalties, and interest owed to this state or any political subdivision of this state, that could not be satisfied from the proceeds of the sale and the remaining funds in the receiver's possession pursuant to the distribution under division (I)(3) of this section. All other liens and encumbrances with respect to the building and the property shall survive the sale, including, but not limited to, a federal tax lien notice properly filed in accordance with section 317.09 of the Revised Code prior to the time of the sale, and the easements and covenants of record running with the property that were created prior to the time of the sale.

(L)(1) Nothing in this section shall be construed as a limitation upon the powers granted to a court of common pleas, a municipal court or a housing or environmental division of a municipal court under Chapter 1901. of the Revised Code, or a county court under Chapter 1907. of the Revised Code.

(2) The monetary and other limitations specified in Chapters 1901. and 1907. of the Revised Code upon the jurisdiction of municipal and county courts, and of housing or environmental divisions of municipal courts, in civil actions do not operate as limitations upon any of the following:

(a) Expenditures of a mortgagee, lienholder, or other interested party that has been selected pursuant to division

(C)(2) of this section to undertake the work and to furnish the materials necessary to abate a public nuisance;	37742 37743
(b) Any notes issued by a receiver pursuant to division (F) of this section;	37744 37745
(c) Any mortgage granted by a receiver in accordance with division (F) of this section;	37746 37747
(d) Expenditures in connection with the foreclosure of a mortgage granted by a receiver in accordance with division (F) of this section;	37748 37749 37750
(e) The enforcement of an order of a judge entered pursuant to this section;	37751 37752
(f) The actions that may be taken pursuant to this section by a receiver or a mortgagee, lienholder, or other interested party that has been selected pursuant to division (C)(2) of this section to undertake the work and to furnish the materials necessary to abate a public nuisance.	37753 37754 37755 37756 37757
(3) A judge in a civil action described in division (B)(1) of this section, or the judge's successor in office, has continuing jurisdiction to review the condition of any building that was determined to be a public nuisance pursuant to this section.	37758 37759 37760 37761
Sec. 3769.087. (A) In addition to the commission of eighteen per cent retained by each permit holder as provided in section 3769.08 of the Revised Code, each permit holder shall retain an additional amount equal to four per cent of the total of all moneys wagered on each racing day on all wagering pools other than win, place, and show, of which amount retained an amount equal to three per cent of the total of all moneys wagered on each racing day on those pools shall be paid by check, draft, or money order to the tax commissioner, as a tax. Subject to the restrictions contained in divisions (B), (C), and (M) of section 3769.08 of the	37762 37763 37764 37765 37766 37767 37768 37769 37770 37771

Revised Code, from such additional moneys paid to the tax commissioner: 37772
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(1) Four-sixths shall be allocated to fund distribution as provided in division (M) of section 3769.08 of the Revised Code. 37774
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(2) One-twelfth shall be paid into the Ohio fairs fund created by section 3769.082 of the Revised Code. 37776
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(3) One-twelfth of the additional moneys paid to the tax commissioner by thoroughbred racing permit holders shall be paid into the Ohio thoroughbred race fund created by section 3769.083 of the Revised Code. 37778
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(4) One-twelfth of the additional moneys paid to the tax commissioner by harness horse racing permit holders shall be paid to the Ohio standardbred development fund created by section 3769.085 of the Revised Code. 37782
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(5) One-twelfth of the additional moneys paid to the tax commissioner by quarter horse racing permit holders shall be paid to the Ohio quarter horse development fund created by section 3769.086 of the Revised Code. 37786
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(6) One-sixth shall be paid into the state racing commission operating fund created by section 3769.03 of the Revised Code. 37790
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The remaining one per cent that is retained of the total of all moneys wagered on each racing day on all pools other than win, place, and show, shall be retained by racing permit holders, and, except as otherwise provided in section 3769.089 of the Revised Code, racing permit holders shall use one-half for purse money and retain one-half. 37792
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(B) In addition to the commission of eighteen per cent retained by each permit holder as provided in section 3769.08 of the Revised Code and the additional amount retained by each permit holder as provided in division (A) of this section, each permit 37798
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holder shall retain an additional amount equal to one-half of one 37802
per cent of the total of all moneys wagered on each racing day on 37803
all wagering pools other than win, place, and show. ~~Except as~~ 37804
~~provided in division (C) of this section, from the~~ The additional 37805
amount retained under this division, ~~each permit holder shall~~ 37806
~~retain an amount equal to one quarter of one per cent of the total~~ 37807
~~of all moneys wagered on each racing day on all pools other than~~ 37808
~~win, place, and show and shall pay that amount~~ shall be paid by 37809
check, draft, or money order to the tax commissioner, as a tax. 37810
The tax commissioner shall pay the amount of the tax received 37811
under this division to the state racing commission operating fund 37812
created by section 3769.03 of the Revised Code. 37813

~~Except as provided in division (C) of this section, the~~ 37814
~~remaining one quarter of one per cent that is retained from the~~ 37815
~~total of all moneys wagered on each racing day on all pools other~~ 37816
~~than win, place, and show shall be retained by the permit holder,~~ 37817
~~and the permit holder shall use one half for purse money and~~ 37818
~~retain one half.~~ 37819

~~(C) During the period commencing on July 1, 2006, and ending~~ 37820
~~on and including June 30, 2007, the additional amount retained by~~ 37821
~~each permit holder under division (B) of this section shall be~~ 37822
~~paid by check, draft, or money order to the tax commissioner, as a~~ 37823
~~tax. The tax commissioner shall pay the amount of the tax received~~ 37824
~~under this division to the state racing commission operating fund~~ 37825
~~created by section 3769.03 of the Revised Code.~~ 37826

Sec. 3770.03. (A) The state lottery commission shall 37827
promulgate rules under which a statewide lottery may be conducted. 37828
The rules shall be promulgated pursuant to Chapter 119. of the 37829
Revised Code, except that instant game rules shall be promulgated 37830
pursuant to section 111.15 of the Revised Code but are not subject 37831
to division (D) of that section. Subjects covered in these rules 37832

shall include, but need not be limited to, the following: 37833

(1) The type of lottery to be conducted; 37834

(2) The prices of tickets in the lottery~~+~~. No rule shall set a price that exceeds twenty dollars to purchase an individual lottery ticket. 37835
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(3) The number, nature, and value of prize awards, the manner and frequency of prize drawings, and the manner in which prizes shall be awarded to holders of winning tickets. No rule shall authorize drawings on a Sunday for any lottery game unless the rule is approved by an executive order of the governor. 37838
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(B) The commission shall promulgate rules, in addition to those described in division (A) of this section, pursuant to Chapter 119. of the Revised Code under which a statewide lottery and statewide joint lottery games may be conducted. Subjects covered in these rules shall include, but not be limited to, the following: 37843
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(1) The locations at which lottery tickets may be sold and the manner in which they are to be sold. These rules may authorize the sale of lottery tickets by commission personnel or other licensed individuals from traveling show wagons at the state fair, and at any other expositions the director of the commission considers acceptable. These rules shall prohibit commission personnel or other licensed individuals from soliciting from an exposition the right to sell lottery tickets at that exposition, but shall allow commission personnel or other licensed individuals to sell lottery tickets at an exposition if the exposition requests commission personnel or licensed individuals to do so. These rules may also address the accessibility of sales agent locations to commission products in accordance with the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101 et seq. 37849
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(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 37896
shall be considered, for purposes of section 3770.06 of the 37897
Revised Code, to be related proceeds in connection with the 37898
statewide lottery or gross proceeds from statewide joint lottery 37899
games, as applicable. 37900

(D)(1) The commission shall meet with the director at least 37901
once each month and shall convene other meetings at the request of 37902
the chairperson or any five of the members. No action taken by the 37903
commission shall be binding unless at least five of the members 37904
present vote in favor of the action. A written record shall be 37905
made of the proceedings of each meeting and shall be transmitted 37906
forthwith to the governor, the president of the senate, the senate 37907
minority leader, the speaker of the house of representatives, and 37908
the house minority leader. 37909

(2) The director shall present to the commission a report 37910
each month, showing the total revenues, prize disbursements, and 37911
operating expenses of the state lottery for the preceding month. 37912
As soon as practicable after the end of each fiscal year, the 37913
commission shall prepare and transmit to the governor and the 37914
general assembly a report of lottery revenues, prize 37915
disbursements, and operating expenses for the preceding fiscal 37916
year and any recommendations for legislation considered necessary 37917
by the commission. 37918

Sec. 3770.06. (A) There is hereby created the state lottery 37919
gross revenue fund, which shall be in the custody of the treasurer 37920
of state but shall not be part of the state treasury. All gross 37921
revenues received from sales of lottery tickets, fines, fees, and 37922
related proceeds in connection with the statewide lottery and all 37923
gross proceeds from statewide joint lottery games shall be 37924
deposited into the fund. The treasurer of state shall invest any 37925
portion of the fund not needed for immediate use in the same 37926

manner as, and subject to all provisions of law with respect to 37927
the investment of, state funds. The treasurer of state shall 37928
disburse money from the fund on order of the director of the state 37929
lottery commission or the director's designee. 37930

Except for gross proceeds from statewide joint lottery games, 37931
all revenues of the state lottery gross revenue fund that are not 37932
paid to holders of winning lottery tickets, that are not required 37933
to meet short-term prize liabilities, that are not credited to 37934
lottery sales agents in the form of bonuses, commissions, or 37935
reimbursements, that are not paid to financial institutions to 37936
reimburse those institutions for sales agent nonsufficient funds, 37937
and that are collected from sales agents for remittance to 37938
insurers under contract to provide sales agent bonding services 37939
shall be transferred to the state lottery fund, which is hereby 37940
created in the state treasury. In addition, all revenues of the 37941
state lottery gross revenue fund that represent the gross proceeds 37942
from the statewide joint lottery games and that are not paid to 37943
holders of winning lottery tickets, that are not required to meet 37944
short-term prize liabilities, that are not credited to lottery 37945
sales agents in the form of bonuses, commissions, or 37946
reimbursements, and that are not necessary to cover operating 37947
expenses associated with those games or to otherwise comply with 37948
the agreements signed by the governor that the director enters 37949
into under division (J) of section 3770.02 of the Revised Code or 37950
the rules the commission adopts under division (B)(5) of section 37951
3770.03 of the Revised Code shall be transferred to the state 37952
lottery fund. All investment earnings of the fund shall be 37953
credited to the fund. Moneys shall be disbursed from the fund 37954
pursuant to vouchers approved by the director. Total disbursements 37955
for monetary prize awards to holders of winning lottery tickets in 37956
connection with the statewide lottery and purchases of goods and 37957
services awarded as prizes to holders of winning lottery tickets 37958
shall be of an amount equal to at least fifty per cent of the 37959

total revenue accruing from the sale of lottery tickets. 37960

(B) Pursuant to Section 6 of Article XV, Ohio Constitution, 37961
there is hereby established in the state treasury the lottery 37962
profits education fund. Whenever, in the judgment of the director 37963
of budget and management, the amount to the credit of the state 37964
lottery fund that does not represent proceeds from statewide joint 37965
lottery games is in excess of that needed to meet the maturing 37966
obligations of the commission and as working capital for its 37967
further operations, the director shall transfer the excess to the 37968
lottery profits education fund in connection with the statewide 37969
lottery. In addition, whenever, in the judgment of the director of 37970
budget and management, the amount to the credit of the state 37971
lottery fund that represents proceeds from statewide joint lottery 37972
games equals the entire net proceeds of those games as described 37973
in division (B)(5) of section 3770.03 of the Revised Code and the 37974
rules adopted under that division, the director shall transfer 37975
those proceeds to the lottery profits education fund. There shall 37976
also be credited to the fund any repayments of moneys loaned from 37977
the educational excellence investment fund. Investment earnings of 37978
the lottery profits education fund shall be credited to the fund. 37979

The lottery profits education fund shall be used solely for 37980
the support of elementary, secondary, vocational, and special 37981
education programs as determined in appropriations made by the 37982
general assembly, or as provided in applicable bond proceedings 37983
for the payment of debt service on obligations issued to pay costs 37984
of capital facilities, including those for a system of common 37985
schools throughout the state pursuant to section 2n of Article 37986
VIII, Ohio Constitution. When determining the availability of 37987
money in the lottery profits education fund, the director of 37988
budget and management may consider all balances and estimated 37989
revenues of the fund. 37990

~~From the amounts that the director of budget and management~~ 37991

~~transfers in any fiscal year from the state lottery fund to the 37992
lottery profits education fund, the director shall transfer the 37993
initial ten million dollars of those amounts from the lottery 37994
profits education fund to the school building program bond service 37995
fund created in division (Q) of section 3318.26 of the Revised 37996
Code to be pledged for the purpose of paying bond service charges 37997
as defined in division (C) of section 3318.21 of the Revised Code 37998
on one or more issuances of obligations, which obligations are 37999
issued to provide moneys for the school building program 38000
assistance fund created in section 3318.25 of the Revised Code. 38001~~

(C) There is hereby established in the state treasury the 38002
deferred prizes trust fund. With the approval of the director of 38003
budget and management, an amount sufficient to fund annuity prizes 38004
shall be transferred from the state lottery fund and credited to 38005
the trust fund. The treasurer of state shall credit all earnings 38006
arising from investments purchased under this division to the 38007
trust fund. Within sixty days after the end of each fiscal year, 38008
the treasurer of state shall certify to the director of budget and 38009
management whether the actuarial amount of the trust fund is 38010
sufficient over the fund's life for continued funding of all 38011
remaining deferred prize liabilities as of the last day of the 38012
fiscal year just ended. Also, within that sixty days, the director 38013
of budget and management shall certify the amount of investment 38014
earnings necessary to have been credited to the trust fund during 38015
the fiscal year just ending to provide for such continued funding 38016
of deferred prizes. Any earnings credited in excess of ~~this~~ the 38017
latter certified amount shall be transferred to the lottery 38018
profits education fund. 38019

To provide all or a part of the amounts necessary to fund 38020
deferred prizes awarded by the commission in connection with the 38021
statewide lottery, the treasurer of state, in consultation with 38022
the commission, may invest moneys contained in the deferred prizes 38023

trust fund which represents proceeds from the statewide lottery in 38024
obligations of the type permitted for the investment of state 38025
funds but whose maturities are thirty years or less. 38026
Notwithstanding the requirements of any other section of the 38027
Revised Code, to provide all or part of the amounts necessary to 38028
fund deferred prizes awarded by the commission in connection with 38029
statewide joint lottery games, the treasurer of state, in 38030
consultation with the commission, may invest moneys in the trust 38031
fund which represent proceeds derived from the statewide joint 38032
lottery games in accordance with the rules the commission adopts 38033
under division (B)(5) of section 3770.03 of the Revised Code. 38034
Investments of the trust fund are not subject to the provisions of 38035
division (A)(10) of section 135.143 of the Revised Code limiting 38036
to twenty-five per cent the amount of the state's total average 38037
portfolio that may be invested in debt interests and limiting to 38038
one-half of one per cent the amount that may be invested in debt 38039
interests of a single issuer. 38040

All purchases made under this division shall be effected on a 38041
delivery versus payment method and shall be in the custody of the 38042
treasurer of state. 38043

The treasurer of state may retain an investment advisor, if 38044
necessary. The commission shall pay any costs incurred by the 38045
treasurer of state in retaining an investment advisor. 38046

(D) The auditor of state shall conduct annual audits of all 38047
funds and any other audits as the auditor of state or the general 38048
assembly considers necessary. The auditor of state may examine all 38049
records, files, and other documents of the commission, and records 38050
of lottery sales agents that pertain to their activities as 38051
agents, for purposes of conducting authorized audits. 38052

The state lottery commission shall establish an internal 38053
audit program before the beginning of each fiscal year, subject to 38054
the approval of the auditor of state. At the end of each fiscal 38055

year, the commission shall prepare and submit an annual report to 38056
the auditor of state for the auditor of state's review and 38057
approval, specifying the internal audit work completed by the end 38058
of that fiscal year and reporting on compliance with the annual 38059
internal audit program. The form and content of the report shall 38060
be prescribed by the auditor of state under division (C) of 38061
section 117.20 of the Revised Code. 38062

(E) Whenever, in the judgment of the director of budget and 38063
management, an amount of net state lottery proceeds is necessary 38064
to be applied to the payment of debt service on obligations, all 38065
as defined in sections 151.01 and 151.03 of the Revised Code, the 38066
director shall transfer that amount directly from the state 38067
lottery fund or from the lottery profits education fund to the 38068
bond service fund defined in those sections. The provisions of 38069
this division are subject to any prior pledges or obligation of 38070
those amounts to the payment of bond service charges as defined in 38071
division (C) of section 3318.21 of the Revised Code, as referred 38072
to in division (B) of this section. 38073

Sec. 3905.36. (A) Except as provided in divisions (B) and (C) 38074
of this section, every insured association, company, corporation, 38075
or other person that enters, directly or indirectly, into any 38076
agreements with any insurance company, association, individual, 38077
firm, underwriter, or Lloyd's, not authorized to do business in 38078
this state, whereby the insured shall procure, continue, or renew 38079
contracts of insurance covering subjects of insurance resident, 38080
located, or to be performed within this state, with such 38081
unauthorized insurance company, association, individual, firm, 38082
underwriter, or Lloyd's, for which insurance there is a gross 38083
premium, membership fee, assessment, dues, or other consideration 38084
charged or collected, shall annually, on or before the 38085
thirty-first day of January, return to the superintendent of 38086
insurance a statement under oath showing the name and address of 38087

the insured, name and address of the insurer, subject of the 38088
insurance, general description of the coverage, and amount of 38089
gross premium, fee, assessment, dues, or other consideration for 38090
such insurance for the preceding twelve-month period and shall at 38091
the same time pay to the treasurer of state a tax of five per cent 38092
of such gross premium, fee, assessment, dues, or other 38093
consideration, after a deduction for return premium, if any, as 38094
calculated on a form prescribed by the treasurer of state. All 38095
taxes collected under this section by the treasurer of state shall 38096
be paid into the general revenue fund. If the tax is not paid when 38097
due, the tax shall be increased by a penalty of twenty-five per 38098
cent. An interest charge computed as set forth in section 5725.221 38099
of the Revised Code shall be made on the entire sum of the tax 38100
plus penalty, which interest shall be computed from the date the 38101
tax is due until it is paid. For purposes of this section, payment 38102
is considered made when it is received by the treasurer of state, 38103
irrespective of any United States postal service marking or other 38104
stamp or mark indicating the date on which the payment may have 38105
been mailed. 38106

(B) This section does not apply to: 38107

(1) Transactions in this state involving a policy solicited, 38108
written, and delivered outside this state covering only subjects 38109
of insurance not resident, located, or to be performed in this 38110
state at the time of issuance, provided such transactions are 38111
subsequent to the issuance of the policy; 38112

(2) Attorneys-at-law acting on behalf of their clients in the 38113
adjustment of claims or losses; 38114

(3) Transactions involving policies issued by a captive 38115
insurer. For this purpose, a "captive insurer" means any of the 38116
following: 38117

(a) An insurer owned by one or more individuals or 38118

organizations, whose exclusive purpose is to insure risks of one 38119
or more of the parent organizations or individual owners and risks 38120
of one or more affiliates of the parent organizations or 38121
individual owners; 38122

(b) In the case of groups and associations, insurers owned by 38123
the group or association whose exclusive purpose is to insure 38124
risks of members of the group or association and affiliates of the 38125
members; 38126

(c) Other types of insurers, licensed and operated in 38127
accordance with the captive insurance laws of their jurisdictions 38128
of domicile and operated in a manner so as to self-insure risks of 38129
their owners and insureds. 38130

(4) Professional or medical liability insurance procured by a 38131
hospital organized under Chapter 3701. of the Revised Code ~~or on~~ 38132
~~behalf of an entity that manufactures, packages, and sells, as~~ 38133
~~more than fifty per cent of the entity's business, pharmaceutical~~ 38134
~~products for human use where the production, packaging, and sale~~ 38135
~~of such products are subject to regulation by an agency of the~~ 38136
~~United States;~~ 38137

(5) Insurance with an initial policy period of more than 38138
three years and that is procured to cover known events related to 38139
environmental remediation that occurred prior to the effective 38140
date of that insurance; 38141

(6) Insurance procured on behalf of an entity that 38142
manufactures, packages, and sells, as more than fifty per cent of 38143
the entity's business, pharmaceutical products for human use where 38144
the production, packaging, and sale of such products are subject 38145
to regulation by an agency of the United States. 38146

(C) In transactions that are subject to sections 3905.30 to 38147
3905.35 of the Revised Code, each person licensed under section 38148
3905.30 of the Revised Code shall pay to the treasurer of state, 38149

on or before the thirty-first day of January of each year, five 38150
per cent of the balance of the gross premiums charged for 38151
insurance placed or procured under the license after a deduction 38152
for return premiums, as reported on a form prescribed by the 38153
treasurer of state. The tax shall be collected from the insured by 38154
the surplus line broker who placed or procured the policy of 38155
insurance at the time the policy is delivered to the insured. No 38156
license issued under section 3905.30 of the Revised Code shall be 38157
renewed until payment is made. If the tax is not paid when due, 38158
the tax shall be increased by a penalty of twenty-five per cent. 38159
An interest charge computed as set forth in section 5725.221 of 38160
the Revised Code shall be made on the entire sum of the tax plus 38161
penalty, which interest shall be computed from the date the tax is 38162
due until it is paid. For purposes of this section, payment is 38163
considered made when it is received by the treasurer of state, 38164
irrespective of any United States postal service marking or other 38165
stamp or mark indicating the date on which the payment may have 38166
been mailed. 38167

Sec. 3923.281. (A) As used in this section: 38168

(1) "Biologically based mental illness" means schizophrenia, 38169
schizoaffective disorder, major depressive disorder, bipolar 38170
disorder, paranoia and other psychotic disorders, 38171
obsessive-compulsive disorder, and panic disorder, as these terms 38172
are defined in the most recent edition of the diagnostic and 38173
statistical manual of mental disorders published by the American 38174
psychiatric association. 38175

(2) "Policy of sickness and accident insurance" has the same 38176
meaning as in section 3923.01 of the Revised Code, but excludes 38177
any hospital indemnity, medicare supplement, long-term care, 38178
disability income, one-time-limited-duration policy of not longer 38179
than six months, supplemental benefit, or other policy that 38180

provides coverage for specific diseases or accidents only; any 38181
policy that provides coverage for workers' compensation claims 38182
compensable pursuant to Chapters 4121. and 4123. of the Revised 38183
Code; and any policy that provides coverage to beneficiaries 38184
enrolled in Title XIX of the "Social Security Act," 49 Stat. 620 38185
(1935), 42 U.S.C.A. 301, as amended, known as the medical 38186
assistance program or medicaid, as provided by the Ohio department 38187
of job and family services under Chapter 5111. of the Revised 38188
Code. 38189

(B) Notwithstanding section 3901.71 of the Revised Code, and 38190
subject to division (E) of this section, every ~~group~~ policy of 38191
sickness and accident insurance shall provide benefits for the 38192
diagnosis and treatment of biologically based mental illnesses on 38193
the same terms and conditions as, and shall provide benefits no 38194
less extensive than, those provided under the policy of sickness 38195
and accident insurance for the treatment and diagnosis of all 38196
other physical diseases and disorders, if both of the following 38197
apply: 38198

(1) The biologically based mental illness is clinically 38199
diagnosed by a physician authorized under Chapter 4731. of the 38200
Revised Code to practice medicine and surgery or osteopathic 38201
medicine and surgery; a psychologist licensed under Chapter 4732. 38202
of the Revised Code; a professional clinical counselor, 38203
professional counselor, or independent social worker licensed 38204
under Chapter 4757. of the Revised Code; or a clinical nurse 38205
specialist licensed under Chapter 4723. of the Revised Code whose 38206
nursing specialty is mental health. 38207

(2) The prescribed treatment is not experimental or 38208
investigational, having proven its clinical effectiveness in 38209
accordance with generally accepted medical standards. 38210

(C) Division (B) of this section applies to all coverages and 38211
terms and conditions of the policy of sickness and accident 38212

insurance, including, but not limited to, coverage of inpatient 38213
hospital services, outpatient services, and medication; maximum 38214
lifetime benefits; copayments; and individual and family 38215
deductibles. 38216

(D) Nothing in this section shall be construed as prohibiting 38217
a sickness and accident insurance company from taking any of the 38218
following actions: 38219

(1) Negotiating separately with mental health care providers 38220
with regard to reimbursement rates and the delivery of health care 38221
services; 38222

(2) Offering policies that provide benefits solely for the 38223
diagnosis and treatment of biologically based mental illnesses; 38224

(3) Managing the provision of benefits for the diagnosis or 38225
treatment of biologically based mental illnesses through the use 38226
of pre-admission screening, by requiring beneficiaries to obtain 38227
authorization prior to treatment, or through the use of any other 38228
mechanism designed to limit coverage to that treatment determined 38229
to be necessary; 38230

(4) Enforcing the terms and conditions of a policy of 38231
sickness and accident insurance. 38232

(E) An insurer that offers ~~a group~~ any policy of sickness and 38233
accident insurance is not required to provide benefits for the 38234
diagnosis and treatment of biologically based mental illnesses 38235
pursuant to division (B) of this section if all of the following 38236
apply: 38237

(1) The insurer submits documentation certified by an 38238
independent member of the American academy of actuaries to the 38239
superintendent of insurance showing that incurred claims for 38240
diagnostic and treatment services for biologically based mental 38241
illnesses for a period of at least six months independently caused 38242
the insurer's costs for claims and administrative expenses for the 38243

coverage of all other physical diseases and disorders to increase 38244
by more than one per cent per year. 38245

(2) The insurer submits a signed letter from an independent 38246
member of the American academy of actuaries to the superintendent 38247
of insurance opining that the increase described in division 38248
(E)(1) of this section could reasonably justify an increase of 38249
more than one per cent in the annual premiums or rates charged by 38250
the insurer for the coverage of all other physical diseases and 38251
disorders. 38252

(3) The superintendent of insurance makes the following 38253
determinations from the documentation and opinion submitted 38254
pursuant to divisions (E)(1) and (2) of this section: 38255

(a) Incurred claims for diagnostic and treatment services for 38256
biologically based mental illnesses for a period of at least six 38257
months independently caused the insurer's costs for claims and 38258
administrative expenses for the coverage of all other physical 38259
diseases and disorders to increase by more than one per cent per 38260
year. 38261

(b) The increase in costs reasonably justifies an increase of 38262
more than one per cent in the annual premiums or rates charged by 38263
the insurer for the coverage of all other physical diseases and 38264
disorders. 38265

Any determination made by the superintendent under this 38266
division is subject to Chapter 119. of the Revised Code. 38267

Sec. 4112.12. (A) There is hereby created the commission on 38268
African-American males, which shall consist of not more than 38269
~~forty one~~ twenty-three members as follows: the directors or their 38270
designees of the departments of health, development, alcohol and 38271
drug addiction services, and job and family services, 38272
~~rehabilitation and correction, mental health, and youth services;~~ 38273

~~the adjutant general or the adjutant general's designee; the equal 38274
employment opportunity officer of the department of administrative 38275
services or the equal employment opportunity officer's designee; 38276
the executive director or the executive director's designee of the 38277
Ohio civil rights commission; the executive director or the 38278
executive director's designee of the division of criminal justice 38279
services in the department of public safety; the superintendent of 38280
public instruction; the chancellor or the chancellor's designee of 38281
the Ohio board of regents; two members of the house of 38282
representatives appointed by the speaker of the house of 38283
representatives each of whom shall be members of different 38284
political parties; ~~three and two~~ members of the senate appointed 38285
by the president of the senate; ~~and not more than twenty three 38286
members appointed by the governor~~ each of whom shall be members of 38287
different political parties. The members ~~appointed by the governor 38288
shall include an additional member of the governor's cabinet and 38289
at least one representative of each of the following: the national 38290
association for the advancement of colored people; the urban 38291
league; an organization representing black elected officials; an 38292
organization representing black attorneys; the black religious 38293
community; the black business community; the nonminority business 38294
community; and organized labor; at least one black medical doctor, 38295
one black elected member of a school board, and one black 38296
educator; and at least two representatives of local private 38297
industry councils. The remaining members that may be appointed by 38298
the governor shall be selected from elected officials, civic and 38299
community leaders, and representatives of the employment, criminal 38300
justice, education, and health communities who are members of the 38301
general assembly shall be nonvoting members. The Ohio state 38302
university African American and African studies community 38303
extension center, in consultation with the governor, shall appoint 38304
two members from the private corporate sector, at least four 38305
members from the public sector, and two members from the nonprofit 38306~~~~

sector. 38307

(B) Terms of office shall be for three years, ~~with each~~ 38308
except that members of the general assembly appointed to the 38309
commission shall be members only so long as they are members of 38310
the general assembly. Each term ending ends on the same day of the 38311
same month as did the term that it succeeds. Each member shall 38312
hold office from the date of appointment until the end of the term 38313
for which the member was appointed. Members may be reappointed. 38314
Vacancies shall be filled in the manner provided for original 38315
appointments. Any member appointed to fill a vacancy occurring 38316
prior to the expiration date of the term for which the member's 38317
predecessor was appointed shall hold office as a member for the 38318
remainder of that term. A member shall continue in office 38319
subsequent to the expiration date of the member's term until the 38320
member's successor takes office or until a period of sixty days 38321
has elapsed, whichever occurs first. 38322

The commission annually shall elect a chairperson from among 38323
its members. 38324

(C) Members of the commission and members of subcommittees 38325
appointed under division (B) of section 4112.13 of the Revised 38326
Code shall not be compensated, but shall be reimbursed for their 38327
necessary and actual expenses incurred in the performance of their 38328
official duties. 38329

~~(D)(1) The Ohio civil rights commission shall serve as the~~ 38330
~~commission on African American males' fiscal agent and shall~~ 38331
~~perform all of the following services:~~ 38332

~~(a) Prepare and process payroll and other personnel documents~~ 38333
~~that the commission on African American males approves;~~ 38334

~~(b) Maintain ledgers of accounts and reports of account~~ 38335
~~balances, and monitor budgets and allotment plans in consultation~~ 38336
~~with the commission on African American males;~~ 38337

~~(c) Perform other routine support services that the executive 38338
director of the Ohio civil rights commission or the executive 38339
director's designee and the Commission on African American males 38340
or its designee consider appropriate to achieve efficiency. 38341~~

~~(2) The Ohio civil rights commission shall not approve any 38342
payroll or other personnel related documents or any biennial 38343
budget, grant, expenditure, audit, or fiscal related document 38344
without the advice and consent of the commission on 38345
African American males. 38346~~

~~(3) The Ohio civil rights commission shall determine fees to 38347
be charged to the commission on African American males for 38348
services performed under this division, which shall be in 38349
proportion to the services performed for the commission on 38350
African American males. 38351~~

~~(4) The commission on African American males or its designee 38352
has: 38353~~

~~(a) Sole authority to draw funds for any federal program in 38354
which the commission is authorized to participate; 38355~~

~~(b) Sole authority to expend funds from accounts for programs 38356
and any other necessary expenses the commission on 38357
African American males may incur; 38358~~

~~(c) The duty to cooperate with the Ohio civil rights 38359
commission to ensure that the Ohio civil rights commission is 38360
fully apprised of all financial transactions. 38361~~

~~(E) The Ohio state university African American and African 38362
studies community extension center, in consultation with the 38363
governor, shall appoint an executive director of the commission on 38364
African-American males shall appoint an executive director, who 38365
shall be in the unclassified civil service. The executive director 38366
shall supervise the commission's activities and report to the 38367
commission and to the Ohio state university African American and 38368~~

African studies community extension center on the progress of 38369
those activities. The executive director shall do all things 38370
necessary for the efficient and effective implementation of the 38371
duties of the commission. 38372

The responsibilities assigned to the executive director do 38373
not relieve the members of the commission from final 38374
responsibility for the proper performance of the requirements of 38375
this division. 38376

~~(F)~~(E) The commission on African-American males shall do all 38377
of the following: 38378

(1) Employ, promote, supervise, and remove all employees, as 38379
needed, in connection with the performance of its duties under 38380
this section; 38381

(2) Maintain its office in Columbus; 38382

(3) Acquire facilities, equipment, and supplies necessary to 38383
house the commission, its employees, and files and records under 38384
its control, and to discharge any duty imposed upon it by law. The 38385
expense of these acquisitions shall be audited and paid for in the 38386
same manner as other state expenses. 38387

~~(4) Prepare and submit to the office of budget and management 38388
a budget for each biennium in accordance with sections 101.55 and 38389
107.03 of the Revised Code. The budget submitted shall cover the 38390
costs of the commission and its staff in the discharge of any duty 38391
imposed upon the commission by law. The commission shall pay its 38392
own payroll and other operating expenses from appropriation items 38393
designated by the general assembly. The commission shall not 38394
delegate any authority to obligate funds. 38395~~

~~(5)~~ Establish the overall policy and management of the 38396
commission in accordance with this chapter; 38397

~~(6)~~(5) Follow all state procurement requirements; 38398

~~(7) Pay fees owed to the Ohio civil rights commission under division (D) of this section from the commission on African American males' general revenue fund or from any other fund from which the operating expenses of the commission on African American males are paid. Any amounts set aside for a fiscal year for the payment of such fees shall be used only for the services performed for the commission on African American males by the Ohio civil rights commission in that fiscal year (6)~~ 38399
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Implement the policies and plans of the Ohio state university African American and African studies community extension center as those policies and plans are formulated and adopted by the Ohio state university African American and African studies community extension center; 38407
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(7) Report to the Ohio state university African American and African studies community extension center on the progress of the commission on African-American males in implementing the policies and plans of the Ohio state university African American and African studies community extension center. 38412
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~~(G)(F)~~ (F) The commission on African-American males may: 38417

(1) Hold sessions at any place within the state, except that the commission on African-American males shall meet at least quarterly; 38418
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(2) Establish, change, or abolish positions, and assign and reassign duties and responsibilities of any employee of the commission on African-American males as necessary to achieve the most efficient performance of its functions. 38421
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(G) The Ohio state university African American and African studies community extension center shall establish the overall policy and management of the commission on African-American males and shall direct, manage, and oversee the commission. The Ohio state university African American and African studies community 38425
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extension center shall develop overall policies and plans, and the 38430
commission on African-American males shall implement those 38431
policies and plans. The commission on African-American males, 38432
through its executive director, shall keep the Ohio state 38433
university African American and African studies community 38434
extension center informed as to the activities of the commission 38435
on African-American males in such manner and at such times as the 38436
Ohio state university African American and African studies 38437
community extension center shall determine. 38438

The Ohio state university African American and African 38439
studies community extension center may prescribe duties and 38440
responsibilities of the commission on African-American males in 38441
addition to those prescribed in section 4112.13 of the Revised 38442
Code. 38443

(H) The Ohio state university African American and African 38444
studies community extension center annually shall contract for a 38445
report on the status of African-Americans in this state. Issues to 38446
be evaluated in the report shall include the criminal justice 38447
system, education, employment, health care, and housing, and such 38448
other issues as the Ohio state university African American and 38449
African studies community extension center may specify. The report 38450
shall include policy recommendations relating to the issues 38451
covered in the report. 38452

Sec. 4112.13. (A) The In addition to any duties and 38453
responsibilities that the Ohio state university African American 38454
and African studies community extension center may prescribe for 38455
the commission on African-American males under section 4112.12 of 38456
the Revised Code, the commission on African-American males shall 38457
do all of the following: 38458

(1) Oversee and supervise four separate and distinct 38459
subcommittees devoted to solving problems and advancing 38460

recommendations exclusively pertinent to black males in the areas	38461
of unemployment, criminal justice, education, and health;	38462
(2) Conduct research to determine the nature and extent of	38463
the problems concerning black males in the four areas targeted in	38464
division (A)(1) of this section;	38465
(3) Hold public hearings for the purpose of collecting data;	38466
(4) Identify existing federal, state, and local programs that	38467
address problems and solutions relevant to the four targeted areas	38468
of study;	38469
(5) Implement appropriate new programs and demonstration	38470
projects especially designed for black males;	38471
(6) Develop and implement community education and public	38472
awareness programs especially designed for black males;	38473
(7) Develop strategies to improve the social condition of	38474
black males;	38475
(8) Report to the governor, the general assembly, the auditor	38476
of state, the secretary of state, the attorney general, and the	38477
chief justice of the Ohio supreme court at least biennially on the	38478
activities, findings, and recommendations of the commission;	38479
(9) Accept gifts, grants, donations, contributions, benefits,	38480
and other funds from any public agency or private source to carry	38481
out any or all of the commission's powers or duties. Such funds	38482
shall be deposited in the commission on African-American males	38483
fund, which is hereby created in the state treasury. All gifts,	38484
grants, donations, contributions, benefits, and other funds	38485
received by the commission under division (A)(9) of this section,	38486
when appropriated to the commission, shall be used solely to	38487
support the operations of the commission.	38488
(B) The chairman <u>chairperson</u> of the commission may appoint	38489
any number of individuals to serve on the subcommittees created in	38490

division (A)(1) of this section. Members of subcommittees serve at 38491
the discretion of the ~~chairman~~ chairperson. 38492

Sec. 4141.09. (A) There is hereby created an unemployment 38493
compensation fund to be administered by the state without 38494
liability on the part of the state beyond the amounts paid into 38495
the fund and earned by the fund. The unemployment compensation 38496
fund shall consist of all contributions, payments in lieu of 38497
contributions described in sections 4141.241 and 4141.242 of the 38498
Revised Code, reimbursements of the federal share of extended 38499
benefits described in section 4141.301 of the Revised Code, 38500
collected under sections 4141.01 to 4141.46 of the Revised Code, 38501
together with all interest earned upon any moneys deposited with 38502
the secretary of the treasury of the United States to the credit 38503
of the account of this state in the unemployment trust fund 38504
established and maintained pursuant to section 904 of the "Social 38505
Security Act," any property or securities acquired through the use 38506
of moneys belonging to the fund, and all earnings of such property 38507
or securities. The unemployment compensation fund shall be used to 38508
pay benefits and refunds as provided by such sections and for no 38509
other purpose. 38510

(B) The treasurer of state shall be the custodian of the 38511
unemployment compensation fund and shall administer such fund in 38512
accordance with the directions of the director of job and family 38513
services. All disbursements therefrom shall be paid by the 38514
treasurer of state on warrants drawn by the director. Such 38515
warrants may bear the facsimile signature of the director printed 38516
thereon and that of a deputy or other employee of the director 38517
charged with the duty of keeping the account of the unemployment 38518
compensation fund and with the preparation of warrants for the 38519
payment of benefits to the persons entitled thereto. Moneys in the 38520
clearing and benefit accounts shall not be commingled with other 38521
state funds, except as provided in division (C) of this section, 38522

but shall be maintained in separate accounts on the books of the 38523
depository bank. Such money shall be secured by the depository 38524
bank to the same extent and in the same manner as required by 38525
sections 135.01 to 135.21 of the Revised Code; and collateral 38526
pledged for this purpose shall be kept separate and distinct from 38527
any collateral pledged to secure other funds of this state. All 38528
sums recovered for losses sustained by the unemployment 38529
compensation fund shall be deposited therein. The treasurer of 38530
state shall be liable on the treasurer's official bond for the 38531
faithful performance of the treasurer's duties in connection with 38532
the unemployment compensation fund, such liability to exist in 38533
addition to any liability upon any separate bond. 38534

(C) The treasurer of state shall maintain within the 38535
unemployment compensation fund three separate accounts which shall 38536
be a clearing account, ~~an unemployment~~ a trust fund account, and a 38537
benefit account. All moneys payable to the unemployment 38538
compensation fund, upon receipt ~~thereof~~ by the director, shall be 38539
forwarded to the treasurer of state, who shall immediately deposit 38540
them in the clearing account. Refunds of contributions, or 38541
payments in lieu of contributions, payable pursuant to division 38542
(E) of this section may be paid from the clearing account upon 38543
warrants signed by a deputy or other employee of the director 38544
charged with the duty of keeping the record of the clearing 38545
account and with the preparation of warrants for the payment of 38546
refunds to persons entitled thereto. After clearance thereof, all 38547
moneys in the clearing account shall be deposited with the 38548
secretary of the treasury of the United States to the credit of 38549
the account of this state in the unemployment trust fund 38550
established and maintained pursuant to section 904 of the "Social 38551
Security Act," in accordance with requirements of the "Federal 38552
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301, 38553
3304(a)(3), any law in this state relating to the deposit, 38554
administration, release, or disbursement of moneys in the 38555

possession or custody of this state to the contrary 38556
notwithstanding. The benefit account shall consist of all moneys 38557
requisitioned from this state's account in the unemployment trust 38558
fund. Federal funds, ~~other than funds received by the director~~ 38559
~~under divisions (I) and (J) of this section, received for payment~~ 38560
~~of federal benefits~~ may be deposited, at the director's 38561
discretion, into the benefit account. Any funds deposited into the 38562
benefit account shall be disbursed solely for payment of benefits 38563
under a federal program administered by this state. ~~Moneys so~~ 38564
~~requisitioned shall be used solely for the payment of benefits~~ and 38565
for no other purpose. Moneys in the clearing and benefit accounts 38566
may be deposited by the treasurer of state, under the direction of 38567
the director, in any bank or public depository in which general 38568
funds of the state may be deposited, but no public deposit 38569
insurance charge or premium shall be paid out of the fund. 38570

(D) Moneys shall be requisitioned from this state's account 38571
in the unemployment trust fund solely for the payment of benefits 38572
and in accordance with regulations prescribed by the director. The 38573
director shall requisition from the unemployment trust fund such 38574
amounts, not exceeding the amount standing to this state's account 38575
therein, as are deemed necessary for the payment of benefits for a 38576
reasonable future period. Upon receipt thereof, the treasurer of 38577
state shall deposit such moneys in the benefit account. 38578
Expenditures of such money in the benefit account and refunds from 38579
the clearing account shall not require specific appropriations or 38580
other formal release by state officers of money in their custody. 38581
Any balance of moneys requisitioned from the unemployment trust 38582
fund which remains unclaimed or unpaid in the benefit account 38583
after the expiration of the period for which such sums were 38584
requisitioned shall either be deducted from estimates for and may 38585
be utilized for the payment of benefits during succeeding periods, 38586
or, in the discretion of the director, shall be redeposited with 38587
the secretary of the treasury of the United States to the credit 38588

of this state's account in the unemployment trust fund, as 38589
provided in division (C) of this section. Unclaimed or unpaid 38590
federal funds redeposited with the secretary of the treasury of 38591
the United States shall be credited to the appropriate federal 38592
account. 38593

(E) No claim for an adjustment or a refund on contribution, 38594
payment in lieu of contributions, interest, or forfeiture alleged 38595
to have been erroneously or illegally assessed or collected, or 38596
alleged to have been collected without authority, and no claim for 38597
an adjustment or a refund of any sum alleged to have been 38598
excessive or in any manner wrongfully collected shall be allowed 38599
unless an application, in writing, therefor is made within four 38600
years from the date on which such payment was made. If the 38601
director determines that such contribution, payment in lieu of 38602
contributions, interest, or forfeiture, or any portion thereof, 38603
was erroneously collected, the director shall allow such employer 38604
to make an adjustment thereof without interest in connection with 38605
subsequent contribution payments, or payments in lieu of 38606
contributions, by the employer, or the director may refund said 38607
amount, without interest, from the clearing account of the 38608
unemployment compensation fund, except as provided in division (B) 38609
of section 4141.11 of the Revised Code. For like cause and within 38610
the same period, adjustment or refund may be so made on the 38611
director's own initiative. An overpayment of contribution, payment 38612
in lieu of contributions, interest, or forfeiture for which an 38613
employer has not made application for refund prior to the date of 38614
sale of the employer's business shall accrue to the employer's 38615
successor in interest. 38616

An application for an adjustment or a refund, or any portion 38617
thereof, that is rejected is binding upon the employer unless, 38618
within thirty days after the mailing of a written notice of 38619
rejection to the employer's last known address, or, in the absence 38620

of mailing of such notice, within thirty days after the delivery 38621
of such notice, the employer files an application for a review and 38622
redetermination setting forth the reasons therefor. The director 38623
shall promptly examine the application for review and 38624
redetermination, and if a review is granted, the employer shall be 38625
promptly notified thereof, and shall be granted an opportunity for 38626
a prompt hearing. 38627

(F) If the director finds that contributions have been paid 38628
to the director in error, and that such contributions should have 38629
been paid to a department of another state or of the United States 38630
charged with the administration of an unemployment compensation 38631
law, the director may upon request by such department or upon the 38632
director's own initiative transfer to such department the amount 38633
of such contributions, less any benefits paid to claimants whose 38634
wages were the basis for such contributions. The director may 38635
request and receive from such department any contributions or 38636
adjusted contributions paid in error to such department which 38637
should have been paid to the director. 38638

(G) In accordance with section 303(c)(3) of the Social 38639
Security Act, and section 3304(a)(17) of the Internal Revenue Code 38640
of 1954 for continuing certification of Ohio unemployment 38641
compensation laws for administrative grants and for tax credits, 38642
any interest required to be paid on advances under Title XII of 38643
the Social Security Act shall be paid in a timely manner and shall 38644
not be paid, directly or indirectly, by an equivalent reduction in 38645
the Ohio unemployment taxes or otherwise, by the state from 38646
amounts in the unemployment compensation fund. 38647

(H) The treasurer of state, under the direction of the 38648
director and in accordance with the "Cash Management Improvement 38649
Act of 1990," 104 Stat. 1061, 31 U.S.C.A. 335, 6503, shall deposit 38650
amounts of interest earned by the state on funds in the benefit 38651
account established pursuant to division (C) of this section into 38652

the department of job and family services banking fees fund, which 38653
is hereby created in the state treasury for the purpose of paying 38654
related banking costs incurred by the state for the period for 38655
which the interest is calculated, except that if the deposited 38656
interest exceeds the banking costs incurred by the state for the 38657
period for which the interest is calculated, the treasurer of 38658
state shall deposit the excess interest into the unemployment 38659
trust fund. 38660

~~(I) The treasurer of state, under the direction of the 38661
director, shall deposit federal funds received by the director for 38662
the payment of benefits, job search, relocation, transportation, 38663
and subsistence allowances pursuant to the "Trade Act of 1974," 88 38664
Stat. 1978, 19 U.S.C.A. 2101, as amended; the "North American Free 38665
Trade Implementation Act of 1993," 107 Stat. 2057, 19 U.S.C.A. 38666
3301, as amended; and the "Trade Act of 2002," 116 Stat. 993, 19 38667
U.S.C.A. 3801, as amended, into the Trade Act benefit account, 38668
which is hereby created for the purpose of making payments 38669
specified under those acts. 38670~~

~~(J) The treasurer of state, under the direction of the 38671
director, shall deposit federal funds received by the director for 38672
training and administration and for payment of benefits, job 38673
search, relocation, transportation, and subsistence allowances 38674
pursuant to the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 38675
2101, as amended; the "North American Free Trade Agreement 38676
Implementation Act," 107 Stat. 2057 (1993), 19 U.S.C.A. 3301, as 38677
amended; and the "Trade Act of 2002," 116 Stat. 993, 19 U.S.C.A. 38678
3801, as amended, into the Trade Act training and administration 38679
account, which is hereby created for the purpose of making 38680
payments specified under those acts. The treasurer of state, under 38681
the direction of the director, may transfer funds from the Trade 38682
Act training and administration account to the benefit account for 38683
the purpose of making any payments directly to claimants for 38684~~

benefits, job search, relocation, transportation, and subsistence 38685
allowances, as specified by those acts. 38686

Sec. 4301.20. This chapter and Chapter 4303. of the Revised 38687
Code do not prevent the following: 38688

(A) The storage of intoxicating liquor in bonded warehouses, 38689
established in accordance with the acts of congress and under the 38690
regulation of the United States, located in this state, or the 38691
transportation of intoxicating liquor to or from bonded warehouses 38692
of the United States wherever located; 38693

(B) A bona fide resident of this state who is the owner of a 38694
warehouse receipt from obtaining or transporting to the resident's 38695
residence for the resident's own consumption and not for resale 38696
spirituous liquor stored in a government bonded warehouse in this 38697
state or in another state prior to December 1933, subject to such 38698
terms as are prescribed by the division of liquor control; 38699

(C) The manufacture of cider from fruit for the purpose of 38700
making vinegar, and nonintoxicating cider and fruit juices for use 38701
and sale; 38702

(D) A licensed physician or dentist from administering or 38703
dispensing intoxicating liquor or alcohol to a patient in good 38704
faith in the actual course of the practice of the physician's or 38705
dentist's profession; 38706

(E) The sale of alcohol to physicians, dentists, druggists, 38707
veterinary surgeons, manufacturers, hospitals, infirmaries, or 38708
medical or educational institutions using the alcohol for 38709
medicinal, mechanical, chemical, or scientific purposes; 38710

(F) The sale, gift, or keeping for sale by druggists and 38711
others of any of the medicinal preparations manufactured in 38712
accordance with the formulas prescribed by the United States 38713
Pharmacopoeia and National Formulary, patent or proprietary 38714

preparations, and other bona fide medicinal and technical 38715
preparations, which contain no more alcohol than is necessary to 38716
hold the medicinal agents in solution and to preserve the same, 38717
which are manufactured and sold as medicine and not as beverages, 38718
are unfit for use for beverage purposes, and the sale of which 38719
does not require the payment of a United States liquor dealer's 38720
tax; 38721

(G) The manufacture and sale of tinctures or of toilet, 38722
medicinal, and antiseptic preparations and solutions not intended 38723
for internal human use nor to be sold as beverages, and which are 38724
unfit for beverage purposes, if upon the outside of each bottle, 38725
box, or package of which there is printed in the English language, 38726
conspicuously and legibly, the quantity by volume of alcohol in 38727
the preparation or solution; 38728

(H) The manufacture and keeping for sale of the food products 38729
known as flavoring extracts when manufactured and sold for 38730
cooking, culinary, or flavoring purposes, and which are unfit for 38731
use for beverage purposes; 38732

(I) The lawful sale of wood alcohol or of ethyl alcohol for 38733
external use when combined with other substances as to make it 38734
unfit for internal use; 38735

(J) The manufacture, sale, and transport of ethanol or ethyl 38736
alcohol for use as fuel. As used in this division, "ethanol" has 38737
the same meaning as in section 5733.46 of the Revised Code. 38738

(K) The purchase and importation into this state of 38739
intoxicating liquor for use in manufacturing processes of 38740
nonbeverage food products under terms prescribed by the division, 38741
provided that the terms prescribed by the division shall not 38742
increase the cost of the intoxicating liquor to any person, firm, 38743
or corporation purchasing and importing it into this state for 38744
that use; 38745

~~(K)~~(L) Any resident of this state or any member of the armed 38746
forces of the United States, who has attained the age of 38747
twenty-one years, from bringing into this state, for personal use 38748
and not for resale, not more than one liter of spirituous liquor 38749
in any thirty-day period, and the same is free of any tax consent 38750
fee when the resident or member of the armed forces physically 38751
possesses and accompanies the spirituous liquor on returning from 38752
a foreign country, another state, or an insular possession of the 38753
United States; 38754

~~(L)~~(M) Persons, at least twenty-one years of age, who collect 38755
ceramic commemorative bottles containing spirituous liquor ~~which~~ 38756
that have unbroken federal tax stamps on them from selling or 38757
trading the bottles to other collectors. The bottles ~~must~~ shall 38758
originally have been purchased at retail from the division, 38759
legally imported under division ~~(K)~~(L) of this section, or legally 38760
imported pursuant to a supplier registration issued by the 38761
division. The sales shall be for the purpose of exchanging a 38762
ceramic commemorative bottle between private collectors and shall 38763
not be for the purpose of selling the spirituous liquor for 38764
personal consumption. The sale or exchange authorized by this 38765
division shall not occur on the premises of any permit holder, 38766
shall not be made in connection with the business of any permit 38767
holder, and shall not be made in connection with any mercantile 38768
business. 38769

Sec. 4301.24. Except as provided in section 4301.242 of the 38770
Revised Code, no manufacturer shall aid or assist the holder of 38771
any permit for sale at wholesale, and no manufacturer or wholesale 38772
distributor shall aid or assist the holder of any permit for sale 38773
at retail, by gift or loan of any money or property of any 38774
description or other valuable thing, or by giving premiums or 38775
rebates. Except as provided in section 4301.242 of the Revised 38776
Code, no holder of any such permit shall accept the same, provided 38777

that the manufacturer or wholesale distributor may furnish to a 38778
retail permittee the inside signs or advertising and the tap signs 38779
or devices authorized by divisions (E) and (F) of section 4301.22 38780
of the Revised Code. 38781

No manufacturer shall have any financial interest, directly 38782
or indirectly, by stock ownership, or through interlocking 38783
directors in a corporation, or otherwise, in the establishment, 38784
maintenance, or promotion in the business of any wholesale 38785
distributor. No retail permit holder shall have any interest, 38786
directly or indirectly, in the operation of, or any ownership in, 38787
the business of any wholesale distributor or manufacturer. 38788

No manufacturer shall, except as authorized by section 38789
4303.021 of the Revised Code, have any financial interest, 38790
directly or indirectly, by stock ownership, or through 38791
interlocking directors in a corporation, or otherwise, in the 38792
establishment, maintenance, or promotion of the business of any 38793
retail dealer. No wholesale distributor or employee of a wholesale 38794
distributor shall have any financial interest, directly or 38795
indirectly, by stock ownership, interlocking directors in a 38796
corporation, or otherwise, in the establishment, maintenance, or 38797
promotion of the business of any retail dealer. No manufacturer or 38798
wholesale distributor or any stockholder of a manufacturer or 38799
wholesale distributor shall acquire, by ownership in fee, 38800
leasehold, mortgage, or otherwise, directly or indirectly, any 38801
interest in the premises on which the business of any other person 38802
engaged in the business of trafficking in beer or intoxicating 38803
liquor is conducted. All contracts, covenants, conditions, and 38804
limitations whereby any person engaged or proposing to engage in 38805
the sale of beer or intoxicating liquors promises to confine the 38806
person's sales of a particular kind or quality of beer or 38807
intoxicating liquor to one or more products, or the products of a 38808
specified manufacturer or wholesale distributor, or to give 38809

preference to those products, shall to the extent of that promise 38810
be void. The making of a promise in any such form shall be cause 38811
for the revocation or suspension of any permit issued to any 38812
party. This section does not prevent the holder of an A permit 38813
from securing and holding a wholesale distributor's permit or 38814
permits and operating as a wholesale distributor. 38815

No manufacturer shall sell or offer to sell to any wholesale 38816
distributor or retail permit holder, no wholesale distributor 38817
shall sell or offer to sell to any retail permit holder, and no 38818
wholesale distributor or retail permit holder shall purchase or 38819
receive from any manufacturer or wholesale distributor, any beer, 38820
brewed beverages, or wine manufactured in the United States except 38821
for cash. No right of action shall exist to collect any claims for 38822
credit extended contrary to this section. This section does not 38823
prohibit a licensee from crediting to a purchaser the actual 38824
prices charged for packages or containers returned by the original 38825
purchaser as a credit on any sale or from refunding to any 38826
purchaser the amount paid by that purchaser for containers or as a 38827
deposit on containers when title is retained by the vendor, if 38828
those containers or packages have been returned to the 38829
manufacturer or distributor. This section does not prohibit a 38830
manufacturer from extending usual and customary credit for beer, 38831
brewed beverages, or wine manufactured in the United States and 38832
sold to customers who live or maintain places of business outside 38833
this state when the beverages so sold are actually transported and 38834
delivered to points outside this state. No wholesale or retail 38835
permit shall be issued to an applicant unless the applicant has 38836
paid in full all accounts for beer or wine, manufactured in the 38837
United States, outstanding as of September 6, 1939. No beer or 38838
wine manufactured in the United States shall be imported into the 38839
state unless the beer or wine has been paid for in cash, and no 38840
supplier registration for any such beer or wine manufactured in 38841
the United States shall be issued by the division of liquor 38842

control until the A-2, B-1, or B-5 permit holder establishes to 38843
the satisfaction of the division that the beer or wine has been 38844
paid for in cash. 38845

This section does not prevent a manufacturer from securing 38846
and holding any financial interest, directly or indirectly, by 38847
stock ownership or through interlocking directors in a 38848
corporation, or otherwise, in the establishment, maintenance, or 38849
promotion of the business or premises of any C or D permit holder, 38850
provided that the following conditions are met: 38851

(A) Either the manufacturer or one of its parent companies is 38852
listed on a national securities exchange. 38853

(B) All purchases of alcoholic beverages by the C or D permit 38854
holder are made from wholesale distributors in this state or 38855
agency stores licensed by the division of liquor control. 38856

(C) If the C or D permit holder sells brands of alcoholic 38857
beverages that are produced or distributed by the manufacturer 38858
that holds the financial interest, the C or D permit holder also 38859
sells other competing brands of alcoholic beverages produced by 38860
other manufacturers, no preference is given to the products of the 38861
manufacturer, and there is no exclusion, in whole or in part, of 38862
products sold or offered for sale by other manufacturers, 38863
suppliers, or importers of alcoholic beverages that constitutes a 38864
substantial impairment of commerce. 38865

(D) The primary purpose of the C or D permit premises is a 38866
purpose other than to sell alcoholic beverages, and the sale of 38867
other goods and services exceeds fifty per cent of the total gross 38868
receipts of the C or D permit holder at its premises. 38869

This section does not prevent a manufacturer from giving 38870
financial assistance to the holder of a B permit for the purpose 38871
of the holder purchasing an ownership interest in the business, 38872
existing inventory and equipment, or property of another B permit 38873

holder, including, but not limited to, participation in a limited liability partnership, limited liability company, or any other legal entity authorized to do business in this state. This section does not permit a manufacturer to give financial assistance to the holder of a B permit to purchase inventory or equipment used in the daily operation of a B permit holder.

This section does not prevent a manufacturer from securing and holding a B-2a permit or permits and operating as a wholesale distributor.

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, except for known sacramental purposes, at the rate of thirty cents per wine gallon for wine containing not less than four per cent of alcohol by volume and not more than fourteen per cent of alcohol by volume, ninety-eight cents per wine gallon for wine containing more than fourteen per cent but not more than twenty-one per cent of alcohol by volume, one dollar and eight cents per wine gallon for vermouth, and one dollar and forty-eight cents per wine gallon for sparkling and carbonated wine and champagne, the tax to be paid by the holders of A-2 and B-5 permits or by any other person selling or distributing wine upon which no tax has been paid. From the tax paid under this section on wine, vermouth, and sparkling and carbonated wine and champagne, the treasurer of state shall

credit to the Ohio grape industries fund created under section 38905
924.54 of the Revised Code a sum equal to one cent per gallon for 38906
each gallon upon which the tax is paid. 38907

(C) For the purpose of providing revenues for the support of 38908
the state, there is hereby levied a tax on prepared and bottled 38909
highballs, cocktails, cordials, and other mixed beverages at the 38910
rate of one dollar and twenty cents per wine gallon to be paid by 38911
holders of A-4 permits or by any other person selling or 38912
distributing those products upon which no tax has been paid. Only 38913
one sale of the same article shall be used in computing the amount 38914
of tax due. The tax on mixed beverages to be paid by holders of 38915
A-4 permits under this section shall not attach until the 38916
ownership of the mixed beverage is transferred for valuable 38917
consideration to a wholesaler or retailer, and no payment of the 38918
tax shall be required prior to that time. 38919

(D) During the period of July 1, ~~2005~~ 2007, through June 30, 38920
~~2007~~ 2009, from the tax paid under this section on wine, vermouth, 38921
and sparkling and carbonated wine and champagne, the treasurer of 38922
state shall credit to the Ohio grape industries fund created under 38923
section 924.54 of the Revised Code a sum equal to two cents per 38924
gallon upon which the tax is paid. The amount credited under this 38925
division is in addition to the amount credited to the Ohio grape 38926
industries fund under division (B) of this section. 38927

(E) For the purpose of providing revenues for the support of 38928
the state, there is hereby levied a tax on cider at the rate of 38929
twenty-four cents per wine gallon to be paid by the holders of A-2 38930
and B-5 permits or by any other person selling or distributing 38931
cider upon which no tax has been paid. Only one sale of the same 38932
article shall be used in computing the amount of the tax due. 38933

Sec. 4303.03. Permit A-2 may be issued to a manufacturer to 38934
manufacture wine from grapes or other fruits; to import and 38935

purchase wine in bond for blending purposes, the total amount of 38936
wine so imported during the year covered by the permit not to 38937
exceed forty per cent of all the wine manufactured and imported; 38938
to manufacture, purchase, and import brandy for fortifying 38939
purposes; and to sell those products either in glass or container 38940
for consumption on the premises where manufactured, ~~for home use,~~ 38941
in sealed containers for consumption off the premises where 38942
manufactured, and to ~~retail and~~ wholesale permit holders under the 38943
rules adopted by the division of liquor control. 38944

The fee for this permit is ~~one hundred twenty six~~ seventy-six 38945
dollars for each plant to which this permit is issued. 38946

Sec. 4303.071. (A)(1) Except as otherwise provided in 38947
division (A)(2) of this section, permit B-2a may be issued to a 38948
person that manufactures wine, is the brand owner or United States 38949
importer of wine, or is the designated agent of a brand owner or 38950
importer for all wine sold in this state for that owner or 38951
importer. If the person resides outside this state, the person 38952
shall comply with the requirements governing the issuance of 38953
licenses or permits that authorize the sale of intoxicating liquor 38954
by the appropriate authority of the state in which the person 38955
resides or by the tax and trade bureau in the United States 38956
department of the treasury. 38957

(2) A B-2a permit shall only be issued to a manufacturer of 38958
wine that is entitled to a tax credit under 27 C.F.R. 24.278 and 38959
that produces less than one hundred fifty thousand gallons of wine 38960
per year. 38961

(3) The fee for the B-2a permit is twenty-five dollars. 38962

(4) The holder of a B-2a permit may sell wine to a retail 38963
permit holder, but a B-2a permit holder that is a wine 38964
manufacturer may sell to a retail permit holder only wine that the 38965
B-2a permit holder has manufactured. 38966

(5) The holder of a B-2a permit shall renew the permit in accordance with section 4303.271 of the Revised Code, except that renewal shall not be subject to the notice and hearing requirements established in division (B) of that section. 38967
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(B) The holder of a B-2a permit shall collect and pay all applicable taxes relating to the delivery of a wine to a retailer including, but not limited to, taxes levied under sections 4301.421 and 4301.43 and Chapters 5739. and 5741. of the Revised Code. 38971
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(C) The holder of a B-2a permit shall comply with this chapter, Chapter 4301. of the Revised Code, and any rules adopted by the liquor control commission under section 4301.03 of the Revised Code. 38976
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Sec. 4303.232. (A)(1) Except as provided in division (A)(2) of this section, permit S may be issued to a person that manufactures wine, is the brand owner or United States importer of wine, or is the designated agent of a brand owner or importer for all wine sold in this state for that owner or importer. If the person resides outside this state, the person shall comply with the requirements governing the issuance of licenses or permits that authorize the sale of intoxicating liquor by the appropriate authority of the state in which the person resides or by the tax and trade bureau of the United States department of the treasury. 38980
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(2) An S permit shall only be issued to a manufacturer of wine that is entitled to a tax credit under 27 C.F.R. 24.278 and that produces less than one hundred fifty thousand gallons of wine per year. 38990
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(3) The fee for the S permit is twenty-five dollars. 38994

(4) The holder of an S permit may sell wine to a personal consumer by receiving and filling orders that the personal 38995
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consumer submits to the permit holder. The permit holder shall 38997
sell only wine that the permit holder has manufactured to a 38998
personal consumer. 38999

(5) The holder of an S permit shall renew the permit in 39000
accordance with section 4303.271 of the Revised Code, except that 39001
the renewal shall not be subject to the notice and hearing 39002
requirements established in division (B) of that section. 39003

(6) The division of liquor control may refuse to renew an S 39004
permit for any of the reasons specified in section 4303.292 of the 39005
Revised Code or if the holder of the permit fails to do any of the 39006
following: 39007

(a) Collect and pay all applicable taxes specified in 39008
division (B) of this section; 39009

(b) Pay the permit fee; 39010

(c) Comply with this section or any rules adopted by the 39011
liquor control commission under section 4301.03 of the Revised 39012
Code. 39013

(B) The holder of an S permit shall collect and pay all 39014
applicable taxes relating to the delivery of wine to a personal 39015
consumer, including, but not limited to, taxes levied under 39016
sections 4301.421 and 4301.43 and Chapters 5739. and 5741. of the 39017
Revised Code. 39018

(C)(1) The holder of an S permit shall send a shipment of 39019
wine that has been paid for by a personal consumer to that 39020
personal consumer via the holder of an H permit. Prior to sending 39021
a shipment of wine to a personal consumer, the holder of an S 39022
permit, or an employee of the permit holder, shall make a bona 39023
fide effort to ensure that the personal consumer is at least 39024
twenty-one years of age. The shipment of wine shall be shipped in 39025
a package that clearly has written on it in bold print the words 39026
"alcohol enclosed." No person shall fail to comply with division 39027

(C)(1) of this section. 39028

(2) Upon delivering a shipment of wine to a personal consumer, the holder of the H permit, or an employee of the permit holder, shall verify that the personal consumer is at least twenty-one years of age by checking the personal consumer's driver's or commercial driver's license or identification card issued under sections 4507.50 to 4507.52 of the Revised Code. 39029
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(3) The holder of an S permit shall keep a record of each shipment of wine that the permit holder sends to a personal consumer. The records shall be used for all of the following: 39035
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(a) To provide a copy of each wine shipment invoice to the tax commissioner in a manner prescribed by the commissioner. The invoice shall include the name of each personal consumer that purchased wine from the S permit holder in accordance with this section and any other information required by the tax commissioner. 39038
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(b) To provide annually in electronic format by electronic means a report to the division. The report shall include the name and address of each personal consumer that purchased wine from the S permit holder in accordance with this section, the quantity of wine purchased by each personal consumer, and any other information requested by the division. The division shall prescribe and provide an electronic form for the report and shall determine the specific electronic means that the S permit holder must use to submit the report. 39044
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(c) To notify a personal consumer of any health or welfare recalls of the wine that has been purchased by the personal consumer. 39053
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(D) As used in this section, "personal consumer" means an individual who is at least twenty-one years of age, is a resident of this state, does not hold a permit issued under this chapter, 39056
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and intends to use wine purchased in accordance with this section 39059
for personal consumption only and not for resale or other 39060
commercial purposes. 39061

Sec. 4303.233. No family household shall purchase more than 39062
twenty-four cases of nine-liter bottles of wine in one year. 39063

Sec. 4503.06. (A) The owner of each manufactured or mobile 39064
home that has acquired situs in this state shall pay either a real 39065
property tax pursuant to Title LVII of the Revised Code or a 39066
manufactured home tax pursuant to division (C) of this section. 39067

(B) The owner of a manufactured or mobile home shall pay real 39068
property taxes if either of the following applies: 39069

(1) The manufactured or mobile home acquired situs in the 39070
state or ownership in the home was transferred on or after January 39071
1, 2000, and all of the following apply: 39072

(a) The home is affixed to a permanent foundation as defined 39073
in division (C)(5) of section 3781.06 of the Revised Code. 39074

(b) The home is located on land that is owned by the owner of 39075
the home. 39076

(c) The certificate of title has been inactivated by the 39077
clerk of the court of common pleas that issued it, pursuant to 39078
division (H) of section 4505.11 of the Revised Code. 39079

(2) The manufactured or mobile home acquired situs in the 39080
state or ownership in the home was transferred before January 1, 39081
2000, and all of the following apply: 39082

(a) The home is affixed to a permanent foundation as defined 39083
in division (C)(5) of section 3781.06 of the Revised Code. 39084

(b) The home is located on land that is owned by the owner of 39085
the home. 39086

(c) The owner of the home has elected to have the home taxed 39087
as real property and, pursuant to section 4505.11 of the Revised 39088
Code, has surrendered the certificate of title to the auditor of 39089
the county containing the taxing district in which the home has 39090
its situs, together with proof that all taxes have been paid. 39091

(d) The county auditor has placed the home on the real 39092
property tax list and delivered the certificate of title to the 39093
clerk of the court of common pleas that issued it and the clerk 39094
has inactivated the certificate. 39095

(C)(1) Any mobile or manufactured home that is not taxed as 39096
real property as provided in division (B) of this section is 39097
subject to an annual manufactured home tax, payable by the owner, 39098
for locating the home in this state. The tax as levied in this 39099
section is for the purpose of supplementing the general revenue 39100
funds of the local subdivisions in which the home has its situs 39101
pursuant to this section. 39102

(2) The year for which the manufactured home tax is levied 39103
commences on the first day of January and ends on the following 39104
thirty-first day of December. The state shall have the first lien 39105
on any manufactured or mobile home on the list for the amount of 39106
taxes, penalties, and interest charged against the owner of the 39107
home under this section. The lien of the state for the tax for a 39108
year shall attach on the first day of January to a home that has 39109
acquired situs on that date. The lien for a home that has not 39110
acquired situs on the first day of January, but that acquires 39111
situs during the year, shall attach on the next first day of 39112
January. The lien shall continue until the tax, including any 39113
penalty or interest, is paid. 39114

(3)(a) The situs of a manufactured or mobile home located in 39115
this state on the first day of January is the local taxing 39116
district in which the home is located on that date. 39117

(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
in which the
home is owned by the

current owner	x	80%	39149
2nd calendar year	x	75%	39150
3rd "	x	70%	39151
4th "	x	65%	39152
5th "	x	60%	39153
6th "	x	55%	39154
7th "	x	50%	39155
8th "	x	45%	39156
9th "	x	40%	39157
10th and each year thereafter	x	35%	39158

The first calendar year means any period between the first 39159
day of January and the thirty-first day of December of the first 39160
year. 39161

(ii) If the cost to the owner, or market value at the time of 39162
purchase, whichever is greater, of the home does not include the 39163
furnishings and equipment, such cost or market value shall be 39164
multiplied according to the following schedule: 39165

For the first calendar year 39166			
in which the 39167			
home is owned by the 39168			
current owner	x	95%	39169
2nd calendar year	x	90%	39170
3rd "	x	85%	39171
4th "	x	80%	39172
5th "	x	75%	39173
6th "	x	70%	39174
7th "	x	65%	39175
8th "	x	60%	39176
9th "	x	55%	39177
10th and each year thereafter	x	50%	39178

The first calendar year means any period between the first 39179
day of January and the thirty-first day of December of the first 39180

year. 39181

(2) On a home in which ownership was transferred or that 39182
first acquired situs in this state on or after January 1, 2000: 39183

(a) By multiplying the assessable value of the home by the 39184
effective tax rate, as defined in section 323.08 of the Revised 39185
Code, for residential real property of the taxing district in 39186
which the home has its situs, and deducting from the product thus 39187
obtained the reductions required or authorized under section 39188
319.302, division (B) of section 323.152, or section 4503.065 of 39189
the Revised Code. 39190

(b) The assessable value of the home shall be thirty-five per 39191
cent of its true value as determined under division (L) of this 39192
section. 39193

(3) On or before the fifteenth day of January each year, the 39194
county auditor shall record the assessable value and the amount of 39195
tax on the manufactured or mobile home on the tax list and deliver 39196
a duplicate of the list to the county treasurer. In the case of an 39197
emergency as defined in section 323.17 of the Revised Code, the 39198
tax commissioner, by journal entry, may extend the times for 39199
delivery of the duplicate for an additional fifteen days upon 39200
receiving a written application from the county auditor regarding 39201
an extension for the delivery of the duplicate, or from the county 39202
treasurer regarding an extension of the time for the billing and 39203
collection of taxes. The application shall contain a statement 39204
describing the emergency that will cause the unavoidable delay and 39205
must be received by the tax commissioner on or before the last day 39206
of the month preceding the day delivery of the duplicate is 39207
otherwise required. When an extension is granted for delivery of 39208
the duplicate, the time period for payment of taxes shall be 39209
extended for a like period of time. When a delay in the closing of 39210
a tax collection period becomes unavoidable, the tax commissioner, 39211
upon application by the county auditor and county treasurer, may 39212

order the time for payment of taxes to be extended if the tax 39213
commissioner determines that penalties have accrued or would 39214
otherwise accrue for reasons beyond the control of the taxpayers 39215
of the county. The order shall prescribe the final extended date 39216
for payment of taxes for that collection period. 39217

(4) After January 1, 1999, the owner of a manufactured or 39218
mobile home taxed pursuant to division (D)(1) of this section may 39219
elect to have the home taxed pursuant to division (D)(2) of this 39220
section by filing a written request with the county auditor of the 39221
taxing district in which the home is located on or before the 39222
first day of December of any year. Upon the filing of the request, 39223
the county auditor shall determine whether all taxes levied under 39224
division (D)(1) of this section have been paid, and if those taxes 39225
have been paid, the county auditor shall tax the manufactured or 39226
mobile home pursuant to division (D)(2) of this section commencing 39227
in the next tax year. 39228

(5) A manufactured or mobile home that acquired situs in this 39229
state prior to January 1, 2000, shall be taxed pursuant to 39230
division (D)(2) of this section if no manufactured home tax had 39231
been paid for the home and the home was not exempted from taxation 39232
pursuant to division (E) of this section for the year for which 39233
the taxes were not paid. 39234

(6)(a) Immediately upon receipt of any manufactured home tax 39235
duplicate from the county auditor, but not less than twenty days 39236
prior to the last date on which the first one-half taxes may be 39237
paid without penalty as prescribed in division (F) of this 39238
section, the county treasurer shall cause to be prepared and 39239
mailed or delivered to each person charged on that duplicate with 39240
taxes, or to an agent designated by such person, the tax bill 39241
prescribed by the tax commissioner under division (D)(7) of this 39242
section. When taxes are paid by installments, the county treasurer 39243
shall mail or deliver to each person charged on such duplicate or 39244

the agent designated by that person a second tax bill showing the 39245
amount due at the time of the second tax collection. The second 39246
half tax bill shall be mailed or delivered at least twenty days 39247
prior to the close of the second half tax collection period. A 39248
change in the mailing address of any tax bill shall be made in 39249
writing to the county treasurer. Failure to receive a bill 39250
required by this section does not excuse failure or delay to pay 39251
any taxes shown on the bill or, except as provided in division 39252
(B)(1) of section 5715.39 of the Revised Code, avoid any penalty, 39253
interest, or charge for such delay. 39254

(b) After delivery of the copy of the delinquent manufactured 39255
home tax list under division (H) of this section, the county 39256
treasurer may prepare and mail to each person in whose name a home 39257
is listed an additional tax bill showing the total amount of 39258
delinquent taxes charged against the home as shown on the list. 39259
The tax bill shall include a notice that the interest charge 39260
prescribed by division (G) of this section has begun to accrue. 39261

(7) Each tax bill prepared and mailed or delivered under 39262
division (D)(6) of this section shall be in the form and contain 39263
the information required by the tax commissioner. The commissioner 39264
may prescribe different forms for each county and may authorize 39265
the county auditor to make up tax bills and tax receipts to be 39266
used by the county treasurer. The tax bill shall not contain or be 39267
mailed or delivered with any information or material that is not 39268
required by this section or that is not authorized by section 39269
321.45 of the Revised Code or by the tax commissioner. In addition 39270
to the information required by the commissioner, each tax bill 39271
shall contain the following information: 39272

(a) The taxes levied and the taxes charged and payable 39273
against the manufactured or mobile home; 39274

(b) The following notice: "Notice: If the taxes are not paid 39275
within sixty days after the county auditor delivers the delinquent 39276

manufactured home tax list to the county treasurer, you and your 39277
home may be subject to collection proceedings for tax 39278
delinquency." Failure to provide such notice has no effect upon 39279
the validity of any tax judgment to which a home may be subjected. 39280

(c) In the case of manufactured or mobile homes taxed under 39281
division (D)(2) of this section, the following additional 39282
information: 39283

(i) The effective tax rate. The words "effective tax rate" 39284
shall appear in boldface type. 39285

(ii) The following notice: "Notice: If the taxes charged 39286
against this home have been reduced by the 2-1/2 per cent tax 39287
reduction for residences occupied by the owner but the home is not 39288
a residence occupied by the owner, the owner must notify the 39289
county auditor's office not later than March 31 of the year for 39290
which the taxes are due. Failure to do so may result in the owner 39291
being convicted of a fourth degree misdemeanor, which is 39292
punishable by imprisonment up to 30 days, a fine up to \$250, or 39293
both, and in the owner having to repay the amount by which the 39294
taxes were erroneously or illegally reduced, plus any interest 39295
that may apply. 39296

If the taxes charged against this home have not been reduced 39297
by the 2-1/2 per cent tax reduction and the home is a residence 39298
occupied by the owner, the home may qualify for the tax reduction. 39299
To obtain an application for the tax reduction or further 39300
information, the owner may contact the county auditor's office at 39301
..... (insert the address and telephone number of the county 39302
auditor's office)." 39303

(E)(1) A manufactured or mobile home is not subject to this 39304
section when any of the following applies: 39305

(a) It is taxable as personal property pursuant to section 39306
5709.01 of the Revised Code. Any manufactured or mobile home that 39307

is used as a residence shall be subject to this section and shall 39308
not be taxable as personal property pursuant to section 5709.01 of 39309
the Revised Code. 39310

(b) It bears a license plate issued by any state other than 39311
this state unless the home is in this state in excess of an 39312
accumulative period of thirty days in any calendar year. 39313

(c) The annual tax has been paid on the home in this state 39314
for the current year. 39315

(d) The tax commissioner has determined, pursuant to section 39316
5715.27 of the Revised Code, that the property is exempt from 39317
taxation, or would be exempt from taxation under Chapter 5709. of 39318
the Revised Code if it were classified as real property. 39319

(2) A travel trailer or park trailer, as these terms are 39320
defined in section 4501.01 of the Revised Code, is not subject to 39321
this section if it is unused or unoccupied and stored at the 39322
owner's normal place of residence or at a recognized storage 39323
facility. 39324

(3) A travel trailer or park trailer, as these terms are 39325
defined in section 4501.01 of the Revised Code, is subject to this 39326
section and shall be taxed as a manufactured or mobile home if it 39327
has a situs longer than thirty days in one location and is 39328
connected to existing utilities, unless either of the following 39329
applies: 39330

(a) The situs is in a state facility or a camping or park 39331
area as defined in division (C), (Q), (S), or (V) of section 39332
3729.01 of the Revised Code. 39333

(b) The situs is in a camping or park area that is a tract of 39334
land that has been limited to recreational use by deed or zoning 39335
restrictions and subdivided for sale of five or more individual 39336
lots for the express or implied purpose of occupancy by either 39337
self-contained recreational vehicles as defined in division (T) of 39338

section 3729.01 of the Revised Code or by dependent recreational 39339
vehicles as defined in division (D) of section 3729.01 of the 39340
Revised Code. 39341

(F) Except as provided in division (D)(3) of this section, 39342
the manufactured home tax is due and payable as follows: 39343

(1) When a manufactured or mobile home has a situs in this 39344
state, as provided in this section, on the first day of January, 39345
one-half of the amount of the tax is due and payable on or before 39346
the first day of March and the balance is due and payable on or 39347
before the thirty-first day of July. At the option of the owner of 39348
the home, the tax for the entire year may be paid in full on the 39349
first day of March. 39350

(2) When a manufactured or mobile home first acquires a situs 39351
in this state after the first day of January, no tax is due and 39352
payable for that year. 39353

(G)(1)(a) Except as otherwise provided in division (G)(1)(b) 39354
of this section, if one-half of the current taxes charged under 39355
this section against a manufactured or mobile home, together with 39356
the full amount of any delinquent taxes, are not paid on or before 39357
the first day of March in that year, or on or before the last day 39358
for such payment as extended pursuant to section 4503.063 of the 39359
Revised Code, a penalty of ten per cent shall be charged against 39360
the unpaid balance of such half of the current taxes. If the total 39361
amount of all such taxes is not paid on or before the thirty-first 39362
day of July, next thereafter, or on or before the last day for 39363
payment as extended pursuant to section 4503.063 of the Revised 39364
Code, a like penalty shall be charged on the balance of the total 39365
amount of the unpaid current taxes. 39366

(b) After a valid delinquent tax contract that includes 39367
unpaid current taxes from a first-half collection period described 39368
in division (F) of this section has been entered into under 39369

section 323.31 of the Revised Code, no ten per cent penalty shall 39370
be charged against such taxes after the second-half collection 39371
period while the delinquent tax contract remains in effect. On the 39372
day a delinquent tax contract becomes void, the ten per cent 39373
penalty shall be charged against such taxes and shall equal the 39374
amount of penalty that would have been charged against unpaid 39375
current taxes outstanding on the date on which the second-half 39376
penalty would have been charged thereon under division (G)(1)(a) 39377
of this section if the contract had not been in effect. 39378

(2)(a) On the first day of the month following the last day 39379
the second installment of taxes may be paid without penalty 39380
beginning in 2000, interest shall be charged against and computed 39381
on all delinquent taxes other than the current taxes that became 39382
delinquent taxes at the close of the last day such second 39383
installment could be paid without penalty. The charge shall be for 39384
interest that accrued during the period that began on the 39385
preceding first day of December and ended on the last day of the 39386
month that included the last date such second installment could be 39387
paid without penalty. The interest shall be computed at the rate 39388
per annum prescribed by section 5703.47 of the Revised Code and 39389
shall be entered as a separate item on the delinquent manufactured 39390
home tax list compiled under division (H) of this section. 39391

(b) On the first day of December beginning in 2000, the 39392
interest shall be charged against and computed on all delinquent 39393
taxes. The charge shall be for interest that accrued during the 39394
period that began on the first day of the month following the last 39395
date prescribed for the payment of the second installment of taxes 39396
in the current year and ended on the immediately preceding last 39397
day of November. The interest shall be computed at the rate per 39398
annum prescribed by section 5703.47 of the Revised Code and shall 39399
be entered as a separate item on the delinquent manufactured home 39400
tax list. 39401

(c) After a valid undertaking has been entered into for the 39402
payment of any delinquent taxes, no interest shall be charged 39403
against such delinquent taxes while the undertaking remains in 39404
effect in compliance with section 323.31 of the Revised Code. If a 39405
valid undertaking becomes void, interest shall be charged against 39406
the delinquent taxes for the periods that interest was not 39407
permitted to be charged while the undertaking was in effect. The 39408
interest shall be charged on the day the undertaking becomes void 39409
and shall equal the amount of interest that would have been 39410
charged against the unpaid delinquent taxes outstanding on the 39411
dates on which interest would have been charged thereon under 39412
divisions (G)(1) and (2) of this section had the undertaking not 39413
been in effect. 39414

(3) If the full amount of the taxes due at either of the 39415
times prescribed by division (F) of this section is paid within 39416
ten days after such time, the county treasurer shall waive the 39417
collection of and the county auditor shall remit one-half of the 39418
penalty provided for in this division for failure to make that 39419
payment by the prescribed time. 39420

(4) The treasurer shall compile and deliver to the county 39421
auditor a list of all tax payments the treasurer has received as 39422
provided in division (G)(3) of this section. The list shall 39423
include any information required by the auditor for the remission 39424
of the penalties waived by the treasurer. The taxes so collected 39425
shall be included in the settlement next succeeding the settlement 39426
then in process. 39427

(H)(1) Beginning in 2000, the county auditor shall compile 39428
annually a "delinquent manufactured home tax list" consisting of 39429
homes the county treasurer's records indicate have taxes that were 39430
not paid within the time prescribed by divisions (D)(3) and (F) of 39431
this section, have taxes that remain unpaid from prior years, or 39432
have unpaid tax penalties or interest that have been assessed. 39433

(2) Within thirty days after the settlement under division 39434
(H)(2) of section 321.24 of the Revised Code beginning in 2000, 39435
the county auditor shall deliver a copy of the delinquent 39436
manufactured home tax list to the county treasurer. The auditor 39437
shall update and publish the delinquent manufactured home tax list 39438
annually in the same manner as delinquent real property tax lists 39439
are published. The county auditor shall apportion the cost of 39440
publishing the list among taxing districts in proportion to the 39441
amount of delinquent manufactured home taxes so published that 39442
each taxing district is entitled to receive upon collection of 39443
those taxes. 39444

(3) When taxes, penalties, or interest are charged against a 39445
person on the delinquent manufactured home tax list and are not 39446
paid within sixty days after the list is delivered to the county 39447
treasurer, the county treasurer shall, in addition to any other 39448
remedy provided by law for the collection of taxes, penalties, and 39449
interest, enforce collection of such taxes, penalties, and 39450
interest by civil action in the name of the treasurer against the 39451
owner for the recovery of the unpaid taxes following the 39452
procedures for the recovery of delinquent real property taxes in 39453
sections 323.25 to 323.28 of the Revised Code. The action may be 39454
brought in municipal or county court, provided the amount charged 39455
does not exceed the monetary limitations for original jurisdiction 39456
for civil actions in those courts. 39457

It is sufficient, having made proper parties to the suit, for 39458
the county treasurer to allege in the treasurer's bill of 39459
particulars or petition that the taxes stand chargeable on the 39460
books of the county treasurer against such person, that they are 39461
due and unpaid, and that such person is indebted in the amount of 39462
taxes appearing to be due the county. The treasurer need not set 39463
forth any other matter relating thereto. If it is found on the 39464
trial of the action that the person is indebted to the state, 39465

judgment shall be rendered in favor of the county treasurer 39466
prosecuting the action. The judgment debtor is not entitled to the 39467
benefit of any law for stay of execution or exemption of property 39468
from levy or sale on execution in the enforcement of the judgment. 39469

Upon the filing of an entry of confirmation of sale or an 39470
order of forfeiture in a proceeding brought under this division, 39471
title to the manufactured or mobile home shall be in the 39472
purchaser. The clerk of courts shall issue a certificate of title 39473
to the purchaser upon presentation of proof of filing of the entry 39474
of confirmation or order and, in the case of a forfeiture, 39475
presentation of the county auditor's certificate of sale. 39476

(I) The total amount of taxes collected shall be distributed 39477
in the following manner: four per cent shall be allowed as 39478
compensation to the county auditor for the county auditor's 39479
service in assessing the taxes; two per cent shall be allowed as 39480
compensation to the county treasurer for the services the county 39481
treasurer renders as a result of the tax levied by this section. 39482
Such amounts shall be paid into the county treasury, to the credit 39483
of the county general revenue fund, on the warrant of the county 39484
auditor. Fees to be paid to the credit of the real estate 39485
assessment fund shall be collected pursuant to division ~~(B)~~(C) of 39486
section 319.54 of the Revised Code and paid into the county 39487
treasury, on the warrant of the county auditor. The balance of the 39488
taxes collected shall be distributed among the taxing subdivisions 39489
of the county in which the taxes are collected and paid in the 39490
same ratio as those taxes were collected for the benefit of the 39491
taxing subdivision. The taxes levied and revenues collected under 39492
this section shall be in lieu of any general property tax and any 39493
tax levied with respect to the privilege of using or occupying a 39494
manufactured or mobile home in this state except as provided in 39495
sections 4503.04 and 5741.02 of the Revised Code. 39496

(J) An agreement to purchase or a bill of sale for a 39497

manufactured home shall show whether or not the furnishings and 39498
equipment are included in the purchase price. 39499

(K) If the county treasurer and the county prosecuting 39500
attorney agree that an item charged on the delinquent manufactured 39501
home tax list is uncollectible, they shall certify that 39502
determination and the reasons to the county board of revision. If 39503
the board determines the amount is uncollectible, it shall certify 39504
its determination to the county auditor, who shall strike the item 39505
from the list. 39506

(L)(1) The county auditor shall appraise at its true value 39507
any manufactured or mobile home in which ownership is transferred 39508
or which first acquires situs in this state on or after January 1, 39509
2000, and any manufactured or mobile home the owner of which has 39510
elected, under division (D)(4) of this section, to have the home 39511
taxed under division (D)(2) of this section. The true value shall 39512
include the value of the home, any additions, and any fixtures, 39513
but not any furnishings in the home. In determining the true value 39514
of a manufactured or mobile home, the auditor shall consider all 39515
facts and circumstances relating to the value of the home, 39516
including its age, its capacity to function as a residence, any 39517
obsolete characteristics, and other factors that may tend to prove 39518
its true value. 39519

(2)(a) If a manufactured or mobile home has been the subject 39520
of an arm's length sale between a willing seller and a willing 39521
buyer within a reasonable length of time prior to the 39522
determination of true value, the county auditor shall consider the 39523
sale price of the home to be the true value for taxation purposes. 39524

(b) The sale price in an arm's length transaction between a 39525
willing seller and a willing buyer shall not be considered the 39526
true value of the home if either of the following occurred after 39527
the sale: 39528

(i) The home has lost value due to a casualty. 39529

(ii) An addition or fixture has been added to the home. 39530

(3) The county auditor shall have each home viewed and 39531
appraised at least once in each six-year period in the same year 39532
in which real property in the county is appraised pursuant to 39533
Chapter 5713. of the Revised Code, and shall update the appraised 39534
values in the third calendar year following the appraisal. The 39535
person viewing or appraising a home may enter the home to 39536
determine by actual view any additions or fixtures that have been 39537
added since the last appraisal. In conducting the appraisals and 39538
establishing the true value, the auditor shall follow the 39539
procedures set forth for appraising real property in sections 39540
5713.01 and 5713.03 of the Revised Code. 39541

(4) The county auditor shall place the true value of each 39542
home on the manufactured home tax list upon completion of an 39543
appraisal. 39544

(5)(a) If the county auditor changes the true value of a 39545
home, the auditor shall notify the owner of the home in writing, 39546
delivered by mail or in person. The notice shall be given at least 39547
thirty days prior to the issuance of any tax bill that reflects 39548
the change. Failure to receive the notice does not invalidate any 39549
proceeding under this section. 39550

(b) Any owner of a home or any other person or party listed 39551
in division (A)(1) of section 5715.19 of the Revised Code may file 39552
a complaint against the true value of the home as appraised under 39553
this section. The complaint shall be filed with the county auditor 39554
on or before the thirty-first day of March of the current tax year 39555
or the date of closing of the collection for the first half of 39556
manufactured home taxes for the current tax year, whichever is 39557
later. The auditor shall present to the county board of revision 39558
all complaints filed with the auditor under this section. The 39559

board shall hear and investigate the complaint and may take action 39560
on it as provided under sections 5715.11 to 5715.19 of the Revised 39561
Code. 39562

(c) If the county board of revision determines, pursuant to a 39563
complaint against the valuation of a manufactured or mobile home 39564
filed under this section, that the amount of taxes, assessments, 39565
or other charges paid was in excess of the amount due based on the 39566
valuation as finally determined, then the overpayment shall be 39567
refunded in the manner prescribed in section 5715.22 of the 39568
Revised Code. 39569

(d) Payment of all or part of a tax under this section for 39570
any year for which a complaint is pending before the county board 39571
of revision does not abate the complaint or in any way affect the 39572
hearing and determination thereof. 39573

(M) If the county auditor determines that any tax or other 39574
charge or any part thereof has been erroneously charged as a 39575
result of a clerical error as defined in section 319.35 of the 39576
Revised Code, the county auditor shall call the attention of the 39577
county board of revision to the erroneous charges. If the board 39578
finds that the taxes or other charges have been erroneously 39579
charged or collected, it shall certify the finding to the auditor. 39580
Upon receipt of the certification, the auditor shall remove the 39581
erroneous charges on the manufactured home tax list or delinquent 39582
manufactured home tax list in the same manner as is prescribed in 39583
section 319.35 of the Revised Code for erroneous charges against 39584
real property, and refund any erroneous charges that have been 39585
collected, with interest, in the same manner as is prescribed in 39586
section 319.36 of the Revised Code for erroneous charges against 39587
real property. 39588

(N) As used in this section and section 4503.061 of the 39589
Revised Code: 39590

(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.

(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.

(3) "Delinquent taxes" means:

(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;

(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.

Sec. 4503.061. (A) All manufactured and mobile homes shall be listed on either the real property tax list or the manufactured home tax list of the county in which the home has situs. Each owner shall follow the procedures in this section to identify the home to the county auditor of the county containing the taxing district in which the home has situs so that the auditor may place the home on the appropriate tax list.

(B) When a manufactured or mobile home first acquires situs in this state and is subject to real property taxation pursuant to

division (B)(1) or (2) of section 4503.06 of the Revised Code, the 39621
owner shall present to the auditor of the county containing the 39622
taxing district in which the home has its situs the certificate of 39623
title for the home, together with proof that all taxes due have 39624
been paid and proof that a relocation notice was obtained for the 39625
home if required under this section. Upon receiving the 39626
certificate of title and the required proofs, the auditor shall 39627
place the home on the real property tax list and proceed to treat 39628
the home as other properties on that list. After the auditor has 39629
placed the home on the tax list of real and public utility 39630
property, the auditor shall deliver the certificate of title to 39631
the clerk of the court of common pleas that issued it pursuant to 39632
section 4505.11 of the Revised Code, and the clerk shall 39633
inactivate the certificate of title. 39634

(C)(1) When a manufactured or mobile home subject to a 39635
manufactured home tax is relocated to or first acquires situs in 39636
any county that has adopted a permanent manufactured home 39637
registration system, as provided in division (F) of this section, 39638
the owner, within thirty days after the home is relocated or first 39639
acquires situs under section 4503.06 of the Revised Code, shall 39640
register the home with the county auditor of the county containing 39641
the taxing district in which the home has its situs. For the first 39642
registration in each county of situs, the owner or vendee in 39643
possession shall present to the county auditor an Ohio certificate 39644
of title, certified copy of the certificate of title, or 39645
memorandum certificate of title as such are required by law, and 39646
proof, as required by the county auditor, that the home, if it has 39647
previously been occupied and is being relocated, has been 39648
previously registered, that all taxes due and required to be paid 39649
under division (H)(1) of this section before a relocation notice 39650
may be issued have been paid, and that a relocation notice was 39651
obtained for the home if required by division (H) of this section. 39652
If the owner or vendee does not possess the Ohio certificate of 39653

title, certified copy of the certificate of title, or memorandum 39654
certificate of title at the time the owner or vendee first 39655
registers the home in a county, the county auditor shall register 39656
the home without presentation of the document, but the owner or 39657
vendee shall present the certificate of title, certified copy of 39658
the certificate of title, or memorandum certificate of title to 39659
the county auditor within fourteen days after the owner or vendee 39660
obtains possession of the document. 39661

(2) When a manufactured or mobile home is registered for the 39662
first time in a county and when the total tax due has been paid as 39663
required by division (F) of section 4503.06 of the Revised Code or 39664
divisions (E) and (H) of this section, the county treasurer shall 39665
note by writing or by a stamp on the certificate of title, 39666
certified copy of certificate of title, or memorandum certificate 39667
of title that the home has been registered and that the taxes due, 39668
if any, have been paid for the preceding five years and for the 39669
current year. The treasurer shall then issue a certificate 39670
evidencing registration and a decal to be displayed on the street 39671
side of the home. The certificate is valid in any county in this 39672
state during the year for which it is issued. 39673

(3) For each year thereafter, the county treasurer shall 39674
issue a tax bill stating the amount of tax due under section 39675
4503.06 of the Revised Code, as provided in division (D)(6) of 39676
that section. When the total tax due has been paid as required by 39677
division (F) of that section, the county treasurer shall issue a 39678
certificate evidencing registration that shall be valid in any 39679
county in this state during the year for which the certificate is 39680
issued. 39681

(4) The permanent decal issued under this division is valid 39682
during the period of ownership, except that when a manufactured 39683
home is relocated in another county the owner shall apply for a 39684
new registration as required by this section and section 4503.06 39685

of the Revised Code. 39686

(D)(1) All owners of manufactured or mobile homes subject to 39687
the manufactured home tax being relocated to or having situs in a 39688
county that has not adopted a permanent registration system, as 39689
provided in division (F) of this section, shall register the home 39690
within thirty days after the home is relocated or first acquires 39691
situs under section 4503.06 of the Revised Code and thereafter 39692
shall annually register the home with the county auditor of the 39693
county containing the taxing district in which the home has its 39694
situs. 39695

(2) Upon the annual registration, the county treasurer shall 39696
issue a tax bill stating the amount of annual manufactured home 39697
tax due under section 4503.06 of the Revised Code, as provided in 39698
division (D)(6) of that section. When a manufactured or mobile 39699
home is registered and when the tax for the current one-half year 39700
has been paid as required by division (F) of that section, the 39701
county treasurer shall issue a certificate evidencing registration 39702
and a decal. The certificate and decal are valid in any county in 39703
this state during the year for which they are issued. The decal 39704
shall be displayed on the street side of the home. 39705

(3) For the first annual registration in each county of 39706
situs, the county auditor shall require the owner or vendee to 39707
present an Ohio certificate of title, certified copy of the 39708
certificate of title, or memorandum certificate of title as such 39709
are required by law, and proof, as required by the county auditor, 39710
that the manufactured or mobile home has been previously 39711
registered, if such registration was required, that all taxes due 39712
and required to be paid under division (H)(1) of this section 39713
before a relocation notice may be issued have been paid, and that 39714
a relocation notice was obtained for the home if required by 39715
division (H) of this section. If the owner or vendee does not 39716
possess the Ohio certificate of title, certified copy of the 39717

certificate of title, or memorandum certificate of title at the 39718
time the owner or vendee first registers the home in a county, the 39719
county auditor shall register the home without presentation of the 39720
document, but the owner or vendee shall present the certificate of 39721
title, certified copy of the certificate of title, or memorandum 39722
certificate of title to the county auditor within fourteen days 39723
after the owner or vendee obtains possession of the document. When 39724
the county treasurer receives the tax payment, the county 39725
treasurer shall note by writing or by a stamp on the certificate 39726
of title, certified copy of the certificate of title, or 39727
memorandum certificate of title that the home has been registered 39728
for the current year and that the manufactured home taxes due, if 39729
any, have been paid for the preceding five years and for the 39730
current year. 39731

(4) For subsequent annual registrations, the auditor may 39732
require the owner or vendee in possession to present an Ohio 39733
certificate of title, certified copy of the certificate of title, 39734
or memorandum certificate of title to the county treasurer upon 39735
payment of the manufactured home tax that is due. 39736

(E)(1) Upon the application to transfer ownership of a 39737
manufactured or mobile home for which manufactured home taxes are 39738
paid pursuant to division (C) of section 4503.06 of the Revised 39739
Code the clerk of the court of common pleas shall not issue any 39740
certificate of title that does not contain or have attached both 39741
of the following: 39742

(a) An endorsement of the county treasurer stating that the 39743
home has been registered for each year of ownership and that all 39744
manufactured home taxes imposed pursuant to section 4503.06 of the 39745
Revised Code have been paid or that no tax is due; 39746

(b) An endorsement of the county auditor that the 39747
manufactured home transfer tax imposed pursuant to section 322.06 39748
of the Revised Code and any fees imposed under division ~~(F)~~(G) of 39749

section 319.54 of the Revised Code have been paid. 39750

(2) If all the taxes have not been paid, the clerk shall 39751
notify the vendee to contact the county treasurer of the county 39752
containing the taxing district in which the home has its situs at 39753
the time of the proposed transfer. The county treasurer shall then 39754
collect all the taxes that are due for the year of the transfer 39755
and all previous years not exceeding a total of five years. The 39756
county treasurer shall distribute that part of the collection owed 39757
to the county treasurer of other counties if the home had its 39758
situs in another county during a particular year when the unpaid 39759
tax became due and payable. The burden to prove the situs of the 39760
home in the years that the taxes were not paid is on the 39761
transferor of the home. Upon payment of the taxes, the county 39762
auditor shall remove all remaining taxes from the manufactured 39763
home tax list and the delinquent manufactured home tax list, and 39764
the county treasurer shall release all liens for such taxes. The 39765
clerk of courts shall issue a certificate of title, free and clear 39766
of all liens for manufactured home taxes, to the transferee of the 39767
home. 39768

(3) Once the transfer is complete and the certificate of 39769
title has been issued, the transferee shall register the 39770
manufactured or mobile home pursuant to division (C) or (D) of 39771
this section with the county auditor of the county containing the 39772
taxing district in which the home remains after the transfer or, 39773
if the home is relocated to another county, with the county 39774
auditor of the county to which the home is relocated. The 39775
transferee need not pay the annual tax for the year of acquisition 39776
if the original owner has already paid the annual tax for that 39777
year. 39778

(F) The county auditor may adopt a permanent registration 39779
system and issue a permanent decal with the first registration as 39780
prescribed by the tax commissioner. 39781

(G) When any manufactured or mobile home required to be 39782
registered by this section is not registered, the county auditor 39783
shall impose a penalty of one hundred dollars upon the owner and 39784
deposit the amount to the credit of the county real estate 39785
assessment fund to be used to pay the costs of administering this 39786
section and section 4503.06 of the Revised Code. If unpaid, the 39787
penalty shall constitute a lien on the home and shall be added by 39788
the county auditor to the manufactured home tax list for 39789
collection. 39790

(H)(1) Except as otherwise provided in this division, before 39791
moving a manufactured or mobile home on public roads from one 39792
address within this state to another address within or outside 39793
this state, the owner of the home shall obtain a relocation 39794
notice, as provided by this section, from the auditor of the 39795
county in which the home is located if the home is currently 39796
subject to taxation pursuant to section 4503.06 of the Revised 39797
Code. The auditor shall charge five dollars for the notice, and 39798
deposit the amount to the credit of the county real estate 39799
assessment fund to be used to pay the costs of administering this 39800
section and section 4503.06 of the Revised Code. The auditor shall 39801
not issue a relocation notice unless all taxes owed on the home 39802
under section 4503.06 of the Revised Code that were first charged 39803
to the home during the period of ownership of the owner seeking 39804
the relocation notice have been paid. If the home is being moved 39805
by a new owner of the home or by a party taking repossession of 39806
the home, the auditor shall not issue a relocation notice unless 39807
all of the taxes due for the preceding five years and for the 39808
current year have been paid. A relocation notice issued by a 39809
county auditor is valid until the last day of December of the year 39810
in which it was issued. 39811

If the home is being moved by a sheriff, police officer, 39812
constable, bailiff, or manufactured home park operator, as defined 39813

in section 3733.01 of the Revised Code, or any agent of any of 39814
these persons, for purposes of removal from a manufactured home 39815
park and storage, sale, or destruction under section 1923.14 of 39816
the Revised Code, the auditor shall issue a relocation notice 39817
without requiring payment of any taxes owed on the home under 39818
section 4503.06 of the Revised Code. 39819

(2) If a manufactured or mobile home is not yet subject to 39820
taxation under section 4503.06 of the Revised Code, the owner of 39821
the home shall obtain a relocation notice from the dealer of the 39822
home. Within thirty days after the manufactured or mobile home is 39823
purchased, the dealer of the home shall provide the auditor of the 39824
county in which the home is to be located written notice of the 39825
name of the purchaser of the home, the registration number or 39826
vehicle identification number of the home, and the address or 39827
location to which the home is to be moved. The county auditor 39828
shall provide to each manufactured and mobile home dealer, without 39829
charge, a supply of relocation notices to be distributed to 39830
purchasers pursuant to this section. 39831

(3) The notice shall be in the form of a one-foot square 39832
yellow sign with the words "manufactured home relocation notice" 39833
printed prominently on it. The name of the owner of the home, the 39834
home's registration number or vehicle identification number, the 39835
county and the address or location to which the home is being 39836
moved, and the county in which the notice is issued shall also be 39837
entered on the notice. 39838

(4) The relocation notice must be attached to the rear of the 39839
home when the home is being moved on a public road. Except as 39840
provided in divisions (H)(1) and (5) of this section, no person 39841
shall drive a motor vehicle moving a manufactured or mobile home 39842
on a public road from one address to another address within this 39843
state unless a relocation notice is attached to the rear of the 39844
home. 39845

(5) If the county auditor determines that a manufactured or mobile home has been moved without a relocation notice as required under this division, the auditor shall impose a penalty of one hundred dollars upon the owner of the home and upon the person who moved the home and deposit the amount to the credit of the county real estate assessment fund to pay the costs of administering this section and section 4503.06 of the Revised Code. If the home was relocated from one county in this state to another county in this state and the county auditor of the county to which the home was relocated imposes the penalty, that county auditor, upon collection of the penalty, shall cause an amount equal to the penalty to be transmitted from the county real estate assessment fund to the county auditor of the county from which the home was relocated, who shall deposit the amount to the credit of the county real estate assessment fund. If the penalty on the owner is unpaid, the penalty shall constitute a lien on the home and the auditor shall add the penalty to the manufactured home tax list for collection. If the county auditor determines that a dealer that has sold a manufactured or mobile home has failed to timely provide the information required under this division, the auditor shall impose a penalty upon the dealer in the amount of one hundred dollars. The penalty shall be credited to the county real estate assessment fund and used to pay the costs of administering this section and section 4503.06 of the Revised Code.

(I) Whoever violates division (H)(4) of this section is guilty of a minor misdemeanor.

Sec. 4503.064. As used in sections 4503.064 to 4503.069 of the Revised Code:

(A) "Sixty-five years of age or older" means a person who will be age sixty-five or older in the calendar year following the year of application for reduction in the assessable value of the

person's manufactured or mobile home. 39877

~~(B) "Total income" means the adjusted gross income of the 39878
owner and the owner's spouse for the year preceding the year in 39879
which application for a reduction in taxes is made, as determined 39880
under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 39881
U.S.C.A. 1, as amended, adjusted as follows: 39882~~

~~(1) Subtract the amount of disability benefits included in 39883
adjusted gross income but not to exceed five thousand two hundred 39884
dollars; 39885~~

~~(2) Add old age and survivors benefits received pursuant to 39886
the "Social Security Act" that are not included in adjusted gross 39887
income; 39888~~

~~(3) Add retirement, pension, annuity, or other retirement 39889
payments or benefits not included in adjusted gross income; 39890~~

~~(4) Add tier I and II railroad retirement benefits received 39891
pursuant to the "Railroad Retirement Act," 50 Stat. 307, 45 U.S.C. 39892
228; 39893~~

~~(5) Add interest on federal, state, and local government 39894
obligations; 39895~~

~~(6) For a person who received the homestead exemption for a 39896
prior year on the basis of being permanently and totally disabled 39897
and whose current application for the exemption is made on the 39898
basis of age, subtract the following amount: 39899~~

~~(a) If the person received disability benefits that were not 39900
included in adjusted gross income in the year preceding the first 39901
year in which the person applied for the exemption on the basis of 39902
age, subtract an amount equal to the disability benefits the 39903
person received in that preceding year, to the extent included in 39904
total income in the current year and not subtracted under division 39905
(B)(1) of this section in the current year; 39906~~

~~(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.~~

~~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.~~

~~(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:~~

~~(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.~~

~~(2) The lesser of:~~

~~(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 payable that year, survivors benefits payable the first succeeding year in which survivors benefits are payable; or~~

~~(b) Old age benefits of the deceased spouse, as determined 39938
under division (C)(1) of this section, upon which the surviving 39939
spouse's survivors benefits are based under the social security or 39940
railroad retirement laws, except in those cases where a change in 39941
benefits would cause a reduction in income. 39942~~

~~Survivors benefits are those described in division (C)(2)(b) 39943
of this section only if the deceased spouse received old age 39944
benefits in the year in which the deceased died. If the deceased 39945
spouse did not receive old age benefits in the year in which the 39946
deceased died, then survivors benefits are those described in 39947
division (C)(2)(a) of this section. 39948~~

~~(D) "Permanently and totally disabled" means a person who, on 39949
the first day of January of the year of application, including 39950
late application, for reduction in the assessable value of a 39951
manufactured or mobile home, has some impairment in body or mind 39952
that makes the person unable to work at any substantially 39953
remunerative employment which the person is reasonably able to 39954
perform and which will, with reasonable probability, continue for 39955
an indefinite period of at least twelve months without any present 39956
indication of recovery therefrom or has been certified as 39957
permanently and totally disabled by a state or federal agency 39958
having the function of so classifying persons. 39959~~

~~(E)(C) "Homestead exemption" means the reduction in taxes 39960
allowed under division (A) of section 323.152 of the Revised Code 39961
for the year in which an application is filed under section 39962
4503.066 of the Revised Code. 39963~~

~~(F)(D) "Manufactured home" has the meaning given in division 39964
(C)(4) of section 3781.06 of the Revised Code, and includes a 39965
structure consisting of two manufactured homes that were purchased 39966
either together or separately and are combined to form a single 39967
dwelling, but does not include a manufactured home that is taxed 39968
as real property pursuant to division (B) of section 4503.06 of 39969~~

the Revised Code. 39970

~~(G)~~(E) "Mobile home" has the meaning given in division (O) of 39971
section 4501.01 of the Revised Code and includes a structure 39972
consisting of two mobile homes that were purchased together or 39973
separately and combined to form a single dwelling, but does not 39974
include a mobile home that is taxed as real property pursuant to 39975
division (B) of section 4503.06 of the Revised Code. 39976

~~(H)~~(F) "Late application" means an application filed with an 39977
original application under division (A)(3) of section 4503.066 of 39978
the Revised Code. 39979

Sec. 4503.065. (A) This section applies to any of the 39980
following: 39981

(1) An individual who is permanently and totally disabled; 39982

(2) An individual who is sixty-five years of age or older; 39983

(3) An individual who is the surviving spouse of a deceased 39984
person who was permanently and totally disabled or sixty-five 39985
years of age or older and who applied and qualified for a 39986
reduction in assessable value under this section in the year of 39987
death, provided the surviving spouse is at least fifty-nine but 39988
not sixty-five or more years of age on the date the deceased 39989
spouse dies. 39990

(B)~~(1)~~ The manufactured home tax on a manufactured or mobile 39991
home that is paid pursuant to division (C) of section 4503.06 of 39992
the Revised Code and that is owned and occupied as a home by an 39993
individual whose domicile is in this state and to whom this 39994
section applies, shall be reduced for any tax year for which the 39995
owner obtains a certificate of reduction from the county auditor 39996
under section 4503.067 of the Revised Code, provided the 39997
individual did not acquire ownership from a person, other than the 39998
individual's spouse, related by consanguinity or affinity for the 39999

purpose of qualifying for the reduction in assessable value. An 40000
owner includes a settlor of a revocable inter vivos trust holding 40001
the title to a manufactured or mobile home occupied by the settlor 40002
as of right under the trust. The 40003

(1) For manufactured and mobile homes for which the tax 40004
imposed by section 4503.06 of the Revised Code is computed under 40005
division (D)(2) of that section, the reduction shall equal the 40006
amount obtained by multiplying the tax rate for the tax year for 40007
which the certificate is issued by the reduction in assessable 40008
value shown in the following schedule. 40009

	Reduce Assessable Value	
Total Income	by the Lesser of:	
	Column A	Column B
\$11,900 or less	\$5,000 or seventy five per cent	40013
More than \$11,900 but not more than \$17,500	\$3,000 or sixty per cent	40014
More than \$17,500 but not more than \$23,000	\$1,000 or twenty five per cent	40015
More than \$23,000	-0-	40016

~~(2) Each calendar year, the tax commissioner shall adjust the~~ 40017
~~foregoing schedule by completing the following calculations in~~ 40018
~~September of each year:~~ 40019

~~(a) Determine the percentage increase in the gross domestic~~ 40020
~~product deflator determined by the bureau of economic analysis of~~ 40021
~~the United States department of commerce from the first day of~~ 40022
~~January of the preceding calendar year to the last day of December~~ 40023
~~of the preceding calendar year;~~ 40024

~~(b) Multiply that percentage increase by each of the total~~ 40025
~~income amounts, and by each dollar amount by which assessable~~ 40026
~~value is reduced, for the ensuing tax year;~~ 40027

~~(c) Add the resulting product to each of the total income~~ 40028

~~amounts, and to each of the dollar amounts by which assessable value is reduced, for the ensuing tax year;~~ 40029
40030

~~(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;~~ 40031
40032
40033

~~(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.~~ 40034
40035
40036
40037
40038

~~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 the tax year preceding the first tax year to which this section applies pursuant to Section 803.06 of Am. Sub. H.B. 119 of the 127th general assembly, if the taxpayer received a reduction for that preceding tax year, or the product of the following:~~ 40039
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~~(a) Twenty-five thousand dollars of the true value of the property in money;~~ 40051
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~~(b) The assessment percentage established by the tax commissioner under division (B) of section 5715.01 of the Revised Code, not to exceed thirty-five per cent;~~ 40053
40054
40055

~~(c) The effective tax rate used to calculate the taxes charged against the property for the current year, where "effective tax rate" is defined as in section 323.08 of the Revised Code;~~ 40056
40057
40058
40059

(d) The quantity equal to one minus the sum of the percentage reductions in taxes received by the property for the current tax year under section 319.302 of the Revised Code and division (B) of section 323.152 of the Revised Code. 40060
40061
40062
40063

(2) For manufactured and mobile homes for which the tax imposed by section 4503.06 of the Revised Code is computed under division (D)(1) of that section, the reduction shall equal the greater of the reduction granted for the tax year preceding the first tax year to which this section applies pursuant to Section 803.06 of Am. Sub. H.B. 119 of the 127th general assembly, if the taxpayer received a reduction for that preceding tax year, or the product of the following: 40064
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(a) Twenty-five thousand dollars of the cost to the owner, or the market value at the time of purchase, whichever is greater, as those terms are used in division (D)(1) of section 4503.06 of the Revised Code; 40072
40073
40074
40075

(b) The percentage from the appropriate schedule in division (D)(1)(b) of section 4503.06 of the Revised Code; 40076
40077

(c) The assessment percentage of forty per cent used in division (D)(1)(b) of section 4503.06 of the Revised Code; 40078
40079

(d) The tax rate of the taxing district in which the home has its situs. 40080
40081

(C) If the owner or the spouse of the owner of a manufactured or mobile home is eligible for a homestead exemption on the land upon which the home is located, the reduction in assessable value to which the owner or spouse is entitled under this section shall not exceed the difference between the reduction in assessable value to which the owner or spouse is entitled under column A of the above schedule division (B) of this section and the amount of the reduction in taxable value that was used to compute under the homestead exemption. 40082
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(D) No reduction shall be made ~~on the assessable value of~~ 40091
with respect to the home of any person convicted of violating 40092
division (C) or (D) of section 4503.066 of the Revised Code for a 40093
period of three years following the conviction. 40094

Sec. 4503.066. (A)(1) To obtain a tax reduction ~~in the~~ 40095
~~assessable value of a manufactured or mobile home~~ under section 40096
4503.065 of the Revised Code, the owner of the home shall file an 40097
application with the county auditor of the county in which the 40098
home is located. An application for reduction in ~~assessable value~~ 40099
taxes based upon a physical disability shall be accompanied by a 40100
certificate signed by a physician, and an application for 40101
reduction in ~~assessable value~~ taxes based upon a mental disability 40102
shall be accompanied by a certificate signed by a physician or 40103
psychologist licensed to practice in this state. The certificate 40104
shall attest to the fact that the applicant is permanently and 40105
totally disabled, shall be in a form that the department of 40106
taxation requires, and shall include the definition of totally and 40107
permanently disabled as set forth in section 4503.064 of the 40108
Revised Code. An application for reduction in ~~assessable value~~ 40109
taxes based upon a disability certified as permanent and total by 40110
a state or federal agency having the function of so classifying 40111
persons shall be accompanied by a certificate from that agency. 40112

(2) Each application shall constitute a continuing 40113
application for a reduction in ~~assessable value~~ taxes for each 40114
year in which the manufactured or mobile home is occupied by the 40115
applicant ~~and in which the amount of the reduction in assessable~~ 40116
~~value does not exceed either the amount or per cent of the~~ 40117
~~reduction for the year in which the application was first filed.~~ 40118
Failure to receive a new application or notification under 40119
division (B) of this section after a certificate of reduction has 40120
been issued under section 4503.067 of the Revised Code is 40121
prima-facie evidence that the original applicant is entitled to 40122

the reduction in ~~assessable value~~ calculated on the basis of the 40123
information contained in the original application. The original 40124
application and any subsequent application shall be in the form of 40125
a signed statement and shall be filed not later than the first 40126
Monday in June. The statement shall be on a form, devised and 40127
supplied by the tax commissioner, that shall require no more 40128
information than is necessary to establish the applicant's 40129
eligibility for the reduction in ~~assessable value~~ taxes and the 40130
amount of the reduction to which the applicant is entitled. ~~The~~ 40131
~~form shall contain a statement that signing such application~~ 40132
~~constitutes a delegation of authority by the applicant to the~~ 40133
~~county auditor to examine any financial records that relate to~~ 40134
~~income earned by the applicant as stated on the application for~~ 40135
~~the purpose of determining eligibility under, or possible~~ 40136
~~violation of, division (C) or (D) of this section.~~ The form also 40137
shall contain a statement that conviction of willfully falsifying 40138
information to obtain a reduction in ~~assessable value~~ taxes or 40139
failing to comply with division (B) of this section shall result 40140
in the revocation of the right to the reduction for a period of 40141
three years. 40142

(3) A late application for a reduction in ~~assessable value~~ 40143
taxes for the year preceding the year for which an original 40144
application is filed may be filed with an original application. If 40145
the auditor determines that the information contained in the late 40146
application is correct, the auditor shall determine both the 40147
amount of the reduction in ~~assessable value~~ taxes to which the 40148
applicant would have been entitled for the current tax year had 40149
the application been timely filed and approved in the preceding 40150
year, and the amount the taxes levied under section 4503.06 of the 40151
Revised Code for the current year would have been reduced as a 40152
result of the reduction in ~~assessable value~~. When an applicant is 40153
permanently and totally disabled on the first day of January of 40154
the year in which the applicant files a late application, the 40155

auditor, in making the determination of the amounts of the 40156
reduction in ~~assessable value and~~ taxes under division (A)(3) of 40157
this section, is not required to determine that the applicant was 40158
permanently and totally disabled on the first day of January of 40159
the preceding year. 40160

The amount of the reduction in taxes pursuant to a late 40161
application shall be treated as an overpayment of taxes by the 40162
applicant. The auditor shall credit the amount of the overpayment 40163
against the amount of the taxes or penalties then due from the 40164
applicant, and, at the next succeeding settlement, the amount of 40165
the credit shall be deducted from the amount of any taxes or 40166
penalties distributable to the county or any taxing unit in the 40167
county that has received the benefit of the taxes or penalties 40168
previously overpaid, in proportion to the benefits previously 40169
received. If, after the credit has been made, there remains a 40170
balance of the overpayment, or if there are no taxes or penalties 40171
due from the applicant, the auditor shall refund that balance to 40172
the applicant by a warrant drawn on the county treasurer in favor 40173
of the applicant. The treasurer shall pay the warrant from the 40174
general fund of the county. If there is insufficient money in the 40175
general fund to make the payment, the treasurer shall pay the 40176
warrant out of any undivided manufactured or mobile home taxes 40177
subsequently received by the treasurer for distribution to the 40178
county or taxing district in the county that received the benefit 40179
of the overpaid taxes, in proportion to the benefits previously 40180
received, and the amount paid from the undivided funds shall be 40181
deducted from the money otherwise distributable to the county or 40182
taxing district in the county at the next or any succeeding 40183
distribution. At the next or any succeeding distribution after 40184
making the refund, the treasurer shall reimburse the general fund 40185
for any payment made from that fund by deducting the amount of 40186
that payment from the money distributable to the county or other 40187
taxing unit in the county that has received the benefit of the 40188

taxes, in proportion to the benefits previously received. On the 40189
second Monday in September of each year, the county auditor shall 40190
certify the total amount of the reductions in taxes made in the 40191
current year under division (A)(3) of this section to the tax 40192
commissioner who shall treat that amount as a reduction in taxes 40193
for the current tax year and shall make reimbursement to the 40194
county of that amount in the manner prescribed in section 4503.068 40195
of the Revised Code, from moneys appropriated for that purpose. 40196

(B) If in any year after an application has been filed under 40197
division (A) of this section the owner no longer qualifies for the 40198
reduction in ~~assessable value~~ taxes for which the owner was issued 40199
a certificate ~~or qualifies for a reduction that is less than~~ 40200
~~either the per cent or amount of the reduction to which the owner~~ 40201
~~was entitled in the year the application was filed,~~ the owner 40202
shall notify the county auditor that the owner is not qualified 40203
for a reduction in ~~the assessable value of the home or file a new~~ 40204
~~application under division (A) of this section~~ taxes. 40205

During January of each year, the county auditor shall furnish 40206
each person issued a certificate of reduction ~~in value,~~ by 40207
ordinary mail, a form on which to report any ~~changes in total~~ 40208
~~income that would have the effect of increasing or decreasing the~~ 40209
~~reduction to which the person is entitled,~~ changes in ownership of 40210
the home, including changes in or revocation of a revocable inter 40211
vivos trust, changes in disability, and other changes in the 40212
information earlier furnished the auditor relative to the 40213
application. ~~The form shall be completed and returned to the~~ 40214
~~auditor not later than the first Monday in June if the changes~~ 40215
~~would affect the level of reduction in assessable value.~~ 40216

(C) No person shall knowingly make a false statement for the 40217
purpose of obtaining a reduction in ~~assessable value~~ taxes under 40218
section 4503.065 of the Revised Code. 40219

(D) No person shall knowingly fail to notify the county 40220

auditor of any change required by division (B) of this section 40221
that has the effect of maintaining or securing a reduction in 40222
~~assessable value of the home in excess of the reduction allowed~~ 40223
taxes under section 4503.065 of the Revised Code. 40224

(E) No person shall knowingly make a false statement or 40225
certification attesting to any person's physical or mental 40226
condition for purposes of qualifying such person for tax relief 40227
pursuant to sections 4503.064 to 4503.069 of the Revised Code. 40228

(F) Whoever violates division (C), (D), or (E) of this 40229
section is guilty of a misdemeanor of the fourth degree. 40230

Sec. 4503.067. (A) At the same time the tax bill for the 40231
first half of the tax year is issued, the county auditor shall 40232
issue a certificate of reduction in ~~assessable value of~~ taxes for 40233
a manufactured or mobile home in triplicate for each person who 40234
has complied with section 4503.066 of the Revised Code and been 40235
found by the auditor to be entitled to a reduction ~~of assessable~~ 40236
value in taxes for the succeeding tax year. The certificate shall 40237
set forth the ~~assessable value of the home calculated under~~ 40238
~~section 4503.06 of the Revised Code and the amount of the~~ 40239
reduction in ~~assessable value of the home~~ taxes calculated under 40240
section 4503.065 of the Revised Code. Upon issuance of the 40241
certificate, the auditor shall reduce the ~~assessable value of~~ 40242
manufactured home tax levied on the home for the succeeding tax 40243
year by the required amount and forward the original and one copy 40244
of the certificate to the county treasurer. The auditor shall 40245
retain one copy of the certificate. The treasurer shall retain the 40246
original certificate and forward the remaining copy to the 40247
recipient with the tax bill delivered pursuant to division (D)(6) 40248
of section 4503.06 of the Revised Code. 40249

(B) If the application or a continuing application is not 40250
approved, the auditor shall notify the applicant of the reasons 40251

for denial no later than the first Monday in October. If a person 40252
believes that the person's application for reduction in ~~assessable~~ 40253
~~value of a home~~ taxes has been improperly denied or is for less 40254
than that to which the person is entitled, the person may file an 40255
appeal with the county board of revision no later than the 40256
thirty-first day of January of the following calendar year. The 40257
appeal shall be treated in the same manner as a complaint relating 40258
to the valuation or assessment of real property under Chapter 40259
5715. of the Revised Code. 40260

Sec. 4503.10. (A) The owner of every snowmobile, off-highway 40261
motorcycle, and all-purpose vehicle required to be registered 40262
under section 4519.02 of the Revised Code shall file an 40263
application for registration under section 4519.03 of the Revised 40264
Code. The owner of a motor vehicle, other than a snowmobile, 40265
off-highway motorcycle, or all-purpose vehicle, that is not 40266
designed and constructed by the manufacturer for operation on a 40267
street or highway may not register it under this chapter except 40268
upon certification of inspection pursuant to section 4513.02 of 40269
the Revised Code by the sheriff, or the chief of police of the 40270
municipal corporation or township, with jurisdiction over the 40271
political subdivision in which the owner of the motor vehicle 40272
resides. Except as provided in section 4503.103 of the Revised 40273
Code, every owner of every other motor vehicle not previously 40274
described in this section and every person mentioned as owner in 40275
the last certificate of title of a motor vehicle that is operated 40276
or driven upon the public roads or highways shall cause to be 40277
filed each year, by mail or otherwise, in the office of the 40278
registrar of motor vehicles or a deputy registrar, a written or 40279
electronic application or a preprinted registration renewal notice 40280
issued under section 4503.102 of the Revised Code, the form of 40281
which shall be prescribed by the registrar, for registration for 40282
the following registration year, which shall begin on the first 40283

day of January of every calendar year and end on the thirty-first 40284
day of December in the same year. Applications for registration 40285
and registration renewal notices shall be filed at the times 40286
established by the registrar pursuant to section 4503.101 of the 40287
Revised Code. A motor vehicle owner also may elect to apply for or 40288
renew a motor vehicle registration by electronic means using 40289
electronic signature in accordance with rules adopted by the 40290
registrar. Except as provided in division (J) of this section, 40291
applications for registration shall be made on blanks furnished by 40292
the registrar for that purpose, containing the following 40293
information: 40294

(1) A brief description of the motor vehicle to be 40295
registered, including the year, make, model, and vehicle 40296
identification number, and, in the case of commercial cars, the 40297
gross weight of the vehicle fully equipped computed in the manner 40298
prescribed in section 4503.08 of the Revised Code; 40299

(2) The name and residence address of the owner, and the 40300
township and municipal corporation in which the owner resides; 40301

(3) The district of registration, which shall be determined 40302
as follows: 40303

(a) In case the motor vehicle to be registered is used for 40304
hire or principally in connection with any established business or 40305
branch business, conducted at a particular place, the district of 40306
registration is the municipal corporation in which that place is 40307
located or, if not located in any municipal corporation, the 40308
county and township in which that place is located. 40309

(b) In case the vehicle is not so used, the district of 40310
registration is the municipal corporation or county in which the 40311
owner resides at the time of making the application. 40312

(4) Whether the motor vehicle is a new or used motor vehicle; 40313

(5) The date of purchase of the motor vehicle; 40314

(6) Whether the fees required to be paid for the registration 40315
or transfer of the motor vehicle, during the preceding 40316
registration year and during the preceding period of the current 40317
registration year, have been paid. Each application for 40318
registration shall be signed by the owner, either manually or by 40319
electronic signature, or pursuant to obtaining a limited power of 40320
attorney authorized by the registrar for registration, or other 40321
document authorizing such signature. If the owner elects to apply 40322
for or renew the motor vehicle registration with the registrar by 40323
electronic means, the owner's manual signature is not required. 40324

(7) The owner's social security number, driver's license 40325
number, or state identification number, or, where a motor vehicle 40326
to be registered is used for hire or principally in connection 40327
with any established business, the owner's federal taxpayer 40328
identification number. The bureau of motor vehicles shall retain 40329
in its records all social security numbers provided under this 40330
section, but the bureau shall not place social security numbers on 40331
motor vehicle certificates of registration. 40332

(B) Except as otherwise provided in this division, each time 40333
an applicant first registers a motor vehicle in the applicant's 40334
name, the applicant shall present for inspection a physical 40335
certificate of title or memorandum certificate showing title to 40336
the motor vehicle to be registered in the name of the applicant if 40337
a physical certificate of title or memorandum certificate has been 40338
issued by a clerk of a court of common pleas. If, under sections 40339
4505.021, 4505.06, and 4505.08 of the Revised Code, a clerk 40340
instead has issued an electronic certificate of title for the 40341
applicant's motor vehicle, that certificate may be presented for 40342
inspection at the time of first registration in a manner 40343
prescribed by rules adopted by the registrar. An applicant is not 40344
required to present a certificate of title to an electronic motor 40345
vehicle dealer acting as a limited authority deputy registrar in 40346

accordance with rules adopted by the registrar. When a motor 40347
vehicle inspection and maintenance program is in effect under 40348
section 3704.14 of the Revised Code and rules adopted under it, 40349
each application for registration for a vehicle required to be 40350
inspected under that section and those rules shall be accompanied 40351
by an inspection certificate for the motor vehicle issued in 40352
accordance with that section. The application shall be refused if 40353
any of the following applies: 40354

(1) The application is not in proper form. 40355

(2) The application is prohibited from being accepted by 40356
division (D) of section 2935.27, division (A) of section 2937.221, 40357
division (A) of section 4503.13, division (B) of section 4510.22, 40358
or division (B)(1) of section 4521.10 of the Revised Code. 40359

(3) A certificate of title or memorandum certificate of title 40360
is required but does not accompany the application or, in the case 40361
of an electronic certificate of title, is required but is not 40362
presented in a manner prescribed by the registrar's rules. 40363

(4) All registration and transfer fees for the motor vehicle, 40364
for the preceding year or the preceding period of the current 40365
registration year, have not been paid. 40366

(5) The owner or lessee does not have an inspection 40367
certificate for the motor vehicle as provided in section 3704.14 40368
of the Revised Code, and rules adopted under it, if that section 40369
is applicable. 40370

This section does not require the payment of license or 40371
registration taxes on a motor vehicle for any preceding year, or 40372
for any preceding period of a year, if the motor vehicle was not 40373
taxable for that preceding year or period under sections 4503.02, 40374
4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the 40375
Revised Code. When a certificate of registration is issued upon 40376
the first registration of a motor vehicle by or on behalf of the 40377

owner, the official issuing the certificate shall indicate the 40378
issuance with a stamp on the certificate of title or memorandum 40379
certificate or, in the case of an electronic certificate of title, 40380
an electronic stamp or other notation as specified in rules 40381
adopted by the registrar, and with a stamp on the inspection 40382
certificate for the motor vehicle, if any. The official also shall 40383
indicate, by a stamp or by other means the registrar prescribes, 40384
on the registration certificate issued upon the first registration 40385
of a motor vehicle by or on behalf of the owner the odometer 40386
reading of the motor vehicle as shown in the odometer statement 40387
included in or attached to the certificate of title. Upon each 40388
subsequent registration of the motor vehicle by or on behalf of 40389
the same owner, the official also shall so indicate the odometer 40390
reading of the motor vehicle as shown on the immediately preceding 40391
certificate of registration. 40392

The registrar shall include in the permanent registration 40393
record of any vehicle required to be inspected under section 40394
3704.14 of the Revised Code the inspection certificate number from 40395
the inspection certificate that is presented at the time of 40396
registration of the vehicle as required under this division. 40397

(C)(1) Commencing with each registration renewal with an 40398
expiration date on or after October 1, 2003, and for each initial 40399
application for registration received on and after that date, the 40400
registrar and each deputy registrar shall collect an additional 40401
fee of eleven dollars for each application for registration and 40402
registration renewal received. The additional fee is for the 40403
purpose of defraying the department of public safety's costs 40404
associated with the administration and enforcement of the motor 40405
vehicle and traffic laws of Ohio. Each deputy registrar shall 40406
transmit the fees collected under division (C)(1) of this section 40407
in the time and manner provided in this section. The registrar 40408
shall deposit all moneys received under division (C)(1) of this 40409

section into the state highway safety fund established in section 40410
4501.06 of the Revised Code. 40411

(2) In addition, a charge of twenty-five cents shall be made 40412
for each reflectorized safety license plate issued, and a single 40413
charge of twenty-five cents shall be made for each county 40414
identification sticker or each set of county identification 40415
stickers issued, as the case may be, to cover the cost of 40416
producing the license plates and stickers, including material, 40417
manufacturing, and administrative costs. Those fees shall be in 40418
addition to the license tax. If the total cost of producing the 40419
plates is less than twenty-five cents per plate, or if the total 40420
cost of producing the stickers is less than twenty-five cents per 40421
sticker or per set issued, any excess moneys accruing from the 40422
fees shall be distributed in the same manner as provided by 40423
section 4501.04 of the Revised Code for the distribution of 40424
license tax moneys. If the total cost of producing the plates 40425
exceeds twenty-five cents per plate, or if the total cost of 40426
producing the stickers exceeds twenty-five cents per sticker or 40427
per set issued, the difference shall be paid from the license tax 40428
moneys collected pursuant to section 4503.02 of the Revised Code. 40429

(D) Each deputy registrar shall be allowed a fee of two 40430
dollars and seventy-five cents commencing on July 1, 2001, three 40431
dollars and twenty-five cents commencing on January 1, 2003, and 40432
three dollars and fifty cents commencing on January 1, 2004, for 40433
each application for registration and registration renewal notice 40434
the deputy registrar receives, which shall be for the purpose of 40435
compensating the deputy registrar for the deputy registrar's 40436
services, and such office and rental expenses, as may be necessary 40437
for the proper discharge of the deputy registrar's duties in the 40438
receiving of applications and renewal notices and the issuing of 40439
registrations. 40440

(E) Upon the certification of the registrar, the county 40441

sheriff or local police officials shall recover license plates 40442
erroneously or fraudulently issued. 40443

(F) Each deputy registrar, upon receipt of any application 40444
for registration or registration renewal notice, together with the 40445
license fee and any local motor vehicle license tax levied 40446
pursuant to Chapter 4504. of the Revised Code, shall transmit that 40447
fee and tax, if any, in the manner provided in this section, 40448
together with the original and duplicate copy of the application, 40449
to the registrar. The registrar, subject to the approval of the 40450
director of public safety, may deposit the funds collected by 40451
those deputies in a local bank or depository to the credit of the 40452
"state of Ohio, bureau of motor vehicles." Where a local bank or 40453
depository has been designated by the registrar, each deputy 40454
registrar shall deposit all moneys collected by the deputy 40455
registrar into that bank or depository not more than one business 40456
day after their collection and shall make reports to the registrar 40457
of the amounts so deposited, together with any other information, 40458
some of which may be prescribed by the treasurer of state, as the 40459
registrar may require and as prescribed by the registrar by rule. 40460
The registrar, within three days after receipt of notification of 40461
the deposit of funds by a deputy registrar in a local bank or 40462
depository, shall draw on that account in favor of the treasurer 40463
of state. The registrar, subject to the approval of the director 40464
and the treasurer of state, may make reasonable rules necessary 40465
for the prompt transmittal of fees and for safeguarding the 40466
interests of the state and of counties, townships, municipal 40467
corporations, and transportation improvement districts levying 40468
local motor vehicle license taxes. The registrar may pay service 40469
charges usually collected by banks and depositories for such 40470
service. If deputy registrars are located in communities where 40471
banking facilities are not available, they shall transmit the fees 40472
forthwith, by money order or otherwise, as the registrar, by rule 40473
approved by the director and the treasurer of state, may 40474

prescribe. The registrar may pay the usual and customary fees for such service. 40475
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(G) This section does not prevent any person from making an application for a motor vehicle license directly to the registrar by mail, by electronic means, or in person at any of the registrar's offices, upon payment of a service fee of two dollars and seventy-five cents commencing on July 1, 2001, three dollars and twenty-five cents commencing on January 1, 2003, and three dollars and fifty cents commencing on January 1, 2004, for each application. 40477
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(H) No person shall make a false statement as to the district of registration in an application required by division (A) of this section. Violation of this division is falsification under section 2921.13 of the Revised Code and punishable as specified in that section. 40485
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(I)(1) Where applicable, the requirements of division (B) of this section relating to the presentation of an inspection certificate issued under section 3704.14 of the Revised Code and rules adopted under it for a motor vehicle, the refusal of a license for failure to present an inspection certificate, and the stamping of the inspection certificate by the official issuing the certificate of registration apply to the registration of and issuance of license plates for a motor vehicle under sections 4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 4503.47, and 4503.51 of the Revised Code. 40490
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(2)(a) The registrar shall adopt rules ensuring that each owner registering a motor vehicle in a county where a motor vehicle inspection and maintenance program is in effect under section 3704.14 of the Revised Code and rules adopted under it receives information about the requirements established in that section and those rules and about the need in those counties to 40501
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present an inspection certificate with an application for 40507
registration or preregistration. 40508

(b) Upon request, the registrar shall provide the director of 40509
environmental protection, or any person that has been awarded a 40510
contract under ~~division (D)~~ of section 3704.14 of the Revised 40511
Code, an on-line computer data link to registration information 40512
for all passenger cars, noncommercial motor vehicles, and 40513
commercial cars that are subject to that section. The registrar 40514
also shall provide to the director of environmental protection a 40515
magnetic data tape containing registration information regarding 40516
passenger cars, noncommercial motor vehicles, and commercial cars 40517
for which a multi-year registration is in effect under section 40518
4503.103 of the Revised Code or rules adopted under it, including, 40519
without limitation, the date of issuance of the multi-year 40520
registration, the registration deadline established under rules 40521
adopted under section 4503.101 of the Revised Code that was 40522
applicable in the year in which the multi-year registration was 40523
issued, and the registration deadline for renewal of the 40524
multi-year registration. 40525

(J) Application for registration under the international 40526
registration plan, as set forth in sections 4503.60 to 4503.66 of 40527
the Revised Code, shall be made to the registrar on forms 40528
furnished by the registrar. In accordance with international 40529
registration plan guidelines and pursuant to rules adopted by the 40530
registrar, the forms shall include the following: 40531

(1) A uniform mileage schedule; 40532

(2) The gross vehicle weight of the vehicle or combined gross 40533
vehicle weight of the combination vehicle as declared by the 40534
registrant; 40535

(3) Any other information the registrar requires by rule. 40536

Sec. 4503.102. (A) The registrar of motor vehicles shall 40537
adopt rules to establish a centralized system of motor vehicle 40538
registration renewal by mail or by electronic means. Any person 40539
owning a motor vehicle that was registered in the person's name 40540
during the preceding registration year shall renew the 40541
registration of the motor vehicle not more than ninety days prior 40542
to the expiration date of the registration either by mail or by 40543
electronic means through the centralized system of registration 40544
established under this section, or in person at any office of the 40545
registrar or at a deputy registrar's office. 40546

(B)(1) No less than forty-five days prior to the expiration 40547
date of any motor vehicle registration, the registrar shall mail a 40548
renewal notice to the person in whose name the motor vehicle is 40549
registered. The renewal notice shall clearly state that the 40550
registration of the motor vehicle may be renewed by mail or 40551
electronic means through the centralized system of registration or 40552
in person at any office of the registrar or at a deputy 40553
registrar's office and shall be preprinted with information 40554
including, but not limited to, the owner's name and residence 40555
address as shown in the records of the bureau of motor vehicles, a 40556
brief description of the motor vehicle to be registered, notice of 40557
the license taxes and fees due on the motor vehicle, the toll-free 40558
telephone number of the registrar as required under division 40559

(D)(1) of section 4503.031 of the Revised Code, and any additional 40560
information the registrar may require by rule. The renewal notice 40561
shall be sent by regular mail to the owner's last known address as 40562
shown in the records of the bureau of motor vehicles. 40563

(2) If the application for renewal of the registration of a 40564
motor vehicle is prohibited from being accepted by the registrar 40565
or a deputy registrar by division (D) of section 2935.27, division 40566
(A) of section 2937.221, division (A) of section 4503.13, division 40567
(B) of section 4510.22, or division (B)(1) of section 4521.10 of 40568

the Revised Code, the registrar is not required to send a renewal notice to the vehicle owner or vehicle lessee.

(C) The owner of the motor vehicle shall verify the information contained in the notice, sign it either manually or by electronic means, and return it, either by mail or electronic means, or the owner may take it in person to any office of the registrar or of a deputy registrar, together with a financial transaction device number, when permitted by rule of the registrar, check, or money order in the amount of the registration taxes and fees payable on the motor vehicle and a mail fee of two dollars and seventy-five cents commencing on July 1, 2001, three dollars and twenty-five cents commencing on January 1, 2003, and three dollars and fifty cents commencing on January 1, 2004, plus postage as indicated on the notice, if the registration is renewed by mail, and an inspection certificate for the motor vehicle as provided in section 3704.14 of the Revised Code. If the motor vehicle owner chooses to renew the motor vehicle registration by electronic means, the owner shall proceed in accordance with the rules the registrar adopts.

(D) If all registration and transfer fees for the motor vehicle for the preceding year or the preceding period of the current registration year have not been paid, if division (D) of section 2935.27, division (A) of section 2937.221, division (A) of section 4503.13, division (B) of section 4510.22, or division (B)(1) of section 4521.10 of the Revised Code prohibits acceptance of the renewal notice, or if the owner or lessee does not have an inspection certificate for the motor vehicle as provided in section 3704.14 of the Revised Code, if that section is applicable, the license shall be refused, and the registrar or deputy registrar shall so notify the owner. This section does not require the payment of license or registration taxes on a motor vehicle for any preceding year, or for any preceding period of a

year, if the motor vehicle was not taxable for that preceding year 40601
or period under section 4503.02, 4503.04, 4503.11, 4503.12, or 40602
4503.16 or Chapter 4504. of the Revised Code. 40603

(E)(1) Failure to receive a renewal notice does not relieve a 40604
motor vehicle owner from the responsibility to renew the 40605
registration for the motor vehicle. Any person who has a motor 40606
vehicle registered in this state and who does not receive a 40607
renewal notice as provided in division (B) of this section prior 40608
to the expiration date of the registration shall request an 40609
application for registration from the registrar or a deputy 40610
registrar and sign the application manually or by electronic means 40611
and submit the application and pay any applicable license taxes 40612
and fees to the registrar or deputy registrar. 40613

(2) If the owner of a motor vehicle submits an application 40614
for registration and the registrar is prohibited by division (D) 40615
of section 2935.27, division (A) of section 2937.221, division (A) 40616
of section 4503.13, division (B) of section 4510.22, or division 40617
(B)(1) of section 4521.10 of the Revised Code from accepting the 40618
application, the registrar shall return the application and the 40619
payment to the owner. If the owner of a motor vehicle submits a 40620
registration renewal application to the registrar by electronic 40621
means and the registrar is prohibited from accepting the 40622
application as provided in this division, the registrar shall 40623
notify the owner of this fact and deny the application and return 40624
the payment or give a credit on the financial transaction device 40625
account of the owner in the manner the registrar prescribes by 40626
rule adopted pursuant to division (A) of this section. 40627

(F) Every deputy registrar shall post in a prominent place at 40628
the deputy's office a notice informing the public of the mail 40629
registration system required by this section and also shall post a 40630
notice that every owner of a motor vehicle and every chauffeur 40631
holding a certificate of registration is required to notify the 40632

registrar in writing of any change of residence within ten days 40633
after the change occurs. The notice shall be in such form as the 40634
registrar prescribes by rule. 40635

(G) The two dollars and seventy-five cents fee collected from 40636
July 1, 2001, through December 31, 2002, the three dollars and 40637
twenty-five cents fee collected from January 1, 2003, through 40638
December 31, 2003, and the three dollars and fifty cents fee 40639
collected after January 1, 2004, plus postage and any financial 40640
transaction device surcharge collected by the registrar for 40641
registration by mail, shall be paid to the credit of the state 40642
bureau of motor vehicles fund established by section 4501.25 of 40643
the Revised Code. 40644

(H)(1) Pursuant to section 113.40 of the Revised Code, the 40645
registrar may implement a program permitting payment of motor 40646
vehicle registration taxes and fees, driver's license and 40647
commercial driver's license fees, and any other taxes, fees, 40648
penalties, or charges imposed or levied by the state by means of a 40649
financial transaction device. The registrar may adopt rules as 40650
necessary for this purpose. 40651

(2) Commencing with deputy registrar contract awards that 40652
have a start date of July 1, 2008, and for all contract awards 40653
thereafter, the registrar shall incorporate in the review process 40654
a score for whether or not a proposer states that the proposer 40655
will accept payment by means of a financial transaction device, 40656
including credit cards and debit cards, for all department of 40657
public safety transactions conducted at that deputy registrar 40658
location. 40659

A deputy registrar shall not be required to accept payment by 40660
means of a financial transaction device unless the deputy 40661
registrar agreed to do so in the deputy registrar's contract. The 40662
bureau shall not be required to pay any costs incurred by a deputy 40663
registrar who accepts payment by means of a financial transaction 40664

device that result from the deputy registrar accepting payment by 40665
means of a financial transaction device. 40666

(I) For persons who reside in counties where tailpipe 40667
emissions inspections are required under the motor vehicle 40668
inspection and maintenance program, the notice required by 40669
division (B) of this section shall also include the toll-free 40670
telephone number maintained by the Ohio environmental protection 40671
agency to provide information concerning the locations of 40672
emissions testing centers. 40673

Sec. 4503.35. (A) The motor vehicles furnished by the state 40674
for use by the elective state officials, and motor vehicles owned 40675
and operated by political subdivisions of the state, are exempt 40676
from section 4503.23 of the Revised Code. 40677

(B) The ~~motor~~ following vehicles are exempt from section 40678
4503.23 of the Revised Code: 40679

(1) Motor vehicles operated by troopers of the state highway 40680
patrol, ~~and motor;~~ 40681

(2) Motor vehicles operated by or on behalf of any person 40682
whose responsibilities include involvement in authorized civil or 40683
criminal investigations requiring that the presence and identity 40684
of the vehicle occupants be undisclosed, ~~are exempt from section~~ 40685
~~4503.23 of the Revised Code;~~ 40686

(3) Motor vehicles used to assist crime victims when a state 40687
agency determines that the situation warrants it. 40688

Sec. 4505.06. (A)(1) Application for a certificate of title 40689
shall be made in a form prescribed by the registrar of motor 40690
vehicles and shall be sworn to before a notary public or other 40691
officer empowered to administer oaths. The application shall be 40692
filed with the clerk of any court of common pleas. An application 40693
for a certificate of title may be filed electronically by any 40694

electronic means approved by the registrar in any county with the clerk of the court of common pleas of that county. Any payments required by this chapter shall be considered as accompanying any electronically transmitted application when payment actually is received by the clerk. Payment of any fee or taxes may be made by electronic transfer of funds.

(2) The application for a certificate of title shall be accompanied by the fee prescribed in section 4505.09 of the Revised Code. The fee shall be retained by the clerk who issues the certificate of title and shall be distributed in accordance with that section. If a clerk of a court of common pleas, other than the clerk of the court of common pleas of an applicant's county of residence, issues a certificate of title to the applicant, the clerk shall transmit data related to the transaction to the automated title processing system.

(3) If a certificate of title previously has been issued for a motor vehicle in this state, the application for a certificate of title also shall be accompanied by that certificate of title duly assigned, unless otherwise provided in this chapter. If a certificate of title previously has not been issued for the motor vehicle in this state, the application, unless otherwise provided in this chapter, shall be accompanied by a manufacturer's or importer's certificate or by a certificate of title of another state from which the motor vehicle was brought into this state. If the application refers to a motor vehicle last previously registered in another state, the application also shall be accompanied by the physical inspection certificate required by section 4505.061 of the Revised Code. If the application is made by two persons regarding a motor vehicle in which they wish to establish joint ownership with right of survivorship, they may do so as provided in section 2131.12 of the Revised Code. If the applicant requests a designation of the motor vehicle in

beneficiary form so that upon the death of the owner of the motor 40727
vehicle, ownership of the motor vehicle will pass to a designated 40728
transfer-on-death beneficiary or beneficiaries, the applicant may 40729
do so as provided in section 2131.13 of the Revised Code. A person 40730
who establishes ownership of a motor vehicle that is transferable 40731
on death in accordance with section 2131.13 of the Revised Code 40732
may terminate that type of ownership or change the designation of 40733
the transfer-on-death beneficiary or beneficiaries by applying for 40734
a certificate of title pursuant to this section. The clerk shall 40735
retain the evidence of title presented by the applicant and on 40736
which the certificate of title is issued, except that, if an 40737
application for a certificate of title is filed electronically by 40738
an electronic motor vehicle dealer on behalf of the purchaser of a 40739
motor vehicle, the clerk shall retain the completed electronic 40740
record to which the dealer converted the certificate of title 40741
application and other required documents. The registrar, after 40742
consultation with the attorney general, shall adopt rules that 40743
govern the location at which, and the manner in which, are stored 40744
the actual application and all other documents relating to the 40745
sale of a motor vehicle when an electronic motor vehicle dealer 40746
files the application for a certificate of title electronically on 40747
behalf of the purchaser. 40748

The clerk shall use reasonable diligence in ascertaining 40749
whether or not the facts in the application for a certificate of 40750
title are true by checking the application and documents 40751
accompanying it or the electronic record to which a dealer 40752
converted the application and accompanying documents with the 40753
records of motor vehicles in the clerk's office. If the clerk is 40754
satisfied that the applicant is the owner of the motor vehicle and 40755
that the application is in the proper form, the clerk, within five 40756
business days after the application is filed and except as 40757
provided in section 4505.021 of the Revised Code, shall issue a 40758
physical certificate of title over the clerk's signature and 40759

sealed with the clerk's seal, unless the applicant specifically 40760
requests the clerk not to issue a physical certificate of title 40761
and instead to issue an electronic certificate of title. For 40762
purposes of the transfer of a certificate of title, if the clerk 40763
is satisfied that the secured party has duly discharged a lien 40764
notation but has not canceled the lien notation with a clerk, the 40765
clerk may cancel the lien notation on the automated title 40766
processing system and notify the clerk of the county of origin. 40767

(4) In the case of the sale of a motor vehicle to a general 40768
buyer or user by a dealer, by a motor vehicle leasing dealer 40769
selling the motor vehicle to the lessee or, in a case in which the 40770
leasing dealer subleased the motor vehicle, the sublessee, at the 40771
end of the lease agreement or sublease agreement, or by a 40772
manufactured home broker, the certificate of title shall be 40773
obtained in the name of the buyer by the dealer, leasing dealer, 40774
or manufactured home broker, as the case may be, upon application 40775
signed by the buyer. The certificate of title shall be issued, or 40776
the process of entering the certificate of title application 40777
information into the automated title processing system if a 40778
physical certificate of title is not to be issued shall be 40779
completed, within five business days after the application for 40780
title is filed with the clerk. If the buyer of the motor vehicle 40781
previously leased the motor vehicle and is buying the motor 40782
vehicle at the end of the lease pursuant to that lease, the 40783
certificate of title shall be obtained in the name of the buyer by 40784
the motor vehicle leasing dealer who previously leased the motor 40785
vehicle to the buyer or by the motor vehicle leasing dealer who 40786
subleased the motor vehicle to the buyer under a sublease 40787
agreement. 40788

In all other cases, except as provided in section 4505.032 40789
and division (D)(2) of section 4505.11 of the Revised Code, such 40790
certificates shall be obtained by the buyer. 40791

(5)(a)(i) If the certificate of title is being obtained in the name of the buyer by a motor vehicle dealer or motor vehicle leasing dealer and there is a security interest to be noted on the certificate of title, the dealer or leasing dealer shall submit the application for the certificate of title and payment of the applicable tax to a clerk within seven business days after the later of the delivery of the motor vehicle to the buyer or the date the dealer or leasing dealer obtains the manufacturer's or importer's certificate, or certificate of title issued in the name of the dealer or leasing dealer, for the motor vehicle. Submission of the application for the certificate of title and payment of the applicable tax within the required seven business days may be indicated by postmark or receipt by a clerk within that period.

(ii) Upon receipt of the certificate of title with the security interest noted on its face, the dealer or leasing dealer shall forward the certificate of title to the secured party at the location noted in the financing documents or otherwise specified by the secured party.

(iii) A motor vehicle dealer or motor vehicle leasing dealer is liable to a secured party for a late fee of ten dollars per day for each certificate of title application and payment of the applicable tax that is submitted to a clerk more than seven business days but less than twenty-one days after the later of the delivery of the motor vehicle to the buyer or the date the dealer or leasing dealer obtains the manufacturer's or importer's certificate, or certificate of title issued in the name of the dealer or leasing dealer, for the motor vehicle and, from then on, twenty-five dollars per day until the application and applicable tax are submitted to a clerk.

(b) In all cases of transfer of a motor vehicle, the application for certificate of title shall be filed within thirty days after the assignment or delivery of the motor vehicle. If an

application for a certificate of title is not filed within the 40824
period specified in division (A)(5)(b) of this section, the clerk 40825
shall collect a fee of five dollars for the issuance of the 40826
certificate, except that no such fee shall be required from a 40827
motor vehicle salvage dealer, as defined in division (A) of 40828
section 4738.01 of the Revised Code, who immediately surrenders 40829
the certificate of title for cancellation. The fee shall be in 40830
addition to all other fees established by this chapter, and shall 40831
be retained by the clerk. The registrar shall provide, on the 40832
certificate of title form prescribed by section 4505.07 of the 40833
Revised Code, language necessary to give evidence of the date on 40834
which the assignment or delivery of the motor vehicle was made. 40835

(6) As used in division (A) of this section, "lease 40836
agreement," "lessee," and "sublease agreement" have the same 40837
meanings as in section 4505.04 of the Revised Code. 40838

(B)(1) The clerk, except as provided in this section, shall 40839
refuse to accept for filing any application for a certificate of 40840
title and shall refuse to issue a certificate of title unless the 40841
dealer or manufactured home broker or the applicant, in cases in 40842
which the certificate shall be obtained by the buyer, submits with 40843
the application payment of the tax levied by or pursuant to 40844
Chapters 5739. and 5741. of the Revised Code based on the 40845
purchaser's county of residence. Upon payment of the tax in 40846
accordance with division (E) of this section, the clerk shall 40847
issue a receipt prescribed by the registrar and agreed upon by the 40848
tax commissioner showing payment of the tax or a receipt issued by 40849
the commissioner showing the payment of the tax. When submitting 40850
payment of the tax to the clerk, a dealer shall retain any 40851
discount to which the dealer is entitled under section 5739.12 of 40852
the Revised Code. 40853

(2) For receiving and disbursing such taxes paid to the clerk 40854
by a resident of the clerk's county, the clerk may retain a 40855

poundage fee of one and one one-hundredth per cent, and the clerk 40856
shall pay the poundage fee into the certificate of title 40857
administration fund created by section 325.33 of the Revised Code. 40858
The clerk shall not retain a poundage fee from payments of taxes 40859
by persons who do not reside in the clerk's county. 40860

A clerk, however, may retain from the taxes paid to the clerk 40861
an amount equal to the poundage fees associated with certificates 40862
of title issued by other clerks of courts of common pleas to 40863
applicants who reside in the first clerk's county. The registrar, 40864
in consultation with the tax commissioner and the clerks of the 40865
courts of common pleas, shall develop a report from the automated 40866
title processing system that informs each clerk of the amount of 40867
the poundage fees that the clerk is permitted to retain from those 40868
taxes because of certificates of title issued by the clerks of 40869
other counties to applicants who reside in the first clerk's 40870
county. 40871

(3) In the case of casual sales of motor vehicles, as defined 40872
in section 4517.01 of the Revised Code, the price for the purpose 40873
of determining the tax shall be the purchase price on the assigned 40874
certificate of title executed by the seller and filed with the 40875
clerk by the buyer on a form to be prescribed by the registrar, 40876
which shall be prima-facie evidence of the amount for the 40877
determination of the tax. 40878

(4) Each county clerk shall forward to the treasurer of state 40879
all sales and use tax collections resulting from sales of motor 40880
vehicles, off-highway motorcycles, and all-purpose vehicles during 40881
a calendar week on or before the Friday following the close of 40882
that week. If, on any Friday, the offices of the clerk of courts 40883
or the state are not open for business, the tax shall be forwarded 40884
to the treasurer of state on or before the next day on which the 40885
offices are open. Every remittance of tax under division (B)(4) of 40886
this section shall be accompanied by a remittance report in such 40887

form as the tax commissioner prescribes. Upon receipt of a tax 40888
remittance and remittance report, the treasurer of state shall 40889
date stamp the report and forward it to the tax commissioner. If 40890
the tax due for any week is not remitted by a clerk of courts as 40891
required under division (B)(4) of this section, the commissioner 40892
may require the clerk to forfeit the poundage fees for the sales 40893
made during that week. The treasurer of state may require the 40894
clerks of courts to transmit tax collections and remittance 40895
reports electronically. 40896

(C)(1) If the transferor indicates on the certificate of 40897
title that the odometer reflects mileage in excess of the designed 40898
mechanical limit of the odometer, the clerk shall enter the phrase 40899
"exceeds mechanical limits" following the mileage designation. If 40900
the transferor indicates on the certificate of title that the 40901
odometer reading is not the actual mileage, the clerk shall enter 40902
the phrase "nonactual: warning - odometer discrepancy" following 40903
the mileage designation. The clerk shall use reasonable care in 40904
transferring the information supplied by the transferor, but is 40905
not liable for any errors or omissions of the clerk or those of 40906
the clerk's deputies in the performance of the clerk's duties 40907
created by this chapter. 40908

The registrar shall prescribe an affidavit in which the 40909
transferor shall swear to the true selling price and, except as 40910
provided in this division, the true odometer reading of the motor 40911
vehicle. The registrar may prescribe an affidavit in which the 40912
seller and buyer provide information pertaining to the odometer 40913
reading of the motor vehicle in addition to that required by this 40914
section, as such information may be required by the United States 40915
secretary of transportation by rule prescribed under authority of 40916
subchapter IV of the "Motor Vehicle Information and Cost Savings 40917
Act," 86 Stat. 961 (1972), 15 U.S.C. 1981. 40918

(2) Division (C)(1) of this section does not require the 40919

giving of information concerning the odometer and odometer reading 40920
of a motor vehicle when ownership of a motor vehicle is being 40921
transferred as a result of a bequest, under the laws of intestate 40922
succession, to a survivor pursuant to section 2106.18, 2131.12, or 40923
4505.10 of the Revised Code, to a transfer-on-death beneficiary or 40924
beneficiaries pursuant to section 2131.13 of the Revised Code, in 40925
connection with the creation of a security interest or for a 40926
vehicle with a gross vehicle weight rating of more than sixteen 40927
thousand pounds. 40928

(D) When the transfer to the applicant was made in some other 40929
state or in interstate commerce, the clerk, except as provided in 40930
this section, shall refuse to issue any certificate of title 40931
unless the tax imposed by or pursuant to Chapter 5741. of the 40932
Revised Code based on the purchaser's county of residence has been 40933
paid as evidenced by a receipt issued by the tax commissioner, or 40934
unless the applicant submits with the application payment of the 40935
tax. Upon payment of the tax in accordance with division (E) of 40936
this section, the clerk shall issue a receipt prescribed by the 40937
registrar and agreed upon by the tax commissioner, showing payment 40938
of the tax. 40939

For receiving and disbursing such taxes paid to the clerk by 40940
a resident of the clerk's county, the clerk may retain a poundage 40941
fee of one and one one-hundredth per cent. The clerk shall not 40942
retain a poundage fee from payments of taxes by persons who do not 40943
reside in the clerk's county. 40944

A clerk, however, may retain from the taxes paid to the clerk 40945
an amount equal to the poundage fees associated with certificates 40946
of title issued by other clerks of courts of common pleas to 40947
applicants who reside in the first clerk's county. The registrar, 40948
in consultation with the tax commissioner and the clerks of the 40949
courts of common pleas, shall develop a report from the automated 40950
title processing system that informs each clerk of the amount of 40951

the poundage fees that the clerk is permitted to retain from those 40952
taxes because of certificates of title issued by the clerks of 40953
other counties to applicants who reside in the first clerk's 40954
county. 40955

When the vendor is not regularly engaged in the business of 40956
selling motor vehicles, the vendor shall not be required to 40957
purchase a vendor's license or make reports concerning those 40958
sales. 40959

(E) The clerk shall accept any payment of a tax in cash, or 40960
by cashier's check, certified check, draft, money order, or teller 40961
check issued by any insured financial institution payable to the 40962
clerk and submitted with an application for a certificate of title 40963
under division (B) or (D) of this section. The clerk also may 40964
accept payment of the tax by corporate, business, or personal 40965
check, credit card, electronic transfer or wire transfer, debit 40966
card, or any other accepted form of payment made payable to the 40967
clerk. The clerk may require bonds, guarantees, or letters of 40968
credit to ensure the collection of corporate, business, or 40969
personal checks. Any service fee charged by a third party to a 40970
clerk for the use of any form of payment may be paid by the clerk 40971
from the certificate of title administration fund created in 40972
section 325.33 of the Revised Code, or may be assessed by the 40973
clerk upon the applicant as an additional fee. Upon collection, 40974
the additional fees shall be paid by the clerk into that 40975
certificate of title administration fund. 40976

The clerk shall make a good faith effort to collect any 40977
payment of taxes due but not made because the payment was returned 40978
or dishonored, but the clerk is not personally liable for the 40979
payment of uncollected taxes or uncollected fees. The clerk shall 40980
notify the tax commissioner of any such payment of taxes that is 40981
due but not made and shall furnish the information to the 40982
commissioner that the commissioner requires. The clerk shall 40983

deduct the amount of taxes due but not paid from the clerk's 40984
periodic remittance of tax payments, in accordance with procedures 40985
agreed upon by the tax commissioner. The commissioner may collect 40986
taxes due by assessment in the manner provided in section 5739.13 40987
of the Revised Code. 40988

Any person who presents payment that is returned or 40989
dishonored for any reason is liable to the clerk for payment of a 40990
penalty over and above the amount of the taxes due. The clerk 40991
shall determine the amount of the penalty, and the penalty shall 40992
be no greater than that amount necessary to compensate the clerk 40993
for banking charges, legal fees, or other expenses incurred by the 40994
clerk in collecting the returned or dishonored payment. The 40995
remedies and procedures provided in this section are in addition 40996
to any other available civil or criminal remedies. Subsequently 40997
collected penalties, poundage fees, and title fees, less any title 40998
fee due the state, from returned or dishonored payments collected 40999
by the clerk shall be paid into the certificate of title 41000
administration fund. Subsequently collected taxes, less poundage 41001
fees, shall be sent by the clerk to the treasurer of state at the 41002
next scheduled periodic remittance of tax payments, with 41003
information as the commissioner may require. The clerk may abate 41004
all or any part of any penalty assessed under this division. 41005

(F) In the following cases, the clerk shall accept for filing 41006
an application and shall issue a certificate of title without 41007
requiring payment or evidence of payment of the tax: 41008

(1) When the purchaser is this state or any of its political 41009
subdivisions, a church, or an organization whose purchases are 41010
exempted by section 5739.02 of the Revised Code; 41011

(2) When the transaction in this state is not a retail sale 41012
as defined by section 5739.01 of the Revised Code; 41013

(3) When the purchase is outside this state or in interstate 41014

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;

(4) When the purchaser is the federal government;

(5) When the motor vehicle was purchased outside this state
for use outside this state;

(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.

(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
any additional tax found to be due."

(H) For sales of manufactured homes or mobile homes occurring
on or after January 1, 2000, the clerk shall accept for filing,
pursuant to Chapter 5739. of the Revised Code, an application for
a certificate of title for a manufactured home or mobile home
without requiring payment of any tax pursuant to section 5739.02,
5741.021, 5741.022, or 5741.023 of the Revised Code, or a receipt

issued by the tax commissioner showing payment of the tax. For 41046
sales of manufactured homes or mobile homes occurring on or after 41047
January 1, 2000, the applicant shall pay to the clerk an 41048
additional fee of five dollars for each certificate of title 41049
issued by the clerk for a manufactured or mobile home pursuant to 41050
division (H) of section 4505.11 of the Revised Code and for each 41051
certificate of title issued upon transfer of ownership of the 41052
home. The clerk shall credit the fee to the county certificate of 41053
title administration fund, and the fee shall be used to pay the 41054
expenses of archiving those certificates pursuant to division (A) 41055
of section 4505.08 and division (H)(3) of section 4505.11 of the 41056
Revised Code. The tax commissioner shall administer any tax on a 41057
manufactured or mobile home pursuant to Chapters 5739. and 5741. 41058
of the Revised Code. 41059

(I) Every clerk shall have the capability to transact by 41060
electronic means all procedures and transactions relating to the 41061
issuance of motor vehicle certificates of title that are described 41062
in the Revised Code as being accomplished by electronic means. 41063

Sec. 4511.093. (A)(1) No law enforcement officer who stops 41064
the operator of a motor vehicle in the course of an authorized 41065
sobriety or other motor vehicle checkpoint operation or a motor 41066
vehicle safety inspection shall issue a ticket, citation, or 41067
summons for a secondary traffic offense unless in the course of 41068
the checkpoint operation or safety inspection the officer first 41069
determines that an offense other than a secondary traffic offense 41070
has occurred and either places the operator or a vehicle occupant 41071
under arrest or issues a ticket, citation, or summons to the 41072
operator or a vehicle occupant for an offense other than a 41073
secondary offense. 41074

(2) A law enforcement agency that operates a motor vehicle 41075
checkpoint for an express purpose related to a secondary traffic 41076

offense shall not issue a ticket, citation, or summons for any 41077
secondary traffic offense at such a checkpoint, but may use such a 41078
checkpoint operation to conduct a public awareness campaign and 41079
distribute information. 41080

(B) As used in this section, "secondary traffic offense" 41081
means a violation of division (A) or (F)(2) of section 4507.05, 41082
division (B)(1)(a) or (b) or (E) of section 4507.071, division (C) 41083
of section 4511.81, or division (B) of section 4513.263 of the 41084
Revised Code. 41085

Sec. 4511.101. (A) The director of transportation, in 41086
accordance with 23 U.S.C.A. 109(d), 131(f), and 315, as amended, 41087
shall establish a program for the placement of business logos for 41088
identification purposes on state directional signs within the 41089
rights-of-way of divided, multi-lane, limited access highways in 41090
both rural and urban areas. 41091

(B) All direct and indirect costs of the business logo sign 41092
program established pursuant to this section shall be fully paid 41093
by the businesses applying for participation in the program. At 41094
any interchange where a business logo sign is erected, such costs 41095
shall be divided equally among the participating businesses. The 41096
direct and indirect costs of the program shall include, but not be 41097
limited to, the cost of capital, directional signs, blanks, posts, 41098
logos, installation, repair, engineering, design, insurance, 41099
removal, replacement, and administration. Nothing in this chapter 41100
shall be construed to prohibit the director from establishing such 41101
a program. 41102

(C) The director, in accordance with rules adopted pursuant 41103
to Chapter 119. of the Revised Code, may contract with any private 41104
person to operate, maintain, and market the business logo sign 41105
program. The rules shall describe the terms of the contract, and 41106
shall allow for a reasonable profit to be earned by the successful 41107

applicant. In awarding the contract, the director shall consider 41108
the skill, expertise, prior experience, and other qualifications 41109
of each applicant. 41110

(D) As used in this section, "urban area" means an area 41111
having a population of fifty thousand or more according to the 41112
most recent federal census and designated as such on urban maps 41113
prepared by the department. 41114

(E) Neither the department nor the director shall do either 41115
of the following: 41116

(1) Limit the right of any person to erect, maintain, repair, 41117
remove, or utilize any off-premises or on-premises advertising 41118
device; 41119

(2) Make participation in the business logo sign program 41120
conditional upon a business agreeing to limit, discontinue, 41121
withdraw, modify, alter, or change any advertising or sign. 41122

(F) The program shall permit the business logo signs of a 41123
seller of motor vehicle fuel to include on the seller's signs a 41124
marking or symbol indicating that the seller sells one or more 41125
types of alternative fuel so long as the seller in fact sells that 41126
fuel. 41127

As used in this division, "alternative fuel" has the same 41128
meaning as in section 125.831 of the Revised Code. 41129

(G) The program shall permit the business logo signs of 41130
retail pharmacies open to the public if the business satisfies all 41131
of the following: 41132

(1) Operates continuously for twenty-four hours per day, 41133
seven days per week; 41134

(2) Has a pharmacist licensed under Chapter 4729. of the 41135
Revised Code on duty at all times; 41136

(3) Is located within three miles of an interchange of a 41137

divided, multi-lane, limited access highway; 41138

(4) Is directly accessible by the public. 41139

Sec. 4513.241. (A) The director of public safety, in 41140
accordance with Chapter 119. of the Revised Code, shall adopt 41141
rules governing the use of tinted glass, and the use of 41142
transparent, nontransparent, translucent, and reflectorized 41143
materials in or on motor vehicle windshields, side windows, 41144
sidewings, and rear windows that prevent a person of normal vision 41145
looking into the motor vehicle from seeing or identifying persons 41146
or objects inside the motor vehicle. 41147

(B) The rules adopted under this section may provide for 41148
persons who meet either of the following qualifications: 41149

(1) On November 11, 1994, or the effective date of any rule 41150
adopted under this section, own a motor vehicle that does not 41151
conform to the requirements of this section or of any rule adopted 41152
under this section; 41153

(2) Establish residency in this state and are required to 41154
register a motor vehicle that does not conform to the requirements 41155
of this section or of any rule adopted under this section. 41156

(C) No person shall operate, on any highway or other public 41157
or private property open to the public for vehicular travel or 41158
parking, lease, or rent any motor vehicle that is registered in 41159
this state unless the motor vehicle conforms to the requirements 41160
of this section and of any applicable rule adopted under this 41161
section. 41162

(D) No person shall install in or on any motor vehicle, any 41163
glass or other material that fails to conform to the requirements 41164
of this section or of any rule adopted under this section. 41165

(E) No used motor vehicle dealer or new motor vehicle dealer, 41166
as defined in section 4517.01 of the Revised Code, shall sell any 41167

motor vehicle that fails to conform to the requirements of this 41168
section or of any rule adopted under this section. 41169

(F) No reflectorized materials shall be permitted upon or in 41170
any front windshield, side windows, sidewings, or rear window. 41171

(G) This section does not apply to the manufacturer's tinting 41172
or glazing of motor vehicle windows or windshields that is 41173
otherwise in compliance with or permitted by federal motor vehicle 41174
safety standard number two hundred five. 41175

(H) With regard to any side window behind a driver's seat or 41176
any rear window other than any window on an emergency door, this 41177
section does not apply to any school bus used to transport a 41178
~~handicapped~~ child with disabilities pursuant to a ~~special~~ 41179
~~education program under~~ Chapter 3323. of the Revised Code, whom it 41180
is impossible or impractical to transport by regular school bus in 41181
the course of regular route transportation provided by a school 41182
district. As used in this division, "~~handicapped~~ child with 41183
disabilities" and "~~special education program~~" have has the same 41184
~~meanings meaning~~ as in section 3323.01 of the Revised Code. 41185

(I) This section does not apply to any school bus that is to 41186
be sold and operated outside this state. 41187

(J) Whoever violates division (C), (D), (E), or (F) of this 41188
section is guilty of a minor misdemeanor. 41189

Sec. 4513.263. (A) As used in this section and in section 41190
4513.99 of the Revised Code: 41191

(1) "Automobile" means any commercial tractor, passenger car, 41192
commercial car, or truck that is required to be factory-equipped 41193
with an occupant restraining device for the operator or any 41194
passenger by regulations adopted by the United States secretary of 41195
transportation pursuant to the "National Traffic and Motor Vehicle 41196
Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392. 41197

(2) "Occupant restraining device" means a seat safety belt, 41198
shoulder belt, harness, or other safety device for restraining a 41199
person who is an operator of or passenger in an automobile and 41200
that satisfies the minimum federal vehicle safety standards 41201
established by the United States department of transportation. 41202

(3) "Passenger" means any person in an automobile, other than 41203
its operator, who is occupying a seating position for which an 41204
occupant restraining device is provided. 41205

(4) "Commercial tractor," "passenger car," and "commercial 41206
car" have the same meanings as in section 4501.01 of the Revised 41207
Code. 41208

(5) "Vehicle" and "motor vehicle," as used in the definitions 41209
of the terms set forth in division (A)(4) of this section, have 41210
the same meanings as in section 4511.01 of the Revised Code. 41211

(6) "Tort action" means a civil action for damages for 41212
injury, death, or loss to person or property. "Tort action" 41213
includes a product liability claim, as defined in section 2307.71 41214
of the Revised Code, and an asbestos claim, as defined in section 41215
2307.91 of the Revised Code, but does not include a civil action 41216
for damages for breach of contract or another agreement between 41217
persons. 41218

(B) No person shall do any of the following: 41219

(1) Operate an automobile on any street or highway unless 41220
that person is wearing all of the available elements of a properly 41221
adjusted occupant restraining device, or operate a school bus that 41222
has an occupant restraining device installed for use in its 41223
operator's seat unless that person is wearing all of the available 41224
elements of the device, as properly adjusted; 41225

(2) Operate an automobile on any street or highway unless 41226
each passenger in the automobile who is subject to the requirement 41227
set forth in division (B)(3) of this section is wearing all of the 41228

available elements of a properly adjusted occupant restraining device; 41229
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(3) Occupy, as a passenger, a seating position on the front seat of an automobile being operated on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device; 41231
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(4) Operate a taxicab on any street or highway unless all factory-equipped occupant restraining devices in the taxicab are maintained in usable form. 41235
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(C) Division (B)(3) of this section does not apply to a person who is required by section 4511.81 of the Revised Code to be secured in a child restraint device. Division (B)(1) of this section does not apply to a person who is an employee of the United States postal service or of a newspaper home delivery service, during any period in which the person is engaged in the operation of an automobile to deliver mail or newspapers to addressees. Divisions (B)(1) and (3) of this section do not apply to a person who has an affidavit signed by a physician licensed to practice in this state under Chapter 4731. of the Revised Code or a chiropractor licensed to practice in this state under Chapter 4734. of the Revised Code that states that the person has a physical impairment that makes use of an occupant restraining device impossible or impractical. 41238
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(D) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of an automobile being operated on any street or highway to stop the automobile for the sole purpose of determining whether a violation of division (B) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of that nature or causing the arrest of or commencing a prosecution of a person for a violation of that nature, and no law enforcement officer shall view the interior or visually inspect 41252
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any automobile being operated on any street or highway for the 41261
sole purpose of determining whether a violation of that nature has 41262
been or is being committed. 41263

(E) All fines collected for violations of division (B) of 41264
this section, or for violations of any ordinance or resolution of 41265
a political subdivision that is substantively comparable to that 41266
division, shall be forwarded to the treasurer of state for deposit 41267
as follows: 41268

(1) Eight per cent shall be deposited into the seat belt 41269
education fund, which is hereby created in the state treasury, and 41270
shall be used by the department of public safety to establish a 41271
seat belt education program. 41272

(2) Eight per cent shall be deposited into the elementary 41273
school program fund, which is hereby created in the state 41274
treasury, and shall be used by the department of public safety to 41275
establish and administer elementary school programs that encourage 41276
seat safety belt use. 41277

(3) Two per cent shall be deposited into the ~~Ohio medical~~ 41278
~~transportation trust~~ occupational licensing and regulatory fund 41279
created by section ~~4766.05~~ 4743.05 of the Revised Code. 41280

(4) Twenty-eight per cent shall be deposited into the trauma 41281
and emergency medical services fund, which is hereby created in 41282
the state treasury, and shall be used by the department of public 41283
safety for the administration of the division of emergency medical 41284
services and the state board of emergency medical services. 41285

(5) Fifty-four per cent shall be deposited into the trauma 41286
and emergency medical services grants fund, which is hereby 41287
created in the state treasury, and shall be used by the state 41288
board of emergency medical services to make grants, in accordance 41289
with section 4765.07 of the Revised Code and rules the board 41290
adopts under section 4765.11 of the Revised Code. 41291

(F)(1) Subject to division (F)(2) of this section, the 41292
failure of a person to wear all of the available elements of a 41293
properly adjusted occupant restraining device in violation of 41294
division (B)(1) or (3) of this section or the failure of a person 41295
to ensure that each minor who is a passenger of an automobile 41296
being operated by that person is wearing all of the available 41297
elements of a properly adjusted occupant restraining device in 41298
violation of division (B)(2) of this section shall not be 41299
considered or used by the trier of fact in a tort action as 41300
evidence of negligence or contributory negligence. But, the trier 41301
of fact may determine based on evidence admitted consistent with 41302
the Ohio ~~rules~~ Rules of ~~evidence~~ Evidence that the failure 41303
contributed to the harm alleged in the tort action and may 41304
diminish a recovery of compensatory damages that represents 41305
noneconomic loss, as defined in section 2307.011 of the Revised 41306
Code, in a tort action that could have been recovered but for the 41307
plaintiff's failure to wear all of the available elements of a 41308
properly adjusted occupant restraining device. Evidence of that 41309
failure shall not be used as a basis for a criminal prosecution of 41310
the person other than a prosecution for a violation of this 41311
section; and shall not be admissible as evidence in a criminal 41312
action involving the person other than a prosecution for a 41313
violation of this section. 41314

(2) If, at the time of an accident involving a passenger car 41315
equipped with occupant restraining devices, any occupant of the 41316
passenger car who sustained injury or death was not wearing an 41317
available occupant restraining device, was not wearing all of the 41318
available elements of such a device, or was not wearing such a 41319
device as properly adjusted, then, consistent with the Rules of 41320
Evidence, the fact that the occupant was not wearing the available 41321
occupant restraining device, was not wearing all of the available 41322
elements of such a device, or was not wearing such a device as 41323
properly adjusted is admissible in evidence in relation to any 41324

claim for relief in a tort action to the extent that the claim for relief satisfies all of the following:

(a) It seeks to recover damages for injury or death to the occupant.

(b) The defendant in question is the manufacturer, designer, distributor, or seller of the passenger car.

(c) The claim for relief against the defendant in question is that the injury or death sustained by the occupant was enhanced or aggravated by some design defect in the passenger car or that the passenger car was not crashworthy.

(G)(1) Whoever violates division (B)(1) of this section shall be fined thirty dollars.

(2) Whoever violates division (B)(3) of this section shall be fined twenty dollars.

(3) Except as otherwise provided in this division, whoever violates division (B)(4) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to a violation of division (B)(4) of this section, whoever violates division (B)(4) of this section is guilty of a misdemeanor of the third degree.

Sec. 4513.35. (A) All fines collected under sections 4511.01 to 4511.78, 4511.99, and 4513.01 to 4513.37 of the Revised Code shall be paid into the county treasury and, with the exception of that portion distributed under section 3375.53 of the Revised Code, shall be placed to the credit of the fund for the maintenance and repair of the highways within that county, except that:

(1) All fines for violations of division (B) of section 4513.263 shall be delivered to the treasurer of state as provided in division (E) of section 4513.263 of the Revised Code.

(2) All fines collected from, or moneys arising from bonds 41355
forfeited by, persons apprehended or arrested by state highway 41356
patrolmen shall be distributed as provided in section 5503.04 of 41357
the Revised Code. 41358

(3)(a) Subject to division (E) of section 4513.263 of the 41359
Revised Code and except as otherwise provided in division 41360
(A)(3)(b) of this section, one-half of all fines collected from, 41361
and one-half of all moneys arising from bonds forfeited by, 41362
persons apprehended or arrested by a township constable or other 41363
township police officer shall be paid to the township treasury to 41364
be placed to the credit of the general fund. 41365

(b) All fines collected from, and all moneys arising from 41366
bonds forfeited by, persons apprehended or arrested by a township 41367
constable or other township police officer pursuant to division 41368
(B)(2) of section 4513.39 of the Revised Code for a violation of 41369
section 4511.21 of the Revised Code or any other law, ordinance, 41370
or regulation pertaining to speed that occurred on a highway 41371
included as part of the interstate system, as defined in section 41372
5516.01 of the Revised Code, shall be paid into the county 41373
treasury and be credited as provided in the first paragraph of 41374
this section. 41375

(B) Notwithstanding any other provision of this section or of 41376
any other section of the Revised Code: 41377

(1) All fines collected from, and all moneys arising from 41378
bonds forfeited by, persons arrested under division (E)(1) or (2) 41379
of section 2935.03 of the Revised Code are deemed to be collected, 41380
and to arise, from arrests made within the jurisdiction in which 41381
the arresting officer is appointed, elected, or employed, for 41382
violations of one of the sections or chapters of the Revised Code 41383
listed in division (E)(1) of that section and shall be distributed 41384
accordingly. 41385

(2) All fines collected from, and all moneys arising from
bonds forfeited by, persons arrested under division (E)(3) of
section 2935.03 of the Revised Code are deemed to be collected,
and to arise, from arrests made within the jurisdiction in which
the arresting officer is appointed, elected, or employed, for
violations of municipal ordinances that are substantially
equivalent to one of the sections or one of the provisions of one
of the chapters of the Revised Code listed in division (E)(1) of
that section and for violations of one of the sections or one of
the provisions of one of the chapters of the Revised Code listed
in division (E)(1) of that section, and shall be distributed
accordingly.

Sec. 4517.261. A motor vehicle dealer may contract for and
receive a documentary service charge for a retail or wholesale
sale or lease of a motor vehicle. A documentary service charge
shall be specified in writing without itemization of the
individual services provided. A documentary service charge shall
be the lesser of the following:

(A) The amount allowed in a retail installment sale;

(B) Ten per cent of the amount the buyer or lessee is
required to pay pursuant to the contract, excluding tax, title,
and registration fees, and any negative equity adjustment.

Sec. 4703.071. (A) The state board of examiners of architects
shall establish and maintain and administer an architecture
education assistance program to pay applicant enrollment fees for
the internship program required of applicants by section 4703.07
of the Revised Code.

(B) The board shall adopt rules in accordance with Chapter
119. of the Revised Code to establish all of the following:

(1) Applicant eligibility criteria for receipt of internship

program enrollment fees, which must include a requirement that 41416
applicants be enrolled in an architecture education program at an 41417
institution within the state that has been approved by the board 41418
and accredited by the national architectural accrediting board, 41419
and may include a requirement that the applicant has completed a 41420
minimum amount of course work in the program as prescribed by the 41421
state board by rule; 41422

(2) Application procedures for payment of internship program 41423
enrollment fees; 41424

(3) The maximum amount of internship program enrollment fees 41425
that may be provided by the architecture education assistance 41426
program to an applicant; 41427

(4) The total amount of internship program enrollment fees 41428
that may be disbursed by the architecture education assistance 41429
program in any given fiscal year; 41430

(5) The means by which other matters incidental to the 41431
operation of the program may be approved, including the means to 41432
authorize necessary expenses for the operation of the architecture 41433
education assistance program. 41434

(C) The receipt of internship program enrollment fees under 41435
this section shall not affect a student's eligibility for any 41436
other assistance, or the amount of that assistance. 41437

Sec. 4715.251. Each person licensed to practice as a dental 41438
hygienist and required to register with the state dental board 41439
shall, each time ~~he~~ the person applies for renewal of registration 41440
beginning in 1995, be currently certified to perform basic 41441
life-support procedures by having successfully completed a basic 41442
life-support training course certified by ~~either~~ the American red 41443
cross ~~or,~~ the American heart association, or, if determined 41444
equivalent by the board, the American safety and health institute. 41445

An applicant for renewal of registration shall certify on the application for renewal of registration prescribed by the board under section 4715.24 of the Revised Code that ~~he~~ the applicant possesses the certification required by this section.

The board shall, not later than one hundred eighty days after the effective date of this amendment, determine whether basic life-support training certified by the American safety and health institute meets national standards. The board shall compare the training certified by the institute with the training certified by the American red cross and the American heart association and the training of instructors certified by the institute to the training of instructors certified by the American red cross and the American heart association.

If the board determines that the training certified by the American safety and health institute meets national standards and is equivalent to the training certified by the American red cross and the American heart association, the board shall accept training certified by the American safety and health institute in fulfillment of the requirements of this section.

Sec. 4717.07. (A) The board of embalmers and funeral directors shall charge and collect the following fees:

(1) For the initial issuance or biennial renewal of an embalmer's or funeral director's license, one hundred forty dollars;

(2) For the issuance of an embalmer or funeral director registration, twenty-five dollars;

(3) For filing an embalmer or funeral director certificate of apprenticeship, ten dollars;

(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;	41476
(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;	41477 41478 41479
(6) For the reinstatement of a lapsed embalmer's or funeral director's license, the renewal fee prescribed in division (A) (5) <u>(1)</u> of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;	41480 41481 41482 41483
(7) For the reinstatement of a lapsed license to operate a funeral home, the renewal fee prescribed in division (A) (6) <u>(5)</u> of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;	41484 41485 41486 41487
(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;	41488 41489 41490
(9) For the reinstatement of a lapsed license to operate an embalming facility, the renewal fee prescribed in division (A) (9) <u>(8)</u> of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;	41491 41492 41493 41494
(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;	41495 41496 41497
(11) For the reinstatement of a lapsed license to operate a crematory facility, the renewal fee prescribed in division (A) (11) <u>(10)</u> of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;	41498 41499 41500 41501
(12) For the issuance of a duplicate of a license issued under this chapter, four dollars.	41502 41503
(B) In addition to the fees set forth in division (A) of this section, an applicant shall pay the examination fee assessed by	41504 41505

any examining agency the board uses for any section of an 41506
examination required under this chapter. 41507

(C) Subject to the approval of the controlling board, the 41508
board of embalmers and funeral directors may establish fees in 41509
excess of the amounts set forth in this section, provided that 41510
these fees do not exceed the amounts set forth in this section by 41511
more than fifty per cent. 41512

Sec. 4723.32. This chapter does not prohibit any of the 41513
following: 41514

(A) The practice of nursing by a student currently enrolled 41515
in and actively pursuing completion of a prelicensure nursing 41516
education program ~~approved by the board of nursing~~, if all of the 41517
following are the case: 41518

(1) The student is participating in a program located in this 41519
state and approved by the board of nursing or participating in 41520
this state in a component of a program located in another 41521
jurisdiction and approved by a board that is a member of the 41522
national council of state boards of nursing; 41523

(2) The student's practice is under the auspices of the 41524
program and the; 41525

(3) The student acts under the supervision of a registered 41526
nurse serving for the program as a faculty member or teaching 41527
assistant; 41528

(B) The rendering of medical assistance to a licensed 41529
physician, licensed dentist, or licensed podiatrist by a person 41530
under the direction, supervision, and control of such licensed 41531
physician, dentist, or podiatrist; 41532

(C) The activities of persons employed as nursing aides, 41533
attendants, orderlies, or other auxiliary workers in patient 41534
homes, nurseries, nursing homes, hospitals, home health agencies, 41535

or other similar institutions; 41536

(D) The provision of nursing services to family members or in 41537
emergency situations; 41538

(E) The care of the sick when done in connection with the 41539
practice of religious tenets of any church and by or for its 41540
members; 41541

(F) The practice of nursing as a certified registered nurse 41542
anesthetist, clinical nurse specialist, certified nurse-midwife, 41543
or certified nurse practitioner by a student currently enrolled in 41544
and actively pursuing completion of a program of study leading to 41545
initial authorization by the board of nursing to practice nursing 41546
in the specialty, if ~~both~~ all of the following are the case: 41547

(1) The program qualifies the student to sit for the 41548
examination of a national certifying organization listed in 41549
division (A)(3) of section 4723.41 of the Revised Code or approved 41550
by the board under section 4723.46 of the Revised Code or the 41551
program prepares the student to receive a master's degree in 41552
accordance with division (A)(2) of section 4723.41 of the Revised 41553
Code; 41554

(2) The student's practice is under the auspices of the 41555
program ~~and the~~; 41556

(3) The student acts under the supervision of a registered 41557
nurse serving for the program as a faculty member, teaching 41558
assistant, or preceptor. 41559

(G) The activities of an individual who currently holds a 41560
license to practice nursing in another jurisdiction, if the 41561
individual's license has not been revoked, the individual is not 41562
currently under suspension or on probation, the individual does 41563
not represent the individual as being licensed under this chapter, 41564
and one of the following is the case: 41565

(1) The individual is engaging in the practice of nursing by 41566
discharging official duties while employed by or under contract 41567
with the United States government or any agency thereof; 41568

(2) The individual is engaging in the practice of nursing as 41569
an employee of an individual, agency, or corporation located in 41570
the other jurisdiction in a position with employment 41571
responsibilities that include transporting patients into, out of, 41572
or through this state, as long as each trip in this state does not 41573
exceed seventy-two hours; 41574

(3) The individual is consulting with an individual licensed 41575
in this state to practice any health-related profession; 41576

(4) The individual is engaging in activities associated with 41577
teaching in this state as a guest lecturer at or for a nursing 41578
education program, continuing nursing education program, or 41579
in-service presentation; 41580

(5) The individual is conducting evaluations of nursing care 41581
that are undertaken on behalf of an accrediting organization, 41582
including the national league for nursing accrediting committee, 41583
the joint commission on accreditation of healthcare organizations, 41584
or any other nationally recognized accrediting organization; 41585

(6) The individual is providing nursing care to an individual 41586
who is in this state on a temporary basis, not to exceed six 41587
months in any one calendar year, if the nurse is directly employed 41588
by or under contract with the individual or a guardian or other 41589
person acting on the individual's behalf; 41590

(7) The individual is providing nursing care during any 41591
disaster, natural or otherwise, that has been officially declared 41592
to be a disaster by a public announcement issued by an appropriate 41593
federal, state, county, or municipal official. 41594

(H) The administration of medication by an individual who 41595
holds a valid medication aide certificate issued under this 41596

chapter, if the medication is administered to a resident of a 41597
nursing home or residential care facility authorized by section 41598
4723.63 or 4723.64 of the Revised Code to use a certified 41599
medication aide and the medication is administered in accordance 41600
with section 4723.67 of the Revised Code. 41601

Sec. 4723.621. The medication aide advisory council created 41602
under section 4723.62 of the Revised Code shall make 41603
recommendations to the board of nursing with respect to all of the 41604
following: 41605

(A) The design and operation of the medication aide pilot 41606
program conducted under section 4723.63 of the Revised Code, 41607
including a method of collecting data through reports submitted by 41608
participating nursing homes and residential care facilities; 41609

(B) The content of the course of instruction required to 41610
obtain certification as a medication aide, including the 41611
examination to be used to evaluate the ability to administer 41612
prescription medications safely and the score that must be 41613
attained to pass the examination; 41614

(C) Whether medication aides may administer prescription 41615
medications through a gastrostomy or jejunostomy tube and the 41616
amount and type of training a medication aide needs to be 41617
adequately prepared to administer prescription medications through 41618
a gastrostomy or jejunostomy tube; 41619

(D) Protection of the health and welfare of the residents of 41620
nursing homes and residential care facilities participating in the 41621
pilot program and using medication aides pursuant to section 41622
4723.64 of the Revised Code ~~on or after July 1, 2007;~~ 41623

(E) The board's adoption of rules under section 4723.69 of 41624
the Revised Code; 41625

(F) Any other issue the council considers relevant to the use 41626

of medication aides in nursing homes and residential care 41627
facilities. 41628

Sec. 4723.63. (A) In consultation with the medication aide 41629
advisory council established under section 4723.62 of the Revised 41630
Code, the board of nursing shall conduct a pilot program for the 41631
use of medication aides in nursing homes and residential care 41632
facilities. The board shall conduct the pilot program in a manner 41633
consistent with human protection and other ethical concerns 41634
typically associated with research studies involving live 41635
subjects. The pilot program shall be commenced not later than May 41636
1, 2006, and shall ~~be conducted until July 1, 2007~~ end on the 41637
thirty-first day after the report required by division (F)(2) of 41638
this section is submitted in accordance with that division. 41639

During the period the pilot program is conducted, a nursing 41640
home or residential care facility participating in the pilot 41641
program may use one or more medication aides to administer 41642
prescription medications to its residents, subject to ~~both~~ all of 41643
the following conditions: 41644

(1) Each individual used as a medication aide must hold a 41645
current, valid medication aide certificate issued by the board of 41646
nursing under this chapter. 41647

(2) The nursing home or residential care facility shall 41648
ensure that the requirements of section 4723.67 of the Revised 41649
Code are met. 41650

(3) The nursing home or residential care facility shall 41651
submit to the board, not later than the thirty-first day after the 41652
day the board makes its request under division (F)(1)(a) of this 41653
section, the data required by division (F)(1)(a) of this section. 41654

(B) The board, in consultation with the medication aide 41655
advisory council, shall do all of the following not later than 41656

February 1, 2006: 41657

(1) Design the pilot program; 41658

(2) Establish standards to govern medication aides and the 41659
nursing homes and residential care facilities participating in the 41660
pilot program, including standards for the training of medication 41661
aides and the staff of participating nursing homes and residential 41662
care facilities; 41663

(3) Establish standards to protect the health and safety of 41664
the residents of the nursing homes and residential care facilities 41665
participating in the program; 41666

(4) Implement a process for selecting the nursing homes and 41667
residential care facilities to participate in the program. 41668

(C)(1) A nursing home or residential care facility may 41669
volunteer to participate in the pilot program by submitting an 41670
application to the board on a form prescribed and provided by the 41671
board. From among the applicants, the board shall select eighty 41672
nursing homes and forty residential care facilities to participate 41673
in the pilot program. When the board denies an application, it 41674
shall notify, in writing, the president and minority leader of the 41675
senate and the speaker and minority leader of the house of 41676
representatives of the denial and the reasons for the denial. 41677

(2) To be eligible to participate, a nursing home or 41678
residential care facility shall agree to observe the standards 41679
established by the board for the use of medication aides. A 41680
nursing home is eligible to participate only if the department of 41681
health has found in the ~~two~~ most recent ~~surveys~~ survey or 41682
~~inspections~~ inspection of the home that the home is free from 41683
deficiencies related to the administration of medication. A 41684
residential care facility is eligible to participate only if the 41685
department has found that the facility is free from deficiencies 41686
related to the provision of skilled nursing care or the 41687

administration of medication. 41688

(D) As a condition of participation in the pilot program, a 41689
nursing home and residential care facility selected by the board 41690
shall pay the participation fee established in rules adopted under 41691
section 4723.69 of the Revised Code. The participation fee is not 41692
reimbursable under the medicaid program established under Chapter 41693
5111. of the Revised Code. 41694

(E) On receipt of evidence found credible by the board that 41695
continued participation by a nursing home or residential care 41696
facility poses an imminent danger, risk of serious harm, or 41697
jeopardy to a resident of the home or facility, the board may 41698
terminate the authority of the home or facility to participate in 41699
the pilot program. 41700

(F)(1) With the assistance of the medication aide advisory 41701
council, the board shall conduct an evaluation of the pilot 41702
program. In conducting the evaluation, the board shall do all of 41703
the following: 41704

(a) Request from each nursing home and residential care 41705
facility participating in the pilot program, on the ninety-first 41706
day after the day the board issues a medication aide certificate 41707
under section 4723.651 of the Revised Code to the seventy-fifth 41708
individual, the data the board requires participating nursing 41709
homes and residential care facilities to report under rules the 41710
board adopts under section 4723.69 of the Revised Code. 41711

(b) Assess whether medication aides are able to administer 41712
prescription medications safely to nursing home and residential 41713
care facility residents; 41714

~~(b)~~(c) Determine the financial implications of using 41715
medication aides in nursing homes and residential care facilities; 41716

~~(e)~~(d) Consider any other issue the board or council 41717
considers relevant to the evaluation. 41718

(2) Not later than ~~March 1, 2007~~ the one hundred eighty-first 41719
day after the day the board issues a medication aide certificate 41720
under section 4723.651 of the Revised Code to the seventy-fifth 41721
individual, the board shall prepare a report of its findings and 41722
recommendations derived from the evaluation of the pilot program. 41723
The board shall submit the report to the governor, president and 41724
minority leader of the senate, speaker and minority leader of the 41725
house of representatives, and director of health. 41726

(G) The board shall, on the day it issues a medication aide 41727
certificate to the seventy-fifth individual, post a notice on its 41728
web site indicating the date on which any nursing home or 41729
residential care facility may use medication aides in accordance 41730
with section 4723.64 of the Revised Code. 41731

Sec. 4723.64. On and after ~~July 1, 2007~~ the thirty-first day 41732
following the board of nursing's submission of the report required 41733
by division (F)(2) of section 4723.63 of the Revised Code, any 41734
nursing home or residential care facility may use one or more 41735
medication aides to administer prescription medications to its 41736
residents, subject to both of the following conditions: 41737

(A) Each individual used as a medication aide must hold a 41738
current, valid medication aide certificate issued by the board of 41739
nursing under this chapter. 41740

(B) The nursing home or residential care facility shall 41741
ensure that the requirements of section 4723.67 of the Revised 41742
Code are met. 41743

Sec. 4723.65. (A) An individual seeking certification as a 41744
medication aide shall apply to the board of nursing on a form 41745
prescribed and provided by the board. If the application is 41746
submitted on or after ~~July 1, 2007~~ the day any nursing home or 41747
residential care facility may initially use medication aides as 41748

specified in section 4723.64 of the Revised Code, the application 41749
shall be accompanied by the certification fee established in rules 41750
adopted under section 4723.69 of the Revised Code. 41751

(B)(1) Except as provided in division (B)(2) of this section, 41752
an applicant for a medication aide certificate shall submit a 41753
request to the bureau of criminal identification and investigation 41754
for a criminal records check. The request shall be on the form 41755
prescribed pursuant to division (C)(1) of section 109.572 of the 41756
Revised Code and shall be accompanied by a standard impression 41757
sheet to obtain fingerprints prescribed pursuant to division 41758
(C)(2) of that section. The request shall also be accompanied by 41759
the fee prescribed pursuant to division (C)(3) of section 109.572 41760
of the Revised Code. On receipt of the completed form, the 41761
completed impression sheet, and the fee, the bureau shall conduct 41762
a criminal records check of the applicant. On completion of the 41763
criminal records check, the bureau shall send the results of the 41764
check to the board. An applicant requesting a criminal records 41765
check under this division who has not lived in this state for at 41766
least five years shall ask the superintendent of the bureau of 41767
criminal identification and investigation to also request that the 41768
federal bureau of investigation provide the superintendent with 41769
any information it has with respect to the applicant. 41770

(2) If a criminal records check of an applicant was completed 41771
pursuant to section 3721.121 of the Revised Code not more than 41772
five years prior to the date the application is submitted, the 41773
applicant may include a certified copy of the criminal records 41774
check completed pursuant to that section and is not required to 41775
comply with division (B)(1) of this section. 41776

(3) A criminal records check provided to the board in 41777
accordance with division (B)(1) or (B)(2) of this section shall 41778
not be made available to any person or for any purpose other than 41779
the following: 41780

(a) The results may be made available to any person for use 41781
in determining whether the individual who is the subject of the 41782
check should be issued a medication aide certificate. 41783

(b) The results may be made available to the person who is 41784
the subject of the check or a representative of that person. 41785

Sec. 4723.66. (A) A person or government entity seeking 41786
approval to provide a medication aide training program shall apply 41787
to the board of nursing on a form prescribed and provided by the 41788
board. If the application is submitted on or after ~~July 1, 2007~~ 41789
the day any nursing home or residential care facility may 41790
initially use medication aides as specified in section 4723.64 of 41791
the Revised Code, the application shall be accompanied by the fee 41792
established in rules adopted under section 4723.69 of the Revised 41793
Code. 41794

(B) The board shall approve the applicant to provide a 41795
medication aide training program if the content of the course of 41796
instruction to be provided by the program meets the standards 41797
specified by the board in rules adopted under section 4723.69 of 41798
the Revised Code and includes all of the following: 41799

(1) At least seventy clock-hours of instruction, including 41800
both classroom instruction on medication administration and at 41801
least twenty clock-hours of supervised clinical practice in 41802
medication administration; 41803

(2) A mechanism for evaluating whether an individual's 41804
reading, writing, and mathematical skills are sufficient for the 41805
individual to be able to administer prescription medications 41806
safely; 41807

(3) An examination that tests the ability to administer 41808
prescription medications safely and that meets the requirements 41809
established by the board in rules adopted under section 4723.69 of 41810

the Revised Code. 41811

(C) The board may deny, suspend, or revoke the approval 41812
granted to the provider of a medication aide training program for 41813
reasons specified in rules adopted under section 4723.69 of the 41814
Revised Code. All actions taken by the board to deny, suspend, or 41815
revoke the approval of a training program shall be taken in 41816
accordance with Chapter 119. of the Revised Code. 41817

Sec. 4731.053. (A) As used in this section, "physician" means 41818
an individual authorized by this chapter to practice medicine and 41819
surgery, osteopathic medicine and surgery, or podiatric medicine 41820
and surgery. 41821

(B) The state medical board shall adopt rules that establish 41822
standards to be met and procedures to be followed by a physician 41823
with respect to the physician's delegation of the performance of a 41824
medical task to a person who is not licensed or otherwise 41825
specifically authorized by the Revised Code to perform the task. 41826
The rules shall be adopted in accordance with Chapter 119. of the 41827
Revised Code and shall include a coroner's investigator among the 41828
individuals who are competent to recite the facts of a deceased 41829
person's medical condition to a physician so that the physician 41830
may pronounce the person dead without personally examining the 41831
body. 41832

(C) To the extent that delegation applies to the 41833
administration of drugs, the rules adopted under this section 41834
shall provide for all of the following: 41835

(1) On-site supervision when the delegation occurs in an 41836
institution or other facility that is used primarily for the 41837
purpose of providing health care, unless the board establishes a 41838
specific exception to the on-site supervision requirement with 41839
respect to routine administration of a topical drug, such as the 41840
use of a medicated shampoo; 41841

(2) Evaluation of whether delegation is appropriate according to the acuity of the patient involved;	41842 41843
(3) Training and competency requirements that must be met by the person administering the drugs;	41844 41845
(4) Other standards and procedures the board considers relevant.	41846 41847
(D) The board shall not adopt rules that do any of the following:	41848 41849
(1) Authorize a physician to transfer the physician's responsibility for supervising a person who is performing a delegated medical task to a health professional other than another physician;	41850 41851 41852 41853
(2) Authorize an individual to whom a medical task is delegated to delegate the performance of that task to another individual;	41854 41855 41856
(3) Except as provided in divisions (D)(4) to (7) of this section, authorize a physician to delegate the administration of anesthesia, controlled substances, drugs administered intravenously, or any other drug or category of drug the board considers to be inappropriate for delegation;	41857 41858 41859 41860 41861
(4) Prevent an individual from engaging in an activity performed for a handicapped child <u>with a disability</u> as a service needed to meet the educational needs of the child, as identified in the individualized education program developed for the child under Chapter 3323. of the Revised Code;	41862 41863 41864 41865 41866
(5) Conflict with any provision of the Revised Code that specifically authorizes an individual to perform a particular task;	41867 41868 41869
(6) Conflict with any rule adopted pursuant to the Revised Code that is in effect on April 10, 2001, as long as the rule	41870 41871

remains in effect, specifically authorizing an individual to 41872
perform a particular task; 41873

(7) Prohibit a perfusionist from administering drugs 41874
intravenously while practicing as a perfusionist; 41875

(8) Authorize a physician assistant, anesthesiologist 41876
assistant, or any other professional regulated by the board to 41877
delegate tasks pursuant to this section. 41878

Sec. 4731.142. (A) Except as provided in division (B) of this 41879
section, an individual must demonstrate proficiency in spoken 41880
English, by passing an examination specified by the state medical 41881
board, to receive a certificate to practice issued under section 41882
4731.14 of the Revised Code if the individual's eligibility for 41883
the certificate is based in part on certification from the 41884
educational commission for foreign medical graduates and 41885
fulfillment of the undergraduate requirements established by 41886
section 4731.09 of the Revised Code at an institution outside the 41887
United States. ~~The individual may demonstrate such proficiency by~~ 41888
~~obtaining a score of forty or higher on the test of spoken English~~ 41889
~~conducted by the educational testing service~~ The board shall adopt 41890
rules specifying an acceptable examination and establishing the 41891
minimum score that demonstrates proficiency in spoken English. 41892

(B) An individual is not required to demonstrate proficiency 41893
in spoken English in accordance with division (A) of this section 41894
if the individual was required to demonstrate such proficiency as 41895
a condition of certification from the educational commission for 41896
foreign medical graduates. 41897

Sec. 4731.22. (A) The state medical board, by an affirmative 41898
vote of not fewer than six of its members, may revoke or may 41899
refuse to grant a certificate to a person found by the board to 41900
have committed fraud during the administration of the examination 41901

for a certificate to practice or to have committed fraud, 41902
misrepresentation, or deception in applying for or securing any 41903
certificate to practice or certificate of registration issued by 41904
the board. 41905

(B) The board, by an affirmative vote of not fewer than six 41906
members, shall, to the extent permitted by law, limit, revoke, or 41907
suspend an individual's certificate to practice, refuse to 41908
register an individual, refuse to reinstate a certificate, or 41909
reprimand or place on probation the holder of a certificate for 41910
one or more of the following reasons: 41911

(1) Permitting one's name or one's certificate to practice or 41912
certificate of registration to be used by a person, group, or 41913
corporation when the individual concerned is not actually 41914
directing the treatment given; 41915

(2) Failure to maintain minimal standards applicable to the 41916
selection or administration of drugs, or failure to employ 41917
acceptable scientific methods in the selection of drugs or other 41918
modalities for treatment of disease; 41919

(3) Selling, giving away, personally furnishing, prescribing, 41920
or administering drugs for other than legal and legitimate 41921
therapeutic purposes or a plea of guilty to, a judicial finding of 41922
guilt of, or a judicial finding of eligibility for intervention in 41923
lieu of conviction of, a violation of any federal or state law 41924
regulating the possession, distribution, or use of any drug; 41925

(4) Willfully betraying a professional confidence. 41926

For purposes of this division, "willfully betraying a 41927
professional confidence" does not include providing any 41928
information, documents, or reports to a child fatality review 41929
board under sections 307.621 to 307.629 of the Revised Code and 41930
does not include the making of a report of an employee's use of a 41931
drug of abuse, or a report of a condition of an employee other 41932

than one involving the use of a drug of abuse, to the employer of 41933
the employee as described in division (B) of section 2305.33 of 41934
the Revised Code. Nothing in this division affects the immunity 41935
from civil liability conferred by that section upon a physician 41936
who makes either type of report in accordance with division (B) of 41937
that section. As used in this division, "employee," "employer," 41938
and "physician" have the same meanings as in section 2305.33 of 41939
the Revised Code. 41940

(5) Making a false, fraudulent, deceptive, or misleading 41941
statement in the solicitation of or advertising for patients; in 41942
relation to the practice of medicine and surgery, osteopathic 41943
medicine and surgery, podiatric medicine and surgery, or a limited 41944
branch of medicine; or in securing or attempting to secure any 41945
certificate to practice or certificate of registration issued by 41946
the board. 41947

As used in this division, "false, fraudulent, deceptive, or 41948
misleading statement" means a statement that includes a 41949
misrepresentation of fact, is likely to mislead or deceive because 41950
of a failure to disclose material facts, is intended or is likely 41951
to create false or unjustified expectations of favorable results, 41952
or includes representations or implications that in reasonable 41953
probability will cause an ordinarily prudent person to 41954
misunderstand or be deceived. 41955

(6) A departure from, or the failure to conform to, minimal 41956
standards of care of similar practitioners under the same or 41957
similar circumstances, whether or not actual injury to a patient 41958
is established; 41959

(7) Representing, with the purpose of obtaining compensation 41960
or other advantage as personal gain or for any other person, that 41961
an incurable disease or injury, or other incurable condition, can 41962
be permanently cured; 41963

- (8) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice; 41964
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- (9) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony; 41967
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- (10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 41970
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- (11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice; 41973
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- (12) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 41976
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- (13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 41979
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- (14) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 41982
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- (15) Violation of the conditions of limitation placed by the board upon a certificate to practice; 41985
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- (16) Failure to pay license renewal fees specified in this chapter; 41987
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- (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; 41989
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41992
- (18) Subject to section 4731.226 of the Revised Code, 41993

violation of any provision of a code of ethics of the American 41994
medical association, the American osteopathic association, the 41995
American podiatric medical association, or any other national 41996
professional organizations that the board specifies by rule. The 41997
state medical board shall obtain and keep on file current copies 41998
of the codes of ethics of the various national professional 41999
organizations. The individual whose certificate is being suspended 42000
or revoked shall not be found to have violated any provision of a 42001
code of ethics of an organization not appropriate to the 42002
individual's profession. 42003

For purposes of this division, a "provision of a code of 42004
ethics of a national professional organization" does not include 42005
any provision that would preclude the making of a report by a 42006
physician of an employee's use of a drug of abuse, or of a 42007
condition of an employee other than one involving the use of a 42008
drug of abuse, to the employer of the employee as described in 42009
division (B) of section 2305.33 of the Revised Code. Nothing in 42010
this division affects the immunity from civil liability conferred 42011
by that section upon a physician who makes either type of report 42012
in accordance with division (B) of that section. As used in this 42013
division, "employee," "employer," and "physician" have the same 42014
meanings as in section 2305.33 of the Revised Code. 42015

(19) Inability to practice according to acceptable and 42016
prevailing standards of care by reason of mental illness or 42017
physical illness, including, but not limited to, physical 42018
deterioration that adversely affects cognitive, motor, or 42019
perceptive skills. 42020

In enforcing this division, the board, upon a showing of a 42021
possible violation, may compel any individual authorized to 42022
practice by this chapter or who has submitted an application 42023
pursuant to this chapter to submit to a mental examination, 42024
physical examination, including an HIV test, or both a mental and 42025

a physical examination. The expense of the examination is the 42026
responsibility of the individual compelled to be examined. Failure 42027
to submit to a mental or physical examination or consent to an HIV 42028
test ordered by the board constitutes an admission of the 42029
allegations against the individual unless the failure is due to 42030
circumstances beyond the individual's control, and a default and 42031
final order may be entered without the taking of testimony or 42032
presentation of evidence. If the board finds an individual unable 42033
to practice because of the reasons set forth in this division, the 42034
board shall require the individual to submit to care, counseling, 42035
or treatment by physicians approved or designated by the board, as 42036
a condition for initial, continued, reinstated, or renewed 42037
authority to practice. An individual affected under this division 42038
shall be afforded an opportunity to demonstrate to the board the 42039
ability to resume practice in compliance with acceptable and 42040
prevailing standards under the provisions of the individual's 42041
certificate. For the purpose of this division, any individual who 42042
applies for or receives a certificate to practice under this 42043
chapter accepts the privilege of practicing in this state and, by 42044
so doing, shall be deemed to have given consent to submit to a 42045
mental or physical examination when directed to do so in writing 42046
by the board, and to have waived all objections to the 42047
admissibility of testimony or examination reports that constitute 42048
a privileged communication. 42049

(20) Except when civil penalties are imposed under section 42050
4731.225 or 4731.281 of the Revised Code, and subject to section 42051
4731.226 of the Revised Code, violating or attempting to violate, 42052
directly or indirectly, or assisting in or abetting the violation 42053
of, or conspiring to violate, any provisions of this chapter or 42054
any rule promulgated by the board. 42055

This division does not apply to a violation or attempted 42056
violation of, assisting in or abetting the violation of, or a 42057

conspiracy to violate, any provision of this chapter or any rule 42058
adopted by the board that would preclude the making of a report by 42059
a physician of an employee's use of a drug of abuse, or of a 42060
condition of an employee other than one involving the use of a 42061
drug of abuse, to the employer of the employee as described in 42062
division (B) of section 2305.33 of the Revised Code. Nothing in 42063
this division affects the immunity from civil liability conferred 42064
by that section upon a physician who makes either type of report 42065
in accordance with division (B) of that section. As used in this 42066
division, "employee," "employer," and "physician" have the same 42067
meanings as in section 2305.33 of the Revised Code. 42068

(21) The violation of section 3701.79 of the Revised Code or 42069
of any abortion rule adopted by the public health council pursuant 42070
to section 3701.341 of the Revised Code; 42071

(22) Any of the following actions taken by the agency 42072
responsible for regulating the practice of medicine and surgery, 42073
osteopathic medicine and surgery, podiatric medicine and surgery, 42074
or the limited branches of medicine in another jurisdiction, for 42075
any reason other than the nonpayment of fees: the limitation, 42076
revocation, or suspension of an individual's license to practice; 42077
acceptance of an individual's license surrender; denial of a 42078
license; refusal to renew or reinstate a license; imposition of 42079
probation; or issuance of an order of censure or other reprimand; 42080

(23) The violation of section 2919.12 of the Revised Code or 42081
the performance or inducement of an abortion upon a pregnant woman 42082
with actual knowledge that the conditions specified in division 42083
(B) of section 2317.56 of the Revised Code have not been satisfied 42084
or with a heedless indifference as to whether those conditions 42085
have been satisfied, unless an affirmative defense as specified in 42086
division (H)(2) of that section would apply in a civil action 42087
authorized by division (H)(1) of that section; 42088

(24) The revocation, suspension, restriction, reduction, or 42089

termination of clinical privileges by the United States department 42090
of defense or department of veterans affairs or the termination or 42091
suspension of a certificate of registration to prescribe drugs by 42092
the drug enforcement administration of the United States 42093
department of justice; 42094

(25) Termination or suspension from participation in the 42095
medicare or medicaid programs by the department of health and 42096
human services or other responsible agency for any act or acts 42097
that also would constitute a violation of division (B)(2), (3), 42098
(6), (8), or (19) of this section; 42099

(26) Impairment of ability to practice according to 42100
acceptable and prevailing standards of care because of habitual or 42101
excessive use or abuse of drugs, alcohol, or other substances that 42102
impair ability to practice. 42103

For the purposes of this division, any individual authorized 42104
to practice by this chapter accepts the privilege of practicing in 42105
this state subject to supervision by the board. By filing an 42106
application for or holding a certificate to practice under this 42107
chapter, an individual shall be deemed to have given consent to 42108
submit to a mental or physical examination when ordered to do so 42109
by the board in writing, and to have waived all objections to the 42110
admissibility of testimony or examination reports that constitute 42111
privileged communications. 42112

If it has reason to believe that any individual authorized to 42113
practice by this chapter or any applicant for certification to 42114
practice suffers such impairment, the board may compel the 42115
individual to submit to a mental or physical examination, or both. 42116
The expense of the examination is the responsibility of the 42117
individual compelled to be examined. Any mental or physical 42118
examination required under this division shall be undertaken by a 42119
treatment provider or physician who is qualified to conduct the 42120
examination and who is chosen by the board. 42121

Failure to submit to a mental or physical examination ordered 42122
by the board constitutes an admission of the allegations against 42123
the individual unless the failure is due to circumstances beyond 42124
the individual's control, and a default and final order may be 42125
entered without the taking of testimony or presentation of 42126
evidence. If the board determines that the individual's ability to 42127
practice is impaired, the board shall suspend the individual's 42128
certificate or deny the individual's application and shall require 42129
the individual, as a condition for initial, continued, reinstated, 42130
or renewed certification to practice, to submit to treatment. 42131

Before being eligible to apply for reinstatement of a 42132
certificate suspended under this division, the impaired 42133
practitioner shall demonstrate to the board the ability to resume 42134
practice in compliance with acceptable and prevailing standards of 42135
care under the provisions of the practitioner's certificate. The 42136
demonstration shall include, but shall not be limited to, the 42137
following: 42138

(a) Certification from a treatment provider approved under 42139
section 4731.25 of the Revised Code that the individual has 42140
successfully completed any required inpatient treatment; 42141

(b) Evidence of continuing full compliance with an aftercare 42142
contract or consent agreement; 42143

(c) Two written reports indicating that the individual's 42144
ability to practice has been assessed and that the individual has 42145
been found capable of practicing according to acceptable and 42146
prevailing standards of care. The reports shall be made by 42147
individuals or providers approved by the board for making the 42148
assessments and shall describe the basis for their determination. 42149

The board may reinstate a certificate suspended under this 42150
division after that demonstration and after the individual has 42151
entered into a written consent agreement. 42152

When the impaired practitioner resumes practice, the board 42153
shall require continued monitoring of the individual. The 42154
monitoring shall include, but not be limited to, compliance with 42155
the written consent agreement entered into before reinstatement or 42156
with conditions imposed by board order after a hearing, and, upon 42157
termination of the consent agreement, submission to the board for 42158
at least two years of annual written progress reports made under 42159
penalty of perjury stating whether the individual has maintained 42160
sobriety. 42161

(27) A second or subsequent violation of section 4731.66 or 42162
4731.69 of the Revised Code; 42163

(28) Except as provided in division (N) of this section: 42164

(a) Waiving the payment of all or any part of a deductible or 42165
copayment that a patient, pursuant to a health insurance or health 42166
care policy, contract, or plan that covers the individual's 42167
services, otherwise would be required to pay if the waiver is used 42168
as an enticement to a patient or group of patients to receive 42169
health care services from that individual; 42170

(b) Advertising that the individual will waive the payment of 42171
all or any part of a deductible or copayment that a patient, 42172
pursuant to a health insurance or health care policy, contract, or 42173
plan that covers the individual's services, otherwise would be 42174
required to pay. 42175

(29) Failure to use universal blood and body fluid 42176
precautions established by rules adopted under section 4731.051 of 42177
the Revised Code; 42178

(30) Failure to provide notice to, and receive acknowledgment 42179
of the notice from, a patient when required by section 4731.143 of 42180
the Revised Code prior to providing nonemergency professional 42181
services, or failure to maintain that notice in the patient's 42182
file; 42183

(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;	42184 42185 42186 42187
(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;	42188 42189 42190 42191 42192 42193 42194
(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;	42195 42196 42197
(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;	42198 42199 42200 42201 42202 42203 42204 42205 42206
(35) Failure to supervise an acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for supervision of an acupuncturist;	42207 42208 42209
(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;	42210 42211 42212
(37) Assisting suicide as defined in section 3795.01 of the Revised Code.	42213 42214

(C) Disciplinary actions taken by the board under divisions 42215
(A) and (B) of this section shall be taken pursuant to an 42216
adjudication under Chapter 119. of the Revised Code, except that 42217
in lieu of an adjudication, the board may enter into a consent 42218
agreement with an individual to resolve an allegation of a 42219
violation of this chapter or any rule adopted under it. A consent 42220
agreement, when ratified by an affirmative vote of not fewer than 42221
six members of the board, shall constitute the findings and order 42222
of the board with respect to the matter addressed in the 42223
agreement. If the board refuses to ratify a consent agreement, the 42224
admissions and findings contained in the consent agreement shall 42225
be of no force or effect. 42226

If the board takes disciplinary action against an individual 42227
under division (B) of this section for a second or subsequent plea 42228
of guilty to, or judicial finding of guilt of, a violation of 42229
section 2919.123 of the Revised Code, the disciplinary action 42230
shall consist of a suspension of the individual's certificate to 42231
practice for a period of at least one year or, if determined 42232
appropriate by the board, a more serious sanction involving the 42233
individual's certificate to practice. Any consent agreement 42234
entered into under this division with an individual that pertains 42235
to a second or subsequent plea of guilty to, or judicial finding 42236
of guilt of, a violation of that section shall provide for a 42237
suspension of the individual's certificate to practice for a 42238
period of at least one year or, if determined appropriate by the 42239
board, a more serious sanction involving the individual's 42240
certificate to practice. 42241

(D) For purposes of divisions (B)(10), (12), and (14) of this 42242
section, the commission of the act may be established by a finding 42243
by the board, pursuant to an adjudication under Chapter 119. of 42244
the Revised Code, that the individual committed the act. The board 42245
does not have jurisdiction under those divisions if the trial 42246

court renders a final judgment in the individual's favor and that 42247
judgment is based upon an adjudication on the merits. The board 42248
has jurisdiction under those divisions if the trial court issues 42249
an order of dismissal upon technical or procedural grounds. 42250

(E) The sealing of conviction records by any court shall have 42251
no effect upon a prior board order entered under this section or 42252
upon the board's jurisdiction to take action under this section 42253
if, based upon a plea of guilty, a judicial finding of guilt, or a 42254
judicial finding of eligibility for intervention in lieu of 42255
conviction, the board issued a notice of opportunity for a hearing 42256
prior to the court's order to seal the records. The board shall 42257
not be required to seal, destroy, redact, or otherwise modify its 42258
records to reflect the court's sealing of conviction records. 42259

(F)(1) The board shall investigate evidence that appears to 42260
show that a person has violated any provision of this chapter or 42261
any rule adopted under it. Any person may report to the board in a 42262
signed writing any information that the person may have that 42263
appears to show a violation of any provision of this chapter or 42264
any rule adopted under it. In the absence of bad faith, any person 42265
who reports information of that nature or who testifies before the 42266
board in any adjudication conducted under Chapter 119. of the 42267
Revised Code shall not be liable in damages in a civil action as a 42268
result of the report or testimony. Each complaint or allegation of 42269
a violation received by the board shall be assigned a case number 42270
and shall be recorded by the board. 42271

(2) Investigations of alleged violations of this chapter or 42272
any rule adopted under it shall be supervised by the supervising 42273
member elected by the board in accordance with section 4731.02 of 42274
the Revised Code and by the secretary as provided in section 42275
4731.39 of the Revised Code. The president may designate another 42276
member of the board to supervise the investigation in place of the 42277
supervising member. No member of the board who supervises the 42278

investigation of a case shall participate in further adjudication 42279
of the case. 42280

(3) In investigating a possible violation of this chapter or 42281
any rule adopted under this chapter, the board may administer 42282
oaths, order the taking of depositions, issue subpoenas, and 42283
compel the attendance of witnesses and production of books, 42284
accounts, papers, records, documents, and testimony, except that a 42285
subpoena for patient record information shall not be issued 42286
without consultation with the attorney general's office and 42287
approval of the secretary and supervising member of the board. 42288
Before issuance of a subpoena for patient record information, the 42289
secretary and supervising member shall determine whether there is 42290
probable cause to believe that the complaint filed alleges a 42291
violation of this chapter or any rule adopted under it and that 42292
the records sought are relevant to the alleged violation and 42293
material to the investigation. The subpoena may apply only to 42294
records that cover a reasonable period of time surrounding the 42295
alleged violation. 42296

On failure to comply with any subpoena issued by the board 42297
and after reasonable notice to the person being subpoenaed, the 42298
board may move for an order compelling the production of persons 42299
or records pursuant to the Rules of Civil Procedure. 42300

A subpoena issued by the board may be served by a sheriff, 42301
the sheriff's deputy, or a board employee designated by the board. 42302
Service of a subpoena issued by the board may be made by 42303
delivering a copy of the subpoena to the person named therein, 42304
reading it to the person, or leaving it at the person's usual 42305
place of residence. When the person being served is a person whose 42306
practice is authorized by this chapter, service of the subpoena 42307
may be made by certified mail, restricted delivery, return receipt 42308
requested, and the subpoena shall be deemed served on the date 42309
delivery is made or the date the person refuses to accept 42310

delivery. 42311

A sheriff's deputy who serves a subpoena shall receive the 42312
same fees as a sheriff. Each witness who appears before the board 42313
in obedience to a subpoena shall receive the fees and mileage 42314
provided for witnesses in civil cases in the courts of common 42315
pleas. 42316

(4) All hearings and investigations of the board shall be 42317
considered civil actions for the purposes of section 2305.252 of 42318
the Revised Code. 42319

(5) Information received by the board pursuant to an 42320
investigation is confidential and not subject to discovery in any 42321
civil action. 42322

The board shall conduct all investigations and proceedings in 42323
a manner that protects the confidentiality of patients and persons 42324
who file complaints with the board. The board shall not make 42325
public the names or any other identifying information about 42326
patients or complainants unless proper consent is given or, in the 42327
case of a patient, a waiver of the patient privilege exists under 42328
division (B) of section 2317.02 of the Revised Code, except that 42329
consent or a waiver of that nature is not required if the board 42330
possesses reliable and substantial evidence that no bona fide 42331
physician-patient relationship exists. 42332

The board may share any information it receives pursuant to 42333
an investigation, including patient records and patient record 42334
information, with law enforcement agencies, other licensing 42335
boards, and other governmental agencies that are prosecuting, 42336
adjudicating, or investigating alleged violations of statutes or 42337
administrative rules. An agency or board that receives the 42338
information shall comply with the same requirements regarding 42339
confidentiality as those with which the state medical board must 42340
comply, notwithstanding any conflicting provision of the Revised 42341

Code or procedure of the agency or board that applies when it is 42342
dealing with other information in its possession. In a judicial 42343
proceeding, the information may be admitted into evidence only in 42344
accordance with the Rules of Evidence, but the court shall require 42345
that appropriate measures are taken to ensure that confidentiality 42346
is maintained with respect to any part of the information that 42347
contains names or other identifying information about patients or 42348
complainants whose confidentiality was protected by the state 42349
medical board when the information was in the board's possession. 42350
Measures to ensure confidentiality that may be taken by the court 42351
include sealing its records or deleting specific information from 42352
its records. 42353

(6) On a quarterly basis, the board shall prepare a report 42354
that documents the disposition of all cases during the preceding 42355
three months. The report shall contain the following information 42356
for each case with which the board has completed its activities: 42357

(a) The case number assigned to the complaint or alleged 42358
violation; 42359

(b) The type of certificate to practice, if any, held by the 42360
individual against whom the complaint is directed; 42361

(c) A description of the allegations contained in the 42362
complaint; 42363

(d) The disposition of the case. 42364

The report shall state how many cases are still pending and 42365
shall be prepared in a manner that protects the identity of each 42366
person involved in each case. The report shall be a public record 42367
under section 149.43 of the Revised Code. 42368

(G) If the secretary and supervising member determine that 42369
there is clear and convincing evidence that an individual has 42370
violated division (B) of this section and that the individual's 42371
continued practice presents a danger of immediate and serious harm 42372

to the public, they may recommend that the board suspend the 42373
individual's certificate to practice without a prior hearing. 42374
Written allegations shall be prepared for consideration by the 42375
board. 42376

The board, upon review of those allegations and by an 42377
affirmative vote of not fewer than six of its members, excluding 42378
the secretary and supervising member, may suspend a certificate 42379
without a prior hearing. A telephone conference call may be 42380
utilized for reviewing the allegations and taking the vote on the 42381
summary suspension. 42382

The board shall issue a written order of suspension by 42383
certified mail or in person in accordance with section 119.07 of 42384
the Revised Code. The order shall not be subject to suspension by 42385
the court during pendency of any appeal filed under section 119.12 42386
of the Revised Code. If the individual subject to the summary 42387
suspension requests an adjudicatory hearing by the board, the date 42388
set for the hearing shall be within fifteen days, but not earlier 42389
than seven days, after the individual requests the hearing, unless 42390
otherwise agreed to by both the board and the individual. 42391

Any summary suspension imposed under this division shall 42392
remain in effect, unless reversed on appeal, until a final 42393
adjudicative order issued by the board pursuant to this section 42394
and Chapter 119. of the Revised Code becomes effective. The board 42395
shall issue its final adjudicative order within ~~sixty~~ seventy-five 42396
days after completion of its hearing. A failure to issue the order 42397
within ~~sixty~~ seventy-five days shall result in dissolution of the 42398
summary suspension order but shall not invalidate any subsequent, 42399
final adjudicative order. 42400

(H) If the board takes action under division (B)(9), (11), or 42401
(13) of this section and the judicial finding of guilt, guilty 42402
plea, or judicial finding of eligibility for intervention in lieu 42403
of conviction is overturned on appeal, upon exhaustion of the 42404

criminal appeal, a petition for reconsideration of the order may 42405
be filed with the board along with appropriate court documents. 42406
Upon receipt of a petition of that nature and supporting court 42407
documents, the board shall reinstate the individual's certificate 42408
to practice. The board may then hold an adjudication under Chapter 42409
119. of the Revised Code to determine whether the individual 42410
committed the act in question. Notice of an opportunity for a 42411
hearing shall be given in accordance with Chapter 119. of the 42412
Revised Code. If the board finds, pursuant to an adjudication held 42413
under this division, that the individual committed the act or if 42414
no hearing is requested, the board may order any of the sanctions 42415
identified under division (B) of this section. 42416

(I) The certificate to practice issued to an individual under 42417
this chapter and the individual's practice in this state are 42418
automatically suspended as of the date of the individual's second 42419
or subsequent plea of guilty to, or judicial finding of guilt of, 42420
a violation of section 2919.123 of the Revised Code, or the date 42421
the individual pleads guilty to, is found by a judge or jury to be 42422
guilty of, or is subject to a judicial finding of eligibility for 42423
intervention in lieu of conviction in this state or treatment or 42424
intervention in lieu of conviction in another jurisdiction for any 42425
of the following criminal offenses in this state or a 42426
substantially equivalent criminal offense in another jurisdiction: 42427
aggravated murder, murder, voluntary manslaughter, felonious 42428
assault, kidnapping, rape, sexual battery, gross sexual 42429
imposition, aggravated arson, aggravated robbery, or aggravated 42430
burglary. Continued practice after suspension shall be considered 42431
practicing without a certificate. 42432

The board shall notify the individual subject to the 42433
suspension by certified mail or in person in accordance with 42434
section 119.07 of the Revised Code. If an individual whose 42435
certificate is automatically suspended under this division fails 42436

to make a timely request for an adjudication under Chapter 119. of 42437
the Revised Code, the board shall do whichever of the following is 42438
applicable: 42439

(1) If the automatic suspension under this division is for a 42440
second or subsequent plea of guilty to, or judicial finding of 42441
guilt of, a violation of section 2919.123 of the Revised Code, the 42442
board shall enter an order suspending the individual's certificate 42443
to practice for a period of at least one year or, if determined 42444
appropriate by the board, imposing a more serious sanction 42445
involving the individual's certificate to practice. 42446

(2) In all circumstances in which division (I)(1) of this 42447
section does not apply, enter a final order permanently revoking 42448
the individual's certificate to practice. 42449

(J) If the board is required by Chapter 119. of the Revised 42450
Code to give notice of an opportunity for a hearing and if the 42451
individual subject to the notice does not timely request a hearing 42452
in accordance with section 119.07 of the Revised Code, the board 42453
is not required to hold a hearing, but may adopt, by an 42454
affirmative vote of not fewer than six of its members, a final 42455
order that contains the board's findings. In that final order, the 42456
board may order any of the sanctions identified under division (A) 42457
or (B) of this section. 42458

(K) Any action taken by the board under division (B) of this 42459
section resulting in a suspension from practice shall be 42460
accompanied by a written statement of the conditions under which 42461
the individual's certificate to practice may be reinstated. The 42462
board shall adopt rules governing conditions to be imposed for 42463
reinstatement. Reinstatement of a certificate suspended pursuant 42464
to division (B) of this section requires an affirmative vote of 42465
not fewer than six members of the board. 42466

(L) When the board refuses to grant a certificate to an 42467

applicant, revokes an individual's certificate to practice, 42468
refuses to register an applicant, or refuses to reinstate an 42469
individual's certificate to practice, the board may specify that 42470
its action is permanent. An individual subject to a permanent 42471
action taken by the board is forever thereafter ineligible to hold 42472
a certificate to practice and the board shall not accept an 42473
application for reinstatement of the certificate or for issuance 42474
of a new certificate. 42475

(M) Notwithstanding any other provision of the Revised Code, 42476
all of the following apply: 42477

(1) The surrender of a certificate issued under this chapter 42478
shall not be effective unless or until accepted by the board. 42479
Reinstatement of a certificate surrendered to the board requires 42480
an affirmative vote of not fewer than six members of the board. 42481

(2) An application for a certificate made under the 42482
provisions of this chapter may not be withdrawn without approval 42483
of the board. 42484

(3) Failure by an individual to renew a certificate of 42485
registration in accordance with this chapter shall not remove or 42486
limit the board's jurisdiction to take any disciplinary action 42487
under this section against the individual. 42488

(N) Sanctions shall not be imposed under division (B)(28) of 42489
this section against any person who waives deductibles and 42490
copayments as follows: 42491

(1) In compliance with the health benefit plan that expressly 42492
allows such a practice. Waiver of the deductibles or copayments 42493
shall be made only with the full knowledge and consent of the plan 42494
purchaser, payer, and third-party administrator. Documentation of 42495
the consent shall be made available to the board upon request. 42496

(2) For professional services rendered to any other person 42497
authorized to practice pursuant to this chapter, to the extent 42498

allowed by this chapter and rules adopted by the board. 42499

(O) Under the board's investigative duties described in this 42500
section and subject to division (F) of this section, the board 42501
shall develop and implement a quality intervention program 42502
designed to improve through remedial education the clinical and 42503
communication skills of individuals authorized under this chapter 42504
to practice medicine and surgery, osteopathic medicine and 42505
surgery, and podiatric medicine and surgery. In developing and 42506
implementing the quality intervention program, the board may do 42507
all of the following: 42508

(1) Offer in appropriate cases as determined by the board an 42509
educational and assessment program pursuant to an investigation 42510
the board conducts under this section; 42511

(2) Select providers of educational and assessment services, 42512
including a quality intervention program panel of case reviewers; 42513

(3) Make referrals to educational and assessment service 42514
providers and approve individual educational programs recommended 42515
by those providers. The board shall monitor the progress of each 42516
individual undertaking a recommended individual educational 42517
program. 42518

(4) Determine what constitutes successful completion of an 42519
individual educational program and require further monitoring of 42520
the individual who completed the program or other action that the 42521
board determines to be appropriate; 42522

(5) Adopt rules in accordance with Chapter 119. of the 42523
Revised Code to further implement the quality intervention 42524
program. 42525

An individual who participates in an individual educational 42526
program pursuant to this division shall pay the financial 42527
obligations arising from that educational program. 42528

Sec. 4735.10. (A)(1) The Ohio real estate commission may 42529
adopt reasonable rules in accordance with Chapter 119. of the 42530
Revised Code, necessary for implementing the provisions of this 42531
chapter relating, but not limited to, the following: 42532

(a) The form and manner of filing applications for license; 42533

(b) Times and form of examination for license; 42534

(c) Placing an existing broker's license on deposit or a 42535
salesperson's license on an inactive status for an indefinite 42536
period. 42537

(2) The commission shall adopt reasonable rules in accordance 42538
with Chapter 119. of the Revised Code, for implementing the 42539
provisions of this chapter relating to the following: 42540

(a) The issuance, renewal, suspension, and revocation of 42541
licenses, other sanctions that may be imposed for violations of 42542
this chapter, the conduct of hearings related to these actions, 42543
and the process of reactivating a license; 42544

(b) By not later than January 1, 2004, a three-year license 42545
and a three-year license renewal system; 42546

(c) Standards for the approval of courses of study required 42547
for licenses, or offered in preparation for license examinations, 42548
or required as continuing education for licenses. ~~The rules shall~~ 42549
~~specify that no standard for the approval of a course of study~~ 42550
~~required as continuing education for licensees shall require that~~ 42551
~~licensees pass an examination as a condition for the successful~~ 42552
~~completion of a continuing education requirement. A person~~ 42553
~~providing a continuing education course may administer~~ 42554
~~examinations for the purpose of evaluating the effectiveness of~~ 42555
~~the course.~~ 42556

(d) Guidelines to ensure that continuing education classes 42557
are open to all persons licensed under this chapter. The rules 42558

shall specify that an organization that sponsors a continuing education class may offer its members a reasonable reduction in the fees charged for the class.

(e) Requirements for trust accounts and property management accounts. The rules shall specify that:

(i) Brokerages engaged in the management of property for another may, pursuant to a written contract with the property owner, exercise signatory authority for withdrawals from property management accounts maintained in the name of the property owner. The exercise of authority for withdrawals does not constitute a violation of any provision of division (A) of section 4735.18 of the Revised Code.

(ii) The interest earned on property management trust accounts maintained in the name of the property owner or the broker shall be payable to the property owner unless otherwise specified in a written contract.

(f) Notice of renewal forms and filing deadlines;

(g) Special assessments under division (A) of section 4735.12 of the Revised Code.

(B) The commission may adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and guidelines with which the superintendent of real estate shall comply in the exercise of the following powers:

(1) Appointment and recommendation of ancillary trustees under section 4735.05 of the Revised Code;

(2) Rejection of names proposed to be used by partnerships, associations, limited liability companies, limited liability partnerships, and corporations, under division (A) of section 4735.06 of the Revised Code;

(3) Acceptance and rejection of applications to take the

broker and salesperson examinations and licensure, with	42589
appropriate waivers pursuant to division (E) of section 4735.07	42590
and section 4735.09 of the Revised Code;	42591
(4) Approval of applications of brokers to place their	42592
licenses on deposit and to become salespersons under section	42593
4735.13 of the Revised Code;	42594
(5) Appointment of hearing examiners under section 119.09 of	42595
the Revised Code;	42596
(6) Acceptance and rejection of applications to take the	42597
foreign real estate dealer and salesperson examinations and	42598
licensure, with waiver of examination, under sections 4735.27 and	42599
4735.28 of the Revised Code;	42600
(7) Qualification of foreign real estate under section	42601
4735.25 of the Revised Code.	42602
If at any time there is no rule in effect establishing a	42603
guideline or standard required by this division, the	42604
superintendent may adopt a rule in accordance with Chapter 119. of	42605
the Revised Code for such purpose.	42606
(C) The commission or superintendent may hear testimony in	42607
matters relating to the duties imposed upon them, and the	42608
president of the commission and superintendent may administer	42609
oaths. The commission or superintendent may require other proof of	42610
the honesty, truthfulness, and good reputation of any person named	42611
in an application for a real estate broker's or real estate	42612
salesperson's license before admitting the applicant to the	42613
examination or issuing a license.	42614
Sec. 4735.141. (A) Except as otherwise provided in this	42615
division, each person licensed under section 4735.07 or 4735.09 of	42616
the Revised Code shall submit proof satisfactory to the	42617
superintendent of real estate that the licensee has satisfactorily	42618

completed thirty hours of continuing education, as prescribed by 42619
the Ohio real estate commission pursuant to section 4735.10 of the 42620
Revised Code, on or before the licensee's birthday occurring three 42621
years after the licensee's date of initial licensure, and on or 42622
before the licensee's birthday every three years thereafter. 42623

Persons licensed as real estate salespersons who subsequently 42624
become licensed real estate brokers shall continue to submit proof 42625
of continuing education in accordance with the time period 42626
established in this section. 42627

The requirements of this section shall not apply to any 42628
physically handicapped licensee as provided in division (E) of 42629
this section. 42630

Each licensee who is seventy years of age or older, within a 42631
continuing education reporting period, shall submit proof 42632
satisfactory to the superintendent of real estate that the 42633
licensee has satisfactorily completed a total of nine classroom 42634
hours of continuing education, including instruction in Ohio real 42635
estate law; recently enacted state and federal laws affecting the 42636
real estate industry; municipal, state, and federal civil rights 42637
law; and canons of ethics for the real estate industry as adopted 42638
by the commission. The required proof of completion shall be 42639
submitted on or before the licensee's birthday that falls in the 42640
third year of that continuing education reporting period. A 42641
licensee who is seventy years of age or older whose license is in 42642
an inactive status is exempt from the continuing education 42643
requirements specified in this section. The commission shall adopt 42644
reasonable rules in accordance with Chapter 119. of the Revised 42645
Code to carry out the purposes of this paragraph. 42646

~~A person providing any course of continuing education may 42647
administer examinations to licensees for the purpose of evaluating 42648
the effectiveness of the course, but passage of an examination by 42649
a licensee shall not be a condition for successful completion of 42650~~

~~the continuing education requirements of this section.~~ 42651

(B) The continuing education requirements of this section 42652
shall be completed in schools, seminars, and educational 42653
institutions approved by the commission. Such approval shall be 42654
given according to rules established by the commission under the 42655
procedures of Chapter 119. of the Revised Code, and shall not be 42656
limited to institutions providing two-year or four-year degrees. 42657
Each school, seminar, or educational institution approved under 42658
this division shall be open to all licensees on an equal basis. 42659

(C) If the requirements of this section are not met by a 42660
licensee within the period specified, the licensee's license shall 42661
be suspended automatically without the taking of any action by the 42662
superintendent. The superintendent shall notify the licensee of 42663
the license suspension. Any license so suspended shall remain 42664
suspended until it is reactivated by the superintendent. No such 42665
license shall be reactivated until it is established, to the 42666
satisfaction of the superintendent, that the requirements of this 42667
section have been met. If the requirements of this section are not 42668
met within twelve months from the date the license was suspended, 42669
the license shall be revoked automatically without the taking of 42670
any action by the superintendent. 42671

(D) If the license of a real estate broker is suspended 42672
pursuant to division (C) of this section, the license of a real 42673
estate salesperson associated with that broker correspondingly is 42674
suspended pursuant to division (H) of section 4735.20 of the 42675
Revised Code. However, the suspended license of the associated 42676
real estate salesperson shall be reactivated and no fee shall be 42677
charged or collected for that reactivation if all of the following 42678
occur: 42679

(1) That broker subsequently submits proof to the 42680
superintendent that the broker has complied with the requirements 42681
of this section and requests that the broker's license as a real 42682

estate broker be reactivated. 42683

(2) The superintendent then reactivates the broker's license 42684
as a real estate broker. 42685

(3) The associated real estate salesperson intends to 42686
continue to be associated with that broker, has complied with the 42687
requirements of this section, and otherwise is in compliance with 42688
this chapter. 42689

Any person whose license is reactivated pursuant to this 42690
division shall submit proof satisfactory to the superintendent 42691
that the person has completed thirty hours of continuing 42692
education, as prescribed by the Ohio real estate commission, on or 42693
before the third year following the licensee's birthday occurring 42694
immediately after reactivation. 42695

(E) Any licensee who is a physically handicapped licensee at 42696
any time during the last three months of the third year of the 42697
licensee's continuing education reporting period may receive an 42698
extension of time to submit proof to the superintendent that the 42699
licensee has satisfactorily completed the required thirty hours of 42700
continuing education. To receive an extension of time, the 42701
licensee shall submit a request to the division of real estate for 42702
the extension and proof satisfactory to the commission that the 42703
licensee was a physically handicapped licensee at some time during 42704
the last three months of the three-year reporting period. The 42705
proof shall include, but is not limited to, a signed statement by 42706
the licensee's attending physician describing the physical 42707
disability, certifying that the licensee's disability is of such a 42708
nature as to prevent the licensee from attending any instruction 42709
lasting at least three hours in duration, and stating the expected 42710
duration of the physical disability. The licensee shall request 42711
the extension and provide the physician's statement to the 42712
division no later than one month prior to the end of the 42713
licensee's three-year continuing education reporting period, 42714

unless the physical disability did not arise until the last month 42715
of the three-year reporting period, in which event the licensee 42716
shall request the extension and provide the physician's statement 42717
as soon as practical after the occurrence of the physical 42718
disability. A licensee granted an extension pursuant to this 42719
division who is no longer a physically handicapped licensee and 42720
who submits proof of completion of the continuing education during 42721
the extension period, shall submit, for future continuing 42722
education reporting periods, proof of completion of the continuing 42723
education requirements according to the schedule established in 42724
division (A) of this section. 42725

Sec. 4736.01. As used in this chapter: 42726

(A) "Environmental health science" means the aspect of public 42727
health science that includes, but is not limited to, the following 42728
bodies of knowledge: air quality, food quality and protection, 42729
hazardous and toxic substances, consumer product safety, housing, 42730
institutional health and safety, community noise control, 42731
radiation protection, recreational facilities, solid and liquid 42732
waste management, vector control, drinking water quality, milk 42733
sanitation, and rabies control. 42734

(B) "Sanitarian" means a person who performs for compensation 42735
educational, investigational, technical, or administrative duties 42736
requiring specialized knowledge and skills in the field of 42737
environmental health science. 42738

(C) "Registered sanitarian" means a person who is registered 42739
as a sanitarian in accordance with this chapter. 42740

(D) "Sanitarian-in-training" means a person who is registered 42741
as a sanitarian-in-training in accordance with this chapter. 42742

(E) "Practice of environmental health" means consultation, 42743
instruction, investigation, inspection, or evaluation by an 42744

employee of a city health district, a general health district, the 42745
environmental protection agency, the department of health, or the 42746
department of agriculture requiring specialized knowledge, 42747
training, and experience in the field of environmental health 42748
science, with the primary purpose of improving or conducting 42749
administration or enforcement under any of the following: 42750

(1) Chapter 911., 913., 917., 3717., ~~3718.~~, 3721., 3729., or 42751
3733. of the Revised Code; 42752

(2) Chapter 3734. of the Revised Code as it pertains to solid 42753
waste; 42754

(3) Section 955.26, 3701.344, 3707.01, or 3707.03, sections 42755
3707.38 to 3707.99, or section 3715.21 of the Revised Code; 42756

(4) Rules adopted under section 3701.34 of the Revised Code 42757
pertaining to home sewage, rabies control, or swimming pools; 42758

(5) Rules adopted under section 3701.935 of the Revised Code 42759
for school health and safety network inspections and rules adopted 42760
under section 3707.26 of the Revised Code for sanitary 42761
inspections. 42762

"Practice of environmental health" does not include sampling, 42763
testing, controlling of vectors, reporting of observations, or 42764
other duties that do not require application of specialized 42765
knowledge and skills in environmental health science performed 42766
under the supervision of a registered sanitarian. 42767

The state board of sanitarian registration may further define 42768
environmental health science in relation to specific functions in 42769
the practice of environmental health through rules adopted by the 42770
board under Chapter 119. of the Revised Code. 42771

Sec. 4743.05. Except as otherwise provided in sections 42772
4701.20, 4723.062, 4723.082, and 4729.65 of the Revised Code, all 42773
money collected under Chapters 3773., 4701., 4703., 4709., 4713., 42774

4715., 4717., 4723., 4725., 4729., 4732., 4733., 4734., 4736., 42775
4741., 4753., 4755., 4757., 4758., 4759., 4761., 4766., 4771., 42776
4775., 4779., and 4781. of the Revised Code shall be paid into the 42777
state treasury to the credit of the occupational licensing and 42778
regulatory fund, which is hereby created for use in administering 42779
such chapters. 42780

At the end of each quarter, the director of budget and 42781
management shall transfer from the occupational licensing and 42782
regulatory fund to the nurse education assistance fund created in 42783
section 3333.28 of the Revised Code the amount certified to the 42784
director under division (B) of section 4723.08 of the Revised 42785
Code. 42786

At the end of each quarter, the director shall transfer from 42787
the occupational licensing and regulatory fund to the certified 42788
public accountant education assistance fund created in section 42789
4701.26 of the Revised Code the amount certified to the director 42790
under division (H)(2) of section 4701.10 of the Revised Code. 42791

Sec. 4753.02. No person shall practice, offer to practice, or 42792
aid and abet the practice of the profession of speech-language 42793
pathology or audiology, or use in connection with ~~his~~ the person's 42794
name, or otherwise assume, use, or advertise any title or 42795
description tending to convey the impression that ~~he~~ the person is 42796
a speech-language pathologist or audiologist unless the person is 42797
licensed or permitted under this chapter. 42798

Sec. 4753.05. (A) The board of speech-language pathology and 42799
audiology may make reasonable rules necessary for the 42800
administration of this chapter. The board shall adopt rules to 42801
ensure ethical standards of practice by speech-language 42802
pathologists and audiologists licensed or permitted pursuant to 42803
this chapter. All rules adopted under this chapter shall be 42804

adopted in accordance with Chapter 119. of the Revised Code. 42805

(B) The board shall determine the nature and scope of 42806
examinations to be administered to applicants for licensure 42807
pursuant to this chapter in the practices of speech-language 42808
pathology and audiology, and shall evaluate the qualifications of 42809
all applicants. Written examinations may be supplemented by such 42810
practical and oral examinations as the board shall determine by 42811
rule. The board shall determine by rule the minimum examination 42812
score for licensure. Licensure shall be granted independently in 42813
speech-language pathology and audiology. The board shall maintain 42814
a current public record of all persons licensed, to be made 42815
available upon request. 42816

(C) The board shall publish and make available, upon request, 42817
the licensure and permit standards prescribed by this chapter and 42818
rules adopted pursuant thereto. 42819

(D) The board shall submit to the governor each year a report 42820
of all its official actions during the preceding year together 42821
with any recommendations and findings with regard to the 42822
improvement of the professions of audiology and speech-language 42823
pathology. 42824

(E) The board shall investigate all alleged irregularities in 42825
the practices of speech-language pathology and audiology by 42826
persons licensed or permitted pursuant to this chapter and any 42827
violations of this chapter or rules adopted by the board. The 42828
board shall not investigate the practice of any person 42829
specifically exempted from licensure under this chapter by section 42830
4753.12 of the Revised Code, as long as the person is practicing 42831
within the scope of the person's license or is carrying out 42832
responsibilities as described in division (G) or (H) of section 42833
4753.12 of the Revised Code and does not claim to be a 42834
speech-language pathologist or audiologist. 42835

In conducting investigations under this division, the board 42836
may administer oaths, order the taking of depositions, issue 42837
subpoenas, and compel the attendance of witnesses and the 42838
production of books, accounts, papers, records, documents, and 42839
testimony. In any case of disobedience or neglect of any subpoena 42840
served on any person or the refusal of any witness to testify to 42841
any matter regarding which the witness may lawfully be 42842
interrogated, the court of common pleas of any county where such 42843
disobedience, neglect, or refusal occurs or any judge thereof, on 42844
application by the board, shall compel obedience by attachment 42845
proceedings for contempt, as in the case of disobedience of the 42846
requirements of a subpoena issued from such court, or a refusal to 42847
testify therein. 42848

(F) The board shall conduct such hearings and keep such 42849
records and minutes as are necessary to carry out this chapter. 42850

(G) The board shall adopt a seal by which it shall 42851
authenticate its proceedings. Copies of the proceedings, records, 42852
and acts signed by the chairperson or executive director and 42853
authenticated by such seal shall be prima-facie evidence thereof 42854
in all courts of this state. 42855

Sec. 4753.073. (A) The board of speech-language pathology and 42856
audiology shall issue under its seal a speech-language pathology 42857
student permit to any applicant who submits a plan that has been 42858
approved by the applicant's university graduate program in 42859
speech-language pathology and that conforms to requirements 42860
determined by the board by rule and who meets all of the following 42861
requirements: 42862

(1) Is enrolled in a graduate program at an educational 42863
institution located in this state that is accredited by the 42864
council on academic accreditation in audiology and speech-language 42865
pathology of the American speech-language-hearing association; and 42866

(2) Has completed at least one year of postgraduate training in speech-language pathology, or equivalent coursework as determined by the board, and any student clinical experience the board may require by rule. 42867
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(B) The speech-language pathology student permit authorizes the holder to practice speech-language pathology within limits determined by the board by rule, which shall include the following: 42871
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(1) The permit holder's caseload shall be limited in a manner to be determined by the board by rule. 42875
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(2) The permit holder's authorized scope of practice shall be limited in a manner to be determined by the board by rule. The rule shall consider the coursework and clinical experience that has been completed by the permit holder and the recommendation of the applicant's university graduate program in speech-language pathology. 42877
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(3) The permit holder shall practice only when under the supervision of a speech-language pathologist who is licensed by the board and acting under the approval and direction of the applicant's university graduate program in speech-language pathology. The board shall determine by rule the manner of supervision. 42883
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(C) A permit issued under this section shall expire two years after the date of issuance. Student permits may be renewed in a manner to be determined by the board by rule. 42889
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(D) Each permit holder shall display the permit or an official duplicate in a conspicuous place where the permit holder practices speech-language pathology. 42892
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Sec. 4753.101. The board of speech-language pathology and audiology, in accordance with Chapter 119. of the Revised Code, 42895
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may establish rules to govern any disciplinary action to be taken 42897
against a student issued a permit under section 4753.073 of the 42898
Revised Code. The rules established by the board are not subject 42899
to the adjudication procedure requirements of sections 119.06 to 42900
119.13 of the Revised Code. 42901

Sec. 4753.11. (A) For all types of licenses and permits, the 42902
board of speech-language pathology and audiology shall charge a 42903
nonrefundable licensure or permit fee, to be determined by board 42904
rule, which shall be paid at the time the application is filed 42905
with the board. 42906

(B) On or before the thirty-first day of January of every 42907
other year, the board shall charge a biennial licensure renewal 42908
fee which shall be determined by board rule and used to defray 42909
costs of the board. 42910

(C) The board may, by rule, provide for the waiver of all or 42911
part of such fees when the license is issued less than one hundred 42912
days before the date on which it will expire. 42913

(D) After the last day of the month designated by the board 42914
for renewal, the board shall charge a late fee to be determined by 42915
board rule in addition to the biennial licensure renewal fee. 42916

(E) No municipal corporation shall levy an occupational or 42917
similar excise tax on any person licensed under this chapter. 42918

(F) All fees collected under this section and section 4753.09 42919
of the Revised Code shall be paid into the state treasury to the 42920
credit of the occupational licensing and regulatory fund. 42921

Sec. 4755.03. ~~All~~ Except as provided in section 4755.99 of 42922
the Revised Code, all fees and fines collected and assessed under 42923
this chapter by the appropriate section of the Ohio occupational 42924
therapy, physical therapy, and athletic trainers board, shall be 42925
deposited into the state treasury to the credit of the 42926

occupational licensing and regulatory fund. 42927

Sec. 4766.05. (A) The Ohio medical transportation board shall 42928
establish by rule a license fee, a permit fee for each ambulance, 42929
ambulette, rotorcraft air ambulance, fixed wing air ambulance, and 42930
nontransport vehicle owned or leased by the licensee that is or 42931
will be used as provided in section 4766.07 of the Revised Code, 42932
and fees for renewals of licenses and permits, taking into 42933
consideration the actual costs incurred by the board in carrying 42934
out its duties under this chapter. However, the fee for each 42935
license and each renewal of a license shall not exceed one hundred 42936
dollars, and the fee for each permit and each renewal of a permit 42937
shall not exceed one hundred dollars for each ambulance, 42938
rotorcraft air ambulance, fixed wing air ambulance, and 42939
nontransport vehicle. The fee for each permit and each renewal of 42940
a permit shall be twenty-five dollars for each ambulette for one 42941
year after ~~the effective date of this amendment~~ March 9, 2004. 42942
Thereafter, the board shall determine by rule the fee, which shall 42943
not exceed fifty dollars, for each permit and each renewal of a 42944
permit for each ambulette. For purposes of establishing fees, 42945
"actual costs" includes the costs of salaries, expenses, 42946
inspection equipment, supervision, and program administration. 42947

(B) The board shall deposit all fees and other moneys 42948
collected pursuant to sections 4766.04, 4766.07, and 4766.08 of 42949
the Revised Code in the state treasury to the credit of the ~~Ohio~~ 42950
~~medical transportation trust~~ occupational licensing and regulatory 42951
fund, which is ~~hereby~~ created by section 4743.05 of the Revised 42952
Code. All moneys from the fund shall be used solely for the 42953
salaries and expenses of the board incurred in implementing and 42954
enforcing this chapter. 42955

(C) The board, subject to the approval of the controlling 42956
board, may establish fees in excess of the maximum amounts allowed 42957

under division (A) of this section, but such fees shall not exceed 42958
those maximum amounts by more than fifty per cent. 42959

Sec. 4766.22. (A) Not later than forty-five days after the 42960
end of each fiscal year, the Ohio medical transportation board 42961
shall submit a report to the governor and general assembly that 42962
provides all of the following information for that fiscal year: 42963

(1) The number of each of the following the board issued: 42964

(a) Basic life-support organization licenses; 42965

(b) Intermediate life-support organization licenses; 42966

(c) Advanced life-support organization licenses; 42967

(d) Mobile intensive care unit organization licenses; 42968

(e) Ambulette service licenses; 42969

(f) Air medical service organization licenses; 42970

(g) Ambulance permits; 42971

(h) Nontransport vehicle permits; 42972

(i) Ambulette vehicle permits; 42973

(j) Rotorcraft air ambulance permits; 42974

(k) Fixed wing air ambulance permits. 42975

(2) The amount of fees the board collected for issuing and 42976
renewing each type of license and permit specified in division 42977
(A)(1) of this section; 42978

(3) The number of inspections the board or a third party on 42979
the board's behalf conducted in connection with each type of 42980
license and permit specified in division (A)(1) of this section 42981
and the amount of fees the board collected for the inspections; 42982

(4) The number of complaints that were submitted to the 42983
board; 42984

<u>(5) The number of investigations the board conducted under section 4766.11 of the Revised Code;</u>	42985
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<u>(6) The number of adjudication hearings the board held and the outcomes of the adjudications;</u>	42987
	42988
<u>(7) The amount of penalties the board imposed and collected under section 4766.08 of the Revised Code;</u>	42989
	42990
<u>(8) Other information the board determines reflects the board's operations.</u>	42991
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<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>	42993
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Sec. 4775.08. (A) The initial and annual renewal fee for a motor vehicle collision repair registration certificate and for a temporary motor vehicle collision repair registration certificate is one hundred fifty dollars for each business location at which the motor vehicle collision repair operator conducts business as an operator, except that the board of motor vehicle collision repair registration, with the approval of the controlling board, may establish fees in excess of or less than that amount, provided that such fees do not exceed or are not less than that amount by more than fifty per cent.	42996
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The board shall adjust the fees as necessary in order to provide for the expenses associated with carrying out this chapter without causing an excessive build up of surplus funds in the motor vehicle collision repair registration fund, which is hereby created in the state treasury.	43006
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(B) If the board has notified or attempted to notify a motor vehicle collision repair operator that the operator is required to be registered under this chapter, and the operator fails to register, the initial fee for the registration of such an	43011
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unregistered operator for each business location at which the 43015
operator conducts business as an operator, is the initial fee then 43016
in effect plus an additional amount equal to the initial fee then 43017
in effect for each calendar year that the operator is not 43018
registered after the board has notified or attempted to notify the 43019
operator. 43020

(C) The board shall deposit all fees and fines collected 43021
under this chapter into the ~~motor vehicle collision repair~~ 43022
~~registration fund. The board shall use the fund solely for the~~ 43023
~~administration and enforcement of this chapter~~ occupational 43024
licensing and regulatory fund created by section 4743.05 of the 43025
Revised Code. 43026

Sec. 4921.40. In accordance with section 4921.04 of the 43027
Revised Code, the public utilities commission may adopt rules: 43028

(A) Providing for binding estimates by motor transportation 43029
companies engaged, for hire, in the business of transporting 43030
household goods over a public highway in this state; 43031

(B) Providing for guaranteed-not-to-exceed estimates by such 43032
motor transportation companies; 43033

(C) Requiring such motor transportation companies to include 43034
their certificate number in all advertising, written estimates, 43035
and contracts related to the transportation of household goods in 43036
this state; 43037

(D) As are necessary and proper to carry out this chapter 43038
with respect to such motor transportation companies; 43039

(E) Providing for the enforcement of the consumer protection 43040
provisions of Title 49 of the United States Code related to the 43041
delivery and transportation of household goods in interstate 43042
commerce, as permitted by 49 U.S.C. 14710. Any fine or penalty 43043
imposed as a result of such enforcement shall be deposited into 43044

the state treasury to the credit of the general revenue fund. 43045

Sec. 4923.26. There is hereby created in the state treasury 43046
the federal commercial vehicle transportation systems fund. The 43047
fund shall consist of money received from the United States 43048
department of transportation's commercial vehicle intelligent 43049
transportation systems infrastructure deployment program. The 43050
public utilities commission shall use the fund to deploy the Ohio 43051
commercial vehicle information systems networks project and to 43052
improve safety of motor carrier operations through electronic 43053
exchange of data by means of on-highway electronic systems. 43054

Sec. 5101.141. (A) As used in sections 5101.141 to 5101.1410 43055
of the Revised Code, "Title IV-E" means Title IV-E of the "Social 43056
Security Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended. 43057

(B) The department of job and family services shall act as 43058
the single state agency to administer federal payments for foster 43059
care and adoption assistance made pursuant to Title IV-E. The 43060
director of job and family services shall adopt rules to implement 43061
this authority. Rules governing financial and administrative 43062
requirements applicable to public children services agencies and 43063
government entities that provide Title IV-E reimbursable placement 43064
services to children shall be adopted in accordance with section 43065
111.15 of the Revised Code, as if they were internal management 43066
rules. Rules governing requirements applicable to private child 43067
placing agencies and private noncustodial agencies and rules 43068
establishing eligibility, program participation, and other 43069
requirements concerning Title IV-E shall be adopted in accordance 43070
with Chapter 119. of the Revised Code. A public children services 43071
agency to which the department distributes Title IV-E funds shall 43072
administer the funds in accordance with those rules. 43073

(C)(1) The county, on behalf of each child eligible for 43074

foster care maintenance payments under Title IV-E, shall make 43075
payments to cover the cost of providing all of the following: 43076

(a) The child's food, clothing, shelter, daily supervision, 43077
and school supplies; 43078

(b) The child's personal incidentals; 43079

(c) Reasonable travel to the child's home for visitation. 43080

(2) In addition to payments made under division (C)(1) of 43081
this section, the county may, on behalf of each child eligible for 43082
foster care maintenance payments under Title IV-E, make payments 43083
to cover the cost of providing the following: 43084

(a) Liability insurance with respect to the child; 43085

(b) If the county is participating in the demonstration 43086
project established under division (A) of section 5101.142 of the 43087
Revised Code, services provided under the project. 43088

(3) With respect to a child who is in a child-care 43089
institution, including any type of group home designed for the 43090
care of children or any privately operated program consisting of 43091
two or more certified foster homes operated by a common 43092
administrative unit, the foster care maintenance payments made by 43093
the county on behalf of the child shall include the reasonable 43094
cost of the administration and operation of the institution, group 43095
home, or program, as necessary to provide the items described in 43096
divisions (C)(1) and (2) of this section. 43097

(D) To the extent that either foster care maintenance 43098
payments under division (C) of this section or Title IV-E adoption 43099
assistance payments for maintenance costs require the expenditure 43100
of county funds, the board of county commissioners shall report 43101
the nature and amount of each expenditure of county funds to the 43102
department. 43103

(E) The department shall distribute to public children 43104

services agencies that incur and report ~~such~~ expenditures of the 43105
type described in division (D) of this section federal financial 43106
participation received for administrative and training costs 43107
incurred in the operation of foster care maintenance and adoption 43108
assistance programs. The department may withhold not more than 43109
three per cent of the federal financial participation received. 43110
The funds withheld may be used only to fund the following: 43111

(1) The Ohio child welfare training program established under 43112
section 5103.30 of the Revised Code ~~and the~~ 43113

(2) The university partnership program for college and 43114
university students majoring in social work who have committed to 43115
work for a public children services agency upon graduation. ~~The~~ 43116

(3) Efforts supporting organizational excellence, including 43117
voluntary activities to be accredited by a nationally recognized 43118
accreditation organization. 43119

The funds withheld shall be in addition to any administration 43120
and training cost for which the department is reimbursed through 43121
its own cost allocation plan. 43122

(F) All federal financial participation funds received by a 43123
county pursuant to this section shall be deposited into the 43124
county's children services fund created pursuant to section 43125
5101.144 of the Revised Code. 43126

(G) The department shall periodically publish and distribute 43127
the maximum amounts that the department will reimburse public 43128
children services agencies for making payments on behalf of 43129
children eligible for foster care maintenance payments. 43130

(H) The department, by and through its director, is hereby 43131
authorized to develop, participate in the development of, 43132
negotiate, and enter into one or more interstate compacts on 43133
behalf of this state with agencies of any other states, for the 43134
provision of medical assistance and other social services to 43135

children in relation to whom all of the following apply:	43136
(1) They have special needs.	43137
(2) This state or another state that is a party to the interstate compact is providing adoption assistance on their behalf.	43138 43139 43140
(3) They move into this state from another state or move out of this state to another state.	43141 43142
Sec. 5101.16. (A) As used in this section and sections 5101.161 and 5101.162 of the Revised Code:	43143 43144
(1) "Disability financial assistance" means the financial assistance program established under Chapter 5115. of the Revised Code.	43145 43146 43147
(2) "Disability medical assistance" means the medical assistance program established under Chapter 5115. of the Revised Code.	43148 43149 43150
(3) "Food stamps" means the program administered by the department of job and family services pursuant to section 5101.54 of the Revised Code.	43151 43152 43153
(4) "Medicaid" means the medical assistance program established by Chapter 5111. of the Revised Code, excluding transportation services provided under that chapter.	43154 43155 43156
(5) "Ohio works first" means the program established by Chapter 5107. of the Revised Code.	43157 43158
(6) "Prevention, retention, and contingency" means the program established by Chapter 5108. of the Revised Code.	43159 43160
(7) "Public assistance expenditures" means expenditures for all of the following:	43161 43162
(a) Ohio works first;	43163

(b) County administration of Ohio works first;	43164
(c) Prevention, retention, and contingency;	43165
(d) County administration of prevention, retention, and contingency;	43166 43167
(e) Disability financial assistance;	43168
(f) Disability medical assistance;	43169
(g) County administration of disability financial assistance;	43170
(h) County administration of disability medical assistance;	43171
(i) County administration of food stamps;	43172
(j) County administration of medicaid.	43173
(8) "Title IV-A program" has the same meaning as in section 5101.80 of the Revised Code.	43174 43175
(B) Each board of county commissioners shall pay the county share of public assistance expenditures in accordance with section 5101.161 of the Revised Code. Except as provided in division (C) of this section, a county's share of public assistance expenditures is the sum of all of the following for state fiscal year 1998 and each state fiscal year thereafter, <u>minus the amount calculated under division (C) of section 5111.017 of the Revised Code for the state fiscal year ending in the previous calendar year</u> :	43176 43177 43178 43179 43180 43181 43182 43183 43184
(1) The amount that is twenty-five per cent of the county's total expenditures for disability financial assistance and disability medical assistance and county administration of those programs during the state fiscal year ending in the previous calendar year that the department of job and family services determines are allowable.	43185 43186 43187 43188 43189 43190
(2) The amount that is ten per cent, or other percentage determined under division (D) of this section, of the county's	43191 43192

total expenditures for county administration of food stamps and 43193
medicaid during the state fiscal year ending in the previous 43194
calendar year that the department determines are allowable, less 43195
the amount of federal reimbursement credited to the county under 43196
division (E) of this section for the state fiscal year ending in 43197
the previous calendar year; 43198

(3) A percentage of the actual amount of the county share of 43199
program and administrative expenditures during federal fiscal year 43200
1994 for assistance and services, other than child care, provided 43201
under Titles IV-A and IV-F of the "Social Security Act," 49 Stat. 43202
620 (1935), 42 U.S.C. 301, as those titles existed prior to the 43203
enactment of the "Personal Responsibility and Work Opportunity 43204
Reconciliation Act of 1996," 110 Stat. 2105. The department of job 43205
and family services shall determine the actual amount of the 43206
county share from expenditure reports submitted to the United 43207
States department of health and human services. The percentage 43208
shall be the percentage established in rules adopted under 43209
division (F) of this section. 43210

(C)(1) If a county's share of public assistance expenditures 43211
determined under division (B) of this section for a state fiscal 43212
year exceeds one hundred ten per cent of the county's share for 43213
those expenditures for the immediately preceding state fiscal 43214
year, the department of job and family services shall reduce the 43215
county's share for expenditures under divisions (B)(1) and (2) of 43216
this section so that the total of the county's share for 43217
expenditures under division (B) of this section equals one hundred 43218
ten per cent of the county's share of those expenditures for the 43219
immediately preceding state fiscal year. 43220

(2) A county's share of public assistance expenditures 43221
determined under division (B) of this section may be increased 43222
pursuant to section 5101.163 of the Revised Code and a sanction 43223
under section 5101.24 of the Revised Code. An increase made 43224

pursuant to section 5101.163 of the Revised Code may cause the 43225
county's share to exceed the limit established by division (C)(1) 43226
of this section. 43227

(D)(1) If the per capita tax duplicate of a county is less 43228
than the per capita tax duplicate of the state as a whole and 43229
division (D)(2) of this section does not apply to the county, the 43230
percentage to be used for the purpose of division (B)(2) of this 43231
section is the product of ten multiplied by a fraction of which 43232
the numerator is the per capita tax duplicate of the county and 43233
the denominator is the per capita tax duplicate of the state as a 43234
whole. The department of job and family services shall compute the 43235
per capita tax duplicate for the state and for each county by 43236
dividing the tax duplicate for the most recent available year by 43237
the current estimate of population prepared by the department of 43238
development. 43239

(2) If the percentage of families in a county with an annual 43240
income of less than three thousand dollars is greater than the 43241
percentage of such families in the state and division (D)(1) of 43242
this section does not apply to the county, the percentage to be 43243
used for the purpose of division (B)(2) of this section is the 43244
product of ten multiplied by a fraction of which the numerator is 43245
the percentage of families in the state with an annual income of 43246
less than three thousand dollars a year and the denominator is the 43247
percentage of such families in the county. The department of job 43248
and family services shall compute the percentage of families with 43249
an annual income of less than three thousand dollars for the state 43250
and for each county by multiplying the most recent estimate of 43251
such families published by the department of development, by a 43252
fraction, the numerator of which is the estimate of average annual 43253
personal income published by the bureau of economic analysis of 43254
the United States department of commerce for the year on which the 43255
census estimate is based and the denominator of which is the most 43256

recent such estimate published by the bureau. 43257

(3) If the per capita tax duplicate of a county is less than 43258
the per capita tax duplicate of the state as a whole and the 43259
percentage of families in the county with an annual income of less 43260
than three thousand dollars is greater than the percentage of such 43261
families in the state, the percentage to be used for the purpose 43262
of division (B)(2) of this section shall be determined as follows: 43263

(a) Multiply ten by the fraction determined under division 43264
(D)(1) of this section; 43265

(b) Multiply the product determined under division (D)(3)(a) 43266
of this section by the fraction determined under division (D)(2) 43267
of this section. 43268

(4) The department of job and family services shall 43269
determine, for each county, the percentage to be used for the 43270
purpose of division (B)(2) of this section not later than the 43271
first day of July of the year preceding the state fiscal year for 43272
which the percentage is used. 43273

(E) The department of job and family services shall credit to 43274
a county the amount of federal reimbursement the department 43275
receives from the United States departments of agriculture and 43276
health and human services for the county's expenditures for 43277
administration of food stamps and medicaid that the department 43278
determines are allowable administrative expenditures. 43279

(F)(1) The director of job and family services shall adopt 43280
rules in accordance with section 111.15 of the Revised Code to 43281
establish all of the following: 43282

(a) The method the department is to use to change a county's 43283
share of public assistance expenditures determined under division 43284
(B) of this section as provided in division (C) of this section; 43285

(b) The allocation methodology and formula the department 43286

will use to determine the amount of funds to credit to a county 43287
under this section; 43288

(c) The method the department will use to change the payment 43289
of the county share of public assistance expenditures from a 43290
calendar-year basis to a state fiscal year basis; 43291

(d) The percentage to be used for the purpose of division 43292
(B)(3) of this section, which shall, except as provided in section 43293
5101.163 of the Revised Code, meet both of the following 43294
requirements: 43295

(i) The percentage shall not be less than seventy-five per 43296
cent nor more than eighty-two per cent; 43297

(ii) The percentage shall not exceed the percentage that the 43298
state's qualified state expenditures is of the state's historic 43299
state expenditures as those terms are defined in 42 U.S.C. 43300
609(a)(7). 43301

(e) Other procedures and requirements necessary to implement 43302
this section. 43303

(2) The director of job and family services may amend the 43304
rule adopted under division (F)(1)(d) of this section to modify 43305
the percentage on determination that the amount the general 43306
assembly appropriates for Title IV-A programs makes the 43307
modification necessary. The rule shall be adopted and amended as 43308
if an internal management rule and in consultation with the 43309
director of budget and management. 43310

Sec. 5101.162. Subject to available federal funds and 43311
appropriations made by the general assembly, the department of job 43312
and family services may, at its sole discretion, use available 43313
federal funds to reimburse county expenditures for county 43314
administration of food stamps or medicaid even though the county 43315
expenditures meet or exceed the maximum allowable reimbursement 43316

amount established by rules adopted under section 5101.161 of the Revised Code ~~if the board of county commissioners has entered into a fiscal agreement with the director of job and family services under section 5101.21 of the Revised Code.~~ The director may adopt internal management rules in accordance with section 111.15 of the Revised Code to implement this section.

Sec. 5101.21. (A) As used in ~~this section,~~ "county signer sections 5101.21 to 5101.212 of the Revised Code:

(1) "County grantee" means all of the following:

~~(1)(a)~~ A board of county commissioners;

~~(2)(b)~~ A county children services board appointed under section 5153.03 of the Revised Code ~~if required by division (B) of this section to enter into a fiscal agreement;~~

~~(3)(c)~~ A county elected official that is a child support enforcement agency ~~if required by division (B) of this section to enter into a fiscal agreement.~~

(2) "County subgrant" means a grant that a county grantee awards to another entity.

(3) "County subgrant agreement" means an agreement between a county grantee and another entity under which the county grantee awards the other entity one or more county subgrants.

(4) "Fiscal biennial period" means a two-year period beginning on the first day of July of an odd-numbered year and ending on the last day of June of the next odd-numbered year.

(5) "Grant" means an award for one or more family services duties of federal financial assistance that a federal agency provides in the form of money, or property in lieu of money, to the department of job and family services and that the department awards to a county grantee. "Grant" may include state funds the department awards to a county grantee to match the federal

financial assistance. "Grant" does not mean either of the 43347
following: 43348

(a) Technical assistance that provides services instead of 43349
money; 43350

(b) Other assistance provided in the form of revenue sharing, 43351
loans, loan guarantees, interest subsidies, or insurance. 43352

(6) "Grant agreement" means an agreement between the 43353
department of job and family services and a county grantee under 43354
which the department awards the county grantee one or more grants. 43355

(B) The Effective July 1, 2008, the director of job and 43356
family services may award grants to counties only through grant 43357
agreements entered into under this section. 43358

(C) The director shall enter into one or more written fiscal 43359
grant agreements with boards of the county commissioners under 43360
which financial assistance is awarded for family services duties 43361
included in the agreements grantees of each county. Boards of 43362
county commissioners shall select which family services duties to 43363
include in a fiscal agreement. If a board of county commissioners 43364
elects to include family services duties of a public children 43365
services agency and a county children services board appointed 43366
under section 5153.03 of the Revised Code serves as the county's 43367
public children services agency, the board of county commissioners 43368
and county children services board shall jointly enter into the 43369
fiscal agreement with the director. If a board of county 43370
commissioners elects to include family services duties of a child 43371
support enforcement agency and the entity designated under former 43372
section 2301.35 of the Revised Code prior to October 1, 1997, or 43373
designated under section 307.981 of the Revised Code as the 43374
county's child support enforcement agency is an elected official 43375
of the county, the board of county commissioners and county 43376
elected official If a county has multiple county grantees, the 43377

director shall jointly enter into the ~~fiscal grant~~ agreement with 43378
~~the director~~ all of the county grantees. The initial grant 43379
agreement shall be entered into not later than January 31, 2008, 43380
and shall be in effect for fiscal year 2009. Except as provided in 43381
rules adopted under this section, subsequent grant agreements 43382
shall be entered into before the first day of each successive 43383
fiscal biennial period and shall be in effect for that fiscal 43384
biennial period or, in the case of a grant agreement entered into 43385
after the first day of a fiscal biennial period and except as 43386
provided by section 5101.211 of the Revised Code, for the 43387
remainder of the fiscal biennial period. A ~~fiscal grant~~ agreement 43388
shall do all of the following: 43389

(1) Comply with all of the conditions, requirements, and 43390
restrictions applicable to the family services duties for which 43391
the grants included in the agreement are awarded, including the 43392
conditions, requirements, and restrictions established by the 43393
department, federal or state law, state plans for receipt of 43394
federal financial participation, agreements between the department 43395
and a federal agency, and executive orders issued by the governor; 43396

(2) Establish terms and conditions governing the 43397
accountability for and use of the grants included in the grant 43398
agreement; 43399

(3) Specify ~~the~~ both of the following: 43400

(a) The family services duties ~~included in the agreement~~ and 43401
the ~~for which the grants included in the agreement are awarded;~~ 43402

(b) The private and government entities designated under 43403
section 307.981 of the Revised Code to serve as the county family 43404
services agencies performing the family services duties; 43405

~~(2)~~(4) Provide for the department of job and family services 43406
to award financial assistance for the family services duties 43407
grants included in the agreement in accordance with a methodology 43408

for determining the amount of the award established by rules 43409
adopted under ~~division (D)~~ of this section; 43410

~~(3)~~(5) Specify the form of the ~~award of financial assistance~~ 43411
grants which may be ~~an allocation, a~~ cash draw, reimbursement, 43412
property, ~~advance, working capital advance, or, to the extent~~ 43413
~~authorized by an appropriation made by the general assembly and to~~ 43414
~~the extent practicable and not in conflict with a federal or state~~ 43415
~~law, a consolidated funding allocation for two or more family~~ 43416
~~services duties included in the agreement~~ other forms specified in 43417
rules adopted under this section; 43418

~~(4)~~(6) Provide that the ~~award of financial assistance is~~ 43419
grants are subject to the availability of federal funds and 43420
appropriations made by the general assembly; 43421

~~(5)~~(7) Specify annual financial, administrative, or other 43422
incentive awards, if any, to be provided in accordance with 43423
section 5101.23 of the Revised Code; 43424

~~(6)~~(8) Include the assurance of each county ~~signer~~ grantee 43425
that the county ~~signer~~ grantee will do all of the following: 43426

(a) Ensure that the ~~financial assistance awarded under~~ grants 43427
included in the agreement ~~is~~ are used, and the family services 43428
duties ~~included in~~ for which the agreement grants are awarded are 43429
performed, in accordance with conditions, requirements for, and 43430
restrictions applicable to the duties established by the 43431
department, a federal or state law, ~~or any of the following that~~ 43432
~~concern the family services duties included in the fiscal~~ 43433
~~agreement and are published under section 5101.212 of the Revised~~ 43434
Code: state plans for receipt of federal financial participation, 43435
~~grant~~ agreements between the department and a federal agency, and 43436
executive orders issued by the governor; 43437

(b) ~~Ensure that the board and county family services agencies~~ 43438
~~utilize~~ Utilize a financial management system and other 43439

accountability mechanisms for the ~~financial assistance grants~~ 43440
awarded under the agreement that meet requirements the department 43441
establishes; 43442

(c) ~~Require the county family services agencies to do both~~ Do 43443
all of the following with regard to a county subgrant: 43444

(i) Award the subgrant through a written county subgrant 43445
agreement that requires the entity awarded the county subgrant to 43446
comply with all conditions, requirements, and restrictions 43447
applicable to the county grantee regarding the grant that the 43448
county grantee subgrants to the entity, including the conditions, 43449
requirements, and restrictions of this section; 43450

(ii) ~~Monitor all private and government entities~~ the entity 43451
that ~~receive a payment from financial assistance~~ is awarded under 43452
the ~~agreement~~ subgrant to ensure that ~~each~~ the entity uses the 43453
~~payment~~ subgrant in accordance with conditions, requirements ~~for,~~ 43454
and restrictions applicable to the family services duties included 43455
in for which the agreement subgrant is awarded; 43456

~~(ii)(iii)~~ (iii) Take action to recover ~~payments~~ subgrants that are 43457
not used in accordance with the conditions, requirements ~~for,~~ or 43458
restrictions applicable to the family services duties included in 43459
for which the agreement subgrant is awarded. 43460

(d) ~~Require county family services agencies to promptly~~ 43461
Promptly reimburse the department the amount that represents the 43462
amount ~~an agency~~ the county grantee is responsible for, pursuant 43463
to action the department takes under division (C) of section 43464
5101.24 of the Revised Code, of funds the department pays to any 43465
entity because of an adverse audit finding, adverse quality 43466
control finding, final disallowance of federal financial 43467
participation, or other sanction or penalty; 43468

(e) ~~Require county family services agencies to take~~ Take 43469
prompt corrective action, including paying amounts resulting from 43470

an adverse finding, sanction, or penalty, if the department, 43471
auditor of state, federal agency, or other entity authorized by 43472
federal or state law to determine compliance with the conditions, 43473
requirements ~~for~~, and restrictions applicable to a family services 43474
duty for which a grant included in the agreement is awarded 43475
determines compliance has not been achieved; 43476

(f) Ensure that any matching funds, regardless of the source, 43477
that the county grantee manages are clearly identified and used in 43478
accordance with federal and state laws and the agreement. 43479

~~(7)~~(9) Provide for the department taking action pursuant to 43480
division (C) of section 5101.24 of the Revised Code if authorized 43481
by division (B)(1), (2), (3), or (4) of that section; 43482

~~(8)~~(10) Provide for the department to do all of the 43483
following: 43484

(a) Provide the county grantee timely and clear written 43485
explanations, and consistent and accurate interpretations, of the 43486
conditions, requirements, and restrictions applicable to the 43487
family services duties for which the grants included in the 43488
agreement are awarded; 43489

(b) Provide the personnel of the county grantee and county 43490
family services agencies, as appropriate, timely and accessible 43491
training regarding changes to the conditions, requirements, and 43492
restrictions applicable to the family services duties for which 43493
the grants included in the agreement are awarded; 43494

(c) Provide a county family services agency technical 43495
assistance necessary for the county family services agency to be 43496
able to implement a family services duty for which a grant 43497
included in the agreement is awarded efficiently and in compliance 43498
with the conditions, requirements, and restrictions applicable to 43499
the family services duty; 43500

(d) Monitor county family services agencies' implementation 43501

of the family services duties for which the grants included in the 43502
agreement are awarded during the period for which the grant is 43503
made to identify problems that can be corrected before the 43504
problems are identified in an audit; 43505

(e) Assist the county grantee to resolve an adverse audit 43506
finding by the federal government, auditor of state, or other 43507
entity by providing the county grantee copies of the department's 43508
directives, assistance in documenting the department's efforts to 43509
work with the county grantee or a county family services agency to 43510
correct problems, and other assistance. 43511

(11) Provide for timely audits required by federal and state 43512
law and require prompt release of audit findings and prompt action 43513
to correct problems identified in an audit; 43514

~~(9) Comply with all of the requirements for the family~~ 43515
~~services duties that are included in the agreement and have been~~ 43516
~~established by the department, federal or state law, or any of the~~ 43517
~~following that concern the family services duties included in the~~ 43518
~~fiscal agreement and are published under section 5101.212 of the~~ 43519
~~Revised Code: state plans for receipt of federal financial~~ 43520
~~participation, grant agreements between the department and a~~ 43521
~~federal agency, and executive orders issued by the governor;~~ 43522

~~(10)~~(12) Provide for dispute resolution administrative review 43523
procedures in accordance with section 5101.24 of the Revised Code; 43524

~~(11)~~(13) Establish the method of amending or terminating the 43525
agreement and an expedited process for correcting terms or 43526
conditions of the agreement that the director and each county 43527
signer grantee agree are erroneous; 43528

~~(12) Except as provided in rules adopted under division (D)~~ 43529
~~of this section, begin on the first day of July of an odd numbered~~ 43530
~~year and end on the last day of June of the next odd numbered~~ 43531
~~year.~~ 43532

~~(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. 43533
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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. 43539
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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: 43544
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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; 43556
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(b) Specify allowable uses of ~~financial assistance awarded under the grants included in~~ the agreements; 43559
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(c) Establish reporting, cash management, audit, and other requirements the director determines are necessary to provide accountability for the use of ~~financial assistance awarded under~~ 43561
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the grants included in the agreements and determine compliance 43564
with conditions, requirements, and restrictions established by the 43565
department, a federal or state law, ~~or any of the following that~~ 43566
~~concern the family services duties included in the agreements and~~ 43567
~~are published under section 5101.212 of the Revised Code:~~ state 43568
plans for receipt of federal financial participation, ~~grant~~ 43569
agreements between the department and a federal ~~entity~~ agency, and 43570
executive orders issued by the governor. 43571

(2) A requirement of a ~~fiscal~~ grant agreement established by 43572
a rule adopted under this division is applicable to a ~~fiscal~~ grant 43573
agreement without having to be restated in the ~~fiscal~~ grant 43574
agreement. A requirement established by a grant agreement is 43575
applicable to the grant agreement without having to be restated in 43576
a rule. 43577

Sec. 5101.211. ~~(A) Except as provided in division (B) of this~~ 43578
~~section, the~~ The director of job and family services may provide 43579
for a ~~fiscal~~ grant agreement entered into under section 5101.21 of 43580
the Revised Code to have a retroactive effective date of the first 43581
day of July of an odd-numbered year if both of the following are 43582
the case: 43583

~~(1)(A)~~ (A) The agreement is entered into after that date and 43584
before the last day of that July. 43585

~~(2)(B)~~ (B) The board of county commissioners requests the 43586
retroactive effective date and provides the director good cause 43587
satisfactory to the director for the reason the agreement was not 43588
entered into on or before the first day of that July. 43589

~~(B) The director may provide for a fiscal agreement to have a~~ 43590
~~retroactive effective date of July 1, 2003, if both of the~~ 43591
~~following are the case:~~ 43592

~~(1) The agreement is entered into after July 1, 2003, and~~ 43593

~~before August 29, 2003.~~ 43594

~~(2) The board of county commissioners requests the~~ 43595

~~retroactive effective date.~~ 43596

Sec. 5101.212. The department of job and family services 43597
shall publish in a manner accessible to the public all of the 43598
following that concern family services duties for which grants 43599
included in ~~fiscal~~ grant agreements entered into under section 43600
5101.21 of the Revised Code are awarded: state plans for receipt 43601
of federal financial participation, ~~grant~~ agreements between the 43602
department and a federal agency, and executive orders issued by 43603
the governor. The department may publish the materials 43604
electronically or otherwise. 43605

Sec. 5101.213. (A) ~~Except as provided in section 5101.211 of~~ 43606
~~the Revised Code, if a fiscal agreement under section 5101.21 of~~ 43607
~~the Revised Code between the director of job and family services~~ 43608
~~and a board of county commissioners is not in effect~~ Until July 1, 43609
2008, all of the following apply: 43610

(1) ~~The~~ For each board of county commissioners, the 43611
department of job and family services shall award to the county 43612
the board serves financial assistance for family services duties 43613
in accordance with a methodology for determining the amount of the 43614
award established by rules adopted under division (B) of this 43615
section. 43616

(2) The financial assistance may be provided in the form of 43617
allocations, cash draws, reimbursements, and property but may not 43618
be made in the form of a consolidated funding allocation. 43619

(3) The award of the financial assistance is subject to the 43620
availability of federal funds and appropriations made by the 43621
general assembly. 43622

(4) The county family services agencies performing the family 43623

services duties for which the financial assistance is awarded 43624
shall do all of the following: 43625

(a) Use the financial assistance, and perform the family 43626
services duties, in accordance with requirements for the duties 43627
established by the department, a federal or state law, or any of 43628
the following that concern the duties: state plans for receipt of 43629
federal financial participation, grant agreements between the 43630
department and a federal agency, and executive orders issued by 43631
the governor; 43632

(b) Utilize a financial management system and other 43633
accountability mechanisms for the financial assistance that meet 43634
requirements the department establishes; 43635

(c) Monitor all private and government entities that receive 43636
a payment from the financial assistance to ensure that each entity 43637
uses the payment in accordance with requirements for the family 43638
services duties and take action to recover payments that are not 43639
used in accordance with the requirements for the family services 43640
duties; 43641

(d) Promptly reimburse the department the amount that 43642
represents the amount an agency is responsible for, pursuant to 43643
action the department takes under division (C) of section 5101.24 43644
of the Revised Code, of funds the department pays to any entity 43645
because of an adverse audit finding, adverse quality control 43646
finding, final disallowance of federal financial participation, or 43647
other sanction or penalty; 43648

(e) Take prompt corrective action, including paying amounts 43649
resulting from an adverse finding, sanction, or penalty, if the 43650
department, auditor of state, federal agency, or other entity 43651
authorized by federal or state law to determine compliance with 43652
requirements for a family services duty determines compliance has 43653
not been achieved. 43654

(B) The director shall adopt rules in accordance with section 43655
111.15 of the Revised Code as necessary to implement this section. 43656
The director shall adopt the rules as if they were internal 43657
management rules. Before adopting the rules, the director shall 43658
give the public an opportunity to review and comment on the 43659
proposed rules. The rules shall establish methodologies to be used 43660
to determine the amount of financial assistance to be awarded and 43661
may do any or all of the following: 43662

(1) Govern the establishment of funding allocations; 43663

(2) Specify allowable uses of financial assistance the 43664
department awards under this section; 43665

(3) Establish reporting, cash management, audit, and other 43666
requirements the director determines are necessary to provide 43667
accountability for the use of the financial assistance and 43668
determine compliance with requirements established by the 43669
department, a federal or state law, or any of the following that 43670
concern the family services duties for which the financial 43671
assistance is awarded: state plans for receipt of federal 43672
financial participation, grant agreements between the department 43673
and a federal entity, and executive orders issued by the governor. 43674

Sec. 5101.24. (A) As used in this section, "responsible 43675
entity county grantee" means ~~a board of county commissioners or a~~ 43676
~~county family services agency,~~ whichever county grantee, as 43677
defined in section 5101.21 of the Revised Code, the director of 43678
job and family services determines is appropriate to take action 43679
against under division (C) of this section. 43680

(B) Regardless of whether a family services duty is performed 43681
by a county family services agency, private or government entity 43682
pursuant to a contract entered into under section 307.982 of the 43683
Revised Code or division (C)(2) of section 5153.16 of the Revised 43684
Code, or private or government provider of a family service duty, 43685

the department of job and family services may take action under 43686
division (C) of this section against the responsible ~~entity~~ county 43687
grantee if the department determines any of the following are the 43688
case: 43689

(1) A requirement of a ~~fiscal~~ grant agreement entered into 43690
under section 5101.21 of the Revised Code that includes a grant 43691
for the family services duty, including a requirement for ~~fiscal~~ 43692
grant agreements established by rules adopted under that section, 43693
is not complied with; 43694

(2) A county family services agency fails to develop, submit 43695
to the department, or comply with a corrective action plan under 43696
division (B) of section 5101.221 of the Revised Code, or the 43697
department disapproves the agency's corrective action plan 43698
developed under division (B) of section 5101.221 of the Revised 43699
Code; 43700

(3) A requirement for the family services duty established by 43701
the department or any of the following is not complied with: a 43702
federal or state law, state plan for receipt of federal financial 43703
participation, grant agreement between the department and a 43704
federal agency, or executive order issued by the governor; 43705

(4) The responsible ~~entity~~ county grantee is solely or 43706
partially responsible, as determined by the director of job and 43707
family services, for an adverse audit finding, adverse quality 43708
control finding, final disallowance of federal financial 43709
participation, or other sanction or penalty regarding the family 43710
services duty. 43711

(C) The department may take one or more of the following 43712
actions against the responsible ~~entity~~ county grantee when 43713
authorized by division (B)(1), (2), (3), or (4) of this section: 43714

(1) Require the responsible ~~entity~~ county grantee to comply 43715
with a corrective action plan pursuant to a time schedule 43716

specified by the department. The corrective action plan shall be 43717
established or approved by the department and shall not require a 43718
county ~~family services agency~~ grantee to commit resources to the 43719
plan. 43720

(2) Require the responsible ~~entity~~ county grantee to comply 43721
with a corrective action plan pursuant to a time schedule 43722
specified by the department. The corrective action plan shall be 43723
established or approved by the department and require a county 43724
~~family services agency~~ grantee to commit to the plan existing 43725
resources identified by the agency. 43726

(3) Require the responsible ~~entity~~ county grantee to do one 43727
of the following: 43728

(a) Share with the department a final disallowance of federal 43729
financial participation or other sanction or penalty; 43730

(b) Reimburse the department the final amount the department 43731
pays to the federal government or another entity that represents 43732
the amount the responsible ~~entity~~ county grantee is responsible 43733
for of an adverse audit finding, adverse quality control finding, 43734
final disallowance of federal financial participation, or other 43735
sanction or penalty issued by the federal government, auditor of 43736
state, or other entity; 43737

(c) Pay the federal government or another entity the final 43738
amount that represents the amount the responsible ~~entity~~ county 43739
grantee is responsible for of an adverse audit finding, adverse 43740
quality control finding, final disallowance of federal financial 43741
participation, or other sanction or penalty issued by the federal 43742
government, auditor of state, or other entity; 43743

(d) Pay the department the final amount that represents the 43744
amount the responsible ~~entity~~ county grantee is responsible for of 43745
an adverse audit finding or adverse quality control finding. 43746

(4) Impose an administrative sanction issued by the 43747

department against the responsible ~~entity~~ county grantee. A 43748
sanction may be increased if the department has previously taken 43749
action against the responsible entity under this division. 43750

(5) Perform, or contract with a government or private entity 43751
for the entity to perform, the family services duty until the 43752
department is satisfied that the responsible ~~entity~~ county grantee 43753
ensures that the duty will be performed satisfactorily. If the 43754
department performs or contracts with an entity to perform a 43755
family services duty under division (C)(5) of this section, the 43756
department may do either or both of the following: 43757

(a) Spend funds in the county treasury appropriated by the 43758
board of county commissioners for the duty; 43759

(b) Withhold funds allocated or reimbursements due to the 43760
responsible ~~entity~~ county grantee for the duty and spend the funds 43761
for the duty. 43762

(6) Request that the attorney general bring mandamus 43763
proceedings to compel the responsible ~~entity~~ county grantee to 43764
take or cease the action that causes division (B)(1), (2), (3), or 43765
(4) of this section to apply. The attorney general shall bring 43766
mandamus proceedings in the Franklin county court of appeals at 43767
the department's request. 43768

(7) If the department takes action under this division 43769
because of division (B)(3) of this section, temporarily withhold 43770
funds allocated or reimbursement due to the responsible ~~entity~~ 43771
county grantee until the department determines that the 43772
responsible ~~entity~~ county grantee is in compliance with the 43773
requirement. The department shall release the funds when the 43774
department determines that compliance has been achieved. 43775

(D) If the department proposes to take action against the 43776
responsible ~~entity~~ county grantee under division (C) of this 43777
section, the department shall notify the responsible ~~entity~~ county 43778

grantee, director of the appropriate county family services 43779
agency, and county auditor. The notice shall be in writing and 43780
specify the action the department proposes to take. The department 43781
shall send the notice by regular United States mail. 43782

Except as provided by division (E) of this section, the 43783
responsible ~~entity~~ county grantee may request an administrative 43784
review of a proposed action in accordance with administrative 43785
review procedures the department shall establish. The 43786
administrative review procedures shall comply with all of the 43787
following: 43788

(1) A request for an administrative review shall state 43789
specifically all of the following: 43790

(a) The proposed action specified in the notice from the 43791
department for which the review is requested; 43792

(b) The reason why the responsible ~~entity~~ county grantee 43793
believes the proposed action is inappropriate; 43794

(c) All facts and legal arguments that the responsible ~~entity~~ 43795
county grantee wants the department to consider; 43796

(d) The name of the person who will serve as the responsible 43797
~~entity's~~ county grantee's representative in the review. 43798

(2) If the department's notice specifies more than one 43799
proposed action and the responsible ~~entity~~ county grantee does not 43800
specify all of the proposed actions in its request pursuant to 43801
division (D)(1)(a) of this section, the proposed actions not 43802
specified in the request shall not be subject to administrative 43803
review and the parts of the notice regarding those proposed 43804
actions shall be final and binding on the responsible ~~entity~~ 43805
county grantee. 43806

(3) In the case of a proposed action under division (C)(1) of 43807
this section, the responsible ~~entity~~ county grantee shall have 43808

fifteen calendar days after the department mails the notice to the responsible entity county grantee to send a written request to the department for an administrative review. If it receives such a request within the required time, the department shall postpone taking action under division (C)(1) of this section for fifteen calendar days following the day it receives the request or extended period of time provided for in division (D)(5) of this section to allow a representative of the department and a representative of the responsible entity county grantee an informal opportunity to resolve any dispute during that fifteen-day or extended period.

(4) In the case of a proposed action under division (C)(2), (3), (4), (5), or (7) of this section, the responsible entity county grantee shall have thirty calendar days after the department mails the notice to the responsible entity county grantee to send a written request to the department for an administrative review. If it receives such a request within the required time, the department shall postpone taking action under division (C)(2), (3), (4), (5), or (7) of this section for thirty calendar days following the day it receives the request or extended period of time provided for in division (D)(5) of this section to allow a representative of the department and a representative of the responsible entity county grantee an informal opportunity to resolve any dispute during that thirty-day or extended period.

(5) If the informal opportunity provided in division (D)(3) or (4) of this section does not result in a written resolution to the dispute within the fifteen- or thirty-day period, the director of job and family services and representative of the responsible entity county grantee may enter into a written agreement extending the time period for attempting an informal resolution of the dispute under division (D)(3) or (4) of this section.

(6) In the case of a proposed action under division (C)(3) of this section, the responsible entity county grantee may not include in its request disputes over a finding, final disallowance of federal financial participation, or other sanction or penalty issued by the federal government, auditor of state, or entity other than the department.

(7) If the responsible entity county grantee fails to request an administrative review within the required time, the responsible entity county grantee loses the right to request an administrative review of the proposed actions specified in the notice and the notice becomes final and binding on the responsible entity county grantee.

(8) If the informal opportunity provided in division (D)(3) or (4) of this section does not result in a written resolution to the dispute within the time provided by division (D)(3), (4), or (5) of this section, the director shall appoint an administrative review panel to conduct the administrative review. The review panel shall consist of department employees and one director or other representative of the type of county family services agency that is responsible for the kind of family services duty that is the subject of the dispute and serves a different county than the county served by the responsible entity county grantee. No individual involved in the department's proposal to take action against the responsible entity county grantee may serve on the review panel. The review panel shall review the responsible entity's county grantee's request. The review panel may require that the department or responsible entity county grantee submit additional information and schedule and conduct an informal hearing to obtain testimony or additional evidence. A review of a proposal to take action under division (C)(3) of this section shall be limited solely to the issue of the amount the responsible entity county grantee shall share with the department, reimburse

the department, or pay to the federal government, department, or 43873
other entity under division (C)(3) of this section. The review 43874
panel is not required to make a stenographic record of its hearing 43875
or other proceedings. 43876

(9) After finishing an administrative review, an 43877
administrative review panel appointed under division (D)(8) of 43878
this section shall submit a written report to the director setting 43879
forth its findings of fact, conclusions of law, and 43880
recommendations for action. The director may approve, modify, or 43881
disapprove the recommendations. If the director modifies or 43882
disapproves the recommendations, the director shall state the 43883
reasons for the modification or disapproval and the actions to be 43884
taken against the responsible ~~entity~~ county grantee. 43885

(10) The director's approval, modification, or disapproval 43886
under division (D)(9) of this section shall be final and binding 43887
on the responsible ~~entity~~ county grantee and shall not be subject 43888
to further departmental review. 43889

(E) The responsible ~~entity~~ county grantee is not entitled to 43890
an administrative review under division (D) of this section for 43891
any of the following: 43892

(1) An action taken under division (C)(6) of this section; 43893

(2) An action taken under section 5101.242 of the Revised 43894
Code; 43895

(3) An action taken under division (C)(3) of this section if 43896
the federal government, auditor of state, or entity other than the 43897
department has identified the responsible county ~~family services~~ 43898
~~agency grantee~~ as being solely or partially responsible for an 43899
adverse audit finding, adverse quality control finding, final 43900
disallowance of federal financial participation, or other sanction 43901
or penalty; 43902

(4) An adjustment to an allocation, cash draw, advance, or 43903

reimbursement to a responsible county ~~family services agency~~ 43904
grantee that the department determines necessary for budgetary 43905
reasons; 43906

(5) Withholding of a cash draw or reimbursement due to 43907
noncompliance with a reporting requirement established in rules 43908
adopted under section 5101.243 of the Revised Code. 43909

(F) This section does not apply to other actions the 43910
department takes against the responsible ~~entity~~ county grantee 43911
pursuant to authority granted by another state law unless the 43912
other state law requires the department to take the action in 43913
accordance with this section. 43914

(G) The director of job and family services may adopt rules 43915
in accordance with Chapter 119. of the Revised Code as necessary 43916
to implement this section. 43917

Sec. 5101.242. The department of job and family services may 43918
certify a claim to the attorney general under section 131.02 of 43919
the Revised Code for the attorney general to take action under 43920
that section against a responsible county grantee or responsible 43921
entity to recover any funds that the department determines the 43922
responsible county grantee or responsible entity owes the 43923
department for actions taken under division (C)(2), (3), (4), or 43924
(5) of section 5101.24 or 5101.241 of the Revised Code. 43925

Sec. 5101.244. If a ~~county family services agency submits an~~ 43926
~~expenditure report to~~ the department of job and family services 43927
~~and the department subsequently~~ determines that a grant awarded to 43928
a county grantee in a grant agreement entered into under section 43929
5101.21 of the Revised Code, an allocation, advance, or 43930
reimbursement the department makes to ~~the~~ a county family services 43931
agency, or a cash draw ~~the~~ a county family services agency makes, 43932
~~for an expenditure~~ exceeds the allowable amount for the 43933

expenditure grant, allocation, advance, reimbursement, or cash 43934
draw, the department may adjust, offset, withhold, or reduce an 43935
allocation, cash draw, advance, reimbursement, or other financial 43936
assistance to the county grantee or county family services agency 43937
as necessary to recover the amount of the excess grant, 43938
allocation, advance, reimbursement, or cash draw. The department 43939
is not required to make the adjustment, offset, withholding, or 43940
reduction in accordance with section 5101.24 of the Revised Code. 43941

The director of job and family services may adopt rules under 43942
section 111.15 of the Revised Code as necessary to implement this 43943
section. The director shall adopt the rules as if they were 43944
internal management rules. 43945

Sec. 5101.27. (A) Except as permitted by this section, 43946
section 5101.272, 5101.28, or 5101.29 of the Revised Code, or the 43947
rules adopted under division (A) of section 5101.30 of the Revised 43948
Code, or required by federal law, no person or government entity 43949
shall solicit, disclose, receive, use, or knowingly permit, or 43950
participate in the use of any information regarding a public 43951
assistance recipient for any purpose not directly connected with 43952
the administration of a public assistance program. 43953

(B) To the extent permitted by federal law, the department of 43954
job and family services and county agencies shall do all of the 43955
following: 43956

(1) Release information regarding a public assistance 43957
recipient for purposes directly connected to the administration of 43958
the program to a government entity responsible for administering 43959
that public assistance program; 43960

(2) Provide information regarding a public assistance 43961
recipient to a law enforcement agency for the purpose of any 43962
investigation, prosecution, or criminal or civil proceeding 43963
relating to the administration of that public assistance program; 43964

(3) Provide, for purposes directly connected to the 43965
administration of a program that assists needy individuals with 43966
the costs of public utility services, information regarding a 43967
recipient of financial assistance provided under a program 43968
administered by the department or a county agency pursuant to 43969
Chapter 5107. or 5108. of the Revised Code or sections 5115.01 to 43970
5115.07 of the Revised Code to an entity administering the public 43971
utility services program. 43972

(C) To the extent permitted by federal law and section 43973
1347.08 of the Revised Code, the department and county agencies 43974
shall provide access to information regarding a public assistance 43975
recipient to all of the following: 43976

(1) The recipient; 43977

(2) The authorized representative; 43978

(3) The legal guardian of the recipient; 43979

(4) The attorney of the recipient, if the attorney has 43980
written authorization that complies with section 5101.271 of the 43981
Revised Code from the recipient. 43982

(D) To the extent permitted by federal law and subject to 43983
division (E) of this section, the department and county agencies 43984
may do both of the following: 43985

(1) Release information about a public assistance recipient 43986
if the recipient gives voluntary, written authorization that 43987
complies with section 5101.271 of the Revised Code; 43988

(2) Release information regarding a public assistance 43989
recipient to a state, federal, or federally assisted program that 43990
provides cash or in-kind assistance or services directly to 43991
individuals based on need or for the purpose of protecting 43992
children to a government entity responsible for administering a 43993
children's protective services program. 43994

(E) Except when the release is required by division (B), (C), 43995
or (D)(2) of this section, the department or county agency shall 43996
release the information only in accordance with the authorization. 43997
The department or county agency shall provide, at no cost, a copy 43998
of each written authorization to the individual who signed it. 43999

(F) The department or county agency may release information 44000
under division (D) of this section concerning the receipt of 44001
medical assistance provided under a public assistance program only 44002
if all of the following conditions are met: 44003

(1) The release of information is for purposes directly 44004
connected to the administration of or provision of medical 44005
assistance provided under a public assistance program; 44006

(2) The information is released to persons or government 44007
entities that are subject to standards of confidentiality and 44008
safeguarding information substantially comparable to those 44009
established for medical assistance provided under a public 44010
assistance program; 44011

(3) The department or county agency has obtained an 44012
authorization consistent with section 5101.271 of the Revised 44013
Code. 44014

(G) Information concerning the receipt of medical assistance 44015
provided under a public assistance program may be released only if 44016
the release complies with this section and rules adopted by the 44017
department pursuant to section 5101.30 of the Revised Code or, if 44018
more restrictive, the Health Insurance Portability and 44019
Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1955, 44020
42 U.S.C. 1320d, et seq., as amended, and regulations adopted by 44021
the United States department of health and human services to 44022
implement the act. 44023

(H) The department of job and family services may adopt rules 44024
defining "authorized representative" for purposes of division 44025

(C)(2) of this section. 44026

Sec. 5101.272. Not later than August 31, 2007, the director 44027
of job and family services shall submit a report to the general 44028
assembly on the costs and potential three-year cost savings 44029
associated with participation in the federally-administered public 44030
assistance reporting information system. If cost savings are 44031
indicated in the report, not later than October 1, 2007, the 44032
department of job and family services shall enter into any 44033
necessary agreements with the United States department of health 44034
and human services and neighboring states to join and participate 44035
as an active member in the public assistance reporting information 44036
system. The department may disclose information regarding a public 44037
assistance recipient to the extent necessary to participate as an 44038
active member in the public assistance reporting information 44039
system. 44040

Sec. 5101.51. In accordance with federal law governing the 44041
children's health insurance program, the director of job and 44042
family services may submit a state child health plan to the United 44043
States secretary of health and human services to provide, except 44044
as provided in section 5101.516 of the Revised Code, health 44045
assistance to uninsured individuals under nineteen years of age 44046
with family incomes above one hundred fifty per cent of the 44047
federal poverty guidelines but not exceeding ~~two~~ three hundred per 44048
cent of the federal poverty guidelines. If the director submits 44049
the plan, the director shall include ~~both~~ all of the following in 44050
the plan and any subsequent amendments to the plan: 44051

(A) The For individuals with family incomes above one hundred 44052
fifty per cent but not exceeding two hundred per cent of the 44053
federal poverty guidelines, the health assistance will not begin 44054
before January 1, 2000. 44055

(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. 44056
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(C) The health assistance will be available only while federal financial participation is available for it. 44060
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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. 44062
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Sec. 5101.571. As used in sections 5101.571 to ~~5101.59~~ 5101.591 of the Revised Code: 44069
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(A) "Information" means all of the following: 44071

(1) An individual's name, address, date of birth, and social security number; 44072
44073

(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; 44074
44075
44076

(3) Any other data the director of job and family services specifies in rules adopted under section 5101.591 of the Revised Code. 44077
44078
44079

(B) "Medical assistance" means medical items or services provided under any of the following: 44080
44081

(1) Medicaid, as defined in section 5111.01 of the Revised Code; 44082
44083

(2) The children's health insurance program part I and part 44084

II established under sections 5101.50 to 5101.5110 of the Revised Code; 44085
44086

(3) The disability medical assistance program established under Chapter 5115. of the Revised Code. 44087
44088

(C) "Medical support" means support specified as support for the purpose of medical care by order of a court or administrative agency. 44089
44090
44091

~~(B) "Third party"~~ (D) "Public assistance" means medical assistance or assistance under the Ohio works first program established under Chapter 5107. of the Revised Code. 44092
44093
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(E)(1) Subject to division (E)(2) of this section, and except as provided in division (E)(3) of this section, "third party" means any health insurer as defined in section 3924.41 of the Revised Code, individual, entity, or public or private program, that is or may be liable to pay all or part of the medical cost of injury, disease, or disability of an applicant or recipient. "Third party" includes any such insurer, individual, entity, or program that would have been obligated to pay for the service, even when such third party limits or excludes payments in the case of an individual who is eligible for medicaid. all of the following: 44095
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(a) A person authorized to engage in the business of sickness and accident insurance under Title XXXIX of the Revised Code; 44106
44107

(b) A person or governmental entity providing coverage for medical services or items to individuals on a self-insurance basis; 44108
44109
44110

(c) A health insuring corporation as defined in section 1751.01 of the Revised Code; 44111
44112

(d) A group health plan as defined in 29 U.S.C. 1167; 44113

(e) A service benefit plan as referenced in 42 U.S.C. 44114

<u>1396a(a)(25);</u>	44115
<u>(f) A managed care organization;</u>	44116
<u>(g) A pharmacy benefit manager;</u>	44117
<u>(h) A third party administrator;</u>	44118
<u>(i) Any other person or governmental entity that is, by law,</u>	44119
<u>contract, or agreement, responsible for the payment or processing</u>	44120
<u>of a claim for a medical item or service for a public assistance</u>	44121
<u>recipient or participant.</u>	44122
<u>(2) Except when otherwise provided by 42 U.S.C. 1395y(b), a</u>	44123
<u>person or governmental entity listed in division (E)(1) of this</u>	44124
<u>section is a third party even if the person or governmental entity</u>	44125
<u>limits or excludes payments for a medical item or service in the</u>	44126
<u>case of a public assistance recipient.</u>	44127
<u>(3) "Third party" does not include the program for medically</u>	44128
<u>handicapped children established under section 3701.023 of the</u>	44129
<u>Revised Code.</u>	44130
Sec. 5101.572. Upon the request of the department of job and	44131
family services, any (A) A third party as defined in section	44132
5101.571 of the Revised Code shall cooperate with the department	44133
of job and family services in identifying individuals for the	44134
purpose of establishing third party liability pursuant to Title	44135
XIX of the Social Security Act, as amended. The	44136
<u>(B) In furtherance of the requirement in division (A) of this</u>	44137
<u>section and to allow the department to determine any period that</u>	44138
<u>the individual or the individual's spouse or dependent may have</u>	44139
<u>been covered by the third party and the nature of the coverage, a</u>	44140
<u>third party shall provide, as the department so chooses,</u>	44141
<u>information or access to information, or both, in the third</u>	44142
<u>party's electronic data system on the department's request and in</u>	44143
<u>accordance with division (C) of this section.</u>	44144

(C)(1) If the department chooses to receive information 44145
directly, the third party shall provide the information under all 44146
of the following circumstances: 44147

(a) In a medium, format, and manner prescribed by the 44148
director of job and family services in rules adopted under section 44149
5101.591 of the Revised Code; 44150

(b) Free of charge; 44151

(c) Not later than the end of the thirtieth day after the 44152
department makes its request, unless a different time is agreed to 44153
by the director in writing. 44154

(2) If the department chooses to receive access to 44155
information, the third party shall provide access by a method 44156
prescribed by the director of job and family services in rules 44157
adopted under section 5101.591 of the Revised Code. In 44158
facilitating access, the department may enter into a trading 44159
partner agreement with the third party to permit the exchange of 44160
information via "ASC X 12N 270/271 Health Care Eligibility Benefit 44161
Inquiry and Response" transactions. 44162

(D) All of the following apply with respect to information 44163
provided by a third party to the department under this section: 44164

(1) The information is confidential and not a public record 44165
under section 149.43 of the Revised Code. 44166

(2) The release of information to the department is not to be 44167
considered a violation of any right of confidentiality or contract 44168
that the third party may have with covered persons including, but 44169
not limited to, contractees, beneficiaries, heirs, assignees, and 44170
subscribers. 44171

(3) The third party is immune from any liability that it may 44172
otherwise incur through its release of information to the 44173
department. 44174

The department of job and family services shall limit its use of information gained from third parties to purposes directly connected with the administration of the medicaid program. ~~No~~

~~(E) No third party shall disclose to other parties or make use of any information regarding recipients of aid under Chapter 5107. or 5111. of the Revised Code that it obtains from the department of job and family services, except in the manner provided for by the director of job and family services in administrative rules. Any information provided by a third party to the department of job and family services shall not be considered a violation of any right of confidentiality or contract that the third party may have with covered persons including, but not limited to, contractees, beneficiaries, heirs, assignees, and subscribers. The third party is immune from any liability that it may otherwise incur through its release of information to the department of job and family services.~~

Sec. 5101.573. (A) Subject to division (B) of this section, a third party shall do all of the following:

(1) Accept the department of job and family services' right of recovery under section 5101.58 of the Revised Code and the assignment of rights to the department that are described in section 5101.59 of the Revised Code.

(2) Respond to an inquiry by the department regarding a claim for payment of a medical item or service that was submitted to the third party not later than three years after the date of the provision of such medical item or service;

(3) Pay a claim described in division (A)(2) of this section;

(4) Not deny a claim submitted by the department solely on the basis of the date of submission of the claim, type or format of the claim form, or a failure by the medical assistance

recipient who is the subject of the claim to present proper 44205
documentation of coverage at the time of service, if both of the 44206
following are true: 44207

(a) The claim was submitted by the department not later than 44208
three years after the date of the provision of the medical item or 44209
service; 44210

(b) An action by the department to enforce its right of 44211
recovery under section 5101.58 of the Revised Code on the claim 44212
was commenced not later than six years after the department's 44213
submission of the claim. 44214

(B) For purposes of the requirements in division (A) of this 44215
section, a third party shall treat a managed care organization as 44216
the department for a claim in which both of the following are 44217
true: 44218

(1) The individual who is the subject of the claim received a 44219
medical item or service through a managed care organization that 44220
has entered into a contract with the department of job and family 44221
services under section 5111.16 of the Revised Code; 44222

(2) The department has assigned its right of recovery for the 44223
claim to the managed care organization. 44224

Sec. 5101.574. No third party shall consider whether an 44225
individual is eligible for or receives medical assistance when 44226
either of the following applies: 44227

(A) The individual seeks to obtain a policy or enroll in a 44228
plan or program operated or administered by the third party; 44229

(B) The individual, or a person or governmental entity on the 44230
individual's behalf, seeks payment for a medical item or service 44231
provided to the individual. 44232

Sec. 5101.575. (A) If a third party violates section 44233

5101.572, 5101.573, or 5101.574 of the Revised Code, a 44234
governmental entity that is responsible for issuing a license, 44235
certificate of authority, registration, or approval that 44236
authorizes the third party to do business in this state may impose 44237
a fine against the third party or deny, revoke, or terminate the 44238
third party's license, certificate, registration, or approval to 44239
do business in this state. The governmental entity shall determine 44240
which sanction is to be imposed. All actions to impose the 44241
sanction shall be taken in accordance with Chapter 119. of the 44242
Revised Code. 44243

(B) In addition to the sanctions that may be imposed under 44244
division (A) of this section for a violation of section 5101.572, 44245
5101.573, or 5101.574 of the Revised Code, the attorney general 44246
may petition a court of common pleas to enjoin the violation. 44247

~~Sec. 5101.58. As used in this section and section 5101.59 of~~ 44248
~~the Revised Code, "public assistance" means aid provided under~~ 44249
~~Chapter 5111. or 5115. of the Revised Code and participation in~~ 44250
~~the Ohio works first program established under Chapter 5107. of~~ 44251
~~the Revised Code.~~ 44252

(A) The acceptance of public assistance gives a ~~an~~ automatic 44253
right of recovery to the department of job and family services and 44254
a county department of job and family services against the 44255
liability of a third party for the cost of medical ~~services and~~ 44256
~~care arising out of injury, disease, or disability~~ assistance paid 44257
on behalf of the public assistance recipient or participant. When 44258
an action or claim is brought against a third party by a public 44259
assistance recipient or participant, ~~the entire amount of any~~ 44260
payment, settlement or compromise of the action or claim, or any 44261
court award or judgment, is subject to the recovery right of the 44262
department of job and family services or county department of job 44263
and family services. Except in the case of a recipient or 44264

participant who receives medical ~~services or care~~ assistance 44265
through a managed care organization, the department's or county 44266
department's claim shall not exceed the amount of medical ~~expenses~~ 44267
assistance paid by the departments a department on behalf of the 44268
recipient or participant. ~~In A payment, settlement, compromise,~~ 44269
judgment, or award that excludes the cost of medical assistance 44270
paid for by a department shall not preclude a department from 44271
enforcing its rights under this section. 44272

(B) In the case of a recipient or participant who receives 44273
medical ~~services or care~~ assistance through a managed care 44274
organization, the amount of the department's or county 44275
department's claim shall be the amount the managed care 44276
organization pays for medical ~~services or care~~ assistance rendered 44277
to the recipient or participant, even if that amount is more than 44278
the amount ~~the departments pay~~ a department pays to the managed 44279
care organization for the recipient's or participant's medical 44280
~~services or care. Any settlement, compromise, judgment, or award~~ 44281
~~that excludes the cost of medical services or care shall not~~ 44282
~~preclude the departments from enforcing their rights under this~~ 44283
~~section~~ assistance. 44284

~~Prior to initiating any~~ (C) A recipient or participant, and 44285
the recipient's or participant's attorney, if any, shall cooperate 44286
with the departments. In furtherance of this requirement, the 44287
recipient or participant, or the recipient's or participant's 44288
attorney, if any, shall, not later than thirty days after 44289
initiating informal recovery activity or filing a legal recovery 44290
~~action, the recipient or participant, or the recipient's or~~ 44291
~~participant's representative, shall disclose~~ against a third 44292
party, provide written notice of the activity or action to the 44293
appropriate department or departments as follows: 44294

(1) To only the department of job and family services when 44295
medical assistance under medicaid has been paid; 44296

(2) To the department of job and family services and the 44297
appropriate county department of job and family services when 44298
medical assistance under the disability medical assistance program 44299
has been paid. 44300

(D) The written notice that must be given under division (C) 44301
of this section shall disclose the identity and address of any 44302
third party against whom the recipient or participant has or may 44303
have a right of recovery. ~~Disclosure shall be made to the~~ 44304
~~department of job and family services when medical expenses have~~ 44305
~~been paid pursuant to Chapter 5111. or 5115. of the Revised Code.~~ 44306
~~Disclosure shall be made to both the department of job and family~~ 44307
~~services and the appropriate county department of job and family~~ 44308
~~services when medical expenses have been paid pursuant to Chapter~~ 44309
~~5115. of the Revised Code. No~~ 44310

(E) No settlement, compromise, judgment, or award or any 44311
recovery in any action or claim by a recipient or participant 44312
where the departments have a right of recovery shall be made final 44313
without first giving the appropriate departments written notice as 44314
described in division (C) of this section and a reasonable 44315
opportunity to perfect their rights of recovery. If the 44316
departments are not given the appropriate written notice, the 44317
recipient or participant ~~is~~ and, if there is one, the recipient's 44318
or participant's attorney, are liable to reimburse the departments 44319
for the recovery received to the extent of medical payments made 44320
by the departments. ~~The~~ 44321

(F) The departments shall be permitted to enforce their 44322
recovery rights against the third party even though they accepted 44323
prior payments in discharge of their rights under this section if, 44324
at the time the departments received such payments, they were not 44325
aware that additional medical expenses had been incurred but had 44326
not yet been paid by the departments. The third party becomes 44327
liable to the department of job and family services or county 44328

department of job and family services as soon as the third party 44329
is notified in writing of the valid claims for recovery under this 44330
section. 44331

~~The (G)(1) Subject to division (G)(2) of this section, the 44332
right of recovery of a department does not apply to that portion 44333
of any judgment, award, settlement, or compromise of a claim, to 44334
the extent of attorneys' fees, costs, or other expenses incurred 44335
by a recipient or participant in securing the judgment, award, 44336
settlement, or compromise, or to the extent of medical, surgical, 44337
and hospital expenses paid by such recipient or participant from 44338
the recipient's or participant's own resources. Attorney fees and 44339
costs or other expenses in securing any recovery shall not be 44340
assessed against any claims of the departments. 44341~~

~~To (2) Reasonable attorneys' fees, not to exceed one-third of 44342
the total judgment, award, settlement, or compromise, plus costs 44343
and other expenses incurred by the recipient or participant in 44344
securing the judgment, award, settlement, or compromise, shall 44345
first be deducted from the total judgment, award, settlement, or 44346
compromise. After fees, costs, and other expenses are deducted 44347
from the total judgment, award, settlement, or compromise, the 44348
department of job and family services or appropriate county 44349
department of job and family services shall receive no less than 44350
one-half of the remaining amount, or the actual amount of medical 44351
assistance paid, whichever is less. 44352~~

~~(H) A right of recovery created by this section may be 44353
enforced separately or jointly by the department of job and family 44354
services or the appropriate county department of job and family 44355
services. To enforce their recovery rights, the departments may do 44356
any of the following: 44357~~

~~(A)(1) Intervene or join in any action or proceeding brought 44358
by the recipient or participant or on the recipient's or 44359
participant's behalf against any third party who may be liable for 44360~~

the cost of medical ~~services and care arising out of the~~ 44361
~~recipient's or participant's injury, disease, or disability~~ 44362
assistance paid; 44363

~~(B)(2)~~ Institute and pursue legal proceedings against any 44364
third party who may be liable for the cost of medical ~~services and~~ 44365
~~care arising out of the recipient's or participant's injury,~~ 44366
~~disease, or disability~~ assistance paid; 44367

~~(C)(3)~~ Initiate legal proceedings in conjunction with ~~the~~ any 44368
injured, diseased, or disabled recipient or participant or the 44369
recipient's or participant's ~~legal~~ attorney or representative. 44370

~~Recovery rights created by this section may be enforced~~ 44371
~~separately or jointly by the department of job and family services~~ 44372
~~and the county department of job and family services.~~ 44373

(I) A recipient or participant shall not assess attorney 44374
fees, costs, or other expenses against the department of job and 44375
family services or a county department of job and family services 44376
when the department or county department enforces its right of 44377
recovery created by this section. 44378

(J) The right of recovery given to the department under this 44379
section does not include rights to support from any other person 44380
assigned to the state under sections 5107.20 and 5115.07 of the 44381
Revised Code, but includes payments made by a third party under 44382
contract with a person having a duty to support. 44383

~~The director of job and family services may adopt rules in~~ 44384
~~accordance with Chapter 119. of the Revised Code the department~~ 44385
~~considers necessary to implement this section.~~ 44386

Sec. 5101.59. (A) The application for, or acceptance of, 44387
public assistance constitutes an automatic assignment of certain 44388
rights to the department of job and family services. This 44389
assignment includes the rights of the applicant, recipient, or 44390

participant and also the rights of any other member of the 44391
assistance group for whom the applicant, recipient, or participant 44392
can legally make an assignment. 44393

(B) Pursuant to this section, the applicant, recipient, or 44394
participant assigns to the department any rights to medical 44395
support available to the applicant, recipient, or participant or 44396
for other members of the assistance group under an order of a 44397
court or administrative agency, and any rights to payments ~~from~~ 44398
~~any by a liable~~ third party ~~liable to pay~~ for the cost of medical 44399
~~care and services arising out of injury, disease, or disability of~~ 44400
~~the applicant, recipient, participant, or other members of the~~ 44401
~~assistance group~~ assistance paid on behalf of a public assistance 44402
recipient or participant. The recipient or participant shall 44403
cooperate with the department in obtaining such payments. 44404

Medicare benefits shall not be assigned pursuant to this 44405
section. Benefits assigned to the department by operation of this 44406
section are directly reimbursable to the department by liable 44407
third parties. 44408

~~(B)~~(C) Refusal by the applicant, recipient, or participant to 44409
cooperate in obtaining medical ~~support and payments~~ assistance 44410
paid for self or any other member of the assistance group renders 44411
the applicant, recipient, or participant ineligible for public 44412
assistance, unless cooperation is waived by the department. 44413
Eligibility shall continue for any individual who cannot legally 44414
assign the individual's own rights and who would have been 44415
eligible for public assistance but for the refusal to assign the 44416
individual's rights or to cooperate as required by this section by 44417
another person legally able to assign the individual's rights. 44418

(D) If the applicant, recipient, or participant or any member 44419
of the assistance group becomes ineligible for public assistance, 44420
the department shall restore to the applicant, recipient, 44421
participant, or member of the assistance group any future rights 44422

to benefits assigned under this section. 44423

(E) The rights of assignment given to the department under 44424
this section do not include rights to support assigned under 44425
section 5107.20 or 5115.07 of the Revised Code. 44426

~~(C) The director of job and family services may adopt rules 44427
in accordance with Chapter 119. of the Revised Code to implement 44428
this section, including rules that specify what constitutes 44429
cooperating with efforts to obtain medical support and payments 44430
and when the cooperation requirement may be waived. 44431~~

Sec. 5101.591. (A) Except as provided in division (B) of this 44432
section, the director of job and family services may adopt rules 44433
in accordance with Chapter 119. of the Revised Code to implement 44434
sections 5101.571 to 5101.59 of the Revised Code, including rules 44435
that specify what constitutes cooperating with efforts to obtain 44436
support or payments, or medical assistance payments, and when 44437
cooperation may be waived. 44438

(B) The department shall adopt rules in accordance with 44439
Chapter 119. of the Revised Code to do all of the following: 44440

(1) For purposes of the definition of "information" in 44441
division (A) of section 5101.571 of the Revised Code, any data 44442
other than the data specified in that division that should be 44443
included in the definition. 44444

(2) For purposes of division (C)(1)(a) of section 5101.572 of 44445
the Revised Code, the medium, format, and manner in which a third 44446
party must provide information to the department. 44447

(3) For purposes of division (C)(2) of section 5101.572 of 44448
the Revised Code, the method by which a third party must provide 44449
the department with access to information. 44450

Sec. 5101.802. (A) As used in this section: 44451

(1) "Custodian," "guardian," and "minor child" have the same meanings as in section 5107.02 of the Revised Code. 44452
44453

(2) "Federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code. 44454
44455

(3) "Kinship caregiver" has the same meaning as in section 5101.85 of the Revised Code. 44456
44457

(B) Subject to division (E) of section 5101.801 of the Revised Code, there is hereby created the kinship permanency incentive program to promote permanency for a minor child in the legal and physical custody of a kinship caregiver. The program shall provide an initial one-time incentive payment to the kinship caregiver to defray the costs of initial placement of the minor child in the kinship caregiver's home. The program may provide additional permanency incentive payments for the minor child at six month intervals for a total period not to exceed thirty-six months. 44458
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(C) A kinship caregiver may participate in the program if all of the following requirements are met: 44468
44469

(1) The kinship caregiver applies to a public children services agency in accordance with the application process established in rules authorized by division (E) of this section; 44470
44471
44472

~~(2) The minor child the kinship caregiver is caring for is a child with special needs as that term is defined in rules adopted under section 5153.163 of the Revised Code;~~ 44473
44474
44475

~~(3) A Not earlier than July 1, 2005, a juvenile court has adjudicated the minor child to be an abused, neglected, dependent, or unruly child and determined that it is in the child's best interest to be in the issues an order granting legal custody of to the kinship caregiver, or the a probate court has determined that it is in the child's best interest to be in the guardianship of grants guardianship to the kinship caregiver, except that a~~ 44476
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temporary court order is not sufficient to meet this requirement; 44483

~~(4)~~(3) The kinship caregiver is either the minor child's 44484
custodian or guardian; 44485

~~(5)~~(4) The minor child resides with the kinship caregiver 44486
pursuant to a placement approval process established in rules 44487
authorized by division (E) of this section; 44488

~~(6)~~ The (5) Excluding any income excluded under rules adopted 44489
under division (E) of this section, the gross income of the 44490
kinship caregiver's family, including the minor child, does not 44491
exceed ~~two~~ three hundred per cent of the federal poverty 44492
guidelines. 44493

(D) Public children services agencies shall make initial and 44494
ongoing eligibility determinations for the kinship permanency 44495
incentive program in accordance with rules authorized by division 44496
(E) of this section. The director of job and family services shall 44497
supervise public children services agencies' duties under this 44498
section. 44499

(E) The director of job and family services shall adopt rules 44500
under division (C) of section 5101.801 of the Revised Code as 44501
necessary to implement the kinship permanency incentive program. 44502
The rules shall establish all of the following: 44503

(1) The application process for the program; 44504

(2) The placement approval process through which a minor 44505
child is placed with a kinship caregiver for the kinship caregiver 44506
to be eligible for the program; 44507

(3) The initial and ongoing eligibility determination process 44508
for the program, including the computation of income eligibility; 44509

(4) The amount of the incentive payments provided under the 44510
program; 44511

(5) The method by which the incentive payments are provided 44512

to a kinship caregiver~~+~~. 44513

~~(6) Anything else the director considers necessary to 44514
implement the program. 44515~~

~~(F) The director shall begin implementation of the kinship 44516
permanency incentive program no later than January 1, 2006. The 44517
amendments made to this section by Am. Sub. H.B. 119 of the 127th 44518
general assembly shall not affect the eligibility of any kinship 44519
caregiver whose eligibility was established before the effective 44520
date of the amendments. 44521~~

Sec. 5101.98. (A) There is hereby created in the state 44522
treasury the military injury relief fund, which shall consist of 44523
money contributed to it under section 5747.113 of the Revised 44524
Code, of incentive grants authorized by the "Jobs for Veterans 44525
Act," 116 Stat. 2033 (2002), and of contributions made directly to 44526
it. Any person or entity may contribute directly to the fund in 44527
addition to or independently of the income tax refund contribution 44528
system established in section 5747.113 of the Revised Code. 44529

(B) Upon application, the director of job and family services 44530
shall grant money in the fund to individuals injured while in 44531
active service as a member of the armed forces of the United 44532
States ~~and~~ while serving under operation Iraqi freedom or 44533
operation enduring freedom and to individuals diagnosed with 44534
post-traumatic stress disorder while serving, or after having 44535
served, in operation Iraqi freedom or operation enduring freedom. 44536

(C) An individual who receives a grant under this section is 44537
~~not~~ precluded from receiving ~~one or more~~ additional grants under 44538
this section ~~and~~ during the same state fiscal year but is not 44539
precluded from being considered for or receiving other assistance 44540
offered by the department of job and family services. 44541

(D) The director shall adopt rules under Chapter 119. of the 44542

Revised Code establishing:	44543
(1) Forms and procedures by which individuals may apply for a grant under this section;	44544 44545
(2) Criteria for reviewing, evaluating, and ranking <u>approving or denying</u> grant applications;	44546 44547
(3) Criteria for determining the amount of grants awarded under this section; and	44548 44549
(4) <u>Definitions and standards applicable to determining whether an individual meets the requirements established in division (B) of this section;</u>	44550 44551 44552
<u>(5) The process for appealing eligibility determinations; and</u>	44553
<u>(6) Any other rules necessary to administer the grant program established in this section.</u>	44554 44555
<u>(E) An eligibility determination, a grant approval, or a grant denial made under this section may not be appealed under Chapter 119., section 5101.35, or any other provision of the Revised Code.</u>	44556 44557 44558 44559
Sec. 5104.04. (A) The department of job and family services shall establish procedures to be followed in investigating, inspecting, and licensing child day-care centers and type A family day-care homes.	44560 44561 44562 44563
(B)(1)(a) The department shall, at least twice during every twelve-month period of operation of a center or type A home, inspect the center or type A home. The department shall inspect a part-time center or part-time type A home at least once during every twelve-month period of operation. The department shall provide a written inspection report to the licensee within a reasonable time after each inspection. The licensee shall display all written reports of inspections conducted during the current licensing period in a conspicuous place in the center or type A	44564 44565 44566 44567 44568 44569 44570 44571 44572

home. 44573

At least one inspection shall be unannounced and all 44574
inspections may be unannounced. No person, firm, organization, 44575
institution, or agency shall interfere with the inspection of a 44576
center or type A home by any state or local official engaged in 44577
performing duties required of the state or local official by 44578
Chapter 5104. of the Revised Code or rules adopted pursuant to 44579
Chapter 5104. of the Revised Code, including inspecting the center 44580
or type A home, reviewing records, or interviewing licensees, 44581
employees, children, or parents. 44582

(b) Upon receipt of any complaint that a center or type A 44583
home is out of compliance with the requirements of Chapter 5104. 44584
of the Revised Code or rules adopted pursuant to Chapter 5104. of 44585
the Revised Code, the department shall investigate the center or 44586
home, and both of the following apply: 44587

(i) If the complaint alleges that a child suffered physical 44588
harm while receiving child care at the center or home or that the 44589
noncompliance alleged in the complaint involved, resulted in, or 44590
poses a substantial risk of physical harm to a child receiving 44591
child care at the center or home, the department shall inspect the 44592
center or home. 44593

(ii) If division (B)(1)(b)(i) of this section does not apply 44594
regarding the complaint, the department may inspect the center or 44595
home. 44596

(c) Division (B)(1)(b) of this section does not limit, 44597
restrict, or negate any duty of the department to inspect a center 44598
or type A home that otherwise is imposed under this section, or 44599
any authority of the department to inspect a center or type A home 44600
that otherwise is granted under this section when the department 44601
believes the inspection is necessary and it is permitted under the 44602
grant. 44603

(2) If the department implements an instrument-based program 44604
monitoring information system, it may use an indicator checklist 44605
to comply with division (B)(1) of this section. 44606

(3) The department shall, ~~at least once during every~~ 44607
~~twelve month period of operation of a center or type A home,~~ 44608
contract with a third party by the first day of October in each 44609
even-numbered year to collect information concerning the amounts 44610
charged by the center or home for providing child care services 44611
for use in establishing reimbursement ceilings and payment 44612
pursuant to section 5104.30 of the Revised Code. The third party 44613
shall compile the information and report the results of the survey 44614
to the department not later than the first day of December in each 44615
even-numbered year. 44616

(C) In the event a licensed center or type A home is 44617
determined to be out of compliance with the requirements of 44618
Chapter 5104. of the Revised Code or rules adopted pursuant to 44619
Chapter 5104. of the Revised Code, the department shall notify the 44620
licensee of the center or type A home in writing regarding the 44621
nature of the violation, what must be done to correct the 44622
violation, and by what date the correction must be made. If the 44623
correction is not made by the date established by the department, 44624
the department may commence action under Chapter 119. of the 44625
Revised Code to revoke the license. 44626

(D) The department may deny or revoke a license, or refuse to 44627
renew a license of a center or type A home, if the applicant 44628
knowingly makes a false statement on the application, does not 44629
comply with the requirements of Chapter 5104. or rules adopted 44630
pursuant to Chapter 5104. of the Revised Code, or has pleaded 44631
guilty to or been convicted of an offense described in section 44632
5104.09 of the Revised Code. 44633

(E) If the department finds, after notice and hearing 44634
pursuant to Chapter 119. of the Revised Code, that any person, 44635

firm, organization, institution, or agency licensed under section 44636
5104.03 of the Revised Code is in violation of any provision of 44637
Chapter 5104. of the Revised Code or rules adopted pursuant to 44638
Chapter 5104. of the Revised Code, the department may issue an 44639
order of revocation to the center or type A home revoking the 44640
license previously issued by the department. Upon the issuance of 44641
any order of revocation, the person whose license is revoked may 44642
appeal in accordance with section 119.12 of the Revised Code. 44643

(F) The surrender of a center or type A home license to the 44644
department or the withdrawal of an application for licensure by 44645
the owner or administrator of the center or type A home shall not 44646
prohibit the department from instituting any of the actions set 44647
forth in this section. 44648

(G) Whenever the department receives a complaint, is advised, 44649
or otherwise has any reason to believe that a center or type A 44650
home is providing child care without a license issued or renewed 44651
pursuant to section 5104.03 and is not exempt from licensing 44652
pursuant to section 5104.02 of the Revised Code, the department 44653
shall investigate the center or type A home and may inspect the 44654
areas children have access to or areas necessary for the care of 44655
children in the center or type A home during suspected hours of 44656
operation to determine whether the center or type A home is 44657
subject to the requirements of Chapter 5104. or rules adopted 44658
pursuant to Chapter 5104. of the Revised Code. 44659

(H) The department, upon determining that the center or type 44660
A home is operating without a license, shall notify the attorney 44661
general, the prosecuting attorney of the county in which the 44662
center or type A home is located, or the city attorney, village 44663
solicitor, or other chief legal officer of the municipal 44664
corporation in which the center or type A home is located, that 44665
the center or type A home is operating without a license. Upon 44666
receipt of the notification, the attorney general, prosecuting 44667

attorney, city attorney, village solicitor, or other chief legal 44668
officer of a municipal corporation shall file a complaint in the 44669
court of common pleas of the county in which the center or type A 44670
home is located requesting that the court grant an order enjoining 44671
the owner from operating the center or type A home in violation of 44672
section 5104.02 of the Revised Code. The court shall grant such 44673
injunctive relief upon a showing that the respondent named in the 44674
complaint is operating a center or type A home and is doing so 44675
without a license. 44676

(I) The department shall prepare an annual report on 44677
inspections conducted under this section. The report shall include 44678
the number of inspections conducted, the number and types of 44679
violations found, and the steps taken to address the violations. 44680
The department shall file the report with the governor, the 44681
president and minority leader of the senate, and the speaker and 44682
minority leader of the house of representatives on or before the 44683
first day of January of each year, beginning in 1999. 44684

Sec. 5104.30. (A) The department of job and family services 44685
is hereby designated as the state agency responsible for 44686
administration and coordination of federal and state funding for 44687
publicly funded child care in this state. Publicly funded child 44688
care shall be provided to the following: 44689

(1) Recipients of transitional child care as provided under 44690
section 5104.34 of the Revised Code; 44691

(2) Participants in the Ohio works first program established 44692
under Chapter 5107. of the Revised Code; 44693

(3) Individuals who would be participating in the Ohio works 44694
first program if not for a sanction under section 5107.16 of the 44695
Revised Code and who continue to participate in a work activity, 44696
developmental activity, or alternative work activity pursuant to 44697
an assignment under section 5107.42 of the Revised Code; 44698

(4) A family receiving publicly funded child care on October 44699
1, 1997, until the family's income reaches one hundred fifty per 44700
cent of the federal poverty line; 44701

(5) Subject to available funds, other individuals determined 44702
eligible in accordance with rules adopted under section 5104.38 of 44703
the Revised Code. 44704

The department shall apply to the United States department of 44705
health and human services for authority to operate a coordinated 44706
program for publicly funded child care, if the director of job and 44707
family services determines that the application is necessary. For 44708
purposes of this section, the department of job and family 44709
services may enter into agreements with other state agencies that 44710
are involved in regulation or funding of child care. The 44711
department shall consider the special needs of migrant workers 44712
when it administers and coordinates publicly funded child care and 44713
shall develop appropriate procedures for accommodating the needs 44714
of migrant workers for publicly funded child care. 44715

(B) The department of job and family services shall 44716
distribute state and federal funds for publicly funded child care, 44717
including appropriations of state funds for publicly funded child 44718
care and appropriations of federal funds available under the child 44719
care block grant act, Title IV-A, and Title XX. The department may 44720
use any state funds appropriated for publicly funded child care as 44721
the state share required to match any federal funds appropriated 44722
for publicly funded child care. 44723

(C) In the use of federal funds available under the child 44724
care block grant act, all of the following apply: 44725

(1) The department may use the federal funds to hire staff to 44726
prepare any rules required under this chapter and to administer 44727
and coordinate federal and state funding for publicly funded child 44728
care. 44729

(2) Not more than five per cent of the aggregate amount of 44730
the federal funds received for a fiscal year may be expended for 44731
administrative costs. 44732

(3) The department shall allocate and use at least four per 44733
cent of the federal funds for the following: 44734

(a) Activities designed to provide comprehensive consumer 44735
education to parents and the public; 44736

(b) Activities that increase parental choice; 44737

(c) Activities, including child care resource and referral 44738
services, designed to improve the quality, and increase the 44739
supply, of child care; 44740

(d) Establishing a voluntary child day-care center 44741
quality-rating program in which participation in the program may 44742
allow a child day-care center to be eligible for grants, technical 44743
assistance, training, or other assistance and become eligible for 44744
unrestricted monetary awards for maintaining a quality rating. 44745

(4) The department shall ensure that the federal funds will 44746
be used only to supplement, and will not be used to supplant, 44747
federal, state, and local funds available on the effective date of 44748
the child care block grant act for publicly funded child care and 44749
related programs. A county department of job and family services 44750
may purchase child care from funds obtained through any other 44751
means. 44752

(D) The department shall encourage the development of 44753
suitable child care throughout the state, especially in areas with 44754
high concentrations of recipients of public assistance and 44755
families with low incomes. The department shall encourage the 44756
development of suitable child care designed to accommodate the 44757
special needs of migrant workers. On request, the department, 44758
through its employees or contracts with state or community child 44759
care resource and referral service organizations, shall provide 44760

consultation to groups and individuals interested in developing 44761
child care. The department of job and family services may enter 44762
into interagency agreements with the department of education, the 44763
board of regents, the department of development, and other state 44764
agencies and entities whenever the cooperative efforts of the 44765
other state agencies and entities are necessary for the department 44766
of job and family services to fulfill its duties and 44767
responsibilities under this chapter. 44768

The department shall develop and maintain a registry of 44769
persons providing child care. The director shall adopt rules 44770
pursuant to Chapter 119. of the Revised Code establishing 44771
procedures and requirements for the registry's administration. 44772

(E)(1) The director shall adopt rules in accordance with 44773
Chapter 119. of the Revised Code establishing both of the 44774
following: 44775

(a) Reimbursement ceilings for providers of publicly funded 44776
child care not later than the first day of July in each 44777
odd-numbered year; 44778

(b) A procedure for reimbursing and paying providers of 44779
publicly funded child care. 44780

(2) In establishing reimbursement ceilings under division 44781
(E)(1)(a) of this section, the director shall do all of the 44782
following: 44783

(a) Use the information obtained under division (B)(3) of 44784
section 5104.04 of the Revised Code; 44785

(b) Establish an enhanced reimbursement ceiling for providers 44786
who provide child care for caretaker parents who work 44787
nontraditional hours; 44788

(c) For a type B family day-care home provider that has 44789
received limited certification pursuant to rules adopted under 44790

division (G)(1) of section 5104.011 of the Revised Code, establish 44791
a reimbursement ceiling that is the following: 44792

(i) If the provider is a person described in division 44793
(G)(1)(a) of section 5104.011 of the Revised Code, seventy-five 44794
per cent of the reimbursement ceiling that applies to a type B 44795
family day-care home certified by the same county department of 44796
job and family services pursuant to section 5104.11 of the Revised 44797
Code; 44798

(ii) If the provider is a person described in division 44799
(G)(1)(b) of section 5104.011 of the Revised Code, sixty per cent 44800
of the reimbursement ceiling that applies to a type B family 44801
day-care home certified by the same county department pursuant to 44802
section 5104.11 of the Revised Code. 44803

(3) In establishing reimbursement ceilings under division 44804
(E)(1)(a) of this section, the director may establish different 44805
reimbursement ceilings based on any of the following: 44806

(a) Geographic location of the provider; 44807

(b) Type of care provided; 44808

(c) Age of the child served; 44809

(d) Special needs of the child served; 44810

(e) Whether the expanded hours of service are provided; 44811

(f) Whether weekend service is provided; 44812

(g) Whether the provider has exceeded the minimum 44813
requirements of state statutes and rules governing child care; 44814

(h) Any other factors the director considers appropriate. 44815

(F) The director shall adopt rules in accordance with Chapter 44816
119. of the Revised Code to implement the voluntary child day-care 44817
center quality-rating program described in division (C)(3)(d) of 44818
this section. 44819

Sec. 5107.02. As used in this chapter:	44820
(A) "Adult" means an individual who is not a minor child.	44821
(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.	44822 44823 44824
(C) "Custodian" means an individual who has legal custody, as defined in section 2151.011 of the Revised Code, of a minor child or comparable status over a minor child created by a court of competent jurisdiction in another state.	44825 44826 44827 44828
(D) <u>"Domestic violence" means being subjected to any of the following:</u>	44829 44830
<u>(1) Physical acts that resulted in, or threatened to result in, physical injury to the individual;</u>	44831 44832
<u>(2) Sexual abuse;</u>	44833
<u>(3) Sexual activity involving a dependent child;</u>	44834
<u>(4) Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities;</u>	44835 44836
<u>(5) Threats of, or attempts at, physical or sexual abuse;</u>	44837
<u>(6) Mental abuse;</u>	44838
<u>(7) Neglect or deprivation of medical care.</u>	44839
(E) "Guardian" means an individual that is granted authority by a probate court pursuant to Chapter 2111. of the Revised Code, or a court of competent jurisdiction in another state, to exercise parental rights over a minor child to the extent provided in the court's order and subject to residual parental rights of the minor child's parents.	44840 44841 44842 44843 44844 44845
(E) (F) <u>"LEAP program" means the learning, earning, and parenting program conducted under section 5107.30 of the Revised</u>	44846 44847

<u>Code.</u>	44848
(G) <u>(G)</u> "Minor child" means either of the following:	44849
(1) An individual who has not attained age eighteen;	44850
(2) An individual who has not attained age nineteen and is a	44851
full-time student in a secondary school or in the equivalent level	44852
of vocational or technical training.	44853
(F) <u>(H)</u> "Minor head of household" means a minor child who is	44854
either of the following:	44855
(1) Is married, at least six months pregnant, and a member of	44856
an assistance group that does not include an adult;	44857
(2) Is married and is a parent of a child included in the	44858
same assistance group that does not include an adult.	44859
(G) <u>(I)</u> "Ohio works first" means the program established by	44860
this chapter known as temporary assistance for needy families in	44861
Title IV-A.	44862
(H) <u>(J)</u> "Payment standard" means the amount specified in rules	44863
adopted under section 5107.05 of the Revised Code that is the	44864
maximum amount of cash assistance an assistance group may receive	44865
under Ohio works first from state and federal funds.	44866
(I) <u>(K)</u> "Specified relative" means the following individuals	44867
who are age eighteen or older:	44868
(1) The following individuals related by blood or adoption:	44869
(a) Grandparents, including grandparents with the prefix	44870
"great," "great-great," or "great-great-great";	44871
(b) Siblings;	44872
(c) Aunts, uncles, nephews, and nieces, including such	44873
relatives with the prefix "great," "great-great," "grand," or	44874
"great-grand";	44875
(d) First cousins and first cousins once removed.	44876

(2) Stepparents and stepsiblings; 44877

(3) Spouses and former spouses of individuals named in 44878
division ~~(I)~~(K)(1) or (2) of this section. 44879

~~(J)~~(L) "Title IV-A" or "Title IV-D" means Title IV-A or Title 44880
IV-D of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 44881
301, as amended. 44882

Sec. 5107.03. There is hereby established the Ohio works 44883
first program. The department of job and family services shall 44884
administer the program, as long as federal funds are provided for 44885
the program, in accordance with Title IV-A, federal regulations, 44886
state law, the Title IV-A state plan submitted to the United 44887
States secretary of health and human services under section 44888
5101.80 of the Revised Code, amendments to the plan, and federal 44889
waivers granted by the United States secretary. 44890

~~The department shall make all cash assistance payments for 44891
Ohio works first from funds appropriated for the Ohio works first 44892
program. A county department of job and family services may use 44893
county funds to increase the amount of cash assistance an 44894
assistance group receives. An increase in the amount of cash 44895
assistance that results from such a use of county funds shall not 44896
be included as countable income, gross earned income, or gross 44897
unearned income of the assistance group. 44898~~

Sec. 5107.04. As used in this section, "cost-of-living 44899
adjustment" means the cost-of-living adjustment made by the United 44900
States commissioner of social security under 42 U.S.C. 415(i) for 44901
benefits provided under Title II of the "Social Security Act of 44902
1935." 44903

The department of job and family services shall make all cash 44904
assistance payments for Ohio works first from funds appropriated 44905
for the Ohio works first program. The amount of a cash assistance 44906

payment the department is to make to an assistance group shall be 44907
determined in accordance with rules adopted under section 5107.05 44908
of the Revised Code and shall not exceed the payment standard. The 44909
department shall increase the payment standard on January 1, 2009, 44910
and the first day of each January thereafter by the cost-of-living 44911
adjustment made in the immediately preceding December. 44912

A county department of job and family services may use county 44913
funds to increase the amount of cash assistance an assistance 44914
group receives. An increase in the amount of cash assistance that 44915
results from such a use of county funds shall not be included as 44916
countable income, gross earned income, or gross unearned income of 44917
the assistance group. 44918

Sec. 5107.05. The director of job and family services shall 44919
adopt rules to implement this chapter. The rules shall be 44920
consistent with Title IV-A, Title IV-D, federal regulations, state 44921
law, the Title IV-A state plan submitted to the United States 44922
secretary of health and human services under section 5101.80 of 44923
the Revised Code, amendments to the plan, and waivers granted by 44924
the United States secretary. Rules governing eligibility, program 44925
participation, and other applicant and participant requirements 44926
shall be adopted in accordance with Chapter 119. of the Revised 44927
Code. Rules governing financial and other administrative 44928
requirements applicable to the department of job and family 44929
services and county departments of job and family services shall 44930
be adopted in accordance with section 111.15 of the Revised Code. 44931

(A) The rules shall specify, establish, or govern all of the 44932
following: 44933

(1) A payment standard for Ohio works first based on federal 44934
and state appropriations that is increased in accordance with 44935
section 5107.04 of the Revised Code; 44936

(2) The For the purpose of section 5107.04 of the Revised 44937

Code, the method of determining the amount of cash assistance an 44938
assistance group receives under Ohio works first; 44939

(3) Requirements for initial and continued eligibility for 44940
Ohio works first, including requirements regarding income, 44941
citizenship, age, residence, and assistance group composition. ~~The~~ 44942
~~rules regarding income shall specify what is countable income,~~ 44943
~~gross earned income, and gross unearned income for the purpose of~~ 44944
~~section 5107.10 of the Revised Code.~~i 44945

(4) For the purpose of section 5107.12 of the Revised Code, 44946
application and verification procedures, including the minimum 44947
information an application must contain. ~~If there are at least two~~ 44948
~~telephone numbers available that a county department of human~~ 44949
~~services can call to contact members of an assistance group, which~~ 44950
~~may include the telephone number of an individual who can contact~~ 44951
~~an assistance group member for the county department, the minimum~~ 44952
~~information shall include at least those two telephone numbers.~~i 44953

(5) The extent to which a participant of Ohio works first 44954
must notify, pursuant to section 5107.12 of the Revised Code, a 44955
county department of job and family services of additional income 44956
not previously reported to the county department; 44957

(6) For the purpose of section 5107.16 of the Revised Code, 44958
standards for the determination of good cause for failure or 44959
refusal to comply in full with a provision of a self-sufficiency 44960
contract; 44961

(7) The department of job and family services providing 44962
written notice of a sanction under section 5107.161 of the Revised 44963
Code; 44964

~~(7)~~(8) Requirements for the collection and distribution of 44965
support payments owed participants of Ohio works first pursuant to 44966
section 5107.20 of the Revised Code; 44967

~~(8)~~(9) For the purpose of section 5107.22 of the Revised 44968

Code, what constitutes cooperating in establishing a minor child's 44969
paternity or establishing, modifying, or enforcing a child support 44970
order and good cause for failure or refusal to cooperate. ~~The rule~~ 44971
~~shall be consistent with 42 U.S.C.A. 654(29).;~~ 44972

~~(9)~~(10) The requirements governing the LEAP program ~~provided~~ 44973
~~for under section 5107.30 of the Revised Code~~, including the 44974
definitions of "equivalent of a high school diploma" and "good 44975
cause," and the incentives provided under the LEAP program; 44976

~~(10)~~(11) If the director implements section 5107.301 of the 44977
Revised Code, the requirements governing the award provided under 44978
that section, including the form that the award is to take and 44979
requirements an individual must satisfy to receive the award; 44980

~~(11)~~(12) Circumstances under which a county department of job 44981
and family services may exempt a minor head of household or adult 44982
from participating in a work activity or developmental activity 44983
for all or some of the weekly hours otherwise required by section 44984
5107.43 of the Revised Code. ~~Circumstances shall include that a~~ 44985
~~school or place of work is closed due to a holiday or weather or~~ 44986
~~other emergency and that an employer grants the minor head of~~ 44987
~~household or adult leave for illness or earned vacation.~~ 44988

~~(12)~~(13) The maximum amount of time the department will 44989
subsidize positions created by state agencies and political 44990
subdivisions under division (C) of section 5107.52 of the Revised 44991
Code; 44992

(14) The implementation of sections 5107.71 to 5107.717 of 44993
the Revised Code by county departments of job and family services; 44994

(15) A domestic violence screening process to be used for the 44995
purpose of division (A) of section 5107.71 of the Revised Code; 44996

(16) The minimum frequency with which county departments of 44997
job and family services must redetermine a member of an assistance 44998
group's need for a waiver issued under section 5107.714 of the 44999

Revised Code. 45000

(B) The rules adopted under division (A)(3) of this section 45001
regarding income shall specify what is countable income, gross 45002
earned income, and gross unearned income for the purpose of 45003
section 5107.10 of the Revised Code. 45004

The rules adopted under division (A)(9) of this section shall 45005
be consistent with 42 U.S.C. 654(29). 45006

The rules adopted under division (A)(12) of this section 45007
shall specify that the circumstances include that a school or 45008
place of work is closed due to a holiday or weather or other 45009
emergency and that an employer grants the minor head of household 45010
or adult leave for illness or earned vacation. 45011

(C) The rules may provide that a county department of job and 45012
family services is not required to take action under section 45013
5107.76 of the Revised Code to recover an erroneous payment that 45014
is below an amount the department specifies. 45015

Sec. 5107.10. (A) As used in this section: 45016

(1) "Countable income," "gross earned income," and "gross 45017
unearned income" have the meanings established in rules adopted 45018
under section 5107.05 of the Revised Code. 45019

(2) "Federal poverty guidelines" has the same meaning as in 45020
section 5101.46 of the Revised Code, except that references to a 45021
person's family in the definition shall be deemed to be references 45022
to the person's assistance group. 45023

(3) "Gross income" means gross earned income and gross 45024
unearned income. 45025

(4) ~~"Initial eligibility threshold" means the higher of the~~ 45026
~~following:~~ 45027

~~(a) Fifty per cent of the federal poverty guidelines;~~ 45028

~~(b) The gross income maximum for initial eligibility for Ohio works first as that maximum was set by division (D)(1)(a) of this section on the day before the effective date of this amendment.~~

~~(5) "Strike" means continuous concerted action in failing to report to duty; willful absence from one's position; or stoppage of work in whole from the full, faithful, and proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in wages, hours, terms, and other conditions of employment. "Strike" does not include a 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.~~

(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.

(C) To be eligible to participate in Ohio works first, an assistance group must meet all of the following requirements:

(1) The assistance group, except as provided in division (E) of this section, must include at least one of the following:

(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;

(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 income, less the amounts disregarded, exceeds ~~the initial eligibility threshold~~ fifty per cent of the federal poverty guidelines.

(b) If the assistance group's gross income, less the amounts 45090
disregarded pursuant to division (D)(1)(a) of this section, does 45091
not exceed ~~the initial eligibility threshold~~ fifty per cent of the 45092
federal poverty guidelines, determine whether the assistance 45093
group's countable income is less than the payment standard. The 45094
assistance group is ineligible to participate in Ohio works first 45095
if the assistance group's countable income equals or exceeds the 45096
payment standard. 45097

(2) For the purpose of determining whether an assistance 45098
group meets the income requirement established by division 45099
(D)(1)(a) of this section, the annual revision that the United 45100
States department of health and human services makes to the 45101
federal poverty guidelines shall go into effect on the first day 45102
of July of the year for which the revision is made. 45103

(3) To determine whether an assistance group participating in 45104
Ohio works first continues to be eligible to participate, a county 45105
department of job and family services shall determine whether the 45106
assistance group's countable income continues to be less than the 45107
payment standard. In making this determination, the county 45108
department shall disregard the first two hundred fifty dollars and 45109
fifty per cent of the remainder of the assistance group's gross 45110
earned income. No amounts shall be disregarded from the assistance 45111
group's gross unearned income. The assistance group ceases to be 45112
eligible to participate in Ohio works first if its countable 45113
income, less the amounts disregarded, equals or exceeds the 45114
payment standard. 45115

(4) If an assistance group reapplies to participate in Ohio 45116
works first not more than four months after ceasing to 45117
participate, a county department of job and family services shall 45118
use the income requirement established by division (D)(3) of this 45119
section to determine eligibility for resumed participation rather 45120
than the income requirement established by division (D)(1) of this 45121

section. 45122

(E)(1) An assistance group may continue to participate in 45123
Ohio works first even though a public children services agency 45124
removes the assistance group's minor children from the assistance 45125
group's home due to abuse, neglect, or dependency if the agency 45126
does both of the following: 45127

(a) Notifies the county department of job and family services 45128
at the time the agency removes the children that it believes the 45129
children will be able to return to the assistance group within six 45130
months; 45131

(b) Informs the county department at the end of each of the 45132
first five months after the agency removes the children that the 45133
parent, guardian, custodian, or specified relative of the children 45134
is cooperating with the case plans prepared for the children under 45135
section 2151.412 of the Revised Code and that the agency is making 45136
reasonable efforts to return the children to the assistance group. 45137

(2) An assistance group may continue to participate in Ohio 45138
works first pursuant to division (E)(1) of this section for not 45139
more than six payment months. This division does not affect the 45140
eligibility of an assistance group that includes a woman at least 45141
six months pregnant. 45142

Sec. 5107.12. An assistance group seeking to participate in 45143
the Ohio works first program shall apply to a county department of 45144
job and family services using an application containing 45145
information the director of job and family services requires 45146
pursuant to rules adopted under section 5107.05 of the Revised 45147
Code and any additional information the county department 45148
requires. If cash assistance under the program is to be paid by 45149
the director of budget and management through the medium of direct 45150
deposit as provided by section 329.03 of the Revised Code, the 45151
application shall be accompanied by information the director needs 45152

to make direct deposits. 45153

When a county department receives an application for 45154
participation in Ohio works first, it shall promptly make an 45155
investigation and record of the circumstances of the applicant in 45156
order to ascertain the facts surrounding the application and to 45157
obtain such other information as may be required. Upon the 45158
completion of the investigation, the county department shall 45159
determine as soon as possible whether the applicant is eligible to 45160
participate, the amount of cash assistance the applicant should 45161
receive, and the approximate date when participation shall begin. 45162
The county department shall not delay making the determination of 45163
whether the applicant is eligible to participate on the basis that 45164
the individuals required by section 5107.14 of the Revised Code to 45165
enter into a written self-sufficiency contract with the county 45166
department have not yet done that. The amount of cash assistance 45167
so determined shall be certified to the department of job and 45168
family services in such form as the department shall prescribe. 45169
Warrants, direct deposits, or debit cards shall be delivered or 45170
made payable in the manner the department may prescribe. 45171

To the extent required by rules adopted under section 5107.05 45172
of the Revised Code, a participant of Ohio works first shall 45173
notify the county department immediately upon the receipt or 45174
possession of additional income not previously reported to the 45175
county department. Any failure to so notify a county department 45176
shall be regarded as prima-facie evidence of an intent to defraud. 45177

Sec. 5107.121. A county department of job and family services 45178
shall provide assistance groups applying for or undergoing a 45179
redetermination of eligibility for Ohio works first written and 45180
oral information about both of the following: 45181

(A) The availability of counseling and supportive services 45182
pursuant to division (B) of section 5107.71 of the Revised Code 45183

for members of the assistance group who have been subjected to 45184
domestic violence; 45185

(B) The availability of waivers under section 5107.714 of the 45186
Revised Code exempting members of the assistance group who have 45187
been subjected to domestic violence from a requirement of the Ohio 45188
works first program. 45189

Sec. 5107.14. (A) An assistance group is ineligible to 45190
participate in Ohio works first unless the minor head of household 45191
or each adult member of the assistance group, not later than 45192
thirty days after applying for or undergoing a redetermination of 45193
eligibility for the program, enters the following enter into a 45194
written self-sufficiency contract with the county department of 45195
job and family services not later than thirty days after the 45196
assistance group applies for or undergoes a redetermination of 45197
eligibility for the program: 45198

(1) Each adult member of the assistance group; 45199

(2) The assistance group's minor head of household unless the 45200
minor head of household is participating in the LEAP program. The 45201

(B) A self-sufficiency contract shall set forth the rights 45202
and responsibilities of the assistance group as applicants for and 45203
participants of the program, including work responsibilities 45204
established under sections 5107.40 to 5107.69 of the Revised Code 45205
and other requirements designed to assist the assistance group in 45206
achieving self-sufficiency and personal responsibility. The county 45207
department shall provide without charge a copy of the contract to 45208
each assistance group member who signs it. 45209

Each Ohio works first. Each self-sufficiency contract shall 45210
include, based on appraisals conducted under section 5107.41 of 45211
the Revised Code and assessments conducted under section 5107.70 45212
of the Revised Code, the following: 45213

~~(A)~~(1) The assistance group's plan, developed under section 45214
5107.41 of the Revised Code, to achieve the goal of self 45215
sufficiency and personal responsibility through unsubsidized 45216
employment within the time limit for participating in Ohio works 45217
first established by section 5107.18 of the Revised Code; 45218

~~(B)~~(2) Work activities, developmental activities, and 45219
alternative work activities to which members of the assistance 45220
group are assigned under sections 5107.40 to 5107.69 of the 45221
Revised Code; 45222

~~(C)~~(3) The responsibility of a caretaker member of the 45223
assistance group to cooperate in establishing a minor child's 45224
paternity and establishing, modifying, and enforcing a support 45225
order for the child in accordance with section 5107.22 of the 45226
Revised Code; 45227

~~(D)~~(4) Other responsibilities that members of the assistance 45228
group must satisfy to participate in Ohio works first and the 45229
consequences for failure or refusal to satisfy the 45230
responsibilities; 45231

~~(E)~~(5) An agreement that, except as otherwise provided in a 45232
waiver issued under section 5107.714 of the Revised Code, the 45233
assistance group will comply with the conditions of participating 45234
in Ohio works first established by this chapter and sections 45235
5101.58, 5101.59, and 5101.83 of the Revised Code; 45236

~~(F)~~(6) Assistance and services the county department will 45237
provide to the assistance group; 45238

~~(G)~~(7) Assistance and services the child support enforcement 45239
agency and public children services agency will provide to the 45240
assistance group pursuant to a plan of cooperation entered into 45241
under section 307.983 of the Revised Code; 45242

~~(H)~~(8) Other provisions designed to assist the assistance 45243
group in achieving self sufficiency and personal responsibility; 45244

(I) (9) Procedures for assessing whether responsibilities are being satisfied and whether the contract should be amended;	45245 45246
(J) (10) Procedures for amending the contract.	45247
<u>(C) No self-sufficiency contract shall include provisions regarding the LEAP program.</u>	45248 45249
<u>(D) The county department shall provide without charge a copy of the self-sufficiency contract to each assistance group member who signs it.</u>	45250 45251 45252
Sec. 5107.16. (A) If a member of an assistance group fails or refuses, without good cause, to comply in full with a provision of a self-sufficiency contract entered into under section 5107.14 of the Revised Code, a county department of job and family services shall sanction the assistance group as follows:	45253 45254 45255 45256 45257
(1) For a first failure or refusal, the county department shall deny or terminate the assistance group's eligibility to participate in Ohio works first for one payment month or until the failure or refusal ceases, whichever is longer;	45258 45259 45260 45261
(2) For a second failure or refusal, the county department shall deny or terminate the assistance group's eligibility to participate in Ohio works first for three payment months or until the failure or refusal ceases, whichever is longer;	45262 45263 45264 45265
(3) For a third or subsequent failure or refusal, the county department shall deny or terminate the assistance group's eligibility to participate in Ohio works first for six payment months or until the failure or refusal ceases, whichever is longer.	45266 45267 45268 45269 45270
(B) Each county department <u>The director</u> of job and family services shall establish standards for the determination of good cause for failure or refusal to comply in full with a provision of a self-sufficiency contract <u>in rules adopted under section 5107.05</u>	45271 45272 45273 45274

of the Revised Code. 45275

~~(1) In the case of a failure or refusal to participate in a 45276
work activity, developmental activity, or alternative work 45277
activity under sections 5107.40 to 5107.69 of the Revised Code, 45278
good cause shall include, except as provided in division (B)(2) of 45279
this section, the following: 45280~~

~~(a) Failure of the county department to place the member in 45281
an activity; 45282~~

~~(b) Failure of the county department to provide for the 45283
assistance group to receive support services the county department 45284
determines under section 5107.66 of the Revised Code to be 45285
necessary. In determining whether good cause exists, a county 45286
department shall determine that day care is a necessary support 45287
service if a single custodial parent caring for a minor child 45288
under age six proves a demonstrated inability, as determined by 45289
the county department, to obtain needed child care for one or more 45290
of the following reasons: 45291~~

~~(i) Unavailability of appropriate child care within a 45292
reasonable distance from the parent's home or work site; 45293~~

~~(ii) Unavailability or unsuitability of informal child care 45294
by a relative or under other arrangements; 45295~~

~~(iii) Unavailability of appropriate and affordable formal 45296
child care arrangements. 45297~~

~~(2) Good cause does not exist if the member of the assistance 45298
group is placed in a work activity established under section 45299
5107.58 of the Revised Code and exhausts the support services 45300
available for that activity. 45301~~

~~(C) When a state hearing under division (B) of section 45302
5101.35 of the Revised Code or an administrative appeal under 45303
division (C) of that section is held regarding a sanction under 45304~~

~~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.~~

~~(D)~~ After sanctioning an assistance group under division (A) of this section, a county department of job and family services shall continue to work with the assistance group ~~to provide the member of the assistance group who caused the sanction an opportunity to demonstrate to the county department a willingness to cease the failure or refusal to comply with the self-sufficiency contract.~~

~~(E)~~(D) An adult eligible for ~~medical assistance~~ medicaid pursuant to division (A)(1)(a) of section 5111.01 of the Revised Code who is sanctioned under division (A)(3) of this section for a failure or refusal, without good cause, to comply in full with a provision of a self-sufficiency contract related to work responsibilities under sections 5107.40 to 5107.69 of the Revised Code loses eligibility for ~~medical assistance~~ medicaid unless the adult is otherwise eligible for ~~medical assistance~~ medicaid pursuant to another division of section 5111.01 of the Revised Code.

~~(F)~~ An assistance group that would be participating in Ohio works first if not for a sanction under this section shall continue to be eligible for all of the following:

(1) Publicly funded child care in accordance with division (A)(3) of section 5104.30 of the Revised Code;

(2) Support services in accordance with section 5107.66 of the Revised Code;

(3) To the extent permitted by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.~~A.~~ 201, as amended, to participate in work activities, developmental activities, and alternative work activities in accordance with sections 5107.40 to 5107.69 of the Revised Code.

Sec. 5107.17. An assistance group that resumes participation in Ohio works first following a sanction under section 5107.16 of the Revised Code is not required to do either of the following:

(A) Reapply under section 5107.12 of the Revised Code, unless it is the assistance group's regularly scheduled time for an eligibility redetermination;

(B) Enter into a new self-sufficiency contract under section 5107.14 of the Revised Code, unless the county department of job and family services determines it is time for a new appraisal under section 5107.41 of the Revised Code or the assistance group's circumstances have changed in a manner necessitating an amendment to the self-sufficiency contract as determined using procedures included in the contract under division ~~(I)~~(B)(9) of section 5107.14 of the Revised Code.

Sec. 5107.18. (A) Except as provided in divisions (B), (C), (D), ~~and~~ (E), and (F) of this section, an assistance group is ineligible to participate in Ohio works first if the assistance group includes an individual who has participated in the program for thirty-six months as any of the following: an adult head of household, minor head of household, or spouse of an adult head of household or minor head of household. The time limit applies regardless of whether the thirty-six months are consecutive.

(B) An assistance group that has ceased to participate in Ohio works first pursuant to division (A) of this section for at least twenty-four months, whether consecutive or not, may reapply

to participate in the program if good cause exists as determined 45366
by the county department of job and family services. Good cause 45367
may include losing employment, inability to find employment, 45368
divorce, domestic violence considerations, and unique personal 45369
circumstances. The assistance group must provide a county 45370
department of job and family services verification acceptable to 45371
the county department of whether any members of the assistance 45372
group had employment during the period the assistance group was 45373
not participating in Ohio works first and the amount and sources 45374
of the assistance group's income during that period. If a county 45375
department is satisfied that good cause exists for the assistance 45376
group to reapply to participate in Ohio works first, the 45377
assistance group may reapply. Except as provided in divisions (C), 45378
(D), and ~~(E)~~(F) of this section, the assistance group may not 45379
participate in Ohio works first for more than twenty-four 45380
additional months. The time limit applies regardless of whether 45381
the twenty-four months are consecutive. 45382

(C) In determining the number of months a parent or pregnant 45383
woman has received assistance under Title IV-A, a county 45384
department of job and family services shall disregard any month 45385
during which the parent or pregnant woman was a minor child but 45386
was neither a minor head of household nor married to the head of 45387
an assistance group. 45388

(D) In determining the number of months an adult has received 45389
assistance under Title IV-A, a county department of job and family 45390
services shall disregard any month during which the adult lived on 45391
an Indian reservation or in an Alaska native village, as those 45392
terms are used in 42 U.S.C.A. 608(a)(7)(D), if, during the month, 45393
at least one thousand individuals lived on the reservation or in 45394
the village and at least fifty per cent of the adults living on 45395
the reservation or in the village were unemployed. 45396

(E) A county department of job and family services may exempt 45397

an Ohio works first assistance group from the time limit 45398
established by division (A) of this section by issuing a waiver of 45399
the time limit in accordance with section 5107.714 of the Revised 45400
Code. A county department may not exempt an assistance group until 45401
the group has exhausted its thirty-six months of cash assistance. 45402
An exemption granted under this division shall not count toward 45403
the twenty per cent limitation that applies to the exemptions 45404
granted under division (F) of this section. 45405

(F) A county department of job and family services may exempt 45406
not more than twenty per cent of the average monthly number of 45407
Ohio works first assistance groups from the time limit established 45408
by this section on the grounds that the county department 45409
determines that the time limit is a hardship. In the case of the 45410
time limit established by division (A) of this section, a county 45411
department may not exempt an assistance group until the group has 45412
exhausted its thirty-six months of cash assistance. 45413

~~(F)~~(G) The department of job and family services shall 45414
continually monitor the percentage of the average monthly number 45415
of Ohio works first assistance groups in each county that is 45416
exempted under division ~~(E)~~(F) of this section from the time limit 45417
established by this section. On determining that the percentage in 45418
any county equals or exceeds eighteen per cent, the department 45419
shall immediately notify the county department of job and family 45420
services. 45421

~~(G)~~(H) Only participation in Ohio works first on or after 45422
October 1, 1997, applies to the time limit established by this 45423
section. The time limit applies regardless of the source of 45424
funding for the program. Assistance under Title IV-A provided by 45425
any state applies to the time limit. The time limit is a lifetime 45426
limit. No assistance group shall receive assistance under the 45427
program in violation of the time limit for assistance under Title 45428
IV-A established by section 408(a)(7) of the "Social Security 45429

Act," as amended by the "Personal Responsibility and Work
Opportunity Reconciliation Act of 1996," 110 Stat. 2105, 42
U.S.C.A. 608 (a)(7). 45430
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Sec. 5107.281. A participant of Ohio works first who is 45433
enrolled in a school district in a county that is participating in 45434
the learnfare program and is not younger than age six but not 45435
older than age nineteen shall participate in the learnfare program 45436
unless one of the following is the case: 45437

(A) The participant is not yet eligible for enrollment in 45438
first grade; 45439

(B) The participant is subject to the LEAP program ~~under~~ 45440
~~section 5107.30 of the Revised Code;~~ 45441

(C) The participant has received one of the following: 45442

(1) A high school diploma; 45443

(2) A certificate stating that the participant has achieved 45444
the equivalent of a high school education as measured by scores 45445
obtained on the tests of general educational development as 45446
published by the American council on education. 45447

(D) The participant has been excused from school attendance 45448
pursuant to section 3321.04 of the Revised Code; 45449

(E) If child care services for a member of the participant's 45450
household are necessary for the participant to attend school, 45451
child care licensed or certified under Chapter 5104. of the 45452
Revised Code or under sections 3301.52 to 3301.59 of the Revised 45453
Code and transportation to and from the child care are not 45454
available; 45455

(F) The participant has been adjudicated a delinquent or 45456
unruly child pursuant to section 2151.28 of the Revised Code. 45457

Sec. 5107.30. (A) As used in this section: 45458

(1) "Equivalent of a high school diploma" and "good cause" 45459
have the meanings established in rules adopted under section 45460
5107.05 of the Revised Code. 45461

(2) ~~"LEAP program" means the learning, earning, and parenting~~ 45462
~~program.~~ 45463

~~(3)~~ "Participating teen" means an individual to whom all of 45464
the following apply: 45465

(a) The individual is a participant of Ohio works first; 45466

(b) The individual is under age eighteen or is age eighteen 45467
and in school and is a natural or adoptive parent or is pregnant; 45468

(c) The individual is subject to the LEAP program's 45469
requirements. 45470

~~(4)~~(3) "School" means an educational program that is designed 45471
to lead to the attainment of a high school diploma or the 45472
equivalent of a high school diploma. 45473

(B) The director of job and family services may conduct a 45474
program titled the "LEAP program" in accordance with rules adopted 45475
under section 5107.05 of the Revised Code. The purpose of the LEAP 45476
program is to encourage teens to complete school. 45477

Every participating teen shall attend school in accordance 45478
with the requirements governing the LEAP program unless the 45479
participating teen shows good cause for not attending school. The 45480
department shall provide, in addition to the cash assistance 45481
payment provided under Ohio works first, an incentive payment, in 45482
an amount determined by the department, to every participating 45483
teen who attends school in accordance with the requirements 45484
governing the LEAP program. In addition to the incentive payment, 45485
the department may provide other incentives to participating teens 45486
who attend school in accordance with the LEAP program's 45487
requirements. The department shall reduce the cash assistance 45488

payment, in an amount determined by the department, under Ohio 45489
works first to every participating teen who fails or refuses, 45490
without good cause, to meet the LEAP program's requirements. 45491

Every participating teen shall enter into a written agreement 45492
with the county department of job and family services that 45493
specifies all of the following: 45494

(1) The participating teen, to be eligible to receive the 45495
incentive payment and other incentives, if any, under this 45496
section, must meet the requirements of the LEAP program. 45497

(2) The incentive payment and other incentives, if any, will 45498
be provided if the participating teen meets the requirements of 45499
the LEAP program. 45500

(3) The participating teen's cash assistance payment under 45501
Ohio works first will be reduced if the participating teen fails 45502
or refuses without good cause to attend school in accordance with 45503
the requirements governing the LEAP program. 45504

(C) A minor head of ~~household who is participating~~ 45505
household's participation in the LEAP program shall be ~~considered~~ 45506
~~to be participating in a work activity for the purpose of sections~~ 45507
~~5107.40 to 5107.69~~ counted in determining whether a county 45508
department of job and family services meets the requirement of 45509
section 5107.44 of the Revised Code. ~~However, the minor head of~~ 45510
~~household is not subject to the requirements or sanctions of those~~ 45511
~~sections.~~ 45512

(D) Subject to the availability of funds, county departments 45513
of job and family services shall provide for participating teens 45514
to receive support services the county department determines to be 45515
necessary for LEAP participation. Support services may include 45516
publicly funded child care under Chapter 5104. of the Revised 45517
Code, transportation, and other services. 45518

Sec. 5107.36. An individual is ~~not eligible to participate in~~ 45519
ineligible for assistance under Ohio works first if either of the 45520
following apply: 45521

(A) The individual is a fugitive felon as defined in section 45522
5101.20 of the Revised Code; 45523

(B) The individual is violating a condition of probation, a 45524
community control sanction, parole, or a post-release control 45525
sanction imposed under federal or state law. 45526

Sec. 5107.41. As soon as possible after an assistance group 45527
submits an application to participate in Ohio works first, the 45528
county department of job and family services that receives the 45529
application shall schedule and conduct an appraisal of each member 45530
of the assistance group who is a minor head of household or adult, 45531
other than a minor head of household participating in the LEAP 45532
program. The appraisal may include an evaluation of the 45533
employment, educational, physiological, and psychological 45534
abilities or liabilities, or both, of the minor head of household 45535
or adult. At the appraisal, the county department shall develop 45536
with the minor head of household or adult a plan for the 45537
assistance group to achieve the goal of self sufficiency and 45538
personal responsibility through unsubsidized employment within the 45539
time limit for participating in the Ohio works first program 45540
established by section 5107.18 of the Revised Code. The plan shall 45541
include assignments to one or more work activities, developmental 45542
activities, or alternative work activities in accordance with 45543
section 5107.42 of the Revised Code. The county department shall 45544
include the plan in the self-sufficiency contract entered into 45545
under section 5107.14 of the Revised Code. 45546

The county department shall conduct more appraisals of the 45547
minor head of household or adult at times the county department 45548

determines. 45549

If the minor head of household or adult claims to have a 45550
medically determinable physiological or psychological impairment, 45551
illness, or disability, the county department may require that the 45552
minor head of household or adult undergo an independent medical or 45553
psychological examination at a time and place reasonably 45554
convenient to the minor head of household or adult. 45555

Sec. 5107.42. (A) Except as provided in divisions (B) and (C) 45556
of this section, county departments of job and family services 45557
shall assign each minor head of household and adult participating 45558
in Ohio works first, other than a minor head of household 45559
participating in the LEAP program, to one or more work activities 45560
and developmental activities. 45561

If a county department assigns a minor head of household or 45562
adult to the work activity established under division (H) of 45563
section 5107.60 of the Revised Code, the county department shall 45564
make reasonable efforts to assign the minor head of household or 45565
adult to at least one other work activity at the same time. If a 45566
county department assigns a minor head of household or adult to 45567
the work activity established under section 5107.58 of the Revised 45568
Code, the county department shall assign the minor head of 45569
household or adult to at least one other work activity at the same 45570
time. 45571

A county department may not assign a minor head of household 45572
or adult to a work activity established under division (D) of 45573
section 5107.60 of the Revised Code for more than twelve months. 45574

(B) If a county department determines that a minor head of 45575
household or adult has a temporary or permanent barrier to 45576
participation in a work activity, it may assign the minor head of 45577
household or adult to one or more alternative work activities 45578
instead of assigning the minor head of household or adult to one 45579

or more work activities or developmental activities. A county 45580
department may not assign more than twenty per cent of minor heads 45581
of household and adults participating in Ohio works first to an 45582
alternative work activity. 45583

County departments shall establish standards for determining 45584
whether a minor head of household or adult has a temporary or 45585
permanent barrier to participating in a work activity. The 45586
following are examples of circumstances that a county department 45587
may consider when it develops its standards: 45588

(1) A minor head of household or adult provides the county 45589
department documented evidence that one or more members of the 45590
assistance group have been the victim of domestic violence and are 45591
in imminent danger of suffering continued domestic violence; 45592

(2) A minor head of household or adult is actively 45593
participating in an alcohol or drug addiction program certified by 45594
the department of alcohol and drug addiction services under 45595
section 3793.06 of the Revised Code; 45596

(3) An assistance group is homeless. 45597

(C) A county department may exempt a minor head of household 45598
or adult who is unmarried and caring for a minor child under 45599
twelve months of age from the work requirements of sections 45600
5107.40 to 5107.69 of the Revised Code for not more than twelve 45601
months. While exempt, the minor head of household or adult shall 45602
be disregarded in determining whether the county department is 45603
meeting the requirement of section 5107.44 of the Revised Code. 45604
The county department shall assign the exempt minor head of 45605
household or adult to at least one developmental activity for a 45606
number of hours a week the county department determines. The 45607
county department may assign the exempt minor head of household or 45608
adult to one or more work activities, in addition to developmental 45609
activities, for a number of hours the county department 45610

determines. Division (B) of section 5107.43 of the Revised Code 45611
does not apply to the exempt minor head of household or adult. 45612

(D) A county department may reassign a minor head of 45613
household or adult when the county department determines 45614
reassignment will aid the assistance group in achieving self 45615
sufficiency and personal responsibility and shall make 45616
reassignments when circumstances requiring reassignment occur, 45617
including when a temporary barrier to participating in a work 45618
activity is eliminated. 45619

A county department shall include assignments in the 45620
self-sufficiency contract entered into under section 5107.14 of 45621
the Revised Code and shall amend the contract when a reassignment 45622
is made to include the reassignment in the contract. 45623

Sec. 5107.70. A county department of job and family services, 45624
at times it determines, may conduct assessments of assistance 45625
groups participating in Ohio works first to determine whether any 45626
members of the group are in need of other assistance or services 45627
provided by the county department or other private or government 45628
entities. Assessments may include the following: 45629

(A) Whether any member of the assistance group has a 45630
substance abuse problem; 45631

(B) Whether there are any other circumstances that may limit 45632
an assistance group member's employability. 45633

~~At the first assessment conducted by the county department,~~ 45634
~~it shall inquire as to whether any member of an assistance group~~ 45635
~~is the victim of domestic violence, including child abuse. The~~ 45636
~~county department shall provide this information to the department~~ 45637
~~of job and family services. The department shall maintain the~~ 45638
~~information for statistical analysis purposes.~~ 45639

The county department may refer an assistance group member to 45640

a private or government entity that provides assistance or 45641
services the county department determines the member needs. The 45642
entity may be a public children services agency, chapter of 45643
alcoholics anonymous, narcotics anonymous, or cocaine anonymous, 45644
or any other entity the county department considers appropriate. 45645

Sec. 5107.71. Each county department of job and family 45646
services shall do all of the following in accordance with rules 45647
adopted under section 5107.05 of the Revised Code: 45648

(A) Identify members of assistance groups applying for and 45649
participating in Ohio works first who have been subjected to 45650
domestic violence by utilizing the domestic violence screening 45651
process established in the rules; 45652

(B) Refer a member who has been subjected to domestic 45653
violence to counseling and supportive services; 45654

(C) Except as provided in section 5107.713 of the Revised 45655
Code, maintain the confidentiality of information about a member 45656
who has been subjected to domestic violence; 45657

(D) Make a determination of whether a member who has been 45658
subjected to domestic violence should be issued a waiver under 45659
section 5107.714 of the Revised Code. 45660

Sec. 5107.711. When utilizing the domestic violence screening 45661
process established in rules adopted under section 5107.05 of the 45662
Revised Code to identify members of assistance groups applying for 45663
and participating in Ohio works first who have been subjected to 45664
domestic violence, a county department of job and family services 45665
shall do both of the following: 45666

(A) Where available, rely on records from any of the 45667
following: 45668

(1) Police, courts, and other governmental entities; 45669

(2) Shelters and legal, religious, medical, and other professionals from whom an assistance group member sought assistance in dealing with domestic violence; 45670
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(3) Other persons with knowledge of the domestic violence. 45673

(B) Rely on an assistance group member's allegation of domestic violence unless the county department has an independent, reasonable basis to find the allegation not credible. 45674
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Sec. 5107.712. A member of an assistance group applying for or participating in Ohio works first who is referred to counseling or supportive services pursuant to division (B) of section 5107.71 of the Revised Code may decline the counseling, supportive services, or both. 45677
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Sec. 5107.713. When a county department of job and family services identifies a member of an assistance group applying for or participating in Ohio works first who has been subjected to domestic violence, the county department shall provide information about the member to the department of job and family services. The department shall maintain the information for federal reporting and statistical analysis purposes only. 45682
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Sec. 5107.714. A county department of job and family services shall issue a member of an assistance group participating in Ohio works first a waiver that exempts the member from a requirement of the Ohio works first program if the county department determines that the member has been subjected to domestic violence and requiring compliance with the requirement would make it more difficult for the member to escape domestic violence or unfairly penalize the member. A waiver shall specify the particular requirement being waived. A waiver may not exempt the member from the time limit on participating in the Ohio works first program established by division (B) of section 5107.18 of the Revised 45689
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Code. A waiver shall be effective for a period of time the county department determines necessary. The county department shall redetermine the member's need for the waiver not less often than a period of time specified in rules adopted under section 5107.05 of the Revised Code.

Sec. 5107.715. A county department of job and family services that refuses to issue a waiver under section 5107.714 of the Revised Code for a member of an assistance group participating in Ohio works first shall provide the member a written explanation for the refusal. The written explanation shall be provided to the member in a manner protecting the member's confidentiality. The member may appeal the refusal pursuant to section 5101.35 of the Revised Code.

Sec. 5107.716. A member of an assistance group participating in Ohio works first may decline a waiver that would otherwise be issued under section 5107.714 of the Revised Code and may terminate at any time a waiver that has been issued under that section.

Sec. 5107.717. The department of job and family services shall monitor county departments of job and family services' implementation of sections 5107.71 to 5107.716 of the Revised Code to ensure that the county departments comply with those sections.

Sec. 5111.01. As used in this chapter, "medical assistance program" or "medicaid" means the program that is authorized by this chapter and provided by the department of job and family services under this chapter, Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1396, as amended, and the waivers of Title XIX requirements granted to the department by the health care financing administration centers for medicare and

medicaid services of the United States department of health and 45729
human services. 45730

The department of job and family services shall act as the 45731
single state agency to supervise the administration of the 45732
medicaid program. As the single state agency, the department shall 45733
comply with 42 C.F.R. 431.10(e). The department's rules governing 45734
medicaid are binding on other agencies that administer components 45735
of the medicaid program. No agency may establish, by rule or 45736
otherwise, a policy governing medicaid that is inconsistent with a 45737
medicaid policy established, in rule or otherwise, by the director 45738
of job and family services. 45739

(A) The Subject to an executive order issued under section 45740
5111.0120 of the Revised Code, the department of job and family 45741
services may provide medical assistance under the medicaid program 45742
as long as federal funds are provided for such assistance, to the 45743
following: 45744

(1) Families with children that meet either of the following 45745
conditions: 45746

(a) The family meets the income, resource, and family 45747
composition requirements in effect on July 16, 1996, for the 45748
former aid to dependent children program as those requirements 45749
were established by Chapter 5107. of the Revised Code, federal 45750
waivers granted pursuant to requests made under former section 45751
5101.09 of the Revised Code, and rules adopted by the department 45752
or any changes the department makes to those requirements in 45753
accordance with paragraph (a)(2) of section 114 of the "Personal 45754
Responsibility and Work Opportunity Reconciliation Act of 1996," 45755
110 Stat. 2177, 42 U.S.C.A. 1396u-1, for the purpose of 45756
implementing section 5111.019 of the Revised Code. An adult loses 45757
eligibility for ~~medical assistance~~ medicaid under division 45758
(A)(1)(a) of this section pursuant to division ~~(E)~~(D) of section 45759
5107.16 of the Revised Code. 45760

(b) The family does not meet the requirements specified in 45761
division (A)(1)(a) of this section but is eligible for ~~medical~~ 45762
~~assistance~~ medicaid pursuant to section 5101.18 of the Revised 45763
Code. 45764

(2) Aged, blind, and disabled persons who meet the following 45765
conditions: 45766

(a) Receive federal aid under Title XVI of the "Social 45767
Security Act," or are eligible for but are not receiving such aid, 45768
provided that the income from all other sources for individuals 45769
with independent living arrangements shall not exceed one hundred 45770
seventy-five dollars per month. The income standards hereby 45771
established shall be adjusted annually at the rate that is used by 45772
the United States department of health and human services to 45773
adjust the amounts payable under Title XVI. 45774

(b) Do not receive aid under Title XVI, but meet any of the 45775
following criteria: 45776

(i) Would be eligible to receive such aid, except that their 45777
income, other than that excluded from consideration as income 45778
under Title XVI, exceeds the maximum under division (A)(2)(a) of 45779
this section, and incurred expenses for medical care, as 45780
determined under federal regulations applicable to section 209(b) 45781
of the "Social Security Amendments of 1972," 86 Stat. 1381, 42 45782
U.S.C.A. 1396a(f), as amended, equal or exceed the amount by which 45783
their income exceeds the maximum under division (A)(2)(a) of this 45784
section; 45785

(ii) Received aid for the aged, aid to the blind, or aid for 45786
the permanently and totally disabled prior to January 1, 1974, and 45787
continue to meet all the same eligibility requirements; 45788

(iii) Are eligible for ~~medical-assistance~~ medicaid pursuant 45789
to section 5101.18 of the Revised Code. 45790

(3) Persons to whom federal law requires, as a condition of 45791

state participation in the medicaid program, that ~~medical~~ 45792
~~assistance~~ medicaid be provided; 45793

(4) Persons under age twenty-one who meet the income 45794
requirements for the Ohio works first program established under 45795
Chapter 5107. of the Revised Code but do not meet other 45796
eligibility requirements for the program. The director shall adopt 45797
rules in accordance with Chapter 119. of the Revised Code 45798
specifying which Ohio works first requirements shall be waived for 45799
the purpose of providing medicaid eligibility under division 45800
(A)(4) of this section. 45801

(B) If sufficient funds are appropriated for ~~such purpose by~~ 45802
~~the general assembly~~ the medicaid program, the department may 45803
provide medical assistance under the medicaid program to persons 45804
in groups designated by federal law as groups to which a state, at 45805
its option, may provide medical assistance under the medicaid 45806
program. 45807

(C) The Subject to an executive order issued under section 45808
5111.0120 of the Revised Code, the department may expand 45809
eligibility for ~~medical assistance~~ the medicaid program to include 45810
individuals under age nineteen with family incomes at or below one 45811
hundred fifty per cent of the federal poverty guidelines, except 45812
that the eligibility expansion shall not occur unless the 45813
department receives the approval of the federal government. The 45814
department may implement the eligibility expansion authorized 45815
under this division on any date selected by the department, but 45816
not sooner than January 1, 1998. 45817

(D) In addition to any other authority or requirement to 45818
adopt rules under this chapter, the director may adopt rules in 45819
accordance with section 111.15 of the Revised Code as the director 45820
considers necessary to establish standards, procedures, and other 45821
requirements regarding the provision of medical assistance under 45822
the medicaid program. The rules may establish requirements to be 45823

followed in applying for ~~medical assistance~~ medicaid, making 45824
determinations of eligibility for ~~medical assistance~~ medicaid, and 45825
verifying eligibility for ~~medical assistance~~ medicaid. The rules 45826
may include special conditions as the department determines 45827
appropriate for making applications, determining eligibility, and 45828
verifying eligibility for any medical assistance that the 45829
department may provide under the medicaid program pursuant to 45830
division (C) of this section and section 5111.014 or 5111.019 of 45831
the Revised Code. 45832

Sec. 5111.011. (A) The director of job and family services 45833
shall adopt rules establishing eligibility requirements for the 45834
medicaid program. The rules shall be adopted pursuant to section 45835
111.15 of the Revised Code and shall be consistent with federal 45836
and state law and any executive order issued under section 45837
5111.0120 of the Revised Code. The rules shall include rules that 45838
do all of the following: 45839

(1) Establish standards consistent with federal law for 45840
allocating income and resources as income and resources of the 45841
spouse, children, parents, or stepparents of a recipient of or 45842
applicant for medicaid; 45843

(2) Define the term "resources" as used in division (A)(1) of 45844
this section; 45845

(3) Specify the number of months that is to be used for the 45846
purpose of the term "look-back date" used in section 5111.0116 of 45847
the Revised Code; 45848

(4) Establish processes to be used to determine both of the 45849
following: 45850

(a) The date an institutionalized individual's ineligibility 45851
for services under section 5111.0116 of the Revised Code is to 45852
begin; 45853

(b) The number of months an institutionalized individual's
ineligibility for such services is to continue. 45854
45855

(5) Establish exceptions to the period of ineligibility that
an institutionalized individual would otherwise be subject to 45856
under section 5111.0116 of the Revised Code; 45857
45858

(6) Define the term "other medicaid-funded long-term care
services" as used in sections 5111.0117 and 5111.0118 of the 45859
Revised Code; 45860
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(7) For the purpose of division (C)(2)(c) of section 45862
5111.0117 of the Revised Code, establish the process to determine 45863
whether the child of an aged, blind, or disabled individual is 45864
financially dependent on the individual for housing. 45865

(B) Notwithstanding any provision of state law, including 45866
statutes, administrative rules, common law, and court rules, 45867
regarding real or personal property or domestic relations, the 45868
standards established under rules adopted under division (A)(1) of 45869
this section shall be used to determine eligibility for medicaid. 45870

Sec. 5111.013. (A) The provision of medical assistance to 45871
pregnant women and young children who are eligible for medical 45872
assistance under division (A)(3) of section 5111.01 of the Revised 45873
Code, but who are not otherwise eligible for medical assistance 45874
under that section, shall be known as the healthy start program. 45875

(B) The department of job and family services shall do all of 45876
the following with regard to the application procedures for the 45877
healthy start program: 45878

(1) Establish a short application form for the program that 45879
requires the applicant to provide no more information than is 45880
necessary for making determinations of eligibility for the healthy 45881
start program, except that the form may require applicants to 45882
provide their social security numbers. The form shall include a 45883

statement, which must be signed by the applicant, indicating that 45884
she does not choose at the time of making application for the 45885
program to apply for assistance provided under any other program 45886
administered by the department and that she understands that she 45887
is permitted at any other time to apply at the county department 45888
of job and family services of the county in which she resides for 45889
any other assistance administered by the department. 45890

(2) To the extent permitted by federal law, do one or both of 45891
the following: 45892

(a) Distribute, consistent with section 5111.0121 of the 45893
Revised Code, the application form for the program to each public 45894
or private entity that serves as a women, infants, and children 45895
clinic or as a child and family health clinic and to each 45896
administrative body for such clinics and train employees of each 45897
such agency or entity to provide applicants assistance in 45898
completing the form; 45899

(b) In cooperation with the department of health, develop 45900
arrangements under which employees of county departments of job 45901
and family services are stationed at public or private agencies or 45902
entities selected by the department of job and family services 45903
that serve as women, infants, and children clinics; child and 45904
family health clinics; or administrative bodies for such clinics 45905
for the purpose both of assisting applicants for the program in 45906
completing the application form and of making determinations at 45907
that location of eligibility for the program. 45908

(3) Establish performance standards by which a county 45909
department of job and family services' level of enrollment of 45910
persons potentially eligible for the program can be measured, and 45911
establish acceptable levels of enrollment for each county 45912
department. 45913

(4) Direct any county department of job and family services 45914

whose rate of enrollment of potentially eligible enrollees in the 45915
program is below acceptable levels established under division 45916
(B)(3) of this section to implement corrective action. Corrective 45917
action may include but is not limited to any one or more of the 45918
following to the extent permitted by federal law: 45919

(a) Establishing formal referral and outreach methods with 45920
local health departments and local entities receiving funding 45921
through the bureau of maternal and child health; 45922

(b) Designating a specialized intake unit within the county 45923
department for healthy start applicants; 45924

(c) Establishing abbreviated timeliness requirements to 45925
shorten the time between receipt of an application and the 45926
scheduling of an initial application interview; 45927

(d) Establishing a system for telephone scheduling of intake 45928
interviews for applicants; 45929

(e) Establishing procedures to minimize the time an applicant 45930
must spend in completing the application and eligibility 45931
determination process, including permitting applicants to complete 45932
the process at times other than the regular business hours of the 45933
county department and at locations other than the offices of the 45934
county department. 45935

(C) To the extent permitted by federal law, local funds, 45936
whether from public or private sources, expended by a county 45937
department for administration of the healthy start program shall 45938
be considered to have been expended by the state for the purpose 45939
of determining the extent to which the state has complied with any 45940
federal requirement that the state provide funds to match federal 45941
funds for medical assistance, except that this division shall not 45942
affect the amount of funds the county is entitled to receive under 45943
section 5101.16, 5101.161, or 5111.012 of the Revised Code. 45944

(D) The director of job and family services shall do one or 45945

both of the following: 45946

(1) To the extent that federal funds are provided for such 45947
assistance, adopt a plan for granting presumptive eligibility for 45948
pregnant women applying for healthy start; 45949

(2) To the extent permitted by federal medicaid regulations, 45950
adopt a plan for making same-day determinations of eligibility for 45951
pregnant women applying for healthy start. 45952

(E) A county department of job and family services that 45953
maintains offices at more than one location shall accept 45954
applications for the healthy start program at all of those 45955
locations. 45956

(F) The director of job and family services shall adopt rules 45957
in accordance with section 111.15 of the Revised Code as necessary 45958
to implement this section. 45959

Sec. 5111.014. (A) The director of job and family services 45960
shall submit to the United States secretary of health and human 45961
services an amendment to the state medicaid plan to make an 45962
individual who meets all of the following requirements eligible 45963
for medicaid: 45964

(1) The individual is pregnant; 45965

(2) The Subject to an executive order issued under section 45966
5111.0120 of the Revised Code, the individual's family income does 45967
not exceed ~~one~~ two hundred ~~fifty~~ per cent of the federal poverty 45968
guidelines; 45969

(3) The individual satisfies all relevant requirements 45970
established by rules adopted under division (D) of section 5111.01 45971
of the Revised Code. 45972

(B) If approved by the United States secretary of health and 45973
human services, the director of job and family services shall 45974
implement the medicaid plan amendment submitted under division (A) 45975

of this section as soon as possible after receipt of notice of the 45976
approval, but not sooner than January 1, ~~2000~~ 2008. 45977

Sec. 5111.016. (A) As used in this section, "healthcheck" has 45978
the same meaning as in section 3313.714 of the Revised Code. 45979

(B) ~~In accordance with federal law and regulations, the~~ The 45980
department of job and family services shall ~~establish~~ adopt rules 45981
in accordance with Chapter 119. of the Revised Code establishing a 45982
combination of written and oral methods designed to provide 45983
information about healthcheck to all persons eligible for the 45984
program or their parents or guardians. The department shall ensure 45985
that its methods of providing information are effective. The 45986
methods shall comply with federal law and regulations. 45987

Each county department of job and family services or other 45988
entity that distributes or accepts applications for medical 45989
assistance shall prominently display ~~in a conspicuous place the~~ 45990
~~following~~ notice: 45991

~~"Under state and federal law, if you are a Medicaid~~ 45992
~~recipient, your child is entitled to a thorough medical~~ 45993
~~examination provided through Healthcheck. Once this examination is~~ 45994
~~completed, your child is entitled to receive, at no cost to you,~~ 45995
~~any service determined to be medically necessary."~~ that complies 45996
with the rules adopted under this division. 45997

Sec. 5111.017. (A) To the extent permitted by federal law, 45998
and beginning July 1, 2009, county departments of job and family 45999
services that accept documents related to applications for the 46000
medicaid program shall convert such documents to an electronic 46001
format and store them electronically. 46002

(B) The director of job and family services shall adopt rules 46003
in accordance with Chapter 119. of the Revised Code, as necessary, 46004
to implement this section. At a minimum, the director shall adopt 46005

rules to address both of the following: 46006

(1) The manner in which the copies of the documents that are 46007
not electronic copies must be disposed of. The manner specified 46008
must not compromise the confidentiality of the information 46009
contained in the documents. 46010

(2) The measures county departments must take to maintain the 46011
confidentiality of the information contained in the documents that 46012
are stored electronically. 46013

(C) Not later than the thirtieth day of June each year, each 46014
county department shall calculate the total expenses the county 46015
incurred in the state fiscal year ending in the previous calendar 46016
year to comply with the requirements in this section. 46017

Sec. 5111.019. ~~(A)~~ The director of job and family services 46018
shall submit to the United States secretary of health and human 46019
services an amendment to the state medicaid plan to make an 46020
individual eligible for medicaid who meets all of the following 46021
requirements ~~eligible for medicaid for the amount of time provided~~ 46022
~~by division (B) of this section:~~ 46023

~~(1)(A)~~ The individual is the parent of a child under nineteen 46024
years of age and resides with the child; 46025

~~(2)~~ The (B) Subject to an executive order issued under 46026
section 5111.0120 of the Revised Code, the individual's family 46027
income does not exceed ninety per cent of the federal poverty 46028
guidelines; 46029

~~(3)(C)~~ The individual is not otherwise eligible for medicaid; 46030

~~(4)(D)~~ The individual satisfies all relevant requirements 46031
established by rules adopted under division (D) of section 5111.01 46032
of the Revised Code. 46033

~~(B) An individual is eligible to receive medicaid under this~~ 46034
~~section for a period that does not exceed two years beginning on~~ 46035

~~the date on which eligibility is established.~~ 46036

Sec. 5111.0111. (A) The director of job and family services 46037
~~may shall~~ submit to the United States secretary of health and 46038
human services an amendment to the state medicaid plan to 46039
implement 42 U.S.C. 1396a (a)(10)(A)(ii)(XVII) to make an 46040
individual receiving who meets all of the following requirements 46041
eligible for medicaid: 46042

(1) The individual is under twenty-one years of age; 46043

(2) The individual was in foster care under the 46044
responsibility of the state on the individual's eighteenth 46045
birthday; 46046

(3) Foster care maintenance payments or independent living 46047
services pursuant to sections 2151.81 to 2151.84 of the Revised 46048
Code eligible for medicaid were furnished under a program funded 46049
under Title IV-E of the Social Security Act of 1935 on the 46050
individual's behalf before the individual attained eighteen years 46051
of age; 46052

(4) The individual meets all other applicable eligibility 46053
requirements established in rules adopted under section 5111.011 46054
of the Revised Code. ¶ 46055

(B) If approved by the United States secretary of health and 46056
human services, the director of job and family services shall 46057
implement the medicaid plan amendment submitted under this section 46058
beginning January 1, 2008. 46059

Sec. 5111.0112. (A) ~~Not later than July 1, 2006, the~~ The 46060
director of job and family services shall institute a ~~copayment~~ 46061
~~cost-sharing~~ program under the medicaid program. ~~To the extent~~ 46062
~~permitted by federal law, the copayment~~ In instituting the 46063
cost-sharing program, the director shall comply with federal law. 46064
The cost-sharing program shall establish a copayment requirement 46065

for ~~only~~ at least dental services, vision services, nonemergency 46066
emergency department services, and prescription drugs, other than 46067
generic drugs. The cost-sharing program shall establish 46068
requirements regarding premiums, enrollment fees, deductions, and 46069
similar charges. The director shall adopt rules under section 46070
5111.02 of the Revised Code governing the copayment program. 46071

(B) The ~~copayment~~ cost-sharing program shall, to the extent 46072
permitted by federal law, provide for all of the following with 46073
regard to any providers participating in the medicaid program: 46074

(1) No provider shall refuse to provide a service to a 46075
medicaid recipient who is unable to pay a required copayment for 46076
the service. 46077

(2) Division (B)(1) of this section shall not be considered 46078
to do either of the following with regard to a medicaid recipient 46079
who is unable to pay a required copayment: 46080

(a) Relieve the medicaid recipient from the obligation to pay 46081
a copayment; 46082

(b) Prohibit the provider from attempting to collect an 46083
unpaid copayment. 46084

(3) Except as provided in division (C) of this section, no 46085
provider shall waive a medicaid recipient's obligation to pay the 46086
provider a copayment. 46087

(4) No provider or drug manufacturer, including the 46088
manufacturer's representative, employee, independent contractor, 46089
or agent, shall pay any copayment on behalf of a medicaid 46090
recipient. 46091

(5) If it is the routine business practice of the provider to 46092
refuse service to any individual who owes an outstanding debt to 46093
the provider, the provider may consider an unpaid copayment 46094
imposed by the ~~copayment~~ cost-sharing program as an outstanding 46095

debt and may refuse service to a medicaid recipient who owes the provider an outstanding debt. If the provider intends to refuse service to a medicaid recipient who owes the provider an outstanding debt, the provider shall notify the individual of the provider's intent to refuse services.

(C) In the case of a provider that is a hospital, the ~~copayment~~ cost-sharing program shall permit the hospital to take action to collect a copayment by providing, at the time services are rendered to a medicaid recipient, notice that a copayment may be owed. If the hospital provides the notice and chooses not to take any further action to pursue collection of the copayment, the prohibition against waiving copayments specified in division (B)(3) of this section does not apply.

(D) The department of job and family services may work with a state agency that is administering, pursuant to a contract entered into under section 5111.91 of the Revised Code, one or more components of the medicaid program or one or more aspects of a component as necessary for the state agency to apply the cost-sharing program to the components or aspects of the medicaid program that the state agency administers.

Sec. 5111.0120. The governor may issue an executive order lowering, but not increasing, the income eligibility limit for one or more components of the medicaid program. The governor may not lower the income eligibility limit for a component below an amount permitted by federal law. If the governor issues such an executive order for a medicaid component, the income eligibility for the component may not be restored to its previous level except by act of the general assembly.

Sec. 5111.0121. To the extent permitted by federal law, and beginning July 1, 2009, applications for the medicaid program

shall be submitted through the internet or by other electronic 46126
means. 46127

The director of job and family services shall adopt rules 46128
under Chapter 119. of the Revised Code, as necessary, to implement 46129
this section. At a minimum, the director must adopt rules that 46130
specify measures county departments of job and family services 46131
must take to ensure that the applications can be transmitted and 46132
received in a manner that maintains the confidentiality of 46133
information contained in them. 46134

Sec. 5111.023. (A) As used in this section: 46135

(1) "Community mental health facility" means a community 46136
mental health facility that has a quality assurance program 46137
accredited by the joint commission on accreditation of healthcare 46138
organizations or is certified by the department of mental health 46139
or department of job and family services. 46140

(2) "Mental health professional" means a person qualified to 46141
work with mentally ill persons under the standards established by 46142
the director of mental health pursuant to section 5119.611 of the 46143
Revised Code. 46144

(B) The state medicaid plan shall include provision of the 46145
following mental health services when provided by community mental 46146
health facilities: 46147

(1) Outpatient mental health services, including, but not 46148
limited to, preventive, diagnostic, therapeutic, rehabilitative, 46149
and palliative interventions rendered to individuals in an 46150
individual or group setting by a mental health professional in 46151
accordance with a plan of treatment appropriately established, 46152
monitored, and reviewed; 46153

(2) Partial-hospitalization mental health services ~~of three~~ 46154
~~to fourteen hours per service day,~~ rendered by persons directly 46155

supervised by a mental health professional; 46156

(3) Unscheduled, emergency mental health services of a kind 46157
ordinarily provided to persons in crisis when rendered by persons 46158
supervised by a mental health professional; 46159

(4) Subject to receipt of federal approval, assertive 46160
community treatment and intensive home-based mental health 46161
services. 46162

(C) The comprehensive annual plan shall certify the 46163
availability of sufficient unencumbered community mental health 46164
state subsidy and local funds to match federal medicaid 46165
reimbursement funds earned by community mental health facilities. 46166

(D) The department of job and family services shall enter 46167
into a separate contract with the department of mental health 46168
under section 5111.91 of the Revised Code with regard to the 46169
component of the medicaid program provided for by this section. 46170

(E) Not later than July 21, 2006, the department of job and 46171
family services shall request federal approval to provide 46172
assertive community treatment and intensive home-based mental 46173
health services under medicaid pursuant to this section. 46174

(F) On receipt of federal approval sought under division (E) 46175
of this section, the director of job and family services shall 46176
adopt rules in accordance with Chapter 119. of the Revised Code 46177
for assertive community treatment and intensive home-based mental 46178
health services provided under medicaid pursuant to this section. 46179
The director shall consult with the department of mental health in 46180
adopting the rules. 46181

Sec. 5111.028. (A) Pursuant to section 5111.02 of the Revised 46182
Code, the director of job and family services shall adopt rules 46183
establishing the use of time-limited provider agreements under the 46184
medicaid program. Under the rules, each provider agreement shall 46185

expire three years from the effective date of the agreement. 46186

(B) The rules for use of time-limited provider agreements shall include a process for re-enrollment of providers. All of the following apply to the re-enrollment process: 46187
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(1) The department may terminate a time-limited provider agreement or deny re-enrollment when a provider fails to file an application for re-enrollment within the time and in the manner required under the re-enrollment process. 46190
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(2) If a provider files an application for re-enrollment within the time and in the manner required under the re-enrollment process, but the provider agreement expires before the department acts on the application or before the effective date of the department's decision on the application, the provider may continue operating under the terms of the expired provider agreement until the effective date of the department's decision. 46194
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(3) A decision by the department to approve an application for re-enrollment becomes effective on the date of the department's decision. A decision by the department to deny re-enrollment shall take effect not sooner than thirty days after the date the department mails written notice of the decision to the provider. The department shall specify in the notice the date on which the provider is required to cease operating under the provider agreement. 46201
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(C) Pursuant to section 5111.06 of the Revised Code, the department is not required to take the actions specified in division (B)(1) of this section by issuing an order pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code. 46209
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Sec. 5111.029. The medicaid program shall cover occupational therapy services provided by an occupational therapist licensed 46214
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under section 4755.08 of the Revised Code. Coverage shall not be 46216
limited to services provided in a hospital or nursing facility. 46217
Any licensed occupational therapist may enter into a medicaid 46218
provider agreement with the department of job and family services 46219
to provide occupational therapy services under the medicaid 46220
program. 46221

Sec. 5111.03. (A) No provider of services or goods 46222
contracting with the department of job and family services 46223
pursuant to the medicaid program shall, by deception, obtain or 46224
attempt to obtain payments under this chapter to which the 46225
provider is not entitled pursuant to the provider agreement, or 46226
the rules of the federal government or the department of job and 46227
family services relating to the program. No provider shall 46228
willfully receive payments to which the provider is not entitled, 46229
or willfully receive payments in a greater amount than that to 46230
which the provider is entitled; nor shall any provider falsify any 46231
report or document required by state or federal law, rule, or 46232
provider agreement relating to medicaid payments. As used in this 46233
section, a provider engages in "deception" when the provider, 46234
acting with actual knowledge of the representation or information 46235
involved, acting in deliberate ignorance of the truth or falsity 46236
of the representation or information involved, or acting in 46237
reckless disregard of the truth or falsity of the representation 46238
or information involved, deceives another or causes another to be 46239
deceived by any false or misleading representation, by withholding 46240
information, by preventing another from acquiring information, or 46241
by any other conduct, act, or omission that creates, confirms, or 46242
perpetuates a false impression in another, including a false 46243
impression as to law, value, state of mind, or other objective or 46244
subjective fact. No proof of specific intent to defraud is 46245
required to show, for purposes of this section, that a provider 46246
has engaged in deception. 46247

(B) Any provider who violates division (A) of this section shall be liable, in addition to any other penalties provided by law, for all of the following civil penalties:

(1) Payment of interest on the amount of the excess payments at the maximum interest rate allowable for real estate mortgages under section 1343.01 of the Revised Code on the date the payment was made to the provider for the period from the date upon which payment was made, to the date upon which repayment is made to the state;

(2) Payment of an amount equal to three times the amount of any excess payments;

(3) Payment of a sum of not less than five thousand dollars 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, 46279
authorized agent, associate, manager, or employee shall own or 46280
provide services to any other medicaid provider or risk contractor 46281
or arrange for, render, or order services for medicaid recipients 46282
~~during the period of termination as provided in division (C) of~~ 46283
~~this section, nor, during the period of termination as provided in~~ 46284
~~division (C) of this section,~~ shall such provider, owner, officer, 46285
authorized agent, associate, manager, or employee receive 46286
reimbursement in the form of direct payments from the department 46287
or indirect payments of medicaid funds in the form of salary, 46288
shared fees, contracts, kickbacks, or rebates from or through any 46289
participating provider or risk contractor. The provider agreement 46290
shall not be terminated or reimbursement terminated if the 46291
provider or owner can demonstrate that the provider or owner did 46292
not directly or indirectly sanction the action of its authorized 46293
agent, associate, manager, or employee that resulted in the 46294
conviction or entry of a judgment in a criminal or civil action 46295
brought pursuant to section 109.85 of the Revised Code. Nothing in 46296
this division prohibits any owner, officer, authorized agent, 46297
associate, manager, or employee of a medicaid provider from 46298
entering into a medicaid provider agreement if the person can 46299
demonstrate that the person had no knowledge of an action of the 46300
medicaid provider the person was formerly associated with that 46301
resulted in the conviction or entry of a judgment in a criminal or 46302
civil action brought pursuant to section 109.85 of the Revised 46303
Code. 46304

Nursing facility or intermediate care facility for the 46305
mentally retarded providers whose agreements are terminated 46306
pursuant to this section may continue to receive reimbursement for 46307
up to thirty days after the effective date of the termination if 46308
the provider makes reasonable efforts to transfer recipients to 46309
another facility or to alternate care and if federal funds are 46310
provided for such reimbursement. 46311

(D) For any reason permitted or required by federal law, the director of job and family services may deny a provider agreement or terminate a provider agreement. 46312
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For any reason permitted or required by federal law, the director may exclude an individual, provider of services or goods, or other entity from participation in the medicaid program. No individual, provider, or entity excluded under this division 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 exclusion, nor, during the period of exclusion, shall such individual, provider, or entity 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. An excluded individual, provider, or entity may request a reconsideration of the exclusion. The director shall adopt rules in accordance with Chapter 119. of the Revised Code governing the process for requesting a reconsideration. 46315
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Nothing in this division limits the applicability of section 5111.06 of the Revised Code to a medicaid provider. 46331
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(E) Any provider of services or goods contracting with the department of job and family services pursuant to Title XIX of the "Social Security Act," who, without intent, obtains payments under this chapter in excess of the amount to which the provider is entitled, thereby becomes liable for payment of interest on the amount of the excess payments at the maximum real estate mortgage rate on the date the payment was made to the provider for the period from the date upon which payment was made to the date upon which repayment is made to the state. 46333
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~~(E)~~(F) The attorney general on behalf of the state may commence proceedings to enforce this section in any court of 46342
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competent jurisdiction; and the attorney general may settle or 46344
compromise any case brought under this section with the approval 46345
of the department of job and family services. Notwithstanding any 46346
other provision of law providing a shorter period of limitations, 46347
the attorney general may commence a proceeding to enforce this 46348
section at any time within six years after the conduct in 46349
violation of this section terminates. 46350

~~(F)~~(G) The authority, under state and federal law, of the 46351
department of job and family services or a county department of 46352
job and family services to recover excess payments made to a 46353
provider is not limited by the availability of remedies under 46354
sections 5111.11 and 5111.12 of the Revised Code for recovering 46355
benefits paid on behalf of recipients of medical assistance. 46356

The penalties under this chapter apply to any overpayment, 46357
billing, or falsification occurring on and after April 24, 1978. 46358
All moneys collected by the state pursuant to this section shall 46359
be deposited in the state treasury to the credit of the general 46360
revenue fund. 46361

Sec. 5111.031. (A) As used in this section: 46362

(1) "Independent provider" has the same meaning as in section 46363
5111.034 of the Revised Code. 46364

(2) "Intermediate care facility for the mentally retarded" 46365
and "nursing facility" have the same meanings as in section 46366
5111.20 of the Revised Code. 46367

(3) "Noninstitutional medicaid provider" means any person or 46368
entity with a medicaid provider agreement other than a hospital, 46369
nursing facility, or intermediate care facility for the mentally 46370
retarded. 46371

(4) "Owner" means any person having at least five per cent 46372
ownership in a noninstitutional medicaid provider. 46373

(B) Notwithstanding any provision of this chapter to the contrary, the department of job and family services shall take action under this section against a noninstitutional medicaid provider or its owner, officer, authorized agent, associate, manager, or employee. 46374
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(C) Except as provided in division (D) of this section and in rules adopted by the department under division (H) of this section, on receiving notice and a copy of an indictment that is issued on or after the effective date of this section and charges a noninstitutional medicaid provider or its owner, officer, authorized agent, associate, manager, or employee with committing an offense specified in division (E) of this section, the department shall suspend the provider agreement held by the noninstitutional medicaid provider. Subject to division (D) of this section, the department shall also terminate medicaid reimbursement to the provider for services rendered. 46379
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The suspension shall continue in effect until the proceedings in the criminal case are completed through conviction, dismissal of the indictment, plea, or finding of not guilty. If the department commences a process to terminate the suspended provider agreement, the suspension shall continue in effect until the termination process is concluded. Pursuant to section 5111.06 of the Revised Code, the department is not required to take action under this division by issuing an order pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code. 46390
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When subject to a suspension under this division, a provider, owner, officer, authorized agent, associate, manager, or employee shall not own or provide services to any other medicaid provider or risk contractor or arrange for, render, or order services for medicaid recipients during the period of suspension. During the period of suspension, the provider, owner, officer, authorized 46400
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agent, associate, manager, or employee shall not receive 46406
reimbursement in the form of direct payments from the department 46407
or indirect payments of medicaid funds in the form of salary, 46408
shared fees, contracts, kickbacks, or rebates from or through any 46409
participating provider or risk contractor. 46410

(D)(1) The department shall not suspend a provider agreement 46411
or terminate medicaid reimbursement under division (C) of this 46412
section if the provider or owner can demonstrate that the provider 46413
or owner did not directly or indirectly sanction the action of its 46414
authorized agent, associate, manager, or employee that resulted in 46415
the indictment. 46416

(2) The termination of medicaid reimbursement applies only to 46417
payments for medicaid services rendered subsequent to the date on 46418
which the notice required under division (F) of this section is 46419
sent. Claims for reimbursement for medicaid services rendered by 46420
the provider prior to the issuance of the notice may be subject to 46421
prepayment review procedures whereby the department reviews claims 46422
to determine whether they are supported by sufficient 46423
documentation, are in compliance with state and federal statutes 46424
and rules, and are otherwise complete. 46425

(E)(1) In the case of a noninstitutional medicaid provider 46426
that is not an independent provider, the suspension of a provider 46427
agreement under division (C) of this section applies when an 46428
indictment charges a person with committing an act that would be a 46429
felony or misdemeanor under the laws of this state and the act 46430
relates to or results from either of the following: 46431

(a) Furnishing or billing for medical care, services, or 46432
supplies under the medicaid program; 46433

(b) Participating in the performance of management or 46434
administrative services relating to furnishing medical care, 46435
services, or supplies under the medicaid program. 46436

(2) In the case of a noninstitutional medicaid provider that is an independent provider, the suspension of a provider agreement under division (C) of this section applies when an indictment charges a person with committing an act that would constitute one of the offenses specified in division (D) of section 5111.034 of the Revised Code. 46437
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(F) Not later than five days after suspending a provider agreement under division (C) of this section, the department shall send notice of the suspension to the affected provider or owner. In providing the notice, the department shall do all of the following: 46443
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(1) Describe the indictment that was the cause of the suspension, without necessarily disclosing specific information concerning any ongoing civil or criminal investigation; 46448
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(2) State that the suspension will continue in effect until the proceedings in the criminal case are completed through conviction, dismissal of the indictment, plea, or finding of not guilty and, if the department commences a process to terminate the suspended provider agreement, until the termination process is concluded; 46451
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(3) Inform the provider or owner of the opportunity to submit to the department, not later than thirty days after receiving the notice, a request for a reconsideration pursuant to division (G) of this section. 46457
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(G)(1) A noninstitutional medicaid provider or owner subject to a suspension under this section may request a reconsideration. The request shall be made not later than thirty days after receipt of the notice provided under division (F) of this section. The reconsideration is not subject to an adjudication hearing pursuant to Chapter 119. of the Revised Code. 46461
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(2) In requesting a reconsideration, the provider or owner 46467

shall submit written information and documents to the department. 46468
The information and documents may pertain to any of the following 46469
issues: 46470

(a) Whether the determination to suspend the provider 46471
agreement was based on a mistake of fact, other than the validity 46472
of the indictment; 46473

(b) Whether any offense charged in the indictment resulted 46474
from an offense specified in division (E) of this section; 46475

(c) Whether the provider or owner can demonstrate that the 46476
provider or owner did not directly or indirectly sanction the 46477
action of its authorized agent, associate, manager, or employee 46478
that resulted in the indictment. 46479

(3) The department shall review the information and documents 46480
submitted in a request for reconsideration. After the review, the 46481
suspension may be affirmed, reversed, or modified, in whole or in 46482
part. The department shall notify the affected provider or owner 46483
of the results of the review. The review and notification of its 46484
results shall be completed not later than forty-five days after 46485
receiving the information and documents submitted in a request for 46486
reconsideration. 46487

(H) The department may adopt rules in accordance with Chapter 46488
119. of the Revised Code to implement this section. The rules may 46489
specify circumstances under which the department would not suspend 46490
a provider agreement pursuant to this section. 46491

Sec. 5111.032. (A) As used in this section: 46492

(1) "Criminal records check" has the same meaning as in 46493
section 109.572 of the Revised Code. 46494

(2) "Department" includes a designee of the department of job 46495
and family services. 46496

(3) "Owner" means a person who has an ownership interest in a 46497

provider in an amount designated by the department of job and 46498
family services in rules adopted under this section. 46499

(4) "Provider" means a person, institution, or entity that 46500
has a provider agreement with the department of job and family 46501
services pursuant to Title XIX of the "Social Security Act," 49 46502
State. 620 (1965), 42 U.S.C. 1396, as amended. 46503

(B)(1) Except as provided in division (B)(2) of this section, 46504
the department of job and family services may require that any 46505
provider, applicant to be a provider, employee or prospective 46506
employee of a provider, owner or prospective owner of a provider, 46507
officer or prospective officer of a provider, or board member or 46508
prospective board member of a provider submit to a criminal 46509
records check as a condition of obtaining a provider agreement, 46510
continuing to hold a provider agreement, being employed by a 46511
provider, having an ownership interest in a provider, or being an 46512
officer or board member of a provider. The department may 46513
designate the categories of persons who are subject to the 46514
criminal records check requirement. The department shall designate 46515
the times at which the criminal records checks must be conducted. 46516

(2) The section does not apply to providers, applicants to be 46517
providers, employees of a provider, or prospective employees of a 46518
provider who are subject to criminal records checks under section 46519
5111.033 or 5111.034 of the Revised Code. 46520

(C)(1) The department shall inform each provider or applicant 46521
to be a provider whether the provider or applicant is subject to a 46522
criminal records check requirement under division (B) of this 46523
section. For providers, the information shall be given at times 46524
designated in rules adopted under this section. For applicants to 46525
be providers, the information shall be given at the time of 46526
initial application. When the information is given, the department 46527
shall specify which of the provider's or applicant's employees or 46528
prospective employees, owners or prospective owners, officers or 46529

prospective officers, or board members or prospective board 46530
members are subject to the criminal records check requirement. 46531

(2) At times designated in rules adopted under this section, 46532
a provider that is subject to the criminal records check 46533
requirement shall inform each person specified by the department 46534
under division (C)(1) of this section that the person is required, 46535
as applicable, to submit to a criminal records check for final 46536
consideration for employment in a full-time, part-time, or 46537
temporary position; as a condition of continued employment; or as 46538
a condition of becoming or continuing to be an officer, board 46539
member or owner of a provider. 46540

(D)(1) If a provider or applicant to be a provider is subject 46541
to a criminal records check under this section, the department 46542
shall require the conduct of a criminal records check by the 46543
superintendent of the bureau of criminal identification and 46544
investigation. If a provider or applicant to be a provider for 46545
whom a criminal records check is required does not present proof 46546
of having been a resident of this state for the five-year period 46547
immediately prior to the date the criminal records check is 46548
requested or provide evidence that within that five-year period 46549
the superintendent has requested information about the individual 46550
from the federal bureau of investigation in a criminal records 46551
check, the department shall require the provider or applicant to 46552
request that the superintendent obtain information from the 46553
federal bureau of investigation as part of the criminal records 46554
check of the provider or applicant. Even if a provider or 46555
applicant for whom a criminal records check request is required 46556
presents proof of having been a resident of this state for the 46557
five-year period, the department may require that the provider or 46558
applicant request that the superintendent obtain information from 46559
the federal bureau of investigation and include it in the criminal 46560
records check of the provider or applicant. 46561

(2) A provider shall require the conduct of a criminal records check by the superintendent with respect to each of the persons specified by the department under division (C)(1) of this section. If the person for whom a criminal records check is required does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent of the bureau of criminal identification and investigation has requested information about the individual from the federal bureau of investigation in a criminal records check, the individual shall request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check of the individual. Even if an individual for whom a criminal records check request is required presents proof of having been a resident of this state for the five-year period, the department may require the provider to request that the superintendent obtain information from the federal bureau of investigation and include it in the criminal records check of the person.

(E)(1) Criminal records checks required under this section for providers or applicants to be providers shall be obtained as follows:

(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.

(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. 46594
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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. 46596
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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: 46601
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(a) The provider shall give to each person subject to criminal records check requirement information about accessing and completing the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard fingerprint impression sheet prescribed pursuant to division (C)(2) of that section. 46604
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(b) The person shall submit the required form and one complete set of fingerprint impressions directly to the superintendent for purposes of conducting the criminal records check using the applicable methods prescribed by division (C) of section 109.572 of the Revised Code. The person shall pay all fees associated with obtaining the criminal records check. 46610
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(c) The superintendent shall conduct the criminal records check in accordance with section 109.572 of the Revised Code. The person subject to the criminal records check shall instruct the superintendent to submit the report of the criminal records check directly to the provider. The department may require the provider to submit the report to the department. 46616
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(F) If a provider or applicant to be a provider is given the information specified in division (E)(1)(a) of this section but fails to obtain a criminal records check, the department shall, as 46622
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applicable, terminate the provider agreement or deny the 46625
application to be a provider. 46626

If a person is given the information specified in division 46627
(E)(2)(a) of this section but fails to obtain a criminal records 46628
check, the provider shall not, as applicable, permit the person to 46629
be an employee, owner, officer, or board member of the provider. 46630

(G) Except as provided in rules adopted under division (J) of 46631
this section, the department shall terminate the provider 46632
agreement of a provider or the department shall not issue a 46633
provider agreement to an applicant if the provider or applicant is 46634
subject to a criminal records check under this section and the 46635
provider or applicant has been convicted of, has pleaded guilty 46636
to, or has been found eligible for intervention in lieu of 46637
conviction for any of the following: 46638

(1) A violation of section 2903.01, 2903.02, 2903.03, 46639
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 46640
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 46641
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 46642
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 46643
2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 46644
2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 46645
2913.40, 2913.43, 2913.47, 2913.48, 2913.49, 2913.51, 2917.11, 46646
2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 46647
2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 46648
2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 46649
3716.11 of the Revised Code, felonious sexual penetration in 46650
violation of former section 2907.12 of the Revised Code, a 46651
violation of section 2905.04 of the Revised Code as it existed 46652
prior to July 1, 1996, a violation of section 2919.23 of the 46653
Revised Code that would have been a violation of section 2905.04 46654
of the Revised Code as it existed prior to July 1, 1996, had the 46655
violation been committed prior to that date; 46656

(2) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (D)(1) of this section. 46657
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(H)(1)(a) Except as provided in rules adopted under division (J) of this section and subject to division (H)(2) of this section, no provider shall permit a person to be an employee, owner, officer, or board member of the provider if the person is subject to a criminal records check under this section and the person has been convicted of, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for any of the offenses specified in division (G)(1) or (2) of this section. 46660
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(b) No provider shall employ a person who has been excluded from participating in the medicaid program, the medicare program operated pursuant to Title XVIII of the "Social Security Act," or any other federal health care program. 46668
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(2)(a) A provider may employ conditionally a person for whom a criminal records check is required under this section prior to obtaining the results of a criminal records check regarding the person, but only if the person submits a request for a criminal records check not later than five business days after the individual begins conditional employment. 46672
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(b) A provider that employs a person conditionally under authority of division (H)(2)(a) of this section shall terminate the person's employment if the results of the criminal records check request are not obtained within the period ending sixty days after the date the request is made. Regardless of when the results of the criminal records check are obtained, if the results indicate that the individual has been convicted of, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for any of the offenses specified in division (G)(1) or (2) of this section, the provider shall terminate the person's employment unless the provider chooses to employ the individual 46678
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pursuant to division (J) of this section. 46689

(I) The report of a criminal records check conducted pursuant 46690
to this section is not a public record for the purposes of section 46691
149.43 of the Revised Code and shall not be made available to any 46692
person other than the following: 46693

(1) The person who is the subject of the criminal records 46694
check or the person's representative; 46695

(2) The director of job and family services and the staff of 46696
the department in the administration of the medicaid program; 46697

(3) A court, hearing officer, or other necessary individual 46698
involved in a case dealing with the denial or termination of a 46699
provider agreement; 46700

(4) A court, hearing officer, or other necessary individual 46701
involved in a case dealing with a person's denial of employment, 46702
termination of employment, or employment or unemployment benefits. 46703

(J) The department may adopt rules in accordance with Chapter 46704
119. of the Revised Code to implement this section. The rules may 46705
specify circumstances under which the department may continue a 46706
provider agreement or issue a provider agreement to an applicant 46707
when the provider or applicant has been convicted of, has pleaded 46708
guilty to, or has been found eligible for intervention in lieu of 46709
conviction for any of the offenses specified in division (G)(1) or 46710
(2) of this section. The rules may also specify circumstances 46711
under which a provider may permit a person to be an employee, 46712
owner, officer, or board member of the provider, when the person 46713
has been convicted of, has pleaded guilty to, or has been found 46714
eligible for intervention in lieu of conviction for any of the 46715
offenses specified in division (G)(1) or (2) of this section. 46716

Sec. ~~5111.95~~ 5111.033. (A) As used in this section: 46717

(1) "Applicant" means a person who is under final 46718

consideration for employment or, after ~~the effective date of this~~ 46719
~~section~~ September 26, 2003, an existing employee with a waiver 46720
agency in a full-time, part-time, or temporary position that 46721
involves providing home and community-based waiver services to a 46722
person with disabilities. "Applicant" also means an existing 46723
employee with a waiver agency in a full-time, part-time, or 46724
temporary position that involves providing home and 46725
community-based waiver services to a person with disabilities 46726
after ~~the effective date of this section~~ September 26, 2003. 46727

(2) "Criminal records check" has the same meaning as in 46728
section 109.572 of the Revised Code. 46729

(3) "Waiver agency" means a person or government entity that 46730
is not certified under the medicare program and is accredited by 46731
the community health accreditation program or the joint commission 46732
on accreditation of health care organizations or a company that 46733
provides home and community-based waiver services to persons with 46734
disabilities through department of job and family services 46735
administered home and community-based waiver programs. 46736

(4) "Home and community-based waiver services" means services 46737
furnished under the provision of 42 C.F.R. 441, subpart G, that 46738
permit individuals to live in a home setting rather than a nursing 46739
facility or hospital. Home and community-based waiver services are 46740
approved by the centers for medicare and medicaid for specific 46741
populations and are not otherwise available under the medicaid 46742
state plan. 46743

(B)(1) The chief administrator of a waiver agency shall 46744
require each applicant to request that the superintendent of the 46745
bureau of criminal identification and investigation conduct a 46746
criminal records check with respect to ~~each~~ the applicant. If an 46747
applicant for whom a criminal records check request is required 46748
under this division does not present proof of having been a 46749
resident of this state for the five-year period immediately prior 46750

to the date the criminal records check is requested or provide 46751
evidence that within that five-year period the superintendent has 46752
requested information about the applicant from the federal bureau 46753
of investigation in a criminal records check, the chief 46754
administrator shall require the applicant to request that the 46755
superintendent obtain information from the federal bureau of 46756
investigation as part of the criminal records check of the 46757
applicant. Even if an applicant for whom a criminal records check 46758
request is required under this division presents proof of having 46759
been a resident of this state for the five-year period, the chief 46760
administrator may require the applicant to request that the 46761
superintendent include information from the federal bureau of 46762
investigation in the criminal records check. 46763

~~(2) A person required by division (B)(1) of this section to~~ 46764
~~request a criminal records check~~ The chief administrator shall ~~do~~ 46765
~~both of~~ provide the following: 46766

~~(a) Provide~~ to each applicant for whom a criminal records 46767
check request is required under division (B)(1) of this section a 46768
~~copy of:~~ 46769

(a) Information about accessing, completing, and forwarding 46770
to the superintendent of the bureau of criminal identification and 46771
investigation the form prescribed pursuant to division (C)(1) of 46772
section 109.572 of the Revised Code and ~~a~~ the standard fingerprint 46773
impression sheet prescribed pursuant to division (C)(2) of that 46774
section, ~~and obtain the completed form and impression sheet from~~ 46775
~~the applicant;~~ 46776

~~(b) Forward the completed form and impression sheet to the~~ 46777
~~superintendent of the bureau of criminal identification and~~ 46778
~~investigation~~ Written notification that the applicant is to 46779
instruct the superintendent to submit the completed report of the 46780
criminal records check directly to the chief administrator. 46781

(3) An applicant ~~provided the form and fingerprint impression sheet under division (B)(2)(a) of this section who fails to complete the form or provide fingerprint impressions given information and notification under divisions (B)(2)(a) and (b) of this section who fails to access, complete, and forward to the superintendent the form or the standard fingerprint impression sheet, or who fails to instruct the superintendent to submit the completed report of the criminal records check directly to the chief administrator,~~ shall not be employed in any position in a waiver agency for which a criminal records check is required by this section.

(C)(1) Except as provided in rules adopted by the department of job and family services in accordance with division (F) of this section and subject to division (C)(2) of this section, no waiver agency shall employ a person in a position that involves providing home and community-based waiver services to persons with disabilities if the person has been convicted of ~~or~~, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.48, 2913.49, 2913.51, 2917.11, 2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a

violation of section 2905.04 of the Revised Code as it existed 46814
prior to July 1, 1996, a violation of section 2919.23 of the 46815
Revised Code that would have been a violation of section 2905.04 46816
of the Revised Code as it existed prior to July 1, 1996, had the 46817
violation been committed prior to that date; 46818

(b) An existing or former law of this state, any other state, 46819
or the United States that is substantially equivalent to any of 46820
the offenses listed in division (C)(1)(a) of this section. 46821

(2)(a) A waiver agency may employ conditionally an applicant 46822
for whom a criminal records check request is required under 46823
division (B) of this section prior to obtaining the results of a 46824
criminal records check regarding the individual, provided that the 46825
agency shall require the individual to request a criminal records 46826
check regarding the individual in accordance with division (B)(1) 46827
of this section not later than five business days after the 46828
individual begins conditional employment. 46829

(b) A waiver agency that employs an individual conditionally 46830
under authority of division (C)(2)(a) of this section shall 46831
terminate the individual's employment if the results of the 46832
criminal records check request under division (B) of this section, 46833
other than the results of any request for information from the 46834
federal bureau of investigation, are not obtained within the 46835
period ending sixty days after the date the request is made. 46836
Regardless of when the results of the criminal records check are 46837
obtained, if the results indicate that the individual has been 46838
convicted of ~~or~~, has pleaded guilty to, or has been found eligible 46839
for intervention in lieu of conviction for any of the offenses 46840
listed or described in division (C)(1) of this section, the agency 46841
shall terminate the individual's employment unless the agency 46842
chooses to employ the individual pursuant to division (F) of this 46843
section. 46844

(D)(1) ~~Each waiver agency shall pay to the bureau of criminal~~ 46845

~~identification and investigation the~~ The fee prescribed pursuant 46846
to division (C)(3) of section 109.572 of the Revised Code for each 46847
criminal records check conducted pursuant to a request made under 46848
division (B) of this section shall be paid to the bureau of 46849
criminal identification and investigation by the applicant or the 46850
waiver agency. 46851

(2) ~~A~~ If a waiver agency pays the fee, it may charge ~~an~~ the 46852
applicant a fee not exceeding the amount the agency pays under 46853
division (D)(1) of this section. An agency may collect a fee only 46854
if the agency notifies the person at the time of initial 46855
application for employment of the amount of the fee and that, 46856
unless the fee is paid, the person will not be considered for 46857
employment. 46858

(E) The report of any criminal records check conducted 46859
pursuant to a request made under this section is not a public 46860
record for the purposes of section 149.43 of the Revised Code and 46861
shall not be made available to any person other than the 46862
following: 46863

(1) The individual who is the subject of the criminal records 46864
check or the individual's representative; 46865

(2) The chief administrator of the agency requesting the 46866
criminal records check or the administrator's representative; 46867

(3) An administrator at the department; 46868

(4) A court, hearing officer, or other necessary individual 46869
involved in a case dealing with a denial of employment of the 46870
applicant or dealing with employment or unemployment benefits of 46871
the applicant. 46872

(F) The department shall adopt rules in accordance with 46873
Chapter 119. of the Revised Code to implement this section. The 46874
rules shall specify circumstances under which a waiver agency may 46875
employ a person who has been convicted of ~~or~~, has pleaded guilty 46876

to, or has been found eligible for intervention in lieu of 46877
conviction for an offense listed or described in division (C)(1) 46878
of this section ~~but meets personal character standards set by the~~ 46879
~~department.~~ 46880

(G) The chief administrator of a waiver agency shall inform 46881
each person, at the time of initial application for a position 46882
that involves providing home and community-based waiver services 46883
to a person with a disability, that the person is required to 46884
provide a set of fingerprint impressions and that a criminal 46885
records check is required to be conducted if the person comes 46886
under final consideration for employment. 46887

(H)(1) A person who, ~~on the effective date of this section~~ 46888
September 26, 2003, is an employee of a waiver agency in a 46889
full-time, part-time, or temporary position that involves 46890
providing home and community-based waiver services to a person 46891
with disabilities shall comply with this section within sixty days 46892
after ~~the effective date of this section~~ September 26, 2003, 46893
unless division (H)(2) of this section applies. 46894

(2) This section shall not apply to a person to whom all of 46895
the following apply: 46896

(a) On ~~the effective date of this section~~ September 26, 2003, 46897
the person is an employee of a waiver agency in a full-time, 46898
part-time, or temporary position that involves providing home and 46899
community-based waiver services to a person with disabilities. 46900

(b) The person previously had been the subject of a criminal 46901
background check relating to that position; 46902

(c) The person has been continuously employed in that 46903
position since that criminal background check had been conducted. 46904

Sec. ~~5111.96~~ 5111.034. (A) As used in this section: 46905

(1) "Anniversary date" means the later of the effective date 46906

of the provider agreement relating to the independent provider or 46907
sixty days after ~~the effective date of this section~~ September 26, 46908
2003. 46909

(2) "Criminal records check" has the same meaning as in 46910
section 109.572 of the Revised Code. 46911

(3) "~~The department~~ Department" ~~means~~ includes a designee of 46912
the department of job and family services ~~or its designee.~~ 46913

(4) "Independent provider" means a person who is submitting 46914
an application for a provider agreement or who has a provider 46915
agreement as an independent provider in a department of job and 46916
family services administered home and community-based services 46917
program providing home and community-based waiver services to 46918
consumers with disabilities. 46919

(5) "Home and community-based waiver services" has the same 46920
meaning as in section ~~5111.95~~ 5111.033 of the Revised Code. 46921

(B)(1) The department of job and family services shall inform 46922
each independent provider, at the time of initial application for 46923
a provider agreement that involves providing home and 46924
community-based waiver services to consumers with disabilities, 46925
that the independent provider is required to provide a set of 46926
fingerprint impressions and that a criminal records check is 46927
required to be conducted if the person is to become an independent 46928
provider in a department administered home and community-based 46929
waiver program. 46930

(2) Beginning on ~~the effective date of this section~~ September 46931
26, 2003, the department shall inform each enrolled medicaid 46932
independent provider on or before time of the anniversary date of 46933
the provider agreement that involves providing home and 46934
community-based waiver services to consumers with disabilities 46935
that the independent provider is required to provide a set of 46936
fingerprint impressions and that a criminal records check is 46937

required to be conducted. 46938

(C)(1) The department shall require the independent provider 46939
to complete a criminal records check prior to entering into a 46940
provider agreement with the independent provider and at least 46941
annually thereafter. If an independent provider for whom a 46942
criminal records check is required under this division does not 46943
present proof of having been a resident of this state for the 46944
five-year period immediately prior to the date the criminal 46945
records check is requested or provide evidence that within that 46946
five-year period the superintendent of the bureau of criminal 46947
identification and investigation has requested information about 46948
the ~~applicant~~ independent provider from the federal bureau of 46949
investigation in a criminal records check, the department shall 46950
request that the independent provider obtain through the 46951
superintendent a criminal records request from the federal bureau 46952
of investigation as part of the criminal records check of the 46953
independent provider. Even if an independent provider for whom a 46954
criminal records check request is required under this division 46955
presents proof of having been a resident of this state for the 46956
five-year period, the department may request that the independent 46957
provider obtain information through the superintendent from the 46958
federal bureau of investigation in the criminal records check. 46959

(2) The department shall ~~do both of~~ provide the following+ 46960

~~(a) Provide information~~ to each independent provider for whom 46961
a criminal records check request is required under division (C)(1) 46962
of this section ~~about requesting a copy of:~~ 46963

(a) Information about accessing, completing, and forwarding 46964
to the superintendent of the bureau of criminal identification and 46965
investigation the form prescribed pursuant to division (C)(1) of 46966
section 109.572 of the Revised Code and a the standard fingerprint 46967
impression sheet prescribed pursuant to division (C)(2) of that 46968
section, ~~and obtain the completed form and impression sheet and~~ 46969

~~fee from the independent provider;~~ 46970

~~(b) Forward the completed form, impression sheet, and fee to~~ 46971
~~the superintendent of the bureau of criminal identification and~~ 46972
~~investigation. Written notification that the independent provider~~ 46973
~~is to instruct the superintendent to submit the completed report~~ 46974
~~of the criminal records check directly to the department.~~ 46975

(3) An independent provider given information ~~about obtaining~~ 46976
~~the form and fingerprint impression sheet under division (C)(2)(a)~~ 46977
~~of this section who fails to complete the form or provide~~ 46978
~~fingerprint impressions and notification under divisions (C)(2)(a)~~ 46979
~~and (b) of this section who fails to access, complete, and forward~~ 46980
~~to the superintendent the form or the standard fingerprint~~ 46981
~~impression sheet, or who fails to instruct the superintendent to~~ 46982
~~submit the completed report of the criminal records check directly~~ 46983
~~to the department, shall not be approved as an independent~~ 46984
provider. 46985

(D) Except as provided in rules adopted by the department in 46986
accordance with division (G) of this section, the department shall 46987
not issue a new provider agreement to, and shall terminate an 46988
existing provider agreement of, an independent provider if the 46989
person has been convicted of ~~or~~, has pleaded guilty to, or has 46990
been found eligible for intervention in lieu of conviction for any 46991
of the following: 46992

(1) A violation of section 2903.01, 2903.02, 2903.03, 46993
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 46994
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 46995
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 46996
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 46997
2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 46998
2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 46999
2913.40, 2913.43, 2913.47, 2913.48, 2913.49, 2913.51, 2917.11, 47000
2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 47001

2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 47002
2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 47003
3716.11 of the Revised Code, felonious sexual penetration in 47004
violation of former section 2907.12 of the Revised Code, a 47005
violation of section 2905.04 of the Revised Code as it existed 47006
prior to July 1, 1996, a violation of section 2919.23 of the 47007
Revised Code that would have been a violation of section 2905.04 47008
of the Revised Code as it existed prior to July 1, 1996, had the 47009
violation been committed prior to that date; 47010

(2) An existing or former law of this state, any other state, 47011
or the United States that is substantially equivalent to any of 47012
the offenses listed in division (D)(1) of this section. 47013

(E) Each independent provider shall pay to the bureau of 47014
criminal identification and investigation the fee prescribed 47015
pursuant to division (C)(3) of section 109.572 of the Revised Code 47016
for each criminal records check conducted pursuant to a request 47017
made under division (C) of this section. 47018

(F) The report of any criminal records check conducted by the 47019
bureau of criminal identification and investigation in accordance 47020
with section 109.572 of the Revised Code and pursuant to a request 47021
made under division (C) of this section is not a public record for 47022
the purposes of section 149.43 of the Revised Code and shall not 47023
be made available to any person other than the following: 47024

(1) The person who is the subject of the criminal records 47025
check or the person's representative; 47026

(2) ~~The An~~ administrator at the department ~~who is requesting~~ 47027
~~the criminal records check~~ or the administrator's representative; 47028

(3) ~~Any A~~ court, hearing officer, or other necessary 47029
individual involved in a case dealing with a denial or termination 47030
of a provider agreement related to the criminal records check. 47031

(G) The department shall adopt rules in accordance with 47032

Chapter 119. of the Revised Code to implement this section. The 47033
rules shall specify circumstances under which the department may 47034
either issue a provider agreement to an independent provider ~~who~~ 47035
or allow an independent provider to maintain an existing provider 47036
agreement when the independent provider has been convicted of ~~or,~~ 47037
has pleaded guilty to, or has been found eligible for intervention 47038
in lieu of conviction for an offense listed or described in 47039
division (C)(1) of this section ~~but meets personal character~~ 47040
~~standards set by the department.~~ 47041

Sec. 5111.06. (A)(1) As used in this section and in sections 47042
5111.061 and 5111.062 of the Revised Code: 47043

(a) "Provider" means any person, institution, or entity that 47044
furnishes medicaid services under a provider agreement with the 47045
department of job and family services pursuant to Title XIX of the 47046
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 47047
amended. 47048

(b) "Party" has the same meaning as in division (G) of 47049
section 119.01 of the Revised Code. 47050

(c) "Adjudication" has the same meaning as in division (D) of 47051
section 119.01 of the Revised Code. 47052

(2) This section does not apply to any action taken by the 47053
department of job and family services under sections 5111.35 to 47054
5111.62 of the Revised Code. 47055

(B) Except as provided in division (D) of this section and 47056
section 5111.914 of the Revised Code, the department shall do 47057
either of the following by issuing an order pursuant to an 47058
adjudication conducted in accordance with Chapter 119. of the 47059
Revised Code: 47060

(1) Enter into or refuse to enter into a provider agreement 47061
with a provider, or suspend, terminate, renew, or refuse to renew 47062

an existing provider agreement with a provider; 47063

(2) Take any action based upon a final fiscal audit of a 47064
provider. 47065

(C) Any party who is adversely affected by the issuance of an 47066
adjudication order under division (B) of this section may appeal 47067
to the court of common pleas of Franklin county in accordance with 47068
section 119.12 of the Revised Code. 47069

(D) The department is not required to comply with division 47070
(B)(1) of this section whenever any of the following occur: 47071

(1) The terms of a provider agreement require the provider to 47072
~~have~~ hold a license, permit, or certificate or maintain a 47073
certification issued by an official, board, commission, 47074
department, division, bureau, or other agency of state or federal 47075
government other than the department of job and family services, 47076
and the license, permit, ~~or~~ certificate, or certification has been 47077
denied ~~or~~, revoked, not renewed, suspended, or otherwise limited. 47078

(2) The terms of a provider agreement require the provider to 47079
hold a license, permit, or certificate or maintain certification 47080
issued by an official, board, commission, department, division, 47081
bureau, or other agency of state or federal government other than 47082
the department of job and family services, and the provider has 47083
not obtained the license, permit, certificate, or certification. 47084

(3) The provider agreement is denied, terminated, or not 47085
renewed due to the termination, refusal to renew, or denial of a 47086
license, permit, certificate, or certification by an official, 47087
board, commission, department, division, bureau, or other agency 47088
of this state other than the department of job and family 47089
services, notwithstanding the fact that the provider may hold a 47090
license, permit, certificate, or certification from an official, 47091
board, commission, department, division, bureau, or other agency 47092
of another state. 47093

~~(2)~~(4) The provider agreement is denied, terminated, or not renewed pursuant to division (C) or ~~(E)~~(F) of section 5111.03 of the Revised Code; 47094
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~~(3)~~(5) The provider agreement is denied, terminated, or not renewed due to the provider's termination, suspension, or exclusion from the medicare program established under Title XVIII of the "Social Security Act," and the termination, suspension, or exclusion is binding on the provider's participation in the medicaid program; 47097
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~~(4)~~(6) The provider agreement is denied, terminated, or not renewed due to the provider's pleading guilty to or being convicted of a criminal activity materially related to either the medicare or medicaid program; 47103
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~~(5)~~(7) The provider agreement is denied, terminated, or suspended as a result of action by the United States department of health and human services and that action is binding on the provider's participation in the medicaid program; 47107
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~~(6)~~(8) The provider agreement is suspended pursuant to section 5111.031 of the Revised Code pending indictment of the provider. 47111
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(9) The provider agreement is denied, terminated, or not renewed because the provider has been convicted of one of the offenses that caused the provider agreement to be suspended pursuant to section 5111.031 of the Revised Code. 47114
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(10) The provider agreement is terminated or an application for re-enrollment is denied because the provider has failed to apply for re-enrollment within the time or in the manner specified for re-enrollment pursuant to section 5111.028 of the Revised Code. 47118
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(11) The provider agreement is terminated or not renewed because the provider has not billed or otherwise submitted a 47123
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medicaid claim to the department for two years or longer, and the 47125
department has determined that the provider has moved from the 47126
address on record with the department without leaving an active 47127
forwarding address with the department. 47128

In the case of a provider described in division (D)~~(6)~~(11) of 47129
this section, the department may terminate or not renew the 47130
provider agreement by sending a notice explaining the department's 47131
proposed action to the address on record with the department. The 47132
notice may be sent by regular mail. 47133

(E) The department may withhold payments for services 47134
rendered by a medicaid provider under the medical assistance 47135
program during the pendency of proceedings initiated under 47136
division (B)(1) of this section. If the proceedings are initiated 47137
under division (B)(2) of this section, the department may withhold 47138
payments only to the extent that they equal amounts determined in 47139
a final fiscal audit as being due the state. This division does 47140
not apply if the department fails to comply with section 119.07 of 47141
the Revised Code, requests a continuance of the hearing, or does 47142
not issue a decision within thirty days after the hearing is 47143
completed. This division does not apply to nursing facilities and 47144
intermediate care facilities for the mentally retarded as defined 47145
in section 5111.20 of the Revised Code. 47146

Sec. 5111.084. There is hereby established the pharmacy and 47147
therapeutics committee of the department of job and family 47148
services. The committee shall consist of nine members and shall be 47149
appointed by the director of job and family services. The 47150
membership of the committee shall include: three pharmacists 47151
licensed under Chapter 4729. of the Revised Code; two doctors of 47152
medicine and two doctors of osteopathy licensed under Chapter 47153
4731. of the Revised Code; a registered nurse licensed under 47154
Chapter 4723. of the Revised Code; and a pharmacologist who has a 47155

doctoral degree. At least one of the members who is a doctor of 47156
medicine or doctor of osteopathy shall be a psychiatrist. The 47157
committee shall elect one of its members as chairperson. 47158

Sec. 5111.085. (A) As used in this section, "mental health 47159
drug" means a drug that meets one of the following requirements: 47160

(1) Is classified as an antianxiety, antidepressant, 47161
anticonvulsant, or antipsychotic central nervous system drug in 47162
the most recent edition of one of the following publications: 47163

(a) The American psychiatric press textbook of 47164
psychopharmacology; 47165

(b) Current clinical strategies for psychiatry; 47166

(c) Drug facts and comparisons; 47167

(d) A publication with a focus and content comparable to the 47168
publications described in divisions (A)(1)(a) to (c) of this 47169
section as determined by the director of job and family services. 47170

(2) Is classified in one of the publications described in 47171
division (A)(1) of this section as a central nervous system drug 47172
in a category or classification that is created after the 47173
effective date of this section; 47174

(3) Is classified in one of the publications described in 47175
division (A)(1) of this section as a cross-indicated drug for any 47176
of the central nervous system drugs specified in division (A)(1) 47177
or (2) of this section because the drug's use in that capacity is 47178
generally held to be reasonable, appropriate, and within the 47179
community standards of care even though the use is not included in 47180
the United States food and drug administration's approved labeling 47181
for the drug; 47182

(4) Is recommended for the treatment of a mental illness or 47183
mental disorder, as those terms are defined in the most recent 47184
edition of the American psychiatric association's diagnostic and 47185

statistical manual of mental disorders. 47186

(B) The only mental health drugs that may be subjected to a 47187
prior authorization requirement, preferred drug list, or generic 47188
substitution requirement under the medicaid program are mental 47189
health drugs that are brand name and for which there are generic 47190
equivalents. 47191

Sec. 5111.10. The director of job and family services may 47192
conduct reviews of the medicaid program. The reviews may include 47193
physical inspections of records and sites where medicaid-funded 47194
services are provided and interviews of providers and recipients 47195
of the services. If the director determines pursuant to a review 47196
that a person or government entity has violated a rule governing 47197
the medicaid program, the director may establish a corrective 47198
action plan for the violator and impose fiscal, administrative, or 47199
both types of sanctions on the violator in accordance with rules 47200
governing the medicaid program. ~~Such action to be taken against a~~ 47201
~~responsible entity, as defined in section 5101.24 of the Revised~~ 47202
~~Code, shall be taken in accordance with that section.~~ 47203

Sec. 5111.101. (A) As used in this section, ~~"federal";~~ 47204
"Agent" and "contractor" include any agent, contractor, 47205
subcontractor, or other person who, on behalf of an entity, 47206
furnishes or authorizes the furnishing of health care items or 47207
services under the medicaid program, performs billing or coding 47208
functions, or is involved in monitoring of health care that an 47209
entity provides. 47210

"Employee" includes any officer or employee (including 47211
management employees) of an entity. 47212

"Entity" includes a governmental entity or an organization, 47213
unit, corporation, partnership, or other business arrangement, 47214
including any medicaid managed care organization, irrespective of 47215

the form of business structure or arrangement by which it exists, 47216
whether for-profit or not-for-profit. "Entity" does not include a 47217
government entity that administers one or more components of the 47218
medicaid program, unless the government entity receives medicaid 47219
payments for providing items or services. 47220

"Federal health care programs" has the same meaning as in 42 47221
U.S.C. 1320a-7b(f). 47222

(B) Each ~~person and government~~ entity that receives or makes 47223
~~medicaid in a federal fiscal year~~ payments ~~in a calendar year that~~ 47224
~~total~~ under the medicaid program, either through the state 47225
medicaid plan or a federal medicaid waiver, totaling at least five 47226
million dollars ~~or more~~ shall, as a condition of receiving such 47227
payments, do all of the following not later than the first day of 47228
the succeeding calendar year: 47229

(1) ~~Provide each of the person or government entity's~~ 47230
Establish written policies for all of the entity's employees 47231
~~(including management employees), contractors, and agents, that~~ 47232
provide detailed, ~~written~~ information about the role of all of the 47233
following in preventing and detecting fraud, waste, and abuse in 47234
federal health care programs: 47235

(a) Federal false claims law under 31 U.S.C. 3729 to 3733; 47236

(b) Federal administrative remedies for false claims and 47237
statements available under 31 U.S.C. 3801 to 3812; 47238

(c) Sections 124.341, 2913.40, 2913.401, and 2921.13 of the 47239
Revised Code and any other state laws pertaining to civil or 47240
criminal penalties for false claims and statements; 47241

(d) Whistleblower protections under the laws specified in 47242
divisions (B)(1)(a) to (c) of this section. 47243

(2) Include in as part of the written ~~information provided~~ 47244
~~under~~ policies required by division (B)(1) of this section 47245

detailed ~~information about~~ provisions regarding the ~~person or~~ 47246
~~government~~ entity's policies and procedures for preventing and 47247
detecting fraud, waste, and abuse. 47248

(3) ~~Include~~ Disseminate the written policies required by 47249
division (B)(1) of this section to each of the entity's employees, 47250
contractors, and agents in a paper or electronic form and make the 47251
written policies readily available to the entity's employees, 47252
contractors, and agents. 47253

(4) If the entity has an employee handbook, include in the 47254
~~person or government entity's~~ employee handbook a specific 47255
discussion of the laws specified in division (B)(1) of this 47256
section, the rights of employees to be protected as 47257
whistleblowers, and the ~~person or government~~ entity's policies and 47258
procedures for preventing and detecting fraud, waste, and abuse. 47259

(5) Require the entity's contractors and agents to adopt the 47260
entity's written policies required by division (B)(1) of this 47261
section. 47262

(C) An entity that furnishes items or services at multiple 47263
locations or under multiple contractual or other payment 47264
arrangements is required to comply with division (B) of this 47265
section if the entity receives in a federal fiscal year medicaid 47266
payments totaling in the aggregate at least five million dollars. 47267
This applies regardless of whether the entity submits claims for 47268
medicaid payments using multiple provider identification or tax 47269
identification numbers. 47270

Sec. 5111.102. As used in this section, "state agency" has 47271
the same meaning as in section 9.23 of the Revised Code. 47272

No provision of Title LI of the Revised Code or any other law 47273
of this state that incorporates any provision of federal Medicaid 47274
law, Title XIX of the Social Security Act, 79 Stat. 286 (1965), 42 47275

U.S.C. 1396, or that may be construed as requiring the state, a state agency, or any state official or employee to comply with that federal provision, shall be construed as creating a cause of action to enforce such state law beyond the causes of action available under federal law for enforcement of the provision of federal law.

Sec. 5111.11. (A) As used in this section and section 5111.111 of the Revised Code:

(1) "Estate" includes both of the following:

(a) All real and personal property and other assets to be administered under Title XXI of the Revised Code and property that would be administered under that title if not for section 2113.03 or 2113.031 of the Revised Code;

(b) Any other real and personal property and other assets in which an individual had any legal title or interest at the time of death (to the extent of the interest), including assets conveyed to a survivor, heir, or assign of the individual through joint tenancy, tenancy in common, survivorship, life estate, living trust, or other arrangement.

(2) "Institution" means a nursing facility, intermediate care facility for the mentally retarded, or a medical institution.

(3) "Intermediate care facility for the mentally retarded" and "nursing facility" have the same meanings as in section 5111.20 of the Revised Code.

(4) "Permanently institutionalized individual" means an individual to whom all of the following apply:

(a) Is an inpatient in an institution;

(b) Is required, as a condition of the medicaid program paying for the individual's services in the institution, to spend for costs of medical or nursing care all of the individual's

income except for an amount for personal needs specified by the 47306
department of job and family services; 47307

(c) Cannot reasonably be expected to be discharged from the 47308
institution and return home as determined by the department of job 47309
and family services. 47310

(5) "Qualified state long-term care insurance partnership 47311
program" means the program established under section 5111.18 of 47312
the Revised Code. 47313

(6) "Time of death" shall not be construed to mean a time 47314
after which a legal title or interest in real or personal property 47315
or other asset may pass by survivorship or other operation of law 47316
due to the death of the decedent or terminate by reason of the 47317
decedent's death. 47318

(B) To the extent permitted by federal law, the department of 47319
job and family services shall institute ~~an~~ a medicaid estate 47320
recovery program under which the department shall, except as 47321
provided in divisions (C), ~~(D)~~, and (E) of this section, and 47322
subject to division (D) of this section, do ~~both~~ all of the 47323
following: 47324

(1) For the costs of medicaid services the medicaid program 47325
correctly paid or will pay on behalf of a permanently 47326
institutionalized individual of any age, seek adjustment or 47327
recovery from the individual's estate or on the sale of property 47328
of the individual or spouse that is subject to a lien imposed 47329
under section 5111.111 of the Revised Code; 47330

(2) For the costs of medicaid services the medicaid program 47331
correctly paid or will pay on behalf of an individual fifty-five 47332
years of age or older who is not a permanently institutionalized 47333
individual, seek adjustment or recovery from the individual's 47334
estate; 47335

(3) For the costs of nursing facility and other long-term 47336

care services the medicaid program correctly paid or will pay on 47337
behalf of an individual who has received, or is entitled to 47338
receive, benefits under a long-term care insurance policy in 47339
connection with which assets or resources are disregarded to the 47340
extent that payments are made under a long-term care insurance 47341
policy or because an individual has received, or is entitled to 47342
receive, benefits under a long-term care insurance policy, seek 47343
adjustment or recovery from the individual's estate. 47344

(C)(1) No adjustment or recovery may be made under division 47345
(B)(1) of this section from a permanently institutionalized 47346
individual's estate or on the sale of property of a permanently 47347
institutionalized individual that is subject to a lien imposed 47348
under section 5111.111 of the Revised Code or under division 47349
(B)(2) or (3) of this section from an individual's estate while 47350
either of the following are alive: 47351

(a) The spouse of the permanently institutionalized 47352
individual or individual; 47353

(b) The son or daughter of a permanently institutionalized 47354
individual or individual if the son or daughter is under age 47355
twenty-one or, under 42 U.S.C. 1382c, is considered blind or 47356
disabled. 47357

(2) No adjustment or recovery may be made under division 47358
(B)(1) of this section from a permanently institutionalized 47359
individual's home that is subject to a lien imposed under section 47360
5111.111 of the Revised Code while either of the following 47361
lawfully reside in the home: 47362

(a) The permanently institutionalized individual's sibling 47363
who resided in the home for at least one year immediately before 47364
the date of the permanently institutionalized individual's 47365
admission to the institution and on a continuous basis since that 47366
time; 47367

(b) The permanently institutionalized individual's son or daughter who provided care to the permanently institutionalized individual that delayed the permanently institutionalized individual's institutionalization and resided in the home for at least two years immediately before the date of the permanently institutionalized individual's admission to the institution and on a continuous basis since that time. 47368
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(D) In the case of a participant of the qualified state long-term care insurance partnership program, adjustment or recovery required by this section may be reduced in accordance with rules adopted under division (G) of this section. 47375
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(E) The department shall, in accordance with procedures and criteria established in rules adopted under division (G) of this section, waive seeking an adjustment or recovery otherwise required by this section if the director of job and family services determines that adjustment or recovery would work an undue hardship. The department may limit the duration of the waiver to the period during which the undue hardship exists. 47379
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(F) For the purpose of determining whether an individual meets the definition of "permanently institutionalized individual" established for this section, a rebuttable presumption exists that the individual cannot reasonably be expected to be discharged from an institution and return home if either of the following is the case: 47386
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(1) The individual declares that he or she does not intend to return home. 47392
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(2) The individual has been an inpatient in an institution for at least six months. 47394
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(G) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code regarding the medicaid estate recovery program, including rules that do both of 47396
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the following: 47399

(1) For the purpose of division (D) of this section and 47400
consistent with 42 U.S.C. 1396p(b)(1)(C), provide for reducing an 47401
adjustment or recovery in the case of a participant of the 47402
qualified state long-term care insurance partnership program; 47403

(2) For the purpose of division (E) of this section and 47404
consistent with the standards specified by the United States 47405
secretary of health and human services under 42 U.S.C. 47406
1396p(b)(3), establish procedures and criteria for waiving 47407
adjustment or recovery due to an undue hardship. 47408

Sec. 5111.112. The department of job and family services 47409
shall certify amounts due under the medicaid estate recovery 47410
program instituted under section 5111.11 of the Revised Code to 47411
the attorney general pursuant to section 131.02 of the Revised 47412
Code. The attorney general may enter into a contract with any 47413
person or government entity to collect the amounts due on behalf 47414
of the attorney general. 47415

The attorney general, in entering into a contract under this 47416
section, shall comply with all of the requirements that must be 47417
met for the state to receive federal financial participation for 47418
the costs incurred in entering into the contract and carrying out 47419
actions under the contract. The contract may provide for the 47420
person or government entity with which the attorney general 47421
contracts to be compensated from the property recovered under the 47422
medicaid estate recovery program or may provide for another manner 47423
of compensation agreed to by the parties to the contract. 47424

Regardless of whether the attorney general collects the 47425
amounts due under the medicaid estate recovery program or 47426
contracts with a person or government entity to collect the 47427
amounts due on behalf of the attorney general, the amounts due 47428
shall be collected in accordance with applicable requirements of 47429

federal statutes and regulations and state statutes and rules. 47430

Sec. 5111.113. (A) As used in this section: 47431

(1) "Adult care facility" has the same meaning as in section 47432
3722.01 of the Revised Code. 47433

(2) "Commissioner" means a person appointed by a probate 47434
court under division (B) of section 2113.03 of the Revised Code to 47435
act as a commissioner. 47436

(3) "Home" has the same meaning as in section 3721.10 of the 47437
Revised Code. 47438

(4) "Personal needs allowance account" means an account or 47439
petty cash fund that holds the money of a resident of an adult 47440
care facility or home and that the facility or home manages for 47441
the resident. 47442

(B) Except as provided in divisions (C) and (D) of this 47443
section, the owner or operator of an adult care facility or home 47444
shall transfer to the department of job and family services the 47445
money in the personal needs allowance account of a resident of the 47446
facility or home who was a recipient of the medical assistance 47447
program no earlier than sixty days but not later than ninety days 47448
after the resident dies. The adult care facility or home shall 47449
transfer the money even though the owner or operator of the 47450
facility or home has not been issued letters testamentary or 47451
letters of administration concerning the resident's estate. 47452

(C) If funeral or burial expenses for a resident of an adult 47453
care facility or home who has died have not been paid and the only 47454
resource the resident had that could be used to pay for the 47455
expenses is the money in the resident's personal needs allowance 47456
account, or all other resources of the resident are inadequate to 47457
pay the full cost of the expenses, the money in the resident's 47458
personal needs allowance account shall be used to pay for the 47459

expenses rather than being transferred to the department of job and family services pursuant to division (B) of this section. 47460
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(D) If, not later than sixty days after a resident of an adult care facility or home dies, letters testamentary or letters of administration are issued, or an application for release from administration is filed under section 2113.03 of the Revised Code, concerning the resident's estate, the owner or operator of the facility or home shall transfer the money in the resident's personal needs allowance account to the administrator, executor, commissioner, or person who filed the application for release from administration. 47462
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(E) The transfer or use of money in a resident's personal needs allowance account in accordance with division (B), (C), or (D) of this section discharges and releases the adult care facility or home, and the owner or operator of the facility or home, from any claim for the money from any source. 47471
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(F) If, sixty-one or more days after a resident of an adult care facility or home dies, letters testamentary or letters of administration are issued, or an application for release from administration under section 2113.03 of the Revised Code is filed, concerning the resident's estate, the department of job and family services shall transfer the funds to the administrator, executor, commissioner, or person who filed the application, unless the department is entitled to recover the money under the medicaid estate recovery program instituted under section 5111.11 of the Revised Code. 47476
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Sec. 5111.163. (A) As used in this section: 47486

(1) "Emergency services" has the same meaning as in section 1932(b)(2) of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396u-2(b)(2), as amended. 47487
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(2) "Medicaid managed care organization" has the same meaning as in section 5111.162 of the Revised Code. 47490
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(3) "Provider" ~~has the same meaning as in section 5111.06 of the Revised Code~~ means any person, institution, or entity that furnishes emergency services to a medicaid recipient enrolled in a medicaid managed care organization, regardless of whether the person, institution, or entity has a provider agreement with the department of job and family services pursuant to Title XIX of the "Social Security Act." 47492
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(B) When a participant in the care management system established under section 5111.16 of the Revised Code is enrolled in a medicaid managed care organization and receives emergency services on or after January 1, 2007, from a provider that is not under contract with the organization, the provider shall accept from the organization, as payment in full, not more than the amounts (less any payments for indirect costs of medical education and direct costs of graduate medical education) that the provider could collect if the participant received medicaid other than through enrollment in a managed care organization. 47499
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Sec. 5111.17. (A) The department of job and family services may enter into contracts with managed care organizations, including health insuring corporations, under which the organizations are authorized to provide, or arrange for the provision of, health care services to medical assistance recipients who are required or permitted to obtain health care services through managed care organizations as part of the care management system established under section 5111.16 of the Revised Code. 47509
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(B) ~~The department shall develop and implement a financial incentive program to improve and reward positive health outcomes through the managed care organization contracts entered into under~~ 47518
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~~this section. In developing and implementing the program, the department may take into consideration the recommendations regarding the program made by the medicaid care management working group created under section 5111.161 of the Revised Code (1) For purposes of making payments to health insuring corporations under contract pursuant to this section, the department shall develop, certify, and implement actuarially sound capitation rates, as defined in 42 C.F.R. 438.6. In taking these actions, the department shall comply with all applicable requirements of 42 C.F.R. 438.6 and Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396b(m), as amended.~~

(2) Before the department may submit proposed capitation rates for approval by the United States centers for medicare and medicaid services, the department shall prepare a separate document that specifies the manner in which the rates conform to generally accepted actuarial principles and practices. When the proposed rates are submitted for approval, the department shall include the document as part of its submission of information to the centers for medicare and medicaid services.

(3) The document prepared under division (B)(2) of this section shall include information on all of the following:

(a) How the proposed rates are appropriate with respect to the individuals or groups of individuals who will be enrolled in the health insuring corporations;

(b) How the proposed rates are appropriate for the services that will be covered by the health insuring corporations;

(c) How the proposed rates are adequate to meet the administrative requirements of the health insuring corporations;

(d) Any other matter the department considers to be relevant to the development of actuarially sound capitation rates.

(4) In preparing the document required under division (B)(2)

of this section, the department may consult with the 47552
superintendent of insurance. The department may ask the 47553
superintendent to assess whether the proposed rates, if 47554
implemented, would do any of the following: 47555

(a) Adversely affect a health insuring corporation in a 47556
manner that results in the need to prepare and submit an RBC plan 47557
in accordance with section 1753.33 of the Revised Code; 47558

(b) Cause the superintendent, in the case of a health 47559
insuring corporation with a parent company, to take actions 47560
requiring the use of the parent company's guaranty established 47561
under division (A)(27) of section 1751.03 of the Revised Code as a 47562
condition of applying for a certificate of authority to establish 47563
and operate the health insuring corporation; 47564

(c) Negatively impact, in general, the financial solvency of 47565
a health insuring corporation. 47566

(C) The director of job and family services may adopt rules 47567
in accordance with Chapter 119. of the Revised Code to implement 47568
this section. 47569

Sec. 5111.172. (A) When contracting under section 5111.17 of 47570
the Revised Code with a managed care organization that is a health 47571
insuring corporation, the department of job and family services 47572
may require the health insuring corporation to provide coverage of 47573
prescription drugs for medicaid recipients enrolled in the health 47574
insuring corporation. In providing the required coverage, the 47575
health insuring corporation may, subject to the department's 47576
approval and the limitations provided under division (C) of this 47577
section, use strategies for the management of drug utilization. 47578

(B) As used in this division, "controlled substance" has the 47579
same meaning as in section 3719.01 of the Revised Code. 47580

If a health insuring corporation is required under this 47581

section to provide coverage of prescription drugs, the department 47582
shall permit the health insuring corporation to develop and 47583
implement a pharmacy utilization management program under which 47584
prior authorization through the program is established as a 47585
condition of obtaining a controlled substance pursuant to a 47586
prescription. The program may include processes for requiring 47587
medicaid recipients at high risk for fraud or abuse involving 47588
controlled substances to have their prescriptions for controlled 47589
substances filled by a pharmacy, medical provider, or health care 47590
facility designated by the program. 47591

(C) As used in this division, "mental health drug" has the 47592
same meaning as in section 5111.085 of the Revised Code. 47593

If a contract under section 5111.17 of the Revised Code 47594
requires a health insuring corporation to provide prescription 47595
drug coverage for medicaid recipients as described in division (A) 47596
of this section, the contract shall include terms under which the 47597
only mental health drugs that may be subjected to a prior 47598
authorization requirement, preferred drug list, or generic 47599
substitution requirement are mental health drugs that are brand 47600
name and for which there are generic equivalents. 47601

Sec. 5111.20. As used in sections 5111.20 to 5111.34 of the 47602
Revised Code: 47603

(A) "Allowable costs" are those costs determined by the 47604
department of job and family services to be reasonable and do not 47605
include fines paid under sections 5111.35 to 5111.61 and section 47606
5111.99 of the Revised Code. 47607

(B) "Ancillary and support costs" means all reasonable costs 47608
incurred by a nursing facility other than direct care costs or 47609
capital costs. "Ancillary and support costs" includes, but is not 47610
limited to, costs of activities, social services, pharmacy 47611
consultants, habilitation supervisors, qualified mental 47612

retardation professionals, program directors, medical and 47613
habilitation records, program supplies, incontinence supplies, 47614
food, enterals, dietary supplies and personnel, laundry, 47615
housekeeping, security, administration, medical equipment, 47616
utilities, liability insurance, bookkeeping, purchasing 47617
department, human resources, communications, travel, dues, license 47618
fees, subscriptions, home office costs not otherwise allocated, 47619
legal services, accounting services, minor equipment, maintenance 47620
and repairs, help-wanted advertising, informational advertising, 47621
start-up costs, organizational expenses, other interest, property 47622
insurance, employee training and staff development, employee 47623
benefits, payroll taxes, and workers' compensation premiums or 47624
costs for self-insurance claims and related costs as specified in 47625
rules adopted by the director of job and family services under 47626
section 5111.02 of the Revised Code, for personnel listed in this 47627
division. "Ancillary and support costs" also means the cost of 47628
equipment, including vehicles, acquired by operating lease 47629
executed before December 1, 1992, if the costs are reported as 47630
administrative and general costs on the facility's cost report for 47631
the cost reporting period ending December 31, 1992. 47632

(C) "Capital costs" means costs of ownership and, in the case 47633
of an intermediate care facility for the mentally retarded, costs 47634
of nonextensive renovation. 47635

(1) "Cost of ownership" means the actual expense incurred for 47636
all of the following: 47637

(a) Depreciation and interest on any capital assets that cost 47638
five hundred dollars or more per item, including the following: 47639

(i) Buildings; 47640

(ii) Building improvements that are not approved as 47641
nonextensive renovations under section 5111.251 of the Revised 47642
Code; 47643

(iii) Except as provided in division (B) of this section, equipment;	47644 47645
(iv) In the case of an intermediate care facility for the mentally retarded, extensive renovations;	47646 47647
(v) Transportation equipment.	47648
(b) Amortization and interest on land improvements and leasehold improvements;	47649 47650
(c) Amortization of financing costs;	47651
(d) Except as provided in division (K) of this section, lease and rent of land, building, and equipment.	47652 47653
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.	47654 47655 47656
(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.	47657 47658 47659 47660
(D) "Capital lease" and "operating lease" shall be construed in accordance with generally accepted accounting principles.	47661 47662
(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.	47663 47664 47665 47666 47667
(F)(1) "Date of licensure," for a facility originally licensed as a nursing home under Chapter 3721. of the Revised Code, means the date specific beds were originally licensed as nursing home beds under that chapter, regardless of whether they were subsequently licensed as residential facility beds under section 5123.19 of the Revised Code. For a facility originally	47668 47669 47670 47671 47672 47673

licensed as a residential facility under section 5123.19 of the Revised Code, "date of licensure" means the date specific beds were originally licensed as residential facility beds under that section.

~~(1)~~ If nursing home beds licensed under Chapter 3721. of the Revised Code or residential facility beds licensed under section 5123.19 of the Revised Code were not required by law to be licensed when they were originally used to provide nursing home or residential facility services, "date of licensure" means the date the beds first were used to provide nursing home or residential facility services, regardless of the date the present provider obtained licensure.

~~(2)~~ If a facility adds nursing home beds or residential facility beds or extensively renovates all or part of the facility after its original date of licensure, it will have a different date of licensure for the additional beds or extensively renovated portion of the facility, unless the beds are added in a space that was constructed at the same time as the previously licensed beds but was not licensed under Chapter 3721. or section 5123.19 of the Revised Code at that time.

(2) The definition of "date of licensure" in this section applies in determinations of the medicaid reimbursement rate for a nursing facility or intermediate care facility for the mentally retarded but does not apply in determinations of the franchise permit fee for a nursing facility or intermediate care facility for the mentally retarded.

(G) "Desk-reviewed" means that costs as reported on a cost report submitted under section 5111.26 of the Revised Code have been subjected to a desk review under division (A) of section 5111.27 of the Revised Code and preliminarily determined to be allowable costs.

(H) "Direct care costs" means all of the following:	47705
(1)(a) Costs for registered nurses, licensed practical nurses, and nurse aides employed by the facility;	47706 47707
(b) Costs for direct care staff, administrative nursing staff, medical directors, respiratory therapists, and except as provided in division (H)(2) of this section, other persons holding degrees qualifying them to provide therapy;	47708 47709 47710 47711
(c) Costs of purchased nursing services;	47712
(d) Costs of quality assurance;	47713
(e) Costs of training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs as specified in rules adopted by the director of job and family services in accordance with Chapter 119. of the Revised Code, for personnel listed in divisions (H)(1)(a), (b), and (d) of this section;	47714 47715 47716 47717 47718 47719
(f) Costs of consulting and management fees related to direct care;	47720 47721
(g) Allocated direct care home office costs.	47722
(2) In addition to the costs specified in division (H)(1) of this section, for nursing facilities only, direct care costs include costs of habilitation staff (other than habilitation supervisors), medical supplies, emergency oxygen, habilitation supplies, and universal precautions supplies.	47723 47724 47725 47726 47727
(3) In addition to the costs specified in division (H)(1) of this section, for intermediate care facilities for the mentally retarded only, direct care costs include both of the following:	47728 47729 47730
(a) Costs for physical therapists and physical therapy assistants, occupational therapists and occupational therapy assistants, speech therapists, audiologists, habilitation staff (including habilitation supervisors), qualified mental retardation	47731 47732 47733 47734

professionals, program directors, social services staff, 47735
activities staff, off-site day programming, psychologists and 47736
psychology assistants, and social workers and counselors; 47737

(b) Costs of training and staff development, employee 47738
benefits, payroll taxes, and workers' compensation premiums or 47739
costs for self-insurance claims and related costs as specified in 47740
rules adopted under section 5111.02 of the Revised Code, for 47741
personnel listed in division (H)(3)(a) of this section. 47742

(4) Costs of other direct-care resources that are specified 47743
as direct care costs in rules adopted under section 5111.02 of the 47744
Revised Code. 47745

(I) "Fiscal year" means the fiscal year of this state, as 47746
specified in section 9.34 of the Revised Code. 47747

(J) "Franchise permit fee" means the following: 47748

(1) In the context of nursing facilities, the fee imposed by 47749
sections 3721.50 to 3721.58 of the Revised Code; 47750

(2) In the context of intermediate care facilities for the 47751
mentally retarded, the fee imposed by sections 5112.30 to 5112.39 47752
of the Revised Code. 47753

(K) "Indirect care costs" means all reasonable costs incurred 47754
by an intermediate care facility for the mentally retarded other 47755
than direct care costs, other protected costs, or capital costs. 47756
"Indirect care costs" includes but is not limited to costs of 47757
habilitation supplies, pharmacy consultants, medical and 47758
habilitation records, program supplies, incontinence supplies, 47759
food, enterals, dietary supplies and personnel, laundry, 47760
housekeeping, security, administration, liability insurance, 47761
bookkeeping, purchasing department, human resources, 47762
communications, travel, dues, license fees, subscriptions, home 47763
office costs not otherwise allocated, legal services, accounting 47764
services, minor equipment, maintenance and repairs, help-wanted 47765

advertising, informational advertising, start-up costs, 47766
organizational expenses, other interest, property insurance, 47767
employee training and staff development, employee benefits, 47768
payroll taxes, and workers' compensation premiums or costs for 47769
self-insurance claims and related costs as specified in rules 47770
adopted under section 5111.02 of the Revised Code, for personnel 47771
listed in this division. Notwithstanding division (C)(1) of this 47772
section, "indirect care costs" also means the cost of equipment, 47773
including vehicles, acquired by operating lease executed before 47774
December 1, 1992, if the costs are reported as administrative and 47775
general costs on the facility's cost report for the cost reporting 47776
period ending December 31, 1992. 47777

(L) "Inpatient days" means all days during which a resident, 47778
regardless of payment source, occupies a bed in a nursing facility 47779
or intermediate care facility for the mentally retarded that is 47780
included in the facility's certified capacity under Title XIX. 47781
Therapeutic or hospital leave days for which payment is made under 47782
section 5111.33 of the Revised Code are considered inpatient days 47783
proportionate to the percentage of the facility's per resident per 47784
day rate paid for those days. 47785

(M) "Intermediate care facility for the mentally retarded" 47786
means an intermediate care facility for the mentally retarded 47787
certified as in compliance with applicable standards for the 47788
medicaid program by the director of health in accordance with 47789
Title XIX. 47790

(N) "Maintenance and repair expenses" means, except as 47791
provided in division (BB)(2) of this section, expenditures that 47792
are necessary and proper to maintain an asset in a normally 47793
efficient working condition and that do not extend the useful life 47794
of the asset two years or more. "Maintenance and repair expenses" 47795
includes but is not limited to the cost of ordinary repairs such 47796
as painting and wallpapering. 47797

(O) "Medicaid days" means all days during which a resident 47798
who is a Medicaid recipient eligible for nursing facility services 47799
occupies a bed in a nursing facility that is included in the 47800
nursing facility's certified capacity under Title XIX. Therapeutic 47801
or hospital leave days for which payment is made under section 47802
5111.33 of the Revised Code are considered Medicaid days 47803
proportionate to the percentage of the nursing facility's per 47804
resident per day rate paid for those days. 47805

(P) "Nursing facility" means a facility, or a distinct part 47806
of a facility, that is certified as a nursing facility by the 47807
director of health in accordance with Title XIX and is not an 47808
intermediate care facility for the mentally retarded. "Nursing 47809
facility" includes a facility, or a distinct part of a facility, 47810
that is certified as a nursing facility by the director of health 47811
in accordance with Title XIX and is certified as a skilled nursing 47812
facility by the director in accordance with Title XVIII. 47813

(Q) "Operator" means the person or government entity 47814
responsible for the daily operating and management decisions for a 47815
nursing facility or intermediate care facility for the mentally 47816
retarded. 47817

(R) "Other protected costs" means costs incurred by an 47818
intermediate care facility for the mentally retarded for medical 47819
supplies; real estate, franchise, and property taxes; natural gas, 47820
fuel oil, water, electricity, sewage, and refuse and hazardous 47821
medical waste collection; allocated other protected home office 47822
costs; and any additional costs defined as other protected costs 47823
in rules adopted under section 5111.02 of the Revised Code. 47824

(S)(1) "Owner" means any person or government entity that has 47825
at least five per cent ownership or interest, either directly, 47826
indirectly, or in any combination, in any of the following 47827
regarding a nursing facility or intermediate care facility for the 47828
mentally retarded: 47829

(a) The land on which the facility is located;	47830
(b) The structure in which the facility is located;	47831
(c) Any mortgage, contract for deed, or other obligation secured in whole or in part by the land or structure on or in which the facility is located;	47832 47833 47834
(d) Any lease or sublease of the land or structure on or in which the facility is located.	47835 47836
(2) "Owner" does not mean a holder of a debenture or bond related to the nursing facility or intermediate care facility for the mentally retarded and purchased at public issue or a regulated lender that has made a loan related to the facility unless the holder or lender operates the facility directly or through a subsidiary.	47837 47838 47839 47840 47841 47842
(T) "Patient" includes "resident."	47843
(U) Except as provided in divisions (U)(1) and (2) of this section, "per diem" means a nursing facility's or intermediate care facility for the mentally retarded's actual, allowable costs in a given cost center in a cost reporting period, divided by the facility's inpatient days for that cost reporting period.	47844 47845 47846 47847 47848
(1) When calculating indirect care costs for the purpose of establishing rates under section 5111.241 of the Revised Code, "per diem" means an intermediate care facility for the mentally retarded's actual, allowable indirect care costs in a cost reporting period divided by the greater of the facility's inpatient days for that period or the number of inpatient days the facility would have had during that period if its occupancy rate had been eighty-five per cent.	47849 47850 47851 47852 47853 47854 47855 47856
(2) When calculating capital costs for the purpose of establishing rates under section 5111.251 of the Revised Code, "per diem" means a facility's actual, allowable capital costs in a	47857 47858 47859

cost reporting period divided by the greater of the facility's 47860
inpatient days for that period or the number of inpatient days the 47861
facility would have had during that period if its occupancy rate 47862
had been ninety-five per cent. 47863

(V) "Provider" means an operator with a provider agreement. 47864

(W) "Provider agreement" means a contract between the 47865
department of job and family services and the operator of a 47866
nursing facility or intermediate care facility for the mentally 47867
retarded for the provision of nursing facility services or 47868
intermediate care facility services for the mentally retarded 47869
under the medicaid program. 47870

(X) "Purchased nursing services" means services that are 47871
provided in a nursing facility by registered nurses, licensed 47872
practical nurses, or nurse aides who are not employees of the 47873
facility. 47874

(Y) "Reasonable" means that a cost is an actual cost that is 47875
appropriate and helpful to develop and maintain the operation of 47876
patient care facilities and activities, including normal standby 47877
costs, and that does not exceed what a prudent buyer pays for a 47878
given item or services. Reasonable costs may vary from provider to 47879
provider and from time to time for the same provider. 47880

(Z) "Related party" means an individual or organization that, 47881
to a significant extent, has common ownership with, is associated 47882
or affiliated with, has control of, or is controlled by, the 47883
provider. 47884

(1) An individual who is a relative of an owner is a related 47885
party. 47886

(2) Common ownership exists when an individual or individuals 47887
possess significant ownership or equity in both the provider and 47888
the other organization. Significant ownership or equity exists 47889
when an individual or individuals possess five per cent ownership 47890

or equity in both the provider and a supplier. Significant 47891
ownership or equity is presumed to exist when an individual or 47892
individuals possess ten per cent ownership or equity in both the 47893
provider and another organization from which the provider 47894
purchases or leases real property. 47895

(3) Control exists when an individual or organization has the 47896
power, directly or indirectly, to significantly influence or 47897
direct the actions or policies of an organization. 47898

(4) An individual or organization that supplies goods or 47899
services to a provider shall not be considered a related party if 47900
all of the following conditions are met: 47901

(a) The supplier is a separate bona fide organization. 47902

(b) A substantial part of the supplier's business activity of 47903
the type carried on with the provider is transacted with others 47904
than the provider and there is an open, competitive market for the 47905
types of goods or services the supplier furnishes. 47906

(c) The types of goods or services are commonly obtained by 47907
other nursing facilities or intermediate care facilities for the 47908
mentally retarded from outside organizations and are not a basic 47909
element of patient care ordinarily furnished directly to patients 47910
by the facilities. 47911

(d) The charge to the provider is in line with the charge for 47912
the goods or services in the open market and no more than the 47913
charge made under comparable circumstances to others by the 47914
supplier. 47915

(AA) "Relative of owner" means an individual who is related 47916
to an owner of a nursing facility or intermediate care facility 47917
for the mentally retarded by one of the following relationships: 47918

(1) Spouse; 47919

(2) Natural parent, child, or sibling; 47920

(3) Adopted parent, child, or sibling;	47921
(4) Stepparent, stepchild, stepbrother, or stepsister;	47922
(5) Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law;	47923 47924
(6) Grandparent or grandchild;	47925
(7) Foster caregiver, foster child, foster brother, or foster sister.	47926 47927
(BB) "Renovation" and "extensive renovation" mean:	47928
(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.	47929 47930 47931 47932 47933
(2) In the case of betterments, improvements, and restorations of intermediate care facilities for the mentally retarded started on or after July 1, 1993:	47934 47935 47936
(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.	47937 47938 47939 47940 47941 47942 47943 47944 47945 47946 47947 47948 47949
(b) "Extensive renovation" means a renovation that costs more	47950

than sixty-five per cent and no more than eighty-five per cent of 47951
the cost of constructing a new bed and that extends the useful 47952
life of the assets for at least ten years. 47953

For the purposes of division (BB)(2) of this section, the 47954
cost of constructing a new bed shall be considered to be forty 47955
thousand dollars, adjusted for the estimated rate of inflation 47956
from January 1, 1993, to the end of the calendar year during which 47957
the renovation is completed, using the consumer price index for 47958
shelter costs for all urban consumers for the north central 47959
region, as published by the United States bureau of labor 47960
statistics. 47961

The department of job and family services may treat a 47962
renovation that costs more than eighty-five per cent of the cost 47963
of constructing new beds as an extensive renovation if the 47964
department determines that the renovation is more prudent than 47965
construction of new beds. 47966

(CC) "Title XIX" means Title XIX of the "Social Security 47967
Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended. 47968

(DD) "Title XVIII" means Title XVIII of the "Social Security 47969
Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended. 47970

Sec. 5111.69. (A) In accordance with 42 C.F.R. 431.12, there 47971
is hereby created the medical care advisory council. The council 47972
shall advise the department of job and family services about 47973
health and medical care services for purposes of the medicaid 47974
program. The department shall grant the council the opportunity to 47975
participate in medicaid policy development and program 47976
administration. 47977

(B) The council shall consist of the following members: 47978

(1) Three individuals representing health professions, 47979
including one or more individuals representing board-certified 47980

physicians, who are familiar with the medical needs of low-income population groups and with the resources available and required for their care, one appointed by the president of the senate, one appointed by the speaker of the house of representatives, and one appointed by the governor; 47981
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(2) Two individuals representing consumers' groups, including medicaid recipients and consumer organizations such as labor unions, one appointed by the president of the senate and one appointed by the speaker of the house of representatives; 47986
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(3) Three individuals representing health insuring corporations that have entered into contracts with the department pursuant to section 5111.17 of the Revised Code, one appointed by the president of the senate, one appointed by the speaker of the house of representatives, and one appointed by the governor; 47990
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(4) Two individuals representing the business community, one appointed by the president of the senate and one appointed by the speaker of the house of representatives; 47995
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(5) One individual representing county departments of job and family services, appointed by the governor. 47998
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(C) The members of the council shall serve at the pleasure of their appointing authorities. Vacancies shall be filled in the manner provided for original appointments. 48000
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(D) At its first meeting, the council shall organize by electing a chairperson from among its members and adopting bylaws for its operation. The bylaws shall include provisions specifying the length of the term a member may serve as chairperson. 48003
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Sec. 5111.70. (A) As used in sections 5111.70 to 5111.7010 of the Revised Code: 48007
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(1) "Applicant" means an individual who applies to participate in the medicaid buy-in for workers with disabilities 48009
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program. 48011

(2) "Earned income" has the meaning established by rules 48012
adopted under section 5111.707 of the Revised Code. 48013

(3) "Employed individual with a medically improved 48014
disability" has the same meaning as in 42 U.S.C. 1396d(v). 48015

(4) "Family" means an applicant or participant and the spouse 48016
and dependent children of the applicant or participant. If an 48017
applicant or participant is under eighteen years of age, "family" 48018
also means the parents of the applicant or participant. 48019

(5) "Federal poverty guidelines" has the same meaning as in 48020
section 5101.46 of the Revised Code. 48021

(6) "Income" means earned income and unearned income. 48022

(7) "Participant" means an individual who has been determined 48023
eligible for the medicaid buy-in for workers with disabilities 48024
program and is participating in the program. 48025

(8) "Supplemental security income program" means the program 48026
established under Title XVI of the "Social Security Act," 86 Stat. 48027
1329 (1972), 42 U.S.C. 1381, as amended. 48028

(9) "Medicaid buy-in for workers with disabilities program" 48029
means the component of the medicaid program established under 48030
sections 5111.70 to 5111.7010 of the Revised Code. 48031

(10) "Unearned income" has the meaning established by rules 48032
adopted under section 5111.707 of the Revised Code. 48033

(B) Not later than ninety days after the effective date of 48034
this section, the director of job and family services shall submit 48035
to the United States secretary of health and human services an 48036
amendment to the state medicaid plan and any federal waiver 48037
necessary to establish the medicaid buy-in for workers with 48038
disabilities program in accordance with 42 U.S.C. 1396a(a) 48039
(10)(A)(ii)(XV) and (XVI) and sections 5111.70 to 5111.7010 of the 48040

Revised Code. The director shall implement sections 5111.701 to 48041
5111.7010 of the Revised Code if the amendment and, if needed, 48042
federal waiver are approved. 48043

Sec. 5111.701. Under the medicaid buy-in for workers with 48044
disabilities program, an individual who does all of the following 48045
in accordance with rules adopted under section 5111.707 of the 48046
Revised Code qualifies for medical assistance under the medicaid 48047
program: 48048

(A) Applies for the medicaid buy-in for workers with 48049
disabilities program; 48050

(B) Provides satisfactory evidence of all of the following: 48051

(1) That the individual is at least sixteen years of age and 48052
under sixty-five years of age; 48053

(2) Except as provided in section 5111.706 of the Revised 48054
Code, that one of the following applies to the individual: 48055

(a) The individual is considered disabled for the purpose of 48056
the supplemental security income program, regardless of whether 48057
the individual receives supplemental security income benefits, and 48058
the individual has earnings from employment. 48059

(b) The individual is an employed individual with a medically 48060
improved disability. 48061

(3) That the value of the assets of the individual's family, 48062
less assets and asset value disregarded pursuant to rules adopted 48063
under section 5111.707 of the Revised Code, does not exceed the 48064
amount provided for by section 5111.702 of the Revised Code; 48065

(4) That the income of the individual's family, less amounts 48066
disregarded pursuant to section 5111.703 of the Revised Code, does 48067
not exceed two hundred fifty per cent of the federal poverty 48068
guidelines; 48069

(5) That the individual meets the additional eligibility requirements for the medicaid buy-in for workers with disabilities program that the director of job and family services establishes in rules adopted under section 5111.707 of the Revised Code. 48070
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(C) To the extent required by section 5111.704 of the Revised Code, pays the premium established under that section. 48074
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Sec. 5111.702. (A) Except as provided in division (B) of this section, the maximum value of assets, less assets and asset value disregarded pursuant to rules adopted under section 5111.707 of the Revised Code, that an individual's family may have without the individual exceeding the asset eligibility limit for the medicaid buy-in for workers with disabilities program shall not exceed ten thousand dollars. 48076
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(B) Each calendar year, the director of job and family services shall adjust the asset eligibility limit specified in division (A) of this section by the change in the consumer price index for all items for all urban consumers for the previous calendar year, as published by the United States bureau of labor statistics. The annual adjustment shall go into effect on the earliest date possible. 48083
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Sec. 5111.703. For the purpose of determining whether an individual is within the eligibility limit for the medicaid buy-in for workers with disabilities program, all of the following apply: 48090
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(A) The first twenty thousand dollars of the individual's earned income shall be disregarded. 48093
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(B) No amount that an employer of a member of the individual's family pays to obtain health insurance for one or more members of the family, including any amount of a premium established under section 5111.704 of the Revised Code that the employer pays, shall be treated as the income of the individual's 48095
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family. 48100

(C) All other amounts disregarded pursuant to rules adopted 48101
under section 5111.707 of the Revised Code shall be applied to the 48102
income of the individual's family. 48103

Sec. 5111.704. (A) An individual whose family's income 48104
exceeds one hundred fifty per cent of the federal poverty 48105
guidelines shall pay an annual premium as a condition of 48106
qualifying for the medicaid buy-in for workers with disabilities 48107
program. The amount of the premium shall be determined as follows: 48108

(1) Subtract one hundred fifty per cent of the federal 48109
poverty guidelines, as applicable for a family size equal to the 48110
size of the individual's family, from the amount of the income of 48111
the individual's family; 48112

(2) Subtract any amount a member of the individual's family 48113
pays, whether by payroll deduction or otherwise, for other health 48114
insurance for one or more members of the family from the 48115
difference determined under division (A)(1) of this section; 48116

(3) Multiply the difference determined under division (A)(2) 48117
of this section by one tenth. 48118

(B) No amount that an employer of a member of an individual's 48119
family pays to obtain health insurance for one or more members of 48120
the individual's family, including any amount of a premium 48121
established under this section that the employer pays, shall be 48122
treated as the income of the individual's family for the purpose 48123
of this section. 48124

Sec. 5111.705. No individual shall be denied eligibility for 48125
the medicaid buy-in for workers with disabilities program on the 48126
basis that the individual receives services under a home and 48127
community-based services medicaid waiver component as defined in 48128
section 5111.851 of the Revised Code. 48129

Sec. 5111.706. An individual participating in the medicaid buy-in for workers with disabilities program may continue to participate in the program for up to six months even though the individual ceases to have earnings from employment or to be an employed individual with a medically improved disability due to ceasing to be employed if the individual continues to meet all other eligibility requirements for the program. 48130
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Sec. 5111.707. The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement the medicaid buy-in for workers with disabilities program. The rules shall do all of the following: 48137
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(A) Specify assets, asset values, and amounts to be disregarded in determining asset and income eligibility limits for the program; 48141
48142
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(B) Establish meanings for the terms "earned income" and "unearned income"; 48144
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(C) Establish additional eligibility requirements for the program that must be established for the United States secretary of health and human services to approve the program. 48146
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Sec. 5111.708. (A) There is hereby created the medicaid buy-in advisory council. The council shall consist of the following members: 48149
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(1) The executive director of assistive technology of Ohio or the executive director's designee; 48152
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(2) The director of the axis center for public awareness of people with disabilities or the director's designee; 48154
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(3) The executive director of the cerebral palsy association of Ohio or the executive director's designee; 48156
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<u>(4) The chief executive officer of Ohio advocates for mental health or the chief executive officer's designee;</u>	48158
	48159
<u>(5) The state director of the Ohio chapter of AARP or the state director's designee;</u>	48160
	48161
<u>(6) The director of the Ohio developmental disabilities council created under section 5123.35 of the Revised Code or the director's designee;</u>	48162
	48163
	48164
<u>(7) The executive director of the governor's council on people with disabilities created under section 3303.41 of the Revised Code or the executive director's designee;</u>	48165
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	48167
<u>(8) The administrator of the legal rights service created under section 5123.60 of the Revised Code or the administrator's designee;</u>	48168
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	48170
<u>(9) The chairperson of the Ohio Olmstead task force or the chairperson's designee;</u>	48171
	48172
<u>(10) The executive director of the Ohio statewide independent living council or the executive director's designee;</u>	48173
	48174
<u>(11) The president of the Ohio chapter of the national multiple sclerosis society or the president's designee;</u>	48175
	48176
<u>(12) The executive director of the arc of Ohio or the executive director's designee;</u>	48177
	48178
<u>(13) The executive director of the commission on minority health or the executive director's designee.</u>	48179
	48180
<u>(B) All members of the medicaid buy-in advisory council shall serve without compensation or reimbursement, except as serving on the council is considered part of their usual job duties.</u>	48181
	48182
	48183
<u>(C) The members of the medicaid buy-in advisory council shall elect one of the members of the council to serve as the council's chairperson for a two-year term. The chairperson may be re-elected to successive terms.</u>	48184
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(D) The department of job and family services shall provide 48188
the Ohio medicaid buy-in advisory council with accommodations for 48189
the council to hold its meetings and shall provide the council 48190
with other administrative assistance the council needs to perform 48191
its duties. 48192

Sec. 5111.709. The director of job and family services or the 48193
director's designee shall consult with the medicaid buy-in 48194
advisory council before adopting, amending, or rescinding any 48195
rules under section 5111.707 of the Revised Code governing the 48196
medicaid buy-in for workers with disabilities program. 48197

The director or designee shall meet at least quarterly with 48198
the council to discuss the program. At the meetings, the council 48199
may provide the director or designee with suggestions for 48200
improving the program and the director or designee shall provide 48201
the council with all of the following information: 48202

(A) The number of individuals who participated in the program 48203
the previous calendar quarter; 48204

(B) The cost of the program the previous calendar quarter; 48205

(C) The amount of revenue generated the previous quarter by 48206
premiums that participants pay under section 5111.704 of the 48207
Revised Code; 48208

(D) The average amount of earned income of participants' 48209
families; 48210

(E) The average amount of time participants have participated 48211
in the program; 48212

(F) The types of other health insurance participants have 48213
been able to obtain. 48214

Sec. 5111.7010. Not less than once each year, the director of 48215
job and family services shall submit a report on the medicaid 48216

buy-in for workers with disabilities program to the governor, 48217
speaker and minority leader of the house of representatives, 48218
president and minority leader of the senate, and chairpersons of 48219
the house and senate committees to which the biennial operating 48220
budget bill is referred. The report shall include all of the 48221
following information: 48222

(A) The number of individuals who participated in the 48223
medicaid buy-in for workers with disabilities program; 48224

(B) The cost of the program; 48225

(C) The amount of revenue generated by premiums that 48226
participants pay under section 5111.704 of the Revised Code; 48227

(D) The average amount of earned income of participants' 48228
families; 48229

(E) The average amount of time participants have participated 48230
in the program; 48231

(F) The types of other health insurance participants have 48232
been able to obtain. 48233

Sec. 5111.84. The director of job and family services may not 48234
submit a request to the United States secretary of health and 48235
human services for a medicaid waiver under section 1115 of the 48236
"Social Security Act of 1935," 42 U.S.C. 1315, unless the director 48237
provides the speaker of the house of representatives and president 48238
of the senate written notice of the director's intent to submit 48239
the request at least ten days before the date the director submits 48240
the request to the United States secretary. The notice shall 48241
include a detailed explanation of the medicaid waiver the director 48242
proposes to seek. 48243

Sec. 5111.851. (A) As used in sections 5111.851 to 5111.855 48244
of the Revised Code: 48245

"Administrative agency" means, with respect to a home and community-based services medicaid waiver component, the department of job and family services or, if a state agency or political subdivision contracts with the department under section 5111.91 of the Revised Code to administer the component, that state agency or political subdivision.

"Home and community-based services medicaid waiver component" means a medicaid waiver component under which home and community-based services are provided as an alternative to hospital, nursing facility, or intermediate care facility for the mentally retarded services.

"Hospital" has the same meaning as in section 3727.01 of the Revised Code.

"Intermediate care facility for the mentally retarded" has the same meaning as in section 5111.20 of the Revised Code.

"Level of care determination" means a determination of whether an individual needs the level of care provided by a hospital, nursing facility, or intermediate care facility for the mentally retarded and whether the individual, if determined to need that level of care, would receive hospital, nursing facility, or intermediate care facility for the mentally retarded services if not for a home and community-based services medicaid waiver component.

"Medicaid buy-in for workers with disabilities program" means the component of the medicaid program established under sections 5111.70 to 5111.7010 of the Revised Code.

"Nursing facility" has the same meaning as in section 5111.20 of the Revised Code.

"Skilled nursing facility" means a facility certified as a skilled nursing facility under Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended.

(B) The following requirements apply to each home and community-based services medicaid waiver component: 48277
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(1) Only an individual who qualifies for a component shall receive that component's services. 48279
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(2) A level of care determination shall be made as part of the process of determining whether an individual qualifies for a component and shall be made each year after the initial determination if, during such a subsequent year, the administrative agency determines there is a reasonable indication that the individual's needs have changed. 48281
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(3) A written plan of care or individual service plan based on an individual assessment of the services that an individual needs to avoid needing admission to a hospital, nursing facility, or intermediate care facility for the mentally retarded shall be created for each individual determined eligible for a component. 48287
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(4) Each individual determined eligible for a component shall receive that component's services in accordance with the individual's level of care determination and written plan of care or individual service plan. 48292
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(5) No individual may receive services under a component while the individual is a hospital inpatient or resident of a skilled nursing facility, nursing facility, or intermediate care facility for the mentally retarded. 48296
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(6) No individual may receive prevocational, educational, or supported employment services under a component if the individual is eligible for such services that are funded with federal funds provided under 29 U.S.C. 730 or the "Individuals with Disabilities Education Act," 111 Stat. 37 (1997), 20 U.S.C. 1400, as amended. 48300
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(7) Safeguards shall be taken to protect the health and welfare of individuals receiving services under a component, including safeguards established in rules adopted under section 48305
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5111.85 of the Revised Code and safeguards established by 48308
licensing and certification requirements that are applicable to 48309
the providers of that component's services. 48310

(8) No services may be provided under a component by a 48311
provider that is subject to standards that 42 U.S.C. 1382e(e)(1) 48312
requires be established if the provider fails to comply with the 48313
standards applicable to the provider. 48314

(9) Individuals determined to be eligible for a component, or 48315
such individuals' representatives, shall be informed of that 48316
component's services, including any choices that the individual or 48317
representative may make regarding the component's services, and 48318
given the choice of either receiving services under that component 48319
or, as appropriate, hospital, nursing facility, or intermediate 48320
care facility for the mentally retarded services. 48321

(10) No individual shall lose eligibility for services under 48322
a component, or have the services reduced or otherwise disrupted, 48323
on the basis that the individual also receives services under the 48324
medicaid buy-in for workers with disabilities program. 48325

(11) No individual shall lose eligibility for services under 48326
a component, or have the services reduced or otherwise disrupted, 48327
on the basis that the individual's income or assets increase to an 48328
amount above the eligibility limit for the component if the 48329
individual is participating in the medicaid buy-in for workers 48330
with disabilities program and the amount of the individual's 48331
income or assets does not exceed the eligibility limit for the 48332
medicaid buy-in for workers with disabilities program. 48333

(12) No individual receiving services under a component shall 48334
be required to pay any cost sharing expenses for the services for 48335
any period during which the individual also participates in the 48336
medicaid buy-in for workers with disabilities program. 48337

Sec. 5111.871. The department of job and family services 48338
shall enter into a contract with the department of mental 48339
retardation and developmental disabilities under section 5111.91 48340
of the Revised Code with regard to one or more of the components 48341
of the medicaid program established by the department of job and 48342
family services under one or more of the medicaid waivers sought 48343
under section 5111.87 of the Revised Code. The contract shall 48344
provide for the department of mental retardation and developmental 48345
disabilities to administer the components in accordance with the 48346
terms of the waivers. The directors of job and family services and 48347
mental retardation and developmental disabilities shall adopt 48348
rules in accordance with Chapter 119. of the Revised Code 48349
governing the components. 48350

If the department of mental retardation and developmental 48351
disabilities or the department of job and family services denies 48352
an individual's application for home and community-based services 48353
provided under any of these medicaid components, the department 48354
that denied the services shall give timely notice to the 48355
individual that the individual may request a hearing under section 48356
5101.35 of the Revised Code. 48357

The departments of mental retardation and developmental 48358
disabilities and job and family services may approve, reduce, 48359
deny, or terminate a service included in the individualized 48360
service plan developed for a medicaid recipient eligible for home 48361
and community-based services provided under any of these medicaid 48362
components. The departments shall consider the recommendations a 48363
county board of mental retardation and developmental disabilities 48364
makes under division (A)(1)(c) of section 5126.055 of the Revised 48365
Code. If either department approves, reduces, denies, or 48366
terminates a service, that department shall give timely notice to 48367
the medicaid recipient that the recipient may request a hearing 48368
under section 5101.35 of the Revised Code. 48369

If supported living ~~or residential services~~, as defined in 48370
section 5126.01 of the Revised Code, ~~are~~ is to be provided as a 48371
service under any of these components, any person or government 48372
entity with a current, valid medicaid provider agreement and a 48373
current, valid ~~license under section 5123.19~~ or certificate under 48374
section ~~5123.16 or 5126.431~~ 5123.161 of the Revised Code may 48375
provide the ~~services~~ service. 48376

If a service is to be provided under any of these components 48377
by a residential facility, as defined in section 5123.19 of the 48378
Revised Code, any person or government entity with a current, 48379
valid medicaid provider agreement and a current, valid license 48380
under section 5123.19 of the Revised Code may provide the service. 48381

Sec. 5111.872. When the department of mental retardation and 48382
developmental disabilities allocates enrollment numbers to a 48383
county board of mental retardation and developmental disabilities 48384
for home and community-based services specified in division (B)(1) 48385
of section 5111.87 of the Revised Code and provided under any of 48386
the components of the medicaid program that the department 48387
administers under section 5111.871 of the Revised Code, the 48388
department shall consider all of the following: 48389

(A) The number of individuals with mental retardation or 48390
other developmental disability who are on a waiting list the 48391
county board establishes under division (C) of section 5126.042 of 48392
the Revised Code for those services and are given priority on the 48393
waiting list pursuant to division (D) or (E) of that section; 48394

(B) The implementation component required by division 48395
(A)~~(4)~~(3) of section 5126.054 of the Revised Code of the county 48396
board's plan approved under section 5123.046 of the Revised Code; 48397

(C) Anything else the department considers necessary to 48398
enable county boards to provide those services to individuals in 48399
accordance with the priority requirements of divisions (D) and (E) 48400

of section 5126.042 of the Revised Code. 48401

Sec. 5111.8814. An intermediate care facility for the 48402
mentally retarded that converts in whole to providing home and 48403
community-based services under the ICF/MR conversion pilot program 48404
shall either be licensed as a residential facility under section 48405
5123.19 of the Revised Code or certified to provide supported 48406
living under section ~~5126.431~~ 5123.161 of the Revised Code. If an 48407
intermediate care facility for the mentally retarded converts in 48408
part to providing such home and community-based services, the 48409
distinct part of the facility that provides the home and 48410
community-based services shall either be licensed as a residential 48411
facility under section 5123.19 of the Revised Code or certified to 48412
provide supported living under section ~~5126.431~~ 5123.161 of the 48413
Revised Code. The facility or distinct part of the facility shall 48414
be licensed as a residential facility rather than certified to 48415
provide supported living if it meets the definition of 48416
"residential facility" in section 5123.19 of the Revised Code. 48417

Sec. 5111.89. (A) As used in sections 5111.89 to ~~5111.893~~ 48418
5111.894 of the Revised Code: 48419

"Area agency on aging" has the same meaning as in section 48420
173.14 of the Revised Code. 48421

"Assisted living program" means the medicaid waiver component 48422
for which the director of job and family services is authorized by 48423
this section to request a medicaid waiver. 48424

"Assisted living services" means the following home and 48425
community-based services: personal care, homemaker, chore, 48426
attendant care, companion, medication oversight, and therapeutic 48427
social and recreational programming. 48428

"County or district home" means a county or district home 48429
operated under Chapter 5155. of the Revised Code. 48430

"Long-term care consultation program" means the program the 48431
department of aging is required to develop under section 173.42 of 48432
the Revised Code. 48433

"Long-term care consultation program administrator" or 48434
"administrator" means the department of aging or, if the 48435
department contracts with an area agency on aging or other entity 48436
to administer the long-term care consultation program for a 48437
particular area, that agency or entity. 48438

"Medicaid waiver component" has the same meaning as in 48439
section 5111.85 of the Revised Code. 48440

"Nursing facility" has the same meaning as in section 5111.20 48441
of the Revised Code. 48442

"Residential care facility" has the same meaning as in 48443
section 3721.01 of the Revised Code. 48444

(B) The director of job and family services may submit a 48445
request to the United States secretary of health and human 48446
services under 42 U.S.C. 1396n to obtain a waiver of federal 48447
medicaid requirements that would otherwise be violated in the 48448
creation and implementation of a program under which assisted 48449
living services are provided to not more than one thousand eight 48450
hundred individuals who meet the program's eligibility 48451
requirements established under section 5111.891 of the Revised 48452
Code. 48453

If the secretary approves the medicaid waiver requested under 48454
this section and the director of budget and management approves 48455
the contract, the department of job and family services shall 48456
enter into a contract with the department of aging under section 48457
5111.91 of the Revised Code that provides for the department of 48458
aging to administer the assisted living program. The contract 48459
shall include an estimate of the program's costs. 48460

The director of job and family services may adopt rules under 48461

section 5111.85 of the Revised Code regarding the assisted living 48462
program. The director of aging may adopt rules under Chapter 119. 48463
of the Revised Code regarding the program that the rules adopted 48464
by the director of job and family services authorize the director 48465
of aging to adopt. 48466

Sec. 5111.891. To be eligible for the assisted living 48467
program, an individual must meet all of the following 48468
requirements: 48469

(A) Need an intermediate level of care as determined under 48470
rule 5101:3-3-06 of the Administrative Code; 48471

(B) At the time the individual applies for the assisted 48472
living program, be one of the following: 48473

(1) A nursing facility resident who is seeking to move to a 48474
residential care facility and would remain in a nursing facility 48475
for long term care if not for the assisted living program; 48476

(2) A participant of any of the following medicaid waiver 48477
components who would move to a nursing facility if not for the 48478
assisted living program: 48479

(a) The PASSPORT program created under section 173.40 of the 48480
Revised Code; 48481

(b) The medicaid waiver component called the choices program 48482
that the department of aging administers; 48483

(c) A medicaid waiver component that the department of job 48484
and family services administers. 48485

(3) A resident of a residential care facility who has resided 48486
in a residential care facility for at least six months immediately 48487
before the date the individual applies for the assisted living 48488
program. 48489

(C) At the time the individual receives assisted living 48490

services under the assisted living program, reside in a 48491
residential care facility, including both of the following: 48492

(1) A residential care facility that is owned or operated by 48493
a metropolitan housing authority that has a contract with the 48494
United States department of housing and urban development to 48495
receive an operating subsidy or rental assistance for the 48496
residents of the facility; 48497

(2) A county or district home licensed as a residential care 48498
facility. 48499

(D) Meet all other eligibility requirements for the assisted 48500
living program established in rules adopted under section 5111.85 48501
of the Revised Code. 48502

Sec. 5111.894. When an area agency on aging determines that 48503
an individual who is eligible for the medicaid program and resides 48504
in the area that the area agency on aging serves has been admitted 48505
to a nursing facility, the agency shall notify the long-term care 48506
consultation program administrator serving the area in which the 48507
individual resides about the determination. The administrator 48508
shall determine whether the assisted living program is appropriate 48509
for the individual and whether the individual would rather 48510
participate in the assisted living program than continue residing 48511
in the nursing facility. If the administrator determines that the 48512
assisted living program is appropriate for the individual and the 48513
individual would rather participate in the assisted living program 48514
than continue residing in the nursing facility, the administrator 48515
shall provide the individual or individual's representative 48516
information about how to apply for the assisted living program and 48517
whether there is a waiting list for the assisted living program. 48518

Sec. 5111.915. (A) The department of job and family services 48519
shall enter into an agreement with the department of 48520

administrative services for the department of administrative 48521
services to contract through competitive selection pursuant to 48522
section 125.07 of the Revised Code with a vendor to perform an 48523
assessment of the data collection and data warehouse functions of 48524
the medicaid data warehouse system, including the ability to link 48525
the data sets of all agencies serving medicaid recipients. 48526

The assessment of the data system shall include functions 48527
related to fraud and abuse detection, program management and 48528
budgeting, and performance measurement capabilities of all 48529
agencies serving medicaid recipients, including the departments of 48530
aging, alcohol and drug addiction services, health, job and family 48531
services, mental health, and mental retardation and developmental 48532
disabilities. 48533

The department of administrative services shall enter into 48534
this contract within thirty days after ~~the effective date of this~~ 48535
~~section~~ September 29, 2005. The contract shall require the vendor 48536
to complete the assessment within ninety days after ~~the effective~~ 48537
~~date of this section~~ September 29, 2005. 48538

A qualified vendor with whom the department of administrative 48539
services contracts to assess the data system shall also assist the 48540
medicaid agencies in the definition of the requirements for an 48541
enhanced data system or a new data system and assist the 48542
department of administrative services in the preparation of a 48543
request for proposal to enhance or develop a data system. 48544

(B) Based on the assessment performed pursuant to division 48545
(A) of this section, the ~~department of administrative services~~ 48546
office of information technology shall seek a qualified vendor 48547
through competitive selection pursuant to section 125.07 of the 48548
Revised Code to develop or enhance a data collection and data 48549
warehouse system for the department of job and family services and 48550
all agencies serving medicaid recipients. 48551

Within ninety days after ~~the effective date of this section~~ 48552
September 29, 2005, the department of job and family services 48553
shall seek enhanced federal funding for ninety per cent of the 48554
funds required to establish or enhance the data system. The 48555
~~department of administrative services~~ office of information 48556
technology shall not award a contract for establishing or 48557
enhancing the data system until the department of job and family 48558
services receives approval from the secretary of the United States 48559
department of health and human services for the ninety per cent 48560
federal match. 48561

Sec. 5112.341. (A) In addition to assessing a penalty 48562
pursuant to section 5112.34 of the Revised Code, the department of 48563
job and family services may do ~~either~~ any of the following if an 48564
intermediate care facility for the mentally retarded fails to pay 48565
the full amount of a franchise permit fee installment when due: 48566

(1) Withhold an amount less than or equal to the installment 48567
and penalty assessed under section 5112.34 of the Revised Code 48568
from a medicaid payment due the facility until the facility pays 48569
the installment and penalty; 48570

(2) Offset an amount less than or equal to the installment 48571
and penalty assessed under section 5112.34 of the Revised Code 48572
from a Medicaid payment due the nursing facility or hospital; 48573

(3) Terminate the facility's medicaid provider agreement. 48574

(B) The department may ~~withhold~~ offset a medicaid payment 48575
under division (A)(1) of this section without providing notice to 48576
the intermediate care facility for the mentally retarded and 48577
without conducting an adjudication under Chapter 119. of the 48578
Revised Code. 48579

Sec. 5115.12. (A) The director of job and family services 48580
shall adopt rules in accordance with section 111.15 of the Revised 48581

Code governing the disability medical assistance program. The 48582
rules may establish or specify any or all of the following: 48583

(1) Income, resource, citizenship, age, residence, living 48584
arrangement, and other eligibility requirements; 48585

(2) Health services to be included in the program; 48586

(3) The maximum authorized amount, scope, duration, or limit 48587
of payment for services; 48588

(4) Limits on the length of time an individual may receive 48589
disability medical assistance; 48590

(5) Limits on the total number of individuals in the state 48591
who may receive disability medical assistance; 48592

(6) Limits on the number and types of providers eligible to 48593
be reimbursed for services provided to individuals enrolled in the 48594
program. 48595

(B) For purposes of limiting the cost of the disability 48596
medical assistance program, the director may do either of the 48597
following: 48598

(1) Adopt rules in accordance with section 111.15 of the 48599
Revised Code that revise the program's eligibility requirements; 48600
the maximum authorized amount, scope, duration, or limit of 48601
payment for services included in the program; or any other 48602
requirement or standard established or specified by rules adopted 48603
under division (A) of this section or under section 5115.10 of the 48604
Revised Code; 48605

(2) Suspend acceptance of applications for disability medical 48606
assistance. While a suspension is in effect, no person shall 48607
receive a determination or redetermination of eligibility for 48608
disability medical assistance unless the person was receiving the 48609
assistance during the month immediately preceding the suspension's 48610
effective date or the person submitted an application prior to the 48611

suspension's effective date and receives a determination of 48612
eligibility based on that application. The director may adopt 48613
rules in accordance with section 111.15 of the Revised Code 48614
establishing requirements and specifying procedures applicable to 48615
the suspension of acceptance of applications. 48616

Sec. 5119.611. (A) A community mental health agency that 48617
seeks certification of its community mental health services shall 48618
submit an application to the director of mental health. On receipt 48619
of the application, the director may visit and shall evaluate the 48620
agency to determine whether its services satisfy the standards 48621
established by rules adopted under division ~~(D)~~(C) of this 48622
section. The director shall make the evaluation, and, if the 48623
director visits the agency, shall make the visit, in cooperation 48624
with the board of alcohol, drug addiction, and mental health 48625
services with which the agency seeks to contract under division 48626
(A)(8)(a) of section 340.03 of the Revised Code. 48627

~~Subject to divisions (B) and (C) of this section~~ If the 48628
director determines that a community mental health agency's 48629
services satisfy the standards and the agency has paid the fee 48630
required under division (B) of this section, the director shall 48631
certify ~~a community mental health agency's~~ the services ~~that the~~ 48632
~~director determines satisfy the standards.~~ 48633

If the director determines that a community mental health 48634
agency's services do not satisfy the standards, the director shall 48635
identify the areas of noncompliance, specify what action is 48636
necessary to satisfy the standards, and offer technical assistance 48637
to the board of alcohol, drug addiction, and mental health 48638
services so that the board may assist the agency in satisfying the 48639
standards. The director shall give the agency a reasonable time 48640
within which to demonstrate that its services satisfy the 48641
standards or to bring the services into compliance with the 48642

standards. If the director concludes that the services continue to 48643
fail to satisfy the standards, the director may request that the 48644
board reallocate the funds for the community mental health 48645
services the agency was to provide to another community mental 48646
health agency whose community mental health services satisfy the 48647
standards. If the board does not reallocate those funds in a 48648
reasonable period of time, the director may withhold state and 48649
federal funds for the community mental health services and 48650
allocate those funds directly to a community mental health agency 48651
whose community mental health services satisfy the standards. 48652

(B) Each community mental health agency seeking certification 48653
of its community mental health services under this section shall 48654
pay a fee for the certification review required by this section. 48655
Fees shall be paid into the sale of goods and services fund 48656
created pursuant to section 5119.161 of the Revised Code. 48657

~~(C) The director may certify a community mental health 48658
service only if the service is for individuals whose focus of 48659
treatment is a mental disorder according to the edition of the 48660
American psychiatric association's diagnostic and statistical 48661
manual of mental disorders that is current at the time the 48662
director issues the certification, including such services for 48663
individuals who have a mental disorder and a co-occurring 48664
substance use disorder, substance induced disorder, chronic 48665
dementing organic mental disorder, mental retardation, or 48666
developmental disability. The director may not certify a service 48667
that is for individuals whose focus of treatment is solely a 48668
substance use disorder, substance induced disorder, chronic 48669
dementing organic mental disorder, mental retardation, or 48670
developmental disability. 48671~~

~~(D)~~ The director shall adopt rules in accordance with Chapter 48672
119. of the Revised Code to implement this section. The rules 48673
shall do all of the following: 48674

(1) Establish certification standards for community mental health services, including assertive community treatment and intensive home-based mental health services, that are consistent with nationally recognized applicable standards and facilitate participation in federal assistance programs. The rules shall include as certification standards only requirements that improve the quality of services or the health and safety of clients of community mental health services. The standards shall address at a minimum all of the following:

(a) Reporting major unusual incidents to the director;

(b) Procedures for applicants for and clients of community mental health services to file grievances and complaints;

(c) Seclusion;

(d) Restraint;

(e) Development of written policies addressing the rights of clients, including all of the following:

(i) The right to a copy of the written policies addressing client rights;

(ii) The right at all times to be treated with consideration and respect for the client's privacy and dignity;

(iii) The right to have access to the client's own psychiatric, medical, or other treatment records unless access is specifically restricted in the client's treatment plan for clear treatment reasons;

(iv) The right to have a client rights officer provided by the agency or board of alcohol, drug addiction, and mental health services advise the client of the client's rights, including the client's rights under Chapter 5122. of the Revised Code if the client is committed to the agency or board.

(2) Establish standards for qualifications of mental health

professionals as defined in section 340.02 of the Revised Code and 48705
personnel who provide the community mental health services; 48706

(3) Establish the process for certification of community 48707
mental health services; 48708

(4) Set the amount of certification review fees based on a 48709
portion of the cost of performing the review; 48710

(5) Specify the type of notice and hearing to be provided 48711
prior to a decision on whether to reallocate funds. 48712

Sec. 5123.01. As used in this chapter: 48713

(A) "Chief medical officer" means the licensed physician 48714
appointed by the managing officer of an institution for the 48715
mentally retarded with the approval of the director of mental 48716
retardation and developmental disabilities to provide medical 48717
treatment for residents of the institution. 48718

(B) "Chief program director" means a person with special 48719
training and experience in the diagnosis and management of the 48720
mentally retarded, certified according to division (C) of this 48721
section in at least one of the designated fields, and appointed by 48722
the managing officer of an institution for the mentally retarded 48723
with the approval of the director to provide habilitation and care 48724
for residents of the institution. 48725

(C) "Comprehensive evaluation" means a study, including a 48726
sequence of observations and examinations, of a person leading to 48727
conclusions and recommendations formulated jointly, with 48728
dissenting opinions if any, by a group of persons with special 48729
training and experience in the diagnosis and management of persons 48730
with mental retardation or a developmental disability, which group 48731
shall include individuals who are professionally qualified in the 48732
fields of medicine, psychology, and social work, together with 48733
such other specialists as the individual case may require. 48734

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

(E) "Habilitation" means the process by which the staff of the institution assists the resident in acquiring and maintaining those life skills that enable the resident to cope more effectively with the demands of the resident's own person and of the resident's environment and in raising the level of the resident's physical, mental, social, and vocational efficiency. Habilitation includes but is not limited to programs of formal, structured education and training.

(F) "Health officer" means any public health physician, public health nurse, or other person authorized or designated by a city or general health district.

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

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

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

(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 48766
osteopathic medicine and surgery, or a medical officer of the 48767
government of the United States while in the performance of the 48768
officer's official duties. 48769

(K) "Managing officer" means a person who is appointed by the 48770
director of mental retardation and developmental disabilities to 48771
be in executive control of an institution for the mentally 48772
retarded under the jurisdiction of the department. 48773

(L) "Medicaid" has the same meaning as in section 5111.01 of 48774
the Revised Code. 48775

(M) "Medicaid case management services" means case management 48776
services provided to an individual with mental retardation or 48777
other developmental disability that the state medicaid plan 48778
requires. 48779

(N) "Mentally retarded person" means a person having 48780
significantly subaverage general intellectual functioning existing 48781
concurrently with deficiencies in adaptive behavior, manifested 48782
during the developmental period. 48783

(O) "Mentally retarded person subject to institutionalization 48784
by court order" means a person eighteen years of age or older who 48785
is at least moderately mentally retarded and in relation to whom, 48786
because of the person's retardation, either of the following 48787
conditions exist: 48788

(1) The person represents a very substantial risk of physical 48789
impairment or injury to self as manifested by evidence that the 48790
person is unable to provide for and is not providing for the 48791
person's most basic physical needs and that provision for those 48792
needs is not available in the community; 48793

(2) The person needs and is susceptible to significant 48794
habilitation in an institution. 48795

(P) "A person who is at least moderately mentally retarded" 48796
means a person who is found, following a comprehensive evaluation, 48797
to be impaired in adaptive behavior to a moderate degree and to be 48798
functioning at the moderate level of intellectual functioning in 48799
accordance with standard measurements as recorded in the most 48800
current revision of the manual of terminology and classification 48801
in mental retardation published by the American association on 48802
mental retardation. 48803

(Q) As used in this division, "substantial functional 48804
limitation," "developmental delay," and "established risk" have 48805
the meanings established pursuant to section 5123.011 of the 48806
Revised Code. 48807

"Developmental disability" means a severe, chronic disability 48808
that is characterized by all of the following: 48809

(1) It is attributable to a mental or physical impairment or 48810
a combination of mental and physical impairments, other than a 48811
mental or physical impairment solely caused by mental illness as 48812
defined in division (A) of section 5122.01 of the Revised Code. 48813

(2) It is manifested before age twenty-two. 48814

(3) It is likely to continue indefinitely. 48815

(4) It results in one of the following: 48816

(a) In the case of a person under three years of age, at 48817
least one developmental delay or an established risk; 48818

(b) In the case of a person at least three years of age but 48819
under six years of age, at least two developmental delays or an 48820
established risk; 48821

(c) In the case of a person six years of age or older, a 48822
substantial functional limitation in at least three of the 48823
following areas of major life activity, as appropriate for the 48824
person's age: self-care, receptive and expressive language, 48825

learning, mobility, self-direction, capacity for independent 48826
living, and, if the person is at least sixteen years of age, 48827
capacity for economic self-sufficiency. 48828

(5) It causes the person to need a combination and sequence 48829
of special, interdisciplinary, or other type of care, treatment, 48830
or provision of services for an extended period of time that is 48831
individually planned and coordinated for the person. 48832

(R) "Developmentally disabled person" means a person with a 48833
developmental disability. 48834

(S) "State institution" means an institution that is 48835
tax-supported and under the jurisdiction of the department. 48836

(T) "Residence" and "legal residence" have the same meaning 48837
as "legal settlement," which is acquired by residing in Ohio for a 48838
period of one year without receiving general assistance prior to 48839
July 17, 1995, under former Chapter 5113. of the Revised Code, 48840
financial assistance under Chapter 5115. of the Revised Code, or 48841
assistance from a private agency that maintains records of 48842
assistance given. A person having a legal settlement in the state 48843
shall be considered as having legal settlement in the assistance 48844
area in which the person resides. No adult person coming into this 48845
state and having a spouse or minor children residing in another 48846
state shall obtain a legal settlement in this state as long as the 48847
spouse or minor children are receiving public assistance, care, or 48848
support at the expense of the other state or its subdivisions. For 48849
the purpose of determining the legal settlement of a person who is 48850
living in a public or private institution or in a home subject to 48851
licensing by the department of job and family services, the 48852
department of mental health, or the department of mental 48853
retardation and developmental disabilities, the residence of the 48854
person shall be considered as though the person were residing in 48855
the county in which the person was living prior to the person's 48856
entrance into the institution or home. Settlement once acquired 48857

shall continue until a person has been continuously absent from 48858
Ohio for a period of one year or has acquired a legal residence in 48859
another state. A woman who marries a man with legal settlement in 48860
any county immediately acquires the settlement of her husband. The 48861
legal settlement of a minor is that of the parents, surviving 48862
parent, sole parent, parent who is designated the residential 48863
parent and legal custodian by a court, other adult having 48864
permanent custody awarded by a court, or guardian of the person of 48865
the minor, provided that: 48866

(1) A minor female who marries shall be considered to have 48867
the legal settlement of her husband and, in the case of death of 48868
her husband or divorce, she shall not thereby lose her legal 48869
settlement obtained by the marriage. 48870

(2) A minor male who marries, establishes a home, and who has 48871
resided in this state for one year without receiving general 48872
assistance prior to July 17, 1995, under former Chapter 5113. of 48873
the Revised Code, financial assistance under Chapter 5115. of the 48874
Revised Code, or assistance from a private agency that maintains 48875
records of assistance given shall be considered to have obtained a 48876
legal settlement in this state. 48877

(3) The legal settlement of a child under eighteen years of 48878
age who is in the care or custody of a public or private child 48879
caring agency shall not change if the legal settlement of the 48880
parent changes until after the child has been in the home of the 48881
parent for a period of one year. 48882

No person, adult or minor, may establish a legal settlement 48883
in this state for the purpose of gaining admission to any state 48884
institution. 48885

(U)(1) "Resident" means, subject to division (R)(2) of this 48886
section, a person who is admitted either voluntarily or 48887
involuntarily to an institution or other facility pursuant to 48888

section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code subsequent to a finding of not guilty by reason of insanity or incompetence to stand trial or under this chapter who is under observation or receiving habilitation and care in an institution.

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

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

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

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

(Y) "Court" means the probate division of the court of common pleas.

(Z) "Supported living" has the same meaning as in section 5126.01 of the Revised Code.

Sec. 5123.012. (A) As used in this section:

(1) "Biological risk" and "environmental risk" have the meanings established pursuant to section 5123.011 of the Revised

Code. 48919

(2) "~~Handicapped preschool~~ Preschool child with a disability" 48920
has the same meaning as in section 3323.01 of the Revised Code. 48921

(B) Except as provided in division (C) of this section, the 48922
department of mental retardation and developmental disabilities 48923
shall make eligibility determinations in accordance with the 48924
definition of "developmental disability" in section 5123.01 of the 48925
Revised Code. The department may adopt rules in accordance with 48926
Chapter 119. of the Revised Code establishing eligibility for 48927
programs and services for either of the following: 48928

(1) Individuals under age six who have a biological risk or 48929
environmental risk of a developmental delay; 48930

(2) Any ~~handicapped~~ preschool child with a disability 48931
eligible for services under section 3323.02 of the Revised Code 48932
whose ~~handicap~~ disability is not attributable solely to mental 48933
illness as defined in section 5122.01 of the Revised Code. 48934

(C)(1) The department shall make determinations of 48935
eligibility for protective services in accordance with sections 48936
5123.55 to 5123.59 of the Revised Code. 48937

(2) Determinations of whether a mentally retarded person is 48938
subject to institutionalization by court order shall be made in 48939
accordance with sections 5123.71 to 5123.76 of the Revised Code 48940
and shall be based on the definition of "mentally retarded person 48941
subject to institutionalization by court order" in section 5123.01 48942
of the Revised Code. 48943

(3) All persons who were eligible for services and enrolled 48944
in programs offered by the department of mental retardation and 48945
developmental disabilities pursuant to this chapter on July 1, 48946
1991, shall continue to be eligible for those services and to be 48947
enrolled in those programs as long as they are in need of 48948
services. 48949

Sec. 5123.033. The program fee fund is hereby created in the 48950
state treasury. All fees collected pursuant to sections 5123.161, 48951
5123.164, 5123.19, and 5126.25 of the Revised Code shall be 48952
credited to the fund. Money credited to the fund shall be used 48953
solely for the department of mental retardation and developmental 48954
disabilities' duties under sections 5123.16 to 5123.169, 5123.19, 48955
and 5126.25 of the Revised Code and to provide continuing 48956
education and professional training to employees of county boards 48957
of mental retardation and developmental disabilities for the 48958
purpose of section 5126.25 of the Revised Code and other providers 48959
of services to individuals with mental retardation or a 48960
developmental disability. If the money credited to the fund is 48961
inadequate to pay all of the department's costs in performing 48962
those duties and providing the continuing education and 48963
professional training, the department may use other available 48964
funds appropriated to the department to pay the remaining costs of 48965
performing those duties and providing the continuing education and 48966
professional training. 48967

Sec. 5123.043. (A) The director of mental retardation and 48968
developmental disabilities shall adopt rules establishing 48969
procedures for administrative resolution of complaints filed under 48970
division (B) of this section and section 5126.06 of the Revised 48971
Code. The rules shall be adopted in accordance with Chapter 119. 48972
of the Revised Code. 48973

(B) Except as provided in division (C) of this section, any 48974
person or county board of mental retardation and developmental 48975
disabilities that has a complaint involving any of the programs, 48976
services, policies, or administrative practices of the department 48977
of mental retardation and developmental disabilities or any of the 48978
entities under contract with the department, may file a complaint 48979
with the department. Prior to commencing a civil action regarding 48980

the complaint, a person or county board shall attempt to have the 48981
complaint resolved through the administrative resolution process 48982
established in the rules adopted under this section. After 48983
exhausting the administrative resolution process, the person or 48984
county board may commence a civil action if the complaint is not 48985
settled to the person's or county board's satisfaction. 48986

(C) An employee of the department may not file under this 48987
section a complaint related to the terms and conditions of 48988
employment for the employee. 48989

~~(D) This section does not apply to a conflict between a 48990
county board of mental retardation and developmental disabilities 48991
and a person or government entity that provides or seeks to 48992
provide services to an individual with mental retardation or other 48993
developmental disability. Section 5126.036 of the Revised Code 48994
applies to such a conflict. 48995~~

Sec. 5123.045. No person or government entity shall receive 48996
payment for providing home and community-based services unless the 48997
person or government entity is one of the following: 48998

(A) Certified under section ~~5123.16~~ 5123.161 of the Revised 48999
Code; 49000

(B) Licensed as a residential facility under section 5123.19 49001
of the Revised Code. 49002

Sec. 5123.046. The department of mental retardation and 49003
developmental disabilities shall review each component of the 49004
three-calendar_year plan it receives from a county board of mental 49005
retardation and developmental disabilities under section 5126.054 49006
of the Revised Code and, in consultation with the department of 49007
job and family services and office of budget and management, 49008
approve each component that includes all the information and 49009
conditions specified in that section. The ~~fourth~~ third component 49010

of the plan shall be approved or disapproved not later than 49011
forty-five days after the ~~fourth~~ third component is submitted to 49012
the department ~~under division (B)(3) of section 5126.054 of the~~ 49013
~~Revised Code~~. If the department approves all ~~four~~ three components 49014
of the plan, the plan is approved. Otherwise, the plan is 49015
disapproved. If the plan is disapproved, the department shall take 49016
action against the county board under division (B) of section 49017
5126.056 of the Revised Code. 49018

In approving plans under this section, the department shall 49019
ensure that the aggregate of all plans provide for the increased 49020
enrollment into home and community-based services during each 49021
state fiscal year of at least five hundred individuals who did not 49022
receive residential services, supported living, or home and 49023
community-based services the prior state fiscal year if the 49024
department has enough additional enrollment available for this 49025
purpose. 49026

The department shall establish protocols that the department 49027
shall use to determine whether a county board is complying with 49028
the programmatic and financial accountability mechanisms and 49029
achieving outcomes specified in its approved plan. If the 49030
department determines that a county board is not in compliance 49031
with the mechanisms or achieving the outcomes specified in its 49032
approved plan, the department may take action under division (F) 49033
of section 5126.055 of the Revised Code. 49034

Sec. 5123.047. ~~(A)~~ The department of mental retardation and 49035
developmental disabilities shall pay the nonfederal share of 49036
medicaid expenditures for medicaid case management services ~~if the~~ 49037
~~services are provided to an individual with mental retardation or~~ 49038
~~other developmental disability who a county board of mental~~ 49039
~~retardation and developmental disabilities has determined under~~ 49040
~~section 5126.041 of the Revised Code is not eligible for county~~ 49041

~~board services.~~ 49042

~~(B) The department shall pay the nonfederal share of medicaid expenditures for and home and community-based services if any of the following apply:~~ 49043
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~~(1) The services are provided to an individual with mental retardation or other developmental disability who a county board has determined under section 5126.041 of the Revised Code is not eligible for county board services;~~ 49046
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~~(2) The services are provided to an individual with mental retardation or other developmental disability given priority for the services pursuant to division (D)(3) of section 5126.042 of the Revised Code. The department shall pay the nonfederal share of medicaid expenditures for home and community based services provided to such an individual for as long as the individual continues to be eligible for and receive the services, regardless of whether the services are provided after June 30, 2003.~~ 49050
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~~(3) An agreement entered into under section 5123.048 of the Revised Code requires that the department pay the nonfederal share of medicaid expenditures for the services for which no county board of mental retardation and developmental disabilities is required by section 5126.059 or 5126.0510 of the Revised Code to pay.~~ 49058
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Sec. 5123.048. The director of mental retardation and developmental disabilities may enter into an agreement with a county board of mental retardation and developmental disabilities under which the department of mental retardation and developmental disabilities is to pay the nonfederal share of medicaid expenditures for one or more of the home and community-based services ~~provided to individuals with mental retardation or other developmental disability residing in the county served by that~~ the county board would, if not for the agreement, be required by 49064
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section 5126.0510 of the Revised Code to pay. The agreement shall 49073
specify which home and community-based services the agreement 49074
covers. The department shall pay the nonfederal share of medicaid 49075
expenditures for the home and community-based services that the 49076
agreement covers as long as the agreement is in effect. 49077

Sec. 5123.049. The director of mental retardation and 49078
developmental disabilities shall adopt rules in accordance with 49079
Chapter 119. of the Revised Code governing the authorization and 49080
payment of home and community-based services and medicaid case 49081
management services. The rules shall provide for private providers 49082
of the services to receive one hundred per cent of the medicaid 49083
allowable payment amount and for government providers of the 49084
services to receive the federal share of the medicaid allowable 49085
payment, less the amount withheld as a fee under section 5123.0412 49086
of the Revised Code and any amount that may be required by rules 49087
adopted under section 5123.0413 of the Revised Code to be 49088
deposited into the state MR/DD risk fund. The rules shall 49089
establish the process by which county boards of mental retardation 49090
and developmental disabilities shall certify and provide the 49091
nonfederal share of medicaid expenditures that the county board is 49092
required by ~~division (A) of section 5126.057~~ sections 5126.059 and 49093
5126.0510 of the Revised Code to pay. The process shall require a 49094
county board to certify that the county board has funding 49095
available at one time for two months costs for those expenditures. 49096
The process may permit a county board to certify that the county 49097
board has funding available at one time for more than two months 49098
costs for those expenditures. 49099

Sec. 5123.0411. The department of mental retardation and 49100
developmental disabilities may bring a mandamus action against a 49101
county board of mental retardation and developmental disabilities 49102
that fails to pay the nonfederal share of medicaid expenditures 49103

that the county board is required by ~~division (A) of section~~ 49104
~~5126.057~~ sections 5126.059 and 5126.0510 of the Revised Code to 49105
pay. The department may bring the mandamus action in the court of 49106
common pleas of the county served by the county board or in the 49107
Franklin county court of common pleas. 49108

Sec. 5123.0414. (A) When the director of mental retardation 49109
and developmental disabilities, under section 119.07 of the 49110
Revised Code, sends a party a notice by registered mail, return 49111
receipt requested, that the director intends to take action 49112
against the party authorized by section 5123.082, 5123.166, 49113
5123.168, 5123.19, 5123.45, 5123.51, or 5126.25 of the Revised 49114
Code and the notice is returned to the director with an 49115
endorsement indicating that the notice was refused or unclaimed, 49116
the director shall resend the notice by ordinary mail to the 49117
party. 49118

(B) If the original notice was refused, the notice shall be 49119
deemed received as of the date the director resends the notice. 49120

(C) If the original notice was unclaimed, the notice shall be 49121
deemed received as of the date the director resends the notice 49122
unless, not later than thirty days after the date the director 49123
sent the original notice, the resent notice is returned to the 49124
director for failure of delivery. 49125

If the notice concerns taking action under section 5123.51 of 49126
the Revised Code and the resent notice is returned to the director 49127
for failure of delivery not later than thirty days after the date 49128
the director sent the original notice, the director shall cause 49129
the notice to be published in a newspaper of general circulation 49130
in the county of the party's last known residence or business and 49131
shall mail a dated copy of the published notice to the party at 49132
the last known address. The notice shall be deemed received as of 49133
the date of the publication. 49134

If the notice concerns taking action under section 5123.082, 5123.166, 5123.168, 5123.19, 5123.45, or 5126.25 of the Revised Code and the resent notice is returned to the director for failure of delivery not later than thirty days after the date the director sent the original notice, the director shall resend the notice to the party a second time. The notice shall be deemed received as of the date the director resends the notice the second time.

Sec. 5123.0415. As used in this section, "license" means a license, certificate, or evidence of registration.

Each person and government entity that applies for or holds a valid license issued under section 5123.082, 5123.161, 5123.19, 5123.45, 5126.25, or 5126.252 of the Revised Code shall notify the director of mental retardation and developmental disabilities of any change in the person or government entity's address.

Sec. 5123.0416. (A) Subject to the availability of funds appropriated to the department of mental retardation and developmental disabilities for medicaid waiver state match, the department shall expend, in fiscal year 2009 and each fiscal year thereafter, not less than the amount appropriated in appropriation item 322-416, medicaid waiver - state match, in fiscal year 2008 to do both of the following:

(1) Pay the nonfederal share of medicaid expenditures for home and community-based services that section 5123.047 of the Revised Code requires the department to pay;

(2) Assist county boards of mental retardation and developmental disabilities in paying the nonfederal share of medicaid expenditures for home and community-based services that section 5126.0510 of the Revised Code requires county boards to pay.

(B) The department shall make the expenditures required by

division (A)(2) of this section in the form of allocations to 49165
county boards or by other means. If the department makes the 49166
expenditures in the form of allocations, the process for making 49167
the allocations shall conform to a process the department shall 49168
establish after consulting with representatives of county boards. 49169

Sec. 5123.051. (A) If the department of mental retardation 49170
and developmental disabilities determines pursuant to an audit 49171
conducted under section 5123.05 of the Revised Code or a 49172
reconciliation conducted under section 5123.18 ~~or 5123.199~~ of the 49173
Revised Code that money is owed the state by a provider of a 49174
service or program, the department may enter into a payment 49175
agreement with the provider. The agreement shall include the 49176
following: 49177

(1) A schedule of installment payments whereby the money owed 49178
the state is to be paid in full within a period not to exceed one 49179
year; 49180

(2) A provision that the provider may pay the entire balance 49181
owed at any time during the term of the agreement; 49182

(3) A provision that if any installment is not paid in full 49183
within forty-five days after it is due, the entire balance owed is 49184
immediately due and payable; 49185

(4) Any other terms and conditions that are agreed to by the 49186
department and the provider. 49187

(B) The department may include a provision in a payment 49188
agreement that requires the provider to pay interest on the money 49189
owed the state. The department, in its discretion, shall determine 49190
whether to require the payment of interest and, if it so requires, 49191
the rate of interest. Neither the obligation to pay interest nor 49192
the rate of interest is subject to negotiation between the 49193
department and the provider. 49194

(C) If the provider fails to pay any installment in full within forty-five days after its due date, the department shall certify the entire balance owed to the attorney general for collection under section 131.02 of the Revised Code. The department may withhold funds from payments made to a provider under section 5123.18 ~~or 5123.199~~ of the Revised Code to satisfy a judgment secured by the attorney general.

(D) The purchase of service fund is hereby created. Money credited to the fund shall be used solely for purposes of section 5123.05 of the Revised Code.

Sec. 5123.16. (A) As used in sections 5123.16 to 5123.169 of the Revised Code:

(1) "Provider" means a person or government entity certified by the director of mental retardation and developmental disabilities to provide supported living.

(2) "Related party" means any of the following:

(a) In the case of a provider who is an individual, any of the following:

(i) The spouse of the provider;

(ii) A parent or stepparent of the provider or provider's spouse;

(iii) A child of the provider or provider's spouse;

(iv) A sibling, half sibling, or stepsibling of the provider or provider's spouse;

(v) A grandparent of the provider or provider's spouse;

(vi) A grandchild of the provider or provider's spouse;

(vii) An employee or employer of the provider or provider's spouse.

<u>(b) In the case of a provider that is a person other than an individual, any of the following:</u>	49223
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<u>(i) An employee of the person;</u>	49225
<u>(ii) An officer of the provider, including the chief executive officer, president, vice-president, secretary, and treasurer;</u>	49226
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<u>(iii) A member of the provider's board of directors or trustees;</u>	49229
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<u>(iv) A person owning a financial interest of five per cent or more in the provider;</u>	49231
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<u>(v) A corporation that has a subsidiary relationship with the provider;</u>	49233
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<u>(vi) A person or government entity that has control over the provider's day-to-day operation;</u>	49235
	49236
<u>(vii) A person over which the provider has control of the day-to-day operation.</u>	49237
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<u>(c) In the case of a provider that is a government entity, any of the following:</u>	49239
	49240
<u>(i) An employee of the provider;</u>	49241
<u>(ii) An officer of the provider;</u>	49242
<u>(iii) A member of the provider's governing board;</u>	49243
<u>(iv) A government entity that has control over the provider's day-to-day operation;</u>	49244
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<u>(v) A person or government entity over which the provider has control of the day-to-day operation.</u>	49246
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<u>(B) No person or government entity may provide supported living without a valid supported living certificate issued by the director of mental retardation and developmental disabilities.</u>	49248
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(C) A county board of mental retardation and developmental disabilities may provide supported living only to the extent permitted by rules adopted under section 5123.169 of the Revised Code. 49251
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Sec. 5123.161. A person or government entity that seeks to provide supported living shall apply to the director of mental retardation and developmental disabilities for a supported living certificate. 49255
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Except as provided in section 5123.166 of the Revised Code, the director shall issue the applicant a supported living certificate if the applicant follows the application process established in rules adopted under section 5123.169 of the Revised Code, meets the applicable certification standards established in those rules, and pays the certification fee established in those rules. 49259
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Sec. 5123.162. The director of mental retardation and developmental disabilities may conduct surveys of persons and government entities that seek a supported living certificate to determine whether the persons and government entities meet the certification standards. The director may also conduct surveys of providers to determine whether the providers continue to meet the certification standards. The director shall conduct the surveys in accordance with rules adopted under section 5123.169 of the Revised Code. 49266
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The records of surveys conducted under this section are public records for the purpose of section 149.43 of the Revised Code and shall be made available on the request of any person or government entity. 49275
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Sec. 5123.163. A supported living certificate is valid for a period of time established in rules adopted under section 5123.169 49279
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of the Revised Code, unless any of the following occur before the 49281
end of that period of time: 49282

(A) The director of mental retardation and developmental 49283
disabilities issues an order requiring that action be taken 49284
against the certificate holder under section 5123.166 of the 49285
Revised Code. 49286

(B) The director issues an order terminating the certificate 49287
under section 5123.168 of the Revised Code. 49288

(C) The certificate holder voluntarily surrenders the 49289
certificate to the director. 49290

Sec. 5123.164. Except as provided in section 5123.166 of the 49291
Revised Code, the director of mental retardation and developmental 49292
disabilities shall renew a supported living certificate if the 49293
certificate holder follows the renewal process established in 49294
rules adopted under section 5123.169 of the Revised Code, 49295
continues to meet the applicable certification standards 49296
established in those rules, and pays the renewal fee established 49297
in those rules. 49298

Sec. 5123.165. (A) Except as provided in division (B) of this 49299
section, no person or government entity may provide supported 49300
living to an individual with mental retardation or a developmental 49301
disability if the person or government entity or a related party 49302
of the person or government entity also provides the individual a 49303
residence. 49304

(B) A person may provide supported living to an individual 49305
with mental retardation or a developmental disability even though 49306
the person or a related party of the person also provides the 49307
individual a residence if either of the following apply: 49308

(1) The person also resides in the residence with the 49309
individual and does not provide at any one time supported living 49310

to more than a total of three individuals with mental retardation 49311
or a developmental disability who reside in that residence; 49312

(2) The person is an association of family members related to 49313
two or more of the individuals with mental retardation or a 49314
developmental disability who reside in the residence and does not 49315
provide at any one time supported living to more than a total of 49316
four individuals with mental retardation or a developmental 49317
disability who reside in that residence. 49318

Sec. 5123.166. (A) If good cause exists as specified in 49319
division (B) of this section and determined in accordance with 49320
procedures established in rules adopted under section 5123.169 of 49321
the Revised Code, the director of mental retardation and 49322
developmental disabilities may issue an adjudication order 49323
requiring that one of the following actions be taken against a 49324
person or government entity seeking or holding a supported living 49325
certificate: 49326

(1) Refusal to issue or renew a supported living certificate; 49327

(2) Revocation of a supported living certificate; 49328

(3) Suspension of a supported living certificate holder's 49329
authority to do either or both of the following: 49330

(a) Continue to provide supported living to one or more 49331
individuals from one or more counties who receive supported living 49332
from the certificate holder at the time the director takes the 49333
action; 49334

(b) Begin to provide supported living to one or more 49335
individuals from one or more counties who do not receive supported 49336
living from the certificate holder at the time the director takes 49337
the action. 49338

(B) The following constitute good cause for taking action 49339
under division (A) of this section against a person or government 49340

<u>entity seeking or holding a supported living certificate:</u>	49341
<u>(1) The person or government entity's failure to meet or</u>	49342
<u>continue to meet the applicable certification standards</u>	49343
<u>established in rules adopted under section 5123.169 of the Revised</u>	49344
<u>Code;</u>	49345
<u>(2) The person or government entity violates section 5123.165</u>	49346
<u>of the Revised Code;</u>	49347
<u>(3) The person or government entity's failure to satisfy the</u>	49348
<u>requirements of section 5123.52, 5126.28, or 5126.281 of the</u>	49349
<u>Revised Code;</u>	49350
<u>(4) Misfeasance;</u>	49351
<u>(5) Malfeasance;</u>	49352
<u>(6) Nonfeasance;</u>	49353
<u>(7) Confirmed abuse or neglect;</u>	49354
<u>(8) Financial irresponsibility;</u>	49355
<u>(9) Other conduct the director determines is or would be</u>	49356
<u>injurious to individuals who receive or would receive supported</u>	49357
<u>living from the person or government entity.</u>	49358
<u>(C) Except as provided in division (D) of this section, the</u>	49359
<u>director shall issue an adjudication order under division (A) of</u>	49360
<u>this section in accordance with Chapter 119. of the Revised Code.</u>	49361
<u>(D)(1) The director may issue an order requiring that action</u>	49362
<u>specified in division (A)(3) of this section be taken before a</u>	49363
<u>provider is provided notice and an opportunity for a hearing if</u>	49364
<u>all of the following are the case:</u>	49365
<u>(a) The director determines such action is warranted by the</u>	49366
<u>provider's failure to continue to meet the applicable</u>	49367
<u>certification standards;</u>	49368
<u>(b) The director determines that the failure either</u>	49369

represents a pattern of serious noncompliance or creates a 49370
substantial risk to the health or safety of an individual who 49371
receives or would receive supported living from the provider; 49372

(c) If the order will suspend the provider's authority to 49373
continue to provide supported living to an individual who receives 49374
supported living from the provider at the time the director issues 49375
the order, both of the following are the case: 49376

(i) The director makes the individual, or the individual's 49377
guardian, aware of the director's determination under division 49378
(D)(1)(b) of this section and the individual or guardian does not 49379
select another provider. 49380

(ii) A county board of mental retardation and developmental 49381
disabilities has filed a complaint with a probate court under 49382
section 5123.33 of the Revised Code that includes facts describing 49383
the nature of abuse or neglect that the individual has suffered 49384
due to the provider's actions that are the basis for the director 49385
making the determination under division (D)(1)(b) of this section 49386
and the probate court does not issue an order authorizing the 49387
county board to arrange services for the individual pursuant to an 49388
individualized service plan developed for the individual under 49389
section 5123.31 of the Revised Code. 49390

(2) If the director issues an order under division (D)(1) of 49391
this section, sections 119.091 to 119.13 of the Revised Code and 49392
all of the following apply: 49393

(a) The director shall send the provider notice of the order 49394
by registered mail, return receipt requested, not later than 49395
twenty-four hours after issuing the order and shall include in the 49396
notice the reasons for the order, the citation to the law or rule 49397
directly involved, and a statement that the provider will be 49398
afforded a hearing if the provider requests it within ten days of 49399
the time of receiving the notice. 49400

(b) If the provider requests a hearing within the required time and the provider has provided the director the provider's current address, the director shall immediately set, and notify the provider of, the date, time, and place for the hearing. 49401
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(c) The date of the hearing shall be not later than thirty days after the director receives the provider's timely request for the hearing. 49405
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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: 49408
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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. 49410
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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. 49413
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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. 49423
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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 49429
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director, in accordance with section 119.09 of the Revised Code, 49432
sends a copy of the report and recommendation to the provider or 49433
the provider's attorney or other representative of record. 49434

(3) The director may lift an order issued under division 49435
(D)(1) of this section even though a hearing regarding the order 49436
is occurring or pending if the director determines that the 49437
provider has taken action eliminating the good cause for issuing 49438
the order. The hearing shall proceed unless the provider withdraws 49439
the request for the hearing in a written letter to the director. 49440

(4) The director shall lift an order issued under division 49441
(D)(1) of this section if both of the following are the case: 49442

(a) The provider provides the director a plan of compliance 49443
the director determines is acceptable. 49444

(b) The director determines that the provider has implemented 49445
the plan of compliance correctly. 49446

Sec. 5123.167. If the director of mental retardation and 49447
developmental disabilities issues an adjudication order under 49448
section 5123.166 of the Revised Code refusing to issue a supported 49449
living certificate to a person or government entity or to renew a 49450
person or government entity's supported living certificate, 49451
neither the person or government entity nor a related party of the 49452
person or government entity may apply for another supported living 49453
certificate earlier than the date that is one year after the date 49454
the order is issued. If the director issues an adjudication order 49455
under that section revoking a person or government entity's 49456
supported living certificate, neither the person or government 49457
entity nor a related party of the person or government entity may 49458
apply for another supported living certificate earlier than the 49459
date that is five years after the date the order is issued. 49460

Sec. 5123.168. The director of mental retardation and 49461

developmental disabilities may issue an adjudication order in 49462
accordance with Chapter 119. of the Revised Code to terminate a 49463
supported living certificate if the certificate holder has not 49464
billed for supported living for twelve consecutive months. 49465

Sec. 5123.169. The director of mental retardation and 49466
developmental disabilities shall adopt rules under Chapter 119. of 49467
the Revised Code establishing all of the following: 49468

(A) The extent to which a county board of mental retardation 49469
and developmental disabilities may provide supported living; 49470

(B) The application process for obtaining a supported living 49471
certificate under section 5123.161 of the Revised Code; 49472

(C) The certification standards a person or government entity 49473
must meet to obtain a supported living certificate to provide 49474
supported living; 49475

(D) The certification fee for a supported living certificate, 49476
which shall be deposited into the program fee fund created under 49477
section 5123.033 of the Revised Code; 49478

(E) The period of time a supported living certificate is 49479
valid; 49480

(F) The process for renewing a supported living certificate 49481
under section 5123.164 of the Revised Code; 49482

(G) The renewal fee for a supported living certificate, which 49483
shall be deposited into the program fee fund created under section 49484
5123.033 of the Revised Code; 49485

(H) Procedures for conducting surveys under section 5123.162 49486
of the Revised Code; 49487

(I) Procedures for determining whether there is good cause to 49488
take action under section 5123.166 of the Revised Code against a 49489
person or government entity seeking or holding a supported living 49490

certificate. 49491

Sec. 5123.19. (A) As used in this section and in sections 49492
5123.191, 5123.194, 5123.196, 5123.198, and 5123.20 of the Revised 49493
Code: 49494

(1)(a) "Residential facility" means a home or facility in 49495
which a mentally retarded or developmentally disabled person 49496
resides, except the home of a relative or legal guardian in which 49497
a mentally retarded or developmentally disabled person resides, a 49498
respite care home certified under section 5126.05 of the Revised 49499
Code, a county home or district home operated pursuant to Chapter 49500
5155. of the Revised Code, or a dwelling in which the only 49501
mentally retarded or developmentally disabled residents are in an 49502
independent living arrangement or are being provided supported 49503
living. 49504

(b) "Intermediate care facility for the mentally retarded" 49505
means a residential facility that is considered an intermediate 49506
care facility for the mentally retarded for the purposes of 49507
Chapter 5111. of the Revised Code. 49508

(2) "Political subdivision" means a municipal corporation, 49509
county, or township. 49510

(3) "Independent living arrangement" means an arrangement in 49511
which a mentally retarded or developmentally disabled person 49512
resides in an individualized setting chosen by the person or the 49513
person's guardian, which is not dedicated principally to the 49514
provision of residential services for mentally retarded or 49515
developmentally disabled persons, and for which no financial 49516
support is received for rendering such service from any 49517
governmental agency by a provider of residential services. 49518

(4) ~~"Supported living" has the same meaning as in section 49519
5126.01 of the Revised Code.~~ 49520

~~(5)~~ "Licensee" means the person or government agency that has applied for a license to operate a residential facility and to which the license was issued under this section.

(5) "Related party" has the same meaning as in section 5123.16 of the Revised Code except that "provider" as used in the definition of "related party" means a person or government entity that held or applied for a license to operate a residential facility, rather than a person or government entity certified to provide supported living.

(B) Every person or government agency desiring to operate a residential facility shall apply for licensure of the facility to the director of mental retardation and developmental disabilities unless the residential facility is subject to section 3721.02, 3722.04, 5103.03, or 5119.20 of the Revised Code. Notwithstanding Chapter 3721. of the Revised Code, a nursing home that is certified as an intermediate care facility for the mentally retarded under Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1396, as amended, shall apply for licensure of the portion of the home that is certified as an intermediate care facility for the mentally retarded.

(C) Subject to section 5123.196 of the Revised Code, the director of mental retardation and developmental disabilities shall license the operation of residential facilities. An initial license shall be issued for a period that does not exceed one year, unless the director denies the license under division (D) of this section. A license shall be renewed for a period that does not exceed three years, unless the director refuses to renew the license under division (D) of this section. The director, when issuing or renewing a license, shall specify the period for which the license is being issued or renewed. A license remains valid for the length of the licensing period specified by the director, unless the license is terminated, revoked, or voluntarily

surrendered. 49553

(D) If it is determined that an applicant or licensee is not 49554
in compliance with a provision of this chapter that applies to 49555
residential facilities or the rules adopted under such a 49556
provision, the director may deny issuance of a license, refuse to 49557
renew a license, terminate a license, revoke a license, issue an 49558
order for the suspension of admissions to a facility, issue an 49559
order for the placement of a monitor at a facility, issue an order 49560
for the immediate removal of residents, or take any other action 49561
the director considers necessary consistent with the director's 49562
authority under this chapter regarding residential facilities. In 49563
the director's selection and administration of the sanction to be 49564
imposed, all of the following apply: 49565

(1) The director may deny, refuse to renew, or revoke a 49566
license, if the director determines that the applicant or licensee 49567
has demonstrated a pattern of serious noncompliance or that a 49568
violation creates a substantial risk to the health and safety of 49569
residents of a residential facility. 49570

(2) The director may terminate a license if more than twelve 49571
consecutive months have elapsed since the residential facility was 49572
last occupied by a resident or a notice required by division 49573
~~(J)~~(K) of this section is not given. 49574

(3) The director may issue an order for the suspension of 49575
admissions to a facility for any violation that may result in 49576
sanctions under division (D)(1) of this section and for any other 49577
violation specified in rules adopted under division ~~(G)~~(H)(2) of 49578
this section. If the suspension of admissions is imposed for a 49579
violation that may result in sanctions under division (D)(1) of 49580
this section, the director may impose the suspension before 49581
providing an opportunity for an adjudication under Chapter 119. of 49582
the Revised Code. The director shall lift an order for the 49583
suspension of admissions when the director determines that the 49584

violation that formed the basis for the order has been corrected. 49585

(4) The director may order the placement of a monitor at a 49586
residential facility for any violation specified in rules adopted 49587
under division ~~(G)~~(H)(2) of this section. The director shall lift 49588
the order when the director determines that the violation that 49589
formed the basis for the order has been corrected. 49590

(5) If the director determines that two or more residential 49591
facilities owned or operated by the same person or government 49592
entity are not being operated in compliance with a provision of 49593
this chapter that applies to residential facilities or the rules 49594
adopted under such a provision, and the director's findings are 49595
based on the same or a substantially similar action, practice, 49596
circumstance, or incident that creates a substantial risk to the 49597
health and safety of the residents, the director shall conduct a 49598
survey as soon as practicable at each residential facility owned 49599
or operated by that person or government entity. The director may 49600
take any action authorized by this section with respect to any 49601
facility found to be operating in violation of a provision of this 49602
chapter that applies to residential facilities or the rules 49603
adopted under such a provision. 49604

(6) When the director initiates license revocation 49605
proceedings, no opportunity for submitting a plan of correction 49606
shall be given. The director shall notify the licensee by letter 49607
of the initiation of the proceedings. The letter shall list the 49608
deficiencies of the residential facility and inform the licensee 49609
that no plan of correction will be accepted. The director shall 49610
also ~~notify each affected resident, the resident's guardian if the~~ 49611
~~resident is an adult for whom a guardian has been appointed, the~~ 49612
~~resident's parent or guardian if the resident is a minor, and the~~ 49613
~~county board of mental retardation and developmental disabilities~~ 49614
send a copy of the letter to the county board of mental 49615
retardation and developmental disabilities. The county board shall 49616

send a copy of the letter to each of the following: 49617

(a) Each resident who receives services from the licensee; 49618

(b) The guardian of each resident who receives services from the licensee if the resident has a guardian; 49619
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(c) The parent or guardian of each resident who receives services from the licensee if the resident is a minor. 49621
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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. 49623
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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. 49628
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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. 49636
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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 49641
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made and specify the circumstances for which the notification must 49648
be made. The rules shall require that public notification be made 49649
if the director has taken action against the facility in the 49650
eighteen-month period immediately preceding the director's latest 49651
action against the facility and the latest action is being taken 49652
for the same or a substantially similar violation of a provision 49653
of this chapter that applies to residential facilities or the 49654
rules adopted under such a provision. The rules shall specify a 49655
method for removing or amending the public notification if the 49656
director's action is found to have been unjustified or the 49657
violation at the residential facility has been corrected. 49658

(F)(1) Except as provided in division (F)(2) of this section, 49659
appeals from proceedings initiated to impose a sanction under 49660
division (D) of this section shall be conducted in accordance with 49661
Chapter 119. of the Revised Code. 49662

(2) Appeals from proceedings initiated to order the 49663
suspension of admissions to a facility shall be conducted in 49664
accordance with Chapter 119. of the Revised Code, unless the order 49665
was issued before providing an opportunity for an adjudication, in 49666
which case all of the following apply: 49667

(a) The licensee may request a hearing not later than ten 49668
days after receiving the notice specified in section 119.07 of the 49669
Revised Code. 49670

(b) If a timely request for a hearing that includes the 49671
licensee's current address is made, the hearing shall commence not 49672
later than thirty days after the department receives the request. 49673

(c) After commencing, the hearing shall continue 49674
uninterrupted, except for Saturdays, Sundays, and legal holidays, 49675
unless other interruptions are agreed to by the licensee and the 49676
director. 49677

(d) If the hearing is conducted by a hearing examiner, the 49678

hearing examiner shall file a report and recommendations not later than ten days after the last of the following:

(i) The close of the hearing;

(ii) If a transcript of the proceedings is ordered, the hearing examiner receives the transcript;

(iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs.

(e) A copy of the written report and recommendation of the hearing examiner shall be sent, by certified mail, to the licensee and the licensee's attorney, if applicable, not later than five days after the report is filed.

(f) Not later than five days after the hearing examiner files the report and recommendations, the licensee may file objections to the report and recommendations.

~~(f)~~(g) Not later than fifteen days after the hearing examiner files the report and recommendations, the director shall issue an order approving, modifying, or disapproving the report and recommendations.

~~(g)~~(h) Notwithstanding the pendency of the hearing, the director shall lift the order for the suspension of admissions when the director determines that the violation that formed the basis for the order has been corrected.

(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.

(H) In accordance with Chapter 119. of the Revised Code, the 49709
director shall adopt and may amend and rescind rules for licensing 49710
and regulating the operation of residential facilities, including 49711
intermediate care facilities for the mentally retarded. The rules 49712
for intermediate care facilities for the mentally retarded may 49713
differ from those for other residential facilities. The rules 49714
shall establish and specify the following: 49715

(1) Procedures and criteria for issuing and renewing 49716
licenses, including procedures and criteria for determining the 49717
length of the licensing period that the director must specify for 49718
each license when it is issued or renewed; 49719

(2) Procedures and criteria for denying, refusing to renew, 49720
terminating, and revoking licenses and for ordering the suspension 49721
of admissions to a facility, placement of a monitor at a facility, 49722
and the immediate removal of residents from a facility; 49723

(3) Fees for issuing and renewing licenses, which shall be 49724
deposited into the program fee fund created under section 5123.033 49725
of the Revised Code; 49726

(4) Procedures for surveying residential facilities; 49727

(5) Requirements for the training of residential facility 49728
personnel; 49729

(6) Classifications for the various types of residential 49730
facilities; 49731

(7) Certification procedures for licensees and management 49732
contractors that the director determines are necessary to ensure 49733
that they have the skills and qualifications to properly operate 49734
or manage residential facilities; 49735

(8) The maximum number of persons who may be served in a 49736
particular type of residential facility; 49737

(9) Uniform procedures for admission of persons to and 49738

transfers and discharges of persons from residential facilities; 49739

(10) Other standards for the operation of residential 49740
facilities and the services provided at residential facilities; 49741

(11) Procedures for waiving any provision of any rule adopted 49742
under this section. 49743

~~(H)~~(I) Before issuing a license, the director of the 49744
department or the director's designee shall conduct a survey of 49745
the residential facility for which application is made. The 49746
director or the director's designee shall conduct a survey of each 49747
licensed residential facility at least once during the period the 49748
license is valid and may conduct additional inspections as needed. 49749
A survey includes but is not limited to an on-site examination and 49750
evaluation of the residential facility, its personnel, and the 49751
services provided there. 49752

In conducting surveys, the director or the director's 49753
designee shall be given access to the residential facility; all 49754
records, accounts, and any other documents related to the 49755
operation of the facility; the licensee; the residents of the 49756
facility; and all persons acting on behalf of, under the control 49757
of, or in connection with the licensee. The licensee and all 49758
persons on behalf of, under the control of, or in connection with 49759
the licensee shall cooperate with the director or the director's 49760
designee in conducting the survey. 49761

Following each survey, unless the director initiates a 49762
license revocation proceeding, the director or the director's 49763
designee shall provide the licensee with a report listing any 49764
deficiencies, specifying a timetable within which the licensee 49765
shall submit a plan of correction describing how the deficiencies 49766
will be corrected, and, when appropriate, specifying a timetable 49767
within which the licensee must correct the deficiencies. After a 49768
plan of correction is submitted, the director or the director's 49769

designee shall approve or disapprove the plan. A copy of the 49770
report and any approved plan of correction shall be provided to 49771
any person who requests it. 49772

The director shall initiate disciplinary action against any 49773
department employee who notifies or causes the notification to any 49774
unauthorized person of an unannounced survey of a residential 49775
facility by an authorized representative of the department. 49776

~~(I)~~(J) In addition to any other information which may be 49777
required of applicants for a license pursuant to this section, the 49778
director shall require each applicant to provide a copy of an 49779
approved plan for a proposed residential facility pursuant to 49780
section 5123.042 of the Revised Code. This division does not apply 49781
to renewal of a license. 49782

~~(J)~~(K) A licensee shall notify the owner of the building in 49783
which the licensee's residential facility is located of any 49784
significant change in the identity of the licensee or management 49785
contractor before the effective date of the change if the licensee 49786
is not the owner of the building. 49787

Pursuant to rules which shall be adopted in accordance with 49788
Chapter 119. of the Revised Code, the director may require 49789
notification to the department of any significant change in the 49790
ownership of a residential facility or in the identity of the 49791
licensee or management contractor. If the director determines that 49792
a significant change of ownership is proposed, the director shall 49793
consider the proposed change to be an application for development 49794
by a new operator pursuant to section 5123.042 of the Revised Code 49795
and shall advise the applicant within sixty days of the 49796
notification that the current license shall continue in effect or 49797
a new license will be required pursuant to this section. If the 49798
director requires a new license, the director shall permit the 49799
facility to continue to operate under the current license until 49800
the new license is issued, unless the current license is revoked, 49801

refused to be renewed, or terminated in accordance with Chapter 49802
119. of the Revised Code. 49803

~~(K)~~(L) A county board of mental retardation and developmental 49804
disabilities, the legal rights service, and any interested person 49805
may file complaints alleging violations of statute or department 49806
rule relating to residential facilities with the department. All 49807
complaints shall be in writing and shall state the facts 49808
constituting the basis of the allegation. The department shall not 49809
reveal the source of any complaint unless the complainant agrees 49810
in writing to waive the right to confidentiality or until so 49811
ordered by a court of competent jurisdiction. 49812

The department shall adopt rules in accordance with Chapter 49813
119. of the Revised Code establishing procedures for the receipt, 49814
referral, investigation, and disposition of complaints filed with 49815
the department under this division. 49816

~~(L)~~(M) The department shall establish procedures for the 49817
notification of interested parties of the transfer or interim care 49818
of residents from residential facilities that are closing or are 49819
losing their license. 49820

~~(M)~~(N) Before issuing a license under this section to a 49821
residential facility that will accommodate at any time more than 49822
one mentally retarded or developmentally disabled individual, the 49823
director shall, by first class mail, notify the following: 49824

(1) If the facility will be located in a municipal 49825
corporation, the clerk of the legislative authority of the 49826
municipal corporation; 49827

(2) If the facility will be located in unincorporated 49828
territory, the clerk of the appropriate board of county 49829
commissioners and the fiscal officer of the appropriate board of 49830
township trustees. 49831

The director shall not issue the license for ten days after 49832

mailing the notice, excluding Saturdays, Sundays, and legal 49833
holidays, in order to give the notified local officials time in 49834
which to comment on the proposed issuance. 49835

Any legislative authority of a municipal corporation, board 49836
of county commissioners, or board of township trustees that 49837
receives notice under this division of the proposed issuance of a 49838
license for a residential facility may comment on it in writing to 49839
the director within ten days after the director mailed the notice, 49840
excluding Saturdays, Sundays, and legal holidays. If the director 49841
receives written comments from any notified officials within the 49842
specified time, the director shall make written findings 49843
concerning the comments and the director's decision on the 49844
issuance of the license. If the director does not receive written 49845
comments from any notified local officials within the specified 49846
time, the director shall continue the process for issuance of the 49847
license. 49848

~~(N)~~(O) Any person may operate a licensed residential facility 49849
that provides room and board, personal care, habilitation 49850
services, and supervision in a family setting for at least six but 49851
not more than eight persons with mental retardation or a 49852
developmental disability as a permitted use in any residential 49853
district or zone, including any single-family residential district 49854
or zone, of any political subdivision. These residential 49855
facilities may be required to comply with area, height, yard, and 49856
architectural compatibility requirements that are uniformly 49857
imposed upon all single-family residences within the district or 49858
zone. 49859

~~(O)~~(P) Any person may operate a licensed residential facility 49860
that provides room and board, personal care, habilitation 49861
services, and supervision in a family setting for at least nine 49862
but not more than sixteen persons with mental retardation or a 49863
developmental disability as a permitted use in any multiple-family 49864

residential district or zone of any political subdivision, except 49865
that a political subdivision that has enacted a zoning ordinance 49866
or resolution establishing planned unit development districts may 49867
exclude these residential facilities from those districts, and a 49868
political subdivision that has enacted a zoning ordinance or 49869
resolution may regulate these residential facilities in 49870
multiple-family residential districts or zones as a conditionally 49871
permitted use or special exception, in either case, under 49872
reasonable and specific standards and conditions set out in the 49873
zoning ordinance or resolution to: 49874

(1) Require the architectural design and site layout of the 49875
residential facility and the location, nature, and height of any 49876
walls, screens, and fences to be compatible with adjoining land 49877
uses and the residential character of the neighborhood; 49878

(2) Require compliance with yard, parking, and sign 49879
regulation; 49880

(3) Limit excessive concentration of these residential 49881
facilities. 49882

~~(P)~~(Q) This section does not prohibit a political subdivision 49883
from applying to residential facilities nondiscriminatory 49884
regulations requiring compliance with health, fire, and safety 49885
regulations and building standards and regulations. 49886

~~(Q)~~(R) Divisions ~~(N)~~(O) and ~~(O)~~(P) of this section are not 49887
applicable to municipal corporations that had in effect on June 49888
15, 1977, an ordinance specifically permitting in residential 49889
zones licensed residential facilities by means of permitted uses, 49890
conditional uses, or special exception, so long as such ordinance 49891
remains in effect without any substantive modification. 49892

~~(R)~~(S)(1) The director may issue an interim license to 49893
operate a residential facility to an applicant for a license under 49894
this section if either of the following is the case: 49895

(a) The director determines that an emergency exists 49896
requiring immediate placement of persons in a residential 49897
facility, that insufficient licensed beds are available, and that 49898
the residential facility is likely to receive a permanent license 49899
under this section within thirty days after issuance of the 49900
interim license. 49901

(b) The director determines that the issuance of an interim 49902
license is necessary to meet a temporary need for a residential 49903
facility. 49904

(2) To be eligible to receive an interim license, an 49905
applicant must meet the same criteria that must be met to receive 49906
a permanent license under this section, except for any differing 49907
procedures and time frames that may apply to issuance of a 49908
permanent license. 49909

(3) An interim license shall be valid for thirty days and may 49910
be renewed by the director for a period not to exceed one hundred 49911
fifty days. 49912

(4) The director shall adopt rules in accordance with Chapter 49913
119. of the Revised Code as the director considers necessary to 49914
administer the issuance of interim licenses. 49915

~~(S)~~(T) Notwithstanding rules adopted pursuant to this section 49916
establishing the maximum number of persons who may be served in a 49917
particular type of residential facility, a residential facility 49918
shall be permitted to serve the same number of persons being 49919
served by the facility on the effective date of the rules or the 49920
number of persons for which the facility is authorized pursuant to 49921
a current application for a certificate of need with a letter of 49922
support from the department of mental retardation and 49923
developmental disabilities and which is in the review process 49924
prior to April 4, 1986. 49925

~~(F)~~(U) The director or the director's designee may enter at 49926

any time, for purposes of investigation, any home, facility, or 49927
other structure that has been reported to the director or that the 49928
director has reasonable cause to believe is being operated as a 49929
residential facility without a license issued under this section. 49930

The director may petition the court of common pleas of the 49931
county in which an unlicensed residential facility is located for 49932
an order enjoining the person or governmental agency operating the 49933
facility from continuing to operate without a license. The court 49934
may grant the injunction on a showing that the person or 49935
governmental agency named in the petition is operating a 49936
residential facility without a license. The court may grant the 49937
injunction, regardless of whether the residential facility meets 49938
the requirements for receiving a license under this section. 49939

Sec. 5123.196. (A) Except as provided in division (F) of this 49940
section, the director of mental retardation and developmental 49941
disabilities shall not issue a license under section 5123.19 of 49942
the Revised Code on or after July 1, 2003, if issuance will result 49943
in there being more beds in all residential facilities licensed 49944
under that section than is permitted under division (B) of this 49945
section. 49946

(B) Except as provided in division (D) of this section, the 49947
maximum number of beds for the purpose of division (A) of this 49948
section shall not exceed ten thousand eight hundred thirty-eight 49949
minus, except as provided in division (C) of this section, both of 49950
the following: 49951

(1) The number of such beds that cease to be residential 49952
facility beds on or after July 1, 2003, because a residential 49953
facility license is revoked, terminated, or not renewed for any 49954
reason or is surrendered in accordance with section 5123.19 of the 49955
Revised Code and after the issuance of an adjudication order 49956
pursuant to Chapter 119. of the Revised Code; 49957

(2) The number of such beds for which a licensee voluntarily converts to use for supported living on or after July 1, 2003. 49958
49959

(C) The director is not required to reduce the maximum number of beds pursuant to division (B) of this section by a bed that ceases to be a residential facility bed if the director determines that the bed is needed to provide services to an individual with mental retardation or a developmental disability who resided in the residential facility in which the bed was located unless the reason the bed ceases to be a residential facility bed is because it is converted to providing home and community-based services under the ICF/MR conversion pilot program that is authorized by a waiver sought under division (B)(1) of section 5111.88 of the Revised Code. 49960
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(D) The director shall increase the number of beds determined under division (B) of this section if necessary to enable the operator of a residential facility to do either of the following: 49971
49972
49973

(1) Obtain a residential facility license as required by section 5111.8814 of the Revised Code; 49974
49975

(2) Reconvert beds to providing ICF/MR services under section 5111.8811 of the Revised Code. 49976
49977

(E) The director shall maintain an up-to-date written record of the maximum number of residential facility beds provided for by division (B) of this section. 49978
49979
49980

(F) The director may issue an interim license under division ~~(R)~~(S) of section 5123.19 of the Revised Code and issue, pursuant to rules adopted under division ~~(G)~~(H)(11) of that section, a waiver allowing a residential facility to admit more residents than the facility is licensed to admit regardless of whether the interim license or waiver will result in there being more beds in all residential facilities licensed under that section than is permitted under division (B) of this section. 49981
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Sec. 5123.198. (A) As used in this section, "date of the
commitment" means the date that an individual specified in
division (B) of this section begins to reside in a state-operated
intermediate care facility for the mentally retarded after being
committed to the facility pursuant to sections 5123.71 to 5123.76
of the Revised Code.

(B) Except as provided in division (C) of this section,
whenever a resident of a residential facility is committed to a
state-operated intermediate care facility for the mentally
retarded pursuant to sections 5123.71 to 5123.76 of the Revised
Code, the department of mental retardation and developmental
disabilities, pursuant to an adjudication order issued in
accordance with Chapter 119. of the Revised Code, shall reduce by
one the number of residents for which the facility in which the
resident resided is licensed.

(C) The department shall not reduce under division (B) of
this section the number of residents for which a residential
facility is licensed if any of the following are the case:

(1) The resident of the residential facility who is committed
to a state-operated intermediate care facility for the mentally
retarded resided in the residential facility because of the
closure, on or after ~~the effective date of this section~~ June 26,
2003, of another state-operated intermediate care facility for the
mentally retarded;

(2) The residential facility admits within ninety days of the
date of the commitment an individual who resides on the date of
the commitment in a state-operated intermediate care facility for
the mentally retarded or another residential facility;

(3) The department fails to do either of the following within
ninety days of the date of the commitment:

(a) Identify an individual to whom all of the following applies:	50019 50020
(i) Resides on the date of the commitment in a state-operated intermediate care facility for the mentally retarded or another residential facility;	50021 50022 50023
(ii) Has indicated to the department an interest in relocating to the residential facility or has a parent or guardian who has indicated to the department an interest for the individual to relocate to the residential facility;	50024 50025 50026 50027
(iii) The department determines the individual has needs that the residential facility can meet.	50028 50029
(b) Provide the residential facility with information about the individual identified under division (C)(2)(a) of this section that the residential facility needs in order to determine whether the facility can meet the individual's needs.	50030 50031 50032 50033
(4) If the department completes the actions specified in divisions (C)(3)(a) and (b) of this section not later than ninety days after the date of the commitment and except as provided in division (D) of this section, the residential facility does all of the following not later than ninety days after the date of the commitment:	50034 50035 50036 50037 50038 50039
(a) Evaluates the information provided by the department;	50040
(b) Assesses the identified individual's needs;	50041
(c) Determines that the residential facility cannot meet the identified individual's needs.	50042 50043
(5) If the department completes the actions specified in divisions (C)(3)(a) and (b) of this section not later than ninety days after the date of the commitment and the residential facility determines that the residential facility can meet the identified individual's needs, the individual, or a parent or guardian of the	50044 50045 50046 50047 50048

individual, refuses placement in the residential facility. 50049

(D) The department may reduce under division (B) of this 50050
section the number of residents for which a residential facility 50051
is licensed even though the residential facility completes the 50052
actions specified in division (C)(4) of this section not later 50053
than ninety days after the date of the commitment if all of the 50054
following are the case: 50055

(1) The department disagrees with the residential facility's 50056
determination that the residential facility cannot meet the 50057
identified individual's needs. 50058

(2) The department issues a written decision pursuant to the 50059
uniform procedures for admissions, transfers, and discharges 50060
established by rules adopted under division ~~(G)~~(H)(9) of section 50061
5123.19 of the Revised Code that the residential facility should 50062
admit the identified individual. 50063

(3) After the department issues the written decision 50064
specified in division (D)(2) of this section, the residential 50065
facility refuses to admit the identified individual. 50066

(E) A residential facility that admits, refuses to admit, 50067
transfers, or discharges a resident under this section shall 50068
comply with the uniform procedures for admissions, transfers, and 50069
discharges established by rules adopted under division ~~(G)~~(H)(9) 50070
of section 5123.19 of the Revised Code. 50071

(F) The department of mental retardation and developmental 50072
disabilities may notify the department of job and family services 50073
of any reduction under this section in the number of residents for 50074
which a residential facility that is an intermediate care facility 50075
for the mentally retarded is licensed. On receiving the notice, 50076
the department of job and family services may transfer to the 50077
department of mental retardation and developmental disabilities 50078
the savings in the nonfederal share of medicaid expenditures for 50079

each fiscal year after the year of the commitment to be used for 50080
costs of the resident's care in the state-operated intermediate 50081
care facility for the mentally retarded. In determining the amount 50082
saved, the department of job and family services shall consider 50083
medicaid payments for the remaining residents of the facility in 50084
which the resident resided. 50085

~~Sec. 5123.20. As used in this section, "supported living" has 50086
the same meaning as in section 5126.01 of the Revised Code. 50087~~

No person or government agency shall operate a residential 50088
facility or receive a mentally retarded or developmentally 50089
disabled person as a resident of a residential facility unless the 50090
facility is licensed under section 5123.19 of the Revised Code, 50091
and no person or governmental agency shall operate a respite care 50092
home or receive a mentally retarded or developmentally disabled 50093
person in a respite care home unless the home is certified under 50094
section 5126.05 of the Revised Code. 50095

~~No person or government agency shall provide supported living 50096
unless that person or government agency is certified under section 50097
5126.431 of the Revised Code. 50098~~

Sec. 5123.211. (A) As used in this section, "residential 50099
services" and "~~supported living~~" have has the same meanings 50100
meaning as in section 5126.01 of the Revised Code. 50101

(B) The department of mental retardation and developmental 50102
disabilities shall provide or arrange provision of residential 50103
services for each person who, on or after July 1, 1989, ceases to 50104
be a resident of a state institution because of closure of the 50105
institution or a reduction in the institution's population by 50106
forty per cent or more within a period of one year. The services 50107
shall be provided in the county in which the person chooses to 50108
reside and shall consist of one of the following as determined 50109

appropriate by the department in consultation with the county 50110
board of mental retardation and developmental disabilities of the 50111
county in which the services are to be provided: 50112

(1) Residential services provided pursuant to section 5123.18 50113
of the Revised Code; 50114

~~(2) Supported living provided pursuant to section 5123.182 of~~ 50115
~~the Revised Code;~~ 50116

~~(3)~~ Residential services for which reimbursement is made 50117
under the medical assistance program established under section 50118
5111.01 of the Revised Code; 50119

~~(4)~~(3) Residential services provided in a manner or setting 50120
approved by the director of mental retardation and developmental 50121
disabilities. 50122

(C) Not less than six months prior to closing a state 50123
institution or reducing a state institution's population by forty 50124
per cent or more within a period of one year, the department shall 50125
identify those counties in which individuals leaving the 50126
institution have chosen to reside and notify the county boards of 50127
mental retardation and developmental disabilities in those 50128
counties of the need to develop the services specified in division 50129
(B) of this section. The notice shall specify the number of 50130
individuals requiring services who plan to reside in the county 50131
and indicate the amount of funds the department will use to 50132
provide or arrange services for those individuals. 50133

(D) In each county in which one or more persons receive 50134
residential services pursuant to division (B) of this section, the 50135
department shall provide or arrange provision of residential 50136
services, or shall distribute moneys to the county board of mental 50137
retardation and developmental disabilities to provide or arrange 50138
provision of residential services, for an equal number of persons 50139
with mental retardation or developmental disabilities in that 50140

county who the county board has determined need residential 50141
services but are not receiving them. 50142

Sec. 5123.38. (A) Except as provided in division (B) and (C) 50143
of this section, if an individual receiving supported living or 50144
home and community-based services, ~~as defined in section 5126.01~~ 50145
~~of the Revised Code,~~ funded by a county board of mental 50146
retardation and developmental disabilities is committed to a 50147
state-operated intermediate care facility for the mentally 50148
retarded pursuant to sections 5123.71 to 5123.76 of the Revised 50149
Code, the department of mental retardation and developmental 50150
disabilities shall use the funds otherwise allocated to the county 50151
board as the nonfederal share of medicaid expenditures for the 50152
individual's care in the state-operated facility. 50153

(B) Division (A) of this section does not apply if the county 50154
board, not later than ninety days after the date of the commitment 50155
of a person receiving supported services, commences funding of 50156
supported living for an individual who resides in a state-operated 50157
intermediate care facility for the mentally retarded on the date 50158
of the commitment or another eligible individual designated by the 50159
department. 50160

(C) Division (A) of this section does not apply if the county 50161
board, not later than ninety days after the date of the commitment 50162
of a person receiving home and community-based services, commences 50163
funding of home and community-based services for an individual who 50164
resides in a state-operated intermediate care facility for the 50165
mentally retarded on the date of the commitment or another 50166
eligible individual designated by the department. 50167

Sec. 5123.41. As used in this section and sections 5123.42 to 50168
5123.47 of the Revised Code: 50169

(A) "Adult services" has the same meaning as in section 50170

5126.01 of the Revised Code.	50171
(B) "Certified home and community based services provider"	50172
means a person or government entity certified under section	50173
5123.16 of the Revised Code.	50174
(C) "Certified supported living provider" means a person or	50175
government entity certified under section 5126.431 <u>5123.161</u> of the	50176
Revised Code.	50177
(D) <u>(C)</u> "Drug" has the same meaning as in section 4729.01 of	50178
the Revised Code.	50179
(E) <u>(D)</u> "Family support services" has the same meaning as in	50180
section 5126.01 of the Revised Code.	50181
(F) <u>(E)</u> "Health-related activities" means the following:	50182
(1) Taking vital signs;	50183
(2) Application of clean dressings that do not require health	50184
assessment;	50185
(3) Basic measurement of bodily intake and output;	50186
(4) Oral suctioning;	50187
(5) Use of glucometers;	50188
(6) External urinary catheter care;	50189
(7) Emptying and replacing colostomy bags;	50190
(8) Collection of specimens by noninvasive means.	50191
(G) <u>(F)</u> "Licensed health professional authorized to prescribe	50192
drugs" has the same meaning as in section 4729.01 of the Revised	50193
Code.	50194
(H) "Medicaid" has the same meaning as in section 5111.01 of	50195
the Revised Code.	50196
(I) <u>(G)</u> "MR/DD personnel" means the employees and the workers	50197
under contract who provide specialized services to individuals	50198

with mental retardation and developmental disabilities. "MR/DD personnel" includes those who provide the services as follows: 50199
50200

(1) Through direct employment with the department of mental retardation and developmental disabilities or a county board of mental retardation and developmental disabilities; 50201
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50203

(2) Through an entity under contract with the department of mental retardation and developmental disabilities or a county board of mental retardation and developmental disabilities; 50204
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(3) Through direct employment or by being under contract with private entities, including private entities that operate residential facilities. 50207
50208
50209

~~(J)~~(H) "Nursing delegation" means the process established in rules adopted by the board of nursing pursuant to Chapter 4723. of the Revised Code under which a registered nurse or licensed practical nurse acting at the direction of a registered nurse transfers the performance of a particular nursing activity or task to another person who is not otherwise authorized to perform the activity or task. 50210
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~~(K)~~(I) "Prescribed medication" means a drug that is to be administered according to the instructions of a licensed health professional authorized to prescribe drugs. 50217
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~~(L)~~(J) "Residential facility" means a facility licensed under section 5123.19 of the Revised Code or subject to section 5123.192 of the Revised Code. 50220
50221
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~~(M)~~(K) "Specialized services" has the same meaning as in section 5123.50 of the Revised Code. 50223
50224

~~(N)~~(L) "Tube feeding" means the provision of nutrition to an individual through a gastrostomy tube or a jejunostomy tube. 50225
50226

Sec. 5123.51. (A) In addition to any other action required by sections 5123.61 and 5126.31 of the Revised Code, the department 50227
50228

of mental retardation and developmental disabilities shall review 50229
each report the department receives of abuse or neglect of an 50230
individual with mental retardation or a developmental disability 50231
or misappropriation of an individual's property that includes an 50232
allegation that an MR/DD employee committed or was responsible for 50233
the abuse, neglect, or misappropriation. The department shall 50234
review a report it receives from a public children services agency 50235
only after the agency completes its investigation pursuant to 50236
section 2151.421 of the Revised Code. On receipt of a notice under 50237
section 2930.061 or 5123.541 of the Revised Code, the department 50238
shall review the notice. 50239

50240

(B) The department shall do both of the following: 50241

(1) Investigate the allegation or adopt the findings of an 50242
investigation or review of the allegation conducted by another 50243
person or government entity and determine whether there is a 50244
reasonable basis for the allegation; 50245

(2) If the department determines that there is a reasonable 50246
basis for the allegation, conduct an adjudication pursuant to 50247
Chapter 119. of the Revised Code. 50248

(C)(1) The department shall appoint an independent hearing 50249
officer to conduct any hearing conducted pursuant to division 50250
(B)(2) of this section, except that, if the hearing is regarding 50251
an employee of the department who is represented by a union, the 50252
department and a representative of the union shall jointly select 50253
the hearing officer. 50254

(2)(a) Except as provided in division (C)(2)(b) of this 50255
section, no hearing shall be conducted under division (B)(2) of 50256
this section until any criminal proceeding or collective 50257
bargaining arbitration concerning the same allegation has 50258
concluded. 50259

(b) The department may conduct a hearing pursuant to division 50260
(B)(2) of this section before a criminal proceeding concerning the 50261
same allegation is concluded if both of the following are the 50262
case: 50263

(i) The department notifies the prosecutor responsible for 50264
the criminal proceeding that the department proposes to conduct a 50265
hearing. 50266

(ii) The prosecutor consents to the hearing. 50267

(3) In conducting a hearing pursuant to division (B)(2) of 50268
this section, the hearing officer shall do all of the following: 50269

(a) Determine whether there is clear and convincing evidence 50270
that the MR/DD employee has done any of the following: 50271

(i) Misappropriated property of one or more individuals with 50272
mental retardation or a developmental disability that has a value, 50273
either separately or taken together, of one hundred dollars or 50274
more; 50275

(ii) Misappropriated property of an individual with mental 50276
retardation or a developmental disability that is designed to be 50277
used as a check, draft, negotiable instrument, credit card, charge 50278
card, or device for initiating an electronic fund transfer at a 50279
point of sale terminal, automated teller machine, or cash 50280
dispensing machine; 50281

(iii) Knowingly abused such an individual; 50282

(iv) Recklessly abused or neglected such an individual, with 50283
resulting physical harm; 50284

(v) Negligently abused or neglected such an individual, with 50285
resulting serious physical harm; 50286

(vi) Recklessly neglected such an individual, creating a 50287
substantial risk of serious physical harm; 50288

(vii) Engaged in sexual conduct or had sexual contact with an 50289

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;

(viii) Unreasonably failed to make a report pursuant to division (C) of section 5123.61 of the Revised Code when the employee knew or should have known that the failure would result in a substantial risk of harm to an individual with mental retardation or a developmental disability.

(b) Give weight to the decision in any collective bargaining arbitration regarding the same allegation;

(c) Give weight to any relevant facts presented at the hearing.

(D)(1) Unless the director of mental retardation and developmental disabilities determines that there are extenuating circumstances and except as provided in division (E) of this section, if the director, after considering all of the factors listed in division (C)(3) of this section, finds that there is clear and convincing evidence that an MR/DD employee has done one or more of the things described in division (C)(3)(a) of this section the director shall include the name of the employee in the registry established under section 5123.52 of the Revised Code.

(2) Extenuating circumstances the director must consider include the use of physical force by an MR/DD employee that was necessary as self-defense.

(3) If the director includes an MR/DD employee in the registry established under section 5123.52 of the Revised Code, the director shall notify the employee, the person or government entity that employs or contracts with the employee, the individual with mental retardation or a developmental disability who was the subject of the report and that individual's legal guardian, if

any, the attorney general, and the prosecuting attorney or other 50321
law enforcement agency. If the MR/DD employee holds a license, 50322
certificate, registration, or other authorization to engage in a 50323
profession issued pursuant to Title XLVII of the Revised Code, the 50324
director shall notify the appropriate agency, board, department, 50325
or other entity responsible for regulating the employee's 50326
professional practice. 50327

(4) If an individual whose name appears on the registry is 50328
involved in a court proceeding or arbitration arising from the 50329
same facts as the allegation resulting in the individual's 50330
placement on the registry, the disposition of the proceeding or 50331
arbitration shall be noted in the registry next to the 50332
individual's name. 50333

(E) In the case of an allegation concerning an employee of 50334
the department, after the hearing conducted pursuant to division 50335
(B)(2) of this section, the director of health or that director's 50336
designee shall review the decision of the hearing officer to 50337
determine whether the standard described in division (C)(3) of 50338
this section has been met. If the director or designee determines 50339
that the standard has been met and that no extenuating 50340
circumstances exist, the director or designee shall notify the 50341
director of mental retardation and developmental disabilities that 50342
the MR/DD employee is to be included in the registry established 50343
under section 5123.52 of the Revised Code. If the director of 50344
mental retardation and developmental disabilities receives such 50345
notification, the director shall include the MR/DD employee in the 50346
registry and shall provide the notification described in division 50347
(D)(3) of this section. 50348

(F) If the department is required by Chapter 119. of the 50349
Revised Code to give notice of an opportunity for a hearing and 50350
the MR/DD employee subject to the notice does not timely request a 50351
hearing in accordance with section 119.07 or 5123.0414 of the 50352

Revised Code, the department is not required to hold a hearing. 50353

(G) Files and records of investigations conducted pursuant to 50354
this section are not public records as defined in section 149.43 50355
of the Revised Code, but, on request, the department shall provide 50356
copies of those files and records to the attorney general, a 50357
prosecuting attorney, or a law enforcement agency. 50358

Sec. 5123.60. (A) A legal rights service is hereby created 50359
and established to protect and advocate the rights of mentally ill 50360
persons, mentally retarded persons, developmentally disabled 50361
persons, and other disabled persons who may be represented by the 50362
service pursuant to division (L) of this section; to receive and 50363
act upon complaints concerning institutional and hospital 50364
practices and conditions of institutions for mentally retarded or 50365
developmentally disabled persons and hospitals for the mentally 50366
ill; and to assure that all persons detained, hospitalized, 50367
discharged, or institutionalized, and all persons whose detention, 50368
hospitalization, discharge, or institutionalization is sought or 50369
has been sought under this chapter or Chapter 5122. of the Revised 50370
Code are fully informed of their rights and adequately represented 50371
by counsel in proceedings under this chapter or Chapter 5122. of 50372
the Revised Code and in any proceedings to secure the rights of 50373
those persons. Notwithstanding the definitions of "mentally 50374
retarded person" and "developmentally disabled person" in section 50375
5123.01 of the Revised Code, the legal rights service shall 50376
determine who is a mentally retarded or developmentally disabled 50377
person for purposes of this section and sections 5123.601 to 50378
5123.604 of the Revised Code. 50379

(B)(1) In regard to those persons detained, hospitalized, or 50380
institutionalized under Chapter 5122. of the Revised Code, the 50381
legal rights service shall undertake formal representation only of 50382
those persons who are involuntarily detained, hospitalized, or 50383

institutionalized pursuant to sections 5122.10 to 5122.15 of the Revised Code, and those voluntarily detained, hospitalized, or institutionalized who are minors, who have been adjudicated incompetent, who have been detained, hospitalized, or institutionalized in a public hospital, or who have requested representation by the legal rights service. ~~¶~~

(2) If a person referred to in division (A) of this section voluntarily requests in writing that the legal rights service terminate participation in the person's case, such involvement shall cease.

(3) Persons described in divisions (A) and (B)(1) of this section who are represented by the legal rights service are clients of the legal rights service.

(C) Any person voluntarily hospitalized or institutionalized in a public hospital under division (A) of section 5122.02 of the Revised Code, after being fully informed of the person's rights under division (A) of this section, may, by written request, waive assistance by the legal rights service if the waiver is knowingly and intelligently made, without duress or coercion.

The waiver may be rescinded at any time by the voluntary patient or resident, or by the voluntary patient's or resident's legal guardian.

(D)(1) The legal rights service commission is hereby created for the purposes of appointing an administrator of the legal rights service, advising the administrator, assisting the administrator in developing a budget, advising the administrator in establishing and annually reviewing a strategic plan, creating a procedure for filing and determination of grievances against the legal rights service, and establishing general policy guidelines, including guidelines for the commencement of litigation, for the legal rights service. The commission may adopt rules to carry

these purposes into effect and may receive and act upon appeals of 50415
personnel decisions by the administrator. 50416

(2) The commission shall consist of seven members. One 50417
member, who shall serve as chairperson, shall be appointed by the 50418
chief justice of the supreme court, three members shall be 50419
appointed by the speaker of the house of representatives, and 50420
three members shall be appointed by the president of the senate. 50421
At least two members shall have experience in the field of 50422
developmental disabilities, and at least two members shall have 50423
experience in the field of mental health. No member shall be a 50424
provider or related to a provider of services to mentally 50425
retarded, developmentally disabled, or mentally ill persons. 50426

(3) Terms of office of the members of the commission shall be 50427
for three years, each term ending on the same day of the month of 50428
the year as did the term which it succeeds. Each member shall 50429
serve subsequent to the expiration of the member's term until a 50430
successor is appointed and qualifies, or until sixty days has 50431
elapsed, whichever occurs first. No member shall serve more than 50432
two consecutive terms. 50433

All vacancies in the membership of the commission shall be 50434
filled in the manner prescribed for regular appointments to the 50435
commission and shall be limited to the unexpired terms. 50436

(4) The commission shall meet at least four times each year. 50437
Members shall be reimbursed for their necessary and actual 50438
expenses incurred in the performance of their official duties. 50439

(5) The administrator of the legal rights service shall serve 50440
at the pleasure of the commission. 50441

~~The administrator shall be a person who has had special 50442
training and experience in the type of work with which the legal 50443
rights service is charged. If the administrator is not an 50444
attorney, the administrator shall seek legal counsel when 50445~~

~~appropriate~~ an attorney admitted to practice law in this state. 50446

The salary of the administrator shall be established in accordance 50447

with section 124.14 of the Revised Code. 50448

(E) The legal rights service shall be completely independent 50449

of the department of mental health and the department of mental 50450

retardation and developmental disabilities and, notwithstanding 50451

section 109.02 of the Revised Code, shall also be independent of 50452

the office of the attorney general. The administrator of the legal 50453

rights service, staff, and attorneys designated by the 50454

administrator to represent persons detained, hospitalized, or 50455

institutionalized under this chapter or Chapter 5122. of the 50456

Revised Code shall have ready access to the following: 50457

(1) During normal business hours and at other reasonable 50458

times, all records, except records of community residential 50459

facilities and records of contract agencies of county boards of 50460

mental retardation and developmental disabilities and boards of 50461

alcohol, drug addiction and mental health services, relating to 50462

expenditures of state and federal funds or to the commitment, 50463

care, treatment, and habilitation of all persons represented by 50464

the legal rights service, including those who may be represented 50465

pursuant to division (L) of this section, or persons detained, 50466

hospitalized, institutionalized, or receiving services under this 50467

chapter or Chapter 340., 5119., 5122., or 5126. of the Revised 50468

Code that are records maintained by the following entities 50469

providing services for those persons: departments; institutions; 50470

hospitals; ~~community residential facilities;~~ boards of alcohol, 50471

drug addiction, and mental health services; county boards of 50472

mental retardation and developmental disabilities; ~~contract~~ 50473

~~agencies of those boards;~~ and any other entity providing services 50474

to persons who may be represented by the service pursuant to 50475

division (L) of this section; 50476

(2) Any records maintained in computerized data banks of the 50477

departments or boards or, in the case of persons who may be 50478
represented by the service pursuant to division (L) of this 50479
section, any other entity that provides services to those persons; 50480

(3) During their normal working hours, personnel of the 50481
departments, facilities, boards, agencies, institutions, 50482
hospitals, and other service-providing entities; 50483

(4) At any time, all persons detained, hospitalized, or 50484
institutionalized; persons receiving services under this chapter 50485
or Chapter 340., 5119., 5122., or 5126. of the Revised Code; and 50486
persons who may be represented by the service pursuant to division 50487
(L) of this section. 50488

(5) Records of a community residential facility, a contract 50489
agency of a board of alcohol, drug addiction, and mental health 50490
services, or a contract agency of a county board of mental 50491
retardation and developmental disabilities with one of the 50492
following consents: 50493

(a) The consent of the person, including when the person is a 50494
minor or has been adjudicated incompetent; 50495

(b) The consent of the person's guardian of the person, if 50496
any, or the parent if the person is a minor; 50497

(c) No consent, if the person is unable to consent for any 50498
reason, and the guardian of the person, if any, or the parent of 50499
the minor, has refused to consent or has not responded to a 50500
request for consent and either of the following has occurred: 50501

(i) A complaint regarding the person has been received by the 50502
legal rights service; 50503

(ii) The legal rights service has determined that there is 50504
probable cause to believe that such person has been subjected to 50505
abuse or neglect. 50506

(F) The administrator of the legal rights service shall do 50507

- the following: 50508
- (1) Administer and organize the work of the legal rights 50509
service and establish administrative or geographic divisions as 50510
the administrator considers necessary, proper, and expedient; 50511
- (2) Adopt and promulgate rules that are not in conflict with 50512
rules adopted by the commission and prescribe duties for the 50513
efficient conduct of the business and general administration of 50514
the legal rights service; 50515
- (3) Appoint and discharge employees, and hire experts, 50516
consultants, advisors, or other professionally qualified persons 50517
as the administrator considers necessary to carry out the duties 50518
of the legal rights service; 50519
- (4) Apply for and accept grants of funds, and accept 50520
charitable gifts and bequests; 50521
- (5) Prepare and submit a budget to the general assembly for 50522
the operation of the legal rights service. At least thirty days 50523
prior to submitting the budget to the general assembly, the 50524
administrator shall provide a copy of the budget to the commission 50525
for review and comment. When submitting the budget to the general 50526
assembly, the administrator shall include a copy of any written 50527
comments returned by the commission to the administrator. 50528
- (6) Enter into contracts and make expenditures necessary for 50529
the efficient operation of the legal rights service; 50530
- (7) Annually prepare a report of activities and submit copies 50531
of the report to the governor, the chief justice of the supreme 50532
court, the president of the senate, the speaker of the house of 50533
representatives, the director of mental health, and the director 50534
of mental retardation and developmental disabilities, and make the 50535
report available to the public; 50536
- (8) Upon request of the commission or of the chairperson of 50537

the commission, report to the commission on specific litigation 50538
issues or activities. 50539

(G)(1) The legal rights service may act directly or contract 50540
with other organizations or individuals for the provision of the 50541
services envisioned under this section. 50542

(2) Whenever possible, the administrator shall attempt to 50543
facilitate the resolution of complaints through administrative 50544
channels. Subject to division (G)(3) of this section, if attempts 50545
at administrative resolution prove unsatisfactory, the 50546
administrator may pursue any legal, administrative, and other 50547
appropriate remedies or approaches that may be necessary to 50548
accomplish the purposes of this section. 50549

(3) The administrator may not pursue a class action lawsuit 50550
under division (G)(2) of this section when attempts at 50551
administrative resolution of a complaint prove unsatisfactory 50552
under that division unless both of the following have first 50553
occurred: 50554

(a) At least four members of the commission, by their 50555
affirmative vote, have consented to the pursuit of the class 50556
action lawsuit; 50557

(b) At least five members of the commission are present at 50558
the meeting of the commission at which that consent is obtained. 50559

(4) All records received or maintained by the legal rights 50560
service in connection with any investigation, representation, or 50561
other activity under this section shall be confidential and shall 50562
not be disclosed except as authorized by the person represented by 50563
the legal rights service or, subject to any privilege, a guardian 50564
of the person or parent of the minor. Subject to division (G)(5) 50565
of this section, relationships between personnel and the agents of 50566
the legal rights service and its clients shall be fiduciary 50567
relationships, and all communications shall be ~~confidential~~, 50568

privileged as if between attorney and client. 50569

(5) Any person who has been represented by the legal rights 50570
service or who has applied for and been denied representation and 50571
who files a grievance with the service concerning the 50572
representation or application may appeal the decision of the 50573
service on the grievance to the commission. The person may appeal 50574
notwithstanding any objections of the person's legal guardian. The 50575
commission may examine any records relevant to the appeal and 50576
shall maintain the confidentiality of any records that are 50577
required to be kept confidential. 50578

(H) The legal rights service, on the order of the 50579
administrator, with the approval by an affirmative vote of at 50580
least four members of the commission, may compel by subpoena the 50581
appearance and sworn testimony of any person the administrator 50582
reasonably believes may be able to provide information or to 50583
produce any documents, books, records, papers, or other 50584
information necessary to carry out its duties. On the refusal of 50585
any person to produce or authenticate any requested documents, the 50586
legal rights service may apply to the Franklin county court of 50587
common pleas to compel the production or authentication of 50588
requested documents. If the court finds that failure to produce or 50589
authenticate any requested documents was improper, the court may 50590
hold the person in contempt as in the case of disobedience of the 50591
requirements of a subpoena issued from the court, or a refusal to 50592
testify in the court. 50593

(I) The legal rights service may conduct public hearings. 50594

(J) The legal rights service may request from any 50595
governmental agency any cooperation, assistance, services, or data 50596
that will enable it to perform its duties. 50597

(K) In any malpractice action filed against the administrator 50598
of the legal rights service, a member of the staff of the legal 50599

rights service, or an attorney designated by the administrator to 50600
perform legal services under division (E) of this section, the 50601
state shall, when the administrator, member, or attorney has acted 50602
in good faith and in the scope of employment, indemnify the 50603
administrator, member, or attorney for any judgment awarded or 50604
amount negotiated in settlement, and for any court costs or legal 50605
fees incurred in defense of the claim. 50606

This division does not limit or waive, and shall not be 50607
construed to limit or waive, any defense that is available to the 50608
legal rights service, its administrator or employees, persons 50609
under a personal services contract with it, or persons designated 50610
under division (E) of this section, including, but not limited to, 50611
any defense available under section 9.86 of the Revised Code. 50612

(L) In addition to providing services to mentally ill, 50613
mentally retarded, or developmentally disabled persons, when a 50614
grant authorizing the provision of services to other individuals 50615
is accepted pursuant to division (F)(4) of this section, the legal 50616
rights service and its ombudsperson section may provide advocacy 50617
or ombudsperson services to those other individuals and exercise 50618
any other authority granted by this section or sections 5123.601 50619
to 5123.604 of the Revised Code on behalf of those individuals. 50620
Determinations of whether an individual is eligible for services 50621
under this division shall be made by the legal rights service. 50622

Sec. 5123.602. ~~The ombudsman~~ (A) Except as provided in 50623
division (B) of this section, the ombudsperson section of the 50624
legal rights service may, in order to carry out its duties under 50625
this chapter, make necessary inquiries and obtain information it 50626
considers necessary. ~~For those purposes~~ Upon receiving a complaint 50627
and in the course of conducting an investigation in accordance 50628
with division (B) of section 5123.601 of the Revised Code, the 50629
section shall have ready access to the premises and records of all 50630

providers of services to mentally retarded, developmentally disabled, or mentally ill persons and shall have the right to communicate in a private and confidential setting with any mentally retarded, developmentally disabled, or mentally ill persons, with their parents, guardians, or advocates, and with employees of any provider.

(B) Records held by community residential facilities, contract agencies of boards of alcohol, drug addiction, and mental health services, and contract agencies of county boards of mental retardation and developmental disabilities shall only be accessible by the ombudsperson section of the legal rights service in a situation as described in division (E)(5) of section 5123.60 of the Revised Code.

Sec. 5123.605. There is hereby created in the state treasury the program income fund. Revenue generated from settlements, gifts, donations, and other sources of legal rights service program income shall be credited to the fund. The program income fund shall be used to support legal rights service programs for purposes from which the income was derived and for the general support of legal rights service programs.

Sec. 5123.99. (A) Whoever violates section 5123.16 or 5123.20 of the Revised Code is guilty of a misdemeanor of the first degree.

(B) Whoever violates division (C), (E), or (G)(3) of section 5123.61 of the Revised Code is guilty of a misdemeanor of the fourth degree or, if the abuse or neglect constitutes a felony, a misdemeanor of the second degree. In addition to any other sanction or penalty authorized or required by law, if a person who is convicted of or pleads guilty to a violation of division (C), (E), or (G)(3) of section 5123.61 of the Revised Code is an MR/DD

employee, as defined in section 5123.50 of the Revised Code, the 50661
offender shall be eligible to be included in the registry 50662
regarding misappropriation, abuse, neglect, or other specified 50663
misconduct by MR/DD employees established under section 5123.52 of 50664
the Revised Code. 50665

(C) Whoever violates division (A) of section 5123.604 of the 50666
Revised Code is guilty of a misdemeanor of the second degree. 50667

(D) Whoever violates division (B) of section 5123.604 of the 50668
Revised Code shall be fined not more than one thousand dollars. 50669
Each violation constitutes a separate offense. 50670

Sec. 5126.038. (A)~~(1)~~ As used in this section, "professional 50671
services" means all of the following services provided on behalf 50672
of a county board of mental retardation and developmental 50673
disabilities, members or employees of a county board, or both: 50674

~~(a)~~(1) Lobbying and other governmental affairs services; 50675

~~(b)~~(2) Legal services other than the legal services provided 50676
by a county prosecutor or provided for the purpose of collective 50677
bargaining; 50678

~~(c)~~(3) Public relation services; 50679

~~(d)~~(4) Consulting services; 50680

~~(e)~~(5) Personnel training services, not including tuition or 50681
professional growth reimbursement programs for county board 50682
members or employees. 50683

~~(2) "Professional services" does not mean services provided 50684
pursuant to a service contract as defined in section 5126.035 of 50685
the Revised Code. 50686~~

(B) Each county board of mental retardation and developmental 50687
disabilities shall submit to the board of county commissioners of 50688
each county that is served by the county board, in accordance with 50689

the normal budget process and as part of its budget request, a 50690
list identifying the total expenditures projected for any of the 50691
following: 50692

(1) Any membership dues of the members or employees of the 50693
county board, in any organization, association, or other entity; 50694

(2) Any professional services of the county board, its 50695
members or employees, or both; 50696

(3) Any training of the members or employees of the county 50697
board. 50698

Sec. 5126.04. (A) Each county board of mental retardation and 50699
developmental disabilities shall plan and set priorities based on 50700
available resources for the provision of facilities, programs, and 50701
other services to meet the needs of county residents who are 50702
individuals with mental retardation and other developmental 50703
disabilities, former residents of the county residing in state 50704
institutions or placed under purchase of service agreements under 50705
section 5123.18 of the Revised Code, and children subject to a 50706
determination made pursuant to section 121.38 of the Revised Code. 50707

Each county board shall assess the facility and service needs 50708
of the individuals with mental retardation and other developmental 50709
disabilities who are residents of the county or former residents 50710
of the county residing in state institutions or placed under 50711
purchase of service agreements under section 5123.18 of the 50712
Revised Code. 50713

Each county board shall require individual habilitation or 50714
service plans for individuals with mental retardation and other 50715
developmental disabilities who are being served or who have been 50716
determined eligible for services and are awaiting the provision of 50717
services. Each board shall ensure that methods of having their 50718
service needs evaluated are available. 50719

(B) The department of mental retardation and developmental disabilities may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this section. To the extent that rules adopted under this section apply to the identification and placement of ~~handicapped~~ children with disabilities under Chapter 3323. of the Revised Code, the rules shall be consistent with the standards and procedures established under sections 3323.03 to 3323.05 of the Revised Code.

(C) The responsibility or authority of a county board to provide services under this chapter does not affect the responsibility of any other entity of state or local government to provide services to individuals with mental retardation and developmental disabilities.

(D) On or before the first day of February prior to a school year, a county board of mental retardation and developmental disabilities may elect not to participate during that school year in the provision of or contracting for educational services for children ages six through twenty-one years of age, provided that on or before that date the board gives notice of this election to the superintendent of public instruction, each school district in the county, and the educational service center serving the county. If a board makes this election, it shall not have any responsibility for or authority to provide educational services that school year for children ages six through twenty-one years of age. If a board does not make an election for a school year in accordance with this division, the board shall be deemed to have elected to participate during that school year in the provision of or contracting for educational services for children ages six through twenty-one years of age.

(E) If a county board of mental retardation and developmental disabilities elects to provide educational services during a school year to individuals six through twenty-one years of age who

are ~~multiply handicapped~~ have multiple disabilities, the board may 50752
provide these services to individuals who are appropriately 50753
identified and determined eligible pursuant to Chapter 3323. of 50754
the Revised Code, and in accordance with applicable rules of the 50755
state board of education. The county board may also provide 50756
related services to individuals six through twenty-one years of 50757
age who have one or more disabling conditions, in accordance with 50758
section 3317.20 and Chapter 3323. of the Revised Code and 50759
applicable rules of the state board of education. 50760

Sec. 5126.041. (A) As used in this section: 50761

(1) "Biological risk" and "environmental risk" have the 50762
meanings established pursuant to section 5123.011 of the Revised 50763
Code. 50764

(2) "~~Handicapped preschool~~ Preschool child with a disability" 50765
has the same meaning as in section 3323.01 of the Revised Code. 50766

(3) "State institution" means all or part of an institution 50767
under the control of the department of mental retardation and 50768
developmental disabilities pursuant to section 5123.03 of the 50769
Revised Code and maintained for the care, treatment, and training 50770
of the mentally retarded. 50771

(B) Except as provided in division (C) of this section, each 50772
county board of mental retardation and developmental disabilities 50773
shall make eligibility determinations in accordance with the 50774
definition of "developmental disability" in section 5126.01 of the 50775
Revised Code. Pursuant to rules the department of mental 50776
retardation and developmental disabilities shall adopt in 50777
accordance with Chapter 119. of the Revised Code, a county board 50778
may establish eligibility for programs and services for either of 50779
the following: 50780

(1) Individuals under age six who have a biological risk or 50781

environmental risk of a developmental delay; 50782

(2) Any ~~handicapped~~ preschool child with a disability 50783
eligible for services under section 3323.02 of the Revised Code 50784
whose ~~handicap~~ disability is not attributable solely to mental 50785
illness as defined in section 5122.01 of the Revised Code. 50786

(C)(1) A county board shall make determinations of 50787
eligibility for service and support administration in accordance 50788
with rules adopted under section 5126.08 of the Revised Code. 50789

(2) All persons who were eligible for services and enrolled 50790
in programs offered by a county board of mental retardation and 50791
developmental disabilities pursuant to this chapter on July 1, 50792
1991, shall continue to be eligible for those services and to be 50793
enrolled in those programs as long as they are in need of 50794
services. 50795

(3) A person who resided in a state institution on or before 50796
October 29, 1993, is eligible for programs and services offered by 50797
a county board of mental retardation and developmental 50798
disabilities, unless the person is determined by the county board 50799
not to be in need of those programs and services. 50800

(D) A county board shall refer a person who requests but is 50801
not eligible for programs and services offered by the board to 50802
other entities of state and local government or appropriate 50803
private entities that provide services. 50804

(E) Membership of a person on, or employment of a person by, 50805
a county board of mental retardation and developmental 50806
disabilities does not affect the eligibility of any member of that 50807
person's family for services provided by the board or by any 50808
entity under contract with the board. 50809

Sec. 5126.042. (A) As used in this section, "emergency" means 50810
any situation that creates for an individual with mental 50811

retardation or developmental disabilities a risk of substantial 50812
self-harm or substantial harm to others if action is not taken 50813
within thirty days. An "emergency" may include one or more of the 50814
following situations: 50815

(1) Loss of present residence for any reason, including legal 50816
action; 50817

(2) Loss of present caretaker for any reason, including 50818
serious illness of the caretaker, change in the caretaker's 50819
status, or inability of the caretaker to perform effectively for 50820
the individual; 50821

(3) Abuse, neglect, or exploitation of the individual; 50822

(4) Health and safety conditions that pose a serious risk to 50823
the individual or others of immediate harm or death; 50824

(5) Change in the emotional or physical condition of the 50825
individual that necessitates substantial accommodation that cannot 50826
be reasonably provided by the individual's existing caretaker. 50827

(B) If a county board of mental retardation and developmental 50828
disabilities determines that available resources are not 50829
sufficient to meet the needs of all individuals who request 50830
programs and services and may be offered the programs and 50831
services, it shall establish waiting lists for services. The board 50832
may establish priorities for making placements on its waiting 50833
lists according to an individual's emergency status and shall 50834
establish priorities in accordance with divisions (D) and (E) of 50835
this section. 50836

The individuals who may be placed on a waiting list include 50837
individuals with a need for services on an emergency basis and 50838
individuals who have requested services for which resources are 50839
not available. 50840

Except for an individual who is to receive priority for 50841

services pursuant to division (D)(3) of this section, an 50842
individual who currently receives a service but would like to 50843
change to another service shall not be placed on a waiting list 50844
but shall be placed on a service substitution list. The board 50845
shall work with the individual, service providers, and all 50846
appropriate entities to facilitate the change in service as 50847
expeditiously as possible. The board may establish priorities for 50848
making placements on its service substitution lists according to 50849
an individual's emergency status. 50850

In addition to maintaining waiting lists and service 50851
substitution lists, a board shall maintain a long-term service 50852
planning registry for individuals who wish to record their 50853
intention to request in the future a service they are not 50854
currently receiving. The purpose of the registry is to enable the 50855
board to document requests and to plan appropriately. The board 50856
may not place an individual on the registry who meets the 50857
conditions for receipt of services on an emergency basis. 50858

(C) A county board shall establish a separate waiting list 50859
for each of the following categories of services, and may 50860
establish separate waiting lists within the waiting lists: 50861

(1) Early childhood services; 50862

(2) Educational programs for preschool and school age 50863
children; 50864

(3) Adult services; 50865

(4) Service and support administration; 50866

(5) Residential services and supported living; 50867

(6) Transportation services; 50868

(7) Other services determined necessary and appropriate for 50869
persons with mental retardation or a developmental disability 50870
according to their individual habilitation or service plans; 50871

(8) Family support services provided under section 5126.11 of the Revised Code. 50872
50873

(D) Except as provided in division (G) of this section, a county board shall do, as priorities, all of the following in accordance with the assessment component, approved under section 5123.046 of the Revised Code, of the county board's plan developed under section 5126.054 of the Revised Code: 50874
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50876
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(1) For the purpose of obtaining additional federal medicaid funds for home and community-based services and medicaid case management services, do both of the following: 50879
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50881

(a) Give an individual who is eligible for home and community-based services and meets both of the following requirements priority over any other individual on a waiting list established under division (C) of this section for home and community-based services that include supported living, residential services, or family support services: 50882
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(i) Is twenty-two years of age or older; 50888

(ii) Receives supported living or family support services. 50889

(b) Give an individual who is eligible for home and community-based services and meets both of the following requirements priority over any other individual on a waiting list established under division (C) of this section for home and community-based services that include adult services: 50890
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(i) Resides in the individual's own home or the home of the individual's family and will continue to reside in that home after enrollment in home and community-based services; 50895
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50897

(ii) Receives adult services from the county board. 50898

(2) As federal medicaid funds become available pursuant to division (D)(1) of this section, give an individual who is eligible for home and community-based services and meets any of 50899
50900
50901

the following requirements priority for such services over any 50902
other individual on a waiting list established under division (C) 50903
of this section: 50904

(a) Does not receive residential services or supported 50905
living, either needs services in the individual's current living 50906
arrangement or will need services in a new living arrangement, and 50907
has a primary caregiver who is sixty years of age or older; 50908

(b) Is less than twenty-two years of age and has at least one 50909
of the following service needs that are unusual in scope or 50910
intensity: 50911

(i) Severe behavior problems for which a behavior support 50912
plan is needed; 50913

(ii) An emotional disorder for which anti-psychotic 50914
medication is needed; 50915

(iii) A medical condition that leaves the individual 50916
dependent on life-support medical technology; 50917

(iv) A condition affecting multiple body systems for which a 50918
combination of specialized medical, psychological, educational, or 50919
habilitation services are needed; 50920

(v) A condition the county board determines to be comparable 50921
in severity to any condition described in ~~division~~ divisions 50922
(D)(2)(b)(i) to (iv) of this section and places the individual at 50923
significant risk of institutionalization. 50924

(c) Is twenty-two years of age or older, does not receive 50925
residential services or supported living, and is determined by the 50926
county board to have intensive needs for home and community-based 50927
services on an in-home or out-of-home basis. 50928

(3) In fiscal years 2002 and 2003, give an individual who is 50929
eligible for home and community-based services, resides in an 50930
intermediate care facility for the mentally retarded or nursing 50931

facility, chooses to move to another setting with the help of home 50932
and community-based services, and has been determined by the 50933
department of mental retardation and developmental disabilities to 50934
be capable of residing in the other setting, priority over any 50935
other individual on a waiting list established under division (C) 50936
of this section for home and community-based services who does not 50937
meet these criteria. The department of mental retardation and 50938
developmental disabilities shall identify the individuals to 50939
receive priority under division (D)(3) of this section, assess the 50940
needs of the individuals, and notify the county boards that are to 50941
provide the individuals priority under division (D)(3) of this 50942
section of the individuals identified by the department and the 50943
individuals' assessed needs. 50944

(E) Except as provided in division (G) of this section and 50945
for a number of years and beginning on a date specified in rules 50946
adopted under division (K) of this section, a county board shall 50947
give an individual who is eligible for home and community-based 50948
services, resides in a nursing facility, and chooses to move to 50949
another setting with the help of home and community-based 50950
services, priority over any other individual on a waiting list 50951
established under division (C) of this section for home and 50952
community-based services who does not meet these criteria. 50953

(F) If two or more individuals on a waiting list established 50954
under division (C) of this section for home and community-based 50955
services have priority for the services pursuant to division 50956
(D)(1) or (2) or (E) of this section, a county board may use, 50957
until December 31, ~~2007~~ 2009, criteria specified in rules adopted 50958
under division (K)(2) of this section in determining the order in 50959
which the individuals with priority will be offered the services. 50960
Otherwise, the county board shall offer the home and 50961
community-based services to such individuals in the order they are 50962
placed on the waiting list. 50963

(G)(1) No individual may receive priority for services 50964
pursuant to division (D) or (E) of this section over an individual 50965
placed on a waiting list established under division (C) of this 50966
section on an emergency status. 50967

(2) No more than four hundred individuals in the state may 50968
receive priority for services during the ~~2006~~ 2008 and ~~2007~~ 2009 50969
biennium pursuant to division (D)(2)(b) of this section. 50970

(3) No more than a total of seventy-five individuals in the 50971
state may receive priority for services during state fiscal years 50972
2002 and 2003 pursuant to division (D)(3) of this section. 50973

(4) No more than forty individuals in the state may receive 50974
priority for services pursuant to division (E) of this section for 50975
each year that priority category is in effect as specified in 50976
rules adopted under division (K) of this section. 50977

(H) Prior to establishing any waiting list under this 50978
section, a county board shall develop and implement a policy for 50979
waiting lists that complies with this section and rules adopted 50980
under division (K) of this section. 50981

Prior to placing an individual on a waiting list, the county 50982
board shall assess the service needs of the individual in 50983
accordance with all applicable state and federal laws. The county 50984
board shall place the individual on the appropriate waiting list 50985
and may place the individual on more than one waiting list. The 50986
county board shall notify the individual of the individual's 50987
placement and position on each waiting list on which the 50988
individual is placed. 50989

At least annually, the county board shall reassess the 50990
service needs of each individual on a waiting list. If it 50991
determines that an individual no longer needs a program or 50992
service, the county board shall remove the individual from the 50993
waiting list. If it determines that an individual needs a program 50994

or service other than the one for which the individual is on the 50995
waiting list, the county board shall provide the program or 50996
service to the individual or place the individual on a waiting 50997
list for the program or service in accordance with the board's 50998
policy for waiting lists. 50999

When a program or service for which there is a waiting list 51000
becomes available, the county board shall reassess the service 51001
needs of the individual next scheduled on the waiting list to 51002
receive that program or service. If the reassessment demonstrates 51003
that the individual continues to need the program or service, the 51004
board shall offer the program or service to the individual. If it 51005
determines that an individual no longer needs a program or 51006
service, the county board shall remove the individual from the 51007
waiting list. If it determines that an individual needs a program 51008
or service other than the one for which the individual is on the 51009
waiting list, the county board shall provide the program or 51010
service to the individual or place the individual on a waiting 51011
list for the program or service in accordance with the board's 51012
policy for waiting lists. The county board shall notify the 51013
individual of the individual's placement and position on the 51014
waiting list on which the individual is placed. 51015

(I) A child subject to a determination made pursuant to 51016
section 121.38 of the Revised Code who requires the home and 51017
community-based services provided through a medicaid component 51018
that the department of mental retardation and developmental 51019
disabilities administers under section 5111.871 of the Revised 51020
Code shall receive services through that medicaid component. For 51021
all other services, a child subject to a determination made 51022
pursuant to section 121.38 of the Revised Code shall be treated as 51023
an emergency by the county boards and shall not be subject to a 51024
waiting list. 51025

(J) Not later than the fifteenth day of March of each 51026

even-numbered year, each county board shall prepare and submit to 51027
the director of mental retardation and developmental disabilities 51028
its recommendations for the funding of services for individuals 51029
with mental retardation and developmental disabilities and its 51030
proposals for reducing the waiting lists for services. 51031

(K)(1) The department of mental retardation and developmental 51032
disabilities shall adopt rules in accordance with Chapter 119. of 51033
the Revised Code governing waiting lists established under this 51034
section. The rules shall include procedures to be followed to 51035
ensure that the due process rights of individuals placed on 51036
waiting lists are not violated. 51037

(2) As part of the rules adopted under this division, the 51038
department shall adopt rules establishing criteria a county board 51039
may use under division (F) of this section in determining the 51040
order in which individuals with priority for home and 51041
community-based services will be offered the services. The rules 51042
shall also specify conditions under which a county board, when 51043
there is no individual with priority for home and community-based 51044
services pursuant to division (D)(1) or (2) or (E) of this section 51045
available and appropriate for the services, may offer the services 51046
to an individual on a waiting list for the services but not given 51047
such priority for the services. The rules adopted under division 51048
(K)(2) of this section shall cease to have effect December 31, 51049
~~2007~~ 2009. 51050

(3) As part of the rules adopted under this division, the 51051
department shall adopt rules specifying both of the following for 51052
the priority category established under division (E) of this 51053
section: 51054

(a) The number of years, which shall not exceed five, that 51055
the priority category will be in effect; 51056

(b) The date that the priority category is to go into effect. 51057

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

(1) Medicaid rules and regulations;

(2) Any specific requirements that may be contained within a medicaid state plan amendment or waiver program that a county board has authority to administer or with respect to which it has authority to provide services, programs, or supports.

Sec. 5126.046. (A) Each 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 habilitation, vocational, or community employment services provided as part of home and community-based services shall create a list of all persons and government entities eligible to provide such habilitation, vocational, or community employment services. If the county board chooses and is eligible to provide such habilitation, vocational, or community employment services, the county board shall include itself on the list. The county board shall make the list available to each individual with mental retardation or other developmental disability who resides in the county and is eligible for such habilitation, vocational, or community employment services. The county board shall also make the list available to such individuals' families.

An individual with mental retardation or other developmental disability who is eligible for habilitation, vocational, or community employment services may choose the provider of the services.

~~A county board that has medicaid local administrative authority under division (A) of section 5126.055 of the Revised Code for habilitation, vocational, and community employment services provided as part of home and community based services~~

~~shall pay the nonfederal share of the habilitation, vocational, and community employment services when required by section 5126.057 of the Revised Code. The department of mental retardation and developmental disabilities shall pay the nonfederal share of such habilitation, vocational, and community employment services when required by section 5123.047 of the Revised Code.~~

(B) Each month, the department of mental retardation and developmental disabilities shall create a list of all persons and government entities eligible to provide residential services and supported living. The department shall include on the list all residential facilities licensed under section 5123.19 of the Revised Code and all supported living providers certified under section ~~5126.431~~ 5123.161 of the Revised Code. The department shall distribute the monthly lists to county boards that have local administrative authority under division (A) of section 5126.055 of the Revised Code for residential services and supported living provided as part of home and community-based services. A county board that receives a list shall make it available to each individual with mental retardation or other developmental disability who resides in the county and is eligible for such residential services or supported living. The county board shall also make the list available to the families of those individuals.

An individual who is eligible for residential services or supported living may choose the provider of the residential services or supported living.

~~A county board that has medicaid local administrative authority under division (A) of section 5126.055 of the Revised Code for residential services and supported living provided as part of home and community based services shall pay the nonfederal share of the residential services and supported living when required by section 5126.057 of the Revised Code. The department~~

~~shall pay the nonfederal share of the residential services and supported living when required by section 5123.047 of the Revised Code.~~

(C) If a county board that has medicaid local administrative authority under division (A) of section 5126.055 of the Revised Code for home and community-based services violates the right established by this section of an individual to choose a provider that is qualified and willing to provide services to the individual, the individual shall receive timely notice that the individual may request a hearing under section 5101.35 of the Revised Code.

(D) The departments of mental retardation and developmental disabilities and job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code governing the implementation of this section. The rules shall include procedures for individuals to choose their service providers. The rules shall not be limited by a provider selection system established under section 5126.42 of the Revised Code, including any pool of providers created pursuant to a provider selection system.

Sec. 5126.05. (A) Subject to the rules established by the director of mental retardation and developmental disabilities pursuant to Chapter 119. of the Revised Code for programs and services offered pursuant to this chapter, and subject to the rules established by the state board of education pursuant to Chapter 119. of the Revised Code for programs and services offered pursuant to Chapter 3323. of the Revised Code, the county board of mental retardation and developmental disabilities shall:

(1) Administer and operate facilities, programs, and services as provided by this chapter and Chapter 3323. of the Revised Code and establish policies for their administration and operation;

(2) Coordinate, monitor, and evaluate existing services and

facilities available to individuals with mental retardation and	51152
developmental disabilities;	51153
(3) Provide early childhood services, supportive home	51154
services, and adult services, according to the plan and priorities	51155
developed under section 5126.04 of the Revised Code;	51156
(4) Provide or contract for special education services	51157
pursuant to Chapters 3317. and 3323. of the Revised Code and	51158
ensure that related services, as defined in section 3323.01 of the	51159
Revised Code, are available according to the plan and priorities	51160
developed under section 5126.04 of the Revised Code;	51161
(5) Adopt a budget, authorize expenditures for the purposes	51162
specified in this chapter and do so in accordance with section	51163
319.16 of the Revised Code, approve attendance of board members	51164
and employees at professional meetings and approve expenditures	51165
for attendance, and exercise such powers and duties as are	51166
prescribed by the director;	51167
(6) Submit annual reports of its work and expenditures,	51168
pursuant to sections 3323.09 and 5126.12 of the Revised Code, to	51169
the director, the superintendent of public instruction, and the	51170
board of county commissioners at the close of the fiscal year and	51171
at such other times as may reasonably be requested;	51172
(7) Authorize all positions of employment, establish	51173
compensation, including but not limited to salary schedules and	51174
fringe benefits for all board employees, approve contracts of	51175
employment for management employees that are for a term of more	51176
than one year, employ legal counsel under section 309.10 of the	51177
Revised Code, and contract for employee benefits;	51178
(8) Provide service and support administration in accordance	51179
with section 5126.15 of the Revised Code;	51180
(9) Certify respite care homes pursuant to rules adopted	51181
under section 5123.171 of the Revised Code by the director of	51182

mental retardation and developmental disabilities. 51183

(B) To the extent that rules adopted under this section apply 51184
to the identification and placement of ~~handicapped~~ children with 51185
disabilities under Chapter 3323. of the Revised Code, they shall 51186
be consistent with the standards and procedures established under 51187
sections 3323.03 to 3323.05 of the Revised Code. 51188

(C) Any county board may enter into contracts with other such 51189
boards and with public or private, nonprofit, or profit-making 51190
agencies or organizations of the same or another county, to 51191
provide the facilities, programs, and services authorized or 51192
required, upon such terms as may be agreeable, and in accordance 51193
with this chapter and Chapter 3323. of the Revised Code and rules 51194
adopted thereunder and in accordance with sections 307.86 and 51195
5126.071 of the Revised Code. 51196

(D) A county board may combine transportation for children 51197
and adults enrolled in programs and services offered under section 51198
5126.12 with transportation for children enrolled in classes 51199
funded under section 3317.20 or units approved under section 51200
3317.05 of the Revised Code. 51201

(E) A county board may purchase all necessary insurance 51202
policies, may purchase equipment and supplies through the 51203
department of administrative services or from other sources, and 51204
may enter into agreements with public agencies or nonprofit 51205
organizations for cooperative purchasing arrangements. 51206

(F) A county board may receive by gift, grant, devise, or 51207
bequest any moneys, lands, or property for the benefit of the 51208
purposes for which the board is established and hold, apply, and 51209
dispose of the moneys, lands, and property according to the terms 51210
of the gift, grant, devise, or bequest. All money received by 51211
gift, grant, bequest, or disposition of lands or property received 51212
by gift, grant, devise, or bequest shall be deposited in the 51213

county treasury to the credit of such board and shall be available 51214
for use by the board for purposes determined or stated by the 51215
donor or grantor, but may not be used for personal expenses of the 51216
board members. Any interest or earnings accruing from such gift, 51217
grant, devise, or bequest shall be treated in the same manner and 51218
subject to the same provisions as such gift, grant, devise, or 51219
bequest. 51220

(G) The board of county commissioners shall levy taxes and 51221
make appropriations sufficient to enable the county board of 51222
mental retardation and developmental disabilities to perform its 51223
functions and duties, and may utilize any available local, state, 51224
and federal funds for such purpose. 51225

Sec. 5126.054. (A) Each county board of mental retardation 51226
and developmental disabilities shall, by resolution, develop a 51227
three-calendar year plan that includes the following ~~four~~ three 51228
components: 51229

(1) An assessment component that includes all of the 51230
following: 51231

(a) The number of individuals with mental retardation or 51232
other developmental disability residing in the county who need the 51233
level of care provided by an intermediate care facility for the 51234
mentally retarded, may seek home and community-based services, are 51235
given priority for the services pursuant to division (D) of 51236
section 5126.042 of the Revised Code; the service needs of those 51237
individuals; and the projected annualized cost for services; 51238

(b) The source of funds available to the county board to pay 51239
the nonfederal share of medicaid expenditures that the county 51240
board is required by ~~division (A) of section 5126.057~~ sections 51241
5126.059 and 5126.0510 of the Revised Code to pay; 51242

(c) Any other applicable information or conditions that the 51243

department of mental retardation and developmental disabilities 51244
requires as a condition of approving the component under section 51245
5123.046 of the Revised Code. 51246

~~(2) A component that provides for the recruitment, training, 51247
and retention of existing and new direct care staff necessary to 51248
implement services included in individualized service plans, 51249
including behavior management services and health management 51250
services such as delegated nursing and other habilitation 51251
services, and protect the health and welfare of individuals 51252
receiving services included in the individual's individualized 51253
service plan by complying with safeguards for unusual and major 51254
unusual incidents, day to day program management, and other 51255
requirements the department shall identify. A county board shall 51256
develop this component in collaboration with providers of 51257
medicaid funded services with which the county board contracts. A 51258
county board shall include all of the following in the component:~~ 51259

~~(a) The source and amount of funds available for the 51260
component;~~ 51261

~~(b) A plan and timeline for implementing the component with 51262
the medicaid providers under contract with the county board;~~ 51263

~~(c) The mechanisms the county board shall use to ensure the 51264
financial and program accountability of the medicaid provider's 51265
implementation of the component.~~ 51266

~~(3) A preliminary implementation component that specifies the 51267
number of individuals to be provided, during the first year that 51268
the plan is in effect, home and community-based services pursuant 51269
to the priority given to them under divisions (D)(1) and (2) of 51270
section 5126.042 of the Revised Code and the types of home and 51271
community-based services the individuals are to receive;~~ 51272

~~(4)(3) A component that provides for the implementation of 51273
medicaid case management services and home and community-based 51274~~

services for individuals who begin to receive the services on or 51275
after the date the plan is approved under section 5123.046 of the 51276
Revised Code. A county board shall include all of the following in 51277
the component: 51278

(a) If the department of mental retardation and developmental 51279
disabilities or department of job and family services requires, an 51280
agreement to pay the nonfederal share of medicaid expenditures 51281
that the county board is required by ~~division (A) of section~~ 51282
~~5126.057~~ sections 5126.059 and 5126.0510 of the Revised Code to 51283
pay; 51284

(b) How the services are to be phased in over the period the 51285
plan covers, including how the county board will serve individuals 51286
on a waiting list established under division (C) of section 51287
5126.042 who are given priority status under division (D)(1) of 51288
that section; 51289

(c) Any agreement or commitment regarding the county board's 51290
funding of home and community-based services that the county board 51291
has with the department at the time the county board develops the 51292
component; 51293

(d) Assurances adequate to the department that the county 51294
board will comply with all of the following requirements: 51295

(i) To provide the types of home and community-based services 51296
specified in the preliminary implementation component required by 51297
division (A)~~(3)~~(2) of this section to at least the number of 51298
individuals specified in that component; 51299

(ii) To use any additional funds the county board receives 51300
for the services to improve the county board's resource 51301
capabilities for supporting such services available in the county 51302
at the time the component is developed and to expand the services 51303
to accommodate the unmet need for those services in the county; 51304

(iii) To employ a business manager who is either a new 51305

employee who has earned at least a bachelor's degree in business 51306
administration or a current employee who has the equivalent 51307
experience of a bachelor's degree in business administration. If 51308
the county board will employ a new employee, the county board 51309
shall include in the component a timeline for employing the 51310
employee. 51311

(iv) To employ or contract with a medicaid services manager 51312
who is either a new employee who has earned at least a bachelor's 51313
degree or a current employee who has the equivalent experience of 51314
a bachelor's degree. If the county board will employ a new 51315
employee, the county board shall include in the component a 51316
timeline for employing the employee. Two or three county boards 51317
that have a combined total enrollment in county board services not 51318
exceeding one thousand individuals as determined pursuant to 51319
certifications made under division (B) of section 5126.12 of the 51320
Revised Code may satisfy this requirement by sharing the services 51321
of a medicaid services manager or using the services of a medicaid 51322
services manager employed by or under contract with a regional 51323
council that the county boards establish under section 5126.13 of 51324
the Revised Code. 51325

~~(e) An agreement to comply with the method, developed by 51326
rules adopted under section 5123.0413 of the Revised Code, of 51327
paying for extraordinary costs, including extraordinary costs for 51328
services to individuals with mental retardation or other 51329
developmental disability, and ensuring the availability of 51330
adequate funds in the event a county property tax levy for 51331
services for individuals with mental retardation or other 51332
developmental disability fails;~~ 51333

~~(f)~~ Programmatic and financial accountability measures and 51334
projected outcomes expected from the implementation of the plan; 51335

~~(g)~~(f) Any other applicable information or conditions that 51336
the department requires as a condition of approving the component 51337

under section 5123.046 of the Revised Code. 51338

~~(B) For the purpose of obtaining the department's approval 51339
under section 5123.046 of the Revised Code of the plan the county 51340
board develops under division (A) of this section, a county board 51341
shall do all of the following: 51342~~

~~(1) Submit the components required by divisions (A)(1) and 51343
(2) of this section to the department not later than August 1, 51344
2001; 51345~~

~~(2) Submit the component required by division (A)(3) of this 51346
section to the department not later than January 31, 2002; 51347~~

~~(3) Submit the component required by division (A)(4) of this 51348
section to the department not later than July 1, 2002. 51349~~

~~(C) A county board whose plan developed under division (A) of 51350
this section is approved by the department under section 5123.046 51351
of the Revised Code shall update and renew the plan in accordance 51352
with a schedule the department shall develop. 51353~~

Sec. 5126.055. (A) Except as provided in section 5126.056 of 51354
the Revised Code, a county board of mental retardation and 51355
developmental disabilities has medicaid local administrative 51356
authority to, and shall, do all of the following for an individual 51357
with mental retardation or other developmental disability who 51358
resides in the county that the county board serves and seeks or 51359
receives home and community-based services: 51360

(1) Perform assessments and evaluations of the individual. As 51361
part of the assessment and evaluation process, the county board 51362
shall do all of the following: 51363

(a) Make a recommendation to the department of mental 51364
retardation and developmental disabilities on whether the 51365
department should approve or deny the individual's application for 51366
the services, including on the basis of whether the individual 51367

needs the level of care an intermediate care facility for the 51368
mentally retarded provides; 51369

(b) If the individual's application is denied because of the 51370
county board's recommendation and the individual requests a 51371
hearing under section 5101.35 of the Revised Code, present, with 51372
the department of mental retardation and developmental 51373
disabilities or department of job and family services, whichever 51374
denies the application, the reasons for the recommendation and 51375
denial at the hearing; 51376

(c) If the individual's application is approved, recommend to 51377
the departments of mental retardation and developmental 51378
disabilities and job and family services the services that should 51379
be included in the individual's individualized service plan and, 51380
if either department approves, reduces, denies, or terminates a 51381
service included in the individual's individualized service plan 51382
under section 5111.871 of the Revised Code because of the county 51383
board's recommendation, present, with the department that made the 51384
approval, reduction, denial, or termination, the reasons for the 51385
recommendation and approval, reduction, denial, or termination at 51386
a hearing under section 5101.35 of the Revised Code. 51387

(2) If the individual has been identified by the department 51388
of mental retardation and developmental disabilities as an 51389
individual to receive priority for home and community-based 51390
services pursuant to division (D)(3) of section 5126.042 of the 51391
Revised Code, assist the department in expediting the transfer of 51392
the individual from an intermediate care facility for the mentally 51393
retarded or nursing facility to the home and community-based 51394
services; 51395

(3) In accordance with the rules adopted under section 51396
5126.046 of the Revised Code, perform the county board's duties 51397
under that section regarding assisting the individual's right to 51398
choose a qualified and willing provider of the services and, at a 51399

hearing under section 5101.35 of the Revised Code, present 51400
evidence of the process for appropriate assistance in choosing 51401
providers; 51402

~~(4) Unless the county board provides the services under 51403
division (A)(5) of this section, contract with the person or 51404
government entity the individual chooses in accordance with 51405
section 5126.046 of the Revised Code to provide the services if 51406
the person or government entity is qualified and agrees to provide 51407
the services. The contract shall contain all the provisions 51408
required by section 5126.035 of the Revised Code and require the 51409
provider to agree to furnish, in accordance with the provider's 51410
medicaid provider agreement and for the authorized reimbursement 51411
rate, the services the individual requires. 51412~~

~~(5)~~ If the county board is certified under section ~~5123.16~~ 51413
5123.161 of the Revised Code to provide the services and agrees to 51414
provide the services to the individual and the individual chooses 51415
the county board to provide the services, furnish, in accordance 51416
with the county board's medicaid provider agreement and for the 51417
authorized reimbursement rate, the services the individual 51418
requires; 51419

~~(6)~~(5) Monitor the services provided to the individual and 51420
ensure the individual's health, safety, and welfare. The 51421
monitoring shall include quality assurance activities. If the 51422
county board provides the services, the department of mental 51423
retardation and developmental disabilities shall also monitor the 51424
services. 51425

~~(7)~~(6) Develop, with the individual and the provider of the 51426
individual's services, an effective individualized service plan 51427
that includes coordination of services, recommend that the 51428
departments of mental retardation and developmental disabilities 51429
and job and family services approve the plan, and implement the 51430
plan unless either department disapproves it; 51431

~~(8)~~(7) Have an investigative agent conduct investigations 51432
under section 5126.313 of the Revised Code that concern the 51433
individual; 51434

~~(9)~~(8) Have a service and support administrator perform the 51435
duties under division (B)(9) of section 5126.15 of the Revised 51436
Code that concern the individual. 51437

(B) A county board shall perform its medicaid local 51438
administrative authority under this section in accordance with all 51439
of the following: 51440

(1) The county board's plan that the department of mental 51441
retardation and developmental disabilities approves under section 51442
5123.046 of the Revised Code; 51443

(2) All applicable federal and state laws; 51444

(3) All applicable policies of the departments of mental 51445
retardation and developmental disabilities and job and family 51446
services and the United States department of health and human 51447
services; 51448

(4) The department of job and family services' supervision 51449
under its authority under section 5111.01 of the Revised Code to 51450
act as the single state medicaid agency; 51451

(5) The department of mental retardation and developmental 51452
disabilities' oversight. 51453

(C) The departments of mental retardation and developmental 51454
disabilities and job and family services shall communicate with 51455
and provide training to county boards regarding medicaid local 51456
administrative authority granted by this section. The 51457
communication and training shall include issues regarding audit 51458
protocols and other standards established by the United States 51459
department of health and human services that the departments 51460
determine appropriate for communication and training. County 51461

boards shall participate in the training. The departments shall 51462
assess the county board's compliance against uniform standards 51463
that the departments shall establish. 51464

(D) A county board may not delegate its medicaid local 51465
administrative authority granted under this section but may 51466
contract with a person or government entity, including a council 51467
of governments, for assistance with its medicaid local 51468
administrative authority. A county board that enters into such a 51469
contract shall notify the director of mental retardation and 51470
developmental disabilities. The notice shall include the tasks and 51471
responsibilities that the contract gives to the person or 51472
government entity. The person or government entity shall comply in 51473
full with all requirements to which the county board is subject 51474
regarding the person or government entity's tasks and 51475
responsibilities under the contract. The county board remains 51476
ultimately responsible for the tasks and responsibilities. 51477

(E) A county board that has medicaid local administrative 51478
authority under this section shall, through the departments of 51479
mental retardation and developmental disabilities and job and 51480
family services, reply to, and cooperate in arranging compliance 51481
with, a program or fiscal audit or program violation exception 51482
that a state or federal audit or review discovers. The department 51483
of job and family services shall timely notify the department of 51484
mental retardation and developmental disabilities and the county 51485
board of any adverse findings. After receiving the notice, the 51486
county board, in conjunction with the department of mental 51487
retardation and developmental disabilities, shall cooperate fully 51488
with the department of job and family services and timely prepare 51489
and send to the department a written plan of correction or 51490
response to the adverse findings. The county board is liable for 51491
any adverse findings that result from an action it takes or fails 51492
to take in its implementation of medicaid local administrative 51493

authority. 51494

(F) If the department of mental retardation and developmental 51495
disabilities or department of job and family services determines 51496
that a county board's implementation of its medicaid local 51497
administrative authority under this section is deficient, the 51498
department that makes the determination shall require that county 51499
board do the following: 51500

(1) If the deficiency affects the health, safety, or welfare 51501
of an individual with mental retardation or other developmental 51502
disability, correct the deficiency within twenty-four hours; 51503

(2) If the deficiency does not affect the health, safety, or 51504
welfare of an individual with mental retardation or other 51505
developmental disability, receive technical assistance from the 51506
department or submit a plan of correction to the department that 51507
is acceptable to the department within sixty days and correct the 51508
deficiency within the time required by the plan of correction. 51509

Sec. 5126.056. (A) The department of mental retardation and 51510
developmental disabilities shall take action under division (B) of 51511
this section against a county board of mental retardation and 51512
developmental disabilities if any of the following are the case: 51513

(1) The county board fails to submit to the department all 51514
the components of its three-year plan required by section 5126.054 51515
of the Revised Code ~~within the time required by division (B) of~~ 51516
~~that section.~~ 51517

(2) The department disapproves the county board's three-year 51518
plan under section 5123.046 of the Revised Code. 51519

(3) The county board fails, as required by division ~~(C)~~(B) of 51520
section 5126.054 of the Revised Code, to update and renew its 51521
three-year plan in accordance with a schedule the department 51522
develops under that section. 51523

(4) The county board fails to implement its initial or renewed three-year plan approved by the department. 51524
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(5) The county board fails to correct a deficiency within the time required by division (F) of section 5126.055 of the Revised Code to the satisfaction of the department. 51526
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(6) The county board fails to submit an acceptable plan of correction to the department within the time required by division (F)(2) of section 5126.055 of the Revised Code. 51529
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(B) If required by division (A) of this section to take action against a county board, the department shall issue an order terminating the county board's medicaid local administrative authority over all or part of home and community-based services, medicaid case management services, 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. 51532
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A county board whose medicaid local administrative authority is terminated may, not later than thirty days after the department issues the termination order, recommend to the department that another county board that has not had any of its medicaid local 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 51544
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is to administer. The other county board or entity shall be known 51556
as the contracting authority. 51557

If the department rejects the county board's recommendation 51558
regarding a contracting authority, the county board may appeal the 51559
rejection under section 5123.043 of the Revised Code. 51560

If the county board does not submit a recommendation to the 51561
department regarding a contracting authority within the required 51562
time or the department rejects the county board's recommendation 51563
and the rejection is upheld pursuant to an appeal, if any, under 51564
section 5123.043 of the Revised Code, the department shall appoint 51565
an administrative receiver to administer the services for which 51566
the county board's medicaid local administrative authority is 51567
terminated. To the extent necessary for the department to appoint 51568
an administrative receiver, the department may utilize employees 51569
of the department, management personnel from another county board, 51570
or other individuals who are not employed by or affiliated with in 51571
any manner a person that provides home and community-based 51572
services or medicaid case management services pursuant to a 51573
contract with any county board. The administrative receiver shall 51574
assume full administrative responsibility for the county board's 51575
services for which the county board's medicaid local 51576
administrative authority is terminated. 51577

The contracting authority or administrative receiver shall 51578
develop and submit to the department a plan of correction to 51579
remediate the problems that caused the department to issue the 51580
termination order. If, after reviewing the plan, the department 51581
approves it, the contracting authority or administrative receiver 51582
shall implement the plan. 51583

The county board shall transfer control of state and federal 51584
funds it is otherwise eligible to receive for the services for 51585
which the county board's medicaid local administrative authority 51586
is terminated and funds the county board may use under division 51587

~~(B)~~(A) of section ~~5126.057~~ 5126.0511 of the Revised Code to pay 51588
the nonfederal share of the services that the county board is 51589
required by ~~division (A) of that section~~ sections 5126.059 and 51590
5126.0510 of the Revised Code to pay. The county board shall 51591
transfer control of the funds to the contracting authority or 51592
administrative receiver administering the services. The amount the 51593
county board shall transfer shall be the amount necessary for the 51594
contracting authority or administrative receiver to fulfill its 51595
duties in administering the services, including its duties to pay 51596
its personnel for time worked, travel, and related matters. If the 51597
county board fails to make the transfer, the department may 51598
withhold the state and federal funds from the county board and 51599
bring a mandamus action against the county board in the court of 51600
common pleas of the county served by the county board or in the 51601
Franklin county court of common pleas. The mandamus action may not 51602
require that the county board transfer any funds other than the 51603
funds the county board is required by division (B) of this section 51604
to transfer. 51605

The contracting authority or administrative receiver has the 51606
right to authorize the payment of bills in the same manner that 51607
the county board may authorize payment of bills under this chapter 51608
and section 319.16 of the Revised Code. 51609

Sec. 5126.059. A county board of mental retardation and 51610
developmental disabilities shall pay the nonfederal share of 51611
medicaid expenditures for medicaid case management services the 51612
county board provides to an individual with mental retardation or 51613
other developmental disability who the county board determines 51614
under section 5126.041 of the Revised Code is eligible for county 51615
board services. 51616

Sec. 5126.0510. (A) Except as otherwise provided in an 51617
agreement entered into under section 5123.048 of the Revised Code 51618

and subject to divisions (B), (C), and (D) of this section, a 51619
county board of mental retardation and developmental disabilities 51620
shall pay the nonfederal share of medicaid expenditures for the 51621
following home and community-based services provided to an 51622
individual with mental retardation or other developmental 51623
disability who the county board determines under section 5126.041 51624
of the Revised Code is eligible for county board services: 51625

(1) Home and community-based services provided by the county 51626
board to such an individual; 51627

(2) Home and community-based services provided by a provider 51628
other than the county board to such an individual who is enrolled 51629
as of June 30, 2007, in the medicaid waiver component under which 51630
the services are provided; 51631

(3) Home and community-based services provided by a provider 51632
other than the county board to such an individual who, pursuant to 51633
a request the county board makes, enrolls in the medicaid waiver 51634
component under which the services are provided after June 30, 51635
2007; 51636

(4) Home and community-based services provided by a provider 51637
other than the county board to such an individual for whom there 51638
is in effect an agreement entered into under division (E) of this 51639
section between the county board and director of mental 51640
retardation and developmental disabilities. 51641

(B) In the case of medicaid expenditures for home and 51642
community-based services for which division (A)(2) of this section 51643
requires a county board to pay the nonfederal share, the following 51644
shall apply to such services provided during fiscal year 2008 51645
under the individual options medicaid waiver component: 51646

(1) The county board shall pay no less than the total amount 51647
the county board paid as the nonfederal share for home and 51648
community-based services provided in fiscal year 2007 under the 51649

individual options medicaid waiver component; 51650

(2) The county board shall pay no more than the sum of the 51651
following: 51652

(a) The total amount the county board paid as the nonfederal 51653
share for home and community-based services provided in fiscal 51654
year 2007 under the individual options medicaid waiver component; 51655

(b) An amount equal to one per cent of the total amount the 51656
department of mental retardation and developmental disabilities 51657
and county board paid as the nonfederal share for home and 51658
community-based services provided in fiscal year 2007 under the 51659
individual options medicaid waiver component to individuals the 51660
county board determined under section 5126.041 of the Revised Code 51661
are eligible for county board services. 51662

(C) A county board is not required to pay the nonfederal 51663
share of home and community-based services provided after June 30, 51664
2008, that the county board is otherwise required by division 51665
(A)(2) of this section to pay if the department of mental 51666
retardation and developmental disabilities fails to comply with 51667
division (A) of section 5123.0416 of the Revised Code. 51668

(D) A county board is not required to pay the nonfederal 51669
share of home and community-based services that the county board 51670
is otherwise required by division (A)(3) of this section to pay if 51671
both of the following apply: 51672

(1) The services are provided to an individual who enrolls in 51673
the medicaid waiver component under which the services are 51674
provided as the result of an order issued following a state 51675
hearing, administrative appeal, or appeal to a court of common 51676
pleas made under section 5101.35 of the Revised Code; 51677

(2) There are more individuals who are eligible for services 51678
from the county board enrolled in the medicaid waiver component 51679
than is required by section 5126.0512 of the Revised Code. 51680

(E) A county board may enter into an agreement with the 51681
director of mental retardation and developmental disabilities 51682
under which the county board agrees to pay the nonfederal share of 51683
medicaid expenditures for one or more home and community-based 51684
services that the county board is not otherwise required by 51685
division (A)(1), (2), or (3) of this section to pay and that are 51686
provided to an individual the county board determines under 51687
section 5126.041 of the Revised Code is eligible for county board 51688
services. The agreement shall specify which home and 51689
community-based services the agreement covers. The county board 51690
shall pay the nonfederal share of medicaid expenditures for the 51691
home and community-based services that the agreement covers as 51692
long as the agreement is in effect. 51693

Sec. 5126.057 5126.0511. ~~(A) A county board of mental~~ 51694
~~retardation and developmental disabilities that has medicaid local~~ 51695
~~administrative authority under division (A) of section 5126.055 of~~ 51696
~~the Revised Code for home and community based services shall pay~~ 51697
~~the nonfederal share of medicaid expenditures for such services~~ 51698
~~provided to an individual with mental retardation or other~~ 51699
~~developmental disability who the county board determines under~~ 51700
~~section 5126.041 of the Revised Code is eligible for county board~~ 51701
~~services unless division (B)(2) or (3) of section 5123.047 of the~~ 51702
~~Revised Code requires the department of mental retardation and~~ 51703
~~developmental disabilities to pay the nonfederal share.~~ 51704

~~A county board that provides medicaid case management~~ 51705
~~services shall pay the nonfederal share of medicaid expenditures~~ 51706
~~for such services provided to an individual with mental~~ 51707
~~retardation or other developmental disability who the county board~~ 51708
~~determines under section 5126.041 of the Revised Code is eligible~~ 51709
~~for county board services.~~ 51710

~~(B) A county board of mental retardation and developmental~~ 51711

disabilities may use the following funds to pay the nonfederal 51712
share of the ~~services~~ medicaid expenditures that the county board 51713
is required by ~~division (A)~~ sections 5126.059 and 5126.0510 of 51714
~~this section~~ the Revised Code to pay: 51715

(1) To the extent consistent with the levy that generated the 51716
taxes, the following taxes: 51717

(a) Taxes levied pursuant to division (L) of section 5705.19 51718
of the Revised Code and section 5705.222 of the Revised Code; 51719

(b) Taxes levied under section 5705.191 of the Revised Code 51720
that the board of county commissioners allocates to the county 51721
board ~~to pay the nonfederal share of the services.~~ 51722

(2) Funds that the department of mental retardation and 51723
developmental disabilities distributes to the county board under 51724
sections 5126.11, ~~5126.12, 5126.15,~~ and 5126.18, ~~and 5126.44~~ of 51725
the Revised Code; 51726

(3) Earned federal revenue funds the county board receives 51727
for medicaid services the county board provides pursuant to the 51728
county board's valid medicaid provider agreement; 51729

(4) Funds that the department of mental retardation and 51730
developmental disabilities distributes to the county board as 51731
subsidy payments; 51732

(5) In the case of medicaid expenditures for home and 51733
community-based services, funds allocated to or otherwise made 51734
available for the county board under section 5123.0416 of the 51735
Revised Code to pay the nonfederal share of such medicaid 51736
expenditures. 51737

~~(C) If by December 31, 2001, the United States secretary of 51738
health and human services approves at least five hundred more 51739
slots for home and community based services for calendar year 2002 51740
than were available for calendar year 2001, each county board 51741~~

~~shall provide, by the last day of calendar year 2001, assurances 51742
to the department of mental retardation and developmental 51743
disabilities that the county board will have for calendar year 51744
2002 at least one third of the value of one half, effective mill 51745
levied in the county the preceding year available to pay the 51746
nonfederal share of the services that the county board is required 51747
by division (A) of this section to pay. 51748~~

~~If by December 31, 2002, the United States secretary approves 51749
at least five hundred more slots for home and community based 51750
services for calendar year 2003 than were available for calendar 51751
year 2002, each county board shall provide, by the last day of 51752
calendar year 2002, assurances to the department that the county 51753
board will have for calendar year 2003 at least two thirds of the 51754
value of one half, effective mill levied in the county the 51755
preceding year available to pay the nonfederal share of the 51756
services that the county board is required by division (A) of this 51757
section to pay. 51758~~

~~If by December 31, 2003, the United States secretary approves 51759
at least five hundred more slots for home and community based 51760
services for calendar year 2004 than were available for calendar 51761
year 2003, each county board shall provide, by the last day of 51762
calendar year 2003 and each calendar year thereafter, assurances 51763
to the department that the county board will have for calendar 51764
year 2004 and each calendar year thereafter at least the value of 51765
one half, effective mill levied in the county the preceding year 51766
available to pay the nonfederal share of the services that the 51767
county board is required by division (A) of this section to pay. 51768~~

~~(D) Each year, each county board shall adopt a resolution 51769
specifying the amount of funds it will use in the next year to pay 51770
the nonfederal share of the services medicaid expenditures that 51771
the county board is required by ~~division (A) of this section~~ 51772
sections 5126.059 and 5126.0510 of the Revised Code to pay. The 51773~~

amount specified shall be adequate to assure that the services for 51774
which the medicaid expenditures are made will be available in the 51775
county in a manner that conforms to all applicable state and 51776
federal laws. A county board shall state in its resolution that 51777
the payment of the nonfederal share represents an ongoing 51778
financial commitment of the county board. A county board shall 51779
adopt the resolution in time for the county auditor to make the 51780
determination required by division ~~(E)~~(C) of this section. 51781

~~(E)~~(C) Each year, a county auditor shall determine whether 51782
the amount of funds a county board specifies in the resolution it 51783
adopts under division ~~(D)~~(B) of this section will be available in 51784
the following year for the county board to pay the nonfederal 51785
share of the ~~services~~ medicaid expenditures that the county board 51786
is required by ~~division (A) of this section~~ sections 5126.059 and 51787
5126.0510 of the Revised Code to pay. The county auditor shall 51788
make the determination not later than the last day of the year 51789
before the year in which the funds are to be used. 51790

Sec. 5126.0512. (A) As used in this section, "medicaid waiver 51791
component" means a medicaid waiver component as defined in section 51792
5111.85 of the Revised Code under which home and community-based 51793
services are provided. 51794

(B) Effective July 1, 2007, each county board of mental 51795
retardation and developmental disabilities shall ensure, for each 51796
medicaid waiver component, that the number of individuals eligible 51797
under section 5126.041 of the Revised Code for services from the 51798
county board who are enrolled in a medicaid waiver component is no 51799
less than the sum of the following: 51800

(1) The number of individuals eligible for services from the 51801
county board who are enrolled in the medicaid waiver component on 51802
June 30, 2007; 51803

(2) The number of medicaid waiver component slots the county 51804

board requested before July 1, 2007, that were assigned to the 51805
county board before that date but in which no individual was 51806
enrolled before that date. 51807

(C) An individual enrolled in a medicaid waiver component 51808
after March 1, 2007, due to an emergency reserve capacity waiver 51809
assignment shall not be counted in determining the number of 51810
individuals a county board must ensure under division (B) of this 51811
section are enrolled in a medicaid waiver component. 51812

(D) An individual who is enrolled in a medicaid waiver 51813
component to comply with the terms of the consent order filed 51814
March 5, 2007, in *Martin v. Strickland*, Case No. 89-CV-00362, in 51815
the United States district court for the southern district of 51816
Ohio, eastern division, shall be excluded in determining whether a 51817
county board has complied with division (B) of this section. 51818

(E) A county board shall make as many requests for 51819
individuals to be enrolled in a medicaid waiver component as 51820
necessary for the county board to comply with division (B) of this 51821
section. 51822

Sec. 5126.06. (A) Except as provided in division (B) of this 51823
section ~~and section 5126.036 of the Revised Code~~, any person who 51824
has a complaint involving any of the programs, services, policies, 51825
or administrative practices of a county board of mental 51826
retardation and developmental disabilities or any of the entities 51827
under contract with the county board, may file a complaint with 51828
the board. Prior to commencing a civil action regarding the 51829
complaint, a person shall attempt to have the complaint resolved 51830
through the administrative resolution process established in the 51831
rules adopted under section 5123.043 of the Revised Code. After 51832
exhausting the administrative resolution process, the person may 51833
commence a civil action if the complaint is not settled to the 51834
person's satisfaction. 51835

(B) An employee of a county board may not file under this 51836
section a complaint related to the terms and conditions of 51837
employment of the employee. 51838

Sec. 5126.12. (A) As used in this section: 51839

(1) "Approved school age class" means a class operated by a 51840
county board of mental retardation and developmental disabilities 51841
and funded by the department of education under section 3317.20 of 51842
the Revised Code. 51843

(2) "Approved preschool unit" means a class or unit operated 51844
by a county board of mental retardation and developmental 51845
disabilities and approved under division (B) of section 3317.05 of 51846
the Revised Code. 51847

(3) "Active treatment" means a continuous treatment program, 51848
which includes aggressive, consistent implementation of a program 51849
of specialized and generic training, treatment, health services, 51850
and related services, that is directed toward the acquisition of 51851
behaviors necessary for an individual with mental retardation or 51852
other developmental disability to function with as much 51853
self-determination and independence as possible and toward the 51854
prevention of deceleration, regression, or loss of current optimal 51855
functional status. 51856

(4) "Eligible for active treatment" means that an individual 51857
with mental retardation or other developmental disability resides 51858
in an intermediate care facility for the mentally retarded 51859
certified under Title XIX of the "Social Security Act," 79 Stat. 51860
286 (1965), 42 U.S.C. 1396, as amended; resides in a state 51861
institution operated by the department of mental retardation and 51862
developmental disabilities; or is enrolled in home and 51863
community-based services. 51864

(5) "Traditional adult services" means vocational and 51865

nonvocational activities conducted within a sheltered workshop or 51866
adult activity center or supportive home services. 51867

(B) Each county board of mental retardation and developmental 51868
disabilities shall certify to the director of mental retardation 51869
and developmental disabilities all of the following: 51870

(1) On or before the fifteenth day of October, the average 51871
daily membership for the first full week of programs and services 51872
during October receiving: 51873

(a) Early childhood services provided pursuant to section 51874
5126.05 of the Revised Code for children who are less than three 51875
years of age on the thirtieth day of September of the academic 51876
year; 51877

(b) Special education for ~~handicapped~~ children with 51878
disabilities in approved school age classes; 51879

(c) Adult services for persons sixteen years of age and older 51880
operated pursuant to section 5126.05 and division (B) of section 51881
5126.051 of the Revised Code. Separate counts shall be made for 51882
the following: 51883

(i) Persons enrolled in traditional adult services who are 51884
eligible for but not enrolled in active treatment; 51885

(ii) Persons enrolled in traditional adult services who are 51886
eligible for and enrolled in active treatment; 51887

(iii) Persons enrolled in traditional adult services but who 51888
are not eligible for active treatment; 51889

(iv) Persons participating in community employment services. 51890
To be counted as participating in community employment services, a 51891
person must have spent an average of no less than ten hours per 51892
week in that employment during the preceding six months. 51893

(d) Other programs in the county for individuals with mental 51894
retardation and developmental disabilities that have been approved 51895

for payment of subsidy by the department of mental retardation and 51896
developmental disabilities. 51897

The membership in each such program and service in the county 51898
shall be reported on forms prescribed by the department of mental 51899
retardation and developmental disabilities. 51900

The department of mental retardation and developmental 51901
disabilities shall adopt rules defining full-time equivalent 51902
enrollees and for determining the average daily membership 51903
therefrom, except that certification of average daily membership 51904
in approved school age classes shall be in accordance with rules 51905
adopted by the state board of education. The average daily 51906
membership figure shall be determined by dividing the amount 51907
representing the sum of the number of enrollees in each program or 51908
service in the week for which the certification is made by the 51909
number of days the program or service was offered in that week. No 51910
enrollee may be counted in average daily membership for more than 51911
one program or service. 51912

(2) By the fifteenth day of December, the number of children 51913
enrolled in approved preschool units on the first day of December; 51914

(3) On or before the thirtieth day of ~~March~~ April, an 51915
itemized report of all income and operating expenditures for the 51916
immediately preceding calendar year, in the format specified by 51917
the department of mental retardation and developmental 51918
disabilities; 51919

~~(4) By the fifteenth day of February, a report of the total 51920
annual cost per enrollee for operation of programs and services in 51921
the preceding calendar year. The report shall include a grand 51922
total of all programs operated, the cost of the individual 51923
programs, and the sources of funds applied to each program. 51924~~

~~(5) That each required certification and report is in 51925
accordance with rules established by the department of mental 51926~~

retardation and developmental disabilities and the state board of 51927
education for the operation and subsidization of the programs and 51928
services. 51929

~~(C) To compute payments under this section to the board for 51930
the fiscal year, the department of mental retardation and 51931
developmental disabilities shall use the certification of average 51932
daily membership required by division (B)(1) of this section 51933
exclusive of the average daily membership in any approved school 51934
age class and the number in any approved preschool unit. 51935~~

~~(D) The department shall pay each county board for each 51936
fiscal year an amount equal to nine hundred fifty dollars times 51937
the certified number of persons who on the first day of December 51938
of the academic year are under three years of age and are not in 51939
an approved preschool unit. For persons who are at least age 51940
sixteen and are not in an approved school age class, the 51941
department shall pay each county board for each fiscal year the 51942
following amounts: 51943~~

~~(1) One thousand dollars times the certified average daily 51944
membership of persons enrolled in traditional adult services who 51945
are eligible for but not enrolled in active treatment; 51946~~

~~(2) One thousand two hundred dollars times the certified 51947
average daily membership of persons enrolled in traditional adult 51948
services who are eligible for and enrolled in active treatment; 51949~~

~~(3) No less than one thousand five hundred dollars times the 51950
certified average daily membership of persons enrolled in 51951
traditional adult services but who are not eligible for active 51952
treatment; 51953~~

~~(4) No less than one thousand five hundred dollars times the 51954
certified average daily membership of persons participating in 51955
community employment services. 51956~~

~~(E) The department shall distribute this subsidy to county 51957~~

~~boards in quarterly installments of equal amounts. The 51958
installments shall be made not later than the thirtieth day of 51959
September, the thirty first day of December, the thirty first day 51960
of March, and the thirtieth day of June. 51961~~

~~(F) The director of mental retardation and developmental 51962
disabilities shall make efforts to obtain increases in the 51963
subsidies for early childhood services and adult services so that 51964
the amount of the subsidies is equal to at least fifty per cent of 51965
the statewide average cost of those services minus any applicable 51966
federal reimbursements for those services. The director shall 51967
advise the director of budget and management of the need for any 51968
such increases when submitting the biennial appropriations request 51969
for the department. 51970~~

~~(G) In determining the reimbursement of a county board for 51971
the provision of service and support administration, family 51972
support services, and other services required or approved by the 51973
director for which children three through twenty one years of age 51974
are eligible, the department shall include the average daily 51975
membership in approved school age or preschool units. The 51976
department, in accordance with this section and upon receipt and 51977
approval of the certification required by this section and any 51978
other information it requires to enable it to determine a board's 51979
payments, shall pay the agency providing the specialized training 51980
the amounts payable under this section. 51981~~

Sec. 5126.15. (A) A county board of mental retardation and 51983
developmental disabilities shall provide service and support 51984
administration to each individual three years of age or older who 51985
is eligible for service and support administration if the 51986
individual requests, or a person on the individual's behalf 51987
requests, service and support administration. A board shall 51988
provide service and support administration to each individual 51989

receiving home and community-based services. A board may provide, 51990
in accordance with the service coordination requirements of 34 51991
C.F.R. 303.23, service and support administration to an individual 51992
under three years of age eligible for early intervention services 51993
under 34 C.F.R. part 303. A board may provide service and support 51994
administration to an individual who is not eligible for other 51995
services of the board. Service and support administration shall be 51996
provided in accordance with rules adopted under section 5126.08 of 51997
the Revised Code. 51998

A board may provide service and support administration by 51999
directly employing service and support administrators or by 52000
contracting with entities for the performance of service and 52001
support administration. Individuals employed or under contract as 52002
service and support administrators shall not be in the same 52003
collective bargaining unit as employees who perform duties that 52004
are not administrative. 52005

Individuals employed by a board as service and support 52006
administrators shall not be assigned responsibilities for 52007
implementing other services for individuals and shall not be 52008
employed by or serve in a decision-making or policy-making 52009
capacity for any other entity that provides programs or services 52010
to individuals with mental retardation or developmental 52011
disabilities. An individual employed as a conditional status 52012
service and support administrator shall perform the duties of 52013
service and support administration only under the supervision of a 52014
management employee who is a service and support administration 52015
supervisor. 52016

(B) The individuals employed by or under contract with a 52017
board to provide service and support administration shall do all 52018
of the following: 52019

(1) Establish an individual's eligibility for the services of 52020
the county board of mental retardation and developmental 52021

disabilities;	52022
(2) Assess individual needs for services;	52023
(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;	52024 52025 52026 52027 52028 52029 52030
(4) Establish budgets for services based on the individual's assessed needs and preferred ways of meeting those needs;	52031 52032
(5) Assist individuals in making selections from among the providers they have chosen;	52033 52034
(6) Ensure that services are effectively coordinated and provided by appropriate providers;	52035 52036
(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;	52037 52038 52039 52040
(8) Perform quality assurance reviews as a distinct function of service and support administration;	52041 52042
(9) Incorporate the results of quality assurance reviews and identified trends and patterns of unusual incidents and major unusual incidents into amendments of an individual's service plan for the purpose of improving and enhancing the quality and appropriateness of services rendered to the individual;	52043 52044 52045 52046 52047
(10) Ensure that each individual receiving services has a designated person who is responsible on a continuing basis for providing the individual with representation, advocacy, advice, and assistance related to the day-to-day coordination of services	52048 52049 52050 52051

in accordance with the individual's service plan. The service and 52052
support administrator shall give the individual receiving services 52053
an opportunity to designate the person to provide daily 52054
representation. If the individual declines to make a designation, 52055
the administrator shall make the designation. In either case, the 52056
individual receiving services may change at any time the person 52057
designated to provide daily representation. 52058

~~(C) Subject to available funds, the department of mental 52059
retardation and developmental disabilities shall pay a county 52060
board an annual subsidy for service and support administration. 52061
The amount of the subsidy shall be equal to the greater of twenty 52062
thousand dollars or two hundred dollars times the board's 52063
certified average daily membership. The payments shall be made in 52064
quarterly installments of equal amounts, which shall be made no 52065
later than the thirtieth day of September, the thirty first day of 52066
December, the thirty first day of March, and the thirtieth day of 52067
June. Funds received shall be used solely for service and support 52068
administration. 52069~~

Sec. 5126.18. (A) As used in this section: 52071

(1) "County board" means a county board of mental retardation 52072
and developmental disabilities. 52073

(2) Notwithstanding section 5126.01 of the Revised Code, 52074
"adult services" means the following services, as they are 52075
identified on individual information forms submitted by county 52076
boards to the department of mental retardation and developmental 52077
disabilities ~~for the purpose of subsidies paid to county boards 52078
under section 5126.12 of the Revised Code,~~ provided to an 52079
individual with mental retardation or other developmental 52080
disability who is at least twenty-two years of age: 52081

(a) Assessment; 52082

(b) Home service;	52083
(c) Adult program;	52084
(d) Community employment services;	52085
(e) Retirement.	52086
(3) "Adult services enrollment" means a county board's	52087
average daily membership in adult services, exclusive of such	52088
services provided to individuals served solely through service and	52089
support administration provided pursuant to section 5126.15 of the	52090
Revised Code or family support services provided pursuant to	52091
section 5126.11 of the Revised Code.	52092
(4) "Taxable value" means the taxable value of a county board	52093
certified under division (B)(1) of this section.	52094
(5) "Per-mill yield" of a county board means the quotient	52095
obtained by dividing (a) the taxable value of the county board by	52096
(b) one thousand.	52097
(6) "Local adult services cost" means a county board's	52098
expenditures for adult services, excluding all federal and state	52099
reimbursements and subsidy allocations received by such boards and	52100
expended for such services, as certified under section 5126.12 of	52101
the Revised Code.	52102
(7) "Statewide average millage" means one thousand multiplied	52103
by the quotient obtained by dividing (a) the total of the local	52104
adult services costs of all county boards by (b) the total of the	52105
taxable values of all county boards.	52106
(8) "County yield" of a county board means the product	52107
obtained by multiplying (a) the statewide average millage by (b)	52108
the per-mill yield of the county board.	52109
(9) "County yield per enrollee" of a county board means the	52110
quotient obtained by dividing (a) the county yield of the county	52111
board by (b) the adult enrollment of the county board.	52112

(10) "Statewide yield per enrollee" means the quotient 52113
obtained by dividing (a) the sum of the county yields of all 52114
county boards by (b) the sum of the adult enrollments of all 52115
county boards. 52116

(11) "Local tax effort for adult services" of a county board 52117
means one thousand multiplied by the quotient obtained by dividing 52118
(a) the local adult services cost of the county board by (b) the 52119
taxable value of the county board. 52120

(12) "Funding percentage" for a fiscal year means the 52121
percentage that the amount appropriated to the department for the 52122
purpose of making payments under this section in the fiscal year 52123
is of the amount computed under division (C)(3) of this section 52124
for the fiscal year. 52125

(13) "Funding-adjusted required millage" for a fiscal year 52126
means the statewide average millage multiplied by the funding 52127
percentage for that fiscal year. 52128

(B)(1) On the request of the director of mental retardation 52129
and developmental disabilities, the tax commissioner shall provide 52130
to the department of mental retardation and developmental 52131
disabilities information specifying the taxable value of property 52132
on each county's tax list of real and public utility property and 52133
tax list of personal property for the most recent tax year for 52134
which such information is available. The director may request any 52135
other tax information necessary for the purposes of this section. 52136

(2) On the request of the director, each county board shall 52137
report the county board's adult services enrollment and local 52138
adult services cost. 52139

(C) Each year, the department of mental retardation and 52140
developmental disabilities shall compute the following: 52141

(1) For each county board, the amount, if any, by which the 52142
statewide yield per enrollee exceeds the county yield per 52143

enrollee; 52144

(2) For each county board, the amount of any excess computed 52145
under division (C)(1) of this section multiplied by the adult 52146
services enrollment of the county board; 52147

(3) The sum of the amounts computed under division (C)(2) of 52148
this section for all county boards. 52149

(D) From money appropriated for the purpose, the department 52150
shall provide for payment to each county board of the amount 52151
computed for that county board under division (C)(2) of this 52152
section, subject to any reduction or adjustment under division 52153
(E), (F), or (G) of this section. The department shall make the 52154
payments in quarterly installments of equal amounts. The 52155
installments shall be made not later than the thirtieth day of 52156
September, thirty-first day of December, thirty-first day of 52157
March, and thirtieth day of June. 52158

(E) If a county board's local tax effort for adult services 52159
is less than the funding-adjusted required millage, the director 52160
shall reduce the amount of payment otherwise computed under 52161
division (C)(2) of this section so that the amount paid, after the 52162
reduction, is the same percentage of the amount computed under 52163
division (C)(2) of this section as the county board's local tax 52164
effort for adult services is of the funding-adjusted required 52165
millage. 52166

If the director reduces the amount of a county board's 52167
payment under this division, the department, not later than the 52168
fifteenth day of July, shall notify the county board of the 52169
reduction and the amount of the reduction. The notice shall 52170
include a statement that the county board may request to be 52171
exempted from the reduction by filing a request with the director, 52172
in the manner and form prescribed by the director, within 52173
twenty-one days after such notification is issued. The board may 52174

present evidence of its attempt to obtain passage of levies or any 52175
other extenuating circumstances the board considers relevant. If 52176
the county board requests a hearing before the director to present 52177
such evidence, the director shall conduct a hearing on the request 52178
unless the director exempts the board from the reduction on the 52179
basis of the evidence presented in the request filed by the board. 52180
Upon receiving a properly and timely filed request for exemption, 52181
but not later than the thirty-first day of August, the director 52182
shall determine whether the county board shall be exempted from 52183
all or a part of the reduction. The director may exempt the board 52184
from all or part of the reduction if the director finds that the 52185
board has made good faith efforts to obtain passage of tax levies 52186
or that there are extenuating circumstances. 52187

(F) If a payment is reduced under division (E) of this 52188
section and the director does not exempt the county board from the 52189
reduction, the amount of the reduction shall be apportioned among 52190
all county boards entitled to payments under this section for 52191
which payments were not so reduced. The amount apportioned to each 52192
county board shall be proportionate to the amount of the board's 52193
payment as computed under division (C)(2) of this section. 52194

(G) If, for any fiscal year, the amount appropriated to the 52195
department for the purpose of this section is less than the amount 52196
computed under division (C)(3) of this section for the fiscal 52197
year, the department shall adjust the amount of each payment as 52198
computed under divisions (C)(2), (E), and (F) of this section by 52199
multiplying that amount by the funding percentage. 52200

(H) The payments authorized by this section are supplemental 52201
to all other funds that may be received by a county board. A 52202
county board shall use the payments solely to pay the nonfederal 52203
share of medicaid expenditures that ~~division (A) of section~~ 52204
~~5126.057~~ sections 5126.059 and 5126.0510 of the Revised Code 52205
~~requires~~ require the county board to pay. 52206

Sec. 5126.19. (A) The director of mental retardation and 52207
developmental disabilities may grant temporary funding from the 52208
community mental retardation and developmental disabilities trust 52209
fund based on allocations to county boards of mental retardation 52210
and developmental disabilities. The director may distribute all or 52211
part of the funding directly to a county board, the persons who 52212
provide the services for which the funding is granted, or persons 52213
with mental retardation or developmental disabilities who are to 52214
receive those services. 52215

(B) Funding granted under division (A) of this section shall 52216
be granted according to the availability of moneys in the fund and 52217
priorities established by the director. Funding may be granted for 52218
any of the following purposes: 52219

(1) Behavioral or short-term interventions for persons with 52220
mental retardation or developmental disabilities that assist them 52221
in remaining in the community by preventing institutionalization; 52222

(2) Emergency respite care services, as defined in section 52223
5126.11 of the Revised Code; 52224

(3) Family support services provided under section 5126.11 of 52225
the Revised Code; 52226

(4) Supported living, as defined in section 5126.01 of the 52227
Revised Code; 52228

(5) Staff training for county board employees, employees of 52229
providers of residential services as defined in section 5126.01 of 52230
the Revised Code, and other personnel under contract with a county 52231
board, to provide the staff with necessary training in serving 52232
mentally retarded or developmentally disabled persons in the 52233
community; 52234

(6) Short-term provision of early childhood services provided 52235
under section 5126.05, adult services provided under sections 52236

5126.05 and 5126.051, and service and support administration 52237
provided under section 5126.15 of the Revised Code, when local 52238
moneys are insufficient to meet the need for such services due to 52239
the successive failure within a two-year period of three or more 52240
proposed levies for the services; 52241

(7) Contracts with providers of residential services to 52242
maintain persons with mental retardation and developmental 52243
disabilities in their programs and avoid institutionalization. 52244

(C) If the trust fund contains more than ten million dollars 52245
on the first day of July the director shall use ~~one million~~ 52246
~~dollars for payments under section 5126.12 of the Revised Code,~~ 52247
one million dollars for payments under section 5126.18 of the 52248
Revised Code, ~~and two million dollars for payments under section~~ 52249
~~5126.44 of the Revised Code~~ subsidies to county boards for 52250
supported living, and one million dollars for subsidies to county 52251
boards for early childhood services and adult services provided 52252
under section 5126.05 of the Revised Code. Distributions of funds 52253
under this division shall be made prior to August 31 of the state 52254
fiscal year in which the funds are available. The funds shall be 52255
allocated to a county board in an amount equal to the same 52256
percentage of the total amount allocated to the county board the 52257
immediately preceding state fiscal year. 52258

(D) In addition to making grants under division (A) of this 52259
section, the director may use money available in the trust fund 52260
for the same purposes that rules adopted under section 5123.0413 52261
of the Revised Code provide for money in the state MR/DD risk fund 52262
and the state insurance against MR/DD risk fund, both created 52263
under that section, to be used. 52264

Sec. 5126.25. (A) The director of mental retardation and 52265
developmental disabilities shall adopt rules in accordance with 52266
Chapter 119. of the Revised Code establishing uniform standards 52267

and procedures for the certification of persons for employment by 52268
county boards of mental retardation and developmental disabilities 52269
as superintendents, management employees, and professional 52270
employees and uniform standards and procedures for the 52271
registration of persons for employment by county boards as 52272
registered service employees. As part of the rules, the director 52273
may establish continuing education and professional training 52274
requirements for renewal of certificates and evidence of 52275
registration and shall establish such requirements for renewal of 52276
an investigative agent certificate. In the rules, the director 52277
shall establish certification standards for employment in the 52278
position of investigative agent that require an individual to have 52279
or obtain no less than an associate degree from an accredited 52280
college or university or have or obtain comparable experience or 52281
training. The director shall not adopt rules that require any 52282
service employee to have or obtain a bachelor's or higher degree. 52283

The director shall adopt the rules in a manner that provides 52284
for the issuance of certificates and evidence of registration 52285
according to categories, levels, and grades. The rules shall 52286
describe each category, level, and grade. 52287

The rules adopted under this division shall apply to persons 52288
employed or seeking employment in a position that includes 52289
directly providing, or supervising persons who directly provide, 52290
services or instruction to or on behalf of individuals with mental 52291
retardation or developmental disabilities, except that the rules 52292
shall not apply to persons who hold a valid license issued under 52293
Chapter 3319. of the Revised Code and perform no duties other than 52294
teaching or supervision of a teaching program or persons who hold 52295
a valid license or certificate issued under Title XLVII of the 52296
Revised Code and perform only those duties governed by the license 52297
or certificate. The rules shall specify the positions that require 52298
certification or registration. The rules shall specify that the 52299

position of investigative agent requires certification. 52300

(B) The director shall adopt rules in accordance with Chapter 52301
119. of the Revised Code establishing standards for approval of 52302
courses of study to prepare persons to meet certification 52303
requirements. The director shall approve courses of study meeting 52304
the standards and provide for the inspection of the courses to 52305
ensure the maintenance of satisfactory training procedures. The 52306
director shall approve courses of study only if given by a state 52307
university or college as defined in section 3345.32 of the Revised 52308
Code, a state university or college of another state, or an 52309
institution that has received a certificate of authorization to 52310
confer degrees from the board of regents pursuant to Chapter 1713. 52311
of the Revised Code or from a comparable agency of another state. 52312

(C) Each applicant for a certificate for employment or 52313
evidence of registration for employment by a county board shall 52314
apply to the department of mental retardation and developmental 52315
disabilities on forms that the director of the department shall 52316
prescribe and provide. The application shall be accompanied by the 52317
application fee established in rules adopted under this section. 52318

(D) The director shall issue a certificate for employment to 52319
each applicant who meets the standards for certification 52320
established under this section and shall issue evidence of 52321
registration for employment to each applicant who meets the 52322
standards for registration established under this section. Each 52323
certificate or evidence of registration shall state the category, 52324
level, and grade for which it is issued. 52325

The director shall issue, renew, deny, suspend, or revoke 52326
certificates and evidence of registration in accordance with rules 52327
adopted under this section. The director shall deny, suspend, or 52328
revoke a certificate or evidence of registration if the director 52329
finds, pursuant to an adjudication conducted in accordance with 52330
Chapter 119. of the Revised Code, that the applicant for or holder 52331

of the certificate or evidence of registration is guilty of 52332
intemperate, immoral, or other conduct unbecoming to the 52333
applicant's or holder's position, or is guilty of incompetence or 52334
negligence within the scope of the applicant's or holder's duties. 52335
The director shall deny or revoke a certificate or evidence of 52336
registration if the director finds, pursuant to an adjudication 52337
conducted in accordance with Chapter 119. of the Revised Code, 52338
that the applicant for or holder of the certificate or evidence of 52339
registration has been convicted of or pleaded guilty to any of the 52340
offenses described in division (E) of section 5126.28 of the 52341
Revised Code, unless the individual meets standards for 52342
rehabilitation that the director establishes in the rules adopted 52343
under that section. Evidence supporting such allegations shall be 52344
presented to the director in writing and the director shall 52345
provide prompt notice of the allegations to the person who is the 52346
subject of the allegations. A denial, suspension, or revocation 52347
may be appealed in accordance with procedures the director shall 52348
establish in the rules adopted under this section. 52349

(E)(1) A person holding a valid certificate under this 52350
section on the effective date of any rules adopted under this 52351
section that increase certification standards shall have such 52352
period as the rules prescribe, but not less than one year after 52353
the effective date of the rules, to meet the new certification 52354
standards. 52355

A person who is registered under this section on the 52356
effective date of any rule that changes the standards adopted 52357
under this section shall have such period as the rules prescribe, 52358
but not less than one year, to meet the new registration 52359
standards. 52360

(2) If an applicant for a certificate for employment has not 52361
completed the courses of instruction necessary to meet the 52362
department's standards for certification, the department shall 52363

inform the applicant of the courses the applicant must 52364
successfully complete to meet the standards and shall specify the 52365
time within which the applicant must complete the courses. The 52366
department shall grant the applicant at least one year to complete 52367
the courses and shall not require the applicant to complete more 52368
than four courses in any one year. The applicant is not subject to 52369
any changes regarding the courses required for certification that 52370
are made after the department informs the applicant of the courses 52371
the applicant must complete, unless the applicant does not 52372
successfully complete the courses within the time specified by the 52373
department. 52374

(F) A person who holds a certificate or evidence of 52375
registration, other than one designated as temporary, is qualified 52376
to be employed according to that certificate or evidence of 52377
registration by any county board. 52378

(G) The director shall monitor county boards to ensure that 52379
their employees who must be certified or registered are 52380
appropriately certified or registered and performing those 52381
functions they are authorized to perform under their certificate 52382
or evidence of registration. 52383

(H) A county board superintendent or the superintendent's 52384
designee may certify to the director that county board employees 52385
who are required to meet continuing education or professional 52386
training requirements as a condition of renewal of certificates or 52387
evidence of registration have met the requirements. The 52388
superintendent or the superintendent's designee shall maintain in 52389
appropriate personnel files evidence acceptable to the director 52390
that the employees have met the requirements and permit 52391
representatives of the department access to the evidence on 52392
request. 52393

(I) All fees collected pursuant to this section shall be 52394
deposited in the state treasury to the credit of the ~~employee~~ 52395

~~certification and registration program fee fund, which is hereby 52396
created under section 5123.033 of the Revised Code. Money credited 52397
to the fund shall be used solely for the operation of the 52398
certification and registration program established under this 52399
section and for providing continuing training to county board 52400
employees. 52401~~

(J) Employees of entities that contract with county boards of 52402
mental retardation and developmental disabilities to operate 52403
programs and services for individuals with mental retardation and 52404
developmental disabilities are subject to the certification and 52405
registration requirements established under section 5123.082 of 52406
the Revised Code. 52407

Sec. 5126.40. (A) Sections 5126.40 to 5126.47 of the Revised 52408
Code do not apply to medicaid-funded supported living. 52409

(B) As used in this section and sections 5126.41 5126.40 to 52410
5126.47 of the Revised Code, "provider" means a person or 52411
government entity certified by the ~~department~~ director of mental 52412
retardation and developmental disabilities to provide supported 52413
living for individuals with mental retardation and developmental 52414
disabilities. 52415

~~(B) This division is in effect until July 1, 1995. By 52416
adoption of a resolution by affirmative vote of a majority of its 52417
members, a county board of mental retardation and developmental 52418
disabilities shall have authority to plan and develop supported 52419
living for individuals with mental retardation and developmental 52420
disabilities who are residents of the county and, as provided in 52421
sections 5126.41 to 5126.47 of the Revised Code, contract with 52422
providers and enter into shared funding arrangements. The board's 52423
authority under this division is effective on the department's 52424
receipt of the resolution. 52425~~

(C) On and after July 1, 1995, each county board shall plan 52426

and develop supported living for individuals with mental 52427
retardation and developmental disabilities who are residents of 52428
the county in accordance with sections 5126.41 to 5126.47 of the 52429
Revised Code. 52430

Sec. 5126.42. (A) A county board of mental retardation and 52431
developmental disabilities shall establish an advisory council 52432
composed of board members or employees of the board, providers, 52433
individuals receiving supported living, and advocates for 52434
individuals receiving supported living to provide on-going 52435
communication among all persons concerned with supported living. 52436

(B) The board shall develop procedures for the resolution of 52437
grievances between the board and providers or between the board 52438
and an entity with which it has a shared funding agreement. 52439

(C) The board shall develop and implement a provider 52440
selection system. Each system shall enable an individual to choose 52441
to continue receiving supported living from the same providers, to 52442
select additional providers, or to choose alternative providers. 52443
Annually, the board shall review its provider selection system to 52444
determine whether it has been implemented in a manner that allows 52445
individuals fair and equitable access to providers. 52446

In developing a provider selection system, the county board 52447
shall create a pool of providers for individuals to use in 52448
choosing their providers of supported living. The pool shall be 52449
created by placing in the pool all providers on record with the 52450
board or by placing in the pool all providers approved by the 52451
board through soliciting requests for proposals for supported 52452
living contracts. In either case, only providers that are 52453
certified by the ~~department~~ director of mental retardation and 52454
developmental disabilities ~~and in compliance with the quality~~ 52455
~~assurance standards established in rules adopted by the department~~ 52456
may be placed in the pool. 52457

If the board places all providers on record in the pool, the board shall review the pool at least annually to determine whether each provider has continued interest in being a provider and has maintained its certification by the department. At any time, an interested and certified provider may make a request to the board that it be added to the pool, and the board shall add the provider to the pool not later than seven days after receiving the request.

If the board solicits requests for proposals for inclusion of providers in the pool, the board shall develop standards for selecting the providers to be included. Requests for proposals shall be solicited at least annually. When requests are solicited, the board shall cause legal notices to be published at least once each week for two consecutive weeks in a newspaper with general circulation within the county. The board's formal request for proposals shall include a description of any applicable contract terms, the standards that are used to select providers for inclusion in the pool, and the process the board uses to resolve disputes arising from the selection process. The board shall accept requests from any entity interested in being a provider of supported living for individuals served by the board. Requests shall be approved or denied according to the standards developed by the board. Providers that previously have been placed in the pool are not required to resubmit a request for proposal to be included in the pool, unless the board's standards have been changed.

In assisting an individual in choosing a provider, the county board shall provide the individual with uniform and consistent information pertaining to each provider in the pool, ~~including the provider evaluations conducted under section 5126.431 of the Revised Code on and after July 1, 1995.~~ An individual may choose to receive supported living from a provider that is not included in the pool, if the provider is certified by the ~~department~~

~~director of mental retardation and developmental disabilities and 52490
in compliance with the quality assurance standards established in 52491
rules adopted by the department. 52492~~

Sec. 5126.43. (A) After receiving notice from the department 52493
of mental retardation and developmental disabilities of the amount 52494
~~of state funds to be distributed to it under section 5126.44 of 52495
the Revised Code for planning, developing, contracting for, and 52496
providing supported living,~~ the county board of mental retardation 52497
and developmental disabilities shall arrange for supported living 52498
on behalf of and with the consent of individuals based on their 52499
individual service plans developed under section 5126.41 of the 52500
Revised Code. With the state distribution and any other money 52501
designated by the board for supported living, the board shall 52502
arrange for supported living in one or more of the following ways: 52503

(1) By contracting under section 5126.45 of the Revised Code 52504
with providers selected by the individual to be served; 52505

(2) By entering into shared funding agreements with state 52506
agencies, local public agencies, or political subdivisions at 52507
rates negotiated by the board; 52508

(3) By providing direct payment or vouchers to be used to 52509
purchase supported living, pursuant to a written contract in an 52510
amount determined by the board, to the individual or a person 52511
providing the individual with protective services as defined in 52512
section 5123.55 of the Revised Code. 52513

(B) ~~When the board contracts for supported living on behalf 52514
of an individual, the~~ The board may ~~contract~~ arrange for supported 52515
living only with providers that are certified by the ~~department 52516
director~~ of mental retardation and developmental disabilities ~~and 52517
are in compliance with the quality assurance standards established 52518
in rules adopted by the department. The contract terms shall be as 52519
provided in section 5126.45 of the Revised Code. 52520~~

When no certified provider is willing and able to provide supported living for an individual in accordance with the terms of the individual service plan for that individual, a county board may provide supported living directly, if it ~~complies with certification and quality assurance standards established by the department~~ is certified by the director of mental retardation and developmental disabilities to provide supported living.

A county board may, for a period not to exceed ninety days, contract for or provide supported living without meeting the requirements of this section for an individual it determines to be in emergency need of supported living. Thereafter, the individual shall choose providers in accordance with sections 5126.41 and 5126.42 of the Revised Code.

Sec. 5126.45. (A) A contract between a county board of mental retardation and developmental disabilities and a provider of supported living shall be in writing and shall be based on the individual service plan developed by the individual under section 5126.41 of the Revised Code. The plan may be submitted as an addendum to the contract. An individual receiving services pursuant to a contract shall be considered a third-party beneficiary to the contract.

~~The board shall not contract with a provider to provide a residence to a person to whom the provider is providing other supported living services, unless one of the following applies:~~

~~(1) The provider is under contract with the board for both residence and services on July 17, 1990, and the contract is being renewed.~~

~~(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.~~

~~(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.~~ 52551
52552
52553

~~(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.~~ 52554
52555
52556
52557

(B) The contract shall be negotiated between the provider and the county board. The terms of the contract shall include at least the following: 52558
52559
52560

(1) The contract period and conditions for renewal; 52561

(2) The services to be provided pursuant to the individual service plan; 52562
52563

(3) The rights and responsibilities of all parties to the contract; 52564
52565

(4) The methods that will be used to evaluate the services delivered by the provider; 52566
52567

(5) Procedures for contract modification that ensure all parties affected by the modification are involved and agree; 52568
52569

(6) A process for resolving conflicts between individuals receiving services, the county board, and the provider, as applicable; 52570
52571
52572

(7) Procedures for the retention of applicable records; 52573

(8) Provisions for contract termination by any party involved that include requirements for an appropriate notice of intent to terminate the contract; 52574
52575
52576

(9) Methods to be used to document services provided; 52577

(10) Procedures for submitting reports required by the county board as a condition of receiving payment under the contract; 52578
52579

(11) The method and schedule the board will use to make 52580
payments to the provider and whether periodic payment adjustments 52581
will be made to the provider; 52582

(12) Provisions for conducting fiscal reconciliations for 52583
payments made through methods other than a fee-for-service 52584
arrangement. 52585

(C) Payments to the provider under a supported living 52586
contract must be determined by the board to be reasonable in 52587
accordance with policies and procedures developed by the board. 52588
Goods or services provided without charge to the provider shall 52589
not be included as expenditures of the provider. 52590

(D) The board shall establish procedures for reconciling 52591
expenditures and payments, other than those made under a 52592
fee-for-service arrangement, for the prior contract year when a 52593
contract is not renewed and shall reconcile expenditures and 52594
payments in accordance with these procedures. 52595

(E) A provider or an entity with which the board has entered 52596
into a shared funding agreement may appeal a negotiated contract 52597
or proposed shared funding rate to the county board using the 52598
procedures established by the board under section 5126.42 of the 52599
Revised Code. 52600

Sec. 5126.47. A county board of mental retardation and 52601
developmental disabilities ~~that has adopted a resolution under~~ 52602
~~section 5126.40 of the Revised Code~~ may, pursuant to a resolution 52603
adopted by an affirmative vote of the majority of its members, 52604
establish, by agreement with one or more other county boards of 52605
mental retardation and developmental disabilities, a residential 52606
services consortium to jointly provide residential services and 52607
supported living. The agreement shall designate one board to 52608
assume the fiscal responsibilities for the consortium. The county 52609
auditor of the designated county shall establish a community 52610

mental retardation and developmental disabilities residential 52611
services fund for the consortium. Each board that is a member of 52612
the consortium shall cause to be deposited in the fund ~~all moneys~~ 52613
~~distributed to it by the department of mental retardation and~~ 52614
~~developmental disabilities under section 5126.44 of the Revised~~ 52615
~~Code and any other~~ state or federal money received for community 52616
residential services the county board has agreed to contribute to 52617
the consortium. 52618

Sec. 5139.43. (A) The department of youth services shall 52619
operate a felony delinquent care and custody program that shall be 52620
operated in accordance with the formula developed pursuant to 52621
section 5139.41 of the Revised Code, subject to the conditions 52622
specified in this section. 52623

(B)(1) Each juvenile court shall use the moneys disbursed to 52624
it by the department of youth services pursuant to division (B) of 52625
section 5139.41 of the Revised Code in accordance with the 52626
applicable provisions of division (B)(2) of this section and shall 52627
transmit the moneys to the county treasurer for deposit in 52628
accordance with this division. The county treasurer shall create 52629
in the county treasury a fund that shall be known as the felony 52630
delinquent care and custody fund and shall deposit in that fund 52631
the moneys disbursed to the juvenile court pursuant to division 52632
(B) of section 5139.41 of the Revised Code. The county treasurer 52633
also shall deposit into that fund the state subsidy funds granted 52634
to the county pursuant to section 5139.34 of the Revised Code. The 52635
moneys disbursed to the juvenile court pursuant to division (B) of 52636
section 5139.41 of the Revised Code and deposited pursuant to this 52637
division in the felony delinquent care and custody fund shall not 52638
be commingled with any other county funds except state subsidy 52639
funds granted to the county pursuant to section 5139.34 of the 52640
Revised Code; shall not be used for any capital construction 52641
projects; upon an order of the juvenile court and subject to 52642

appropriation by the board of county commissioners, shall be 52643
disbursed to the juvenile court for use in accordance with the 52644
applicable provisions of division (B)(2) of this section; shall 52645
not revert to the county general fund at the end of any fiscal 52646
year; and shall carry over in the felony delinquent care and 52647
custody fund from the end of any fiscal year to the next fiscal 52648
year. At the end of each fiscal year, beginning June 30, 2008, the 52649
balance in the felony delinquent care and custody fund in any 52650
county shall not exceed the total moneys allocated to the county 52651
pursuant to sections 5139.34 and 5139.41 of the Revised Code 52652
during the previous fiscal year, unless that county has applied 52653
for and been granted an exemption by the director of youth 52654
services. The department shall withhold from future payments to a 52655
county an amount equal to any moneys in the felony delinquent care 52656
and custody fund of the county that exceed the total moneys 52657
allocated pursuant to those sections to the county during the 52658
preceding fiscal year and shall reallocate the withheld amount. 52659
The department shall adopt rules for the withholding and 52660
reallocation of moneys disbursed under sections 5139.34 and 52661
5139.41 of the Revised Code and for the criteria and process for a 52662
county to obtain an exemption from the withholding requirement. 52663
The moneys disbursed to the juvenile court pursuant to division 52664
(B) of section 5139.41 of the Revised Code and deposited pursuant 52665
to this division in the felony delinquent care and custody fund 52666
shall be in addition to, and shall not be used to reduce, any 52667
usual annual increase in county funding that the juvenile court is 52668
eligible to receive or the current level of county funding of the 52669
juvenile court and of any programs or services for delinquent 52670
children, unruly children, or juvenile traffic offenders. 52671

(2)(a) A county and the juvenile court that serves the county 52672
shall use the moneys in its felony delinquent care and custody 52673
fund in accordance with rules that the department of youth 52674
services adopts pursuant to division (D) of section 5139.04 of the 52675

Revised Code and as follows: 52676

(i) The moneys in the fund that represent state subsidy funds 52677
granted to the county pursuant to section 5139.34 of the Revised 52678
Code shall be used to aid in the support of prevention, early 52679
intervention, diversion, treatment, and rehabilitation programs 52680
that are provided for alleged or adjudicated unruly children or 52681
delinquent children or for children who are at risk of becoming 52682
unruly children or delinquent children. The county shall not use 52683
for capital improvements more than fifteen per cent of the moneys 52684
in the fund that represent the applicable annual grant of those 52685
state subsidy funds. 52686

(ii) The moneys in the fund that were disbursed to the 52687
juvenile court pursuant to division (B) of section 5139.41 of the 52688
Revised Code and deposited pursuant to division (B)(1) of this 52689
section in the fund shall be used to provide programs and services 52690
for the training, treatment, or rehabilitation of felony 52691
delinquents that are alternatives to their commitment to the 52692
department, including, but not limited to, community residential 52693
programs, day treatment centers, services within the home, and 52694
electronic monitoring, and shall be used in connection with 52695
training, treatment, rehabilitation, early intervention, or other 52696
programs or services for any delinquent child, unruly child, or 52697
juvenile traffic offender who is under the jurisdiction of the 52698
juvenile court. 52699

The fund also may be used for prevention, early intervention, 52700
diversion, treatment, and rehabilitation programs that are 52701
provided for alleged or adjudicated unruly children, delinquent 52702
children, or juvenile traffic offenders or for children who are at 52703
risk of becoming unruly children, delinquent children, or juvenile 52704
traffic offenders. Consistent with division (B)(1) of this 52705
section, a county and the juvenile court of a county shall not use 52706
any of those moneys for capital construction projects. 52707

(iii) The county and the juvenile court that serves the 52708
county may not use moneys in the fund for the provision of care 52709
and services for children, including, but not limited to, care and 52710
services in a detention facility, in another facility, or in 52711
out-of-home placement, unless the minimum standards that apply to 52712
the care and services and that the department prescribes in rules 52713
adopted pursuant to division (D) of section 5139.04 of the Revised 52714
Code have been satisfied. 52715

(b) Each juvenile court shall comply with division (B)(3)(d) 52716
of this section as implemented by the department. 52717

(3) In accordance with rules adopted by the department 52718
pursuant to division (D) of section 5139.04 of the Revised Code, 52719
each juvenile court and the county served by that juvenile court 52720
shall do all of the following that apply: 52721

(a) The juvenile court shall prepare an annual grant 52722
agreement and application for funding that satisfies the 52723
requirements of this section and section 5139.34 of the Revised 52724
Code and that pertains to the use, upon an order of the juvenile 52725
court and subject to appropriation by the board of county 52726
commissioners, of the moneys in its felony delinquent care and 52727
custody fund for specified programs, care, and services as 52728
described in division (B)(2)(a) of this section, shall submit that 52729
agreement and application to the county family and children first 52730
council, the regional family and children first council, or the 52731
local intersystem services to children cluster as described in 52732
sections 121.37 and 121.38 of the Revised Code, whichever is 52733
applicable, and shall file that agreement and application with the 52734
department for its approval. The annual grant agreement and 52735
application for funding shall include a method of ensuring equal 52736
access for minority youth to the programs, care, and services 52737
specified in it. 52738

The department may approve an annual grant agreement and 52739

application for funding only if the juvenile court involved has 52740
complied with the preparation, submission, and filing requirements 52741
described in division (B)(3)(a) of this section. If the juvenile 52742
court complies with those requirements and the department approves 52743
that agreement and application, the juvenile court and the county 52744
served by the juvenile court may expend the state subsidy funds 52745
granted to the county pursuant to section 5139.34 of the Revised 52746
Code only in accordance with division (B)(2)(a) of this section, 52747
the rules pertaining to state subsidy funds that the department 52748
adopts pursuant to division (D) of section 5139.04 of the Revised 52749
Code, and the approved agreement and application. 52750

(b) By the thirty-first day of August of each year, the 52751
juvenile court shall file with the department a report that 52752
contains all of the statistical and other information for each 52753
month of the prior state fiscal year. If the juvenile court fails 52754
to file the report required by division (B)(3)(b) of this section 52755
by the thirty-first day of August of any year, the department 52756
shall not disburse any payment of state subsidy funds to which the 52757
county otherwise is entitled pursuant to section 5139.34 of the 52758
Revised Code and shall not disburse pursuant to division (B) of 52759
section 5139.41 of the Revised Code the applicable allocation 52760
until the juvenile court fully complies with division (B)(3)(b) of 52761
this section. 52762

(c) If the department requires the juvenile court to prepare 52763
monthly statistical reports and to submit the reports on forms 52764
provided by the department, the juvenile court shall file those 52765
reports with the department on the forms so provided. If the 52766
juvenile court fails to prepare and submit those monthly 52767
statistical reports within the department's timelines, the 52768
department shall not disburse any payment of state subsidy funds 52769
to which the county otherwise is entitled pursuant to section 52770
5139.34 of the Revised Code and shall not disburse pursuant to 52771

division (B) of section 5139.41 of the Revised Code the applicable 52772
allocation until the juvenile court fully complies with division 52773
(B)(3)(c) of this section. If the juvenile court fails to prepare 52774
and submit those monthly statistical reports within one hundred 52775
eighty days of the date the department establishes for their 52776
submission, the department shall not disburse any payment of state 52777
subsidy funds to which the county otherwise is entitled pursuant 52778
to section 5139.34 of the Revised Code and shall not disburse 52779
pursuant to division (B) of section 5139.41 of the Revised Code 52780
the applicable allocation, and the state subsidy funds and the 52781
remainder of the applicable allocation shall revert to the 52782
department. If a juvenile court states in a monthly statistical 52783
report that the juvenile court adjudicated within a state fiscal 52784
year five hundred or more children to be delinquent children for 52785
committing acts that would be felonies if committed by adults and 52786
if the department determines that the data in the report may be 52787
inaccurate, the juvenile court shall have an independent auditor 52788
or other qualified entity certify the accuracy of the data on a 52789
date determined by the department. 52790

(d) If the department requires the juvenile court and the 52791
county to participate in a fiscal monitoring program or another 52792
monitoring program that is conducted by the department to ensure 52793
compliance by the juvenile court and the county with division (B) 52794
of this section, the juvenile court and the county shall 52795
participate in the program and fully comply with any guidelines 52796
for the performance of audits adopted by the department pursuant 52797
to that program and all requests made by the department pursuant 52798
to that program for information necessary to reconcile fiscal 52799
accounting. If an audit that is performed pursuant to a fiscal 52800
monitoring program or another monitoring program described in this 52801
division determines that the juvenile court or the county used 52802
moneys in the county's felony delinquent care and custody fund for 52803
expenses that are not authorized under division (B) of this 52804

section, within forty-five days after the department notifies the 52805
county of the unauthorized expenditures, the county either shall 52806
repay the amount of the unauthorized expenditures from the county 52807
general revenue fund to the state's general revenue fund or shall 52808
file a written appeal with the department. If an appeal is timely 52809
filed, the director of the department shall render a decision on 52810
the appeal and shall notify the appellant county or its juvenile 52811
court of that decision within forty-five days after the date that 52812
the appeal is filed. If the director denies an appeal, the 52813
county's fiscal agent shall repay the amount of the unauthorized 52814
expenditures from the county general revenue fund to the state's 52815
general revenue fund within thirty days after receiving the 52816
director's notification of the appeal decision. If the county 52817
fails to make the repayment within that thirty-day period and if 52818
the unauthorized expenditures pertain to moneys allocated under 52819
sections 5139.41 to 5139.43 of the Revised Code, the department 52820
shall deduct the amount of the unauthorized expenditures from the 52821
next allocation of those moneys to the county in accordance with 52822
this section or from the allocations that otherwise would be made 52823
under those sections to the county during the next state fiscal 52824
year in accordance with this section and shall return that 52825
deducted amount to the state's general revenue fund. If the county 52826
fails to make the repayment within that thirty-day period and if 52827
the unauthorized expenditures pertain to moneys granted pursuant 52828
to section 5139.34 of the Revised Code, the department shall 52829
deduct the amount of the unauthorized expenditures from the next 52830
annual grant to the county pursuant to that section and shall 52831
return that deducted amount to the state's general revenue fund. 52832

(C) The determination of which county a reduction of the care 52833
and custody allocation will be charged against for a particular 52834
youth shall be made as outlined below for all youths who do not 52835
qualify as public safety beds. The determination of which county a 52836
reduction of the care and custody allocation will be charged 52837

against shall be made as follows until each youth is released: 52838

52839

(1) In the event of a commitment, the reduction shall be 52840
charged against the committing county. 52841

(2) In the event of a recommitment, the reduction shall be 52842
charged against the original committing county until the 52843
expiration of the minimum period of institutionalization under the 52844
original order of commitment or until the date on which the youth 52845
is admitted to the department of youth services pursuant to the 52846
order of recommitment, whichever is later. Reductions of the 52847
allocation shall be charged against the county that recommitted 52848
the youth after the minimum expiration date of the original 52849
commitment. 52850

(3) In the event of a revocation of a release on parole, the 52851
reduction shall be charged against the county that revokes the 52852
youth's parole. 52853

(D) A juvenile court is not precluded by its allocation 52854
amount for the care and custody of felony delinquents from 52855
committing a felony delinquent to the department of youth services 52856
for care and custody in an institution or a community corrections 52857
facility when the juvenile court determines that the commitment is 52858
appropriate. 52859

Sec. 5302.221. (A) As used in this section: 52860

"Estate" has the same meaning as in section 5111.11 of the 52861
Revised Code. 52862

"Medicaid estate recovery program" means the program 52863
instituted under section 5111.11 of the Revised Code. 52864

(B) The administrator of the medicaid estate recovery program 52865
shall prescribe a form on which a beneficiary of a transfer on 52866
death deed as provided in section 5302.22 of the Revised Code, who 52867

survives the deceased owner of the real property or an interest in 52868
the real property or that is in existence on the date of death of 52869
the deceased owner, or such a beneficiary's representative is to 52870
indicate both of the following: 52871

(1) Whether the deceased owner was either of the following: 52872

(a) A decedent subject to the medicaid estate recovery 52873
program; 52874

(b) The spouse of a decedent subject to the medicaid estate 52875
recovery program. 52876

(2) Whether the real property or interest in the real 52877
property was part of the estate of a decedent subject to the 52878
medicaid estate recovery program. 52879

(C) A county recorder shall obtain a properly completed form 52880
prescribed under division (B) of this section from the beneficiary 52881
of a transfer on death deed or the beneficiary's representative 52882
and send a copy of the form to the administrator of the medicaid 52883
estate recovery program before recording the transfer of the real 52884
property or interest in the real property under division (C) of 52885
section 5302.22 of the Revised Code. 52886

Sec. 5309.082. (A) As used in this section: 52887

"Estate" has the same meaning as in section 5111.11 of the 52888
Revised Code. 52889

"Medicaid estate recovery program" means the program 52890
instituted under section 5111.11 of the Revised Code. 52891

(B) The administrator of the medicaid estate recovery program 52892
shall prescribe a form on which a surviving tenant under a 52893
survivorship tenancy or such a surviving tenant's representative 52894
is to indicate both of the following: 52895

(1) Whether the deceased survivorship tenant was either of 52896

<u>the following:</u>	52897
<u>(a) A decedent subject to the medicaid estate recovery program;</u>	52898
<u>(b) The spouse of a decedent subject to the medicaid estate recovery program.</u>	52900
<u>(2) Whether the registered land under a survivorship tenancy was part of the estate of a decedent subject to the medicaid estate recovery program.</u>	52901
<u>(C) A county recorder shall obtain a properly completed form prescribed under division (B) of this section from the surviving tenant under a survivorship tenancy or the surviving tenant's representative and send a copy of the form to the administrator of the medicaid estate recovery program before registering the title in the surviving tenants under section 5309.081 of the Revised Code.</u>	52902
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Sec. 5323.01. As used in this chapter:	52912
(A) "Hotel" has the same meaning as in section 3731.01 of the Revised Code.	52913
	52914
(B) "Manufactured home" has the same meaning as in section 3781.06 of the Revised Code.	52915
	52916
(C) "Mobile home" and "recreational vehicle" have the same meanings as in section 4501.01 of the Revised Code.	52917
	52918
(D) "Political subdivision" means a county, <u>that has a population of more than two hundred thousand according to the most recent decennial census or a township, municipal corporation, or other body corporate and politic that is located in a county that has a population of more than two hundred thousand according to the most recent decennial census and is responsible for government activities in a geographic area smaller than that of the state.</u>	52919
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(E) "Residential rental property" means real property that is located in a county that has a population of more than two hundred thousand according to the most recent decennial census and on which is located one or more dwelling units leased or otherwise rented to tenants solely for residential purposes, or a mobile home park or other permanent or semipermanent site at which lots are leased or otherwise rented to tenants for the parking of a manufactured home, mobile home, or recreational vehicle that is used solely for residential purposes. "Residential rental property" does not include a hotel or a college or university dormitory.

Sec. 5323.02. (A) An owner of residential rental property shall file with the county auditor of the county in which the property is located the following information:

- (1) The name, address, and telephone number of the owner;
- (2) If the residential rental property is owned by a trust, business trust, estate, partnership, limited partnership, limited liability company, association, corporation, or any other business entity, the name, address, and telephone number of the following:
 - (a) A trustee, in the case of a trust or business trust;
 - (b) The executor or administrator, in the case of an estate;
 - (c) A general partner, in the case of a partnership or a limited partnership;
 - (d) A member, manager, or officer, in the case of a limited liability company;
 - (e) An associate, in the case of an association;
 - (f) An officer, in the case of a corporation;
 - (g) A member, manager, or officer, in the case of any other business entity.

(3) The street address and permanent parcel number of the residential rental property+ 52955
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~~(4) If the residential rental property has dwelling units that are leased or otherwise rented to tenants, the year the units were built.~~ 52957
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(B) The information required under division (A) of this section shall be filed and maintained ~~in a manner to be determined by the county auditor~~ on the tax list or the real property record. 52960
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(C) An owner of residential rental property shall update the information required under division (A) of this section within ~~ten~~ sixty days after any change in the information occurs. 52963
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(D) The county auditor shall provide an owner of residential rental property located in a county that has a population of more than two hundred thousand according to the most recent decennial census with notice pursuant to division (B) of section 323.131 of the Revised Code of the requirement to file the information required under division (A) of this section and the requirement to update that information under division (C) of this section. 52966
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(E) The owner of residential real property shall comply with the requirements under divisions (A) and (C) of this section within sixty days after receiving the notice provided under division (D) of this section, division (D) of section 319.202, or division (B) of section 323.131 of the Revised Code. 52973
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Sec. 5323.99. No owner of residential rental property shall fail to comply with the filing or updating of information requirements of section 5323.02 of the Revised Code or shall fail to satisfy the designation of agent requirement or the filing of the appropriate designation of agent document requirement of section 5323.03 of the Revised Code. ~~Whoever violates this section is guilty of a minor misdemeanor~~ The county auditor may impose 52978
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upon any person who violates this section a special assessment on 52985
the residential rental property that is the subject of the 52986
violation in the amount of one hundred fifty dollars. Such special 52987
assessment may be appealed to the county board of revision. 52988

Sec. 5528.54. (A) The commissioners of the sinking fund are 52989
authorized to issue and sell, as provided in this section and in 52990
amounts from time to time authorized by the general assembly, 52991
general obligations of this state for the purpose of financing or 52992
assisting in the financing of the costs of projects. The full 52993
faith and credit, revenues, and taxing power of the state are and 52994
shall be pledged to the timely payment of bond service charges on 52995
outstanding obligations, all in accordance with Section 2m of 52996
Article VIII, Ohio Constitution, and sections 5528.51 to 5528.53 52997
of the Revised Code, and so long as such obligations are 52998
outstanding there shall be levied and collected excises, taxes, 52999
and other revenues in amounts sufficient to pay the bond service 53000
charges on such obligations and costs relating to credit 53001
enhancement facilities. 53002

(B) Not more than two hundred twenty million dollars 53003
principal amount of obligations, plus the principal amount of 53004
obligations that in any prior fiscal years could have been, but 53005
were not issued within that two-hundred-twenty-million-dollar 53006
fiscal year limit, may be issued in any fiscal year, and not more 53007
~~that~~ than one billion two hundred million dollars principal amount 53008
of obligations may be outstanding at any one time, all determined 53009
as provided in sections 5528.51 to 5528.53 of the Revised Code. 53010

(C) The state may participate in financing projects by 53011
grants, loans, or contributions to local government entities. 53012

(D) Each issue of obligations shall be authorized by 53013
resolution of the commissioners. The bond proceedings shall 53014
provide for the principal amount or maximum principal amount of 53015

obligations of an issue, and shall provide for or authorize the 53016
manner for determining the principal maturity or maturities, not 53017
exceeding the earlier of thirty years from the date of issuance of 53018
the particular obligations or thirty years from the date the debt 53019
represented by the particular obligations was originally 53020
contracted, the interest rate or rates, the date of and the dates 53021
of payment of interest on the obligations, their denominations, 53022
and the establishment within or outside the state of a place or 53023
places of payment of bond service charges. Sections 9.96, 9.98, 53024
9.981, 9.982, and 9.983 of the Revised Code are applicable to the 53025
obligations. The purpose of the obligations may be stated in the 53026
bond proceedings as "financing or assisting in the financing of 53027
highway capital improvement projects as provided in Section 2m of 53028
Article VIII, Ohio Constitution." 53029

(E) The proceeds of the obligations, except for any portion 53030
to be deposited into special funds, or into escrow funds for the 53031
purpose of refunding outstanding obligations, all as may be 53032
provided in the bond proceedings, shall be deposited into the 53033
highway capital improvement fund established by section 5528.53 of 53034
the Revised Code. 53035

(F) The commissioners may appoint or provide for the 53036
appointment of paying agents, bond registrars, securities 53037
depositories, and transfer agents, and may retain the services of 53038
financial advisers and accounting experts, and retain or contract 53039
for the services of marketing, remarketing, indexing, and 53040
administrative agents, other consultants, and independent 53041
contractors, including printing services, as are necessary in the 53042
judgment of the commissioners to carry out sections 5528.51 to 53043
5528.53 of the Revised Code. Financing costs are payable, as 53044
provided in the bond proceedings, from the proceeds of the 53045
obligations, from special funds, or from other moneys available 53046
for the purpose. 53047

(G) The bond proceedings, including any trust agreement, may 53048
contain additional provisions customary or appropriate to the 53049
financing or to the obligations or to particular obligations 53050
including, but not limited to: 53051

(1) The redemption of obligations prior to maturity at the 53052
option of the state or of the holder or upon the occurrence of 53053
certain conditions at such price or prices and under such terms 53054
and conditions as are provided in the bond proceedings; 53055

(2) The form of and other terms of the obligations; 53056

(3) The establishment, deposit, investment, and application 53057
of special funds, and the safeguarding of moneys on hand or on 53058
deposit, in lieu of otherwise applicable provisions of Chapter 53059
131. or 135. of the Revised Code, but subject to any special 53060
provisions of this section with respect to particular funds or 53061
moneys, and provided that any bank or trust company that acts as a 53062
depository of any moneys in special funds may furnish such 53063
indemnifying bonds or may pledge such securities as required by 53064
the commissioners; 53065

(4) Any or every provision of the bond proceedings binding 53066
upon the commissioners and such state agency or local government 53067
entities, officer, board, commission, authority, agency, 53068
department, or other person or body as may from time to time have 53069
the authority under law to take such actions as may be necessary 53070
to perform all or any part of the duty required by such provision; 53071

(5) The maintenance of each pledge, any trust agreement, or 53072
other instrument composing part of the bond proceedings until the 53073
state has fully paid or provided for the payment of the bond 53074
service charges on the obligations or met other stated conditions; 53075

(6) In the event of default in any payments required to be 53076
made by the bond proceedings, or any other agreement of the 53077
commissioners made as part of a contract under which the 53078

obligations were issued or secured, the enforcement of such 53079
payments or agreements by mandamus, suit in equity, action at law, 53080
or any combination of the foregoing; 53081

(7) The rights and remedies of the holders of obligations and 53082
of the trustee under any trust agreement, and provisions for 53083
protecting and enforcing them, including limitations on rights of 53084
individual holders of obligations; 53085

(8) The replacement of any obligations that become mutilated 53086
or are destroyed, lost, or stolen; 53087

(9) Provision for the funding, refunding, or advance 53088
refunding or other provision for payment of obligations that will 53089
then no longer be outstanding for purposes of sections 5528.51 to 53090
5528.56 of the Revised Code or of the bond proceedings; 53091

(10) Any provision that may be made in bond proceedings or a 53092
trust agreement, including provision for amendment of the bond 53093
proceedings; 53094

(11) Any other or additional agreements with the holders of 53095
the obligations relating to any of the foregoing; 53096

(12) Such other provisions as the commissioners determine, 53097
including limitations, conditions, or qualifications relating to 53098
any of the foregoing. 53099

(H) The great seal of the state or a facsimile of that seal 53100
may be affixed to or printed on the obligations. The obligations 53101
requiring signatures by the commissioners shall be signed by or 53102
bear the facsimile signatures of two or more of the commissioners 53103
as provided in the bond proceedings. Any obligations may be signed 53104
by the person who, on the date of execution, is the authorized 53105
signer although on the date of such obligations such person was 53106
not a commissioner. In case the individual whose signature or a 53107
facsimile of whose signature appears on any obligation ceases to 53108
be a commissioner before delivery of the obligation, such 53109

signature or facsimile is nevertheless valid and sufficient for 53110
all purposes as if that individual had remained the member until 53111
such delivery, and in case the seal to be affixed to or printed on 53112
obligations has been changed after the seal has been affixed to or 53113
a facsimile of the seal has been printed on the obligations, that 53114
seal or facsimile seal shall continue to be sufficient as to those 53115
obligations and obligations issued in substitution or exchange 53116
therefor. 53117

(I) The obligations are negotiable instruments and securities 53118
under Chapter 1308. of the Revised Code, subject to the provisions 53119
of the bond proceedings as to registration. Obligations may be 53120
issued in coupon or in fully registered form, or both, as the 53121
commissioners determine. Provision may be made for the 53122
registration of any obligations with coupons attached as to 53123
principal alone or as to both principal and interest, their 53124
exchange for obligations so registered, and for the conversion or 53125
reconversion into obligations with coupons attached of any 53126
obligations registered as to both principal and interest, and for 53127
reasonable charges for such registration, exchange, conversion, 53128
and reconversion. Pending preparation of definitive obligations, 53129
the commissioners may issue interim receipts or certificates which 53130
shall be exchanged for such definitive obligations. 53131

(J) Obligations may be sold at public sale or at private 53132
sale, and at such price at, above, or below par, as determined by 53133
the commissioners in the bond proceedings. 53134

(K) In the discretion of the commissioners, obligations may 53135
be secured additionally by a trust agreement between the state and 53136
a corporate trustee which may be any trust company or bank having 53137
~~its principal~~ a place of business within the state. Any trust 53138
agreement may contain the resolution authorizing the issuance of 53139
the obligations, any provisions that may be contained in the bond 53140
proceedings, and other provisions that are customary or 53141

appropriate in an agreement of the type. 53142

(L) Except to the extent that their rights are restricted by 53143
the bond proceedings, any holder of obligations, or a trustee 53144
under the bond proceedings may by any suitable form of legal 53145
proceedings protect and enforce any rights under the laws of this 53146
state or granted by the bond proceedings. Such rights include the 53147
right to compel the performance of all duties of the commissioners 53148
and the state. Each duty of the commissioners and its employees, 53149
and of each state agency and local government entity and its 53150
officers, members, or employees, undertaken pursuant to the bond 53151
proceedings, is hereby established as a duty of the commissioners, 53152
and of each such agency, local government entity, officer, member, 53153
or employee having authority to perform such duty, specifically 53154
enjoined by the law and resulting from an office, trust, or 53155
station within the meaning of section 2731.01 of the Revised Code. 53156
The persons who are at the time the commissioners of the sinking 53157
fund, or its employees, are not liable in their personal 53158
capacities on any obligations or any agreements of or with the 53159
commissioners relating to obligations or under the bond 53160
proceedings. 53161

(M) Obligations are lawful investments for banks, societies 53162
for savings, savings and loan associations, deposit guarantee 53163
associations, trust companies, trustees, fiduciaries, insurance 53164
companies, including domestic for life and domestic not for life, 53165
trustees or other officers having charge of sinking and bond 53166
retirement or other special funds of political subdivisions and 53167
taxing districts of this state, the commissioners of the sinking 53168
fund, the administrator of workers' compensation, subject to the 53169
approval of the workers' compensation board and the industrial 53170
commission, the state teachers retirement system, the public 53171
employees retirement system, the school employees retirement 53172
system, and the Ohio police and fire pension fund, notwithstanding 53173

any other provisions of the Revised Code or rules adopted pursuant 53174
thereto by any state agency with respect to investments by them, 53175
and are also acceptable as security for the deposit of public 53176
moneys. 53177

(N) Unless otherwise provided in any applicable bond 53178
proceedings, moneys to the credit of or in the special funds 53179
established by or pursuant to this section may be invested by or 53180
on behalf of the commissioners only in notes, bonds, or other 53181
direct obligations of the United States or of any agency or 53182
instrumentality thereof, in obligations of this state or any 53183
political subdivision of this state, in certificates of deposit of 53184
any national bank located in this state and any bank, as defined 53185
in section 1101.01 of the Revised Code, subject to inspection by 53186
the superintendent of financial institutions, in the Ohio 53187
subdivision's fund established pursuant to section 135.45 of the 53188
Revised Code, in no-front-end-load money market mutual funds 53189
consisting exclusively of direct obligations of the United States 53190
or of an agency or instrumentality thereof, and in repurchase 53191
agreements, including those issued by any fiduciary, secured by 53192
direct obligations of the United States or an agency or 53193
instrumentality thereof, and in common trust funds established in 53194
accordance with section 1109.20 of the Revised Code and consisting 53195
exclusively of direct obligations of the United States or of an 53196
agency or instrumentality thereof, notwithstanding division (A)(4) 53197
of that section. The income from investments shall be credited to 53198
such special funds or otherwise as the commissioners determine in 53199
the bond proceedings, and the investments may be sold or exchanged 53200
at such times as the commissioners determine or authorize. 53201

(O) Unless otherwise provided in any applicable bond 53202
proceedings, moneys to the credit of or in a special fund shall be 53203
disbursed on the order of the commissioners, provided that no such 53204
order is required for the payment from the bond service fund or 53205

other special fund when due of bond service charges or required 53206
payments under credit enhancement facilities. 53207

(P) The commissioners may covenant in the bond proceedings, 53208
and any such covenants shall be controlling notwithstanding any 53209
other provision of law, that the state and the applicable officers 53210
and agencies of the state, including the general assembly, shall, 53211
so long as any obligations are outstanding in accordance with 53212
their terms, maintain statutory authority for and cause to be 53213
charged and collected taxes, excises, and other receipts of the 53214
state so that the receipts to the bond service fund shall be 53215
sufficient in amounts to meet bond service charges and for the 53216
establishment and maintenance of any reserves and other 53217
requirements, including payment of financing costs, provided for 53218
in the bond proceedings. 53219

(Q) The obligations, and the transfer of, and the interest, 53220
interest equivalent, and other income and accreted amounts from, 53221
including any profit made on the sale, exchange, or other 53222
disposition of, the obligations shall at all times be free from 53223
taxation, direct or indirect, within the state. 53224

(R) This section applies only with respect to obligations 53225
issued and delivered prior to September 30, 2000. 53226

Sec. 5531.10. (A) As used in this chapter: 53227

(1) "Bond proceedings" means the resolution, order, trust 53228
agreement, indenture, lease, lease-purchase agreements, and other 53229
agreements, amendments and supplements to the foregoing, or any 53230
one or more or combination thereof, authorizing or providing for 53231
the terms and conditions applicable to, or providing for the 53232
security or liquidity of, obligations issued pursuant to this 53233
section, and the provisions contained in such obligations. 53234

(2) "Bond service charges" means principal, including 53235

mandatory sinking fund requirements for retirement of obligations, 53236
and interest, and redemption premium, if any, required to be paid 53237
by the state on obligations. 53238

(3) "Bond service fund" means the applicable fund and 53239
accounts therein created for and pledged to the payment of bond 53240
service charges, which may be, or may be part of, the state 53241
infrastructure bank revenue bond service fund created by division 53242
(R) of this section including all moneys and investments, and 53243
earnings from investments, credited and to be credited thereto. 53244

(4) "Issuing authority" means the treasurer of state, or the 53245
officer who by law performs the functions of the treasurer of 53246
state. 53247

(5) "Obligations" means bonds, notes, or other evidence of 53248
obligation including interest coupons pertaining thereto, issued 53249
pursuant to this section. 53250

(6) "Pledged receipts" means moneys accruing to the state 53251
from the lease, lease-purchase, sale, or other disposition, or 53252
use, of qualified projects, and from the repayment, including 53253
interest, of loans made from proceeds received from the sale of 53254
obligations; accrued interest received from the sale of 53255
obligations; income from the investment of the special funds; any 53256
gifts, grants, donations, and pledges, and receipts therefrom, 53257
available for the payment of bond service charges; and any amounts 53258
in the state infrastructure bank pledged to the payment of such 53259
charges. If the amounts in the state infrastructure bank are 53260
insufficient for the payment of such charges, "pledged receipts" 53261
also means moneys that are apportioned by the United States 53262
secretary of transportation under United States Code, Title XXIII, 53263
as amended, or any successor legislation, or under any other 53264
federal law relating to aid for highways, and that are to be 53265
received as a grant by the state, to the extent the state is not 53266
prohibited by state or federal law from using such moneys and the 53267

moneys are pledged to the payment of such bond service charges. 53268

(7) "Special funds" or "funds" means, except where the 53269
context does not permit, the bond service fund, and any other 53270
funds, including reserve funds, created under the bond 53271
proceedings, and the state infrastructure bank revenue bond 53272
service fund created by division (R) of this section to the extent 53273
provided in the bond proceedings, including all moneys and 53274
investments, and earnings from investment, credited and to be 53275
credited thereto. 53276

(8) "State infrastructure project" means any public 53277
transportation project undertaken by the state, including, but not 53278
limited to, all components of any such project, as described in 53279
division (D) of section 5531.09 of the Revised Code. 53280

(9) "District obligations" means bonds, notes, or other 53281
evidence of obligation including interest coupons pertaining 53282
thereto, issued to finance a qualified project by a transportation 53283
improvement district created pursuant to section 5540.02 of the 53284
Revised Code, of which the principal, including mandatory sinking 53285
fund requirements for retirement of such obligations, and interest 53286
and redemption premium, if any, are payable by the department of 53287
transportation. 53288

(B) The issuing authority, after giving written notice to the 53289
director of budget and management and upon the certification by 53290
the director of transportation to the issuing authority of the 53291
amount of moneys or additional moneys needed either for state 53292
infrastructure projects or to provide financial assistance for any 53293
of the purposes for which the state infrastructure bank may be 53294
used under section 5531.09 of the Revised Code, or needed for 53295
capitalized interest, funding reserves, and paying costs and 53296
expenses incurred in connection with the issuance, carrying, 53297
securing, paying, redeeming, or retirement of the obligations or 53298
any obligations refunded thereby, including payment of costs and 53299

expenses relating to letters of credit, lines of credit, 53300
insurance, put agreements, standby purchase agreements, indexing, 53301
marketing, remarketing and administrative arrangements, interest 53302
swap or hedging agreements, and any other credit enhancement, 53303
liquidity, remarketing, renewal, or refunding arrangements, all of 53304
which are authorized by this section, shall issue obligations of 53305
the state under this section in the required amount. The proceeds 53306
of such obligations, except for the portion to be deposited in 53307
special funds, including reserve funds, as may be provided in the 53308
bond proceedings, shall as provided in the bond proceedings be 53309
credited to the infrastructure bank obligations fund of the state 53310
infrastructure bank created by section 5531.09 of the Revised Code 53311
and disbursed as provided in the bond proceedings for such 53312
obligations. The issuing authority may appoint trustees, paying 53313
agents, transfer agents, and authenticating agents, and may retain 53314
the services of financial advisors, accounting experts, and 53315
attorneys, and retain or contract for the services of marketing, 53316
remarketing, indexing, and administrative agents, other 53317
consultants, and independent contractors, including printing 53318
services, as are necessary in the issuing authority's judgment to 53319
carry out this section. The costs of such services are payable 53320
from funds of the state infrastructure bank. 53321

(C) The holders or owners of such obligations shall have no 53322
right to have moneys raised by taxation by the state of Ohio 53323
obligated or pledged, and moneys so raised shall not be obligated 53324
or pledged, for the payment of bond service charges. The right of 53325
such holders and owners to the payment of bond service charges is 53326
limited to all or that portion of the pledged receipts and those 53327
special funds pledged thereto pursuant to the bond proceedings for 53328
such obligations in accordance with this section, and each such 53329
obligation shall bear on its face a statement to that effect. 53330
Moneys received as repayment of loans made by the state 53331
infrastructure bank pursuant to section 5531.09 of the Revised 53332

Code shall not be considered moneys raised by taxation by the 53333
state of Ohio regardless of the source of the moneys. 53334

(D) Obligations shall be authorized by order of the issuing 53335
authority and the bond proceedings shall provide for the purpose 53336
thereof and the principal amount or amounts, and shall provide for 53337
or authorize the manner or agency for determining the principal 53338
maturity or maturities, not exceeding twenty-five years from the 53339
date of issuance, the interest rate or rates or the maximum 53340
interest rate, the date of the obligations and the dates of 53341
payment of interest thereon, their denomination, and the 53342
establishment within or without the state of a place or places of 53343
payment of bond service charges. Sections 9.98 to 9.983 of the 53344
Revised Code are applicable to obligations issued under this 53345
section. The purpose of such obligations may be stated in the bond 53346
proceedings in terms describing the general purpose or purposes to 53347
be served. The bond proceedings also shall provide, subject to the 53348
provisions of any other applicable bond proceedings, for the 53349
pledge of all, or such part as the issuing authority may 53350
determine, of the pledged receipts and the applicable special fund 53351
or funds to the payment of bond service charges, which pledges may 53352
be made either prior or subordinate to other expenses, claims, or 53353
payments, and may be made to secure the obligations on a parity 53354
with obligations theretofore or thereafter issued, if and to the 53355
extent provided in the bond proceedings. The pledged receipts and 53356
special funds so pledged and thereafter received by the state 53357
immediately are subject to the lien of such pledge without any 53358
physical delivery thereof or further act, and the lien of any such 53359
pledges is valid and binding against all parties having claims of 53360
any kind against the state or any governmental agency of the 53361
state, irrespective of whether such parties have notice thereof, 53362
and shall create a perfected security interest for all purposes of 53363
Chapter 1309. of the Revised Code, without the necessity for 53364
separation or delivery of funds or for the filing or recording of 53365

the bond proceedings by which such pledge is created or any 53366
certificate, statement, or other document with respect thereto; 53367
and the pledge of such pledged receipts and special funds is 53368
effective and the money therefrom and thereof may be applied to 53369
the purposes for which pledged without necessity for any act of 53370
appropriation. Every pledge, and every covenant and agreement made 53371
with respect thereto, made in the bond proceedings may therein be 53372
extended to the benefit of the owners and holders of obligations 53373
authorized by this section, and to any trustee therefor, for the 53374
further security of the payment of the bond service charges. 53375

53376
(E) The bond proceedings may contain additional provisions as 53377
to: 53378

(1) The redemption of obligations prior to maturity at the 53379
option of the issuing authority at such price or prices and under 53380
such terms and conditions as are provided in the bond proceedings; 53381

(2) Other terms of the obligations; 53382

(3) Limitations on the issuance of additional obligations; 53383

(4) The terms of any trust agreement or indenture securing 53384
the obligations or under which the same may be issued; 53385

(5) The deposit, investment, and application of special 53386
funds, and the safeguarding of moneys on hand or on deposit, 53387
without regard to Chapter 131. or 135. of the Revised Code, but 53388
subject to any special provisions of this section with respect to 53389
particular funds or moneys, provided that any bank or trust 53390
company which acts as depository of any moneys in the special 53391
funds may furnish such indemnifying bonds or may pledge such 53392
securities as required by the issuing authority; 53393

(6) Any or every provision of the bond proceedings being 53394
binding upon such officer, board, commission, authority, agency, 53395
department, or other person or body as may from time to time have 53396

the authority under law to take such actions as may be necessary 53397
to perform all or any part of the duty required by such provision; 53398

(7) Any provision that may be made in a trust agreement or 53399
indenture; 53400

(8) Any other or additional agreements with the holders of 53401
the obligations, or the trustee therefor, relating to the 53402
obligations or the security therefor, including the assignment of 53403
mortgages or other security relating to financial assistance for 53404
qualified projects under section 5531.09 of the Revised Code. 53405

(F) The obligations may have the great seal of the state or a 53406
facsimile thereof affixed thereto or printed thereon. The 53407
obligations and any coupons pertaining to obligations shall be 53408
signed or bear the facsimile signature of the issuing authority. 53409
Any obligations or coupons may be executed by the person who, on 53410
the date of execution, is the proper issuing authority although on 53411
the date of such bonds or coupons such person was not the issuing 53412
authority. In case the issuing authority whose signature or a 53413
facsimile of whose signature appears on any such obligation or 53414
coupon ceases to be the issuing authority before delivery thereof, 53415
such signature or facsimile nevertheless is valid and sufficient 53416
for all purposes as if the former issuing authority had remained 53417
the issuing authority until such delivery; and in case the seal to 53418
be affixed to obligations has been changed after a facsimile of 53419
the seal has been imprinted on such obligations, such facsimile 53420
seal shall continue to be sufficient as to such obligations and 53421
obligations issued in substitution or exchange therefor. 53422

(G) All obligations are negotiable instruments and securities 53423
under Chapter 1308. of the Revised Code, subject to the provisions 53424
of the bond proceedings as to registration. The obligations may be 53425
issued in coupon or in registered form, or both, as the issuing 53426
authority determines. Provision may be made for the registration 53427
of any obligations with coupons attached thereto as to principal 53428

alone or as to both principal and interest, their exchange for 53429
obligations so registered, and for the conversion or reconversion 53430
into obligations with coupons attached thereto of any obligations 53431
registered as to both principal and interest, and for reasonable 53432
charges for such registration, exchange, conversion, and 53433
reconversion. 53434

(H) Obligations may be sold at public sale or at private 53435
sale, as determined in the bond proceedings. 53436

(I) Pending preparation of definitive obligations, the 53437
issuing authority may issue interim receipts or certificates which 53438
shall be exchanged for such definitive obligations. 53439

(J) In the discretion of the issuing authority, obligations 53440
may be secured additionally by a trust agreement or indenture 53441
between the issuing authority and a corporate trustee which may be 53442
any trust company or bank having ~~its principal~~ a place of business 53443
within the state. Any such agreement or indenture may contain the 53444
order authorizing the issuance of the obligations, any provisions 53445
that may be contained in any bond proceedings, and other 53446
provisions which are customary or appropriate in an agreement or 53447
indenture of such type, including, but not limited to: 53448

(1) Maintenance of each pledge, trust agreement, indenture, 53449
or other instrument comprising part of the bond proceedings until 53450
the state has fully paid the bond service charges on the 53451
obligations secured thereby, or provision therefor has been made; 53452

(2) In the event of default in any payments required to be 53453
made by the bond proceedings, or any other agreement of the 53454
issuing authority made as a part of the contract under which the 53455
obligations were issued, enforcement of such payments or agreement 53456
by mandamus, the appointment of a receiver, suit in equity, action 53457
at law, or any combination of the foregoing; 53458

(3) The rights and remedies of the holders of obligations and 53459

of the trustee, and provisions for protecting and enforcing them, 53460
including limitations on the rights of individual holders of 53461
obligations; 53462

(4) The replacement of any obligations that become mutilated 53463
or are destroyed, lost, or stolen; 53464

(5) Such other provisions as the trustee and the issuing 53465
authority agree upon, including limitations, conditions, or 53466
qualifications relating to any of the foregoing. 53467

(K) Any holder of obligations or a trustee under the bond 53468
proceedings, except to the extent that the holder's or trustee's 53469
rights are restricted by the bond proceedings, may by any suitable 53470
form of legal proceedings, protect and enforce any rights under 53471
the laws of this state or granted by such bond proceedings. Such 53472
rights include the right to compel the performance of all duties 53473
of the issuing authority and the director of transportation 53474
required by the bond proceedings or sections 5531.09 and 5531.10 53475
of the Revised Code; to enjoin unlawful activities; and in the 53476
event of default with respect to the payment of any bond service 53477
charges on any obligations or in the performance of any covenant 53478
or agreement on the part of the issuing authority or the director 53479
of transportation in the bond proceedings, to apply to a court 53480
having jurisdiction of the cause to appoint a receiver to receive 53481
and administer the pledged receipts and special funds, other than 53482
those in the custody of the treasurer of state, which are pledged 53483
to the payment of the bond service charges on such obligations or 53484
which are the subject of the covenant or agreement, with full 53485
power to pay, and to provide for payment of bond service charges 53486
on, such obligations, and with such powers, subject to the 53487
direction of the court, as are accorded receivers in general 53488
equity cases, excluding any power to pledge additional revenues or 53489
receipts or other income or moneys of the state or local 53490
governmental entities, or agencies thereof, to the payment of such 53491

principal and interest and excluding the power to take possession 53492
of, mortgage, or cause the sale or otherwise dispose of any 53493
project facilities. 53494

Each duty of the issuing authority and the issuing 53495
authority's officers and employees, and of each state or local 53496
governmental agency and its officers, members, or employees, 53497
undertaken pursuant to the bond proceedings or any loan, loan 53498
guarantee, lease, lease-purchase agreement, or other agreement 53499
made under authority of section 5531.09 of the Revised Code, and 53500
in every agreement by or with the issuing authority, is hereby 53501
established as a duty of the issuing authority, and of each such 53502
officer, member, or employee having authority to perform such 53503
duty, specifically enjoined by the law resulting from an office, 53504
trust, or station within the meaning of section 2731.01 of the 53505
Revised Code. 53506

The person who is at the time the issuing authority, or the 53507
issuing authority's officers or employees, are not liable in their 53508
personal capacities on any obligations issued by the issuing 53509
authority or any agreements of or with the issuing authority. 53510

(L) The issuing authority may authorize and issue obligations 53511
for the refunding, including funding and retirement, and advance 53512
refunding with or without payment or redemption prior to maturity, 53513
of any obligations previously issued by the issuing authority or 53514
district obligations. Such refunding obligations may be issued in 53515
amounts sufficient for payment of the principal amount of the 53516
prior obligations or district obligations, any redemption premiums 53517
thereon, principal maturities of any such obligations or district 53518
obligations maturing prior to the redemption of the remaining 53519
obligations or district obligations on a parity therewith, 53520
interest accrued or to accrue to the maturity dates or dates of 53521
redemption of such obligations or district obligations, and any 53522
expenses incurred or to be incurred in connection with such 53523

issuance and such refunding, funding, and retirement. Subject to 53524
the bond proceedings therefor, the portion of proceeds of the sale 53525
of refunding obligations issued under this division to be applied 53526
to bond service charges on the prior obligations or district 53527
obligations shall be credited to an appropriate account held by 53528
the trustee for such prior or new obligations or to the 53529
appropriate account in the bond service fund for such obligations 53530
or district obligations. Obligations authorized under this 53531
division shall be deemed to be issued for those purposes for which 53532
such prior obligations or district obligations were issued and are 53533
subject to the provisions of this section pertaining to other 53534
obligations, except as otherwise provided in this section. The 53535
last maturity of obligations authorized under this division shall 53536
not be later than twenty-five years from the date of issuance of 53537
the original securities issued for the original purpose. 53538

(M) The authority to issue obligations under this section 53539
includes authority to issue obligations in the form of bond 53540
anticipation notes and to renew the same from time to time by the 53541
issuance of new notes. The holders of such notes or interest 53542
coupons pertaining thereto shall have a right to be paid solely 53543
from the pledged receipts and special funds that may be pledged to 53544
the payment of the bonds anticipated, or from the proceeds of such 53545
bonds or renewal notes, or both, as the issuing authority provides 53546
in the order authorizing such notes. Such notes may be 53547
additionally secured by covenants of the issuing authority to the 53548
effect that the issuing authority and the state will do such or 53549
all things necessary for the issuance of such bonds or renewal 53550
notes in the appropriate amount, and apply the proceeds thereof to 53551
the extent necessary, to make full payment of the principal of and 53552
interest on such notes at the time or times contemplated, as 53553
provided in such order. For such purpose, the issuing authority 53554
may issue bonds or renewal notes in such principal amount and upon 53555
such terms as may be necessary to provide funds to pay when 53556

required the principal of and interest on such notes, 53557
notwithstanding any limitations prescribed by or for purposes of 53558
this section. Subject to this division, all provisions for and 53559
references to obligations in this section are applicable to notes 53560
authorized under this division. 53561

The issuing authority in the bond proceedings authorizing the 53562
issuance of bond anticipation notes shall set forth for such bonds 53563
an estimated interest rate and a schedule of principal payments 53564
for such bonds and the annual maturity dates thereof. 53565

(N) Obligations issued under this section are lawful 53566
investments for banks, societies for savings, savings and loan 53567
associations, deposit guarantee associations, trust companies, 53568
trustees, fiduciaries, insurance companies, including domestic for 53569
life and domestic not for life, trustees or other officers having 53570
charge of sinking and bond retirement or other special funds of 53571
political subdivisions and taxing districts of this state, the 53572
commissioners of the sinking fund of the state, the administrator 53573
of workers' compensation, the state teachers retirement system, 53574
the public employees retirement system, the school employees 53575
retirement system, and the Ohio police and fire pension fund, 53576
notwithstanding any other provisions of the Revised Code or rules 53577
adopted pursuant thereto by any agency of the state with respect 53578
to investments by them, and are also acceptable as security for 53579
the deposit of public moneys. 53580

(O) Unless otherwise provided in any applicable bond 53581
proceedings, moneys to the credit of or in the special funds 53582
established by or pursuant to this section may be invested by or 53583
on behalf of the issuing authority only in notes, bonds, or other 53584
obligations of the United States, or of any agency or 53585
instrumentality of the United States, obligations guaranteed as to 53586
principal and interest by the United States, obligations of this 53587
state or any political subdivision of this state, and certificates 53588

of deposit of any national bank located in this state and any 53589
bank, as defined in section 1101.01 of the Revised Code, subject 53590
to inspection by the superintendent of financial institutions. If 53591
the law or the instrument creating a trust pursuant to division 53592
(J) of this section expressly permits investment in direct 53593
obligations of the United States or an agency of the United 53594
States, unless expressly prohibited by the instrument, such moneys 53595
also may be invested in no-front-end-load money market mutual 53596
funds consisting exclusively of obligations of the United States 53597
or an agency of the United States and in repurchase agreements, 53598
including those issued by the fiduciary itself, secured by 53599
obligations of the United States or an agency of the United 53600
States; and in collective investment funds as defined in division 53601
(A) of section 1111.01 of the Revised Code and consisting 53602
exclusively of any such securities. The income from such 53603
investments shall be credited to such funds as the issuing 53604
authority determines, and such investments may be sold at such 53605
times as the issuing authority determines or authorizes. 53606

(P) Provision may be made in the applicable bond proceedings 53607
for the establishment of separate accounts in the bond service 53608
fund and for the application of such accounts only to the 53609
specified bond service charges on obligations pertinent to such 53610
accounts and bond service fund and for other accounts therein 53611
within the general purposes of such fund. Unless otherwise 53612
provided in any applicable bond proceedings, moneys to the credit 53613
of or in the several special funds established pursuant to this 53614
section shall be disbursed on the order of the treasurer of state, 53615
provided that no such order is required for the payment from the 53616
bond service fund when due of bond service charges on obligations. 53617

(Q)(1) The issuing authority may pledge all, or such portion 53618
as the issuing authority determines, of the pledged receipts to 53619
the payment of bond service charges on obligations issued under 53620

this section, and for the establishment and maintenance of any reserves, as provided in the bond proceedings, and make other provisions therein with respect to pledged receipts as authorized by this chapter, which provisions are controlling notwithstanding any other provisions of law pertaining thereto.

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

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

(b) That the general assembly be requested to increase appropriations from lawfully available moneys for the department

in the current biennium sufficient for the purpose of and for the 53653
payment in full of bond service charges previously due and to come 53654
due in the biennium and for the full replenishment of the 53655
reserves. 53656

The director of transportation shall include with such 53657
requests a recommendation that the payment of the bond service 53658
charges and the replenishment of the reserves be made in the 53659
interest of maximizing the benefits of the state infrastructure 53660
bank. Any such covenant shall not obligate or purport to obligate 53661
the state to pay the bond service charges on such bonds or notes 53662
or to deposit moneys in a reserve established for such payments 53663
other than from moneys that may be lawfully available and 53664
appropriated for that purpose during the then-current biennium. 53665

(R) There is hereby created the state infrastructure bank 53666
revenue bond service fund, which shall be in the custody of the 53667
treasurer of state but shall not be a part of the state treasury. 53668
All moneys received by or on account of the issuing authority or 53669
state agencies and required by the applicable bond proceedings, 53670
consistent with this section, to be deposited, transferred, or 53671
credited to the bond service fund, and all other moneys 53672
transferred or allocated to or received for the purposes of the 53673
fund, shall be deposited and credited to such fund and to any 53674
separate accounts therein, subject to applicable provisions of the 53675
bond proceedings, but without necessity for any act of 53676
appropriation. The state infrastructure bank revenue bond service 53677
fund is a trust fund and is hereby pledged to the payment of bond 53678
service charges to the extent provided in the applicable bond 53679
proceedings, and payment thereof from such fund shall be made or 53680
provided for by the treasurer of state in accordance with such 53681
bond proceedings without necessity for any act of appropriation. 53682

(S) The obligations issued pursuant to this section, the 53683
transfer thereof, and the income therefrom, including any profit 53684

made on the sale thereof, shall at all times be free from taxation 53685
within this state. 53686

Sec. 5533.531. The road known as state route one hundred 53687
eighteen, commencing at the southernmost boundary of the municipal 53688
corporation of St. Henry and extending southward to the 53689
intersection of that state route and state route forty-seven, 53690
shall be known as "Earl Baltes Highway." 53691

The director of transportation may erect suitable markers 53692
along the highway indicating its name. 53693

Sec. 5533.632. The road known as state route number two, 53694
running in an easterly and westerly direction, within the 53695
municipal corporation of Willoughby only, shall be known as the 53696
"Brian Montgomery Memorial Highway." 53697

The director of transportation may erect suitable markers 53698
along the highway indicating its name. 53699

Sec. 5533.91. That part of the road known as state route 53700
number forty-four, located within Lake county and commencing at 53701
the intersection of that state route and state route number two 53702
and extending in a northerly direction and ending at headlands 53703
beach state park, shall be known as the "LCpl Andy Nowacki 53704
Memorial Highway." 53705

The director of transportation may erect suitable markers 53706
along the highway indicating its name. 53707

Sec. 5537.04. (A) The Ohio turnpike commission may do any of 53708
the following: 53709

(1) Adopt bylaws for the regulation of its affairs and the 53710
conduct of its business; 53711

(2) Adopt an official seal, which shall not be the great seal 53712

of the state and which need not be in compliance with section 5.10 53713
of the Revised Code; 53714

(3) Maintain a principal office and suboffices at such places 53715
within the state as it designates; 53716

(4) Sue and be sued in its own name, plead and be impleaded, 53717
provided any actions against the commission shall be brought in 53718
the court of common pleas of the county in which the principal 53719
office of the commission is located, or in the court of common 53720
pleas of the county in which the cause of action arose if that 53721
county is located within this state, and all summonses, 53722
exceptions, and notices of every kind shall be served on the 53723
commission by leaving a copy thereof at its principal office with 53724
the secretary-treasurer or executive director of the commission; 53725

(5) Construct, maintain, repair, police, and operate the 53726
turnpike system, and establish rules for the use of any turnpike 53727
project; 53728

(6) Issue revenue bonds of the state, payable solely from 53729
pledged revenues, as provided in this chapter, for the purpose of 53730
paying any part of the cost of constructing any one or more 53731
turnpike projects; 53732

(7) Fix, and revise from time to time, and charge and collect 53733
tolls; 53734

(8) Acquire, hold, and dispose of property in the exercise of 53735
its powers and the performance of its duties under this chapter; 53736

(9) Designate the locations and establish, limit, and control 53737
such points of ingress to and egress from each turnpike project as 53738
are necessary or desirable in the judgment of the commission and 53739
of the director of transportation to ensure the proper operation 53740
and maintenance of that project, and prohibit entrance to such a 53741
project from any point not so designated; 53742

(10) Make and enter into all contracts and agreements 53743
necessary or incidental to the performance of its duties and the 53744
execution of its powers under this chapter, including 53745
participation in a multi-jurisdiction electronic toll collection 53746
agreement and collection or remittance of tolls, fees, or other 53747
charges to or from entities or agencies that participate in such 53748
an agreement; 53749

(11) Employ or retain or contract for the services of 53750
consulting engineers, superintendents, managers, and any other 53751
engineers, construction and accounting experts, financial 53752
advisers, trustees, marketing, remarketing, and administrative 53753
agents, attorneys, and other employees, independent contractors, 53754
or agents that are necessary in its judgment and fix their 53755
compensation, provided all such expenses shall be payable solely 53756
from the proceeds of bonds or from revenues of the Ohio turnpike 53757
system; 53758

(12) Receive and accept from any federal agency, subject to 53759
the approval of the governor, and from any other governmental 53760
agency grants for or in aid of the construction, reconstruction, 53761
repair, renovation, maintenance, or operation of any turnpike 53762
project, and receive and accept aid or contributions from any 53763
source or person of money, property, labor, or other things of 53764
value, to be held, used, and applied only for the purposes for 53765
which such grants and contributions are made; 53766

(13) Provide coverage for its employees under Chapters 4123. 53767
and 4141. of the Revised Code; 53768

(14) Fix and revise by rule, from time to time, such permit 53769
fees, processing fees, or administrative charges for the 53770
prepayment, deferred payment, or nonpayment of tolls and use of 53771
electronic tolling equipment or other commission property. 53772

(B) The commission may do all acts necessary or proper to 53773

carry out the powers expressly granted in this chapter. 53774

Sec. 5537.16. (A) The Ohio turnpike commission may adopt such 53775
bylaws and rules as it considers advisable for the control and 53776
regulation of traffic on any turnpike project, for the protection 53777
and preservation of property under its jurisdiction and control, 53778
~~and~~ for the maintenance and preservation of good order within the 53779
property under its control, and for the purpose of establishing 53780
owner or operator liability for failure to comply with toll 53781
collection rules. The rules of the commission with respect to the 53782
speed, use of special engine brakes, axle loads, vehicle loads, 53783
and vehicle dimensions of vehicles on turnpike projects, including 53784
the issuance of a special permit by the commission to allow the 53785
operation on any turnpike project of a motor vehicle transporting 53786
two or fewer steel coils, shall apply notwithstanding sections 53787
4511.21 to 4511.24, 4513.34, and Chapter 5577. of the Revised 53788
Code. Such bylaws and rules shall be published in a newspaper of 53789
general circulation in Franklin county, and in such other manner 53790
as the commission prescribes. 53791

(B) Such rules shall provide that public police officers 53792
shall be afforded ready access, while in the performance of their 53793
official duty, to all property under the jurisdiction of the 53794
commission and without the payment of tolls. 53795

(C) No person shall violate any such bylaws or rules of the 53796
commission. ~~All~~ 53797

(D)(1) All fines collected for the violation of applicable 53798
laws of the state and the bylaws and rules of the commission or 53799
moneys arising from bonds forfeited for such violation shall be 53800
disposed of in accordance with section 5503.04 of the Revised 53801
Code. 53802

(2) All fees or charges assessed by the commission against an 53803
owner or operator of a vehicle as a civil violation for failure to 53804

comply with toll collection rules shall be revenues of the 53805
commission. 53806

Sec. 5537.99. ~~Whoever~~ (A) Except as provided in division (B) 53807
of this section, whoever violates division (C) of section 5537.16 53808
of the Revised Code is guilty of a minor misdemeanor on a first 53809
offense; on each subsequent offense such person is guilty of a 53810
misdemeanor of the fourth degree. 53811

(B) Whoever violates division (C) of section 5537.16 of the 53812
Revised Code when the violation is a civil violation for failure 53813
to comply with toll collection rules is subject to a fee or charge 53814
established by the commission by rule. 53815

Sec. 5703.57. (A) As used in this section, "Ohio business 53816
gateway" has the same meaning as in section 718.051 of the Revised 53817
Code. 53818

(B) There is hereby created the Ohio business gateway 53819
steering committee to direct the continuing development of the 53820
Ohio business gateway and to oversee its operations. The committee 53821
shall provide general oversight regarding operation of the Ohio 53822
business gateway and shall recommend to the ~~department of~~ 53823
~~administrative services~~ office of information technology 53824
enhancements that will improve the Ohio business gateway. The 53825
committee shall consider all banking, technological, 53826
administrative, and other issues associated with the Ohio business 53827
gateway and shall make recommendations regarding the type of 53828
reporting forms or other tax documents to be filed through the 53829
Ohio business gateway. 53830

(C) The committee shall consist of: 53831

(1) The following members, appointed by the governor with the 53832
advice and consent of the senate: 53833

(a) Not more than two representatives of the business 53834

community; 53835

(b) Not more than three representatives of municipal tax administrators; and 53836
53837

(c) Not more than two tax practitioners. 53838

(2) The following ex officio members: 53839

(a) The director or other highest officer of each state agency that has tax reporting forms or other tax documents filed with it through the Ohio business gateway or the director's designee; 53840
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(b) The secretary of state or the secretary of state's designee; 53844
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(c) The treasurer of state or the treasurer of state's designee; 53846
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(d) ~~The director of budget and management or the director's designee;~~ 53848
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~~(e) The director of the office of information technology~~ 53850
state chief information officer or the ~~director's~~ officer's designee; and 53851
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~~(f)~~(e) The tax commissioner or the tax commissioner's designee. 53853
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An appointed member shall serve until the member resigns or is removed by the governor. Vacancies shall be filled in the same manner as original appointments. 53855
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(D) A vacancy on the committee does not impair the right of the other members to exercise all the functions of the committee. The presence of a majority of the members of the committee constitutes a quorum for the conduct of business of the committee. The concurrence of at least a majority of the members of the committee is necessary for any action to be taken by the committee. On request, each member of the committee shall be 53858
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reimbursed for the actual and necessary expenses incurred in the discharge of the member's duties. 53865
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(E) The committee is a part of the department of taxation for administrative purposes. 53867
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(F) Each year, the governor shall select a member of the committee to serve as chairperson. The chairperson shall appoint an official or employee of the department of taxation to act as the committee's secretary. The secretary shall keep minutes of the committee's meetings and a journal of all meetings, proceedings, findings, and determinations of the committee. 53869
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(G) The committee shall hire professional, technical, and clerical staff needed to support its activities. 53875
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(H) The committee shall meet as often as necessary to perform its duties. 53877
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Sec. 5703.80. There is hereby created in the state treasury the property tax administration fund. All money to the credit of the fund shall be used to defray the costs incurred by the department of taxation in administering the taxation of property and the equalization of real property valuation. 53879
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Each fiscal year between the first and fifteenth days of July, the tax commissioner shall compute the following amounts for the property in each taxing district in each county, and certify to the director of budget and management the sum of those amounts for all taxing districts in all counties: 53884
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(A) For fiscal year 2006, thirty-three hundredths of one per cent of the total amount by which taxes charged against real property on the general tax list of real and public utility property were reduced under section 319.302 of the Revised Code for the preceding tax year; 53889
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(B) For fiscal year 2007 and thereafter, thirty-five 53894

hundredths of one per cent of the total amount by which taxes 53895
charged against real property on the general tax list of real and 53896
public utility property were reduced under section 319.302 of the 53897
Revised Code for the preceding tax year; 53898

(C) For fiscal year 2006, one-half of one per cent of the 53899
total amount of taxes charged and payable against public utility 53900
personal property on the general tax list of real and public 53901
utility property for the preceding tax year and of the total 53902
amount of taxes charged and payable against tangible personal 53903
property on the general tax list of personal property of the 53904
preceding tax year and for which returns were filed with the tax 53905
commissioner under section 5711.13 of the Revised Code; 53906

(D) For fiscal year 2007, fifty-six hundredths of one per 53907
cent of the total amount of taxes charged and payable against 53908
public utility personal property on the general tax list of real 53909
and public utility property for the preceding tax year and of the 53910
total amount of taxes charged and payable against tangible 53911
personal property on the general tax list of personal property of 53912
the preceding tax year and for which returns were filed with the 53913
tax commissioner under section 5711.13 of the Revised Code; 53914

(E) For fiscal year 2008 ~~and thereafter~~, six-tenths of one 53915
per cent of the total amount of taxes charged and payable against 53916
public utility personal property on the general tax list of real 53917
and public utility property for the preceding tax year and of the 53918
total amount of taxes charged and payable against tangible 53919
personal property on the general tax list of personal property of 53920
the preceding tax year and for which returns were filed with the 53921
tax commissioner under section 5711.13 of the Revised Code; 53922

(F) For fiscal year 2009 and thereafter, seven hundred 53923
twenty-five one-thousandths of one per cent of the total amount of 53924
taxes charged and payable against public utility personal property 53925
on the general tax list of real and public utility property for 53926

the preceding tax year and of the total amount of taxes charged 53927
and payable against tangible personal property on the general tax 53928
list of personal property of the preceding tax year and for which 53929
returns were filed with the tax commissioner under section 5711.13 53930
of the Revised Code. 53931

After receiving the tax commissioner's certification, the 53932
director of budget and management shall transfer from the general 53933
revenue fund to the property tax administration fund one-fourth of 53934
the amount certified on or before each of the following days: the 53935
first days of August, November, February, and May. 53936

On or before the thirtieth day of June of the fiscal year, 53937
the tax commissioner shall certify to the director of budget and 53938
management the sum of the amounts by which the amounts computed 53939
for a taxing district under this section exceeded the 53940
distributions to the taxing district under division (F) of section 53941
321.24 of the Revised Code, and the director shall transfer that 53942
sum from the property tax administration fund to the general 53943
revenue fund. 53944

Sec. 5705.01. As used in this chapter: 53945

(A) "Subdivision" means any county; municipal corporation; 53946
township; township police district; township fire district; joint 53947
fire district; joint ambulance district; joint emergency medical 53948
services district; fire and ambulance district; joint recreation 53949
district; township waste disposal district; township road 53950
district; community college district; technical college district; 53951
detention facility district; a district organized under section 53952
2151.65 of the Revised Code; a combined district organized under 53953
sections 2152.41 and 2151.65 of the Revised Code; a joint-county 53954
alcohol, drug addiction, and mental health service district; a 53955
drainage improvement district created under section 6131.52 of the 53956
Revised Code; a union cemetery district; a county school financing 53957

district; ~~or~~ a city, local, exempted village, cooperative 53958
education, or joint vocational school district; or a student 53959
special services district created under section 3313.82 of the 53960
Revised Code. 53961

(B) "Municipal corporation" means all municipal corporations, 53962
including those that have adopted a charter under Article XVIII, 53963
Ohio Constitution. 53964

(C) "Taxing authority" or "bond issuing authority" means, in 53965
the case of any county, the board of county commissioners; in the 53966
case of a municipal corporation, the council or other legislative 53967
authority of the municipal corporation; in the case of a city, 53968
local, exempted village, cooperative education, or joint 53969
vocational school district, the board of education; in the case of 53970
a community college district, the board of trustees of the 53971
district; in the case of a technical college district, the board 53972
of trustees of the district; in the case of a detention facility 53973
district, a district organized under section 2151.65 of the 53974
Revised Code, or a combined district organized under sections 53975
2152.41 and 2151.65 of the Revised Code, the joint board of county 53976
commissioners of the district; in the case of a township, the 53977
board of township trustees; in the case of a joint fire district, 53978
the board of fire district trustees; in the case of a joint 53979
recreation district, the joint recreation district board of 53980
trustees; in the case of a joint-county alcohol, drug addiction, 53981
and mental health service district, the district's board of 53982
alcohol, drug addiction, and mental health services; in the case 53983
of a joint ambulance district or a fire and ambulance district, 53984
the board of trustees of the district; in the case of a union 53985
cemetery district, the legislative authority of the municipal 53986
corporation and the board of township trustees, acting jointly as 53987
described in section 759.341 of the Revised Code; in the case of a 53988
drainage improvement district, the board of county commissioners 53989

of the county in which the drainage district is located; in the case of a joint emergency medical services district, the joint board of county commissioners of all counties in which all or any part of the district lies; and in the case of a township police district, a township fire district, a township road district, or a township waste disposal district, the board of township trustees of the township in which the district is located. "Taxing authority" also means the educational service center governing board that serves as the taxing authority of a county school financing district as provided in section 3311.50 of the Revised Code, and the board of directors of a student special services district created under section 3313.82 of the Revised Code.

(D) "Fiscal officer" in the case of a county, means the county auditor; in the case of a municipal corporation, the city auditor or village clerk, or an officer who, by virtue of the charter, has the duties and functions of the city auditor or village clerk, except that in the case of a municipal university the board of directors of which have assumed, in the manner provided by law, the custody and control of the funds of the university, the chief accounting officer of the university shall perform, with respect to the funds, the duties vested in the fiscal officer of the subdivision by sections 5705.41 and 5705.44 of the Revised Code; in the case of a school district, the treasurer of the board of education; in the case of a county school financing district, the treasurer of the educational service center governing board that serves as the taxing authority; in the case of a township, the township fiscal officer; in the case of a joint fire district, the clerk of the board of fire district trustees; in the case of a joint ambulance district, the clerk of the board of trustees of the district; in the case of a joint emergency medical services district, the person appointed as fiscal officer pursuant to division (D) of section 307.053 of the Revised Code; in the case of a fire and ambulance district,

the person appointed as fiscal officer pursuant to division (B) of 54023
section 505.375 of the Revised Code; in the case of a joint 54024
recreation district, the person designated pursuant to section 54025
755.15 of the Revised Code; in the case of a union cemetery 54026
district, the clerk of the municipal corporation designated in 54027
section 759.34 of the Revised Code; in the case of a children's 54028
home district, educational service center, general health 54029
district, joint-county alcohol, drug addiction, and mental health 54030
service district, county library district, detention facility 54031
district, district organized under section 2151.65 of the Revised 54032
Code, a combined district organized under sections 2152.41 and 54033
2151.65 of the Revised Code, or a metropolitan park district for 54034
which no treasurer has been appointed pursuant to section 1545.07 54035
of the Revised Code, the county auditor of the county designated 54036
by law to act as the auditor of the district; in the case of a 54037
metropolitan park district which has appointed a treasurer 54038
pursuant to section 1545.07 of the Revised Code, that treasurer; 54039
in the case of a drainage improvement district, the auditor of the 54040
county in which the drainage improvement district is located; in 54041
the case of a student special services district, the fiscal 54042
officer appointed pursuant to section 3313.82 of the Revised Code; 54043
and in all other cases, the officer responsible for keeping the 54044
appropriation accounts and drawing warrants for the expenditure of 54045
the moneys of the district or taxing unit. 54046

(E) "Permanent improvement" or "improvement" means any 54047
property, asset, or improvement with an estimated life or 54048
usefulness of five years or more, including land and interests 54049
therein, and reconstructions, enlargements, and extensions thereof 54050
having an estimated life or usefulness of five years or more. 54051

(F) "Current operating expenses" and "current expenses" mean 54052
the lawful expenditures of a subdivision, except those for 54053
permanent improvements, and except payments for interest, sinking 54054

fund, and retirement of bonds, notes, and certificates of 54055
indebtedness of the subdivision. 54056

(G) "Debt charges" means interest, sinking fund, and 54057
retirement charges on bonds, notes, or certificates of 54058
indebtedness. 54059

(H) "Taxing unit" means any subdivision or other governmental 54060
district having authority to levy taxes on the property in the 54061
district or issue bonds that constitute a charge against the 54062
property of the district, including conservancy districts, 54063
metropolitan park districts, sanitary districts, road districts, 54064
and other districts. 54065

(I) "District authority" means any board of directors, 54066
trustees, commissioners, or other officers controlling a district 54067
institution or activity that derives its income or funds from two 54068
or more subdivisions, such as the educational service center, the 54069
trustees of district children's homes, the district board of 54070
health, a joint-county alcohol, drug addiction, and mental health 54071
service district's board of alcohol, drug addiction, and mental 54072
health services, detention facility districts, a joint recreation 54073
district board of trustees, districts organized under section 54074
2151.65 of the Revised Code, combined districts organized under 54075
sections 2152.41 and 2151.65 of the Revised Code, and other such 54076
boards. 54077

(J) "Tax list" and "tax duplicate" mean the general tax lists 54078
and duplicates prescribed by sections 319.28 and 319.29 of the 54079
Revised Code. 54080

(K) "Property" as applied to a tax levy means taxable 54081
property listed on general tax lists and duplicates. 54082

(L) "School library district" means a school district in 54083
which a free public library has been established that is under the 54084
control and management of a board of library trustees as provided 54085

in section 3375.15 of the Revised Code. 54086

Sec. 5705.214. Not more than three elections during any 54087
calendar year shall include the questions by a school district of 54088
tax levies proposed under any one or any combination of the 54089
following sections: sections 5705.194, 5705.21, 5705.212, 54090
5705.213, 5705.217, ~~and~~ 5705.218, 5748.02, 5748.021, and 5748.08 54091
of the Revised Code. 54092

Sec. 5705.219. (A) If the board of directors of a student 54093
special services district created under section 3313.82 of the 54094
Revised Code desires to levy a tax in excess of the ten-mill 54095
limitation throughout the district for the purpose of funding the 54096
services to be provided by the district to students enrolled in 54097
the school districts of which the district is composed and their 54098
immediate family members, the board shall propose the levy to each 54099
of the boards of education of those school districts. The proposal 54100
shall specify the rate or amount of the tax, the number of years 54101
the tax will be levied or that it will be levied for a continuing 54102
period of time, and that the aggregate rate of the tax shall not 54103
exceed three mills per dollar of taxable value in the student 54104
special services district. 54105

(B)(1) If a majority of the boards of education of the school 54106
districts of which the student special services district is 54107
composed approves the proposal for the tax levy, the board of 54108
directors of the student special services district may adopt a 54109
resolution approved by a majority of the board's full membership 54110
declaring the necessity of levying the proposed tax in excess of 54111
the ten-mill limitation throughout the district for the purpose of 54112
funding the services to be provided by the district to students 54113
enrolled in the school districts of which the district is composed 54114
and their immediate family members. The resolution shall provide 54115
for the question of the tax to be submitted to the electors of the 54116

district at a general, primary, or special election on a day to be 54117
specified in the resolution that is consistent with the 54118
requirements of section 3501.01 of the Revised Code and that 54119
occurs at least seventy-five days after the resolution is 54120
certified to the board of elections. The resolution shall specify 54121
the rate or amount of the tax and the number of years the tax will 54122
be levied or that the tax will be levied for a continuing period 54123
of time. The aggregate rate of tax levied by a student special 54124
services district under this section at any time shall not exceed 54125
three mills per dollar of taxable value in the district. A tax 54126
levied under this section may be renewed, subject to section 54127
5705.25 of the Revised Code, or replaced as provided in section 54128
5705.192 of the Revised Code. 54129

(2) The resolution shall take effect immediately upon 54130
passage, and no publication of the resolution is necessary other 54131
than that provided in the notice of election. The resolution shall 54132
be certified and submitted in the manner provided under section 54133
5705.25 of the Revised Code, and that section governs the 54134
arrangements governing submission of the question and other 54135
matters concerning the election. 54136

Sec. 5705.25. (A) A copy of any resolution adopted as 54137
provided in section 5705.19 or 5705.219 of the Revised Code shall 54138
be certified by the taxing authority to the board of elections of 54139
the proper county not less than seventy-five days before the 54140
general election in any year, and the board shall submit the 54141
proposal to the electors of the subdivision at the succeeding 54142
November election. Except as otherwise provided in this division, 54143
a resolution to renew an existing levy, regardless of the section 54144
of the Revised Code under which the tax was imposed, shall not be 54145
placed on the ballot unless the question is submitted at the 54146
general election held during the last year the tax to be renewed 54147
or replaced may be extended on the real and public utility 54148

property tax list and duplicate, or at any election held in the 54149
ensuing year. The limitation of the foregoing sentence does not 54150
apply to a resolution to renew and increase or to renew part of an 54151
existing levy that was imposed under section 5705.191 of the 54152
Revised Code to supplement the general fund for the purpose of 54153
making appropriations for one or more of the following purposes: 54154
for public assistance, human or social services, relief, welfare, 54155
hospitalization, health, and support of general hospitals. The 54156
limitation of the second preceding sentence also does not apply to 54157
a resolution that proposes to renew two or more existing levies 54158
imposed under section 5705.21 of the Revised Code, in which case 54159
the question shall be submitted on the date of the general or 54160
primary election held during the last year at least one of the 54161
levies to be renewed may be extended on the real and public 54162
utility property tax list and duplicate, or at any election held 54163
during the ensuing year. For purposes of this section, a levy 54164
shall be considered to be an "existing levy" through the year 54165
following the last year it can be placed on that tax list and 54166
duplicate. 54167

The board shall make the necessary arrangements for the 54168
submission of such questions to the electors of such subdivision, 54169
and the election shall be conducted, canvassed, and certified in 54170
the same manner as regular elections in such subdivision for the 54171
election of county officers. Notice of the election shall be 54172
published in a newspaper of general circulation in the subdivision 54173
once a week for two consecutive weeks prior to the election, and, 54174
if the board of elections operates and maintains a web site, the 54175
board of elections shall post notice of the election on its web 54176
site for thirty days prior to the election. The notice shall state 54177
the purpose, the proposed increase in rate expressed in dollars 54178
and cents for each one hundred dollars of valuation as well as in 54179
mills for each one dollar of valuation, the number of years during 54180
which the increase will be in effect, the first month and year in 54181

which the tax will be levied, and the time and place of the election. 54182
54183

(B) The form of the ballots cast at an election held pursuant to division (A) of this section shall be as follows: 54184
54185

"An additional tax for the benefit of (name of subdivision or public library) for the purpose of (purpose stated in the resolution) at a rate not exceeding mills for each one dollar of valuation, which amounts to (rate expressed in dollars and cents) for each one hundred dollars of valuation, for (life of indebtedness or number of years the levy is to run). 54186
54187
54188
54189
54190
54191
54192

	For the Tax Levy	
	Against the Tax Levy	"

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54194
54195
54196

(C) If the levy is to be in effect for a continuing period of time, the notice of election and the form of ballot shall so state instead of setting forth a specified number of years for the levy. 54197
54198
54199

If the tax is to be placed on the current tax list, the form of the ballot shall be modified by adding, after the statement of the number of years the levy is to run, the phrase ", commencing in (first year the tax is to be levied), first due in calendar year (first calendar year in which the tax shall be due)." 54200
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If the levy submitted is a proposal to renew, increase, or decrease an existing levy, the form of the ballot specified in division (B) of this section may be changed by substituting for the words "An additional" at the beginning of the form, the words "A renewal of a" in case of a proposal to renew an existing levy in the same amount; the words "A renewal of mills and an increase of mills to constitute a" in the case of an 54206
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increase; or the words "A renewal of part of an existing levy, 54213
being a reduction of mills, to constitute a" in the case of 54214
a decrease in the proposed levy. 54215

If the levy submitted is a proposal to renew two or more 54216
existing levies imposed under section 5705.21 of the Revised Code, 54217
the form of the ballot specified in division (B) of this section 54218
shall be modified by substituting for the words "an additional 54219
tax" the words "a renewal of(insert the number of levies to 54220
be renewed) existing taxes." 54221

The question covered by such resolution shall be submitted as 54222
a separate proposition but may be printed on the same ballot with 54223
any other proposition submitted at the same election, other than 54224
the election of officers. More than one such question may be 54225
submitted at the same election. 54226

(D) A levy voted in excess of the ten-mill limitation under 54227
this section shall be certified to the tax commissioner. In the 54228
first year of the levy, it shall be extended on the tax lists 54229
after the February settlement succeeding the election. If the 54230
additional tax is to be placed upon the tax list of the current 54231
year, as specified in the resolution providing for its submission, 54232
the result of the election shall be certified immediately after 54233
the canvass by the board of elections to the taxing authority, who 54234
shall make the necessary levy and certify it to the county 54235
auditor, who shall extend it on the tax lists for collection. 54236
After the first year, the tax levy shall be included in the annual 54237
tax budget that is certified to the county budget commission. 54238

Sec. 5705.29. This section does not apply to a subdivision or 54239
taxing unit for which the county budget commission has waived the 54240
requirement to adopt a tax budget pursuant to section 5705.281 of 54241
the Revised Code. The tax budget shall present the following 54242
information in such detail as is prescribed by the auditor of 54243

state:	54244
(A)(1) A statement of the necessary current operating	54245
expenses for the ensuing fiscal year for each department and	54246
division of the subdivision, classified as to personal services	54247
and other expenses, and the fund from which such expenditures are	54248
to be made. Except in the case of a school district, this estimate	54249
may include a contingent expense not designated for any particular	54250
purpose, and not to exceed three per cent of the total amount of	54251
appropriations for current expenses. In the case of a school	54252
district, this estimate may include a contingent expense not	54253
designated for any particular purpose and not to exceed thirteen	54254
per cent of the total amount of appropriations for current	54255
expenses.	54256
(2) A statement of the expenditures for the ensuing fiscal	54257
year necessary for permanent improvements, exclusive of any	54258
expense to be paid from bond issues, classified as to the	54259
improvements contemplated by the subdivision and the fund from	54260
which such expenditures are to be made;	54261
(3) The amounts required for the payment of final judgments;	54262
(4) A statement of expenditures for the ensuing fiscal year	54263
necessary for any purpose for which a special levy is authorized,	54264
and the fund from which such expenditures are to be made;	54265
(5) Comparative statements, so far as possible, in parallel	54266
columns of corresponding items of expenditures for the current	54267
fiscal year and the two preceding fiscal years.	54268
(B)(1) An estimate of receipts from other sources than the	54269
general property tax during the ensuing fiscal year, which shall	54270
include an estimate of unencumbered balances at the end of the	54271
current fiscal year, and the funds to which such estimated	54272
receipts are credited;	54273
(2) The amount each fund requires from the general property	54274

tax, which shall be the difference between the contemplated 54275
expenditure from the fund and the estimated receipts, as provided 54276
in this section. The section of the Revised Code under which the 54277
tax is authorized shall be set forth. 54278

(3) Comparative statements, so far as possible, in parallel 54279
columns of taxes and other revenues for the current fiscal year 54280
and the two preceding fiscal years. 54281

(C)(1) The amount required for debt charges; 54282

(2) The estimated receipts from sources other than the tax 54283
levy for payment of such debt charges, including the proceeds of 54284
refunding bonds to be issued to refund bonds maturing in the next 54285
succeeding fiscal year; 54286

(3) The net amount for which a tax levy shall be made, 54287
classified as to bonds authorized and issued prior to January 1, 54288
1922, and those authorized and issued subsequent to such date, and 54289
as to what portion of the levy will be within and what in excess 54290
of the ten-mill limitation. 54291

(D) An estimate of amounts from taxes authorized to be levied 54292
in excess of the ten-mill limitation on the tax rate, and the fund 54293
to which such amounts will be credited, together with the sections 54294
of the Revised Code under which each such tax is exempted from all 54295
limitations on the tax rate. 54296

(E)(1) A board of education may include in its budget for the 54297
fiscal year in which a levy proposed under section 5705.194, 54298
5705.21, or 5705.213, or the original levy under section 5705.212 54299
of the Revised Code is first extended on the tax list and 54300
duplicate an estimate of expenditures to be known as a voluntary 54301
contingency reserve balance, which shall not be greater than 54302
twenty-five per cent of the total amount of the levy estimated to 54303
be available for appropriation in such year. 54304

(2) A board of education may include in its budget for the 54305

fiscal year following the year in which a levy proposed under 54306
section 5705.194, 5705.21, or 5705.213, or the original levy under 54307
section 5705.212 of the Revised Code is first extended on the tax 54308
list and duplicate an estimate of expenditures to be known as a 54309
voluntary contingency reserve balance, which shall not be greater 54310
than twenty per cent of the amount of the levy estimated to be 54311
available for appropriation in such year. 54312

(3) Except as provided in division (E)(4) of this section, 54313
the full amount of any reserve balance the board includes in its 54314
budget shall be retained by the county auditor and county 54315
treasurer out of the first semiannual settlement of taxes until 54316
the beginning of the next succeeding fiscal year, and thereupon, 54317
with the depository interest apportioned thereto, it shall be 54318
turned over to the board of education, to be used for the purposes 54319
of such fiscal year. 54320

(4) A board of education, by a two-thirds vote of all members 54321
of the board, may appropriate any amount withheld as a voluntary 54322
contingency reserve balance during the fiscal year for any lawful 54323
purpose, provided that prior to such appropriation the board of 54324
education has authorized the expenditure of all amounts 54325
appropriated for contingencies under section 5705.40 of the 54326
Revised Code. Upon request by the board of education, the county 54327
auditor shall draw a warrant on the district's account in the 54328
county treasury payable to the district in the amount requested. 54329

(F)(1) A board of education may include a spending reserve in 54330
its budget for fiscal years ending on or before June 30, 2002. The 54331
spending reserve shall consist of an estimate of expenditures not 54332
to exceed the district's spending reserve balance. A district's 54333
spending reserve balance is the amount by which the designated 54334
percentage of the district's estimated personal property taxes to 54335
be settled during the calendar year in which the fiscal year ends 54336
exceeds the estimated amount of personal property taxes to be so 54337

settled and received by the district during that fiscal year. 54338
Moneys from a spending reserve shall be appropriated in accordance 54339
with section 133.301 of the Revised Code. 54340

(2) For the purposes of computing a school district's 54341
spending reserve balance for a fiscal year, the designated 54342
percentage shall be as follows: 54343

Fiscal year ending in:	Designated percentage	
1998	50%	54344
1999	40%	54345
2000	30%	54346
2001	20%	54347
2002	10%	54348

(G) Except as otherwise provided in this division, the county 54350
budget commission shall not reduce the taxing authority of a 54351
subdivision as a result of the creation of a reserve balance 54352
account. Except as otherwise provided in this division, the county 54353
budget commission shall not consider the amount in a reserve 54354
balance account of a township, county, or municipal corporation as 54355
an unencumbered balance or as revenue for the purposes of division 54356
(E)(3) or (4) of section 5747.51 ~~or division (E)(3) or (4) of~~ 54357
~~section 5747.62~~ of the Revised Code. The county budget commission 54358
may require documentation of the reasonableness of the reserve 54359
balance held in any reserve balance account. The commission shall 54360
consider any amount in a reserve balance account that it 54361
determines to be unreasonable as unencumbered and as revenue for 54362
the purposes of sections 5747.51 ~~and 5747.62~~ of the Revised Code 54363
and may take such amounts into consideration when determining 54364
whether to reduce the taxing authority of a subdivision. 54365

Sec. 5705.44. When contracts or leases run beyond the 54366
termination of the fiscal year in which they are made, the fiscal 54367
officer of the taxing authority shall make a certification for the 54368

amount required to meet the obligation of such contract or lease 54369
maturing in such fiscal year. The amount of the obligation under 54370
such contract or lease remaining unfulfilled at the end of a 54371
fiscal year, and which will become payable during the next fiscal 54372
year, shall be included in the annual appropriation measure for 54373
the next year as a fixed charge. 54374

The certificate required by section 5705.41 of the Revised 54375
Code as to money in the treasury shall not be required for 54376
contracts on which payments are to be made from the earnings of a 54377
publicly operated water works or public utility, but in the case 54378
of any such contract made without such certification, no payment 54379
shall be made on account thereof, and no claim or demand thereon 54380
shall be recoverable, except out of such earnings. That 54381
certificate also shall not be required if requiring the 54382
certificate makes it impossible for a county board of mental 54383
retardation and developmental disabilities to pay the nonfederal 54384
share of medicaid expenditures that the county board is required 54385
by ~~division (A) of section 5126.057~~ sections 5126.059 and 54386
5126.0510 of the Revised Code to pay. 54387

Sec. 5709.68. (A) On or before the thirty-first day of March 54388
each year, a municipal corporation or county that has entered into 54389
an agreement with an enterprise under section 5709.62, 5709.63, or 54390
5709.632 of the Revised Code shall submit to the director of 54391
development and the board of education of each school district of 54392
which a municipal corporation or township to which such an 54393
agreement applies is a part a report on all of those agreements in 54394
effect during the preceding calendar year. The report shall 54395
include all of the following information: 54396

(1) The designation, assigned by the director of development, 54397
of each urban jobs and enterprise zone within the municipal 54398
corporation or county, the date each zone was certified, the name 54399

of each municipal corporation or township within each zone, and 54400
the total population of each zone according to the most recent 54401
data available; 54402

(2) The number of enterprises that are subject to those 54403
agreements and the number of full-time employees subject to those 54404
agreements within each zone, each according to the most recent 54405
data available and identified and categorized by the appropriate 54406
standard industrial code, and the rate of unemployment in the 54407
municipal corporation or county in which the zone is located for 54408
each year since each zone was certified; 54409

(3) The number of agreements approved and executed during the 54410
calendar year for which the report is submitted, the total number 54411
of agreements in effect on the thirty-first day of December of the 54412
preceding calendar year, the number of agreements that expired 54413
during the calendar year for which the report is submitted, and 54414
the number of agreements scheduled to expire during the calendar 54415
year in which the report is submitted. For each agreement that 54416
expired during the calendar year for which the report is 54417
submitted, the municipal corporation or county shall include the 54418
amount of taxes exempted and the estimated dollar value of any 54419
other incentives provided under the agreement. 54420

(4) The number of agreements receiving compliance reviews by 54421
the tax incentive review council in the municipal corporation or 54422
county during the calendar year for which the report is submitted, 54423
including all of the following information: 54424

(a) The number of agreements the terms of which an enterprise 54425
has complied with, indicating separately for each agreement the 54426
value of the real and personal property exempted pursuant to the 54427
agreement and a comparison of the stipulated and actual schedules 54428
for hiring new employees, for retaining existing employees, for 54429
the amount of payroll of the enterprise attributable to these 54430
employees, and for investing in establishing, expanding, 54431

renovating, or occupying a facility; 54432

(b) The number of agreements the terms of which an enterprise 54433
has failed to comply with, indicating separately for each 54434
agreement the value of the real and personal property exempted 54435
pursuant to the agreement and a comparison of the stipulated and 54436
actual schedules for hiring new employees, for retaining existing 54437
employees, for the amount of payroll of the enterprise 54438
attributable to these employees, and for investing in 54439
establishing, expanding, renovating, or occupying a facility; 54440

(c) The number of agreements about which the tax incentive 54441
review council made recommendations to the legislative authority 54442
of the municipal corporation or county, and the number of those 54443
recommendations that have not been followed; 54444

(d) The number of agreements rescinded during the calendar 54445
year for which the report is submitted. 54446

(5) The number of enterprises that are subject to agreements 54447
that expanded within each zone, including the number of new 54448
employees hired and existing employees retained by each 54449
enterprise, and the number of new enterprises that are subject to 54450
agreements and that established within each zone, including the 54451
number of new employees hired by each enterprise; 54452

(6)(a) The number of enterprises that are subject to 54453
agreements and that closed or reduced employment at any place of 54454
business within the state for the primary purpose of establishing, 54455
expanding, renovating, or occupying a facility, indicating 54456
separately for each enterprise the political subdivision in which 54457
the enterprise closed or reduced employment at a place of business 54458
and the number of full-time employees transferred and retained by 54459
each such place of business; 54460

(b) The number of enterprises that are subject to agreements 54461
and that closed or reduced employment at any place of business 54462

outside the state for the primary purpose of establishing, 54463
expanding, renovating, or occupying a facility. 54464

(7) For each agreement in effect during any part of the 54465
preceding year, the number of employees employed by the enterprise 54466
at the project site immediately prior to formal approval of the 54467
agreement, the number of employees employed by the enterprise at 54468
the project site on the thirty-first day of December of the 54469
preceding year, the payroll of the enterprise for the preceding 54470
year, the amount of taxes paid on tangible personal property 54471
situated at the project site and the amount of those taxes that 54472
were not paid because of the exemption granted under the 54473
agreement, and the amount of taxes paid on real property 54474
constituting the project site and the amount of those taxes that 54475
were not paid because of the exemption granted under the 54476
agreement. If an agreement was entered into under section 5709.632 54477
of the Revised Code with an enterprise described in division 54478
(B)(2) of that section, the report shall include the number of 54479
employee positions at all of the enterprise's locations in this 54480
state. If an agreement is conditioned on a waiver issued under 54481
division (B) of section 5709.633 of the Revised Code on the basis 54482
of the circumstance described in division (B)(3)(a) or (b) of that 54483
section, the report shall include the number of employees at the 54484
facilities referred to in division (B)(3)(a)(i) or (b)(i) of that 54485
section, respectively. 54486

(B) Upon the failure of a municipal corporation or county to 54487
comply with division (A) of this section: 54488

(1) Beginning on the first day of April of the calendar year 54489
in which the municipal corporation or county fails to comply with 54490
that division, the municipal corporation or county shall not enter 54491
into any agreements with an enterprise under section 5709.62, 54492
5709.63, or 5709.632 of the Revised Code until the municipal 54493
corporation or county has complied with division (A) of this 54494

section. 54495

(2) On the first day of each ensuing calendar month until the 54496
municipal corporation or county complies with division (A) of this 54497
section, the director of development shall either order the proper 54498
county auditor to deduct from the next succeeding payment of taxes 54499
to the municipal corporation or county under section 321.31, 54500
321.32, 321.33, or 321.34 of the Revised Code an amount equal to 54501
one thousand dollars for each calendar month the municipal 54502
corporation or county fails to comply with that division, or order 54503
the county auditor to deduct that amount from the next succeeding 54504
payment to the municipal corporation or county from the undivided 54505
local government fund under section 5747.51 of the Revised Code. 54506
At the time such a payment is made, the county auditor shall 54507
comply with the director's order by issuing a warrant, drawn on 54508
the fund from which the money would have been paid, to the 54509
director of development, who shall deposit the warrant into the 54510
state enterprise zone program administration fund created in 54511
division (C) of this section. 54512

(C) The director, by rule, shall establish the state's 54513
application fee for applications submitted to a municipal 54514
corporation or county to enter into an agreement under section 54515
5709.62, 5709.63, or 5709.632 of the Revised Code. In establishing 54516
the amount of the fee, the director shall consider the state's 54517
cost of administering the enterprise zone program, including the 54518
cost of reviewing the reports required under division (A) of this 54519
section. The director may change the amount of the fee at the 54520
times and in the increments the director considers necessary. Any 54521
municipal corporation or county that receives an application shall 54522
collect the application fee and remit the fee for deposit in the 54523
state treasury to the credit of the ~~state enterprise zone program~~ 54524
~~administration fund, which is hereby created. Money credited to~~ 54525
~~the fund shall be used by the department of development to pay the~~ 54526

~~costs of administering the enterprise zone program, including the~~ 54527
~~cost of reviewing the reports required under division (A) of this~~ 54528
~~section tax incentive programs operating fund created in section~~ 54529
~~122.174 of the Revised Code.~~ 54530

(D) On or before the thirtieth day of June each year, the 54531
director of development shall certify to the tax commissioner the 54532
information described under division (A)(7) of this section, 54533
derived from the reports submitted to the director under this 54534
section. 54535

On the basis of the information certified under this 54536
division, the tax commissioner annually shall submit a report to 54537
the governor, the speaker of the house of representatives, the 54538
president of the senate, and the chairpersons of the ways and 54539
means committees of the respective houses of the general assembly, 54540
indicating for each enterprise zone the amount of state and local 54541
taxes that were not required to be paid because of exemptions 54542
granted under agreements entered into under section 5709.62, 54543
5709.63, or 5709.632 of the Revised Code and the amount of 54544
additional taxes paid from the payroll of new employees. 54545

Sec. 5711.01. As used in this chapter: 54546

(A)(1) "Taxable property" includes all the kinds of property 54547
mentioned in division (B) of section 5709.01 and section 5709.02 54548
of the Revised Code, and also the amount or value as of the date 54549
of conversion of all taxable property converted into bonds or 54550
other securities not taxed on or after the first day of November 54551
in the year preceding the date of listing, and of all other 54552
taxable property converted into deposits after the date as of 54553
which deposits are required to be listed in such year, except in 54554
the usual course of the taxpayer's business, to the extent the 54555
taxpayer may hold or control such bonds, securities, or deposits 54556
on such day, without deduction for indebtedness created in the 54557

purchase of such bonds or securities from the taxpayer's credits. 54558
"Taxable property" does not include such investments and deposits 54559
as are taxable at the source as provided in sections 5725.01 to 54560
5725.26 of the Revised Code, surrender values under policies of 54561
insurance, or any tangible personal property acquired from a 54562
public utility or interexchange telecommunications company as 54563
defined in section 5727.01 of the Revised Code and leased back to 54564
the public utility or interexchange telecommunications company 54565
pursuant to a sale and leaseback transaction as defined in 54566
division (I) of section 5727.01 of the Revised Code. For tax year 54567
2007 and thereafter, "taxable property" of a telephone, telegraph, 54568
or interexchange telecommunications company, as defined in section 54569
5727.01 of the Revised Code, includes property subject to such a 54570
sale and leaseback transaction. 54571

(2) For tax year 2007 and thereafter, taxable property leased 54572
to a telephone, telegraph, or interexchange telecommunications 54573
company, as defined in section 5727.01 of the Revised Code, other 54574
than pursuant to a sale and leaseback transaction, shall be listed 54575
and assessed by the owner of the property as follows: 54576

(a) If the property leased to such a company is not governed 54577
by division (C) of section 5711.22 of the Revised Code in tax 54578
years 2007 and 2008, it shall be listed and assessed at the 54579
percentage of true value in money required under division ~~(H)~~(G) 54580
of section 5711.22 of the Revised Code. 54581

(b) All property leased to such a company in tax years 2009 54582
and 2010 shall be listed and assessed at the percentage of true 54583
value in money required under division (H) of section 5711.22 of 54584
the Revised Code. 54585

(3) For tax years 2009 and 2010, the lessor of property 54586
subject to division (A)(2) of this section shall have the true 54587
value of the property the lessor leases to a telephone, telegraph, 54588
or interexchange telecommunications company determined under 54589

divisions (A)(5) and (E) of section 5727.06 of the Revised Code. 54590

(B) "Taxpayer" means any owner of taxable property, including 54591
property exempt under division (C) of section 5709.01 of the 54592
Revised Code, and includes every person residing in, or 54593
incorporated or organized by or under the laws of this state, or 54594
doing business in this state, or owning or having a beneficial 54595
interest in taxable personal property in this state and every 54596
fiduciary required by sections 5711.01 to 5711.36 of the Revised 54597
Code, to make a return for or on behalf of another. For tax year 54598
2007 and thereafter, "taxpayer" includes telephone companies, 54599
telegraph companies, and interexchange telecommunications company 54600
as defined in section 5727.01 of the Revised Code. The tax 54601
commissioner may by rule define and designate the taxpayer, as to 54602
any taxable property which would not otherwise be required by this 54603
section to be returned; and any such rule shall be considered 54604
supplementary to the enumeration of kinds of taxpayers following: 54605

(1) Individuals of full age and sound mind residing in this 54606
state; 54607

(2) Partnerships, corporations, associations, and joint-stock 54608
companies, under whatever laws organized or existing, doing 54609
business or having taxable property in this state; and 54610
corporations incorporated by or organized under the laws of this 54611
state, wherever their actual business is conducted; 54612

(3) Fiduciaries appointed by any court in this state or 54613
having title, possession, or custody of taxable personal property 54614
in this state or engaged in business in this state; 54615

(4) Unincorporated mutual funds. 54616

"Taxpayer" excludes all individuals, partnerships, 54617
corporations, associations, and joint-stock companies, their 54618
executors, administrators, and receivers who are defined in Title 54619
LVII of the Revised Code as financial institutions, dealers in 54620

intangibles, domestic insurance companies, or public utilities, 54621
except to the extent they may be required by sections 5711.01 to 54622
5711.36 of the Revised Code, to make returns as fiduciaries, or by 54623
section 5725.26 of the Revised Code, to make returns of property 54624
leased, or held for the purpose of leasing, to others if the owner 54625
or lessor of the property acquired it for the sole purpose of 54626
leasing it to others or to the extent that property is taxable 54627
under section 5725.25 of the Revised Code. 54628

(C) "Return" means the taxpayer's annual report of taxable 54629
property. 54630

(D) "List" means the designation, in a return, of the 54631
description of taxable property, the valuation or amount thereof, 54632
the name of the owner, and the taxing district where assessable. 54633

(E) "Taxing district" means, in the case of property 54634
assessable on the classified tax list and duplicate, a municipal 54635
corporation or the territory in a county outside the limits of all 54636
municipal corporations therein; in the case of property assessable 54637
on the general tax list and duplicate, a municipal corporation or 54638
township, or part thereof, in which the aggregate rate of taxation 54639
is uniform. 54640

(F) "Assessor" includes the tax commissioner and the county 54641
auditor as deputy of the commissioner. 54642

(G) "Fiduciary" includes executors, administrators, parents, 54643
guardians, receivers, assignees, official custodians, factors, 54644
bailees, lessees, agents, attorneys, and employees, but does not 54645
include trustees unless the sense so requires. 54646

(H) "General tax list and duplicate" means the books or 54647
records containing the assessments of property subject to local 54648
tax levies. 54649

(I) "Classified tax list and duplicate" means the books or 54650
records containing the assessments of property not subject to 54651

local tax levies. 54652

(J) "Investment company" means any corporation, the shares of 54653
which are regularly offered for sale to the public, engaged solely 54654
in the business of investing and reinvesting funds in real 54655
property or investments, or holding or selling real property or 54656
investments for the purpose of realizing income or profit which is 54657
distributed to its shareholders. Investment company does not 54658
include any dealer in intangibles, as defined in section 5725.01 54659
of the Revised Code. 54660

(K) "Unincorporated mutual fund" means any partnership, each 54661
partner of which is a corporation, engaged solely in the business 54662
of investing and reinvesting funds in investments, or holding or 54663
selling investments for the purpose of realizing income or profit 54664
which is distributed to its partners and which is subject to 54665
Chapter 1707. of the Revised Code. An unincorporated mutual fund 54666
does not include any dealer in intangibles as defined in section 54667
5725.01 of the Revised Code. 54668

Sec. 5713.011. If the county auditor determines under section 54669
5713.01 of the Revised Code that the construction of a dwelling on 54670
a previously vacant parcel of land is now available for use or 54671
that an additional dwelling is constructed on a parcel of land and 54672
is now available for use, the county auditor, by ordinary mail, 54673
shall send to the owner of the dwelling a notice that the 54674
applicant may apply for a reduction in taxes under division (A)(2) 54675
of section 323.153 of the Revised Code. The notice shall be 54676
substantially in the form of the notice prescribed under division 54677
~~(C)(2)~~(A)(3)(b) of section 323.131 of the Revised Code. 54678

Sec. 5725.24. (A) As used in this section, "qualifying 54679
dealer" means a dealer in intangibles that is a qualifying dealer 54680
in intangibles as defined in section 5733.45 of the Revised Code 54681

or a member of a qualifying controlled group, as defined in 54682
section 5733.04 of the Revised Code, of which an insurance company 54683
also is a member on the first day of January of the year in and 54684
for which the tax imposed by section 5707.03 of the Revised Code 54685
is required to be paid by the dealer. 54686

(B) The taxes levied by section 5725.18 of the Revised Code 54687
and collected pursuant to this chapter shall be paid into the 54688
state treasury to the credit of the general revenue fund. 54689

(C) The taxes levied by section 5707.03 of the Revised Code 54690
on the value of shares in and capital employed by dealers in 54691
intangibles other than those that are qualifying dealers shall be 54692
for the use of the general revenue fund of the state and the local 54693
government funds of the several counties in which the taxes 54694
originate as provided in this division. 54695

~~On or before the first day of~~ During each month ~~on~~ for which 54696
there is money in the state treasury for disbursement under this 54697
division, the tax commissioner shall provide for payment to the 54698
county treasurer of each county of five-eighths of the amount of 54699
the taxes collected on account of shares in and capital employed 54700
by dealers in intangibles other than those that are qualifying 54701
dealers, representing capital employed in the county. The balance 54702
of the money received and credited on account of taxes assessed on 54703
shares in and capital employed by such dealers in intangibles 54704
shall be credited to the general revenue fund. 54705

Reductions in the amount of taxes collected on account of 54706
credits allowed under section 5725.151 of the Revised Code shall 54707
be applied to reduce the amount credited to the general revenue 54708
fund and shall not be applied to reduce the amount to be credited 54709
to the undivided local government funds of the counties in which 54710
such taxes originate. 54711

For the purpose of this division, such taxes are deemed to 54712

originate in the counties in which such dealers in intangibles 54713
have their offices. 54714

Money received into the treasury of a county pursuant to this 54715
section shall be credited to the undivided local government fund 54716
of the county and shall be distributed by the budget commission as 54717
provided by law. 54718

(D) All of the taxes levied under section 5707.03 of the 54719
Revised Code on the value of the shares in and capital employed by 54720
dealers in intangibles that are qualifying dealers shall be paid 54721
into the state treasury to the credit of the general revenue fund. 54722

Sec. 5727.06. (A) Except as otherwise provided by law, the 54723
following constitutes the taxable property of a public utility, 54724
interexchange telecommunications company, or public utility 54725
property lessor that shall be assessed by the tax commissioner: 54726

(1) For tax years before tax year 2006: 54727

(a) In the case of a railroad company, all real property and 54728
tangible personal property owned or operated by the railroad 54729
company in this state on the thirty-first day of December of the 54730
preceding year; 54731

(b) In the case of a water transportation company, all 54732
tangible personal property, except watercraft, owned or operated 54733
by the water transportation company in this state on the 54734
thirty-first day of December of the preceding year and all 54735
watercraft owned or operated by the water transportation company 54736
in this state during the preceding calendar year; 54737

(c) In the case of all other public utilities and 54738
interexchange telecommunications companies, all tangible personal 54739
property that on the thirty-first day of December of the preceding 54740
year was both located in this state and: 54741

(i) Owned by the public utility or interexchange 54742

telecommunications company; or	54743
(ii) Leased by the public utility or interexchange	54744
telecommunications company under a sale and leaseback transaction.	54745
(2) For tax years 2006, 2007, and 2008:	54746
(a) In the case of a railroad company, all real property used	54747
in railroad operations and tangible personal property owned or	54748
operated by the railroad company in this state on the thirty-first	54749
day of December of the preceding year;	54750
(b) In the case of a water transportation company, all	54751
tangible personal property, except watercraft, owned or operated	54752
by the water transportation company in this state on the	54753
thirty-first day of December of the preceding year and all	54754
watercraft owned or operated by the water transportation company	54755
in this state during the preceding calendar year;	54756
(c) In the case of all other public utilities except	54757
telephone and telegraph companies, all tangible personal property	54758
that on the thirty-first day of December of the preceding year was	54759
both located in this state and either owned by the public utility	54760
or leased by the public utility under a sale and leaseback	54761
transaction.	54762
(3) For tax year 2009 and each tax year thereafter:	54763
(a) In the case of a railroad company, all real property used	54764
in railroad operations and tangible personal property owned or	54765
operated by the railroad company in this state on the thirty-first	54766
day of December of the preceding year;	54767
(b) In the case of a water transportation company, all	54768
tangible personal property, except watercraft, owned or operated	54769
by the water transportation company in this state on the	54770
thirty-first day of December of the preceding year and all	54771
watercraft owned or operated by the water transportation company	54772

in this state during the preceding calendar year; 54773

(c) In the case of all other public utilities except 54774
telephone and telegraph companies, all tangible personal property 54775
that on the thirty-first day of December of the preceding year was 54776
both located in this state and either owned by the public utility 54777
or leased by the public utility under a sale and leaseback 54778
transaction; 54779

(d) In the case of a public utility property lessor, all 54780
personal property that on the thirty-first day of December of the 54781
preceding year was both located in this state and leased, in other 54782
than a sale and leaseback transaction, to a public utility other 54783
than a railroad, telephone, telegraph, or water transportation 54784
company. The assessment rate used under section 5727.111 of the 54785
Revised Code shall be based on the assessment rate that would 54786
apply if the public utility owned the property. 54787

(4) For tax years 2005 and 2006, in the case of telephone, 54788
telegraph, or interexchange telecommunications companies, all 54789
tangible personal property that on the thirty-first day of 54790
December of the preceding year was both located in this state and 54791
either owned by the telephone, telegraph, or interexchange 54792
telecommunications company or leased by the telephone, telegraph, 54793
or interexchange telecommunications company under a sale and 54794
leaseback transaction. 54795

(5)(a) For tax year 2007 and thereafter, in the case of 54796
telephone, telegraph, or interexchange telecommunications 54797
companies, all tangible personal property shall be listed and 54798
assessed for taxation under Chapter 5711. of the Revised Code, but 54799
the tangible personal property shall be valued in accordance with 54800
this chapter using the composite annual allowances and other 54801
valuation procedures prescribed under section 5727.11 of the 54802
Revised Code by the tax commissioner for such property for tax 54803
year 2006, notwithstanding any section of Chapter 5711. of the 54804

Revised Code to the contrary. 54805

(b) A telephone, telegraph, or interexchange telecommunications company subject to division (A)(5)(a) of this section shall file a combined return with the tax commissioner in accordance with section 5711.13 of the Revised Code even if the company has tangible personal property in only one county. Such a company also is subject to the issuance of a preliminary assessment certificate by the tax commissioner under section 5711.25 of the Revised Code. Such a company is not required to file a county supplemental return under section 5711.131 of the Revised Code. 54806
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(B) This division applies to tax years before tax year 2007. 54816

In the case of an interexchange telecommunications company, 54817
all taxable property shall be subject to the provisions of this 54818
chapter and shall be valued by the commissioner in accordance with 54819
division (A) of section 5727.11 of the Revised Code. A person 54820
described by this division shall file the report required by 54821
section 5727.08 of the Revised Code. Persons described in this 54822
division shall not be considered taxpayers, as defined in division 54823
(B) of section 5711.01 of the Revised Code, and shall not be 54824
required to file a return and list their taxable property under 54825
any provision of Chapter 5711. of the Revised Code. 54826

(C) The lien of the state for taxes levied each year on the 54827
real and personal property of public utilities and interexchange 54828
telecommunications companies and on the personal property of 54829
public utility property lessors shall attach thereto on the 54830
thirty-first day of December of the preceding year. 54831

(D) Property that is required by division (A)(3)(b) of this 54832
section to be assessed by the tax commissioner under this chapter 54833
shall not be listed by the owner of the property under Chapter 54834
5711. of the Revised Code. 54835

(E) The ten-thousand-dollar exemption provided for in 54836
division (C)(3) of section 5709.01 of the Revised Code does not 54837
apply to any personal property that is valued under this chapter. 54838

(F) The tax commissioner may adopt rules governing the 54839
listing of the taxable property of public utilities and 54840
interexchange telecommunications companies and the determination 54841
of true value. 54842

Sec. 5727.45. ~~Four and two tenths~~ One hundred per cent of all 54843
excise taxes and penalties collected under sections 5727.01 to 54844
5727.62 of the Revised Code shall be credited to ~~the local~~ 54845
~~government fund for distribution in accordance with section~~ 54846
~~5747.50 of the Revised Code, six tenths of one per cent shall be~~ 54847
~~credited to the local government revenue assistance fund for~~ 54848
~~distribution in accordance with section 5747.61 of the Revised~~ 54849
~~Code, and ninety five and two tenths per cent shall be credited to~~ 54850
the general revenue fund. 54851

Sec. 5727.81. (A) For the purpose of raising revenue for 54852
public education and state and local government operations, an 54853
excise tax is hereby levied and imposed on an electric 54854
distribution company for all electricity distributed by such 54855
company ~~beginning with the measurement period that includes May 1,~~ 54856
~~2001,~~ at the following rates per kilowatt hour of electricity 54857
distributed in a thirty-day period by the company through a meter 54858
of an end user in this state: 54859

KILOWATT HOURS DISTRIBUTED	RATE PER	
TO AN END USER	KILOWATT HOUR	
For the first 2,000	\$.00465	54862
For the next 2,001 to 15,000	\$.00419	54863
For 15,001 and above	\$.00363	54864

If no meter is used to measure the kilowatt hours of 54865

electricity distributed by the company, the rates shall apply to 54866
the estimated kilowatt hours of electricity distributed to an 54867
unmetered location in this state. 54868

The electric distribution company shall base the monthly tax 54869
on the kilowatt hours of electricity distributed to an end user 54870
through the meter of the end user that is not measured for a 54871
thirty-day period by dividing the days in the measurement period 54872
into the total kilowatt hours measured during the measurement 54873
period to obtain a daily average usage. The tax shall be 54874
determined by obtaining the sum of divisions (A)(1), (2), and (3) 54875
of this section and multiplying that amount by the number of days 54876
in the measurement period: 54877

(1) Multiplying \$0.00465 per kilowatt hour for the first 54878
sixty-seven kilowatt hours distributed using a daily average; 54879

(2) Multiplying \$0.00419 for the next sixty-eight to five 54880
hundred kilowatt hours distributed using a daily average; 54881

(3) Multiplying \$0.00363 for the remaining kilowatt hours 54882
distributed using a daily average. 54883

~~Until January 1, 2003, except as provided in division (C) of~~ 54884
~~this section, the electric distribution company shall pay the tax~~ 54885
~~to the treasurer of state in accordance with section 5727.82 of~~ 54886
~~the Revised Code. Beginning January 1, 2003, except Except as~~ 54887
provided in division (C) of this section, the electric 54888
distribution company shall pay the tax to the tax commissioner in 54889
accordance with section 5727.82 of the Revised Code, unless 54890
required to remit each tax payment by electronic funds transfer to 54891
the treasurer of state in accordance with section 5727.83 of the 54892
Revised Code. 54893

Only the distribution of electricity through a meter of an 54894
end user in this state shall be used by the electric distribution 54895
company to compute the amount or estimated amount of tax due. In 54896

the event a meter is not actually read for a measurement period, 54897
the estimated kilowatt hours distributed by an electric 54898
distribution company to bill for its distribution charges shall be 54899
used. 54900

(B) Except as provided in division (C) of this section, each 54901
electric distribution company shall pay the tax imposed by this 54902
section in all of the following circumstances: 54903

(1) The electricity is distributed by the company through a 54904
meter of an end user in this state; 54905

(2) The company is distributing electricity through a meter 54906
located in another state, but the electricity is consumed in this 54907
state in the manner prescribed by the tax commissioner; 54908

(3) The company is distributing electricity in this state 54909
without the use of a meter, but the electricity is consumed in 54910
this state as estimated and in the manner prescribed by the tax 54911
commissioner. 54912

(C)(1) As used in division (C) of this section: 54913

(a) "Total price of electricity" means the aggregate value in 54914
money of anything paid or transferred, or promised to be paid or 54915
transferred, to obtain electricity or electric service, including 54916
but not limited to the value paid or promised to be paid for the 54917
transmission or distribution of electricity and for transition 54918
costs as described in Chapter 4928. of the Revised Code. 54919

(b) "Package" means the provision or the acquisition, at a 54920
combined price, of electricity with other services or products, or 54921
any combination thereof, such as natural gas or other fuels; 54922
energy management products, software, and services; machinery and 54923
equipment acquisition; and financing agreements. 54924

(c) "Single location" means a facility located on contiguous 54925
property separated only by a roadway, railway, or waterway. 54926

(2) Division (C) of this section applies to any commercial or industrial purchaser's receipt of electricity through a meter of an end user in this state or through more than one meter at a single location in this state in a quantity that exceeds forty-five million kilowatt hours of electricity over the course of the preceding calendar year, or any commercial or industrial purchaser that will consume more than forty-five million kilowatt hours of electricity over the course of the succeeding twelve months as estimated by the tax commissioner. The tax commissioner shall make such an estimate upon the written request by an applicant for registration as a self-assessing purchaser under this division. Such a purchaser may elect to self-assess the excise tax imposed by this section at the rate of \$.00075 per kilowatt hour on the first five hundred four million kilowatt hours distributed to that meter or location during the registration year, and ~~four per cent~~ a percentage of the total price of all electricity distributed to that meter or location equal to four per cent through the meter reading period that includes June 30, 2008, and three and one-half per cent beginning for the meter reading period including July 1, 2008, and thereafter. A qualified end user that receives electricity through a meter of an end user in this state or through more than one meter at a single location in this state and that consumes, over the course of the previous calendar year, more than forty-five million kilowatt hours in other than its qualifying manufacturing process, may elect to self-assess the tax as allowed by this division with respect to the electricity used in other than its qualifying manufacturing process. ~~Until January 1, 2003, payment of the tax shall be made directly to the treasurer of state in accordance with divisions (A)(4) and (5) of section 5727.82 of the Revised Code. Beginning January 1, 2003, payment~~

Payment of the tax shall be made directly to the tax commissioner in accordance with divisions (A)(4) and (5) of

section 5727.82 of the Revised Code, or the treasurer of state in 54960
accordance with section 5727.83 of the Revised Code. If the 54961
electric distribution company serving the self-assessing purchaser 54962
is a municipal electric utility and the purchaser is within the 54963
municipal corporation's corporate limits, payment shall be made to 54964
such municipal corporation's general fund and reports shall be 54965
filed in accordance with divisions (A)(4) and (5) of section 54966
5727.82 of the Revised Code, except that "municipal corporation" 54967
shall be substituted for "treasurer of state" and "tax 54968
commissioner." A self-assessing purchaser that pays the excise tax 54969
as provided in this division shall not be required to pay the tax 54970
to the electric distribution company from which its electricity is 54971
distributed. If a self-assessing purchaser's receipt of 54972
electricity is not subject to the tax as measured under this 54973
division, the tax on the receipt of such electricity shall be 54974
measured and paid as provided in division (A) of this section. 54975

(3) In the case of the acquisition of a package, unless the 54976
elements of the package are separately stated isolating the total 54977
price of electricity from the price of the remaining elements of 54978
the package, the tax imposed under this section applies to the 54979
entire price of the package. If the elements of the package are 54980
separately stated, the tax imposed under this section applies to 54981
the total price of the electricity. 54982

(4) Any electric supplier that sells electricity as part of a 54983
package shall separately state to the purchaser the total price of 54984
the electricity and, upon request by the tax commissioner, the 54985
total price of each of the other elements of the package. 54986

(5) The tax commissioner may adopt rules relating to the 54987
computation of the total price of electricity with respect to 54988
self-assessing purchasers, which may include rules to establish 54989
the total price of electricity purchased as part of a package. 54990

(6) An annual application for registration as a 54991

self-assessing purchaser shall be made for each qualifying meter 54992
or location on a form prescribed by the tax commissioner. The 54993
registration year begins on the first day of May and ends on the 54994
following thirtieth day of April. Persons may apply after the 54995
first day of May for the remainder of the registration year. In 54996
the case of an applicant applying on the basis of an estimated 54997
consumption of forty-five million kilowatt hours over the course 54998
of the succeeding twelve months, the applicant shall provide such 54999
information as the tax commissioner considers to be necessary to 55000
estimate such consumption. At the time of making the application 55001
and by the first day of May of each year, ~~excluding May 1, 2000,~~ a 55002
self-assessing purchaser shall pay a fee of five hundred dollars 55003
to the tax commissioner, or to the treasurer of state as provided 55004
in section 5727.83 of the Revised Code, for each qualifying meter 55005
or location. The tax commissioner shall immediately pay to the 55006
treasurer of state all amounts that the tax commissioner receives 55007
under this section. The treasurer of state shall deposit such 55008
amounts into the kilowatt hour excise tax administration fund, 55009
which is hereby created in the state treasury. Money in the fund 55010
shall be used to defray the tax commissioner's cost in 55011
administering the tax owed under section 5727.81 of the Revised 55012
Code by self-assessing purchasers. After the application is 55013
approved by the tax commissioner, the registration shall remain in 55014
effect for the current registration year, or until canceled by the 55015
registrant upon written notification to the commissioner of the 55016
election to pay the tax in accordance with division (A) of this 55017
section, or until canceled by the tax commissioner for not paying 55018
the tax or fee under division (C) of this section or for not 55019
meeting the qualifications in division (C)(2) of this section. The 55020
tax commissioner shall give written notice to the electric 55021
distribution company from which electricity is delivered to a 55022
self-assessing purchaser of the purchaser's self-assessing status, 55023
and the electric distribution company is relieved of the 55024

obligation to pay the tax imposed by division (A) of this section 55025
for electricity distributed to that self-assessing purchaser until 55026
it is notified by the tax commissioner that the self-assessing 55027
purchaser's registration is canceled. Within fifteen days of 55028
notification of the canceled registration, the electric 55029
distribution company shall be responsible for payment of the tax 55030
imposed by division (A) of this section on electricity distributed 55031
to a purchaser that is no longer registered as a self-assessing 55032
purchaser. A self-assessing purchaser with a canceled registration 55033
must file a report and remit the tax imposed by division (A) of 55034
this section on all electricity it receives for any measurement 55035
period prior to the tax being reported and paid by the electric 55036
distribution company. A self-assessing purchaser whose 55037
registration is canceled by the tax commissioner is not eligible 55038
to register as a self-assessing purchaser for two years after the 55039
registration is canceled. 55040

(7) If the tax commissioner cancels the self-assessing 55041
registration of a purchaser registered on the basis of its 55042
estimated consumption because the purchaser does not consume at 55043
least forty-five million kilowatt hours of electricity over the 55044
course of the twelve-month period for which the estimate was made, 55045
the tax commissioner shall assess and collect from the purchaser 55046
the difference between (a) the amount of tax that would have been 55047
payable under division (A) of this section on the electricity 55048
distributed to the purchaser during that period and (b) the amount 55049
of tax paid by the purchaser on such electricity pursuant to 55050
division (C)(2)(a) of this section. The assessment shall be paid 55051
within sixty days after the tax commissioner issues it, regardless 55052
of whether the purchaser files a petition for reassessment under 55053
section 5727.89 of the Revised Code covering that period. If the 55054
purchaser does not pay the assessment within the time prescribed, 55055
the amount assessed is subject to the additional charge and the 55056
interest prescribed by divisions (B) and (C) of section 5727.82 of 55057

the Revised Code, and is subject to assessment under section 55058
5727.89 of the Revised Code. If the purchaser is a qualified end 55059
user, division (C)(7) of this section applies only to electricity 55060
it consumes in other than its qualifying manufacturing process. 55061

(D) The tax imposed by this section does not apply to the 55062
distribution of any kilowatt hours of electricity to the federal 55063
government, to an end user located at a federal facility that uses 55064
electricity for the enrichment of uranium, to a qualified 55065
regeneration meter, or to an end user for any day the end user is 55066
a qualified end user. The exemption under this division for a 55067
qualified end user only applies to the manufacturing location 55068
where the qualified end user uses more than three million kilowatt 55069
hours per day in a qualifying manufacturing process. 55070

Sec. 5727.84. (A) As used in this section and sections 55071
5727.85, 5727.86, and 5727.87 of the Revised Code: 55072

(1) "School district" means a city, local, or exempted 55073
village school district. 55074

(2) "Joint vocational school district" means a joint 55075
vocational school district created under section 3311.16 of the 55076
Revised Code, and includes a cooperative education school district 55077
created under section 3311.52 or 3311.521 of the Revised Code and 55078
a county school financing district created under section 3311.50 55079
of the Revised Code. 55080

(3) "Local taxing unit" means a subdivision or taxing unit, 55081
as defined in section 5705.01 of the Revised Code, a park district 55082
created under Chapter 1545. of the Revised Code, or a township 55083
park district established under section 511.23 of the Revised 55084
Code, but excludes school districts and joint vocational school 55085
districts. 55086

(4) "State education aid," for a school district, means the 55087

sum of state aid amounts computed for the district under divisions 55088
(A), (C)(1), (C)(4), (D), (E), and (F) of section 3317.022; 55089
divisions (B), (C), and (D) of section 3317.023; divisions (G), 55090
(L), and (N) of section 3317.024; and sections 3317.029, 55091
3317.0216, 3317.0217, 3317.04, 3317.05, 3317.052, and 3317.053 of 55092
the Revised Code; and the adjustments required by: division (C) of 55093
section 3310.08; division (C)(2) of section 3310.41; section 55094
3310.55; division (C) of section 3314.08; division (D) of section 55095
3314.13; divisions (E), (K), (L), (M), (N), and (O) of section 55096
3317.023; division (C) of section 3317.20; and sections 3313.979 55097
and 3313.981 of the Revised Code. However, when calculating state 55098
education aid for a school district for fiscal years ~~2006~~ 2008 and 55099
~~2007~~ 2009, include the amount computed for the district under 55100
Section ~~206.09.21~~ 269.20.80 of ~~Am. Sub. H.B. 66 119~~ of the ~~126th~~ 55101
~~127th~~ general assembly, as subsequently amended, instead of 55102
division (D) of section 3317.022 of the Revised Code; and include 55103
amounts calculated under Section ~~206.09.39~~ 269.30.80 of ~~that~~ this 55104
act, as subsequently amended; ~~and account for adjustments under~~ 55105
~~division (C)(2) of section 3310.41 of the Revised Code.~~ 55106

(5) "State education aid," for a joint vocational school 55108
district, means the sum of the state aid amounts computed for the 55109
district under division (N) of section 3317.024 and section 55110
3317.16 of the Revised Code. However, when calculating state 55111
education aid for a joint vocational school district for fiscal 55112
years ~~2006~~ 2008 and ~~2007~~ 2009, include the amount computed for the 55113
district under Section ~~206.09.42~~ 269.30.90 of ~~Am. Sub. H.B. 66 119~~ 55114
of the ~~126th~~ 127th general assembly, as subsequently amended. 55115

(6) "State education aid offset" means the amount determined 55116
for each school district or joint vocational school district under 55117
division (A)(1) of section 5727.85 of the Revised Code. 55118

(7) "Recognized valuation" has the same meaning as in section 55119

3317.02 of the Revised Code.	55120
(8) "Electric company tax value loss" means the amount determined under division (D) of this section.	55121 55122
(9) "Natural gas company tax value loss" means the amount determined under division (E) of this section.	55123 55124
(10) "Tax value loss" means the sum of the electric company tax value loss and the natural gas company tax value loss.	55125 55126
(11) "Fixed-rate levy" means any tax levied on property other than a fixed-sum levy.	55127 55128
(12) "Fixed-rate levy loss" means the amount determined under division (G) of this section.	55129 55130
(13) "Fixed-sum levy" means a tax levied on property at whatever rate is required to produce a specified amount of tax money or levied in excess of the ten-mill limitation to pay debt charges, and includes school district emergency levies imposed pursuant to section 5705.194 of the Revised Code.	55131 55132 55133 55134 55135
(14) "Fixed-sum levy loss" means the amount determined under division (H) of this section.	55136 55137
(15) "Consumer price index" means the consumer price index (all items, all urban consumers) prepared by the bureau of labor statistics of the United States department of labor.	55138 55139 55140
(B) The kilowatt-hour tax receipts fund is hereby created in the state treasury and shall consist of money arising from the tax imposed by section 5727.81 of the Revised Code. All money in the kilowatt-hour tax receipts fund shall be credited as follows:	55141 55142 55143 55144
(1) Fifty nine and nine hundred seventy six one thousandths <u>Sixty-three</u> per cent, shall be credited to the general revenue fund.	55145 55146 55147
(2) Two and six hundred forty six one thousandths per cent shall be credited to the local government fund, for distribution	55148 55149

~~in accordance with section 5747.50 of the Revised Code.~~ 55150

~~(3) Three hundred seventy eight one thousandths per cent 55151
shall be credited to the local government revenue assistance fund, 55152
for distribution in accordance with section 5747.61 of the Revised 55153
Code. 55154~~

~~(4) Twenty-five and four-tenths per cent shall be credited to 55155
the school district property tax replacement fund, which is hereby 55156
created in the state treasury for the purpose of making the 55157
payments described in section 5727.85 of the Revised Code. 55158~~

~~(5)(3) Eleven and six-tenths per cent shall be credited to 55159
the local government property tax replacement fund, which is 55160
hereby created in the state treasury for the purpose of making the 55161
payments described in section 5727.86 of the Revised Code. 55162~~

(C) The natural gas tax receipts fund is hereby created in 55163
the state treasury and shall consist of money arising from the tax 55164
imposed by section 5727.811 of the Revised Code. All money in the 55165
fund shall be credited as follows: 55166

(1) Sixty-eight and seven-tenths per cent shall be credited 55167
to the school district property tax replacement fund for the 55168
purpose of making the payments described in section 5727.85 of the 55169
Revised Code. 55170

(2) Thirty-one and three-tenths per cent shall be credited to 55171
the local government property tax replacement fund for the purpose 55172
of making the payments described in section 5727.86 of the Revised 55173
Code. 55174

(D) Not later than January 1, 2002, the tax commissioner 55175
shall determine for each taxing district its electric company tax 55176
value loss, which is the sum of the applicable amounts described 55177
in divisions (D)(1) to ~~(3)(4)~~ of this section: 55178

(1) The difference obtained by subtracting the amount 55179

described in division (D)(1)(b) from the amount described in 55180
division (D)(1)(a) of this section. 55181

(a) The value of electric company and rural electric company 55182
tangible personal property as assessed by the tax commissioner for 55183
tax year 1998 on a preliminary assessment, or an amended 55184
preliminary assessment if issued prior to March 1, 1999, and as 55185
apportioned to the taxing district for tax year 1998; 55186

(b) The value of electric company and rural electric company 55187
tangible personal property as assessed by the tax commissioner for 55188
tax year 1998 had the property been apportioned to the taxing 55189
district for tax year 2001, and assessed at the rates in effect 55190
for tax year 2001. 55191

(2) The difference obtained by subtracting the amount 55192
described in division (D)(2)(b) from the amount described in 55193
division (D)(2)(a) of this section. 55194

(a) The three-year average for tax years 1996, 1997, and 1998 55195
of the assessed value from nuclear fuel materials and assemblies 55196
assessed against a person under Chapter 5711. of the Revised Code 55197
from the leasing of them to an electric company for those 55198
respective tax years, as reflected in the preliminary assessments; 55199

(b) The three-year average assessed value from nuclear fuel 55200
materials and assemblies assessed under division (D)(2)(a) of this 55201
section for tax years 1996, 1997, and 1998, as reflected in the 55202
preliminary assessments, using an assessment rate of twenty-five 55203
per cent. 55204

(3) In the case of a taxing district having a nuclear power 55205
plant within its territory, any amount, resulting in an electric 55206
company tax value loss, obtained by subtracting the amount 55207
described in division (D)(1) of this section from the difference 55208
obtained by subtracting the amount described in division (D)(3)(b) 55209
of this section from the amount described in division (D)(3)(a) of 55210

this section. 55211

(a) The value of electric company tangible personal property 55212
as assessed by the tax commissioner for tax year 2000 on a 55213
preliminary assessment, or an amended preliminary assessment if 55214
issued prior to March 1, 2001, and as apportioned to the taxing 55215
district for tax year 2000; 55216

(b) The value of electric company tangible personal property 55217
as assessed by the tax commissioner for tax year 2001 on a 55218
preliminary assessment, or an amended preliminary assessment if 55219
issued prior to March 1, 2002, and as apportioned to the taxing 55220
district for tax year 2001. 55221

(4) In the case of a taxing district having a nuclear power 55222
plant within its territory, the difference obtained by subtracting 55223
the amount described in division (D)(4)(b) of this section from 55224
the amount described in division (D)(4)(a) of this section, 55225
provided that such difference is greater than ten per cent of the 55226
amount described in division (D)(4)(a) of this section. 55227

(a) The value of electric company tangible personal property 55228
as assessed by the tax commissioner for tax year 2005 on a 55229
preliminary assessment, or an amended preliminary assessment if 55230
issued prior to March 1, 2006, and as apportioned to the taxing 55231
district for tax year 2005; 55232

(b) The value of electric company tangible personal property 55233
as assessed by the tax commissioner for tax year 2006 on a 55234
preliminary assessment, or an amended preliminary assessment if 55235
issued prior to March 1, 2007, and as apportioned to the taxing 55236
district for tax year 2006. 55237

(E) Not later than January 1, 2002, the tax commissioner 55238
shall determine for each taxing district its natural gas company 55239
tax value loss, which is the sum of the amounts described in 55240
divisions (E)(1) and (2) of this section: 55241

(1) The difference obtained by subtracting the amount 55242
described in division (E)(1)(b) from the amount described in 55243
division (E)(1)(a) of this section. 55244

(a) The value of all natural gas company tangible personal 55245
property, other than property described in division (E)(2) of this 55246
section, as assessed by the tax commissioner for tax year 1999 on 55247
a preliminary assessment, or an amended preliminary assessment if 55248
issued prior to March 1, 2000, and apportioned to the taxing 55249
district for tax year 1999; 55250

(b) The value of all natural gas company tangible personal 55251
property, other than property described in division (E)(2) of this 55252
section, as assessed by the tax commissioner for tax year 1999 had 55253
the property been apportioned to the taxing district for tax year 55254
2001, and assessed at the rates in effect for tax year 2001. 55255

(2) The difference in the value of current gas obtained by 55256
subtracting the amount described in division (E)(2)(b) from the 55257
amount described in division (E)(2)(a) of this section. 55258

(a) The three-year average assessed value of current gas as 55259
assessed by the tax commissioner for tax years 1997, 1998, and 55260
1999 on a preliminary assessment, or an amended preliminary 55261
assessment if issued prior to March 1, 2001, and as apportioned in 55262
the taxing district for those respective years; 55263

(b) The three-year average assessed value from current gas 55264
under division (E)(2)(a) of this section for tax years 1997, 1998, 55265
and 1999, as reflected in the preliminary assessment, using an 55266
assessment rate of twenty-five per cent. 55267

(F) The tax commissioner may request that natural gas 55268
companies, electric companies, and rural electric companies file a 55269
report to help determine the tax value loss under divisions (D) 55270
and (E) of this section. The report shall be filed within thirty 55271
days of the commissioner's request. A company that fails to file 55272

the report or does not timely file the report is subject to the 55273
penalty in section 5727.60 of the Revised Code. 55274

(G) Not later than January 1, 2002, the tax commissioner 55275
shall determine for each school district, joint vocational school 55276
district, and local taxing unit its fixed-rate levy loss, which is 55277
the sum of its electric company tax value loss multiplied by the 55278
tax rate in effect in tax year 1998 for fixed-rate levies and its 55279
natural gas company tax value loss multiplied by the tax rate in 55280
effect in tax year 1999 for fixed-rate levies. 55281

(H) Not later than January 1, 2002, the tax commissioner 55282
shall determine for each school district, joint vocational school 55283
district, and local taxing unit its fixed-sum levy loss, which is 55284
the amount obtained by subtracting the amount described in 55285
division (H)(2) of this section from the amount described in 55286
division (H)(1) of this section: 55287

(1) The sum of the electric company tax value loss multiplied 55288
by the tax rate in effect in tax year 1998, and the natural gas 55289
company tax value loss multiplied by the tax rate in effect in tax 55290
year 1999, for fixed-sum levies for all taxing districts within 55291
each school district, joint vocational school district, and local 55292
taxing unit. For the years 2002 through 2006, this computation 55293
shall include school district emergency levies that existed in 55294
1998 in the case of the electric company tax value loss, and 1999 55295
in the case of the natural gas company tax value loss, and all 55296
other fixed-sum levies that existed in 1998 in the case of the 55297
electric company tax value loss and 1999 in the case of the 55298
natural gas company tax value loss and continue to be charged in 55299
the tax year preceding the distribution year. For the years 2007 55300
through 2016 in the case of school district emergency levies, and 55301
for all years after 2006 in the case of all other fixed-sum 55302
levies, this computation shall exclude all fixed-sum levies that 55303
existed in 1998 in the case of the electric company tax value loss 55304

and 1999 in the case of the natural gas company tax value loss, 55305
but are no longer in effect in the tax year preceding the 55306
distribution year. For the purposes of this section, an emergency 55307
levy that existed in 1998 in the case of the electric company tax 55308
value loss, and 1999 in the case of the natural gas company tax 55309
value loss, continues to exist in a year beginning on or after 55310
January 1, 2007, but before January 1, 2017, if, in that year, the 55311
board of education levies a school district emergency levy for an 55312
annual sum at least equal to the annual sum levied by the board in 55313
tax year 1998 or 1999, respectively, less the amount of the 55314
payment certified under this division for 2002. 55315

(2) The total taxable value in tax year 1999 less the tax 55316
value loss in each school district, joint vocational school 55317
district, and local taxing unit multiplied by one-fourth of one 55318
mill. 55319

If the amount computed under division (H) of this section for 55320
any school district, joint vocational school district, or local 55321
taxing unit is greater than zero, that amount shall equal the 55322
fixed-sum levy loss reimbursed pursuant to division (E) of section 55323
5727.85 of the Revised Code or division (A)(2) of section 5727.86 55324
of the Revised Code, and the one-fourth of one mill that is 55325
subtracted under division (H)(2) of this section shall be 55326
apportioned among all contributing fixed-sum levies in the 55327
proportion of each levy to the sum of all fixed-sum levies within 55328
each school district, joint vocational school district, or local 55329
taxing unit. 55330

(I) Notwithstanding divisions (D), (E), (G), and (H) of this 55331
section, in computing the tax value loss, fixed-rate levy loss, 55332
and fixed-sum levy loss, the tax commissioner shall use the 55333
greater of the 1998 tax rate or the 1999 tax rate in the case of 55334
levy losses associated with the electric company tax value loss, 55335
but the 1999 tax rate shall not include for this purpose any tax 55336

levy approved by the voters after June 30, 1999, and the tax 55337
commissioner shall use the greater of the 1999 or the 2000 tax 55338
rate in the case of levy losses associated with the natural gas 55339
company tax value loss. 55340

(J) Not later than January 1, 2002, the tax commissioner 55341
shall certify to the department of education the tax value loss 55342
determined under divisions (D) and (E) of this section for each 55343
taxing district, the fixed-rate levy loss calculated under 55344
division (G) of this section, and the fixed-sum levy loss 55345
calculated under division (H) of this section. The calculations 55346
under divisions (G) and (H) of this section shall separately 55347
display the levy loss for each levy eligible for reimbursement. 55348

(K) Not later than September 1, 2001, the tax commissioner 55349
shall certify the amount of the fixed-sum levy loss to the county 55350
auditor of each county in which a school district with a fixed-sum 55351
levy loss has territory. 55352

Sec. 5727.85. (A) By the thirty-first day of July of each 55353
year, beginning in 2002 and ending in 2016, the department of 55354
education shall determine the following for each school district 55355
and each joint vocational school district eligible for payment 55356
under division (C) or (D) of this section: 55357

(1) The state education aid offset, which is the difference 55358
obtained by subtracting the amount described in division (A)(1)(b) 55359
of this section from the amount described in division (A)(1)(a) of 55360
this section: 55361

(a) The state education aid computed for the school district 55362
or joint vocational school district for the current fiscal year as 55363
of the thirty-first day of July; 55364

(b) The state education aid that would be computed for the 55365
school district or joint vocational school district for the 55366

current fiscal year as of the thirty-first day of July if the 55367
recognized valuation included the tax value loss for the school 55368
district or joint vocational school district. 55369

(2) The greater of zero or the difference obtained by 55370
subtracting the state education aid offset determined under 55371
division (A)(1) of this section from the fixed-rate levy loss 55372
certified under division (J) of section 5727.84 of the Revised 55373
Code for all taxing districts in each school district and joint 55374
vocational school district. 55375

By the fifth day of August of each such year, the department 55376
of education shall certify the amount so determined under division 55377
(A)(1) of this section to the director of budget and management. 55378

(B) Not later than the thirty-first day of October of the 55379
years 2006 through 2016, the department of education shall 55380
determine all of the following for each school district: 55381

(1) The amount obtained by subtracting the district's state 55382
education aid computed for fiscal year 2002 from the district's 55383
state education aid computed for the current fiscal year; 55384

(2) The inflation-adjusted property tax loss. The 55385
inflation-adjusted property tax loss equals the fixed-rate levy 55386
loss, excluding the tax loss from levies within the ten-mill 55387
limitation to pay debt charges, determined under division (G) of 55388
section 5727.84 of the Revised Code for all taxing districts in 55389
each school district, plus the product obtained by multiplying 55390
that loss by the cumulative percentage increase in the consumer 55391
price index from January 1, 2002, to the thirtieth day of June of 55392
the current year. 55393

(3) The difference obtained by subtracting the amount 55394
computed under division (B)(1) from the amount of the 55395
inflation-adjusted property tax loss. If this difference is zero 55396
or a negative number, no further payments shall be made under 55397

division (C) of this section to the school district from the 55398
school district property tax replacement fund. 55399

(C) The department of education shall pay from the school 55400
district property tax replacement fund to each school district all 55401
of the following: 55402

(1) In February 2002, one-half of the fixed-rate levy loss 55403
certified under division (J) of section 5727.84 of the Revised 55404
Code between the twenty-first and twenty-eighth days of February. 55405

(2) From August 2002 through August 2017, one-half of the 55406
amount calculated for that fiscal year under division (A)(2) of 55407
this section between the twenty-first and twenty-eighth days of 55408
August and of February, provided the difference computed under 55409
division (B)(3) of this section is not less than or equal to zero. 55410

For taxes levied within the ten-mill limitation for debt 55411
purposes in tax year 1998 in the case of electric company tax 55412
value losses, and in tax year 1999 in the case of natural gas 55413
company tax value losses, payments shall be made equal to one 55414
hundred per cent of the loss computed as if the tax were a 55415
fixed-rate levy, but those payments shall extend from fiscal year 55416
2006 through fiscal year 2016. 55417

The department of education shall report to each school 55418
district the apportionment of the payments among the school 55419
district's funds based on the certifications under division (J) of 55420
section 5727.84 of the Revised Code. 55421

(D) Not later than January 1, 2002, for all taxing districts 55422
in each joint vocational school district, the tax commissioner 55423
shall certify to the department of education the fixed-rate levy 55424
loss determined under division (G) of section 5727.84 of the 55425
Revised Code. From February 2002 to August 2016, the department 55426
shall pay from the school district property tax replacement fund 55427
to the joint vocational school district one-half of the amount 55428

calculated for that fiscal year under division (A)(2) of this 55429
section between the twenty-first and twenty-eighth days of August 55430
and of February. 55431

(E)(1) Not later than January 1, 2002, for each fixed-sum 55432
levy levied by each school district or joint vocational school 55433
district and for each year for which a determination is made under 55434
division (H) of section 5727.84 of the Revised Code that a 55435
fixed-sum levy loss is to be reimbursed, the tax commissioner 55436
shall certify to the department of education the fixed-sum levy 55437
loss determined under that division. The certification shall cover 55438
a time period sufficient to include all fixed-sum levies for which 55439
the tax commissioner made such a determination. The department 55440
shall pay from the school district property tax replacement fund 55441
to the school district or joint vocational school district 55442
one-half of the fixed-sum levy loss so certified for each year 55443
between the twenty-first and twenty-eighth days of August and of 55444
February. 55445

(2) Beginning in 2003, by the thirty-first day of January of 55446
each year, the tax commissioner shall review the certification 55447
originally made under division (E)(1) of this section. If the 55448
commissioner determines that a debt levy that had been scheduled 55449
to be reimbursed in the current year has expired, a revised 55450
certification for that and all subsequent years shall be made to 55451
the department of education. 55452

(F) If the balance of the half-mill equalization fund created 55453
under section 3318.18 of the Revised Code is insufficient to make 55454
the full amount of payments required under division (D) of that 55455
section, the department of education, at the end of the third 55456
quarter of the fiscal year, shall certify to the director of 55457
budget and management the amount of the deficiency, and the 55458
director shall transfer an amount equal to the deficiency from the 55459
school district property tax replacement fund to the half-mill 55460

equalization fund. 55461

(G) Beginning in August 2002, and ending in May 2017, the 55462
director of budget and management shall transfer from the school 55463
district property tax replacement fund to the general revenue fund 55464
each of the following: 55465

(1) Between the twenty-eighth day of August and the fifth day 55466
of September, the lesser of one-half of the amount certified for 55467
that fiscal year under division (A)(2) of this section or the 55468
balance in the school district property tax replacement fund; 55469

(2) Between the first and fifth days of May, the lesser of 55470
one-half of the amount certified for that fiscal year under 55471
division (A)(2) of this section or the balance in the school 55472
district property tax replacement fund. 55473

(H) On the first day of June each year, the director of 55474
budget and management shall transfer any balance remaining in the 55475
school district property tax replacement fund after the payments 55476
have been made under divisions (C), (D), (E), (F), and (G) of this 55477
section to the half-mill equalization fund created under section 55478
3318.18 of the Revised Code to the extent required to make any 55479
payments in the current fiscal year under that section, and shall 55480
transfer the remaining balance to the general revenue fund. 55481

(I) From fiscal year 2002 through fiscal year 2016, if the 55482
total amount in the school district property tax replacement fund 55483
is insufficient to make all payments under divisions (C), (D), 55484
(E), and (F) of this section at the time the payments are to be 55485
made, the director of budget and management shall transfer from 55486
the general revenue fund to the school district property tax 55487
replacement fund the difference between the total amount to be 55488
paid and the total amount in the school district property tax 55489
replacement fund, except that no transfer shall be made by reason 55490
of a deficiency to the extent that it results from the amendment 55491

of section 5727.84 of the Revised Code by Amended Substitute House 55492
Bill No. 95 of the 125th general assembly. 55493

(J) If all of the territory of a school district or joint 55494
vocational school district is merged with an existing district, or 55495
if a part of the territory of a school district or joint 55496
vocational school district is transferred to an existing or new 55497
district, the department of education, in consultation with the 55498
tax commissioner, shall adjust the payments made under this 55499
section as follows: 55500

(1) For the merger of all of the territory of two or more 55501
districts, the fixed-rate levy loss and the fixed-sum levy loss of 55502
the successor district shall be equal to the sum of the fixed-rate 55503
levy losses and the fixed-sum levy losses for each of the 55504
districts involved in the merger. 55505

(2) For the transfer of a part of one district's territory to 55506
an existing district, the amount of the fixed-rate levy loss that 55507
is transferred to the recipient district shall be an amount equal 55508
to the transferring district's total fixed-rate levy loss times a 55509
fraction, the numerator of which is the value of electric company 55510
tangible personal property located in the part of the territory 55511
that was transferred, and the denominator of which is the total 55512
value of electric company tangible personal property located in 55513
the entire district from which the territory was transferred. The 55514
value of electric company tangible personal property under this 55515
division shall be determined for the most recent year for which 55516
data is available. Fixed-sum levy losses for both districts shall 55517
be determined under division (J)(4) of this section. 55518

(3) For the transfer of a part of the territory of one or 55519
more districts to create a new district: 55520

(a) If the new district is created on or after January 1, 55521
2000, but before January 1, 2005, the new district shall be paid 55522

its current fixed-rate levy loss through August ~~2008~~ 2009. From 55523
February ~~2009~~ 2010 to August 2016, the new district shall be paid 55524
the lesser of: (i) the amount calculated under division (C)(2) of 55525
this section or (ii) an amount equal to the new district's 55526
fixed-rate levy loss multiplied by the percentage prescribed by 55527
the following schedule: 55528

YEAR	PERCENTAGE	
2009	75%	55530
2010	70%	55531
2011	70%	55532
2012	60%	55533
2013	50%	55534
2014	40%	55535
2015	24%	55536
2016	11.5%	55537
2017 and thereafter	0%	55538

Fixed-sum levy losses for the districts shall be determined 55539
under division (J)(4) of this section. 55540

(b) If the new district is created on or after January 1, 55541
2005, the new district shall be deemed not to have any fixed-rate 55542
levy loss or, except as provided in division (J)(4) of this 55543
section, fixed-sum levy loss. The district or districts from which 55544
the territory was transferred shall have no reduction in their 55545
fixed-rate levy loss, or, except as provided in division (J)(4) of 55546
this section, their fixed-sum levy loss. 55547

(4) If a recipient district under division (J)(2) of this 55548
section or a new district under division (J)(3)(a) or (b) of this 55549
section takes on debt from one or more of the districts from which 55550
territory was transferred, and any of the districts transferring 55551
the territory had fixed-sum levy losses, the department of 55552
education, in consultation with the tax commissioner, shall make 55553
an equitable division of the fixed-sum levy losses. 55554

(K) There is hereby created the public utility property tax study committee, effective January 1, 2011. The committee shall consist of the following seven members: the tax commissioner, three members of the senate appointed by the president of the senate, and three members of the house of representatives appointed by the speaker of the house of representatives. The appointments shall be made not later than January 31, 2011. The tax commissioner shall be the chairperson of the committee.

The committee shall study the extent to which each school district or joint vocational school district has been compensated, under sections 5727.84 and 5727.85 of the Revised Code as enacted by Substitute Senate Bill No. 3 of the 123rd general assembly and any subsequent acts, for the property tax loss caused by the reduction in the assessment rates for natural gas, electric, and rural electric company tangible personal property. Not later than June 30, 2011, the committee shall issue a report of its findings, including any recommendations for providing additional compensation for the property tax loss or regarding remedial legislation, to the president of the senate and the speaker of the house of representatives, at which time the committee shall cease to exist.

The department of taxation and department of education shall provide such information and assistance as is required for the committee to carry out its duties.

Sec. 5727.86. (A) Not later than January 1, 2002, the tax commissioner shall compute the payments to be made to each local taxing unit for each year according to divisions (A)(1), (2), (3), and (4) and division (E) of this section, and shall distribute the payments in the manner prescribed by division (C) of this section. The calculation of the fixed-sum levy loss shall cover a time period sufficient to include all fixed-sum levies for which the

tax commissioner determined, pursuant to division (H) of section 55586
5727.84 of the Revised Code, that a fixed-sum levy loss is to be 55587
reimbursed. 55588

(1) Except as provided in divisions (A)(3) and (4) of this 55589
section, for fixed-rate levy losses determined under division (G) 55590
of section 5727.84 of the Revised Code, payments shall be made in 55591
each of the following years at the following percentage of the 55592
fixed-rate levy loss certified under division (A) of this section: 55593

YEAR	PERCENTAGE	
2002	100%	55595
2003	100%	55596
2004	100%	55597
2005	100%	55598
2006	100%	55599
2007	80%	55600
2008	80%	55601
2009	80%	55602
2010	80%	55603
2011	80%	55604
2012	66.7%	55605
2013	53.4%	55606
2014	40.1%	55607
2015	26.8%	55608
2016	13.5%	55609
2017 and thereafter	0%	55610

(2) For fixed-sum levy losses determined under division (H) 55611
of section 5727.84 of the Revised Code, payments shall be made in 55612
the amount of one hundred per cent of the fixed-sum levy loss for 55613
payments required to be made in 2002 and thereafter. 55614

(3) A local taxing unit in a county of less than two hundred 55615
fifty square miles that receives eighty per cent or more of its 55616
combined general fund and bond retirement fund revenues from 55617

property taxes and rollbacks based on 1997 actual revenues as 55618
presented in its 1999 tax budget, and in which electric companies 55619
and rural electric companies comprise over twenty per cent of its 55620
property valuation, shall receive one hundred per cent of its 55621
fixed-rate levy losses from electric company tax value losses 55622
certified under division (A) of this section in years 2002 to 55623
2016. 55624

(4) For taxes levied within the ten-mill limitation for debt 55625
purposes in tax year 1998 in the case of electric company tax 55626
value losses, and in tax year 1999 in the case of natural gas 55627
company tax value losses, payments shall be made equal to one 55628
hundred per cent of the loss computed as if the tax were a 55629
fixed-rate levy, but those payments shall extend from fiscal year 55630
2006 through fiscal year 2016. 55631

(B) Beginning in 2003, by the thirty-first day of January of 55632
each year, the tax commissioner shall review the calculation 55633
originally made under division (A) of this section of the 55634
fixed-sum levy loss determined under division (H) of section 55635
5727.84 of the Revised Code. If the commissioner determines that a 55636
fixed-sum levy that had been scheduled to be reimbursed in the 55637
current year has expired, a revised calculation for that and all 55638
subsequent years shall be made. 55639

(C) Payments to local taxing units required to be made under 55640
divisions (A) and (E) of this section shall be paid from the local 55641
government property tax replacement fund to the county undivided 55642
income tax fund in the proper county treasury. One-half of the 55643
amount certified under those divisions shall be paid between the 55644
twenty-first and twenty-eighth days of August and of February. The 55645
county treasurer shall distribute amounts paid under division (A) 55646
of this section to the proper local taxing unit as if they had 55647
been levied and collected as taxes, and the local taxing unit 55648
shall apportion the amounts so received among its funds in the 55649

same proportions as if those amounts had been levied and collected 55650
as taxes. Amounts Except in the case of amounts distributed to the 55651
county as a local taxing unit, amounts distributed under division 55652
(E)(2) of this section shall be credited to the general fund of 55653
the local taxing unit that receives them. Amounts distributed to 55654
each county as a local taxing unit under division (E)(2) of this 55655
section shall be credited in the proportion that the current taxes 55656
charged and payable from each levy of or by the county bears to 55657
the total current taxes charged and payable from all levies of or 55658
by the county. 55659

(D) By February 5, 2002, the tax commissioner shall estimate 55660
the amount of money in the local government property tax 55661
replacement fund in excess of the amount necessary to make 55662
payments in that month under division (C) of this section. 55663
Notwithstanding division (A) of this section, the tax commissioner 55664
may pay any local taxing unit, from those excess funds, nine and 55665
four-tenths times the amount computed for 2002 under division 55666
(A)(1) of this section. A payment made under this division shall 55667
be in lieu of the payment to be made in February 2002 under 55668
division (A)(1) of this section. A local taxing unit receiving a 55669
payment under this division will no longer be entitled to any 55670
further payments under division (A)(1) of this section. A payment 55671
made under this division shall be paid from the local government 55672
property tax replacement fund to the county undivided income tax 55673
fund in the proper county treasury. The county treasurer shall 55674
distribute the payment to the proper local taxing unit as if it 55675
had been levied and collected as taxes, and the local taxing unit 55676
shall apportion the amounts so received among its funds in the 55677
same proportions as if those amounts had been levied and collected 55678
as taxes. 55679

(E)(1) On the thirty-first day of July of 2002, 2003, 2004, 55680
2005, and 2006, and on the thirty-first day of January and July of 55681

2007 and each year thereafter, if the amount credited to the local government property tax replacement fund exceeds the amount needed to be distributed from the fund under division (A) of this section in the following month, the tax commissioner shall distribute the excess to each county as follows:

~~(1)~~(a) One-half shall be distributed to each county in proportion to each county's population.

~~(2)~~(b) One-half shall be distributed to each county in the proportion that the amounts determined under divisions (G) and (H) of section 5727.84 of the Revised Code for all local taxing units in the county is of the total amounts so determined for all local taxing units in the state.

(2) The amounts distributed to each county under ~~this~~ division (E) of this section shall be distributed by the county ~~treasurer~~ auditor to each local taxing unit in the county in the proportion that the unit's current taxes charged and payable are of the total current taxes charged and payable of all the local taxing units in the county. If the amount that the county auditor determines to be distributed to a local taxing unit is less than five dollars, that amount shall not be distributed, and the amount not distributed shall remain credited to the county undivided income tax fund. At the time of the next distribution under division (E)(2) of this section, any amount that had not been distributed in the prior distribution shall be added to the amount available for the next distribution prior to calculation of the amount to be distributed. As used in this division, "current taxes charged and payable" means the taxes charged and payable as most recently determined for local taxing units in the county.

(3) If, in the opinion of the tax commissioner, the excess remaining in the local government property tax replacement fund in any year is not sufficient to warrant distribution under ~~this~~ division (E) of this section, the excess shall remain to the

credit of the fund. 55714

(F) From fiscal year 2002 through fiscal year 2016, if the 55715
total amount in the local government property tax replacement fund 55716
is insufficient to make all payments under division (C) of this 55717
section at the times the payments are to be made, the director of 55718
budget and management shall transfer from the general revenue fund 55719
to the local government property tax replacement fund the 55720
difference between the total amount to be paid and the amount in 55721
the local government property tax replacement fund, except that no 55722
transfer shall be made by reason of a deficiency to the extent 55723
that it results from the amendment of section 5727.84 of the 55724
Revised Code by Amended Substitute House Bill 95 of the 125th 55725
general assembly. 55726

(G) If all or a part of the territories of two or more local 55727
taxing units are merged, or unincorporated territory of a township 55728
is annexed by a municipal corporation, the tax commissioner shall 55729
adjust the payments made under this section to each of the local 55730
taxing units in proportion to the tax value loss apportioned to 55731
the merged or annexed territory, or as otherwise provided by a 55732
written agreement between the legislative authorities of the local 55733
taxing units certified to the tax commissioner not later than the 55734
first day of June of the calendar year in which the payment is to 55735
be made. 55736

Sec. 5727.87. (A) As used in this section: 55737

(1) "Administrative fees" means the dollar percentages 55738
allowed by the county auditor for services or by the county 55739
treasurer as fees, or paid to the credit of the real estate 55740
assessment fund, under divisions (A) and ~~(B)~~(C) of section 319.54 55741
and division (A) of section 321.26 of the Revised Code. 55742

(2) "Administrative fee loss" means a county's loss of 55743
administrative fees due to its tax value loss, determined as 55744

follows: 55745

(a) For purposes of the determination made under division (B) 55746
of this section in the years 2002 through 2006, the administrative 55747
fee loss shall be computed by multiplying the amounts determined 55748
for all taxing districts in the county under divisions (G) and (H) 55749
of section 5727.84 of the Revised Code by nine thousand six 55750
hundred fifty-nine ten-thousandths of one per cent if total taxes 55751
collected in the county in 1999 exceeded one hundred fifty million 55752
dollars, or one and one thousand one hundred fifty-nine 55753
ten-thousandths of one per cent if total taxes collected in the 55754
county in 1999 were one hundred fifty million dollars or less; 55755

(b) For purposes of the determination under division (B) of 55756
this section in the years 2007 through 2011, the administrative 55757
fee loss shall be the lesser of the amount computed under division 55758
(A)(2)(a) of this section or the amount determined by subtracting 55759
from the dollar amount of administrative fees collected in the 55760
county in 1999, the dollar amount of administrative fees collected 55761
in the county in the current calendar year. 55762

(3) "Total taxes collected" means all money collected on any 55763
tax duplicate of the county, other than the estate tax duplicates. 55764
"Total taxes collected" does not include amounts received pursuant 55765
to divisions (F) and (G) of section 321.24 or section 323.156 of 55766
the Revised Code. 55767

(B) Not later than the thirty-first day of December of 2001 55768
through 2005, the tax commissioner shall certify to each county 55769
auditor the tax levy losses calculated under divisions (G) and (H) 55770
of section 5727.84 of the Revised Code for each school district, 55771
joint vocational school district, and local taxing unit in the 55772
county. Not later than the thirty-first day of January of 2002 55773
through 2011, the county auditor shall determine the 55774
administrative fee loss for the county and apportion that loss 55775
ratably among the school districts, joint vocational school 55776

districts, and local taxing units on the basis of the tax levy 55777
losses certified under this division. 55778

(C) On or before each of the days prescribed for the 55779
settlements under divisions (A) and (C) of section 321.24 of the 55780
Revised Code in the years 2002 through 2011, the county treasurer 55781
shall deduct one-half of the amount apportioned to each school 55782
district, joint vocational school district, and local taxing unit 55783
from the portions of revenue payable to them. 55784

(D) On or before each of the days prescribed for settlements 55785
under divisions (A) and (C) of section 321.24 of the Revised Code 55786
in the years 2002 through 2011, the county auditor shall cause to 55787
be deposited an amount equal to one-half of the amount of the 55788
administrative fee loss in the same funds as if allowed as 55789
administrative fees. 55790

After payment of the administrative fee loss on or before 55791
August 10, 2011, all payments under this section shall cease. 55792

Sec. 5733.12. (A) ~~Four and two tenths per cent of all~~ All 55793
payments received from the taxes imposed under sections 5733.06 55794
and 5733.41 of the Revised Code shall be credited to ~~the local~~ 55795
~~government fund for distribution in accordance with section~~ 55796
~~5747.50 of the Revised Code, six tenths of one per cent shall be~~ 55797
~~credited to the local government revenue assistance fund for~~ 55798
~~distribution in accordance with section 5747.61 of the Revised~~ 55799
~~Code, and ninety five and two tenths per cent shall be credited to~~ 55800
the general revenue fund. 55801

(B) Except as otherwise provided under divisions (C) and (D) 55802
of this section, an application to refund to the corporation the 55803
amount of taxes imposed under section 5733.06 of the Revised Code 55804
that are overpaid, paid illegally or erroneously, or paid on any 55805
illegal, erroneous, or excessive assessment, with interest thereon 55806
as provided by section 5733.26 of the Revised Code, shall be filed 55807

with the tax commissioner, on the form prescribed by the 55808
commissioner, within three years from the date of the illegal, 55809
erroneous, or excessive payment of the tax, or within any 55810
additional period allowed by division (C)(2) of section 5733.031, 55811
division (D)(2) of section 5733.067, or division (A) of section 55812
5733.11 of the Revised Code. For purposes of division (B) of this 55813
section, any payment that the applicant made before the due date 55814
or extended due date for filing the report to which the payment 55815
relates shall be deemed to have been made on the due date or 55816
extended due date. 55817

On the filing of the refund application, the commissioner 55818
shall determine the amount of refund to which the applicant is 55819
entitled. If the amount is not less than that claimed the 55820
commissioner shall certify the amount to the director of budget 55821
and management and treasurer of state for payment from the tax 55822
refund fund created by section 5703.052 of the Revised Code. If 55823
the amount is less than that claimed, the commissioner shall 55824
proceed in accordance with section 5703.70 of the Revised Code. 55825

(C) "Ninety days" shall be substituted for "three years" in 55826
division (B) of this section if the taxpayer satisfies both of the 55827
following: 55828

(1) The taxpayer has applied for a refund based in whole or 55829
in part upon section 5733.0611 of the Revised Code; 55830

(2) The taxpayer asserts that the imposition or collection of 55831
the tax imposed or charged by section 5733.06 of the Revised Code 55832
or any portion of such tax violates the Constitution of the United 55833
States or the Constitution of this state. 55834

(D)(1) Division (D)(2) of this section applies only if all of 55835
the following conditions are satisfied: 55836

(a) A qualifying pass-through entity pays an amount of the 55837
tax imposed by section 5733.41 of the Revised Code; 55838

(b) The taxpayer is a qualifying investor as to that 55839
qualifying pass-through entity; 55840

(c) The taxpayer did not claim the credit provided for in 55841
section 5733.0611 of the Revised Code as to the tax described in 55842
division (D)(1)(a) of this section; 55843

(d) The three-year period described in division (B) of this 55844
section has ended as to the taxable year for which the taxpayer 55845
otherwise would have claimed that credit. 55846

(2) A taxpayer shall file an application for refund pursuant 55847
to this division within one year after the date the payment 55848
described in division (D)(1)(a) of this section is made. An 55849
application filed under this division shall only claim refund of 55850
overpayments resulting from the taxpayer's failure to claim the 55851
credit described in division (D)(1)(c) of this section. Nothing in 55852
this division shall be construed to relieve a taxpayer from 55853
complying with the provisions of division (I)(14) of section 55854
5733.04 of the Revised Code. 55855

Sec. 5733.39. (A) As used in this section: 55856

(1) "Compliance facility" means property that is designed, 55857
constructed, or installed, and used, at a coal-fired electric 55858
generating facility for the primary purpose of complying with acid 55859
rain control requirements under Title IV of the "Clean Air Act 55860
Amendments of 1990," 104 Stat. 2584, 42 U.S.C.A. 7651, and that 55861
controls or limits emissions of sulfur or nitrogen compounds 55862
resulting from the combustion of coal through the removal or 55863
reduction of those compounds before, during, or after the 55864
combustion of the coal, but before the combustion products are 55865
emitted into the atmosphere. "Compliance facility" also includes 55866
any of the following: 55867

(a) A facility that removes sulfur compounds from coal before 55868

the combustion of the coal and that is located off the premises of 55869
the electric generating facility where the coal processed by the 55870
compliance facility is burned; 55871

(b) Modifications to the electric generating facility where 55872
the compliance facility is constructed or installed that are 55873
necessary to accommodate the construction or installation, and 55874
operation, of the compliance facility; 55875

(c) A byproduct disposal facility, as defined in section 55876
3734.051 of the Revised Code, that exclusively disposes of wastes 55877
produced by the compliance facility and other coal combustion 55878
byproducts produced by the generating unit in or to which the 55879
compliance facility is incorporated or connected regardless of 55880
whether the byproduct disposal facility is located on the same 55881
premises as the compliance facility or generating unit that 55882
produces the wastes disposed of at the facility; 55883

(d) Facilities or equipment that is acquired, constructed, or 55884
installed, and used, at a coal-fired electric generating facility 55885
exclusively for the purpose of handling the byproducts produced by 55886
the compliance facility or other coal combustion byproducts 55887
produced by the generating unit in or to which the compliance 55888
facility is incorporated or connected; 55889

(e) A flue gas desulfurization system that is connected to a 55890
coal-fired electric generating unit; 55891

(f) Facilities or equipment acquired, constructed, or 55892
installed, and used, at a coal-fired electric generating unit 55893
primarily for the purpose of handling the byproducts produced by a 55894
compliance facility or other coal combustion byproducts produced 55895
by the generating unit in or to which the compliance facility is 55896
incorporated or connected. 55897

(2) "Ohio coal" means coal mined from coal deposits in the 55898
ground that are located within this state, regardless of the 55899

location of the mine's tipple. 55900

(3) "Sale and leaseback transaction" has the same meaning as 55901
in section 5727.01 of the Revised Code. 55902

(B) An electric company shall be allowed a nonrefundable 55903
credit against the tax imposed by section 5733.06 of the Revised 55904
Code for Ohio coal used in any of its coal-fired electric 55905
generating units after April 30, 2001, but before January 1, ~~2008~~ 55906
2010. Section 5733.057 of the Revised Code shall apply when 55907
calculating the credit allowed by this section. The credit shall 55908
be claimed at the following rates per ton of Ohio coal burned in a 55909
coal-fired electric generating unit during the taxable year ending 55910
immediately preceding the tax year: for tax years before tax year 55911
2006, three dollars per ton; and for tax years 2006, 2007, ~~and~~ 55912
2008, and 2009, one dollar per ton. The credit is allowed only if 55913
both of the following conditions are met during such taxable year: 55914

(1) The coal-fired electric generating unit is owned and used 55915
by the company claiming the credit or leased and used by that 55916
company under a sale and leaseback transaction. 55917

(2) A compliance facility is attached to, incorporated in, or 55918
used in conjunction with the coal-fired generating unit. 55919

(C) The credit shall be claimed in the order required under 55920
section 5733.98 of the Revised Code. The taxpayer may carry 55921
forward any credit amount in excess of its tax due after allowing 55922
for any other credits that precede the credit allowed under this 55923
section in the order required under section 5733.98 of the Revised 55924
Code. The excess credit may be carried forward for three years 55925
following the tax year for which it is claimed under this section. 55926

(D) The director of environmental protection, upon the 55927
request of the tax commissioner, shall certify whether a facility 55928
is a compliance facility. In the case of a compliance facility 55929
owned by an electric company, the public utilities commission 55930

shall certify to the tax commissioner the cost of the facility as 55931
of the date it was placed in service. In the case of a compliance 55932
facility owned by a person other than an electric company, the tax 55933
commissioner shall determine the cost of the facility as of the 55934
date it was placed in service. If the owner of such a facility 55935
fails to furnish the information necessary to make that 55936
determination, no credit shall be allowed. 55937

Sec. 5733.48. (A) As used in this section, "alternative 55938
fuel," "retail dealer," and "retail service station" have the same 55939
meanings as in section 5747.77 of the Revised Code. 55940

(B) There is hereby allowed a nonrefundable credit against 55941
the tax imposed by section 5733.06 of the Revised Code for a 55942
retail dealer that sells alternative fuel. The credit may be 55943
claimed for tax years 2008 and 2009. The credit for tax year 2008 55944
shall equal fifteen cents per gallon of alternative fuel sold and 55945
dispensed through a metered pump at the retail dealer's retail 55946
service station during any part of calendar year 2007 that is 55947
included in the dealer's taxable year ending in 2007. The credit 55948
for tax year 2009 shall equal fifteen cents per gallon of 55949
alternative fuel sold and dispensed through a metered pump at the 55950
retail dealer's retail service station during any part of calendar 55951
year 2007 that is included in the dealer's taxable year ending in 55952
2008, plus thirteen cents per gallon of alternative fuel sold and 55953
dispensed in that manner during any part of calendar year 2008 55954
that is included in that taxable year. The credit shall be 55955
calculated separately for each retail service station owned or 55956
operated by the retail dealer. 55957

(C) The retail dealer shall claim the credit under this 55958
section in the order prescribed in section 5733.98 of the Revised 55959
Code. The credit shall not exceed the amount of tax otherwise due 55960
under section 5733.06 of the Revised Code after deducting any 55961

other credits that precede the credit claimed under this section 55962
in that order. 55963

Sec. 5733.98. (A) To provide a uniform procedure for 55964
calculating the amount of tax imposed by section 5733.06 of the 55965
Revised Code that is due under this chapter, a taxpayer shall 55966
claim any credits to which it is entitled in the following order, 55967
except as otherwise provided in section 5733.058 of the Revised 55968
Code: 55969

(1) For tax year 2005, the credit for taxes paid by a 55970
qualifying pass-through entity allowed under section 5733.0611 of 55971
the Revised Code; 55972

(2) The credit allowed for financial institutions under 55973
section 5733.45 of the Revised Code; 55974

(3) The credit for qualifying affiliated groups under section 55975
5733.068 of the Revised Code; 55976

(4) The subsidiary corporation credit under section 5733.067 55977
of the Revised Code; 55978

(5) The savings and loan assessment credit under section 55979
5733.063 of the Revised Code; 55980

(6) The credit for recycling and litter prevention donations 55981
under section 5733.064 of the Revised Code; 55982

(7) The credit for employers that enter into agreements with 55983
child day-care centers under section 5733.36 of the Revised Code; 55984

(8) The credit for employers that reimburse employee child 55985
care expenses under section 5733.38 of the Revised Code; 55986

(9) The credit for maintaining railroad active grade crossing 55987
warning devices under section 5733.43 of the Revised Code; 55988

(10) The credit for purchases of lights and reflectors under 55989
section 5733.44 of the Revised Code; 55990

(11) The job retention credit under division (B) of section 5733.0610 of the Revised Code;	55991 55992
(12) The credit for purchases of new manufacturing machinery and equipment under section 5733.31 or section 5733.311 <u>tax years 2008 and 2009 for selling alternative fuel under section 5733.48</u> of the Revised Code;	55993 55994 55995 55996
(13) The second credit for purchases of new manufacturing machinery and equipment under section 5733.33 of the Revised Code;	55997 55998
(14) The job training credit under section 5733.42 of the Revised Code;	55999 56000
(15) The credit for qualified research expenses under section 5733.351 of the Revised Code;	56001 56002
(16) The enterprise zone credit under section 5709.66 of the Revised Code;	56003 56004
(17) The credit for the eligible costs associated with a voluntary action under section 5733.34 of the Revised Code;	56005 56006
(18) The credit for employers that establish on-site child day-care centers under section 5733.37 of the Revised Code;	56007 56008
(19) The ethanol plant investment credit under section 5733.46 of the Revised Code;	56009 56010
(20) The credit for purchases of qualifying grape production property under section 5733.32 of the Revised Code;	56011 56012
(21) The export sales credit under section 5733.069 of the Revised Code;	56013 56014
(22) The credit for research and development and technology transfer investors under section 5733.35 of the Revised Code;	56015 56016
(23) The enterprise zone credits under section 5709.65 of the Revised Code;	56017 56018
(24) The credit for using Ohio coal under section 5733.39 of	56019

the Revised Code;	56020
(25) The credit for small telephone companies under section 5733.57 of the Revised Code;	56021 56022
(26) The credit for eligible nonrecurring 9-1-1 charges under section 5733.55 of the Revised Code;	56023 56024
(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;	56025 56026 56027
(28) The research and development credit under section 5733.352 of the Revised Code;	56028 56029
(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;	56030 56031 56032
(30) The refundable credit for rehabilitating a historic building under section 5733.47 of the Revised Code;	56033 56034
(31) The refundable jobs creation credit under division (A) of section 5733.0610 of the Revised Code;	56035 56036
(32) The refundable credit for tax withheld under division (B)(2) of section 5747.062 of the Revised Code;	56037 56038
(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;	56039 56040 56041
(34) For tax years 2006, 2007, and 2008, the refundable credit allowable under division (B) of section 5733.56 of the Revised Code.	56042 56043 56044
(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	56045 56046 56047 56048 56049

authorized under the section creating that credit. 56050

Sec. 5739.02. For the purpose of providing revenue with which 56051
to meet the needs of the state, for the use of the general revenue 56052
fund of the state, for the purpose of securing a thorough and 56053
efficient system of common schools throughout the state, for the 56054
purpose of affording revenues, in addition to those from general 56055
property taxes, permitted under constitutional limitations, and 56056
from other sources, for the support of local governmental 56057
functions, and for the purpose of reimbursing the state for the 56058
expense of administering this chapter, an excise tax is hereby 56059
levied on each retail sale made in this state. 56060

(A)(1) The tax shall be collected as provided in section 56061
5739.025 of the Revised Code, provided that on and after July 1, 56062
2003, and on or before June 30, 2005, the rate of tax shall be six 56063
per cent. On and after July 1, 2005, the rate of the tax shall be 56064
five and one-half per cent. The tax applies and is collectible 56065
when the sale is made, regardless of the time when the price is 56066
paid or delivered. 56067

(2) In the case of the lease or rental, with a fixed term of 56068
more than thirty days or an indefinite term with a minimum period 56069
of more than thirty days, of any motor vehicles designed by the 56070
manufacturer to carry a load of not more than one ton, watercraft, 56071
outboard motor, or aircraft, or of any tangible personal property, 56072
other than motor vehicles designed by the manufacturer to carry a 56073
load of more than one ton, to be used by the lessee or renter 56074
primarily for business purposes, the tax shall be collected by the 56075
vendor at the time the lease or rental is consummated and shall be 56076
calculated by the vendor on the basis of the total amount to be 56077
paid by the lessee or renter under the lease agreement. If the 56078
total amount of the consideration for the lease or rental includes 56079
amounts that are not calculated at the time the lease or rental is 56080

executed, the tax shall be calculated and collected by the vendor 56081
at the time such amounts are billed to the lessee or renter. In 56082
the case of an open-end lease or rental, the tax shall be 56083
calculated by the vendor on the basis of the total amount to be 56084
paid during the initial fixed term of the lease or rental, and for 56085
each subsequent renewal period as it comes due. As used in this 56086
division, "motor vehicle" has the same meaning as in section 56087
4501.01 of the Revised Code, and "watercraft" includes an outdrive 56088
unit attached to the watercraft. 56089

A lease with a renewal clause and a termination penalty or 56090
similar provision that applies if the renewal clause is not 56091
exercised is presumed to be a sham transaction. In such a case, 56092
the tax shall be calculated and paid on the basis of the entire 56093
length of the lease period, including any renewal periods, until 56094
the termination penalty or similar provision no longer applies. 56095
The taxpayer shall bear the burden, by a preponderance of the 56096
evidence, that the transaction or series of transactions is not a 56097
sham transaction. 56098

(3) Except as provided in division (A)(2) of this section, in 56099
the case of a sale, the price of which consists in whole or in 56100
part of the lease or rental of tangible personal property, the tax 56101
shall be measured by the installments of that lease or rental. 56102

(4) In the case of a sale of a physical fitness facility 56103
service or recreation and sports club service, the price of which 56104
consists in whole or in part of a membership for the receipt of 56105
the benefit of the service, the tax applicable to the sale shall 56106
be measured by the installments thereof. 56107

(B) The tax does not apply to the following: 56108

(1) Sales to the state or any of its political subdivisions, 56109
or to any other state or its political subdivisions if the laws of 56110
that state exempt from taxation sales made to this state and its 56111

political subdivisions;	56112
(2) Sales of food for human consumption off the premises where sold;	56113 56114
(3) Sales of food sold to students only in a cafeteria, dormitory, fraternity, or sorority maintained in a private, public, or parochial school, college, or university;	56115 56116 56117
(4) Sales of newspapers and of magazine subscriptions and sales or transfers of magazines distributed as controlled circulation publications;	56118 56119 56120
(5) The furnishing, preparing, or serving of meals without charge by an employer to an employee provided the employer records the meals as part compensation for services performed or work done;	56121 56122 56123 56124
(6) Sales of motor fuel upon receipt, use, distribution, or sale of which in this state a tax is imposed by the law of this state, but this exemption shall not apply to the sale of motor fuel on which a refund of the tax is allowable under division (A) of section 5735.14 of the Revised Code; and the tax commissioner may deduct the amount of tax levied by this section applicable to the price of motor fuel when granting a refund of motor fuel tax pursuant to division (A) of section 5735.14 of the Revised Code and shall cause the amount deducted to be paid into the general revenue fund of this state;	56125 56126 56127 56128 56129 56130 56131 56132 56133 56134
(7) Sales of natural gas by a natural gas company, of water by a water-works company, or of steam by a heating company, if in each case the thing sold is delivered to consumers through pipes or conduits, and all sales of communications services by a telegraph company, all terms as defined in section 5727.01 of the Revised Code, and sales of electricity delivered through wires;	56135 56136 56137 56138 56139 56140
(8) Casual sales by a person, or auctioneer employed directly by the person to conduct such sales, except as to such sales of	56141 56142

motor vehicles, watercraft or outboard motors required to be 56143
titled under section 1548.06 of the Revised Code, watercraft 56144
documented with the United States coast guard, snowmobiles, and 56145
all-purpose vehicles as defined in section 4519.01 of the Revised 56146
Code; 56147

(9)(a) Sales of services or tangible personal property, other 56148
than motor vehicles, mobile homes, and manufactured homes, by 56149
churches, organizations exempt from taxation under section 56150
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 56151
organizations operated exclusively for charitable purposes as 56152
defined in division (B)(12) of this section, provided that the 56153
number of days on which such tangible personal property or 56154
services, other than items never subject to the tax, are sold does 56155
not exceed six in any calendar year, except as otherwise provided 56156
in division (B)(9)(b) of this section. If the number of days on 56157
which such sales are made exceeds six in any calendar year, the 56158
church or organization shall be considered to be engaged in 56159
business and all subsequent sales by it shall be subject to the 56160
tax. In counting the number of days, all sales by groups within a 56161
church or within an organization shall be considered to be sales 56162
of that church or organization, ~~except that,~~ 56163

(b) The limitation on the number of days on which tax-exempt 56164
sales may be made by a church or organization under division 56165
(B)(9)(a) of this section does not apply to sales made by separate 56166
student clubs and other groups of students of a primary or 56167
secondary school, ~~and sales made by or~~ a parent-teacher 56168
association, booster group, or similar organization that raises 56169
money to support or fund curricular or extracurricular activities 56170
of a primary or secondary school, ~~shall not be considered to be~~ 56171
~~sales of such school, and sales by each such club, group,~~ 56172
~~association, or organization shall be counted separately for~~ 56173
~~purposes of the six day limitation. This division does,~~ 56174

(c) Divisions (B)(9)(a) and (b) of this section do not apply 56175
to sales by a noncommercial educational radio or television 56176
broadcasting station. 56177

(10) Sales not within the taxing power of this state under 56178
the Constitution of the United States; 56179

(11) Except for transactions that are sales under division 56180
(B)(3)(r) of section 5739.01 of the Revised Code, the 56181
transportation of persons or property, unless the transportation 56182
is by a private investigation and security service; 56183

(12) Sales of tangible personal property or services to 56184
churches, to organizations exempt from taxation under section 56185
501(c)(3) of the Internal Revenue Code of 1986, and to any other 56186
nonprofit organizations operated exclusively for charitable 56187
purposes in this state, no part of the net income of which inures 56188
to the benefit of any private shareholder or individual, and no 56189
substantial part of the activities of which consists of carrying 56190
on propaganda or otherwise attempting to influence legislation; 56191
sales to offices administering one or more homes for the aged or 56192
one or more hospital facilities exempt under section 140.08 of the 56193
Revised Code; and sales to organizations described in division (D) 56194
of section 5709.12 of the Revised Code. 56195

"Charitable purposes" means the relief of poverty; the 56196
improvement of health through the alleviation of illness, disease, 56197
or injury; the operation of an organization exclusively for the 56198
provision of professional, laundry, printing, and purchasing 56199
services to hospitals or charitable institutions; the operation of 56200
a home for the aged, as defined in section 5701.13 of the Revised 56201
Code; the operation of a radio or television broadcasting station 56202
that is licensed by the federal communications commission as a 56203
noncommercial educational radio or television station; the 56204
operation of a nonprofit animal adoption service or a county 56205
humane society; the promotion of education by an institution of 56206

learning that maintains a faculty of qualified instructors, 56207
teaches regular continuous courses of study, and confers a 56208
recognized diploma upon completion of a specific curriculum; the 56209
operation of a parent-teacher association, booster group, or 56210
similar organization primarily engaged in the promotion and 56211
support of the curricular or extracurricular activities of a 56212
primary or secondary school; the operation of a community or area 56213
center in which presentations in music, dramatics, the arts, and 56214
related fields are made in order to foster public interest and 56215
education therein; the production of performances in music, 56216
dramatics, and the arts; or the promotion of education by an 56217
organization engaged in carrying on research in, or the 56218
dissemination of, scientific and technological knowledge and 56219
information primarily for the public. 56220

Nothing in this division shall be deemed to exempt sales to 56221
any organization for use in the operation or carrying on of a 56222
trade or business, or sales to a home for the aged for use in the 56223
operation of independent living facilities as defined in division 56224
(A) of section 5709.12 of the Revised Code. 56225

(13) Building and construction materials and services sold to 56226
construction contractors for incorporation into a structure or 56227
improvement to real property under a construction contract with 56228
this state or a political subdivision of this state, or with the 56229
United States government or any of its agencies; building and 56230
construction materials and services sold to construction 56231
contractors for incorporation into a structure or improvement to 56232
real property that are accepted for ownership by this state or any 56233
of its political subdivisions, or by the United States government 56234
or any of its agencies at the time of completion of the structures 56235
or improvements; building and construction materials sold to 56236
construction contractors for incorporation into a horticulture 56237
structure or livestock structure for a person engaged in the 56238

business of horticulture or producing livestock; building 56239
materials and services sold to a construction contractor for 56240
incorporation into a house of public worship or religious 56241
education, or a building used exclusively for charitable purposes 56242
under a construction contract with an organization whose purpose 56243
is as described in division (B)(12) of this section; building 56244
materials and services sold to a construction contractor for 56245
incorporation into a building under a construction contract with 56246
an organization exempt from taxation under section 501(c)(3) of 56247
the Internal Revenue Code of 1986 when the building is to be used 56248
exclusively for the organization's exempt purposes; building and 56249
construction materials sold for incorporation into the original 56250
construction of a sports facility under section 307.696 of the 56251
Revised Code; and building and construction materials and services 56252
sold to a construction contractor for incorporation into real 56253
property outside this state if such materials and services, when 56254
sold to a construction contractor in the state in which the real 56255
property is located for incorporation into real property in that 56256
state, would be exempt from a tax on sales levied by that state; 56257

(14) Sales of ships or vessels or rail rolling stock used or 56258
to be used principally in interstate or foreign commerce, and 56259
repairs, alterations, fuel, and lubricants for such ships or 56260
vessels or rail rolling stock; 56261

(15) Sales to persons primarily engaged in any of the 56262
activities mentioned in division (B)(42)(a) or (g) of this 56263
section, to persons engaged in making retail sales, or to persons 56264
who purchase for sale from a manufacturer tangible personal 56265
property that was produced by the manufacturer in accordance with 56266
specific designs provided by the purchaser, of packages, including 56267
material, labels, and parts for packages, and of machinery, 56268
equipment, and material for use primarily in packaging tangible 56269
personal property produced for sale, including any machinery, 56270

equipment, and supplies used to make labels or packages, to 56271
prepare packages or products for labeling, or to label packages or 56272
products, by or on the order of the person doing the packaging, or 56273
sold at retail. "Packages" includes bags, baskets, cartons, 56274
crates, boxes, cans, bottles, bindings, wrappings, and other 56275
similar devices and containers, but does not include motor 56276
vehicles or bulk tanks, trailers, or similar devices attached to 56277
motor vehicles. "Packaging" means placing in a package. Division 56278
(B)(15) of this section does not apply to persons engaged in 56279
highway transportation for hire. 56280

(16) Sales of food to persons using food stamp benefits to 56281
purchase the food. As used in this division, "food" has the same 56282
meaning as in the "Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C. 56283
2012, as amended, and federal regulations adopted pursuant to that 56284
act. 56285

(17) Sales to persons engaged in farming, agriculture, 56286
horticulture, or floriculture, of tangible personal property for 56287
use or consumption directly in the production by farming, 56288
agriculture, horticulture, or floriculture of other tangible 56289
personal property for use or consumption directly in the 56290
production of tangible personal property for sale by farming, 56291
agriculture, horticulture, or floriculture; or material and parts 56292
for incorporation into any such tangible personal property for use 56293
or consumption in production; and of tangible personal property 56294
for such use or consumption in the conditioning or holding of 56295
products produced by and for such use, consumption, or sale by 56296
persons engaged in farming, agriculture, horticulture, or 56297
floriculture, except where such property is incorporated into real 56298
property; 56299

(18) Sales of drugs for a human being that may be dispensed 56300
only pursuant to a prescription; insulin as recognized in the 56301
official United States pharmacopoeia; urine and blood testing 56302

materials when used by diabetics or persons with hypoglycemia to 56303
test for glucose or acetone; hypodermic syringes and needles when 56304
used by diabetics for insulin injections; epoetin alfa when 56305
purchased for use in the treatment of persons with medical 56306
disease; hospital beds when purchased by hospitals, nursing homes, 56307
or other medical facilities; and medical oxygen and medical 56308
oxygen-dispensing equipment when purchased by hospitals, nursing 56309
homes, or other medical facilities; 56310

(19) Sales of prosthetic devices, durable medical equipment 56311
for home use, or mobility enhancing equipment, when made pursuant 56312
to a prescription and when such devices or equipment are for use 56313
by a human being. 56314

(20) Sales of emergency and fire protection vehicles and 56315
equipment to nonprofit organizations for use solely in providing 56316
fire protection and emergency services, including trauma care and 56317
emergency medical services, for political subdivisions of the 56318
state; 56319

(21) Sales of tangible personal property manufactured in this 56320
state, if sold by the manufacturer in this state to a retailer for 56321
use in the retail business of the retailer outside of this state 56322
and if possession is taken from the manufacturer by the purchaser 56323
within this state for the sole purpose of immediately removing the 56324
same from this state in a vehicle owned by the purchaser; 56325

(22) Sales of services provided by the state or any of its 56326
political subdivisions, agencies, instrumentalities, institutions, 56327
or authorities, or by governmental entities of the state or any of 56328
its political subdivisions, agencies, instrumentalities, 56329
institutions, or authorities; 56330

(23) Sales of motor vehicles to nonresidents of this state 56331
~~upon the presentation of an affidavit executed in this state by~~ 56332
~~the nonresident purchaser affirming that the purchaser is a~~ 56333

~~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.

(26) Fees charged for inspection or reinspection of motor
vehicles under section 3704.14 of the Revised Code;

(27) Sales to persons licensed to conduct a food service

operation pursuant to section 3717.43 of the Revised Code, of	56365
tangible personal property primarily used directly for the	56366
following:	56367
(a) To prepare food for human consumption for sale;	56368
(b) To preserve food that has been or will be prepared for	56369
human consumption for sale by the food service operator, not	56370
including tangible personal property used to display food for	56371
selection by the consumer;	56372
(c) To clean tangible personal property used to prepare or	56373
serve food for human consumption for sale.	56374
(28) Sales of animals by nonprofit animal adoption services	56375
or county humane societies;	56376
(29) Sales of services to a corporation described in division	56377
(A) of section 5709.72 of the Revised Code, and sales of tangible	56378
personal property that qualifies for exemption from taxation under	56379
section 5709.72 of the Revised Code;	56380
(30) Sales and installation of agricultural land tile, as	56381
defined in division (B)(5)(a) of section 5739.01 of the Revised	56382
Code;	56383
(31) Sales and erection or installation of portable grain	56384
bins, as defined in division (B)(5)(b) of section 5739.01 of the	56385
Revised Code;	56386
(32) The sale, lease, repair, and maintenance of, parts for,	56387
or items attached to or incorporated in, motor vehicles that are	56388
primarily used for transporting tangible personal property	56389
belonging to others by a person engaged in highway transportation	56390
for hire, except for packages and packaging used for the	56391
transportation of tangible personal property;	56392
(33) Sales to the state headquarters of any veterans'	56393
organization in this state that is either incorporated and issued	56394

a charter by the congress of the United States or is recognized by 56395
the United States veterans administration, for use by the 56396
headquarters; 56397

(34) Sales to a telecommunications service vendor, mobile 56398
telecommunications service vendor, or satellite broadcasting 56399
service vendor of tangible personal property and services used 56400
directly and primarily in transmitting, receiving, switching, or 56401
recording any interactive, one- or two-way electromagnetic 56402
communications, including voice, image, data, and information, 56403
through the use of any medium, including, but not limited to, 56404
poles, wires, cables, switching equipment, computers, and record 56405
storage devices and media, and component parts for the tangible 56406
personal property. The exemption provided in this division shall 56407
be in lieu of all other exemptions under division (B)(42)(a) of 56408
this section to which the vendor may otherwise be entitled, based 56409
upon the use of the thing purchased in providing the 56410
telecommunications, mobile telecommunications, or satellite 56411
broadcasting service. 56412

(35)(a) Sales where the purpose of the consumer is to use or 56413
consume the things transferred in making retail sales and 56414
consisting of newspaper inserts, catalogues, coupons, flyers, gift 56415
certificates, or other advertising material that prices and 56416
describes tangible personal property offered for retail sale. 56417

(b) Sales to direct marketing vendors of preliminary 56418
materials such as photographs, artwork, and typesetting that will 56419
be used in printing advertising material; of printed matter that 56420
offers free merchandise or chances to win sweepstake prizes and 56421
that is mailed to potential customers with advertising material 56422
described in division (B)(35)(a) of this section; and of equipment 56423
such as telephones, computers, facsimile machines, and similar 56424
tangible personal property primarily used to accept orders for 56425
direct marketing retail sales. 56426

(c) Sales of automatic food vending machines that preserve 56427
food with a shelf life of forty-five days or less by refrigeration 56428
and dispense it to the consumer. 56429

For purposes of division (B)(35) of this section, "direct 56430
marketing" means the method of selling where consumers order 56431
tangible personal property by United States mail, delivery 56432
service, or telecommunication and the vendor delivers or ships the 56433
tangible personal property sold to the consumer from a warehouse, 56434
catalogue distribution center, or similar fulfillment facility by 56435
means of the United States mail, delivery service, or common 56436
carrier. 56437

(36) Sales to a person engaged in the business of 56438
horticulture or producing livestock of materials to be 56439
incorporated into a horticulture structure or livestock structure; 56440

(37) Sales of personal computers, computer monitors, computer 56441
keyboards, modems, and other peripheral computer equipment to an 56442
individual who is licensed or certified to teach in an elementary 56443
or a secondary school in this state for use by that individual in 56444
preparation for teaching elementary or secondary school students; 56445

(38) Sales to a professional racing team of any of the 56446
following: 56447

(a) Motor racing vehicles; 56448

(b) Repair services for motor racing vehicles; 56449

(c) Items of property that are attached to or incorporated in 56450
motor racing vehicles, including engines, chassis, and all other 56451
components of the vehicles, and all spare, replacement, and 56452
rebuilt parts or components of the vehicles; except not including 56453
tires, consumable fluids, paint, and accessories consisting of 56454
instrumentation sensors and related items added to the vehicle to 56455
collect and transmit data by means of telemetry and other forms of 56456
communication. 56457

(39) Sales of used manufactured homes and used mobile homes, 56458
as defined in section 5739.0210 of the Revised Code, made on or 56459
after January 1, 2000; 56460

(40) Sales of tangible personal property and services to a 56461
provider of electricity used or consumed directly and primarily in 56462
generating, transmitting, or distributing electricity for use by 56463
others, including property that is or is to be incorporated into 56464
and will become a part of the consumer's production, transmission, 56465
or distribution system and that retains its classification as 56466
tangible personal property after incorporation; fuel or power used 56467
in the production, transmission, or distribution of electricity; 56468
and tangible personal property and services used in the repair and 56469
maintenance of the production, transmission, or distribution 56470
system, including only those motor vehicles as are specially 56471
designed and equipped for such use. The exemption provided in this 56472
division shall be in lieu of all other exemptions in division 56473
(B)(42)(a) of this section to which a provider of electricity may 56474
otherwise be entitled based on the use of the tangible personal 56475
property or service purchased in generating, transmitting, or 56476
distributing electricity. 56477

(41) Sales to a person providing services under division 56478
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 56479
personal property and services used directly and primarily in 56480
providing taxable services under that section. 56481

(42) Sales where the purpose of the purchaser is to do any of 56482
the following: 56483

(a) To incorporate the thing transferred as a material or a 56484
part into tangible personal property to be produced for sale by 56485
manufacturing, assembling, processing, or refining; or to use or 56486
consume the thing transferred directly in producing tangible 56487
personal property for sale by mining, including, without 56488
limitation, the extraction from the earth of all substances that 56489

are classed geologically as minerals, production of crude oil and 56490
natural gas, farming, agriculture, horticulture, or floriculture, 56491
or directly in the rendition of a public utility service, except 56492
that the sales tax levied by this section shall be collected upon 56493
all meals, drinks, and food for human consumption sold when 56494
transporting persons. Persons engaged in rendering farming, 56495
agricultural, horticultural, or floricultural services, and 56496
services in the exploration for, and production of, crude oil and 56497
natural gas, for others are deemed engaged directly in farming, 56498
agriculture, horticulture, and floriculture, or exploration for, 56499
and production of, crude oil and natural gas. This paragraph does 56500
not exempt from "retail sale" or "sales at retail" the sale of 56501
tangible personal property that is to be incorporated into a 56502
structure or improvement to real property. 56503

(b) To hold the thing transferred as security for the 56504
performance of an obligation of the vendor; 56505

(c) To resell, hold, use, or consume the thing transferred as 56506
evidence of a contract of insurance; 56507

(d) To use or consume the thing directly in commercial 56508
fishing; 56509

(e) To incorporate the thing transferred as a material or a 56510
part into, or to use or consume the thing transferred directly in 56511
the production of, magazines distributed as controlled circulation 56512
publications; 56513

(f) To use or consume the thing transferred in the production 56514
and preparation in suitable condition for market and sale of 56515
printed, imprinted, overprinted, lithographic, multilithic, 56516
blueprinted, photostatic, or other productions or reproductions of 56517
written or graphic matter; 56518

(g) To use the thing transferred, as described in section 56519
5739.011 of the Revised Code, primarily in a manufacturing 56520

operation to produce tangible personal property for sale; 56521

(h) To use the benefit of a warranty, maintenance or service 56522
contract, or similar agreement, as described in division (B)(7) of 56523
section 5739.01 of the Revised Code, to repair or maintain 56524
tangible personal property, if all of the property that is the 56525
subject of the warranty, contract, or agreement would not be 56526
subject to the tax imposed by this section; 56527

(i) To use the thing transferred as qualified research and 56528
development equipment; 56529

(j) To use or consume the thing transferred primarily in 56530
storing, transporting, mailing, or otherwise handling purchased 56531
sales inventory in a warehouse, distribution center, or similar 56532
facility when the inventory is primarily distributed outside this 56533
state to retail stores of the person who owns or controls the 56534
warehouse, distribution center, or similar facility, to retail 56535
stores of an affiliated group of which that person is a member, or 56536
by means of direct marketing. This division does not apply to 56537
motor vehicles registered for operation on the public highways. As 56538
used in this division, "affiliated group" has the same meaning as 56539
in division (B)(3)(e) of section 5739.01 of the Revised Code and 56540
"direct marketing" has the same meaning as in division (B)(35) of 56541
this section. 56542

(k) To use or consume the thing transferred to fulfill a 56543
contractual obligation incurred by a warrantor pursuant to a 56544
warranty provided as a part of the price of the tangible personal 56545
property sold or by a vendor of a warranty, maintenance or service 56546
contract, or similar agreement the provision of which is defined 56547
as a sale under division (B)(7) of section 5739.01 of the Revised 56548
Code; 56549

(l) To use or consume the thing transferred in the production 56550
of a newspaper for distribution to the public; 56551

(m) To use tangible personal property to perform a service 56552
listed in division (B)(3) of section 5739.01 of the Revised Code, 56553
if the property is or is to be permanently transferred to the 56554
consumer of the service as an integral part of the performance of 56555
the service. 56556

As used in division (B)(42) of this section, "thing" includes 56557
all transactions included in divisions (B)(3)(a), (b), and (e) of 56558
section 5739.01 of the Revised Code. 56559

(43) Sales conducted through a coin operated device that 56560
activates vacuum equipment or equipment that dispenses water, 56561
whether or not in combination with soap or other cleaning agents 56562
or wax, to the consumer for the consumer's use on the premises in 56563
washing, cleaning, or waxing a motor vehicle, provided no other 56564
personal property or personal service is provided as part of the 56565
transaction. 56566

(44) Sales of replacement and modification parts for engines, 56567
airframes, instruments, and interiors in, and paint for, aircraft 56568
used primarily in a fractional aircraft ownership program, and 56569
sales of services for the repair, modification, and maintenance of 56570
such aircraft, and machinery, equipment, and supplies primarily 56571
used to provide those services. 56572

(45) Sales of telecommunications service that is used 56573
directly and primarily to perform the functions of a call center. 56574
As used in this division, "call center" means any physical 56575
location where telephone calls are placed or received in high 56576
volume for the purpose of making sales, marketing, customer 56577
service, technical support, or other specialized business 56578
activity, and that employs at least fifty individuals that engage 56579
in call center activities on a full-time basis, or sufficient 56580
individuals to fill fifty full-time equivalent positions. 56581

(46) Sales by a telecommunications service vendor of 900 56582

service to a subscriber. This division does not apply to 56583
information services, as defined in division (FF) of section 56584
5739.01 of the Revised Code. 56585

(47) Sales of value-added non-voice data service. This 56586
division does not apply to any similar service that is not 56587
otherwise a telecommunications service. 56588

(C) For the purpose of the proper administration of this 56589
chapter, and to prevent the evasion of the tax, it is presumed 56590
that all sales made in this state are subject to the tax until the 56591
contrary is established. 56592

(D) The levy of this tax on retail sales of recreation and 56593
sports club service shall not prevent a municipal corporation from 56594
levying any tax on recreation and sports club dues or on any 56595
income generated by recreation and sports club dues. 56596

(E) The tax collected by the vendor from the consumer under 56597
this chapter is not part of the price, but is a tax collection for 56598
the benefit of the state, and of counties levying an additional 56599
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 56600
Code and of transit authorities levying an additional sales tax 56601
pursuant to section 5739.023 of the Revised Code. Except for the 56602
discount authorized under section 5739.12 of the Revised Code and 56603
the effects of any rounding pursuant to section 5703.055 of the 56604
Revised Code, no person other than the state or such a county or 56605
transit authority shall derive any benefit from the collection or 56606
payment of the tax levied by this section or section 5739.021, 56607
5739.023, or 5739.026 of the Revised Code. 56608

Sec. 5739.029. (A) Notwithstanding sections 5739.02, 56609
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 56610
5741.023 of the Revised Code, and except as otherwise provided in 56611
division (B) of this section, the tax due under this chapter on 56612
the sale of a motor vehicle required to be titled under Chapter 56613

4505. of the Revised Code by a motor vehicle dealer to a consumer 56614
that is a nonresident of this state shall be the lesser of the 56615
amount of tax that would be due under this chapter and Chapter 56616
5741. of the Revised Code if the total combined rate were six per 56617
cent, or the amount of tax that would be due, taking into 56618
consideration all applicable credits and exemptions, to the state 56619
in which the consumer titles or registers the motor vehicle or to 56620
which the consumer removes the vehicle for use. 56621

(B) No tax is due under this section, any other section of 56622
this chapter, or Chapter 5741. of the Revised Code under any of 56623
the following circumstances: 56624

(1)(a) The consumer intends to immediately remove the motor 56625
vehicle from this state for use outside this state; 56626

(b) Upon removal of the motor vehicle from this state, the 56627
consumer intends to title or register the vehicle in another state 56628
if such titling or registration is required; 56629

(c) The consumer executes an affidavit as required under 56630
division (C) of this section affirming the consumer's intentions 56631
under divisions (B)(1)(a) and (b) of this section; and 56632

(d) The state in which the consumer titles or registers the 56633
motor vehicle or to which the consumer removes the vehicle for use 56634
provides an exemption under circumstances substantially similar to 56635
those described in division (B)(1) of this section. 56636

(2) The state in which the consumer titles or registers the 56637
motor vehicle or to which the consumer removes the vehicle for use 56638
does not provide a credit against its sales or use tax or similar 56639
excise tax for sales or use tax paid to this state. 56640

(3) The state in which the consumer titles or registers the 56641
motor vehicle or to which the consumer removes the vehicle for use 56642
does not impose a sales or use tax or similar excise tax on the 56643
ownership or use of motor vehicles. 56644

(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. 56645
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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. 56652
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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 in the name of the consumer as required under section 4505.06 of the Revised Code. The clerk shall forward the original affidavit to the tax commissioner in the manner prescribed by the commissioner. 56655
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Unless a sale is excepted from taxation under division (B) of this section, upon receipt of an application for certificate of title a clerk of the court of common pleas shall collect the sales tax due under division (A) of this section. The clerk shall remit the tax collected to the tax commissioner in the manner prescribed by the commissioner. 56671
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(E) If a motor vehicle is purchased by a corporation described in division (B)(6) of section 5739.01 of the Revised Code, the state of residence of the consumer for the purposes of this section is the state of residence of the corporation's principal shareholder. 56677
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(F) Any provision of this chapter or of Chapter 5741. of the Revised Code that is not inconsistent with this section applies to sales described in division (A) of this section. 56682
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(G) As used in this section: 56685

(1) For the purposes of this section only, the sale or purchase of a motor vehicle does not include a lease or rental of a motor vehicle subject to division (A)(2) or (3) of section 5739.02 or division (A)(2) or (3) of section 5741.02 of the Revised Code; 56686
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(2) "State," except in reference to "this state," means any state, district, commonwealth, or territory of the United States. 56691
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Sec. 5739.032. (A) If the total amount of tax required to be paid by a permit holder under section 5739.031 of the Revised Code for any calendar year equals or exceeds seventy-five thousand dollars, the permit holder shall remit each monthly tax payment in the second ensuing and each succeeding year by electronic funds transfer as prescribed by division (B) of this section. 56693
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If a permit holder's tax payment for each of two consecutive years is less than seventy-five thousand dollars, the permit holder is relieved of the requirement to remit taxes by electronic funds transfer for the year that next follows the second of the consecutive years in which the tax payment is less than that amount, and is relieved of that requirement for each succeeding year, unless the tax payment in a subsequent year equals or exceeds seventy-five thousand dollars. 56699
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The tax commissioner shall notify each permit holder required to remit taxes by electronic funds transfer of the permit holder's obligation to do so, shall maintain an updated list of those permit holders, and shall timely certify the list and any additions thereto or deletions therefrom to the treasurer of state. Failure by the tax commissioner to notify a permit holder subject to this section to remit taxes by electronic funds transfer does not relieve the permit holder of its obligation to remit taxes by electronic funds transfer.

(B) Permit holders required by division (A) of this section to remit payments by electronic funds transfer shall remit such payments to the treasurer of state in the manner prescribed by this section and rules adopted by the treasurer of state under section 113.061 of the Revised Code, and ~~on or before the following dates as follows:~~

~~(1) On or before each of the fifteenth and twenty-fifth days of each month, a permit holder shall remit an amount equal to thirty-seven and one-half per cent of the permit holder's total tax liability for the same month in the preceding calendar year~~ On or before the twenty-third day of each month, a permit holder shall remit an amount equal to seventy-five per cent of the anticipated tax liability for that month.

(2) On or before the twenty-third day of each month, a permit holder shall report the taxes due for the previous month and shall remit that amount, less any amounts paid for that month as required by division (B)(1) of this section.

The payment of taxes by electronic funds transfer does not affect a permit holder's obligation to file the monthly return as required under section 5739.031 of the Revised Code.

(C) A permit holder required by this section to remit taxes by electronic funds transfer may apply to the treasurer of state

in the manner prescribed by the treasurer of state to be excused 56738
from that requirement. The treasurer of state may excuse the 56739
permit holder from remittance by electronic funds transfer for 56740
good cause shown for the period of time requested by the permit 56741
holder or for a portion of that period. The treasurer of state 56742
shall notify the tax commissioner and the permit holder of the 56743
treasurer of state's decision as soon as is practicable. 56744

(D)(1)(a) If a permit holder that is required to remit 56745
payments under division (B) of this section fails to make a 56746
payment, or makes a payment under division (B)(1) of this section 56747
that is less than seventy-five per cent of the actual liability 56748
for that month, the commissioner may impose an additional charge 56749
not to exceed five per cent of that unpaid amount. 56750

(b) Division (D)(1)(a) of this section does not apply if the 56751
permit holder's payment under division (B)(1) of this section is 56752
equal to or greater than seventy-five per cent of the permit 56753
holder's reported liability for the same month in the immediately 56754
preceding calendar year. 56755

(2) If a permit holder required by this section to remit 56756
taxes by electronic funds transfer remits those taxes by some 56757
means other than by electronic funds transfer as prescribed by 56758
this section and the rules adopted by the treasurer of state, and 56759
the tax commissioner determines that such failure was not due to 56760
reasonable cause or was due to willful neglect, the commissioner 56761
may impose an additional charge not to exceed the lesser of five 56762
per cent of the amount of the taxes required to be paid by 56763
electronic funds transfer or five thousand dollars. 56764

(3) Any additional charge imposed under division (D)(1) or 56765
(2) of this section is in addition to any other penalty or charge 56766
imposed under this chapter, and shall be considered as revenue 56767
arising from taxes imposed under this chapter. An additional 56768
charge may be collected by assessment in the manner prescribed by 56769

section 5739.13 of the Revised Code. The tax commissioner may 56770
waive all or a portion of such a charge and may adopt rules 56771
governing such waiver. 56772

No additional charge shall be imposed under division (D)(2) 56773
of this section against a permit holder that has been notified of 56774
its obligation to remit taxes under this section and that remits 56775
its first two tax payments after such notification by some means 56776
other than electronic funds transfer. The additional charge may be 56777
imposed upon the remittance of any subsequent tax payment that the 56778
permit holder remits by some means other than electronic funds 56779
transfer. 56780

Sec. 5739.033. (A) Except as provided in division (B) of this 56781
section, divisions (C) to (I) of this section apply to sales made 56782
on and after May 1, 2006. Sales made before May 1, 2006, are 56783
subject to section 5739.035 of the Revised Code. On and after 56784
January 1, 2005, any vendor may irrevocably elect to comply with 56785
divisions (C) to (I) of this section for all of the vendor's sales 56786
and places of business in this state. 56787

The amount of tax due pursuant to sections 5739.02, 5739.021, 56788
5739.023, and 5739.026 of the Revised Code is the sum of the taxes 56789
imposed pursuant to those sections at the sourcing location of the 56790
sale as determined under this section or, if applicable, under 56791
division (C) of section 5739.031 or section 5739.034 of the 56792
Revised Code, or at the situs of the sale as determined under 56793
section 5739.035 of the Revised Code. This section applies only to 56794
a vendor's or seller's obligation to collect and remit sales taxes 56795
under section 5739.02, 5739.021, 5739.023, or 5739.026 of the 56796
Revised Code or use taxes under section 5741.02, 5741.021, 56797
5741.022, or 5741.023 of the Revised Code. Division (A) of this 56798
section does not apply in determining the jurisdiction for which 56799
sellers are required to collect the use tax under section 5741.05 56800

of the Revised Code. This section does not affect the obligation 56801
of a consumer to remit use taxes on the storage, use, or other 56802
consumption of tangible personal property or on the benefit 56803
realized of any service provided, to the jurisdiction of that 56804
storage, use, or consumption, or benefit realized. 56805

(B)(1) As used in this division: 56806

(a) "Delivery sale" means the taxable sale of tangible 56807
personal property or a service that is received by a consumer, or 56808
a donee designated by the consumer, in a taxing jurisdiction that 56809
is not the taxing jurisdiction in which the vendor has a fixed 56810
place of business. 56811

(b) "Agreement" has the same meaning as in section 5740.01 of 56812
the Revised Code. 56813

(c) "Governing board" has the same meaning as in section 56814
5740.02 of the Revised Code. 56815

(2)(a) A vendor with total delivery sales in calendar year 56816
2005 that are less than thirty million dollars may continue to 56817
situate its sales under section 5739.035 of the Revised Code from 56818
May 1, 2006, through April 30, 2007, except that, if the tax 56819
commissioner does not enter a determination in the commissioner's 56820
journal under division (B)(2)(b) of this section, those dates 56821
shall be May 1, 2006, through December 31, 2007. 56822

(b) On or before February 1, 2007, the tax commissioner shall 56823
determine whether certified service provider services are being 56824
provided by the governing board of the streamlined sales and use 56825
tax agreement for all delivery sales. If the commissioner 56826
determines that such services are being so provided, the 56827
commissioner shall enter the determination in the commissioner's 56828
journal and shall provide notice of the determination on the 56829
department of taxation's official internet web site. If the 56830
commissioner makes such an entry in the journal, then a vendor 56831

with total delivery sales in calendar year 2006 that are less than 56832
five million dollars may continue to situs its sales under section 56833
5739.035 of the Revised Code from May 1, 2007, through December 56834
31, 2007. 56835

(3) Beginning January 1, 2008, all vendors shall source their 56836
sales under divisions (C) to (I) of this section. 56837

(4) Once a vendor has total delivery sales that exceed the 56838
dollar amount in division (B)(2)(a) or (b) of this section, the 56839
vendor shall source its sales under divisions (C) to (I) of this 56840
section and shall continue to source its sales under those 56841
divisions, regardless of the amount of the vendor's total delivery 56842
sales in future years. 56843

(C) Except for sales, other than leases, of titled motor 56844
vehicles, titled watercraft, or titled outboard motors as provided 56845
in ~~section~~ sections 5739.029 and 5741.05 of the Revised Code, or 56846
as otherwise provided in this section and section 5739.034 of the 56847
Revised Code, all sales shall be sourced as follows: 56848

(1) If the consumer or a donee designated by the consumer 56849
receives tangible personal property or a service at a vendor's 56850
place of business, the sale shall be sourced to that place of 56851
business. 56852

(2) When the tangible personal property or service is not 56853
received at a vendor's place of business, the sale shall be 56854
sourced to the location known to the vendor where the consumer or 56855
the donee designated by the consumer receives the tangible 56856
personal property or service, including the location indicated by 56857
instructions for delivery to the consumer or the consumer's donee. 56858

(3) If divisions (C)(1) and (2) of this section do not apply, 56859
the sale shall be sourced to the location indicated by an address 56860
for the consumer that is available from the vendor's business 56861
records that are maintained in the ordinary course of the vendor's 56862

business, when use of that address does not constitute bad faith. 56863
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(4) If divisions (C)(1), (2), and (3) of this section do not 56865
apply, the sale shall be sourced to the location indicated by an 56866
address for the consumer obtained during the consummation of the 56867
sale, including the address associated with the consumer's payment 56868
instrument, if no other address is available, when use of that 56869
address does not constitute bad faith. 56870

(5) If divisions (C)(1), (2), (3), and (4) of this section do 56871
not apply, including in the circumstance where the vendor is 56872
without sufficient information to apply any of those divisions, 56873
the sale shall be sourced to the address from which tangible 56874
personal property was shipped, or from which the service was 56875
provided, disregarding any location that merely provided the 56876
electronic transfer of the property sold or service provided. 56877

(6) As used in division (C) of this section, "receive" means 56878
taking possession of tangible personal property or making first 56879
use of a service. "Receive" does not include possession by a 56880
shipping company on behalf of a consumer. 56881

(D)(1)(a) Notwithstanding divisions (C)(1) to (5) of this 56882
section, a business consumer that is not a holder of a direct 56883
payment permit granted under section 5739.031 of the Revised Code, 56884
that purchases a digital good, computer software, except computer 56885
software received in person by a business consumer at a vendor's 56886
place of business, or a service, and that knows at the time of 56887
purchase that such digital good, software, or service will be 56888
concurrently available for use in more than one taxing 56889
jurisdiction shall deliver to the vendor in conjunction with its 56890
purchase an exemption certificate claiming multiple points of use, 56891
or shall meet the requirements of division (D)(2) of this section. 56892
On receipt of the exemption certificate claiming multiple points 56893
of use, the vendor is relieved of its obligation to collect, pay, 56894

or remit the tax due, and the business consumer must pay the tax 56895
directly to the state. 56896

(b) A business consumer that delivers the exemption 56897
certificate claiming multiple points of use to a vendor may use 56898
any reasonable, consistent, and uniform method of apportioning the 56899
tax due on the digital good, computer software, or service that is 56900
supported by the consumer's business records as they existed at 56901
the time of the sale. The business consumer shall report and pay 56902
the appropriate tax to each jurisdiction where concurrent use 56903
occurs. The tax due shall be calculated as if the apportioned 56904
amount of the digital good, computer software, or service had been 56905
delivered to each jurisdiction to which the sale is apportioned 56906
under this division. 56907

(c) The exemption certificate claiming multiple points of use 56908
shall remain in effect for all future sales by the vendor to the 56909
business consumer until it is revoked in writing by the business 56910
consumer, except as to the business consumer's specific 56911
apportionment of a subsequent sale under division (D)(1)(b) of 56912
this section and the facts existing at the time of the sale. 56913

(2) When the vendor knows that a digital good, computer 56914
software, or service sold will be concurrently available for use 56915
by the business consumer in more than one jurisdiction, but the 56916
business consumer does not provide an exemption certificate 56917
claiming multiple points of use as required by division (D)(1) of 56918
this section, the vendor may work with the business consumer to 56919
produce the correct apportionment. Governed by the principles of 56920
division (D)(1)(b) of this section, the vendor and business 56921
consumer may use any reasonable, but consistent and uniform, 56922
method of apportionment that is supported by the vendor's and 56923
business consumer's books and records as they exist at the time 56924
the sale is reported for purposes of the taxes levied under this 56925
chapter. If the business consumer certifies to the accuracy of the 56926

apportionment and the vendor accepts the certification, the vendor 56927
shall collect and remit the tax accordingly. In the absence of bad 56928
faith, the vendor is relieved of any further obligation to collect 56929
tax on any transaction where the vendor has collected tax pursuant 56930
to the information certified by the business consumer. 56931

(3) When the vendor knows that the digital good, computer 56932
software, or service will be concurrently available for use in 56933
more than one jurisdiction, and the business consumer does not 56934
have a direct pay permit and does not provide to the vendor an 56935
exemption certificate claiming multiple points of use as required 56936
in division (D)(1) of this section, or certification pursuant to 56937
division (D)(2) of this section, the vendor shall collect and 56938
remit the tax based on division (C) of this section. 56939

(4) Nothing in this section shall limit a person's obligation 56940
for sales or use tax to any state in which a digital good, 56941
computer software, or service is concurrently available for use, 56942
nor limit a person's ability under local, state, or federal law, 56943
to claim a credit for sales or use taxes legally due and paid to 56944
other jurisdictions. 56945

(E) A person who holds a direct payment permit issued under 56946
section 5739.031 of the Revised Code is not required to deliver an 56947
exemption certificate claiming multiple points of use to a vendor. 56948
But such permit holder shall comply with division (D)(2) of this 56949
section in apportioning the tax due on a digital good, computer 56950
software, or a service for use in business that will be 56951
concurrently available for use in more than one taxing 56952
jurisdiction. 56953

(F)(1) Notwithstanding divisions (C)(1) to (5) of this 56954
section, the consumer of direct mail that is not a holder of a 56955
direct payment permit shall provide to the vendor in conjunction 56956
with the sale either an exemption certificate claiming direct mail 56957
prescribed by the tax commissioner, or information to show the 56958

jurisdictions to which the direct mail is delivered to recipients. 56959

(2) Upon receipt of such exemption certificate, the vendor is 56960
relieved of all obligations to collect, pay, or remit the 56961
applicable tax and the consumer is obligated to pay that tax on a 56962
direct pay basis. An exemption certificate claiming direct mail 56963
shall remain in effect for all future sales of direct mail by the 56964
vendor to the consumer until it is revoked in writing. 56965

(3) Upon receipt of information from the consumer showing the 56966
jurisdictions to which the direct mail is delivered to recipients, 56967
the vendor shall collect the tax according to the delivery 56968
information provided by the consumer. In the absence of bad faith, 56969
the vendor is relieved of any further obligation to collect tax on 56970
any transaction where the vendor has collected tax pursuant to the 56971
delivery information provided by the consumer. 56972

(4) If the consumer of direct mail does not have a direct 56973
payment permit and does not provide the vendor with either an 56974
exemption certificate claiming direct mail or delivery information 56975
as required by division (F)(1) of this section, the vendor shall 56976
collect the tax according to division (C)(5) of this section. 56977
Nothing in division (F)(4) of this section shall limit a 56978
consumer's obligation to pay sales or use tax to any state to 56979
which the direct mail is delivered. 56980

(5) If a consumer of direct mail provides the vendor with 56981
documentation of direct payment authority, the consumer shall not 56982
be required to provide an exemption certificate claiming direct 56983
mail or delivery information to the vendor. 56984

(G) If the vendor provides lodging to transient guests as 56985
specified in division (B)(2) of section 5739.01 of the Revised 56986
Code, the sale shall be sourced to the location where the lodging 56987
is located. 56988

(H)(1) As used in this division and division (I) of this 56989

section, "transportation equipment" means any of the following:	56990
(a) Locomotives and railcars that are utilized for the carriage of persons or property in interstate commerce.	56991 56992
(b) Trucks and truck-tractors with a gross vehicle weight rating of greater than ten thousand pounds, trailers, semi-trailers, or passenger buses that are registered through the international registration plan and are operated under authority of a carrier authorized and certificated by the United States department of transportation or another federal authority to engage in the carriage of persons or property in interstate commerce.	56993 56994 56995 56996 56997 56998 56999 57000
(c) Aircraft that are operated by air carriers authorized and certificated by the United States department of transportation or another federal authority to engage in the carriage of persons or property in interstate or foreign commerce.	57001 57002 57003 57004
(d) Containers designed for use on and component parts attached to or secured on the items set forth in division (H)(1)(a), (b), or (c) of this section.	57005 57006 57007
(2) A sale, lease, or rental of transportation equipment shall be sourced pursuant to division (C) of this section.	57008 57009
(I)(1) A lease or rental of tangible personal property that does not require recurring periodic payments shall be sourced pursuant to division (C) of this section.	57010 57011 57012
(2) A lease or rental of tangible personal property that requires recurring periodic payments shall be sourced as follows:	57013 57014
(a) In the case of a motor vehicle, other than a motor vehicle that is transportation equipment, or an aircraft, other than an aircraft that is transportation equipment, such lease or rental shall be sourced as follows:	57015 57016 57017 57018
(i) An accelerated tax payment on a lease or rental taxed	57019

pursuant to division (A)(2) of section 5739.02 of the Revised Code 57020
shall be sourced to the primary property location at the time the 57021
lease or rental is consummated. Any subsequent taxable charges on 57022
the lease or rental shall be sourced to the primary property 57023
location for the period in which the charges are incurred. 57024

(ii) For a lease or rental taxed pursuant to division (A)(3) 57025
of section 5739.02 of the Revised Code, each lease or rental 57026
installment shall be sourced to the primary property location for 57027
the period covered by the installment. 57028

(b) In the case of a lease or rental of all other tangible 57029
personal property, other than transportation equipment, such lease 57030
or rental shall be sourced as follows: 57031

(i) An accelerated tax payment on a lease or rental that is 57032
taxed pursuant to division (A)(2) of section 5739.02 of the 57033
Revised Code shall be sourced pursuant to division (C) of this 57034
section at the time the lease or rental is consummated. Any 57035
subsequent taxable charges on the lease or rental shall be sourced 57036
to the primary property location for the period in which the 57037
charges are incurred. 57038

(ii) For a lease or rental that is taxed pursuant to division 57039
(A)(3) of section 5739.02 of the Revised Code, the initial lease 57040
or rental installment shall be sourced pursuant to division (C) of 57041
this section. Each subsequent installment shall be sourced to the 57042
primary property location for the period covered by the 57043
installment. 57044

(3) As used in division (I) of this section, "primary 57045
property location" means an address for tangible personal property 57046
provided by the lessee or renter that is available to the lessor 57047
or owner from its records maintained in the ordinary course of 57048
business, when use of that address does not constitute bad faith. 57049

Sec. 5739.09. (A)(1) A board of county commissioners may, by 57050
resolution adopted by a majority of the members of the board, levy 57051
an excise tax not to exceed three per cent on transactions by 57052
which lodging by a hotel is or is to be furnished to transient 57053
guests. The board shall establish all regulations necessary to 57054
provide for the administration and allocation of the tax. The 57055
regulations may prescribe the time for payment of the tax, and may 57056
provide for the imposition of a penalty or interest, or both, for 57057
late payments, provided that the penalty does not exceed ten per 57058
cent of the amount of tax due, and the rate at which interest 57059
accrues does not exceed the rate per annum prescribed pursuant to 57060
section 5703.47 of the Revised Code. Except as provided in 57061
divisions (A)(2), (3), (4), ~~and (5)~~, (6), and (7) of this section, 57062
the regulations shall provide, after deducting the real and actual 57063
costs of administering the tax, for the return to each municipal 57064
corporation or township that does not levy an excise tax on the 57065
transactions, a uniform percentage of the tax collected in the 57066
municipal corporation or in the unincorporated portion of the 57067
township from each transaction, not to exceed thirty-three and 57068
one-third per cent. The remainder of the revenue arising from the 57069
tax shall be deposited in a separate fund and shall be spent 57070
solely to make contributions to the convention and visitors' 57071
bureau operating within the county, including a pledge and 57072
contribution of any portion of the remainder pursuant to an 57073
agreement authorized by section 307.695 of the Revised Code, 57074
provided that if the board of county commissioners of an eligible 57075
county as defined in section 307.695 of the Revised Code adopts a 57076
resolution amending a resolution levying a tax under this division 57077
to provide that the revenue from the tax shall be used by the 57078
board as described in division (H) of section 307.695 of the 57079
Revised Code, the remainder of the revenue shall be used as 57080
described in the resolution making that amendment. Except as 57081

provided in division (A)(2), (3), (4), ~~or (5)~~, (6), or (7) or (H) 57082
of this section, on and after May 10, 1994, a board of county 57083
commissioners may not levy an excise tax pursuant to this division 57084
in any municipal corporation or township located wholly or partly 57085
within the county that has in effect an ordinance or resolution 57086
levying an excise tax pursuant to division (B) of this section. 57087
The board of a county that has levied a tax under division (C) of 57088
this section may, by resolution adopted within ninety days after 57089
July 15, 1985, by a majority of the members of the board, amend 57090
the resolution levying a tax under this division to provide for a 57091
portion of that tax to be pledged and contributed in accordance 57092
with an agreement entered into under section 307.695 of the 57093
Revised Code. A tax, any revenue from which is pledged pursuant to 57094
such an agreement, shall remain in effect at the rate at which it 57095
is imposed for the duration of the period for which the revenue 57096
from the tax has been so pledged. 57097

The board of county commissioners of an eligible county as 57098
defined in section 307.695 of the Revised Code may, by resolution 57099
adopted by a majority of the members of the board, amend a 57100
resolution levying a tax under this division to provide that the 57101
revenue from the tax shall be used by the board as described in 57102
division (H) of section 307.695 of the Revised Code, in which case 57103
the tax shall remain in effect at the rate at which it was imposed 57104
for the duration of any agreement entered into by the board under 57105
section 307.695 of the Revised Code, the duration during which any 57106
securities issued by the board under that section are outstanding, 57107
or the duration of the period during which the board owns a 57108
project as defined in section 307.695 of the Revised Code, 57109
whichever duration is longest. 57110

(2) A board of county commissioners that levies an excise tax 57111
under division (A)(1) of this section on June 30, 1997, at a rate 57112
of three per cent, and that has pledged revenue from the tax to an 57113

agreement entered into under section 307.695 of the Revised Code 57114
or, in the case of the board of county commissioners of an 57115
eligible county as defined in section 307.695 of the Revised Code, 57116
has amended a resolution levying a tax under division (C) of this 57117
section to provide that proceeds from the tax shall be used by the 57118
board as described in division (H) of section 307.695 of the 57119
Revised Code, may, at any time by a resolution adopted by a 57120
majority of the members of the board, amend the resolution levying 57121
a tax under division (A)(1) of this section to provide for an 57122
increase in the rate of that tax up to seven per cent on each 57123
transaction; to provide that revenue from the increase in the rate 57124
shall be used as described in division (H) of section 307.695 of 57125
the Revised Code or be spent solely to make contributions to the 57126
convention and visitors' bureau operating within the county to be 57127
used specifically for promotion, advertising, and marketing of the 57128
region in which the county is located; and to provide that the 57129
rate in excess of the three per cent levied under division (A)(1) 57130
of this section shall remain in effect at the rate at which it is 57131
imposed for the duration of the period during which any agreement 57132
is in effect that was entered into under section 307.695 of the 57133
Revised Code by the board of county commissioners levying a tax 57134
under division (A)(1) of this section, the duration of the period 57135
during which any securities issued by the board under division (I) 57136
of section 307.695 of the Revised Code are outstanding, or the 57137
duration of the period during which the board owns a project as 57138
defined in section 307.695 of the Revised Code, whichever duration 57139
is longest. The amendment also shall provide that no portion of 57140
that revenue need be returned to townships or municipal 57141
corporations as would otherwise be required under division (A)(1) 57142
of this section. 57143

(3) A board of county commissioners that levies a tax under 57144
division (A)(1) of this section on March 18, 1999, at a rate of 57145
three per cent may, by resolution adopted not later than 57146

forty-five days after March 18, 1999, amend the resolution levying 57147
the tax to provide for all of the following: 57148

(a) That the rate of the tax shall be increased by not more 57149
than an additional four per cent on each transaction; 57150

(b) That all of the revenue from the increase in the rate 57151
shall be pledged and contributed to a convention facilities 57152
authority established by the board of county commissioners under 57153
Chapter 351. of the Revised Code on or before November 15, 1998, 57154
and used to pay costs of constructing, maintaining, operating, and 57155
promoting a facility in the county, including paying bonds, or 57156
notes issued in anticipation of bonds, as provided by that 57157
chapter; 57158

(c) That no portion of the revenue arising from the increase 57159
in rate need be returned to municipal corporations or townships as 57160
otherwise required under division (A)(1) of this section; 57161

(d) That the increase in rate shall not be subject to 57162
diminution by initiative or referendum or by law while any bonds, 57163
or notes in anticipation of bonds, issued by the authority under 57164
Chapter 351. of the Revised Code to which the revenue is pledged, 57165
remain outstanding in accordance with their terms, unless 57166
provision is made by law or by the board of county commissioners 57167
for an adequate substitute therefor that is satisfactory to the 57168
trustee if a trust agreement secures the bonds. 57169

Division (A)(3) of this section does not apply to the board 57170
of county commissioners of any county in which a convention center 57171
or facility exists or is being constructed on November 15, 1998, 57172
or of any county in which a convention facilities authority levies 57173
a tax pursuant to section 351.021 of the Revised Code on that 57174
date. 57175

As used in division (A)(3) of this section, "cost" and 57176
"facility" have the same meanings as in section 351.01 of the 57177

Revised Code, and "convention center" has the same meaning as in 57178
section 307.695 of the Revised Code. 57179

(4) A board of county commissioners that levies a tax under 57180
division (A)(1) of this section on June 30, 2002, at a rate of 57181
three per cent may, by resolution adopted not later than September 57182
30, 2002, amend the resolution levying the tax to provide for all 57183
of the following: 57184

(a) That the rate of the tax shall be increased by not more 57185
than an additional three and one-half per cent on each 57186
transaction; 57187

(b) That all of the revenue from the increase in rate shall 57188
be pledged and contributed to a convention facilities authority 57189
established by the board of county commissioners under Chapter 57190
351. of the Revised Code on or before May 15, 2002, and be used to 57191
pay costs of constructing, expanding, maintaining, operating, or 57192
promoting a convention center in the county, including paying 57193
bonds, or notes issued in anticipation of bonds, as provided by 57194
that chapter; 57195

(c) That no portion of the revenue arising from the increase 57196
in rate need be returned to municipal corporations or townships as 57197
otherwise required under division (A)(1) of this section; 57198

(d) That the increase in rate shall not be subject to 57199
diminution by initiative or referendum or by law while any bonds, 57200
or notes in anticipation of bonds, issued by the authority under 57201
Chapter 351. of the Revised Code to which the revenue is pledged, 57202
remain outstanding in accordance with their terms, unless 57203
provision is made by law or by the board of county commissioners 57204
for an adequate substitute therefor that is satisfactory to the 57205
trustee if a trust agreement secures the bonds. 57206

As used in division (A)(4) of this section, "cost" has the 57207
same meaning as in section 351.01 of the Revised Code, and 57208

"convention center" has the same meaning as in section 307.695 of the Revised Code. 57209
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(5)(a) As used in division (A)(5) of this section: 57211

(i) "Port authority" means a port authority created under Chapter 4582. of the Revised Code. 57212
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(ii) "Port authority military-use facility" means port authority facilities on which or adjacent to which is located an installation of the armed forces of the United States, a reserve component thereof, or the national guard and at least part of which is made available for use, for consideration, by the armed forces of the United States, a reserve component thereof, or the national guard. 57214
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(b) For the purpose of contributing revenue to pay operating expenses of a port authority that operates a port authority military-use facility, the board of county commissioners of a county that created, participated in the creation of, or has joined such a port authority may do one or both of the following: 57221
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(i) Amend a resolution previously adopted under division (A)(1) of this section to designate some or all of the revenue from the tax levied under the resolution to be used for that purpose, notwithstanding that division; 57226
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(ii) Amend a resolution previously adopted under division (A)(1) of this section to increase the rate of the tax by not more than an additional two per cent and use the revenue from the increase exclusively for that purpose. 57230
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(c) If a board of county commissioners amends a resolution to increase the rate of a tax as authorized in division (A)(5)(b)(ii) of this section, the board also may amend the resolution to specify that the increase in rate of the tax does not apply to "hotels," as otherwise defined in section 5739.01 of the Revised Code, having fewer rooms used for the accommodation of guests than 57234
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a number of rooms specified by the board. 57240

(6) A board of county commissioners of a county organized 57241
under a county charter adopted pursuant to Article X, Section 3, 57242
Ohio Constitution, and that levies an excise tax under division 57243
(A)(1) of this section at a rate of three per cent and levies an 57244
additional excise tax under division (E) of this section at a rate 57245
of one and one-half per cent may, by resolution adopted not later 57246
than January 1, 2008, by a majority of the members of the board, 57247
amend the resolution levying a tax under division (A)(1) of this 57248
section to provide for an increase in the rate of that tax by not 57249
more than an additional one per cent on transactions by which 57250
lodging by a hotel is or is to be furnished to transient guests. 57251
Notwithstanding divisions (A)(1) and (E) of this section, the 57252
resolution shall provide that all of the revenue from the increase 57253
in rate, after deducting the real and actual costs of 57254
administering the tax, shall be used to pay the costs of 57255
improving, expanding, equipping, financing, or operating a 57256
convention center by a convention and visitors' bureau in the 57257
county. The increase in rate shall remain in effect for the period 57258
specified in the resolution, not to exceed ten years. The increase 57259
in rate shall be subject to the regulations adopted under division 57260
(A)(1) of this section, except that the resolution may provide 57261
that no portion of the revenue from the increase in the rate shall 57262
be returned to townships or municipal corporations as would 57263
otherwise be required under that division. 57264

(7) Division (A)(7) of this section applies only to a county 57265
with a population greater than sixty-five thousand and less than 57266
seventy thousand according to the most recent federal decennial 57267
census and in which, on December 31, 2006, an excise tax is levied 57268
under division (A)(1) of this section at a rate not less than and 57269
not greater than three per cent, and in which the most recent 57270
increase in the rate of that tax was enacted or took effect in 57271

November 1984. 57272

The board of county commissioners of a county to which this 57273
division applies, by resolution adopted by a majority of the 57274
members of the board, may increase the rate of the tax by not more 57275
than one per cent on transactions by which lodging by a hotel is 57276
or is to be furnished to transient guests. The increase in rate 57277
shall be for the purpose of paying expenses deemed necessary by 57278
the convention and visitors' bureau operating in the county to 57279
promote travel and tourism. The increase in rate shall remain in 57280
effect for the period specified in the resolution, not to exceed 57281
twenty years, provided that the increase in rate may not continue 57282
beyond the time when the purpose for which the increase is levied 57283
ceases to exist. If revenue from the increase in rate is pledged 57284
to the payment of debt charges on securities, the increase in rate 57285
is not subject to diminution by initiative or referendum or by law 57286
for so long as the securities are outstanding, unless provision is 57287
made by law or by the board of county commissioners for an 57288
adequate substitute for that revenue that is satisfactory to the 57289
trustee if a trust agreement secures payment of the debt charges. 57290
The increase in rate shall be subject to the regulations adopted 57291
under division (A)(1) of this section, except that the resolution 57292
may provide that no portion of the revenue from the increase in 57293
the rate shall be returned to townships or municipal corporations 57294
as would otherwise be required under division (A)(1) of this 57295
section. A resolution adopted under division (A)(7) of this 57296
section is subject to referendum under sections 305.31 to 305.99 57297
of the Revised Code. 57298

(B)(1) The legislative authority of a municipal corporation 57299
or the board of trustees of a township that is not wholly or 57300
partly located in a county that has in effect a resolution levying 57301
an excise tax pursuant to division (A)(1) of this section may, by 57302
ordinance or resolution, levy an excise tax not to exceed three 57303

per cent on transactions by which lodging by a hotel is or is to 57304
be furnished to transient guests. The legislative authority of the 57305
municipal corporation or the board of trustees of the township 57306
shall deposit at least fifty per cent of the revenue from the tax 57307
levied pursuant to this division into a separate fund, which shall 57308
be spent solely to make contributions to convention and visitors' 57309
bureaus operating within the county in which the municipal 57310
corporation or township is wholly or partly located, and the 57311
balance of that revenue shall be deposited in the general fund. 57312
The municipal corporation or township shall establish all 57313
regulations necessary to provide for the administration and 57314
allocation of the tax. The regulations may prescribe the time for 57315
payment of the tax, and may provide for the imposition of a 57316
penalty or interest, or both, for late payments, provided that the 57317
penalty does not exceed ten per cent of the amount of tax due, and 57318
the rate at which interest accrues does not exceed the rate per 57319
annum prescribed pursuant to section 5703.47 of the Revised Code. 57320
The levy of a tax under this division is in addition to any tax 57321
imposed on the same transaction by a municipal corporation or a 57322
township as authorized by division (A) of section 5739.08 of the 57323
Revised Code. 57324

(2) The legislative authority of the most populous municipal 57325
corporation located wholly or partly in a county in which the 57326
board of county commissioners has levied a tax under division 57327
(A)(4) of this section may amend, on or before September 30, 2002, 57328
that municipal corporation's ordinance or resolution that levies 57329
an excise tax on transactions by which lodging by a hotel is or is 57330
to be furnished to transient guests, to provide for all of the 57331
following: 57332

(a) That the rate of the tax shall be increased by not more 57333
than an additional one per cent on each transaction; 57334

(b) That all of the revenue from the increase in rate shall 57335

be pledged and contributed to a convention facilities authority 57336
established by the board of county commissioners under Chapter 57337
351. of the Revised Code on or before May 15, 2002, and be used to 57338
pay costs of constructing, expanding, maintaining, operating, or 57339
promoting a convention center in the county, including paying 57340
bonds, or notes issued in anticipation of bonds, as provided by 57341
that chapter; 57342

(c) That the increase in rate shall not be subject to 57343
diminution by initiative or referendum or by law while any bonds, 57344
or notes in anticipation of bonds, issued by the authority under 57345
Chapter 351. of the Revised Code to which the revenue is pledged, 57346
remain outstanding in accordance with their terms, unless 57347
provision is made by law, by the board of county commissioners, or 57348
by the legislative authority, for an adequate substitute therefor 57349
that is satisfactory to the trustee if a trust agreement secures 57350
the bonds. 57351

As used in division (B)(2) of this section, "cost" has the 57352
same meaning as in section 351.01 of the Revised Code, and 57353
"convention center" has the same meaning as in section 307.695 of 57354
the Revised Code. 57355

(C) For the purposes described in section 307.695 of the 57356
Revised Code and to cover the costs of administering the tax, a 57357
board of county commissioners of a county where a tax imposed 57358
under division (A)(1) of this section is in effect may, by 57359
resolution adopted within ninety days after July 15, 1985, by a 57360
majority of the members of the board, levy an additional excise 57361
tax not to exceed three per cent on transactions by which lodging 57362
by a hotel is or is to be furnished to transient guests. The tax 57363
authorized by this division shall be in addition to any tax that 57364
is levied pursuant to division (A) of this section, but it shall 57365
not apply to transactions subject to a tax levied by a municipal 57366
corporation or township pursuant to the authorization granted by 57367

division (A) of section 5739.08 of the Revised Code. The board 57368
shall establish all regulations necessary to provide for the 57369
administration and allocation of the tax. The regulations may 57370
prescribe the time for payment of the tax, and may provide for the 57371
imposition of a penalty or interest, or both, for late payments, 57372
provided that the penalty does not exceed ten per cent of the 57373
amount of tax due, and the rate at which interest accrues does not 57374
exceed the rate per annum prescribed pursuant to section 5703.47 57375
of the Revised Code. All revenues arising from the tax shall be 57376
expended in accordance with section 307.695 of the Revised Code. 57377
The board of county commissioners of an eligible county as defined 57378
in section 307.695 of the Revised Code may, by resolution adopted 57379
by a majority of the members of the board, amend the resolution 57380
levying a tax under this division to provide that the revenue from 57381
the tax shall be used by the board as described in division (H) of 57382
section 307.695 of the Revised Code. A tax imposed under this 57383
division shall remain in effect at the rate at which it is imposed 57384
for the duration of the period during which any agreement entered 57385
into by the board under section 307.695 of the Revised Code is in 57386
effect, the duration of the period during which any securities 57387
issued by the board under division (I) of section 307.695 of the 57388
Revised Code are outstanding, or the duration of the period during 57389
which the board owns a project as defined in section 307.695 of 57390
the Revised Code, whichever duration is longest. 57391

(D) For the purpose of providing contributions under division 57392
(B)(1) of section 307.671 of the Revised Code to enable the 57393
acquisition, construction, and equipping of a port authority 57394
educational and cultural facility in the county and, to the extent 57395
provided for in the cooperative agreement authorized by that 57396
section, for the purpose of paying debt service charges on bonds, 57397
or notes in anticipation of bonds, described in division (B)(1)(b) 57398
of that section, a board of county commissioners, by resolution 57399
adopted within ninety days after December 22, 1992, by a majority 57400

of the members of the board, may levy an additional excise tax not 57401
to exceed one and one-half per cent on transactions by which 57402
lodging by a hotel is or is to be furnished to transient guests. 57403
The excise tax authorized by this division shall be in addition to 57404
any tax that is levied pursuant to divisions (A), (B), and (C) of 57405
this section, to any excise tax levied pursuant to section 5739.08 57406
of the Revised Code, and to any excise tax levied pursuant to 57407
section 351.021 of the Revised Code. The board of county 57408
commissioners shall establish all regulations necessary to provide 57409
for the administration and allocation of the tax that are not 57410
inconsistent with this section or section 307.671 of the Revised 57411
Code. The regulations may prescribe the time for payment of the 57412
tax, and may provide for the imposition of a penalty or interest, 57413
or both, for late payments, provided that the penalty does not 57414
exceed ten per cent of the amount of tax due, and the rate at 57415
which interest accrues does not exceed the rate per annum 57416
prescribed pursuant to section 5703.47 of the Revised Code. All 57417
revenues arising from the tax shall be expended in accordance with 57418
section 307.671 of the Revised Code and division (D) of this 57419
section. The levy of a tax imposed under this division may not 57420
commence prior to the first day of the month next following the 57421
execution of the cooperative agreement authorized by section 57422
307.671 of the Revised Code by all parties to that agreement. The 57423
tax shall remain in effect at the rate at which it is imposed for 57424
the period of time described in division (C) of section 307.671 of 57425
the Revised Code for which the revenue from the tax has been 57426
pledged by the county to the corporation pursuant to that section, 57427
but, to any extent provided for in the cooperative agreement, for 57428
no lesser period than the period of time required for payment of 57429
the debt service charges on bonds, or notes in anticipation of 57430
bonds, described in division (B)(1)(b) of that section. 57431

(E) For the purpose of paying the costs of acquiring, 57432
constructing, equipping, and improving a municipal educational and 57433

cultural facility, including debt service charges on bonds 57434
provided for in division (B) of section 307.672 of the Revised 57435
Code, and for any additional purposes determined by the county in 57436
the resolution levying the tax or amendments to the resolution, 57437
including subsequent amendments providing for paying costs of 57438
acquiring, constructing, renovating, rehabilitating, equipping, 57439
and improving a port authority educational and cultural performing 57440
arts facility, as defined in section 307.674 of the Revised Code, 57441
and including debt service charges on bonds provided for in 57442
division (B) of section 307.674 of the Revised Code, the 57443
legislative authority of a county, by resolution adopted within 57444
ninety days after June 30, 1993, by a majority of the members of 57445
the legislative authority, may levy an additional excise tax not 57446
to exceed one and one-half per cent on transactions by which 57447
lodging by a hotel is or is to be furnished to transient guests. 57448
The excise tax authorized by this division shall be in addition to 57449
any tax that is levied pursuant to divisions (A), (B), (C), and 57450
(D) of this section, to any excise tax levied pursuant to section 57451
5739.08 of the Revised Code, and to any excise tax levied pursuant 57452
to section 351.021 of the Revised Code. The legislative authority 57453
of the county shall establish all regulations necessary to provide 57454
for the administration and allocation of the tax. The regulations 57455
may prescribe the time for payment of the tax, and may provide for 57456
the imposition of a penalty or interest, or both, for late 57457
payments, provided that the penalty does not exceed ten per cent 57458
of the amount of tax due, and the rate at which interest accrues 57459
does not exceed the rate per annum prescribed pursuant to section 57460
5703.47 of the Revised Code. All revenues arising from the tax 57461
shall be expended in accordance with section 307.672 of the 57462
Revised Code and this division. The levy of a tax imposed under 57463
this division shall not commence prior to the first day of the 57464
month next following the execution of the cooperative agreement 57465
authorized by section 307.672 of the Revised Code by all parties 57466

to that agreement. The tax shall remain in effect at the rate at 57467
which it is imposed for the period of time determined by the 57468
legislative authority of the county, ~~but~~. That period of time 57469
shall not exceed fifteen years, except that the legislative 57470
authority of a county with a population of less than two hundred 57471
fifty thousand according to the most recent federal decennial 57472
census, by resolution adopted by a majority of its members before 57473
the original tax expires, may extend the duration of the tax for 57474
an additional period of time. The additional period of time by 57475
which a legislative authority extends a tax levied under this 57476
division shall not exceed fifteen years. 57477

(F) The legislative authority of a county that has levied a 57478
tax under division (E) of this section may, by resolution adopted 57479
within one hundred eighty days after January 4, 2001, by a 57480
majority of the members of the legislative authority, amend the 57481
resolution levying a tax under that division to provide for the 57482
use of the proceeds of that tax, to the extent that it is no 57483
longer needed for its original purpose as determined by the 57484
parties to a cooperative agreement amendment pursuant to division 57485
(D) of section 307.672 of the Revised Code, to pay costs of 57486
acquiring, constructing, renovating, rehabilitating, equipping, 57487
and improving a port authority educational and cultural performing 57488
arts facility, including debt service charges on bonds provided 57489
for in division (B) of section 307.674 of the Revised Code, and to 57490
pay all obligations under any guaranty agreements, reimbursement 57491
agreements, or other credit enhancement agreements described in 57492
division (C) of section 307.674 of the Revised Code. The 57493
resolution may also provide for the extension of the tax at the 57494
same rate for the longer of the period of time determined by the 57495
legislative authority of the county, but not to exceed an 57496
additional twenty-five years, or the period of time required to 57497
pay all debt service charges on bonds provided for in division (B) 57498
of section 307.672 of the Revised Code and on port authority 57499

revenue bonds provided for in division (B) of section 307.674 of 57500
the Revised Code. All revenues arising from the amendment and 57501
extension of the tax shall be expended in accordance with section 57502
307.674 of the Revised Code, this division, and division (E) of 57503
this section. 57504

(G) For purposes of a tax levied by a county, township, or 57505
municipal corporation under this section or section 5739.08 of the 57506
Revised Code, a board of county commissioners, board of township 57507
trustees, or the legislative authority of a municipal corporation 57508
may adopt a resolution or ordinance at any time specifying that 57509
"hotel," as otherwise defined in section 5739.01 of the Revised 57510
Code, includes establishments in which fewer than five rooms are 57511
used for the accommodation of guests. The resolution or ordinance 57512
may apply to a tax imposed pursuant to this section prior to the 57513
adoption of the resolution or ordinance if the resolution or 57514
ordinance so states, but the tax shall not apply to transactions 57515
by which lodging by such an establishment is provided to transient 57516
guests prior to the adoption of the resolution or ordinance. 57517

(H)(1) As used in this division: 57518

(a) "Convention facilities authority" has the same meaning as 57519
in section 351.01 of the Revised Code. 57520

(b) "Convention center" has the same meaning as in section 57521
307.695 of the Revised Code. 57522

(2) Notwithstanding any contrary provision of division (D) of 57523
this section, the legislative authority of a county with a 57524
population of one million or more according to the most recent 57525
federal decennial census that has levied a tax under division (D) 57526
of this section may, by resolution adopted by a majority of the 57527
members of the legislative authority, provide for the extension of 57528
such levy and may provide that the proceeds of that tax, to the 57529
extent that they are no longer needed for their original purpose 57530

as defined by a cooperative agreement entered into under section 57531
307.671 of the Revised Code, shall be deposited into the county 57532
general revenue fund. The resolution shall provide for the 57533
extension of the tax at a rate not to exceed the rate specified in 57534
division (D) of this section for a period of time determined by 57535
the legislative authority of the county, but not to exceed an 57536
additional forty years. 57537

(3) The legislative authority of a county with a population 57538
of one million or more that has levied a tax under division (A)(1) 57539
of this section may, by resolution adopted by a majority of the 57540
members of the legislative authority, increase the rate of the tax 57541
levied by such county under division (A)(1) of this section to a 57542
rate not to exceed five per cent on transactions by which lodging 57543
by a hotel is or is to be furnished to transient guests. 57544
Notwithstanding any contrary provision of division (A)(1) of this 57545
section, the resolution may provide that all collections resulting 57546
from the rate levied in excess of three per cent, after deducting 57547
the real and actual costs of administering the tax, shall be 57548
deposited in the county general fund. 57549

(4) The legislative authority of a county with a population 57550
of one million or more that has levied a tax under division (A)(1) 57551
of this section may, by resolution adopted on or before August 30, 57552
2004, by a majority of the members of the legislative authority, 57553
provide that all or a portion of the proceeds of the tax levied 57554
under division (A)(1) of this section, after deducting the real 57555
and actual costs of administering the tax and the amounts required 57556
to be returned to townships and municipal corporations with 57557
respect to the first three per cent levied under division (A)(1) 57558
of this section, shall be deposited in the county general fund, 57559
provided that such proceeds shall be used to satisfy any pledges 57560
made in connection with an agreement entered into under section 57561
307.695 of the Revised Code. 57562

(5) No amount collected from a tax levied, extended, or 57563
required to be deposited in the county general fund under division 57564
(H) of this section shall be contributed to a convention 57565
facilities authority, corporation, or other entity created after 57566
July 1, 2003, for the principal purpose of constructing, 57567
improving, expanding, equipping, financing, or operating a 57568
convention center unless the mayor of the municipal corporation in 57569
which the convention center is to be operated by that convention 57570
facilities authority, corporation, or other entity has consented 57571
to the creation of that convention facilities authority, 57572
corporation, or entity. Notwithstanding any contrary provision of 57573
section 351.04 of the Revised Code, if a tax is levied by a county 57574
under division (H) of this section, the board of county 57575
commissioners of that county may determine the manner of 57576
selection, the qualifications, the number, and terms of office of 57577
the members of the board of directors of any convention facilities 57578
authority, corporation, or other entity described in division 57579
(H)(5) of this section. 57580

(6)(a) No amount collected from a tax levied, extended, or 57581
required to be deposited in the county general fund under division 57582
(H) of this section may be used for any purpose other than paying 57583
the direct and indirect costs of constructing, improving, 57584
expanding, equipping, financing, or operating a convention center 57585
and for the real and actual costs of administering the tax, 57586
unless, prior to the adoption of the resolution of the legislative 57587
authority of the county authorizing the levy, extension, increase, 57588
or deposit, the county and the mayor of the most populous 57589
municipal corporation in that county have entered into an 57590
agreement as to the use of such amounts, provided that such 57591
agreement has been approved by a majority of the mayors of the 57592
other municipal corporations in that county. The agreement shall 57593
provide that the amounts to be used for purposes other than paying 57594
the convention center or administrative costs described in 57595

division (H)(6)(a) of this section be used only for the direct and 57596
indirect costs of capital improvements, including the financing of 57597
capital improvements. 57598

(b) If the county in which the tax is levied has an 57599
association of mayors and city managers, the approval of that 57600
association of an agreement described in division (H)(6)(a) of 57601
this section shall be considered to be the approval of the 57602
majority of the mayors of the other municipal corporations for 57603
purposes of that division. 57604

(7) Each year, the auditor of state shall conduct an audit of 57605
the uses of any amounts collected from taxes levied, extended, or 57606
deposited under division (H) of this section and shall prepare a 57607
report of the auditor of state's findings. The auditor of state 57608
shall submit the report to the legislative authority of the county 57609
that has levied, extended, or deposited the tax, the speaker of 57610
the house of representatives, the president of the senate, and the 57611
leaders of the minority parties of the house of representatives 57612
and the senate. 57613

(I)(1) As used in this division: 57614

(a) "Convention facilities authority" has the same meaning as 57615
in section 351.01 of the Revised Code. 57616

(b) "Convention center" has the same meaning as in section 57617
307.695 of the Revised Code. 57618

(2) Notwithstanding any contrary provision of division (D) of 57619
this section, the legislative authority of a county with a 57620
population of one million two hundred thousand or more according 57621
to the most recent federal decennial census or the most recent 57622
annual population estimate published or released by the United 57623
States census bureau at the time the resolution is adopted placing 57624
the levy on the ballot, that has levied a tax under division (D) 57625
of this section may, by resolution adopted by a majority of the 57626

members of the legislative authority, provide for the extension of 57627
such levy and may provide that the proceeds of that tax, to the 57628
extent that the proceeds are no longer needed for their original 57629
purpose as defined by a cooperative agreement entered into under 57630
section 307.671 of the Revised Code and after deducting the real 57631
and actual costs of administering the tax, shall be used for 57632
paying the direct and indirect costs of constructing, improving, 57633
expanding, equipping, financing, or operating a convention center. 57634
The resolution shall provide for the extension of the tax at a 57635
rate not to exceed the rate specified in division (D) of this 57636
section for a period of time determined by the legislative 57637
authority of the county, but not to exceed an additional forty 57638
years. 57639

(3) The legislative authority of a county with a population 57640
of one million two hundred thousand or more that has levied a tax 57641
under division (A)(1) of this section may, by resolution adopted 57642
by a majority of the members of the legislative authority, 57643
increase the rate of the tax levied by such county under division 57644
(A)(1) of this section to a rate not to exceed five per cent on 57645
transactions by which lodging by a hotel is or is to be furnished 57646
to transient guests. Notwithstanding any contrary provision of 57647
division (A)(1) of this section, the resolution shall provide that 57648
all collections resulting from the rate levied in excess of three 57649
per cent, after deducting the real and actual costs of 57650
administering the tax, shall be used for paying the direct and 57651
indirect costs of constructing, improving, expanding, equipping, 57652
financing, or operating a convention center. 57653

(4) The legislative authority of a county with a population 57654
of one million two hundred thousand or more that has levied a tax 57655
under division (A)(1) of this section may, by resolution adopted 57656
on or before July 1, 2008, by a majority of the members of the 57657
legislative authority, provide that all or a portion of the 57658

proceeds of the tax levied under division (A)(1) of this section, 57659
after deducting the real and actual costs of administering the tax 57660
and the amounts required to be returned to townships and municipal 57661
corporations with respect to the first three per cent levied under 57662
division (A)(1) of this section, shall be used to satisfy any 57663
pledges made in connection with an agreement entered into under 57664
section 307.695 of the Revised Code or shall otherwise be used for 57665
paying the direct and indirect costs of constructing, improving, 57666
expanding, equipping, financing, or operating a convention center. 57667

(5) Any amount collected from a tax levied or extended under 57668
division (I) of this section may be contributed to a convention 57669
facilities authority created before July 1, 2005, but no amount 57670
collected from a tax levied or extended under division (I) of this 57671
section may be contributed to a convention facilities authority, 57672
corporation, or other entity created after July 1, 2005, unless 57673
the mayor of the municipal corporation in which the convention 57674
center is to be operated by that convention facilities authority, 57675
corporation, or other entity has consented to the creation of that 57676
convention facilities authority, corporation, or entity. 57677

Sec. 5739.12. (A) Each person who has or is required to have 57678
a vendor's license, on or before the twenty-third day of each 57679
month, shall make and file a return for the preceding month, on 57680
forms prescribed by the tax commissioner, and shall pay the tax 57681
shown on the return to be due. The commissioner may require a 57682
vendor that operates from multiple locations or has multiple 57683
vendor's licenses to report all tax liabilities on one 57684
consolidated return. The return shall show the amount of tax due 57685
from the vendor to the state for the period covered by the return 57686
and such other information as the commissioner deems necessary for 57687
the proper administration of this chapter. The commissioner may 57688
extend the time for making and filing returns and paying the tax, 57689
and may require that the return for the last month of any annual 57690

or semiannual period, as determined by the commissioner, be a 57691
reconciliation return detailing the vendor's sales activity for 57692
the preceding annual or semiannual period. The reconciliation 57693
return shall be filed by the last day of the month following the 57694
last month of the annual or semiannual period. The commissioner 57695
may remit all or any part of amounts or penalties that may become 57696
due under this chapter and may adopt rules relating thereto. Such 57697
return shall be filed by mailing it to the tax commissioner, 57698
together with payment of the amount of tax shown to be due thereon 57699
after deduction of any discount provided for under this section. 57700
Remittance shall be made payable to the treasurer of state. The 57701
return shall be considered filed when received by the tax 57702
commissioner, and the payment shall be considered made when 57703
received by the tax commissioner or when credited to an account 57704
designated by the treasurer of state or the tax commissioner. 57705

(B)(1) If the return is filed and the amount of tax shown 57706
thereon to be due is paid on or before the date such return is 57707
required to be filed, the vendor shall be entitled to ~~the~~ 57708
~~following a discount of:~~ 57709

~~(1)(a)~~ On and after July 1, 2005, and on and before June 30, 57710
2007, nine-tenths of one per cent of the amount shown to be due on 57711
the return; 57712

~~(2)(b)~~ On and after July 1, 2007, three-fourths of one per 57713
cent of the amount shown to be due on the return. 57714

(2) A vendor that has selected a certified service provider 57715
as its agent shall not be entitled to the discount if the 57716
certified service provider receives a monetary allowance pursuant 57717
to section 5739.06 of the Revised Code for performing the vendor's 57718
sales and use tax functions in this state. Amounts paid to the 57719
clerk of courts pursuant to section 4505.06 of the Revised Code 57720
shall be subject to the applicable discount. The discount shall be 57721
in consideration for prompt payment to the clerk of courts and for 57722

other services performed by the vendor in the collection of the 57723
tax. 57724

(C)(1) Upon application to the commissioner, a vendor who is 57725
required to file monthly returns may be relieved of the 57726
requirement to report and pay the actual tax due, provided that 57727
the vendor agrees to remit to the tax commissioner payment of not 57728
less than an amount determined by the commissioner to be the 57729
average monthly tax liability of the vendor, based upon a review 57730
of the returns or other information pertaining to such vendor for 57731
a period of not less than six months nor more than two years 57732
immediately preceding the filing of the application. Vendors who 57733
agree to the above conditions shall make and file an annual or 57734
semiannual reconciliation return, as prescribed by the 57735
commissioner. The reconciliation return shall be filed by mailing 57736
or delivering it to the tax commissioner, together with payment of 57737
the amount of tax shown to be due thereon after deduction of any 57738
discount provided in this section. Remittance shall be made 57739
payable to the treasurer of state. Failure of a vendor to comply 57740
with any of the above conditions may result in immediate 57741
reinstatement of the requirement of reporting and paying the 57742
actual tax liability on each monthly return, and the commissioner 57743
may at the commissioner's discretion deny the vendor the right to 57744
report and pay based upon the average monthly liability for a 57745
period not to exceed two years. The amount ascertained by the 57746
commissioner to be the average monthly tax liability of a vendor 57747
may be adjusted, based upon a review of the returns or other 57748
information pertaining to the vendor for a period of not less than 57749
six months nor more than two years preceding such adjustment. 57750

(2) The commissioner may authorize vendors whose tax 57751
liability is not such as to merit monthly returns, as ascertained 57752
by the commissioner upon the basis of administrative costs to the 57753
state, to make and file returns at less frequent intervals. When 57754

returns are filed at less frequent intervals in accordance with 57755
such authorization, the vendor shall be allowed the discount 57756
provided in this section in consideration for prompt payment with 57757
the return, provided the return is filed together with payment of 57758
the amount of tax shown to be due thereon, at the time specified 57759
by the commissioner, but a vendor that has selected a certified 57760
service provider as its agent shall not be entitled to the 57761
discount. 57762

(D) Any vendor who fails to file a return or pay the full 57763
amount of the tax shown on the return to be due under this section 57764
and the rules of the commissioner may, for each such return the 57765
vendor fails to file or each such tax the vendor fails to pay in 57766
full as shown on the return within the period prescribed by this 57767
section and the rules of the commissioner, be required to forfeit 57768
and pay into the state treasury an additional charge not exceeding 57769
fifty dollars or ten per cent of the tax required to be paid for 57770
the reporting period, whichever is greater, as revenue arising 57771
from the tax imposed by this chapter, and such sum may be 57772
collected by assessment in the manner provided in section 5739.13 57773
of the Revised Code. The commissioner may remit all or a portion 57774
of the additional charge and may adopt rules relating to the 57775
imposition and remission of the additional charge. 57776

(E) If the amount required to be collected by a vendor from 57777
consumers is in excess of the applicable percentage of the 57778
vendor's receipts from sales that are taxable under section 57779
5739.02 of the Revised Code, or in the case of sales subject to a 57780
tax levied pursuant to section 5739.021, 5739.023, or 5739.026 of 57781
the Revised Code, in excess of the percentage equal to the 57782
aggregate rate of such taxes and the tax levied by section 5739.02 57783
of the Revised Code, such excess shall be remitted along with the 57784
remittance of the amount of tax due under section 5739.10 of the 57785
Revised Code. 57786

(F) The commissioner, if the commissioner deems it necessary 57787
in order to insure the payment of the tax imposed by this chapter, 57788
may require returns and payments to be made for other than monthly 57789
periods. The returns shall be signed by the vendor or the vendor's 57790
authorized agent. 57791

(G) Any vendor required to file a return and pay the tax 57792
under this section, whose total payment equals or exceeds the 57793
amount shown in division (A) of section 5739.122 of the Revised 57794
Code, shall make each payment required by this section in the 57795
second ensuing and each succeeding year by electronic funds 57796
transfer as prescribed by, and on or before the dates specified 57797
in, section 5739.122 of the Revised Code, except as otherwise 57798
prescribed by that section. For a vendor that operates from 57799
multiple locations or has multiple vendor's licenses, in 57800
determining whether the vendor's total payment equals or exceeds 57801
the amount shown in division (A) of that section, the vendor's 57802
total payment amount shall be the amount of the vendor's total tax 57803
liability for the previous calendar year for all of the vendor's 57804
locations or licenses. 57805

Sec. 5739.122. (A) If the total amount of tax required to be 57806
paid by a vendor under section 5739.12 of the Revised Code for any 57807
calendar year equals or exceeds seventy-five thousand dollars, the 57808
vendor shall remit each monthly tax payment in the second ensuing 57809
and each succeeding tax year by electronic funds transfer as 57810
prescribed by divisions (B) and (C) of this section. 57811

If a vendor's tax payment for each of two consecutive years 57812
is less than seventy-five thousand dollars, the vendor is relieved 57813
of the requirement to remit taxes by electronic funds transfer for 57814
the year that next follows the second of the consecutive years in 57815
which the tax payment is less than that amount, and is relieved of 57816
that requirement for each succeeding year, unless the tax payment 57817

in a subsequent year equals or exceeds seventy-five thousand 57818
dollars. 57819

The tax commissioner shall notify each vendor required to 57820
remit taxes by electronic funds transfer of the vendor's 57821
obligation to do so, shall maintain an updated list of those 57822
vendors, and shall timely certify the list and any additions 57823
thereto or deletions therefrom to the treasurer of state. Failure 57824
by the tax commissioner to notify a vendor subject to this section 57825
to remit taxes by electronic funds transfer does not relieve the 57826
vendor of its obligation to remit taxes by electronic funds 57827
transfer. 57828

(B) Vendors required by division (A) of this section to remit 57829
payments by electronic funds transfer shall remit such payments to 57830
the treasurer of state in the manner prescribed by this section 57831
and rules adopted by the treasurer of state under section 113.061 57832
of the Revised Code, and ~~on or before the following dates as~~ 57833
follows: 57834

~~(1) On or before the fifteenth day of each month, a vendor 57835
shall remit an amount equal to the taxes collected during the 57836
first eleven days of the month. On or before the twenty fifth day 57837
of each month, a vendor shall remit an amount equal to the taxes 57838
collected on the twelfth through the twenty first day of the 57839
month. 57840~~

~~(2) In lieu of remitting the actual amounts collected for the 57841
periods specified in division (B)(1) of this section, a vendor 57842
may, on or before each of the fifteenth and twenty fifth days of 57843
each month, remit an amount equal to thirty seven and one half per 57844
cent of the vendor's total tax liability for the same month in the 57845
preceding calendar year. 57846~~

~~(3) On or before the twenty-third day of each month, a vendor 57847
shall remit an amount equal to seventy-five per cent of the 57848~~

anticipated tax liability for that month. 57849

(2) On or before the twenty-third day of each month, a vendor 57850
shall report the taxes collected for the previous month and shall 57851
remit that amount, less any amounts paid for that month as 57852
required by division (B)(1) ~~or (2)~~ of this section. 57853

The payment of taxes by electronic funds transfer does not 57854
affect a vendor's obligation to file the monthly return as 57855
required under section 5739.12 of the Revised Code. 57856

(C) A vendor required by this section to remit taxes by 57857
electronic funds transfer may apply to the treasurer of state in 57858
the manner prescribed by the treasurer of state to be excused from 57859
that requirement. The treasurer of state may excuse the vendor 57860
from remittance by electronic funds transfer for good cause shown 57861
for the period of time requested by the vendor or for a portion of 57862
that period. The treasurer of state shall notify the tax 57863
commissioner and the vendor of the treasurer of state's decision 57864
as soon as is practicable. 57865

(D)(1)(a) If a vendor that is required to remit payments 57866
under division (B) of this section fails to make a payment, or 57867
makes a payment under division (B)(1) of this section that is less 57868
than seventy-five per cent of the actual liability for that month, 57869
the commissioner may impose an additional charge not to exceed 57870
five per cent of that unpaid amount. 57871

(b) Division (D)(1)(a) of this section does not apply if the 57872
vendor's payment under division (B)(1) of this section is equal to 57873
or greater than seventy-five per cent of the vendor's reported 57874
liability for the same month in the immediately preceding calendar 57875
year. 57876

(2) If a vendor required by this section to remit taxes by 57877
electronic funds transfer remits those taxes by some means other 57878
than by electronic funds transfer as prescribed by this section 57879

and the rules adopted by the treasurer of state, and the treasurer 57880
of state determines that such failure was not due to reasonable 57881
cause or was due to willful neglect, the treasurer of state shall 57882
notify the tax commissioner of the failure to remit by electronic 57883
funds transfer and shall provide the commissioner with any 57884
information used in making that determination. The tax 57885
commissioner may impose an additional charge not to exceed the 57886
lesser of five per cent of the amount of the taxes required to be 57887
paid by electronic funds transfer or five thousand dollars. 57888

(3) Any additional charge imposed under division (D)(1) or 57889
(2) of this section is in addition to any other penalty or charge 57890
imposed under this chapter, and shall be considered as revenue 57891
arising from taxes imposed under this chapter. An additional 57892
charge may be collected by assessment in the manner prescribed by 57893
section 5739.13 of the Revised Code. The tax commissioner may 57894
waive all or a portion of such a charge and may adopt rules 57895
governing such waiver. 57896

No additional charge shall be imposed under division (D)(2) 57897
of this section against a vendor that has been notified of its 57898
obligation to remit taxes under this section and that remits its 57899
first two tax payments after such notification by some means other 57900
than electronic funds transfer. The additional charge may be 57901
imposed upon the remittance of any subsequent tax payment that the 57902
vendor remits by some means other than electronic funds transfer. 57903

Sec. 5739.124. (A) If required by the tax commissioner, a 57904
person required to make payments by electronic funds transfer 57905
under section 5739.032 or 5739.122 of the Revised Code shall file 57906
all returns and reports electronically. The commissioner may 57907
require the person to use the Ohio business gateway, as defined in 57908
section 718.051 of the Revised Code, or any other electronic 57909
means, to file the returns and reports, or to remit the tax, in 57910

lieu of the manner prescribed by the treasurer of state under 57911
sections 5739.032 and 5739.122 of the Revised Code. 57912

(B) A person required under this section to file reports and 57913
returns electronically may apply to the commissioner to be excused 57914
from that requirement. Applications shall be made on a form 57915
prescribed by the commissioner. The commissioner may approve the 57916
application for good cause. 57917

(C)(1) If a person required to file a report or return 57918
electronically under this section fails to do so, the commissioner 57919
may impose an additional charge not to exceed the following: 57920

(a) For each of the first two failures, five per cent of the 57921
amount required to be reported on the report or return; 57922

(b) For the third and any subsequent failure, ten per cent of 57923
the amount required to be reported on the report or return. 57924

(2) The charges authorized under division (C)(1) of this 57925
section are in addition to any other charge or penalty authorized 57926
under this chapter, and shall be considered as revenue arising 57927
from taxes imposed under this chapter. An additional charge may be 57928
collected by assessment in the manner prescribed by section 57929
5739.13 of the Revised Code. The commissioner may waive all or a 57930
portion of such a charge and may adopt rules governing such 57931
waiver. 57932

Sec. 5739.21. (A) ~~Four and two tenths~~ One hundred per cent of 57933
all money deposited into the state treasury under sections 5739.01 57934
to 5739.31 of the Revised Code and not required to be distributed 57935
as provided in section 5739.102 of the Revised Code or division 57936
(B) of this section shall be credited to ~~the local government fund~~ 57937
~~for distribution in accordance with section 5747.50 of the Revised~~ 57938
~~Code, six tenths of one per cent shall be credited to the local~~ 57939
~~government revenue assistance fund for distribution in accordance~~ 57940

~~with section 5747.61 of the Revised Code, and ninety five and~~ 57941
~~two tenths per cent shall be credited to the general revenue fund.~~ 57942

57943

(B)(1) In any case where any county or transit authority has 57944
levied a tax or taxes pursuant to section 5739.021, 5739.023, or 57945
5739.026 of the Revised Code, the tax commissioner shall, within 57946
forty-five days after the end of each month, determine and certify 57947
to the director of budget and management the amount of the 57948
proceeds of such tax or taxes received during that month from 57949
billings and assessments, or associated with tax returns or 57950
reports filed during that month, to be returned to the county or 57951
transit authority levying the tax or taxes. The amount to be 57952
returned to each county and transit authority shall be a fraction 57953
of the aggregate amount of money collected with respect to each 57954
area in which one or more of such taxes are concurrently in effect 57955
with the tax levied by section 5739.02 of the Revised Code. The 57956
numerator of the fraction is the rate of the tax levied by the 57957
county or transit authority and the denominator of the fraction is 57958
the aggregate rate of such taxes applicable to such area. The 57959
amount to be returned to each county or transit authority shall be 57960
reduced by the amount of any refunds of county or transit 57961
authority tax paid pursuant to section 5739.07 of the Revised Code 57962
during the same month, or transfers made pursuant to division 57963
(B)(2) of section 5703.052 of the Revised Code. 57964

(2) On a periodic basis, using the best information 57965
available, the tax commissioner shall distribute any amount of a 57966
county or transit authority tax that cannot be distributed under 57967
division (B)(1) of this section. Through audit or other means, the 57968
commissioner shall attempt to obtain the information necessary to 57969
make the distribution as provided under that division and, on 57970
receipt of that information, shall make adjustments to 57971
distributions previously made under this division. 57972

(C) The aggregate amount to be returned to any county or transit authority shall be reduced by one per cent, which shall be certified directly to the credit of the local sales tax administrative fund, which is hereby created in the state treasury. For the purpose of determining the amount to be returned to a county and transit authority in which the rate of tax imposed by the transit authority has been reduced under section 5739.028 of the Revised Code, the tax commissioner shall use the respective rates of tax imposed by the county or transit authority that results from the change in the rates authorized under that section.

(D) The director of budget and management shall transfer, from the same funds and in the same proportions specified in division (A) of this section, to the permissive tax distribution fund created by division (B)(1) of section 4301.423 of the Revised Code and to the local sales tax administrative fund, the amounts certified by the tax commissioner. The tax commissioner shall then, on or before the twentieth day of the month in which such certification is made, provide for payment of such respective amounts to the county treasurer and to the fiscal officer of the transit authority levying the tax or taxes. The amount transferred to the local sales tax administrative fund is for use by the tax commissioner in defraying costs incurred in administering such taxes levied by a county or transit authority.

Sec. 5739.213. Notwithstanding section 5739.21 or 5741.03 of the Revised Code, of the revenue collected from the tax due under division (A) of section 5739.029 of the Revised Code, an amount equal to one-half per cent of the price of each transaction subject to taxation under that division shall be distributed to the county where the sale is situated as provided in section 5739.035 of the Revised Code. The amount to be so distributed to each county shall be credited to the funds of the county as

provided by divisions (A) and (B) of section 5739.211 of the 58005
Revised Code. 58006

Sec. 5741.02. (A)(1) For the use of the general revenue fund 58007
of the state, an excise tax is hereby levied on the storage, use, 58008
or other consumption in this state of tangible personal property 58009
or the benefit realized in this state of any service provided. The 58010
tax shall be collected as provided in section 5739.025 of the 58011
Revised Code, provided that on and after July 1, 2003, and on or 58012
before June 30, 2005, the rate of the tax shall be six per cent. 58013
On and after July 1, 2005, the rate of the tax shall be five and 58014
one-half per cent. 58015

(2) In the case of the lease or rental, with a fixed term of 58016
more than thirty days or an indefinite term with a minimum period 58017
of more than thirty days, of any motor vehicles designed by the 58018
manufacturer to carry a load of not more than one ton, watercraft, 58019
outboard motor, or aircraft, or of any tangible personal property, 58020
other than motor vehicles designed by the manufacturer to carry a 58021
load of more than one ton, to be used by the lessee or renter 58022
primarily for business purposes, the tax shall be collected by the 58023
seller at the time the lease or rental is consummated and shall be 58024
calculated by the seller on the basis of the total amount to be 58025
paid by the lessee or renter under the lease or rental agreement. 58026
If the total amount of the consideration for the lease or rental 58027
includes amounts that are not calculated at the time the lease or 58028
rental is executed, the tax shall be calculated and collected by 58029
the seller at the time such amounts are billed to the lessee or 58030
renter. In the case of an open-end lease or rental, the tax shall 58031
be calculated by the seller on the basis of the total amount to be 58032
paid during the initial fixed term of the lease or rental, and for 58033
each subsequent renewal period as it comes due. As used in this 58034
division, "motor vehicle" has the same meaning as in section 58035
4501.01 of the Revised Code, and "watercraft" includes an outdrive 58036

unit attached to the watercraft. 58037

(3) Except as provided in division (A)(2) of this section, in 58038
the case of a transaction, the price of which consists in whole or 58039
part of the lease or rental of tangible personal property, the tax 58040
shall be measured by the installments of those leases or rentals. 58041

(B) Each consumer, storing, using, or otherwise consuming in 58042
this state tangible personal property or realizing in this state 58043
the benefit of any service provided, shall be liable for the tax, 58044
and such liability shall not be extinguished until the tax has 58045
been paid to this state; provided, that the consumer shall be 58046
relieved from further liability for the tax if the tax has been 58047
paid to a seller in accordance with section 5741.04 of the Revised 58048
Code or prepaid by the seller in accordance with section 5741.06 58049
of the Revised Code. 58050

(C) The tax does not apply to the storage, use, or 58051
consumption in this state of the following described tangible 58052
personal property or services, nor to the storage, use, or 58053
consumption or benefit in this state of tangible personal property 58054
or services purchased under the following described circumstances: 58055

(1) When the sale of property or service in this state is 58056
subject to the excise tax imposed by sections 5739.01 to 5739.31 58057
of the Revised Code, provided said tax has been paid; 58058

(2) Except as provided in division (D) of this section, 58059
tangible personal property or services, the acquisition of which, 58060
if made in Ohio, would be a sale not subject to the tax imposed by 58061
sections 5739.01 to 5739.31 of the Revised Code; 58062

(3) Property or services, the storage, use, or other 58063
consumption of or benefit from which this state is prohibited from 58064
taxing by the Constitution of the United States, laws of the 58065
United States, or the Constitution of this state. This exemption 58066
shall not exempt from the application of the tax imposed by this 58067

section the storage, use, or consumption of tangible personal 58068
property that was purchased in interstate commerce, but that has 58069
come to rest in this state, provided that fuel to be used or 58070
transported in carrying on interstate commerce that is stopped 58071
within this state pending transfer from one conveyance to another 58072
is exempt from the excise tax imposed by this section and section 58073
5739.02 of the Revised Code; 58074

(4) Transient use of tangible personal property in this state 58075
by a nonresident tourist or vacationer, or a nonbusiness use 58076
within this state by a nonresident of this state, if the property 58077
so used was purchased outside this state for use outside this 58078
state and is not required to be registered or licensed under the 58079
laws of this state; 58080

(5) Tangible personal property or services rendered, upon 58081
which taxes have been paid to another jurisdiction to the extent 58082
of the amount of the tax paid to such other jurisdiction. Where 58083
the amount of the tax imposed by this section and imposed pursuant 58084
to section 5741.021, 5741.022, or 5741.023 of the Revised Code 58085
exceeds the amount paid to another jurisdiction, the difference 58086
shall be allocated between the tax imposed by this section and any 58087
tax imposed by a county or a transit authority pursuant to section 58088
5741.021, 5741.022, or 5741.023 of the Revised Code, in proportion 58089
to the respective rates of such taxes. 58090

As used in this subdivision, "taxes paid to another 58091
jurisdiction" means the total amount of retail sales or use tax or 58092
similar tax based upon the sale, purchase, or use of tangible 58093
personal property or services rendered legally, levied by and paid 58094
to another state or political subdivision thereof, or to the 58095
District of Columbia, where the payment of such tax does not 58096
entitle the taxpayer to any refund or credit for such payment. 58097

(6) The transfer of a used manufactured home or used mobile 58098
home, as defined by section 5739.0210 of the Revised Code, made on 58099

or after January 1, 2000; 58100

(7) Drugs that are or are intended to be distributed free of 58101
charge to a practitioner licensed to prescribe, dispense, and 58102
administer drugs to a human being in the course of a professional 58103
practice and that by law may be dispensed only by or upon the 58104
order of such a practitioner. 58105

(8) Computer equipment and related software leased from a 58106
lessor located outside this state and initially received in this 58107
state on behalf of the consumer by a third party that will retain 58108
possession of such property for not more than ninety days and that 58109
will, within that ninety-day period, deliver such property to the 58110
consumer at a location outside this state. Division (C)(8) of this 58111
section does not provide exemption from taxation for any otherwise 58112
taxable charges associated with such property while it is in this 58113
state or for any subsequent storage, use, or consumption of such 58114
property in this state by or on behalf of the consumer. 58115

~~(9) Cigarettes that have a wholesale value of three hundred 58116
dollars or less used, stored, or consumed, but not for resale, in 58117
any month. 58118~~

~~(10) Tangible personal property held for sale by a person but 58119
not for that person's own use and donated by that person, without 58120
charge or other compensation, to either of the following: 58121~~

~~(a) A nonprofit organization operated exclusively for 58122
charitable purposes in this state, no part of the net income of 58123
which inures to the benefit of any private shareholder or 58124
individual and no substantial part of the activities of which 58125
consists of carrying on propaganda or otherwise attempting to 58126
influence legislation; or 58127~~

~~(b) This state or any political subdivision of this state, 58128
but only if donated for exclusively public purposes. 58129~~

For the purposes of division (C)(10) of this section, 58130

"charitable purposes" has the same meaning as in division (B)(12) 58131
of section 5739.02 of the Revised Code. 58132

(D) The tax applies to the storage, use, or other consumption 58133
in this state of tangible personal property or services, the 58134
acquisition of which at the time of sale was excepted under 58135
division (E) of section 5739.01 of the Revised Code from the tax 58136
imposed by section 5739.02 of the Revised Code, but which has 58137
subsequently been temporarily or permanently stored, used, or 58138
otherwise consumed in a taxable manner. 58139

(E)(1)(a) If any transaction is claimed to be exempt under 58140
division (E) of section 5739.01 of the Revised Code or under 58141
section 5739.02 of the Revised Code, with the exception of 58142
divisions (B)(1) to (11) or (28) of section 5739.02 of the Revised 58143
Code, the consumer shall provide to the seller, and the seller 58144
shall obtain from the consumer, a certificate specifying the 58145
reason that the transaction is not subject to the tax. The 58146
certificate shall be in such form, and shall be provided either in 58147
a hard copy form or electronic form, as the tax commissioner 58148
prescribes. 58149

(b) A seller that obtains a fully completed exemption 58150
certificate from a consumer is relieved of liability for 58151
collecting and remitting tax on any sale covered by that 58152
certificate. If it is determined the exemption was improperly 58153
claimed, the consumer shall be liable for any tax due on that sale 58154
under this chapter. Relief under this division from liability does 58155
not apply to any of the following: 58156

(i) A seller that fraudulently fails to collect tax; 58157

(ii) A seller that solicits consumers to participate in the 58158
unlawful claim of an exemption; 58159

(iii) A seller that accepts an exemption certificate from a 58160
consumer that claims an exemption based on who purchases or who 58161

sells property or a service, when the subject of the transaction 58162
sought to be covered by the exemption certificate is actually 58163
received by the consumer at a location operated by the seller in 58164
this state, and this state has posted to its web site an exemption 58165
certificate form that clearly and affirmatively indicates that the 58166
claimed exemption is not available in this state; 58167

(iv) A seller that accepts an exemption certificate from a 58168
consumer who claims a multiple points of use exemption under 58169
division (D) of section 5739.033 of the Revised Code, if the item 58170
purchased is tangible personal property, other than prewritten 58171
computer software. 58172

(2) The seller shall maintain records, including exemption 58173
certificates, of all sales on which a consumer has claimed an 58174
exemption, and provide them to the tax commissioner on request. 58175

(3) If no certificate is provided or obtained within ninety 58176
days after the date on which the transaction is consummated, it 58177
shall be presumed that the tax applies. Failure to have so 58178
provided or obtained a certificate shall not preclude a seller, 58179
within one hundred twenty days after the tax commissioner gives 58180
written notice of intent to levy an assessment, from either 58181
establishing that the transaction is not subject to the tax, or 58182
obtaining, in good faith, a fully completed exemption certificate. 58183

(4) If a transaction is claimed to be exempt under division 58184
(B)(13) of section 5739.02 of the Revised Code, the contractor 58185
shall obtain certification of the claimed exemption from the 58186
contractee. This certification shall be in addition to an 58187
exemption certificate provided by the contractor to the seller. A 58188
contractee that provides a certification under this division shall 58189
be deemed to be the consumer of all items purchased by the 58190
contractor under the claim of exemption, if it is subsequently 58191
determined that the exemption is not properly claimed. The 58192
certification shall be in such form as the tax commissioner 58193

prescribes. 58194

(F) A seller who files a petition for reassessment contesting 58195
the assessment of tax on transactions for which the seller 58196
obtained no valid exemption certificates, and for which the seller 58197
failed to establish that the transactions were not subject to the 58198
tax during the one-hundred-twenty-day period allowed under 58199
division (E) of this section, may present to the tax commissioner 58200
additional evidence to prove that the transactions were exempt. 58201
The seller shall file such evidence within ninety days of the 58202
receipt by the seller of the notice of assessment, except that, 58203
upon application and for reasonable cause, the tax commissioner 58204
may extend the period for submitting such evidence thirty days. 58205

(G) For the purpose of the proper administration of sections 58206
5741.01 to 5741.22 of the Revised Code, and to prevent the evasion 58207
of the tax hereby levied, it shall be presumed that any use, 58208
storage, or other consumption of tangible personal property in 58209
this state is subject to the tax until the contrary is 58210
established. 58211

(H) The tax collected by the seller from the consumer under 58212
this chapter is not part of the price, but is a tax collection for 58213
the benefit of the state, and of counties levying an additional 58214
use tax pursuant to section 5741.021 or 5741.023 of the Revised 58215
Code and of transit authorities levying an additional use tax 58216
pursuant to section 5741.022 of the Revised Code. Except for the 58217
discount authorized under section 5741.12 of the Revised Code and 58218
the effects of any rounding pursuant to section 5703.055 of the 58219
Revised Code, no person other than the state or such a county or 58220
transit authority shall derive any benefit from the collection of 58221
such tax. 58222

Sec. 5741.03. (A) ~~Four and two tenths~~ One hundred per cent of 58223
all money deposited into the state treasury under sections 5741.01 58224

to 5741.22 of the Revised Code that is not required to be 58225
distributed as provided in division (B) of this section shall be 58226
credited to ~~the local government fund for distribution in~~ 58227
~~accordance with section 5747.50 of the Revised Code, six tenths of~~ 58228
~~one per cent shall be credited to the local government revenue~~ 58229
~~assistance fund for distribution in accordance with section~~ 58230
~~5747.61 of the Revised Code, and ninety five and two tenths per~~ 58231
~~cent shall be credited to the general revenue fund.~~ 58232

(B) In any case where any county or transit authority has 58233
levied a tax or taxes pursuant to section 5741.021, 5741.022, or 58234
5741.023 of the Revised Code, the tax commissioner shall, within 58235
forty-five days after the end of each month, determine and certify 58236
to the director of budget and management the amount of the 58237
proceeds of such tax or taxes from billings and assessments 58238
received during that month, or shown on tax returns or reports 58239
filed during that month, to be returned to the county or transit 58240
authority levying the tax or taxes, which amounts shall be 58241
determined in the manner provided in section 5739.21 of the 58242
Revised Code. The director of budget and management shall 58243
transfer, from the same funds and in the same proportions 58244
specified in division (A) of this section, to the permissive tax 58245
distribution fund created by division (B)(1) of section 4301.423 58246
of the Revised Code and to the local sales tax administrative fund 58247
created by division ~~(B)~~(C) of section 5739.21 of the Revised Code, 58248
the amounts certified by the tax commissioner. The tax 58249
commissioner shall then, on or before the twentieth day of the 58250
month in which such certification is made, provide for payment of 58251
such respective amounts to the county treasurer or to the fiscal 58252
officer of the transit authority levying the tax or taxes. The 58253
amount transferred to the local sales tax administrative fund is 58254
for use by the tax commissioner in defraying costs the 58255
commissioner incurs in administering such taxes levied by a county 58256
or transit authority. 58257

Sec. 5741.121. (A) If the total amount of tax required to be 58258
paid by a seller or consumer under section 5741.12 of the Revised 58259
Code for any year equals or exceeds seventy-five thousand dollars, 58260
the seller or consumer shall remit each monthly tax payment in the 58261
second ensuing and each succeeding year by electronic funds 58262
transfer as prescribed by division (B) of this section. 58263

If a seller's or consumer's tax payment for each of two 58264
consecutive years is less than seventy-five thousand dollars, the 58265
seller or consumer is relieved of the requirement to remit taxes 58266
by electronic funds transfer for the year that next follows the 58267
second of the consecutive years in which the tax payment is less 58268
than that amount, and is relieved of that requirement for each 58269
succeeding year, unless the tax payment in a subsequent year 58270
equals or exceeds seventy-five thousand dollars. 58271

The tax commissioner shall notify each seller or consumer 58272
required to remit taxes by electronic funds transfer of the 58273
seller's or consumer's obligation to do so, shall maintain an 58274
updated list of those sellers and consumers, and shall timely 58275
certify the list and any additions thereto or deletions therefrom 58276
to the treasurer of state. Failure by the tax commissioner to 58277
notify a seller or consumer subject to this section to remit taxes 58278
by electronic funds transfer does not relieve the seller or 58279
consumer of the obligation to remit taxes by electronic funds 58280
transfer. 58281

(B) Sellers and consumers required by division (A) of this 58282
section to remit payments by electronic funds transfer shall remit 58283
such payments to the treasurer of state in the manner prescribed 58284
by this section and rules adopted by the treasurer of state under 58285
section 113.061 of the Revised Code, and ~~on or before the~~ 58286
~~following dates as follows:~~ 58287

~~(1)(a) On or before the fifteenth day of each month, a seller~~ 58288

~~shall remit an amount equal to the taxes collected during the first eleven days of the month. On or before the twenty fifth day of each month, a seller shall remit an amount equal to the taxes collected on the twelfth through the twenty first day of the month.~~

~~(b) In lieu of remitting the actual amounts collected for the periods specified in division (B)(1)(a) of this section, a seller may, on or before each of the fifteenth and twenty fifth days of each month, remit an amount equal to thirty seven and one half per cent of the seller's total tax liability for the same month in the preceding calendar year.~~

~~(2) On or before each of the fifteenth and twenty fifth days of each month, a consumer shall remit an amount equal to thirty seven and one half per cent of the consumer's total tax liability for the same month in the preceding calendar year.~~

~~(3) On or before the twenty-third day of each month, a seller or consumer shall remit an amount equal to seventy-five per cent of the anticipated tax liability for that month.~~

(2) On or before the twenty-third day of each month, a seller shall report the taxes collected and a consumer shall report the taxes due for the previous month and shall remit that amount, less any amounts paid for that month as required by division (B)(1)~~(a)~~ or ~~(b)~~ or ~~(B)(2)~~ of this section.

The payment of taxes by electronic funds transfer does not affect a seller's or consumer's obligation to file the monthly return as required under section 5741.12 of the Revised Code.

(C) A seller or consumer required by this section to remit taxes by electronic funds transfer may apply to the treasurer of state in the manner prescribed by the treasurer of state to be excused from that requirement. The treasurer of state may excuse the seller or consumer from remittance by electronic funds

transfer for good cause shown for the period of time requested by 58320
the seller or consumer or for a portion of that period. The 58321
treasurer of state shall notify the tax commissioner and the 58322
seller or consumer of the treasurer of state's decision as soon as 58323
is practicable. 58324

(D)(1)(a) If a seller or consumer that is required to remit 58325
payments under division (B) of this section fails to make a 58326
payment, or makes a payment under division (B)(1) of this section 58327
that is less than seventy-five per cent of the actual liability 58328
for that month, the commissioner may impose an additional charge 58329
not to exceed five per cent of that unpaid amount. 58330

(b) Division (D)(1)(a) of this section does not apply if the 58331
seller's or consumer's payment under division (B)(1) of this 58332
section is equal to or greater than seventy-five per cent of the 58333
seller's or consumer's reported liability for the same month in 58334
the immediately preceding calendar year. 58335

(2) If a seller or consumer required by this section to remit 58336
taxes by electronic funds transfer remits those taxes by some 58337
means other than by electronic funds transfer as prescribed by the 58338
rules adopted by the treasurer of state, and the treasurer of 58339
state determines that such failure was not due to reasonable cause 58340
or was due to willful neglect, the treasurer of state shall notify 58341
the tax commissioner of the failure to remit by electronic funds 58342
transfer and shall provide the commissioner with any information 58343
used in making that determination. The tax commissioner may impose 58344
an additional charge not to exceed the lesser of five per cent of 58345
the amount of the taxes required to be paid by electronic funds 58346
transfer or five thousand dollars. 58347

(3) Any additional charge imposed under this section is in 58348
addition to any other penalty or charge imposed under this 58349
chapter, and shall be considered as revenue arising from taxes 58350
imposed under this chapter. An additional charge may be collected 58351

by assessment in the manner prescribed by section 5741.13 of the Revised Code. The tax commissioner may waive all or a portion of such a charge and may adopt rules governing such waiver.

No additional charge shall be imposed under division (D)(2) of this section against a seller or consumer that has been notified of the obligation to remit taxes under this section and that remits its first two tax payments after such notification by some means other than electronic funds transfer. The additional charge may be imposed upon the remittance of any subsequent tax payment that the seller or consumer remits by some means other than electronic funds transfer.

Sec. 5741.122. (A) If required by the tax commissioner, a person required to make payments by electronic funds transfer under section 5739.032 or 5741.121 of the Revised Code shall file all returns and reports electronically. The commissioner may require the person to use the Ohio business gateway, as defined in section 718.051 of the Revised Code, or any other electronic means, to file the returns and reports, or to remit the tax, in lieu of the manner prescribed by the treasurer of state under sections 5739.032 and 5741.121 of the Revised Code.

(B) A person required under this section to file reports and returns electronically may apply to the commissioner to be excused from that requirement. Applications shall be made on a form prescribed by the commissioner. The commissioner may approve the application for good cause.

(C)(1) If a person required to file a report or return electronically under this section fails to do so, the commissioner may impose an additional charge not to exceed the following:

(a) For each of the first two failures, five per cent of the amount required to be reported on the report or return;

(b) For the third and any subsequent failure, ten per cent of 58382
the amount required to be reported on the report or return. 58383

(2) The charges authorized under division (C)(1) of this 58384
section are in addition to any other charge or penalty authorized 58385
under this chapter, and shall be considered as revenue arising 58386
from taxes imposed under this chapter. An additional charge may be 58387
collected by assessment in the manner prescribed by section 58388
5741.13 of the Revised Code. The commissioner may waive all or a 58389
portion of such a charge and may adopt rules governing such 58390
waiver. 58391

Sec. 5743.01. As used in this chapter: 58392

(A) "Person" includes individuals, firms, partnerships, 58393
associations, joint-stock companies, corporations, combinations of 58394
individuals of any form, and the state and any of its political 58395
subdivisions. 58396

(B) "Wholesale dealer" includes only those persons: 58397

(1) Who bring in or cause to be brought into this state 58398
unstamped cigarettes purchased directly from the manufacturer, 58399
producer, or importer of cigarettes for sale in this state but 58400
does not include persons who bring in or cause to be brought into 58401
this state cigarettes with respect to which no evidence of tax 58402
payment is required thereon as provided in section 5743.04 of the 58403
Revised Code; or 58404

(2) Who are engaged in the business of selling cigarettes or 58405
tobacco products to others for the purpose of resale. 58406

"Wholesale dealer" does not include any cigarette 58407
manufacturer, export warehouse proprietor, or importer with a 58408
valid permit under 26 U.S.C. 5713 if that person sells cigarettes 58409
in this state only to wholesale dealers holding valid and current 58410
licenses under section 5743.15 of the Revised Code or to an export 58411

warehouse proprietor or another manufacturer.	58412
(C) "Retail dealer" includes:	58413
(1) In reference to dealers in cigarettes, every person other than a wholesale dealer engaged in the business of selling cigarettes in this state, regardless of whether the person is located in this state or elsewhere, and regardless of quantity, amount, or number of sales;	58414 58415 58416 58417 58418
(2) In reference to dealers in tobacco products, any person in this state engaged in the business of selling tobacco products to ultimate consumers in this state, regardless of quantity, amount, or number of sales.	58419 58420 58421 58422
(D) "Sale" includes exchange, barter, gift, offer for sale, and distribution, and includes transactions in interstate or foreign commerce.	58423 58424 58425
(E) "Cigarettes" includes any roll for smoking made wholly or in part of tobacco, irrespective of size or shape, and whether or not such tobacco is flavored, adulterated, or mixed with any other ingredient, the wrapper or cover of which is made of paper, reconstituted cigarette tobacco, homogenized cigarette tobacco, cigarette tobacco sheet, or any similar materials other than cigar tobacco.	58426 58427 58428 58429 58430 58431 58432
(F) "Package" means the individual package, box, or other container in or from which retail sales of cigarettes are normally made or intended to be made.	58433 58434 58435
(G) "Stamp" includes an impression made by a metering device as provided for in section 5743.04 of the Revised Code.	58436 58437
(H) "Storage" includes any keeping or retention of cigarettes or tobacco products for use or consumption in this state.	58438 58439
(I) "Use" includes the exercise of any right or power incidental to the ownership of cigarettes or tobacco products.	58440 58441

(J) "Tobacco product" or "other tobacco product" means any 58442
product made from tobacco, other than cigarettes, that is made for 58443
smoking or chewing, or both, and snuff. 58444

(K) "Wholesale price" means the invoice price, including all 58445
federal excise taxes, at which the manufacturer of the tobacco 58446
product sells the tobacco product to unaffiliated distributors, 58447
excluding any discounts based on the method of payment of the 58448
invoice or on time of payment of the invoice. If the taxpayer buys 58449
from other than a manufacturer, "wholesale price" means the 58450
invoice price, including all federal excise taxes and excluding 58451
any discounts based on the method of payment of the invoice or on 58452
time of payment of the invoice. 58453

(L) "Distributor" means: 58454

(1) Any manufacturer who sells, barter, exchanges, or 58455
distributes tobacco products to a retail dealer in the state, 58456
except when selling to a retail dealer that has filed with the 58457
manufacturer a signed statement agreeing to pay and be liable for 58458
the tax imposed by section 5743.51 of the Revised Code; 58459

(2) Any wholesale dealer located in the state who receives 58460
tobacco products from a manufacturer, or who receives tobacco 58461
products on which the tax imposed by this chapter has not been 58462
paid; 58463

(3) Any wholesale dealer located outside the state who sells, 58464
barter, exchanges, or distributes tobacco products to a wholesale 58465
or retail dealer in the state; or 58466

(4) Any retail dealer who receives tobacco products on which 58467
the tax has not or will not be paid by another distributor, 58468
including a retail dealer that has filed a signed statement with a 58469
manufacturer in which the retail dealer agrees to pay and be 58470
liable for the tax that would otherwise be imposed on the 58471
manufacturer by section 5743.51 of the Revised Code. 58472

(M) "Taxpayer" means any person liable for the tax imposed by section 5743.51, 5743.62, or 5743.63 of the Revised Code.

(N) "Seller" means any person located outside this state engaged in the business of selling tobacco products to consumers for storage, use, or other consumption in this state.

(O) "Manufacturer" means any person who manufactures and sells cigarettes or tobacco products.

(P) "Importer" means any person that ~~imports~~ is authorized, under a valid permit issued under Section 5713 of the Internal Revenue Code, to import finished cigarettes into the United States, either directly or indirectly.

Sec. 5743.20. No person shall sell any cigarettes both as a retail dealer and as a wholesale dealer at the same place of business. No person other than a licensed wholesale dealer shall sell cigarettes to a licensed retail dealer. No retail dealer shall purchase cigarettes from any person other than a licensed wholesale dealer.

Subject to section 5743.031 of the Revised Code, a licensed wholesale dealer may not sell cigarettes to any person in this state other than a licensed retail dealer, except a licensed wholesale dealer may sell cigarettes to another licensed wholesale dealer if the tax commissioner has authorized the sale of the cigarettes between those wholesale dealers and the wholesale dealer that sells the cigarettes received them directly from a licensed manufacturer or licensed importer.

The tax commissioner shall adopt rules governing sales of cigarettes between licensed wholesale dealers, including rules establishing criteria for authorizing such sales.

No manufacturer or importer shall sell cigarettes to any person in this state other than to a licensed wholesale dealer or

licensed importer. No importer shall purchase cigarettes from any 58503
person other than a licensed manufacturer or licensed importer. 58504

A retail dealer may purchase other tobacco products only from 58505
a licensed distributor. A licensed distributor may sell tobacco 58506
products only to a retail dealer, except a licensed distributor 58507
may sell tobacco products to another licensed distributor if the 58508
tax commissioner has authorized the sale of the tobacco products 58509
between those distributors and the distributor that sells the 58510
tobacco products received them directly from a manufacturer or 58511
importer of tobacco products. 58512

The tax commissioner may adopt rules governing sales of 58513
tobacco products between licensed distributors, including rules 58514
establishing criteria for authorizing such sales. 58515

The identities of ~~licensed distributors~~ cigarette 58516
manufacturers and importers, licensed cigarette wholesalers, 58517
licensed distributors of other tobacco products, and registered 58518
manufacturers, importers, and brokers of other tobacco products 58519
are subject to public disclosure. The tax commissioner shall 58520
maintain an alphabetical list of all such ~~distributors~~ 58521
manufacturers, importers, wholesalers, distributors, and brokers, 58522
shall post the list on a web site accessible to the public through 58523
the internet, and shall periodically update the web site posting. 58524

As used in this section, "licensed" means the manufacturer, 58525
importer, wholesale dealer, ~~retail dealer,~~ or distributor holds a 58526
current and valid license issued under section 5743.15 or 5743.61 58527
of the Revised Code, and "registered" means registered with the 58528
tax commissioner under section 5743.66 of the Revised Code. 58529

Sec. 5745.02. (A) The annual report filed under section 58530
5745.03 of the Revised Code determines a taxpayer's Ohio net 58531
income and the portion of Ohio net income to be apportioned to a 58532
municipal corporation. 58533

(B) A taxpayer's Ohio net income is determined by multiplying 58534
the taxpayer's adjusted federal taxable income by the sum of the 58535
property factor multiplied by one-third, the payroll factor 58536
multiplied by one-third, and the sales factor multiplied by 58537
one-third. If the denominator of one of the factors is zero, the 58538
remaining two factors each shall be multiplied by one-half instead 58539
of one-third; if the denominator of two of the factors is zero, 58540
the remaining factor shall be multiplied by one. The property, 58541
payroll, and sales factors shall be determined in the manner 58542
prescribed by divisions (B)(1), (2), and (3) of this section. 58543

(1) The property factor is a fraction, the numerator of which 58544
is the average value of the taxpayer's real and tangible personal 58545
property owned or rented, and used in business in this state 58546
during the taxable year, and the denominator of which is the 58547
average value of all the taxpayer's real and tangible personal 58548
property owned or rented, and used in business everywhere during 58549
such year. Property owned by the taxpayer is valued at its 58550
original cost. Property rented by the taxpayer is valued at eight 58551
times the net annual rental rate. "Net annual rental rate" means 58552
the annual rental rate paid by the taxpayer less any annual rental 58553
rate received by the taxpayer from subrentals. The average value 58554
of property shall be determined by averaging the values at the 58555
beginning and the end of the taxable year, but the tax 58556
commissioner may require the averaging of monthly values during 58557
the taxable year, if reasonably required to reflect properly the 58558
average value of the taxpayer's property. 58559

(2) The payroll factor is a fraction, the numerator of which 58560
is the total amount paid in this state during the taxable year by 58561
the taxpayer for compensation, and the denominator of which is the 58562
total compensation paid everywhere by the taxpayer during such 58563
year. Compensation means any form of remuneration paid to an 58564
employee for personal services. Compensation is paid in this state 58565

if: (a) the recipient's service is performed entirely within this state, (b) the recipient's service is performed both within and without this state, but the service performed without this state is incidental to the recipient's service within this state, or (c) some of the service is performed within this state and either the base of operations, or if there is no base of operations, the place from which the service is directed or controlled is within this state, or the base of operations or the place from which the service is directed or controlled is not in any state in which some part of the service is performed, but the recipient's residence is in this state.

(3) The sales factor is a fraction, the numerator of which is the total sales in this state by the taxpayer during the taxable year, and the denominator of which is the total sales by the taxpayer everywhere during such year. Sales of electricity shall be situated to this state in the manner provided under section 5733.059 of the Revised Code. In determining the numerator and denominator of the sales factor, receipts from the sale or other disposal of a capital asset or an asset described in section 1231 of the Internal Revenue Code shall be eliminated. Also, in determining the numerator and denominator of the sales factor, in the case of a reporting taxpayer owning at least eighty per cent of the issued and outstanding common stock of one or more insurance companies or public utilities, except an electric company, a combined company, or a telephone company, or owning at least twenty-five per cent of the issued and outstanding common stock of one or more financial institutions, receipts received by the reporting taxpayer from such utilities, insurance companies, and financial institutions shall be eliminated.

For the purpose of division (B)(3) of this section, sales of tangible personal property are in this state where such property is received in this state by the purchaser. In the case of

delivery of tangible personal property by common carrier or by 58598
other means of transportation, the place at which such property is 58599
ultimately received after all transportation has been completed 58600
shall be considered as the place at which such property is 58601
received by the purchaser. Direct delivery in this state, other 58602
than for purposes of transportation, to a person or firm 58603
designated by a purchaser constitutes delivery to the purchaser in 58604
this state, and direct delivery outside this state to a person or 58605
firm designated by a purchaser does not constitute delivery to the 58606
purchaser in this state, regardless of where title passes or other 58607
conditions of sale. 58608

Sales, other than sales of electricity or tangible personal 58609
property, are in this state if either the income-producing 58610
activity is performed solely in this state, or the 58611
income-producing activity is performed both within and without 58612
this state and a greater proportion of the income-producing 58613
activity is performed within this state than in any other state, 58614
based on costs of performance. 58615

For the purposes of division (B)(3) of this section, the tax 58616
commissioner may adopt rules to apportion sales within this state. 58617

(C) The portion of a taxpayer's Ohio net income taxable by 58618
each municipal corporation imposing an income tax shall be 58619
determined by multiplying the taxpayer's Ohio net income by the 58620
sum of the municipal property factor multiplied by one-third, the 58621
municipal payroll factor multiplied by one-third, and the 58622
municipal sales factor multiplied by one-third, and subtracting 58623
from the product so obtained any "municipal net operating loss 58624
carryforward from prior taxable years." If the denominator of one 58625
of the factors is zero, the remaining two factors each shall be 58626
multiplied by one-half instead of one-third; if the denominator of 58627
two of the factors is zero, the remaining factor shall be 58628
multiplied by one. In calculating the "municipal net operating 58629

loss carryforward from prior taxable years" for each municipal 58630
corporation, net operating losses are apportioned in and out of a 58631
municipal corporation for the taxable year in which the net 58632
operating loss occurs in the same manner that positive net income 58633
would have been so apportioned. Any net operating loss for a 58634
municipal corporation may be applied to subsequent net income in 58635
that municipal corporation to reduce that income to zero or until 58636
the net operating loss has been fully used as a deduction. The 58637
unused portion of net operating losses for each taxable year 58638
apportioned to a municipal corporation may only be applied against 58639
the income apportioned to that municipal corporation for five 58640
subsequent taxable years. Net operating losses occurring in 58641
taxable years ending before 2002 may not be subtracted under this 58642
section. 58643

A taxpayer's municipal property, municipal payroll, and 58644
municipal sales factors for a municipal corporation shall be 58645
determined as provided in divisions (C)(1), (2), and (3) of this 58646
section. 58647

(1) The municipal property factor is the quotient obtained by 58648
dividing (a) the average value of real and tangible personal 58649
property owned or rented by the taxpayer and used in business in 58650
the municipal corporation during the taxable year by (b) the 58651
average value of all of the taxpayer's real and tangible personal 58652
property owned or rented and used in business during that taxable 58653
year in this state. The value and average value of such property 58654
shall be determined in the same manner provided in division (B)(1) 58655
of this section. 58656

(2) The municipal payroll factor is the quotient obtained by 58657
dividing (a) the total amount of compensation earned in the 58658
municipal corporation by the taxpayer's employees during the 58659
taxable year for services performed for the taxpayer and that is 58660
subject to income tax withholding by the municipal corporation by 58661

(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 ultimately is received after all transportation has been completed shall be considered as the place at which the property is received by the purchaser. Direct delivery in the municipal corporation, other than for purposes of transportation, to a person or firm designated by a purchaser constitutes delivery to the purchaser in that municipal corporation, and direct delivery outside the municipal corporation to a person or firm designated by a purchaser does not constitute delivery to the purchaser in that municipal corporation, regardless of where title passes or other conditions of sale. Sales, other than sales of tangible personal property, are in the municipal corporation if either:

(a) The income-producing activity is performed solely in the municipal corporation;

(b) The income-producing activity is performed both within and without the municipal corporation and a greater proportion of the income-producing activity is performed within that municipal corporation than any other location in this state, based on costs

of performance. 58694

For the purposes of division (C)(3) of this section, the tax 58695
commissioner may adopt rules to apportion sales within each 58696
municipal corporation. 58697

(D) If a taxpayer is a combined company as defined in section 58698
5727.01 of the Revised Code, the municipal property, payroll, and 58699
sales factors under division (C) of this section shall be adjusted 58700
as follows: 58701

(1) The numerator of the municipal property factor shall 58702
include only the value, as determined under division (C)(1) of 58703
this section, of the company's real and tangible property in the 58704
municipal corporation attributed to the company's activity as an 58705
electric company using the same methodology prescribed under 58706
section 5727.03 of the Revised Code for taxable tangible personal 58707
property. 58708

(2) The numerator of the municipal payroll factor shall 58709
include only compensation paid in the municipal corporation by the 58710
company to its employees for personal services rendered in the 58711
company's activity as an electric company. 58712

(3) The numerator of the municipal sales factor shall include 58713
only the sales of tangible personal property and services, as 58714
determined under division (C)(3) of this section, made in the 58715
municipal corporation in the course of the company's activity as 58716
an electric company. 58717

(E)(1) If the provisions for apportioning adjusted federal 58718
taxable income or Ohio net income under divisions (B), (C), and 58719
(D) of this section do not fairly represent business activity in 58720
this state or among municipal corporations, the tax commissioner 58721
may adopt rules for apportioning such income by an alternative 58722
method that fairly represents business activity in this state or 58723
among municipal corporations. 58724

(2) If any of the factors determined under division (B), (C), 58725
or (D) of this section does not fairly represent the extent of a 58726
taxpayer's business activity in this state or among municipal 58727
corporations, the taxpayer may request, or the tax commissioner 58728
may require, that the taxpayer's adjusted federal taxable income 58729
or Ohio net income be determined by an alternative method, 58730
including any of the alternative methods enumerated in division 58731
(B)(2)(d) of section 5733.05 of the Revised Code. A taxpayer 58732
requesting an alternative method shall make the request in writing 58733
to the tax commissioner either with the annual report, a timely 58734
filed amended report, or a timely filed petition for reassessment. 58735
When the tax commissioner requires or permits an alternative 58736
method under division (E)(2) of this section, the tax commissioner 58737
shall cause a written notice to that effect to be delivered to any 58738
municipal corporation that would be affected by application of the 58739
alternative method. Nothing in this division shall be construed to 58740
extend any statute of limitations under this chapter. 58741

(F)(1) The tax commissioner may adopt rules providing for the 58742
combination of adjusted federal taxable incomes of taxpayers 58743
satisfying the ownership or control requirements of section 58744
5733.052 of the Revised Code if the tax commissioner finds that 58745
such combinations are necessary to properly reflect adjusted 58746
federal taxable income, Ohio net income, or the portion of Ohio 58747
net income to be taxable by municipal corporations. 58748

(2) A taxpayer satisfying the ownership or control 58749
requirements of section 5733.052 of the Revised Code with respect 58750
to one or more other taxpayers may not combine their adjusted 58751
federal taxable incomes for the purposes of this section unless 58752
rules are adopted under division (F)(1) of this section allowing 58753
such a combination or the tax commissioner finds that such a 58754
combination is necessary to properly reflect the taxpayers' 58755
adjusted federal taxable incomes, Ohio net incomes, or the portion 58756

of Ohio net incomes to be subject to taxation within a municipal corporation. 58757
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(G) The tax commissioner may adopt rules providing for alternative apportionment methods for a telephone company. 58759
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Sec. 5745.05. (A) Prior to the first day of March, June, September, and December, the tax commissioner shall certify to the director of budget and management the amount to be paid to each municipal corporation, as indicated on the declaration of estimated tax reports and annual reports received under sections 5745.03 and 5745.04 of the Revised Code, less any amounts previously distributed and net of any audit adjustments made by the tax commissioner. Not later than the first day of March, June, September, and December, the director of budget and management shall provide for payment of the amount certified to each municipal corporation from the municipal income tax fund, plus a pro rata share of any investment earnings accruing to the fund since the previous payment under this section apportioned among municipal corporations entitled to such payments in proportion to the amount certified by the tax commissioner. 58761
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(B) If the tax commissioner determines that the amount of tax paid by a taxpayer and distributed to a municipal corporation under this section for a taxable year exceeds the amount payable to that municipal corporation under this chapter after accounting for amounts remitted with the annual report and as estimated taxes, the tax commissioner shall permit the taxpayer to credit the excess against the taxpayer's payments to the municipal corporation of estimated taxes remitted for an ensuing taxable year under section 5745.04 of the Revised Code. If, upon the written request of the taxpayer, the tax commissioner determines that the excess to be so credited is likely to exceed the amount of estimated taxes payable by the taxpayer to the municipal 58776
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corporation during the ensuing twelve months, the tax commissioner 58788
shall so notify the municipal corporation and the municipal 58789
corporation shall issue a refund of the excess to the taxpayer 58790
within ninety days after receiving such a notice. Interest shall 58791
accrue on the amount to be refunded and is payable to the taxpayer 58792
at the rate per annum prescribed by section 5703.47 of the Revised 58793
Code from the ninety-first day after the notice is received by the 58794
municipal corporation until the day the refund is paid. 58795
Immediately after notifying a municipal corporation under this 58796
division of an excess to be refunded, the commissioner also shall 58797
notify the director of budget and management of the amount of the 58798
excess, and the director shall transfer from the municipal income 58799
tax administrative fund to the municipal income tax fund one and 58800
one-half per cent of the amount of the excess. The commissioner 58801
shall include the transferred amount in the computation of the 58802
amount due the municipal corporation in the next certification to 58803
the director under division (A) of this section. 58804

Sec. 5745.13. If, upon examination of any books, records, 58805
reports, or other documents of a taxpayer, the tax commissioner 58806
determines that an adjustment shall be made in the portion of the 58807
taxpayer's income that is to be apportioned to a municipal 58808
corporation, the tax commissioner shall notify the taxpayer and, 58809
if the adjustment causes an adjustment in the taxpayer's tax owed 58810
to a municipal corporation for the taxpayer's taxable year of more 58811
than five hundred dollars, shall notify ~~each affected~~ that 58812
municipal corporation that the taxpayer's tax has been adjusted. 58813

Any municipal corporation to which such a notice is issued 58814
may request a review and redetermination of the taxpayer's federal 58815
taxable income, Ohio net income, or the portion of Ohio net income 58816
apportioned to the municipal corporation by filing a petition with 58817
the tax commissioner not later than sixty days after the tax 58818
commissioner issues the notice. The petition shall be filed either 58819

personally or by certified mail, and shall indicate the objections 58820
of the municipal corporation. 58821

Upon receiving such a petition, if a hearing is requested the 58822
tax commissioner shall assign a time and place for a hearing on 58823
the petition and shall notify the petitioner of the time and place 58824
of the hearing by ordinary mail. The tax commissioner may continue 58825
the hearing from time to time as necessary. The tax commissioner 58826
shall make any correction to the taxpayer's federal taxable 58827
income, Ohio net income, or apportionment of Ohio net income that 58828
the commissioner finds proper, and issue notice of any correction 58829
by ordinary mail to the petitioner, to each other municipal 58830
corporation affected by the correction of the apportionment, and 58831
to the taxpayer. The tax commissioner's decision on the matter is 58832
final, and is not subject to further appeal. 58833

Sec. 5747.01. Except as otherwise expressly provided or 58834
clearly appearing from the context, any term used in this chapter 58835
that is not otherwise defined in this section has the same meaning 58836
as when used in a comparable context in the laws of the United 58837
States relating to federal income taxes or if not used in a 58838
comparable context in those laws, has the same meaning as in 58839
section 5733.40 of the Revised Code. Any reference in this chapter 58840
to the Internal Revenue Code includes other laws of the United 58841
States relating to federal income taxes. 58842

As used in this chapter: 58843

(A) "Adjusted gross income" or "Ohio adjusted gross income" 58844
means federal adjusted gross income, as defined and used in the 58845
Internal Revenue Code, adjusted as provided in this section: 58846

(1) Add interest or dividends on obligations or securities of 58847
any state or of any political subdivision or authority of any 58848
state, other than this state and its subdivisions and authorities. 58849

(2) Add interest or dividends on obligations of any authority, commission, instrumentality, territory, or possession of the United States to the extent that the interest or dividends are exempt from federal income taxes but not from state income taxes.

(3) Deduct interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent that the interest or dividends are included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

(4) Deduct disability and survivor's benefits to the extent included in federal adjusted gross income.

(5) Deduct benefits under Title II of the Social Security Act and tier 1 railroad retirement benefits to the extent included in federal adjusted gross income under section 86 of the Internal Revenue Code.

(6) In the case of a taxpayer who is a beneficiary of a trust that makes an accumulation distribution as defined in section 665 of the Internal Revenue Code, add, for the beneficiary's taxable years beginning before 2002, the portion, if any, of such distribution that does not exceed the undistributed net income of the trust for the three taxable years preceding the taxable year in which the distribution is made to the extent that the portion was not included in the trust's taxable income for any of the trust's taxable years beginning in 2002 or thereafter.

"Undistributed net income of a trust" means the taxable income of the trust increased by (a)(i) the additions to adjusted gross income required under division (A) of this section and (ii) the personal exemptions allowed to the trust pursuant to section 642(b) of the Internal Revenue Code, and decreased by (b)(i) the deductions to adjusted gross income required under division (A) of

this section, (ii) the amount of federal income taxes attributable 58882
to such income, and (iii) the amount of taxable income that has 58883
been included in the adjusted gross income of a beneficiary by 58884
reason of a prior accumulation distribution. Any undistributed net 58885
income included in the adjusted gross income of a beneficiary 58886
shall reduce the undistributed net income of the trust commencing 58887
with the earliest years of the accumulation period. 58888

(7) Deduct the amount of wages and salaries, if any, not 58889
otherwise allowable as a deduction but that would have been 58890
allowable as a deduction in computing federal adjusted gross 58891
income for the taxable year, had the targeted jobs credit allowed 58892
and determined under sections 38, 51, and 52 of the Internal 58893
Revenue Code not been in effect. 58894

(8) Deduct any interest or interest equivalent on public 58895
obligations and purchase obligations to the extent that the 58896
interest or interest equivalent is included in federal adjusted 58897
gross income. 58898

(9) Add any loss or deduct any gain resulting from the sale, 58899
exchange, or other disposition of public obligations to the extent 58900
that the loss has been deducted or the gain has been included in 58901
computing federal adjusted gross income. 58902

(10) Deduct or add amounts, as provided under section 5747.70 58903
of the Revised Code, related to contributions to variable college 58904
savings program accounts made or tuition units purchased pursuant 58905
to Chapter 3334. of the Revised Code. 58906

(11)(a) Deduct, to the extent not otherwise allowable as a 58907
deduction or exclusion in computing federal or Ohio adjusted gross 58908
income for the taxable year, the amount the taxpayer paid during 58909
the taxable year for medical care insurance and qualified 58910
long-term care insurance for the taxpayer, the taxpayer's spouse, 58911
and dependents. No deduction for medical care insurance under 58912

division (A)(11) of this section shall be allowed either to any 58913
taxpayer who is eligible to participate in any subsidized health 58914
plan maintained by any employer of the taxpayer or of the 58915
taxpayer's spouse, or to any taxpayer who is entitled to, or on 58916
application would be entitled to, benefits under part A of Title 58917
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 58918
301, as amended. For the purposes of division (A)(11)(a) of this 58919
section, "subsidized health plan" means a health plan for which 58920
the employer pays any portion of the plan's cost. The deduction 58921
allowed under division (A)(11)(a) of this section shall be the net 58922
of any related premium refunds, related premium reimbursements, or 58923
related insurance premium dividends received during the taxable 58924
year. 58925

(b) Deduct, to the extent not otherwise deducted or excluded 58926
in computing federal or Ohio adjusted gross income during the 58927
taxable year, the amount the taxpayer paid during the taxable 58928
year, not compensated for by any insurance or otherwise, for 58929
medical care of the taxpayer, the taxpayer's spouse, and 58930
dependents, to the extent the expenses exceed seven and one-half 58931
per cent of the taxpayer's federal adjusted gross income. 58932

(c) For purposes of division (A)(11) of this section, 58933
"medical care" has the meaning given in section 213 of the 58934
Internal Revenue Code, subject to the special rules, limitations, 58935
and exclusions set forth therein, and "qualified long-term care" 58936
has the same meaning given in section 7702B(c) of the Internal 58937
Revenue Code. 58938

(12)(a) Deduct any amount included in federal adjusted gross 58939
income solely because the amount represents a reimbursement or 58940
refund of expenses that in any year the taxpayer had deducted as 58941
an itemized deduction pursuant to section 63 of the Internal 58942
Revenue Code and applicable United States department of the 58943
treasury regulations. The deduction otherwise allowed under 58944

division (A)(12)(a) of this section shall be reduced to the extent 58945
the reimbursement is attributable to an amount the taxpayer 58946
deducted under this section in any taxable year. 58947

(b) Add any amount not otherwise included in Ohio adjusted 58948
gross income for any taxable year to the extent that the amount is 58949
attributable to the recovery during the taxable year of any amount 58950
deducted or excluded in computing federal or Ohio adjusted gross 58951
income in any taxable year. 58952

(13) Deduct any portion of the deduction described in section 58953
1341(a)(2) of the Internal Revenue Code, for repaying previously 58954
reported income received under a claim of right, that meets both 58955
of the following requirements: 58956

(a) It is allowable for repayment of an item that was 58957
included in the taxpayer's adjusted gross income for a prior 58958
taxable year and did not qualify for a credit under division (A) 58959
or (B) of section 5747.05 of the Revised Code for that year; 58960

(b) It does not otherwise reduce the taxpayer's adjusted 58961
gross income for the current or any other taxable year. 58962

(14) Deduct an amount equal to the deposits made to, and net 58963
investment earnings of, a medical savings account during the 58964
taxable year, in accordance with section 3924.66 of the Revised 58965
Code. The deduction allowed by division (A)(14) of this section 58966
does not apply to medical savings account deposits and earnings 58967
otherwise deducted or excluded for the current or any other 58968
taxable year from the taxpayer's federal adjusted gross income. 58969

(15)(a) Add an amount equal to the funds withdrawn from a 58970
medical savings account during the taxable year, and the net 58971
investment earnings on those funds, when the funds withdrawn were 58972
used for any purpose other than to reimburse an account holder 58973
for, or to pay, eligible medical expenses, in accordance with 58974
section 3924.66 of the Revised Code; 58975

(b) Add the amounts distributed from a medical savings account under division (A)(2) of section 3924.68 of the Revised Code during the taxable year. 58976
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(16) Add any amount claimed as a credit under section 5747.059 of the Revised Code to the extent that such amount satisfies either of the following: 58979
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(a) The amount was deducted or excluded from the computation of the taxpayer's federal adjusted gross income as required to be reported for the taxpayer's taxable year under the Internal Revenue Code; 58982
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(b) The amount resulted in a reduction of the taxpayer's federal adjusted gross income as required to be reported for any of the taxpayer's taxable years under the Internal Revenue Code. 58986
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(17) Deduct the amount contributed by the taxpayer to an individual development account program established by a county department of job and family services pursuant to sections 329.11 to 329.14 of the Revised Code for the purpose of matching funds deposited by program participants. On request of the tax commissioner, the taxpayer shall provide any information that, in the tax commissioner's opinion, is necessary to establish the amount deducted under division (A)(17) of this section. 58989
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(18) Beginning in taxable year 2001 but not for any taxable year beginning after December 31, 2005, if the taxpayer is married and files a joint return and the combined federal adjusted gross income of the taxpayer and the taxpayer's spouse for the taxable year does not exceed one hundred thousand dollars, or if the taxpayer is single and has a federal adjusted gross income for the taxable year not exceeding fifty thousand dollars, deduct amounts paid during the taxable year for qualified tuition and fees paid to an eligible institution for the taxpayer, the taxpayer's spouse, or any dependent of the taxpayer, who is a resident of 58997
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this state and is enrolled in or attending a program that 59007
culminates in a degree or diploma at an eligible institution. The 59008
deduction may be claimed only to the extent that qualified tuition 59009
and fees are not otherwise deducted or excluded for any taxable 59010
year from federal or Ohio adjusted gross income. The deduction may 59011
not be claimed for educational expenses for which the taxpayer 59012
claims a credit under section 5747.27 of the Revised Code. 59013

(19) Add any reimbursement received during the taxable year 59014
of any amount the taxpayer deducted under division (A)(18) of this 59015
section in any previous taxable year to the extent the amount is 59016
not otherwise included in Ohio adjusted gross income. 59017

(20)(a)(i) Add five-sixths of the amount of depreciation 59018
expense allowed by subsection (k) of section 168 of the Internal 59019
Revenue Code, including the taxpayer's proportionate or 59020
distributive share of the amount of depreciation expense allowed 59021
by that subsection to a pass-through entity in which the taxpayer 59022
has a direct or indirect ownership interest. 59023

(ii) Add five-sixths of the amount of qualifying section 179 59024
depreciation expense, including a person's proportionate or 59025
distributive share of the amount of qualifying section 179 59026
depreciation expense allowed to any pass-through entity in which 59027
the person has a direct or indirect ownership. For the purposes of 59028
this division, "qualifying section 179 depreciation expense" means 59029
the difference between (I) the amount of depreciation expense 59030
directly or indirectly allowed to the taxpayer under section 179 59031
of the Internal Revenue Code, and (II) the amount of depreciation 59032
expense directly or indirectly allowed to the taxpayer under 59033
section 179 of the Internal Revenue Code as that section existed 59034
on December 31, 2002. 59035

The tax commissioner, under procedures established by the 59036
commissioner, may waive the add-backs related to a pass-through 59037
entity if the taxpayer owns, directly or indirectly, less than 59038

five per cent of the pass-through entity. 59039

(b) Nothing in division (A)(20) of this section shall be 59040
construed to adjust or modify the adjusted basis of any asset. 59041

(c) To the extent the add-back required under division 59042
(A)(20)(a) of this section is attributable to property generating 59043
nonbusiness income or loss allocated under section 5747.20 of the 59044
Revised Code, the add-back shall be situated to the same location 59045
as the nonbusiness income or loss generated by the property for 59046
the purpose of determining the credit under division (A) of 59047
section 5747.05 of the Revised Code. Otherwise, the add-back shall 59048
be apportioned, subject to one or more of the four alternative 59049
methods of apportionment enumerated in section 5747.21 of the 59050
Revised Code. 59051

(d) For the purposes of division (A) of this section, net 59052
operating loss carryback and carryforward shall not include 59053
five-sixths of the allowance of any net operating loss deduction 59054
carryback or carryforward to the taxable year to the extent such 59055
loss resulted from depreciation allowed by section 168(k) of the 59056
Internal Revenue Code and by the qualifying section 179 59057
depreciation expense amount. 59058

(21)(a) If the taxpayer was required to add an amount under 59059
division (A)(20)(a) of this section for a taxable year, deduct 59060
one-fifth of the amount so added for each of the five succeeding 59061
taxable years. 59062

(b) If the amount deducted under division (A)(21)(a) of this 59063
section is attributable to an add-back allocated under division 59064
(A)(20)(c) of this section, the amount deducted shall be situated 59065
to the same location. Otherwise, the add-back shall be apportioned 59066
using the apportionment factors for the taxable year in which the 59067
deduction is taken, subject to one or more of the four alternative 59068
methods of apportionment enumerated in section 5747.21 of the 59069

Revised Code. 59070

(c) No deduction is available under division (A)(21)(a) of 59071
this section with regard to any depreciation allowed by section 59072
168(k) of the Internal Revenue Code and by the qualifying section 59073
179 depreciation expense amount to the extent that such 59074
depreciation resulted in or increased a federal net operating loss 59075
carryback or carryforward to a taxable year to which division 59076
(A)(20)(d) of this section does not apply. 59077

(22) Deduct, to the extent not otherwise deducted or excluded 59078
in computing federal or Ohio adjusted gross income for the taxable 59079
year, the amount the taxpayer received during the taxable year as 59080
reimbursement for life insurance premiums under section 5919.31 of 59081
the Revised Code. 59082

(23) Deduct, to the extent not otherwise deducted or excluded 59083
in computing federal or Ohio adjusted gross income for the taxable 59084
year, the amount the taxpayer received during the taxable year as 59085
a death benefit paid by the adjutant general under section 5919.33 59086
of the Revised Code. 59087

(24) Deduct, to the extent included in federal adjusted gross 59088
income and not otherwise allowable as a deduction or exclusion in 59089
computing federal or Ohio adjusted gross income for the taxable 59090
year, military pay and allowances received by the taxpayer during 59091
the taxable year for active duty service in the United States 59092
army, air force, navy, marine corps, or coast guard or reserve 59093
components thereof or the national guard. The deduction may not be 59094
claimed for military pay and allowances received by the taxpayer 59095
while the taxpayer is stationed in this state. 59096

(25) Deduct, to the extent not otherwise allowable as a 59097
deduction or exclusion in computing federal or Ohio adjusted gross 59098
income for the taxable year and not otherwise compensated for by 59099
any other source, the amount of qualified organ donation expenses 59100

incurred by the taxpayer during the taxable year, not to exceed 59101
ten thousand dollars. A taxpayer may deduct qualified organ 59102
donation expenses only once for all taxable years beginning with 59103
taxable years beginning in 2007. 59104

For the purposes of division (A)(25) of this section: 59105

(a) "Human organ" means all or any portion of a human liver, 59106
pancreas, kidney, intestine, or lung, and any portion of human 59107
bone marrow. 59108

(b) "Qualified organ donation expenses" means travel 59109
expenses, lodging expenses, and wages and salary forgone by a 59110
taxpayer in connection with the taxpayer's donation, while living, 59111
of one or more of the taxpayer's human organs to another human 59112
being. 59113

(B) "Business income" means income, including gain or loss, 59114
arising from transactions, activities, and sources in the regular 59115
course of a trade or business and includes income, gain, or loss 59116
from real property, tangible property, and intangible property if 59117
the acquisition, rental, management, and disposition of the 59118
property constitute integral parts of the regular course of a 59119
trade or business operation. "Business income" includes income, 59120
including gain or loss, from a partial or complete liquidation of 59121
a business, including, but not limited to, gain or loss from the 59122
sale or other disposition of goodwill. 59123

(C) "Nonbusiness income" means all income other than business 59124
income and may include, but is not limited to, compensation, rents 59125
and royalties from real or tangible personal property, capital 59126
gains, interest, dividends and distributions, patent or copyright 59127
royalties, or lottery winnings, prizes, and awards. 59128

(D) "Compensation" means any form of remuneration paid to an 59129
employee for personal services. 59130

(E) "Fiduciary" means a guardian, trustee, executor, 59131

administrator, receiver, conservator, or any other person acting 59132
in any fiduciary capacity for any individual, trust, or estate. 59133

(F) "Fiscal year" means an accounting period of twelve months 59134
ending on the last day of any month other than December. 59135

(G) "Individual" means any natural person. 59136

(H) "Internal Revenue Code" means the "Internal Revenue Code 59137
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 59138

(I) "Resident" means any of the following, provided that 59139
division (I)(3) of this section applies only to taxable years of a 59140
trust beginning in 2002 or thereafter: 59141

(1) An individual who is domiciled in this state, subject to 59142
section 5747.24 of the Revised Code; 59143

(2) The estate of a decedent who at the time of death was 59144
domiciled in this state. The domicile tests of section 5747.24 of 59145
the Revised Code are not controlling for purposes of division 59146
(I)(2) of this section. 59147

(3) A trust that, in whole or part, resides in this state. If 59148
only part of a trust resides in this state, the trust is a 59149
resident only with respect to that part. 59150

For the purposes of division (I)(3) of this section: 59151

(a) A trust resides in this state for the trust's current 59152
taxable year to the extent, as described in division (I)(3)(d) of 59153
this section, that the trust consists directly or indirectly, in 59154
whole or in part, of assets, net of any related liabilities, that 59155
were transferred, or caused to be transferred, directly or 59156
indirectly, to the trust by any of the following: 59157

(i) A person, a court, or a governmental entity or 59158
instrumentality on account of the death of a decedent, but only if 59159
the trust is described in division (I)(3)(e)(i) or (ii) of this 59160
section; 59161

(ii) A person who was domiciled in this state for the 59162
purposes of this chapter when the person directly or indirectly 59163
transferred assets to an irrevocable trust, but only if at least 59164
one of the trust's qualifying beneficiaries is domiciled in this 59165
state for the purposes of this chapter during all or some portion 59166
of the trust's current taxable year; 59167

(iii) A person who was domiciled in this state for the 59168
purposes of this chapter when the trust document or instrument or 59169
part of the trust document or instrument became irrevocable, but 59170
only if at least one of the trust's qualifying beneficiaries is a 59171
resident domiciled in this state for the purposes of this chapter 59172
during all or some portion of the trust's current taxable year. If 59173
a trust document or instrument became irrevocable upon the death 59174
of a person who at the time of death was domiciled in this state 59175
for purposes of this chapter, that person is a person described in 59176
division (I)(3)(a)(iii) of this section. 59177

(b) A trust is irrevocable to the extent that the transferor 59178
is not considered to be the owner of the net assets of the trust 59179
under sections 671 to 678 of the Internal Revenue Code. 59180

(c) With respect to a trust other than a charitable lead 59181
trust, "qualifying beneficiary" has the same meaning as "potential 59182
current beneficiary" as defined in section 1361(e)(2) of the 59183
Internal Revenue Code, and with respect to a charitable lead trust 59184
"qualifying beneficiary" is any current, future, or contingent 59185
beneficiary, but with respect to any trust "qualifying 59186
beneficiary" excludes a person or a governmental entity or 59187
instrumentality to any of which a contribution would qualify for 59188
the charitable deduction under section 170 of the Internal Revenue 59189
Code. 59190

(d) For the purposes of division (I)(3)(a) of this section, 59191
the extent to which a trust consists directly or indirectly, in 59192
whole or in part, of assets, net of any related liabilities, that 59193

were transferred directly or indirectly, in whole or part, to the trust by any of the sources enumerated in that division shall be ascertained by multiplying the fair market value of the trust's assets, net of related liabilities, by the qualifying ratio, which shall be computed as follows:

(i) The first time the trust receives assets, the numerator of the qualifying ratio is the fair market value of those assets at that time, net of any related liabilities, from sources enumerated in division (I)(3)(a) of this section. The denominator of the qualifying ratio is the fair market value of all the trust's assets at that time, net of any related liabilities.

(ii) Each subsequent time the trust receives assets, a revised qualifying ratio shall be computed. The numerator of the revised qualifying ratio is the sum of (1) the fair market value of the trust's assets immediately prior to the subsequent transfer, net of any related liabilities, multiplied by the qualifying ratio last computed without regard to the subsequent transfer, and (2) the fair market value of the subsequently transferred assets at the time transferred, net of any related liabilities, from sources enumerated in division (I)(3)(a) of this section. The denominator of the revised qualifying ratio is the fair market value of all the trust's assets immediately after the subsequent transfer, net of any related liabilities.

(iii) Whether a transfer to the trust is by or from any of the sources enumerated in division (I)(3)(a) of this section shall be ascertained without regard to the domicile of the trust's beneficiaries.

(e) For the purposes of division (I)(3)(a)(i) of this section:

(i) A trust is described in division (I)(3)(e)(i) of this section if the trust is a testamentary trust and the testator of

that testamentary trust was domiciled in this state at the time of 59225
the testator's death for purposes of the taxes levied under 59226
Chapter 5731. of the Revised Code. 59227

(ii) A trust is described in division (I)(3)(e)(ii) of this 59228
section if the transfer is a qualifying transfer described in any 59229
of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 59230
irrevocable inter vivos trust, and at least one of the trust's 59231
qualifying beneficiaries is domiciled in this state for purposes 59232
of this chapter during all or some portion of the trust's current 59233
taxable year. 59234

(f) For the purposes of division (I)(3)(e)(ii) of this 59235
section, a "qualifying transfer" is a transfer of assets, net of 59236
any related liabilities, directly or indirectly to a trust, if the 59237
transfer is described in any of the following: 59238

(i) The transfer is made to a trust, created by the decedent 59239
before the decedent's death and while the decedent was domiciled 59240
in this state for the purposes of this chapter, and, prior to the 59241
death of the decedent, the trust became irrevocable while the 59242
decedent was domiciled in this state for the purposes of this 59243
chapter. 59244

(ii) The transfer is made to a trust to which the decedent, 59245
prior to the decedent's death, had directly or indirectly 59246
transferred assets, net of any related liabilities, while the 59247
decedent was domiciled in this state for the purposes of this 59248
chapter, and prior to the death of the decedent the trust became 59249
irrevocable while the decedent was domiciled in this state for the 59250
purposes of this chapter. 59251

(iii) The transfer is made on account of a contractual 59252
relationship existing directly or indirectly between the 59253
transferor and either the decedent or the estate of the decedent 59254
at any time prior to the date of the decedent's death, and the 59255

decedent was domiciled in this state at the time of death for 59256
purposes of the taxes levied under Chapter 5731. of the Revised 59257
Code. 59258

(iv) The transfer is made to a trust on account of a 59259
contractual relationship existing directly or indirectly between 59260
the transferor and another person who at the time of the 59261
decedent's death was domiciled in this state for purposes of this 59262
chapter. 59263

(v) The transfer is made to a trust on account of the will of 59264
a testator. 59265

(vi) The transfer is made to a trust created by or caused to 59266
be created by a court, and the trust was directly or indirectly 59267
created in connection with or as a result of the death of an 59268
individual who, for purposes of the taxes levied under Chapter 59269
5731. of the Revised Code, was domiciled in this state at the time 59270
of the individual's death. 59271

(g) The tax commissioner may adopt rules to ascertain the 59272
part of a trust residing in this state. 59273

(J) "Nonresident" means an individual or estate that is not a 59274
resident. An individual who is a resident for only part of a 59275
taxable year is a nonresident for the remainder of that taxable 59276
year. 59277

(K) "Pass-through entity" has the same meaning as in section 59278
5733.04 of the Revised Code. 59279

(L) "Return" means the notifications and reports required to 59280
be filed pursuant to this chapter for the purpose of reporting the 59281
tax due and includes declarations of estimated tax when so 59282
required. 59283

(M) "Taxable year" means the calendar year or the taxpayer's 59284
fiscal year ending during the calendar year, or fractional part 59285

thereof, upon which the adjusted gross income is calculated 59286
pursuant to this chapter. 59287

(N) "Taxpayer" means any person subject to the tax imposed by 59288
section 5747.02 of the Revised Code or any pass-through entity 59289
that makes the election under division (D) of section 5747.08 of 59290
the Revised Code. 59291

(O) "Dependents" means dependents as defined in the Internal 59292
Revenue Code and as claimed in the taxpayer's federal income tax 59293
return for the taxable year or which the taxpayer would have been 59294
permitted to claim had the taxpayer filed a federal income tax 59295
return. 59296

(P) "Principal county of employment" means, in the case of a 59297
nonresident, the county within the state in which a taxpayer 59298
performs services for an employer or, if those services are 59299
performed in more than one county, the county in which the major 59300
portion of the services are performed. 59301

(Q) As used in sections 5747.50 to 5747.55 of the Revised 59302
Code: 59303

(1) "Subdivision" means any county, municipal corporation, 59304
park district, or township. 59305

(2) "Essential local government purposes" includes all 59306
functions that any subdivision is required by general law to 59307
exercise, including like functions that are exercised under a 59308
charter adopted pursuant to the Ohio Constitution. 59309

(R) "Overpayment" means any amount already paid that exceeds 59310
the figure determined to be the correct amount of the tax. 59311

(S) "Taxable income" or "Ohio taxable income" applies only to 59312
estates and trusts, and means federal taxable income, as defined 59313
and used in the Internal Revenue Code, adjusted as follows: 59314

(1) Add interest or dividends, net of ordinary, necessary, 59315

and reasonable expenses not deducted in computing federal taxable 59316
income, on obligations or securities of any state or of any 59317
political subdivision or authority of any state, other than this 59318
state and its subdivisions and authorities, but only to the extent 59319
that such net amount is not otherwise includible in Ohio taxable 59320
income and is described in either division (S)(1)(a) or (b) of 59321
this section: 59322

(a) The net amount is not attributable to the S portion of an 59323
electing small business trust and has not been distributed to 59324
beneficiaries for the taxable year; 59325

(b) The net amount is attributable to the S portion of an 59326
electing small business trust for the taxable year. 59327

(2) Add interest or dividends, net of ordinary, necessary, 59328
and reasonable expenses not deducted in computing federal taxable 59329
income, on obligations of any authority, commission, 59330
instrumentality, territory, or possession of the United States to 59331
the extent that the interest or dividends are exempt from federal 59332
income taxes but not from state income taxes, but only to the 59333
extent that such net amount is not otherwise includible in Ohio 59334
taxable income and is described in either division (S)(1)(a) or 59335
(b) of this section; 59336

(3) Add the amount of personal exemption allowed to the 59337
estate pursuant to section 642(b) of the Internal Revenue Code; 59338

(4) Deduct interest or dividends, net of related expenses 59339
deducted in computing federal taxable income, on obligations of 59340
the United States and its territories and possessions or of any 59341
authority, commission, or instrumentality of the United States to 59342
the extent that the interest or dividends are exempt from state 59343
taxes under the laws of the United States, but only to the extent 59344
that such amount is included in federal taxable income and is 59345
described in either division (S)(1)(a) or (b) of this section; 59346

(5) Deduct the amount of wages and salaries, if any, not otherwise allowable as a deduction but that would have been allowable as a deduction in computing federal taxable income for the taxable year, had the targeted jobs credit allowed under sections 38, 51, and 52 of the Internal Revenue Code not been in effect, but only to the extent such amount relates either to income included in federal taxable income for the taxable year or to income of the S portion of an electing small business trust for the taxable year;

(6) Deduct any interest or interest equivalent, net of related expenses deducted in computing federal taxable income, on public obligations and purchase obligations, but only to the extent that such net amount relates either to income included in federal taxable income for the taxable year or to income of the S portion of an electing small business trust for the taxable year;

(7) Add any loss or deduct any gain resulting from sale, exchange, or other disposition of public obligations to the extent that such loss has been deducted or such gain has been included in computing either federal taxable income or income of the S portion of an electing small business trust for the taxable year;

(8) Except in the case of the final return of an estate, add any amount deducted by the taxpayer on both its Ohio estate tax return pursuant to section 5731.14 of the Revised Code, and on its federal income tax return in determining federal taxable income;

(9)(a) Deduct any amount included in federal taxable income solely because the amount represents a reimbursement or refund of expenses that in a previous year the decedent had deducted as an itemized deduction pursuant to section 63 of the Internal Revenue Code and applicable treasury regulations. The deduction otherwise allowed under division (S)(9)(a) of this section shall be reduced to the extent the reimbursement is attributable to an amount the taxpayer or decedent deducted under this section in any taxable

year. 59379

(b) Add any amount not otherwise included in Ohio taxable 59380
income for any taxable year to the extent that the amount is 59381
attributable to the recovery during the taxable year of any amount 59382
deducted or excluded in computing federal or Ohio taxable income 59383
in any taxable year, but only to the extent such amount has not 59384
been distributed to beneficiaries for the taxable year. 59385

(10) Deduct any portion of the deduction described in section 59386
1341(a)(2) of the Internal Revenue Code, for repaying previously 59387
reported income received under a claim of right, that meets both 59388
of the following requirements: 59389

(a) It is allowable for repayment of an item that was 59390
included in the taxpayer's taxable income or the decedent's 59391
adjusted gross income for a prior taxable year and did not qualify 59392
for a credit under division (A) or (B) of section 5747.05 of the 59393
Revised Code for that year. 59394

(b) It does not otherwise reduce the taxpayer's taxable 59395
income or the decedent's adjusted gross income for the current or 59396
any other taxable year. 59397

(11) Add any amount claimed as a credit under section 59398
5747.059 of the Revised Code to the extent that the amount 59399
satisfies either of the following: 59400

(a) The amount was deducted or excluded from the computation 59401
of the taxpayer's federal taxable income as required to be 59402
reported for the taxpayer's taxable year under the Internal 59403
Revenue Code; 59404

(b) The amount resulted in a reduction in the taxpayer's 59405
federal taxable income as required to be reported for any of the 59406
taxpayer's taxable years under the Internal Revenue Code. 59407

(12) Deduct any amount, net of related expenses deducted in 59408

computing federal taxable income, that a trust is required to 59409
report as farm income on its federal income tax return, but only 59410
if the assets of the trust include at least ten acres of land 59411
satisfying the definition of "land devoted exclusively to 59412
agricultural use" under section 5713.30 of the Revised Code, 59413
regardless of whether the land is valued for tax purposes as such 59414
land under sections 5713.30 to 5713.38 of the Revised Code. If the 59415
trust is a pass-through entity investor, section 5747.231 of the 59416
Revised Code applies in ascertaining if the trust is eligible to 59417
claim the deduction provided by division (S)(12) of this section 59418
in connection with the pass-through entity's farm income. 59419

Except for farm income attributable to the S portion of an 59420
electing small business trust, the deduction provided by division 59421
(S)(12) of this section is allowed only to the extent that the 59422
trust has not distributed such farm income. Division (S)(12) of 59423
this section applies only to taxable years of a trust beginning in 59424
2002 or thereafter. 59425

(13) Add the net amount of income described in section 641(c) 59426
of the Internal Revenue Code to the extent that amount is not 59427
included in federal taxable income. 59428

(14) Add or deduct the amount the taxpayer would be required 59429
to add or deduct under division (A)(20) or (21) of this section if 59430
the taxpayer's Ohio taxable income were computed in the same 59431
manner as an individual's Ohio adjusted gross income is computed 59432
under this section. In the case of a trust, division (S)(14) of 59433
this section applies only to any of the trust's taxable years 59434
beginning in 2002 or thereafter. 59435

(T) "School district income" and "school district income tax" 59436
have the same meanings as in section 5748.01 of the Revised Code. 59437

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) 59438
of this section, "public obligations," "purchase obligations," and 59439

"interest or interest equivalent" have the same meanings as in 59440
section 5709.76 of the Revised Code. 59441

(V) "Limited liability company" means any limited liability 59442
company formed under Chapter 1705. of the Revised Code or under 59443
the laws of any other state. 59444

(W) "Pass-through entity investor" means any person who, 59445
during any portion of a taxable year of a pass-through entity, is 59446
a partner, member, shareholder, or equity investor in that 59447
pass-through entity. 59448

(X) "Banking day" has the same meaning as in section 1304.01 59449
of the Revised Code. 59450

(Y) "Month" means a calendar month. 59451

(Z) "Quarter" means the first three months, the second three 59452
months, the third three months, or the last three months of the 59453
taxpayer's taxable year. 59454

(AA)(1) "Eligible institution" means a state university or 59455
state institution of higher education as defined in section 59456
3345.011 of the Revised Code, or a private, nonprofit college, 59457
university, or other post-secondary institution located in this 59458
state that possesses a certificate of authorization issued by the 59459
Ohio board of regents pursuant to Chapter 1713. of the Revised 59460
Code or a certificate of registration issued by the state board of 59461
career colleges and schools under Chapter 3332. of the Revised 59462
Code. 59463

(2) "Qualified tuition and fees" means tuition and fees 59464
imposed by an eligible institution as a condition of enrollment or 59465
attendance, not exceeding two thousand five hundred dollars in 59466
each of the individual's first two years of post-secondary 59467
education. If the individual is a part-time student, "qualified 59468
tuition and fees" includes tuition and fees paid for the academic 59469
equivalent of the first two years of post-secondary education 59470

during a maximum of five taxable years, not exceeding a total of 59471
five thousand dollars. "Qualified tuition and fees" does not 59472
include: 59473

(a) Expenses for any course or activity involving sports, 59474
games, or hobbies unless the course or activity is part of the 59475
individual's degree or diploma program; 59476

(b) The cost of books, room and board, student activity fees, 59477
athletic fees, insurance expenses, or other expenses unrelated to 59478
the individual's academic course of instruction; 59479

(c) Tuition, fees, or other expenses paid or reimbursed 59480
through an employer, scholarship, grant in aid, or other 59481
educational benefit program. 59482

(BB)(1) "Modified business income" means the business income 59483
included in a trust's Ohio taxable income after such taxable 59484
income is first reduced by the qualifying trust amount, if any. 59485

(2) "Qualifying trust amount" of a trust means capital gains 59486
and losses from the sale, exchange, or other disposition of equity 59487
or ownership interests in, or debt obligations of, a qualifying 59488
investee to the extent included in the trust's Ohio taxable 59489
income, but only if the following requirements are satisfied: 59490

(a) The book value of the qualifying investee's physical 59491
assets in this state and everywhere, as of the last day of the 59492
qualifying investee's fiscal or calendar year ending immediately 59493
prior to the date on which the trust recognizes the gain or loss, 59494
is available to the trust. 59495

(b) The requirements of section 5747.011 of the Revised Code 59496
are satisfied for the trust's taxable year in which the trust 59497
recognizes the gain or loss. 59498

Any gain or loss that is not a qualifying trust amount is 59499
modified business income, qualifying investment income, or 59500

modified nonbusiness income, as the case may be. 59501

(3) "Modified nonbusiness income" means a trust's Ohio 59502
taxable income other than modified business income, other than the 59503
qualifying trust amount, and other than qualifying investment 59504
income, as defined in section 5747.012 of the Revised Code, to the 59505
extent such qualifying investment income is not otherwise part of 59506
modified business income. 59507

(4) "Modified Ohio taxable income" applies only to trusts, 59508
and means the sum of the amounts described in divisions (BB)(4)(a) 59509
to (c) of this section: 59510

(a) The fraction, calculated under section 5747.013, and 59511
applying section 5747.231 of the Revised Code, multiplied by the 59512
sum of the following amounts: 59513

(i) The trust's modified business income; 59514

(ii) The trust's qualifying investment income, as defined in 59515
section 5747.012 of the Revised Code, but only to the extent the 59516
qualifying investment income does not otherwise constitute 59517
modified business income and does not otherwise constitute a 59518
qualifying trust amount. 59519

(b) The qualifying trust amount multiplied by a fraction, the 59520
numerator of which is the sum of the book value of the qualifying 59521
investee's physical assets in this state on the last day of the 59522
qualifying investee's fiscal or calendar year ending immediately 59523
prior to the day on which the trust recognizes the qualifying 59524
trust amount, and the denominator of which is the sum of the book 59525
value of the qualifying investee's total physical assets 59526
everywhere on the last day of the qualifying investee's fiscal or 59527
calendar year ending immediately prior to the day on which the 59528
trust recognizes the qualifying trust amount. If, for a taxable 59529
year, the trust recognizes a qualifying trust amount with respect 59530
to more than one qualifying investee, the amount described in 59531

division (BB)(4)(b) of this section shall equal the sum of the 59532
products so computed for each such qualifying investee. 59533

(c)(i) With respect to a trust or portion of a trust that is 59534
a resident as ascertained in accordance with division (I)(3)(d) of 59535
this section, its modified nonbusiness income. 59536

(ii) With respect to a trust or portion of a trust that is 59537
not a resident as ascertained in accordance with division 59538
(I)(3)(d) of this section, the amount of its modified nonbusiness 59539
income satisfying the descriptions in divisions (B)(2) to (5) of 59540
section 5747.20 of the Revised Code, except as otherwise provided 59541
in division (BB)(4)(c)(ii) of this section. With respect to a 59542
trust or portion of a trust that is not a resident as ascertained 59543
in accordance with division (I)(3)(d) of this section, the trust's 59544
portion of modified nonbusiness income recognized from the sale, 59545
exchange, or other disposition of a debt interest in or equity 59546
interest in a section 5747.212 entity, as defined in section 59547
5747.212 of the Revised Code, without regard to division (A) of 59548
that section, shall not be allocated to this state in accordance 59549
with section 5747.20 of the Revised Code but shall be apportioned 59550
to this state in accordance with division (B) of section 5747.212 59551
of the Revised Code without regard to division (A) of that 59552
section. 59553

If the allocation and apportionment of a trust's income under 59554
divisions (BB)(4)(a) and (c) of this section do not fairly 59555
represent the modified Ohio taxable income of the trust in this 59556
state, the alternative methods described in division (C) of 59557
section 5747.21 of the Revised Code may be applied in the manner 59558
and to the same extent provided in that section. 59559

(5)(a) Except as set forth in division (BB)(5)(b) of this 59560
section, "qualifying investee" means a person in which a trust has 59561
an equity or ownership interest, or a person or unit of government 59562
the debt obligations of either of which are owned by a trust. For 59563

the purposes of division (BB)(2)(a) of this section and for the 59564
purpose of computing the fraction described in division (BB)(4)(b) 59565
of this section, all of the following apply: 59566

(i) If the qualifying investee is a member of a qualifying 59567
controlled group on the last day of the qualifying investee's 59568
fiscal or calendar year ending immediately prior to the date on 59569
which the trust recognizes the gain or loss, then "qualifying 59570
investee" includes all persons in the qualifying controlled group 59571
on such last day. 59572

(ii) If the qualifying investee, or if the qualifying 59573
investee and any members of the qualifying controlled group of 59574
which the qualifying investee is a member on the last day of the 59575
qualifying investee's fiscal or calendar year ending immediately 59576
prior to the date on which the trust recognizes the gain or loss, 59577
separately or cumulatively own, directly or indirectly, on the 59578
last day of the qualifying investee's fiscal or calendar year 59579
ending immediately prior to the date on which the trust recognizes 59580
the qualifying trust amount, more than fifty per cent of the 59581
equity of a pass-through entity, then the qualifying investee and 59582
the other members are deemed to own the proportionate share of the 59583
pass-through entity's physical assets which the pass-through 59584
entity directly or indirectly owns on the last day of the 59585
pass-through entity's calendar or fiscal year ending within or 59586
with the last day of the qualifying investee's fiscal or calendar 59587
year ending immediately prior to the date on which the trust 59588
recognizes the qualifying trust amount. 59589

(iii) For the purposes of division (BB)(5)(a)(iii) of this 59590
section, "upper level pass-through entity" means a pass-through 59591
entity directly or indirectly owning any equity of another 59592
pass-through entity, and "lower level pass-through entity" means 59593
that other pass-through entity. 59594

An upper level pass-through entity, whether or not it is also 59595

a qualifying investee, is deemed to own, on the last day of the upper level pass-through entity's calendar or fiscal year, the proportionate share of the lower level pass-through entity's physical assets that the lower level pass-through entity directly or indirectly owns on the last day of the lower level pass-through entity's calendar or fiscal year ending within or with the last day of the upper level pass-through entity's fiscal or calendar year. If the upper level pass-through entity directly and indirectly owns less than fifty per cent of the equity of the lower level pass-through entity on each day of the upper level pass-through entity's calendar or fiscal year in which or with which ends the calendar or fiscal year of the lower level pass-through entity and if, based upon clear and convincing evidence, complete information about the location and cost of the physical assets of the lower pass-through entity is not available to the upper level pass-through entity, then solely for purposes of ascertaining if a gain or loss constitutes a qualifying trust amount, the upper level pass-through entity shall be deemed as owning no equity of the lower level pass-through entity for each day during the upper level pass-through entity's calendar or fiscal year in which or with which ends the lower level pass-through entity's calendar or fiscal year. Nothing in division (BB)(5)(a)(iii) of this section shall be construed to provide for any deduction or exclusion in computing any trust's Ohio taxable income.

(b) With respect to a trust that is not a resident for the taxable year and with respect to a part of a trust that is not a resident for the taxable year, "qualifying investee" for that taxable year does not include a C corporation if both of the following apply:

(i) During the taxable year the trust or part of the trust recognizes a gain or loss from the sale, exchange, or other

disposition of equity or ownership interests in, or debt obligations of, the C corporation.	59628 59629
(ii) Such gain or loss constitutes nonbusiness income.	59630
(6) "Available" means information is such that a person is able to learn of the information by the due date plus extensions, if any, for filing the return for the taxable year in which the trust recognizes the gain or loss.	59631 59632 59633 59634
(CC) "Qualifying controlled group" has the same meaning as in section 5733.04 of the Revised Code.	59635 59636
(DD) "Related member" has the same meaning as in section 5733.042 of the Revised Code.	59637 59638
(EE)(1) For the purposes of division (EE) of this section:	59639
(a) "Qualifying person" means any person other than a qualifying corporation.	59640 59641
(b) "Qualifying corporation" means any person classified for federal income tax purposes as an association taxable as a corporation, except either of the following:	59642 59643 59644
(i) A corporation that has made an election under subchapter S, chapter one, subtitle A, of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year;	59645 59646 59647 59648
(ii) A subsidiary that is wholly owned by any corporation that has made an election under subchapter S, chapter one, subtitle A of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year.	59649 59650 59651 59652
(2) For the purposes of this chapter, unless expressly stated otherwise, no qualifying person indirectly owns any asset directly or indirectly owned by any qualifying corporation.	59653 59654 59655
(FF) For purposes of this chapter and Chapter 5751. of the Revised Code:	59656 59657

(1) "Trust" does not include a qualified pre-income tax trust. 59658
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(2) A "qualified pre-income tax trust" is any pre-income tax trust that makes a qualifying pre-income tax trust election as described in division (FF)(3) of this section. 59660
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(3) A "qualifying pre-income tax trust election" is an election by a pre-income tax trust to subject to the tax imposed by section 5751.02 of the Revised Code the pre-income tax trust and all pass-through entities of which the trust owns or controls, directly, indirectly, or constructively through related interests, five per cent or more of the ownership or equity interests. The trustee shall notify the tax commissioner in writing of the election on or before April 15, 2006. The election, if timely made, shall be effective on and after January 1, 2006, and shall apply for all tax periods and tax years until revoked by the trustee of the trust. 59663
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(4) A "pre-income tax trust" is a trust that satisfies all of the following requirements: 59674
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(a) The document or instrument creating the trust was executed by the grantor before January 1, 1972; 59676
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(b) The trust became irrevocable upon the creation of the trust; and 59678
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(c) The grantor was domiciled in this state at the time the trust was created. 59680
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Sec. 5747.03. (A) All money collected under this chapter arising from the taxes imposed by section 5747.02 or 5747.41 of the Revised Code shall be credited to the general revenue fund, except that the treasurer of state shall+ 59682
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~~(1) Credit an amount equal to four and two tenths per cent of those taxes collected under this chapter to the local government~~ 59686
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~~fund, which is hereby created in the state treasury, for 59688
distribution in accordance with section 5747.50 of the Revised 59689
Code; 59690~~

~~(2) Credit an amount equal to five and seven tenths per cent 59691
of those taxes collected under this chapter to the library and 59692
local government support fund, which is hereby created in the 59693
state treasury, for distribution in accordance with section 59694
5747.47 of the Revised Code; 59695~~

~~(3) At, at the beginning of each calendar quarter, credit to 59696
the Ohio political party fund, pursuant to section 3517.16 of the 59697
Revised Code, an amount equal to the total dollar value realized 59698
from the taxpayer exercise of the income tax checkoff option on 59699
tax forms processed during the preceding calendar quarter; 59700~~

~~(4) Credit an amount equal to six tenths of one per cent of 59701
those taxes collected under this chapter to the local government 59702
revenue assistance fund for distribution in accordance with 59703
section 5747.61 of the Revised Code. 59704~~

(B)(1) Following the crediting of moneys pursuant to division 59705
(A) of this section, the remainder deposited in the general 59706
revenue fund shall be distributed pursuant to division (F) of 59707
section 321.24 and section 323.156 of the Revised Code; to make 59708
subsidy payments to institutions of higher education from 59709
appropriations to the Ohio board of regents; to support 59710
expenditures for programs and services for the mentally ill, 59711
mentally retarded, developmentally disabled, and elderly; for 59712
primary and secondary education; for medical assistance; and for 59713
any other purposes authorized by law, subject to the limitation 59714
that at least fifty per cent of the income tax collected by the 59715
state from the tax imposed by section 5747.02 of the Revised Code 59716
shall be returned pursuant to Section 9 of Article XII, Ohio 59717
Constitution. 59718

(2) To ensure that such constitutional requirement is 59719
satisfied the tax commissioner shall, on or before the thirtieth 59720
day of June of each year, from the best information available to 59721
the tax commissioner, determine and certify for each county to the 59722
director of budget and management the amount of taxes collected 59723
under this chapter from the tax imposed under section 5747.02 of 59724
the Revised Code during the preceding calendar year that are 59725
required to be returned to the county by Section 9 of Article XII, 59726
Ohio Constitution. The director shall provide for payment from the 59727
general revenue fund to the county in the amount, if any, that the 59728
sum of the amount so certified for that county exceeds the sum of 59729
the following: 59730

(a) The sum of the payments from the general revenue fund for 59731
the preceding calendar year credited to the ~~credit of the~~ county's 59732
undivided income tax fund pursuant to division (F) of section 59733
321.24 and section 323.156 of the Revised Code or made directly 59734
from the general revenue fund to political subdivisions located in 59735
the county; 59736

(b) The sum of the amounts from the general revenue fund 59737
distributed in the county during the preceding calendar year for 59738
subsidy payments to institutions of higher education from 59739
appropriations to the Ohio board of regents; for programs and 59740
services for mentally ill, mentally retarded, developmentally 59741
disabled, and elderly persons; for primary and secondary 59742
education; and for medical assistance. 59743

(c) ~~The~~ In the case of payments made by the director under 59744
this division in 2007, the total amount distributed to the county 59745
during the preceding calendar year from the local government fund 59746
and the local government revenue assistance fund, and, in the case 59747
of payments made by the director under this division in subsequent 59748
calendar years, the amount distributed to the county from the 59749
local government fund; 59750

(d) ~~The~~ In the case of payments made by the director under 59751
this division, the total amount distributed to the county during 59752
the preceding calendar year from the library and local government 59753
support fund~~+~~ 59754

~~(e) The amount distributed to the county during the preceding~~ 59755
~~calendar year from the local government revenue assistance fund.~~ 59756

Payments under this division shall be credited to the 59757
county's undivided income tax fund, except that, notwithstanding 59758
section 5705.14 of the Revised Code, such payments may be 59759
transferred by the board of county commissioners to the county 59760
general fund by resolution adopted with the affirmative vote of 59761
two-thirds of the members thereof. 59762

(C) All payments received in each month from taxes imposed 59763
under Chapter 5748. of the Revised Code and any penalties or 59764
interest thereon shall be paid into the school district income tax 59765
fund, which is hereby created in the state treasury, except that 59766
an amount equal to the following portion of such payments shall be 59767
paid into the general school district income tax administrative 59768
fund, which is hereby created in the state treasury: 59769

(1) One and three-quarters of one per cent of those received 59770
in fiscal year 1996; 59771

(2) One and one-half per cent of those received in fiscal 59772
year 1997 and thereafter. 59773

Money in the school district income tax administrative fund 59774
shall be used by the tax commissioner to defray costs incurred in 59775
administering the school district's income tax, including the cost 59776
of providing employers with information regarding the rate of tax 59777
imposed by any school district. Any moneys remaining in the fund 59778
after such use shall be deposited in the school district income 59779
tax fund. 59780

All interest earned on moneys in the school district income 59781

tax fund shall be credited to the fund. 59782

(D)(1)(a) Within thirty days of the end of each calendar 59783
quarter ending on the last day of March, June, September, and 59784
December, the director of budget and management shall make a 59785
payment from the school district income tax fund to each school 59786
district for which school district income tax revenue was received 59787
during that quarter. The amount of the payment shall equal the 59788
balance in the school district's account at the end of that 59789
quarter. 59790

(b) After a school district ceases to levy an income tax, the 59791
director of budget and management shall adjust the payments under 59792
division (D)(1)(a) of this section to retain sufficient money in 59793
the school district's account to pay refunds. For the calendar 59794
quarters ending on the last day of March and December of the 59795
calendar year following the last calendar year the tax is levied, 59796
the director shall make the payments in the amount required under 59797
division (D)(1)(a) of this section. For the calendar quarter 59798
ending on the last day of June of the calendar year following the 59799
last calendar year the tax is levied, the director shall make a 59800
payment equal to nine-tenths of the balance in the account at the 59801
end of that quarter. For the calendar quarter ending on the last 59802
day of September of the calendar year following the last calendar 59803
year the tax is levied, the director shall make no payment. For 59804
the second and succeeding calendar years following the last 59805
calendar year the tax is levied, the director shall make one 59806
payment each year, within thirty days of the last day of June, in 59807
an amount equal to the balance in the district's account on the 59808
last day of June. 59809

(2) Moneys paid to a school district under this division 59810
shall be deposited in its school district income tax fund. All 59811
interest earned on moneys in the school district income tax fund 59812
shall be apportioned by the tax commissioner pro rata among the 59813

school districts in the proportions and at the times the districts 59814
are entitled to receive payments under this division. 59815

Sec. 5747.47. (A)(1) By the twentieth day of July of each 59816
year, the tax commissioner shall estimate and certify the 59817
following for each county to its county auditor: 59818

(a) Its guaranteed share of the ensuing year's fund balance; 59819

(b) Its share of the excess of the ensuing year's fund 59820
balance; 59821

(c) Its total entitlement. 59822

(2) In December and in June following such estimations and 59823
certifications, the commissioner shall revise such estimates and 59824
certify such revised estimates to the respective county auditors. 59825

(B) By the tenth day of each month the commissioner shall 59826
distribute the amount credited to the library and local government 59827
support fund ~~from taxes collected under this chapter during the~~ 59828
~~preceding month~~ in the current month under section 131.51 of the 59829
Revised Code. The distributions shall be made as follows: 59830

(1) During the first six months of each year, each county 59831
shall be paid a percentage of the balance that is the same per 59832
cent that the revised estimate of the county's total entitlement 59833
certified in December under division (A)(2) of this section is of 59834
the sum of such revised estimates of the total entitlements for 59835
all counties. 59836

(2) During the last six months, each county shall be paid a 59837
percentage of the balance that is the same per cent that the 59838
revised estimate of the county's total entitlement certified in 59839
June under division (A)(2) of this section is of the sum of such 59840
revised estimates of the total entitlements for all counties. 59841

(3) During each of the first six months of each year, the 59842
payments made to each county shall be adjusted as follows: 59843

(a) If the county received an overpayment during the preceding distribution year, reduce the sum of the payments by the amount of such overpayment. The reduction shall be apportioned over the six months.

(b) If the county received an underpayment during the preceding distribution year, increase the sum of the payments by the amount of such underpayment. The increase shall be apportioned over the six months.

(C) By the twentieth day of December of each year, the tax commissioner shall determine and certify to the auditor of each county each of the following with respect to the current distribution year:

(1) The year's fund balance;

(2) Each county's guaranteed share;

(3) Each county's share of the excess;

(4) Each county's total entitlement;

(5) Each county's net distribution;

(6) The amount by which each county's net distribution exceeded or was less than its total entitlement, which amount shall constitute the county's overpayment or underpayment for purposes of division (B)(3) of this section in the ensuing distribution year.

Sec. 5747.50. (A) As used in this section:

(1) "County's proportionate share of the calendar year 2007 LGF and LGRAF distributions" means the percentage computed for the county under division (B)(1)(a) of section 5747.501 of the Revised Code ~~for use in the current calendar year.~~

(2) ~~"1983 share" means the sum of all payments made to a county under section 5747.50 of the Revised Code during 1983 under~~

~~all versions of such section that were in effect during such year 59873
plus the payments made to the county's undivided local government 59874
fund in 1983 from the tax imposed on deposits under division (C) 59875
of section 5707.03 of the Revised Code. 59876~~

~~(3) "Amount available for distribution under division (B) of 59877
this section" means for any calendar year, both of the following: 59878~~

~~(a) Nine tenths of the difference between the amount 59879
available for distribution under this section during that year and 59880
the deposit tax revenue of all counties; 59881~~

~~(b) The deposit tax revenue of all counties less six million 59882
dollars. 59883~~

~~Each year, an amount equal to the amount available for 59884
distribution under division (B) of this section shall be 59885
distributed from the local government fund as provided in that 59886
division. The balance in the fund available for distribution in 59887
that year under this section and not available for distribution 59888
under this division shall be distributed in accordance with 59889
division (C) of this section. The tax commissioner shall determine 59890
in each month what proportion of that month's local government 59891
fund balance shall be distributed under division (B) of this 59892
section and what proportion shall be distributed under division 59893
(C) of this section "County's proportionate share of the total 59894
amount of the local government fund additional revenue formula" 59895
means each county's proportionate share of the state's population 59896
as determined for and certified to the county for distributions to 59897
be made during the current calendar year under division (B)(2)(a) 59898
of section 5747.501 of the Revised Code. If prior to the first day 59899
of January of the current calendar year the federal government has 59900
issued a revision to the population figures reflected in the 59901
estimate produced pursuant to division (B)(2)(a) of section 59902
5747.501 of the Revised Code, such revised population figures 59903
shall be used for making the distributions during the current 59904~~

calendar year. 59905

(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: 59906
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(a) The total amount available for distribution to counties from the local government fund during the current month. 59910
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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. 59912
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(4) "Local government fund additional revenue distribution base available during that month" means the total amount available for distribution to counties during the month from the local government fund, less any amounts to be distributed in that month from the local government fund under division (B)(1) of this section, provided that the local government fund additional revenue distribution base available during that month shall not be less than zero. 59917
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(5) "Total amount available for distribution to counties" means the total amount available for distribution from the local government fund during the current month less the total amount available for distribution to municipal corporations during the current month under division (C) of this section. 59925
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(B) On or before the tenth day of each month, the tax commissioner shall provide for payment to ~~the county treasurer of~~ each county ~~of~~ an amount equal to the sum of: 59930
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(1) The county's proportionate share of the calendar year 2007 LGF and LGRAF distributions multiplied by the 2007 LGF and LGRAF county distribution base available in that month, provided 59933
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that if the 2007 LGF and LGRAF county distribution base available 59936
in that month is zero, no payment shall be made under division 59937
(B)(1) of this section for the month or the remainder of the 59938
calendar year; and 59939

(2) The county's proportionate share of the total amount of 59940
the local government fund additional revenue formula multiplied by 59941
the local government fund additional revenue distribution base 59942
available for distribution during that month under this division, 59943
except as otherwise provided and in such a way that on the last 59944
day of each calendar year, each county shall have received an 59945
amount equal to its proportionate share of the amount available 59946
for distribution under this division during that year. Counties 59947
whose proportionate shares are less than their 1983 shares shall 59948
receive an amount equal to their 1983 shares during the year in 59949
lieu of their proportionate shares, and the amounts required to be 59950
paid to all other counties shall be proportionately reduced to 59951
fund such deficiency. If any county receives payments in any year 59952
that exceed the amount to which it is entitled, that excess shall 59953
be deducted from the payments due the county in the ensuing 59954
calendar year and apportioned among and paid to the counties that 59955
did not receive any such excess. 59956

The amount paid to any county in any month shall not be less 59957
than twenty five thousand dollars unless a smaller payment is 59958
required in order to avoid paying that county more during the year 59959
than the amount to which it is entitled for that year. 59960

Money received into the treasury of a county under this 59961
division shall be credited to the undivided local government fund 59962
in the treasury of the county on or before the fifteenth day of 59963
each month. The On or before the twentieth day of each month, the 59964
county auditor shall issue warrants against all of the undivided 59965
local government fund in the county treasury in the respective 59966
amounts allowed as provided in section 5747.51 of the Revised 59967

Code, and the treasurer shall distribute and pay such sums to the 59968
subdivision therein. 59969

(C)(1) As used in division (C) of this section: 59970

(a) "Total amount available for distribution to 59971
municipalities during the current month" means the product 59972
obtained by multiplying the total amount available for 59973
distribution from the local government fund during the current 59974
month by the aggregate municipal share. 59975

(b) "Aggregate municipal share" means the quotient obtained 59976
by dividing the total amount distributed directly from the local 59977
government fund to municipal corporations during calendar year 59978
2007 by the total distributions from the local government fund and 59979
local government revenue assistance fund during calendar year 59980
2007. 59981

(2) On or before the tenth day of each month, the tax 59982
commissioner shall provide for payment from the local government 59983
fund to each municipal corporation which had in effect during the 59984
preceding calendar year a tax imposed under Chapter 718. of the 59985
Revised Code. The amount paid to each municipal corporation shall 59986
bear the same an amount equal to the product derived by 59987
multiplying the municipal corporation's percentage ~~to~~ of the total 59988
amount ~~to be~~ distributed to all such municipal corporations under 59989
this division as the total income taxes collected by such 59990
municipal corporation during the second calendar year ~~preceeding~~ 59991
the year in which distribution is made bears to the total amount 59992
of such taxes collected by all municipal corporations during such 59993
period 2007 by the total amount available for distribution to 59994
municipal corporations during the current month. Payments 59995

(3) Payments received by a municipal corporation under this 59996
division shall be paid into its general fund and may be used for 59997
any lawful purpose. 59998

(4) The amount distributed to municipal corporations under this division during any calendar year shall not exceed the amount distributed directly from the local government fund to municipal corporations during calendar year 2007. If that maximum amount is reached during any month, distributions to municipal corporations in that month shall be as provided in divisions (C)(1) and (2) of this section, but no further distributions shall be made to municipal corporations under division (C) of this section during the remainder of the calendar year.

(5) Upon being informed of a municipal corporation's dissolution, the tax commissioner shall cease providing for payments to that municipal corporation under division (C) of this section. The proportionate shares of the total amount available for distribution to each of the remaining municipal corporations under this division shall be increased on a pro rata basis.

(D) Each municipal corporation which has in effect a tax imposed under Chapter 718. of the Revised Code shall, no later than the thirty-first day of August of each year, certify to the tax commissioner the total amount of income taxes collected by such municipal corporation pursuant to such chapter during the preceding calendar year. The tax commissioner ~~shall~~ may withhold payment of local government fund moneys pursuant to division (C) of this section from any municipal corporation for failure to comply with this reporting requirement.

Sec. 5747.501. (A) By On or before the fifteenth twenty-fifth day of ~~December~~ July of each year, the tax commissioner shall estimate and certify to each county auditor the amount to be paid into distributed from the local government fund for distribution to each undivided local government fund during the following calendar year under section 5747.50 of the Revised Code. The commissioner estimate shall then determine equal the sum of the

separate amounts that would be paid to each county if the amount
so certified were distributed computed under divisions (A)(B)(1)
and (2) of this section as follows:

(1)(a) As used in this division and in section 5747.50 of the
Revised Code, "deposit tax revenue" means one hundred forty five
and forty five one hundredths per cent of the payments made to the
county's undivided local government fund in 1983 from the tax
imposed on deposits under division (C) of section 5707.03 of the
Revised Code.

(b) Compute each county's deposit tax revenue.

(c) Determine how much each county would receive if
nine tenths of the difference between the amount certified under
division (A) of this section and the sum of all counties' deposit
tax revenues, less six million dollars, were allocated among the
counties in the following year as follows:

(i) Seventy five per cent of said amount shall be apportioned
in the ratio that the total of the real, public utility, and
tangible personal property tax duplicates of the municipal
corporations, or parts thereof, in the county for the year next
preceding the year in which the computation is made bears to the
total aggregate real, public utility, and tangible personal
property tax duplicates of all the municipal corporations in the
state for the same year.

(ii) Twenty five per cent shall be apportioned among all the
counties in the ratio that the population of the county at the
last federal decennial census bears to the total population of the
state.

(iii) Adjust the sum of the allocations under divisions
(A)(1)(c)(i) and (ii) for each county so that the sum allocated to
each county under those divisions is at least two hundred
twenty five thousand dollars. If such an adjustment is made, the

~~sum of the apportionments to the counties for which no adjustment
is necessary shall be proportionately reduced so that the sum of
the allocations to all counties equals the amount to be allocated
under divisions (A)(1)(c)(i) to (iii) of this section.~~ 60061
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~~(d) Add the amount allocated to each county under division
(A)(1)(c) to its deposit tax revenue.~~ 60065
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~~(2) Determine how much each county would receive if
nine tenths of the amount certified by the commissioner, less six
million dollars, were allocated in the manner prescribed by
division (A)(1)(c) of this section.~~ 60067
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~~(B) Upon the completion of the computations required by
division (A) of this section, the commissioner shall assign to
each county, the amount computed for it under division (A)(1)(d)
of this section or the amount computed under division (A)(2) of
this section, whichever is the higher amount, and compute the per
cent that the assigned amount for each county is of the sum of the
assigned amounts for all counties. The percentage so computed
shall be the proportionate share of the county for the following
calendar year for purposes of making the distributions required by
section 5747.50 of the Revised Code (1) The product obtained by
multiplying the percentage described in division (B)(1)(a) of this
section by the amount described in division (B)(1)(b) of this
section.~~ 60071
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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.~~ 60084
60085
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60087

~~(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 government fund distributions to counties for~~ 60088
60089
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the following year are projected to be less than what was 60092
distributed to counties from the local government fund and local 60093
government revenue assistance fund during calendar year 2007. 60094

(2) The product obtained by multiplying the percentage 60095
described in division (B)(2)(a) of this section by the amount 60096
described in division (B)(2)(b) of this section. 60097

(a) Each county's proportionate share of the state's 60098
population as reflected in the most recent federal decennial 60099
census or the federal government's most recent census estimates, 60100
whichever represents the most recent year. 60101

(b) The amount by which total estimated distributions from 60102
the local government fund during the immediately succeeding 60103
calendar year, less the total estimated amount to be distributed 60104
from the fund to municipal corporations under division (C) of 60105
section 5747.50 of the Revised Code during the immediately 60106
succeeding calendar year, exceed the total amount distributed to 60107
counties from the local government fund and local government 60108
revenue assistance fund during calendar year 2007. 60109

Sec. 5747.51. (A) ~~Within ten days after~~ On or before the 60110
~~fifteenth~~ twenty-fifth day of July of each year, the tax 60111
commissioner shall make and certify to the county auditor of each 60112
county an estimate of the amount of the local government fund to 60113
be allocated to the undivided local government fund of each county 60114
for the ensuing calendar year and the estimated amount to be 60115
received by the undivided local government fund of each county 60116
from the taxes levied pursuant to section 5707.03 of the Revised 60117
Code for the ensuing calendar year. 60118

(B) At each annual regular session of the county budget 60119
commission convened pursuant to section 5705.27 of the Revised 60120
Code, each auditor shall present to the commission the certificate 60121
of the commissioner, the annual tax budget and estimates, and the 60122

records showing the action of the commission in its last preceding 60123
regular session. The estimates shown on the certificate of the 60124
commissioner of the amount to be allocated from the local 60125
government fund and the amount to be received from taxes levied 60126
pursuant to section 5707.03 of the Revised Code shall be combined 60127
into one total comprising the estimate of the undivided local 60128
government fund of the county. The commission, after extending to 60129
the representatives of each subdivision an opportunity to be 60130
heard, under oath administered by any member of the commission, 60131
and considering all the facts and information presented to it by 60132
the auditor, shall determine the amount of the undivided local 60133
government fund needed by and to be apportioned to each 60134
subdivision for current operating expenses, as shown in the tax 60135
budget of the subdivision. This determination shall be made 60136
pursuant to divisions (C) to (I) of this section, unless the 60137
commission has provided for a formula pursuant to section 5747.53 60138
of the Revised Code. 60139

Nothing in this section prevents the budget commission, for 60140
the purpose of apportioning the undivided local government fund, 60141
from inquiring into the claimed needs of any subdivision as stated 60142
in its tax budget, or from adjusting claimed needs to reflect 60143
actual needs. For the purposes of this section, "current operating 60144
expenses" means the lawful expenditures of a subdivision, except 60145
those for permanent improvements and except payments for interest, 60146
sinking fund, and retirement of bonds, notes, and certificates of 60147
indebtedness of the subdivision. 60148

(C) The commission shall determine the combined total of the 60149
estimated expenditures, including transfers, from the general fund 60150
and any special funds other than special funds established for 60151
road and bridge; street construction, maintenance, and repair; 60152
state highway improvement; and gas, water, sewer, and electric 60153
public utilities operated by a subdivision, as shown in the 60154

subdivision's tax budget for the ensuing calendar year. 60155

(D) From the combined total of expenditures calculated 60156
pursuant to division (C) of this section, the commission shall 60157
deduct the following expenditures, if included in these funds in 60158
the tax budget: 60159

(1) Expenditures for permanent improvements as defined in 60160
division (E) of section 5705.01 of the Revised Code; 60161

(2) In the case of counties and townships, transfers to the 60162
road and bridge fund, and in the case of municipalities, transfers 60163
to the street construction, maintenance, and repair fund and the 60164
state highway improvement fund; 60165

(3) Expenditures for the payment of debt charges; 60166

(4) Expenditures for the payment of judgments. 60167

(E) In addition to the deductions made pursuant to division 60168
(D) of this section, revenues accruing to the general fund and any 60169
special fund considered under division (C) of this section from 60170
the following sources shall be deducted from the combined total of 60171
expenditures calculated pursuant to division (C) of this section: 60172

(1) Taxes levied within the ten-mill limitation, as defined 60173
in section 5705.02 of the Revised Code; 60174

(2) The budget commission allocation of estimated county 60175
library and local government support fund revenues to be 60176
distributed pursuant to section 5747.48 of the Revised Code; 60177

(3) Estimated unencumbered balances as shown on the tax 60178
budget as of the thirty-first day of December of the current year 60179
in the general fund, but not any estimated balance in any special 60180
fund considered in division (C) of this section; 60181

(4) Revenue, including transfers, shown in the general fund 60182
and any special funds other than special funds established for 60183
road and bridge; street construction, maintenance, and repair; 60184

state highway improvement; and gas, water, sewer, and electric 60185
public utilities, from all other sources except those that a 60186
subdivision receives from an additional tax or service charge 60187
voted by its electorate or receives from special assessment or 60188
revenue bond collection. For the purposes of this division, where 60189
the charter of a municipal corporation prohibits the levy of an 60190
income tax, an income tax levied by the legislative authority of 60191
such municipal corporation pursuant to an amendment of the charter 60192
of that municipal corporation to authorize such a levy represents 60193
an additional tax voted by the electorate of that municipal 60194
corporation. For the purposes of this division, any measure 60195
adopted by a board of county commissioners pursuant to section 60196
322.02, 324.02, 4504.02, or 5739.021 of the Revised Code, 60197
including those measures upheld by the electorate in a referendum 60198
conducted pursuant to section 322.021, 324.021, 4504.021, or 60199
5739.022 of the Revised Code, shall not be considered an 60200
additional tax voted by the electorate. 60201

Subject to division (G) of section 5705.29 of the Revised 60202
Code, money in a reserve balance account established by a county, 60203
township, or municipal corporation under section 5705.13 of the 60204
Revised Code shall not be considered an unencumbered balance or 60205
revenue under division (E)(3) or (4) of this section. Money in a 60206
reserve balance account established by a township under section 60207
5705.132 of the Revised Code shall not be considered an 60208
unencumbered balance or revenue under division (E)(3) or (4) of 60209
this section. 60210

If a county, township, or municipal corporation has created 60211
and maintains a nonexpendable trust fund under section 5705.131 of 60212
the Revised Code, the principal of the fund, and any additions to 60213
the principal arising from sources other than the reinvestment of 60214
investment earnings arising from such a fund, shall not be 60215
considered an unencumbered balance or revenue under division 60216

(E)(3) or (4) of this section. Only investment earnings arising 60217
from investment of the principal or investment of such additions 60218
to principal may be considered an unencumbered balance or revenue 60219
under those divisions. 60220

(F) The total expenditures calculated pursuant to division 60221
(C) of this section, less the deductions authorized in divisions 60222
(D) and (E) of this section, shall be known as the "relative need" 60223
of the subdivision, for the purposes of this section. 60224

(G) The budget commission shall total the relative need of 60225
all participating subdivisions in the county, and shall compute a 60226
relative need factor by dividing the total estimate of the 60227
undivided local government fund by the total relative need of all 60228
participating subdivisions. 60229

(H) The relative need of each subdivision shall be multiplied 60230
by the relative need factor to determine the proportionate share 60231
of the subdivision in the undivided local government fund of the 60232
county; provided, that the maximum proportionate share of a county 60233
shall not exceed the following maximum percentages of the total 60234
estimate of the undivided local government fund governed by the 60235
relationship of the percentage of the population of the county 60236
that resides within municipal corporations within the county to 60237
the total population of the county as reported in the reports on 60238
population in Ohio by the department of development as of the 60239
twentieth day of July of the year in which the tax budget is filed 60240
with the budget commission: 60241

Percentage of	Percentage share	60242
municipal population	of the county	60243
within the county:	shall not exceed:	60244
Less than forty-one per cent	Sixty per cent	60245
Forty-one per cent or more but less		60246
than eighty-one per cent	Fifty per cent	60247
Eighty-one per cent or more	Thirty per cent	60248

Where the proportionate share of the county exceeds the 60249
limitations established in this division, the budget commission 60250
shall adjust the proportionate shares determined pursuant to this 60251
division so that the proportionate share of the county does not 60252
exceed these limitations, and it shall increase the proportionate 60253
shares of all other subdivisions on a pro rata basis. In counties 60254
having a population of less than one hundred thousand, not less 60255
than ten per cent shall be distributed to the townships therein. 60256

(I) The proportionate share of each subdivision in the 60257
undivided local government fund determined pursuant to division 60258
(H) of this section for any calendar year shall not be less than 60259
the product of the average of the percentages of the undivided 60260
local government fund of the county as apportioned to that 60261
subdivision for the calendar years 1968, 1969, and 1970, 60262
multiplied by the total amount of the undivided local government 60263
fund of the county apportioned pursuant to former section 5735.23 60264
of the Revised Code for the calendar year 1970. For the purposes 60265
of this division, the total apportioned amount for the calendar 60266
year 1970 shall be the amount actually allocated to the county in 60267
1970 from the state collected intangible tax as levied by section 60268
5707.03 of the Revised Code and distributed pursuant to section 60269
5725.24 of the Revised Code, plus the amount received by the 60270
county in the calendar year 1970 pursuant to division (B)(1) of 60271
former section 5739.21 of the Revised Code, and distributed 60272
pursuant to former section 5739.22 of the Revised Code. If the 60273
total amount of the undivided local government fund for any 60274
calendar year is less than the amount of the undivided local 60275
government fund apportioned pursuant to former section 5739.23 of 60276
the Revised Code for the calendar year 1970, the minimum amount 60277
guaranteed to each subdivision for that calendar year pursuant to 60278
this division shall be reduced on a basis proportionate to the 60279
amount by which the amount of the undivided local government fund 60280
for that calendar year is less than the amount of the undivided 60281

local government fund apportioned for the calendar year 1970. 60282

(J) On the basis of such apportionment, the county auditor 60283
shall compute the percentage share of each such subdivision in the 60284
undivided local government fund and shall at the same time certify 60285
to the tax commissioner the percentage share of the county as a 60286
subdivision. No payment shall be made from the undivided local 60287
government fund, except in accordance with such percentage shares. 60288

Within ten days after the budget commission has made its 60289
apportionment, whether conducted pursuant to section 5747.51 or 60290
5747.53 of the Revised Code, the auditor shall publish a list of 60291
the subdivisions and the amount each is to receive from the 60292
undivided local government fund and the percentage share of each 60293
subdivision, in a newspaper or newspapers of countywide 60294
circulation, and send a copy of such allocation to the tax 60295
commissioner. 60296

The county auditor shall also send by certified mail, return 60297
receipt requested, a copy of such allocation to the fiscal officer 60298
of each subdivision entitled to participate in the allocation of 60299
the undivided local government fund of the county. This copy shall 60300
constitute the official notice of the commission action referred 60301
to in section 5705.37 of the Revised Code. 60302

All money received into the treasury of a subdivision from 60303
the undivided local government fund in a county treasury shall be 60304
paid into the general fund and used for the current operating 60305
expenses of the subdivision. 60306

If a municipal corporation maintains a municipal university, 60307
such municipal university, when the board of trustees so requests 60308
the legislative authority of the municipal corporation, shall 60309
participate in the money apportioned to such municipal corporation 60310
from the total local government fund, however created and 60311
constituted, in such amount as requested by the board of trustees, 60312

provided such sum does not exceed nine per cent of the total 60313
amount paid to the municipal corporation. 60314

If any public official fails to maintain the records required 60315
by sections 5747.50 to 5747.55 of the Revised Code or by the rules 60316
issued by the tax commissioner, the auditor of state, or the 60317
treasurer of state pursuant to such sections, or fails to comply 60318
with any law relating to the enforcement of such sections, the 60319
local government fund money allocated to the county ~~shall~~ may be 60320
withheld until such time as the public official has complied with 60321
such sections or such law or the rules issued pursuant thereto. 60322

Sec. 5747.54. The tax commissioner ~~shall not distribute~~ may 60323
withhold distributions of local government fund money to any 60324
county where the county auditor has failed to certify to the tax 60325
commissioner the percentage share of the undivided local 60326
government fund of the county as a subdivision for the year for 60327
which distribution is to be made. The director ~~shall~~ of budget and 60328
management may direct the tax commissioner to withhold from ~~such a~~ 60329
county the percentage of the amount distributable thereto that 60330
constitutes the share of the county as a subdivision of the local 60331
government fund so long as such county is indebted or otherwise 60332
obligated to the state, until such indebtedness or other 60333
obligation has been duly paid, but no distribution of such 60334
percentage share of the local government fund shall be withheld 60335
unless an itemized statement of such indebtedness is furnished the 60336
county auditor of the county from which the indebtedness is due at 60337
least thirty days prior to the withholding of the distribution. 60338

Any indebtedness or obligation of the state to a county shall 60339
be deducted from the amount owing to the state by such county in 60340
determining the indebtedness or obligation as to which 60341
distribution is withheld. 60342

<u>Sec. 5747.77. (A) As used in this section:</u>	60343
<u>(1) "Alternative fuel" means E85 blend fuel or blended biodiesel.</u>	60344 60345
<u>(2) "Biodiesel" means a mono-alkyl ester combustible liquid fuel that is derived from vegetable oils or animal fats, or any combination of those reagents that meets the American society for testing and materials specification for biodiesel fuel (B100) blend stock distillate fuels.</u>	60346 60347 60348 60349 60350
<u>(3) "Blended biodiesel" means a blend of biodiesel with petroleum based diesel fuel in which the resultant product contains not less than twenty per cent biodiesel and meets the American society for testing and materials specification for blended diesel fuel.</u>	60351 60352 60353 60354 60355
<u>(4) "Diesel fuel" means any liquid fuel that is capable of use in discrete form or as a blend component in the operation of engines of the diesel type.</u>	60356 60357 60358
<u>(5) "Ethanol" means fermentation ethyl alcohol derived from agricultural products, including potatoes, cereal, grains, cheese whey, and sugar beets; forest products; or other renewable resources, including residue and waste generated from the production, processing, and marketing of agricultural products, forest products, and other renewable resources that meet all of the specifications in the American society for testing and materials (ASTM) specification D 4806-88 and is denatured as specified in Parts 20 and 21 of Title 27 of the Code of Federal Regulations.</u>	60359 60360 60361 60362 60363 60364 60365 60366 60367 60368
<u>(6) "E85 blend fuel" means fuel containing eighty-five per cent or more ethanol, or containing any other percentage of not less than seventy per cent ethanol if the United States department of energy determines, by rule, that the lower percentage is</u>	60369 60370 60371 60372

necessary to provide for the requirements of cold start, safety, 60373
or other vehicle functions, and that meets the American society 60374
for testing and materials specification for E85 blend fuel. 60375

(7) "Retail dealer" means any person that is a taxpayer under 60376
this chapter that owns or operates a retail service station 60377
located in this state. 60378

(8) "Retail service station" means a location in this state 60379
from which alternative fuel is sold to the general public and is 60380
dispensed or pumped directly into motor vehicle fuel tanks for 60381
consumption. 60382

(B) For taxable years ending in 2008 and 2009, there is 60383
hereby allowed a nonrefundable credit against the tax imposed by 60384
section 5747.02 of the Revised Code for a retail dealer that sells 60385
alternative fuel. The credit for a dealer's taxable year ending in 60386
2008 shall equal fifteen cents per gallon of alternative fuel sold 60387
and dispensed through a metered pump at the retail dealer's retail 60388
service station during any part of calendar year 2007 or 2008 60389
included in that taxable year. The credit for a dealer's taxable 60390
year ending in 2009 shall equal fifteen cents per gallon of 60391
alternative fuel sold and dispensed through a metered pump at the 60392
retail dealer's retail service station during any part of calendar 60393
year 2008 included in that taxable year, plus thirteen cents per 60394
gallon of alternative fuel sold and dispensed in that manner 60395
during any part of calendar year 2009 included in that taxable 60396
year. 60397

The credit shall be calculated separately for each retail 60398
service station owned or operated by the retail dealer. The credit 60399
allowed under this section may not be claimed for alternative fuel 60400
sold or dispensed before January 1, 2008, or on or after January 60401
1, 2010. 60402

(C) The retail dealer shall claim the credit under this 60403

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 retail dealer that is a pass-through entity 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;	60434
(8) The low-income credit under section 5747.056 of the Revised Code;	60435 60436
(9) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	60437 60438
(10) The campaign contribution credit under section 5747.29 of the Revised Code;	60439 60440
(11) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	60441 60442
(12) The joint filing credit under division (G) of section 5747.05 of the Revised Code;	60443 60444
(13) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	60445 60446
(14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	60447 60448
(15) The credit for employers that enter into agreements with child day-care centers under section 5747.34 of the Revised Code;	60449 60450
(16) The credit for employers that reimburse employee child care expenses under section 5747.36 of the Revised Code;	60451 60452
(17) The credit for adoption of a minor child under section 5747.37 of the Revised Code;	60453 60454
(18) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;	60455 60456
(19) The job retention credit under division (B) of section 5747.058 of the Revised Code;	60457 60458
(20) The credit for purchases of new manufacturing machinery and equipment under section 5747.26 or section 5747.261 <u>for selling alternative fuel under section 5747.77</u> of the Revised Code;	60459 60460 60461 60462

(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;	60463 60464 60465
(22) The job training credit under section 5747.39 of the Revised Code;	60466 60467
(23) The enterprise zone credit under section 5709.66 of the Revised Code;	60468 60469
(24) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;	60470 60471
(25) The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code;	60472 60473
(26) The ethanol plant investment credit under section 5747.75 of the Revised Code;	60474 60475
(27) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	60476 60477
(28) The export sales credit under section 5747.057 of the Revised Code;	60478 60479
(29) The credit for research and development and technology transfer investors under section 5747.33 of the Revised Code;	60480 60481
(30) The enterprise zone credits under section 5709.65 of the Revised Code;	60482 60483
(31) The research and development credit under section 5747.331 of the Revised Code;	60484 60485
(32) The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	60486 60487
(33) The refundable jobs creation credit under division (A) of section 5747.058 of the Revised Code;	60488 60489
(34) The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	60490 60491

(35) The refundable credits for taxes paid by a qualifying pass-through entity granted under division (J) of section 5747.08 of the Revised Code; 60492
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(36) The refundable credit for tax withheld under division (B)(1) of section 5747.062 of the Revised Code; 60495
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(37) The refundable credit under section 5747.80 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. 60497
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(B) For any credit, except the credits enumerated in divisions (A)(32) to (37) of this section and the credit granted under division (I) of section 5747.08 of the Revised Code, the amount of the credit for a taxable 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. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year. 60500
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Sec. 5748.01. As used in this chapter: 60510

(A) "School district income tax" means an income tax adopted under one of the following: 60511
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(1) Former section 5748.03 of the Revised Code as it existed prior to its repeal by Amended Substitute House Bill No. 291 of the 115th general assembly; 60513
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(2) Section 5748.03 of the Revised Code as enacted in Substitute Senate Bill No. 28 of the 118th general assembly; 60516
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(3) Section 5748.08 of the Revised Code as enacted in Amended Substitute Senate Bill No. 17 of the 122nd general assembly; 60518
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(4) Section 5748.021 of the Revised Code; 60520

(5) Section 5748.081 of the Revised Code.	60521
(B) "Individual" means an individual subject to the tax levied by section 5747.02 of the Revised Code.	60522 60523
(C) "Estate" means an estate subject to the tax levied by section 5747.02 of the Revised Code.	60524 60525
(D) "Taxable year" means a taxable year as defined in division (M) of section 5747.01 of the Revised Code.	60526 60527
(E) "Taxable income" means:	60528
(1) In the case of an individual, one of the following, as specified in the resolution imposing the tax:	60529 60530
(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;	60531 60532 60533 60534
(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.	60535 60536 60537 60538 60539 60540
(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.	60541 60542 60543
(F) "Resident" of the school district means:	60544
(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 the school district;	60545 60546 60547 60548 60549 60550

(2) An estate of a decedent who, at the time of death, was domiciled in the school district. 60551
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(G) "School district income" means: 60553

(1) With respect to an individual, the portion of the taxable income of an individual that is received by the individual during the portion of the taxable year that the individual is a resident of the school district and the school district income tax is in effect in that school district. An individual may have school district income with respect to more than one school district. 60554
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(2) With respect to an estate, the taxable income of the estate for the portion of the taxable year that the school district income tax is in effect in that school district. 60560
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(H) "Taxpayer" means an individual or estate having school district income upon which a school district income tax is imposed. 60563
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(I) "School district purposes" means any of the purposes for which a tax may be levied pursuant to section 5705.21 of the Revised Code, including the combined purposes authorized by section 5705.217 of the Revised Code. 60566
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Sec. 5748.02. (A) The board of education of any school district, except a joint vocational school district, may declare, by resolution, the necessity of raising annually a specified amount of money for school district purposes. The resolution shall specify whether the income that is to be subject to the tax is taxable income of individuals and estates as defined in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised Code or taxable income of individuals as defined in division (E)(1)(b) of that section. A copy of the resolution shall be certified to the tax commissioner no later than eighty-five days prior to the date of the election at which the board intends to propose a levy under 60570
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this section. Upon receipt of the copy of the resolution, the tax commissioner shall estimate both of the following:

(1) The property tax rate that would have to be imposed in the current year by the district to produce an equivalent amount of money;

(2) The income tax rate that would have had to have been in effect for the current year to produce an equivalent amount of money from a school district income tax.

Within ten days of receiving the copy of the board's resolution, the commissioner shall prepare these estimates and certify them to the board. Upon receipt of the certification, the board may adopt a resolution proposing an income tax under division (B) of this section at the estimated rate contained in the certification rounded to the nearest one-fourth of one per cent. The commissioner's certification applies only to the board's proposal to levy an income tax at the election for which the board requested the certification. If the board intends to submit a proposal to levy an income tax at any other election, it shall request another certification for that election in the manner prescribed in this division.

(B)(1) Upon the receipt of a certification from the tax commissioner under division (A) of this section, a majority of the members of a board of education may adopt a resolution proposing the levy of an annual tax for school district purposes on school district income. The proposed levy may be for a continuing period of time or for a specified number of years. The resolution shall set forth the purpose for which the tax is to be imposed, the rate of the tax, which shall be the rate set forth in the commissioner's certification rounded to the nearest one-fourth of one per cent, the number of years the tax will be levied or that it will be levied for a continuing period of time, the date on which the tax shall take effect, which shall be the first day of

January of any year following the year in which the question is 60613
submitted, and the date of the election at which the proposal 60614
shall be submitted to the electors of the district, which shall be 60615
on the date of a primary, general, or special election the date of 60616
which is consistent with section 3501.01 of the Revised Code. The 60617
resolution shall specify whether the income that is to be subject 60618
to the tax is taxable income of individuals and estates as defined 60619
in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised 60620
Code or taxable income of individuals as defined in division 60621
(E)(1)(b) of that section. The specification shall be the same as 60622
the specification in the resolution adopted and certified under 60623
division (A) of this section. ~~If~~ 60624

If the tax is to be levied for current expenses and permanent 60625
improvements, the resolution shall apportion the annual rate of 60626
the tax. The apportionment may be the same or different for each 60627
year the tax is levied, but the respective portions of the rate 60628
actually levied each year for current expenses and for permanent 60629
improvements shall be limited by the apportionment. 60630

If the board of education currently imposes an income tax 60631
pursuant to this chapter that is due to expire and a question is 60632
submitted under this section for a proposed income tax to take 60633
effect upon the expiration of the existing tax, the board may 60634
specify in the resolution that the proposed tax renews the 60635
expiring tax and is not an additional income tax, provided that 60636
the tax rate being proposed is no higher than the tax rate that is 60637
currently imposed. 60638

(2) A board of education adopting a resolution under division 60639
(B)(1) of this section proposing a school district income tax for 60640
a continuing period of time and limited to the purpose of current 60641
expenses may propose in that resolution to reduce the rate or 60642
rates of one or more of the school district's property taxes 60643
levied for a continuing period of time in excess of the ten-mill 60644

limitation for the purpose of current expenses. The reduction in 60645
the rate of a property tax may be any amount, expressed in mills 60646
per one dollar in valuation, not exceeding the rate at which the 60647
tax is authorized to be levied. The reduction in the rate of a tax 60648
shall first take effect for the tax year that includes the day on 60649
which the school district income tax first takes effect, and shall 60650
continue for each tax year that both the school district income 60651
tax and the property tax levy are in effect. 60652

In addition to the matters required to be set forth in the 60653
resolution under division (B)(1) of this section, a resolution 60654
containing a proposal to reduce the rate of one or more property 60655
taxes shall state for each such tax the maximum rate at which it 60656
currently may be levied and the maximum rate at which the tax 60657
could be levied after the proposed reduction, expressed in mills 60658
per one dollar in valuation, and that the tax is levied for a 60659
continuing period of time. 60660

If a board of education proposes to reduce the rate of one or 60661
more property taxes under division (B)(2) of this section, the 60662
board, when it makes the certification required under division (A) 60663
of this section, shall designate the specific levy or levies to be 60664
reduced, the maximum rate at which each levy currently is 60665
authorized to be levied, and the rate by which each levy is 60666
proposed to be reduced. The tax commissioner, when making the 60667
certification to the board under division (A) of this section, 60668
also shall certify the reduction in the total effective tax rate 60669
for current expenses for each class of property that would have 60670
resulted if the proposed reduction in the rate or rates had been 60671
in effect the previous tax year. As used in this paragraph, 60672
"effective tax rate" has the same meaning as in section 323.08 of 60673
the Revised Code. 60674

(C) A resolution adopted under division (B) of this section 60675
shall go into immediate effect upon its passage, and no 60676

publication of the resolution shall be necessary other than that 60677
provided for in the notice of election. Immediately after its 60678
adoption and at least seventy-five days prior to the election at 60679
which the question will appear on the ballot, a copy of the 60680
resolution shall be certified to the board of elections of the 60681
proper county, which shall submit the proposal to the electors on 60682
the date specified in the resolution. The form of the ballot shall 60683
be as provided in section 5748.03 of the Revised Code. Publication 60684
of notice of the election shall be made in one or more newspapers 60685
of general circulation in the county once a week for two 60686
consecutive weeks prior to the election, and, if the board of 60687
elections operates and maintains a web site, the board of 60688
elections shall post notice of the election on its web site for 60689
thirty days prior to the election. The notice shall contain the 60690
time and place of the election and the question to be submitted to 60691
the electors. The question covered by the resolution shall be 60692
submitted as a separate proposition, but may be printed on the 60693
same ballot with any other proposition submitted at the same 60694
election, other than the election of officers. 60695

(D) ~~No board of education shall submit~~ The submission to the 60696
electors of the school district of the question of a tax on school 60697
~~district income to the electors of the district more than twice in~~ 60698
under this section is subject to the limitation under section 60699
5705.214 of the Revised Code on the number of elections that may 60700
be held during any calendar year. ~~If a board submits the question~~ 60701
~~twice in any calendar year, one of the elections on the question~~ 60702
~~shall be held on the date of the general election.~~ 60703

(E)(1) No board of education may submit to the electors of 60704
the district the question of a tax on school district income on 60705
the taxable income of individuals as defined in division (E)(1)(b) 60706
of section 5748.01 of the Revised Code if that tax would be in 60707
addition to an existing tax on the taxable income of individuals 60708

and estates as defined in divisions (E)(1)(a) and (2) of that section. 60709
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(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. 60711
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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. 60717
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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. 60729
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Upon receipt of the tax commissioner's estimate, the board may propose, by a resolution adopted by a majority of its members, 60738
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to replace the existing tax on the school district income of 60740
individuals and estates as defined in divisions (G) and (E)(1)(a) 60741
and (2) of section 5748.01 of the Revised Code with the levy of an 60742
annual tax on the school district income of individuals as defined 60743
in divisions (G)(1) and (E)(1)(b) of section 5748.01 of the 60744
Revised Code. In the resolution, the board shall specify the rate 60745
of the replacement tax, whether the replacement tax is to be 60746
levied for a specified number of years or for a continuing time, 60747
the specific school district purposes for which the replacement 60748
tax is to be levied, the date on which the replacement tax will 60749
begin to be levied, the date of the election at which the question 60750
of the replacement is to be submitted to the electors of the 60751
school district, that the existing tax will cease to be levied and 60752
the replacement tax will begin to be levied if the replacement is 60753
approved by a majority of the electors voting on the replacement, 60754
and that if the replacement is not approved by a majority of the 60755
electors voting on the replacement the existing tax will remain in 60756
effect under its original authority for the remainder of its 60757
previously approved term. The resolution goes into immediate 60758
effect upon its adoption. Publication of the resolution is not 60759
necessary, and the information that will be provided in the notice 60760
of election is sufficient notice. At least seventy-five days 60761
before the date of the election at which the question of the 60762
replacement will be submitted to the electors of the school 60763
district, the board shall certify a copy of the resolution to the 60764
board of elections. 60765

The replacement tax shall have the same specific school 60766
district purposes as the existing tax, and its rate shall be the 60767
same as the tax commissioner's estimate rounded to the nearest 60768
one-fourth of one per cent. The replacement tax shall begin to be 60769
levied on the first day of January of the year following the year 60770
in which the question of the replacement is submitted to and 60771
approved by the electors of the school district or on the first 60772

day of January of a later year, as specified in the resolution. 60773
The date of the election shall be the date of an otherwise 60774
scheduled primary, general, or special election. 60775

The board of elections shall make arrangements to submit the 60776
question of the replacement to the electors of the school district 60777
on the date specified in the resolution. The board of elections 60778
shall publish notice of the election on the question of the 60779
replacement in one or more newspapers of general circulation in 60780
the school district once a week for four consecutive weeks. The 60781
notice shall set forth the question to be submitted to the 60782
electors and the time and place of the election thereon. 60783

The question shall be submitted to the electors of the school 60784
district as a separate proposition, but may be printed on the same 60785
ballot with other propositions that are submitted at the same 60786
election, other than the election of officers. The form of the 60787
ballot shall be substantially as follows: 60788

"Shall the existing tax of (state the rate) on the 60789
school district income of individuals and estates imposed by 60790
(state the name of the school district) be replaced by a tax of 60791
..... (state the rate) on the earned income of individuals 60792
residing in the school district for (state the number of 60793
years the tax is to be in effect or that it will be in effect for 60794
a continuing time), beginning (state the date the new tax 60795
will take effect), for the purpose of (state the specific 60796
school district purposes of the tax)? If the new tax is not 60797
approved, the existing tax will remain in effect under its 60798
original authority, for the remainder of its previously approved 60799
term. 60800

	For replacing the existing tax with the new tax
	Against replacing the existing tax with the new tax

"

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The board of elections shall conduct and canvass the election 60803
in the same manner as regular elections in the school district for 60804
the election of county officers. The board shall certify the 60805
results of the election to the board of education and to the tax 60806
commissioner. If a majority of the electors voting on the question 60807
vote in favor of the replacement, the existing tax shall cease to 60808
be levied, and the replacement tax shall begin to be levied, on 60809
the date specified in the ballot question. If a majority of the 60810
electors voting on the question vote against the replacement, the 60811
existing tax shall continue to be levied under its original 60812
authority, for the remainder of its previously approved term. 60813

~~A board of education may not submit~~ The submission to the 60814
electors of the school district of the question of replacing a tax 60815
~~more than twice in a~~ under this section is subject to the 60816
limitation under section 5705.214 of the Revised Code on the 60817
number of elections that may be held during any calendar year. ~~If~~ 60818
~~a board submits the question more than once, one of the elections~~ 60819
~~at which the question is submitted shall be on the date of a~~ 60820
~~general election.~~ 60821

If a board of education later intends to renew a replacement 60822
tax levied under this section, it shall repeat the procedure 60823
outlined in this section to do so, the replacement tax then being 60824
levied being the "existing tax" and the renewed replacement tax 60825
being the "replacement tax." 60826

Sec. 5748.022. A majority of the members of a board of 60827
education of a school district levying a tax under section 5748.02 60828
of the Revised Code may adopt a resolution reducing the rate of 60829
the tax by a multiple of one-fourth of one per cent. 60830

The resolution shall set forth the current rate of the tax, 60831
the reduced rate of tax that results from adoption of the 60832
resolution, the purpose or purposes for which the tax is levied, 60833

the remaining number of years the tax will be levied or that it is 60834
levied for a continuing period of time, and the date on which the 60835
reduced tax rate shall take effect, which shall be the ensuing 60836
first day of January occurring at least sixty days after a copy of 60837
the resolution is certified to the tax commissioner. 60838

Sec. 5749.02. (A) For the purpose of providing revenue to 60839
administer the state's coal mining and reclamation regulatory 60840
program, to meet the environmental and resource management needs 60841
of this state, and to reclaim land affected by mining, an excise 60842
tax is hereby levied on the privilege of engaging in the severance 60843
of natural resources from the soil or water of this state. The tax 60844
shall be imposed upon the severer and shall be: 60845

(1) Ten cents per ton of coal; 60846

(2) Four cents per ton of salt; 60847

(3) Two cents per ton of limestone or dolomite; 60848

(4) Two cents per ton of sand and gravel; 60849

(5) Ten cents per barrel of oil; 60850

(6) Two and one-half cents per thousand cubic feet of natural 60851
gas; 60852

(7) One cent per ton of clay, sandstone or conglomerate, 60853
shale, gypsum, or quartzite; 60854

(8) Except as otherwise provided in this division or in rules 60855
adopted by the reclamation forfeiture fund advisory board under 60856
section 1513.182 of the Revised Code, an additional fourteen cents 60857
per ton of coal produced from an area under a coal mining and 60858
reclamation permit issued under Chapter 1513. of the Revised Code 60859
for which the performance security is provided under division 60860
(C)(2) of section 1513.08 of the Revised Code. If Beginning July 60861
1, 2007, if at the end of a fiscal biennium the balance of the 60862
reclamation forfeiture fund created in section 1513.18 of the 60863

Revised Code is equal to or greater than ten million dollars, the 60864
rate levied shall be twelve cents per ton. ~~If~~ Beginning July 1, 60865
2007, if at the end of a fiscal biennium the balance of the fund 60866
is at least five million dollars, but less than ten million 60867
dollars, the rate levied shall be fourteen cents per ton. ~~If~~ 60868
Beginning July 1, 2007, if at the end of a fiscal biennium the 60869
balance of the fund is less than five million dollars, the rate 60870
levied shall be sixteen cents per ton. ~~Not~~ Beginning July 1, 2009, 60871
not later than thirty days after the close of a fiscal biennium, 60872
the chief of the division of mineral resources management shall 60873
certify to the tax commissioner the amount of the balance of the 60874
reclamation forfeiture fund as of the close of the fiscal 60875
biennium. Any necessary adjustment of the rate levied shall take 60876
effect on the first day of the following January and shall remain 60877
in effect during the calendar biennium that begins on that date. 60878

(9) An additional one and two-tenths cents per ton of coal 60879
mined by surface mining methods. 60880

(B) Of the moneys received by the treasurer of state from the 60881
tax levied in division (A)(1) of this section, four and 60882
seventy-six-hundredths per cent shall be credited to the 60883
geological mapping fund created in section 1505.09 of the Revised 60884
Code, eighty and ninety-five-hundredths per cent shall be credited 60885
to the coal mining administration and reclamation reserve fund 60886
created in section 1513.181 of the Revised Code, and fourteen and 60887
twenty-nine-hundredths per cent shall be credited to the 60888
unreclaimed lands fund created in section 1513.30 of the Revised 60889
Code. 60890

Fifteen per cent of the moneys received by the treasurer of 60891
state from the tax levied in division (A)(2) of this section shall 60892
be credited to the geological mapping fund and the remainder shall 60893
be credited to the unreclaimed lands fund. 60894

Of the moneys received by the treasurer of state from the tax 60895

levied in divisions (A)(3) and (4) of this section, seven and 60896
five-tenths per cent shall be credited to the geological mapping 60897
fund, forty-two and five-tenths per cent shall be credited to the 60898
unreclaimed lands fund, and the remainder shall be credited to the 60899
surface mining fund created in section 1514.06 of the Revised 60900
Code. 60901

Of the moneys received by the treasurer of state from the tax 60902
levied in divisions (A)(5) and (6) of this section, ninety per 60903
cent shall be credited to the oil and gas well fund created in 60904
section 1509.02 of the Revised Code and ten per cent shall be 60905
credited to the geological mapping fund. All of the moneys 60906
received by the treasurer of state from the tax levied in division 60907
(A)(7) of this section shall be credited to the surface mining 60908
fund. 60909

All of the moneys received by the treasurer of state from the 60910
tax levied in division (A)(8) of this section shall be credited to 60911
the reclamation forfeiture fund. 60912

All of the moneys received by the treasurer of state from the 60913
tax levied in division (A)(9) of this section shall be credited to 60914
the unreclaimed lands fund. 60915

(C) When, at the close of any fiscal year, the chief finds 60916
that the balance of the reclamation forfeiture fund, plus 60917
estimated transfers to it from the coal mining administration and 60918
reclamation reserve fund under section 1513.181 of the Revised 60919
Code, plus the estimated revenues from the tax levied by division 60920
(A)(8) of this section for the remainder of the calendar year that 60921
includes the close of the fiscal year, are sufficient to complete 60922
the reclamation of lands for which the performance security has 60923
been provided under division (C)(2) of section 1513.08 of the 60924
Revised Code, the purposes for which the tax under division (A)(8) 60925
of this section is levied shall be deemed accomplished at the end 60926
of that calendar year. The chief, within thirty days after the 60927

close of the fiscal year, shall certify those findings to the tax commissioner, and the tax levied under division (A)(8) of this section shall cease to be imposed after the last day of that calendar year on coal produced under a coal mining and reclamation permit issued under Chapter 1513. of the Revised Code if the permittee has made tax payments under division (A)(8) of this section during each of the preceding five full calendar years. Not later than thirty days after the close of a fiscal year, the chief shall certify to the tax commissioner the identity of any permittees who accordingly no longer are required to pay the tax levied under division (A)(8) of this section.

Sec. 5751.20. (A) As used in sections 5751.20 to 5751.22 of the Revised Code:

(1) "School district," "joint vocational school district," "local taxing unit," ~~"state education aid,"~~ "recognized valuation," "fixed-rate levy," and "fixed-sum levy" have the same meanings as used in section 5727.84 of the Revised Code.

(2) "State education aid" for a school district means the sum of state aid amounts computed for the district under division (A) of section 3317.022 of the Revised Code, including the amounts calculated under sections 3317.029 and 3317.0217 of the Revised Code; divisions (C)(1), (C)(4), (D), (E), and (F) of section 3317.022; divisions (B), (C), and (D) of section 3317.023; divisions (L) and (N) of section 3317.024; section 3317.0216; and any unit payments for gifted student services paid under sections 3317.05, 3317.052, and 3317.053 of the Revised Code; except that, for fiscal years 2008 and 2009, the amount computed for the district under Section 269.20.80 of H.B. 119 of the 127th general assembly and as that section subsequently may be amended shall be substituted for the amount computed under division (D) of section 3317.022 of the Revised Code, and the amount computed under

Section 269.30.80 of H.B. 119 of the 127th general assembly and as that section subsequently may be amended shall be included. 60959
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(3) "State education aid" for a joint vocational school district means the sum of the state aid computed for the district under division (N) of section 3317.024 and section 3317.16 of the Revised Code, except that, for fiscal years 2008 and 2009, the amount computed under Section 269.30.80 of H.B. 119 of the 127th general assembly and as that section subsequently may be amended shall be included. 60961
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(4) "State education aid offset" means the amount determined for each school district or joint vocational school district under division (A)(1) of section 5751.21 of the Revised Code. 60968
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~~(3)~~(5) "Machinery and equipment property tax value loss" 60971
means the amount determined under division (C)(1) of this section. 60972

~~(4)~~(6) "Inventory property tax value loss" means the amount 60973
determined under division (C)(2) of this section. 60974

~~(5)~~(7) "Furniture and fixtures property tax value loss" means 60975
the amount determined under division (C)(3) of this section. 60976

~~(6)~~(8) "Machinery and equipment fixed-rate levy loss" means 60977
the amount determined under division (D)(1) of this section. 60978

~~(7)~~(9) "Inventory fixed-rate levy loss" means the amount 60979
determined under division (D)(2) of this section. 60980

~~(8)~~(10) "Furniture and fixtures fixed-rate levy loss" means 60981
the amount determined under division (D)(3) of this section. 60982

~~(9)~~(11) "Total fixed-rate levy loss" means the sum of the 60983
machinery and equipment fixed-rate levy loss, the inventory 60984
fixed-rate levy loss, the furniture and fixtures fixed-rate levy 60985
loss, and the telephone company fixed-rate levy loss. 60986

~~(10)~~(12) "Fixed-sum levy loss" means the amount determined 60987
under division (E) of this section. 60988

~~(11)~~(13) "Machinery and equipment" means personal property 60989
subject to the assessment rate specified in division (F) of 60990
section 5711.22 of the Revised Code. 60991

~~(12)~~(14) "Inventory" means personal property subject to the 60992
assessment rate specified in division (E) of section 5711.22 of 60993
the Revised Code. 60994

~~(13)~~(15) "Furniture and fixtures" means personal property 60995
subject to the assessment rate specified in division (G) of 60996
section 5711.22 of the Revised Code. 60997

~~(14)~~(16) "Qualifying levies" are levies in effect for tax 60998
year 2004 or applicable to tax year 2005 or approved at an 60999
election conducted before September 1, 2005. For the purpose of 61000
determining the rate of a qualifying levy authorized by section 61001
5705.212 or 5705.213 of the Revised Code, the rate shall be the 61002
rate that would be in effect for tax year 2010. 61003

~~(15)~~(17) "Telephone property" means tangible personal 61004
property of a telephone, telegraph, or interexchange 61005
telecommunications company subject to an assessment rate specified 61006
in section 5727.111 of the Revised Code in tax year 2004. 61007

~~(16)~~(18) "Telephone property tax value loss" means the amount 61008
determined under division (C)(4) of this section. 61009

~~(17)~~(19) "Telephone property fixed-rate levy loss" means the 61010
amount determined under division (D)(4) of this section. 61011

(B) The commercial activities tax receipts fund is hereby 61012
created in the state treasury and shall consist of money arising 61013
from the tax imposed under this chapter. All money in that fund 61014
shall be credited for each fiscal year in the following 61015
percentages to the general revenue fund, to the school district 61016
tangible property tax replacement fund, which is hereby created in 61017
the state treasury for the purpose of making the payments 61018
described in section 5751.21 of the Revised Code, and to the local 61019

government tangible property tax replacement fund, which is hereby 61020
created in the state treasury for the purpose of making the 61021
payments described in section 5751.22 of the Revised Code, in the 61022
following percentages: 61023

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%	61025
2007	0%	70.0%	30.0%	61026
2008	0%	70.0%	30.0%	61027
2009	0%	70.0%	30.0%	61028
2010	0%	70.0%	30.0%	61029
2011	0%	70.0%	30.0%	61030
2012	5.3%	70.0%	24.7%	61031
2013	19.4 <u>10.6%</u>	70.0%	10.6 <u>19.4%</u>	61032
2014	14.1%	70.0%	15.9%	61033
2015	17.6%	70.0%	12.4%	61034
2016	21.1%	70.0%	8.9%	61035
2017	24.6%	70.0%	5.4%	61036
2018	28.1%	70.0%	1.9%	61037
2019 and thereafter	100% <u>30%</u>	0% <u>70%</u>	0%	61038

(C) Not later than September 15, 2005, the tax commissioner 61039
shall determine for each school district, joint vocational school 61040
district, and local taxing unit its machinery and equipment, 61041
inventory property, furniture and fixtures property, and telephone 61042
property tax value losses, which are the applicable amounts 61043
described in divisions (C)(1), (2), (3), and (4) of this section, 61044
except as provided in division (C)(5) of this section: 61045

(1) Machinery and equipment property tax value loss is the 61046
taxable value of machinery and equipment property as reported by 61047

taxpayers for tax year 2004 multiplied by:	61048
(a) For tax year 2006, thirty-three and eight-tenths per cent;	61049 61050
(b) For tax year 2007, sixty-one and three-tenths per cent;	61051
(c) For tax year 2008, eighty-three per cent;	61052
(d) For tax year 2009 and thereafter, one hundred per cent.	61053
(2) Inventory property tax value loss is the taxable value of inventory property as reported by taxpayers for tax year 2004 multiplied by:	61054 61055 61056
(a) For tax year 2006, a fraction, the numerator of which is five and three-fourths and the denominator of which is twenty-three;	61057 61058 61059
(b) For tax year 2007, a fraction, the numerator of which is nine and one-half and the denominator of which is twenty-three;	61060 61061
(c) For tax year 2008, a fraction, the numerator of which is thirteen and one-fourth and the denominator of which is twenty-three;	61062 61063 61064
(d) For tax year 2009 and thereafter a fraction, the numerator of which is seventeen and the denominator of which is twenty-three.	61065 61066 61067
(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:	61068 61069 61070
(a) For tax year 2006, twenty-five per cent;	61071
(b) For tax year 2007, fifty per cent;	61072
(c) For tax year 2008, seventy-five per cent;	61073
(d) For tax year 2009 and thereafter, one hundred per cent.	61074
The taxable value of property reported by taxpayers used in	61075

divisions (C)(1), (2), and (3) of this section shall be such 61076
values as determined to be final by the tax commissioner as of 61077
August 31, 2005. Such determinations shall be final except for any 61078
correction of a clerical error that was made prior to August 31, 61079
2005, by the tax commissioner. 61080

(4) Telephone property tax value loss is the taxable value of 61081
telephone property as taxpayers would have reported that property 61082
for tax year 2004 if the assessment rate for all telephone 61083
property for that year were twenty-five per cent, multiplied by: 61084

(a) For tax year 2006, zero per cent; 61085

(b) For tax year 2007, zero per cent; 61086

(c) For tax year 2008, zero per cent; 61087

(d) For tax year 2009, sixty per cent; 61088

(e) For tax year 2010, eighty per cent; 61089

(f) For tax year 2011 and thereafter, one hundred per cent. 61090

(5) Division (C)(5) of this section applies to any school 61091
district, joint vocational school district, or local taxing unit 61092
in a county in which is located a facility currently or formerly 61093
devoted to the enrichment or commercialization of uranium or 61094
uranium products, and for which the total taxable value of 61095
property listed on the general tax list of personal property for 61096
any tax year from tax year 2001 to tax year 2004 was fifty per 61097
cent or less of the taxable value of such property listed on the 61098
general tax list of personal property for the next preceding tax 61099
year. 61100

In computing the fixed-rate levy losses under divisions 61101
(D)(1), (2), and (3) of this section for any school district, 61102
joint vocational school district, or local taxing unit to which 61103
division (C)(5) of this section applies, the taxable value of such 61104
property as listed on the general tax list of personal property 61105

for tax year 2000 shall be substituted for the taxable value of 61106
such property as reported by taxpayers for tax year 2004, in the 61107
taxing district containing the uranium facility, if the taxable 61108
value listed for tax year 2000 is greater than the taxable value 61109
reported by taxpayers for tax year 2004. For the purpose of making 61110
the computations under divisions (D)(1), (2), and (3) of this 61111
section, the tax year 2000 valuation is to be allocated to 61112
machinery and equipment, inventory, and furniture and fixtures 61113
property in the same proportions as the tax year 2004 values. For 61114
the purpose of the calculations in division (A) of section 5751.21 61115
of the Revised Code, the tax year 2004 taxable values shall be 61116
used. 61117

To facilitate the calculations required under division (C) of 61118
this section, the county auditor, upon request from the tax 61119
commissioner, shall provide by August 1, 2005, the values of 61120
machinery and equipment, inventory, and furniture and fixtures for 61121
all single-county personal property taxpayers for tax year 2004. 61122

(D) Not later than September 15, 2005, the tax commissioner 61123
shall determine for each tax year from 2006 through 2009 for each 61124
school district, joint vocational school district, and local 61125
taxing unit its machinery and equipment, inventory, and furniture 61126
and fixtures fixed-rate levy losses, and for each tax year from 61127
2006 through 2011 its telephone property fixed-rate levy loss, 61128
which are the applicable amounts described in divisions (D)(1), 61129
(2), (3), and (4) of this section: 61130

(1) The machinery and equipment fixed-rate levy loss is the 61131
machinery and equipment property tax value loss multiplied by the 61132
sum of the tax rates of fixed-rate qualifying levies. 61133

(2) The inventory fixed-rate loss is the inventory property 61134
tax value loss multiplied by the sum of the tax rates of 61135
fixed-rate qualifying levies. 61136

(3) The furniture and fixtures fixed-rate levy loss is the 61137
furniture and fixture property tax value loss multiplied by the 61138
sum of the tax rates of fixed-rate qualifying levies. 61139

(4) The telephone property fixed-rate levy loss is the 61140
telephone property tax value loss multiplied by the sum of the tax 61141
rates of fixed-rate qualifying levies. 61142

(E) Not later than September 15, 2005, the tax commissioner 61143
shall determine for each school district, joint vocational school 61144
district, and local taxing unit its fixed-sum levy loss. The 61145
fixed-sum levy loss is the amount obtained by subtracting the 61146
amount described in division (E)(2) of this section from the 61147
amount described in division (E)(1) of this section: 61148

(1) The sum of the machinery and equipment property tax value 61149
loss, the inventory property tax value loss, and the furniture and 61150
fixtures property tax value loss, and, for 2008 through 2017 the 61151
telephone property tax value loss of the district or unit 61152
multiplied by the sum of the fixed-sum tax rates of qualifying 61153
levies. For 2006 through 2010, this computation shall include all 61154
qualifying levies remaining in effect for the current tax year and 61155
any school district emergency levies that are qualifying levies 61156
not remaining in effect for the current year. For 2011 through 61157
2017 in the case of school district emergency levies and for all 61158
years after 2010 in the case of other fixed-sum levies, this 61159
computation shall include only qualifying levies remaining in 61160
effect for the current year. For purposes of this computation, a 61161
qualifying school district emergency levy remains in effect in a 61162
year after 2010 only if, for that year, the board of education 61163
levies a school district emergency levy for an annual sum at least 61164
equal to the annual sum levied by the board in tax year 2004 less 61165
the amount of the payment certified under this division for 2006. 61166

(2) The total taxable value in tax year 2004 less the sum of 61167
the machinery and equipment, inventory, furniture and fixtures, 61168

and telephone property tax value losses in each school district, 61169
joint vocational school district, and local taxing unit multiplied 61170
by one-half of one mill per dollar. 61171

(3) For the calculations in divisions (E)(1) and (2) of this 61172
section, the tax value losses are those that would be calculated 61173
for tax year 2009 under divisions (C)(1), (2), and (3) of this 61174
section and for tax year 2011 under division (C)(4) of this 61175
section. 61176

(4) To facilitate the calculation under divisions (D) and (E) 61177
of this section, not later than September 1, 2005, any school 61178
district, joint vocational school district, or local taxing unit 61179
that has a qualifying levy that was approved at an election 61180
conducted during 2005 before September 1, 2005, shall certify to 61181
the tax commissioner a copy of the county auditor's certificate of 61182
estimated property tax millage for such levy as required under 61183
division (B) of section 5705.03 of the Revised Code, which is the 61184
rate that shall be used in the calculations under such divisions. 61185

If the amount determined under division (E) of this section 61186
for any school district, joint vocational school district, or 61187
local taxing unit is greater than zero, that amount shall equal 61188
the reimbursement to be paid pursuant to division (D) of section 61189
5751.21 or division (A)(3) of section 5751.22 of the Revised Code, 61190
and the one-half of one mill that is subtracted under division 61191
(E)(2) of this section shall be apportioned among all contributing 61192
fixed-sum levies in the proportion that each levy bears to the sum 61193
of all fixed-sum levies within each school district, joint 61194
vocational school district, or local taxing unit. 61195

(F) Not later than October 1, 2005, the tax commissioner 61196
shall certify to the department of education for every school 61197
district and joint vocational school district the machinery and 61198
equipment, inventory, furniture and fixtures, and telephone 61199
property tax value losses determined under division (C) of this 61200

section, the machinery and equipment, inventory, furniture and 61201
fixtures, and telephone fixed-rate levy losses determined under 61202
division (D) of this section, and the fixed-sum levy losses 61203
calculated under division (E) of this section. The calculations 61204
under divisions (D) and (E) of this section shall separately 61205
display the levy loss for each levy eligible for reimbursement. 61206

(G) Not later than October 1, 2005, the tax commissioner 61207
shall certify the amount of the fixed-sum levy losses to the 61208
county auditor of each county in which a school district, joint 61209
vocational school district, or local taxing unit with a fixed-sum 61210
levy loss reimbursement has territory. 61211

Sec. 5751.21. (A) Not later than the ~~thirty-first~~ fifteenth 61212
day of July of 2007 through 2017, the department of education 61213
shall consult with the director of budget and management and 61214
determine the following for each school district and each joint 61215
vocational school district eligible for payment under division (B) 61216
of this section: 61217

(1) The state education aid offset, which is the difference 61218
obtained by subtracting the amount described in division (A)(1)(b) 61219
of this section from the amount described in division (A)(1)(a) of 61220
this section: 61221

(a) The state education aid computed for the school district 61222
or joint vocational school district for the current fiscal year as 61223
of the ~~thirty-first~~ fifteenth day of July; 61224

(b) The state education aid that would be computed for the 61225
school district or joint vocational school district for the 61226
current fiscal year as of the ~~thirty-first~~ fifteenth day of July 61227
if the recognized valuation included the machinery and equipment, 61228
inventory, furniture and fixtures, and telephone property tax 61229
value losses for the school district or joint vocational school 61230
district for the second preceding tax year. 61231

(2) The greater of zero or the difference obtained by subtracting the state education aid offset determined under division (A)(1) of this section from the sum of the machinery and equipment fixed-rate levy loss, the inventory fixed-rate levy loss, furniture and fixtures fixed-rate levy loss, and telephone property fixed-rate levy loss certified under division (F) of section 5751.20 of the Revised Code for all taxing districts in each school district and joint vocational school district for the second preceding tax year.

By the ~~fifth~~ twentieth day of ~~August~~ July of each such year, the department of education and the director of budget and management shall ~~certify~~ agree upon the amount ~~to be~~ determined under division (A)(1) of this section ~~to the director of budget and management~~.

(B) The department of education shall pay from the school district tangible property tax replacement fund to each school district and joint vocational school district all of the following for fixed-rate levy losses certified under division (F) of section 5751.20 of the Revised Code:

(1) On or before May 31, 2006, one-seventh of the total fixed-rate levy loss for tax year 2006;

(2) On or before August 31, 2006, and October 31, 2006, one-half of six-sevenths of the total fixed-rate levy loss for tax year 2006;

(3) On or before May 31, 2007, one-seventh of the total fixed-rate levy loss for tax year 2007;

(4) On or before August 31, 2007, and October 31, 2007, forty-three per cent of the amount determined under division (A)(2) of this section for fiscal year 2008, but not less than zero, plus one-half of six-sevenths of the difference between the total fixed-rate levy loss for tax year 2007 and the total

fixed-rate levy loss for tax year 2006. 61263

(5) On or before May 31, 2008, fourteen per cent of the 61264
amount determined under division (A)(2) of this section for fiscal 61265
year 2008, but not less than zero, plus one-seventh of the 61266
difference between the total fixed-rate levy loss for tax year 61267
2008 and the total fixed-rate levy loss for tax year 2006. 61268

(6) On or before August 31, 2008, and October 31, 2008, 61269
forty-three per cent of the amount determined under division 61270
(A)(2) of this section for fiscal year 2009, but not less than 61271
zero, plus one-half of six-sevenths of the difference between the 61272
total fixed-rate levy loss in tax year 2008 and the total 61273
fixed-rate levy loss in tax year 2007. 61274

(7) On or before May 31, 2009, fourteen per cent of the 61275
amount determined under division (A)(2) of this section for fiscal 61276
year 2009, but not less than zero, plus one-seventh of the 61277
difference between the total fixed-rate levy loss for tax year 61278
2009 and the total fixed-rate levy loss for tax year 2007. 61279

(8) On or before August 31, 2009, and October 31, 2009, 61280
forty-three per cent of the amount determined under division 61281
(A)(2) of this section for fiscal year 2010, but not less than 61282
zero, plus one-half of six-sevenths of the difference between the 61283
total fixed-rate levy loss in tax year 2009 and the total 61284
fixed-rate levy loss in tax year 2008. 61285

(9) On or before May 31, 2010, fourteen per cent of the 61286
amount determined under division (A)(2) of this section for fiscal 61287
year 2010, but not less than zero, plus one-seventh of the 61288
difference between the total fixed-rate levy loss in tax year 2010 61289
and the total fixed-rate levy loss in tax year 2008. 61290

(10) On or before August 31, 2010, and October 31, 2010, 61291
~~one-third~~ forty-three per cent of the amount determined under 61292
division (A)(2) of this section for fiscal year 2011, but not less 61293

than zero, plus one-half of six-sevenths of the difference between 61294
the telephone property fixed-rate levy loss for tax year 2010 and 61295
the telephone property fixed-rate levy loss for tax year 2009. 61296

(11) On or before May 31, 2011, fourteen per cent of the 61297
amount determined under division (A)(2) of this section for fiscal 61298
year 2011, but not less than zero, plus one-seventh of the 61299
difference between the telephone property fixed-rate levy loss for 61300
tax year 2011 and the telephone property fixed-rate levy loss for 61301
tax year 2009. 61302

(12) On or before August 31, 2011, and October 31, 2011, ~~and~~ 61303
~~May 31, 2012,~~ the amount determined under division (A)(2) of this 61304
section multiplied by a fraction, the numerator of which is 61305
fourteen and the denominator of which is seventeen, but not less 61306
than zero, multiplied by ~~one-third~~ forty-three per cent, plus 61307
one-half of six-sevenths of the difference between the telephone 61308
property fixed-rate levy loss for tax year 2011 and the telephone 61309
property fixed-rate levy loss for tax year 2010. 61310

(13) On or before May 31, 2012, fourteen per cent of the 61311
amount determined under division (A)(2) of this section for fiscal 61312
year 2012, multiplied by a fraction, the numerator of which is 61313
fourteen and the denominator of which is seventeen, plus 61314
one-seventh of the difference between the telephone property 61315
fixed-rate levy loss for tax year 2011 and the telephone property 61316
fixed-rate levy loss for tax year 2010. 61317

(14) On or before August 31, 2012, October 31, 2012, and May 61318
31, 2013, the amount determined under division (A)(2) of this 61319
section multiplied by a fraction, the numerator of which is eleven 61320
and the denominator of which is seventeen, but not less than zero, 61321
multiplied by one-third. 61322

(15) On or before August 31, 2013, October 31, 2013, and May 61323
31, 2014, the amount determined under division (A)(2) of this 61324

section multiplied by a fraction, the numerator of which is nine 61325
and the denominator of which is seventeen, but not less than zero, 61326
multiplied by one-third. 61327

(16) On or before August 31, 2014, October 31, 2014, and May 61328
31, 2015, the amount determined under division (A)(2) of this 61329
section multiplied by a fraction, the numerator of which is seven 61330
and the denominator of which is seventeen, but not less than zero, 61331
multiplied by one-third. 61332

(17) On or before August 31, 2015, October 31, 2015, and May 61333
31, 2016, the amount determined under division (A)(2) of this 61334
section multiplied by a fraction, the numerator of which is five 61335
and the denominator of which is seventeen, but not less than zero, 61336
multiplied by one-third. 61337

(18) On or before August 31, 2016, October 31, 2016, and May 61338
31, 2017, the amount determined under division (A)(2) of this 61339
section multiplied by a fraction, the numerator of which is three 61340
and the denominator of which is seventeen, but not less than zero, 61341
multiplied by one-third. 61342

(19) On or before August 31, 2017, October 31, 2017, and May 61343
31, 2018, the amount determined under division (A)(2) of this 61344
section multiplied by a fraction, the numerator of which is one 61345
and the denominator of which is seventeen, but not less than zero, 61346
multiplied by one-third. 61347

~~(20) After May 31, 2018, no payments shall be made under this 61348
section. 61349~~

The department of education shall report to each school 61350
district and joint vocational school district the apportionment of 61351
the payments among the school district's or joint vocational 61352
school district's funds based on the certifications under division 61353
(F) of section 5751.20 of the Revised Code. 61354

Any qualifying levy that is a fixed-rate levy that is not 61355

applicable to a tax year after 2010 does not qualify for any 61356
reimbursement after the tax year to which it is last applicable. 61357

(C) For taxes levied within the ten-mill limitation for debt 61358
purposes in tax year 2005, payments shall be made equal to one 61359
hundred per cent of the loss computed as if the tax were a 61360
fixed-rate levy, but those payments shall extend from fiscal year 61361
2006 through fiscal year 2018, as long as the qualifying levy 61362
continues to be used for debt purposes. If the purpose of such a 61363
qualifying levy is changed, that levy becomes subject to the 61364
payments determined in division (B) of this section. 61365

(D)(1) Not later than January 1, 2006, for each fixed-sum 61366
levy of each school district or joint vocational school district 61367
and for each year for which a determination is made under division 61368
(F) of section 5751.20 of the Revised Code that a fixed-sum levy 61369
loss is to be reimbursed, the tax commissioner shall certify to 61370
the department of education the fixed-sum levy loss determined 61371
under that division. The certification shall cover a time period 61372
sufficient to include all fixed-sum levies for which the 61373
commissioner made such a determination. The department shall pay 61374
from the school district property tax replacement fund to the 61375
school district or joint vocational school district one-third of 61376
the fixed-sum levy loss so certified for each year on or before 61377
the last day of May, August, and October of the current year. 61378

(2) Beginning in 2006, by the first day of January of each 61379
year, the tax commissioner shall review the certification 61380
originally made under division (D)(1) of this section. If the 61381
commissioner determines that a debt levy that had been scheduled 61382
to be reimbursed in the current year has expired, a revised 61383
certification for that and all subsequent years shall be made to 61384
the department of education. 61385

(E) Beginning in September 2007 and through June 2018, the 61386
director of budget and management shall transfer from the school 61387

district tangible property tax replacement fund to the general 61388
revenue fund each of the following: 61389

(1) On the first day of September, ~~the lesser of~~ one-fourth 61390
of the amount ~~certified~~ determined for that fiscal year under 61391
division (A)(1) of this section ~~or the balance in the school~~ 61392
~~district tangible property tax replacement fund;~~ 61393

(2) On the first day of December, ~~the lesser of~~ one-fourth of 61394
the amount ~~certified~~ determined for that fiscal year under 61395
division (A)(1) of this section ~~or the balance in the school~~ 61396
~~district tangible property tax replacement fund;~~ 61397

(3) On the first day of March, ~~the lesser of~~ one-fourth of 61398
the amount ~~certified~~ determined for that fiscal year under 61399
division (A)(1) of this section ~~or the balance in the school~~ 61400
~~district tangible property tax replacement fund;~~ 61401

(4) On the first day of June, ~~the lesser of~~ one-fourth of the 61402
amount ~~certified~~ determined for that fiscal year under division 61403
(A)(1) of this section ~~or the balance in the school district~~ 61404
~~tangible property tax replacement fund.~~ 61405

If, when a transfer is required under division (E)(1), (2), 61406
(3), or (4) of this section, there is not sufficient money in the 61407
school district tangible property tax replacement fund to make the 61408
transfer in the required amount, the director shall transfer the 61409
balance in the fund to the general revenue fund and may make 61410
additional transfers on later dates as determined by the director 61411
in a total amount that does not exceed one-fourth of the amount 61412
determined for the fiscal year. 61413

(F) For each of the fiscal years 2006 through 2018, if the 61414
total amount in the school district tangible property tax 61415
replacement fund is insufficient to make all payments under 61416
divisions (B), (C), and (D) of this section at the times the 61417
payments are to be made, the director of budget and management 61418

shall transfer from the general revenue fund to the school 61419
district tangible property tax replacement fund the difference 61420
between the total amount to be paid and the amount in the school 61421
district tangible property tax replacement fund. For each fiscal 61422
year after 2018, at the time payments under division (D) of this 61423
section are to be made, the director of budget and management 61424
shall transfer from the general revenue fund to the school 61425
district property tax replacement fund the amount necessary to 61426
make such payments. 61427

(G)(1) On the fifteenth day of June of 2006 through 2011, the 61428
director of budget and management may transfer any balance in the 61429
school district tangible property tax replacement fund to the 61430
general revenue fund. At the end of fiscal years 2012 through 61431
2018, any balance in the school district tangible property tax 61432
replacement fund shall remain in the fund to be used in future 61433
fiscal years for school purposes. 61434

(2) In each fiscal year beginning with fiscal year 2019, all 61435
amounts credited to the school district tangible personal property 61436
tax replacement fund shall be appropriated for school purposes. 61437

(H) If all of the territory of a school district or joint 61438
vocational school district is merged with another district, or if 61439
a part of the territory of a school district or joint vocational 61440
school district is transferred to an existing or newly created 61441
district, the department of education, in consultation with the 61442
tax commissioner, shall adjust the payments made under this 61443
section as follows: 61444

(1) For a merger of two or more districts, the machinery and 61445
equipment, inventory, furniture and fixtures, and telephone 61446
property fixed-rate levy losses and the fixed-sum levy losses of 61447
the successor district shall be equal to the sum of the machinery 61448
and equipment, inventory, furniture and fixtures, and telephone 61449
property fixed-rate levy losses and debt levy losses as determined 61450

in section 5751.20 of the Revised Code, for each of the districts 61451
involved in the merger. 61452

(2) If property is transferred from one district to a 61453
previously existing district, the amount of machinery and 61454
equipment, inventory, furniture and fixtures, and telephone 61455
property tax value losses and fixed-rate levy losses that shall be 61456
transferred to the recipient district shall be an amount equal to 61457
the total machinery and equipment, inventory, furniture and 61458
fixtures, and telephone property fixed-rate levy losses times a 61459
fraction, the numerator of which is the value of business tangible 61460
personal property on the land being transferred in the most recent 61461
year for which data are available, and the denominator of which is 61462
the total value of business tangible personal property in the 61463
district from which the land is being transferred in the most 61464
recent year for which data are available. For each of the first 61465
five years after the property is transferred, but not after fiscal 61466
year 2012, if the tax rate in the recipient district is less than 61467
the tax rate of the district from which the land was transferred, 61468
one-half of the payments arising from the amount of fixed-rate 61469
levy losses so transferred to the recipient district shall be paid 61470
to the recipient district and one-half of the payments arising 61471
from the fixed-rate levy losses so transferred shall be paid to 61472
the district from which the land was transferred. Fixed-rate levy 61473
losses so transferred shall be computed on the basis of the sum of 61474
the rates of fixed-rate qualifying levies of the district from 61475
which the land was transferred, notwithstanding division (D) of 61476
this section. 61477

(3) After December 31, 2004, if property is transferred from 61478
one or more districts to a district that is newly created out of 61479
the transferred property, the newly created district shall be 61480
deemed not to have any machinery and equipment, inventory, 61481
furniture and fixtures, or telephone property fixed-rate levy 61482

losses and the districts from which the property was transferred 61483
shall have no reduction in their machinery and equipment, 61484
inventory, furniture and fixtures, and telephone property 61485
fixed-rate levy losses. 61486

(4) If the recipient district under division (H)(2) of this 61487
section or the newly created district under divisions (H)(3) of 61488
this section is assuming debt from one or more of the districts 61489
from which the property was transferred and any of the districts 61490
losing the property had fixed-sum levy losses, the department of 61491
education, in consultation with the tax commissioner, shall make 61492
an equitable division of the fixed-sum levy loss reimbursements. 61493

Sec. 5751.23. (A) As used in this section: 61494

(1) "Administrative fees" means the dollar percentages 61495
allowed by the county auditor for services or by the county 61496
treasurer as fees, or paid to the credit of the real estate 61497
assessment fund, under divisions (A) and ~~(B)~~(C) of section 319.54 61498
and division (A) of section 321.26 of the Revised Code. 61499

(2) "Administrative fee loss" means a county's loss of 61500
administrative fees due to its tax value loss, determined as 61501
follows: 61502

(a) For purposes of the determination made under division (B) 61503
of this section in the years 2006 through 2010, the administrative 61504
fee loss shall be computed by multiplying the amounts determined 61505
for all taxing districts in the county under divisions (D) and (E) 61506
of section 5751.20 of the Revised Code by nine thousand six 61507
hundred fifty-nine ten-thousandths of one per cent if total taxes 61508
collected in the county in 2004 exceeded one hundred fifty million 61509
dollars, or one and one thousand one hundred fifty-nine 61510
ten-thousandths of one per cent if total taxes collected in the 61511
county in 2004 were one hundred fifty million dollars or less; 61512

(b) For purposes of the determination under division (B) of 61513
this section in the years after 2010, the administrative fee 61514
losses shall be determined by multiplying the administrative fee 61515
losses calculated for 2010 by the fractions in divisions (A)(1)(b) 61516
to (i) of section 5751.22 of the Revised Code. 61517

(3) "Total taxes collected" means all money collected on any 61518
tax duplicate of the county, other than the estate tax duplicates. 61519
"Total taxes collected" does not include amounts received pursuant 61520
to divisions (F) and (G) of section 321.24 or section 323.156 of 61521
the Revised Code. 61522

(B) Not later than December 31, 2005, the tax commissioner 61523
shall certify to each county auditor the tax levy losses 61524
calculated under divisions (D) and (E) of section 5751.20 of the 61525
Revised Code for each school district, joint vocational school 61526
district, and local taxing unit in the county. Not later than the 61527
thirty-first day of January of 2006 through 2017, the county 61528
auditor shall determine the administrative fee loss for the county 61529
and apportion that loss ratably among the school districts, joint 61530
vocational school districts, and local taxing units on the basis 61531
of the tax levy losses certified under this division. 61532

(C) On or before each of the days prescribed for the 61533
settlements under divisions (A) and (C) of section 321.24 of the 61534
Revised Code in the years 2006 through 2017, the county treasurer 61535
shall deduct one-half of the amount apportioned to each school 61536
district, joint vocational school district, and local taxing unit 61537
from the portions of revenue payable to them. 61538

(D) On or before each of the days prescribed for settlements 61539
under divisions (A) and (C) of section 321.24 of the Revised Code 61540
in the years 2006 through 2017, the county auditor shall cause to 61541
be deposited an amount equal to one-half of the amount of the 61542
administrative fee loss in the same funds as if allowed as 61543
administrative fees. 61544

Sec. 5907.15. There is hereby created in the state treasury 61545
the Ohio veterans' homes rental, and service, ~~and medicare~~ 61546
~~reimbursement~~ fund. Revenue generated from temporary use 61547
agreements of a veterans' home, from the sale of meals at a home's 61548
dining halls, and from rental, lease, or sharing agreements for 61549
the use of facilities, supplies, equipment, utilities, or services 61550
provided by a home, ~~and from medicare reimbursements~~ shall be 61551
credited to the fund. The fund shall be used only for maintenance 61552
costs of the homes and for the purchase of medications, medication 61553
services, medical supplies, and medical equipment by the homes. 61554

Sec. 5907.16. There is hereby created in the state treasury 61555
the medicare services fund. Revenue from federal reimbursement of 61556
medicare services that were provided at state veterans' homes 61557
shall be credited to the fund. The fund shall be used for paying 61558
the operating costs of the state veterans' homes. 61559

Sec. 6109.21. (A) Except as provided in divisions (D) and (E) 61560
of this section, on and after January 1, 1994, no person shall 61561
operate or maintain a public water system in this state without a 61562
license issued by the director of environmental protection. A 61563
person who operates or maintains a public water system on January 61564
1, 1994, shall obtain an initial license under this section in 61565
accordance with the following schedule: 61566

(1) If the public water system is a community water system, 61567
not later than January 31, 1994; 61568

(2) If the public water system is not a community water 61569
system and serves a nontransient population, not later than 61570
January 31, 1994; 61571

(3) If the public water system is not a community water 61572
system and serves a transient population, not later than January 61573
31, 1995. 61574

A person proposing to operate or maintain a new public water system after January 1, 1994, in addition to complying with section 6109.07 of the Revised Code and rules adopted under it, shall submit an application for an initial license under this section to the director prior to commencing operation of the system.

A license or license renewal issued under this section shall be renewed annually. Such a license or license renewal shall expire on the thirtieth day of January in the year following its issuance. A license holder that proposes to continue operating the public water system for which the license or license renewal was issued shall apply for a license renewal at least thirty days prior to that expiration date.

The director shall adopt, and may amend and rescind, rules in accordance with Chapter 119. of the Revised Code establishing procedures governing and information to be included on applications for licenses and license renewals under this section. Through June 30, ~~2008~~ 2010, each application shall be accompanied by the appropriate fee established under division (M) of section 3745.11 of the Revised Code, provided that an applicant for an initial license who is proposing to operate or maintain a new public water system after January 1, 1994, shall submit a fee that equals a prorated amount of the appropriate fee established under that division for the remainder of the licensing year.

(B) Not later than thirty days after receiving a completed application and the appropriate license fee for an initial license under division (A) of this section, the director shall issue the license for the public water system. Not later than thirty days after receiving a completed application and the appropriate license fee for a license renewal under division (A) of this section, the director shall do one of the following:

(1) Issue the license renewal for the public water system;

(2) Issue the license renewal subject to terms and conditions 61607
that the director determines are necessary to ensure compliance 61608
with this chapter and rules adopted under it; 61609

(3) Deny the license renewal if the director finds that the 61610
public water system was not operated in substantial compliance 61611
with this chapter and rules adopted under it. 61612

(C) The director may suspend or revoke a license or license 61613
renewal issued under this section if the director finds that the 61614
public water system was not operated in substantial compliance 61615
with this chapter and rules adopted under it. The director shall 61616
adopt, and may amend and rescind, rules in accordance with Chapter 61617
119. of the Revised Code governing such suspensions and 61618
revocations. 61619

(D)(1) As used in division (D) of this section, "church" 61620
means a fellowship of believers, congregation, society, 61621
corporation, convention, or association that is formed primarily 61622
or exclusively for religious purposes and that is not formed or 61623
operated for the private profit of any person. 61624

(2) This section does not apply to a church that operates or 61625
maintains a public water system solely to provide water for that 61626
church or for a campground that is owned by the church and 61627
operated primarily or exclusively for members of the church and 61628
their families. A church that, on or before March 5, 1996, has 61629
obtained a license under this section for such a public water 61630
system need not obtain a license renewal under this section. 61631

(E) This section does not apply to any public or nonpublic 61632
school that meets minimum standards of the state board of 61633
education that operates or maintains a public water system solely 61634
to provide water for that school. 61635

Sec. 6111.0381. There is hereby created in the state treasury 61636

the water quality protection fund. The fund shall consist of 61637
federal grants, including grants made pursuant to the Federal 61638
Water Pollution Control Act, and contributions made to the 61639
environmental protection agency for water quality protection and 61640
restoration. The director of environmental protection shall use 61641
money in the fund for water quality protection and restoration. 61642

Sec. 6111.04. (A) Both of the following apply except as 61643
otherwise provided in division (A) or (F) of this section: 61644

(1) No person shall cause pollution or place or cause to be 61645
placed any sewage, sludge, sludge materials, industrial waste, or 61646
other wastes in a location where they cause pollution of any 61647
waters of the state. 61648

(2) Such an action prohibited under division (A)(1) of this 61649
section is hereby declared to be a public nuisance. 61650

Divisions (A)(1) and (2) of this section do not apply if the 61651
person causing pollution or placing or causing to be placed wastes 61652
in a location in which they cause pollution of any waters of the 61653
state holds a valid, unexpired permit, or renewal of a permit, 61654
governing the causing or placement as provided in sections 6111.01 61655
to 6111.08 of the Revised Code or if the person's application for 61656
renewal of such a permit is pending. 61657

(B) If the director of environmental protection administers a 61658
sludge management program pursuant to division (S) of section 61659
6111.03 of the Revised Code, both of the following apply except as 61660
otherwise provided in division (B) or (F) of this section: 61661

(1) No person, in the course of sludge management, shall 61662
place on land located in the state or release into the air of the 61663
state any sludge or sludge materials. 61664

(2) An action prohibited under division (B)(1) of this 61665
section is hereby declared to be a public nuisance. 61666

Divisions (B)(1) and (2) of this section do not apply if the person placing or releasing the sludge or sludge materials holds a valid, unexpired permit, or renewal of a permit, governing the placement or release as provided in sections 6111.01 to 6111.08 of the Revised Code or if the person's application for renewal of such a permit is pending.

(C) No person to whom a permit has been issued shall place or discharge, or cause to be placed or discharged, in any waters of the state any sewage, sludge, sludge materials, industrial waste, or other wastes in excess of the permissive discharges specified under an existing permit without first receiving a permit from the director to do so.

(D) No person to whom a sludge management permit has been issued shall place on the land or release into the air of the state any sludge or sludge materials in excess of the permissive amounts specified under the existing sludge management permit without first receiving a modification of the existing sludge management permit or a new sludge management permit to do so from the director.

(E) The director may require the submission of plans, specifications, and other information that the director considers relevant in connection with the issuance of permits.

(F) This section does not apply to any of the following:

(1) Waters used in washing sand, gravel, other aggregates, or mineral products when the washing and the ultimate disposal of the water used in the washing, including any sewage, industrial waste, or other wastes contained in the waters, are entirely confined to the land under the control of the person engaged in the recovery and processing of the sand, gravel, other aggregates, or mineral products and do not result in the pollution of waters of the state;

(2) Water, gas, or other material injected into a well to facilitate, or that is incidental to, the production of oil, gas, artificial brine, or water derived in association with oil or gas production and disposed of in a well, in compliance with a permit issued under Chapter 1509. of the Revised Code, or sewage, industrial waste, or other wastes injected into a well in compliance with an injection well operating permit. Division (F)(2) of this section does not authorize, without a permit, any discharge that is prohibited by, or for which a permit is required by, regulation of the United States environmental protection agency.

(3) Application of any materials to land for agricultural purposes or runoff of the materials from that application or pollution by animal waste or soil sediment, including attached substances, resulting from farming, silvicultural, or earthmoving activities regulated by Chapter 307. or 1511. of the Revised Code. Division (F)(3) of this section does not authorize, without a permit, any discharge that is prohibited by, or for which a permit is required by, the Federal Water Pollution Control Act or regulations adopted under it.

(4) The excrement of domestic and farm animals defecated on land or runoff therefrom into any waters of the state. Division (F)(4) of this section does not authorize, without a permit, any discharge that is prohibited by, or for which a permit is required by, the Federal Water Pollution Control Act or regulations adopted under it.

(5) On and after the date on which the United States environmental protection agency approves the NPDES program submitted by the director of agriculture under section 903.08 of the Revised Code, any discharge that is within the scope of the approved NPDES program submitted by the director of agriculture;

(6) The discharge of sewage, industrial waste, or other

wastes into a sewerage system tributary to a treatment works. 61730
Division (F)(6) of this section does not authorize any discharge 61731
into a publicly owned treatment works in violation of a 61732
pretreatment program applicable to the publicly owned treatment 61733
works. 61734

~~(7) A household sewage treatment system or a small flow 61735
on-site sewage treatment system, as applicable, as defined in 61736
section 3718.01 of the Revised Code that is installed Septic tanks 61737
or other disposal systems for the disposal or treatment of sewage 61738
from single-family, two-family, or three-family dwellings in 61739
compliance with ~~Chapter 3718.~~ the sanitary code and section 61740
3707.01 of the Revised Code and rules adopted under it. Division 61741
(F)(7) of this section does not authorize, without a permit, any 61742
discharge that is prohibited by, or for which a permit is required 61743
by, regulation of the United States environmental protection 61744
agency. 61745~~

(8) Exceptional quality sludge generated outside of this 61746
state and contained in bags or other containers not greater than 61747
one hundred pounds in capacity. As used in division (F)(8) of this 61748
section, "exceptional quality sludge" has the same meaning as in 61749
division (Y) of section 3745.11 of the Revised Code. 61750

(G) The holder of a permit issued under section 402 (a) of 61751
the Federal Water Pollution Control Act need not obtain a permit 61752
for a discharge authorized by the permit until its expiration 61753
date. Except as otherwise provided in this division, the director 61754
of environmental protection shall administer and enforce those 61755
permits within this state and may modify their terms and 61756
conditions in accordance with division (J) of section 6111.03 of 61757
the Revised Code. On and after the date on which the United States 61758
environmental protection agency approves the NPDES program 61759
submitted by the director of agriculture under section 903.08 of 61760
the Revised Code, the director of agriculture shall administer and 61761

enforce those permits within this state that are issued for any 61762
discharge that is within the scope of the approved NPDES program 61763
submitted by the director of agriculture. 61764

Sec. 6111.44. (A) Except as otherwise provided in division 61765
(B) of this section, in section 6111.14 of the Revised Code, or in 61766
rules adopted under division (G) of section 6111.03 of the Revised 61767
Code, no municipal corporation, county, public institution, 61768
corporation, or officer or employee thereof or other person shall 61769
provide or install sewerage or treatment works for sewage, sludge, 61770
or sludge materials disposal or treatment or make a change in any 61771
sewerage or treatment works until the plans therefor have been 61772
submitted to and approved by the director of environmental 61773
protection. Sections 6111.44 to 6111.46 of the Revised Code apply 61774
to sewerage and treatment works of a municipal corporation or part 61775
thereof, an unincorporated community, a county sewer district, or 61776
other land outside of a municipal corporation or any publicly or 61777
privately owned building or group of buildings or place, used for 61778
the assemblage, entertainment, recreation, education, correction, 61779
hospitalization, housing, or employment of persons. 61780

In granting an approval, the director may stipulate 61781
modifications, conditions, and rules that the public health and 61782
prevention of pollution may require. Any action taken by the 61783
director shall be a matter of public record and shall be entered 61784
in the director's journal. Each period of thirty days that a 61785
violation of this section continues, after a conviction for the 61786
violation, constitutes a separate offense. 61787

(B) Sections 6111.45 and 6111.46 of the Revised Code and 61788
division (A) of this section do not apply to any of the following: 61789

(1) Sewerage or treatment works for sewage installed or to be 61790
installed for the use of a private residence or dwelling; 61791

(2) Sewerage systems, treatment works, or disposal systems 61792

for storm water from an animal feeding facility or manure, as 61793
"animal feeding facility" and "manure" are defined in section 61794
903.01 of the Revised Code; 61795

(3) Animal waste treatment or disposal works and related 61796
management and conservation practices that are subject to rules 61797
adopted under division (E)(2) of section 1511.02 of the Revised 61798
Code; 61799

~~(4) Sewerage or treatment works for the on lot disposal or 61800
treatment of sewage from a small flow on site sewage treatment 61801
system, as defined in section 3718.01 of the Revised Code, if the 61802
board of health of a city or general health district has notified 61803
the director of health and the director of environmental 61804
protection under section 3718.021 of the Revised Code that the 61805
board has chosen to regulate the system, provided that the board 61806
remains in compliance with the rules adopted under division 61807
(A)(13) of section 3718.02 of the Revised Code. 61808~~

The exclusions established in divisions (B)(2) and (3) of 61809
this section do not apply to the construction or installation of 61810
disposal systems, as defined in section 6111.01 of the Revised 61811
Code, that are located at an animal feeding facility and that 61812
store, treat, or discharge wastewaters that do not include storm 61813
water or manure or that discharge to a publicly owned treatment 61814
works. 61815

Sec. 6119.06. Upon the declaration of the court of common 61816
pleas organizing the regional water and sewer district pursuant to 61817
section 6119.04 of the Revised Code and upon the qualifying of its 61818
board of trustees and the election of a president and a secretary, 61819
said district shall exercise in its own name all the rights, 61820
powers, and duties vested in it by Chapter 6119. of the Revised 61821
Code, and, subject to such reservations, limitations and 61822
qualifications as are set forth in this Chapter, such district 61823

may: 61824

(A) Adopt bylaws for the regulation of its affairs, the 61825
conduct of its business, and notice of its actions; 61826

(B) Adopt an official seal; 61827

(C) Maintain a principal office and suboffices at such places 61828
within the district as it designates; 61829

(D) Sue and plead in its own name; be sued and impleaded in 61830
its own name with respect to its contracts or torts of its 61831
members, employees, or agents acting within the scope of their 61832
employment, or to enforce its obligations and covenants made under 61833
sections 6119.09, 6119.12, and 6119.14 of the Revised Code. Any 61834
such actions against the district shall be brought in the court of 61835
common pleas of the county in which the principal office of the 61836
district is located, or in the court of common pleas of the county 61837
in which the cause of action arose, and all summonses, exceptions, 61838
and notices of every kind shall be served on the district by 61839
leaving a copy thereof at the principal office with the person in 61840
charge thereof or with the secretary of the district; 61841

(E) Assume any liability or obligation of any person or 61842
political subdivision, including a right on the part of such 61843
district to indemnify and save harmless the other contracting 61844
party from any loss, cost, or liability by reason of the failure, 61845
refusal, neglect, or omission of such district to perform any 61846
agreement assumed by it or to act or discharge any such 61847
obligation; 61848

(F) Make loans and grants to political subdivisions for the 61849
acquisition or construction of water resource projects by such 61850
political subdivisions and adopt rules, regulations, and 61851
procedures for making such loans and grants; 61852

(G) Acquire, construct, reconstruct, enlarge, improve, 61853
furnish, equip, maintain, repair, operate, lease or rent to or 61854

from, or contract for operation by or for, a political subdivision 61855
or person, water resource projects within or without the district; 61856

(H) Make available the use or service of any water resource 61857
project to one or more persons, one or more political 61858
subdivisions, or any combination thereof; 61859

(I) Levy and collect taxes and special assessments; 61860

(J) Issue bonds and notes and refunding bonds and notes as 61861
provided in Chapter 6119. of the Revised Code; 61862

(K) Acquire by gift or purchase, hold, and dispose of real 61863
and personal property in the exercise of its powers and the 61864
performance of its duties under Chapter 6119. of the Revised Code; 61865

(L) Dispose of, by public or private sale, or lease any real 61866
or personal property determined by the board of trustees to be no 61867
longer necessary or needed for the operation or purposes of the 61868
district; 61869

(M) Acquire, in the name of the district, by purchase or 61870
otherwise, on such terms and in such manner as it considers 61871
proper, or by the exercise of the right of condemnation in the 61872
manner provided by section 6119.11 of the Revised Code, such 61873
public or private lands, including public parks, playgrounds, or 61874
reservations, or parts thereof or rights therein, rights-of-way, 61875
property, rights, easements, and interests as it considers 61876
necessary for carrying out Chapter 6119. of the Revised Code, but 61877
excluding the acquisition by the exercise of the right of 61878
condemnation of any waste water facility or water management 61879
facility owned by any person or political subdivision, and 61880
compensation shall be paid for public or private lands so taken; 61881

(N) Adopt rules and regulations to protect augmented flow by 61882
the district in waters of the state, to the extent augmented by a 61883
water resource project, from depletion so it will be available for 61884
beneficial use, to provide standards for the withdrawal from 61885

waters of the state of the augmented flow created by a water 61886
resource project which is not returned to the waters of the state 61887
so augmented, and to establish reasonable charges therefor, if 61888
considered necessary by the district; 61889

(O) Make and enter into all contracts and agreements and 61890
execute all instruments necessary or incidental to the performance 61891
of its duties and the execution of its powers under Chapter 6119. 61892
of the Revised Code; 61893

(P) Enter into contracts with any person or any political 61894
subdivision to render services to such contracting party for any 61895
service the district is authorized to provide; 61896

(Q) Enter into agreements for grants or the receipt and 61897
repayment of loans from a board of township trustees under section 61898
505.705 of the Revised Code; 61899

(R) Make provision for, contract for, or sell any of its 61900
by-products or waste; 61901

~~(R)~~(S) Exercise the power of eminent domain in the manner 61902
provided in Chapter 6119. of the Revised Code; 61903

~~(S)~~(T) Remove or change the location of any fence, building, 61904
railroad, canal, or other structure or improvement located in or 61905
out of the district, and in case it is not feasible or economical 61906
to move any such building, structure, or improvement situated in 61907
or upon lands required, and if the cost is determined by the board 61908
to be less than that of purchase or condemnation, to acquire land 61909
and construct, acquire, or install therein or thereon buildings, 61910
structures, or improvements similar in purpose, to be exchanged 61911
for such buildings, structures, or improvements under contracts 61912
entered into between the owner thereof and the district; 61913

~~(T)~~(U) Receive and accept, from any federal or state agency, 61914
grants for or in aid of the construction of any water resource 61915
project, and receive and accept aid or contributions from any 61916

source of money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions are made;

~~(U)~~(V) Purchase fire and extended coverage and liability insurance for any water resource project and for the principal office and suboffices of the district, insurance protecting the district 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 district may agree to provide under any resolution authorizing its water resource revenue bonds or in any trust agreement securing the same;

~~(V)~~(W) Charge, alter, and collect rentals and other charges for the use of services of any water resource project as provided in section 6119.09 of the Revised Code. Such district may refuse the services of any of its projects if any of such rentals or other charges, including penalties for late payment, are not paid by the user thereof, and, if such rentals or other charges are not paid when due and upon certification of nonpayment to the county auditor, such rentals or other charges constitute a lien upon the property so served, shall be placed by ~~him~~ the auditor upon the real property tax list and duplicate, and shall be collected in the same manner as other taxes;.

~~(W)~~(X) Provide coverage for its employees under Chapters 145., 4123., and 4141. of the Revised Code;

~~(X)~~(Y) Merge or combine with any other regional water and sewer district into a single district, which shall be one of the constituent districts, on terms so that the surviving district shall be possessed of all rights, capacity, privileges, powers, franchises, and authority of the constituent districts and shall be subject to all the liabilities, obligations, and duties of each of the constituent districts and all rights of creditors of such constituent districts shall be preserved unimpaired, limited in

lien to the property affected by such liens immediately prior to 61949
the time of the merger and all debts, liabilities, and duties of 61950
the respective constituent districts shall thereafter attach to 61951
the surviving district and may be enforced against it, and such 61952
other terms as are agreed upon, provided two-thirds of the members 61953
of each of the boards consent to such merger or combination. Such 61954
merger or combination shall become legally effective unless, prior 61955
to the ninetieth day following the later of the consents, 61956
qualified electors residing in either district equal in number to 61957
a majority of the qualified electors voting at the last general 61958
election in such district file with the secretary of the board of 61959
trustees of their regional water and sewer district a petition of 61960
remonstrance against such merger or combination. The secretary 61961
shall cause the board of elections of the proper county or 61962
counties to check the sufficiency of the signatures on such 61963
petition. 61964

~~(Y)~~(Z) Exercise the powers of the district without obtaining 61965
the consent of any other political subdivision, provided that all 61966
public or private property damaged or destroyed in carrying out 61967
the powers of the district shall be restored or repaired and 61968
placed in its original condition as nearly as practicable or 61969
adequate compensation made therefor by the district; 61970

~~(Z)~~(AA) Require the owner of any premises located within the 61971
district to connect ~~his~~ the owner's premises to a water resource 61972
project determined to be accessible to such premises and found to 61973
require such connection so as to prevent or abate pollution or 61974
protect the health and property of persons in the district. Such 61975
connection shall be made in accordance with procedures established 61976
by the board of trustees of such district and pursuant to such 61977
orders as the board may find necessary to ensure and enforce 61978
compliance with such procedures~~+~~. 61979

~~(AA)~~(BB) Do all acts necessary or proper to carry out the 61980

powers granted in Chapter 6119. of the Revised Code. 61981

Sec. 6121.04. The Ohio water development authority may do any 61982
or all of the following: 61983

(A) Adopt bylaws for the regulation of its affairs and the 61984
conduct of its business; 61985

(B) Adopt an official seal; 61986

(C) Maintain a principal office and suboffices at places 61987
within the state that it designates; 61988

(D) Sue and plead in its own name and be sued and impleaded 61989
in its own name with respect to its contracts or torts of its 61990
members, employees, or agents acting within the scope of their 61991
employment, or to enforce its obligations and covenants made under 61992
sections 6121.06, 6121.08, and 6121.13 of the Revised Code. Any 61993
such actions against the authority shall be brought in the court 61994
of common pleas of the county in which the principal office of the 61995
authority is located or in the court of common pleas of the county 61996
in which the cause of action arose, provided that the county is 61997
located within this state, and all summonses, exceptions, and 61998
notices of every kind shall be served on the authority by leaving 61999
a copy thereof at the principal office with the person in charge 62000
thereof or with the secretary-treasurer of the authority. 62001

(E) Make loans and grants to governmental agencies for the 62002
acquisition or construction of water development projects by any 62003
such governmental agency and adopt rules and procedures for making 62004
such loans and grants; 62005

(F) Acquire, construct, reconstruct, enlarge, improve, 62006
furnish, equip, maintain, repair, operate, or lease or rent to, or 62007
contract for operation by, a governmental agency or person, water 62008
development projects, and establish rules for the use of those 62009
projects; 62010

(G) Make available the use or services of any water development project to one or more persons, one or more governmental agencies, or any combination thereof;

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(H) Issue water development revenue bonds and notes and water development revenue refunding bonds of the state, payable solely from revenues as provided in section 6121.06 of the Revised Code, unless the bonds are refunded by refunding bonds, for the purpose of paying any part of the cost of one or more water development projects or parts thereof;

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(I) Acquire by gift or purchase, hold, and dispose of real and personal property in the exercise of its powers and the performance of its duties under this chapter;

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(J) Acquire, in the name of the state, by purchase or otherwise, on terms and in the manner that it considers proper, or by the exercise of the right of condemnation in the manner provided by section 6121.18 of the Revised Code, public or private lands, including public parks, playgrounds, or reservations, or parts thereof or rights therein, rights-of-way, property, rights, easements, and interests that it considers necessary for carrying out this chapter, but excluding the acquisition by the exercise of the right of condemnation of any waste water facility or water management facility owned by any person or governmental agency, and compensation shall be paid for public or private lands so taken, except that a government-owned waste water facility may be appropriated in accordance with section 6121.041 of the Revised Code;

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(K) Adopt rules to protect augmented flow in waters of the state, to the extent augmented by a water development project, from depletion so it will be available for beneficial use, and to provide standards for the withdrawal from waters of the state of the augmented flow created by a water development project that is not returned to the waters of the state so augmented and to

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establish reasonable charges therefor if considered necessary by 62043
the authority; 62044

(L) Make and enter into all contracts and agreements and 62045
execute all instruments necessary or incidental to the performance 62046
of its duties and the execution of its powers under this chapter 62047
in accordance with the following requirements: 62048

(1) When the cost under any such contract or agreement, other 62049
than compensation for personal services, involves an expenditure 62050
of more than twenty-five thousand dollars, the authority shall 62051
make a written contract with the lowest responsive and responsible 62052
bidder, in accordance with section 9.312 of the Revised Code, 62053
after advertisement for not less than two consecutive weeks in a 62054
newspaper of general circulation in Franklin county, and in other 62055
publications that the authority determines, which shall state the 62056
general character of the work and the general character of the 62057
materials to be furnished, the place where plans and 62058
specifications therefor may be examined, and the time and place of 62059
receiving bids, provided that a contract or lease for the 62060
operation of a water development project constructed and owned by 62061
the authority or an agreement for cooperation in the acquisition 62062
or construction of a water development project pursuant to section 62063
6121.13 of the Revised Code or any contract for the construction 62064
of a water development project that is to be leased by the 62065
authority to, and operated by, persons who are not governmental 62066
agencies and the cost of the project is to be amortized 62067
exclusively from rentals or other charges paid to the authority by 62068
persons who are not governmental agencies is not subject to the 62069
foregoing requirements and the authority may enter into such a 62070
contract or lease or such an agreement pursuant to negotiation and 62071
upon terms and conditions and for the period that it finds to be 62072
reasonable and proper in the circumstances and in the best 62073
interests of proper operation or of efficient acquisition or 62074

construction of the project. 62075

(2) Each bid for a contract for the construction, demolition, 62076
alteration, repair, or reconstruction of an improvement shall 62077
contain the full name of every person interested in it and shall 62078
meet the requirements of section 153.54 of the Revised Code. 62079

(3) Each bid for a contract except as provided in division 62080
(L)(2) of this section shall contain the full name of every person 62081
or company interested in it and shall be accompanied by a 62082
sufficient bond or certified check on a solvent bank that if the 62083
bid is accepted, a contract will be entered into and the 62084
performance thereof secured. 62085

(4) The authority may reject any and all bids. 62086

(5) A bond with good and sufficient surety, approved by the 62087
authority, shall be required of every contractor awarded a 62088
contract except as provided in division (L)(2) of this section, in 62089
an amount equal to at least fifty per cent of the contract price, 62090
conditioned upon the faithful performance of the contract. 62091

(M) Employ managers, superintendents, and other employees and 62092
retain or contract with consulting engineers, financial 62093
consultants, accounting experts, architects, attorneys, and other 62094
consultants and independent contractors that are necessary in its 62095
judgment to carry out this chapter, and fix the compensation 62096
thereof. All expenses thereof shall be payable solely from the 62097
proceeds of water development revenue bonds or notes issued under 62098
this chapter, from revenues, or from funds appropriated for that 62099
purpose by the general assembly. 62100

(N) Receive and accept from any federal agency, subject to 62101
the approval of the governor, grants for or in aid of the 62102
construction of any water development project or for research and 62103
development with respect to waste water or water management 62104
facilities, and receive and accept aid or contributions from any 62105

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; 62106
62107
62108

(O) Engage in research and development with respect to waste water or water management facilities; 62109
62110

(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; 62111
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(Q) Charge, alter, and collect rentals and other charges for the use or services of any water development project as provided in section 6121.13 of the Revised Code; 62119
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62121

(R) Provide coverage for its employees under Chapters 145., 4123., and 4141. of the Revised Code; 62122
62123

(S) Assist in the implementation and administration of the drinking water assistance fund and program created in section 6109.22 of the Revised Code and the water pollution control loan fund and program created in section 6111.036 of the Revised Code, including, without limitation, performing or providing fiscal management for the funds and investing and disbursing moneys in the funds, and enter into all necessary and appropriate agreements with the director of environmental protection for those purposes; 62124
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(T) Issue water development revenue bonds and notes of the state in principal amounts that are necessary for the purpose of raising moneys for the sole benefit of the water pollution control loan fund created in section 6111.036 of the Revised Code, including moneys to meet the requirement for providing matching 62132
62133
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moneys under division (D) of that section. The bonds and notes may 62137
be secured by appropriate trust agreements and repaid from moneys 62138
credited to the fund from payments of principal and interest on 62139
loans made from the fund, as provided in division (F) of section 62140
6111.036 of the Revised Code. 62141

(U) Issue water development revenue bonds and notes of the 62142
state in principal amounts that are necessary for the purpose of 62143
raising moneys for the sole benefit of the drinking water 62144
assistance fund created in section 6109.22 of the Revised Code, 62145
including moneys to meet the requirement for providing matching 62146
moneys under divisions (B) and (F) of that section. The bonds and 62147
notes may be secured by appropriate trust agreements and repaid 62148
from moneys credited to the fund from payments of principal and 62149
interest on loans made from the fund, as provided in division (F) 62150
of section 6109.22 of the Revised Code. 62151

(V) Make loans to and enter into agreements with boards of 62152
county commissioners for the purposes of section ~~1521.26~~ 1506.44 62153
of the Revised Code and adopt rules establishing requirements and 62154
procedures for making the loans and entering into the agreements; 62155

(W) Do all acts necessary or proper to carry out the powers 62156
expressly granted in this chapter. 62157

Any instrument by which real property is acquired pursuant to 62158
this section shall identify the agency of the state that has the 62159
use and benefit of the real property as specified in section 62160
5301.012 of the Revised Code. 62161

Sec. 6131.23. The assessments estimated in accordance with 62162
section 6131.14 of the Revised Code shall be payable in not less 62163
than two semiannual installments. At the time of the final 62164
hearing, in the order approving the levying of the assessments, 62165
the board of county commissioners shall determine how long a 62166
period of time, in semiannual installments, as taxes are paid, 62167

shall be given the owners of land benefited to pay the assessments 62168
that are made for an improvement and whether or not bonds or notes 62169
shall be issued and sold in anticipation of such payments. If 62170
bonds or notes are to be issued, the interest shall be added to 62171
the assessments. If the estimated cost of the improvement does not 62172
exceed five hundred dollars, not more than two semiannual 62173
installments, as taxes are paid, shall be given to owners of lands 62174
benefited to pay the assessments that are made for the 62175
improvement. If the estimated cost of the improvement exceeds five 62176
hundred dollars, the board may determine the number of 62177
installments in which the assessments are to be paid. If any such 62178
assessment is twenty-five dollars or less, or whenever the unpaid 62179
balance of any such assessment is twenty-five dollars or less, the 62180
same shall be paid in full, and not in installments, at the time 62181
the first or next installment would otherwise become due. 62182

When assessments are payable in installments and county 62183
general funds are used to pay for the improvement, the assessment 62184
shall not exceed ~~ten~~ thirty semiannual installments, as computed 62185
by the county auditor pursuant to section 6131.49 of the Revised 62186
Code, and shall be payable upon completion of the contract. 62187

When assessments are made payable in installments and bonds 62188
or notes have been sold to pay for the improvement, interest shall 62189
be added to the installments of assessments at the same rate as is 62190
drawn by the bonds or notes issued to pay for the improvements. 62191
Any owner may pay the estimated assessments on the owner's land in 62192
cash within thirty days after the final hearing without paying any 62193
interest thereon. If the legislative authority of a political 62194
subdivision chooses to pay the assessments on all parcels within 62195
the subdivision, both public and private, in one installment, it 62196
shall pass a resolution so stating and shall send the resolution, 62197
or a copy thereof, to the board of county commissioners before 62198
making the payment. The legislative authority shall pay all 62199

subsequent maintenance assessments levied under section 6137.03 of 62200
the Revised Code if it chooses to pay the construction assessments 62201
on all parcels within the subdivision. 62202

Bonds may be sold for any repayment period that the board of 62203
county commissioners may determine proper, not to exceed ~~sixteen~~ 62204
thirty semiannual installments, except that for bonds sold by a 62205
board of county commissioners for soil and water conservation 62206
district improvements pursuant to section 1515.24 of the Revised 62207
Code, the repayment period shall not exceed thirty semiannual 62208
installments. 62209

Section 101.02. That existing sections 9.30, 9.821, 9.822, 62210
9.823, 9.83, 107.12, 107.40, 109.57, 109.572, 109.93, 111.18, 62211
117.11, 119.07, 120.33, 121.48, 122.17, 122.171, 122.602, 122.652, 62212
124.152, 125.01, 125.02, 125.021, 125.022, 125.023, 125.04, 62213
125.041, 125.05, 125.06, 125.07, 125.071, 125.072, 125.073, 62214
125.08, 125.081, 125.082, 125.09, 125.10, 125.11, 125.15, 125.18, 62215
125.25, 125.30, 125.45, 125.93, 125.96, 125.97, 125.98, 126.03, 62216
126.07, 126.08, 126.21, 126.22, 127.16, 131.44, 133.01, 133.081, 62217
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901.171, 1306.20, 1306.21, 1347.06, 1503.05, 1504.02, 1506.01, 62225
1506.99, 1513.08, 1513.18, 1514.081, 1514.40, 1521.01, 1521.20, 62226
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1521.28, 1521.29, 1521.30, 1521.99, 1531.06, 1531.35, 1555.08, 62228
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2913.40, 2921.42, 2927.023, 2935.03, 3109.04, 3109.041, 3119.022, 62230
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3311.521, 3313.532, 3313.603, 3313.615, 3313.64, 3313.646, 62234
3313.66, 3313.661, 3313.841, 3313.843, 3313.97, 3313.974, 62235
3313.977, 3313.978, 3313.98, 3313.983, 3314.015, 3314.02, 3314.06, 62236
3314.061, 3314.074, 3314.08, 3314.083, 3317.01, 3317.012, 62237
3317.013, 3317.014, 3317.015, 3317.016, 3317.017, 3317.02, 62238
3317.021, 3317.022, 3317.023, 3317.024, 3317.025, 3317.026, 62239
3317.027, 3317.028, 3317.029, 3317.0216, 3317.0217, 3317.03, 62240
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3721.541, 3721.56, 3727.391, 3734.57, 3735.672, 3743.17, 3743.19, 62255
3743.25, 3743.75, 3745.04, 3745.11, 3767.41, 3769.087, 3770.03, 62256
3770.06, 3905.36, 3923.281, 4112.12, 4112.13, 4141.09, 4301.20, 62257
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4755.03, 4766.05, 4775.08, 4921.40, 5101.141, 5101.16, 5101.162, 62263
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5107.10, 5107.12, 5107.14, 5107.16, 5107.17, 5107.18, 5107.281, 62267
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5743.20, 5745.02, 5745.05, 5745.13, 5747.01, 5747.03, 5747.47, 62286
5747.50, 5747.501, 5747.51, 5747.54, 5747.98, 5748.01, 5748.02, 62287
5748.021, 5749.02, 5751.20, 5751.21, 5751.23, 5907.15, 6109.21, 62288
6111.04, 6111.44, 6119.06, 6121.04, and 6131.23 of the Revised 62289
Code are hereby repealed. 62290

Section 105.01. That sections 103.141, 125.95, 183.02, 62291
183.27, 183.32, 3318.47, 3318.48, 3318.49, 3323.01, 3323.06, 62292
3323.08, 3323.11, 3333.29, 3704.14, 4911.021, 5111.161, 5123.16, 62293
5123.182, 5123.199, 5126.035, 5126.036, 5126.053, 5126.431, 62294
5126.44, 5126.451, 5743.331, 5747.61, 5747.62, and 5747.63 of the 62295
Revised Code are hereby repealed. 62296

Section 105.03. That the version of section 3702.68 of the Revised Code that was to have taken effect July 1, 2007, as a result of Sections 3 to 5 of Am. Sub. S.B. 50 of the 121st General Assembly, as most recently amended by Am. Sub. H.B. 66 of the 126th General Assembly, is hereby repealed. It is the intent of this section to prevent the amendment of section 3702.68 of the Revised Code that was to have taken effect July 1, 2007.

Section 115.03. That section 5101.213 of the Revised Code is hereby repealed, effective July 1, 2008.

Section 120.01. During the period beginning July 1, 2007, and expiring July 1, 2009, the operation of sections 3718.02, 3718.05, 3718.06, 3718.07, 3718.08, 3718.09, 3718.10, 3718.99, and 6111.441 of the Revised Code is suspended. On July 1, 2009, sections 3718.02, 3718.05, 3718.06, 3718.07, 3718.08, 3718.09, 3718.10, 3718.99, and 6111.441 of the Revised Code, in either their present form or as they are later amended, again become operational.

Section 120.02. (A) Not later than thirty days after the effective date of this section and notwithstanding any provision of law to the contrary, the Public Health Council shall rescind rules adopted by the Council under section 3718.02 of the Revised Cod, that took effect on January 1, 2007. At the same time as those rules are rescinded, the Council shall adopt rules that are identical to the rules adopted by the Council that were in effect prior to January 1, 2007, and were codified in Chapter 3701-29 of the Administrative Code, except the rules in that Chapter that established requirements for separation distances from a water table and soil absorption requirements. Instead, a board of health or the authority having the duties of a board of health shall adopt standards establishing requirements for separation distances

from a water table and soil absorption requirements based on the 62327
water table and soils in the applicable health district for 62328
purposes of the installation and operation of household sewage 62329
treatment systems and small flow on-site sewage treatment systems 62330
in the applicable health district. 62331

The rescission and adoption of rules under this division are 62332
not subject to section 119.03 of the Revised Code. However, the 62333
Public Health Council shall file the rules in accordance with 62334
section 119.04 of the Revised Code. Upon that filing, the rules 62335
take immediate effect. 62336

(B) A local board of health or the authority having the 62337
duties of a board of health may adopt standards for use in the 62338
health district that are more stringent than the rules adopted 62339
under division (A) of this section, provided that the board of 62340
health or authority having the duties of a board of health in 62341
adopting such standards considers the economic impact of those 62342
standards on property owners, the state of available technology, 62343
and the nature and economics of the available alternatives. If a 62344
board of health or authority having the duties of a board of 62345
health adopts standards that are more stringent than the rules 62346
adopted under division (A) of this section, the board or authority 62347
shall send a copy of the standards to the Department of Health. 62348

(C)(1) A board of health or the authority having the duties 62349
of a board of health shall approve or deny the use of household 62350
sewage treatment systems and small flow on-site sewage treatment 62351
systems in the applicable health district. In approving or denying 62352
a household sewage treatment system or a small flow on-site sewage 62353
treatment system for use in the health district, the board or 62354
authority shall consider the economic impact of the system on 62355
property owners, the state of available technology, and the nature 62356
and economics of the available alternatives, ensure that a system 62357
will not create a public health nuisance, and require a system to 62358

comply with the requirements established in divisions (C)(2) and 62359
(3) of this section. 62360

(2) Notwithstanding any rule adopted by the Public Health 62361
Council or standard adopted by a board of health or the authority 62362
having the duties of a board of health governing the installation 62363
and operation of sewage treatment systems, a board of health or 62364
the authority having the duties of a board of health shall ensure 62365
that the design and installation of a soil absorption system 62366
prevents public health nuisances. To the extent determined 62367
necessary by a board of health or the authority having the duties 62368
of a board of health, a sewage treatment system that is installed 62369
after the effective date of this section shall not discharge to a 62370
ditch, stream, pond, lake, natural or artificial waterway, drain 62371
tile, other surface water, or the surface of the ground unless 62372
authorized by a national pollutant discharge elimination system 62373
(NPDES) permit issued under Chapter 6111. of the Revised Code and 62374
rules adopted under it. In addition, a sewage treatment system 62375
shall not discharge to an abandoned well, a drainage well, a dry 62376
well or cesspool, a sinkhole, or another connection to ground 62377
water. As a condition to the issuance of a permit to operate a 62378
system, a board of health or the authority having the duties of a 62379
board of health shall require a service contract for any sewage 62380
treatment system that is subject to an NPDES permit to the extent 62381
required by the Environmental Protection Agency. If classified as 62382
a class V injection well, a household sewage treatment system 62383
serving a two- or three-family dwelling or a small flow on-site 62384
sewage treatment system shall comply with 40 C.F.R. 144, as 62385
published in the July 1, 2005, Code of Federal Regulations and 62386
with the registration requirements established in rule 3745-34-13 62387
of the Administrative Code. 62388

(3) Notwithstanding any rule adopted by the Public Health 62389
Council or standard adopted by a board of health or the authority 62390

having the duties of a board of health governing the installation 62391
and operation of household sewage treatment systems, all septic 62392
tanks, other disposal component tanks, dosing tanks, pump vaults, 62393
household sewage disposal system holding tanks and privy vaults, 62394
or other applicable sewage disposal system components manufactured 62395
after the effective date of this section and used in this state 62396
shall be watertight and structurally sound. 62397

(D)(1) Notwithstanding any rule adopted by the Public Health 62398
Council governing the installation and operation of household 62399
sewage treatment systems, a board of health or the authority 62400
having the duties of a board of health may establish and collect 62401
fees for the purposes of this section. 62402

(2) In addition to the fees that are authorized to be 62403
established under division (D)(1) of this section, there is hereby 62404
levied an application fee of twenty-five dollars for a sewage 62405
treatment system installation permit. A board of health or the 62406
authority having the duties of a board of health shall collect the 62407
fee on behalf of the Department of Health and forward the fee to 62408
the Department to be deposited in the state treasury to the credit 62409
of the Sewage Treatment System Innovation Fund, which is hereby 62410
created. Not more than seventy-five per cent of the money in the 62411
Fund shall be used by the Department to administer the sewage 62412
treatment system program, and not less than twenty-five per cent 62413
of the money in the Fund shall be used to establish a grant 62414
program in cooperation with boards of health to fund the 62415
installation and evaluation of new technology pilot projects. In 62416
the selection of the pilot projects, the Director of Health shall 62417
consult with the Sewage Treatment System Technical Advisory 62418
Committee created in section 3718.03 of the Revised Code. 62419

(E) Not later than one year after the installation of a 62420
household sewage treatment system, a board of health or the 62421
authority having the duties of a board of health shall inspect the 62422

system to ensure that it is not a public health nuisance. 62423

(F) The Department of Health may file an injunctive action 62424
against a board of health or the authority having the duties of a 62425
board of health that allows a household sewage treatment system or 62426
small flow on-site sewage treatment system to cause a public 62427
health nuisance, provided that the Department provides reasonable 62428
notice to the board or authority and allows for the opportunity to 62429
abate the nuisance prior to the action. 62430

(G) The Environmental Protection Agency shall not require a 62431
board of health or the authority having the duties of a board of 62432
health to enter into a memorandum of understanding or any other 62433
agreement with the Agency regarding the issuance of NPDES permits 62434
for off-lot sewage treatment systems. Instead, a representative of 62435
a board of health or the authority having the duties of a board of 62436
health may meet with a person who intends to install such a system 62437
to determine the feasibility of the system and refer the person to 62438
the Agency to secure an NPDES permit for the system if needed. 62439

(H) Notwithstanding any rule adopted by the Public Health 62440
Council governing the installation and operation of household 62441
sewage treatment systems, a board of health or the authority 62442
having the duties of a board of health that, prior to the 62443
effective date of this section, has obtained authority from the 62444
Department of Health and the Environmental Protection Agency to 62445
regulate small flow on-site sewage treatment systems may continue 62446
to regulate such systems on and after the effective date of this 62447
section. A board of health or the authority having the duties of a 62448
board of health that has not obtained such authority may request 62449
the authority from the Department of Health and the Environmental 62450
Protection Agency in the manner provided by law. 62451

(I) Because the rules adopted by the Public Health Council 62452
under section 3718.02 of the Revised Code that were effective on 62453
January 1, 2007, have been rescinded by operation of this section, 62454

the references to those rules in section 3718.021 of the Revised Code are not operable. Instead, notwithstanding any other provisions of this section, the Public Health Council shall provide for the implementation of section 3718.021 of the Revised Code in the rules that are required to be adopted under division (A) of this section.

(J) The Department of Health in cooperation with a board of health or the authority having the duties of a board of health shall assess the familiarity of the board's or authority's staff with the best practices in the use of sewage treatment systems and conduct appropriate training to educate the board's or authority's staff in those best practices and in the use of any new sewage treatment system technology that is recommended for use by the Sewage Treatment System Technical Advisory Committee created in section 3718.03 of the Revised Code.

(K)(1) As used in this section, "household sewage treatment system," "small flow on-site sewage treatment system," and "sewage treatment system" have the same meanings as in section 3718.01 of the Revised Code.

(2) For the purposes of this section, "household sewage treatment system" is deemed to mean "household sewage disposal system" as necessary for the operation of this section.

(L) This section expires on the effective date of the rules that are to be adopted under section 3718.02 of the Revised Code when that section becomes operational on July 1, 2009, pursuant to Section 120.01 of this act.

Section 120.03. That sections 711.001, 711.05, 711.10, 711.131, 4736.01, 6111.04, and 6111.44 be amended and section 3718.022 of the Revised Code be enacted to read as follows:

Sec. 711.001. As used in this chapter:

(A) "Plat" means a map of a tract or parcel of land.	62485
(B) "Subdivision" means either of the following:	62486
(1) The division of any parcel of land shown as a unit or as contiguous units on the last preceding general tax list and duplicate of real and public utility property, into two or more parcels, sites, or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the following are exempt:	62487 62488 62489 62490 62491 62492
(a) A division or partition of land into parcels of more than five acres not involving any new streets or easements of access;	62493 62494
(b) The sale or exchange of parcels between adjoining lot owners, where that sale or exchange does not create additional building sites;	62495 62496 62497
(c) If the planning authority adopts a rule in accordance with section 711.133 of the Revised Code that exempts from division (B)(1) of this section any parcel of land that is four acres or more, parcels in the size range delineated in that rule.	62498 62499 62500 62501
(2) The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any public or private street or streets, except private streets serving industrial structures, or involving the division or allocation of land as open spaces for common use by owners, occupants, or leaseholders or as easements for the extension and maintenance of public or private sewer, water, storm drainage, or other similar facilities.	62502 62503 62504 62505 62506 62507 62508 62509 62510
(C) "Household sewage treatment system" has the same meaning as in section 3709.091 of the Revised Code.	62511 62512
Sec. 711.05. (A) Upon the submission of a plat for approval, in accordance with section 711.041 of the Revised Code, the board	62513 62514

of county commissioners shall certify on it the date of the 62515
submission. Within five days of submission of the plat, the board 62516
shall schedule a meeting to consider the plat and send a written 62517
notice by regular mail to the fiscal officer of the board of 62518
township trustees of the township in which the plat is located and 62519
the board of health of the health district in which the plat is 62520
located. The notice shall inform the trustees and the board of 62521
health of the submission of the plat and of the date, time, and 62522
location of any meeting at which the board of county commissioners 62523
will consider or act upon the proposed plat. The meeting shall 62524
take place within thirty days of submission of the plat, and no 62525
meeting shall be held until at least seven days have passed from 62526
the date the notice was sent by the board of county commissioners. 62527
The approval of the board required by section 711.041 of the 62528
Revised Code or the refusal to approve shall take place within 62529
thirty days from the date of submission or such further time as 62530
the applying party may agree to in writing; otherwise, the plat is 62531
deemed approved and may be recorded as if bearing such approval. 62532

(B) The board may adopt general rules governing plats and 62533
subdivisions of land falling within its jurisdiction, to secure 62534
and provide for the coordination of the streets within the 62535
subdivision with existing streets and roads or with existing 62536
county highways, for the proper amount of open spaces for traffic, 62537
circulation, and utilities, and for the avoidance of future 62538
congestion of population detrimental to the public health, safety, 62539
or welfare, but shall not impose a greater minimum lot area than 62540
forty-eight hundred square feet. Before the board may amend or 62541
adopt rules, it shall notify all the townships in the county of 62542
the proposed amendments or rules by regular mail at least thirty 62543
days before the public meeting at which the proposed amendments or 62544
rules are to be considered. 62545

The rules may require the ~~county department~~ board of health 62546

to review and comment on a plat before the board of county 62547
commissioners acts upon it and may also require proof of 62548
compliance with any applicable zoning resolutions, and with 62549
household sewage treatment rules adopted under section 3718.02 of 62550
the Revised Code, as a basis for approval of a plat. Where under 62551
section 711.101 of the Revised Code the board of county 62552
commissioners has set up standards and specifications for the 62553
construction of streets, utilities, and other improvements for 62554
common use, the general rules may require the submission of 62555
appropriate plans and specifications for approval. The board shall 62556
not require the person submitting the plat to alter the plat or 62557
any part of it as a condition for approval, as long as the plat is 62558
in accordance with general rules governing plats and subdivisions 62559
of land, adopted by the board as provided in this section, in 62560
effect at the time the plat was submitted and the plat is in 62561
accordance with any standards and specifications set up under 62562
section 711.101 of the Revised Code, in effect at the time the 62563
plat was submitted. 62564

(C) The ground of refusal to approve any plat, submitted in 62565
accordance with section 711.041 of the Revised Code, shall be 62566
stated upon the record of the board, and, within sixty days 62567
thereafter, the person submitting any plat that the board refuses 62568
to approve may file a petition in the court of common pleas of the 62569
county in which the land described in the plat is situated to 62570
review the action of the board. A board of township trustees is 62571
not entitled to appeal a decision of the board of county 62572
commissioners under this section. 62573

Sec. 711.10. (A) Whenever a county planning commission or a 62574
regional planning commission adopts a plan for the major streets 62575
or highways of the county or region, no plat of a subdivision of 62576
land within the county or region, other than land within a 62577
municipal corporation or land within three miles of a city or one 62578

and one-half miles of a village as provided in section 711.09 of 62579
the Revised Code, shall be recorded until it is approved by the 62580
county or regional planning commission under division (C) of this 62581
section and the approval is endorsed in writing on the plat. 62582

(B) A county or regional planning commission may require the 62583
submission of a preliminary plan for each plat sought to be 62584
recorded. If the commission requires this submission, it shall 62585
provide for a review process for the preliminary plan. Under this 62586
review process, the planning commission shall give its approval, 62587
its approval with conditions, or its disapproval of each 62588
preliminary plan. The commission's decision shall be in writing, 62589
shall be under the signature of the secretary of the commission, 62590
and shall be issued within thirty-five business days after the 62591
submission of the preliminary plan to the commission. The 62592
disapproval of a preliminary plan shall state the reasons for the 62593
disapproval. A decision of the commission under this division is 62594
preliminary to and separate from the commission's decision to 62595
approve, conditionally approve, or refuse to approve a plat under 62596
division (C) of this section. 62597

(C) Within five calendar days after the submission of a plat 62598
for approval under this division, the county or regional planning 62599
commission shall schedule a meeting to consider the plat and send 62600
a notice by regular mail or by electronic mail to the fiscal 62601
officer of the board of township trustees of the township in which 62602
the plat is located and the board of health of the health district 62603
in which the plat is located. The notice shall inform the trustees 62604
and the board of health of the submission of the plat and of the 62605
date, time, and location of any meeting at which the county or 62606
regional planning commission will consider or act upon the plat. 62607
The meeting shall take place within thirty calendar days after 62608
submission of the plat, and no meeting shall be held until at 62609
least seven calendar days have passed from the date the planning 62610

commission sent the notice. 62611

The approval of the county or regional planning commission, 62612
the commission's conditional approval as described in this 62613
division, or the refusal of the commission to approve shall be 62614
endorsed on the plat within thirty calendar days after the 62615
submission of the plat for approval under this division or within 62616
such further time as the applying party may agree to in writing; 62617
otherwise that plat is deemed approved, and the certificate of the 62618
commission as to the date of the submission of the plat for 62619
approval under this division and the failure to take action on it 62620
within that time shall be sufficient in lieu of the written 62621
endorsement or evidence of approval required by this division. 62622

A county or regional planning commission may grant 62623
conditional approval under this division to a plat by requiring a 62624
person submitting the plat to alter the plat or any part of it, 62625
within a specified period after the end of the thirty calendar 62626
days, as a condition for final approval under this division. Once 62627
all the conditions have been met within the specified period, the 62628
commission shall cause its final approval under this division to 62629
be endorsed on the plat. No plat shall be recorded until it is 62630
endorsed with the commission's final or unconditional approval 62631
under this division. 62632

The ground of refusal of approval of any plat submitted under 62633
this division, including citation of or reference to the rule 62634
violated by the plat, shall be stated upon the record of the 62635
county or regional planning commission. Within sixty calendar days 62636
after the refusal under this division, the person submitting any 62637
plat that the commission refuses to approve under this division 62638
may file a petition in the court of common pleas of the proper 62639
county, and the proceedings on the petition shall be governed by 62640
section 711.09 of the Revised Code as in the case of the refusal 62641
of a planning authority to approve a plat. A board of township 62642

trustees is not entitled to appeal a decision of the commission 62643
under this division. 62644

A county or regional planning commission shall adopt general 62645
rules, of uniform application, governing plats and subdivisions of 62646
land falling within its jurisdiction, to secure and provide for 62647
the proper arrangement of streets or other highways in relation to 62648
existing or planned streets or highways or to the county or 62649
regional plan, for adequate and convenient open spaces for 62650
traffic, utilities, access of firefighting apparatus, recreation, 62651
light, and air, and for the avoidance of congestion of population. 62652
The rules may provide for their modification by the commission in 62653
specific cases where unusual topographical and other exceptional 62654
conditions require the modification. The rules may require the 62655
~~county department~~ board of health to review and comment on a plat 62656
before the commission acts upon it and also may require proof of 62657
compliance with any applicable zoning resolutions, and with 62658
household sewage treatment rules adopted under section 3718.02 of 62659
the Revised Code, as a basis for approval of a plat. 62660

Before adoption of its rules or amendment of its rules, the 62661
commission shall hold a public hearing on the adoption or 62662
amendment. Notice of the public hearing shall be sent to all 62663
townships in the county or region by regular mail or electronic 62664
mail at least thirty business days before the hearing. No county 62665
or regional planning commission shall adopt any rules requiring 62666
actual construction of streets or other improvements or facilities 62667
or assurance of that construction as a condition precedent to the 62668
approval of a plat of a subdivision unless the requirements have 62669
first been adopted by the board of county commissioners after a 62670
public hearing. A copy of the rules shall be certified by the 62671
planning commission to the county recorders of the appropriate 62672
counties. 62673

After a county or regional street or highway plan has been 62674

adopted as provided in this section, the approval of plats and 62675
subdivisions provided for in this section shall be in lieu of any 62676
approvals provided for in other sections of the Revised Code, 62677
insofar as the territory within the approving jurisdiction of the 62678
county or regional planning commission, as provided in this 62679
section, is concerned. Approval of a plat shall not be an 62680
acceptance by the public of the dedication of any street, highway, 62681
or other way or open space shown upon the plat. 62682

No county or regional planning commission shall require a 62683
person submitting a plat to alter the plat or any part of it as 62684
long as the plat is in accordance with the general rules governing 62685
plats and subdivisions of land, adopted by the commission as 62686
provided in this section, in effect at the time the plat is 62687
submitted. 62688

A county or regional planning commission and a city or 62689
village planning commission, or platting commissioner or 62690
legislative authority of a village, with subdivision regulation 62691
jurisdiction over unincorporated territory within the county or 62692
region may cooperate and agree by written agreement that the 62693
approval of a plat by the city or village planning commission, or 62694
platting commissioner or legislative authority of a village, as 62695
provided in section 711.09 of the Revised Code, shall be 62696
conditioned upon receiving advice from or approval by the county 62697
or regional planning commission. 62698

(D) As used in this section, "business day" means a day of 62699
the week excluding Saturday, Sunday, or a legal holiday as defined 62700
in section 1.14 of the Revised Code. 62701

Sec. 711.131. (A) Notwithstanding sections 711.001 to 711.13 62702
of the Revised Code and except as provided in division (C) of this 62703
section, unless the rules adopted under section 711.05, 711.09, or 62704
711.10 of the Revised Code are amended pursuant to division (B) of 62705

this section, a proposed division of a parcel of land along an 62706
existing public street, not involving the opening, widening, or 62707
extension of any street or road, and involving no more than five 62708
lots after the original tract has been completely subdivided, may 62709
be submitted to the planning authority having approving 62710
jurisdiction of plats under section 711.05, 711.09, or 711.10 of 62711
the Revised Code for approval without plat. If the authority 62712
acting through a properly designated representative finds that a 62713
proposed division is not contrary to applicable platting, 62714
subdividing, zoning, health, sanitary, or access management 62715
regulations ~~or~~, regulations adopted under division (B)(3) of 62716
section 307.37 of the Revised Code regarding existing surface or 62717
subsurface drainage, or household sewage treatment rules adopted 62718
under section 3718.02 of the Revised Code, it shall approve the 62719
proposed division within seven business days after its submission 62720
and, on presentation of a conveyance of the parcel, shall stamp 62721
the conveyance "approved by (planning authority); no plat 62722
required" and have it signed by its clerk, secretary, or other 62723
official as may be designated by it. The planning authority may 62724
require the submission of a sketch and other information that is 62725
pertinent to its determination under this division. 62726

(B) For a period of up to two years after ~~April 15, 2005~~ the 62727
effective date of this amendment, the rules adopted under section 62728
711.05, 711.09, or 711.10 of the Revised Code may be amended 62729
within that period to authorize the planning authority involved to 62730
approve proposed divisions of parcels of land without plat under 62731
this division. If an authority so amends its rules, it may approve 62732
no more than five lots without a plat from an original tract as 62733
that original tract exists on the effective date of the amendment 62734
to the rules. The authority shall make the findings and approve a 62735
proposed division in the time and manner specified in division (A) 62736
of this section. 62737

(C) This section does not apply to parcels subject to section 62738
711.133 of the Revised Code. 62739

(D) As used in this section, "business day" means a day of 62740
the week excluding Saturday, Sunday, or a legal holiday as defined 62741
in section 1.14 of the Revised Code. 62742

Sec. 3718.022. Notwithstanding any provision in this chapter 62743
to the contrary, in adopting rules under division (A) of section 62744
3718.02 of the Revised Code, the public health council shall 62745
consider the economic impact of the rules on property owners, the 62746
state of available technology, and the nature and economics of the 62747
available alteratives. 62748

Sec. 4736.01. As used in this chapter: 62749

(A) "Environmental health science" means the aspect of public 62750
health science that includes, but is not limited to, the following 62751
bodies of knowledge: air quality, food quality and protection, 62752
hazardous and toxic substances, consumer product safety, housing, 62753
institutional health and safety, community noise control, 62754
radiation protection, recreational facilities, solid and liquid 62755
waste management, vector control, drinking water quality, milk 62756
sanitation, and rabies control. 62757

(B) "Sanitarian" means a person who performs for compensation 62758
educational, investigational, technical, or administrative duties 62759
requiring specialized knowledge and skills in the field of 62760
environmental health science. 62761

(C) "Registered sanitarian" means a person who is registered 62762
as a sanitarian in accordance with this chapter. 62763

(D) "Sanitarian-in-training" means a person who is registered 62764
as a sanitarian-in-training in accordance with this chapter. 62765

(E) "Practice of environmental health" means consultation, 62766

instruction, investigation, inspection, or evaluation by an 62767
employee of a city health district, a general health district, the 62768
environmental protection agency, the department of health, or the 62769
department of agriculture requiring specialized knowledge, 62770
training, and experience in the field of environmental health 62771
science, with the primary purpose of improving or conducting 62772
administration or enforcement under any of the following: 62773

(1) Chapter 911., 913., 917., 3717., 3718., 3721., 3729., or 62774
3733. of the Revised Code; 62775

(2) Chapter 3734. of the Revised Code as it pertains to solid 62776
waste; 62777

(3) Section 955.26, 3701.344, 3707.01, or 3707.03, sections 62778
3707.38 to 3707.99, or section 3715.21 of the Revised Code; 62779

(4) Rules adopted under section 3701.34 of the Revised Code 62780
pertaining to ~~home sewage~~, rabies control, or swimming pools; 62781

(5) Rules adopted under section 3701.935 of the Revised Code 62782
for school health and safety network inspections and rules adopted 62783
under section 3707.26 of the Revised Code for sanitary 62784
inspections. 62785

"Practice of environmental health" does not include sampling, 62786
testing, controlling of vectors, reporting of observations, or 62787
other duties that do not require application of specialized 62788
knowledge and skills in environmental health science performed 62789
under the supervision of a registered sanitarian. 62790

The state board of sanitarian registration may further define 62791
environmental health science in relation to specific functions in 62792
the practice of environmental health through rules adopted by the 62793
board under Chapter 119. of the Revised Code. 62794

Sec. 6111.04. (A) Both of the following apply except as 62795
otherwise provided in division (A) or (F) of this section: 62796

(1) No person shall cause pollution or place or cause to be placed any sewage, sludge, sludge materials, industrial waste, or other wastes in a location where they cause pollution of any waters of the state.

(2) Such an action prohibited under division (A)(1) of this section is hereby declared to be a public nuisance.

Divisions (A)(1) and (2) of this section do not apply if the person causing pollution or placing or causing to be placed wastes in a location in which they cause pollution of any waters of the state holds a valid, unexpired permit, or renewal of a permit, governing the causing or placement as provided in sections 6111.01 to 6111.08 of the Revised Code or if the person's application for renewal of such a permit is pending.

(B) If the director of environmental protection administers a sludge management program pursuant to division (S) of section 6111.03 of the Revised Code, both of the following apply except as otherwise provided in division (B) or (F) of this section:

(1) No person, in the course of sludge management, shall place on land located in the state or release into the air of the state any sludge or sludge materials.

(2) An action prohibited under division (B)(1) of this section is hereby declared to be a public nuisance.

Divisions (B)(1) and (2) of this section do not apply if the person placing or releasing the sludge or sludge materials holds a valid, unexpired permit, or renewal of a permit, governing the placement or release as provided in sections 6111.01 to 6111.08 of the Revised Code or if the person's application for renewal of such a permit is pending.

(C) No person to whom a permit has been issued shall place or discharge, or cause to be placed or discharged, in any waters of the state any sewage, sludge, sludge materials, industrial waste,

or other wastes in excess of the permissive discharges specified 62828
under an existing permit without first receiving a permit from the 62829
director to do so. 62830

(D) No person to whom a sludge management permit has been 62831
issued shall place on the land or release into the air of the 62832
state any sludge or sludge materials in excess of the permissive 62833
amounts specified under the existing sludge management permit 62834
without first receiving a modification of the existing sludge 62835
management permit or a new sludge management permit to do so from 62836
the director. 62837

(E) The director may require the submission of plans, 62838
specifications, and other information that the director considers 62839
relevant in connection with the issuance of permits. 62840

(F) This section does not apply to any of the following: 62841

(1) Waters used in washing sand, gravel, other aggregates, or 62842
mineral products when the washing and the ultimate disposal of the 62843
water used in the washing, including any sewage, industrial waste, 62844
or other wastes contained in the waters, are entirely confined to 62845
the land under the control of the person engaged in the recovery 62846
and processing of the sand, gravel, other aggregates, or mineral 62847
products and do not result in the pollution of waters of the 62848
state; 62849

(2) Water, gas, or other material injected into a well to 62850
facilitate, or that is incidental to, the production of oil, gas, 62851
artificial brine, or water derived in association with oil or gas 62852
production and disposed of in a well, in compliance with a permit 62853
issued under Chapter 1509. of the Revised Code, or sewage, 62854
industrial waste, or other wastes injected into a well in 62855
compliance with an injection well operating permit. Division 62856

(F)(2) of this section does not authorize, without a permit, any 62857
discharge that is prohibited by, or for which a permit is required 62858

by, regulation of the United States environmental protection agency. 62859
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(3) Application of any materials to land for agricultural purposes or runoff of the materials from that application or pollution by animal waste or soil sediment, including attached substances, resulting from farming, silvicultural, or earthmoving activities regulated by Chapter 307. or 1511. of the Revised Code. Division (F)(3) of this section does not authorize, without a permit, any discharge that is prohibited by, or for which a permit is required by, the Federal Water Pollution Control Act or regulations adopted under it. 62861
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(4) The excrement of domestic and farm animals defecated on land or runoff therefrom into any waters of the state. Division (F)(4) of this section does not authorize, without a permit, any discharge that is prohibited by, or for which a permit is required by, the Federal Water Pollution Control Act or regulations adopted under it. 62870
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(5) On and after the date on which the United States environmental protection agency approves the NPDES program submitted by the director of agriculture under section 903.08 of the Revised Code, any discharge that is within the scope of the approved NPDES program submitted by the director of agriculture; 62876
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(6) The discharge of sewage, industrial waste, or other wastes into a sewerage system tributary to a treatment works. Division (F)(6) of this section does not authorize any discharge into a publicly owned treatment works in violation of a pretreatment program applicable to the publicly owned treatment works. 62881
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(7) ~~Septic tanks or other disposal systems for the disposal or treatment of sewage from single family, two family, or three family dwellings~~ A household sewage treatment system or a 62887
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small flow on-site sewage treatment system, as applicable, as 62890
defined in section 3718.01 of the Revised Code that is installed 62891
in compliance with ~~the sanitary code and section 3707.01 Chapter~~ 62892
3718. of the Revised Code and rules adopted under it. Division 62893
(F)(7) of this section does not authorize, without a permit, any 62894
discharge that is prohibited by, or for which a permit is required 62895
by, regulation of the United States environmental protection 62896
agency. 62897

(8) Exceptional quality sludge generated outside of this 62898
state and contained in bags or other containers not greater than 62899
one hundred pounds in capacity. As used in division (F)(8) of this 62900
section, "exceptional quality sludge" has the same meaning as in 62901
division (Y) of section 3745.11 of the Revised Code. 62902

(G) The holder of a permit issued under section 402 (a) of 62903
the Federal Water Pollution Control Act need not obtain a permit 62904
for a discharge authorized by the permit until its expiration 62905
date. Except as otherwise provided in this division, the director 62906
of environmental protection shall administer and enforce those 62907
permits within this state and may modify their terms and 62908
conditions in accordance with division (J) of section 6111.03 of 62909
the Revised Code. On and after the date on which the United States 62910
environmental protection agency approves the NPDES program 62911
submitted by the director of agriculture under section 903.08 of 62912
the Revised Code, the director of agriculture shall administer and 62913
enforce those permits within this state that are issued for any 62914
discharge that is within the scope of the approved NPDES program 62915
submitted by the director of agriculture. 62916

Sec. 6111.44. (A) Except as otherwise provided in division 62917
(B) of this section, in section 6111.14 of the Revised Code, or in 62918
rules adopted under division (G) of section 6111.03 of the Revised 62919
Code, no municipal corporation, county, public institution, 62920

corporation, or officer or employee thereof or other person shall 62921
provide or install sewerage or treatment works for sewage, sludge, 62922
or sludge materials disposal or treatment or make a change in any 62923
sewerage or treatment works until the plans therefor have been 62924
submitted to and approved by the director of environmental 62925
protection. Sections 6111.44 to 6111.46 of the Revised Code apply 62926
to sewerage and treatment works of a municipal corporation or part 62927
thereof, an unincorporated community, a county sewer district, or 62928
other land outside of a municipal corporation or any publicly or 62929
privately owned building or group of buildings or place, used for 62930
the assemblage, entertainment, recreation, education, correction, 62931
hospitalization, housing, or employment of persons. 62932

In granting an approval, the director may stipulate 62933
modifications, conditions, and rules that the public health and 62934
prevention of pollution may require. Any action taken by the 62935
director shall be a matter of public record and shall be entered 62936
in the director's journal. Each period of thirty days that a 62937
violation of this section continues, after a conviction for the 62938
violation, constitutes a separate offense. 62939

(B) Sections 6111.45 and 6111.46 of the Revised Code and 62940
division (A) of this section do not apply to any of the following: 62941

(1) Sewerage or treatment works for sewage installed or to be 62942
installed for the use of a private residence or dwelling; 62943

(2) Sewerage systems, treatment works, or disposal systems 62944
for storm water from an animal feeding facility or manure, as 62945
"animal feeding facility" and "manure" are defined in section 62946
903.01 of the Revised Code; 62947

(3) Animal waste treatment or disposal works and related 62948
management and conservation practices that are subject to rules 62949
adopted under division (E)(2) of section 1511.02 of the Revised 62950
Code; 62951

(4) Sewerage or treatment works for the on-lot disposal or treatment of sewage from a small flow on-site sewage treatment system, as defined in section 3718.01 of the Revised Code, if the board of health of a city or general health district has notified the director of health and the director of environmental protection under section 3718.021 of the Revised Code that the board has chosen to regulate the system, provided that the board remains in compliance with the rules adopted under division (A)(13) of section 3718.02 of the Revised Code.

The exclusions established in divisions (B)(2) and (3) of this section do not apply to the construction or installation of disposal systems, as defined in section 6111.01 of the Revised Code, that are located at an animal feeding facility and that store, treat, or discharge wastewaters that do not include storm water or manure or that discharge to a publicly owned treatment works.

Section 120.04. That existing sections 711.001, 711.05, 711.10, 711.131, 4736.01, 6111.04, and 6111.44 of the Revised Code are hereby repealed.

Section 120.05. Sections 120.03 and 120.04 take effect on July 1, 2009.

Section 130.01. As is more completely explained in Sections 130.02 and 130.03 that follow, this act, pursuant to Section 611.03 of Am. Sub. H.B. 66 of the 126th General Assembly, confirms and orders implementation of the amendments and the enactment referred to in Section 611.03, the taking effect of which amendments and enactment by Am. Sub. H.B. 66 was postponed in whole or in part by Section 611.03 pending this confirmation and order.

Section 130.02. (A)(1) Sections 3111.19, 3313.12, and 4117.08 62981
of the Revised Code are presented in division (B) of this section 62982
solely for the purpose of confirming the sections and ordering 62983
their implementation as they result from Am. Sub. H.B. 66 of the 62984
126th General Assembly. No other action is being taken with regard 62985
to these sections. 62986

(2) Section 9.833 of the Revised Code is presented in 62987
division (B) of this section for the purpose of confirming the 62988
section and ordering its implementation as it results from Am. 62989
Sub. H.B. 46 and Am. Sub. H.B. 66, both of the 126th General 62990
Assembly, and of amending the section to read as directed by this 62991
act. Section 9.90 of the Revised Code is presented in division (B) 62992
of this section for the purposes of confirming the section and 62993
ordering its implementation as it results from Am. Sub. H.B. 66 62994
and Sub. H.B. 193 of the 126th General Assembly and of amending 62995
the section to read as directed by this act. Section 9.901 of the 62996
Revised Code is presented in division (B) of this section for the 62997
purposes of confirming the section and ordering its complete 62998
implementation as it results from Am. Sub. H.B. 66 of the 126th 62999
General Assembly and as it was subsequently amended by Am. Sub. 63000
H.B. 530 of the 126th General Assembly and of amending the section 63001
to read as directed by this act. Sections 3313.202, 3313.33, and 63002
4117.03 of the Revised Code are presented in division (B) of this 63003
section for the purposes of confirming the sections and ordering 63004
their implementation as they result from Am. Sub. H.B. 66 of the 63005
126th General Assembly and of amending the sections to read as 63006
directed by this act. 63007

(B) Sections 9.833, 9.90, 9.901, 3311.19, 3313.12, 3313.202, 63008
3313.33, 4117.03, and 4117.08 of the Revised Code are presented in 63009
this division as explained in divisions (A)(1) and (2) of this 63010
section: 63011

Sec. 9.833. (A) As used in this section, "political 63012
subdivision" means a municipal corporation, township, county, or 63013
other body corporate and politic responsible for governmental 63014
activities in a geographic area smaller than that of the state, 63015
and agencies and instrumentalities of these entities. ~~For purposes~~ 63016
~~of this section, a school district is not a "political~~ 63017
~~subdivision."~~ 63018

(B) Political subdivisions that provide health care benefits 63019
for their officers or employees may do any of the following: 63020

(1) Establish and maintain an individual self-insurance 63021
program with public moneys to provide authorized health care 63022
benefits, including but not limited to, health care, prescription 63023
drugs, dental care, and vision care, in accordance with division 63024
(C) of this section; 63025

(2) Establish and maintain a health savings account program 63026
whereby employees or officers may establish and maintain health 63027
savings accounts in accordance with section 223 of the Internal 63028
Revenue Code. Public moneys may be used to pay for or fund 63029
federally qualified high deductible health plans that are linked 63030
to health savings accounts or to make contributions to health 63031
savings accounts. A health savings account program may be a part 63032
of a self-insurance program. 63033

(3) After establishing an individual self-insurance program, 63034
agree with other political subdivisions that have established 63035
individual self-insurance programs for health care benefits, that 63036
their programs will be jointly administered in a manner specified 63037
in the agreement; 63038

(4) Pursuant to a written agreement and in accordance with 63039
division (C) of this section, join in any combination with other 63040
political subdivisions to establish and maintain a joint 63041
self-insurance program to provide health care benefits; 63042

(5) Pursuant to a written agreement, join in any combination with other political subdivisions to procure or contract for policies, contracts, or plans of insurance to provide health care benefits, which may include a health savings account program, for their officers and employees subject to the agreement;

(6) Use in any combination any of the policies, contracts, plans, or programs authorized under this division.

(C) Except as otherwise provided in division (E) of this section, the following apply to individual or joint self-insurance programs established pursuant to this section:

(1) Such funds shall be reserved as are necessary, in the exercise of sound and prudent actuarial judgment, to cover potential cost of health care benefits for the officers and employees of the political subdivision. A report of amounts so reserved and disbursements made from such funds, together with a written report of a member of the American academy of actuaries certifying whether the amounts reserved conform to the requirements of this division, are computed in accordance with accepted loss reserving standards, and are fairly stated in accordance with sound loss reserving principles, shall be prepared and maintained, within ninety days after the last day of the fiscal year of the entity for which the report is provided for that fiscal year, in the office of the program administrator described in division (C)(3) of this section.

The report required by division (C)(1) of this section shall include, but not be limited to, disbursements made for the administration of the program, including claims paid, costs of the legal representation of political subdivisions and employees, and fees paid to consultants.

The program administrator described in division (C)(3) of this section shall make the report required by this division

available for inspection by any person at all reasonable times 63074
during regular business hours, and, upon the request of such 63075
person, shall make copies of the report available at cost within a 63076
reasonable period of time. 63077

(2) Each political subdivision shall reserve funds necessary 63078
for an individual or joint self-insurance program in a special 63079
fund that may be established for political subdivisions other than 63080
an agency or instrumentality pursuant to an ordinance or 63081
resolution of the political subdivision and not subject to section 63082
5705.12 of the Revised Code. An agency or instrumentality shall 63083
reserve the funds necessary for an individual or joint 63084
self-insurance program in a special fund established pursuant to a 63085
resolution duly adopted by the agency's or instrumentality's 63086
governing board. The political subdivision may allocate the costs 63087
of insurance or any self-insurance program, or both, among the 63088
funds or accounts established under this division on the basis of 63089
relative exposure and loss experience. 63090

(3) A contract may be awarded, without the necessity of 63091
competitive bidding, to any person, political subdivision, 63092
nonprofit corporation organized under Chapter 1702. of the Revised 63093
Code, or regional council of governments created under Chapter 63094
167. of the Revised Code for purposes of administration of an 63095
individual or joint self-insurance program. No such contract shall 63096
be entered into without full, prior, public disclosure of all 63097
terms and conditions. The disclosure shall include, at a minimum, 63098
a statement listing all representations made in connection with 63099
any possible savings and losses resulting from the contract, and 63100
potential liability of any political subdivision or employee. The 63101
proposed contract and statement shall be disclosed and presented 63102
at a meeting of the political subdivision not less than one week 63103
prior to the meeting at which the political subdivision authorizes 63104
the contract. 63105

A contract awarded to a nonprofit corporation or a regional council of governments under this division may provide that all employees of the nonprofit corporation or regional council of governments and the employees of all entities related to the nonprofit corporation or regional council of governments may be covered by the individual or joint self-insurance program under the terms and conditions set forth in the contract.

(4) The individual or joint self-insurance program shall include a contract with a member of the American academy of actuaries for the preparation of the written evaluation of the reserve funds required under division (C)(1) of this section.

(5) A joint self-insurance program may allocate the costs of funding the program among the funds or accounts established under this division to the participating political subdivisions on the basis of their relative exposure and loss experience.

(6) An individual self-insurance program may allocate the costs of funding the program among the funds or accounts established under this division to the political subdivision that established the program.

(7) Two or more political subdivisions may also authorize the establishment and maintenance of a joint health care cost containment program, including, but not limited to, the employment of risk managers, health care cost containment specialists, and consultants, for the purpose of preventing and reducing health care costs covered by insurance, individual self-insurance, or joint self-insurance programs.

(8) A political subdivision is not liable under a joint self-insurance program for any amount in excess of amounts payable pursuant to the written agreement for the participation of the political subdivision in the joint self-insurance program. Under a joint self-insurance program agreement, a political subdivision

may, to the extent permitted under the written agreement, assume 63137
the risks of any other political subdivision. A joint 63138
self-insurance program established under this section is deemed a 63139
separate legal entity for the public purpose of enabling the 63140
members of the joint self-insurance program to obtain insurance or 63141
to provide for a formalized, jointly administered self-insurance 63142
fund for its members. An entity created pursuant to this section 63143
is exempt from all state and local taxes. 63144

(9) Any political subdivision, other than an agency or 63145
instrumentality, may issue general obligation bonds, or special 63146
obligation bonds that are not payable from real or personal 63147
property taxes, and may also issue notes in anticipation of such 63148
bonds, pursuant to an ordinance or resolution of its legislative 63149
authority or other governing body for the purpose of providing 63150
funds to pay expenses associated with the settlement of claims, 63151
whether by way of a reserve or otherwise, and to pay the political 63152
subdivision's portion of the cost of establishing and maintaining 63153
an individual or joint self-insurance program or to provide for 63154
the reserve in the special fund authorized by division (C)(2) of 63155
this section. 63156

In its ordinance or resolution authorizing bonds or notes 63157
under this section, a political subdivision may elect to issue 63158
such bonds or notes under the procedures set forth in Chapter 133. 63159
of the Revised Code. In the event of such an election, 63160
notwithstanding Chapter 133. of the Revised Code, the maturity of 63161
the bonds may be for any period authorized in the ordinance or 63162
resolution not exceeding twenty years, which period shall be the 63163
maximum maturity of the bonds for purposes of section 133.22 of 63164
the Revised Code. 63165

Bonds and notes issued under this section shall not be 63166
considered in calculating the net indebtedness of the political 63167
subdivision under sections 133.04, 133.05, 133.06, and 133.07 of 63168

the Revised Code. Sections 9.98 to 9.983 of the Revised Code are 63169
hereby made applicable to bonds or notes authorized under this 63170
section. 63171

(10) A joint self-insurance program is not an insurance 63172
company. Its operation does not constitute doing an insurance 63173
business and is not subject to the insurance laws of this state. 63174

(D) A political subdivision may procure group life insurance 63175
for its employees in conjunction with an individual or joint 63176
self-insurance program authorized by this section, provided that 63177
the policy of group life insurance is not self-insured. 63178

(E) Divisions (C)(1), (2), and (4) of this section do not 63179
apply to individual self-insurance programs in municipal 63180
corporations, townships, or counties. 63181

(F) A public official or employee of a political subdivision 63182
who is or becomes a member of the governing body of the program 63183
administrator of a joint self-insurance program in which the 63184
political subdivision participates is not in violation of division 63185
(D) or (E) of section 102.03, division (C) of section 102.04, or 63186
section 2921.42 of the Revised Code as a result of either of the 63187
following: 63188

(1) The political subdivision's entering under this section 63189
into the written agreement to participate in the joint 63190
self-insurance program; 63191

(2) The political subdivision's entering under this section 63192
into any other contract with the joint self-insurance program. 63193

Sec. 9.90. (A) The governing board of any public institution 63194
of higher education, including without limitation state 63195
universities and colleges, community college districts, university 63196
branch districts, technical college districts, and municipal 63197
universities, may, in addition to all other powers provided in the 63198

Revised Code: 63199

(1) Contract for, purchase, or otherwise procure from an 63200
insurer or insurers licensed to do business by the state of Ohio 63201
for or on behalf of such of its employees as it may determine, 63202
life insurance, or sickness, accident, annuity, endowment, health, 63203
medical, hospital, dental, or surgical coverage and benefits, or 63204
any combination thereof, by means of insurance plans or other 63205
types of coverage, family, group or otherwise, and may pay from 63206
funds under its control and available for such purpose all or any 63207
portion of the cost, premium, or charge for such insurance, 63208
coverage, or benefits. However, the governing board, in addition 63209
to or as an alternative to the authority otherwise granted by 63210
division (A)(1) of this section, may elect to procure coverage for 63211
health care services, for or on behalf of such of its employees as 63212
it may determine, by means of policies, contracts, certificates, 63213
or agreements issued by at least two health insuring corporations 63214
holding a certificate of authority under Chapter 1751. of the 63215
Revised Code and may pay from funds under the governing board's 63216
control and available for such purpose all or any portion of the 63217
cost of such coverage. 63218

(2) Make payments to a custodial account for investment in 63219
regulated investment company stock for the purpose of providing 63220
retirement benefits as described in section 403(b)(7) of the 63221
Internal Revenue Code of 1954, as amended. Such stock shall be 63222
purchased only from persons authorized to sell such stock in this 63223
state. 63224

Any income of an employee deferred under divisions (A)(1) and 63225
(2) of this section in a deferred compensation program eligible 63226
for favorable tax treatment under the Internal Revenue Code of 63227
1954, as amended, shall continue to be included as regular 63228
compensation for the purpose of computing the contributions to and 63229
benefits from the retirement system of such employee. Any sum so 63230

deferred shall not be included in the computation of any federal 63231
and state income taxes withheld on behalf of any such employee. 63232

(B) All or any portion of the cost, premium, or charge 63233
therefor may be paid in such other manner or combination of 63234
manners as the governing board may determine, including direct 63235
payment by the employee in cases under division (A)(1) of this 63236
section, and, if authorized in writing by the employee in cases 63237
under division (A)(1) or (2) of this section, by such governing 63238
board with moneys made available by deduction from or reduction in 63239
salary or wages or by the foregoing of a salary or wage increase. 63240
Nothing in section 3917.01 or section 3917.06 of the Revised Code 63241
shall prohibit the issuance or purchase of group life insurance 63242
authorized by this section by reason of payment of premiums 63243
therefor by the governing board from its funds, and such group 63244
life insurance may be so issued and purchased if otherwise 63245
consistent with the provisions of sections 3917.01 to 3917.07 of 63246
the Revised Code. 63247

(C) The board of education of any school district may 63248
exercise any of the powers granted to the governing boards of 63249
public institutions of higher education under divisions (A) and 63250
(B) of this section, except in relation to the provision of health 63251
care benefits to employees. All health care benefits provided to 63252
persons employed by the public schools of this state shall be 63253
medical health care plans designed that contain best practices 63254
established by the school employees health care board pursuant to 63255
section 9.901 of the Revised Code. 63256

Sec. 9.901. (A)(1) All health care benefits provided to 63257
persons employed by the public ~~schools~~ school districts of this 63258
state shall be provided by ~~medical~~ health care plans designed that 63259
contain best practices established pursuant to this section by the 63260
school employees health care board. ~~The board, in consultation~~ 63261

~~with the superintendent of insurance, shall negotiate with and, in accordance with the competitive selection procedures of Chapter 125. of the Revised Code, contract with one or more insurance companies authorized to do business in this state for the issuance of the plans. Twelve months after the release of best practices by the board all policies or contracts for health care benefits provided to public school district employees that are issued or renewed after the expiration of any applicable collective bargaining agreement must contain best practices established pursuant to this section by the board. Any or all of the medical health care plans designed that contain best practices specified by the board may be self-insured. ~~All self-insured plans adopted shall be administered by the board in accordance with this section.~~ As used in this section, a "public school district" means ~~a school in~~ a city, local, exempted village, or joint vocational school district, and includes the educational service centers associated with those ~~schools~~ districts but not charter schools.~~

~~(2) Prior to soliciting proposals from insurance companies for the issuance of medical plans, the board shall determine what geographic regions exist in the state based on the availability of providers, networks, costs, and other factors relating to providing health care benefits. The board shall then determine what medical plans are offered by school districts and existing consortiums in the state. The board shall determine what medical plan offered by a school district or existing consortium in the region offers the lowest premium cost plan.~~

~~(3) The board shall develop a request for proposals and solicit bids for medical plans for the school districts in a region similar to the existing plans. The board shall also determine the benefits offered by existing medical plans, the employees' costs, and the cost sharing arrangements used by public schools participating in a consortium. The board shall determine~~

~~what strategies are used by the existing medical plans to manage~~ 63294
~~health care costs and shall study the potential benefits of state~~ 63295
~~or regional consortiums of public schools offering multiple health~~ 63296
~~care plans.~~ 63297

~~(4) As used in this section, a:~~ 63298

(a) A "medical health care plan" includes group policies, 63299
contracts, and agreements that provide hospital, surgical, or 63300
medical expense coverage, including self-insured plans. A "~~medical~~ 63301
health care plan" does not include an individual plan offered to 63302
the employees of a public school district, or a plan that provides 63303
coverage only for dental services, vision services, specific 63304
disease or accidents, or a hospital indemnity, medicare 63305
supplement, or other plan including a group voluntary plan that 63306
provides only supplemental benefits, paid for by the employees of 63307
a public school district. 63308

(b) A "health plan sponsor" means a public school district, a 63309
consortium of public school districts, or a council of 63310
governments. 63311

(B) The school employees health care board is hereby created. 63312
The school employees health care board shall consist of the 63313
following ~~nine~~ twelve members and shall include individuals with 63314
experience with public school district benefit programs, health 63315
care industry providers, and ~~medical~~ health care plan 63316
beneficiaries: 63317

(1) ~~Three~~ Four members appointed by the governor, one of whom 63318
shall be representative of nonadministrative public school 63319
district employees; 63320

(2) ~~Three~~ Four members appointed by the president of the 63321
senate, one of whom shall be representative of nonadministrative 63322
public school district employees; 63323

(3) ~~Three~~ Four members appointed by the speaker of the house 63324

of representatives, one of whom shall be representative of 63325
nonadministrative public school district employees. 63326

A member of the school employees health care board shall not 63327
be employed by, represent, or in any way be affiliated with a 63328
private entity that is providing services to the board, an 63329
individual school district, employers, or employees in the state 63330
of Ohio. 63331

(C)(1) Members of the school employees health care board 63332
shall serve four-year terms; ~~however, one of each of the initial~~ 63333
~~members appointed under divisions (B)(1) to (3) of this section~~ 63334
~~shall be appointed to a term of one year. The initial appointments~~ 63335
~~under this section shall be made within forty five days after~~ 63336
~~September 29, 2005, but may be reappointed, except as otherwise~~ 63337
specified in division (B) of this section. 63338

~~Members' terms shall end on the twenty ninth day of~~ 63339
~~September, but a~~ A member shall continue to serve subsequent to 63340
the expiration of the member's term until a successor is 63341
appointed. Any vacancy occurring during a member's term shall be 63342
filled in the same manner as the original appointment, except that 63343
the person appointed to fill the vacancy shall be appointed to the 63344
remainder of the unexpired term. 63345

(2) Members shall ~~serve without~~ receive compensation ~~but~~ 63346
fixed pursuant to division (J) of section 124.15 of the Revised 63347
Code and shall be reimbursed from the school employees health care 63348
fund for actual and necessary expenses incurred in the performance 63349
of their official duties as members of the board. 63350

(3) Members may be removed by their appointing authority for 63351
misfeasance, malfeasance, incompetence, dereliction of duty, or 63352
other just cause. 63353

(D)(1) ~~The governor shall call the first meeting of the~~ 63354
~~school employees health care board. At that meeting, and annually~~ 63355

~~thereafter~~ At the first meeting of the board after the first day 63356
of January of each calendar year, the board shall elect a 63357
chairperson and may elect members to other positions on the board 63358
as the board considers necessary or appropriate. The board shall 63359
meet at least ~~four~~ nine times each calendar year and shall also 63360
meet at the call of the chairperson or ~~three~~ four or more board 63361
members. The chairperson shall provide reasonable advance notice 63362
of the time and place of board meetings to all members. 63363

(2) A majority of the board constitutes a quorum for the 63364
transaction of business at a board meeting. A majority vote of the 63365
members present is necessary for official action. 63366

(E) The school employees health care board shall conduct its 63367
business at open meetings; however, the records of the board are 63368
not public records for purposes of section 149.43 of the Revised 63369
Code. 63370

(F) The school employees health care fund is hereby created 63371
in the state treasury. ~~The public schools shall pay all school~~ 63372
~~employees health care board plan premiums in the manner prescribed~~ 63373
~~by the school employees health care board to the board for deposit~~ 63374
~~into the school employees health care fund. All~~ The board shall 63375
use all funds in the school employees health care fund ~~shall be~~ 63376
~~used solely for the provision of health care benefits to public~~ 63377
~~schools employees pursuant to this section~~ to carry out the 63378
provisions of this section and related administrative costs. 63379
~~Premiums received by the board or insurance companies contracted~~ 63380
~~pursuant to division (A) of this section are not subject to any~~ 63381
~~state insurance premium tax.~~ 63382

(G) The school employees health care board shall do all of 63383
the following: 63384

(1) ~~Design multiple medical plans, including regional plans,~~ 63385
~~to provide, in the board's judgment, the optimal combination of~~ 63386

~~coverage, cost, choice, and stability of health cost benefits. The board may establish more than one tier of premium rates for any medical plan. The board shall establish regions as necessary for the implementation of the board's medical plans. Plans and premium rates may vary across the regions established by the board.~~

~~(2) Set an aggregate goal for employee and employer portions of premiums for the board's medical plans so as to manage plan participation and encourage the use of value based plan participation by employees;~~

~~(3) Set employer and employee plan copayments, deductibles, exclusions, limitations, formularies, premium shares, and other responsibilities;~~

~~(4) Include disease management and consumer education programs, to the extent that the board determines is appropriate, in all medical plans designed by the board, which programs shall include, but are not limited to, wellness programs and other measures designed to encourage the wise use of medical plan coverage. These programs are not services or treatments for purposes of section 3901.71 of the Revised Code.~~

~~(5) Create and distribute to the governor, the speaker of the house of representatives, and the president of the senate, an annual report covering the plan background; plan coverage options; plan administration, including procedures for monitoring and managing objectives, scope, and methodology; plan operations; employee and employer contribution rates and the relationship between the rates and the school employees health care fund balance; a means to develop and maintain identity and evaluate alternative employee and employer cost sharing strategies; an evaluation of the effectiveness of cost saving services and programs; an evaluation of efforts to control and manage member eligibility and to insure that proper employee and employer contributions are remitted to the trust fund; efforts to prevent~~

~~and detect fraud; and efforts to manage and monitor board~~ 63419
~~contracts;~~ Adopt and release a set of standards that shall be 63420
considered the best practices to which public school districts 63421
shall adhere in the selection and implementation of health care 63422
plans. The standards developed by the board shall not duplicate or 63423
conflict with existing requirements with which health insuring 63424
corporations and sickness and accident insurers must comply 63425
pursuant to Chapters 1751. and 3923. of the Revised Code. 63426

(2) Require that the plans the health plan sponsors 63427
administer make readily available to the public all cost and 63428
design elements of the plan; 63429

(3) Work with health plan sponsors through educational 63430
outlets and consultation; 63431

(4) Maintain a commitment to transparency and public access 63432
of its meetings and activity pursuant to division (E) of this 63433
section; 63434

(5) Promote cooperation among all organizations affected by 63435
this section in identifying the elements for the successful 63436
implementation of this section; 63437

~~Utilize~~ Promote cost containment measures aligned with 63438
patient, plan, and provider management strategies in developing 63439
and managing ~~medical~~ health care plans; 63440

(7) Prepare and disseminate to the public an annual report on 63441
the status of health plan sponsors' effectiveness in making 63442
progress to reduce the rate of increase in insurance premiums and 63443
employee out of pocket expenses, as well as progress in improving 63444
the health status of school district employees and their families. 63445

(H) The sections in Chapter 3923. of the Revised Code 63446
regulating public employee benefit plans are not applicable to the 63447
~~medical~~ health care plans designed pursuant to this section. 63448

~~(I)(1) Public schools are not subject to this section prior to the release of medical plans designed pursuant to this section.~~ 63449
63450

~~(2) Prior to the school employees health care board's release of the board's initial medical plans, the The board ~~shall~~ may contract with ~~an~~ one or more independent ~~consultant~~ consultants to analyze costs related to employee health care benefits provided by existing public school district plans in this state. The ~~consultant shall determine~~ consultants may evaluate the benefits offered by existing ~~medical~~ health care plans, the employees' costs, and the cost-sharing arrangements used by public ~~schools~~ school districts either participating in a consortium or by other means. The ~~consultant shall determine~~ consultants may evaluate what strategies are used by the existing ~~medical~~ health care plans to manage health care costs and ~~shall study the potential benefits of state or regional consortiums of public schools offering multiple health care plans.~~ Based on the findings of the analysis, the ~~consultant shall~~ consultants may submit written recommendations to the board for the development and implementation of a successful ~~program~~ best practices and programs for ~~pooling~~ improving school districts' ~~purchasing power for the acquisition of employee medical~~ health care plans. The ~~consultant's recommendations shall address, at a minimum, all of the following issues:~~~~

~~(a) The establishment of regions for the provision of medical plans, based on the availability of providers and plans in the state at the time that the school employees health care board is established;~~ 63472
63473
63474
63475

~~(b) The use of regional preferred provider and closed panel plans, health savings accounts, and alternative medical plans, to stabilize both costs and the premiums charged school districts and district employees;~~ 63476
63477
63478
63479

~~(c) The development of a system to obtain eligibility data~~ 63480

~~and data compiled pursuant to the "Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA)," 100 Stat. 227, 29 U.S.C. 1161, as amended;~~ 63481
63482
63483

~~(d) The use of the competitive bidding process for regional medical plans;~~ 63484
63485

~~(e) The development of a timeline planning for the design and use of board medical plans by not later than December 31, 2007;~~ 63486
63487

~~(f) The use of information on claims and costs and of information reported by districts pursuant to COBRA in analyzing administrative and premium costs;~~ 63488
63489
63490

~~(g) The experience of states that have mandated statewide medical plans for public school employees, including the implementation strategies used by those states;~~ 63491
63492
63493

~~(h) Recommended strategies for the use of first-year roll-in premiums in the transition from district medical plans to school employees health care board plans;~~ 63494
63495
63496

~~(i) The option of allowing school districts to join an existing regional consortium as an alternative to school employees health care board plans;~~ 63497
63498
63499

~~(j) Mandatory and optional coverages to be offered by the board's medical plans;~~ 63500
63501

~~(k) Potential risks to the state from the use of medical plans developed pursuant to this section;~~ 63502
63503

~~(l) Any legislation needed to ensure the long-term financial solvency and stability of a health care purchasing system;~~ 63504
63505

~~(m) The potential impacts of any changes to the existing purchasing structure on all of the following:~~ 63506
63507

~~(i) Existing health care pooling and consortiums;~~ 63508

~~(ii) School district employees;~~ 63509

~~(iii) Individual school districts. 63510~~

~~(n) Issues that could arise when school districts transition 63511
from the existing purchasing structure to a new purchasing 63512
structure; 63513~~

~~(o) Strategies available to the board in the creation of fund 63514
reserves and the need for stop loss insurance coverage for 63515
catastrophic losses; 63516~~

~~(p) Any legislation needed to establish and maintain medical 63517
plans designed pursuant to this section. The consultant shall 63518
submit all legislative recommendations not later than December 31, 63519
2006, in writing, to the school employees health care board and to 63520
the governor, the speaker of the house of representatives, and the 63521
president of the senate. 63522~~

~~(3)(J) The public schools health care advisory committee is 63523
hereby created under the school employees health care board. The 63524
committee shall make recommendations to the school employees 63525
health care board related to the board's accomplishment of the 63526
duties assigned to the board under this section. The committee 63527
shall consist of eighteen members. The governor, the speaker of 63528
the house of representatives, and the president of the senate 63529
shall each appoint a representative from the Ohio education 63530
association, the Ohio school boards association, the Ohio 63531
association of school business officials, the Ohio association of 63532
health underwriters, an existing health care consortium serving 63533
public schools, and either a health insuring corporation, a 63534
sickness and accident insurer, or a third party administrator 63535
licensed to do business in Ohio and recommended by the Ohio 63536
association of health plans. The initial appointees shall be 63537
appointed to a one year term not later than July 31, 2007, the 63538
members' term to begin on that date. Subsequent serve until 63539
December 31, 2007; subsequent one-year appointments, to commence 63540
on the thirty first day of July first day of January of each year 63541~~

~~thereafter, and shall be made in the same manner. A member shall~~ 63542
~~continue to serve subsequent to the expiration of the member's~~ 63543
~~term until the member's successor is appointed. Any vacancy~~ 63544
~~occurring during a member's term shall be filled in the same~~ 63545
~~manner as the original appointment, except that the person~~ 63546
~~appointed to fill the vacancy shall be appointed to the remainder~~ 63547
~~of the unexpired term. The governor shall call the first meeting~~ 63548
~~of each newly appointed committee. At that meeting the board shall~~ 63549
~~elect a chairperson who shall call the time and place of future~~ 63550
~~committee meetings. Committee members are not subject to the~~ 63551
~~conditions for eligibility set by division (B) of this section for~~ 63552
~~members of the school employees health care board.~~ 63553

~~(4) The school employees health care board shall submit a~~ 63554
~~written study to the governor and the general assembly not later~~ 63555
~~than January 31, 2007, of a plan to operate in compliance with~~ 63556
~~this section, and on the governance of the school employees health~~ 63557
~~care board. A copy of the board's plan of operation, including~~ 63558
~~audit provisions, shall accompany the report on the board's~~ 63559
~~governance and the report shall include the board's~~ 63560
~~recommendations on any legislation needed to enforce the~~ 63561
~~recommendations of the board on implementing the provisions of~~ 63562
~~this section.~~ 63563

~~(5) Not later than January 15, 2009, and not later than the~~ 63564
~~same day of each subsequent year, the school employees health care~~ 63565
~~board shall submit a written report to the governor and each~~ 63566
~~member of the general assembly, which report evaluates the~~ 63567
~~performance of school employees health care board medical plans~~ 63568
~~during the previous year. Districts offering employee health care~~ 63569
~~benefits through a plan offered by a consortium of two or more~~ 63570
~~districts, or a consortium of one or more districts and one or~~ 63571
~~more political subdivisions as defined in section 9.833 of the~~ 63572
~~Revised Code, representing five thousand or more employees as of~~ 63573

~~January 1, 2005, may request permission from the school employees 63574
health care board to continue offering consortium plans to the 63575
districts' employees at the discretion of the board. If the board 63576
grants permission, the permission is valid for only one year but 63577
may be renewed annually thereafter upon application to an approval 63578
of the board. The board shall grant initial or continued approval 63579
upon finding, based on an actuarial evaluation of the existing 63580
consortium plan offerings, that benefit design, premium costs, 63581
administrative cost, and other factors considered by the board are 63582
equivalent to or lower than comparable costs of the board's plan 63583
options offered to the local district. Age and gender adjustments, 63584
benefit comparison adjustments, and the total cost of the 63585
consortium plan, including administration, benefit cost, stop loss 63586
insurance, and all other expenses or information requested by the 63587
board shall be presented to the board prior to the board's 63588
decision to allow a local district to continue to offer health 63589
care benefits under a consortium plan. A district shall not 63590
participate in the consortium plan once the district has chosen to 63591
offer plans designed by the board to the district's employees and 63592
begins premium payments for deposit into the school employees 63593
health care fund. 63594~~

~~(6)(K) The board may adopt rules for the enforcement of 63595
health plan sponsors' compliance with the best practices standards 63596
adopted by the board pursuant to this section. 63597~~

~~(L) Any districts providing ~~medical~~ health care plan coverage 63598
for the employees of public schools, or that have provided 63599
coverage within two years prior to September 29, 2005, school 63600
districts shall provide nonidentifiable aggregate claims data for 63601
the coverage to the school employees health care board ~~or the~~ 63602
~~department of administrative services~~, without charge, within 63603
~~thirty~~ sixty days after receiving a written request from the board 63604
~~or the department~~. The claims data shall include data relating to 63605~~

employee group benefit sets, demographics, and claims experience. 63606

~~(J)~~(M)(1) The school employees health care board may contract 63607
with other state agencies for services as the board deems 63608
necessary for the implementation and operation of this section, 63609
based on demonstrated experience and expertise in administration, 63610
management, data handling, actuarial studies, quality assurance, 63611
or for other needed services. The school employees health care 63612
board ~~shall~~ may contract with the department of administrative 63613
services for central services until such time the board ~~is~~ deems 63614
itself able to obtain such services from its own staff or from 63615
other sources. The board shall reimburse the department of 63616
administrative services for the reasonable cost of those services. 63617

~~(K) The board's administrative functions shall include, but 63618
are not limited to, the following:~~ 63619

~~(1) Maintaining reserves in the school employees health care 63620
fund, reinsurance, and other measures that in the judgment of the 63621
board will result in the long term stability and solvency of the 63622
medical plans designed by the board. The board shall bill school 63623
districts, in proportion to a district's premium payments to all 63624
premium payments paid into the school employees health care fund 63625
during the previous year, in order to maintain necessary reserves, 63626
reinsurance, and administrative and operating funds. Each school 63627
district contributing to a board medical plan shall share any 63628
losses due to the expense of claims paid by the plan. In the event 63629
of a loss, the board may bill each district an amount, in 63630
proportion to the district's premium payments to all premium 63631
payments paid into the school employees health care fund during 63632
the previous year, sufficient in total to cover the loss. The 63633
state is not liable for any obligations of the school employees 63634
health care board or the school employees health care fund, or for 63635
expenses of public schools or school districts related to the 63636
board's medical plans.~~ 63637

~~(2) Providing health care information, wellness programs, and other preventive health care measures to medical plan beneficiaries, to the extent that the board determines to be appropriate;~~ 63638
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~~(3) Coordinating contracts for services related to the board's medical plans. Contracts shall be approved by the school employees health care board.~~ 63642
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~~(L)(2) The board shall hire staff as necessary to provide administrative support to the board and the public school employee health care plan program established by this section.~~ 63645
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~~(N) Not less more 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.~~ 63648
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~~(M)(O) Nothing in this section shall be construed as prohibiting public schools or school districts from consulting with and compensating insurance agents and brokers for professional services.~~ 63654
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63657

~~(N) The department of administrative services shall report to the governor, the speaker of the house of representatives, and the president of the senate not later than April 30, 2007, on the feasibility of achieving all of the following:~~ 63658
63659
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63661

~~(1) Designing multiple medical plans to cover persons employed by public institutions of higher education that achieve an optimal combination of coverage, cost, choice, and stability, which plans include both state and regional preferred provider plans, set employee and employer premiums, and set employee plan copayments, deductibles, exclusions, limitations, formularies, and other responsibilities. For this purpose, "public institutions of~~ 63662
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~~higher education" include, without limitation, state universities 63669
and colleges, state community college districts, community college 63670
districts, university branch districts, technical college 63671
districts, and municipal universities. 63672~~

~~(2) Maintaining reserves, reinsurance, and other measures to 63673
insure the long term stability and solvency of the medical plans; 63674~~

~~(3) Providing appropriate health care information, wellness 63675
programs, and other preventive health care measures to medical 63676
plan beneficiaries; 63677~~

~~(4) Coordinating contracts for services related to the 63678
medical plans. 63679~~

(P)(1) Pursuant to Chapter 117. of the Revised Code, the 63680
auditor of state shall conduct all necessary and required audits 63681
of the board. The auditor of state, upon request, also shall 63682
furnish to the board copies of audits of public school districts 63683
or consortia performed by the auditor of state. 63684

(2) Annually, the superintendent of insurance shall evaluate 63685
the performance of the school employee health care board best 63686
practices during the previous year and submit the results in 63687
writing to the governor and the general assembly. The 63688
superintendent also shall include in the audit of the health care 63689
plans of the health plan sponsors for which the superintendent has 63690
jurisdiction for a determination of adherence to the best 63691
practices established by the board. 63692

Sec. 3311.19. (A) The management and control of a joint 63693
vocational school district shall be vested in the joint vocational 63694
school district board of education. Where a joint vocational 63695
school district is composed only of two or more local school 63696
districts located in one county, or when all the participating 63697
districts are in one county and the boards of such participating 63698

districts so choose, the educational service center governing 63699
board of the county in which the joint vocational school district 63700
is located shall serve as the joint vocational school district 63701
board of education. Where a joint vocational school district is 63702
composed of local school districts of more than one county, or of 63703
any combination of city, local, or exempted village school 63704
districts or educational service centers, unless administration by 63705
the educational service center governing board has been chosen by 63706
all the participating districts in one county pursuant to this 63707
section, the board of education of the joint vocational school 63708
district shall be composed of one or more persons who are members 63709
of the boards of education from each of the city or exempted 63710
village school districts or members of the educational service 63711
centers' governing boards affected to be appointed by the boards 63712
of education or governing boards of such school districts and 63713
educational service centers. In such joint vocational school 63714
districts the number and terms of members of the joint vocational 63715
school district board of education and the allocation of a given 63716
number of members to each of the city and exempted village 63717
districts and educational service centers shall be determined in 63718
the plan for such district, provided that each such joint 63719
vocational school district board of education shall be composed of 63720
an odd number of members. 63721

(B) Notwithstanding division (A) of this section, a governing 63722
board of an educational service center that has members of its 63723
governing board serving on a joint vocational school district 63724
board of education may make a request to the joint vocational 63725
district board that the joint vocational school district plan be 63726
revised to provide for one or more members of boards of education 63727
of local school districts that are within the territory of the 63728
educational service district and within the joint vocational 63729
school district to serve in the place of or in addition to its 63730
educational service center governing board members. If agreement 63731

is obtained among a majority of the boards of education and 63732
governing boards that have a member serving on the joint 63733
vocational school district board of education and among a majority 63734
of the local school district boards of education included in the 63735
district and located within the territory of the educational 63736
service center whose board requests the substitution or addition, 63737
the state board of education may revise the joint vocational 63738
school district plan to conform with such agreement. 63739

(C) If the board of education of any school district or 63740
educational service center governing board included within a joint 63741
vocational district that has had its board or governing board 63742
membership revised under division (B) of this section requests the 63743
joint vocational school district board to submit to the state 63744
board of education a revised plan under which one or more joint 63745
vocational board members chosen in accordance with a plan revised 63746
under such division would again be chosen in the manner prescribed 63747
by division (A) of this section, the joint vocational board shall 63748
submit the revised plan to the state board of education, provided 63749
the plan is agreed to by a majority of the boards of education 63750
represented on the joint vocational board, a majority of the local 63751
school district boards included within the joint vocational 63752
district, and each educational service center governing board 63753
affected by such plan. The state board of education may revise the 63754
joint vocational school district plan to conform with the revised 63755
plan. 63756

(D) The vocational schools in such joint vocational school 63757
district shall be available to all youth of school age within the 63758
joint vocational school district subject to the rules adopted by 63759
the joint vocational school district board of education in regard 63760
to the standards requisite to admission. A joint vocational school 63761
district board of education shall have the same powers, duties, 63762
and authority for the management and operation of such joint 63763

vocational school district as is granted by law, except by this 63764
chapter and Chapters 124., 3317., 3323., and 3331. of the Revised 63765
Code, to a board of education of a city school district, and shall 63766
be subject to all the provisions of law that apply to a city 63767
school district, except such provisions in this chapter and 63768
Chapters 124., 3317., 3323., and 3331. of the Revised Code. 63769

(E) Where a governing board of an educational service center 63770
has been designated to serve as the joint vocational school 63771
district board of education, the educational service center 63772
superintendent shall be the executive officer for the joint 63773
vocational school district, and the governing board may provide 63774
for additional compensation to be paid to the educational service 63775
center superintendent by the joint vocational school district, but 63776
the educational service center superintendent shall have no 63777
continuing tenure other than that of educational service center 63778
superintendent. The superintendent of schools of a joint 63779
vocational school district shall exercise the duties and authority 63780
vested by law in a superintendent of schools pertaining to the 63781
operation of a school district and the employment and supervision 63782
of its personnel. The joint vocational school district board of 63783
education shall appoint a treasurer of the joint vocational school 63784
district who shall be the fiscal officer for such district and who 63785
shall have all the powers, duties, and authority vested by law in 63786
a treasurer of a board of education. Where a governing board of an 63787
educational service center has been designated to serve as the 63788
joint vocational school district board of education, such board 63789
may appoint the educational service center superintendent as the 63790
treasurer of the joint vocational school district. 63791

(F) Each member of a joint vocational school district board 63792
of education may be paid such compensation as the board provides 63793
by resolution, but it shall not exceed one hundred twenty-five 63794
dollars per member for each meeting attended plus mileage, at the 63795

rate per mile provided by resolution of the board, to and from 63796
meetings of the board. 63797

The board may provide by resolution for the deduction of 63798
amounts payable for benefits under section 3313.202 of the Revised 63799
Code. 63800

Each member of a joint vocational school district board may 63801
be paid such compensation as the board provides by resolution for 63802
attendance at an approved training program, provided that such 63803
compensation shall not exceed sixty dollars per day for attendance 63804
at a training program three hours or fewer in length and one 63805
hundred twenty-five dollars a day for attendance at a training 63806
program longer than three hours in length. However, no board 63807
member shall be compensated for the same training program under 63808
this section and section 3313.12 of the Revised Code. 63809

Sec. 3313.12. Each member of the educational service center 63810
governing board may be paid such compensation as the governing 63811
board provides by resolution, provided that any such compensation 63812
shall not exceed one hundred twenty-five dollars a day plus 63813
mileage both ways, at the rate per mile provided by resolution of 63814
the governing board, for attendance at any meeting of the board. 63815
Such compensation and the expenses of the educational service 63816
center superintendent, itemized and verified, shall be paid from 63817
the educational service center governing board fund upon vouchers 63818
signed by the president of the governing board. 63819

The board of education of any city, local, or exempted 63820
village school district may provide by resolution for compensation 63821
of its members, provided that such compensation shall not exceed 63822
one hundred twenty-five dollars per member for meetings attended. 63823
The board may provide by resolution for the deduction of amounts 63824
payable for benefits under section 3313.202 of the Revised Code. 63825

Each member of a district board or educational service center 63826

governing board may be paid such compensation as the respective 63827
board provides by resolution for attendance at an approved 63828
training program, provided that such compensation shall not exceed 63829
sixty dollars a day for attendance at a training program three 63830
hours or fewer in length and one hundred twenty-five dollars a day 63831
for attendance at a training program longer than three hours in 63832
length. 63833

Sec. 3313.202. Any elected or appointed member of the board 63834
of education of a school district and the dependent children and 63835
spouse of the member may be covered, at the option of the member, 63836
under any ~~medical~~ health care plan designed containing best 63837
practices prescribed by the school employees health care board 63838
under section 9.901 of the Revised Code. The member shall pay all 63839
premiums for that coverage. Payments for such coverage shall be 63840
made, in advance, in a manner prescribed by the school employees 63841
health care board. The member's exercise of an option to be 63842
covered under this section shall be in writing, announced at a 63843
regular public meeting of the board of education, and recorded as 63844
a public record in the minutes of the board. 63845

Sec. 3313.33. (A) Conveyances made by a board of education 63846
shall be executed by the president and treasurer thereof. 63847

(B) Except as provided in division (C) of this section, no 63848
member of the board shall have, directly or indirectly, any 63849
pecuniary interest in any contract of the board or be employed in 63850
any manner for compensation by the board of which the person is a 63851
member. No contract shall be binding upon any board unless it is 63852
made or authorized at a regular or special meeting of such board. 63853

(C) A member of the board may have a pecuniary interest in a 63854
contract of the board if all of the following apply: 63855

(1) The member's pecuniary interest in that contract is that 63856

the member is employed by a political subdivision, 63857
instrumentality, or agency of the state that is contracting with 63858
the board; 63859

(2) The member does not participate in any discussion or 63860
debate regarding the contract or vote on the contract; 63861

(3) The member files with the school district treasurer an 63862
affidavit stating the member's exact employment status with the 63863
political subdivision, instrumentality, or agency contracting with 63864
the board. 63865

(D) This section does not apply where a member of the board, 63866
being a shareholder of a corporation but not being an officer or 63867
director thereof, owns not in excess of five per cent of the stock 63868
of such corporation. If a stockholder desires to avail self of the 63869
exception, before entering upon such contract such person shall 63870
first file with the treasurer an affidavit stating the 63871
stockholder's exact status and connection with said corporation. 63872

This section does not apply where a member of the board 63873
elects to be covered by a ~~medical~~ health care plan under section 63874
3313.202 of the Revised Code. 63875

Sec. 4117.03. (A) Public employees have the right to: 63876

(1) Form, join, assist, or participate in, or refrain from 63877
forming, joining, assisting, or participating in, except as 63878
otherwise provided in Chapter 4117. of the Revised Code, any 63879
employee organization of their own choosing; 63880

(2) Engage in other concerted activities for the purpose of 63881
collective bargaining or other mutual aid and protection; 63882

(3) Representation by an employee organization; 63883

(4) Bargain collectively with their public employers to 63884
determine wages, hours, terms and other conditions of employment 63885
and the continuation, modification, or deletion of an existing 63886

provision of a collective bargaining agreement, and enter into 63887
collective bargaining agreements; 63888

(5) Present grievances and have them adjusted, without the 63889
intervention of the bargaining representative, as long as the 63890
adjustment is not inconsistent with the terms of the collective 63891
bargaining agreement then in effect and as long as the bargaining 63892
representatives have the opportunity to be present at the 63893
adjustment. 63894

(B) Persons on active duty or acting in any capacity as 63895
members of the organized militia do not have collective bargaining 63896
rights. 63897

(C) Except as provided in division (D) of this section, 63898
nothing in Chapter 4117. of the Revised Code prohibits public 63899
employers from electing to engage in collective bargaining, to 63900
meet and confer, to hold discussions, or to engage in any other 63901
form of collective negotiations with public employees who are not 63902
subject to Chapter 4117. of the Revised Code pursuant to division 63903
(C) of section 4117.01 of the Revised Code. 63904

(D) A public employer shall not engage in collective 63905
bargaining or other forms of collective negotiations with the 63906
employees of county boards of elections referred to in division 63907
(C)(12) of section 4117.01 of the Revised Code. 63908

(E)~~(1)~~ Employees of public ~~school~~ schools may bargain 63909
collectively for health care benefits; however, all health care 63910
benefits shall ~~be provided through~~ include best practices 63911
prescribed by the school employees health care board ~~medical~~ 63912
~~plans~~, in accordance with section 9.901 of the Revised Code. ~~If a~~ 63913
~~school district provides its employees with health care benefits~~ 63914
~~pursuant to collective bargaining, the employees shall be~~ 63915
~~permitted to choose a plan option from among the school employees~~ 63916
~~health care board plans agreed to during collective bargaining.~~ 63917

~~(2) During collective bargaining, employees of public schools may agree to pay a higher percentage of the premium for health benefit coverage under the plans designed by the school employees health care board pursuant to section 9.901 of the Revised Code than the percentage designated as the employees' contribution level by the board. A collective bargaining agreement, however, shall not permit the employees to contribute a lesser percentage of the premium than that set as the employees' contribution level by the school employees health care board, unless, in so doing, the participating school board is able to remain in compliance with the aggregate goal set pursuant to division (C)(3) of section 9.901 of the Revised Code.~~

Sec. 4117.08. (A) All matters pertaining to wages, hours, or terms and other conditions of employment and the continuation, modification, or deletion of an existing provision of a collective bargaining agreement are subject to collective bargaining between the public employer and the exclusive representative, except as otherwise specified in this section and division (E) of section 4117.03 of the Revised Code.

(B) The conduct and grading of civil service examinations, the rating of candidates, the establishment of eligible lists from the examinations, and the original appointments from the eligible lists are not appropriate subjects for collective bargaining.

(C) Unless a public employer agrees otherwise in a collective bargaining agreement, nothing in Chapter 4117. of the Revised Code impairs the right and responsibility of each public employer to:

(1) Determine matters of inherent managerial policy which include, but are not limited to areas of discretion or policy such as the functions and programs of the public employer, standards of services, its overall budget, utilization of technology, and organizational structure;

(2) Direct, supervise, evaluate, or hire employees;	63949
(3) Maintain and improve the efficiency and effectiveness of governmental operations;	63950 63951
(4) Determine the overall methods, process, means, or personnel by which governmental operations are to be conducted;	63952 63953
(5) Suspend, discipline, demote, or discharge for just cause, or lay off, transfer, assign, schedule, promote, or retain employees;	63954 63955 63956
(6) Determine the adequacy of the work force;	63957
(7) Determine the overall mission of the employer as a unit of government;	63958 63959
(8) Effectively manage the work force;	63960
(9) Take actions to carry out the mission of the public employer as a governmental unit.	63961 63962
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.	63963 63964 63965 63966 63967 63968 63969
Section 130.03. Section 611.03 of Am. Sub. H.B. 66 of the 126th General Assembly is hereby repealed.	63970 63971
Section 130.04. Existing sections 9.833, 9.90, 9.901, 3313.202, 3313.33, and 4117.03 of the Revised Code are hereby repealed.	63972 63973 63974
Section 130.05. The Governor, the President of the Senate, and the Speaker of the House of Representatives each shall appoint	63975 63976

one additional member to the School Employees Health Care Board 63977
created pursuant to section 9.901 of the Revised Code. The terms 63978
of these additional members as well as the terms of the current 63979
members shall end on December 31, 2010. Thereafter, terms of 63980
office shall be as specified in section 9.901 of the Revised Code 63981
as it results from its amendment by this act. The three additional 63982
members each shall be representative of nonadministrative public 63983
school employees. 63984

Section 201.01. Except as otherwise provided in this act, all 63985
appropriation items in this act are appropriated out of any moneys 63986
in the state treasury to the credit of the designated fund that 63987
are not otherwise appropriated. For all appropriations made in 63988
this act, the amounts in the first column are for fiscal year 2008 63989
and the amounts in the second column are for fiscal year 2009. 63990
63991

Section 203.10. ACC ACCOUNTANCY BOARD OF OHIO 63992

General Services Fund Group 63993
4J8 889-601 CPA Education \$ 325,000 \$ 325,000 63994
Assistance
4K9 889-609 Operating Expenses \$ 1,092,246 \$ 1,117,000 63995
TOTAL GSF General Services Fund 63996
Group \$ 1,417,246 \$ 1,442,000 63997
TOTAL ALL BUDGET FUND GROUPS \$ 1,417,246 \$ 1,442,000 63998

Section 205.10. ADJ ADJUTANT GENERAL 64000

General Revenue Fund 64001
GRF 745-401 Ohio Military Reserve \$ 15,188 \$ 15,188 64002
GRF 745-404 Air National Guard \$ 2,246,005 \$ 2,284,198 64003
GRF 745-407 National Guard \$ 1,400,000 \$ 1,400,000 64004
Benefits

GRF 745-409	Central Administration	\$	4,295,778	\$	4,460,069	64005
GRF 745-499	Army National Guard	\$	5,064,836	\$	5,169,368	64006
GRF 745-502	Ohio National Guard	\$	102,973	\$	102,973	64007
	Unit Fund					
TOTAL GRF	General Revenue Fund	\$	13,124,780	\$	13,431,796	64008
	General Services Fund Group					64009
534 745-612	Property	\$	534,304	\$	534,304	64010
	Operations/Management					
536 745-620	Camp Perry/Buckeye Inn	\$	1,202,970	\$	1,202,970	64011
	Operations					
537 745-604	Ohio National Guard	\$	269,826	\$	269,826	64012
	Facility Maintenance					
TOTAL GSF	General Services Fund	\$	2,007,100	\$	2,007,100	64013
	Group					
	Federal Special Revenue Fund Group					64014
3E8 745-628	Air National Guard	\$	14,100,000	\$	14,906,820	64015
	Agreement					
3R8 745-603	Counter Drug	\$	25,000	\$	25,000	64016
	Operations					
341 745-615	Air National Guard	\$	2,497,480	\$	2,729,939	64017
	Base Security					
342 745-616	Army National Guard	\$	10,146,178	\$	10,590,050	64018
	Agreement					
TOTAL FED	Federal Special Revenue	\$	26,768,658	\$	28,251,809	64019
	Fund Group					
	State Special Revenue Fund Group					64020
5U8 745-613	Community Match	\$	220,000	\$	220,000	64021
	Armories					
528 745-605	Marksmanship	\$	128,600	\$	128,600	64022
	Activities					
TOTAL SSR	State Special Revenue	\$	348,600	\$	348,600	64023
	Fund Group					

TOTAL ALL BUDGET FUND GROUPS	\$	42,249,138	\$	44,039,305	64024
NATIONAL GUARD BENEFITS					64025
The foregoing appropriation item 745-407, National Guard					64026
Benefits, shall be used for purposes of sections 5919.31 and					64027
5919.33 of the Revised Code, and for administrative costs of the					64028
associated programs.					64029
For active duty members of the Ohio National Guard who died					64030
after October 7, 2001, while performing active duty, the death					64031
benefit, pursuant to section 5919.33 of the Revised Code, shall be					64032
paid to the beneficiary or beneficiaries designated on the					64033
member's Servicemembers' Group Life Insurance Policy.					64034
STATE ACTIVE DUTY COSTS					64035
Of the foregoing appropriation item 745-409, Central					64036
Administration, \$50,000 in each fiscal year shall be used for the					64037
purpose of paying expenses related to state active duty of members					64038
of the Ohio organized militia, in accordance with a proclamation					64039
of the Governor. Expenses include, but are not limited to, the					64040
cost of equipment, supplies, and services, as determined by the					64041
Adjutant General's Department.					64042
Of the foregoing appropriation item 745-409, Central					64043
Administration, up to \$60,000 in each fiscal year of unspent and					64044
unencumbered funds remaining after meeting all other obligations					64045
of this appropriation shall be used for a grant to the American					64046
Red Cross Greater Columbus Chapter to be distributed equally to					64047
the Ohio chapters in existence on the effective date of this					64048
section. The funds from this grant shall be used for the Armed					64049
Forces Emergency Services program of the American Red Cross in					64050
Ohio to support members of the military and their families. Upon					64051
distribution of the funds, the American Red Cross Greater Columbus					64052
Chapter shall report to the Adjutant General on the actual					64053
distribution to the various chapters and any administrative costs					64054

associated with the distribution.				64055
Section 207.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES				64056
General Revenue Fund				64057
GRF 100-403 Public School Employee	\$	1,425,000	\$ 1,425,000	64058
Benefits				
GRF 100-404 CRP Procurement	\$	255,000	\$ 255,000	64059
Program				
GRF 100-405 Agency Audit Expenses	\$	400,000	\$ 400,000	64060
GRF 100-406 County & University	\$	875,000	\$ 875,000	64061
Human Resources				
Services				
GRF 100-410 Veterans' Records	\$	46,170	\$ 46,171	64062
Conversion				
GRF 100-415 OAKS Rental Payments	\$	14,162,000	\$ 14,165,000	64063
GRF 100-418 Web Sites and Business	\$	3,270,473	\$ 3,270,083	64064
Gateway				
GRF 100-419 IT Security	\$	1,500,000	\$ 1,500,000	64065
Infrastructure				
GRF 100-421 OAKS Project	\$	375,000	\$ 375,000	64066
Implementation				
GRF 100-433 State of Ohio Computer	\$	5,092,502	\$ 5,007,502	64067
Center				
GRF 100-439 Equal Opportunity	\$	750,236	\$ 750,236	64068
Certification Programs				
GRF 100-447 OBA - Building Rent	\$	112,294,800	\$ 106,476,400	64069
Payments				
GRF 100-448 OBA - Building	\$	26,457,000	\$ 27,303,000	64070
Operating Payments				
GRF 100-449 DAS - Building	\$	3,769,510	\$ 3,834,871	64071
Operating Payments				
GRF 100-451 Minority Affairs	\$	52,927	\$ 52,927	64072

GRF 100-734	Major Maintenance - State Bldgs	\$	42,000	\$	42,000	64073
GRF 102-321	Construction Compliance	\$	1,167,099	\$	1,167,099	64074
GRF 130-321	State Agency Support Services	\$	5,495,163	\$	5,855,163	64075
TOTAL GRF	General Revenue Fund	\$	177,429,880	\$	172,800,452	64076
	General Services Fund Group					64077
112 100-616	DAS Administration	\$	5,299,427	\$	5,299,427	64078
115 100-632	Central Service Agency	\$	860,878	\$	928,403	64079
117 100-644	General Services Division - Operating	\$	8,295,772	\$	8,540,772	64080
122 100-637	Fleet Management	\$	2,182,968	\$	2,032,968	64081
125 100-622	Human Resources Division - Operating	\$	19,890,614	\$	20,560,614	64082
128 100-620	Collective Bargaining	\$	3,464,533	\$	3,662,534	64083
130 100-606	Risk Management Reserve	\$	2,568,548	\$	2,568,548	64084
131 100-639	State Architect's Office	\$	7,348,483	\$	7,544,164	64085
132 100-631	DAS Building Management	\$	9,716,228	\$	10,166,228	64086
133 100-607	IT Services Delivery	\$	92,539,887	\$	75,847,949	64087
188 100-649	Equal Opportunity Division - Operating	\$	847,409	\$	884,650	64088
201 100-653	General Services Resale Merchandise	\$	1,553,000	\$	1,553,000	64089
210 100-612	State Printing	\$	5,681,421	\$	5,436,421	64090
229 100-630	IT Governance	\$	17,108,546	\$	17,108,546	64091
4N6 100-617	Major IT Purchases	\$	7,495,719	\$	7,495,719	64092
4P3 100-603	DAS Information Services	\$	4,793,190	\$	4,958,218	64093
427 100-602	Investment Recovery	\$	5,683,564	\$	5,683,564	64094

5C2 100-605	MARCS Administration	\$	11,069,291	\$	11,069,291	64095
5C3 100-608	Skilled Trades	\$	934,982	\$	934,982	64096
5D7 100-621	Workforce Development	\$	70,000	\$	0	64097
5EB 100-635	OAKS Support Organization	\$	19,132,671	\$	19,132,671	64098
5L7 100-610	Professional Development	\$	3,900,000	\$	3,900,000	64099
5V6 100-619	Employee Educational Development	\$	936,129	\$	936,129	64100
5X3 100-634	Centralized Gateway Enhancement	\$	974,023	\$	974,023	64101
TOTAL GSF	General Services Fund					64102
Group		\$	232,347,283	\$	217,218,821	64103
TOTAL ALL BUDGET FUND GROUPS		\$	409,777,163	\$	390,019,273	64104

Section 207.10.10. PUBLIC SCHOOL EMPLOYEE BENEFITS 64106

The foregoing appropriation item 100-403, Public School 64107
Employee Benefits, shall be used by the School Employees Health 64108
Care Board to hire staff to provide administrative support to the 64109
Board and other lawful uses of said fund as prescribed under 64110
section 9.901 of the Revised Code. This section succeeds Section 64111
203.12.02 of Am. Sub. H.B. 66 of the 126th General Assembly. 64112

Section 207.10.20. AGENCY AUDIT EXPENSES 64113

The foregoing appropriation item 100-405, Agency Audit 64114
Expenses, shall be used for auditing expenses designated in 64115
division (A)(1) of section 117.13 of the Revised Code for those 64116
state agencies audited on a biennial basis. 64117

Section 207.10.30. OAKS RENTAL PAYMENTS 64118

The foregoing appropriation item 100-415, OAKS Rental 64119
Payments, shall be used for payments for the period from July 1, 64120
2007, through June 30, 2009, pursuant to leases and agreements 64121

entered into under Chapter 125. of the Revised Code, as 64122
supplemented by Section 403.10 of Am. Sub. H.B. 530 of the 126th 64123
General Assembly with respect to financing the costs associated 64124
with the acquisition, development, installation, and 64125
implementation of the Ohio Administrative Knowledge System. If it 64126
is determined that additional appropriations are necessary for 64127
this purpose, the amounts are hereby appropriated. 64128

Section 207.10.40. BUILDING RENT PAYMENTS 64129

The foregoing appropriation item 100-447, OBA - Building Rent 64130
Payments, shall be used to meet all payments at the times they are 64131
required to be made during the period from July 1, 2007, to June 64132
30, 2009, by the Department of Administrative Services to the Ohio 64133
Building Authority pursuant to leases and agreements under Chapter 64134
152. of the Revised Code. These appropriations are the source of 64135
funds pledged for bond service charges on obligations issued 64136
pursuant to Chapter 152. of the Revised Code. 64137

The foregoing appropriation item 100-448, OBA - Building 64138
Operating Payments, shall be used to meet all payments at the 64139
times that they are required to be made during the period from 64140
July 1, 2007, to June 30, 2009, by the Department of 64141
Administrative Services to the Ohio Building Authority pursuant to 64142
leases and agreements under Chapter 152. of the Revised Code, but 64143
limited to the aggregate amount of \$53,760,000. 64144

The payments to the Ohio Building Authority are for the 64145
purpose of paying the expenses of agencies that occupy space in 64146
the various state facilities. The Department of Administrative 64147
Services may enter into leases and agreements with the Ohio 64148
Building Authority providing for the payment of these expenses. 64149
The Ohio Building Authority shall report to the Department of 64150
Administrative Services and the Office of Budget and Management 64151
not later than five months after the start of a fiscal year the 64152

actual expenses incurred by the Ohio Building Authority in 64153
operating the facilities and any balances remaining from payments 64154
and rentals received in the prior fiscal year. The Department of 64155
Administrative Services shall reduce subsequent payments by the 64156
amount of the balance reported to it by the Ohio Building 64157
Authority. 64158

Section 207.10.50. DAS - BUILDING OPERATING PAYMENTS 64159

The foregoing appropriation item 100-449, DAS - Building 64160
Operating Payments, shall be used to pay the rent expenses of 64161
veterans organizations pursuant to section 123.024 of the Revised 64162
Code in fiscal years 2008 and 2009. 64163

The foregoing appropriation item, 100-449, DAS - Building 64164
Operating Payments, may be used to provide funding for the cost of 64165
property appraisals or building studies that the Department of 64166
Administrative Services may be required to obtain for property 64167
that is being sold by the state or property under consideration to 64168
be renovated or purchased by the state. 64169

Notwithstanding section 125.28 of the Revised Code, the 64170
remaining portion of the appropriation may be used to pay the 64171
operating expenses of state facilities maintained by the 64172
Department of Administrative Services that are not billed to 64173
building tenants. These expenses may include, but are not limited 64174
to, the costs for vacant space and space undergoing renovation, 64175
and the rent expenses of tenants that are relocated due to 64176
building renovations. These payments shall be processed by the 64177
Department of Administrative Services through intrastate transfer 64178
vouchers and placed in the Building Management Fund (Fund 132). 64179

Section 207.10.60. CENTRAL SERVICE AGENCY FUND 64180

The Department of Administrative Services shall not allocate 64181
annual costs for maintaining an automated application for the 64182

professional licensing boards and for the costs of supporting 64183
licensing functions in excess of the amounts supported by 64184
licensing and registration fees established for fiscal year 2007. 64185
The charges shall be billed to the professional licensing boards 64186
and deposited via intrastate transfer vouchers to the credit of 64187
the Central Service Agency Fund (Fund 115). 64188

Section 207.10.70. ELIMINATION OF THE VEHICLE LIABILITY FUND 64189
ASSETS 64190

(A) Effective July 1, 2007, the Vehicle Liability Fund (Fund 64191
127) is abolished and its functions, assets, and liabilities are 64192
transferred to the Risk Management Reserve Fund (Fund 130). The 64193
Risk Management Reserve Fund is thereupon and thereafter successor 64194
to, assumes the obligations of, and otherwise constitutes the 64195
continuation of the Vehicle Liability Fund. 64196

Any business commenced but not completed with regard to the 64197
Vehicle Liability Fund on July 1, 2007, shall be completed with 64198
regard to the Risk Management Reserve Fund, in the same manner, 64199
and with the same effect, as if completed with regard to the 64200
Vehicle Liability Fund. No validation, cure, right, privilege, 64201
remedy, obligation, or liability is lost or impaired by reason of 64202
the transfer and shall be administered with regard to the Risk 64203
Management Reserve Fund. All of the rules, orders, and 64204
determinations associated with the Vehicle Liability Fund continue 64205
in effect as rules, orders, and determinations associated with the 64206
Risk Management Reserve Fund, until modified or rescinded by the 64207
Director of Administrative Services. If necessary to ensure the 64208
integrity of the Administrative Code, the Director of the 64209
Legislative Service Commission shall renumber the rules relating 64210
to the Vehicle Liability Fund to reflect its transfer to the Risk 64211
Management Reserve Fund. 64212

(B) Employees paid from the Vehicle Liability Fund shall be 64213

transferred to the Risk Management Reserve Fund or dismissed. 64214
Employees paid from the Vehicle Liability Fund so dismissed cease 64215
to hold their positions of employment on July 1, 2007. 64216

(C) No judicial or administrative action or proceeding by 64217
which the Vehicle Liability Fund is affected that is pending on 64218
July 1, 2007, is affected by the transfer of functions under 64219
division (A) of this section. The action or proceeding shall be 64220
prosecuted or defended on behalf of the Risk Management Reserve 64221
Fund and the Risk Management Reserve Fund upon application to the 64222
court or agency shall be substituted for the Vehicle Liability 64223
Fund as affected by the action or proceeding. 64224

(D) On and after July 1, 2007, when the Vehicle Liability 64225
Fund is referred to in any statute, rule, contract, grant, or 64226
other document, the reference is hereby deemed to refer to the 64227
Risk Management Reserve Fund. 64228

Section 207.10.80. TRANSFER OF VEHICLE LIABILITY FUND ASSETS 64229

On and after July 1, 2007, notwithstanding any provision to 64230
the contrary, the Director of Budget and Management is authorized 64231
to take the actions and effectuate the budget changes made 64232
necessary by administrative reorganization, program transfers, the 64233
creation of new funds, and the consolidation of funds required for 64234
the transfer of the Vehicle Liability Fund Assets to the Risk 64235
Management Reserve Fund. The Director of Budget and Management may 64236
make any transfer of cash balances between funds. At the request 64237
of the Director of Budget and Management, the Director of 64238
Administrative Services shall certify to the Director of Budget 64239
and Management an estimate of the amount of the Vehicle Liability 64240
Fund cash balance to be transferred to the Risk Management Reserve 64241
Fund. The Director of Budget and Management may transfer the 64242
estimated amount when needed to make payments. Not more than 64243
thirty days after certifying the estimated amount, the Director of 64244

Administrative Services shall certify the final amount to the 64245
Director of Budget and Management. The Director of Budget and 64246
Management shall transfer the difference between any amount 64247
previously transferred and the certified final amount. The 64248
Director of Budget and Management may cancel encumbrances and 64249
re-establish encumbrances or parts of encumbrances of the Vehicle 64250
Liability Fund as needed in fiscal year 2008 in the Risk 64251
Management Reserve Fund for the same purposes. The appropriation 64252
authority necessary to re-establish such encumbrances in fiscal 64253
year 2008, as determined by the Director of Budget and Management, 64254
in appropriation item 100-606, Risk Management Reserve, is hereby 64255
appropriated. When re-established encumbrances or parts of 64256
re-established encumbrances of the Vehicle Liability Fund are 64257
canceled, the Director of Budget and Management shall reduce the 64258
appropriation for appropriation item 100-606, Risk Management 64259
Reserve, by the amount of the encumbrances canceled. The amounts 64260
canceled are hereby authorized. Any fiscal year 2007 unencumbered 64261
or unallotted appropriation for appropriation item 100-627, 64262
Vehicle Liability Insurance, may be transferred to appropriation 64263
item 100-606, Risk Management Reserve, to be used for the same 64264
purposes, as determined by the Director of Budget and Management. 64265
The amounts transferred are hereby appropriated. 64266

Section 207.10.90. COLLECTIVE BARGAINING ARBITRATION EXPENSES 64267
64268

With approval of the Director of Budget and Management, the 64269
Department of Administrative Services may seek reimbursement from 64270
state agencies for the actual costs and expenses the department 64271
incurs in the collective bargaining arbitration process. The 64272
reimbursements shall be processed through intrastate transfer 64273
vouchers and placed in the Collective Bargaining Fund (Fund 128). 64274

Section 207.20.10. EQUAL OPPORTUNITY PROGRAM 64275

The Department of Administrative Services, with the approval 64276
of the Director of Budget and Management, shall establish charges 64277
for recovering the costs of administering the activities supported 64278
by the State EEO Fund (Fund 188). These charges shall be deposited 64279
to the credit of the State EEO Fund (Fund 188) upon payment made 64280
by state agencies, state-supported or state-assisted institutions 64281
of higher education, and tax-supported agencies, municipal 64282
corporations, and other political subdivisions of the state, for 64283
services rendered. 64284

Section 207.20.20. MERCHANDISE FOR RESALE 64285

The foregoing appropriation item 100-653, General Services 64286
Resale Merchandise, shall be used to account for merchandise for 64287
resale, which is administered by the General Services Division. 64288
Deposits to the fund may comprise the cost of merchandise for 64289
resale and shipping fees. 64290

Section 207.20.30. DAS INFORMATION SERVICES 64291

There is hereby established in the State Treasury the DAS 64292
Information Services Fund. The foregoing appropriation item 64293
100-603, DAS Information Services, shall be used to pay the costs 64294
of providing information systems and services in the Department of 64295
Administrative Services. 64296

The Department of Administrative Services shall establish 64297
user charges for all information systems and services that are 64298
allowable in the statewide indirect cost allocation plan submitted 64299
annually to the United States Department of Health and Human 64300
Services. These charges shall comply with federal regulations and 64301
shall be deposited to the credit of the DAS Information Services 64302
Fund (Fund 4P3). 64303

Section 207.20.40. INVESTMENT RECOVERY FUND 64304

Notwithstanding division (B) of section 125.14 of the Revised Code, cash balances in the Investment Recovery Fund (Fund 427) may be used to support the operating expenses of the Federal Surplus Operating Program created in sections 125.84 to 125.90 of the Revised Code.

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.

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.

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.

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 of the amounts held for transfer to the General Revenue Fund from the Investment Recovery Fund to the State Architect's Fund (Fund 131) to provide operating cash.

Section 207.20.50. MULTI-AGENCY RADIO COMMUNICATIONS SYSTEM

Effective with the implementation of the Multi-Agency Radio Communications System, the State Chief Information Officer shall collect user fees from participants in the system. The State Chief Information Officer, with the advice of the Multi-Agency Radio Communications System Steering Committee and the Director of Budget and Management, shall determine the amount of the fees and the manner by which the fees shall be collected. Such user charges shall comply with the applicable cost principles issued by the federal Office of Management and Budget. All moneys from user charges and fees shall be deposited in the state treasury to the credit of the Multi-Agency Radio Communications System Administration Fund (Fund 5C2), which is hereby established in the state treasury. All interest income derived from the investment of the fund shall accrue to the fund.

Section 207.20.60. WORKFORCE DEVELOPMENT FUND

There is hereby established in the state treasury the Workforce Development Fund (Fund 5D7). The foregoing appropriation item 100-621, Workforce Development, shall be used to make payments from the fund. The fund shall be under the supervision of the Department of Administrative Services, which may adopt rules with regard to administration of the fund. The fund shall be used to pay the costs of any remaining obligations of the Workforce Development Program, in accordance with Article 37 of the contract

between the State of Ohio and OCSEA/AFSCME, Local 11, abolished 64367
effective March 1, 2006. These costs include, but are not limited 64368
to, remaining grant obligations, payments for tuition 64369
reimbursement, contracted services and general overhead, and any 64370
settlement costs associated with the Statewide Cost Allocation 64371
Program (SWCAP). The program shall be administered in accordance 64372
with the contract. Revenues shall accrue to the fund as specified 64373
in the contract. The fund may be used to pay direct and indirect 64374
costs of the program that are attributable to staff, consultants, 64375
and service providers. All income derived from the investment of 64376
the fund shall accrue to the fund. 64377

If it is determined by the Director of Administrative 64378
Services that additional appropriation amounts are necessary, the 64379
Director of Administrative Services may request that the Director 64380
of Budget and Management increase such amounts. Such amounts are 64381
hereby appropriated. 64382

Section 207.20.70. OAKS SUPPORT ORGANIZATION 64383

The foregoing appropriation item 100-635, OAKS Support 64384
Organization, shall be used by the Office of Information 64385
Technology to support the operating costs associated with the 64386
implementation and maintenance of the state's enterprise resource 64387
planning system, OAKS, consistent with its responsibilities under 64388
this section and Chapters 125. and 126. of the Revised Code. The 64389
OAKS Support Organization shall operate and maintain the human 64390
capital management and financial management modules of the state's 64391
enterprise resource planning system to support statewide human 64392
resources and financial management activities administered by the 64393
Department of Administrative Services' human resources division 64394
and the Office of Budget and Management. The OAKS Support 64395
Organization shall recover the costs to establish, operate, and 64396
maintain the OAKS system through intrastate transfer voucher 64397

billings to the Department of Administrative Services and the 64398
Office of Budget and Management. Effective July 1, 2007, the 64399
Department of Administrative Services, with the approval of the 64400
Director of Budget and Management, shall include the recovery of 64401
the costs of administering the human capital management module of 64402
the OAKS System within the human resources services payroll rate. 64403
These revenues shall be deposited to the credit of the Human 64404
Resources Services Fund (Fund 125). Amounts deposited under this 64405
section are hereby appropriated to appropriation item 100-622, 64406
Human Resources Division-Operating. Not less than quarterly, the 64407
Department of Administrative Services shall process the intrastate 64408
transfer billings to transfer cash from the Human Resources 64409
Services Fund (Fund 125) to the OAKS Support Organization Fund 64410
(Fund 5EB) to pay for the OAKS Support Organization costs. 64411

Section 207.20.80. PROFESSIONAL DEVELOPMENT FUND 64412

The foregoing appropriation item 100-610, Professional 64413
Development, shall be used to make payments from the Professional 64414
Development Fund (Fund 5L7) under section 124.182 of the Revised 64415
Code. 64416

Section 207.20.90. EMPLOYEE EDUCATIONAL DEVELOPMENT 64417

There is hereby established in the state treasury the 64418
Employee Educational Development Fund (Fund 5V6). The foregoing 64419
appropriation item 100-619, Employee Educational Development, 64420
shall be used to make payments from the fund. The fund shall be 64421
used to pay the costs of the administration of educational 64422
programs per existing collective bargaining agreements with 64423
District 1199, the Health Care and Social Service Union; State 64424
Council of Professional Educators; Ohio Education Association and 64425
National Education Association; the Fraternal Order of Police Ohio 64426
Labor Council, Unit 2; and the Ohio State Troopers Association, 64427

Units 1 and 15. The fund shall be under the supervision of the 64428
Department of Administrative Services, which may adopt rules with 64429
regard to administration of the fund. The fund shall be 64430
administered in accordance with the applicable sections of the 64431
collective bargaining agreements between the State and the 64432
aforementioned unions. The Department of Administrative Services, 64433
with the approval of the Director of Budget and Management, shall 64434
establish charges for recovering the costs of administering the 64435
educational programs. Receipts for these charges shall be 64436
deposited into the Employee Educational Development Fund. All 64437
income derived from the investment of the funds shall accrue to 64438
the fund. 64439

If it is determined by the Director of Administrative 64440
Services that additional appropriation amounts are necessary, the 64441
Director of Administrative Services may request that the Director 64442
of Budget and Management increase such amounts. Such amounts are 64443
hereby appropriated with the approval of the Director of Budget 64444
and Management. 64445

Section 207.30.10. CENTRALIZED GATEWAY ENHANCEMENTS FUND 64446

(A) As used in this section, "Ohio Business Gateway" refers 64447
to the internet-based system operated by the Office of Information 64448
Technology with the advice of the Ohio Business Gateway Steering 64449
Committee established under section 5703.57 of the Revised Code. 64450
The Ohio Business Gateway is established to provide businesses a 64451
central web site where various filings and payments are submitted 64452
on-line to government. The information is then distributed to the 64453
various government entities that interact with the business 64454
community. 64455

(B) As used in this section: 64456

(1) "State Portal" refers to the official web site of the 64457
state, operated by the Office of Information Technology. 64458

(2) "Shared Hosting Environment" refers to the computerized system operated by the Office of Information Technology for the purpose of providing capability for state agencies to host web sites.

(C) There is hereby created in the state treasury the Centralized Gateway Enhancements Fund (Fund 5X3). The foregoing appropriation item 100-634, Centralized Gateway Enhancements, shall be used by the Office of Information Technology to pay the costs of enhancing, expanding, and operating the infrastructure of the Ohio Business Gateway, State Portal, and Shared Hosting Environment. The State Chief Information Officer shall submit periodic spending plans to the Director of Budget and Management to justify operating transfers to the fund from the General Revenue Fund. Upon approval, the Director of Budget and Management shall transfer approved amounts to the fund, not to exceed the amount of the annual appropriation in each fiscal year. The spending plans may be based on the recommendations of the Ohio Business Gateway Steering Committee or its successor.

Section 207.30.20. MAJOR IT PURCHASES

The State Chief Information Officer shall compute the amount of revenue attributable to the amortization of all equipment purchases and capitalized systems from appropriation item 100-607, IT Service Delivery; appropriation item 100-617, Major IT Purchases; and appropriation item CAP-837, Major IT Purchases, which is recovered by the Office of Information Technology as part of the rates charged by the IT Service Delivery Fund (Fund 133) created in section 125.15 of the Revised Code. The Director of Budget and Management may transfer cash in an amount not to exceed the amount of amortization computed from the IT Service Delivery Fund (Fund 133) to the Major IT Purchases Fund (Fund 4N6).

Section 207.30.30. INFORMATION TECHNOLOGY ASSESSMENT 64489

The State Chief Information Officer, with the approval of the 64490
Director of Budget and Management, may establish an information 64491
technology assessment for the purpose of recovering the cost of 64492
selected infrastructure and statewide programs. Such assessment 64493
shall comply with applicable cost principles issued by the federal 64494
Office of Management and Budget. The information technology 64495
assessment shall be charged to all organized bodies, offices, or 64496
agencies established by the laws of the state for the exercise of 64497
any function of state government except for the General Assembly, 64498
any legislative agency, the Supreme Court, the other courts of 64499
record in Ohio, or any judicial agency, the Adjutant General, the 64500
Bureau of Workers' Compensation, and institutions administered by 64501
a board of trustees. Any state-entity exempted by this section may 64502
utilize the infrastructure or statewide program by participating 64503
in the information technology assessment. All charges for the 64504
information technology assessment shall be deposited to the credit 64505
of the IT Governance Fund (Fund 229). 64506

Section 207.30.40. MULTI-AGENCY RADIO COMMUNICATION SYSTEM 64507

DEBT SERVICE PAYMENTS 64508

The Director of Administrative Services, in consultation with 64509
the Multi-Agency Radio Communication System (MARCS) Steering 64510
Committee and the Director of Budget and Management, shall 64511
determine the share of debt service payments attributable to 64512
spending for MARCS components that are not specific to any one 64513
agency and that shall be charged to agencies supported by the 64514
motor fuel tax. Such share of debt service payments shall be 64515
calculated for MARCS capital disbursements made beginning July 1, 64516
1997. Within thirty days of any payment made from appropriation 64517
item 100-447, OBA - Building Rent Payments, the Director of 64518
Administrative Services shall certify to the Director of Budget 64519

and Management the amount of this share. The Director of Budget 64520
and Management shall transfer such amounts to the General Revenue 64521
Fund from the State Highway Safety Fund (Fund 036) established in 64522
section 4501.06 of the Revised Code. 64523

The State Chief Information Officer shall consider renting or 64524
leasing existing tower sites at reasonable or current market 64525
rates, so long as these existing sites are equipped with the 64526
technical capabilities to support the MARCS project. 64527

Section 207.30.50. DIRECTOR'S DECLARATION OF PUBLIC EXIGENCY 64528

Whenever the Director of Administrative Services declares a 64529
"public exigency," as provided in division (C) of section 123.15 64530
of the Revised Code, the Director shall also notify the members of 64531
the Controlling Board. 64532

Section 207.30.60. GENERAL SERVICE CHARGES 64533

The Department of Administrative Services, with the approval 64534
of the Director of Budget and Management, shall establish charges 64535
for recovering the costs of administering the programs in the 64536
General Services Fund (Fund 117) and the State Printing Fund (Fund 64537
210). 64538

Section 207.30.70. STATE ENERGY SERVICES PROGRAM 64539

Within 30 days after the effective date of this section, or 64540
as soon possible thereafter, the Director of Administrative 64541
Services shall certify the remaining cash in the Federal Special 64542
Revenue Fund (Fund 307) to the Director of Budget and Management, 64543
who shall transfer that amount to the State Architect's Office 64544
(Fund 131). The cash shall be used to operate the state's energy 64545
services program. 64546

Within thirty days after the effective date of this section, 64547
or as soon as possible thereafter, the Director of Administrative 64548

Services shall certify the remaining cash in the Energy Grants Fund (Fund 5A8) to the Director of Budget and Management, who shall transfer that amount to the State Architect's Office (Fund 131). The cash shall be used to operate the state's energy services program.

Section 207.30.80. FEDERAL GRANTS OGRIP

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.

Section 209.10. AAM COMMISSION ON AFRICAN AMERICAN MALES

General Revenue Fund				64560	
GRF 036-100 Personal Services	\$	235,091	\$	235,091	64561
GRF 036-200 Maintenance	\$	29,000	\$	29,000	64562
GRF 036-300 Equipment	\$	1,000	\$	1,000	64563
GRF 036-502 Community Projects	\$	516,909	\$	1,016,909	64564
TOTAL GRF General Revenue Fund	\$	782,000	\$	1,282,000	64565
State Special Revenue Fund Group				64566	
4H3 036-601 Commission on African American Males - Gifts/Grants	\$	10,000	\$	10,000	64567
TOTAL SSR State Special Revenue Fund Group	\$	10,000	\$	10,000	64568
TOTAL ALL BUDGET FUND GROUPS	\$	792,000	\$	1,292,000	64569

CAAM STRATEGIC PLAN

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.

On January 1, 2008, or as soon as possible thereafter, the

Director of the Commission on African American Males shall submit 64575
a strategic plan for the use of \$500,000 in fiscal year 2008 and 64576
\$1,000,000 in fiscal year 2009 to the Governor, the President of 64577
the Senate, the Minority Leader of the Senate, the Speaker of the 64578
House of Representatives, and the Minority Leader of the House of 64579
Representatives. 64580

Not later than June 30, 2009, the Commission on African 64581
American Males shall submit a report on the impacts and outcomes 64582
of the strategic plan to the Governor, the President of the 64583
Senate, the Minority Leader of the Senate, the Speaker of the 64584
House of Representatives, and the Minority Leader of the House of 64585
Representatives. 64586

FUND TRANSFERS 64587

(A) All moneys appropriated or reappropriated to the Ohio 64588
Commission on African-American Males for the performance of its 64589
duties, powers, obligations, and functions, and the exercise of 64590
rights, that are transferred by this act to the Ohio State 64591
University, to the extent of the remaining unexpended or 64592
unencumbered balance of the appropriations or reappropriations, 64593
whether obligated or unobligated, are hereby transferred, 64594
effective July 1, 2007, to the University for performing the 64595
duties, powers, obligations, and functions, and exercising the 64596
rights of the University in operating and overseeing the 64597
Commission. 64598

(B) On and after July 1, 2007, notwithstanding any provision 64599
of law to the contrary, the Director of Budget and Management is 64600
authorized to take the actions described in this section with 64601
respect to budget changes made necessary by administrative 64602
reorganization, program transfers, the creation of new funds, and 64603
the consolidation of funds as authorized by this act. The Director 64604
may make any transfer of cash balances between funds. At the 64605
request of the Director of Budget and Management, the Board of 64606

Trustees of the Ohio State University shall certify to the 64607
Director an estimate of the amount of the cash balance to be 64608
transferred to the receiving fund. The Director may transfer the 64609
estimated amount when needed to make payments. Not more than 64610
thirty days after certifying the estimated amount, the Board of 64611
Trustees shall certify the final amount to the Director. The 64612
Director shall transfer the difference between any amount 64613
previously transferred and the certified final amount. The 64614
Director may cancel encumbrances and re-establish encumbrances or 64615
parts of encumbrances as needed in the fiscal year in the 64616
appropriate fund and appropriation line item for the same purpose 64617
and to the same vendor. As determined by the Director, the 64618
appropriation authority necessary to re-establish such 64619
encumbrances in the fiscal year in a different fund or 64620
appropriation line item within an agency or between agencies is 64621
hereby appropriated by the General Assembly. The Director shall 64622
reduce each year's appropriation balances by the amount of the 64623
encumbrance canceled in their respective funds and appropriation 64624
line item. Any unencumbered or unallocated appropriation balances 64625
from the previous fiscal year may be transferred to the 64626
appropriate appropriation line item to be used for the same 64627
purposes, as determined by the Director. 64628

Section 211.10. JCR JOINT COMMITTEE ON AGENCY RULE REVIEW 64629

General Revenue Fund 64630

GRF 029-321 Operating Expenses	\$	397,000	\$	403,000	64631
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TOTAL GRF General Revenue Fund	\$	397,000	\$	403,000	64632
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TOTAL ALL BUDGET FUND GROUPS	\$	397,000	\$	403,000	64633
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OPERATING 64634

The Chief Administrative Officer of the House of 64635
Representatives and the Clerk of the Senate shall determine, by 64636
mutual agreement, which of them shall act as fiscal agent for the 64637

Joint Committee on Agency Rule Review. Members of the Committee 64638
shall be paid in accordance with section 101.35 of the Revised 64639
Code. 64640

OPERATING EXPENSES 64641

On July 1, 2007, or as soon as possible thereafter, the 64642
designated fiscal agent shall certify to the Director of Budget 64643
and Management the total fiscal year 2007 unencumbered 64644
appropriations in appropriation item 029-321, Operating Expenses. 64645
The designated fiscal agent may direct the Director of Budget and 64646
Management to transfer an amount not to exceed the total fiscal 64647
year 2007 unencumbered appropriations to fiscal year 2008 for use 64648
in appropriation item 029-321, Operating Expenses. Additional 64649
appropriation authority equal to the amount certified by the 64650
designated fiscal agent is hereby appropriated to appropriation 64651
item 029-321, Operating Expenses, in fiscal year 2008. 64652

On July 1, 2008, or as soon as possible thereafter, the 64653
designated fiscal agent shall certify to the Director of Budget 64654
and Management the total fiscal year 2008 unencumbered 64655
appropriations in appropriation item 029-321, Operating Expenses. 64656
The designated fiscal agent may direct the Director of Budget and 64657
Management to transfer an amount not to exceed the total fiscal 64658
year 2008 unencumbered appropriations to fiscal year 2009 for use 64659
in appropriation item 029-321, Operating Expenses. Additional 64660
appropriation authority equal to the amount certified by the 64661
designated fiscal agent is hereby appropriated to appropriation 64662
item 029-321, Operating Expenses, in fiscal year 2009. 64663

Section 213.10. AGE DEPARTMENT OF AGING 64664

General Revenue Fund 64665

GRF 490-321 Operating Expenses \$ 2,637,571 \$ 2,637,271 64666

GRF 490-403 PASSPORT \$ 128,391,189 \$ 158,196,465 64667

GRF 490-406	Senior Olympics	\$	14,856	\$	14,856	64668
GRF 490-409	Ohio Community Service	\$	183,792	\$	183,792	64669
	Council Operations					
GRF 490-410	Long-Term Care	\$	654,965	\$	654,965	64670
	Ombudsman					
GRF 490-411	Senior Community	\$	10,349,439	\$	10,349,439	64671
	Services					
GRF 490-412	Residential State	\$	9,156,771	\$	9,156,771	64672
	Supplement					
GRF 490-414	Alzheimers Respite	\$	4,131,594	\$	4,131,594	64673
GRF 490-416	JCFS Community Options	\$	250,000	\$	250,000	64674
GRF 490-421	PACE	\$	10,214,809	\$	10,214,809	64675
GRF 490-422	Assisted Living Waiver	\$	12,554,940	\$	15,213,890	64676
GRF 490-506	National Senior	\$	335,296	\$	335,296	64677
	Service Corps					
TOTAL GRF	General Revenue Fund	\$	178,875,222	\$	211,339,148	64678
	General Services Fund Group					64679
480 490-606	Senior Community	\$	372,677	\$	372,677	64680
	Outreach and Education					
TOTAL GSF	General Services Fund					64681
Group		\$	372,677	\$	372,677	64682
	Federal Special Revenue Fund Group					64683
3C4 490-607	PASSPORT	\$	301,767,486	\$	301,274,172	64684
3C4 490-621	PACE-Federal	\$	14,586,135	\$	14,586,135	64685
3C4 490-622	Assisted	\$	14,972,892	\$	21,810,442	64686
	Living-Federal					
3M4 490-612	Federal Independence	\$	62,406,819	\$	63,655,080	64687
	Services					
3R7 490-617	Ohio Community Service	\$	8,870,000	\$	8,870,000	64688
	Council Programs					
322 490-618	Federal Aging Grants	\$	10,000,000	\$	10,200,000	64689
TOTAL FED	Federal Special Revenue					64690

Fund Group	\$	412,603,332	`	420,395,829	64691
State Special Revenue Fund Group					64692
4C4 490-609 Regional Long-Term Care Ombudsman Program	\$	935,000	\$	935,000	64693
4J4 490-610 PASSPORT/Residential State Supplement	\$	33,491,930	\$	33,263,984	64694
4U9 490-602 PASSPORT Fund	\$	4,424,969	\$	4,424,969	64695
5AA 490-673 Ohio's Best Rx Administration	\$	1,184,154	\$	910,801	64696
5BA 490-620 Ombudsman Support	\$	600,000	\$	600,000	64697
5K9 490-613 Long Term Care Consumers Guide	\$	820,400	\$	820,400	64698
5W1 490-616 Resident Services Coordinator Program	\$	330,000	\$	330,000	64699
624 490-604 OCSC Community Support	\$	470,000	\$	470,000	64700
TOTAL SSR State Special Revenue Fund Group					64701
	\$	42,256,453	\$	41,755,154	64702
TOTAL ALL BUDGET FUND GROUPS	\$	634,107,684	\$	673,862,808	64703

Section 213.20. PRE-ADMISSION REVIEW FOR NURSING FACILITY 64705
ADMISSION 64706

Pursuant to an interagency agreement, the Department of Job 64707
and Family Services shall designate the Department of Aging to 64708
perform assessments under sections 173.42 and 5111.204 of the 64709
Revised Code. Of the foregoing appropriation item 490-403, 64710
PASSPORT, the Department of Aging may use not more than \$2,731,000 64711
in fiscal year 2008 and \$2,813,000 in fiscal year 2009 to perform 64712
the assessments for persons not eligible for Medicaid under the 64713
department's interagency agreement with the Department of Job and 64714
Family Services and to assist individuals in planning for their 64715
long-term health care needs. 64716

PASSPORT 64717

Appropriation item 490-403, PASSPORT, and the amounts set 64718
aside for the PASSPORT Waiver Program in appropriation item 64719
490-610, PASSPORT/Residential State Supplement, may be used to 64720
assess clients regardless of Medicaid eligibility. 64721

The Director of Aging shall adopt rules under section 111.15 64722
of the Revised Code governing the nonwaiver funded PASSPORT 64723
program, including client eligibility. 64724

The Department of Aging shall administer the Medicaid 64725
waiver-funded PASSPORT Home Care Program as delegated by the 64726
Department of Job and Family Services in an interagency agreement. 64727
The foregoing appropriation item 490-403, PASSPORT, and the 64728
amounts set aside for the PASSPORT Waiver Program in appropriation 64729
item 490-610, PASSPORT/Residential State Supplement, shall be used 64730
to provide the required state match for federal Medicaid funds 64731
supporting the Medicaid Waiver-funded PASSPORT Home Care Program. 64732
Appropriation item 490-403, PASSPORT, and the amounts set aside 64733
for the PASSPORT Waiver Program in appropriation item 490-610, 64734
PASSPORT/Residential State Supplement, may also be used to support 64735
the Department of Aging's administrative costs associated with 64736
operating the PASSPORT program. 64737

The foregoing appropriation item 490-607, PASSPORT, shall be 64738
used to provide the federal matching share for all PASSPORT 64739
program costs determined by the Department of Job and Family 64740
Services to be eligible for Medicaid reimbursement. 64741

OHIO COMMUNITY SERVICE COUNCIL 64742

The foregoing appropriation items 490-409, Ohio Community 64743
Service Council Operations, and 490-617, Ohio Community Service 64744
Council Programs, shall be used in accordance with section 121.40 64745
of the Revised Code. 64746

LONG-TERM CARE OMBUDSMAN 64747

The foregoing appropriation item 490-410, Long-Term Care 64748

Ombudsman, shall be used for a program to fund ombudsman program 64749
activities as authorized in sections 173.14 to 173.27 and section 64750
173.99 of the Revised Code. 64751

SENIOR COMMUNITY SERVICES 64752

Of the foregoing appropriation item 490-411, Senior Community 64753
Services, \$10,299,439 in each fiscal year shall be used for 64754
services designated by the Department of Aging, including, but not 64755
limited to, home-delivered and congregate meals, transportation 64756
services, personal care services, respite services, adult day 64757
services, home repair, care coordination, and decision support 64758
systems. Service priority shall be given to low income, frail, and 64759
cognitively impaired persons 60 years of age and over. The 64760
department shall promote cost sharing by service recipients for 64761
those services funded with senior community services funds, 64762
including, when possible, sliding-fee scale payment systems based 64763
on the income of service recipients. 64764

Of the foregoing appropriation item 490-411, Senior Community 64765
Services, \$50,000 in each fiscal year shall be allocated to the 64766
Eastlake Senior Center. 64767

RESIDENTIAL STATE SUPPLEMENT 64768

Under the Residential State Supplement Program, the amount 64769
used to determine whether a resident is eligible for payment and 64770
for determining the amount per month the eligible resident will 64771
receive shall be as follows: 64772

(A) \$927 for a residential care facility, as defined in 64773
section 3721.01 of the Revised Code; 64774

(B) \$927 for an adult group home, as defined in Chapter 3722. 64775
of the Revised Code; 64776

(C) \$824 for an adult foster home, as defined in Chapter 173. 64777
of the Revised Code; 64778

(D) \$824 for an adult family home, as defined in Chapter 3722. of the Revised Code;	64779 64780
(E) \$824 for an adult community alternative home, as defined in Chapter 3724. of the Revised Code;	64781 64782
(F) \$824 for an adult residential facility, as defined in Chapter 5119. of the Revised Code;	64783 64784
(G) \$618 for adult community mental health housing services, as defined in division (B)(5) of section 173.35 of the Revised Code.	64785 64786 64787
The Departments of Aging and Job and Family Services shall reflect these amounts in any applicable rules the departments adopt under section 173.35 of the Revised Code.	64788 64789 64790
TRANSFER OF RESIDENTIAL STATE SUPPLEMENT APPROPRIATIONS	64791
The Department of Aging may transfer cash by intrastate transfer vouchers from the foregoing appropriation items 490-412, Residential State Supplement, and 490-610, PASSPORT/Residential State Supplement, to the Department of Job and Family Services' Fund 4J5, Home and Community-Based Services for the Aged Fund. The funds shall be used to make benefit payments to Residential State Supplement recipients.	64792 64793 64794 64795 64796 64797 64798
ALZHEIMERS RESPITE	64799
The foregoing appropriation item 490-414, Alzheimers Respite, shall be used to fund only Alzheimer's disease services under section 173.04 of the Revised Code.	64800 64801 64802
JCFS COMMUNITY OPTIONS	64803
The foregoing appropriation item 490-416, JCFS Community Options, shall be used for noncapital expenses related to transportation services for the elderly that provide access to such things as healthcare services, congregate meals, socialization programs, and grocery shopping. The funds shall pass	64804 64805 64806 64807 64808

through and shall be administered by the Area Agencies on Aging. 64809
Agencies receiving funding from appropriation item 490-416, JCFS 64810
Community Options, shall coordinate services with other local 64811
service agencies. The appropriation shall be allocated to the 64812
following agencies: 64813

(A) \$80,000 in both fiscal years to Cincinnati Jewish 64814
Vocational Services; 64815

(B) \$70,000 in both fiscal years to Wexner Heritage Village; 64816

(C) \$20,000 in both fiscal years to Yassenoff Jewish 64817
Community Center; 64818

(D) \$80,000 in both fiscal years to Cleveland Jewish 64819
Community Center. 64820

ALLOCATION OF PACE SLOTS 64821

In order to effectively administer and manage growth within 64822
the PACE Program, the Director of Aging may, as the director deems 64823
appropriate and to the extent funding is available, allocate funds 64824
for the PACE Program between the PACE sites in Cleveland and 64825
Cincinnati. 64826

OHIO'S BEST RX START-UP COSTS 64827

An amount equal to the unencumbered balance in appropriation 64828
item 490-440, Ohio's Best Rx Start-up Costs, from fiscal year 2007 64829
is hereby appropriated for fiscal year 2008 into appropriation 64830
item 490-440, Ohio's Best Rx Start-up Costs. 64831

An amount equal to the remaining unencumbered balance in 64832
appropriation item 490-440, Ohio's Best Rx Start-Up Costs, from 64833
fiscal year 2008 is hereby appropriated for fiscal year 2009 into 64834
appropriation item 490-440, Ohio's Best Rx Start-Up Costs. The 64835
appropriation item 490-440, Ohio's Best Rx Start-Up Costs, shall 64836
be used by the Department of Aging to pay for the administrative 64837
and operational expenses of the Ohio's Best Rx Program in 64838

accordance with sections 173.71 to 173.91 of the Revised Code, 64839
including costs associated with the duties assigned by the 64840
department to the Ohio's Best Rx Program Administrator and for 64841
making payments to participating terminal distributors until 64842
sufficient cash exists to make payments from the accounts created 64843
in sections 173.85 and 173.86 of the Revised Code. Of 64844
appropriation item 490-440, Ohio's Best Rx Start-Up Costs, not 64845
more than \$750,000 in each fiscal year may be used by the 64846
department for administrative and operational costs, excluding 64847
outreach, that are not associated with the Ohio's Best Rx Program 64848
Administrator or the payments to participating terminal 64849
distributors. 64850

EDUCATION AND TRAINING 64851

The foregoing appropriation item 490-606, Senior Community 64852
Outreach and Education, may be used to provide training to workers 64853
in the field of aging pursuant to division (G) of section 173.02 64854
of the Revised Code. 64855

REGIONAL LONG-TERM CARE OMBUDSMAN PROGRAM 64856

The foregoing appropriation item 490-609, Regional Long-Term 64857
Care Ombudsman Program, shall be used solely to pay the costs of 64858
operating the regional long-term care ombudsman programs 64859
designated by the Long-Term Care Ombudsman. 64860

PASSPORT/RESIDENTIAL STATE SUPPLEMENT 64861

Of the foregoing appropriation item 490-610, 64862
PASSPORT/Residential State Supplement, up to \$2,835,000 each 64863
fiscal year may be used to fund the Residential State Supplement 64864
Program. The remaining available funds shall be used to fund the 64865
PASSPORT program. 64866

FEDERAL SUPPORTIVE SERVICES FUND 64867

On July 1, 2007, as soon as possible thereafter, the Director 64868

of Budget and Management shall transfer all assets, liabilities, 64869
revenues, and obligations associated with the Federal Aging 64870
Nutrition Fund (Fund 3M3) to the Federal Supportive Services Fund 64871
(Fund 3M4). Upon the transfer, the Federal Aging Nutrition Fund 64872
(Fund 3M3) shall cease to exist. The Director of Budget and 64873
Management shall cancel any existing encumbrances against 64874
appropriation item 490-611, Federal Aging Nutrition Fund (Fund 64875
3M3), and re-establish them against appropriation item 490-612, 64876
Federal Independence Services (Fund 3M4). The amounts of the 64877
re-established encumbrances are hereby appropriated. 64878

TRANSFER OF APPROPRIATIONS - FEDERAL INDEPENDENCE SERVICES 64879
AND FEDERAL AGING GRANTS 64880

Upon written request of the Director of Aging, the Director 64881
of Budget and Management may transfer appropriation authority 64882
among appropriation items 490-612, Federal Independence Services, 64883
and 490-618, Federal Aging Grants, in amounts not to exceed 30 per 64884
cent of the appropriation from which the transfer is made. The 64885
Department of Aging shall report a transfer to the Controlling 64886
Board at the next regularly scheduled meeting of the board. 64887

TRANSFER OF RESIDENT PROTECTION FUNDS 64888

The Director of Budget and Management shall transfer \$600,000 64889
per year in cash from Fund 4E3, Resident Protection Fund, in the 64890
Department of Job and Family Services, to Fund 5BA in the 64891
Department of Aging, to be used for the expansion of ombudsman 64892
services to enhance consumer involvement and person-centered care 64893
planning in nursing homes by the Office of the State Long-Term 64894
Care Ombudsman created by the Department of Aging under division 64895
(M) of section 173.01 of the Revised Code. 64896

OHIO'S BEST RX ADMINISTRATION 64897

The foregoing appropriation item 490-673, Ohio's Best Rx 64898
Administration, shall be used on an ongoing basis to cover 64899

expenses associated with the Ohio's Best Rx Program specified in 64900
section 173.86 of the Revised Code. If receipts to the fund exceed 64901
the appropriated amount, the Director of Aging may seek 64902
Controlling Board approval to increase the appropriation of this 64903
fund. Upon approval from the Controlling Board, the additional 64904
amounts are hereby appropriated. 64905

Section 213.30. UNIFIED LONG-TERM CARE BUDGET WORKGROUP 64906

(A) There is hereby created the Unified Long-Term Care Budget 64907
Workgroup. The Workgroup shall consist of the following members: 64908

(1) The Director of Aging; 64909

(2) Consumer advocates, representatives of the provider 64910
community, and state policy makers, appointed by the Governor; 64911

(3) One member of the House of Representatives appointed by 64912
the Speaker of the House of Representatives; 64913

(4) One member of the House of Representatives appointed by 64914
the Minority Leader of the House of Representatives; 64915

(5) One member of the Senate appointed by the President of 64916
the Senate; 64917

(6) One member of the Senate appointed by the Minority Leader 64918
of the Senate. 64919

The Director of Aging shall serve as the chairperson of the 64920
Workgroup. 64921

(B) The Workgroup shall develop a unified long-term care 64922
budget that facilitates the following: 64923

(1) Providing a consumer a choice of services that meet the 64924
consumer's health care needs and improve the consumer's quality of 64925
life; 64926

(2) Providing a continuum of services that meet the needs of 64927
a consumer throughout life; 64928

(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;

(4) Assuring the state has a system that is cost effective and links disparate services across agencies and jurisdictions.

(C) The Workgroup shall submit a written implementation plan to the Governor, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, the Minority Leader of the Senate, and the members of the Joint Legislative Committee on Medicaid Technology and Reform not later than June 1, 2008. The plan shall incorporate the following:

(1) Recommendations regarding the structure of the unified long-term care budget;

(2) A plan outlining how funds can be transferred among involved agencies in a fiscally neutral manner;

(3) Identification of the resources needed to implement the unified budget in a multiphase approach starting in fiscal year 2009;

(4) Success criteria and tools to measure progress against the success criteria.

The plan shall consider the recommendations of the Medicaid Administrative Study Council and the Ohio Commission to Reform Medicaid.

(D) In support of the Unified Long-Term Care Budget the following shall be established in the General Revenue Fund:

(1) In the Department of Aging, 490-XXX, Long-Term Care Budget - State;

(2) In the Department of Job and Family Services, 600-XXX,

Long-Term Care Budget - State;	64959
(3) In the Department of Mental Retardation and Developmental Disabilities, 322-XXX, Long-Term Care Budget - State;	64960 64961
(4) In the Department of Mental Health, 333-XXX, Long-Term Care Budget - State.	64962 64963
(E) On an annual basis, the Directors of Aging and Budget and Management shall submit a written report to the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, the Minority Leader of the Senate, and the members of the Joint Legislative Committee on Medicaid Technology and Reform describing the progress towards establishing, or if already established, the effectiveness of the unified long-term care budget.	64964 64965 64966 64967 64968 64969 64970 64971
(F) When a separate department or agency is created solely to administer the Medicaid program, the Director of Budget and Management may do all of the following in support of the Workgroup's proposal:	64972 64973 64974 64975
(1) Transfer funds and appropriations currently appropriated to pay for Medicaid services to any appropriation item referenced in division (D) of this section;	64976 64977 64978
(2) Transfer funds between appropriation items referenced in division (D) of this section;	64979 64980
(3) Develop a reporting mechanism to transparently show how the funds are being transferred and expended.	64981 64982
Section 215.10. AGR DEPARTMENT OF AGRICULTURE	64983
General Revenue Fund	64984
GRF 700-321 Operating Expenses \$ 2,605,330 \$ 2,605,330	64985
GRF 700-401 Animal Disease Control \$ 3,574,506 \$ 3,574,506	64986
GRF 700-403 Dairy Division \$ 1,304,504 \$ 1,304,504	64987

GRF 700-404	Ohio Proud	\$	196,895	\$	196,895	64988
GRF 700-405	Animal Damage Control	\$	60,000	\$	60,000	64989
GRF 700-406	Consumer Analytical Lab	\$	953,906	\$	953,906	64990
GRF 700-407	Food Safety	\$	865,100	\$	865,100	64991
GRF 700-409	Farmland Preservation	\$	241,573	\$	241,573	64992
GRF 700-410	Plant Industry	\$	350,000	\$	350,000	64993
GRF 700-411	International Trade and Market Development	\$	617,524	\$	617,524	64994
GRF 700-412	Weights and Measures	\$	1,300,000	\$	1,300,000	64995
GRF 700-413	Gypsy Moth Prevention	\$	200,000	\$	200,000	64996
GRF 700-415	Poultry Inspection	\$	400,000	\$	400,000	64997
GRF 700-418	Livestock Regulation Program	\$	1,428,496	\$	1,428,496	64998
GRF 700-424	Livestock Testing and Inspections	\$	115,946	\$	115,946	64999
GRF 700-499	Meat Inspection Program - State Share	\$	4,696,889	\$	4,696,889	65000
GRF 700-501	County Agricultural Societies	\$	483,226	\$	483,226	65001
GRF 700-503	Livestock Exhibition Fund	\$	62,500	\$	62,500	65002
TOTAL GRF	General Revenue Fund	\$	19,456,395	\$	19,456,395	65003
	General Services Fund Group					65004
5DA 700-644	Laboratory Administration Support	\$	1,100,000	\$	1,100,000	65005
TOTAL GSF	General Services Fund Group	\$	1,100,000	\$	1,100,000	65006
	Federal Special Revenue Fund Group					65007
3AB 700-641	Agricultural Easement	\$	2,000,000	\$	2,000,000	65008
3J4 700-607	Indirect Cost	\$	600,000	\$	600,000	65009
3R2 700-614	Federal Plant Industry	\$	4,800,000	\$	4,800,000	65010

326	700-618	Meat Inspection Program - Federal Share	\$	4,960,000	\$	4,950,000	65011
336	700-617	Ohio Farm Loan Revolving Fund	\$	44,679	\$	44,679	65012
382	700-601	Cooperative Contracts	\$	3,700,000	\$	3,700,000	65013
TOTAL FED Federal Special Revenue							65014
Fund Group			\$	16,104,679	\$	16,094,679	65015
State Special Revenue Fund Group							65016
4C9	700-605	Feed, Fertilizer, Seed, and Lime Inspection	\$	1,850,000	\$	1,850,000	65017
4D2	700-609	Auction Education	\$	24,601	\$	24,601	65018
4E4	700-606	Utility Radiological Safety	\$	73,059	\$	73,059	65019
4P7	700-610	Food Safety Inspection	\$	858,096	\$	858,096	65020
4R2	700-637	Dairy Industry Inspection	\$	1,500,000	\$	1,500,000	65021
4T6	700-611	Poultry and Meat Inspection	\$	47,294	\$	47,294	65022
4T7	700-613	International Trade and Market Development	\$	15,000	\$	15,000	65023
494	700-612	Agricultural Commodity Marketing Program	\$	250,000	\$	250,000	65024
496	700-626	Ohio Grape Industries	\$	850,000	\$	849,999	65025
497	700-627	Commodity Handlers Regulatory Program	\$	500,000	\$	500,000	65026
5B8	700-629	Auctioneers	\$	365,390	\$	365,390	65027
5H2	700-608	Metrology Lab and Scale Certification	\$	427,526	\$	427,526	65028
5L8	700-604	Livestock Management Program	\$	30,000	\$	30,000	65029
578	700-620	Ride Inspection Fees	\$	1,000,000	\$	1,000,001	65030

652	700-634	Animal and Consumer	\$	3,000,000	\$	3,000,000	65031	
		Analytical Laboratory						
669	700-635	Pesticide Program	\$	2,800,000	\$	2,800,000	65032	
TOTAL SSR State Special Revenue							65033	
Fund Group			\$	13,590,966	\$	13,590,966	65034	
Clean Ohio Conservation Fund Group							65035	
057	700-632	Clean Ohio	\$	149,000	\$	149,000	65036	
		Agricultural Easement						
TOTAL CLF Clean Ohio Conservation							65037	
Fund Group			\$	149,000	\$	149,000	65037	
TOTAL ALL BUDGET FUND GROUPS							65038	
				\$	50,401,040	\$	50,391,040	65038
OHIO - ISRAEL AGRICULTURAL INITIATIVE							65039	
Of the foregoing General Revenue Fund appropriation item							65040	
700-411, International Trade and Market Development, \$100,000							65041	
shall be used in each fiscal year for the Ohio - Israel							65042	
Agricultural Initiative.							65043	
COUNTY AGRICULTURAL SOCIETIES							65044	
The foregoing appropriation item 700-501, County Agricultural							65045	
Societies, shall be used to reimburse county and independent							65046	
agricultural societies for expenses related to Junior Fair							65047	
activities.							65048	
LIVESTOCK EXHIBITION FUND							65049	
The foregoing appropriation item 700-503, Livestock							65050	
Exhibition Fund, shall be used in accordance with section 901.42							65051	
of the Revised Code.							65052	
CORRECTIVE CASH TRANSFER TO ANIMAL HEALTH AND FOOD SAFETY							65053	
FUND							65054	
On the effective date of this section, or as soon as possible							65055	
thereafter, the Director of Budget and Management may transfer all							65056	
cash from the Animal Industry Laboratory Fund (Fund 4V5) to the							65057	

Laboratory Services Fund (Fund 652) to correct deposits that were 65058
mistakenly deposited to the Laboratory Services Fund (Fund 4V5). 65059

Section 217.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY 65060

General Revenue Fund 65061

GRF 898-402 Coal Development \$ 565,097 \$ 589,092 65062
Office

GRF 898-901 Coal R&D General \$ 7,232,400 \$ 8,192,500 65063
Obligation Debt
Service

TOTAL GRF General Revenue Fund \$ 7,797,497 \$ 8,781,592 65064

General Services Fund Group 65065

5EG 898-608 Energy Strategy \$ 307,000 \$ 307,000 65066
Development

TOTAL GSF General Services Fund \$ 307,000 \$ 307,000 65067

Agency Fund Group 65068

4Z9 898-602 Small Business \$ 287,146 \$ 294,290 65069
Ombudsman

5A0 898-603 Small Business \$ 71,087 \$ 71,087 65070
Assistance

570 898-601 Operating Expenses \$ 255,000 \$ 264,000 65071

TOTAL AGY Agency Fund Group \$ 613,233 \$ 629,377 65072

Coal Research/Development Fund 65073

046 898-604 Coal Research and \$ 10,000,000 \$ 10,000,000 65074
Development Fund

TOTAL 046 Coal \$ 10,000,000 \$ 10,000,000 65075

Research/Development Fund

TOTAL ALL BUDGET FUND GROUPS \$ 18,717,730 \$ 19,717,969 65076

COAL DEVELOPMENT OFFICE 65077

The foregoing appropriation item GRF 898-402, Coal 65078

Development Office, shall be used for the administrative costs of 65079

the Coal Development Office. 65080

COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE 65081

The foregoing appropriation item GRF 898-901, Coal R & D 65082
General Obligation Debt Service, shall be used to pay all debt 65083
service and related financing costs at the times they are required 65084
to be made during the period from July 1, 2007 to June 30, 2009 65085
for obligations issued under sections 151.01 and 151.07 of the 65086
Revised Code. 65087

SCIENCE AND TECHNOLOGY COLLABORATION 65088

The Air Quality Development Authority shall work in close 65089
collaboration with the Department of Development, the Board of 65090
Regents, and the Third Frontier Commission in relation to 65091
appropriation items and programs referred to as Alignment Programs 65092
in the following paragraph, and other technology-related 65093
appropriations and programs in the Department of Development, Air 65094
Quality Development Authority, and the Board of Regents as those 65095
agencies may designate, to ensure implementation of a coherent 65096
state strategy with respect to science and technology. 65097

To the extent permitted by law, the Air Quality Development 65098
Authority shall assure that coal research and development 65099
programs, proposals, and projects consider or incorporate 65100
appropriate collaborations with Third Frontier Project programs 65101
and grantees and with Alignment Programs and grantees. 65102

"Alignment Programs" means: appropriation items 195-401, 65103
Thomas Edison Program; 898-402, Coal Development Office; 195-422, 65104
Third Frontier Action Fund; 898-604, Coal Research and Development 65105
Fund; 235-433, Economic Growth Challenge; 235-508, Air Force 65106
Institute of Technology; 235-510, Ohio Supercomputer Center; 65107
235-451, Eminent Scholars; 235-527, Ohio Aerospace Institute; 65108
235-535, Ohio Agricultural Research and Development Center; 65109
235-553, Dayton Area Graduate Studies Institute; 235-554, 65110

Priorities in Collaborative Graduate Education; 235-556, Ohio 65111
Academic Resources Network; and 195-435, Biomedical Research and 65112
Technology Transfer Trust. 65113

Consistent with the recommendations of the Governor's 65114
Commission on Higher Education and the Economy, Alignment Programs 65115
shall be managed and administered (1) to build on existing 65116
competitive research strengths, (2) to encourage new and emerging 65117
discoveries and commercialization of ideas and products that will 65118
benefit the Ohio economy, and (3) to assure improved collaboration 65119
among Alignment Programs, with programs administered by the Third 65120
Frontier Commission, and with other state programs that are 65121
intended to improve economic growth and job creation. 65122

As directed by the Third Frontier Commission, Alignment 65123
Program managers shall report to the Commission or to the Third 65124
Frontier Advisory Board on the contributions of their programs to 65125
achieving the objectives stated in the preceding paragraph. 65126

Each alignment program shall be reviewed annually by the 65127
Third Frontier Commission with respect to its development of 65128
complementary relationships within a combined state science and 65129
technology investment portfolio and its overall contribution to 65130
the state's science and technology strategy, including the 65131
adoption of appropriately consistent criteria for: (1) the 65132
scientific merit of activities supported by the program; (2) the 65133
relevance of the program's activities to commercial opportunities 65134
in the private sector; (3) the private sector's involvement in a 65135
process that continually evaluates commercial opportunities to use 65136
the work supported by the program; and (4) the ability of the 65137
program and recipients of grant funding from the program to engage 65138
in activities that are collaborative, complementary, and efficient 65139
with respect to the expenditure of state funds. Each alignment 65140
program shall provide annual reports to the Third Frontier 65141
Commission discussing existing, planned, or possible 65142

collaborations between programs and recipients of grant funding 65143
related to technology, development, commercialization, and 65144
supporting Ohio's economic development. The annual review by the 65145
Third Frontier Commission shall be a comprehensive review of the 65146
entire state science and technology program portfolio rather than 65147
a review of individual programs. 65148

Applicants for Third Frontier and Alignment Program funding 65149
shall identify their requirements for high-performance computing 65150
facilities and services, including both hardware and software, in 65151
all proposals. If an applicant's requirements exceed approximately 65152
\$100,000 for a proposal, the Ohio Supercomputer Center shall 65153
convene a panel of experts. The panel shall review the proposal to 65154
determine whether the proposal's requirements can be met through 65155
Ohio Supercomputer Center facilities or through other means and 65156
report its conclusion to the Third Frontier Commission. 65157

To ensure that the state receives the maximum benefit from 65158
its investment in the Third Frontier Project and the Third 65159
Frontier Network, organizations receiving Third Frontier awards 65160
and Alignment Program awards shall, as appropriate, be expected to 65161
have a connection to the Third Frontier Network that enables them 65162
and their collaborators to achieve award objectives through the 65163
Third Frontier Network. 65164

CORRECTIVE CASH TRANSFER 65165

On the effective date of this section, or as soon as possible 65166
thereafter, the Director of Budget and Management may transfer 65167
\$35,555.35 in cash from the General Revenue Fund (GRF) into the 65168
Coal Research and Development Bond Services Fund (Fund 076) to 65169
correct deposits that were mistakenly deposited into the General 65170
Revenue Fund (GRF). 65171

Section 219.10. ADA DEPARTMENT OF ALCOHOL AND DRUG ADDICTION 65172
SERVICES 65173

General Revenue Fund				65174
GRF 038-321 Operating Expenses	\$	1,071,861	\$ 1,071,861	65175
GRF 038-401 Treatment Services	\$	33,661,063	\$ 36,661,063	65176
GRF 038-404 Prevention Services	\$	1,052,127	\$ 1,552,127	65177
TOTAL GRF General Revenue Fund	\$	35,785,051	\$ 39,285,051	65178
General Services Fund				65179
5T9 038-616 Problem Gambling	\$	285,000	\$ 285,000	65180
Services				
TOTAL GSF General Services Fund	\$	285,000	\$ 285,000	65181
Group				
Federal Special Revenue Fund Group				65182
3CK 038-625 TANF	\$	5,000,000	\$ 5,000,000	65183
3G3 038-603 Drug Free Schools	\$	3,500,000	\$ 3,500,000	65184
3G4 038-614 Substance Abuse Block	\$	73,000,000	\$ 73,000,000	65185
Grant				
3H8 038-609 Demonstration Grants	\$	7,093,075	\$ 7,093,075	65186
3J8 038-610 Medicaid	\$	46,000,000	\$ 46,000,000	65187
3N8 038-611 Administrative	\$	500,000	\$ 500,000	65188
Reimbursement				
TOTAL FED Federal Special Revenue				65189
Fund Group	\$	135,093,075	\$ 135,093,075	65190
State Special Revenue Fund Group				65191
475 038-621 Statewide Treatment	\$	18,000,000	\$ 18,000,000	65192
and Prevention				
5BR 038-406 Tobacco Use Prevention	\$	205,000	\$ 205,000	65193
and Control Program				
5DH 038-620 Fetal Alcohol Spectrum	\$	327,500	\$ 327,500	65194
Disorder				
689 038-604 Education and	\$	350,000	\$ 350,000	65195
Conferences				
TOTAL SSR State Special Revenue				65196
Fund Group	\$	18,882,500	\$ 18,882,500	65197

TOTAL ALL BUDGET FUND GROUPS	\$ 190,045,626	\$ 193,545,626	65198
TREATMENT SERVICES			65199
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.			65200 65201 65202 65203
SUBSTANCE ABUSE SERVICES FOR FAMILIES OF AT RISK CHILDREN			65204
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.			65205 65206 65207 65208 65209
THERAPEUTIC COMMUNITIES			65210
Of the foregoing appropriation item 038-401, Treatment Services, \$750,000 shall be used in each fiscal year for the Therapeutic Communities Program in the Department of Rehabilitation and Correction.			65211 65212 65213 65214
JUVENILE AFTERCARE PROGRAM			65215
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.			65216 65217 65218 65219 65220
SERVICES FOR TANF-ELIGIBLE INDIVIDUALS			65221
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			65222 65223 65224 65225 65226 65227

and the Director of Job and Family Services shall enter into an 65228
interagency agreement that meets federal requirements. 65229

PERFORMANCE AUDIT 65230

The Auditor of State shall complete a performance audit of 65231
the Department of Alcohol and Drug Addiction Services. Upon 65232
completing the performance audit, the Auditor of State shall 65233
submit a report of the findings of the audit to the Governor, the 65234
President of the Senate, the Speaker of the House of 65235
Representatives, and the Director of Alcohol and Drug Addiction 65236
Services. Expenses incurred by the Auditor of State to conduct the 65237
performance audit shall be reimbursed by the Department of Alcohol 65238
and Drug Addiction Services. 65239

INTERNAL REVIEW 65240

The Director of Alcohol and Drug Addiction Services shall 65241
consult with the Director of Budget and Management and 65242
representatives of local and county alcohol and drug addiction 65243
services agencies to conduct an internal review of policies and 65244
procedures to increase efficiency and identify and eliminate 65245
duplicative practices. Any savings identified as a result of the 65246
internal review or the performance audit conducted by the Auditor 65247
of State shall be used for community-based care. 65248

The Director of Alcohol and Drug Addiction Services shall 65249
seek Controlling Board approval before expending any funds 65250
identified as a result of the internal review or the performance 65251
audit. 65252

Section 221.10. ARC STATE BOARD OF EXAMINERS OF ARCHITECTS 65253

General Services Fund Group				65254	
4K9 891-609 Operating Expenses	\$	638,110	\$	565,141	65255
TOTAL GSF General Services Fund				65256	
Group	\$	638,110	\$	565,141	65257

TOTAL ALL BUDGET FUND GROUPS	\$	638,110	\$	565,141	65258
Section 223.10. ART OHIO ARTS COUNCIL					65260
General Revenue Fund					65261
GRF 370-100 Personal Services	\$	1,798,235	\$	1,798,235	65262
GRF 370-200 Maintenance	\$	459,746	\$	459,746	65263
GRF 370-300 Equipment	\$	82,700	\$	82,700	65264
GRF 370-502 State Program	\$	10,147,480	\$	10,147,480	65265
Subsidies					
TOTAL GRF General Revenue Fund	\$	12,488,161	\$	12,488,161	65266
General Services Fund Group					65267
4B7 370-603 Percent for Art	\$	86,366	\$	86,366	65268
Acquisitions					
460 370-602 Management Expenses	\$	285,000	\$	285,000	65269
and Donations					
TOTAL GSF General Services Fund	\$	371,366	\$	371,366	65270
Group					
Federal Special Revenue Fund Group					65271
314 370-601 Federal Support	\$	800,000	\$	800,000	65272
TOTAL FED Federal Special Revenue	\$	800,000	\$	800,000	65273
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	13,659,527	\$	13,659,527	65274
PROGRAM SUBSIDIES					65275
A museum is not eligible to receive funds from appropriation					65276
item 370-502, State Program Subsidies, if \$8,000,000 or more in					65277
capital appropriations were appropriated by the state for the					65278
museum between January 1, 1986, and December 31, 2002.					65279
Section 225.10. ATH ATHLETIC COMMISSION					65280
General Services Fund Group					65281
4K9 175-609 Operating Expenses	\$	255,850	\$	255,850	65282

TOTAL GSF General Services Fund	\$	255,850	\$	255,850	65283
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	255,850	\$	255,850	65284
Section 227.10. AGO ATTORNEY GENERAL					65286
General Revenue Fund					65287
GRF 055-321 Operating Expenses	\$	54,063,833	\$	54,007,332	65288
GRF 055-411 County Sheriffs' Pay	\$	813,117	\$	842,134	65289
Supplement					
GRF 055-415 County Prosecutors'	\$	896,404	\$	923,888	65290
Pay Supplement					
TOTAL GRF General Revenue Fund	\$	55,773,354	\$	55,773,354	65291
General Services Fund Group					65292
106 055-612 General Reimbursement	\$	29,870,196	\$	29,870,196	65293
195 055-660 Workers' Compensation	\$	8,002,720	\$	8,002,720	65294
Section					
4Y7 055-608 Title Defect	\$	750,000	\$	750,000	65295
Rescission					
4Z2 055-609 BCI Asset Forfeiture	\$	1,000,000	\$	1,000,000	65296
and Cost Reimbursement					
418 055-615 Charitable Foundations	\$	6,919,850	\$	7,064,978	65297
420 055-603 Attorney General	\$	1,500,000	\$	1,500,000	65298
Antitrust					
421 055-617 Police Officers'	\$	2,000,000	\$	2,000,000	65299
Training Academy Fee					
5A9 055-618 Telemarketing Fraud	\$	7,500	\$	7,500	65300
Enforcement					
590 055-633 Peace Officer Private	\$	98,370	\$	98,370	65301
Security Fund					
629 055-636 Corrupt Activity	\$	15,000	\$	15,000	65302
Investigation and					
Prosecution					

631	055-637	Consumer Protection Enforcement	\$	2,500,000	\$	2,500,000	65303
TOTAL GSF General Services Fund							65304
Group			\$	52,663,636	\$	52,808,764	65305
Federal Special Revenue Fund Group							65306
3E5	055-638	Attorney General Pass-Through Funds	\$	2,850,000	\$	3,030,000	65307
3R6	055-613	Attorney General Federal Funds	\$	4,870,000	\$	5,115,000	65308
306	055-620	Medicaid Fraud Control	\$	3,139,500	\$	3,296,500	65309
381	055-611	Civil Rights Legal Service	\$	402,540	\$	402,540	65310
383	055-634	Crime Victims Assistance	\$	16,000,000	\$	16,000,000	65311
TOTAL FED Federal Special Revenue Fund Group							65312
			\$	27,262,040	\$	27,844,040	65313
State Special Revenue Fund Group							65314
4L6	055-606	DARE	\$	3,927,962	\$	3,927,962	65315
402	055-616	Victims of Crime	\$	34,000,000	\$	34,000,000	65316
419	055-623	Claims Section	\$	25,000,000	\$	25,000,000	65317
659	055-641	Solid and Hazardous Waste Background Investigations	\$	621,159	\$	621,159	65318
TOTAL SSR State Special Revenue Fund Group							65319
			\$	63,549,121	\$	63,549,121	65320
Holding Account Redistribution Fund Group							65321
R04	055-631	General Holding Account	\$	1,000,000	\$	1,000,000	65322
R05	055-632	Antitrust Settlements	\$	1,000	\$	1,000	65323
R18	055-630	Consumer Frauds	\$	750,000	\$	750,000	65324
R42	055-601	Organized Crime Commission	\$	25,025	\$	25,025	65325

Distributions

TOTAL 090 Holding Account				65326	
Redistribution Fund Group	\$	1,776,025	\$	1,776,025	65327
TOTAL ALL BUDGET FUND GROUPS	\$	201,024,176	\$	201,751,304	65328

COUNTY SHERIFFS' PAY SUPPLEMENT 65329

The foregoing appropriation item 055-411, County Sheriffs' 65330
Pay Supplement, shall be used for the purpose of supplementing the 65331
annual compensation of county sheriffs as required by section 65332
325.06 of the Revised Code. 65333

At the request of the Attorney General, the Director of 65334
Budget and Management may transfer appropriation authority from 65335
appropriation item 055-321, Operating Expenses, to appropriation 65336
item 055-411, County Sheriffs' Pay Supplement. Any appropriation 65337
authority so transferred to appropriation item 055-411, County 65338
Sheriffs' Pay Supplement, shall be used to supplement the annual 65339
compensation of county sheriffs as required by section 325.06 of 65340
the Revised Code. 65341

COUNTY PROSECUTORS' PAY SUPPLEMENT 65342

The foregoing appropriation item 055-415, County Prosecutors' 65343
Pay Supplement, shall be used for the purpose of supplementing the 65344
annual compensation of certain county prosecutors as required by 65345
section 325.111 of the Revised Code. 65346

At the request of the Attorney General, the Director of 65347
Budget and Management may transfer appropriation authority from 65348
appropriation item 055-321, Operating Expenses, to appropriation 65349
item 055-415, County Prosecutors' Pay Supplement. Any 65350
appropriation authority so transferred to appropriation item 65351
055-415, County Prosecutors' Pay Supplement, shall be used to 65352
supplement the annual compensation of county prosecutors as 65353
required by section 325.111 of the Revised Code. 65354

WORKERS' COMPENSATION SECTION 65355

The Workers' Compensation Section Fund (Fund 195) is entitled 65356
to receive payments from the Bureau of Workers' Compensation and 65357
the Ohio Industrial Commission at the beginning of each quarter of 65358
each fiscal year to fund legal services to be provided to the 65359
Bureau of Workers' Compensation and the Ohio Industrial Commission 65360
during the ensuing quarter. The advance payment shall be subject 65361
to adjustment. 65362

In addition, the Bureau of Workers' Compensation shall 65363
transfer payments at the beginning of each quarter for the support 65364
of the Workers' Compensation Fraud Unit. 65365

All amounts shall be mutually agreed upon by the Attorney 65366
General, the Bureau of Workers' Compensation, and the Ohio 65367
Industrial Commission. 65368

CORRUPT ACTIVITY INVESTIGATION AND PROSECUTION 65369

The foregoing appropriation item 055-636, Corrupt Activity 65370
Investigation and Prosecution, shall be used as provided by 65371
division (D)(2) of section 2923.35 of the Revised Code to dispose 65372
of the proceeds, fines, and penalties credited to the Corrupt 65373
Activity Investigation and Prosecution Fund, which is created in 65374
division (D)(1)(b) of section 2923.35 of the Revised Code. 65375

GENERAL HOLDING ACCOUNT 65376

The foregoing appropriation item 055-631, General Holding 65377
Account, shall be used to distribute moneys under the terms of 65378
relevant court orders received from settlements in a variety of 65379
cases involving the Office of the Attorney General. 65380

ATTORNEY GENERAL PASS-THROUGH FUNDS 65381

The foregoing appropriation item 055-638, Attorney General 65382
Pass-Through Funds, shall be used to receive federal grant funds 65383
provided to the Attorney General by other state agencies, 65384
including, but not limited to, the Department of Youth Services 65385

and the Department of Public Safety.	65386
ANTITRUST SETTLEMENTS	65387
The foregoing appropriation item 055-632, Antitrust	65388
Settlements, shall be used to distribute court-ordered antitrust	65389
settlements in which the Office of Attorney General represents the	65390
state or a political subdivision under section 109.81 of the	65391
Revised Code.	65392
CONSUMER FRAUDS	65393
The foregoing appropriation item 055-630, Consumer Frauds,	65394
shall be used for distribution of moneys from court-ordered	65395
judgments against sellers in actions brought by the Office of	65396
Attorney General under sections 1334.08 and 4549.48 and division	65397
(B) of section 1345.07 of the Revised Code. These moneys shall be	65398
used to provide restitution to consumers victimized by the fraud	65399
that generated the court-ordered judgments.	65400
ORGANIZED CRIME COMMISSION DISTRIBUTIONS	65401
The foregoing appropriation item 055-601, Organized Crime	65402
Commission Distributions, shall be used by the Organized Crime	65403
Investigations Commission, as provided by section 177.011 of the	65404
Revised Code, to reimburse political subdivisions for the expenses	65405
the political subdivisions incur when their law enforcement	65406
officers participate in an organized crime task force.	65407
BCI ASSET FORFEITURE AND COST REIMBURSEMENT	65408
The Bureau of Criminal Identification and Investigation Asset	65409
Forfeiture and Cost Reimbursement Fund created by section 109.521	65410
of the Revised Code is the same fund as the BCI Asset Forfeiture	65411
and Cost Reimbursement Fund created by the Controlling Board in	65412
January 1997.	65413
FUND ADJUSTMENTS	65414
On July 1, 2007, or as soon as practicable thereafter, the	65415

Director of Budget and Management shall transfer the cash balance 65416
in the Employment Services Fund (Fund 107) to the General 65417
Reimbursement Fund (Fund 106). The Director shall cancel any 65418
existing encumbrances against appropriation item 055-624, 65419
Employment Services, and re-establish them against appropriation 65420
item 055-612, General Reimbursement. The amounts of the 65421
re-established encumbrances are hereby appropriated. Upon 65422
completion of these transfers, the Employment Services Fund (Fund 65423
107) is hereby abolished. 65424

On July 1, 2007, or as soon as practicable thereafter, the 65425
Director of Budget and Management shall transfer the cash balance 65426
in the Crime Victims Compensation Fund (Fund 108) to the 65427
Reparations Fund (Fund 402). Upon completion of this transfer, the 65428
Crime Victims Compensation Fund (Fund 108) is hereby abolished. 65429

Section 229.10. AUD AUDITOR OF STATE 65430

General Revenue Fund 65431

GRF 070-321 Operating Expenses	\$	31,469,552	\$	32,771,482	65432
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GRF 070-403 Fiscal Watch/Emergency	\$	600,000	\$	600,000	65433
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Technical Assistance

TOTAL GRF General Revenue Fund	\$	32,069,552	\$	33,371,482	65434
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Auditor of State Fund Group 65435

109 070-601 Public Audit Expense -	\$	11,000,000	\$	11,000,000	65436
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Intra-State

422 070-601 Public Audit Expense -	\$	33,000,000	\$	34,000,000	65437
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Local Government

584 070-603 Training Program	\$	181,250	\$	181,250	65438
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675 070-605 Uniform Accounting	\$	3,317,336	\$	3,317,336	65439
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Network

TOTAL AUD Auditor of State Fund					65440
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Group	\$	47,498,586	\$	48,498,586	65441
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TOTAL ALL BUDGET FUND GROUPS	\$	79,568,138	\$	81,870,068	65442
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FISCAL WATCH/EMERGENCY TECHNICAL ASSISTANCE 65443

The foregoing appropriation item 070-403, Fiscal 65444
Watch/Emergency Technical Assistance, shall be used for expenses 65445
incurred by the Office of the Auditor of State in its role 65446
relating to fiscal watch or fiscal emergency activities under 65447
Chapters 118. and 3316. of the Revised Code. Expenses include, but 65448
are not limited to, the following: duties related to the 65449
determination or termination of fiscal watch or fiscal emergency 65450
of municipal corporations, counties, or townships as outlined in 65451
Chapter 118. of the Revised Code and of school districts as 65452
outlined in Chapter 3316. of the Revised Code; development of 65453
preliminary accounting reports; performance of annual forecasts; 65454
provision of performance audits; and supervisory, accounting, or 65455
auditing services for the mentioned public entities and school 65456
districts. The unencumbered balance of appropriation item 070-403, 65457
Fiscal Watch/Emergency Technical Assistance, at the end of fiscal 65458
year 2008 is transferred to fiscal year 2009 for use under the 65459
same appropriation item. 65460

UNIFORM ACCOUNTING NETWORK/TECHNOLOGY IMPROVEMENTS FUND 65461
TRANSFER 65462

Upon the request of the Auditor of State, and subject to 65463
approval from the Controlling Board, effective July 1, 2007, or as 65464
soon thereafter as possible, the Director of Budget and Management 65465
shall transfer the appropriation balance in GRF appropriation item 65466
070-406, Uniform Accounting Network/Technology Improvements Fund, 65467
to GRF appropriation item 070-321, Operating Expenses. The 65468
Director shall cancel any existing encumbrances against GRF 65469
appropriation item 070-406, Uniform Accounting Network/Technology 65470
Improvement Fund, and re-establish them against GRF appropriation 65471
item 070-321, Operating Expenses. The amounts of the 65472
re-established encumbrances are hereby appropriated. 65473

Section 231.10. BRB BOARD OF BARBER EXAMINERS				65474
General Services Fund Group				65475
4K9 877-609 Operating Expenses	\$	608,045	\$ 628,264	65476
TOTAL GSF General Services Fund				65477
Group	\$	608,045	\$ 628,264	65478
TOTAL ALL BUDGET FUND GROUPS				65479
 Section 233.10. OBM OFFICE OF BUDGET AND MANAGEMENT				 65481
General Revenue Fund				65482
GRF 042-321 Budget Development and	\$	2,026,011	\$ 2,128,284	65483
Implementation				
GRF 042-410 National Association	\$	28,700	\$ 29,561	65484
Dues				
GRF 042-412 Audit of Auditor of	\$	60,460	\$ 60,460	65485
State				
GRF 042-413 Payment Issuance	\$	1,191,802	\$ 1,150,192	65486
GRF 042-416 Medicaid Agency	\$	0	\$ 1,500,000	65487
Transition				
TOTAL GRF General Revenue Fund				65488
General Services Fund Group				65489
105 042-603 State Accounting and	\$	12,115,134	\$ 12,742,551	65490
Budgeting				
TOTAL GSF General Services Fund				65491
Group				
Federal Special Revenue Fund Group				65492
3CM 042-606 Medicaid Agency	\$	0	\$ 1,500,000	65493
Transition				
TOTAL FED Federal Special Revenue				65494
Fund Group				
State Special Revenue Fund Group				65495
5N4 042-602 OAKS Project	\$	2,200,725	\$ 2,132,168	65496

Implementation

TOTAL SSR State Special Revenue	\$	2,200,725	\$	2,132,168	65497
Fund Group					
Agency Fund Group					65498
5EH 042-604 Forgery Recovery	\$	35,000	\$	35,000	65499
TOTAL AGY Agency Fund Group	\$	35,000	\$	35,000	65500
TOTAL ALL BUDGET FUND GROUPS	\$	17,657,832	\$	21,278,216	65501

AUDIT COSTS 65502

Of the foregoing appropriation item 042-603, State Accounting 65503
and Budgeting, not more than \$435,000 in fiscal year 2008 and 65504
\$445,000 in fiscal year 2009 shall be used to pay for centralized 65505
audit costs associated with either Single Audit Schedules or 65506
financial statements prepared in conformance with generally 65507
accepted accounting principles for the state. 65508

Section 233.20. OAKS SUPPORT ORGANIZATION 65509

The OAKS Support Organization shall operate and maintain the 65510
financial management module of the state's enterprise resource 65511
planning system to support the activities of the Office of Budget 65512
and Management. The OAKS Support Organization shall recover the 65513
costs to establish and maintain the enterprise resource planning 65514
system through billings to the Office of Budget and Management. 65515

Effective July 1, 2007, the Office of Budget Management shall 65516
include the recovery of costs to administer the financial module 65517
of the OAKS System in the accounting and budgeting services 65518
payroll rate. These revenues shall be deposited to the credit of 65519
the Accounting and Budgeting Services Fund (Fund 105). Amounts 65520
deposited under this section are hereby appropriated to 65521
appropriation item 042-603, State Accounting and Budgeting. Not 65522
less than quarterly, the Office of Budget and Management shall 65523
process the intrastate transfer voucher billings to transfer the 65524
Accounting and Budgeting Services Fund (Fund 105) to the OAKS 65525

Support Organization Fund (Fund 5EB), to pay for the OAKS Support Organization Costs.				65526
				65527
TRANSFER BALANCE OF CONTINUOUS RECEIPTS FUND				65528
On or before July 31, 2007, the unencumbered cash balance in the Continuous Receipts Fund (Fund R06) shall be transferred to the Forgery Recovery Fund (Fund 5EH).				65529
				65530
				65531
Section 235.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD				65532
General Revenue Fund				65533
GRF 874-100 Personal Services	\$	2,057,000	\$ 2,057,000	65534
GRF 874-320 Maintenance and Equipment	\$	1,085,837	\$ 1,080,837	65535
TOTAL GRF General Revenue Fund	\$	3,142,837	\$ 3,137,837	65536
General Services Fund Group				65537
4G5 874-603 Capitol Square Education Center and Arts	\$	15,000	\$ 15,000	65538
4S7 874-602 Statehouse Gift Shop/Events	\$	650,484	\$ 650,484	65539
TOTAL GSF General Services Fund Group	\$	665,484	\$ 665,484	65540
Underground Parking Garage				65542
208 874-601 Underground Parking Garage Operations	\$	2,706,993	\$ 2,706,993	65543
TOTAL UPG Underground Parking Garage	\$	2,706,993	\$ 2,706,993	65544
TOTAL ALL BUDGET FUND GROUPS	\$	6,515,314	\$ 6,510,314	65545
				65546
Section 237.10. SCR STATE BOARD OF CAREER COLLEGES AND SCHOOLS				65548
				65549
General Services Fund Group				65550

4K9 233-601 Operating Expenses	\$	552,300	\$	572,700	65551
TOTAL GSF General Services Fund	\$	552,300	\$	572,700	65552
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	552,300	\$	572,700	65553
Section 239.10. CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD					65555
General Services Fund Group					65556
4K9 930-609 Operating Expenses	\$	530,864	\$	551,146	65557
TOTAL GSF General Services Fund	\$	530,864	\$	551,146	65558
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	530,864	\$	551,146	65559
Section 241.10. CHR STATE CHIROPRACTIC BOARD					65561
General Services Fund Group					65562
4K9 878-609 Operating Expenses	\$	607,445	\$	621,621	65563
TOTAL GSF General Services Fund	\$	607,445	\$	621,621	65564
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	607,445	\$	621,621	65565
Section 243.10. CIV OHIO CIVIL RIGHTS COMMISSION					65567
General Revenue Fund					65568
GRF 876-321 Operating Expenses	\$	7,415,134	\$	7,097,134	65569
TOTAL GRF General Revenue Fund	\$	7,415,134	\$	7,097,134	65570
Federal Special Revenue Fund Group					65571
334 876-601 Investigations	\$	3,965,507	\$	4,602,185	65572
TOTAL FED Federal Special Revenue					65573
Fund Group	\$	3,965,507	\$	4,602,185	65574
State Special Revenue Fund Group					65575
217 876-604 Operations Support	\$	60,000	\$	60,000	65576
TOTAL SSR State Special					65577
Revenue Fund Group	\$	60,000	\$	60,000	65578
TOTAL ALL BUDGET FUND GROUPS	\$	11,440,641	\$	11,759,319	65579

OPERATING EXPENSES				65580
Of the foregoing appropriation item 876-321, Operating				65581
Expenses, at least \$318,000 in fiscal year 2008 is to be used to				65582
purchase computer and information technology equipment.				65583
Section 245.10. COM DEPARTMENT OF COMMERCE				65584
General Revenue Fund				65585
GRF 800-410 Labor and Worker	\$	2,132,396	\$ 2,132,396	65586
Safety				
Total GRF General Revenue Fund	\$	2,132,396	\$ 2,132,396	65587
General Services Fund Group				65588
163 800-620 Division of	\$	4,323,037	\$ 4,413,037	65589
Administration				
163 800-637 Information Technology	\$	6,650,150	\$ 6,780,963	65590
5F1 800-635 Small Government Fire	\$	300,000	\$ 300,000	65591
Departments				
543 800-602 Unclaimed	\$	7,880,468	\$ 8,049,937	65592
Funds-Operating				
543 800-625 Unclaimed Funds-Claims	\$	70,000,000	\$ 75,000,000	65593
TOTAL GSF General Services Fund				65594
Group	\$	89,153,655	\$ 94,543,937	65595
Federal Special Revenue Fund Group				65596
348 800-622 Underground Storage	\$	195,008	\$ 195,008	65597
Tanks				
348 800-624 Leaking Underground	\$	1,850,000	\$ 1,850,000	65598
Storage Tanks				
TOTAL FED Federal Special Revenue				65599
Fund Group	\$	2,045,008	\$ 2,045,008	65600
State Special Revenue Fund Group				65601
4B2 800-631 Real Estate Appraisal	\$	35,000	\$ 35,000	65602
Recovery				

4H9 800-608	Cemeteries	\$	273,465	\$	273,465	65603
4X2 800-619	Financial Institutions	\$	2,474,414	\$	2,523,918	65604
5K7 800-621	Penalty Enforcement	\$	50,000	\$	50,000	65605
544 800-612	Banks	\$	6,516,507	\$	6,703,253	65606
545 800-613	Savings Institutions	\$	2,244,370	\$	2,286,616	65607
546 800-610	Fire Marshal	\$	13,104,393	\$	13,579,150	65608
546 800-639	Fire Department Grants	\$	1,647,140	\$	1,647,140	65609
546 800-640	Homeland Security	\$	10,000	\$	10,000	65610
	Grants					
547 800-603	Real Estate	\$	250,000	\$	250,000	65611
	Education/Research					
548 800-611	Real Estate Recovery	\$	50,000	\$	50,000	65612
549 800-614	Real Estate	\$	3,480,038	\$	3,574,171	65613
550 800-617	Securities	\$	4,312,453	\$	4,473,094	65614
552 800-604	Credit Union	\$	3,521,037	\$	3,627,390	65615
553 800-607	Consumer Finance	\$	5,800,445	\$	5,800,445	65616
556 800-615	Industrial Compliance	\$	25,033,908	\$	25,570,011	65617
6A4 800-630	Real Estate	\$	664,006	\$	664,006	65618
	Appraiser-Operating					
653 800-629	UST Registration/Permit	\$	1,512,512	\$	1,467,160	65619
	Fee					
TOTAL SSR State Special Revenue						65620
Fund Group		\$	70,979,688	\$	72,584,819	65621
Liquor Control Fund Group						65622
043 800-601	Merchandising	\$	440,499,979	\$	464,027,015	65623
043 800-627	Liquor Control	\$	15,980,724	\$	16,334,583	65624
	Operating					
043 800-633	Development Assistance	\$	33,678,800	\$	38,616,800	65625
	Debt Service					
043 800-636	Revitalization Debt	\$	12,620,900	\$	15,683,300	65626
	Service					
TOTAL LCF Liquor Control						65627
Fund Group		\$	502,780,403	\$	534,661,698	65628

TOTAL ALL BUDGET FUND GROUPS	\$ 667,091,150	\$ 705,967,858	65629
SMALL GOVERNMENT FIRE DEPARTMENTS			65630
Notwithstanding section 3737.17 of the Revised Code, the			65631
foregoing appropriation item 800-635, Small Government Fire			65632
Departments, may be used to provide loans to private fire			65633
departments.			65634
UNCLAIMED FUNDS PAYMENTS			65635
The foregoing appropriation item 800-625, Unclaimed			65636
Funds-Claims, shall be used to pay claims under section 169.08 of			65637
the Revised Code. If it is determined that additional amounts are			65638
necessary, the amounts are hereby appropriated.			65639
UNCLAIMED FUNDS TRANSFERS			65640
Notwithstanding division (A) of section 169.05 of the Revised			65641
Code, prior to June 30, 2008, and upon the request of the Director			65642
of Budget and Management, the Director of Commerce shall transfer			65643
to the General Revenue Fund up to \$29,275,000 of unclaimed funds			65644
that have been reported by holders of unclaimed funds under			65645
section 169.05 of the Revised Code, irrespective of the allocation			65646
of the unclaimed funds under that section.			65647
Notwithstanding division (A) of section 169.05 of the Revised			65648
Code, prior to June 30, 2009, and upon the request of the Director			65649
of Budget and Management, the Director of Commerce shall transfer			65650
to the General Revenue Fund up to \$29,275,000 of unclaimed funds			65651
that have been reported by holders of unclaimed funds under			65652
section 169.05 of the Revised Code, irrespective of the allocation			65653
of the unclaimed funds under that section.			65654
CASH TRANSFER TO GENERAL REVENUE FUND			65655
Notwithstanding any other law to the contrary, the Director			65656
of Budget and Management shall transfer up to \$5,700,000 in cash			65657
in fiscal year 2008 and up to \$5,800,000 in cash in fiscal year			65658

2009 from the State Fire Marshal Fund (Fund 546) to the General Revenue Fund. 65659
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FIRE DEPARTMENT GRANTS 65661

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. 65662
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Of the foregoing appropriation item 800-639, Fire Department Grants, up to \$687,140 in each fiscal year shall be used as full or partial reimbursement to local units of government and fire departments for the cost of firefighter training and equipment or gear. Under rules that the department shall adopt, a local unit of government or fire department may apply to the department for a grant to cover all documented costs that are incurred to provide firefighter training and equipment or gear. The department shall make grants within the limits of the funding provided, with priority given to fire departments that serve small villages and townships. 65670
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Of the foregoing appropriation item 800-639, Fire Department Grants, up to \$200,000 in each fiscal year shall be used to make grants to fire departments to assist in the conversion of existing data systems to the NFIRS 5 electronic fire reporting system. Under rules that the department shall adopt, awards shall have a maximum of \$50,000 per fire department and shall be based on a point system that includes factors such as consideration of the fire department's information technology and operating budgets, population and area served, number of incidents, data conversion and implementation methods, and readiness. 65681
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CASH TRANSFER TO REAL ESTATE OPERATING FUND 65691

At the request of the Director of Commerce, the Director of 65692
Budget and Management may transfer up to \$100,000 in cash from the 65693
Real Estate Recovery Fund (Fund 548) and up to \$350,000 in cash 65694
from the Real Estate Appraiser Recovery Fund (Fund 4B2) to the 65695
Real Estate Operating Fund (Fund 549) during fiscal years 65696
2008-2009. 65697

INCREASED APPROPRIATION AUTHORITY - MERCHANDISING 65698

The foregoing appropriation item 800-601, Merchandising, 65699
shall be used under section 4301.12 of the Revised Code. If it is 65700
determined that additional amounts are necessary, the amounts are 65701
hereby appropriated. 65702

DEVELOPMENT ASSISTANCE DEBT SERVICE 65703

The foregoing appropriation item 800-633, Development 65704
Assistance Debt Service, shall be used to pay debt service and 65705
related financing costs at the times they are required to be made 65706
during the period from July 1, 2007, to June 30, 2009, for bond 65707
service charges on obligations issued under Chapter 166. of the 65708
Revised Code. If it is determined that additional appropriations 65709
are necessary for this purpose, such amounts are hereby 65710
appropriated, subject to the limitations set forth in section 65711
166.11 of the Revised Code. An appropriation for this purpose is 65712
not required, but is made in this form and in this act for record 65713
purposes only. 65714

REVITALIZATION DEBT SERVICE 65715

The foregoing appropriation item 800-636, Revitalization Debt 65716
Service, shall be used to pay debt service and related financing 65717
costs under sections 151.01 and 151.40 of the Revised Code during 65718
the period from July 1, 2007, to June 30, 2009. If it is 65719
determined that additional appropriations are necessary for this 65720
purpose, such amounts are hereby appropriated. The General 65721

Assembly acknowledges the priority of the pledge of a portion of 65722
receipts from that source to obligations issued and to be issued 65723
under Chapter 166. of the Revised Code. 65724

ADMINISTRATIVE ASSESSMENTS 65725

Notwithstanding any other provision of law to the contrary, 65726
Fund 163, Division of Administration, is entitled to receive 65727
assessments from all operating funds of the department in 65728
accordance with procedures prescribed by the Director of Commerce 65729
and approved by the Director of Budget and Management. 65730

Section 247.10. OCC OFFICE OF CONSUMERS' COUNSEL 65731

General Services Fund Group 65732

5F5 053-601 Operating Expenses \$ 8,498,070 \$ 8,498,070 65733

TOTAL GSF General Services Fund \$ 8,498,070 \$ 8,498,070 65734

Group

TOTAL ALL BUDGET FUND GROUPS \$ 8,498,070 \$ 8,498,070 65735

Section 249.10. CEB CONTROLLING BOARD 65737

General Revenue Fund 65738

GRF 911-404 Mandate Assistance \$ 650,000 \$ 650,000 65739

GRF 911-441 Ballot Advertising \$ 300,000 \$ 300,000 65740

Costs

TOTAL GRF General Revenue Fund \$ 950,000 \$ 950,000 65741

TOTAL ALL BUDGET FUND GROUPS \$ 950,000 \$ 950,000 65742

DISASTER SERVICES FUND TRANSFERS TO THE EMERGENCY 65743

PURPOSES/CONTINGENCIES APPROPRIATION LINE ITEM 65744

Notwithstanding any other provision of law to the contrary, 65745
the Director of Budget and Management may, with Controlling Board 65746
approval, transfer up to \$4,000,000 in cash, in each of fiscal 65747
years 2008 and 2009, from the Disaster Services Fund (Fund 5E2) to 65748
the General Revenue Fund. Upon completion of the transfer, the 65749

Director of Budget and Management shall appropriate the 65750
transferred amount to appropriation item 911-401, Emergency 65751
Purposes/Contingencies. The Controlling Board may, at the request 65752
of any state agency or the Director of Budget and Management, 65753
transfer all or part of the appropriation in appropriation item 65754
911-401, Emergency Purposes/Contingencies, for the purpose of 65755
providing disaster and emergency situation aid to state agencies 65756
and political subdivisions in the event of disasters and emergency 65757
situations or for the other purposes noted in this section, 65758
including, but not limited to, costs related to the disturbance 65759
that occurred on April 11, 1993, at the Southern Ohio Correctional 65760
Facility in Lucasville, Ohio. 65761

FEDERAL SHARE 65762

In transferring appropriations to or from appropriation items 65763
that have federal shares identified in this act, the Controlling 65764
Board shall add or subtract corresponding amounts of federal 65765
matching funds at the percentages indicated by the state and 65766
federal division of the appropriations in this act. Such changes 65767
are hereby appropriated. 65768

DISASTER ASSISTANCE 65769

Pursuant to requests submitted by the Department of Public 65770
Safety, the Controlling Board may approve transfers from 65771
appropriation item 911-401, Emergency Purposes/Contingencies, to 65772
Department of Public Safety appropriation items to provide funding 65773
for assistance to political subdivisions and individuals made 65774
necessary by natural disasters or emergencies. Such transfers may 65775
be requested and approved prior to or following the occurrence of 65776
any specific natural disasters or emergencies in order to 65777
facilitate the provision of timely assistance. 65778

DISASTER SERVICES 65779

Pursuant to requests submitted by the Department of Public 65780

Safety, the Controlling Board may approve transfers from the 65781
Disaster Services Fund (5E2) to a Department of Public Safety fund 65782
and appropriation item to provide for assistance to political 65783
subdivisions made necessary by natural disasters or emergencies. 65784
These transfers may be requested and approved prior to the 65785
occurrence of any specific natural disasters or emergencies in 65786
order to facilitate the provision of timely assistance. The 65787
Emergency Management Agency of the Department of Public Safety 65788
shall use the funding to fund the State Disaster Relief Program 65789
for disasters that have been declared by the Governor, and the 65790
State Individual Assistance Program for disasters that have been 65791
declared by the Governor and the federal Small Business 65792
Administration. The Ohio Emergency Management Agency shall publish 65793
and make available application packets outlining procedures for 65794
the State Disaster Relief Program and the State Individual 65795
Assistance Program. 65796

The Disaster Services Fund (5E2) shall be used by the 65797
Controlling Board, pursuant to requests submitted by state 65798
agencies, to transfer cash and appropriation authority to any fund 65799
and appropriation item for the payment of state agency disaster 65800
relief program expenses for disasters declared by the Governor, if 65801
the Director of Budget and Management determines that sufficient 65802
funds exist. 65803

The unencumbered balance of the Disaster Services Fund (5E2) 65804
at the end of fiscal year 2008 is transferred to fiscal year 2009 65805
for use for the same purposes as in fiscal year 2009. 65806

SOUTHERN OHIO CORRECTIONAL FACILITY COST 65807

The Division of Criminal Justice Services in the Department 65808
of Public Safety and the Public Defender Commission may each 65809
request, upon approval of the Director of Budget and Management, 65810
additional funds from appropriation item 911-401, Emergency 65811
Purposes/Contingencies, for costs related to the disturbance that 65812

occurred on April 11, 1993, at the Southern Ohio Correctional Facility in Lucasville, Ohio. 65813
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MANDATE ASSISTANCE 65815

(A) The foregoing appropriation item 911-404, Mandate Assistance, shall be used to provide financial assistance to local units of government and school districts for the cost of the following two state mandates: 65816
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65819

(1) The cost to county prosecutors for prosecuting certain felonies that occur on the grounds of state institutions operated by the Department of Rehabilitation and Correction and the Department of Youth Services; 65820
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65822
65823

(2) The cost to school districts of in-service training for child abuse detection. 65824
65825

(B) The Division of Criminal Justice Services in the Department of Public Safety and the Department of Education may prepare and submit to the Controlling Board one or more requests to transfer appropriations from appropriation item 911-404, Mandate Assistance. The state agencies charged with this administrative responsibility are listed below, as well as the estimated annual amounts that may be used for each program of state financial assistance. 65826
65827
65828
65829
65830
65831
65832
65833

	ADMINISTERING	ESTIMATED ANNUAL	
PROGRAM	AGENCY	AMOUNT	
Prosecution Costs	Division of Criminal Justice Services	\$150,000	65834 65835 65836 65837
Child Abuse Detection Training Costs	Department of Education	\$500,000	65838

(C) Subject to the total amount appropriated in each fiscal year for appropriation item 911-404, Mandate Assistance, the Division of Criminal Justice Services in the Department of Public Safety and the Department of Education may request from the 65839
65840
65841
65842

Controlling Board that amounts smaller or larger than these 65843
estimated annual amounts be transferred to each program. 65844

(D) In addition to making the initial transfers requested by 65845
the Division of Criminal Justice Services in the Department of 65846
Public Safety and the Department of Education, the Controlling 65847
Board may transfer appropriations received by a state agency under 65848
this section back to appropriation item 911-404, Mandate 65849
Assistance, or to the other program of state financial assistance 65850
identified under this section. 65851

(E) It is expected that not all costs incurred by local units 65852
of government and school districts under each of the two programs 65853
of state financial assistance identified in this section will be 65854
fully reimbursed by the state. Reimbursement levels may vary by 65855
program and shall be based on: the relationship between the 65856
appropriation transfers requested by the Division of Criminal 65857
Justice Services in the Department of Public Safety and the 65858
Department of Education and provided by the Controlling Board for 65859
each of the programs; the rules and procedures established for 65860
each program by the administering state agency; and the actual 65861
costs incurred by local units of government and school districts. 65862

(F) Each of these programs of state financial assistance 65863
shall be carried out as follows: 65864

(1) PROSECUTION COSTS 65865

(a) Appropriations may be transferred to the Division of 65866
Criminal Justice Services in the Department of Public Safety to 65867
cover local prosecution costs for aggravated murder, murder, 65868
felonies of the first degree, and felonies of the second degree 65869
that occur on the grounds of institutions operated by the 65870
Department of Rehabilitation and Correction and the Department of 65871
Youth Services. 65872

(b) Upon a delinquency filing in juvenile court or the return 65873

of an indictment for aggravated murder, murder, or any felony of 65874
the first or second degree that was committed at a Department of 65875
Youth Services or a Department of Rehabilitation and Correction 65876
institution, the affected county may, in accordance with rules 65877
that the Division of Criminal Justice Services in the Department 65878
of Public Safety shall adopt, apply to the Division of Criminal 65879
Justice Services for a grant to cover all documented costs that 65880
are incurred by the county prosecutor's office. 65881

(c) Twice each year, the Division of Criminal Justice 65882
Services in the Department of Public Safety shall designate 65883
counties to receive grants from those counties that have submitted 65884
one or more applications in compliance with the rules that have 65885
been adopted by the Division of Criminal Justice Services for the 65886
receipt of such grants. In each year's first round of grant 65887
awards, if sufficient appropriations have been made, up to a total 65888
of \$100,000 may be awarded. In each year's second round of grant 65889
awards, the remaining appropriations available for this purpose 65890
may be awarded. 65891

(d) If for a given round of grants there are insufficient 65892
appropriations to make grant awards to all the eligible counties, 65893
the first priority shall be given to counties with cases involving 65894
aggravated murder and murder; second priority shall be given to 65895
counties with cases involving a felony of the first degree; and 65896
third priority shall be given to counties with cases involving a 65897
felony of the second degree. Within these priorities, the grant 65898
awards shall be based on the order in which the applications were 65899
received, except that applications for cases involving a felony of 65900
the first or second degree shall not be considered in more than 65901
two consecutive rounds of grant awards. 65902

(2) CHILD ABUSE DETECTION TRAINING COSTS 65903

Appropriations may be transferred to the Department of 65904
Education for disbursement to local school districts as full or 65905

partial reimbursement for the cost of providing in-service 65906
training for child abuse detection. In accordance with rules that 65907
the department shall adopt, a local school district may apply to 65908
the department for a grant to cover all documented costs that are 65909
incurred to provide in-service training for child abuse detection. 65910
The department shall make grants within the limits of the funding 65911
provided. 65912

(G) Any moneys allocated within appropriation item 911-404, 65913
Mandate Assistance, not fully utilized may, upon application of 65914
the Ohio Public Defender Commission, and with the approval of the 65915
Controlling Board, be disbursed to boards of county commissioners 65916
to provide additional reimbursement for the costs incurred by 65917
counties in providing defense to indigent defendants pursuant to 65918
Chapter 120. of the Revised Code. Application for the unutilized 65919
funds shall be made by the Ohio Public Defender Commission at the 65920
first June meeting of the Controlling Board. 65921

The amount to be disbursed to each county shall be allocated 65922
proportionately on the basis of the total amount of reimbursement 65923
paid to each county as a percentage of the amount of reimbursement 65924
paid to all of the counties during the most recent state fiscal 65925
year for which data is available and as calculated by the Ohio 65926
Public Defender Commission. 65927

BALLOT ADVERTISING COSTS 65928

Pursuant to requests submitted by the Ohio Ballot Board, the 65929
Controlling Board shall approve transfers from the foregoing 65930
appropriation item 911-441, Ballot Advertising Costs, to an Ohio 65931
Ballot Board appropriation item in order to reimburse county 65932
boards of elections for the cost of public notices associated with 65933
statewide ballot initiatives. 65934

Section 251.10. COS STATE BOARD OF COSMETOLOGY 65935

General Services Fund Group				65936
4K9 879-609 Operating Expenses	\$	3,533,679	\$ 3,533,679	65937
TOTAL GSF General Services Fund				65938
Group	\$	3,533,679	\$ 3,533,679	65939
TOTAL ALL BUDGET FUND GROUPS	\$	3,533,679	\$ 3,533,679	65940

Section 253.10. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE AND FAMILY THERAPIST BOARD

General Services Fund Group				65942
4K9 899-609 Operating Expenses	\$	1,124,267	\$ 1,179,774	65943
TOTAL GSF General Services Fund				65944
Group	\$	1,124,267	\$ 1,179,774	65945
TOTAL ALL BUDGET FUND GROUPS	\$	1,124,267	\$ 1,179,774	65946

Section 255.10. CLA COURT OF CLAIMS

General Revenue Fund				65947
GRF 015-321 Operating Expenses	\$	2,758,681	\$ 2,841,441	65948
TOTAL GRF General Revenue Fund	\$	2,758,681	\$ 2,841,441	65949
State Special Revenue Fund Group				65950
5K2 015-603 CLA Victims of Crime	\$	1,582,684	\$ 1,582,684	65951
TOTAL SSR State Special Revenue				65952
Fund Group	\$	1,582,684	\$ 1,582,684	65953
TOTAL ALL BUDGET FUND GROUPS	\$	4,341,365	\$ 4,424,125	65954

Section 257.10. AFC OHIO CULTURAL FACILITIES COMMISSION

General Revenue Fund				65955
GRF 371-321 Operating Expenses	\$	176,136	\$ 176,136	65956
GRF 371-401 Lease Rental Payments	\$	36,604,600	\$ 37,455,500	65957
TOTAL GRF General Revenue Fund	\$	36,780,736	\$ 37,631,636	65958
State Special Revenue Fund Group				65959
4T8 371-601 Riffe Theatre	\$	81,000	\$ 81,000	65960

Equipment Maintenance				
4T8 371-603	Project Administration	\$ 1,302,866	\$ 1,302,866	65967
Services				
TOTAL SSR State Special Revenue		\$ 1,383,866	\$ 1,383,866	65968
Group				
TOTAL ALL BUDGET FUND GROUPS		\$ 38,164,602	\$ 39,015,502	65969
LEASE RENTAL PAYMENTS				65970
The foregoing appropriation item 371-401, Lease Rental				65971
Payments, shall be used to meet all payments from the Ohio				65972
Cultural Facilities Commissions to the Treasurer of State during				65973
the period from July 1, 2007, to June 30, 2009, under the primary				65974
leases and agreements for those arts and sports facilities made				65975
under Chapters 152. and 154. of the Revised Code. This				65976
appropriation is the source of funds pledged for bond service				65977
charges on related obligations issued pursuant to Chapters 152.				65978
and 154. of the Revised Code.				65979
OPERATING EXPENSES				65980
The foregoing appropriation item 371-321, Operating Expenses,				65981
shall be used by the Ohio Cultural Facilities Commission to carry				65982
out its responsibilities under this section and Chapter 3383. of				65983
the Revised Code.				65984
By the tenth day following each calendar quarter in each				65985
fiscal year, or as soon as possible thereafter, the Director of				65986
Budget and Management shall determine the amount of cash from				65987
interest earnings to be transferred from the Cultural and Sports				65988
Facilities Building Fund (Fund 030) to the Cultural Facilities				65989
Commission Administration Fund (Fund 4T8).				65990
As soon as possible after each bond issuance made on behalf				65991
of the Cultural Facilities Commission, the Director of Budget and				65992
Management shall determine the amount of cash from any premium				65993
paid on each issuance that is available to be transferred after				65994

all issuance costs have been paid from the Cultural and Sports 65995
 Facilities Building Fund (Fund 030) to the Cultural Facilities 65996
 Commission Administration Fund (Fund 4T8). 65997

CAPITAL DONATIONS FUND CERTIFICATIONS AND APPROPRIATIONS 65998

The Executive Director of the Cultural Facilities Commission 65999
 shall certify to the Director of Budget and Management the amount 66000
 of cash receipts and related investment income, irrevocable 66001
 letters of credit from a bank, or certification of the 66002
 availability of funds that have been received from a county or a 66003
 municipal corporation for deposit into the Capital Donations Fund 66004
 (Fund 5A1) and are related to an anticipated project. These 66005
 amounts are hereby appropriated to appropriation item CAP-702, 66006
 Capital Donations. Prior to certifying these amounts to the 66007
 Director, the Executive Director shall make a written agreement 66008
 with the participating entity on the necessary cash flows required 66009
 for the anticipated construction or equipment acquisition project. 66010

Section 259.10. DEN STATE DENTAL BOARD 66011

General Services Fund Group 66012
 4K9 880-609 Operating Expenses \$ 1,437,392 \$ 1,528,749 66013
 TOTAL GSF General Services Fund 66014
 Group \$ 1,437,392 \$ 1,528,749 66015
 TOTAL ALL BUDGET FUND GROUPS \$ 1,437,392 \$ 1,528,749 66016

Section 261.10. BDP BOARD OF DEPOSIT 66018

General Services Fund Group 66019
 4M2 974-601 Board of Deposit \$ 1,676,000 \$ 1,676,000 66020
 TOTAL GSF General Services Fund 66021
 Group \$ 1,676,000 \$ 1,676,000 66022
 TOTAL ALL BUDGET FUND GROUPS \$ 1,676,000 \$ 1,676,000 66023

BOARD OF DEPOSIT EXPENSE FUND 66024

Upon receiving certification of expenses from the Treasurer 66025
of State, the Director of Budget and Management shall transfer 66026
cash from the Investment Earnings Redistribution Fund (Fund 608) 66027
to the Board of Deposit Expense Fund (Fund 4M2). The latter fund 66028
shall be used to pay for banking charges and fees required for the 66029
operation of the State of Ohio Regular Account. 66030

Section 263.10. DEV DEPARTMENT OF DEVELOPMENT 66031

General Revenue Fund 66032

GRF 195-401 Thomas Edison Program \$ 19,404,838 \$ 17,978,483 66033

GRF 195-404 Small Business \$ 1,740,722 \$ 1,792,944 66034

Development

GRF 195-405 Minority Business \$ 1,580,291 \$ 1,627,700 66035

Development Division

GRF 195-407 Travel and Tourism \$ 1,800,000 \$ 1,800,000 66036

GRF 195-410 Defense Conversion \$ 5,000,000 \$ 0 66037

Assistance

GRF 195-412 Rapid Outreach Grants \$ 10,750,000 \$ 10,000,000 66038

GRF 195-415 Economic Development \$ 5,894,975 \$ 6,071,824 66039

Division and Regional

Offices

GRF 195-416 Governor's Office of \$ 4,746,043 \$ 4,746,043 66040

Appalachia

GRF 195-422 Third Frontier Action \$ 18,790,000 \$ 16,790,000 66041

Fund

GRF 195-426 Clean Ohio \$ 300,000 \$ 309,000 66042

Implementation

GRF 195-432 International Trade \$ 4,650,501 \$ 4,650,501 66043

GRF 195-434 Investment in Training \$ 12,227,500 \$ 12,594,325 66044

Grants

GRF 195-436 Labor/Management \$ 836,225 \$ 836,225 66045

Cooperation

GRF 195-497	CDBG Operating Match	\$	1,072,184	\$	1,072,184	66046
GRF 195-498	State Match Energy	\$	96,820	\$	96,820	66047
GRF 195-501	Appalachian Local Development Districts	\$	391,482	\$	391,482	66048
GRF 195-502	Appalachian Regional Commission Dues	\$	254,208	\$	254,208	66049
GRF 195-507	Travel and Tourism Grants	\$	1,130,000	\$	1,115,000	66050
GRF 195-516	Shovel Ready Sites	\$	1,000,000	\$	1,000,000	66051
GRF 195-520	Ohio Main Street Program	\$	750,000	\$	250,000	66052
GRF 195-521	Discover Ohio!	\$	7,182,845	\$	8,182,845	66053
GRF 195-905	Third Frontier Research & Development General Obligation Debt Service	\$	14,349,500	\$	24,523,400	66054
GRF 195-912	Job Ready Site Development General Obligation Debt Service	\$	4,359,400	\$	8,232,500	66055
TOTAL GRF	General Revenue Fund	\$	118,307,534	\$	124,315,484	66056
	General Services Fund Group					66057
135 195-684	Supportive Services	\$	11,699,404	\$	11,321,444	66058
5AD 195-667	Investment in Training Expansion	\$	2,000,000	\$	0	66059
5AD 195-668	Workforce Guarantee Program	\$	1,000,000	\$	0	66060
5AD 195-677	Economic Development Contingency	\$	5,000,000	\$	24,400,000	66061
5W5 195-690	Travel and Tourism Cooperative Projects	\$	350,000	\$	350,000	66062
5W6 195-691	International Trade Cooperative Projects	\$	300,000	\$	300,000	66063

685	195-636	Direct Cost Recovery	\$	800,000	\$	800,000	66064
		Expenditures					
TOTAL GSF General Services Fund							66065
Group			\$	21,149,404	\$	37,171,444	66066
Federal Special Revenue Fund Group							66067
3AE	195-643	Workforce Development	\$	5,839,900	\$	5,860,000	66068
		Initiatives					
3BJ	195-685	TANF Heating	\$	45,000,000	\$	15,000,000	66069
		Assistance					
3K8	195-613	Community Development	\$	65,000,000	\$	65,000,000	66070
		Block Grant					
3K9	195-611	Home Energy Assistance	\$	110,000,000	\$	110,000,000	66071
		Block Grant					
3K9	195-614	HEAP Weatherization	\$	22,000,000	\$	22,000,000	66072
3L0	195-612	Community Services	\$	25,235,000	\$	25,235,000	66073
		Block Grant					
3V1	195-601	HOME Program	\$	40,000,000	\$	40,000,000	66074
308	195-602	Appalachian Regional	\$	475,000	\$	475,000	66075
		Commission					
308	195-603	Housing and Urban	\$	6,000,000	\$	6,000,000	66076
		Development					
308	195-605	Federal Projects	\$	27,000,000	\$	27,000,000	66077
308	195-609	Small Business	\$	4,296,381	\$	4,396,381	66078
		Administration					
308	195-618	Energy Federal Grants	\$	3,400,000	\$	3,400,000	66079
335	195-610	Energy Conservation	\$	2,200,000	\$	2,200,000	66080
		and Emerging					
		Technology					
TOTAL FED Federal Special Revenue							66081
Fund Group			\$	356,446,281	\$	326,566,381	66082
State Special Revenue Fund Group							66083
4F2	195-639	State Special Projects	\$	518,393	\$	518,393	66084

4F2	195-676	Marketing Initiatives	\$	5,000,000	\$	1,000,000	66085
4S0	195-630	Tax Incentive Programs	\$	650,800	\$	650,800	66086
4W1	195-646	Minority Business Enterprise Loan	\$	2,580,597	\$	2,580,597	66087
444	195-607	Water and Sewer Commission Loans	\$	523,775	\$	523,775	66088
450	195-624	Minority Business Bonding Program Administration	\$	53,967	\$	53,967	66089
451	195-625	Economic Development Financing Operating	\$	3,233,311	\$	3,233,311	66090
5AR	195-674	Industrial Site Improvements	\$	4,500,000	\$	4,500,000	66091
5CG	195-679	Alternative Fuel Transportation	\$	1,500,000	\$	1,000,000	66092
5DU	195-689	Energy Projects	\$	840,000	\$	840,000	66093
5M4	195-659	Low Income Energy Assistance	\$	245,000,000	\$	245,000,000	66094
5M5	195-660	Advanced Energy Programs	\$	17,000,000	\$	17,000,000	66095
5X1	195-651	Exempt Facility Inspection	\$	25,000	\$	25,000	66096
611	195-631	Water and Sewer Administration	\$	15,713	\$	15,713	66097
617	195-654	Volume Cap Administration	\$	200,000	\$	200,000	66098
646	195-638	Low- and Moderate- Income Housing Trust Fund	\$	53,000,000	\$	53,000,000	66099
TOTAL	SSR	State Special Revenue					66100
Fund Group			\$	334,641,556	\$	330,141,556	66101
Facilities Establishment		Fund Group					66102
009	195-664	Innovation Ohio	\$	50,000,000	\$	50,000,000	66103

010	195-665	Research and Development	\$	50,000,000	\$	50,000,000	66104
037	195-615	Facilities Establishment	\$	110,000,000	\$	110,000,000	66105
4Z6	195-647	Rural Industrial Park Loan	\$	3,000,000	\$	3,000,000	66106
5D2	195-650	Urban Redevelopment Loans	\$	5,475,000	\$	5,475,000	66107
5S8	195-627	Rural Development Initiative	\$	3,000,000	\$	3,000,000	66108
5S9	195-628	Capital Access Loan Program	\$	3,000,000	\$	3,000,000	66109
TOTAL	037	Facilities Establishment Fund Group	\$	224,475,000	\$	224,475,000	66110 66111
		Clean Ohio Revitalization Fund					66112
003	195-663	Clean Ohio Operating	\$	625,000	\$	550,000	66113
TOTAL	003	Clean Ohio Revitalization Fund	\$	625,000	\$	550,000	66114
		Third Frontier Research & Development Fund Group					66115
011	195-686	Third Frontier Operating	\$	1,932,056	\$	1,932,056	66116
011	195-687	Third Frontier Research & Development Projects	\$	94,000,000	\$	72,000,000	66117
014	195-692	Research & Development Taxable Bond Projects	\$	28,000,000	\$	28,000,000	66118
TOTAL	011	Third Frontier Research & Development Fund Group	\$	123,932,056	\$	101,932,056	66119
		Job Ready Site Development Fund Group					66120
012	195-688	Job Ready Site Operating	\$	1,246,155	\$	1,246,155	66121
TOTAL	012	Job Ready Site	\$	1,246,155	\$	1,246,155	66122

Development Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,180,822,986 \$ 1,146,398,076 66123

Section 263.10.10. THOMAS EDISON PROGRAM 66125

The foregoing appropriation item 195-401, Thomas Edison 66126
Program, shall be used for the purposes of sections 122.28 to 66127
122.38 of the Revised Code in order to provide funds for 66128
cooperative public and private efforts in technological innovation 66129
to promote the development and transfer of technology by and to 66130
Ohio businesses that will lead to the creation of jobs. Of the 66131
foregoing appropriation item 195-401, Thomas Edison Program, not 66132
more than ten per cent in each fiscal year shall be used for 66133
operating expenditures in administering the programs of the 66134
Technology Division. 66135

Of the foregoing appropriation item 195-401, Thomas Edison 66136
Program, \$2,000,000 in fiscal year 2008 shall be used by Project 66137
Development, Inc., for technology commercialization. 66138

Section 263.10.20. SMALL BUSINESS DEVELOPMENT 66139

The foregoing appropriation item 195-404, Small Business 66140
Development, shall be used to ensure that the unique needs and 66141
concerns of small businesses are addressed. 66142

The foregoing appropriation item 195-404, Small Business 66143
Development, may be used to provide grants to local organizations 66144
to support the operation of Small Business Development Centers and 66145
other local economic development activity promoting small 66146
business, including the 1st Stop Business Connection, and for the 66147
cost of administering the small business development center 66148
program. The centers shall provide technical, financial, and 66149
management consultation for small business and shall facilitate 66150
access to state and federal programs. These funds shall be used as 66151
matching funds for grants from the United States Small Business 66152

Administration and other federal agencies, pursuant to Public Law 66153
No. 96-302 (1980) as amended by Public Law No. 98-395 (1984), and 66154
regulations and policy guidelines for the programs under this law. 66155

MINORITY BUSINESS DEVELOPMENT DIVISION 66156

Of the foregoing appropriation item 195-405, Minority 66157
Business Development Division, up to \$1,060,000 but not less than 66158
\$954,000 in each fiscal year shall be used to fund minority 66159
contractors and business assistance organizations. The Minority 66160
Business Development Division shall determine which cities need 66161
minority contractors and business assistance organizations by 66162
utilizing United States Census Bureau data and zip codes to locate 66163
the highest concentrations of minority businesses. The Minority 66164
Business Development Division also shall determine the numbers of 66165
minority contractors and business assistance organizations 66166
necessary and the amount of funding to be provided each. In 66167
addition, the Minority Business Development Division shall 66168
continue to plan and implement business conferences. 66169

Section 263.10.30. RAPID OUTREACH GRANTS 66170

The foregoing appropriation item 195-412, Rapid Outreach 66171
Grants, shall be used as an incentive for attracting and retaining 66172
business opportunities for the state. Any such business 66173
opportunity, whether new, expanding, or relocating in Ohio, is 66174
eligible for funding. The project must create or retain a 66175
significant number of jobs for Ohioans. Grant awards may be 66176
considered only when (1) the project's viability hinges on an 66177
award of funds from appropriation item 195-412, Rapid Outreach 66178
Grants; (2) all other public or private sources of financing have 66179
been considered; or (3) the funds act as a catalyst for the 66180
infusion into the project of other financing sources. 66181

The department's primary goal shall be to award funds to 66182
political subdivisions of the state for off-site infrastructure 66183

improvements. In order to meet the particular needs of economic 66184
development in a region, the department may elect to award funds 66185
directly to a business for on-site infrastructure improvements. 66186
"Infrastructure improvements" mean improvements to water system 66187
facilities, sewer and sewage treatment facilities, electric or gas 66188
service facilities, fiber optic facilities, rail facilities, site 66189
preparation, and parking facilities. The Director of Development 66190
may recommend the funds be used in an alternative manner when 66191
considered appropriate to meet an extraordinary economic 66192
development opportunity or need. 66193

The foregoing appropriation item 195-412, Rapid Outreach 66194
Grants, may be expended only after the submission of a request to 66195
the Controlling Board by the Department of Development outlining 66196
the planned use of the funds, and the subsequent approval of the 66197
request by the Controlling Board. 66198

The foregoing appropriation item 195-412, Rapid Outreach 66199
Grants, may be used for, but is not limited to, construction, 66200
rehabilitation, and acquisition projects for rail freight 66201
assistance as requested by the Department of Transportation. The 66202
Director of Transportation shall submit the proposed projects to 66203
the Director of Development for an evaluation of potential 66204
economic benefit. 66205

Section 263.10.40. ECONOMIC DEVELOPMENT DIVISION AND REGIONAL 66206
OFFICES 66207

The foregoing appropriation item 195-415, Economic 66208
Development Division and Regional Offices, shall be used for the 66209
operating expenses of the Economic Development Division and the 66210
regional economic development offices and for grants for 66211
cooperative economic development ventures. 66212

Section 263.10.50. GOVERNOR'S OFFICE OF APPALACHIA 66213

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, 66244
research and analyses, and marketing efforts considered necessary 66245
to receive and disseminate information about science and 66246
technology-related opportunities in the state. 66247

Of the foregoing appropriation item 195-422, Third Frontier 66248
Action Fund, \$2,000,000 in fiscal year 2008 shall be used by 66249
Project Development, Inc., for business and job creation resulting 66250
from Third Frontier investments. 66251

SCIENCE AND TECHNOLOGY COLLABORATION 66252

The Department of Development shall work in close 66253
collaboration with the Board of Regents, the Air Quality 66254
Development Authority, and the Third Frontier Commission in 66255
relation to appropriation items and programs referred to as 66256
Alignment Programs in the following paragraph, and other 66257
technology-related appropriations and programs in the Department 66258
of Development, Air Quality Development Authority, and the Board 66259
of Regents as these agencies may designate, to ensure 66260
implementation of a coherent state strategy with respect to 66261
science and technology. 66262

"Alignment Programs" means appropriation items 195-401, 66263
Thomas Edison Program; 898-402, Coal Development Office; 195-422, 66264
Third Frontier Action Fund; 898-604, Coal Research and Development 66265
Fund; 235-433, Economic Growth Challenge; 235-508, Air Force 66266
Institute of Technology; 235-510, Ohio Supercomputer Center; 66267
235-451, Eminent Scholars; 235-527, Ohio Aerospace Institute; 66268
235-535, Ohio Agricultural Research and Development Center; 66269
235-553, Dayton Area Graduate Studies Institute; 235-554, 66270
Priorities in Collaborative Graduate Education; 235-556, Ohio 66271
Academic Resources Network; 195-435, Biomedical Research and 66272
Technology Transfer Trust; 195-687, Third Frontier Research & 66273
Development Projects; CAP-068, Third Frontier Project; and 66274
195-692, Research & Development Taxable Bond Projects. 66275

Consistent with the recommendations of the Governor's 66276
Commission on Higher Education and the Economy, Alignment Programs 66277
shall be managed and administered in accordance with the following 66278
objectives: (1) to build on existing competitive research 66279
strengths; (2) to encourage new and emerging discoveries and 66280
commercialization of products and ideas that will benefit the Ohio 66281
economy; and (3) to assure improved collaboration among Alignment 66282
Programs with programs administered by the Third Frontier 66283
Commission and with other state programs that are intended to 66284
improve economic growth and job creation. As directed by the Third 66285
Frontier Commission, Alignment Program managers shall report to 66286
the Commission or the Third Frontier Advisory Board regarding the 66287
contributions of their programs to achieving these objectives. 66288

Each Alignment Program shall be reviewed annually by the 66289
Third Frontier Commission with respect to its development of 66290
complementary relationships within a combined state science and 66291
technology investment portfolio, and with respect to its overall 66292
contribution to the state's science and technology strategy, 66293
including the adoption of appropriately consistent criteria for: 66294
(1) the scientific merit of activities supported by the program; 66295
(2) the relevance of the program's activities to commercial 66296
opportunities in the private sector; (3) the private sector's 66297
involvement in a process that continually evaluates commercial 66298
opportunities to use the work supported by the program; and (4) 66299
the ability of the program and recipients of grant funding from 66300
the program to engage in activities that are collaborative, 66301
complementary, and efficient with respect to the expenditures of 66302
state funds. Each Alignment Program shall provide an annual report 66303
to the Third Frontier Commission that discusses existing, planned, 66304
or possible collaborations between programs and between recipients 66305
of grant funding related to technology, development, 66306
commercialization, and the support of Ohio's economic development. 66307
The annual review conducted by the Third Frontier Commission shall 66308

be a comprehensive review of the entire state science and 66309
technology program portfolio rather than a review of individual 66310
programs. 66311

Applicants for Third Frontier and Alignment Programs funding 66312
shall identify their requirements for high-performance computing 66313
facilities and services, including both hardware and software, in 66314
all proposals. If an applicant's requirements exceed approximately 66315
\$100,000 for a proposal, the Ohio Supercomputer Center shall 66316
convene a panel of experts. The panel shall review the proposal to 66317
determine whether the proposal's requirements can be met through 66318
Ohio Supercomputer Center facilities or through other means and 66319
report such information to the Third Frontier Commission. 66320

To ensure that the state receives the maximum benefit from 66321
its investment in the Third Frontier Project and the Third 66322
Frontier Network, organizations receiving Third Frontier awards 66323
and Alignment Programs awards shall, as appropriate, be expected 66324
to have a connection to the Third Frontier Network that enables 66325
them and their collaborators to achieve award objectives through 66326
the Third Frontier Network. 66327

Section 263.10.70. INTERNATIONAL TRADE 66328

The foregoing appropriation item 195-432, International 66329
Trade, shall be used to operate and to maintain Ohio's 66330
out-of-state trade offices. 66331

The Director of Development may enter into contracts with 66332
foreign nationals to staff foreign offices. The contracts may be 66333
paid in local currency or United States currency and shall be 66334
exempt from section 127.16 of the Revised Code. The director also 66335
may establish foreign currency accounts under section 122.05 of 66336
the Revised Code for the payment of expenses related to the 66337
operation and maintenance of the foreign trade offices. 66338

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.

Of the foregoing appropriation item 195-434, Investment in Training Grants, \$300,000 in each fiscal year shall be used for the Re-Tooling for Success Program at Washington State Community College.

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 66368

Of the foregoing appropriation item 195-410, Defense 66369
Conversion Assistance, \$5,000,000 in fiscal year 2008 shall be 66370
used as a state match to federal dollars for the relocation of 66371
jobs at Wright-Patterson Air Force Base and vicinity as a result 66372
of job losses from the base realignment and closure process. 66373

Section 263.10.97. STATE FILM BUREAU 66374

There is hereby created the State Film Bureau. The mission of 66375
the Bureau shall be to promote media production in the state and 66376
to help the industry optimize its production experience in the 66377
state, including enhancing local economies through increased 66378
employment and tax revenues and ensuring an accurate portrayal of 66379
Ohio. The Bureau shall serve as an informational clearinghouse and 66380
provide technical assistance to the media production industry and 66381
business entities engaged in media production in the state. The 66382
Bureau shall promote Ohio as the ideal site for media production 66383
and help those in the industry benefit from their experience in 66384
the state. 66385

The primary objective of the Bureau shall be to encourage 66386
development of a strong capital base for electronic media 66387
production in order to achieve an independent, self-supporting 66388
industry in Ohio. Other objectives shall include: 66389

(A) Attracting private investment for the electronic media 66390
production industry; 66391

(B) Developing a tax infrastructure that encourages private 66392
investment; and 66393

(C) Encouraging increased employment opportunities within 66394
this sector and increased competition with other states. 66395

The State Film Bureau shall conduct a study of Ohio's media 66396

production industry and make recommendations that lead to job 66397
growth in that industry. The study shall identify and benchmark 66398
Ohio's current and potential capabilities for growth in the 66399
sectors and sub-sectors of commercial, industrial, education, and 66400
entertainment media. The Bureau shall prepare a comprehensive 66401
report of its findings, along with recommendations for private 66402
sector and public policy initiatives that can lead to the future 66403
growth of the media production industry in Ohio, increased job 66404
opportunities, and the enhancement of Ohio's image as a desirable 66405
place to do business. 66406

Section 263.20.10. TRAVEL AND TOURISM GRANTS 66407

The foregoing appropriation item 195-507, Travel and Tourism 66408
Grants, shall be used to provide grants to local organizations to 66409
support various local travel and tourism events in Ohio. 66410

Of the foregoing appropriation item 195-507, Travel and 66411
Tourism Grants, \$50,000 in each fiscal year shall be used for the 66412
Cleveland Film Bureau. 66413

Of the foregoing appropriation item 195-507, Travel and 66414
Tourism Grants, \$50,000 in each fiscal year shall be used for the 66415
Cincinnati Film Bureau. 66416

Of the foregoing appropriation item 195-507, Travel and 66417
Tourism Grants, \$500,000 in each fiscal year shall be used for 66418
grants to The International Center for the Preservation of Wild 66419
Animals. 66420

Of the foregoing appropriation item 195-507, Travel and 66421
Tourism Grants, \$50,000 in each fiscal year shall be used for the 66422
Greater Cleveland Sports Commission. 66423

Of the foregoing appropriation item 195-507, Travel and 66424
Tourism Grants, \$50,000 in each fiscal year shall be used for the 66425
Greater Columbus Sports Commission. 66426

Of the foregoing appropriation item 195-507, Travel and 66427
Tourism Grants, \$50,000 in fiscal year 2008 shall be used for the 66428
Ohio Alliance of Science Centers. 66429

Of the foregoing appropriation item 195-507, Travel and 66430
Tourism Grants, \$100,000 in each fiscal year shall be used for the 66431
Harbor Heritage Society/Great Lakes Science Center in support of 66432
operations of the Steamship William G. Mather Maritime Museum, and 66433
\$100,000 in each fiscal year shall be used for the Great Lakes 66434
Historical Society. 66435

Of the foregoing appropriation item 195-507, Travel and 66436
Tourism Grants, \$35,000 in fiscal year 2009 shall be used for the 66437
Ohio Junior Angus Association to assist with costs associated with 66438
hosting the Eastern Regional Junior Angus Show in June 2009. 66439

Of the foregoing appropriation item 195-507, Travel and 66440
Tourism Grants, \$60,000 in each fiscal year shall be used for the 66441
Ohio River Trails program. 66442

Of the foregoing appropriation item 195-507, Travel and 66443
Tourism Grants, \$60,000 in each fiscal year shall be used to 66444
support the outdoor drama "Tecumseh!" 66445

Of the foregoing appropriation item 195-507, Travel and 66446
Tourism Grants, \$25,000 in each fiscal year shall be used for 66447
Ohio's Appalachian Country. 66448

Of the foregoing appropriation item 195-507, Travel and 66449
Tourism Grants, \$25,000 in each fiscal year shall be used for the 66450
Garst Museum. 66451

Of the foregoing appropriation item 195-507, Travel and 66452
Tourism Grants, \$10,000 in each fiscal year shall be used for the 66453
Pro Football Hall of Fame Festival. 66454

Section 263.20.13. OHIO MAIN STREET PROGRAM 66455

Of the foregoing appropriation item 195-520, Ohio Main Street 66456

Program, \$500,000 in fiscal year 2008 shall be used for the 66457
rebuilding and revitalization of downtown Wauseon following the 66458
April 14, 2007, fire in that community. Such funds shall be used 66459
by the mayor of Wauseon or the mayor's designee to provide grants 66460
and matching grants to owners or their successors whose buildings 66461
and property were damaged or destroyed by the fire. Such grants 66462
shall only be used to supplement investments of owners or 66463
successors who are rebuilding in the downtown location of the 66464
fire. 66465

Section 263.20.16. DISCOVER OHIO! 66466

The foregoing appropriation item 195-521, Discover Ohio!, 66467
shall be used by the Division of Travel and Tourism in the 66468
Department of Development for marketing and promoting Ohio as a 66469
tourism destination and for nonpersonnel costs associated with 66470
operating such programs. 66471

Section 263.20.20. THIRD FRONTIER RESEARCH & DEVELOPMENT 66472
GENERAL OBLIGATION DEBT SERVICE 66473

The foregoing appropriation item 195-905, Third Frontier 66474
Research & Development General Obligation Debt Service, shall be 66475
used to pay all debt service and related financing costs during 66476
the period from July 1, 2007, to June 30, 2009, on obligations 66477
issued for research and development purposes under sections 151.01 66478
and 151.10 of the Revised Code. 66479

JOB READY SITE DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE 66480

The foregoing appropriation item 195-912, Job Ready Site 66481
Development General Obligation Debt Service, shall be used to pay 66482
all debt service and related financing costs during the period 66483
from July 1, 2007, to June 30, 2009, on obligations issued for job 66484
ready site development purposes under sections 151.01 and 151.11 66485
of the Revised Code. 66486

Section 263.20.30. SUPPORTIVE SERVICES 66487

The Director of Development may assess divisions of the 66488
department for the cost of central service operations. An 66489
assessment shall be based on a plan submitted to and approved by 66490
the Office of Budget and Management by August 1, 2007, and shall 66491
contain the characteristics of administrative ease and uniform 66492
application. 66493

A division's payments shall be credited to the Supportive 66494
Services Fund (Fund 135) using an intrastate transfer voucher. 66495

WORKFORCE GUARANTEE PROGRAM 66496

The foregoing appropriation item 195-668, Workforce Guarantee 66497
Program, shall be used for the Workforce Guarantee Program. 66498

Benefited employers must create at least 20 high-paying, 66499
full-time jobs over a one-year period and must demonstrate prior 66500
to the commitment of state funds that the availability of those 66501
skilled workers is a major factor in the employer's decision to 66502
locate or expand in Ohio. Customized training activities are 66503
eligible for funding through the Workforce Guarantee Program. 66504

The Director of Development, under Chapter 119. of the 66505
Revised Code, shall adopt, and may amend or rescind, rules the 66506
Director finds necessary for the implementation and successful 66507
operation of the Workforce Guarantee Program. 66508

ECONOMIC DEVELOPMENT CONTINGENCY 66509

Of the foregoing appropriation item 195-677, Economic 66510
Development Contingency, up to \$19,400,000 shall be used by the 66511
Third Frontier Commission in fiscal year 2009 for biomedical 66512
research and technology transfer purposes under sections 184.01 to 66513
184.03 of the Revised Code. 66514

Of the foregoing appropriation item 195-677, Economic 66515
Development Contingency, \$1,500,000 in fiscal year 2008 shall be 66516

used for Cleveland Hopkins International Airport projects to 66517
support increased service and expand the existing hub, as defined 66518
in 49 U.S.C. 40102, Infrastructure. 66519

DIRECT COST RECOVERY EXPENDITURES 66520

The foregoing appropriation item 195-636, Direct Cost 66521
Recovery Expenditures, shall be used for conference and 66522
subscription fees and other reimbursable costs. Revenues to the 66523
General Reimbursement Fund (Fund 685) shall consist of fees and 66524
other moneys charged for conferences, subscriptions, and other 66525
administrative costs that are not central service costs. 66526

Section 263.20.40. HEAP WEATHERIZATION 66527

Fifteen per cent of the federal funds received by the state 66528
for the Home Energy Assistance Block Grant shall be deposited in 66529
appropriation item 195-614, HEAP Weatherization (Fund 3K9), and 66530
shall be used to provide home weatherization services in the 66531
state. 66532

The Department of Development shall seek, and if approved 66533
shall implement, a federal waiver to increase the percentage of 66534
the Home Energy Block Grant that may be used for weatherization to 66535
at least sixteen and one-half per cent in fiscal year 2008 and at 66536
least seventeen and one-half per cent in fiscal year 2009. Upon 66537
approval of the federal waiver, the Director of Development shall 66538
seek Controlling Board approval to adjust appropriation items 66539
195-611, Home Energy Assistance Block Grant, and 195-614, HEAP 66540
Weatherization, as needed to implement the federal waiver. 66541

STATE SPECIAL PROJECTS 66542

The foregoing fund, Fund 4F2, State Special Projects Fund, 66543
shall be used for the deposit of private-sector funds from utility 66544
companies and for the deposit of other miscellaneous state funds. 66545
Private-sector moneys shall be used to (1) pay the expenses of 66546

verifying the income-eligibility of HEAP applicants, (2) market 66547
economic development opportunities in the state, and (3) leverage 66548
additional federal funds. State funds shall be used to match 66549
federal housing grants for the homeless and to market economic 66550
development opportunities in the state. 66551

Section 263.20.50. TAX INCENTIVE PROGRAMS OPERATING 66552

On July 1, 2007, or as soon thereafter as possible, the 66553
Director of Budget and Management shall transfer the cash balance 66554
in the Job Creation Tax Credit Operating Fund (Fund 4S1) to the 66555
Tax Incentive Programs Operating Fund (Fund 4S0). The Director 66556
shall cancel any existing encumbrances against appropriation item 66557
195-634, Job Creation Tax Credit Operating (Fund 4S1), and 66558
re-establish them against appropriation item 195-630, Tax 66559
Incentive Programs Operating (Fund 4S0). The amounts of the 66560
re-established encumbrances are hereby appropriated. 66561

Section 263.20.60. MINORITY BUSINESS ENTERPRISE LOAN 66562

All repayments from the Minority Development Financing 66563
Advisory Board Loan Program and the Ohio Mini-Loan Guarantee 66564
Program shall be deposited in the State Treasury to the credit of 66565
the Minority Business Enterprise Loan Fund (Fund 4W1). 66566

All operating costs of administering the Minority Business 66567
Enterprise Loan Fund shall be paid from the Minority Business 66568
Enterprise Loan Fund (Fund 4WI). 66569

MINORITY BUSINESS BONDING FUND 66570

Notwithstanding Chapters 122., 169., and 175. of the Revised 66571
Code and other provisions of Am. Sub. H.B. 283 of the 123rd 66572
General Assembly, the Director of Development may, upon the 66573
recommendation of the Minority Development Financing Advisory 66574
Board, pledge up to \$10,000,000 in the FY 2008-2009 biennium of 66575
unclaimed funds administered by the Director of Commerce and 66576

allocated to the Minority Business Bonding Program under section 66577
169.05 of the Revised Code. The transfer of any cash by the 66578
Director of Budget and Management from the Department of 66579
Commerce's Unclaimed Funds Fund (Fund 543) to the Department of 66580
Development's Minority Business Bonding Fund (Fund 449) shall 66581
occur, if requested by the Director of Development, only if such 66582
funds are needed for payment of losses arising from the Minority 66583
Business Bonding Program, and only after proceeds of the initial 66584
transfer of \$2,700,000 by the Controlling Board to the Minority 66585
Business Bonding Program has been used for that purpose. Moneys 66586
transferred by the Director of Budget and Management from the 66587
Department of Commerce for this purpose may be moneys in custodial 66588
funds held by the Treasurer of State. If expenditures are required 66589
for payment of losses arising from the Minority Business Bonding 66590
Program, such expenditures shall be made from appropriation item 66591
195-623, Minority Business Bonding Contingency in the Minority 66592
Business Bonding Fund, and such amounts are appropriated. 66593

Section 263.20.70. ECONOMIC DEVELOPMENT FINANCING OPERATING 66594

The foregoing appropriation item 195-625, Economic 66595
Development Financing Operating, shall be used for the operating 66596
expenses of financial assistance programs authorized under Chapter 66597
166. of the Revised Code and under sections 122.43 and 122.45 of 66598
the Revised Code. 66599

ALTERNATIVE FUEL TRANSPORTATION 66600

The foregoing appropriation item 195-679, Alternative Fuel 66601
Transportation, shall be used by the Director of Development to 66602
make grants under the Alternative Fuel Transportation Grant Fund 66603
Program in accordance with section 122.075 of the Revised Code, 66604
and for administrative costs associated with the program. 66605

Of the foregoing appropriation item 195-679, Alternative Fuel 66606
Transportation, up to \$1,000,000 in each fiscal year shall be used 66607

to encourage retail gas stations to provide E85 and B20 (or 66608
higher) fuel to customers in accordance with section 122.075 of 66609
the Revised Code. 66610

LOW INCOME ENERGY ASSISTANCE 66611

The foregoing appropriation item 195-659, Low Income Energy 66612
Assistance, shall be used to provide payments to regulated 66613
electric utility companies for low-income customers enrolled in 66614
Percentage of Income Payment Plan (PIPP) electric accounts, to 66615
fund targeted energy efficiency and customer education services to 66616
PIPP customers, and to cover the department's administrative costs 66617
related to Universal Service Fund Programs. If it is determined 66618
that additional appropriations are necessary to provide payments 66619
to regulated utility companies for low income customers enrolled 66620
in PIPP electric accounts, such appropriations are subject to 66621
approval by the Controlling Board upon the submission of a request 66622
by the Department of Development. 66623

ADVANCED ENERGY FUND 66624

The foregoing appropriation item 195-660, Advanced Energy 66625
Programs, shall be used to provide financial assistance to 66626
customers for eligible advanced energy projects for residential, 66627
commercial and industrial business, local government, educational 66628
institution, nonprofit, and agriculture customers, and to pay for 66629
the program's administrative costs as provided in the Revised Code 66630
and rules adopted by the Director of Development. 66631

Of the foregoing appropriation item 195-660, Advanced Energy 66632
Programs, up to \$1,500,000 over the biennium shall be used for 66633
methane digester projects in certified territories of electric 66634
distribution utilities and elsewhere throughout the state. 66635

Of the foregoing appropriation item 195-660, Advanced Energy 66636
Programs, up to \$250,000 in each fiscal year shall be used for 66637
grants to school districts under section 3327.17 of the Revised 66638

Code. 66639

By July 1, 2007, or as soon as possible thereafter, the 66640
Director of Budget and Management shall transfer \$90,485 in cash 66641
from the Advanced Energy Fund (Fund 5M5) to the General Revenue 66642
Fund for use by the Division of Geological Survey in the 66643
Department of Natural Resources. The amount of the transfer is 66644
hereby appropriated in GRF appropriation item 728-321, Division of 66645
Geological Survey. 66646

By July 1, 2008, or as soon as possible thereafter, the 66647
Director of Budget and Management shall transfer \$64,557 in cash 66648
from the Advanced Energy Fund (Fund 5M5) to the General Revenue 66649
Fund for use by the Division of Geological Survey in the 66650
Department of Natural Resources. The amount of the transfer is 66651
hereby appropriated in GRF appropriation item 728-321, Division of 66652
Geological Survey. 66653

TRANSFER FROM THE ADVANCED ENERGY FUND TO THE INDUSTRIAL SITE 66654
IMPROVEMENTS FUND 66655

Notwithstanding Chapters 122. and 4928. of the Revised Code 66656
and any other law to the contrary, the Director of Budget and 66657
Management shall transfer \$4,500,000 in cash in fiscal year 2008 66658
and \$4,500,000 in cash in fiscal year 2009 from the Advanced 66659
Energy Fund (Fund 5M5) to the Industrial Site Improvements Fund 66660
(Fund 5AR). 66661

Moneys in Fund 5AR, Industrial Site Improvements, shall be 66662
used by the Director of Development to make grants to eligible 66663
counties for the improvement of commercial or industrial areas 66664
within those counties under section 122.951 of the Revised Code. 66665

TRANSFER FROM THE ADVANCED ENERGY FUND FOR THE COAL 66666
DEVELOPMENT OFFICE 66667

Notwithstanding Chapters 122. and 4928. of the Revised Code 66668
and any other law to the contrary, the Director of Budget and 66669

Management may transfer \$5,595 in fiscal year 2008 and \$23,600 in 66670
fiscal year 2009 from the Advanced Energy Fund (Fund 5M5) to the 66671
General Revenue Fund for use in appropriation item 898-402, Coal 66672
Development Office, in the Air Quality Development Authority. The 66673
amounts of the transfers are hereby appropriated. 66674

GLOBAL ANALYST SETTLEMENT AGREEMENTS PAYMENTS 66675

All payments received by the state pursuant to a series of 66676
settlements with ten brokerage firms reached with the United 66677
States Securities and Exchange Commission, the National 66678
Association of Securities Dealers, the New York Stock Exchange, 66679
the New York Attorney General, and other state regulators 66680
(henceforth referred to as the "Global Analysts Settlement 66681
Agreements"), shall be deposited into the state treasury to the 66682
credit of the Economic Development Contingency Fund (Fund 5Y6), 66683
which is hereby created in the state treasury. The fund shall be 66684
used by the Director of Development to support economic 66685
development projects for which appropriations would not otherwise 66686
be available, and shall be subject to the submission of a request 66687
to the Controlling Board by the Director outlining the planned use 66688
of the funds, and the subsequent approval of the request by the 66689
Controlling Board. 66690

VOLUME CAP ADMINISTRATION 66691

The foregoing appropriation item 195-654, Volume Cap 66692
Administration, shall be used for expenses related to the 66693
administration of the Volume Cap Program. Revenues received by the 66694
Volume Cap Administration Fund (Fund 617) shall consist of 66695
application fees, forfeited deposits, and interest earned from the 66696
custodial account held by the Treasurer of State. 66697

INNOVATION OHIO LOAN FUND 66698

The foregoing appropriation item 195-664, Innovation Ohio, 66699
shall be used to provide for innovation Ohio purposes, including 66700

loan guarantees and loans under Chapter 166. and particularly 66701
sections 166.12 to 166.16 of the Revised Code. 66702

RESEARCH AND DEVELOPMENT 66703

The foregoing appropriation item 195-665, Research and 66704
Development, shall be used to provide for research and development 66705
purposes, including loans, under Chapter 166. and particularly 66706
sections 166.17 to 166.21 of the Revised Code. 66707

Section 263.20.75. TRANSFER FROM THE LOW- AND MODERATE-INCOME 66708
HOUSING TRUST FUND TO THE RESIDENTIAL STATE SUPPLEMENT FUND 66709

Notwithstanding Chapter 175. of the Revised Code and any 66710
other law to the contrary, the Director of Budget and Management 66711
shall transfer \$1,500,000 cash in fiscal year 2008 and \$1,500,000 66712
cash in fiscal year 2009 from the Low- and Moderate-Income Housing 66713
Trust Fund (Fund 646) in the Department of Development to the 66714
Residential State Supplement Fund (Fund 5CH) in the Department of 66715
Mental Health. 66716

Section 263.20.80. FACILITIES ESTABLISHMENT FUND 66717

The foregoing appropriation item 195-615, Facilities 66718
Establishment (Fund 037), shall be used for the purposes of the 66719
Facilities Establishment Fund under Chapter 166. of the Revised 66720
Code. 66721

Notwithstanding Chapter 166. of the Revised Code, an amount 66722
not to exceed \$1,800,000 in cash each fiscal year may be 66723
transferred from the Facilities Establishment Fund (Fund 037) to 66724
the Economic Development Financing Operating Fund (Fund 451). The 66725
transfer is subject to Controlling Board approval under division 66726
(B) of section 166.03 of the Revised Code. 66727

Notwithstanding Chapter 166. of the Revised Code, an amount 66728
not to exceed \$5,475,000 in cash each fiscal year may be 66729

transferred during the biennium from the Facilities Establishment Fund (Fund 037) to the Urban Redevelopment Loans Fund (Fund 5D2) for the purpose of removing barriers to urban core redevelopment. The Director of Development shall develop program guidelines for the transfer and release of funds, including, but not limited to, the completion of all appropriate environmental assessments before state assistance is committed to a project. The transfers shall be subject to approval by the Controlling Board upon the submission of a request by the Department of Development.

Notwithstanding Chapter 166. of the Revised Code, an amount not to exceed \$3,000,000 in cash each fiscal year may be transferred from the Facilities Establishment Fund (Fund 037) to the Rural Industrial Park Loan Fund (Fund 4Z6). The transfer is subject to Controlling Board approval under section 166.03 of the Revised Code.

Notwithstanding Chapter 166. of the Revised Code, of the foregoing appropriation item 195-615, Facilities Establishment, \$1,500,000 in fiscal year 2008 shall be used for business development by any current or future port authority located in Clark County.

Notwithstanding Chapter 166. of the Revised Code, on July 1, 2007, or as soon as possible thereafter, the Director of Budget and Management, at the request of the Director of Development, shall transfer \$5,719,325 cash from the Facilities Establishment Fund (Fund 037) to the General Revenue Fund. Of the amount to be transferred, \$5,352,500 in fiscal year 2008 is hereby appropriated in appropriation item 195-412, Rapid Outreach Grants, and \$366,825 in fiscal year 2008 is hereby appropriated in appropriation item 195-434, Investment in Training Grants.

Notwithstanding Chapter 166. of the Revised Code, on July 1, 2008, or as soon as possible thereafter, the Director of Budget and Management, at the request of the Director of Development,

shall transfer \$6,102,500 cash from the Facilities Establishment Fund (Fund 037) to the General Revenue Fund. The amount transferred is hereby appropriated in appropriation item 195-412, Rapid Outreach Grants, for fiscal year 2009.

Notwithstanding Chapter 166. of the Revised Code, on the first day of July of each year of the biennium, or as soon as possible thereafter, the Director of Budget and Management, at the request of the Director of Development, shall transfer \$4,275,000 cash from the Facilities Establishment Fund (Fund 037) to the Job Development Initiatives Fund (Fund 5AD). The amount transferred is hereby appropriated in each fiscal year in appropriation item 195-677, Economic Development Contingency.

Notwithstanding Chapter 166. of the Revised Code, of the foregoing appropriation item 195-615, Facilities Establishment, \$1,500,000 in fiscal year 2008 shall be used for the City of Toledo's Marina District Development project. Disbursement of funds for this purpose shall not take precedence over any existing obligations from the Facilities Establishment Fund or any other provision in this section.

ALTERNATIVE FUEL TRANSPORTATION GRANT FUND

Notwithstanding Chapter 166. of the Revised Code, an amount not to exceed \$1,000,000 in cash each fiscal year shall be transferred from moneys in the Facilities Establishment Fund (Fund 037) to the Alternative Fuel Transportation Grant Fund (Fund 5CG) in the Department of Development.

RURAL DEVELOPMENT INITIATIVE FUND

(A)(1) The Rural Development Initiative Fund (Fund 5S8) is entitled to receive moneys from the Facilities Establishment Fund (Fund 037). The Director of Development may make grants from the Rural Development Initiative Fund as specified in division (A)(2) of this section to eligible applicants in Appalachian counties and

in rural counties in the state that are designated as distressed 66793
under section 122.25 of the Revised Code. Preference shall be 66794
given to eligible applicants located in Appalachian counties 66795
designated as distressed by the federal Appalachian Regional 66796
Commission. The Rural Development Initiative Fund (Fund 5S8) shall 66797
cease to exist after June 30, 2009. All moneys remaining in the 66798
Fund after that date shall revert to the Facilities Establishment 66799
Fund (Fund 037). 66800

(2) The Director of Development shall make grants from the 66801
Rural Development Initiative Fund (Fund 5S8) only to eligible 66802
applicants who also qualify for and receive funding under the 66803
Rural Industrial Park Loan Program as specified in sections 122.23 66804
to 122.27 of the Revised Code. Eligible applicants shall use the 66805
grants for the purposes specified in section 122.24 of the Revised 66806
Code. All projects supported by grants from the fund are subject 66807
to Chapter 4115. of the Revised Code as specified in division (E) 66808
of section 166.02 of the Revised Code. The Director shall develop 66809
program guidelines for the transfer and release of funds. The 66810
release of grant moneys to an eligible applicant is subject to 66811
Controlling Board approval. 66812

(B) Notwithstanding Chapter 166. of the Revised Code, the 66813
Director of Budget and Management may transfer an amount not to 66814
exceed \$3,000,000 in cash each fiscal year on an as-needed basis 66815
at the request of the Director of Development from the Facilities 66816
Establishment Fund (Fund 037) to the Rural Development Initiative 66817
Fund (Fund 5S8). The transfer is subject to Controlling Board 66818
approval under section 166.03 of the Revised Code. 66819

CAPITAL ACCESS LOAN PROGRAM 66820

The foregoing appropriation item 195-628, Capital Access Loan 66821
Program, shall be used for operating, program, and administrative 66822
expenses of the program. Funds of the Capital Access Loan Program 66823
shall be used to assist participating financial institutions in 66824

making program loans to eligible businesses that face barriers in 66825
accessing working capital and obtaining fixed-asset financing. 66826

Notwithstanding Chapter 166. of the Revised Code, the 66827
Director of Budget and Management may transfer an amount not to 66828
exceed \$3,000,000 in cash each fiscal year on an as-needed basis 66829
at the request of the Director of Development from the Facilities 66830
Establishment Fund (Fund 037) to the Capital Access Loan Program 66831
Fund (Fund 5S9). The transfer is subject to Controlling Board 66832
approval under section 166.03 of the Revised Code. 66833

Section 263.20.90. CLEAN OHIO OPERATING EXPENSES 66834

The foregoing appropriation item 195-663, Clean Ohio 66835
Operating, shall be used by the Department of Development in 66836
administering sections 122.65 to 122.658 of the Revised Code. 66837

THIRD FRONTIER OPERATING 66838

The foregoing appropriation item 195-686, Third Frontier 66839
Operating, shall be used for operating expenses incurred by the 66840
Department of Development in administering sections 184.10 to 66841
184.20 of the Revised Code. 66842

THIRD FRONTIER RESEARCH & DEVELOPMENT PROJECTS AND RESEARCH & 66843
DEVELOPMENT TAXABLE BOND PROJECTS 66844

The foregoing appropriation items 195-687, Third Frontier 66845
Research & Development Projects, and 195-692, Research & 66846
Development Taxable Bond Projects, shall be used by the Department 66847
of Development to fund selected projects pursuant to sections 66848
184.10 to 184.20 of the Revised Code. These projects are 66849
designated as costs of research and development projects to which 66850
the proceeds of the Third Frontier Research and Development Fund 66851
(Fund 011) and the Research & Development Taxable Bond Project 66852
Fund (Fund 014) are to be applied. 66853

Notwithstanding sections 184.10 to 184.20 of the Revised 66854

Code, up to \$8,600,000 in fiscal year 2008 from appropriation item 66855
195-687, Third Frontier Research and Development Projects, and 66856
appropriation item 195-692, Research & Development Taxable Bond 66857
Projects, shall be used by the Office of Information Technology, 66858
in partnership with the Ohio Supercomputer Center's OSCnet, to 66859
acquire the equipment and services necessary to migrate state 66860
agencies' network to the existing OSCnet network backbone. This 66861
state network shall be known as the NextGen Network. 66862

Notwithstanding sections 184.10 to 184.20 of the Revised 66863
Code, up to \$20,000,000 in fiscal year 2009 from the total of the 66864
amounts in appropriation items 195-687, Third Frontier Research & 66865
Development Projects, and 195-692, Research & Development Taxable 66866
Bond Projects, shall be used to fund the Ohio Research Scholars 66867
Program in the Board of Regents pursuant to sections 3333.60 to 66868
3333.70 of the Revised Code. 66869

Notwithstanding sections 184.10 to 184.20 of the Revised 66870
Code, at the direction of the Director of Budget and Management up 66871
to \$18,000,000 in each fiscal year from appropriation item 66872
195-687, Third Frontier Research & Development Projects, and 66873
appropriation item 195-692, Research & Development Taxable Bond 66874
Projects, shall be used to fund the Research Incentive Program in 66875
the Board of Regents. 66876

On or before June 30, 2008, any unencumbered balances of the 66877
foregoing appropriation items 195-687, Third Frontier Research & 66878
Development Projects, and 195-692, Research & Development Taxable 66879
Bond Projects, for fiscal year 2008 are hereby appropriated for 66880
the same purposes for fiscal year 2009. 66881

AUTHORITY TO ISSUE AND SELL ORIGINAL OBLIGATIONS 66882

The Ohio Public Facilities Commission, upon request of the 66883
Department of Development, is hereby authorized to issue and sell, 66884
in accordance with Section 2p of Article VIII, Ohio Constitution, 66885

and particularly sections 151.01 and 151.10 of the Revised Code, 66886
original obligations of the State of Ohio in an aggregate amount 66887
not to exceed \$150,000,000. The authorized obligations shall be 66888
issued and sold from time to time and in amounts necessary to 66889
ensure sufficient moneys to the credit of the Third Frontier 66890
Research & Development Fund (Fund 011) to pay costs of research 66891
and development projects. 66892

JOB READY SITE OPERATING 66893

The foregoing appropriation item 195-688, Job Ready Site 66894
Operating, shall be used for operating expenses incurred by the 66895
Department of Development in administering sections 122.085 to 66896
122.0820 of the Revised Code. Operating expenses include, but are 66897
not limited to, certain expenses of the District Public Works 66898
Integrating Committees, audit and accountability activities, and 66899
costs associated with formal certifications verifying that site 66900
infrastructure is in place and is functional. 66901

Section 263.30.10. UNCLAIMED FUNDS TRANSFER 66902

(A) Notwithstanding division (A) of section 169.05 of the 66903
Revised Code, upon the request of the Director of Budget and 66904
Management, the Director of Commerce, prior to June 30, 2008, 66905
shall transfer to the Job Development Initiatives Fund (Fund 5AD) 66906
an amount not to exceed \$5,000,000 in cash of the unclaimed funds 66907
that have been reported by the holders of unclaimed funds under 66908
section 169.05 of the Revised Code, regardless of the allocation 66909
of the unclaimed funds described under that section. 66910

Notwithstanding division (A) of section 169.05 of the Revised 66911
Code, upon the request of the Director of Budget and Management, 66912
the Director of Commerce, prior to June 30, 2009, shall transfer 66913
to the Job Development Initiatives Fund (Fund 5AD) an amount not 66914
to exceed \$24,400,000 in cash of the unclaimed funds that have 66915
been reported by the holders of unclaimed funds under section 66916

169.05 of the Revised Code, regardless of the allocation of the 66917
unclaimed funds described under that section. 66918

(B) Notwithstanding division (A) of section 169.05 of the 66919
Revised Code, upon the request of the Director of Budget and 66920
Management, the Director of Commerce, prior to June 30, 2008, 66921
shall transfer to the State Special Projects Fund (Fund 4F2) an 66922
amount not to exceed \$2,500,000 of the unclaimed funds that have 66923
been reported by the holders of unclaimed funds under section 66924
169.05 of the Revised Code, regardless of the allocation of the 66925
unclaimed funds described under that section. 66926

Notwithstanding division (A) of section 169.05 of the Revised 66927
Code, upon the request of the Director of Budget and Management, 66928
the Director of Commerce, prior to June 30, 2009, shall transfer 66929
to the State Special Projects Fund (Fund 4F2) an amount not to 66930
exceed \$2,500,000 in cash of the unclaimed funds that have been 66931
reported by the holders of unclaimed funds under section 169.05 of 66932
the Revised Code, regardless of the allocation of the unclaimed 66933
funds described under that section. 66934

Section 263.30.20. WORKFORCE DEVELOPMENT 66935

The Director of Development and the Director of Job and 66936
Family Services may enter into one or more interagency agreements 66937
between the two departments, hire staff, transfer staff, assign 66938
duties to staff, enter into contracts, transfer assets, and take 66939
other actions the directors consider necessary to provide services 66940
and assistance as necessary to integrate workforce development 66941
into a larger economic development strategy, to implement the 66942
recommendations of the Workforce Policy Board, and to perform 66943
activities related to the transition of the administration of 66944
employment programs identified by the board. Subject to the 66945
approval of the Director of Budget and Management, the Department 66946
of Development and the Department of Job and Family Services may 66947

expend funds to support the recommendations of the Workforce 66948
Policy Board in the area of integration of employment functions as 66949
described in this paragraph and to provide implementation and 66950
transition activities from the appropriations to those 66951
departments. 66952

Section 263.30.30. COMMISSION ON THE FUTURE OF HEALTH CARE 66953
EDUCATION AND PHYSICIAN RETENTION IN NW OH 66954

(A) Whereas, There is a physician shortage, particularly in 66955
certain specialties, that is predicted to worsen within the next 66956
decade; and 66957

Whereas, This shortage may worsen as a result of, among other 66958
factors, fewer than ten per cent of new graduates from the 66959
University of Toledo who choose to continue their training in 66960
northwest Ohio; and 66961

Whereas, Many of the problems confronting physician training 66962
at the graduate medical education level are already manifest in 66963
northwest Ohio; and 66964

Whereas, It is prudent to examine the physician shortage 66965
using northwest Ohio as a microcosm for the entire state of Ohio; 66966
now therefore be it 66967

Resolved by the Ohio General Assembly that there is hereby 66968
created the Commission on the Future of Health Care Education and 66969
Physician Retention in NW OH. 66970

(B) The Commission shall be composed of the following 66971
members: 66972

(1) Six representatives of health care providers in northwest 66973
Ohio, none of whom shall be from the same organization; 66974

(2) Six representatives of the health care profession in 66975
northwest Ohio, composed of the following individuals: 66976

(a) One from the College of Medicine at the University of Toledo;	66977 66978
(b) One from the northwest Ohio chapter of the Ohio Nurses Association;	66979 66980
(c) One from the Academy of Medicine of Toledo and Lucas County;	66981 66982
(d) One from the Northwest Ohio Pediatric Society;	66983
(e) One geriatric medicine physician; and	66984
(f) One osteopathic physician affiliated with Ohio University College of Osteopathic Medicine.	66985 66986
(3) Three representatives from northwest Ohio business and labor organizations, composed of the following individuals:	66987 66988
(a) One from the Toledo Area Regional Chamber of Commerce;	66989
(b) One from the labor community of northwest Ohio; and	66990
(c) One from the health insurance industry.	66991
(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.	66992 66993 66994
(5) Nine representatives of state and local government, composed of the following individuals:	66995 66996
(a) Two members of the Ohio House of Representatives, one from the minority party and one from the majority party;	66997 66998
(b) Two members of the Ohio Senate, one from the minority party and one from the majority party;	66999 67000
(c) One township trustee of northwest Ohio;	67001
(d) Two representatives of northwest Ohio municipal corporations, only one of whom shall be from the City of Toledo;	67002 67003
(e) Two representatives of county commissioners, only one of	67004

whom shall be from Lucas County. 67005

(C) Members of the committee shall be appointed as follows: 67006

(1) For those members described in divisions (B)(1) and (2) 67007
of this section, two each by the Governor, the Speaker of the 67008
House of Representatives, and the President of the Senate; 67009

(2) For those members described in divisions (B)(3) and (4) 67010
of this section, one each by the Governor, the Speaker of the 67011
House of Representatives, and the President of the Senate; 67012

(3) For those members described in division (B)(5), three 67013
each by the Governor, the Speaker of the House of Representatives, 67014
and the President of the Senate. 67015

(D) Members of the Commission shall be appointed not later 67016
than 30 days after the effective date of this section and shall 67017
first meet not later than 30 days after all appointments have been 67018
made. At its first meeting, the commission shall elect from among 67019
its members who are members of the Senate and House of 67020
Representatives a chairperson and vice-chairperson. 67021

Members of the commission shall serve without compensation, 67022
but may solicit on behalf of the Commission public and private 67023
funds to defray any costs of the Commission. The Commission shall 67024
meet at the call of the chairperson to conduct its official 67025
business. A majority of members shall constitute a quorum and a 67026
quorum shall be necessary to conduct any activities of the 67027
Commission. 67028

(E) The Toledo Community Foundation or a similar organization 67029
shall provide meeting space and administrative support for the 67030
Commission. The Ohio Board of Regents shall serve as a resource to 67031
the Commission. 67032

(F) The Commission shall prepare a report that examines and 67033
makes recommendations regarding the graduate medical education 67034

system in northwest Ohio, including:	67035
(1) Ways to increase the number and retention of medical graduates in northwest Ohio;	67036
(2) The status of the health care workforce in northwest Ohio;	67038
(3) The role of the University of Toledo in the health care education of the surrounding region;	67040
(4) Potential changes in federal and state statutes and rules regarding Medicaid support of graduate medical education; and	67042
(5) Policy initiatives that the Governor and General Assembly may consider to strengthen graduate medical education opportunities and physician retention in northwest Ohio.	67044
(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.	67047
Section 265.10. OBD OHIO BOARD OF DIETETICS	67048
General Services Fund Group	67049
4K9 860-609 Operating Expenses \$ 342,501 \$ 348,964	67050
TOTAL GSF General Services Fund Group	67051
\$ 342,501 \$ 348,964	67052
TOTAL ALL BUDGET FUND GROUPS \$ 342,501 \$ 348,964	67053
Section 267.10. CDR COMMISSION ON DISPUTE RESOLUTION AND CONFLICT MANAGEMENT	67054
General Revenue Fund	67055
GRF 145-401 Commission Operations \$ 455,123 \$ 460,000	67056
TOTAL GRF General Revenue Fund \$ 455,123 \$ 460,000	67057

General Services Fund Group				67064
4B6 145-601 Dispute Resolution	\$	140,000	\$ 140,000	67065
Programs				
TOTAL GSF General Services Fund	\$	140,000	\$ 140,000	67066
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	595,123	\$ 600,000	67067
 Section 269.10. EDU DEPARTMENT OF EDUCATION				67069
General Revenue Fund				67070
GRF 200-100 Personal Services	\$	11,533,494	\$ 12,110,169	67071
GRF 200-320 Maintenance and	\$	4,549,479	\$ 4,778,203	67072
Equipment				
GRF 200-408 Early Childhood	\$	31,002,195	\$ 36,502,195	67073
Education				
GRF 200-410 Educator Training	\$	19,628,817	\$ 20,628,817	67074
GRF 200-416 Career-Technical	\$	2,233,195	\$ 2,233,195	67075
Education Match				
GRF 200-420 Computer/Application/	\$	5,536,362	\$ 5,793,700	67076
Network Development				
GRF 200-421 Alternative Education	\$	14,910,665	\$ 12,910,665	67077
Programs				
GRF 200-422 School Management	\$	3,360,572	\$ 3,375,572	67078
Assistance				
GRF 200-424 Policy Analysis	\$	556,687	\$ 556,687	67079
GRF 200-425 Tech Prep Consortia	\$	2,069,217	\$ 2,069,217	67080
Support				
GRF 200-426 Ohio Educational	\$	30,446,197	\$ 30,446,197	67081
Computer Network				
GRF 200-427 Academic Standards	\$	7,197,730	\$ 7,197,730	67082
GRF 200-431 School Improvement	\$	21,589,235	\$ 21,924,235	67083
Initiatives				
GRF 200-433 Literacy	\$	15,765,000	\$ 15,765,000	67084

	Improvement-Professional Development			
GRF 200-437	Student Assessment	\$ 77,150,819	\$ 76,387,144	67085
GRF 200-439	Accountability/Report	\$ 7,096,040	\$ 8,223,540	67086
	Cards			
GRF 200-442	Child Care Licensing	\$ 1,302,495	\$ 1,302,495	67087
GRF 200-446	Education Management	\$ 16,110,510	\$ 16,586,082	67088
	Information System			
GRF 200-447	GED Testing	\$ 1,544,360	\$ 1,544,360	67089
GRF 200-448	Educator Preparation	\$ 1,301,000	\$ 1,301,000	67090
GRF 200-455	Community Schools	\$ 1,533,661	\$ 1,533,661	67091
GRF 200-457	STEM Initiatives	\$ 10,000,000	\$ 10,000,000	67092
GRF 200-502	Pupil Transportation	\$ 424,783,117	\$ 429,030,948	67093
GRF 200-503	Bus Purchase Allowance	\$ 14,000,000	\$ 14,000,000	67094
GRF 200-505	School Lunch Match	\$ 8,998,025	\$ 8,998,025	67095
GRF 200-509	Adult Literacy	\$ 8,669,738	\$ 8,669,738	67096
	Education			
GRF 200-511	Auxiliary Services	\$ 131,740,457	\$ 135,692,670	67097
GRF 200-514	Postsecondary Adult	\$ 19,481,875	\$ 19,481,875	67098
	Career-Technical Education			
GRF 200-521	Gifted Pupil Program	\$ 47,608,030	\$ 48,008,613	67099
GRF 200-532	Nonpublic	\$ 59,810,517	\$ 61,604,832	67100
	Administrative Cost Reimbursement			
GRF 200-536	Ohio Core Support	\$ 7,700,000	\$ 15,125,000	67101
GRF 200-540	Special Education	\$ 138,619,945	\$ 139,756,839	67102
	Enhancements			
GRF 200-545	Career-Technical	\$ 9,298,651	\$ 9,373,926	67103
	Education Enhancements			
GRF 200-550	Foundation Funding	\$ 5,761,699,328	\$ 6,034,943,246	67104
GRF 200-566	Literacy	\$ 12,062,336	\$ 12,062,336	67105
	Improvement-Classroom			

		Grants				
GRF	200-578	Violence Prevention and School Safety	\$	1,218,555	\$	1,218,555 67106
GRF	200-901	Property Tax Allocation - Education	\$	794,583,404	\$	850,868,654 67107
GRF	200-906	Tangible Tax Exemption - Education	\$	21,415,244	\$	10,707,622 67108
TOTAL GRF		General Revenue Fund	\$	7,748,106,952	\$	8,092,712,743 67109
		General Services Fund Group				67110
138	200-606	Computer Services-Operational Support	\$	7,600,091	\$	7,600,091 67111
4D1	200-602	Ohio Prevention/Education Resource Center	\$	832,000	\$	832,000 67112
4L2	200-681	Teacher Certification and Licensure	\$	5,966,032	\$	6,323,994 67113
452	200-638	Miscellaneous Educational Services	\$	273,166	\$	279,992 67114
5H3	200-687	School District Solvency Assistance	\$	18,000,000	\$	18,000,000 67115
596	200-656	Ohio Career Information System	\$	529,761	\$	529,761 67116
TOTAL GSF		General Services Fund Group	\$	33,201,050	\$	33,565,838 67117
		Federal Special Revenue Fund Group				67118
3AF	200-603	Schools Medicaid Administrative Claims	\$	486,000	\$	639,000 67119
3BK	200-628	Longitudinal Data Systems	\$	1,795,570	\$	307,050 67120
3BV	200-636	Character Education	\$	700,000	\$	700,000 67121
3CF	200-644	Foreign Language	\$	85,000	\$	285,000 67122
						67123

		Assistance				
3CG	200-646	Teacher Incentive Fund	\$	6,552,263	\$	3,994,338 67124
3C5	200-661	Early Childhood	\$	18,989,779	\$	18,989,779 67125
		Education				
3D1	200-664	Drug Free Schools	\$	13,347,966	\$	13,347,966 67126
3D2	200-667	Honors Scholarship	\$	6,573,968	\$	6,665,000 67127
		Program				
3H9	200-605	Head Start	\$	275,000	\$	275,000 67128
		Collaboration Project				
3L6	200-617	Federal School Lunch	\$	244,714,211	\$	249,903,970 67129
3L7	200-618	Federal School	\$	63,927,606	\$	69,041,814 67130
		Breakfast				
3L8	200-619	Child/Adult Food	\$	69,280,946	\$	70,691,653 67131
		Programs				
3L9	200-621	Career-Technical	\$	48,029,701	\$	48,029,701 67132
		Education Basic Grant				
3M0	200-623	ESEA Title 1A	\$	415,000,000	\$	420,000,000 67133
3M1	200-678	Innovative Education	\$	5,369,100	\$	5,363,706 67134
3M2	200-680	Individuals with	\$	500,000,000	\$	405,000,000 67135
		Disabilities Education				
		Act				
3S2	200-641	Education Technology	\$	10,000,000	\$	5,000,000 67136
3T4	200-613	Public Charter Schools	\$	13,850,827	\$	14,212,922 67137
3Y2	200-688	21st Century Community	\$	30,681,554	\$	30,681,554 67138
		Learning Centers				
3Y4	200-632	Reading First	\$	35,215,798	\$	31,215,798 67139
3Y6	200-635	Improving Teacher	\$	102,692,685	\$	102,698,246 67140
		Quality				
3Y7	200-689	English Language	\$	8,000,000	\$	8,000,000 67141
		Acquisition				
3Y8	200-639	Rural and Low Income	\$	1,500,000	\$	1,500,000 67142
		Technical Assistance				
3Z2	200-690	State Assessments	\$	12,883,799	\$	12,883,799 67143

3Z3	200-645	Consolidated Federal Grant Administration	\$	8,500,000	\$	8,500,000	67144
309	200-601	Educationally Disadvantaged Programs	\$	12,750,000	\$	8,750,000	67145
366	200-604	Adult Basic Education	\$	19,425,000	\$	20,396,250	67146
367	200-607	School Food Services	\$	5,849,748	\$	6,088,737	67147
368	200-614	Veterans' Training	\$	710,373	\$	745,892	67148
369	200-616	Career-Technical Education Federal Enhancement	\$	5,000,000	\$	5,000,000	67149
370	200-624	Education of Exceptional Children	\$	1,811,520	\$	575,454	67150
374	200-647	Troops to Teachers	\$	100,000	\$	100,000	67151
378	200-660	Learn and Serve	\$	1,561,954	\$	1,561,954	67152
TOTAL FED Federal Special							67153
Revenue Fund Group			\$	1,665,660,368	\$	1,571,144,583	67154
State Special Revenue Fund Group							67155
4R7	200-695	Indirect Operational Support	\$	5,449,748	\$	5,810,464	67156
4V7	200-633	Interagency Operational Support	\$	392,100	\$	376,423	67157
454	200-610	Guidance and Testing	\$	400,000	\$	400,000	67158
455	200-608	Commodity Foods	\$	24,000,000	\$	24,000,000	67159
5BB	200-696	State Action for Education Leadership	\$	1,250,000	\$	1,250,000	67160
5BJ	200-626	Half-Mill Maintenance Equalization	\$	10,700,000	\$	10,700,000	67161
5U2	200-685	National Education Statistics	\$	300,000	\$	300,000	67162
5W2	200-663	Early Learning Initiative	\$	2,200,000	\$	2,200,000	67163
598	200-659	Auxiliary Services Reimbursement	\$	1,328,910	\$	1,328,910	67164

620	200-615	Educational	\$	3,000,000	\$	3,000,000	67165
		Improvement Grants					
TOTAL SSR State Special Revenue							67166
Fund Group			\$	49,020,758	\$	49,365,797	67167
Lottery Profits Education Fund Group							67168
017	200-612	Foundation Funding	\$	635,198,000	\$	667,900,000	67169
017	200-682	Lease Rental Payment	\$	22,702,000	\$	0	67170
		Reimbursement					
TOTAL LPE Lottery Profits							67171
Education Fund Group			\$	657,900,000	\$	667,900,000	67172
Revenue Distribution Fund Group							67173
047	200-909	School District	\$	611,596,856	\$	763,316,819	67174
		Property Tax					
		Replacement-Business					
053	200-900	School District	\$	91,123,523	\$	91,123,523	67175
		Property Tax					
		Replacement-Utility					
TOTAL RDF Revenue Distribution							67176
Fund Group			\$	702,720,379	\$	854,440,342	67177
TOTAL ALL BUDGET FUND GROUPS							67178
			\$	10,856,609,507	\$	11,269,129,303	

Section 269.10.10. PERSONAL SERVICES 67180

The foregoing appropriation item 200-100, Personal Services, 67181
 may be used to pay fees for the Department's membership in the 67182
 Education Commission of the States, an interstate nonprofit, 67183
 nonpartisan organization that supports states with the development 67184
 of education policy. 67185

Of the foregoing appropriation item 200-100, Personal 67186
 Services, up to \$25,000 may be expended in each fiscal year for 67187
 the State Board of Education to pay for outside professionals to 67188
 help inform the Board on topics of education policy. 67189

Section 269.10.20. EARLY CHILDHOOD EDUCATION 67190

The Department of Education shall distribute the foregoing 67191
appropriation item 200-408, Early Childhood Education, to pay the 67192
costs of early childhood education programs. 67193

(A) As used in this section: 67194

(1) "Provider" means a city, local, exempted village, or 67195
joint vocational school district, or an educational service 67196
center. 67197

(2) In the case of a city, local, or exempted village school 67198
district, "new eligible provider" means a district that is 67199
eligible for poverty-based assistance under section 3317.029 of 67200
the Revised Code. 67201

(3) "Eligible child" means a child who is at least three 67202
years of age, is not of the age to be eligible for kindergarten, 67203
and whose family earns not more than two hundred per cent of the 67204
federal poverty guidelines. 67205

(B) In each fiscal year, up to two per cent of the total 67206
appropriation may be used by the Department for program support 67207
and technical assistance. The Department shall distribute the 67208
remainder of the appropriation in each fiscal year to serve 67209
eligible children. 67210

(C) The Department shall provide an annual report to the 67211
Governor, the Speaker of the House of Representatives, and the 67212
President of the Senate and post the report to the Department's 67213
web site, regarding early childhood education programs operated 67214
under this section and the early learning program guidelines for 67215
school readiness. 67216

(D) After setting aside the amounts to make payments due from 67217
the previous fiscal year, in fiscal year 2008, the Department 67218
shall distribute funds first to recipients of funds for early 67219

childhood education programs under Section 206.09.06 of Am. Sub. 67220
H.B. 66 of the 126th General Assembly in the previous fiscal year 67221
and the balance to new eligible providers of early childhood 67222
education programs under this section. However, the total amount 67223
of funds distributed in fiscal year 2008 to all providers that 67224
received funds for early childhood education programs in fiscal 67225
year 2007 shall not exceed \$18,622,151, unless the number of new 67226
eligible providers that notifies the Department of their interest 67227
in establishing early childhood education programs is insufficient 67228
to expend all available funding. In that case, the Department may 67229
direct available funding to providers that received funds for 67230
early childhood education programs in fiscal year 2007 for 67231
purposes of program expansion, improvement, or special projects to 67232
promote quality and innovation. 67233

After setting aside the amounts to make payments due from the 67234
previous fiscal year, in fiscal year 2009, the Department shall 67235
distribute funds first to providers of early childhood education 67236
programs under this section in the previous fiscal year and the 67237
balance to new eligible providers. However, the total amount of 67238
funds distributed in fiscal year 2009 to all providers that 67239
received funds for early childhood education programs in fiscal 67240
year 2007 shall not exceed \$18,622,151, unless the number of 67241
providers that received funding in fiscal year 2008 and new 67242
eligible providers that notify the Department of their interest in 67243
establishing early childhood education programs is insufficient to 67244
expend all available funding. In that case, the Department may 67245
direct available funding to providers that received funds for 67246
early childhood education programs in fiscal year 2007 or 2008 for 67247
purposes of program expansion, improvement, or special projects to 67248
promote quality and innovation. 67249

In each of fiscal years 2008 and 2009, if funding is 67250
insufficient to serve all new eligible providers that notify the 67251

Department of their interest in establishing early childhood 67252
education programs, the Department shall determine which of those 67253
providers will receive funds using a selection process that first 67254
gives preference to providers that, as of March 15, 2007, did not 67255
offer early childhood education programs, but that had offered 67256
early childhood education programs or public preschool programs 67257
for some time after June 30, 2000, and second to providers that 67258
demonstrate a need for early childhood education programs, as 67259
determined by the Department. Demonstration of need shall include 67260
having higher rates of eligible children to be served. 67261

Awards under this section shall be distributed on a per-pupil 67262
basis, and in accordance with division (H) of this section. The 67263
Department may adjust the per-pupil amount so that the per-pupil 67264
amount multiplied by the number of eligible children enrolled and 67265
receiving services, as defined by the Department, reported on the 67266
first day of December or the first business day following that 67267
date equals the amount allocated under this section. 67268

(E) Costs for developing and administering an early childhood 67269
education program may not exceed fifteen per cent of the total 67270
approved costs of the program. 67271

All providers shall maintain such fiscal control and 67272
accounting procedures as may be necessary to ensure the 67273
disbursement of, and accounting for, these funds. The control of 67274
funds provided in this program, and title to property obtained 67275
therefrom, shall be under the authority of the approved provider 67276
for purposes provided in the program unless, as described in 67277
division (J) of this section, the program waives its right for 67278
funding or a program's funding is eliminated or reduced due to its 67279
inability to meet financial or early learning program guidelines 67280
for school readiness. The approved provider shall administer and 67281
use such property and funds for the purposes specified. 67282

(F) The Department may examine a provider's financial and 67283

program records. If the financial practices of the program are not 67284
in accordance with standard accounting principles or do not meet 67285
financial standards outlined under division (E) of this section, 67286
or if the program fails to substantially meet the early learning 67287
program guidelines for school readiness or exhibits below average 67288
performance as measured against the guidelines, the early 67289
childhood education program shall propose and implement a 67290
corrective action plan that has been approved by the Department. 67291
The approved corrective action plan shall be signed by the chief 67292
executive officer and the executive of the official governing body 67293
of the provider. The corrective action plan shall include a 67294
schedule for monitoring by the Department. Such monitoring may 67295
include monthly reports, inspections, a timeline for correction of 67296
deficiencies, and technical assistance to be provided by the 67297
Department or obtained by the early childhood education program. 67298
The Department may withhold funding pending corrective action. If 67299
an early childhood education program fails to satisfactorily 67300
complete a corrective action plan, the Department may deny 67301
expansion funding to the program or withdraw all or part of the 67302
funding to the program and establish a new eligible provider 67303
through a selection process established by the Department. 67304

(G) Each early childhood education program shall do all of 67305
the following: 67306

(1) Meet teacher qualification requirements prescribed by 67307
section 3301.311 of the Revised Code; 67308

(2) Align curriculum to the early learning content standards; 67309

(3) Meet any assessment requirements prescribed by section 67310
3301.0715 of the Revised Code that are applicable to the program; 67311

(4) Require teachers, except teachers enrolled and working to 67312
obtain a degree pursuant to section 3301.311 of the Revised Code, 67313
to attend a minimum of twenty hours every two years of 67314

professional development as prescribed by the Department regarding 67315
the implementation of early learning program guidelines for school 67316
readiness; 67317

(5) Document and report child progress; 67318

(6) Meet and report compliance with the early learning 67319
program guidelines for school readiness; 67320

(7) Participate in early language and literacy classroom 67321
observation evaluation studies. 67322

(H) This division applies only to early childhood education 67323
programs established on or after March 15, 2007. 67324

Per-pupil funding for programs subject to this division shall 67325
be sufficient to provide eligible children with services for 67326
one-half of the statewide average length of the school day, as 67327
determined by the Department, for one hundred eighty-two days each 67328
school year. Nothing in this section shall be construed to 67329
prohibit program providers from utilizing other funds to serve 67330
eligible children in programs that exceed the statewide average 67331
length of the school day or that exceed one hundred eighty-two 67332
days in a school year. 67333

(I) Each provider shall develop a sliding fee scale based on 67334
family incomes and shall charge families who earn more than the 67335
federal poverty guidelines for the early childhood education 67336
program. 67337

(J) If an early childhood education program voluntarily 67338
waives its right for funding, or has its funding eliminated for 67339
not meeting financial standards or the early learning program 67340
guidelines for school readiness, the provider shall transfer 67341
control of title to property, equipment, and remaining supplies 67342
obtained through the program to providers designated by the 67343
Department and return any unexpended funds to the Department along 67344
with any reports prescribed by the Department. The funding made 67345

available from a program that waives its right for funding or has 67346
its funding eliminated or reduced may be used by the Department 67347
for new grant awards or expansion grants. The Department may award 67348
new grants or expansion grants to eligible providers who apply. 67349
The eligible providers who apply must do so in accordance with the 67350
selection process established by the Department. 67351

(K) As used in this section, "early learning program 67352
guidelines for school readiness" means the guidelines established 67353
by the Department pursuant to division (C)(3) of Section 206.09.54 67354
of Am. Sub. H.B. 66 of the 126th General Assembly. 67355

Section 269.10.30. EDUCATOR TRAINING 67356

The foregoing appropriation item 200-410, Educator Training, 67357
shall be used to fund professional development programs in Ohio. 67358
The Department of Education shall, when possible, incorporate 67359
cultural competency as a component of professional development and 67360
actively promote the development of cultural competency in the 67361
operation of its professional development programs. As used in 67362
this section, "cultural competency" has the meaning specified by 67363
the Educator Standards Board under section 3319.61 of the Revised 67364
Code. 67365

Of the foregoing appropriation item 200-410, Educator 67366
Training, up to \$9,250,000 in fiscal year 2008 and up to 67367
\$10,250,000 in fiscal year 2009 shall be used by the Department of 67368
Education to provide grants to pay \$2,225 of the application fee 67369
in order to assist teachers from public and chartered nonpublic 67370
schools applying for the first time to the National Board for 67371
Professional Teaching Standards for professional teaching 67372
certificates or licenses that the board offers. These moneys shall 67373
be used to pay up to the first 400 applications in each fiscal 67374
year received by the Department. This set aside shall also be used 67375
to recognize and reward teachers who become certified by the 67376

National Board for Professional Teaching Standards under section 67377
3319.55 of the Revised Code. Up to \$300,000 in each fiscal year of 67378
this set aside may be used by the Department to pay for costs 67379
associated with activities to support candidates through the 67380
application and certification process. Up to \$39,500 of this set 67381
aside in each fiscal year may be used to support the application 67382
fee for candidates participating in the Take One program for 67383
beginning teachers in years two and three. 67384

Of the foregoing appropriation item 200-410, Educator 67385
Training, up to \$9,515,817 in each fiscal year shall be allocated 67386
for entry year teacher and principal programs. These funds shall 67387
be used to support mentoring services and performance assessments 67388
of beginning teachers and principals in school districts and 67389
chartered nonpublic schools. 67390

Of the foregoing appropriation item 200-410, Educator 67391
Training, up to \$200,000 in each fiscal year shall be used to 67392
provide technical assistance and grants for districts to develop 67393
local knowledge/skills-based compensation systems. Each district 67394
receiving grants shall issue an annual report to the Department of 67395
Education detailing the use of the funds and the impact of the 67396
system developed by the district. 67397

Of the foregoing appropriation item 200-410, Educator 67398
Training, up to \$350,000 in each fiscal year shall be used for 67399
training and professional development of school administrators, 67400
school treasurers, and school business officials. 67401

Of the foregoing appropriation item 200-410, Educator 67402
Training, up to \$63,000 in each fiscal year shall be used to 67403
support the Ohio University Leadership Program. 67404

Of the foregoing appropriation item 200-410, Educator 67405
Training, \$250,000 in each fiscal year shall be used to support 67406
the Ohio School Leadership Institute. 67407

Section 269.10.40. CAREER-TECHNICAL EDUCATION MATCH 67408

The foregoing appropriation item 200-416, Career-Technical 67409
Education Match, shall be used by the Department of Education to 67410
provide vocational administration matching funds under 20 U.S.C. 67411
2311. 67412

COMPUTER/APPLICATION/NETWORK DEVELOPMENT 67413

The foregoing appropriation item 200-420, 67414
Computer/Application/Network Development, shall be used to support 67415
the development and implementation of information technology 67416
solutions designed to improve the performance and services of the 67417
Department of Education. Funds may be used for personnel, 67418
maintenance, and equipment costs related to the development and 67419
implementation of these technical system projects. Implementation 67420
of these systems shall allow the Department to provide greater 67421
levels of assistance to school districts and to provide more 67422
timely information to the public, including school districts, 67423
administrators, and legislators. Funds may also be used to support 67424
data-driven decision-making and differentiated instruction, as 67425
well as to communicate academic content standards and curriculum 67426
models to schools through web-based applications. 67427

Section 269.10.50. ALTERNATIVE EDUCATION PROGRAMS 67428

There is hereby created the Alternative Education Advisory 67429
Council, which shall consist of one representative from each of 67430
the following agencies: the Ohio Department of Education; the 67431
Department of Youth Services; the Ohio Department of Alcohol and 67432
Drug Addiction Services; the Department of Mental Health; the 67433
Office of the Governor or, at the Governor's discretion, the 67434
Office of the Lieutenant Governor; the Office of the Attorney 67435
General; and the Office of the Auditor of State. 67436

Of the foregoing appropriation item 200-421, Alternative 67437

Education Programs, up to \$6,227,310 in each fiscal year shall be 67438
used for the renewal of successful implementation grants and for 67439
competitive matching grants to the 21 urban school districts as 67440
defined in division (0) of section 3317.02 of the Revised Code as 67441
it existed prior to July 1, 1998, and up to \$6,161,074 in each 67442
fiscal year shall be used for the renewal of successful 67443
implementation grants and for competitive matching grants to rural 67444
and suburban school districts for alternative educational programs 67445
for existing and new at-risk and delinquent youth. Programs shall 67446
be focused on youth in one or more of the following categories: 67447
those who have been expelled or suspended, those who have dropped 67448
out of school or who are at risk of dropping out of school, those 67449
who are habitually truant or disruptive, or those on probation or 67450
on parole from a Department of Youth Services facility. Grants 67451
shall be awarded according to the criteria established by the 67452
Alternative Education Advisory Council in 1999. Grants shall be 67453
awarded only to programs in which the grant will not serve as the 67454
program's primary source of funding. These grants shall be 67455
administered by the Department of Education. 67456

The Department of Education may waive compliance with any 67457
minimum education standard established under section 3301.07 of 67458
the Revised Code for any alternative school that receives a grant 67459
under this section on the grounds that the waiver will enable the 67460
program to more effectively educate students enrolled in the 67461
alternative school. 67462

Of the foregoing appropriation item 200-421, Alternative 67463
Education Programs, up to \$322,281 in each fiscal year may be used 67464
for program administration, monitoring, technical assistance, 67465
support, research, and evaluation. Any unexpended balance may be 67466
used to provide additional matching grants to urban, suburban, or 67467
rural school districts as outlined above. 67468

Of the foregoing appropriation item 200-421, Alternative 67469

Education Programs, \$100,000 in each fiscal year shall be used to 67470
support the Toledo Tech Academy. Of this amount, \$25,000 in each 67471
fiscal year shall be used by the Toledo Tech Academy to enhance 67472
and establish For Inspiration and Recognition in Science and 67473
Technology programs. (F.I.R.S.T.) 67474

Of the foregoing appropriation item 200-421, Alternative 67475
Education Programs, \$2,000,000 in fiscal year 2008 shall be used 67476
to support Improved Solutions for Urban Students (ISUS) in 67477
Dayton/Sinclair Youth Initiative. 67478

Of the foregoing appropriation item 200-421, Alternative 67479
Education Programs, \$100,000 in each fiscal year shall be provided 67480
to the Cincinnati Arts and Technology Center to increase program 67481
support for high-risk teens and unemployed urban adults. 67482

Section 269.10.60. SCHOOL MANAGEMENT ASSISTANCE 67483

Of the foregoing appropriation item 200-422, School 67484
Management Assistance, up to \$1,715,000 in each fiscal year shall 67485
be used by the Auditor of State in consultation with the 67486
Department of Education for expenses incurred in the Auditor of 67487
State's role relating to fiscal caution, fiscal watch, and fiscal 67488
emergency activities as defined in Chapter 3316. of the Revised 67489
Code and may also be used to conduct performance audits with 67490
priority given to districts in fiscal distress. Expenses include 67491
duties related to the completion of performance audits for school 67492
districts that the Superintendent of Public Instruction determines 67493
are employing fiscal practices or experiencing budgetary 67494
conditions that could produce a state of fiscal watch or fiscal 67495
emergency. 67496

Of the foregoing appropriation item 200-422, School 67497
Management Assistance, up to \$250,000 in each fiscal year shall be 67498
used by the Department of Education to work with school districts 67499
and entities that serve school districts to develop and deploy 67500

analytical tools that allow districts and other stakeholders to 67501
analyze more thoroughly district spending patterns in order to 67502
promote more effective and efficient use of resources. Quarterly 67503
updates of the progress for implementation of these tools shall be 67504
provided to the Governor, and the Department shall give due 67505
diligence to implementing these tools in the shortest reasonable 67506
timeline. 67507

The remainder of foregoing appropriation item 200-422, School 67508
Management Assistance, shall be used by the Department of 67509
Education to provide fiscal technical assistance and inservice 67510
education for school district management personnel and to 67511
administer, monitor, and implement the fiscal watch and fiscal 67512
emergency provisions under Chapter 3316. of the Revised Code. 67513

Section 269.10.70. POLICY ANALYSIS 67514

The foregoing appropriation item 200-424, Policy Analysis, 67515
shall be used by the Department of Education to support a system 67516
of administrative, statistical, and legislative education 67517
information to be used for policy analysis. Staff supported by 67518
this appropriation shall administer the development of reports, 67519
analyses, and briefings to inform education policymakers of 67520
current trends in education practice, efficient and effective use 67521
of resources, and evaluation of programs to improve education 67522
results. The database shall be kept current at all times. These 67523
research efforts shall be used to supply information and analysis 67524
of data to the General Assembly and other state policymakers, 67525
including the Office of Budget and Management and the Legislative 67526
Service Commission. 67527

The Department of Education may use funding from this 67528
appropriation item to purchase or contract for the development of 67529
software systems or contract for policy studies that will assist 67530
in the provision and analysis of policy-related information. 67531

Funding from this appropriation item also may be used to monitor 67532
and enhance quality assurance for research-based policy analysis 67533
and program evaluation to enhance the effective use of education 67534
information to inform education policymakers. 67535

TECH PREP CONSORTIA SUPPORT 67536

The foregoing appropriation item 200-425, Tech Prep Consortia 67537
Support, shall be used by the Department of Education to support 67538
state-level activities designed to support, promote, and expand 67539
tech prep programs. Use of these funds shall include, but not be 67540
limited to, administration of grants, program evaluation, 67541
professional development, curriculum development, assessment 67542
development, program promotion, communications, and statewide 67543
coordination of tech prep consortia. 67544

Section 269.10.80. OHIO EDUCATIONAL COMPUTER NETWORK 67545

The foregoing appropriation item 200-426, Ohio Educational 67546
Computer Network, shall be used by the Department of Education to 67547
maintain a system of information technology throughout Ohio and to 67548
provide technical assistance for such a system in support of the 67549
State Education Technology Plan under section 3301.07 of the 67550
Revised Code. 67551

Of the foregoing appropriation item 200-426, Ohio Educational 67552
Computer Network, up to \$18,136,691 in each fiscal year shall be 67553
used by the Department of Education to support connection of all 67554
public school buildings and participating chartered nonpublic 67555
schools to the state's education network, to each other, and to 67556
the Internet. In each fiscal year the Department of Education 67557
shall use these funds to assist information technology centers or 67558
school districts with the operational costs associated with this 67559
connectivity. The Department of Education shall develop a formula 67560
and guidelines for the distribution of these funds to information 67561
technology centers or individual school districts. As used in this 67562

section, "public school building" means a school building of any 67563
city, local, exempted village, or joint vocational school 67564
district, any community school established under Chapter 3314. of 67565
the Revised Code, any educational service center building used for 67566
instructional purposes, the Ohio School for the Deaf and the Ohio 67567
School for the Blind, or high schools chartered by the Ohio 67568
Department of Youth Services and high schools operated by Ohio 67569
Department of Rehabilitation and Corrections' Ohio Central School 67570
System. 67571

Of the foregoing appropriation item 200-426, Ohio Educational 67572
Computer Network, up to \$2,469,223 in each fiscal year shall be 67573
used for the Union Catalog and InfOhio Network and to support the 67574
provision of electronic resources with priority given to resources 67575
that support the teaching of state academic content standards in 67576
all public schools. Consideration shall be given by the Department 67577
of Education to coordinating the allocation of these moneys with 67578
the efforts of Libraries Connect Ohio, whose members include 67579
OhioLINK, the Ohio Public Information Network, and the State 67580
Library of Ohio. 67581

Of the foregoing appropriation item 200-426, Ohio Educational 67582
Computer Network, up to \$8,338,468 in each fiscal year shall be 67583
used, through a formula and guidelines devised by the Department, 67584
to subsidize the activities of designated information technology 67585
centers, as defined by State Board of Education rules, to provide 67586
school districts and chartered nonpublic schools with 67587
computer-based student and teacher instructional and 67588
administrative information services, including approved 67589
computerized financial accounting, and to ensure the effective 67590
operation of local automated administrative and instructional 67591
systems. 67592

The remainder of appropriation item 200-426, Ohio Educational 67593
Computer Network, shall be used to support development, 67594

maintenance, and operation of a network of uniform and compatible 67595
computer-based information and instructional systems. This 67596
technical assistance shall include, but not be restricted to, 67597
development and maintenance of adequate computer software systems 67598
to support network activities. In order to improve the efficiency 67599
of network activities, the Department and information technology 67600
centers may jointly purchase equipment, materials, and services 67601
from funds provided under this appropriation for use by the 67602
network and, when considered practical by the Department, may 67603
utilize the services of appropriate state purchasing agencies. 67604

Section 269.10.90. ACADEMIC STANDARDS 67605

Of the foregoing appropriation item 200-427, Academic 67606
Standards, \$150,000 in each fiscal year shall be used by the 67607
Department in combination with funding earmarked for this purpose 67608
in the Board of Regents' budget under appropriation item 235-321, 67609
Operating Expenses. Such funding shall be used to support Ohio's 67610
Partnership for Continued Learning at the direction of the Office 67611
of the Governor. Ohio's Partnership for Continued Learning 67612
replaces and broadens the former Joint Council of the Department 67613
of Education and the Board of Regents. The Partnership shall 67614
advise and make recommendations to promote collaboration among 67615
relevant state entities in an effort to help local communities 67616
develop coherent and successful "P-16" learning systems. The 67617
Governor, or the Governor's designee, shall serve as the 67618
chairperson. 67619

Of the foregoing appropriation item 200-427, Academic 67620
Standards, \$1,000,000 in each fiscal year shall be used for 67621
Project Lead the Way leadership and management oversight and 67622
initial and continuing support of Project Lead the Way workforce 67623
development programs in participating school districts. 67624

Of the foregoing appropriation item 200-427, Academic 67625

Standards, \$50,000 in each fiscal year shall be provided to the 67626
Art Academy of Cincinnati to support technology needs for the 67627
annual operation of its undergraduate, graduate, and noncredit 67628
programs and for administrative staff support. 67629

The remainder of appropriation item 200-427, Academic 67630
Standards, shall be used by the Department of Education to 67631
develop, revise, and communicate to school districts academic 67632
content standards and curriculum models. The Department may also 67633
use the remainder to develop program models that demonstrate how 67634
the academic content standards can be implemented in high school 67635
classrooms and to offer online continuing education courses. The 67636
Department of Education may also use the remainder to support the 67637
coordination of Physical Education standards. 67638

Section 269.20.10. SCHOOL IMPROVEMENT INITIATIVES 67639

Of the foregoing appropriation item 200-431, School 67640
Improvement Initiatives, \$450,000 in each fiscal year shall be 67641
used for Ohio's Rural Appalachian Leadership Development 67642
Initiative. 67643

Of the foregoing appropriation item 200-431, School 67644
Improvement Initiatives, up to \$601,165 in each fiscal year shall 67645
be used by the Department of Education to support educational 67646
media centers to provide Ohio public schools with instructional 67647
resources and services, with priority given to resources and 67648
services aligned with state academic content standards. 67649

Of the foregoing appropriation item 200-431, School 67650
Improvement Initiatives, up to \$10,387,835 in each fiscal year 67651
shall be used to support districts in the development and 67652
implementation of their continuous improvement plans as required 67653
in section 3302.04 of the Revised Code and to provide technical 67654
assistance and support in accordance with Title I of the "No Child 67655
Left Behind Act of 2001," 115 Stat. 1425, 20 U.S.C. 6317. This 67656

funding shall serve as a supplement to the funds provided under 67657
division (K) of section 3317.029 of the Revised Code, which 67658
represents state support for school improvement initiatives that 67659
assist school districts in closing the achievement gap. 67660

Of the foregoing appropriation item 200-431, School 67661
Improvement Initiatives, up to \$236,250 in each fiscal year shall 67662
be used to reduce the dropout rate by addressing the academic and 67663
social problems of inner-city students through Project GRAD. 67664

Of the foregoing appropriation item 200-431, School 67665
Improvement Initiatives, up to \$7,988,985 in fiscal year 2008 and 67666
up to \$8,323,985 in fiscal year 2009 shall be used to redesign 67667
high schools and improve urban schools. This funding may be used 67668
for a pilot program in partnership with nonprofit groups with 67669
expertise in converting existing large urban high schools into 67670
small, personalized high schools. Districts eligible for such 67671
pilot funding include the Urban 21 high schools, as defined in 67672
division (O) of section 3317.02 of the Revised Code as it existed 67673
prior to July 1, 1998. The funding may also be used for 67674
administrative costs to redesign high schools and improve urban 67675
schools and in conjunction with funding provided in the Board of 67676
Regents' budget under appropriation item 235-434, College 67677
Readiness and Access, to create early college high schools, which 67678
are small, autonomous schools that blend high school and college 67679
into a coherent educational program. The funds for early college 67680
high schools shall be distributed according to guidelines 67681
established by the Department of Education and the Board of 67682
Regents. 67683

Of the foregoing appropriation item 200-431, School 67684
Improvement Initiatives, up to \$75,000 in each fiscal year shall 67685
be provided to Southern State Community College for the Pilot 67686
Post-Secondary Enrollment Options Program with Miami Trace High 67687
School. 67688

Of the foregoing appropriation item 200-431, School Improvement Initiatives, \$1,000,000 in each fiscal year shall be used to support Jobs for Ohio Graduates (JOG). The Department of Education shall require a two-to-one match of local funding to state funding before releasing these funds to JOG.

Of the foregoing appropriation item 200-431, School Improvement Initiatives, up to \$600,000 in each fiscal year shall be used by the Department of Education to support start-up costs for gaining business and industry credentialing program accreditation and to support the development of a data collection system across the numerous industry test providers. Funds shall also be used to help subsidize the cost of student participation in industry assessments, provide research on industry assessments for alignment to industry-established content standards, provide professional development opportunities for educators, and prepare schools and adult centers to organize for credential alignment and delivery.

Of the foregoing appropriation item 200-431, School Improvement Initiatives, \$250,000 in each fiscal year shall be used to support Amer-I-Can.

Section 269.20.20. LITERACY IMPROVEMENT-PROFESSIONAL DEVELOPMENT

Of the foregoing appropriation item 200-433, Literacy Improvement-Professional Development, up to \$9,540,000 in each fiscal year shall be used for educator training in literacy for classroom teachers, administrators, and literacy specialists.

Of the foregoing appropriation item 200-433, Literacy Improvement-Professional Development, up to \$5,000,000 in each fiscal year shall be used to support literacy professional development partnerships between the Department of Education, higher education institutions, literacy networks, and school

districts. 67720

Of the foregoing appropriation item 200-433, Literacy 67721
Improvement - Professional Development, up to \$900,000 in each 67722
fiscal year shall be used by the Department of Education to fund 67723
the Reading Recovery Training Network, to cover the cost of 67724
release time for the teacher trainers, and to provide grants to 67725
districts to implement other reading improvement programs on a 67726
pilot basis. Funds from this set-aside also may be used to conduct 67727
evaluations of the impact and effectiveness of Reading Recovery 67728
and other reading improvement programs. 67729

Of the foregoing appropriation item 200-433, Literacy 67730
Improvement-Professional Development, \$100,000 in each fiscal year 67731
shall be provided to the Contemporary Arts Center for art 67732
education for children and a children's museum. 67733

The remainder of appropriation item 200-433, Literacy 67734
Improvement-Professional Development, shall be used by the 67735
Department of Education to provide administrative support of 67736
literacy professional development programs. Upon approval of the 67737
Controlling Board, the Department may also use the remainder to 67738
contract with an external evaluator on the effectiveness of 67739
literacy professional development initiatives in the academic 67740
achievement of students. 67741

STUDENT ASSESSMENT 67742

Of the foregoing appropriation item 200-437, Student 67743
Assessment, up to \$207,364 in fiscal year 2008 and up to \$212,486 67744
in fiscal year 2009 may be used to support the assessments 67745
required under section 3301.0715 of the Revised Code. 67746

The remainder of appropriation item 200-437, Student 67747
Assessment, shall be used to develop, field test, print, 67748
distribute, score, report results, and support other associated 67749
costs for the tests required under sections 3301.0710 and 67750

3301.0711 of the Revised Code and for similar purposes as required 67751
by section 3301.27 of the Revised Code. If funds remain in this 67752
appropriation after these purposes have been fulfilled, the 67753
Department may use the remainder of the appropriation to develop 67754
end-of-course exams. 67755

Section 269.20.30. ACCOUNTABILITY/REPORT CARDS 67756

Of the foregoing appropriation item 200-439, 67757
Accountability/Report Cards, up to \$3,028,540 in each fiscal year 67758
shall be used to train district and regional specialists and 67759
district educators in the use of the value-added progress 67760
dimension and in the use of data as it relates to improving 67761
student achievement. This funding shall be used in consultation 67762
with a credible nonprofit organization with expertise in 67763
value-added progress dimensions. 67764

The remainder of appropriation item 200-439, 67765
Accountability/Report Cards, shall be used by the Department to 67766
incorporate a statewide pilot value-added progress dimension into 67767
performance ratings for school districts and for the development 67768
of an accountability system that includes the preparation and 67769
distribution of school report cards under section 3302.03 of the 67770
Revised Code. 67771

CHILD CARE LICENSING 67772

The foregoing appropriation item 200-442, Child Care 67773
Licensing, shall be used by the Department of Education to license 67774
and to inspect preschool and school-age child care programs under 67775
sections 3301.52 to 3301.59 of the Revised Code. 67776

Section 269.20.40. EDUCATION MANAGEMENT INFORMATION SYSTEM 67777

The foregoing appropriation item 200-446, Education 67778
Management Information System, shall be used by the Department of 67779
Education to improve the Education Management Information System 67780

(EMIS). 67781

Of the foregoing appropriation item 200-446, Education 67782
Management Information System, up to \$1,338,620 in fiscal year 67783
2008 and up to \$1,372,085 in fiscal year 2009 shall be distributed 67784
to designated information technology centers for costs relating to 67785
processing, storing, and transferring data for the effective 67786
operation of the EMIS. These costs may include, but are not 67787
limited to, personnel, hardware, software development, 67788
communications connectivity, professional development, and support 67789
services, and to provide services to participate in the State 67790
Education Technology Plan pursuant to section 3301.07 of the 67791
Revised Code. 67792

Of the foregoing appropriation item 200-446, Education 67793
Management Information System, up to \$8,256,569 in fiscal year 67794
2008 and up to \$8,462,984 in fiscal year 2009 shall be distributed 67795
on a per-pupil basis to school districts, community schools 67796
established under Chapter 3314. of the Revised Code, educational 67797
service centers, joint vocational school districts, and any other 67798
education entity that reports data through EMIS. From this 67799
funding, each school district or community school established 67800
under Chapter 3314. of the Revised Code with enrollment greater 67801
than 100 students and each vocational school district shall 67802
receive a minimum of \$5,000 in each fiscal year. Each school 67803
district or community school established under Chapter 3314. of 67804
the Revised Code with enrollment between one and one hundred and 67805
each educational service center and each county board of MR/DD 67806
that submits data through EMIS shall receive \$3,000 in each fiscal 67807
year. This subsidy shall be used for costs relating to reporting, 67808
processing, storing, transferring, and exchanging data necessary 67809
to meet requirements of the Department of Education's data system. 67810

The remainder of appropriation item 200-446, Education 67811
Management Information System, shall be used to develop and 67812

support a common core of data definitions and standards as adopted 67813
by the Education Management Information System Advisory Board, 67814
including the ongoing development and maintenance of the data 67815
dictionary and data warehouse. In addition, such funds shall be 67816
used to support the development and implementation of data 67817
standards and the design, development, and implementation of a new 67818
data exchange system. 67819

Any provider of software meeting the standards approved by 67820
the Education Management Information System Advisory Board shall 67821
be designated as an approved vendor and may enter into contracts 67822
with local school districts, community schools, information 67823
technology centers, or other educational entities for the purpose 67824
of collecting and managing data required under Ohio's education 67825
management information system (EMIS) laws. On an annual basis, the 67826
Department of Education shall convene an advisory group of school 67827
districts, community schools, and other education-related entities 67828
to review the Education Management Information System data 67829
definitions and data format standards. The advisory group shall 67830
recommend changes and enhancements based upon surveys of its 67831
members, education agencies in other states, and current industry 67832
practices, to reflect best practices, align with federal 67833
initiatives, and meet the needs of school districts. 67834

School districts and community schools not implementing a 67835
common and uniform set of data definitions and data format 67836
standards for Education Management Information System purposes 67837
shall have all EMIS funding withheld until they are in compliance. 67838

Section 269.20.50. GED TESTING 67839

The foregoing appropriation item 200-447, GED Testing, shall 67840
be used to provide General Educational Development (GED) testing 67841
at no cost to applicants, under rules adopted by the State Board 67842
of Education. The Department of Education shall reimburse school 67843

districts and community schools, created under Chapter 3314. of 67844
the Revised Code, for a portion of the costs incurred in providing 67845
summer instructional or intervention services to students who have 67846
not graduated because of their inability to pass one or more parts 67847
of the state's Ohio Graduation Test or ninth grade proficiency 67848
test. School districts shall also provide such services to 67849
students who are residents of the district under section 3313.64 67850
of the Revised Code, but who are enrolled in chartered, nonpublic 67851
schools. The services shall be provided in the public school, in 67852
nonpublic schools, in public centers, or in mobile units located 67853
on or off the nonpublic school premises. No school district shall 67854
provide summer instructional or intervention services to nonpublic 67855
school students as authorized by this section unless such services 67856
are available to students attending the public schools within the 67857
district. No school district shall provide services for use in 67858
religious courses, devotional exercises, religious training, or 67859
any other religious activity. Chartered, nonpublic schools shall 67860
pay for any unreimbursed costs incurred by school districts for 67861
providing summer instruction or intervention services to students 67862
enrolled in chartered, nonpublic schools. School districts may 67863
provide these services to students directly or contract with 67864
postsecondary or nonprofit community-based institutions in 67865
providing instruction. 67866

Section 269.20.60. EDUCATOR PREPARATION

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Of the foregoing appropriation item 200-448, Educator 67868
Preparation, \$100,000 in each fiscal year shall be provided in 67869
conjunction with funding in the Board of Regents' budget under 67870
appropriation item 235-435, Teacher Improvement Initiatives, to 67871
the Teacher Quality Partnership Project. The Teacher Quality 67872
Partnership is a research consortium of Ohio's fifty colleges and 67873
universities providing teacher preparation programs. Funds shall 67874
be used to support a comprehensive longitudinal study of the 67875

preparation, in-school support, and effectiveness of Ohio teachers. 67876
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The remainder of appropriation item 200-448, Educator Preparation, may be used by the Department to support the Educator Standards Board under section 3319.61 of the Revised Code as it develops and recommends to the State Board of Education standards for educator training and standards for teacher and other school leadership positions. Any remaining funds may be used by the Department to develop alternative preparation programs for school leaders. 67878
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Section 269.20.70. COMMUNITY SCHOOLS 67886

Of the foregoing appropriation item 200-455, Community Schools, up to \$1,308,661 in each fiscal year may be used by the Department of Education for additional services and responsibilities under section 3314.11 of the Revised Code. 67887
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Of the foregoing appropriation item 200-455, Community Schools, up to \$225,000 in each fiscal year may be used by the Department of Education for developing and conducting training sessions for sponsors and prospective sponsors of community schools as prescribed in division (A)(1) of section 3314.015 of the Revised Code. In developing the training sessions, the Department shall collect and disseminate examples of best practices used by sponsors of independent charter schools in Ohio and other states. 67891
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STEM INITIATIVES 67900

Of the foregoing appropriation item 200-457, STEM Initiatives, up to \$2,783,000 in each fiscal year shall be provided as start-up grants to new STEM schools under the section of this act entitled "AWARD OF STEM INITIATIVES GRANTS." 67901
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Of the foregoing appropriation item 200-457, STEM 67905

Initiatives, up to \$3,500,000 in each fiscal year shall be used to support STEM Programs of Excellence under the section of this act entitled "AWARD OF STEM INITIATIVES GRANTS."

Of the foregoing appropriation item 200-457, STEM Initiatives, \$350,000 in each fiscal year shall be used to support the Young Buckeye STEM Scholars After School and Summer Program designed by the Ohio Academy of Science.

Of the foregoing appropriation item 200-457, STEM Initiatives, up to \$2,600,000 in each fiscal year shall be used for mathematics initiatives that include, but are not limited to, intensive teacher professional development institutes that focus on classroom implementation of the mathematics standards.

Of the foregoing appropriation item 200-457, STEM Initiatives, \$200,000 in each fiscal year may be used to support the Ohio Resource Center for Math and Science.

Of the foregoing appropriation item 200-457, STEM Initiatives, up to \$282,000 in each fiscal year shall be used for the JASON Expedition project that provides statewide access to JASON Expedition content. Funds shall be used to provide professional development training for teachers participating in the project, statewide management, and a seventy-five per cent subsidy for statewide licensing of JASON Expedition content with priority given to content aligned with state academic content standards for approximately 90,000 middle school students statewide.

Of the foregoing appropriation item 200-457, STEM Initiatives, \$285,000 in each fiscal year shall be used for science initiatives that include, but are not limited to, the Ohio Science Institute (OSCI).

Section 269.20.75. AWARD OF STEM INITIATIVES GRANTS

(A) As used in this section:	67936
(1) "Community school" means a community school established under Chapter 3314. of the Revised Code.	67937 67938
(2) "STEM" is an abbreviation for science, technology, engineering, and mathematics.	67939 67940
(B) The Partnership for Continued Learning shall prescribe criteria for awarding start-up grants to new STEM schools and grants to support STEM programs of excellence. The criteria for each type of grant shall include the maximum number of grants, minimum and maximum amounts of the grants, and minimum standards for the schools and programs receiving the grants.	67941 67942 67943 67944 67945 67946
(C) The Department of Education, in consultation with the Ohio Board of Regents, the Chancellor of the Board, and the Partnership for Continued Learning, and in accordance with the criteria prescribed under division (B) of this section, shall award start-up grants for new STEM schools and grants for STEM programs of excellence.	67947 67948 67949 67950 67951 67952
(D) Start-up grants for new STEM schools shall be awarded to school districts, including joint vocational school districts, educational service centers, community schools, or consortiums of school districts, educational service centers, or community schools, for schools that are not in operation prior to receiving the grant and that will serve only students above grade six. To be considered for an award, the applicant shall demonstrate to the Department's satisfaction that the school meets at least the following standards:	67953 67954 67955 67956 67957 67958 67959 67960 67961
(1) The new STEM school will not base student admission on intellectual ability or measures of achievement, aptitude, or ability.	67962 67963 67964
(2) The new STEM school will offer a rigorous and diverse curriculum that is based on scientific inquiry and scientific	67965 67966

design, features the arts and humanities, and emphasizes 67967
personalized learning and teamwork skills, and the goal of which 67968
is to prepare students for college, the work force, and 67969
citizenship. 67970

(3) The new STEM school will attract school leaders who 67971
support the principles of division (D)(2) of this section. 67972

(4) The new STEM school will utilize a knowledge management 67973
mechanism for best practices and innovative professional 67974
development. 67975

(E) In awarding start-up grants for new STEM schools, the 67976
Department shall give preference to proposed new STEM schools that 67977
both: 67978

(1) Are developed in collaboration with a regional 67979
partnership that includes institutions of higher education, local 67980
businesses, and leaders of community organizations and local 67981
governments; 67982

(2) Have received commitments of sustained and verifiable 67983
fiscal or in-kind support from regional educational and business 67984
entities. 67985

(F) A school district, school building operated by a school 67986
district, community school, or educational service center may 67987
apply for a grant for a STEM program of excellence to serve 67988
students in any of grades kindergarten through eight. To be 67989
considered for an award, the applicant shall demonstrate to the 67990
Department's satisfaction that the program meets at least the 67991
following standards: 67992

(1) The program will serve all students enrolled in the 67993
district or school in the grades for which the program is 67994
designed. 67995

(2) The program will offer a rigorous and diverse curriculum 67996

that is based on scientific inquiry and scientific design, that 67997
emphasizes personalized learning and teamwork skills, and that 67998
will expose students to advanced scientific concepts within and 67999
outside the classroom. 68000

(3) The program will include teacher professional development 68001
strategies that are augmented by community and business partners. 68002

(G) In awarding grants to support STEM programs of 68003
excellence, the Department shall give preference to programs that 68004
have received commitments of sustained and verifiable fiscal or 68005
in-kind support from regional educational and business entities. 68006

Section 269.20.80. PUPIL TRANSPORTATION 68007

Of the foregoing appropriation item 200-502, Pupil 68008
Transportation, up to \$830,624 in fiscal year 2008 and up to 68009
\$838,930 in fiscal year 2009 may be used by the Department of 68010
Education for training prospective and experienced school bus 68011
drivers in accordance with training programs prescribed by the 68012
Department. Up to \$59,870,514 in fiscal year 2008 and up to 68013
\$60,469,220 in fiscal year 2009 may be used by the Department of 68014
Education for special education transportation reimbursements to 68015
school districts and county MR/DD boards for transportation 68016
operating costs as provided in division (J) of section 3317.024 of 68017
the Revised Code. The remainder of appropriation item 200-502, 68018
Pupil Transportation, shall be used for the state reimbursement of 68019
public school districts' costs in transporting pupils to and from 68020
the school they attend in accordance with the district's policy, 68021
State Board of Education standards, and the Revised Code. 68022

Notwithstanding the distribution formula outlined in division 68023
(D) of section 3317.022 of the Revised Code, each school district 68024
shall receive an additional one per cent in state funding for 68025
transportation in fiscal year 2008 over what was received in 68026
fiscal year 2007, and the local share of transportation costs that 68027

is used in the calculation of the charge-off supplement under 68028
section 3317.0216 of the Revised Code and the excess cost 68029
supplement under division (F) of section 3317.022 of the Revised 68030
Code for each school district in fiscal year 2008 shall be 68031
increased by one per cent from that used in calculations in fiscal 68032
year 2007. 68033

Notwithstanding the distribution formula outlined in division 68034
(D) of section 3317.022 of the Revised Code, each school district 68035
shall receive an additional one per cent in state funding for 68036
transportation in fiscal year 2009 over what was received in 68037
fiscal year 2008, and the local share of transportation costs that 68038
is used in the calculation of the charge-off supplement under 68039
section 3317.0216 of the Revised Code and the excess cost 68040
supplement under division (F) of section 3317.022 of the Revised 68041
Code for each school district in fiscal year 2009 shall be 68042
increased by one per cent from that used in calculations in fiscal 68043
year 2008. 68044

School districts not receiving state funding for 68045
transportation in fiscal year 2005 under division (D) of section 68046
3317.022 of the Revised Code shall not receive state funding for 68047
transportation in fiscal year 2008 or fiscal year 2009. 68048

Section 269.20.83. Not later than December 31, 2008, the 68049
Department of Education shall complete a study and submit to the 68050
General Assembly in accordance with section 101.68 of the Revised 68051
Code a report of findings regarding, and legislative and other 68052
recommendations for enhancing regional collaboration among school 68053
districts, educational service centers, community schools, and 68054
nonpublic schools in the provision of pupil transportation. The 68055
study shall include the role of educational service centers in 68056
providing pupil transportation. In conducting the study, the 68057
Department shall consult with the state regional alliance advisory 68058

board created by section 3312.11 of the Revised Code. 68059

Section 269.20.90. BUS PURCHASE ALLOWANCE 68060

The foregoing appropriation item 200-503, Bus Purchase 68061
Allowance, shall be distributed to school districts, educational 68062
service centers, and county MR/DD boards pursuant to rules adopted 68063
under section 3317.07 of the Revised Code. Up to 28 per cent of 68064
the amount appropriated may be used to reimburse school districts 68065
and educational service centers for the purchase of buses to 68066
transport students with disabilities and nonpublic school students 68067
and to county MR/DD boards, the Ohio School for the Deaf, and the 68068
Ohio School for the Blind for the purchase of buses to transport 68069
students with disabilities. 68070

SCHOOL LUNCH MATCH 68071

The foregoing appropriation item 200-505, School Lunch Match, 68072
shall be used to provide matching funds to obtain federal funds 68073
for the school lunch program. 68074

Section 269.30.10. ADULT LITERACY EDUCATION 68075

The foregoing appropriation item 200-509, Adult Literacy 68076
Education, shall be used to support adult basic and literacy 68077
education instructional programs and the State Literacy Resource 68078
Center Program. 68079

Of the foregoing appropriation item 200-509, Adult Literacy 68080
Education, up to \$488,037 in each fiscal year shall be used for 68081
the support and operation of the State Literacy Resource Center. 68082

Of the foregoing appropriation item 200-509, Adult Literacy 68083
Education, up to \$175,000 in each fiscal year shall be used for 68084
state reimbursement to school districts for adult high school 68085
continuing education programs under section 3313.531 of the 68086
Revised Code or for costs associated with awarding adult high 68087

school diplomas under section 3313.611 of the Revised Code. 68088

Of the foregoing appropriation item 200-509, Adult Literacy 68089
Education, \$130,000 in each fiscal year shall be used to support 68090
initiatives for English as a Second Language programs. Funding 68091
shall be distributed as follows: \$60,000 in each fiscal year for 68092
Jewish Community Federation of Cleveland, \$25,000 in each fiscal 68093
year for Yassenoff Jewish Community Center of Columbus, \$30,000 in 68094
each fiscal year for Jewish Family Services of Cincinnati, and 68095
\$15,000 in each fiscal year for Jewish Family Services of Dayton. 68096

The remainder of the appropriation shall be used to continue 68097
to satisfy the state match and maintenance of effort requirements 68098
for the support and operation of the Department of 68099
Education-administered instructional grant program for adult basic 68100
and literacy education in accordance with the Department's state 68101
plan for adult basic and literacy education as approved by the 68102
State Board of Education and the Secretary of the United States 68103
Department of Education. 68104

Section 269.30.20. AUXILIARY SERVICES 68105

The foregoing appropriation item 200-511, Auxiliary Services, 68106
shall be used by the Department of Education for the purpose of 68107
implementing section 3317.06 of the Revised Code. Of the 68108
appropriation, up to \$2,060,000 in fiscal year 2008 and up to 68109
\$2,121,800 in fiscal year 2009 may be used for payment of the 68110
Post-Secondary Enrollment Options Program for nonpublic students. 68111
Notwithstanding section 3365.10 of the Revised Code, the 68112
Department, in accordance with Chapter 119. of the Revised Code, 68113
shall adopt rules governing the distribution method for these 68114
funds. 68115

POSTSECONDARY ADULT CAREER-TECHNICAL EDUCATION 68116

Of the foregoing appropriation item 200-514, Postsecondary 68117

Adult Career-Technical Education, \$40,000 in each fiscal year 68118
shall be used for statewide coordination of the activities of the 68119
Ohio Young Farmers. 68120

The remainder of appropriation item 200-514, Postsecondary 68121
Adult Career-Technical Education, shall be used by the State Board 68122
of Education to provide postsecondary adult career-technical 68123
education under sections 3313.52 and 3313.53 of the Revised Code. 68124

Section 269.30.30. GIFTED PUPIL PROGRAM 68125

The foregoing appropriation item 200-521, Gifted Pupil 68126
Program, shall be used for gifted education units not to exceed 68127
1,110 in each fiscal year under division (L) of section 3317.024 68128
and division (F) of section 3317.05 of the Revised Code. 68129

Of the foregoing appropriation item 200-521, Gifted Pupil 68130
Program, up to \$4,747,000 in fiscal year 2008 and up to \$4,794,470 68131
in fiscal year 2009 may be used as an additional supplement for 68132
identifying gifted students under Chapter 3324. of the Revised 68133
Code. 68134

Of the foregoing appropriation item 200-521, Gifted Pupil 68135
Program, the Department of Education may expend up to \$1,015,858 68136
in fiscal year 2008 and up to \$1,026,017 in fiscal year 2009 for 68137
the Summer Honors Institute, including funding for the Martin 68138
Essex Program, which shall be awarded through a request for 68139
proposals process. 68140

NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 68141

The foregoing appropriation item 200-532, Nonpublic 68142
Administrative Cost Reimbursement, shall be used by the Department 68143
of Education for the purpose of implementing section 3317.063 of 68144
the Revised Code. 68145

Section 269.30.40. OHIO CORE SUPPORT 68146

The foregoing appropriation item 200-536, Ohio Core Support, 68147
shall be used to support implementation of the Ohio Core Program, 68148
which requires establishment of a rigorous high school curriculum 68149
for Ohio's high school students. The Department of Education and 68150
the Board of Regents shall jointly plan and work collaboratively 68151
to guide implementation of the Ohio Core Program and to administer 68152
funding to eligible school districts, fiscal agents, individuals, 68153
and programs as determined under this section. The Department of 68154
Education and the Board of Regents shall jointly agree to the 68155
awarding and expenditure of funds appropriated in this section. 68156

Of the foregoing appropriation item 200-536, Ohio Core 68157
Support, up to \$2,600,000 in fiscal year 2008 and up to \$3,000,000 68158
in fiscal year 2009 shall be used to support the participation of 68159
teachers licensed in Ohio and mid-career professionals not 68160
currently employed by a school district or chartered nonpublic 68161
school or licensed to teach at the primary or secondary education 68162
levels in a twelve-month intensive training program that leads to 68163
teacher licensure in a laboratory-based science, advanced 68164
mathematics, or foreign language field at the secondary education 68165
level and employment with an Ohio school district school 68166
designated by the Department of Education as a hard to staff 68167
school. 68168

Of the foregoing appropriation item 200-536, Ohio Core 68169
Support, up to \$1,500,000 in fiscal year 2008 and up to \$2,100,000 68170
in fiscal year 2009 shall be used to support alternative teacher 68171
licensure programs developed by educational service centers in 68172
partnership with institutions of higher education. Participants 68173
shall be teachers licensed in Ohio and mid-career professionals 68174
not currently employed by a school district or chartered nonpublic 68175
school or licensed to teach at the primary or secondary education 68176
levels. Programs shall support teacher licensure in a 68177
laboratory-based science, advanced mathematics, or foreign 68178

language field at the secondary education level and employment 68179
with an Ohio school district school designated by the Department 68180
of Education as a hard to staff school. The programs shall be 68181
consistent with the State Board of Education's alternative 68182
licensure requirements. 68183

Of the foregoing appropriation item 200-536, Ohio Core 68184
Support, up to \$3,600,000 in each fiscal year shall be distributed 68185
to school districts, and to public fiscal agents on behalf of 68186
chartered nonpublic schools, to be used to obtain contracted 68187
instruction with institutions of higher education in advanced 68188
mathematics, laboratory-based science, or foreign language for 68189
public and chartered nonpublic high school students that results 68190
in dual high school and college credit. Costs shall be based upon 68191
reasonable expenses that institutions of higher education could 68192
incur for faculty, supplies, and other associated costs. 68193

Of the foregoing appropriation item 200-536, Ohio Core 68194
Support, up to \$5,675,000 in fiscal year 2009 shall be distributed 68195
to public school districts for supplemental post-secondary 68196
enrollment option participation. The Partnership for Continued 68197
Learning shall make program recommendations by October 31, 2007, 68198
to the Department of Education and the Board of Regents to remove 68199
school district barriers to participation and improve the quality 68200
of course offerings, ensuring that credit earned at institutions 68201
of higher education will apply toward high school graduation 68202
requirements and associate or baccalaureate degree requirements. 68203
Eligibility requirements and grant amounts awarded to school 68204
districts in fiscal year 2009 for the program shall be determined 68205
by criteria established by the Department of Education in 68206
collaboration with the Board of Regents and the Partnership for 68207
Continued Learning. 68208

Of the foregoing appropriation item 200-536, Ohio Core 68209
Support, \$750,000 in fiscal year 2009 shall be used for Advanced 68210

Placement (AP) Summer Institutes for one hundred fifty English, 68211
social studies, and foreign language teachers and six hundred 68212
science and mathematics teachers. 68213

Section 269.30.50. SPECIAL EDUCATION ENHANCEMENTS 68214

Of the foregoing appropriation item 200-540, Special 68215
Education Enhancements, up to \$2,906,875 in each fiscal year shall 68216
be used for home instruction for children with disabilities; up to 68217
\$1,462,500 in each fiscal year shall be used for parent mentoring 68218
programs; and up to \$2,783,396 in each fiscal year may be used for 68219
school psychology interns. 68220

Of the foregoing appropriation item 200-540, Special 68221
Education Enhancements, \$750,000 in each fiscal year shall be used 68222
for the Out of School Initiative of Sinclair Community College. 68223

Of the foregoing appropriation item 200-540, Special 68224
Education Enhancements, \$200,000 shall be used for a preschool 68225
special education pilot program in Bowling Green City School 68226
District. 68227

Of the foregoing appropriation item 200-540, Special 68228
Education Enhancements, \$200,000 in each fiscal year shall be used 68229
to support the Bellefaire Jewish Children's Bureau. 68230

Of the foregoing appropriation item 200-540, Special 68231
Education Enhancements, up to \$82,707,558 in fiscal year 2008 and 68232
up to \$83,371,505 in fiscal year 2009 shall be distributed by the 68233
Department of Education to county boards of mental retardation and 68234
developmental disabilities, educational service centers, and 68235
school districts for preschool special education units and 68236
preschool supervisory units under section 3317.052 of the Revised 68237
Code. To the greatest extent possible, the Department of Education 68238
shall allocate these units to school districts and educational 68239
service centers. 68240

The Department may reimburse county MR/DD boards, educational service centers, and school districts for services provided by instructional assistants, related services as defined in rule 3301-51-11 of the Administrative Code, physical therapy services provided by a licensed physical therapist or a physical therapy assistant under the supervision of a licensed physical therapist as required under Chapter 4755. of the Revised Code and Chapter 4755-27 of the Administrative Code and occupational therapy services provided by a licensed occupational therapist or an occupational therapy assistant under the supervision of a licensed occupational therapist as required under Chapter 4755. of the Revised Code and Chapter 4755-7 of the Administrative Code. Nothing in this section authorizes occupational therapy assistants or physical therapy assistants to generate or manage their own caseloads.

The Department of Education shall require school districts, educational service centers, and county MR/DD boards serving preschool children with disabilities to document child progress using research-based indicators prescribed by the Department and report results annually. The reporting dates and method shall be determined by the Department.

Of the foregoing appropriation item 200-540, Special Education Enhancements, up to \$400,000 in each fiscal year shall be used for the Collaborative Language and Literacy Instruction Project.

Of the foregoing appropriation item 200-540, Special Education Enhancements, \$325,000 in each fiscal year shall be used by the Ohio Center for Autism and Low Incidence to contract with the Delaware-Union Educational Service Center for the provision of autism transition services.

Of the foregoing appropriation item 200-540, Special Education Enhancements, \$75,000 in each fiscal year shall be used

for Leaf Lake/Geauga Educational Assistance Funding. 68273

Of the foregoing appropriation item 200-540, Special 68274
Education Enhancements, \$650,000 in each fiscal year shall be used 68275
to support Project More for one-to-one reading mentoring. 68276

The remainder of appropriation item 200-540, Special 68277
Education Enhancements, shall be used to fund special education 68278
and related services at county boards of mental retardation and 68279
developmental disabilities for eligible students under section 68280
3317.20 of the Revised Code and at institutions for eligible 68281
students under section 3317.201 of the Revised Code. 68282

Section 269.30.60. CAREER-TECHNICAL EDUCATION ENHANCEMENTS 68283

Of the foregoing appropriation item 200-545, Career-Technical 68284
Education Enhancements, up to \$2,509,152 in fiscal year 2008 and 68285
up to \$2,584,427 in fiscal year 2009 shall be used to fund 68286
career-technical education grants at institutions. 68287

Of the foregoing appropriation item 200-545, Career-Technical 68288
Education Enhancements, up to \$2,621,507 in each fiscal year shall 68289
be used by the Department of Education to fund competitive grants 68290
to tech prep consortia that expand the number of students enrolled 68291
in tech prep programs. These grant funds shall be used to directly 68292
support expanded tech prep programs, including equipment, provided 68293
to students enrolled in school districts, including joint 68294
vocational school districts, and affiliated higher education 68295
institutions. 68296

Of the foregoing appropriation item 200-545, Career-Technical 68297
Education Enhancements, up to \$3,401,000 in each fiscal year shall 68298
be used by the Department of Education to support existing High 68299
Schools That Work (HSTW) sites, develop and support new sites, 68300
fund technical assistance, and support regional centers and middle 68301
school programs. The purpose of HSTW is to combine challenging 68302

academic courses and modern career-technical studies to raise the 68303
academic achievement of students. HSTW provides intensive 68304
technical assistance, focused staff development, targeted 68305
assessment services, and ongoing communications and networking 68306
opportunities. 68307

Of the foregoing appropriation item 200-545, Career-Technical 68308
Education Enhancements, up to \$466,992 in each fiscal year shall 68309
be allocated for the Ohio Career Information System (OCIS) and 68310
used for the dissemination of career information data to public 68311
schools, libraries, rehabilitation centers, two- and four-year 68312
colleges and universities, and other governmental units. 68313

Of the foregoing appropriation item 200-545, Career-Technical 68314
Education Enhancements, up to \$300,000 in each fiscal year shall 68315
be used by the Department of Education to enable students in 68316
agricultural programs to enroll in a fifth quarter of instruction 68317
based on the agricultural education model of delivering work-based 68318
learning through supervised agricultural experience. The 68319
Department of Education shall determine eligibility criteria and 68320
the reporting process for the Agriculture 5th Quarter Project and 68321
shall fund as many programs as possible given the set aside. 68322

Section 269.30.70. FOUNDATION FUNDING 68323

The foregoing appropriation item 200-550, Foundation Funding, 68324
includes \$75,000,000 in each fiscal year for the state education 68325
aid offset due to the change in public utility valuation as a 68326
result of Am. Sub. S.B. 3 and Am. Sub. S.B. 287, both of the 123rd 68327
General Assembly. This amount represents the total state education 68328
aid offset due to the valuation change for school districts and 68329
joint vocational school districts from all relevant appropriation 68330
line item sources. Upon certification by the Department of 68331
Education, in consultation with the Department of Taxation, to the 68332
Director of Budget and Management of the actual state aid offset, 68333

the cash transfer from Fund 053, appropriation item 200-900, 68334
School District Property Tax Replacement - Utility, shall be 68335
decreased or increased by the Director of Budget and Management to 68336
match the certification in accordance with section 5727.84 of the 68337
Revised Code. 68338

The foregoing appropriation item 200-550, Foundation Funding, 68339
includes \$58,000,000 in fiscal year 2008 and \$145,000,000 in 68340
fiscal year 2009 for the state education aid offset because of the 68341
changes in tangible personal property valuation as a result of Am. 68342
Sub. H.B. 66 of the 126th General Assembly. This amount represents 68343
the total state education aid offset because of the valuation 68344
change for school districts and joint vocational school districts 68345
from all relevant appropriation item sources. Upon certification 68346
by the Department of Education of the actual state education aid 68347
offset to the Director of Budget and Management, the cash transfer 68348
from Fund 047, appropriation item 200-909, School District 68349
Property Tax Replacement - Business, shall be decreased or 68350
increased by the Director of Budget and Management to match the 68351
certification in accordance with section 5751.21 of the Revised 68352
Code. 68353

Of the foregoing appropriation item 200-550, Foundation 68354
Funding, up to \$425,000 shall be expended in each fiscal year for 68355
court payments under section 2151.357 of the Revised Code; an 68356
amount shall be available in each fiscal year to fund up to 225 68357
full-time equivalent approved GRADS teacher grants under division 68358
(N) of section 3317.024 of the Revised Code; an amount shall be 68359
available in each fiscal year to make payments to school districts 68360
under division (A)(3) of section 3317.022 of the Revised Code; an 68361
amount shall be available in each fiscal year to make payments to 68362
school districts under division (F) of section 3317.022 of the 68363
Revised Code; and up to \$30,000,000 in each fiscal year shall be 68364
reserved for payments under sections 3317.026, 3317.027, and 68365

3317.028 of the Revised Code except that the Controlling Board may 68366
increase the \$30,000,000 amount if presented with such a request 68367
from the Department of Education. 68368

Of the foregoing appropriation item 200-550, Foundation 68369
Funding, up to \$19,770,000 in fiscal year 2008 and up to 68370
\$20,545,200 in fiscal year 2009 shall be used to provide 68371
additional state aid to school districts for special education 68372
students under division (C)(3) of section 3317.022 of the Revised 68373
Code, except that the Controlling Board may increase these amounts 68374
if presented with such a request from the Department of Education 68375
at the final meeting of the fiscal year; up to \$2,000,000 in each 68376
fiscal year shall be reserved for Youth Services tuition payments 68377
under section 3317.024 of the Revised Code; and up to \$52,000,000 68378
in each fiscal year shall be reserved to fund the state 68379
reimbursement of educational service centers under section 3317.11 68380
of the Revised Code and the section of this act entitled 68381
"EDUCATIONAL SERVICE CENTERS FUNDING." An amount shall be 68382
available for special education weighted funding under division 68383
(C)(1) of section 3317.022 and division (D)(1) of section 3317.16 68384
of the Revised Code. 68385

Of the foregoing appropriation item 200-550, Foundation 68386
Funding, an amount shall be available in each fiscal year to be 68387
used by the Department of Education for transitional aid for 68388
school districts and joint vocational school districts. Funds 68389
shall be distributed under the sections of this act entitled 68390
"TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 68391
DISTRICTS" and "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL 68392
DISTRICTS." 68393

Of the foregoing appropriation item 200-550, Foundation 68394
Funding, up to \$1,000,000 in each fiscal year shall be used by the 68395
Department of Education for a program to pay for educational 68396
services for youth who have been assigned by a juvenile court or 68397

other authorized agency to any of the facilities described in 68398
division (A) of the section of this act entitled "PRIVATE 68399
TREATMENT FACILITY PROJECT." 68400

Of the foregoing appropriation item 200-550, Foundation 68401
Funding, up to \$3,700,000 in each fiscal year shall be used for 68402
school breakfast programs. Of this amount, up to \$900,000 shall be 68403
used in each fiscal year by the Department of Education to 68404
contract with the Children's Hunger Alliance to expand access to 68405
child nutrition programs consistent with the organization's 68406
continued ability to meet specified performance measures as 68407
detailed in the contract. Of this amount, the Children's Hunger 68408
Alliance shall use at least \$150,000 in each fiscal year to 68409
subcontract with an appropriate organization or organizations to 68410
expand summer food participation in underserved areas of the 68411
state, consistent with those organizations' continued ability to 68412
meet specified performance measures as detailed in the 68413
subcontracts. The remainder of the appropriation shall be used to 68414
partially reimburse school buildings within school districts that 68415
are required to have a school breakfast program under section 68416
3313.813 of the Revised Code, at a rate decided by the Department. 68417

Of the foregoing appropriation item 200-550, Foundation 68418
Funding, up to \$8,686,000 in fiscal year 2008 and up to \$8,722,860 68419
in fiscal year 2009 shall be used to operate the school choice 68420
program in the Cleveland Municipal School District under sections 68421
3313.974 to 3313.979 of the Revised Code. 68422

Of the portion of the funds distributed to the Cleveland 68423
Municipal School District under this section, up to \$11,901,887 in 68424
each fiscal year shall be used to operate the school choice 68425
program in the Cleveland Municipal School District under sections 68426
3313.974 to 3313.979 of the Revised Code. 68427

Of the foregoing appropriation item 200-550, Foundation 68428
Funding, \$3,312,165 in each fiscal year shall be used in 68429

conjunction with funding appropriated under appropriation item 68430
200-431, School Improvement Initiatives, to help support districts 68431
in the development and implementation of their continuous 68432
improvements plans and provide technical assistance and support in 68433
accordance with Title I of the No Child Left Behind Act of 2001. 68434

The remaining portion of appropriation item 200-550, 68435
Foundation Funding, shall be expended for the public schools of 68436
city, local, exempted village, and joint vocational school 68437
districts, including base-cost funding, special education speech 68438
service enhancement funding, career-technical education weight 68439
funding, career-technical education associated service funding, 68440
teacher training and experience funding, charge-off supplement, 68441
and excess cost supplement under sections 3317.022, 3317.023, 68442
3317.0216, and 3317.16 of the Revised Code. 68443

Appropriation items 200-502, Pupil Transportation, 200-521, 68444
Gifted Pupil Program, 200-540, Special Education Enhancements, and 68445
200-550, Foundation Funding, other than specific set-asides, are 68446
collectively used in each fiscal year to pay state formula aid 68447
obligations for school districts and joint vocational school 68448
districts under Chapter 3317. of the Revised Code. The first 68449
priority of these appropriation items, with the exception of 68450
specific set-asides, is to fund state formula aid obligations 68451
under Chapter 3317. of the Revised Code. It may be necessary to 68452
reallocate funds among these appropriation items or use excess 68453
funds from other general revenue fund appropriation items in the 68454
Department of Education's budget in each fiscal year, in order to 68455
meet state formula aid obligations. If it is determined that it is 68456
necessary to transfer funds among these appropriation items or to 68457
transfer funds from other General Revenue Fund appropriations in 68458
the Department of Education's budget to meet state formula aid 68459
obligations, the Department of Education shall seek approval from 68460
the Controlling Board to transfer funds as needed. 68461

Section 269.30.80. TRANSITIONAL AID FOR CITY, LOCAL, AND 68462
EXEMPTED VILLAGE SCHOOL DISTRICTS 68463

(A) The Department of Education shall distribute funds within 68464
appropriation item 200-550, Foundation Funding, for transitional 68465
aid in each fiscal year to each qualifying city, local, and 68466
exempted village school district. 68467

For fiscal years 2008 and 2009, the Department shall pay 68468
transitional aid to each city, local, or exempted village school 68469
district that experiences any decrease in its SF-3 funding for the 68470
current fiscal year from its transitional aid guarantee base for 68471
the current fiscal year. The amount of the transitional aid 68472
payment shall equal the difference between the district's SF-3 68473
funding for the current fiscal year and its transitional aid 68474
guarantee base for the current fiscal year. 68475

(B)(1) Subject to divisions (B)(3) and (C) of this section, 68476
the transitional aid guarantee base for each city, local, and 68477
exempted village school district for fiscal year 2008 equals the 68478
sum of the following as computed for fiscal year 2007, as 68479
reconciled by the Department: 68480

(a) Base-cost funding under division (A) of section 3317.022 68481
of the Revised Code; 68482

(b) Special education and related services additional 68483
weighted funding under division (C)(1) of section 3317.022 of the 68484
Revised Code; 68485

(c) Speech services funding under division (C)(4) of section 68486
3317.022 of the Revised Code; 68487

(d) Vocational education additional weighted funding under 68488
division (E) of section 3317.022 of the Revised Code; 68489

(e) GRADS funding under division (N) of section 3317.024 of 68490
the Revised Code; 68491

(f) Adjustments for classroom teachers and educational service personnel under divisions (B), (C), and (D) of section 3317.023 of the Revised Code;	68492 68493 68494
(g) Poverty-Based Assistance under section 3317.029 of the Revised Code;	68495 68496
(h) Gifted education units under division (L) of section 3317.024 and section 3317.05 of the Revised Code;	68497 68498
(i) Transportation under Section 206.09.21 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended;	68499 68500
(j) The excess cost supplement under division (F) of section 3317.022 of the Revised Code;	68501 68502
(k) Parity aid under section 3317.0217 of the Revised Code;	68503
(l) The reappraisal guarantee under division (C) of section 3317.04 of the Revised Code;	68504 68505
(m) The charge-off supplement under section 3317.0216 of the Revised Code;	68506 68507
(n) Transitional aid under Section 206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended.	68508 68509
(2) Subject to divisions (B)(3) and (C) 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 reconciled by the Department:	68510 68511 68512 68513 68514
(a) Base-cost funding under division (A) of section 3317.022 of the Revised Code;	68515 68516
(b) Special education and related services additional weighted funding under division (C)(1) of section 3317.022 of the Revised Code;	68517 68518 68519
(c) Speech services funding under division (C)(4) of section	68520

3317.022 of the Revised Code;	68521
(d) Vocational education additional weighted funding under division (E) of section 3317.022 of the Revised Code;	68522 68523
(e) GRADS funding under division (N) of section 3317.024 of the Revised Code;	68524 68525
(f) Adjustments for classroom teachers and educational service personnel under divisions (B), (C), and (D) of section 3317.023 of the Revised Code;	68526 68527 68528
(g) Gifted education units under division (L) of section 3317.024 and section 3317.05 of the Revised Code;	68529 68530
(h) Transportation under the section of this act entitled "PUPIL TRANSPORTATION";	68531 68532
(i) The excess cost supplement under division (F) of section 3317.022 of the Revised Code;	68533 68534
(j) The charge-off supplement under section 3317.0216 of the Revised Code;	68535 68536
(k) Transitional aid under this section.	68537
(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.	68538 68539 68540 68541
(C)(1) Notwithstanding any other provision of law to the contrary, only for purposes of this section, for any computation or computed value for previous fiscal years, the Department of Education shall substitute "ADM value" for "formula ADM," as the latter term was defined in law in effect for the fiscal year for which the previous computations were made.	68542 68543 68544 68545 68546 68547
(2) As used in division (C) of this section, "ADM value" means the number of students reported by the entity providing educational services to those students, as follows:	68548 68549 68550

(a) In the case of students receiving educational services 68551
from a city, exempted village, or local school district, the 68552
number reported under division (B) of section 3317.03 of the 68553
Revised Code; 68554

(b) In the case of students receiving educational services 68555
from a joint vocational school district, the number reported under 68556
division (D)(2) of section 3317.03 of the Revised Code; 68557

(c) In the case of students receiving services from a 68558
community school, the number reported by the community school's 68559
governing authority under division (B)(2) of section 3314.08 of 68560
the Revised Code; 68561

(d) In the case of scholarship students receiving services 68562
from a chartered nonpublic school under a scholarship program 68563
pursuant to Chapter 3310. of the Revised Code, the number of such 68564
students reported by the nonpublic school in accordance with 68565
reporting requirements adopted by the Department for purposes of 68566
that program. 68567

Section 269.30.90. TRANSITIONAL AID FOR JOINT VOCATIONAL 68568
SCHOOL DISTRICTS 68569

(A) The Department of Education shall distribute funds within 68570
appropriation item 200-550, Foundation Funding, for transitional 68571
aid in each fiscal year to each joint vocational school district 68572
that experiences a decrease in its joint vocational funding for 68573
the current fiscal year from the previous fiscal year. The 68574
Department shall distribute to each such district transitional aid 68575
in an amount equal to the decrease in the district's joint 68576
vocational funding from the previous fiscal year. 68577

(B)(1) Subject to divisions (B)(2) and (3) of this section, a 68578
district's joint vocational funding equals the sum of the 68579
following: 68580

(a) Base-cost funding under division (B) of section 3317.16 of the Revised Code;	68581 68582
(b) Special education and related services additional weighted funding under division (D)(1) of section 3317.16 of the Revised Code;	68583 68584 68585
(c) Speech services funding under division (D)(2) of section 3317.16 of the Revised Code;	68586 68587
(d) Vocational education additional weighted funding under division (C) of section 3317.16 of the Revised Code;	68588 68589
(e) GRADS funding under division (N) of section 3317.024 of the Revised Code.	68590 68591
(2) For purposes of calculating transitional aid for fiscal year 2008, a district's fiscal year 2007 joint vocational funding is the sum of the amounts described in divisions (B)(1)(a) to (e) of this section, plus any transitional aid computed for the district under Section 206.09.42 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended, as reconciled by the Department. For purposes of calculating transitional aid for fiscal year 2009, a district's fiscal year 2008 joint vocational funding is the sum of the amounts described in divisions (B)(1)(a) to (e) of this section, plus any transitional aid computed for the district under this section, as reconciled by the Department.	68592 68593 68594 68595 68596 68597 68598 68599 68600 68601 68602
(3) The joint vocational funding for each fiscal year for each district is the sum of the amounts specified in divisions (B)(1)(a) to (e) and (B)(2) of this section less any general revenue fund spending reductions ordered by the Governor under section 126.05 of the Revised Code.	68603 68604 68605 68606 68607
Section 269.40.10. LITERACY IMPROVEMENT-CLASSROOM GRANTS	68608
The foregoing appropriation item 200-566, Literacy Improvement-Classroom Grants, shall be disbursed by the Department	68609 68610

of Education to provide reading improvement grants to public 68611
schools in city, local, and exempted village school districts; 68612
community schools; and educational service centers serving 68613
kindergarten through twelfth grade students to help struggling 68614
students improve their reading skills, improve reading outcomes in 68615
low-performing schools, and help close achievement gaps. 68616

VIOLENCE PREVENTION AND SCHOOL SAFETY 68617

Of the foregoing appropriation item 200-578, Violence 68618
Prevention and School Safety, up to \$224,250 in each fiscal year 68619
shall be used to fund a safe school center to provide resources 68620
for parents and for school and law enforcement personnel. 68621

The remainder of the appropriation shall be distributed based 68622
on guidelines developed by the Department of Education to enhance 68623
school safety. The guidelines shall provide a list of 68624
research-based best practices and programs from which local 68625
grantees shall select based on local needs. These practices shall 68626
include, but not be limited to, school resource officers and safe 68627
and drug free school coordinators and social-emotional development 68628
programs. 68629

Section 269.40.20. PROPERTY TAX ALLOCATION - EDUCATION 68630

The Superintendent of Public Instruction shall not request, 68631
and the Controlling Board shall not approve, the transfer of funds 68632
from appropriation item 200-901, Property Tax Allocation - 68633
Education, to any other appropriation item. 68634

The appropriation item 200-901, Property Tax Allocation - 68635
Education, is appropriated to pay for the state's costs incurred 68636
because of the homestead exemption and the property tax rollback. 68637
In cooperation with the Department of Taxation, the Department of 68638
Education shall distribute these funds directly to the appropriate 68639
school districts of the state, notwithstanding sections 321.24 and 68640

323.156 of the Revised Code, which provide for payment of the 68641
homestead exemption and property tax rollback by the Tax 68642
Commissioner to the appropriate county treasurer and the 68643
subsequent redistribution of these funds to the appropriate local 68644
taxing districts by the county auditor. 68645

Appropriation item 200-906, Tangible Tax Exemption - 68646
Education, is appropriated to pay for the state's costs incurred 68647
because of the tangible personal property tax exemption required 68648
by division (C)(3) of section 5709.01 of the Revised Code. In 68649
cooperation with the Department of Taxation, the Department of 68650
Education shall distribute to each county treasurer the total 68651
amount appearing in the notification from the county treasurer 68652
under division (G) of section 321.24 of the Revised Code, for all 68653
school districts located in the county, notwithstanding section 68654
321.24 of the Revised Code insofar as it provides for payment of 68655
the \$10,000 tangible personal property tax exemption by the Tax 68656
Commissioner to the appropriate county treasurer for all local 68657
taxing districts located in the county. Pursuant to division (G) 68658
of section 321.24 of the Revised Code, the county auditor shall 68659
distribute the amount paid by the Department of Education among 68660
the appropriate school districts. 68661

Upon receipt of these amounts, each school district shall 68662
distribute the amount among the proper funds as if it had been 68663
paid as real or tangible personal property taxes. Payments for the 68664
costs of administration shall continue to be paid to the county 68665
treasurer and county auditor as provided for in sections 319.54, 68666
321.26, and 323.156 of the Revised Code. 68667

Any sums, in addition to the amounts specifically 68668
appropriated in appropriation items 200-901, Property Tax 68669
Allocation - Education, for the homestead exemption and the 68670
property tax rollback payments, and 200-906, Tangible Tax 68671
Exemption - Education, for the \$10,000 tangible personal property 68672

tax exemption payments, which are determined to be necessary for 68673
these purposes, are hereby appropriated. 68674

Section 269.40.30. TEACHER CERTIFICATION AND LICENSURE 68675

The foregoing appropriation item 200-681, Teacher 68676
Certification and Licensure, shall be used by the Department of 68677
Education in each year of the biennium to administer and support 68678
teacher certification and licensure activities. 68679

SCHOOL DISTRICT SOLVENCY ASSISTANCE 68680

Of the foregoing appropriation item 200-687, School District 68681
Solvency Assistance, \$9,000,000 in each fiscal year shall be 68682
allocated to the School District Shared Resource Account and 68683
\$9,000,000 in each fiscal year shall be allocated to the 68684
Catastrophic Expenditures Account. These funds shall be used to 68685
provide assistance and grants to school districts to enable them 68686
to remain solvent under section 3316.20 of the Revised Code. 68687
Assistance and grants shall be subject to approval by the 68688
Controlling Board. Any required reimbursements from school 68689
districts for solvency assistance shall be made to the appropriate 68690
account in the School District Solvency Assistance Fund (Fund 68691
5H3). 68692

Notwithstanding any provision of law to the contrary, upon 68693
the request of the Superintendent of Public Instruction, the 68694
Director of Budget and Management may make transfers to the School 68695
District Solvency Assistance Fund (Fund 5H3) from any Department 68696
of Education-administered fund or the General Revenue Fund to 68697
maintain sufficient cash balances in the School District Solvency 68698
Assistance Fund (Fund 5H3) in fiscal years 2008 and 2009. Any 68699
funds transferred are hereby appropriated. The transferred funds 68700
may be used by the Department of Education to provide assistance 68701
and grants to school districts to enable them to remain solvent 68702
and to pay unforeseeable expenses of a temporary or emergency 68703

nature that the school district is unable to pay from existing 68704
resources. The Director of Budget and Management shall notify the 68705
members of the Controlling Board of any such transfers. 68706

Section 269.40.40. READING FIRST 68707

The foregoing appropriation item 200-632, Reading First, 68708
shall be used by school districts to administer federal diagnostic 68709
tests as well as other functions permitted by federal statute. 68710
Notwithstanding section 3301.079 of the Revised Code, federal 68711
diagnostic tests may be recognized as meeting the state diagnostic 68712
testing requirements outlined in section 3301.079 of the Revised 68713
Code. 68714

HALF-MILL MAINTENANCE EQUALIZATION 68715

The foregoing appropriation item 200-626, Half-Mill 68716
Maintenance Equalization, shall be used to make payments pursuant 68717
to section 3318.18 of the Revised Code. 68718

Section 269.40.50. START-UP FUNDS 68719

Funds appropriated for the purpose of providing start-up 68720
grants to Title IV-A Head Start and Title IV-A Head Start Plus 68721
agencies in fiscal year 2004 and fiscal year 2005 for the 68722
provision of services to children eligible for Title IV-A services 68723
under the Title IV-A Head Start or Title IV-A Head Start Plus 68724
programs shall be reimbursed to the General Revenue Fund as 68725
follows: 68726

(A) If, for fiscal year 2008, an entity that was a Title IV-A 68727
Head Start or Title IV-A Head Start Plus agency will not be an 68728
early learning agency or early learning provider, the entity shall 68729
repay the entire amount of the start-up grant it received in 68730
fiscal year 2004 and fiscal year 2005 not later than June 30, 68731
2009, in accordance with a payment schedule agreed to by the 68732
Department of Education. 68733

(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.

(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.

(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.

(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.

Section 269.40.60. AUXILIARY SERVICES REIMBURSEMENT

Notwithstanding section 3317.064 of the Revised Code, if the unobligated cash balance is sufficient, the Treasurer of State shall transfer \$1,500,000 in fiscal year 2008 within thirty days

after the effective date of this section, and \$1,500,000 in fiscal 68765
year 2009 by August 1, 2008, from the Auxiliary Services Personnel 68766
Unemployment Compensation Fund to the Department of Education's 68767
Auxiliary Services Reimbursement Fund (Fund 598). 68768

Section 269.40.70. LOTTERY PROFITS EDUCATION FUND 68769

Appropriation item 200-612, Foundation Funding (Fund 017), 68770
shall be used in conjunction with appropriation item 200-550, 68771
Foundation Funding (GRF), to provide payments to school districts 68772
under Chapter 3317. of the Revised Code. 68773

The Department of Education, with the approval of the 68774
Director of Budget and Management, shall determine the monthly 68775
distribution schedules of appropriation item 200-550, Foundation 68776
Funding (GRF), and appropriation item 200-612, Foundation Funding 68777
(Fund 017). If adjustments to the monthly distribution schedule 68778
are necessary, the Department of Education shall make such 68779
adjustments with the approval of the Director of Budget and 68780
Management. 68781

The Director of Budget and Management shall transfer via 68782
intrastate transfer voucher the amount appropriated under the 68783
Lottery Profits Education Fund for appropriation item 200-682, 68784
Lease Rental Payment Reimbursement, to the General Revenue Fund on 68785
a schedule determined by the director. These funds shall support 68786
the appropriation item 230-428, Lease Rental Payments (GRF), of 68787
the School Facilities Commission. 68788

Section 269.40.80. LOTTERY PROFITS EDUCATION RESERVE FUND 68789

(A) There is hereby created the Lottery Profits Education 68790
Reserve Fund (Fund 018) in the State Treasury. Investment earnings 68791
of the Lottery Profits Education Reserve Fund shall be credited to 68792
the fund. The Superintendent of Public Instruction may certify 68793
cash balances exceeding \$75,000,000 in the Lottery Profits 68794

Education Reserve Fund (Fund 018) to the Director of Budget and Management in June of any given fiscal year. Prior to making the certification, the Superintendent of Public Instruction shall determine whether the funds above the \$75,000,000 threshold are needed to help pay for foundation program obligations for that fiscal year under Chapter 3317. of the Revised Code. If those funds are needed for the foundation program, the Superintendent of Public Instruction shall notify and consult with the Director of Budget and Management to determine the amount that may be transferred to the Public School Building Fund (Fund 021). Upon this determination, the Director of Budget and Management shall transfer the amount from the Lottery Profits Education Reserve Fund (Fund 018) to the Public School Building Fund (Fund 021). The amount transferred is hereby appropriated to appropriation item CAP-622, Public School Buildings.

For fiscal years 2008 and 2009, notwithstanding any provisions of law to the contrary, amounts necessary to make loans authorized by sections 3317.0210, 3317.0211, and 3317.62 of the Revised Code are hereby appropriated to the Lottery Profits Education Reserve Fund (Fund 018). Loan repayments from loans made in previous years shall be deposited to the fund.

(B) On July 15, 2007, 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 \$637,900,000 in fiscal year 2007. The Director of Budget and Management shall transfer the amount so certified, plus the cash balance in Fund 017, to the General Revenue Fund to support appropriation item 200-550, Foundation Funding.

(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 68827
profit transfers received by the Lottery Profits Education Fund 68828
(Fund 017) exceeded \$657,900,000 in fiscal year 2008. The Director 68829
of Budget and Management may transfer the amount so certified, 68830
plus the cash balance in Fund 017, to the Lottery Profits 68831
Education Reserve Fund (Fund 018) or to the General Revenue Fund 68832
to support appropriation item 200-550, Foundation Funding. 68833

(D) Any amounts transferred under division (B) or (C) of this 68834
section may be made available by the Controlling Board in fiscal 68835
years 2008 or 2009, at the request of the Superintendent of Public 68836
Instruction, to provide assistance and grants to school districts 68837
to enable them to remain solvent and to pay unforeseeable expenses 68838
of a temporary or emergency nature that they are unable to pay 68839
from existing resources under section 3316.20 of the Revised Code, 68840
and to provide payments to school districts under Chapter 3317. of 68841
the Revised Code. 68842

Section 269.40.90. GENERAL REVENUE FUND TRANSFERS TO SCHOOL 68843
DISTRICT PROPERTY TAX REPLACEMENT - BUSINESS (FUND 047) 68844

Notwithstanding any provision of law to the contrary, in 68845
fiscal year 2008 and fiscal year 2009 the Director of Budget and 68846
Management may make temporary transfers between the General 68847
Revenue Fund and the School District Property Tax Replacement - 68848
Business Fund (Fund 047) in the Department of Education to ensure 68849
sufficient balances in the School District Property Tax 68850
Replacement - Business Fund (Fund 047) and to replenish the 68851
General Revenue Fund for such transfers. 68852

Section 269.50.10. SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - 68853
BUSINESS 68854

The foregoing appropriation item, 200-909, School District 68855
Property Tax Replacement - Business, in Fund 047, shall be used by 68856

the Department of Education, in consultation with the Department 68857
of Taxation, to make payments to school districts and joint 68858
vocational school districts under section 5751.21 of the Revised 68859
Code. If it is determined by the Director of Budget and Management 68860
that additional appropriations are necessary for this purpose, 68861
such amounts are hereby appropriated. 68862

SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - UTILITY 68863

The foregoing appropriation item 200-900, School District 68864
Property Tax Replacement-Utility, in Fund 053, shall be used by 68865
the Department of Education, in consultation with the Department 68866
of Taxation, to make payments to school districts and joint 68867
vocational school districts under section 5727.85 of the Revised 68868
Code. 68869

Section 269.50.30. EDUCATIONAL SERVICE CENTERS FUNDING 68870

(A) As used in this section: 68871

(1) "Internet- or computer-based community school" has the 68872
same meaning as in section 3314.02 of the Revised Code. 68873

(2) "Service center ADM" has the same meaning as in section 68874
3317.11 of the Revised Code. 68875

(B) Notwithstanding division (F) of section 3317.11 of the 68876
Revised Code, no funds shall be provided under that division to an 68877
educational service center in either fiscal year for any pupils of 68878
a city or exempted village school district unless an agreement to 68879
provide services under section 3313.843 of the Revised Code was 68880
entered into by January 1, 1997, except that funds shall be 68881
provided to an educational service center for any pupils of a city 68882
school district if the agreement to provide services was entered 68883
into within one year of the date upon which such district changed 68884
from a local school district to a city school district. 68885

(C) Notwithstanding any provision of the Revised Code to the 68886

contrary, an educational service center that sponsors a community 68887
school under Chapter 3314. of the Revised Code in either fiscal 68888
year may include the students of that community school in its 68889
service center ADM for purposes of state funding under division 68890
(F) of section 3317.11 of the Revised Code, unless the community 68891
school is an Internet- or computer-based community school. A 68892
service center shall include the community school students in its 68893
service center ADM only to the extent that the students are not 68894
already so included, and only in accordance with guidelines issued 68895
by the Department of Education. If the students of a community 68896
school sponsored by an educational service center are included in 68897
the service center ADM of another educational service center, 68898
those students shall be removed from the service center ADM of the 68899
other educational service center and added to the service center 68900
ADM of the community school's sponsoring service center. The 68901
General Assembly authorizes this procedure as an incentive for 68902
educational service centers to take over sponsorship of community 68903
schools from the State Board of Education as the State Board's 68904
sponsorship is phased out in accordance with Sub. H.B. 364 of the 68905
124th General Assembly. No student of an Internet- or 68906
computer-based community school shall be counted in the service 68907
center ADM of any educational service center. The Department shall 68908
pay educational service centers under division (F) of section 68909
3317.11 of the Revised Code for community school students included 68910
in their service center ADMs under this division only if 68911
sufficient funds earmarked within appropriation item 200-550, 68912
Foundation Funding, for payments under that division remain after 68913
first paying for students attributable to their local and client 68914
school districts, in accordance with divisions (B) and (D) of this 68915
section. 68916

(D) If insufficient funds are earmarked within appropriation 68917
item 200-550, Foundation Funding, for payments under division (F) 68918
of section 3317.11 of the Revised Code and division (C) of this 68919

section in fiscal year 2008 or fiscal year 2009, the Department 68920
shall prioritize the distribution of the earmarked funds as 68921
follows: 68922

(1) The Department shall first distribute to each educational 68923
service center the per-student amount specified in division (F) of 68924
section 3317.11 of the Revised Code for each student in its 68925
service center ADM attributable to the local school districts 68926
within the service center's territory. 68927

(2) The Department shall distribute the remaining funds in 68928
each fiscal year to each educational service center for the 68929
students in its service center ADM attributable to each city and 68930
exempted village school district that had entered into an 68931
agreement with an educational service center for that fiscal year 68932
under section 3313.843 of the Revised Code by January 1, 1997, up 68933
to the per-student amount specified in division (F) of section 68934
3317.11 of the Revised Code. If insufficient funds remain to pay 68935
each service center the full amount specified in division (F) of 68936
that section for each such student, the Department shall 68937
distribute the remaining funds to each service center 68938
proportionally, on a per-student basis for each such student, 68939
unless that proportional per-student amount exceeds the amount 68940
specified in division (F)(1) of that section. In that case, the 68941
Department shall distribute the per-student amount specified in 68942
division (F)(1) of that section to each service center for each 68943
such student and shall distribute the remainder proportionally, on 68944
a per-student basis for each such student, to the multi-county 68945
service centers described in division (F)(2) of that section. 68946

(3) If the Department has paid each service center under 68947
divisions (D)(1) and (2) of this section, the full amount 68948
specified in division (F) of section 3317.11 of the Revised Code 68949
for each student attributable to its local school districts and 68950
its client school districts described in division (D)(2) of this 68951

section the Department shall distribute any remaining funds 68952
proportionally, on a per-student basis, to each service center 68953
that sponsors a community school, other than an Internet- or 68954
computer-based community school, for the students included in the 68955
service center ADM under division (C) of this section. These 68956
payments shall not exceed per student the amount specified in 68957
division (F) of section 3317.11 of the Revised Code. 68958

***Section 269.50.40.** For the school year commencing July 1, 68959
2007, or the school year commencing July 1, 2008, or both, the 68960
Superintendent of Public Instruction may waive for the board of 68961
education of any school district the ratio of teachers to pupils 68962
in kindergarten through fourth grade required under paragraph 68963
(A)(3) of rule 3301-35-05 of the Administrative Code if the 68964
following conditions apply: 68965

(A) The board of education requests the waiver. 68966

(B) After the Department of Education conducts an on-site 68967
evaluation of the district related to meeting the required ratio, 68968
the board of education demonstrates to the satisfaction of the 68969
Superintendent of Public Instruction that providing the facilities 68970
necessary to meet the required ratio during the district's regular 68971
school hours with pupils in attendance would impose an extreme 68972
hardship on the district. 68973

(C) The board of education provides assurances that are 68974
satisfactory to the Superintendent of Public Instruction that the 68975
board will act in good faith to meet the required ratio as soon as 68976
possible. 68977

Section 269.50.50. PRIVATE TREATMENT FACILITY PROJECT 68978

(A) As used in this section: 68979

(1) The following are "participating residential treatment 68980
centers": 68981

(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;

(b) Abraxas, in Shelby;

(c) Paint Creek, in Bainbridge;

(d) Act One, in Akron;

(e) Friars Club, in Cincinnati.

(2) "Education program" means an elementary or secondary education program or a special education program and related services.

(3) "Served child" means any child receiving an education program pursuant to division (B) of this section.

(4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law that existed in fiscal year 1998, is the school district required to pay that tuition.

(5) "Residential child" means a child who resides in a participating residential treatment center and who is receiving an educational program under division (B) of this section.

(B) A youth who is a resident of the state and has been assigned by a juvenile court or other authorized agency to a residential treatment facility specified in division (A) of this section shall be enrolled in an approved educational program located in or near the facility. Approval of the educational program shall be contingent upon compliance with the criteria established for such programs by the Department of Education. The

educational program shall be provided by a school district or 69012
educational service center, or by the residential facility itself. 69013
Maximum flexibility shall be given to the residential treatment 69014
facility to determine the provider. In the event that a voluntary 69015
agreement cannot be reached and the residential facility does not 69016
choose to provide the educational program, the educational service 69017
center in the county in which the facility is located shall 69018
provide the educational program at the treatment center to 69019
children under twenty-two years of age residing in the treatment 69020
center. 69021

(C) Any school district responsible for tuition for a 69022
residential child shall, notwithstanding any conflicting provision 69023
of the Revised Code regarding tuition payment, pay tuition for the 69024
child for fiscal year 2008 and fiscal year 2009 to the education 69025
program provider and in the amount specified in this division. If 69026
there is no school district responsible for tuition for a 69027
residential child and if the participating residential treatment 69028
center to which the child is assigned is located in the city, 69029
exempted village, or local school district that, if the child were 69030
not a resident of that treatment center, would be the school 69031
district where the child is entitled to attend school under 69032
sections 3313.64 and 3313.65 of the Revised Code, that school 69033
district, notwithstanding any conflicting provision of the Revised 69034
Code, shall pay tuition for the child for fiscal year 2008 and 69035
fiscal year 2009 under this division unless that school district 69036
is providing the educational program to the child under division 69037
(B) of this section. 69038

A tuition payment under this division shall be made to the 69039
school district, educational service center, or residential 69040
treatment facility providing the educational program to the child. 69041

The amount of tuition paid shall be: 69042

(1) The amount of tuition determined for the district under 69043

division (A) of section 3317.08 of the Revised Code; 69044

(2) In addition, for any student receiving special education 69045
pursuant to an individualized education program as defined in 69046
section 3323.01 of the Revised Code, a payment for excess costs. 69047
This payment shall equal the actual cost to the school district, 69048
educational service center, or residential treatment facility of 69049
providing special education and related services to the student 69050
pursuant to the student's individualized education program, minus 69051
the tuition paid for the child under division (C)(1) of this 69052
section. 69053

A school district paying tuition under this division shall 69054
not include the child for whom tuition is paid in the district's 69055
average daily membership certified under division (A) of section 69056
3317.03 of the Revised Code. 69057

(D) In each of fiscal years 2008 and 2009, the Department of 69058
Education shall reimburse, from appropriations made for the 69059
purpose, a school district, educational service center, or 69060
residential treatment facility, whichever is providing the 69061
service, that has demonstrated that it is in compliance with the 69062
funding criteria for each served child for whom a school district 69063
must pay tuition under division (C) of this section. The amount of 69064
the reimbursement shall be the formula amount specified in section 69065
3317.022 of the Revised Code, except that the department shall 69066
proportionately reduce this reimbursement if sufficient funds are 69067
not available to pay this amount to all qualified providers. 69068

(E) Funds provided to a school district, educational service 69069
center, or residential treatment facility under this section shall 69070
be used to supplement, not supplant, funds from other public 69071
sources for which the school district, service center, or 69072
residential treatment facility is entitled or eligible. 69073

(F) The Department of Education shall track the utilization 69074

of funds provided to school districts, educational service 69075
centers, and residential treatment facilities under this section 69076
and monitor the effect of the funding on the educational programs 69077
they provide in participating residential treatment facilities. 69078
The department shall monitor the programs for educational 69079
accountability. 69080

Section 269.50.60. SCHOOL DISTRICT PARTICIPATION IN NATIONAL 69081
ASSESSMENT OF EDUCATION PROGRESS 69082

The General Assembly intends for the Superintendent of Public 69083
Instruction to provide for school district participation in the 69084
administration of the National Assessment of Education Progress in 69085
accordance with section 3301.27 of the Revised Code. Each school 69086
and school district selected for participation by the 69087
Superintendent of Public Instruction shall participate. 69088

Section 269.50.70. DEPARTMENT OF EDUCATION APPROPRIATION 69089
TRANSFERS FOR STUDENT ASSESSMENT 69090

In fiscal year 2008 and fiscal year 2009, if the 69091
Superintendent of Public Instruction determines that additional 69092
funds are needed to fully fund the requirements of Am. Sub. H.B. 3 69093
of the 125th General Assembly and this act for assessments of 69094
student performance, the Superintendent of Public Instruction may 69095
recommend the reallocation of unspent and unencumbered 69096
appropriations within the Department of Education to the General 69097
Revenue Fund appropriation item 200-437, Student Assessment, to 69098
the Director of Budget and Management. If the Director of Budget 69099
and Management determines that such a reallocation is required, 69100
the Director of Budget and Management may transfer unspent and 69101
unencumbered funds within the Department of Education as necessary 69102
to appropriation item 200-437, Student Assessment. If these 69103
unspent and unencumbered funds are not sufficient to fully fund 69104

the assessment requirements in fiscal year 2008 or fiscal year 2009, the Superintendent of Public Instruction may request that the Controlling Board transfer up to \$9,000,000 cash from the Lottery Profits Education Reserve Fund (Fund 018) to the General Revenue Fund and appropriate these transferred funds to appropriation item 200-437, Student Assessment.

Section 269.50.80. (A) As used in this section:

(1) "IEP" has the same meaning as in section 3323.01 of the Revised Code.

(2) "SBH student" means a student receiving special education and related services for severe behavior disabilities pursuant to an IEP.

(B) This section applies only to a community school established under Chapter 3314. of the Revised Code that in each of fiscal years 2008 and 2009 enrolls a number of SBH students equal to at least fifty per cent of the total number of students enrolled in the school in the applicable fiscal year.

(C) In addition to any payments made under section 3314.08 of the Revised Code, in each of fiscal years 2008 and 2009, the Department of Education shall pay to a community school to which this section applies a subsidy equal to the difference between the aggregate amount calculated and paid in that fiscal year to the community school for special education and related services additional weighted costs for the SBH students enrolled in the school and the aggregate amount that would have been calculated for the school for special education and related services additional weighted costs for those same students in fiscal year 2001. If the difference is a negative number, the amount of the subsidy shall be zero.

(D) The amount of any subsidy paid to a community school

under this section shall not be deducted from the school district 69135
in which any of the students enrolled in the community school are 69136
entitled to attend school under section 3313.64 or 3313.65 of the 69137
Revised Code. The amount of any subsidy paid to a community school 69138
under this section shall be paid from funds appropriated to the 69139
Department of Education in appropriation item 200-550, Foundation 69140
Funding. 69141

Section 269.50.90. EARMARK ACCOUNTABILITY 69142

At the request of the Superintendent of Public Instruction, 69143
any entity that receives a budget earmark under the Department of 69144
Education shall submit annually to the chairpersons of the 69145
committees of the House of Representatives and the Senate 69146
primarily concerned with education and to the Department of 69147
Education a report that includes a description of the services 69148
supported by the funds, a description of the results achieved by 69149
those services, an analysis of the effectiveness of the program, 69150
and an opinion as to the program's applicability to other school 69151
districts. For an earmarked entity that received state funds from 69152
an earmark in the prior fiscal year, no funds shall be provided by 69153
the Department of Education to an earmarked entity for a fiscal 69154
year until its report for the prior fiscal year has been 69155
submitted. 69156

Section 269.60.10. No community school established under 69157
Chapter 3314. of the Revised Code that was not open for operation 69158
as of May 1, 2005, shall operate from a home, as defined in 69159
section 3313.64 of the Revised Code. 69160

Section 269.60.30. PLAN TO MOVE ADULT EDUCATION PROGRAMS TO 69161
BOARD OF REGENTS 69162

The Board of Regents shall work collaboratively with the 69163
Department of Education to identify adult career-technical 69164

education programs that shall be transferred to the Board of 69165
Regents. The Chancellor of the Board of Regents shall work in 69166
consultation with the Department and the various identified 69167
programs to develop a plan by July 1, 2008, for the transfer that 69168
benefits adult learners by preserving points of access, increasing 69169
opportunities, maintaining affordability, and creating a system of 69170
uniform quality with the ability to earn credit. The transfer 69171
shall be completed by January 1, 2009. The purpose of this 69172
programmatic transfer is to better align and maximize the strength 69173
and flexibility of the full array of Ohio adult workforce 69174
education assets to improve the overall quality of adult education 69175
and training program course and training offerings in order to 69176
increase the skills and improve the employment prospects of 69177
adults. 69178

On or after January 1, 2009, notwithstanding any provision of 69179
law to the contrary, the Director of Budget and Management may 69180
take the actions described in this section made necessary by the 69181
movement of adult career-technical education programs from the 69182
Department of Education to the Board of Regents. These actions may 69183
include budget changes made necessary by administrative 69184
reorganization, program transfers, the creation of new funds, the 69185
creation of new appropriation items, and the consolidation of 69186
funds. The Director may transfer cash balances between funds as 69187
needed. At the request of the Director, the Superintendent of 69188
Public Instruction shall certify to the Director an estimate of 69189
the amount of the cash balance to be transferred to the receiving 69190
fund. The Director may transfer the estimated amount to the Board 69191
of Regents when needed to make payments. Not more than thirty days 69192
after certifying the estimated amount, the Superintendent of 69193
Public Instruction shall certify the final amount to the Director. 69194
The Director then shall transfer the difference between any amount 69195
previously transferred and the certified final amount. The 69196
Director may cancel encumbrances and re-establish encumbrances or 69197

parts of encumbrances as needed in the appropriate fund and 69198
appropriation item for the same purpose and to the same vendor. 69199
The funds necessary to re-establish those encumbrances in a 69200
different fund or appropriation item within or between the Board 69201
of Regents and the Department of Education are hereby 69202
appropriated. The Director shall reduce each year's appropriation 69203
balances by the amount of the encumbrances canceled in their 69204
respective funds and appropriation items. Any fiscal year 2008 69205
unencumbered or unallocated appropriation balances may be 69206
transferred to the appropriate item to be used for the same 69207
purposes, as determined by the Director. 69208

Section 269.60.33. The State Board of Education shall 69209
initiate rulemaking procedures for the rules for the Special 69210
Education Scholarship Pilot Program, required under section 69211
3310.63 of the Revised Code, as enacted by this act, so that those 69212
rules are in effect by January 31, 2008. 69213

Section 269.60.36. The Department of Education shall conduct 69214
a formative evaluation of the Special Education Scholarship Pilot 69215
Program established under sections 3310.51 to 3310.63 of the 69216
Revised Code, using both quantitative and qualitative analyses, 69217
and shall report its findings to the General Assembly not later 69218
than December 31, 2010. In conducting the evaluation, the 69219
Department shall to the extent possible gather comments from 69220
parents who have been awarded scholarships under the program, 69221
school district officials, representatives of registered private 69222
providers, educators, and representatives of educational 69223
organizations for inclusion in the report required under this 69224
section. 69225

Section 269.60.60. UNAUDITABLE COMMUNITY SCHOOL 69226

(A) If the Auditor of State or a public accountant, pursuant 69227

to section 117.41 of the Revised Code, declares a community school 69228
established under Chapter 3314. of the Revised Code to be 69229
unauditable, the Auditor of State shall provide written 69230
notification of that declaration to the school, the school's 69231
sponsor, and the Department of Education. The Auditor of State 69232
also shall post the notification on the Auditor of State's web 69233
site. 69234

(B) Notwithstanding any provision to the contrary in Chapter 69235
3314. of the Revised Code or any other provision of law, a sponsor 69236
of a community school that is notified by the Auditor of State 69237
under division (A) of this section that a community school it 69238
sponsors is unauditabile shall not enter into contracts with any 69239
additional community schools under section 3314.03 of the Revised 69240
Code until the Auditor of State or a public accountant has 69241
completed a financial audit of that school. 69242

(C) Not later than forty-five days after receiving 69243
notification by the Auditor of State under division (A) of this 69244
section that a community school is unauditabile, the sponsor of the 69245
school shall provide a written response to the Auditor of State. 69246
The response shall include the following: 69247

(1) An overview of the process the sponsor will use to review 69248
and understand the circumstances that led to the community school 69249
becoming unauditabile; 69250

(2) A plan for providing the Auditor of State with the 69251
documentation necessary to complete an audit of the community 69252
school and for ensuring that all financial documents are available 69253
in the future; 69254

(3) The actions the sponsor will take to ensure that the plan 69255
described in division (C)(2) of this section is implemented. 69256

(D) If a community school fails to make reasonable efforts 69257
and continuing progress to bring its accounts, records, files, or 69258

reports into an auditable condition within ninety days after being 69259
declared unauditabile, the Auditor of State, in addition to 69260
requesting legal action under sections 117.41 and 117.42 of the 69261
Revised Code, shall notify the Department of the school's failure. 69262
If the Auditor of State or a public accountant subsequently is 69263
able to complete a financial audit of the school, the Auditor of 69264
State shall notify the Department that the audit has been 69265
completed. 69266

(E) Notwithstanding any provision to the contrary in Chapter 69267
3314. of the Revised Code or any other provision of law, upon 69268
notification by the Auditor of State under division (D) of this 69269
section that a community school has failed to make reasonable 69270
efforts and continuing progress to bring its accounts, records, 69271
files, or reports into an auditable condition following a 69272
declaration that the school is unauditabile, the Department shall 69273
immediately cease all payments to the school under Chapter 3314. 69274
of the Revised Code and any other provision of law. Upon 69275
subsequent notification from the Auditor of State under that 69276
division that the Auditor of State or a public accountant was able 69277
to complete a financial audit of the community school, the 69278
Department shall release all funds withheld from the school under 69279
this section. 69280

Section 269.60.70. Notwithstanding division (B) of section 69281
3317.01 of the Revised Code, no joint vocational school district 69282
shall be denied state payments for fiscal year 2008 because the 69283
school district's career center was open for instruction during 69284
fiscal year 2007 for fewer days than required by sections 3313.48, 69285
3313.481, and 3317.01 of the Revised Code, if the number of days 69286
the career center was closed in the 2006-2007 school year in 69287
excess of the number of days it is permitted to be closed for a 69288
public calamity under division (B) of section 3317.01 of the 69289
Revised Code does not exceed the number of days in May 2007 in 69290

which the district closed the career center due to fire damage and 69291
cancelled instruction to prepare alternate facilities for 69292
instruction. 69293

Section 269.60.80. Not later than October 31, 2007, each 69294
school district, community school established under Chapter 3314. 69295
of the Revised Code, and chartered nonpublic school shall report 69296
to the Department of Education, in a manner prescribed by the 69297
Department, the number of minutes per week and the number of 69298
classes per week of physical education provided to students in 69299
each of grades kindergarten through eight in the 2006-2007 school 69300
year and scheduled to be provided to students in each of those 69301
grades in the 2007-2008 school year. 69302

Section 269.60.90. If a school district erroneously reported 69303
data to the Education Management Information System established 69304
under section 3301.0714 of the Revised Code that showed a zero per 69305
cent graduation rate for the 2005-2006 school year for the 69306
district or any building in the district and the district notified 69307
the Department of Education of the error not later than June 30, 69308
2007, the Department shall allow the district to report a 69309
corrected graduation rate for that school year and shall include 69310
the corrected graduation rate on the August 2007 report card 69311
issued for the district and any affected building under section 69312
3302.03 of the Revised Code. 69313

Section 269.70.10. (A) Notwithstanding section 3313.41 of the 69314
Revised Code, a school district board of education may sell real 69315
property that it owns in its corporate capacity directly to a 69316
community action agency that operates an early childhood education 69317
program within the territory of the school district, in lieu of 69318
offering the property for sale at public auction as provided in 69319
division (A) of that section, in lieu of offering the property for 69320

sale to an entity listed in division (C) of that section, or in lieu of offering the property for sale to a community school as provided in division (G) of that section, as long as all of the following conditions are satisfied:

(1) The district is a "local" school district as described in section 3311.03 of the Revised Code.

(2) The district is a countywide school district in that the district comprises most of the territory of one county and most of the district's territory lies in one county.

(3) The district is abandoning the property because it is acquiring new facilities through one or more state-assisted classroom facilities programs under Chapter 3318. of the Revised Code.

(4) The property is suitable for use by the community action agency for its early childhood education program and for other operations of the agency.

(5) The sale is completed on or before February 29, 2008.

(B) As used in this section, "community action agency" has the same meaning as in section 122.66 of the Revised Code.

Section 271.10. ELC OHIO ELECTIONS COMMISSION

General Revenue Fund

GRF 051-321 Operating Expenses	\$	411,623	\$	423,975	69342
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TOTAL GRF General Revenue Fund	\$	411,623	\$	423,975	69343
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General Services Fund Group

4P2 051-601 Ohio Elections					69345
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Commission Fund	\$	255,000	\$	255,000	69346
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TOTAL GSF General Services Fund	\$	255,000	\$	255,000	69347
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Group

TOTAL ALL BUDGET FUND GROUPS	\$	666,623	\$	678,975	69348
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Section 273.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL				69350
DIRECTORS				69351
General Services Fund Group				69352
4K9 881-609 Operating Expenses	\$	628,641	\$ 646,602	69353
TOTAL GSF General Services				69354
Fund Group	\$	628,641	\$ 646,602	69355
TOTAL ALL BUDGET FUND GROUPS	\$	628,641	\$ 646,602	69356
Section 275.10. PAY EMPLOYEE BENEFITS FUNDS				69358
Accrued Leave Liability Fund Group				69359
806 995-666 Accrued Leave Fund	\$	69,584,560	\$ 76,038,787	69360
807 995-667 Disability Fund	\$	40,104,713	\$ 39,309,838	69361
TOTAL ALF Accrued Leave Liability				69362
Fund Group	\$	109,689,273	\$ 115,348,625	69363
Agency Fund Group				69364
124 995-673 Payroll Deductions	\$	2,125,000,000	\$ 2,175,000,000	69365
808 995-668 State Employee Health	\$	499,240,000	\$ 550,922,742	69366
Benefit Fund				
809 995-669 Dependent Care	\$	2,969,635	\$ 2,969,635	69367
Spending Account				
810 995-670 Life Insurance	\$	2,113,589	\$ 2,229,834	69368
Investment Fund				
811 995-671 Parental Leave Benefit	\$	3,994,806	\$ 4,234,495	69369
Fund				
813 995-672 Health Care Spending	\$	12,000,000	\$ 12,000,000	69370
Account				
TOTAL AGY Agency Fund Group	\$	2,645,318,030	\$ 2,747,356,706	69371
TOTAL ALL BUDGET FUND GROUPS	\$	2,755,007,303	\$ 2,862,705,331	69372
ACCRUED LEAVE LIABILITY FUND				69373
The foregoing appropriation item 995-666, Accrued Leave Fund,				69374
shall be used to make payments from the Accrued Leave Liability				69375

Fund (Fund 806), pursuant to section 125.211 of the Revised Code. 69376
If it is determined by the Director of Budget and Management that 69377
additional amounts are necessary, the amounts are appropriated. 69378

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 69379

The foregoing appropriation item 995-667, Disability Fund, 69380
shall be used to make payments from the State Employee Disability 69381
Leave Benefit Fund (Fund 807), pursuant to section 124.83 of the 69382
Revised Code. If it is determined by the Director of Budget and 69383
Management that additional amounts are necessary, the amounts are 69384
appropriated. 69385

PAYROLL WITHHOLDING FUND 69386

The foregoing appropriation item 995-673, Payroll Deductions, 69387
shall be used to make payments from the Payroll Withholding Fund 69388
(Fund 124). If it is determined by the Director of Budget and 69389
Management that additional appropriation amounts are necessary, 69390
such amounts are hereby appropriated. 69391

STATE EMPLOYEE HEALTH BENEFIT FUND 69392

The foregoing appropriation item 995-668, State Employee 69393
Health Benefit Fund, shall be used to make payments from the State 69394
Employee Health Benefit Fund (Fund 808), pursuant to section 69395
124.87 of the Revised Code. If it is determined by the Director of 69396
Budget and Management that additional amounts are necessary, the 69397
amounts are appropriated. 69398

DEPENDENT CARE SPENDING ACCOUNT 69399

The foregoing appropriation item 995-669, Dependent Care 69400
Spending Account, shall be used to make payments from the 69401
Dependent Care Spending Account (Fund 809) to employees eligible 69402
for dependent care expenses. If it is determined by the Director 69403
of Budget and Management that additional amounts are necessary, 69404
the amounts are appropriated. 69405

LIFE INSURANCE INVESTMENT FUND 69406

The foregoing appropriation item 995-670, Life Insurance 69407
Investment Fund, shall be used to make payments from the Life 69408
Insurance Investment Fund (Fund 810) for the costs and expenses of 69409
the state's life insurance benefit program pursuant to section 69410
125.212 of the Revised Code. If it is determined by the Director 69411
of Budget and Management that additional amounts are necessary, 69412
the amounts are appropriated. 69413

PARENTAL LEAVE BENEFIT FUND 69414

The foregoing appropriation item 995-671, Parental Leave 69415
Benefit Fund, shall be used to make payments from the Parental 69416
Leave Benefit Fund (Fund 811) to employees eligible for parental 69417
leave benefits pursuant to section 124.137 of the Revised Code. If 69418
it is determined by the Director of Budget and Management that 69419
additional amounts are necessary, the amounts are appropriated. 69420

HEALTH CARE SPENDING ACCOUNT 69421

There is hereby established in the State Treasury the Health 69422
Care Spending Account Fund (Fund 813). The foregoing appropriation 69423
item 995-672, Health Care Spending Account, shall be used to make 69424
payments from the fund. The fund shall be under the supervision of 69425
the Department of Administrative Services and shall be used to 69426
make payments pursuant to state employees' participation in a 69427
flexible spending account for non-reimbursed health care expenses 69428
and pursuant to Section 125 of the Internal Revenue Code. All 69429
income derived from the investment of the fund shall accrue to the 69430
fund. If it is determined by the Director of Administrative 69431
Services that additional appropriation amounts are necessary, the 69432
Director of Administrative Services may request that the Director 69433
of Budget and Management increase such amounts. Such amounts are 69434
hereby appropriated. 69435

At the request of the Director of Administrative Services, 69436

the Director of Budget and Management shall transfer up to 69437
 \$145,000 from the General Revenue Fund to the Health Care Spending 69438
 Account Fund during fiscal years 2008 and 2009. This cash shall be 69439
 transferred as needed to provide adequate cash flow for the Health 69440
 Care Spending Account Fund during fiscal year 2008 and fiscal year 69441
 2009. If funds are available at the end of fiscal years 2008 and 69442
 2009, the Director of Budget and Management shall transfer cash up 69443
 to the amount previously transferred in the respective year, plus 69444
 interest income, back from the Health Care Spending Account (Fund 69445
 813) to the General Revenue Fund. 69446

Section 277.10. ERB STATE EMPLOYMENT RELATIONS BOARD 69447

General Revenue Fund 69448
 GRF 125-321 Operating Expenses \$ 3,218,803 \$ 3,355,602 69449
 TOTAL GRF General Revenue Fund \$ 3,218,803 \$ 3,355,602 69450
 General Services Fund Group 69451
 572 125-603 Training and \$ 75,541 \$ 75,541 69452
 Publications
 TOTAL GSF General Services 69453
 Fund Group \$ 75,541 \$ 75,541 69454
 TOTAL ALL BUDGET FUND GROUPS \$ 3,294,344 \$ 3,431,143 69455

Section 279.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS 69457

General Services Fund Group 69458
 4K9 892-609 Operating Expenses \$ 1,058,881 \$ 1,058,881 69459
 TOTAL GSF General Services 69460
 Fund Group \$ 1,058,881 \$ 1,058,881 69461
 TOTAL ALL BUDGET FUND GROUPS \$ 1,058,881 \$ 1,058,881 69462

Section 281.10. EPA ENVIRONMENTAL PROTECTION AGENCY 69464

General Services Fund Group 69465
 199 715-602 Laboratory Services \$ 1,158,574 \$ 1,173,574 69466

219	715-604	Central Support	\$	16,474,276	\$	17,000,962	69467
		Indirect					
4A1	715-640	Operating Expenses	\$	3,369,731	\$	3,369,731	69468
TOTAL GSF General Services							69469
Fund Group			\$	21,002,581	\$	21,544,267	69470
Federal Special Revenue Fund Group							69471
3BU	715-684	Water Quality	\$	6,515,000	\$	6,310,000	69472
		Protection					
3F2	715-630	Revolving Loan Fund -	\$	563,536	\$	775,600	69473
		Operating					
3F3	715-632	Federally Supported	\$	2,550,000	\$	2,550,000	69474
		Cleanup and Response					
3F5	715-641	Nonpoint Source	\$	7,550,000	\$	7,595,000	69475
		Pollution Management					
3K4	715-634	DOD Monitoring and	\$	858,250	\$	898,825	69476
		Oversight					
3N4	715-657	DOE Monitoring and	\$	1,071,678	\$	1,110,270	69477
		Oversight					
3T3	715-669	Drinking Water SRF	\$	2,843,923	\$	2,977,998	69478
3V7	715-606	Agencywide Grants	\$	500,000	\$	500,000	69479
353	715-612	Public Water Supply	\$	3,388,619	\$	3,388,618	69480
354	715-614	Hazardous Waste	\$	4,203,891	\$	4,203,891	69481
		Management - Federal					
357	715-619	Air Pollution Control	\$	6,823,949	\$	6,823,950	69482
		- Federal					
362	715-605	Underground Injection	\$	111,874	\$	111,874	69483
		Control - Federal					
TOTAL FED Federal Special Revenue							69484
Fund Group			\$	36,980,720	\$	37,246,026	69485
State Special Revenue Fund Group							69486
4J0	715-638	Underground Injection	\$	458,418	\$	458,418	69487
		Control					

4K2	715-648	Clean Air - Non Title V	\$	3,690,821	\$	4,066,558	69488
4K3	715-649	Solid Waste	\$	13,932,845	\$	14,282,845	69489
4K4	715-650	Surface Water Protection	\$	12,685,000	\$	13,815,000	69490
4K5	715-651	Drinking Water Protection	\$	8,169,553	\$	8,867,732	69491
4P5	715-654	Cozart Landfill	\$	149,728	\$	149,728	69492
4R5	715-656	Scrap Tire Management	\$	6,000,000	\$	6,000,000	69493
4R9	715-658	Voluntary Action Program	\$	1,032,098	\$	1,032,098	69494
4T3	715-659	Clean Air - Title V Permit Program	\$	18,924,098	\$	18,833,584	69495
4U7	715-660	Construction & Demolition Debris	\$	881,561	\$	881,561	69496
5BC	715-617	Clean Ohio	\$	741,646	\$	741,646	69497
5BC	715-622	Local Air Pollution Control	\$	1,026,369	\$	1,026,369	69498
5BC	715-624	Surface Water	\$	8,797,413	\$	8,797,413	69499
5BC	715-667	Groundwater	\$	1,093,741	\$	1,093,741	69500
5BC	715-672	Air Pollution Control	\$	5,199,290	\$	5,199,290	69501
5BC	715-673	Drinking Water	\$	2,550,250	\$	2,550,250	69502
5BC	715-675	Hazardous Waste	\$	100,847	\$	100,847	69503
5BC	715-676	Assistance and Prevention	\$	700,302	\$	700,302	69504
5BC	715-677	Laboratory	\$	1,216,333	\$	1,216,333	69505
5BC	715-678	Corrective Actions	\$	1,179,775	\$	1,179,775	69506
5BT	715-679	C&DD Groundwater Monitoring	\$	571,560	\$	693,267	69507
5BY	715-681	Auto Emissions Test	\$	14,817,105	\$	15,057,814	69508
5CD	715-682	Clean Diesel School Buses	\$	600,000	\$	600,000	69509
5DW	715-683	Automotive Mercury	\$	60,000	\$	60,000	69510

		Switch Program					
5H4	715-664	Groundwater Support	\$	2,503,933	\$	2,715,340	69511
5N2	715-613	Dredge and Fill	\$	30,000	\$	30,000	69512
500	715-608	Immediate Removal	\$	557,257	\$	573,903	69513
		Special Account					
503	715-621	Hazardous Waste	\$	11,711,473	\$	12,200,240	69514
		Facility Management					
505	715-623	Hazardous Waste	\$	13,333,179	\$	14,147,498	69515
		Cleanup					
505	715-674	Clean Ohio	\$	109,725	\$	109,725	69516
		Environmental Review					
541	715-670	Site Specific Cleanup	\$	34,650	\$	34,650	69517
542	715-671	Risk Management	\$	146,188	\$	146,188	69518
		Reporting					
592	715-627	Anti Tampering	\$	9,707	\$	9,707	69519
		Settlement					
6A1	715-645	Environmental	\$	1,500,000	\$	1,500,000	69520
		Education					
602	715-626	Motor Vehicle	\$	157,697	\$	128,876	69521
		Inspection and					
		Maintenance					
644	715-631	ER Radiological Safety	\$	286,114	\$	286,114	69522
660	715-629	Infectious Waste	\$	100,000	\$	100,000	69523
		Management					
676	715-642	Water Pollution	\$	4,964,625	\$	4,964,625	69524
		Control Loan					
		Administration					
678	715-635	Air Toxic Release	\$	210,622	\$	210,622	69525
679	715-636	Emergency Planning	\$	2,628,647	\$	2,628,647	69526
696	715-643	Air Pollution Control	\$	750,000	\$	750,000	69527
		Administration					
699	715-644	Water Pollution	\$	750,000	\$	750,000	69528
		Control Administration					

TOTAL SSR State Special Revenue	\$	144,362,570	\$	148,690,706	69529
Fund Group					
Clean Ohio Conservation Fund Group					69530
5S1 715-607 Clean Ohio - Operating	\$	208,174	\$	208,174	69531
TOTAL CLF Clean Ohio Conservation	\$	208,174	\$	208,174	69532
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	202,554,045	\$	207,689,173	69533

AUTOMOBILE EMISSIONS TESTING PROGRAM OPERATION AND OVERSIGHT 69534

On July 1, 2007, or as soon as possible thereafter, if the 69535
Governor issues an executive order under division (A) of section 69536
3704.14 of the Revised Code, the Director of Budget and Management 69537
shall transfer \$14,817,105 for use in fiscal year 2008 from the 69538
General Revenue Fund to the Auto Emissions Test Fund (Fund 5BY). 69539
On July 1, 2008, or as soon as possible thereafter, if the 69540
Governor issues a subsequent executive order under division (A) of 69541
section 3704.14 of the Revised Code, the Director of Budget and 69542
Management shall transfer \$15,057,814 for use in fiscal year 2009 69543
from the General Revenue Fund to the Auto Emissions Test Fund 69544
(Fund 5BY). 69545

The Ohio Environmental Protection Agency (EPA) shall use the 69546
foregoing appropriation item 715-681, Auto Emissions Test, in the 69547
Auto Emissions Test Fund (Fund 5BY), for the operation, and Ohio 69548
EPA's costs for oversight, of the auto emissions testing program. 69549
For purposes of continuing testing beyond December 31, 2007, the 69550
Governor, annually and by executive order, may extend an existing 69551
contract with the contractor who is implementing the testing 69552
program pursuant to section 3704.14 of the Revised Code for a 69553
period of one year. 69554

The funds identified in this section shall not be used (1) to 69555
pay for the testing costs of any dealers to provide certificates 69556
for vehicles being purchased by individuals who reside in areas 69557
where the E-Check program is operated or (2) to pay for more than 69558

one passing or three total free tests for any vehicle in a 69559
three-hundred-sixty-five-day period. When state funds may not be 69560
used to pay for testing costs, the cost of testing and retesting 69561
paid by an individual or a business for any vehicle shall cover 69562
the cost of the test. Testing and other fees charged by the 69563
contractor shall be submitted to and approved by the Director of 69564
Environmental Protection. 69565

WATER QUALITY PROTECTION FUND 69566

On July 1, 2007, or as soon thereafter as possible, the 69567
Director of Environmental Protection shall certify to the Director 69568
of Budget and Management the cash balance in Fund 3F4, Water 69569
Quality Management. The Director of Budget and Management shall 69570
transfer the amount certified from Fund 3F4 to Fund 3BU, Water 69571
Quality Protection. Any existing encumbrances in appropriation 69572
item 715-633, Water Quality Management (Fund 3F4), shall be 69573
cancelled and re-established against appropriation item 715-684, 69574
Water Quality Protection (Fund 3BU). The amounts of the 69575
re-established encumbrances are hereby appropriated, and Fund 3F4 69576
is abolished. 69577

On July 1, 2007, or as soon thereafter as possible, the 69578
Director of Environmental Protection shall certify to the Director 69579
of Budget and Management the cash balance in Fund 3J1, Urban 69580
Stormwater. The Director of Budget and Management shall transfer 69581
the amount certified from Fund 3J1 to Fund 3BU, Water Quality 69582
Protection. Any existing encumbrances in appropriation item 69583
715-620, Urban Stormwater (Fund 3J1), shall be cancelled and 69584
re-established against appropriation item 715-684, Water Quality 69585
Protection (Fund 3BU). The amounts of the re-established 69586
encumbrances are hereby appropriated, and Fund 3J1 is abolished. 69587

On July 1, 2007, or as soon thereafter as possible, the 69588
Director of Environmental Protection shall certify to the Director 69589
of Budget and Management the cash balance in Fund 3J5, Maumee 69590

River. The Director of Budget and Management shall transfer the 69591
amount certified from Fund 3J5 to Fund 3BU, Water Quality 69592
Protection. Any existing encumbrances in appropriation item 69593
715-615, Maumee River (Fund 3J5), shall be cancelled and 69594
re-established against appropriation item 715-684, Water Quality 69595
Protection (Fund 3BU). The amounts of the re-established 69596
encumbrances are hereby appropriated, and Fund 3J5 is abolished. 69597

On July 1, 2007, or as soon thereafter as possible, the 69598
Director of Environmental Protection shall certify to the Director 69599
of Budget and Management the cash balance in Fund 3K2, Clean Water 69600
Act 106 (Fund 3K2). The Director of Budget and Management shall 69601
transfer the amount certified from Fund 3K2 to Fund 3BU, Water 69602
Quality Protection. Any existing encumbrances in appropriation 69603
item 715-628, Clean Water Act 106, shall be cancelled and 69604
re-established against appropriation item 715-684, Water Quality 69605
Protection (Fund 3BU). The amounts of the re-established 69606
encumbrances are hereby appropriated, and Fund 3K2 is abolished. 69607

On July 1, 2007, or as soon thereafter as possible, the 69608
Director of Environmental Protection shall certify to the Director 69609
of Budget and Management the cash balance in Fund 3K6, Remedial 69610
Action Plan. The Director of Budget and Management shall transfer 69611
the amount certified from Fund 3K6 to Fund 3BU, Water Quality 69612
Protection. Any existing encumbrances in appropriation item 69613
715-639, Remedial Action Plan (Fund 3K6), shall be cancelled and 69614
re-established against appropriation item 715-684, Water Quality 69615
Protection (Fund 3BU). The amounts of the re-established 69616
encumbrances are hereby appropriated, and Fund 3K6 is abolished. 69617

On July 1, 2007, or as soon thereafter as possible, the 69618
Director of Environmental Protection shall certify to the Director 69619
of Budget and Management the cash balance in Fund 352, Wastewater 69620
Pollution. The Director of Budget and Management shall transfer 69621
the amount certified from Fund 352 to Fund 3BU, Water Quality 69622

Protection. Any existing encumbrances in appropriation item 69623
715-611, Wastewater Pollution (Fund 352), shall be cancelled and 69624
re-established against appropriation item 715-684, Water Quality 69625
Protection (Fund 3BU). The amounts of the re-established 69626
encumbrances are hereby appropriated, and Fund 352 is abolished. 69627

On July 1, 2007, or as soon thereafter as possible, the 69628
Director of Environmental Protection shall certify to the Director 69629
of Budget and Management the cash balance in Fund 358, 205-J 69630
Federal Planning. The Director of Budget and Management shall 69631
transfer the amount certified from Fund 358 to Fund 3BU, Water 69632
Quality Protection. Any existing encumbrances in appropriation 69633
item 715-625, 205-J Federal Planning (Fund 358), shall be 69634
cancelled and re-established against appropriation item 715-684, 69635
Water Quality Protection (Fund 3BU). The amounts of the 69636
re-established encumbrances are hereby appropriated, and Fund 358 69637
is abolished. 69638

AREAWIDE PLANNING AGENCIES 69639

The Director of the Environmental Protection Agency shall use 69640
the foregoing appropriation item 715-624, Surface Water, to 69641
contract with areawide planning agencies in an amount not to 69642
exceed \$75,000 per agency per fiscal year for areawide water 69643
quality management and planning activities in accordance with 69644
Section 208 of the Federal Clean Water Act, 33 U.S.C. 1288. 69645

CASH TRANSFER FOR AUTOMOTIVE MERCURY SWITCH PROGRAM 69646

Upon the request of the Director of Environmental Protection, 69647
the Director of Budget and Management shall transfer up to \$60,000 69648
in cash from the Environmental Protection Fund (Fund 5BC) to the 69649
Automotive Mercury Switch Program Fund (Fund 5DW), in each year of 69650
the fiscal years 2008-2009 biennium. 69651

Section 283.10. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION 69652

General Revenue Fund				69653
GRF 172-321 Operating Expenses	\$	483,859	\$ 487,000	69654
TOTAL GRF General Revenue Fund	\$	483,859	\$ 487,000	69655
TOTAL ALL BUDGET FUND GROUPS	\$	483,859	\$ 487,000	69656
 Section 285.10. ETC ETECH OHIO				69658
General Revenue Fund				69659
GRF 935-321 Operations	\$	6,830,918	\$ 6,830,921	69660
GRF 935-401 Statehouse News Bureau	\$	244,400	\$ 244,400	69661
GRF 935-402 Ohio Government	\$	716,417	\$ 716,417	69662
Telecommunications				
Services				
GRF 935-403 Technical Operations	\$	3,633,390	\$ 3,633,389	69663
GRF 935-404 Telecommunications	\$	3,632,413	\$ 3,632,413	69664
Operating Subsidy				
GRF 935-406 Technical and	\$	7,285,351	\$ 7,272,351	69665
Instructional				
Professional				
Development				
GRF 935-539 Educational Technology	\$	4,139,551	\$ 4,139,551	69666
TOTAL GRF General Revenue Fund	\$	26,482,440	\$ 26,469,442	69667
General Services Fund Group				69668
4F3 935-603 Affiliate Services	\$	1,000,000	\$ 1,000,000	69669
4T2 935-605 Government	\$	25,000	\$ 25,000	69670
Television/Telecommunications				
Operating				
5D4 935-640 Conference/Special	\$	1,821,817	\$ 1,821,817	69671
Purposes				
TOTAL GSF General Services Fund	\$	2,846,817	\$ 2,846,817	69672
Group				
Federal Special Revenue Fund Group				69673
3S3 935-606 Enhancing Education	\$	589,363	\$ 589,363	69674

Technology

TOTAL FED Federal Special Revenue	\$	589,363	\$	589,363	69675
Fund Group					
State Special Revenue Fund Group					69676
4W9 935-630 Telecommunity	\$	25,000	\$	25,000	69677
4X1 935-634 Distance Learning	\$	50,000	\$	50,000	69678
5T3 935-607 Gates Foundation	\$	200,000	\$	200,000	69679
Grants					
TOTAL SSR State Special Revenue	\$	275,000	\$	275,000	69680
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	30,193,620	\$	30,180,622	69681

Section 285.30. TELECOMMUNICATIONS 69683

STATEHOUSE NEWS BUREAU 69684

The foregoing appropriation item 935-401, Statehouse News Bureau, shall be used solely to support the operations of the Ohio Statehouse News Bureau. 69685
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OHIO GOVERNMENT TELECOMMUNICATIONS STUDIO 69688

The foregoing appropriation item 935-402, Ohio Government Telecommunications Services, shall be used solely to support the operations of Ohio Government Telecommunications Services. 69689
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69691

TECHNICAL OPERATIONS 69692

Of the foregoing appropriation item 935-403, Technical Operations, up to \$36,000 in each fiscal year shall be used to pay the one hundred fifty dollar monthly per-antenna collocation fee that applies to public agencies with antennae on towers managed by OIT for the Multi-Agency Radio Communications System (MARCS), as outlined in policies and procedures adopted by the MARCS Steering Committee. The total amount of these fees paid by eTech Ohio on behalf of its public television and radio station affiliates with antennae on the eighteen towers transferred from eTech Ohio to OIT 69693
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shall be subject to any offsetting reductions negotiated by eTech 69702
Ohio or its affiliates to account for MARCS use of these or other 69703
affiliate towers. Any portion of the annual amount hereby 69704
designated that is not disbursed or encumbered for this purpose 69705
shall lapse at the end of the respective fiscal year. 69706

The remainder of appropriation item 935-403, Technical 69707
Operations, shall be used by eTech Ohio to pay expenses of eTech 69708
Ohio's network infrastructure, which includes the television and 69709
radio transmission infrastructure and infrastructure that shall 69710
link all public K-12 classrooms to each other and the Internet, 69711
and provide access to voice, video, and data educational resources 69712
for students and teachers. 69713

TELECOMMUNICATIONS OPERATING SUBSIDY 69714

Of the foregoing appropriation item 935-404, 69715
Telecommunications Operating Subsidy, \$45,000 in each fiscal year 69716
shall be used to contract for dial-up newspaper reading services 69717
for the blind and physically handicapped. The contract shall be 69718
awarded subject to Controlling Board approval, through a 69719
competitive bidding process. 69720

The remainder of appropriation item 935-404, 69721
Telecommunications Operating Subsidy, shall be distributed by 69722
eTech Ohio to Ohio's qualified public educational television 69723
stations, radio reading services, and educational radio stations 69724
to support their operations. The funds shall be distributed 69725
pursuant to an allocation formula used by the Ohio Educational 69726
Telecommunications Network Commission unless and until a 69727
substitute formula is developed by eTech Ohio in consultation with 69728
Ohio's qualified public educational television stations, radio 69729
reading services, and educational radio stations. 69730

Section 285.40. TECHNICAL AND INSTRUCTIONAL PROFESSIONAL 69731
DEVELOPMENT 69732

The foregoing appropriation item 935-406, Technical and Instructional Professional Development, shall be used by eTech Ohio to make grants or provide services to qualifying public schools, including the State School for the Blind, the State School for the Deaf, and the Department of Youth Services, for the provision of hardware, software, telecommunications services, and staff development to support educational uses of technology in the classroom.

Of the foregoing appropriation item 935-406, Technical and Instructional Professional Development, up to \$1,000,000 in each fiscal year shall be used to implement and support the Ohio Students Choosing On-line Resources for Educational Success (Ohio SCORES) initiative that increases the educational options available to students in mathematics, advanced laboratory-based science, and foreign language. eTech Ohio shall work collaboratively with the Department of Education and the Board of Regents on this initiative.

Of the foregoing appropriation item 935-406, Technical and Instructional Professional Development, up to \$200,000 in each fiscal year shall be used by eTech Ohio to provide competitive professional development grants to school districts. Grant proposals shall focus on developing innovative programs that enhance the abilities of teachers to use innovative methods for integrating technology to implement state academic content standards in classroom lessons. Grant requirements and awards shall be approved by eTech Ohio, with priority given to school districts designated in academic emergency, academic watch, or continuous improvement. eTech Ohio shall develop a web site to share information learned through these programs with school districts statewide. The web site shall be linked with the Ohio Department of Education's Instructional Management System.

Of the foregoing appropriation item 935-406, Technical and

Instructional Professional Development, up to \$1,260,000 in each 69765
fiscal year shall be allocated equally among the 12 Ohio 69766
educational television stations and used with the advice and 69767
approval of eTech Ohio. Funds shall be used for the production of 69768
interactive instructional programming series with priority given 69769
to resources aligned with state academic content standards in 69770
consultation with the Ohio Department of Education and for 69771
teleconferences to support eTech Ohio. The programming shall be 69772
targeted to the needs of the poorest two hundred school districts 69773
as determined by the district's adjusted valuation per pupil as 69774
defined in former section 3317.0213 of the Revised Code as that 69775
section existed prior to June 30, 2005. 69776

The remainder of appropriation item 935-406, Technical and 69777
Instructional Professional Development, shall be used by eTech 69778
Ohio for professional development for teachers and administrators 69779
for the use of educational technology. eTech Ohio may make grants 69780
to provide technical assistance and professional development on 69781
the use of educational technology to school districts. 69782

Eligible recipients of grants include regional training 69783
centers, educational service centers, information technology 69784
centers, educational technology centers, institutions of higher 69785
education, public television stations, special education resource 69786
centers, area media centers, or other nonprofit educational 69787
organizations. In addition, services provided through these grants 69788
may include use of private entities subcontracting through the 69789
grant recipient. 69790

Grants shall be made to entities on a contractual basis with 69791
eTech Ohio. Contracts shall include provisions that demonstrate 69792
how services will benefit technology use in the public schools, 69793
and in particular how services will support eTech Ohio's efforts 69794
to integrate technology in the public schools. Contracts shall 69795
specify the scope of assistance being offered and the potential 69796

number of professionals who will be served. Contracting entities 69797
may be awarded more than one grant at a time. Grants shall be 69798
awarded in a manner consistent with the goals and priorities of 69799
eTech Ohio. Special emphasis in the award of grants shall be 69800
placed on collaborative efforts among service providers. 69801

Application for grants from appropriation item 935-406, 69802
Technical and Instructional Professional Development, shall be 69803
consistent with a school district's technology plan that shall 69804
meet the minimum specifications for school district technology 69805
plans as prescribed by eTech Ohio. Funds allocated through these 69806
grants may be combined with funds received through other state or 69807
federal grants for technology so long as the school district's 69808
technology plan specifies the use of these funds. 69809

Section 285.50. EDUCATIONAL TECHNOLOGY 69810

The foregoing appropriation item 935-539, Educational 69811
Technology, shall be used to provide funding to suppliers of 69812
information services to school districts for the provision of 69813
hardware, software, and staff development in support of 69814
educational uses of technology in the classroom as prescribed by 69815
the State Plan for Technology pursuant to section 3301.07 of the 69816
Revised Code, and to support assistive technology for children and 69817
youth with disabilities. 69818

Of the foregoing appropriation item 935-539, Education 69819
Technology, up to \$4,139,551 in each fiscal year shall be used by 69820
eTech Ohio to contract with educational television to provide Ohio 69821
public schools with instructional resources and services with 69822
priority given to resources and services aligned with state 69823
academic content standards and such resources and services shall 69824
be based upon the advice and approval of eTech Ohio, based on a 69825
formula used by the Ohio SchoolNet Commission unless and until a 69826
substitute formula is developed by eTech Ohio in consultation with 69827

Ohio's educational technology agencies and noncommercial 69828
educational television stations. 69829

Resources may include, but not be limited to, the following: 69830
prerecorded video materials (including videotape, laser discs, and 69831
CD-ROM discs); computer software for student use or student access 69832
to electronic communication, databases, spreadsheet, and word 69833
processing capability; live student courses or courses delivered 69834
electronically; automated media systems; and instructional and 69835
professional development materials for teachers. eTech Ohio shall 69836
collaborate with public television stations and cooperate with 69837
education technology agencies in the acquisition, development, and 69838
delivery of these educational resources to ensure high-quality and 69839
educational soundness at the lowest possible cost. Delivery of 69840
these resources may utilize a variety of technologies. 69841

Services shall include presentations and technical assistance 69842
that will help students and teachers integrate educational 69843
materials that support curriculum objectives, match specific 69844
learning styles, and are appropriate for individual interests and 69845
ability levels. 69846

The instructional resources and services shall be made 69847
available for purchase by chartered nonpublic schools or by school 69848
districts for the benefit of pupils attending chartered nonpublic 69849
schools. 69850

eTech Ohio shall monitor the developments of technology, 69851
coordinate with the Office of Information Technology, and assure 69852
the most effective and highest quality operation of eTech Ohio 69853
networks. All efforts may be aligned with the State's ongoing 69854
efforts to coordinate appropriate network operations through the 69855
Office of Information Technology and through the Third Frontier 69856
Network. 69857

Section 285.55. (A) The Governor is hereby authorized to 69858

execute deeds or leases in the name of the state, granting or 69859
leasing all of the state's right, title, and interest in eighteen 69860
parcels on which stand eTech Ohio towers, the parcels being 69861
particularly described as follows: 69862

Akron/Nimisila 69863

Situated in the Township of Green, County of Summit, State of Ohio 69864
being part of the Southwest Quarter Section Eighteen (18) of 69865
Township Twelve North (T-12-N), Range Nine West (R-9-W), more 69866
particularly bounded and described as follows: 69867

Commencing at the Point of Intersection of the centerline of South 69868
Main Street (County Highway 50) with the centerline of Caston Road 69869
(County Highway 224); thence South 49 07' 20" East along and with 69870
the centerline of said Caston Road a distance of 394.15 feet to an 69871
iron pin; thence continuing South 49 07' 20" East a distance of 69872
300 feet to an iron pin at a PI of the centerline of said Caston 69873
Road; thence South 38 05' 26" East a distance of 138.82 feet to an 69874
iron pin at the True Place of Beginning of the parcel of land 69875
hereinafter described: 69876

Thence, South 50° 22' 26" East a distance of 50 feet to an 69877
iron pin; 69878

Thence, South 9° 37' 34" West a distance of 591.62 feet to an 69879
iron pin; 69880

Thence, South 69° 37' 34" West a distance of 50 feet to an 69881
iron pin; 69882

Thence, North 49° 22' 19" West a distance of 558.17 feet to 69883
an iron pin; 69884

Thence, North 9° 37' 34" East a distance of 50 feet to an 69885
iron pin; 69886

Thence, North 67° 37' 34" East a distance of 558.17 feet to 69887
the True Place of Beginning, containing 4.38 acres, to be the same 69888

more or less, according to survey by Justin A Seiler, Registered 69889
Surveyor #4421, on March 20, 1974, but subject to all legal 69890
highways. 69891

Butler 69892

County of Richland in the State of Ohio, and bounded and described 69893
as follows: Situated in the Township of Jefferson, County of 69894
Richland, State of Ohio and being a part of the Southeast Quarter 69895
of the Southeast Quarter Section Twenty-three (23) of Township 69896
Nineteen (19), Range Eighteen (18), more particularly bounded and 69897
described as follows: 69898

Commencing at the Southeast Corner of said Southeast Quarter 69899
Section 23; thence Northerly along and with the East Line of said 69900
Quarter a distance of 80 Rods to the Northeast corner of said 69901
Southeast Quarter of the Southeast Quarter Section 23; thence 69902
Westerly parallel with the South Line of said Quarter a distance 69903
of 202.5 feet to the True Place of Beginning; 69904

THENCE, continuing Westerly parallel with said South Line a 69905
distance of 688 feet to an iron pin; 69906

THENCE, Southerly with an interior angle of 90° a distance of 763 69907
feet to an iron pin; 69908

THENCE, Easterly with an interior angle of 90° a distance of 688 69909
feet to an iron pin; 69910

THENCE, Northerly with an interior angle of 90° a distance of 763 69911
feet to the True Place of Beginning, containing 12.05 acres, be 69912
the same more or less, according to survey by Justin A. Seiler, 69913
Registered Surveyor #4421, on March 12, 1974. 69914

Carey 69915

Being a tract of land in Section 28, Range 13E, Township 15, 69916
Crawford Township, Wyandot County, State of Ohio which is further 69917
described as follows: 69918

Beginning at a point on the north line of Section 28 which line is also the center line of Count road 25 (also known as Tyson Road) which point is South 89° 53' 11" East long the said north line of Section 28, a distance of two hundred sixty-one and ninety hundredths (261.90) feet from the northwest corner of said Section 28 said corner also being the intersection of the center line of County Road 97 and said County Road 25;

Thence, along the said north line of Section 28 North 89° 53' 30" East, a distance of four hundred thirty-one and seventy-one hundredths (431.71) feet to a point;

Thence, South 3° 42' 00" West, a distance of twenty and four hundredths (20.04) feet to a concrete monument;

Thence, continuing South 3° 42' 00" West, a distance of seven hundred sixty-nine and fifty-four hundredths (769.54) feet to a concrete monument;

Thence, North 62° 09' 49" West, a distance of five hundred ninety-five and four hundredths (595.04) feet to a concrete monument;

Thence, North 4° 53' 19" West, a distance of four hundred thirty-six and seventy-five hundredths (436.75) feet to a concrete monument;

Thence, North 73° 29' 57" East, a distance of one hundred ninety and fifty-four hundredths (190.54) feet to a concrete monument;

Thence, North 0° 06' 30" West, a distance of twenty and no hundredths (20.00) feet to the point of beginning.

Carmel Church

Township of Bloomfield, in the County of Jackson, and State of Ohio.

Being a tract of land in the Southeast Quarter of Section 35 in Range 17W, Township 8N, Bloomfield Township, Jackson County, Ohio

which is further described as follows: 69949

Beginning at a point in the center line of Township Road 144 which 69950
point is located by the following two (2) courses from the 69951
northwest corner of the said Southeast Quarter of Section 35; 69952

(1) South 4° 24 feet West along the west line of the said 69953
Southeast Quarter of Section 35, a distance of one hundred 69954
thirty-one and four tenths (131.4) feet to a point in the said 69955
center line of Township Road 144; 69956

(2) South 65° 11 feet East along the said center line of 69957
Township Road 144, a distance of five hundred eighty-five and no 69958
hundredths (585.00) feet to said beginning point; 69959

Thence, South 4° 24 feet West, a distance of thirty-two and one 69960
hundredth (32.01) feet to a concrete monument; 69961

thence, continuing South 4° 24 feet West, a distance of six 69962
hundred forty-two and forty hundredths (642.40) feet to a concrete 69963
monument; 69964

thence, continuing South 4° 24 feet West, a distance of thirty-two 69965
and two hundredths (32.02) feet to a point in the County Road 46; 69966

thence, North 73° 56 feet East being in County Road 46, a distance 69967
of one thousand eleven and forty-nine hundredths (1,011.49) feet 69968
to a point in the aforementioned center line of Township Road 144; 69969

thence, North 65° 11 feet West along the said center line of 69970
County Road 144, a distance of one thousand eleven and seventeen 69971
hundredths (1,011.17) feet to the point of the beginning. 69972

This tract contains seven and six hundred eight-two thousandths 69973
(7.682) acres, more or less. 69974

Celina 69975

TRACT ONE 69976

Being a parcel of land situated in Jefferson Township, Mercer 69977

County, Ohio in the northeast quarter of the northeast quarter of 69978
Section 4, Township 6 South, Range 3 East. Being more particularly 69979
described as follows: 69980

Commencing for reference at a 5/8 inch iron bar at the northeast 69981
corner of said section 4 69982

Thence, south 00° 50' 10" west, along the east line of said 69983
section 4 and the centerline of Dibble Road, a distance of thirty 69984
(30.00) feet to the south line of the Norfolk and Western Railroad 69985
Right-of Way. Said point being the place of beginning for the 69986
parcel to be described herein 69987

Thence, continuing south 00° 50' 10" west along the last described 69988
line, a distance of two hundred thirty-eight and 50/100 (238.50) 69989
feet to a point 69990

Thence, north 89° 05' 33" west, a distance of two hundred 69991
sixty-seven and 91/100 (267.91) feet to a point 69992

Thence, north 00° 50' 10" east, a distance of two hundred 69993
thirty-eight and 51/100 (238.50) feet to the south line of the 69994
aforementioned Norfolk the Western Railroad right-of-way 69995

Thence, south 89° 05' 33" east, along said south right-of-way, a 69996
distance of two hundred sixty-seven and 91/100 (267.91) feet to 69997
the place of beginning 69998

Containing 1.467 acres of land more or less. 69999

TRACT TWO 70000

Being a parcel of land situated in Jefferson Township, Mercer 70001
County, Ohio in the northwest quarter of the northeast quarter of 70002
Section 3, Township 6 South, Range 3 East. Being more particularly 70003
described as follows: 70004

Commencing for reference at a 5/8 inch iron bar at the northwest 70005
corner of said section 3 70006

Thence, south 00° 50' 10" west, along the east line of said 70007

section 3 and the centerline of Dibble Road, a distance of fifty 70008
(50.00) feet to the south line of the Norfolk and Western Railroad 70009
Right-of-Way. Said point being the place of beginning for the 70010
parcel to be described herein 70011

Thence, continuing south 00° 50' 10" west along the last described 70012
line, a distance of Five Hundred eighty-two and 50/100 (582.50) 70013
feet to a point 70014

Thence, north 89° 05' 33" east, a distance of three hundred 70015
sixty-seven and 91/100 (367.91) feet to a point 70016

Thence, north 00° 50' 10" east, a distance of five hundred 70017
eighty-two and 50/100 (582.50) feet to the southline of the 70018
aforementioned Norfolk and Western Railroad right-of-way 70019

Thence, north 89° 05' 33" west, along said south right-of-way, a 70020
distance of three hundred sixty-seven and 91/100 (367.91) feet to 70021
the place of beginning 70022

Containing 4.920 acres of land more or less. 70023

College Corner/Oxford 70024

Situate in the State of Ohio, Butler County, Oxford Township, 70025
being a part of Section 5, Range 1 East, Township 5 North, 70026
Congress Lands West of the Miami, also being a parcel out of those 70027
lands conveyed to Miami University by Deed of Record in Deed Book 70028
965, Page 42, Recorder's Office, Butler County, Ohio and being a 70029
lease for a radio broadcasting antenna tower and the necessary guy 70030
and anchor structures, more particularly described as follows: 70031

Beginning for reference at the northwest corner of Section 5, 70032
Range 1 East, Township 5 North, Congress Lands West of the Miami, 70033
said point also being at the intersection of Jones Road and Taylor 70034
Road and in the Preble-Butler County Line; thence leaving said 70035
County Line, said Jones road and with the centerline of said 70036
Taylor Road and the west line of said Section 5, South 00° 05' 70037

West 3619.2 feet to a point, said point being the northwesterly 70038
corner of the 14.01 acre tract as conveyed in said Deed Book 695, 70039
Page 42,; thence leaving the centerline of said Taylor Road and 70040
the west line of said Section 5 and with a northerly line of said 70041
14.01 acre parcel South 89 degrees 55' East 356.8 feet to a point; 70042
thence leaving the northerly line of said 14.01 acre parcel and 70043
crossing said 14.01 acre parcel South 00° 05' West 40.00 feet to a 70044
point; thence continuing across said 14.01 acre parcel North 87° 70045
53' East 386.5 feet to the center of an existing antenna tower and 70046
the True Point of Beginning of the herein described leases, said 70047
tower also having geographic coordinates of North Latitude 39° 31' 70048
37" and West Longitude 84° 47' 36". 70049

Parcel A: Being a circular area of fifty (50.00) foot radius 70050
centered on the aforescribed antenna tower and containing 7854 70051
square feet, more or less. 70052

Parcel B: Beginning at a point which bears North 27° 53' East, a 70053
distance of fifty (50.00) feet from the aforescribed antenna 70054
tower and at a point on the circumference of the aforescribed 70055
circle; thence with the centerline of a twenty (20.00) foot wide 70056
easement, being ten (10.00) feet on each side of said centerline 70057
North 27° 53' East 300.00 feet to the terminus of said Lease B and 70058
containing 6006.7 square feet, more or less. 70059

Parcel C: Beginning at a point which bears South 32° 07' East a 70060
distance of fifty (50.00) feet from the aforescribed antenna 70061
tower and at a point on the circumference of the aforescribed 70062
circle; thence with the centerline of a twenty (20.00) foot wide 70063
easement, being ten (10.00) feet on each side of said centerline 70064
South 32° 07' East 293.00 feet to the terminus of said Lease C and 70065
containing 5866.7 square feet, more or less 70066

Parcel D: Beginning at a point which bears South 87° 53' West a 70067
distance of fifty (50.00) feet from the aforescribed antenna 70068

tower and at a point on the circumference of the aforescribed 70069
circle; thence with the centerline of a twenty (20.00) foot wide 70070
easement, being ten (10.00) feet on each side of said centerline 70071
South 87° 53' West 300.00 feet to the terminus of said Lease D and 70072
containing 6006.7 square feet, more or less. 70073

The aforescribed four lease parcels containing a total of 70074
25734.1 square feet or 0.591 acres, more or less 70075

Ashtabula 70076

Located in Sheffield Township, Ashtabula County, State of Ohio and 70077
being part of Lot 2, Township 12, Range 2 and more particularly 70078
described as follows: 70079

Beginning at the intersection of the centerline of Plymouth Ridge 70080
Road and the centerline of Wright Street said intersection also 70081
being the Southwest corner of Steven Raydek property; 70082

Thence North along the said centerline of Wright Street a distance 70083
of 1,782.0 feet to a point; 70084

Thence Easterly with an interior angle of 90° 00 minutes along the 70085
Westerly projection of the East guy line a distance of 180.0 feet 70086
to the center of the tower. 70087

Fairborn/Wright State 70088

Being a tract of land situated on Wright State University campus, 70089
City of Fairborn, Green County, State of Ohio, and being bounded 70090
and more particularly described as follows: 70091

Beginning at a point being at P.K. nail located in the centerline 70092
of Colonel Glenn Highway, and the point being referred to as 70093
station 104+00; thence North (13°-17'-57") East a distance of 70094
1933.55 feet to an iron pin being the true point of beginning; 70095
thence North (44°-08'-37") West a distance of 49.04 feet to an 70096
iron pin; thence North (45°-51'23") East a distance of 70.95 feet 70097
to an iron pin; thence South (44°-08'-37") a distance of 49.04 70098

feet to an iron pin; thence South (45°-51'-23") West a distance of 70099
70.95 feet to an iron pin being the true point of beginning 70100
containing 0.080 acres more or less subject however to all 70101
easements of record. 70102

Lancaster 70103

Situated in the state of Ohio, County of Fairfield, Township of 70104
Hocking and further described as follows: 70105

Being a site 100' in length, east and west, by 50' in width, north 70106
and south, within which area a base for a broadcasting tower, a 70107
generator pad and a tank foundation are to be constructed, said 70108
tower to be located approximately 184 feet north of the southwest 70109
corner of building No. 2.004 and approximately 132 feet east of 70110
the fence along the easterly side of Jackson Road, also, together 70111
with existing guy wires and an access road running from Jackson 70112
Road, thence due east to the west line of the above described 70113
site. 70114

London 70115

Roberts Mill Road on certain lands belonging to the State of Ohio, 70116
known as London Prison Farm. 70117

Loudonville 70118

Located in Washington Township, Holmes County, State of Ohio and 70119
in the East Half of the northwest Quarter of Section 5, Township 70120
19, Range 15 and more particularly described as follows: 70121

Beginning at the intersection of the centerline of Township Road 70122
32 and the west line of the east half of the northwest quarter of 70123
Section 5, said west line also being the Grantor's westerly 70124
property line. 70125

Thence easterly along the said centerline a distance of 270.8 feet 70126
to a point; 70127

Thence Southerly along the North Guy line projected a distance of 70128

660.25 feet to the center of the Tower, said center of the Tower 70129
being 314 feet, more or less, easterly of the said West line of 70130
the East Half of the northwest Quarter of Section 5. 70131

The total area of occupancy, including the tower base, building 70132
and guy line areas shall not exceed 1.0 acre. 70133

Mansfield 70134

Situate in the State of Ohio, County of Richland, Washington 70135
Township, being a part of the Northwest Quarter (1/4) of Section 70136
11, Township 20 North, Range 18 West, also being a parcel out of 70137
those lands conveyed to James Edward Procker by Deed of Record in 70138
Deed Book 585, Page 578, Recorders Office, Richland County, Ohio 70139
and being more particularly described as follows: 70140

Beginning for Reference at the intersection of the centerline of 70141
the Mansfield-Washington Road (C.H. 301) and the southeast line of 70142
James Procker's 15 acre parcel as described in said Deed Book 585, 70143
Page 578, Recorder's Office, Richland County, Ohio and in the 70144
Northeast Quarter (1/4) of said Section 11; thence leaving said 70145
Mansfield-Washington Road and with the southeast line of said 70146
James Procker South 47° 59' 08" West 968.22 feet to a point on the 70147
East line of Northwest Quarter (1/4) of said Section 11; thence 70148
leaving the East line of said Northwest Quarter (1/4) of said 70149
Section 11 and across the lands of said James Procker and the 70150
Northwest Quarter (1/4) of said Section 11 North 64° 11' 46" West 70151
1186.56 feet to a point, the center of an existing radio 70152
transmission tower; thence North 09° 01' 06" West 13.00 feet to 70153
the Reference Point of Beginning of the four (4) hereinafter 70154
described easements, said Point of Beginning being half (1/2) way 70155
towards another existing radio transmission tower, 26.00 feet 70156
northerly from the first transmission tower. 70157

Lease No. 1 Circular Area 70158

Being a Circle having a 75.00 foot Radius, centered upon The 70159

Reference Point of Beginning as described above, said Reference 70160
Point being True Point of Beginning for this circular area and 70161
lying half (1/2) way between two existing Radio Transmission 70162
Towers and containing 17,671 square feet, more or less. 70163

Lease No. 2 Guy and Anchor Area (Northerly) 70164

Beginning for Reference at the aforementioned Reference Point of 70165
Beginning at a point half (1/2) way between two existing Radio 70166
Transmitting Towers: thence North 09 50' 08" East 75.00 feet to a 70167
point on the circumference of the 75.00 foot radius circle 70168
described in Lease No. 1 above and the True Point of Beginning of 70169
the following described parcel; thence along the centerline of a 70170
18.00 foot wide strip, 9 foot on each side of the following 70171
described line and parallel with the northerly guy of the 70172
southerly Radio Transmitting Tower, 70173

North 09° 50' 08" East 237.14 feet to the terminus of Lease No. 2 70174
and containing 4269 square feet, more or less. 70175

Lease No. 3 Guy and Anchor Area (Southereasterly) 70176

Beginning for Reference at the aforementioned Reference Point of 70177
Beginning at a point half (1/2) way between two existing Radio 70178
Transmitting Towers; thence South 50 09' 52" East 75.00 feet to a 70179
point on the circumference of the 75.00 foot radius circle 70180
described in Lease No. 1 above and the True Point of Beginning of 70181
the following described parcel; thence along the centerline of a 70182
27.00 foot wide strip, 13.50 feet on each side of the following 70183
described line and parallel with the southeasterly guy of the 70184
southerly Radio Transmitting Tower, 70185

South 50° 09' 52" East 217.93 feet to the terminus of Lease No. 3 70186
and containing 5884 square feet, more or less. 70187

Lease No. 4 Guy and Anchor Area (southwesterly) 70188

Beginning for Reference at the aforementioned Reference Point of 70189

Beginning at a point half (1/2) way between two existing Radio 70190
Transmitting Towers; thence South 69° 50' 08" West 75.00 feet to a 70191
point on the circumference of the 75.00 foot radius circle 70192
described in Lease No. 1 above and the True Point of Beginning of 70193
the following described line and parallel with the southwesterly 70194
guy of the southerly Radio Transmitting Tower. 70195

South 69° 50' 08" West 240.84 feet to the terminus of Lease No. 4 70196
and containing 10,356 square feet, more or less. 70197

Maplewood 70198

The following described Real Estate, situate in the Township of 70199
Jackson in the County of Shelby and State of Ohio. 70200

Being part of the southeast quarter of the southeast quarter of 70201
Section 29, Town 7 South, Range 7 East, Jackson Township, Shelby 70202
County, Ohio, and more particularly described as follows: 70203

Commencing at the stone at the Southeast corner of the Southeast 70204
quarter of Section 29, Jackson Township, (stone being in the 70205
center on the Wones Road and State Route 119); thence in a 70206
westerly direction along the center o the State Route 119, 971.58 70207
feet to a Railroad Spike, this being the PLACE OF BEGNNNING. 70208

Thence continuing in a westerly direction along the center of 70209
State Route 119, 340.80 feet to a Railroad Spike on the West line 70210
of the Southeast Quarter of the Southeast Quarter of Section 29, 70211
Jackson Township; thence in a Northerly direction with an internal 70212
angle of 89 degrees 25 minutes along the West line of the 70213
Southeast Quarter of the Southeast Quarter of Section 29, Jackson 70214
Township, 1142.38 feet to a Railroad Tie corner post; thence in an 70215
Easterly direction with an internal angle of 90 degrees 40 minutes 70216
339.50 feet to an iron pipe; thence in a Southerly direction with 70217
an internal angle of 89 degrees 22 minutes, 1143.63 feet to the 70218
Railroad Spike in the center of State Route 119, which was the 70219
PLACE OF BEGINNING. 70220

The above described tract of land contains 8.92 areas more or
less, subject to all legal highways and easements of record. Being
part of the same premises conveyed by deed recorded in Volume 196,
Page 132 of the Deed Records of Shelby County, Ohio.

ALSO, Situate in the Township of Jackson in the County of Shelby
and State of Ohio.

The following described tract of land is part of the southeast
quarter of southeast quarter of Section 29 - T7S - R7E, Jackson
Township, Shelby County, Ohio and is more particularly described
as follows.

Commencing at a stone at the southeast corner of southeast quarter
of Section 29 Jackson Township. (Stone being in the center on
Wones Road and State Route 119).

Thence in a westerly direction along center line of S. R. 119,
777.46' to first railroad spike. Continuing in westerly direction
along center line of S.R. 119, 194.12' to second railroad spike.

Thence in a northerly direction with internal angle of 89°, 27',
495 ft. to I.P. (set stake). This being place of beginning.

Thence in a northerly direction 634.08' to an iron pipe (post).

Thence in an easterly direction with internal angle of 90° - 18',
194.11' to an iron pipe.

Thence in a southerly direction with internal angle of 89° - 42',
633.33' to a point (set stake).

Thence in a westerly direction with internal angle of 90° - 33',
194.115' to I.P. which was place of beginning.

Millersburg

Being a part of a 35.47 acre parcel of land, known as lot #24 in
the 1st quarter Township, Township 9, Range 8, Monroe Township,
Holmes County, Ohio. Being more particularly described as follows:

Being a plot approximately 30' X 20' (approximately 600 square feet), located in the northwest corner of the property with center of tower base to be located approximately 500' south of north property line and 152' east of West property line. 70250
70251
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70253

Thompson 70254

Begin part of a 16 acre parcel of land situated in Thompson Township, Geauga County, Ohio, and known as Lot #20 as described in Deed #272-290. Being more particularly described as follows: 70255
70256
70257

Being a triangular land area measuring fifty (50) feet southwest to north by fifty (50) feet southeast to north by fifty (50) feet west to east to be situated at the northwest corner of the aforementioned 16 acre parcel. Also being an additional rectangular land area measuring from the southwest corner of the aforementioned land area south 21 feet then east by 35 feet then north by 21 feet thus returning to the southeast corner of the aforementioned land area. 70258
70259
70260
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70263
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70265

Warrensville Heights 70266

41° 26' 48"N 70267

81° 30' 20"W 70268

Wilberforce (CSU) 70269

Situate in the State of Ohio, Greene County, Xenia Township and the Village of Wilberforce and being a part of those lands conveyed from Central State University to the Ohio Educational Broadcasting Network Commission by a Transfer of Jurisdiction, dated September 18, 1974, and being two (2) easements more particularly described as follows: 70270
70271
70272
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70274
70275

Tract No. 1. Steam Tunnel serving Lane Hall (Guy and Anchor Block) 70276

Being an eight foot (8.0') wide easement, four feet (4.0') on each side of the following described centerline; Beginning for Reference at approximate station 11+60 as shown on Drawing No. 70277
70278
70279

G-1, Sheet 3 of 35, Section No. G-5, Titled Project No. 70280
255-88-059, UTILITY TUNNEL LOOP, Phase 1, Central State University 70281
and prepared by Fosdick and Hilmer, Inc., Consulting Engineers and 70282
THP Limited of Cincinnati, Ohio; thence with the centerline of the 70283
Steam Tunnel serving said Lane Hall, South 31° East 30.0 feet more 70284
or less; thence South 48° 30' East 84.3 feet, more or less, to the 70285
True Point of Beginning of the herein described easement; thence 70286
continuing with the centerline of said Steam Tunnel 70287
South 48° 30' East 17.4 feet, more or less, to the terminus of the 70288
herein described easement. 70289

Tract No. 2. Steam Tunnel G-5 Serving the Cosby Center for Mass 70290
Communication (antenna site) 70291

Being a five foot (5.0') wide easement, two and one-half feet 70292
(2.5') on each side of the following described centerline; 70293
Beginning for Reference at a northerly corner of the Cosby Center 70294
for Mass Communication; thence with a northwesterly wall of said 70295
Cosby Center South 41° West 67.4 feet, more or less, to the True 70296
Point of Beginning of the herein described easement and on the 70297
centerline of said Steam Tunnel as shown on Drawing No. G-1, Sheet 70298
3 of 35, Section No. G-5, Titled Project No. 255-88-059, UTILITY 70299
TUNNEL LOOP, Phase 1, Central State University and prepared by 70300
Fosdick and Hilmer, Inc. and THP Limited of Cincinnati, Ohio; 70301
thence with the centerline of said Steam Tunnel. 70302

North 49° West 4.6 feet, more or less; thence 70303
North 41° East 23.3 feet, more or less, to the terminus of the 70304
herein described easement. 70305

Wooster 70306

Being a tract of land in Section 15, Range 13W, Township 16N, 70307
Wooster Township, Wayne County, State of Ohio which is further 70308
described as follows: 70309

Beginning for a point at a concrete monument which point is 70310
located by the following two (2) courses from the southeast corner 70311
of Section 15:- 70312

(1) North 0° 03' 45" East, a distance of one thousand one 70313
hundred fifty-five and twenty hundredths (1,155.20) feet to a 70314
point in the centerline of Hayden Road; 70315

(2) North 58° 15' 15" West, a distance of four hundred 70316
eighty-three and eighty-six hundredths (483.86) feet to the said 70317
point of beginning. 70318

Thence, North 89° 28' 57" West, a distance of five hundred seventy 70319
and no hundredths (570.00) feet to a concrete monument; 70320

Thence, North 0° 31' 03" East, a distance of six hundred 70321
fifty-eight and eighteen hundredths (658.18) feet to a concrete 70322
monument; 70323

Thence, South 89° 28' 67" East, a distance of five hundred seventy 70324
and no hundredths (570.00) feet to a concrete monument; 70325

Thence, South 0° 31' 03" West, a distance of six hundred fifty 70326
eight and eighteen hundredths (658.18) feet to the point of 70327
beginning. 70328

This tract contains eight and sixty-one hundredths (8.61) acres, 70329
more or less. 70330

(B) All rights, privileges, ownership, and control of the 70331
towers shall be transferred from eTech Ohio to the Office of 70332
Information Technology (OIT) by July 1, 2007. Where the land upon 70333
which the towers are located is leased by eTech Ohio, eTech Ohio 70334
shall relinquish its right on any such lease and OIT shall be 70335
substituted as the lessee of the premises by July 1, 2007, under 70336
the same terms, provisions, and conditions as specified in each 70337
lease agreement, subject to the lessor's consent. Where the land 70338
upon which the towers are located is owned by eTech Ohio, all 70339

rights, privileges, ownership and control of the land shall be 70340
transferred to OIT by July 1, 2007. The transfers and assignments 70341
of the eighteen tower site designations are subject to eTech 70342
Ohio's continued right to use the towers and the premises on which 70343
the towers are located for transmission and broadcasting; to OIT 70344
policies and procedures; and to completion of any legal surveys of 70345
the premises deemed necessary by the Office of Real Estate 70346
Services. 70347

(C) Renewable leases and deeds to implement this section 70348
shall be prepared by the Auditor of State with the assistance of 70349
the Attorney General, executed by the Governor, countersigned by 70350
the Secretary of State, sealed with the Great State of Ohio, and 70351
presented for recording in the Office of the Auditor of State. 70352
Each deed or lease shall be delivered to the original grantor or 70353
lessor of each property for recording in the office of the 70354
appropriate county recorder. 70355

Section 285.60. TELECOMMUNITY 70356

The foregoing appropriation item 935-630, Telecommunity, 70357
shall be distributed by eTech Ohio on a grant basis to eligible 70358
school districts to establish "distance learning" through 70359
interactive video technologies in the school district. Per 70360
agreements with eight Ohio local telephone companies ALLTEL Ohio, 70361
CENTURY Telephone of Ohio, Chillicothe Telephone Company, 70362
Cincinnati Bell Telephone Company, Orwell Telephone Company, 70363
Sprint North Central Telephone, VERIZON, and Western Reserve 70364
Telephone Company, school districts are eligible for funds if they 70365
are within one of the listed telephone company service areas. 70366
Funds to administer the program shall be expended by eTech Ohio up 70367
to the amount specified in agreements with the listed telephone 70368
companies. 70369

Within thirty days after the effective date of this section, 70370

the Director of Budget and Management shall transfer to Fund 4W9 70371
in the State Special Revenue Fund Group any investment earnings 70372
from moneys paid by any telephone company as part of any 70373
settlement agreement between the listed companies and the Public 70374
Utilities Commission in fiscal years 1996 and beyond. 70375

DISTANCE LEARNING 70376

The foregoing appropriation item 935-634, Distance Learning, 70377
shall be distributed by eTech Ohio on a grant basis to eligible 70378
school districts to establish "distance learning" in the school 70379
district. Per the agreement with Ameritech, school districts are 70380
eligible for funds if they are within an Ameritech service area. 70381
Funds to administer the program shall be expended by eTech Ohio up 70382
to the amount specified in the agreement with Ameritech. 70383

Within thirty days after the effective date of this section, 70384
the Director of Budget and Management shall transfer to Fund 4X1 70385
in the State Special Revenue Fund Group any investment earnings 70386
from moneys paid by any telephone company as part of a settlement 70387
agreement between the company and the Public Utilities Commission 70388
in fiscal year 1995. 70389

GATES FOUNDATION GRANTS 70390

The foregoing appropriation item 935-607, Gates Foundation 70391
Grants, shall be used by eTech Ohio to provide professional 70392
development to school district principals, superintendents, and 70393
other administrative staff for the use of education technology. 70394

Section 287.10. ETH OHIO ETHICS COMMISSION 70395

General Revenue Fund 70396

GRF 146-321 Operating Expenses \$ 1,863,028 \$ 1,967,275 70397

TOTAL GRF General Revenue Fund \$ 1,863,028 \$ 1,967,275 70398

General Services Fund Group 70399

4M6 146-601 Operating Expenses \$ 527,543 \$ 477,543 70400

TOTAL GSF General Services				70401
Fund Group	\$	527,543	\$ 477,543	70402
TOTAL ALL BUDGET FUND GROUPS	\$	2,390,571	\$ 2,444,818	70403

Section 289.10. EXP OHIO EXPOSITIONS COMMISSION 70405

General Revenue Fund				70406
GRF 723-403 Junior Fair Subsidy	\$	400,000	\$ 400,000	70407
TOTAL GRF General Revenue Fund	\$	400,000	\$ 400,000	70408
State Special Revenue Fund Group				70409
4N2 723-602 Ohio State Fair	\$	520,000	\$ 520,000	70410
Harness Racing				
506 723-601 Operating Expenses	\$	13,643,315	\$ 13,643,315	70411
640 723-603 State Fair Reserve	\$	125,337	\$ 0	70412
TOTAL SSR State Special Revenue				70413
Fund Group	\$	14,288,652	\$ 14,163,315	70414
TOTAL ALL BUDGET FUND GROUPS	\$	14,688,652	\$ 14,563,315	70415

STATE FAIR RESERVE 70416

The foregoing appropriation item 723-603, State Fair Reserve, 70417
shall serve as a budget reserve fund for the Ohio Expositions 70418
Commission in the event of a significant decline in attendance 70419
because of inclement weather or extraordinary circumstances during 70420
the Ohio State Fair resulting in a loss of revenue. The State Fair 70421
Reserve Fund (Fund 640) may be used by the Ohio Expositions 70422
Commission to pay bills resulting from the Ohio State Fair only if 70423
all the following criteria are met: 70424

(A) Admission revenues for the 2007 Ohio State Fair are less 70425
than \$2,025,000 or the admission revenues for the 2008 Ohio State 70426
Fair are less than \$2,065,000 because of inclement weather or 70427
extraordinary circumstances. These amounts are ninety per cent of 70428
the projected revenues for each year. 70429

(B) The Ohio Expositions Commission declares a state of 70430

fiscal exigency and requests release of funds from the Director of Budget and Management. 70431
70432

(C) The Director of Budget and Management releases the funds. 70433
The Director of Budget and Management may approve or disapprove 70434
the request for release of funds, may increase or decrease the 70435
amount of release, and may place conditions as the Director 70436
considers necessary on the use of the released funds. The Director 70437
of Budget and Management may transfer the appropriation from 70438
fiscal year 2008 to fiscal year 2009 as needed. 70439

In the event that the Ohio Expositions Commission faces a 70440
temporary cash shortage that will preclude it from meeting current 70441
obligations, the Commission may request the Director of Budget and 70442
Management to approve use of the State Fair Reserve Fund (Fund 70443
640) to meet those obligations. The request shall include a plan 70444
describing how the Commission will eliminate the cash shortage. If 70445
the Director of Budget and Management approves the expenditures, 70446
the Commission shall reimburse the State Fair Reserve Fund (Fund 70447
640) by the thirtieth day of June of that same fiscal year through 70448
an intrastate transfer voucher. The amount reimbursed is hereby 70449
appropriated. 70450

Section 291.10. GOV OFFICE OF THE GOVERNOR 70451

General Revenue Fund 70452

GRF 040-321 Operating Expenses \$ 3,754,045 \$ 3,754,045 70453

GRF 040-403 Federal Relations \$ 435,443 \$ 435,443 70454

GRF 040-408 Office of Veterans' \$ 287,000 \$ 298,000 70455

Affairs

TOTAL GRF General Revenue Fund \$ 4,476,488 \$ 4,487,488 70456

General Services Fund Group 70457

5AK 040-607 Federal Relations \$ 365,149 \$ 365,149 70458

TOTAL GSF General Services Fund \$ 365,149 \$ 365,149 70459

Group

TOTAL ALL BUDGET FUND GROUPS	\$	4,841,637	\$	4,852,637	70460	
APPOINTMENT OF LEGAL COUNSEL FOR THE GOVERNOR					70461	
The Governor may expend a portion of the foregoing					70462	
appropriation item 040-321, Operating Expenses, to hire or appoint					70463	
legal counsel to be used in proceedings involving the Governor in					70464	
the Governor's official capacity or the Governor's office only,					70465	
without the approval of the Attorney General, notwithstanding					70466	
sections 109.02 and 109.07 of the Revised Code.					70467	
FEDERAL RELATIONS					70468	
A portion of the foregoing appropriation items 040-403,					70469	
Federal Relations, and 040-607, Federal Relations, may be used to					70470	
support Ohio's membership in national or regional associations.					70471	
The Office of the Governor may charge any state agency of the					70472	
executive branch using an intrastate transfer voucher such amounts					70473	
necessary to defray the costs incurred for the conduct of federal					70474	
relations associated with issues that can be attributed to the					70475	
agency. Amounts collected shall be deposited to the Office of the					70476	
Governor Federal Relations Fund (Fund 5AK).					70477	
Section 293.10. DOH DEPARTMENT OF HEALTH					70478	
General Revenue Fund					70479	
GRF 440-407	Animal Borne Disease	\$	2,327,101	\$	2,327,101	70480
	and Prevention					
GRF 440-412	Cancer Incidence	\$	1,002,619	\$	1,002,619	70481
	Surveillance System					
GRF 440-413	Local Health	\$	3,786,794	\$	3,786,794	70482
	Department Support					
GRF 440-416	Child and Family	\$	9,522,874	\$	9,622,874	70483
	Health Services					
GRF 440-418	Immunizations	\$	9,400,615	\$	9,400,615	70484

GRF 440-425	Abstinence Education	\$	500,000	\$	500,000	70485	
GRF 440-431	Free Clinic Liability	\$	250,000	\$	250,000	70486	
	Insurance						
GRF 440-437	Healthy Ohio	\$	1,502,618	\$	2,855,553	70487	
GRF 440-444	AIDS Prevention and	\$	7,158,127	\$	7,158,127	70488	
	Treatment						
GRF 440-446	Infectious Disease	\$	200,000	\$	200,000	70489	
	Prevention						
GRF 440-451	Lab and Public Health	\$	6,085,250	\$	6,085,250	70490	
	Prevention Programs						
GRF 440-452	Child and Family	\$	1,024,017	\$	1,024,017	70491	
	Health Services Match						
GRF 440-453	Health Care Quality	\$	10,253,728	\$	10,253,728	70492	
	Assurance						
GRF 440-454	Local Environmental	\$	889,752	\$	889,752	70493	
	Health						
GRF 440-459	Help Me Grow	\$	10,923,397	\$	14,041,847	70494	
GRF 440-505	Medically Handicapped	\$	10,791,784	\$	10,791,784	70495	
	Children						
GRF 440-507	Targeted Health Care	\$	1,681,023	\$	1,681,023	70496	
	Services Over 21						
GRF 440-511	Uncompensated Care and	\$	0	\$	3,500,000	70497	
	Emergency Medical						
	Assistance						
TOTAL GRF	General Revenue Fund	\$	77,299,699	\$	85,371,084	70498	
	General Services Fund Group					70499	
142	440-646	Agency Health Services	\$	3,461,915	\$	3,461,915	70500
211	440-613	Central Support	\$	28,884,707	\$	28,884,707	70501
	Indirect Costs						
473	440-622	Lab Operating Expenses	\$	4,954,045	\$	4,954,045	70502
683	440-633	Employee Assistance	\$	1,208,214	\$	1,208,214	70503
	Program						
698	440-634	Nurse Aide Training	\$	170,000	\$	170,000	70504

TOTAL GSF General Services				70505
Fund Group	\$	38,678,881	\$ 38,678,881	70506
Federal Special Revenue Fund Group				70507
320 440-601 Maternal Child Health	\$	30,666,635	\$ 30,666,635	70508
Block Grant				
387 440-602 Preventive Health	\$	7,826,659	\$ 7,826,659	70509
Block Grant				
389 440-604 Women, Infants, and	\$	230,077,451	\$ 230,077,451	70510
Children				
391 440-606 Medicaid/Medicare	\$	24,850,959	\$ 24,850,959	70511
392 440-618 Federal Public Health	\$	136,778,215	\$ 136,778,215	70512
Programs				
TOTAL FED Federal Special Revenue				70513
Fund Group	\$	430,199,919	\$ 430,199,919	70514
State Special Revenue Fund Group				70515
4D6 440-608 Genetics Services	\$	3,317,000	\$ 3,317,000	70516
4F9 440-610 Sickle Cell Disease	\$	1,035,344	\$ 1,035,344	70517
Control				
4G0 440-636 Heirloom Birth	\$	5,000	\$ 5,000	70518
Certificate				
4G0 440-637 Birth Certificate	\$	5,000	\$ 5,000	70519
Surcharge				
4L3 440-609 Miscellaneous Expenses	\$	446,468	\$ 446,468	70520
4T4 440-603 Child Highway Safety	\$	233,894	\$ 233,894	70521
4V6 440-641 Save Our Sight	\$	1,767,994	\$ 1,767,994	70522
470 440-647 Fee Supported Programs	\$	27,996,243	\$ 25,905,140	70523
471 440-619 Certificate of Need	\$	869,000	\$ 898,000	70524
477 440-627 Medically Handicapped	\$	3,693,016	\$ 3,693,016	70525
Children Audit				
5B5 440-616 Quality, Monitoring,	\$	838,479	\$ 838,479	70526
and Inspection				
5CB 440-640 Poison Control Centers	\$	150,000	\$ 150,000	70527

5CN	440-645	Choose Life	\$	75,000	\$	75,000	70528
5C0	440-615	Alcohol Testing and Permit	\$	1,455,405	\$	1,455,405	70529
5D6	440-620	Second Chance Trust	\$	1,054,951	\$	1,054,951	70530
5EC	440-650	Health Emergency	\$	15,312,500	\$	0	70531
5ED	440-651	Smoke Free Indoor Air	\$	800,000	\$	800,000	70532
5G4	440-639	Adoption Services	\$	20,000	\$	20,000	70533
5L1	440-623	Nursing Facility Technical Assistance Program	\$	664,282	\$	698,595	70534
610	440-626	Radiation Emergency Response	\$	850,000	\$	850,000	70535
666	440-607	Medically Handicapped Children - County Assessments	\$	14,320,687	\$	14,320,687	70536
TOTAL SSR State Special Revenue							70537
Fund Group			\$	74,910,263	\$	57,569,973	70538
Holding Account Redistribution Fund Group							70539
R14	440-631	Vital Statistics	\$	70,000	\$	70,000	70540
R48	440-625	Refunds, Grants Reconciliation, and Audit Settlements	\$	20,000	\$	20,000	70541
TOTAL 090 Holding Account							70542
Redistribution Fund Group			\$	90,000	\$	90,000	70543
TOTAL ALL BUDGET FUND GROUPS			\$	621,178,762	\$	611,909,857	70544

Section 293.20. CHILD AND FAMILY HEALTH SERVICES 70546

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. 70547
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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 70550
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fiscal year for the OPTIONS dental care access program. 70552

Of the foregoing appropriation item 440-416, Child and Family Health Services, \$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. 70553
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Of the foregoing appropriation item 440-416, Child and Family Health Services, \$10,000 in each fiscal year shall be allocated to the Jewish Family Services in Cleveland, \$10,000 in each fiscal year shall be allocated to the Jewish Family Services in Cincinnati, \$10,000 shall be allocated in each fiscal year to the Jewish Family Services in Columbus, and \$10,000 in each fiscal year shall be allocated to the Wexner Heritage Village in Columbus for interpreters for health care. 70558
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Of the foregoing appropriation item 440-416, Child and Family Health Services, \$10,000 in each fiscal year shall be provided to the Jewish Family Services in Dayton, \$5,000 in each fiscal year shall be provided to the Jewish Community Center in Akron, \$5,000 in each fiscal year shall be provided to the Jewish Community Center in Sylvania, \$2,500 in each fiscal year shall be provided to the Jewish Community Center in Youngstown, and \$2,500 in each fiscal year shall be provided to the Jewish Community Center in Canton. 70566
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Of the foregoing appropriation item 440-416, Child and Family Health Services, \$16,667 in each fiscal year shall be allocated to the Yassenoff Jewish Community Center, \$16,667 in each fiscal year shall be allocated to the Jewish Community Center in Cincinnati, and \$16,666 in each fiscal year shall be allocated to the Jewish Community Center in Cleveland for children's health and nutrition camp programs. 70575
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Of the foregoing appropriation item 440-416, Child and Family 70582

Health Services, \$16,666 in each fiscal year shall be allocated to 70583
the Athens Community Center. 70584

Of the foregoing appropriation item 400-416, Child and Family 70585
Health Services, \$25,000 in each fiscal year shall be allocated to 70586
the Wellness Community of Greater Columbus to provide support 70587
services for people with cancer, their families, and caregivers. 70588

Of the foregoing appropriation item 440-416, Child and Family 70589
Health Services, \$100,000 in each fiscal year shall be allocated 70590
to the Compdrug Teen Dating Violence Prevention Project in 70591
Franklin County. 70592

Of the foregoing appropriation item, 440-416, Child and 70593
Family Health Services, \$2,500,000 in each fiscal year shall be 70594
used for breast and cervical cancer screenings and services as 70595
permitted under the National Breast and Cervical Cancer Early 70596
Detection Project. 70597

Section 293.25. COLLEGE PREGNANCY AND PARENTING OFFICES PILOT 70598
PROGRAM 70599

(A) As used in this section, "institution of higher 70600
education" means a public or private university or college in this 70601
state, including a community college or state community college. 70602

(B) The Director of Health shall conduct a pilot program in 70603
fiscal year 2009 for the purpose of awarding grants to up to four 70604
institutions of higher education to establish and operate on a 70605
selected institution's campus an office that provides support to 70606
students who are pregnant or who are the parents or legal 70607
guardians of one or more minors. Planning for the pilot program 70608
shall commence in fiscal year 2008. 70609

(C) An institution of higher education may apply for a grant 70610
by completing and submitting an application form supplied by the 70611
Director. The Director may require the institution to submit 70612

additional information after the Director has reviewed the application. 70613
70614

(D) Before awarding a grant, the Director shall secure a written agreement in which the proposed grantee commits to doing all of the following: 70615
70616
70617

(1) Locating the office described in division (B) of this section on the campus of the institution. 70618
70619

(2) Assessing the institution's performance in both of the following areas: 70620
70621

(a) Offering health insurance plans to students that include coverage for prenatal and postpartum care and riders for the coverage of additional family members; 70622
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70624

(b) Providing services or items that meet the needs of students who are pregnant or who are the parents or legal guardians of one or more minors, including family housing, child care, flexible or alternative academic scheduling, education concerning responsible parenting and healthy marriages, maternity and infant clothing, formula and baby food, and baby furniture. 70625
70626
70627
70628
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(3) Identifying and establishing programs with public and private service providers located on campus and in the local community that are qualified to meet the needs described in division (D)(2)(b) of this section. 70631
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(4) Assisting students in locating and obtaining services that meet the needs described in division (D)(2)(b) of this section. 70635
70636
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(5) Providing, on the request of an individual student, referrals for prenatal care and delivery, infant or foster care, or adoption. The office shall make referrals only to persons or governmental entities that primarily serve parents, prospective parents awaiting adoption, pregnant women who plan to parent or 70638
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place a child for adoption, or married couples or couples that 70643
plan on marrying in order to provide a supportive environment for 70644
each other and one or more minors. 70645

(6) Providing, by a date determined by the Director, a 70646
written report to the Director that itemizes the office's 70647
expenditures during the fiscal year and meets the format or form 70648
established by the Director under division (E) of this section. 70649

(7) Providing, after the Director's review of the report 70650
described in division (D)(6) of this section, any additional 70651
information requested by the Director. 70652

(E) The Director shall establish a format or form for the 70653
written report that must be provided by an institution under 70654
division (D)(6) of this section. In establishing the format or 70655
form, the Director shall identify specific performance criteria 70656
the institution must address in the report. 70657

(F) The Director may adopt any rules necessary to implement 70658
this section. The rules shall be adopted in accordance with 70659
Chapter 119. of the Revised Code. 70660

(G) Of the foregoing appropriation item 440-416, Child and 70661
Family Health Services, \$50,000 in fiscal year 2009 shall be used 70662
to make grants for the pilot program described in this section. 70663

Section 293.27. As used in this section, "federally qualified 70664
health center" means a health center that receives a federal 70665
public health services grant under the "Public Health Services 70666
Act," 117 Stat. 2020, 42 U.S.C. 254b, as amended, or another 70667
health center designated by the U.S. Health Resources and Services 70668
Administration as a federally qualified health center. 70669

The Department of Health may establish a pilot program to 70670
place two federally qualified health centers within or adjacent to 70671
hospital emergency departments. One health center shall be located 70672

in or adjacent to a hospital located in an urban area and one 70673
health center shall be located in or adjacent to a hospital 70674
located in a rural area. If the Department establishes the pilot 70675
program, not later than one year after the health centers become 70676
operational, the hospital and the health centers shall prepare and 70677
submit a report to the Governor and the General Assembly regarding 70678
the number of patients that received care at the health centers 70679
for nonemergency conditions rather than receiving care at the 70680
emergency department. 70681

If the Department does not establish the pilot program not 70682
later than one year after the effective date of this section, the 70683
Department shall submit a report to the Governor and the General 70684
Assembly explaining why it did not do so. 70685

Section 293.30. ABSTINENCE EDUCATION 70686

The foregoing appropriation item 440-425, Abstinence 70687
Education, shall be used for abstinence and adoption education. 70688
The Director of Health shall develop guidelines for the 70689
establishment of abstinence and adoption education programs for 70690
teenagers with the purpose of decreasing unplanned pregnancies and 70691
abortion. The guidelines shall be developed pursuant to Title V of 70692
the "Social Security Act," 42 U.S.C. 510, and shall include, but 70693
are not limited to, advertising campaigns and direct training in 70694
schools and other locations. 70695

HEALTHY OHIO 70696

The Department of Health may use \$902,618 in fiscal year 2008 70697
and \$2,255,553 in fiscal year 2009 in appropriation item 440-437, 70698
Healthy Ohio, to complete an inventory of prevention and 70699
intervention programs so that it may better target funding to 70700
programs to decrease disparities. 70701

Of the foregoing appropriation item 440-437, Healthy Ohio, 70702

\$100,000 in each fiscal year shall be allocated to the Center for Closing Health Gaps to help with disparities in minority health. 70703
70704

Of the foregoing appropriation item 440-437, Healthy Ohio, 70705
\$500,000 in each fiscal year shall be used to support 70706
evidence-based programs for diabetes management and prevention, 70707
utilizing proven behavior change strategies leading to improved 70708
levels of routine physical activity and healthy eating habits. The 70709
program shall provide screening for diabetes, and for those 70710
determined to be at highest risk for diabetes, education on 70711
diabetes, diabetes management, physical activity and eating 70712
habits, and opportunities for monitored physical activity for 70713
adults and families. Grants shall be provided to, but not limited 70714
to, the Ohio YMCA State Alliance in collaboration with other 70715
community organizations. Each program shall include post program 70716
measurements, including, but not limited to, blood sugar testing, 70717
participant satisfaction surveys, and participant retention. 70718

HIV/AIDS PREVENTION/TREATMENT 70719

Of the foregoing appropriation item 440-444, AIDS Prevention and Treatment, not more than \$6.7 million in each fiscal year shall be used to assist persons with HIV/AIDS in acquiring HIV-related medications. 70720
70721
70722
70723

INFECTIOUS DISEASE PREVENTION 70724

The foregoing appropriation item 440-446, Infectious Disease Prevention, shall be used for the purchase of drugs for sexually transmitted diseases. 70725
70726
70727

HELP ME GROW 70728

Of the foregoing appropriation item 440-459, Help Me Grow, \$10,423,397 in fiscal year 2008 and \$13,741,847 in fiscal year 2009 shall be used by the Department of Health to distribute subsidies to counties to implement the Help Me Grow Program. 70729
70730
70731
70732
Appropriation item 440-459, Help Me Grow, may be used in 70733

conjunction with Temporary Assistance for Needy Families from the 70734
Department of Job and Family Services, Early Intervention funding 70735
from the Department of Mental Retardation and Developmental 70736
Disabilities, and in conjunction with other early childhood funds 70737
and services to promote the optimal development of young children. 70738
Local contracts shall be developed between local departments of 70739
job and family services and family and children first councils for 70740
the administration of TANF funding for the Help Me Grow Program. 70741
The Department of Health shall enter into an interagency agreement 70742
with the Department of Education, Department of Mental Retardation 70743
and Developmental Disabilities, Department of Job and Family 70744
Services, and Department of Mental Health to ensure that all early 70745
childhood programs and initiatives are coordinated and school 70746
linked. 70747

Of the foregoing appropriation item 440-459, Help Me Grow, 70748
\$500,000 in fiscal year 2008 and \$300,000 in fiscal year 2009 70749
shall be used for the establishment of the Autism Diagnosis 70750
Education Pilot Program. Not later than December 31, 2008, the 70751
Director of Health shall compile and submit to the Governor and 70752
the General Assembly a written report describing the action taken 70753
under the Autism Diagnosis Education Pilot Program since the 70754
effective date of this section. Not later than December 31, 2009, 70755
the Director shall compile and submit to the Governor and the 70756
General Assembly a written report describing the action taken 70757
under the Pilot Program since December 31, 2008. 70758

TARGETED HEALTH CARE SERVICES OVER 21 70759

In each fiscal year, of the foregoing appropriation item 70760
440-507, Targeted Health Care Services Over 21, \$731,023 shall be 70761
used to administer the cystic fibrosis program and implement the 70762
Hemophilia Insurance Premium Payment Program. These funds also may 70763
be used, to the extent that funding is available, to provide up to 70764
18 in-patient hospital days for participants in the cystic 70765

fibrosis program. The Department shall expend all of these 70766
earmarked funds. 70767

Of the foregoing appropriation item 440-507, Targeted Health 70768
Care Services Over 21, \$900,000 in each fiscal year shall be used 70769
to provide essential medications and to pay the copayments for 70770
drugs approved by the Department of Health and covered by Medicare 70771
Part D that are dispensed to Bureau for Children with Medical 70772
Handicaps (BCMH) participants for the cystic fibrosis program. 70773
These funds also may be used, to the extent that funding is 70774
available, to provide up to 18 in-patient hospital days for 70775
participants in the cystic fibrosis program. The Department shall 70776
expend all of these earmarked funds. 70777

UNCOMPENSATED CARE AND EMERGENCY MEDICAL 70778

The foregoing appropriation item 440-511, Uncompensated Care 70779
and Emergency Medical Assistance, shall be used to fund programs 70780
that provide health care without ability to pay. This is not an 70781
entitlement program and services are offered only to the extent 70782
that funding is available. 70783

MATERNAL CHILD HEALTH BLOCK GRANT 70784

Of the foregoing appropriation item 440-601, Maternal Child 70785
Health Block Grant (Fund 320), \$2,091,299 shall be used in each 70786
fiscal year for the purposes of abstinence and adoption education. 70787
The Director of Health shall develop guidelines for the 70788
establishment of abstinence and adoption education programs for 70789
teenagers with the purpose of decreasing unplanned pregnancies and 70790
abortion. The guidelines shall be developed under Title V of the 70791
"Social Security Act," 42 U.S.C. 510, and shall include, but are 70792
not limited to, advertising campaigns and direct training in 70793
schools and other locations. 70794

GENETICS SERVICES 70795

The foregoing appropriation item 440-608, Genetics Services 70796

(Fund 4D6), shall be used by the Department of Health to 70797
administer programs authorized by sections 3701.501 and 3701.502 70798
of the Revised Code. None of these funds shall be used to counsel 70799
or refer for abortion, except in the case of a medical emergency. 70800

FEE SUPPORTED PROGRAMS 70801

Of the foregoing appropriation item 440-647, Fee Supported 70802
Programs (Fund 470), \$50,000 in fiscal year 2008 shall be used by 70803
the Department to enter into a contract to make hospital 70804
performance information available on a web site as required in 70805
section 3727.391 of the Revised Code. 70806

MEDICALLY HANDICAPPED CHILDREN AUDIT 70807

The Medically Handicapped Children Audit Fund (Fund 477) 70808
shall receive revenue from audits of hospitals and recoveries from 70809
third-party payers. Moneys may be expended for payment of audit 70810
settlements and for costs directly related to obtaining recoveries 70811
from third-party payers and for encouraging Medically Handicapped 70812
Children's Program recipients to apply for third-party benefits. 70813
Moneys also may be expended for payments for diagnostic and 70814
treatment services on behalf of medically handicapped children, as 70815
defined in division (A) of section 3701.022 of the Revised Code, 70816
and Ohio residents who are twenty-one or more years of age and who 70817
are suffering from cystic fibrosis or hemophilia. Moneys may also 70818
be expended for administrative expenses incurred in operating the 70819
Medically Handicapped Children's Program. 70820

TRANSFER FROM STATE FIRE MARSHAL'S FUND (FUND 546) TO THE 70821
POISON CONTROL FUND (FUND 5CB) IN THE DEPARTMENT OF HEALTH 70822

Notwithstanding section 3737.71 of the Revised Code, on July 70823
1, 2007, or as soon as possible thereafter, the Director of Budget 70824
and Management shall transfer \$150,000 cash from the State Fire 70825
Marshal's Fund (Fund 546) in the Department of Commerce to the 70826
Poison Control Fund (Fund 5CB) in the Department of Health. 70827

Notwithstanding section 3737.71 of the Revised Code, on July 1, 70828
2008, or as soon as possible thereafter, the Director of Budget 70829
and Management shall transfer \$150,000 cash from the State Fire 70830
Marshal's Fund (Fund 546) in the Department of Commerce to the 70831
Poison Control Fund (Fund 5CB) in the Department of Health. 70832

POISON CONTROL CENTERS 70833

Of the foregoing appropriation item 440-640, Poison Control 70834
Centers, in each fiscal year, the poison control centers in the 70835
municipal corporations of Cleveland, Cincinnati, and Columbus 70836
shall each receive an allocation of \$50,000. 70837

SEWAGE TREATMENT SYSTEM INNOVATION 70838

Any revenues deposited to the credit of the Sewage Treatment 70839
System Innovation Fund (Fund 5CJ) in accordance with Section 70840
120.02 of this act are hereby appropriated to appropriation item 70841
440-654, Sewage Treatment System Innovation, in the fiscal year in 70842
which the revenues are received. On July 1, 2008, or as soon as 70843
possible thereafter, the Department of Health shall certify to the 70844
Director of Budget and Management the total fiscal year 2008 70845
unencumbered appropriations in appropriation item 440-654, Sewage 70846
Treatment System Innovation. The Department of Health may direct 70847
the Director of Budget and Management to transfer an amount not to 70848
exceed the total fiscal year 2008 unencumbered appropriations to 70849
fiscal year 2009 for use in appropriation item 440-654, Sewage 70850
Treatment System Innovation. Additional appropriation authority 70851
equal to the amount certified by the Department of Health is 70852
hereby appropriated to appropriation item 440-654, Sewage 70853
Treatment System Innovation, in fiscal year 2009. 70854

CASH TRANSFER FROM LIQUOR CONTROL FUND TO ALCOHOL TESTING AND 70855
PERMIT FUND 70856

The Director of Budget and Management, pursuant to a plan 70857
submitted by the Department of Health, or as otherwise determined 70858

by the Director of Budget and Management, shall set a schedule to 70859
transfer cash from the Liquor Control Fund (Fund 043) to the 70860
Alcohol Testing and Permit Fund (Fund 5C0) to meet the operating 70861
needs of the Alcohol Testing and Permit program. 70862

The Director of Budget and Management shall transfer to the 70863
Alcohol Testing and Permit Fund (Fund 5C0) from the Liquor Control 70864
Fund (Fund 043) created in section 4301.12 of the Revised Code 70865
such amounts at such times as determined by the transfer schedule. 70866

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 70867

The foregoing appropriation item 440-607, Medically 70868
Handicapped Children - County Assessments (Fund 666), shall be 70869
used to make payments under division (E) of section 3701.023 of 70870
the Revised Code. 70871

Section 293.35. HEALTHY OHIO ASSESSMENT 70872

(A) The Department of Health, through the Healthy Ohio 70873
program, shall conduct a formal assessment of the Department and 70874
the Departments of Job and Family Services, Aging, Alcohol and 70875
Drug Addiction Services, Mental Retardation and Developmental 70876
Disabilities, Mental Health, Rehabilitation and Correction, and 70877
Youth Services to determine their efforts to improve positive 70878
health outcomes. 70879

As part of the assessment required by this section, the 70880
Department of Health shall assess current practices and offer 70881
recommendations for improvements in the following areas: 70882

(1) Specific interventions provided to improve outcomes 70883
measured on an individual basis, including measures taken to 70884
identify those in need of care, coordinate their care, and provide 70885
direct service interventions. 70886

(2) Cost of the care provided per individual served each 70887
fiscal year, including administrative and infrastructure costs; 70888

(3) How money is tied to specific work completion with a 70889
basis for positive impact and positive outcomes and steps each 70890
department is making to ensure the people most at-risk receive the 70891
interventions; 70892

(4) Strategies used in each department to eliminate service 70893
duplication, especially in the area of care coordination. 70894

(B) As part of its assessment, the Department of Health shall 70895
consult with associations representing health care providers, 70896
business interests, consumer advocates, insurance companies, and 70897
other interested parties affected by improved outcomes funding 70898
models. 70899

(C) The Department of Health shall produce written reports of 70900
its assessment based on the areas of review listed in division (A) 70901
of this section. The Department may collaborate with one or more 70902
of the interested parties named in division (B) of this section 70903
with substantial experience in the areas the Department is 70904
required to assess. The report shall be submitted to the Governor, 70905
the Speaker of the House of Representatives, the Minority Leader 70906
of the House of Representatives, the President of the Senate, and 70907
the Minority Leader of the Senate. 70908

The Department shall submit its first report of the 70909
assessment not later than February 1, 2008. The Department shall 70910
submit its final report of the assessment not later than January 70911
1, 2009. 70912

Section 293.40. NURSING FACILITY TECHNICAL ASSISTANCE PROGRAM 70913

The Director of Budget and Management shall transfer, on July 70914
1, 2007, or as soon as possible thereafter, cash from Fund 4E3, 70915
Resident Protection Fund, in the Ohio Department of Job and Family 70916
Services, to Fund 5L1, Nursing Facility Technical Assistance 70917
Program Fund, in the Ohio Department of Health, to be used under 70918

section 3721.026 of the Revised Code. The transfers shall equal 70919
\$410,111 in fiscal year 2008 and \$698,595 in fiscal year 2009. 70920

CASH TRANSFER FROM FEDERAL PUBLIC HEALTH PROGRAMS FUND TO 70921
AGENCY HEALTH SERVICES FUND 70922

As soon as possible on or after July 1, 2007, the Director of 70923
Health shall certify to the Director of Budget and Management the 70924
amount of cash to be transferred from the Federal Public Health 70925
Programs Fund (Fund 392) to the Agency Health Services Fund (Fund 70926
142) to meet the operating needs of the Vital Statistics Program. 70927
The Director of Budget and Management shall transfer the amount 70928
certified. 70929

Section 293.50. TASK FORCE TO STUDY CANCER DEATH RATES AMONG 70930
AFRICAN AMERICANS IN OHIO 70931

(A) There is hereby created in the Department of Health the 70932
Task Force to Study Cancer Death Rates Among African Americans in 70933
Ohio. Members of the task force shall include: 70934

(1) The directors of the following institutions or the 70935
directors' designees: 70936

(a) The Cleveland Clinic Taussig Cancer Center; 70937

(b) The Case Comprehensive Cancer Center; 70938

(c) The Ohio State University Comprehensive Cancer Center; 70939

(d) The University Hospitals Case Medical Center; 70940

(e) The University of Cincinnati. 70941

(2) The following individuals: 70942

(a) A representative of the American Cancer Society selected 70943
by the governing body of that society; 70944

(b) The President of the Cleveland Medical Association or the 70945
President's designee; 70946

(c) Two additional members appointed by the Director of Health. 70947
 70948

(B) The members of the Task Force shall choose two co-chairpersons from among the members of the Task Force. 70949
 70950

Not later than one year after the effective date of this section the Task Force shall submit a report to the members of the General Assembly identifying root causes and proposed solutions to the problem that the cancer death rate among African Americans in Ohio is thirty-two per cent higher than the cancer death rate among Caucasians in Ohio. On submitting the report, the Task Force shall cease to exist. 70951
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 70957

Section 295.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION 70958

Agency Fund Group 70959

461 372-601 Operating Expenses	\$	16,819	\$	16,819	70960
TOTAL AGY Agency Fund Group	\$	16,819	\$	16,819	70961
TOTAL ALL BUDGET FUND GROUPS	\$	16,819	\$	16,819	70962

Section 297.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 70964

General Revenue Fund 70965

GRF 148-100 Personal Services	\$	160,121	\$	167,156	70966
GRF 148-200 Maintenance	\$	40,000	\$	40,000	70967
GRF 148-402 Community Projects	\$	500,000	\$	500,000	70968
TOTAL GRF General Revenue Fund	\$	700,121	\$	707,156	70969

General Services Fund Group 70970

601 148-602 Gifts and	\$	20,000	\$	20,000	70971
Miscellaneous					
TOTAL GSF General Services					70972
Fund Group	\$	20,000	\$	20,000	70973
TOTAL ALL BUDGET FUND GROUPS	\$	720,121	\$	727,156	70974

Section 299.10. OHS OHIO HISTORICAL SOCIETY 70976

General Revenue Fund					70977
GRF 360-501 Operating Subsidy	\$	3,649,244	\$	3,649,252	70978
GRF 360-502 Site and Museum	\$	8,501,781	\$	8,501,788	70979
Operations					
GRF 360-504 Ohio Preservation	\$	417,516	\$	415,381	70980
Office					
GRF 360-505 National Afro-American	\$	754,884	\$	754,884	70981
Museum					
GRF 360-506 Hayes Presidential	\$	514,323	\$	514,323	70982
Center					
GRF 360-508 State Historical	\$	853,000	\$	775,000	70983
Grants					
TOTAL GRF General Revenue Fund	\$	14,690,748	\$	14,610,628	70984
TOTAL ALL BUDGET FUND GROUPS	\$	14,690,748	\$	14,610,628	70985

SUBSIDY APPROPRIATION 70986

Upon approval by the Director of Budget and Management, the 70987
foregoing appropriation items shall be released to the Ohio 70988
Historical Society in quarterly amounts that in total do not 70989
exceed the annual appropriations. The funds and fiscal records of 70990
the society for fiscal years 2008 and 2009 shall be examined by 70991
independent certified public accountants approved by the Auditor 70992
of State, and a copy of the audited financial statements shall be 70993
filed with the Office of Budget and Management. The society shall 70994
prepare and submit to the Office of Budget and Management the 70995
following: 70996

(A) An estimated operating budget for each fiscal year of the 70997
biennium. The operating budget shall be submitted at or near the 70998
beginning of each calendar year. 70999

(B) Financial reports, indicating actual receipts and 71000
expenditures for the fiscal year to date. These reports shall be 71001
filed at least semiannually during the fiscal biennium. 71002

The foregoing appropriations shall be considered to be the contractual consideration provided by the state to support the state's offer to contract with the Ohio Historical Society under section 149.30 of the Revised Code.

STATE ARCHIVES

Of the foregoing appropriation item 360-501, Operating Subsidy, \$300,000 in each fiscal year shall be used for the State Archives, Library, and Artifact Collections program.

HAYES PRESIDENTIAL CENTER

If a United States government agency, including, but not limited to, the National Park Service, chooses to take over the operations or maintenance of the Hayes Presidential Center, in whole or in part, the Ohio Historical Society shall make arrangements with the National Park Service or other United States government agency for the efficient transfer of operations or maintenance.

HISTORICAL GRANTS

Of the foregoing appropriation item 360-508, State Historical Grants, \$60,000 in fiscal year 2008 shall be distributed to the Paul Laurence Dunbar Home, \$75,000 in each fiscal year shall be distributed to the Center for Holocaust and Humanity Education located at the Hebrew Union College-Jewish Institute of Religion in Cincinnati, \$350,000 in each fiscal year shall be distributed to the Western Reserve Historical Society, \$350,000 in each fiscal year shall be distributed to the Cincinnati Museum Center, and up to \$18,000 in fiscal year 2008 shall be distributed to the Muskingum River Underground Railroad Historic Marker Project.

PROCESSING FEES

The Ohio Historical Society shall not charge or retain an administrative, service, or processing fee for distributing money

that the General Assembly appropriates to the Society for grants 71033
or subsidies that the Society provides to other entities for their 71034
site-related programs. 71035

Section 301.10. REP OHIO HOUSE OF REPRESENTATIVES 71036

General Revenue Fund 71037

GRF 025-321 Operating Expenses \$ 20,574,568 \$ 20,574,568 71038

TOTAL GRF General Revenue Fund \$ 20,574,568 \$ 20,574,568 71039

General Services Fund Group 71040

103 025-601 House Reimbursement \$ 1,433,664 \$ 1,433,664 71041

4A4 025-602 Miscellaneous Sales \$ 37,849 \$ 37,849 71042

TOTAL GSF General Services 71043

Fund Group \$ 1,471,513 \$ 1,471,513 71044

TOTAL ALL BUDGET FUND GROUPS \$ 22,046,081 \$ 22,046,081 71045

OPERATING EXPENSES 71046

On July 1, 2007, or as soon as possible thereafter, the Chief 71047
Administrative Officer of the House of Representatives shall 71048
certify to the Director of Budget and Management the total fiscal 71049
year 2007 unencumbered appropriations in appropriation item 71050
025-321, Operating Expenses. The Chief Administrative Officer may 71051
direct the Director of Budget and Management to transfer an amount 71052
not to exceed the total fiscal year 2007 unencumbered 71053
appropriations to fiscal year 2008 for use within appropriation 71054
item 025-321, Operating Expenses. Additional appropriation 71055
authority equal to the amount certified by the Chief 71056
Administrative Officer is hereby appropriated to appropriation 71057
item 025-321, Operating Expenses, in fiscal year 2008. 71058

On July 1, 2008, or as soon as possible thereafter, the Chief 71059
Administrative Officer of the House of Representatives shall 71060
certify to the Director of Budget and Management the total fiscal 71061
year 2008 unencumbered appropriations in appropriation item 71062

025-321, Operating Expenses. The Chief Administrative Officer may 71063
direct the Director of Budget and Management to transfer an amount 71064
not to exceed the total fiscal year 2008 unencumbered 71065
appropriations to fiscal year 2009 for use within appropriation 71066
item 025-321, Operating Expenses. Additional appropriation 71067
authority equal to the amount certified by the Chief 71068
Administrative Officer is hereby appropriated to appropriation 71069
item 025-321, Operating Expenses, in fiscal year 2009. 71070

Section 303.10. HFA OHIO HOUSING FINANCE AGENCY 71071

Agency Fund Group 71072

5AZ 997-601 Housing Finance Agency \$ 9,750,953 \$ 10,237,491 71073

Personal Services

TOTAL AGY Agency Fund Group \$ 9,750,953 \$ 10,237,491 71074

TOTAL ALL BUDGET FUND GROUPS \$ 9,750,953 \$ 10,237,491 71075

Section 305.10. IGO OFFICE OF THE INSPECTOR GENERAL 71077

General Revenue Fund 71078

GRF 965-321 Operating Expenses \$ 1,367,372 \$ 1,437,901 71079

TOTAL GRF General Revenue Fund \$ 1,367,372 \$ 1,437,901 71080

General Services Fund Group 71081

4Z3 965-602 Special Investigations \$ 425,000 \$ 425,000 71082

TOTAL GSF General Services Fund \$ 425,000 \$ 425,000 71083

Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,792,372 \$ 1,862,901 71084

Section 307.10. INS DEPARTMENT OF INSURANCE 71086

Federal Special Revenue Fund Group 71087

3U5 820-602 OSHIIP Operating Grant \$ 1,100,000 \$ 1,100,000 71088

TOTAL FED Federal Special 71089

Revenue Fund Group \$ 1,100,000 \$ 1,100,000 71090

State Special Revenue Fund Group 71091

554 820-601 Operating Expenses -	\$	553,750	\$	569,269	71092
OSHIIP					
554 820-606 Operating Expenses	\$	23,350,236	\$	23,802,797	71093
555 820-605 Examination	\$	7,639,581	\$	7,868,768	71094
TOTAL SSR State Special Revenue					71095
Fund Group	\$	31,543,567	\$	32,240,834	71096
TOTAL ALL BUDGET FUND GROUPS	\$	32,643,567	\$	33,340,834	71097

MARKET CONDUCT EXAMINATION 71098

When conducting a market conduct examination of any insurer 71099
doing business in this state, the Superintendent of Insurance may 71100
assess the costs of the examination against the insurer. The 71101
superintendent may enter into consent agreements to impose 71102
administrative assessments or fines for conduct discovered that 71103
may be violations of statutes or rules administered by the 71104
superintendent. All costs, assessments, or fines collected shall 71105
be deposited to the credit of the Department of Insurance 71106
Operating Fund (Fund 554). 71107

EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES 71108

The Director of Budget and Management, at the request of the 71109
Superintendent of Insurance, may transfer funds from the 71110
Department of Insurance Operating Fund (Fund 554), established by 71111
section 3901.021 of the Revised Code, to the Superintendent's 71112
Examination Fund (Fund 555), established by section 3901.071 of 71113
the Revised Code, only for expenses incurred in examining domestic 71114
fraternal benefit societies as required by section 3921.28 of the 71115
Revised Code. 71116

TRANSFER FROM FUND 554 TO GENERAL REVENUE FUND 71117

Not later than the thirty-first day of July each fiscal year, 71118
the Director of Budget and Management shall transfer \$5,000,000 71119
from the Department of Insurance Operating Fund to the General 71120
Revenue Fund. 71121

Section 309.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES			71122
General Revenue Fund			71123
GRF 600-321 Support Services			71124
State	\$ 50,785,978	\$ 52,571,413	71125
Federal	\$ 10,460,286	\$ 11,290,237	71126
Support Services Total	\$ 61,246,264	\$ 63,861,650	71127
GRF 600-410 TANF State	\$ 272,619,061	\$ 272,619,061	71128
GRF 600-413 Child Care	\$ 84,120,596	\$ 84,120,596	71129
Match/Maintenance of Effort			
GRF 600-416 Computer Projects			71130
State	\$ 115,383,181	\$ 116,419,033	71131
Federal	\$ 21,488,920	\$ 21,192,117	71132
Computer Projects Total	\$ 136,872,101	\$ 137,611,150	71133
GRF 600-417 Medicaid Provider	\$ 2,000,000	\$ 2,000,000	71134
Audits			
GRF 600-420 Child Support	\$ 8,541,446	\$ 10,641,446	71135
Administration			
GRF 600-421 Office of Family	\$ 4,614,932	\$ 4,614,932	71136
Stability			
GRF 600-423 Office of Children and	\$ 5,650,000	\$ 5,900,000	71137
Families			
GRF 600-425 Office of Ohio Health			71138
Plans			
State	\$ 22,500,000	\$ 22,500,000	71139
Federal	\$ 23,324,848	\$ 23,418,368	71140
Office of Ohio Health	\$ 45,824,848	\$ 45,918,368	71141
Plans Total			
GRF 600-502 Administration - Local	\$ 34,014,103	\$ 34,014,103	71142
GRF 600-511 Disability Financial	\$ 22,128,480	\$ 25,335,908	71143
Assistance			
GRF 600-512 Non-TANF Disaster	\$ 1,000,000	\$ 1,000,000	71144

	Assistance				
GRF 600-521	Entitlement	\$ 130,000,000	\$ 130,000,000		71145
	Administration - Local				
GRF 600-523	Children and Families	\$ 78,115,135	\$ 78,115,135		71146
	Services				
GRF 600-525	Health Care/Medicaid				71147
	State	\$ 3,420,852,719	\$ 3,547,124,242		71148
	Federal	\$ 5,208,659,435	\$ 5,714,381,823		71149
	Health Care Total	\$ 8,629,512,154	\$ 9,261,506,065		71150
GRF 600-526	Medicare Part D	\$ 254,397,401	\$ 271,854,640		71151
GRF 600-528	Adoption Services				71152
	State	\$ 37,520,466	\$ 43,978,301		71153
	Federal	\$ 41,304,043	\$ 49,196,065		71154
	Adoption Services Total	\$ 78,824,509	\$ 93,174,366		71155
GRF 600-534	Adult Protective	\$ 500,000	\$ 500,000		71156
	Services				
TOTAL GRF	General Revenue Fund				71157
	State	\$ 4,544,743,498	\$ 4,703,308,810		71158
	Federal	\$ 5,305,237,532	\$ 5,819,478,610		71159
	GRF Total	\$ 9,849,981,030	\$10,522,787,420		71160
	General Services Fund Group				71161
4A8 600-658	Child Support	\$ 26,680,794	\$ 26,680,794		71162
	Collections				
4R4 600-665	BCII Services/Fees	\$ 36,974	\$ 36,974		71163
5BG 600-653	Managed Care	\$ 210,655,034	\$ 222,667,304		71164
	Assessment				
5C9 600-671	Medicaid Program	\$ 80,120,048	\$ 80,120,048		71165
	Support				
5DL 600-639	Medicaid Revenue and	\$ 51,966,785	\$ 56,296,844		71166
	Collections				
5N1 600-677	County Technologies	\$ 1,000,000	\$ 1,000,000		71167
5P5 600-692	Health Care Services	\$ 93,000,000	\$ 62,000,000		71168
613 600-645	Training Activities	\$ 135,000	\$ 135,000		71169

TOTAL GSF General Services				71170
Fund Group	\$	463,594,635	\$ 448,936,964	71171
Federal Special Revenue Fund Group				71172
3AW 600-675 Faith Based Initiatives	\$	1,000,000	\$ 1,000,000	71173
3A2 600-641 Emergency Food Distribution	\$	2,900,000	\$ 3,500,000	71174
3D3 600-648 Children's Trust Fund Federal	\$	2,040,524	\$ 2,040,524	71175
3F0 600-623 Health Care Federal	\$	1,209,188,383	\$ 1,211,196,561	71176
3F0 600-650 Hospital Care Assurance Match	\$	343,239,047	\$ 343,239,047	71177
3G5 600-655 Interagency Reimbursement	\$	1,469,763,073	\$ 1,513,855,965	71178
3H7 600-617 Child Care Federal	\$	207,269,463	\$ 200,167,593	71179
3N0 600-628 IV-E Foster Care Maintenance	\$	153,963,142	\$ 153,963,142	71180
3S5 600-622 Child Support Projects	\$	534,050	\$ 534,050	71181
3V0 600-688 Workforce Investment Act	\$	232,568,453	\$ 233,082,144	71182
3V4 600-678 Federal Unemployment Programs	\$	147,411,858	\$ 152,843,414	71183
3V4 600-679 Unemployment Compensation Review Commission - Federal	\$	3,092,890	\$ 3,191,862	71184
3V6 600-689 TANF Block Grant	\$	1,037,739,200	\$ 1,085,861,099	71185
3W3 600-659 TANF/Title XX Transfer	\$	10,081,377	\$ 6,672,366	71186
327 600-606 Child Welfare	\$	48,514,502	\$ 47,947,309	71187
331 600-686 Federal Operating	\$	53,963,318	\$ 56,263,225	71188
384 600-610 Food Stamps and State Administration	\$	160,237,060	\$ 153,147,118	71189
385 600-614 Refugee Services	\$	10,196,547	\$ 11,057,826	71190
395 600-616 Special	\$	5,723,131	\$ 5,717,151	71191

		Activities/Child and Family Services					
396	600-620	Social Services Block Grant	\$	114,479,464	\$	114,474,085	71192
396	600-651	Second Harvest Food Banks	\$	5,500,000	\$	5,500,000	71193
397	600-626	Child Support	\$	303,661,307	\$	303,538,962	71194
398	600-627	Adoption Maintenance/ Administration	\$	318,172,168	\$	317,483,676	71195
TOTAL FED Federal Special Revenue							71196
Fund Group			\$	5,841,238,957	\$	5,926,277,119	71197
State Special Revenue Fund Group							71198
198	600-647	Children's Trust Fund	\$	6,788,522	\$	6,788,522	71199
4A9	600-607	Unemployment Compensation Administration Fund	\$	12,273,062	\$	12,188,996	71200
4A9	600-694	Unemployment Compensation Review Commission	\$	1,726,938	\$	1,811,004	71201
4E3	600-605	Nursing Home Assessments	\$	4,759,914	\$	4,759,914	71202
4E7	600-604	Child and Family Services Collections	\$	300,000	\$	300,000	71203
4J5	600-613	Nursing Facility Bed Assessments	\$	34,613,984	\$	34,613,984	71204
4J5	600-618	Residential State Supplement Payments	\$	15,700,000	\$	15,700,000	71205
4K1	600-621	ICF/MR Bed Assessments	\$	19,332,437	\$	19,332,437	71206
4R3	600-687	Banking Fees	\$	800,000	\$	800,000	71207
4Z1	600-625	HealthCare Compliance	\$	10,000,000	\$	10,000,000	71208
5DB	600-637	Military Injury Grants	\$	2,000,000	\$	2,000,000	71209
5ES	600-630	Food Assistance	\$	500,000	\$	500,000	71210
5F2	600-667	Building Consolidation	\$	250,000	\$	250,000	71211

5F3	600-668	Building Consolidation	\$	1,000,000	\$	1,000,000	71212
5Q9	600-619	Supplemental Inpatient Hospital Payments	\$	56,125,998	\$	56,125,998	71213
5R2	600-608	Medicaid-Nursing Facilities	\$	175,000,000	\$	175,000,000	71214
5S3	600-629	MR/DD Medicaid Administration and Oversight	\$	1,620,960	\$	1,620,960	71215
5U3	600-654	Health Care Services Administration	\$	9,867,284	\$	12,000,349	71216
5U6	600-663	Children and Family Support	\$	4,928,718	\$	4,928,718	71217
5Z9	600-672	TANF Quality Control Reinvestments	\$	520,971	\$	546,254	71218
651	600-649	Hospital Care Assurance Program Fund	\$	231,893,404	\$	231,893,404	71219
TOTAL SSR State Special Revenue							71220
Fund Group			\$	590,002,192	\$	592,160,540	71221
Agency Fund Group							71222
192	600-646	Support Intercept - Federal	\$	110,000,000	\$	110,000,000	71223
5B6	600-601	Food Stamp Intercept	\$	2,000,000	\$	2,000,000	71224
583	600-642	Support Intercept - State	\$	16,000,000	\$	16,000,000	71225
TOTAL AGY Agency Fund Group			\$	128,000,000	\$	128,000,000	71226
Holding Account Redistribution Fund Group							71227
R12	600-643	Refunds and Audit Settlements	\$	3,600,000	\$	3,600,000	71228
R13	600-644	Forgery Collections	\$	10,000	\$	10,000	71229
TOTAL 090 Holding Account Redistribution Fund Group			\$	3,610,000	\$	3,610,000	71230
TOTAL ALL BUDGET FUND GROUPS			\$	16,876,426,814	\$	17,621,772,043	71231

Section 309.20. SUPPORT SERVICES	71233
Section 309.20.10. GOVERNOR'S OFFICE OF FAITH-BASED AND COMMUNITY INITIATIVES	71234 71235
Of the foregoing appropriation item 600-321, Support Services, up to \$312,500 per fiscal year may be used to support the activities of the Governor's Office of Faith-Based and Community Initiatives.	71236 71237 71238 71239
Section 309.20.15. OPERATIONS INDUSTRIALIZATION CENTERS	71240
Of the foregoing appropriation item 600-321, Support Services, \$75,000 in each fiscal year shall be provided to the Operations Industrialization Centers of Clark County.	71241 71242 71243
Section 309.20.30. AGENCY FUND GROUP	71244
The Agency Fund Group and Holding Account Redistribution Fund Group shall be used to hold revenues until the appropriate fund is determined or until the revenues are directed to the appropriate governmental agency other than the Department of Job and Family Services. If it is determined that additional appropriation authority is necessary, such amounts are hereby appropriated.	71245 71246 71247 71248 71249 71250
Section 309.30. MEDICAID	71251
Section 309.30.05. ELECTRONIC MEDICAID APPLICATIONS	71252
The Department of Job and Family Services shall assist county departments of job and family services to develop and obtain electronic databases and other necessary systems through a competitive process to comply with section 5111.017 of the Revised Code.	71253 71254 71255 71256 71257
Section 309.30.10. HEALTH CARE/MEDICAID	71258

The foregoing appropriation item 600-525, Health 71259
Care/Medicaid, shall not be limited by section 131.33 of the 71260
Revised Code. 71261

Section 309.30.13. CHILDREN'S HOSPITALS 71262

(A) As used in this section: 71263

"Children's hospital" means a hospital that primarily serves 71264
patients eighteen years of age and younger and is excluded from 71265
Medicare prospective payment in accordance with 42 C.F.R. 71266
412.23(d). 71267

"Medicaid inpatient cost-to-charge ratio" means the historic 71268
Medicaid inpatient cost-to-charge ratio applicable to a hospital 71269
as described in rules adopted by the Director of Job and Family 71270
Services in paragraph (B)(2) of rule 5101:3-2-22 of the 71271
Administrative Code. 71272

(B) Notwithstanding paragraph (C)(5) of rule 5101:3-2-07.9 of 71273
the Administrative Code and except as provided in division (C) of 71274
this section, the Director of Job and Family Services shall pay a 71275
children's hospital that meets the criteria in paragraphs (E)(1) 71276
and (2) of rule 5101:3-2-07.9 of the Administrative Code, for each 71277
cost outlier claim made in fiscal years 2008 and 2009, an amount 71278
that is the product of the hospital's allowable charges and the 71279
hospital's Medicaid inpatient cost-to-charge ratio. 71280

(C) The Director of Job and Family Services shall cease 71281
paying a children's hospital for a cost outlier claim under the 71282
methodology in division (B) of this section and revert to paying 71283
the hospital for such a claim according to methodology in 71284
paragraph (A)(6) or (C)(5) of rule 5101:3-2-07.9 of the 71285
Administrative Code, as applicable, when the difference between 71286
the total amount the Director has paid according to the 71287
methodology in division (B) of this section for such claims and 71288

the total amount the Director would have paid according to the 71289
methodology in paragraph (A)(6) or (C)(5) of rule 5101:3-2-07.9 of 71290
the Administrative Code, as the applicable paragraph existed on 71291
June 30, 2007, for such claims, exceeds the sum of the state funds 71292
and corresponding federal match earmarked in division (F) of this 71293
section for the applicable fiscal year. 71294

(D) The Director of Job and Family Services shall make 71295
supplemental Medicaid payments to hospitals for inpatient services 71296
under a program modeled after the program the Department of Job 71297
and Family Services was required to create for fiscal years 2006 71298
and 2007 in Section 206.66.79 of Am. Sub. H.B. 66 of the 126th 71299
General Assembly if the difference between the total amount the 71300
Director has paid according to the methodology in division (B) of 71301
this section for cost outlier claims and the total amount the 71302
Director would have paid according to the methodology in paragraph 71303
(A)(6) or (C)(5) of rule 5101:3-2-07.9 of the Administrative Code 71304
for such claims, as the applicable paragraph existed on June 30, 71305
2007, does not require the expenditure of all state and federal 71306
funds earmarked in division (F) of this section for the applicable 71307
fiscal year. 71308

(E) The Director of Job and Family Services shall not adopt, 71309
amend, or rescind any rules that would result in decreasing the 71310
amount paid to children's hospitals under division (B) of this 71311
section for cost outlier claims. 71312

(F) Of the foregoing appropriation item, 600-525, Health 71313
Care/Medicaid, up to \$6 million (state share) in each fiscal year 71314
plus the corresponding federal match, if available, shall be used 71315
by the Department to pay the amounts described in division (B) of 71316
this section. 71317

Section 309.30.16. MEDICAID RESERVE FUND 71318

The Medicaid Reserve Fund is hereby created in the state 71319

treasury. 71320

Not later than July 31, 2007, or as soon as possible 71321
thereafter, the Director of Budget and Management shall transfer, 71322
for fiscal year 2008, \$120,000,000 in cash from the General 71323
Revenue Fund to the Medicaid Reserve Fund. 71324

If at any time during fiscal year 2008 the Director of Budget 71325
and Management determines that additional appropriations are 71326
needed in appropriation item 600-525, Health Care/Medicaid, to 71327
fund the Medicaid Program, the Director of Budget and Management 71328
may submit a request to the Controlling Board to transfer cash 71329
from the Medicaid Reserve Fund. The request shall state the 71330
reasons for the transfer and the additional amounts being 71331
requested. The request shall be submitted at a regularly scheduled 71332
meeting of the Controlling Board. If the Controlling Board 71333
approves the transfer, the Director of Budget and Management shall 71334
transfer the approved amount of cash from the Medicaid Reserve 71335
Fund to the General Revenue Fund and increase the state share of 71336
appropriations in appropriation item 600-525, Health 71337
Care/Medicaid, and adjust the federal share accordingly. Any such 71338
transfers and adjustments are hereby appropriated. 71339

At the end of fiscal year 2008, the Director of Budget and 71340
Management shall transfer from the Medicaid Reserve Fund all the 71341
cash balance, including any interest earnings, in excess of any 71342
transfers approved by the Controlling Board to the credit of the 71343
General Revenue Fund. The Director of Budget and Management shall 71344
make transfers to the Budget Stabilization Fund or the Income Tax 71345
Reduction Fund in accordance with section 131.44 of the Revised 71346
Code. 71347

Not later than July 31, 2008, or as soon as possible 71348
thereafter, the Director of Budget and Management shall transfer, 71349
for fiscal year 2009, \$205,000,000 in cash from the General 71350
Revenue Fund to the Medicaid Reserve Fund. 71351

If at any time during fiscal year 2009 the Director of Budget and Management determines that additional appropriations are needed in appropriation item 600-525, Health Care/Medicaid, to fund the Medicaid Program, the Director of Budget and Management may submit a request to the Controlling Board to transfer cash from the Medicaid Reserve Fund. The request shall state the reasons for the transfer and the additional amounts being requested. The request shall be submitted at a regularly scheduled meeting of the Controlling Board. If the Controlling Board approves the transfer, the Director of Budget and Management shall transfer the approved amount of cash from the Medicaid Reserve Fund to the General Revenue Fund and increase the state share of appropriations in appropriation item 600-525, Health Care/Medicaid, and adjust the federal share accordingly. Any such transfers and adjustments are hereby appropriated.

At the end of fiscal year 2009, the Director of Budget and Management shall transfer from the Medicaid Reserve Fund all the cash balance, including any interest earnings, in excess of any transfers approved by the Controlling Board to the credit of the General Revenue Fund. The Director of Budget and Management shall make transfers to the Budget Stabilization Fund and the Income Tax Reduction Fund in accordance with section 131.44 of the Revised Code.

Section 309.30.18. MEDICAID PROVIDER AUDITS

Of the foregoing appropriation item 600-417, Medicaid Provider Audits, \$2,000,000 each fiscal year shall be used by the Auditor of State, in consultation with the Department of Job and Family Services, to perform audits of providers of Medicaid services as defined in section 117.10 of the Revised Code.

Section 309.30.20. FISCAL YEAR 2008 MEDICAID REIMBURSEMENT

SYSTEM FOR NURSING FACILITIES	71382
(A) As used in this section:	71383
"Franchise permit fee," "Medicaid days," "nursing facility,"	71384
and "provider" have the same meanings as in section 5111.20 of the	71385
Revised Code.	71386
"Nursing facility services" means nursing facility services	71387
covered by the Medicaid program that a nursing facility provides	71388
to a resident of the nursing facility who is a Medicaid recipient	71389
eligible for Medicaid-covered nursing facility services.	71390
(B) Except as otherwise provided by this section, the	71391
provider of a nursing facility that has a valid Medicaid provider	71392
agreement on June 30, 2007, and a valid Medicaid provider	71393
agreement during fiscal year 2008 shall be paid, for nursing	71394
facility services the nursing facility provides during fiscal year	71395
2008, the rate calculated for the nursing facility under sections	71396
5111.20 to 5111.33 of the Revised Code with the following	71397
adjustments:	71398
(1) The cost per case mix-unit calculated under section	71399
5111.231 of the Revised Code, the rate for ancillary and support	71400
costs calculated under section 5111.24 of the Revised Code, the	71401
rate for capital costs calculated under section 5111.25 of the	71402
Revised Code, and the rate for tax costs calculated under section	71403
5111.242 of the Revised Code shall each be adjusted as follows:	71404
(a) Increase the cost and rates so calculated by two per	71405
cent;	71406
(b) Increase the cost and rates determined under division	71407
(B)(1)(a) of this section by two per cent;	71408
(c) Increase the cost and rates determined under division	71409
(B)(1)(b) of this section by two and eight-tenths per cent.	71410
(2) The mean payment used in the calculation of the quality	71411

incentive payment made under section 5111.244 of the Revised Code 71412
shall be, weighted by Medicaid days, three dollars and six cents 71413
per Medicaid day. 71414

(C) If the rate determined for a nursing facility under 71415
division (B) of this section for nursing facility services 71416
provided during fiscal year 2008 is more than one hundred nine and 71417
eighty-five hundredths per cent of the rate the provider is paid 71418
for nursing facility services the nursing facility provides on 71419
June 30, 2007, the Department of Job and Family Services shall 71420
reduce the nursing facility's fiscal year 2008 rate so that the 71421
rate is not more than one hundred nine and eighty-five hundredths 71422
per cent of the nursing facility's rate for June 30, 2007. If the 71423
rate determined for a nursing facility under division (B) of this 71424
section for nursing facility services provided during fiscal year 71425
2008 is less than the rate the provider is paid for nursing 71426
facility services the nursing facility provides on June 30, 2007, 71427
the Department shall increase the nursing facility's fiscal year 71428
2008 rate so that the rate is not less than the nursing facility's 71429
rate for June 30, 2007. 71430

(D) If the United States Centers for Medicare and Medicaid 71431
Services requires that the franchise permit fee be reduced or 71432
eliminated, the Department of Job and Family Services shall reduce 71433
the amount it pays providers of nursing facility services under 71434
this section as necessary to reflect the loss to the state of the 71435
revenue and federal financial participation generated from the 71436
franchise permit fee. 71437

(E) The Department of Job and Family Services shall follow 71438
this section in determining the rate to be paid to the provider of 71439
a nursing facility that has a valid Medicaid provider agreement on 71440
June 30, 2007, and a valid Medicaid provider agreement during 71441
fiscal year 2008 notwithstanding anything to the contrary in 71442
sections 5111.20 to 5111.33 of the Revised Code. 71443

Section 309.30.30. FISCAL YEAR 2009 MEDICAID REIMBURSEMENT	71444
SYSTEM FOR NURSING FACILITIES	71445
(A) As used in this section:	71446
"Franchise permit fee," "Medicaid days," "nursing facility,"	71447
and "provider" have the same meanings as in section 5111.20 of the	71448
Revised Code.	71449
"Nursing facility services" means nursing facility services	71450
covered by the Medicaid program that a nursing facility provides	71451
to a resident of the nursing facility who is a Medicaid recipient	71452
eligible for Medicaid-covered nursing facility services.	71453
(B) Except as otherwise provided by this section, the	71454
provider of a nursing facility that has a valid Medicaid provider	71455
agreement on June 30, 2008, and a valid Medicaid provider	71456
agreement during fiscal year 2009 shall be paid, for nursing	71457
facility services the nursing facility provides during fiscal year	71458
2009, the rate calculated for the nursing facility under sections	71459
5111.20 to 5111.33 of the Revised Code with the following	71460
adjustments:	71461
(1) The cost per case mix-unit calculated under section	71462
5111.231 of the Revised Code, the rate for ancillary and support	71463
costs calculated under section 5111.24 of the Revised Code, the	71464
rate for capital costs calculated under section 5111.25 of the	71465
Revised Code, and the rate for tax costs calculated under section	71466
5111.242 of the Revised Code shall each be adjusted as follows:	71467
(a) Increase the cost and rates so calculated by two per	71468
cent;	71469
(b) Increase the cost and rates determined under division	71470
(B)(1)(a) of this section by two per cent;	71471
(c) Increase the cost and rates determined under division	71472
(B)(1)(b) of this section by two and eight-tenths per cent;	71473

(d) Increase the cost and rates determined under division 71474
(B)(1)(c) of this section by one half of a per cent. 71475

(2) The mean payment used in the calculation of the quality 71476
incentive payment made under section 5111.244 of the Revised Code 71477
shall be, weighted by Medicaid days, three dollars and twelve 71478
cents per Medicaid day. 71479

(C) If the rate determined for a nursing facility under 71480
division (B) of this section for nursing facility services 71481
provided during fiscal year 2009 is more than the rate the 71482
provider is paid for nursing facility services the nursing 71483
facility provides on June 30, 2008, the Department of Job and 71484
Family Services shall reduce the nursing facility's fiscal year 71485
2009 rate so that the rate is not more than the nursing facility's 71486
rate for June 30, 2008. If the rate determined for a nursing 71487
facility under division (B) of this section for nursing facility 71488
services provided during fiscal year 2009 is less than the rate 71489
the provider is paid for nursing facility services the nursing 71490
facility provides on June 30, 2008, the Department shall increase 71491
the nursing facility's fiscal year 2009 rate so that the rate is 71492
not less than the nursing facility's rate for June 30, 2008. 71493

(D) If the United States Centers for Medicare and Medicaid 71494
Services requires that the franchise permit fee be reduced or 71495
eliminated, the Department of Job and Family Services shall reduce 71496
the amount it pays providers of nursing facility services under 71497
this section as necessary to reflect the loss to the state of the 71498
revenue and federal financial participation generated from the 71499
franchise permit fee. 71500

(E) The Department of Job and Family Services shall follow 71501
this section in determining the rate to be paid to the provider of 71502
a nursing facility that has a valid Medicaid provider agreement on 71503
June 30, 2008, and a valid Medicaid provider agreement during 71504
fiscal year 2009 notwithstanding anything to the contrary in 71505

sections 5111.20 to 5111.33 of the Revised Code. 71506

Section 309.30.40. FISCAL YEARS 2008 AND 2009 MEDICAID 71507
REIMBURSEMENT SYSTEM FOR ICFs/MR 71508

(A) As used in this section: 71509

"Intermediate care facility for the mentally retarded" has 71510
the same meaning as in section 5111.20 of the Revised Code. 71511

"Medicaid days" means all days during which a resident who is 71512
a Medicaid recipient occupies a bed in an intermediate care 71513
facility for the mentally retarded that is included in the 71514
facility's Medicaid-certified capacity. Therapeutic or hospital 71515
leave days for which payment is made under section 5111.33 of the 71516
Revised Code are considered Medicaid days proportionate to the 71517
percentage of the intermediate care facility for the mentally 71518
retarded's per resident per day rate paid for those days. 71519

"Per diem rate" means the per diem rate calculated pursuant 71520
to sections 5111.20 to 5111.33 of the Revised Code. 71521

(B) Notwithstanding sections 5111.20 to 5111.33 of the 71522
Revised Code, rates paid to intermediate care facilities for the 71523
mentally retarded under the Medicaid program shall be subject to 71524
the following limitations: 71525

(1) For fiscal year 2008, the mean total per diem rate for 71526
all intermediate care facilities for the mentally retarded in the 71527
state, weighted by May 2007 Medicaid days and calculated as of 71528
July 1, 2007, shall not exceed \$266.14. 71529

(2) For fiscal year 2009, the mean total per diem rate for 71530
all intermediate care facilities for the mentally retarded in the 71531
state, weighted by May 2008 Medicaid days and calculated as of 71532
July 1, 2008, shall not exceed \$271.46. 71533

(3) If the mean total per diem rate for all intermediate care 71534
facilities for the mentally retarded in the state for fiscal year 71535

2008 or 2009, weighted by Medicaid days as specified in division 71536
(B)(1) or (2) of this section, as appropriate, and calculated as 71537
of the first day of July of the calendar year in which the fiscal 71538
year begins, exceeds the amount specified in division (B)(1) or 71539
(2) of this section, as applicable, the Department of Job and 71540
Family Services shall reduce the total per diem rate for each 71541
intermediate care facility for the mentally retarded in the state 71542
by a percentage that is equal to the percentage by which the mean 71543
total per diem rate exceeds the amount specified in division 71544
(B)(1) or (2) of this section for that fiscal year. 71545

(4) Subsequent to any reduction required by division (B)(3) 71546
of this section, the rate of an intermediate care facility for the 71547
mentally retarded shall not be subject to any adjustments 71548
authorized by sections 5111.20 to 5111.33 of the Revised Code 71549
during the remainder of the year. 71550

Section 309.30.43. ICF/MR REIMBURSEMENT STUDY COUNCIL 71551

(A) There is hereby created the ICF/MR Reimbursement Study 71552
Council consisting of all of the following members: 71553

(1) The Director of Job and Family Services; 71554

(2) The Deputy Director of the Office of Ohio Health Plans of 71555
the Department of Job and Family Services; 71556

(3) The Director of Mental Retardation and Developmental 71557
Disabilities; 71558

(4) One representative of Medicaid recipients residing in 71559
intermediate care facilities for the mentally retarded, appointed 71560
by the Governor; 71561

(5) Two representatives of each of the following 71562
organizations, appointed by their respective governing bodies: 71563

(a) The Ohio Provider Resource Association; 71564

(b) The Ohio Health Care Association. 71565

Initial appointments of members described in divisions (A)(4) 71566
and (5) of this section shall be made not later than thirty days 71567
after the effective date of this section. Vacancies shall be 71568
filled in the same manner as the original appointments. Members 71569
described in those divisions shall serve at the pleasure of the 71570
official or governing body making the appointment of the member. 71571

The Director of Job and Family Services shall serve as 71572
chairperson of the council. Members of the council shall serve 71573
without compensation, except to the extent that serving on the 71574
council is part of their regular duties of employment. 71575

(B) The council shall review the system established by 71576
sections 5111.20 to 5111.33 of the Revised Code for reimbursing 71577
intermediate care facilities for the mentally retarded under the 71578
Medicaid program. Not later than July 1, 2008, the council shall 71579
issue a report of its activities, findings, and recommendations to 71580
the Governor, the Speaker of the House of Representatives, and the 71581
President of the Senate. 71582

(C) In its consideration of the system for reimbursing 71583
intermediate care facilities for the mentally retarded under 71584
division (B) of this section, the council shall use the following 71585
principles: 71586

(1) The system should appropriately account for differences 71587
in acuity and service needs among individuals in institutional 71588
care facilities for the mentally retarded. 71589

(2) The system should support and encourage quality services, 71590
including both of the following elements: 71591

(a) A high level of coverage of direct care costs; 71592

(b) Pay for performance mechanisms. 71593

(3) The system should reflect appropriate recognition that 71594

virtually all individuals served in intermediate care facilities 71595
for the mentally retarded are Medicaid recipients. 71596

(4) The system should encourage cost-effective service 71597
delivery. 71598

(5) The system should encourage innovation in service 71599
delivery. 71600

(6) The system should encourage appropriate maintenance, 71601
improvement, and replacement of facilities. 71602

(D) The council ceases to exist on the submission of a report 71603
under division (B) of this section. 71604

Section 309.30.45. INCREASE IN MEDICAID RATES FOR PASSPORT 71605
SERVICES 71606

As used in this section, "PASSPORT program" means the program 71607
created under section 173.40 of the Revised Code. 71608

The Director of Job and Family Services shall amend the rules 71609
adopted under section 5111.85 of the Revised Code as necessary to 71610
accomplish the following: 71611

(A) Increase, for fiscal year 2008, the Medicaid 71612
reimbursement rates for services provided under the PASSPORT 71613
program to rates that result in an amount that is three per cent 71614
higher than the amount resulting from the rates in effect June 30, 71615
2007. 71616

(B) Increase, for fiscal year 2009, the Medicaid 71617
reimbursement rates for services provided under the PASSPORT 71618
program to rates that result in an amount that is three per cent 71619
higher than the amount resulting from the rates in effect June 30, 71620
2008. 71621

Section 309.30.50. HOME FIRST PROGRAM 71622

(A) On a quarterly basis, on receipt of the certified 71623
expenditures related to section 173.401 of the Revised Code, the 71624
Director of Budget and Management shall do all of the following 71625
for fiscal years 2008 and 2009: 71626

(1) Transfer the state share of the amount of the actual 71627
expenditures from GRF appropriation item 600-525, Health 71628
Care/Medicaid, to GRF appropriation item 490-403, PASSPORT; 71629

(2) Increase the appropriation in Ohio Department of Aging 71630
Fund 3C4, appropriation item 490-607, PASSPORT, by the federal 71631
share of the amount of the actual expenditures; 71632

(3) Increase the appropriation in JFS Fund 3G5, appropriation 71633
item 600-655, Interagency Reimbursement, by the federal share of 71634
the amount of the actual expenditures. 71635

The funds that the Director of Budget and Management 71636
transfers and increases under this division are hereby 71637
appropriated. 71638

(B) The individuals placed in the PASSPORT program pursuant 71639
to this section shall be in addition to the individuals placed in 71640
the PASSPORT program during fiscal years 2008 and 2009 based on 71641
the amount of money that is in GRF appropriation item 490-403, 71642
PASSPORT; Fund 4J4, appropriation item 490-610, 71643
PASSPORT/Residential State Supplement; Fund 4U9, appropriation 71644
item 490-602, PASSPORT Fund; and Fund 3C4, appropriation item 71645
490-607, PASSPORT, before any transfers to GRF appropriation item 71646
490-403, PASSPORT, and Fund 3C4, appropriation item 490-607, 71647
PASSPORT, are made under this section. 71648

Section 309.30.53. RESIDENTIAL STATE SUPPLEMENT TRANSFER 71649

On a quarterly basis, on receipt of the certified residential 71650
state supplement costs related to section 173.351 of the Revised 71651
Code, the Director of Budget and Management shall do the 71652

following: 71653

(A) Transfer the state share of the amount of the estimated 71654
costs from GRF appropriation item 600-525, Health Care/Medicaid, 71655
to GRF appropriation item 490-412, Residential State Supplement; 71656

(B) The Department of Aging may transfer cash by intrastate 71657
transfer vouchers from the foregoing appropriation item 490-412, 71658
Residential State Supplement, and 490-610, PASSPORT/Residential 71659
State Supplement, to the Department of Job and Family Services 71660
Fund 4J5, Home and Community-Based Services for the Aged Fund. The 71661
funds shall be used to make benefit payments to Residential State 71662
Supplement recipients. 71663

The funds that the Director of Budget and Management 71664
transfers and increases under this division are hereby 71665
appropriated. 71666

Section 309.30.56. HEALTH ASSISTANCE FOR CHILDREN WITH 71667
CATASTROPHIC ILLNESS COUNCIL 71668

(A) There is hereby created the Health Assistance for 71669
Children with Catastrophic Illness Council. The Council shall 71670
consist of the following members: 71671

(1) The Director of Job and Family Services; 71672

(2) The Director of Health; 71673

(3) Three members of the Senate, not more than two of whom 71674
are members of the same political party, appointed by the 71675
President of the Senate; 71676

(4) Three members of the House of Representatives, not more 71677
than two of whom are members of the same political party, 71678
appointed by the Speaker of the House of Representatives. 71679

(B) The President of the Senate shall select one of the 71680
members of the Council who is a member of the Senate to serve as a 71681

co-chairperson of the Council. The Speaker shall select one of the 71682
members of the Council who is a member of the House of 71683
Representatives to serve as the other co-chairperson of the 71684
Council. Members of the Council shall serve without compensation 71685
or reimbursement of expenses, except to the extent that serving on 71686
the council is part of the council member's regular duties of 71687
employment. 71688

(C) The co-chairpersons shall call the Council to its first 71689
meeting not later than October 1, 2007. The Council shall study 71690
the feasibility, cost, and benefits of permitting individuals 71691
under nineteen years of age who have a catastrophic mental or 71692
physical illness or disability and family income exceeding three 71693
hundred per cent of the federal poverty guidelines to qualify for 71694
Medicaid under a buy-in mechanism, to receive assistance through 71695
either the Medicaid program or a state-only funded program in 71696
paying the premiums for private health insurance, or a combination 71697
of both. The Council shall include in its study the issue of who 71698
should qualify for assistance under such a buy-in mechanism, 71699
premium assistance program, or combination. 71700

(D) The Council shall issue a report not later than December 71701
31, 2007. The Council shall provide a copy of the report to the 71702
Governor and General Assembly and make the report available to the 71703
public. The Council shall cease to exist on the day the report is 71704
issued. 71705

(E) The Council's report shall include recommendations on all 71706
of the following: 71707

(1) Establishing a requirement that coverage under the 71708
mechanism, program, or combination at least include individuals 71709
under nineteen years of age who have family income exceeding three 71710
hundred per cent of the federal poverty guidelines and have been 71711
unable to obtain private health insurance for at least one year 71712
due to the severity of a catastrophic mental or physical illness 71713

or disability; 71714

(2) Establishing a prohibition against a numerical limit on 71715
the number of individuals who may participate in the mechanism, 71716
program, or combination; 71717

(3) Establishing a requirement that the mechanism, program, 71718
or combination include cost-sharing provisions. 71719

Section 309.30.60. MEDICAID COVERAGE OF CHIROPRACTIC SERVICES 71720

(A) As used in this section, "adult Medicaid recipient" means 71721
a Medicaid recipient twenty-two years of age or older. 71722

(B) For the period beginning January 1, 2008, and ending June 71723
30, 2009, and subject to division (C) of this section, the 71724
Medicaid Program shall cover chiropractic services for adult 71725
Medicaid recipients in an amount, duration, and scope specified in 71726
rules that the Director of Job and Family Services shall adopt 71727
under section 5111.02 of the Revised Code. 71728

(C) The Medicaid Program's coverage of chiropractic services 71729
under this section shall be limited to fifteen visits per adult 71730
Medicaid recipient per fiscal year. 71731

Section 309.30.70. MONEY FOLLOWS THE PERSON 71732

(A) Subject to division (B) of this section, the Director of 71733
Budget and Management may do any of the following in support of 71734
any home and community-based services waiver program: 71735

(1) Create new funds and account appropriation items to 71736
support and track funds associated with a unified long-term care 71737
budget; 71738

(2) Transfer funds among affected agencies and adjust 71739
corresponding appropriation levels; 71740

(3) Develop a reporting mechanism to show clearly how the 71741

funds are being transferred and expended. 71742

(B) Before an action may be taken under division (A) of this 71743
section, the Director shall present the proposed action to the 71744
Controlling Board. The Controlling Board shall review the proposed 71745
action and either approve or disapprove the action. The Director 71746
shall not implement the proposed action unless the action is 71747
approved by the Controlling Board. 71748

Section 309.30.90. MEDICAID ELIGIBILITY FOR PREGNANT WOMEN 71749

The Director of Job and Family Services shall, not later than 71750
ninety days after the effective date of this section, submit to 71751
the United States Secretary of Health and Human Services an 71752
amendment to the state Medicaid plan to increase to two hundred 71753
per cent of the federal poverty guidelines the income limit 71754
specified in division (A)(2) of section 5111.014 of the Revised 71755
Code. The increase shall be implemented not earlier than January 71756
1, 2008. 71757

***Section 309.30.95. MEDICAID BUY-IN ADVISORY COUNCIL** 71758

The Director of Job and Family Services shall call the 71759
Medicaid Buy-In Advisory Council established under section 71760
5111.708 of the Revised Code to meet for the first time not later 71761
than sixty days after the effective date of this section. 71762

Section 309.31.10. MEDICARE PART D 71763

The foregoing appropriation item 600-526, Medicare Part D, 71764
may be used by the Department of Job and Family Services for the 71765
implementation and operation of the Medicare Part D requirements 71766
contained in the "Medicare Prescription Drug, Improvement, and 71767
Modernization Act of 2003," Pub. L. No. 108-173, as amended. Upon 71768
the request of the Department of Job and Family Services, the 71769
Director of Budget and Management may increase the state share of 71770

appropriations in either appropriation item 600-525, Health 71771
Care/Medicaid, or appropriation item 600-526, Medicare Part D, 71772
with a corresponding decrease in the state share of the other 71773
appropriation item to allow the Department of Job and Family 71774
Services to implement and operate the new Medicare Part D 71775
requirements. If the state share of appropriation item 600-525, 71776
Health Care/Medicaid, is adjusted, the Director of Budget and 71777
Management shall adjust the federal share accordingly. 71778

Section 309.31.13. INCREASE IN FISCAL YEAR 2008 DISPENSING 71779
FEE FOR MULTIPLE SOURCE DRUGS 71780

(A) As used in this section, "multiple source drug" has the 71781
same meaning as in 42 U.S.C. 1396r-8(k)(7). 71782

(B) Not later than thirty days after the effective date of 71783
the regulation that the United States Secretary of Health and 71784
Human Services must promulgate under Section 6001(c)(3) of the 71785
"Deficit Reduction Act of 2005," Pub. L. No. 109-171, the Director 71786
of Job and Family Services shall analyze the fiscal impact that 71787
the federal upper reimbursement limits established under 42 U.S.C. 71788
1396r-8(e)(4), as amended by section 6001 of the "Deficit 71789
Reduction Act of 2005," will have on pharmacists in fiscal year 71790
2008. The fiscal impact analysis shall include a projection of the 71791
revenue a pharmacist is expected to lose during fiscal year 2008 71792
from each unit of multiple source drug dispensed to a Medicaid 71793
recipient. 71794

(C) Notwithstanding section 5111.071 of the Revised Code, and 71795
subject to division (D) of this section, the Director shall, not 71796
later than ten days after completing the analysis required by 71797
division (B) of this section, increase the dispensing fee to be 71798
paid to pharmacists with a valid Medicaid provider agreement for 71799
dispensing a multiple source drug to a Medicaid recipient in 71800
fiscal year 2008. The amount of the increase shall be determined 71801

in a manner that compensates pharmacists for the loss of revenue 71802
the Director projects, under division (B) of this section, that 71803
pharmacists, on average, will incur during fiscal year 2008. 71804

(D) The total amount the Director expends under division (C) 71805
of this section to pay the increase in the dispensing fee in 71806
fiscal year 2008 shall not exceed the total savings that the 71807
Medicaid program is projected to save in that year as a result of 71808
the changes to the federal upper reimbursement limits established 71809
in 42 U.S.C. 1396r-8(e)(4) that were enacted by section 6001 of 71810
the "Deficit Reduction Act of 2005." 71811

Section 309.31.16. INCREASE IN FISCAL YEAR 2009 DISPENSING 71812
FEE FOR MULTIPLE SOURCE DRUGS 71813

(A) As used in this section, "multiple source drug" has the 71814
same meaning as in 42 U.S.C. 1396r-8(k)(7). 71815

(B) Not later than March 15, 2008, the Director of Job and 71816
Family Services shall analyze the fiscal impact that the federal 71817
upper reimbursement limits established under 42 U.S.C. 71818
1396r-8(e)(4), as amended by section 6001 of the "Deficit 71819
Reduction Act of 2005," Pub. L. No. 109-171, will have on 71820
pharmacists in fiscal year 2009. The fiscal impact analysis shall 71821
include a projection of the revenue a pharmacist is expected to 71822
lose during fiscal year 2009 from each unit of multiple source 71823
drug dispensed to a Medicaid recipient. 71824

(C) Notwithstanding section 5111.071 of the Revised Code and 71825
subject to division (D) of this section, the Director shall, not 71826
later than ten days after completing the analysis required under 71827
division (B) of this section, increase the dispensing fee to be 71828
paid to pharmacists with a valid Medicaid provider agreement for 71829
dispensing a multiple source drug to a Medicaid recipient in 71830
fiscal year 2009. The amount of the increase shall be determined 71831
in a manner that compensates pharmacists for the loss of revenue 71832

the Director projects, under division (B) of this section, that 71833
pharmacists, on average, will incur during fiscal year 2009. 71834

(D) The total amount the Director expends under division (C) 71835
of this section to pay the increase in the dispensing fee in 71836
fiscal year 2009 shall not exceed the total savings that the 71837
Medicaid program is projected to save in that fiscal year as a 71838
result of the changes to the federal upper reimbursement limits 71839
established in 42 U.S.C. 1396r-8(e)(4) that were enacted by 71840
section 6001 of the "Deficit Reduction Act of 2005." 71841

Section 309.31.20. RESIDENT PROTECTION FUND 71842

If the Director of Budget and Management determines that the 71843
Resident Protection Fund created in section 5111.62 of the Revised 71844
Code has a cash balance, less encumbrances and appropriations, of 71845
more than \$2,000,000, the Department of Job and Family Services or 71846
its designee may issue a competitive request for grant proposals 71847
to support projects that will benefit the residents of nursing 71848
facilities that have been found to have deficiencies. The 71849
directors of Job and Family Services, Health, and Aging or their 71850
designees shall determine priority categories for funding, make 71851
awards, and determine which of the three agencies should 71852
administer each grant. Based on these determinations, the Director 71853
of Budget and Management may transfer cash and appropriations 71854
matching the amount of each award to the appropriate agency. Any 71855
such transfers are hereby appropriated. 71856

Section 309.31.30. OHIO ACCESS SUCCESS PROJECT 71857

Notwithstanding any limitations in sections 3721.51 and 71858
3721.56 of the Revised Code, in each fiscal year, cash from Fund 71859
4J5, Home and Community-Based Services for the Aged, in excess of 71860
the amounts needed for the transfers may be used by the Department 71861
of Job and Family Services for the following purposes: (A) up to 71862

\$1.0 million in each fiscal year to fund the state share of audits of nursing facilities and intermediate care facilities for the mentally retarded; and (B) up to \$350,000 in each fiscal year to provide one-time transitional benefits under the Ohio Access Success Project that the Director of Job and Family Services may establish under section 5111.97 of the Revised Code.

Section 309.31.40. TRANSFER OF FUNDS TO THE DEPARTMENT OF AGING

The Department of Job and Family Services shall transfer, through intrastate transfer vouchers, cash from Fund 4J5, Home and Community-Based Services for the Aged, to Fund 4J4, PASSPORT, in the Department of Aging. The sum of the transfers shall be \$33,263,984 in each fiscal year. The transfer may occur on a quarterly basis or on a schedule developed and agreed to by both departments.

Section 309.31.50. PROVIDER FRANCHISE FEE OFFSETS

(A) At least quarterly, the Director of Job and Family Services shall certify to the Director of Budget and Management both of the following:

(1) The amount of offsets withheld under section 3721.541 of the Revised Code from payments made from the General Revenue Fund.

(2) The amount of offsets withheld under section 5112.341 of the Revised Code from payments made from the General Revenue Fund.

(B) The Director of Budget and Management may transfer cash from the General Revenue Fund to all of the following:

(1) Fund 4J5, Home and Community Based Services/Aged Fund, or Fund 5R2, Nursing Facility Stabilization Fund, in accordance with sections 3721.56 and 3721.561 of the Revised Code;

(2) Fund 4K1, ICF/MR Bed Assessments.

(C) Amounts transferred pursuant to this section are hereby 71892
appropriated. 71893

Section 309.31.60. TRANSFER OF FUNDS TO THE DEPARTMENT OF 71894
MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES 71895

The Department of Job and Family Services shall transfer, 71896
through intrastate transfer vouchers, cash from Fund 4K1, ICF/MR 71897
Bed Assessments, to Fund 4K8, Home and Community-Based Services, 71898
in the Department of Mental Retardation and Developmental 71899
Disabilities. The amount transferred shall equal \$12,000,000 in 71900
each fiscal year. The transfer may occur on a quarterly basis or 71901
on a schedule developed and agreed to by both departments. 71902

Section 309.31.70. FUNDING FOR TRANSITION WAIVER SERVICES 71903

Notwithstanding any limitations contained in sections 5112.31 71904
and 5112.37 of the Revised Code, in each fiscal year, cash from 71905
Fund 4K1, ICF/MR Bed Assessments, in excess of the amounts needed 71906
for transfers to Fund 4K8, Home and Community-Based Services, in 71907
the Department of Mental Retardation and Developmental 71908
Disabilities, may be used by the Department of Job and Family 71909
Services to cover costs of care provided to participants in a 71910
waiver with an ICF/MR level of care requirement administered by 71911
the Department of Job and Family Services. 71912

Section 309.31.80. PAYMENTS FROM THE DEPARTMENT OF EDUCATION 71913
FOR MEDICAID SERVICES 71914

At the request of the Director of Job and Family Services, 71915
the Director of Budget and Management may increase the 71916
appropriation in appropriation item 600-639, Medicaid Revenue and 71917
Collections, by the amounts paid to the department pursuant to 71918
section 3317.023 of the Revised Code. 71919

Section 309.31.90. HOSPITAL CARE ASSURANCE MATCH 71920

Appropriation item 600-650, Hospital Care Assurance Match, 71921
shall be used by the Department of Job and Family Services solely 71922
for distributing funds to hospitals under section 5112.08 of the 71923
Revised Code. 71924

Section 309.32.10. HEALTH CARE SERVICES ADMINISTRATION FUND 71925

Of the amount received by the Department of Job and Family 71926
Services during fiscal year 2008 and fiscal year 2009 from the 71927
first installment of assessments paid under section 5112.06 of the 71928
Revised Code and intergovernmental transfers made under section 71929
5112.07 of the Revised Code, the Director of Job and Family 71930
Services shall deposit \$350,000 in each fiscal year into the state 71931
treasury to the credit of the Health Care Services Administration 71932
Fund (Fund 5U3). 71933

Section 309.32.20. MEDICAID PROGRAM SUPPORT FUND - STATE 71934

The foregoing appropriation item 600-671, Medicaid Program 71935
Support, shall be used by the Department of Job and Family 71936
Services to pay for Medicaid services and contracts. The 71937
Department may also deposit to Fund 5C9 revenues received from 71938
other state agencies for Medicaid services under the terms of 71939
interagency agreements between the Department and other state 71940
agencies, and all funds the Department recovers because the 71941
benefits a person received under the disability medical assistance 71942
program established in section 5115.10 of the Revised Code were 71943
determined to be covered by the Medicaid Program established under 71944
Chapter 5111. of the Revised Code. 71945

Section 309.32.30. TRANSFERS OF IMD/DSH CASH TO THE 71946
DEPARTMENT OF MENTAL HEALTH 71947

The Department of Job and Family Services shall transfer, 71948
through intrastate transfer voucher, cash from Fund 5C9, Medicaid 71949
Program Support, to the Department of Mental Health's Fund 4X5, 71950
OhioCare, in accordance with an interagency agreement that 71951
delegates authority from the Department of Job and Family Services 71952
to the Department of Mental Health to administer specified 71953
Medicaid services. 71954

Section 309.32.40. PRESCRIPTION DRUG REBATE FUND 71955

The foregoing appropriation item 600-692, Health Care 71956
Services, shall be used by the Department of Job and Family 71957
Services to pay for Medicaid services and contracts. 71958

Section 309.32.50. DISABILITY DETERMINATION PROCESS 71959

Based on the recommendations made by the Disability 71960
Determination Consolidation Study Council, the Rehabilitation 71961
Services Commission and the Department of Job and Family Services 71962
shall work together to reduce the duplication of activities 71963
performed by each agency and develop a systems interface so that 71964
medical information for mutual clients may be transferred between 71965
the agencies. 71966

Section 309.32.60. PRIMARY CARE ALTERNATIVE TREATMENT PROGRAM 71967

The Director of Job and Family Services, not later than 71968
January 1, 2008, shall submit a report to the General Assembly on 71969
the Primary Alternative Care Treatment Program. The report shall 71970
compare the average monthly medical costs of current participants 71971
in the program with the average monthly costs of those individuals 71972
prior to participation in the program. Not later than January 1, 71973
2009, the Director shall submit an additional report on the total 71974
cost savings achieved through the program. 71975

Section 309.32.70. PHARMACEUTICAL REPORT 71976

The Director of Job and Family Services, not later than one 71977
year after the effective date of this section, shall submit a 71978
report to the General Assembly on the effect of Medicare Part D 71979
and the care management system established under section 5111.16 71980
of the Revised Code on the Supplemental Drug Rebate Program 71981
established under section 5111.081 of the Revised Code. The report 71982
shall evaluate the changing cost of pharmaceuticals for which 71983
supplemental rebates are made under the Supplemental Drug Rebate 71984
Program as a result of the high volume of drug purchases being 71985
transferred to Medicare Part D. The report shall include a review 71986
of the use of generic drugs by Medicaid recipients and cost 71987
savings to be achieved by increasing the use of generic drugs. 71988

Section 309.32.80. MEDICAID DEPARTMENT PROGRESS REPORT 71989

On an annual basis, the Director of Budget and Management 71990
shall submit a written report to the Speaker of the House of 71991
Representatives, the Minority Leader of the House of 71992
Representatives, the President of the Senate, the Minority Leader 71993
of the Senate, and the members of the Joint Legislative Committee 71994
on Medicaid Technology and Reform describing the progress towards 71995
establishing a separate agency or department to solely administer 71996
the Medicaid program. 71997

Section 309.40. FAMILY STABILITY 71998

Section 309.40.10. WAIVER OF FOOD STAMP WORK REQUIREMENTS 71999

Pursuant to 7 U.S.C. 2015(o)(4)(A)(i), the Department of Job 72000
and Family Services shall request that the United States Secretary 72001
of Agriculture waive the applicability of the work requirement of 72002
7 U.S.C. 2015(o)(2) during fiscal years 2008 and 2009 to food 72003
stamp benefit recipients who reside in a county of this state that 72004

the Department determines has an unemployment rate of over 10 per 72005
cent or does not have a sufficient number of jobs to provide 72006
employment for the recipients. 72007

Section 309.40.20. FOOD STAMPS TRANSFER 72008

On July 1, 2007, or as soon as possible thereafter, the 72009
Director of Budget and Management may transfer up to \$1,000,000 in 72010
cash from Fund 384, Food Stamp Program, to Fund 5ES, Food 72011
Assistance. 72012

Section 309.40.30. OHIO ASSOCIATION OF SECOND HARVEST FOOD 72013
BANKS 72014

As used in this section, "federal poverty guidelines" has the 72015
same meaning as in section 5101.46 of the Revised Code. 72016

Notwithstanding section 5101.46 of the Revised Code, the 72017
Department of Job and Family Services shall provide \$5,500,000 in 72018
each fiscal year from the foregoing appropriation item 600-651, 72019
Second Harvest Food Banks, and \$1,000,000 in each fiscal year from 72020
the foregoing appropriation item 600-659, TANF/Title XX Transfer 72021
(Fund 3W3), to the Ohio Association of Second Harvest Food Banks. 72022
The Department shall enter into a grant agreement with the Ohio 72023
Association of Second Harvest Food Banks to allow for the purchase 72024
of food and personal care products and the distribution of those 72025
products to agencies participating in the emergency food 72026
distribution program. Notwithstanding section 5101.46 of the 72027
Revised Code, the grant may permit the Ohio Association of Second 72028
Harvest Food Banks to use up to 5 per cent of the annual funding 72029
for administrative costs. As soon as possible after entering into 72030
a grant agreement at the beginning of each fiscal year, the 72031
Department may advance grant funds to the grantee under section 72032
5101.10 of the Revised Code and in accordance with federal law. 72033

Prior to entering into the grant agreement, the Ohio 72034

Association of Second Harvest Food Banks shall submit to the 72035
Department for approval a plan for the distribution of the food 72036
and personal care products to local food distribution agencies. If 72037
the plan meets the requirements and conditions established by the 72038
Department, the plan shall be incorporated into the grant 72039
agreement. The grant agreement shall also require the Ohio 72040
Association of Second Harvest Food Banks to ensure that local 72041
agencies will limit participation of individuals and families who 72042
receive any of the food and personal care products purchased with 72043
these funds to those who have an income at or below 200 per cent 72044
of the federal poverty guidelines. The Department and the Ohio 72045
Association of Second Harvest Food Banks shall agree on reporting 72046
requirements to be incorporated into the grant agreement, 72047
including a statement of expected performance outcomes from the 72048
Ohio Association of Second Harvest Food Banks and a requirement 72049
for their evaluation of their success in achieving those outcomes. 72050

Section 309.40.33. CHILD SUPPORT COLLECTIONS/TANF MOE 72051

The foregoing appropriation item 600-658, Child Support 72052
Collections, shall be used by the Department of Job and Family 72053
Services to meet the TANF maintenance of effort requirements of 42 72054
U.S.C. 609(a)(7). When the state is assured that it will meet the 72055
maintenance of effort requirement, the Department of Job and 72056
Family Services may use funds from appropriation item 600-658, 72057
Child Support Collections, to support child support activities. 72058

Section 309.40.40. TANF INITIATIVES 72059

The Department of Job and Family Services, in accordance with 72060
sections 5101.80 and 5101.801 of the Revised Code, shall take the 72061
steps necessary, through interagency agreement, adoption of rules, 72062
or otherwise as determined by the Department, to implement and 72063
administer the Title IV-A programs identified in this section. 72064

KINSHIP PERMANENCY INCENTIVE PROGRAM 72065

Of the foregoing appropriation item 600-689, TANF Block Grant 72066
(Fund 3V6), up to \$10 million per fiscal year shall be used to 72067
support the activities of the Kinship Permanency Incentive Program 72068
created under section 5101.802 of the Revised Code. 72069

The Department of Job and Family Services shall prepare 72070
reports concerning both of the following: 72071

(A) Stability and permanency outcomes for children for whom 72072
incentive payments are made under the Kinship Permanency Incentive 72073
Program; 72074

(B) The total amount of payments made under the Program, 72075
patterns of expenditures made per child under the Program, and 72076
cost savings realized through the Program from placement with 72077
kinship caregivers rather than other out-of-home placements. 72078

The Department shall submit a report to the Governor, the 72079
Speaker and Minority Leader of the House of Representatives, and 72080
the President and Minority Leader of the Senate not later than 72081
December 31, 2008, and December 31, 2010. 72082

OHIO ALLIANCE OF BOYS AND GIRLS CLUBS 72083

Of the foregoing appropriation item 600-689, TANF Block Grant 72084
(Fund 3V6), the Department of Job and Family Services shall use up 72085
to \$2,000,000 in each fiscal year to support expenditures of the 72086
Ohio Alliance of Boys and Girls Clubs pursuant to section 5101.801 72087
of the Revised Code to provide after-school programs that protect 72088
at-risk children and enable youth to become responsible adults. 72089
The Ohio Alliance of Boys and Girls Clubs shall provide 72090
nutritional meals, snacks, and educational, youth development, and 72091
career development services to TANF eligible children 72092
participating in programs and activities operated by eligible Boys 72093
and Girls Clubs. 72094

Of the foregoing appropriation item 600-689, TANF Block Grant 72095
(Fund 3V6), the Department of Job and Family Services shall use up 72096
to \$1,400,000 in each fiscal year to support expenditures of the 72097
Ohio Alliance of Boys and Girls Clubs pursuant to section 5101.801 72098
of the Revised Code for the For Kids Sake Ohio program. 72099

The Department of Job and Family Services and the Ohio 72100
Alliance of Boys and Girls Clubs shall agree on reporting 72101
requirements to be incorporated into the grant agreements. 72102

SUMMER AND AFTER-SCHOOL PROGRAMS 72103

Of the foregoing appropriation item 600-689, TANF Block Grant 72104
(Fund 3V6), the Department of Job and Family Services shall use up 72105
to \$10,000,000 in each fiscal year to support summer and 72106
after-school programs and services for TANF eligible youth served 72107
through community-based organizations, faith-based organizations, 72108
and schools pursuant to section 5101.801 of the Revised Code to 72109
provide academic support not available during the regular school 72110
day, nutrition, transportation, youth development activities, drug 72111
and violence prevention programs, counseling programs, technology 72112
education, and character education programs. 72113

CHILDREN'S HUNGER ALLIANCE 72114

Of the foregoing appropriation item 600-689, TANF Block Grant 72115
(Fund 3V6), up to \$1,000,000 in each fiscal year shall be 72116
reimbursed to the Children's Hunger Alliance pursuant to section 72117
5101.801 of the Revised Code for Child Nutrition Program outreach 72118
efforts. 72119

SCHOOL READINESS ENRICHMENT 72120

Of the foregoing appropriation item 600-689, TANF Block Grant 72121
(Fund 3V6), up to \$6,500,000 in each fiscal year shall be used for 72122
TANF eligible activities pursuant to section 5101.801 of the 72123
Revised Code to provide intervention services to prepare children 72124
for kindergarten. 72125

FOOD BANKS 72126

Of the foregoing appropriation item 600-689, TANF Block Grant 72127
(Fund 3V6), up to \$1,500,000 in each fiscal year shall be used to 72128
reimburse the Ohio network of food banks pursuant to section 72129
5101.801 of the Revised Code for purchases and distribution of 72130
food products. 72131

GOVERNOR'S OFFICE OF FAITH-BASED AND COMMUNITY INITIATIVES 72132

Of the foregoing appropriation item 600-689, TANF Block Grant 72133
(Fund 3V6), up to \$13,000,000 in each fiscal year shall be used to 72134
reimburse the Governor's Office for Faith-Based and Community 72135
Initiatives pursuant to section 5101.801 of the Revised Code for 72136
projects designed to serve the state's most vulnerable citizens. 72137

ADOPTION PROMOTION 72138

Of the foregoing appropriation item 600-689, TANF Block Grant 72139
(Fund 3V6), up to \$5,000,000 in each fiscal year shall be used for 72140
TANF eligible activities pursuant to section 5101.801 of the 72141
Revised Code to provide additional support for initiatives aimed 72142
at increasing the number of adoptions including recruiting, 72143
promoting, and supporting adoptive families. 72144

INDEPENDENT LIVING INITIATIVES 72145

Of the foregoing appropriation item 600-689, TANF Block Grant 72146
(Fund 3V6), up to \$2,500,000 in each fiscal year shall be used for 72147
TANF eligible activities pursuant to section 5101.801 of the 72148
Revised Code to support the independent living initiative, 72149
including life skills training and work supports for older 72150
children in foster care and those who have recently aged out of 72151
foster care. 72152

CLOSING THE ACHIEVEMENT GAP 72153

Of the foregoing appropriation item 600-689, TANF Block Grant 72154
(Fund 3V6), up to \$10,000,000 in each fiscal year shall be used 72155

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.

FREESTORE FOODBANK - BARIS PROGRAM

Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$800,000 in fiscal year 2008 shall be used to reimburse, in accordance with section 5101.801 of the Revised Code, the Freestore Foodbank for continuation of the Benefits Acquisition Results in Self Sufficiency (BARIS) project.

FAMILY SERVICE OF THE CINCINNATI AREA

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.

PARENT MENTORS

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 Education Enhancements, in the Department of Education.

ACCOUNTABILITY AND CREDIBILITY TOGETHER

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	72186
welfare diversion program to TANF eligible individuals pursuant to	72187
section 5101.801 of the Revised Code.	72188
AMERICAN ACADEMY OF PEDIATRICS	72189
Of the foregoing appropriation item 600-689, TANF Block Grant	72190
(Fund 3V6), up to \$100,000 in each fiscal year shall be used to	72191
reimburse, in accordance with section 5101.801 of the Revised	72192
Code, the American Academy of Pediatrics for the Reach Out and	72193
Read program.	72194
HOME WEATHERIZATION	72195
Of the foregoing appropriation item 600-689, TANF Block Grant	72196
(Fund 3V6), up to \$500,000 in each fiscal year shall be used to	72197
reimburse, in accordance with section 5101.801 of the Revised	72198
Code, the Corporation for Ohio Appalachian Development for home	72199
weatherization.	72200
PROVIDENCE HOUSE	72201
Of the foregoing appropriation item 600-689, TANF Block Grant	72202
(Fund 3V6), up to \$100,000 in fiscal year 2008 shall be used to	72203
reimburse, in accordance with section 5101.801 of the Revised	72204
Code, the Providence House for providing crisis intervention	72205
services for children who are at risk of abuse and neglect.	72206
BUTLER COUNTY SUCCESS PLAN	72207
Of the foregoing appropriation item 600-689, TANF Block Grant	72208
(Fund 3V6), up to \$100,000 in fiscal year 2008 shall be used to	72209
provide reimbursement, in accordance with section 5101.801 of the	72210
Revised Code, for the Butler County Success Plan.	72211
AMERICAN RED CROSS-GREATER CLEVELAND CHAPTER AND THE BEREA	72212
CHILDREN'S HOME AND FAMILY SERVICES	72213
Of the foregoing appropriation item 600-689, TANF Block	72214
Grant, up to \$2,063,000 in fiscal year 2008 shall be used to	72215

reimburse the American Red Cross-Greater Cleveland Chapter and the Berea Children's Home and Family Services in accordance with section 5101.801 of the Revised Code, for enrolling TANF eligible individuals in the Northeast Ohio Nurse Assistant Training Program, which will lead to employment opportunities in the healthcare field in a ten-county region.

CENTER FOR FAMILIES AND CHILDREN RAPART YOUTH FELLOWSHIP PROGRAM

Of the foregoing appropriation item 600-689, TANF Block Grant, up to \$246,128 in fiscal year 2008 and up to \$246,128 in fiscal year 2009 shall be used to reimburse the Center for Families and Children RapArt Youth Fellowship Program in accordance with section 5101.801 of the Revised Code for providing an after-school program that supports at-risk young adults and enables youth to become responsible adults.

TALBERT HOUSE

Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$100,000 in each fiscal year shall be used to reimburse, in accordance with section 5101.801 of the Revised Code, the Talbert House for providing TANF eligible non-medical behavioral health services.

TANF EDUCATIONAL AWARDS PROGRAM

Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$2,000,000 in each fiscal year shall be used to reimburse the Ohio Board of Regents pursuant to section 5101.801 of the Revised Code for initiatives addressing postsecondary tuition and educational expenses not covered by other grant programs that target low-income students.

CHABAD HOUSE

Of the foregoing appropriation item 600-689, TANF Block Grant

(Fund 3V6), up to \$125,000 in each fiscal year shall be used to 72246
reimburse, in accordance with section 5101.801 of the Revised 72247
Code, the Chabad House for the Friendship Circle program. 72248

COURT CLINIC FORENSIC SERVICES 72249

Of the foregoing appropriation 600-689, TANF Block Grant 72250
(Fund 3V6), up to \$100,000 in each fiscal year shall be used to 72251
reimburse, in accordance with section 5101.801 of the Revised 72252
Code, Court Clinic Forensic Services for establishment of an 72253
intense program of education, job training, and job placement to 72254
divert women from local jails and state prisons and to reduce 72255
recidivism. 72256

BIG BROTHERS BIG SISTERS 72257

Of the foregoing appropriation item 600-689, TANF Block Grant 72258
(Fund 3V6), up to \$250,000 in fiscal year 2008 and up to \$750,000 72259
in fiscal year 2009 shall be used to reimburse Big Brothers Big 72260
Sisters of Central Ohio, in accordance with section 5101.801 of 72261
the Revised Code, for child mentoring services. 72262

WECO HOME PROGRAM 72263

Of the foregoing appropriation item 600-689, TANF Block Grant 72264
(Fund 3V6), up to \$1,000,000 in each fiscal year shall be used to 72265
reimburse, in accordance with section 5101.801 of the Revised 72266
Code, WECO Fund, Inc., for an individual development account 72267
program that helps participants purchase homes. 72268

ECONOMIC AND COMMUNITY DEVELOPMENT INSTITUTE 72269

Of the foregoing appropriation item 600-689, TANF Block Grant 72270
(Fund 3V6), up to \$650,000 in each fiscal year shall be used to 72271
reimburse, in accordance with section 5101.801 of the Revised 72272
Code, the Economic and Community Development Institute for 72273
matching funds provided to TANF eligible individuals through an 72274
individual development accounts program. 72275

EARLY CHILDHOOD EDUCATION PILOT 72276

Of the foregoing appropriation item 600-689, TANF Block Grant 72277
(Fund 3V6), up to \$50,000 in each fiscal year shall be used to 72278
reimburse, in accordance with section 5101.801 of the Revised 72279
Code, the Alliance Early Childhood Education Pilot Project. 72280

OHIO COUNCIL OF URBAN LEAGUES 72281

Of the foregoing appropriation item 600-689, TANF Block Grant 72282
(Fund 3V6), up to \$500,000 in each fiscal year shall be used to 72283
reimburse the Ohio Council of Urban Leagues, in accordance with 72284
section 5101.801 of the Revised Code, for career development 72285
programs that provide opportunities for eligible individuals to 72286
develop a career path in a desired employment area. 72287

HOME ENERGY ASSISTANCE PROGRAM 72288

The Department of Job and Family Services shall transfer, 72289
through intrastate transfer voucher, \$45,000,000 in cash in fiscal 72290
year 2008 and \$15,000,000 in fiscal year 2009 from Fund 3V6, TANF 72291
Block Grant, to Fund 3BJ, TANF Heating Assistance, in the 72292
Department of Development, in accordance with an interagency 72293
agreement. The Departments of Job and Family Services and 72294
Development shall enter into an interagency agreement for 72295
providing reimbursement to the Department of Development to 72296
administer the Title IV-A funded Home Energy Assistance Program 72297
(HEAP), which provides assistance with home energy fuel costs to 72298
needy families with children. 72299

If the Department of Development receives approval for a 72300
federal waiver to increase the percentage of the Home Energy Block 72301
Grant that may be used for weatherization to sixteen and one-half 72302
per cent in fiscal year 2008 and seventeen and one-half per cent 72303
in fiscal year 2009, the Department of Job and Family Services 72304
shall increase the amount of reimbursement to the Department of 72305
Development from Fund 3V6, TANF Block Grant, for the Title IV-A 72306

funded Home Energy Assistance Program by an amount equal to the 72307
additional amounts used for weatherization under the federal 72308
waiver. 72309

The directors of Job and Family Services and Development 72310
shall seek Controlling Board approval to adjust the appropriations 72311
for appropriation item 600-689, TANF Block Grant, in the 72312
Department of Job and Family Services and appropriation item 72313
195-685, TANF Heating Assistance, in the Department of 72314
Development, as needed to carry out the purposes described in the 72315
preceding paragraph. 72316

Section 309.40.49. OHIO WORKS FIRST DOMESTIC VIOLENCE RULES 72317

The Director of Job and Family Services shall adopt the 72318
initial rules under divisions (A)(14), (15), and (16) of section 72319
5107.05 of the Revised Code not later than January 1, 2008. 72320

Section 309.40.60. EARLY LEARNING INITIATIVE 72321

(A) As used in this section: 72322

(1) "Title IV-A services" means benefits and services that 72323
are allowable under Title IV-A of the "Social Security Act," as 72324
specified in 42 U.S.C. 604(a), except that they shall not be 72325
benefits and services included in the term "assistance" as defined 72326
in 45 C.F.R. 260.31(a) and shall be benefits and services that are 72327
excluded from the definition of the term "assistance" under 45 72328
C.F.R. 260.31(b). 72329

(2) "Title IV-A funds" means funds provided under the 72330
temporary assistance for needy families block grant established by 72331
Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 72332
U.S.C. 601, as amended. 72333

(3) "Eligible child" means a child who is at least three 72334
years of age but not of compulsory school age or enrolled in 72335

kindergarten, is eligible for Title IV-A services, and whose 72336
family income at the time of application does not exceed one 72337
hundred eighty-five per cent of the federal poverty line in fiscal 72338
year 2008 or two hundred per cent of the federal poverty line in 72339
fiscal year 2009. 72340

(4) "Early learning program" means a program for eligible 72341
children that is funded with Title IV-A funds and provides Title 72342
IV-A services, according to the purposes listed in 45 C.F.R. 72343
260.20(c), that are early learning services, as defined by 72344
pursuant to division (D)(1) of this section. 72345

(5) "Early learning provider" means an entity that is 72346
receiving Title IV-A funds to operate an early learning program. 72347

(6) "Early learning agency" means an early learning provider 72348
or an entity that has entered into an agreement with an early 72349
learning provider requiring the early learning provider to operate 72350
an early learning program on behalf of the entity. 72351

(7) "Federal poverty line" has the same meaning as in section 72352
5104.01 of the Revised Code. 72353

(8) "Of compulsory school age" has the same meaning as in 72354
section 3321.01 of the Revised Code. 72355

(B) The Early Learning Initiative is hereby established. The 72356
Department of Education and the Department of Job and Family 72357
Services shall administer the Initiative in accordance with 72358
sections 5101.80 and 5101.801 of the Revised Code. The Initiative 72359
shall provide early learning services to eligible children. Early 72360
learning programs may provide early learning services on a 72361
full-day basis, a part-day basis, or both a full-day and part-day 72362
basis. 72363

(C) The Department of Job and Family Services shall do both 72364
of the following: 72365

(1) Reimburse early learning agencies for Title IV-A services provided to eligible children according to the terms of the contract and the rules adopted under division (C)(2) of this section;

(2) In consultation with the Department of Education, adopt rules in accordance with Chapter 119. of the Revised Code to implement the Early Learning Initiative. The rules shall include all of the following:

(a) Provisions regarding the establishment of co-payments for families of eligible children whose family income is more than one hundred sixty-five per cent of the federal poverty line but equal to or less than the maximum amount of family income authorized for an eligible child as defined in division (A)(3) of this section;

(b) An exemption from co-payment requirements for families whose family income is equal to or less than one hundred sixty-five per cent of the federal poverty line;

(c) A definition of "enrollment" for the purpose of compensating early learning agencies;

(d) Provisions that establish compensation rates for early learning agencies based on the enrollment of eligible children.

(D) The Department of Education shall do all of the following:

(1) Define the early learning services that will be provided to eligible children through the Early Learning Initiative;

(2) In consultation with the Department of Job and Family Services, develop an application form and criteria for the selection of early learning agencies. The criteria shall require an early learning agency, or each early learning provider with which the agency has entered into an agreement for the operation of an early learning program on the agency's behalf, to be

licensed or certified by the Department of Education under 72396
sections 3301.52 to 3301.59 of the Revised Code or by the 72397
Department of Job and Family Services under Chapter 5104. of the 72398
Revised Code; 72399

(3) Establish early learning program guidelines for school 72400
readiness to assess the operation of early learning programs. 72401

(E) Any entity that seeks to be an early learning agency 72402
shall apply to the Department of Education by a deadline 72403
established by the Department. The Department of Education shall 72404
select entities that meet the criteria established under division 72405
(D)(2) of this section to be early learning agencies. Upon 72406
selection of an entity to be an early learning agency, the 72407
Department of Education shall designate the number of eligible 72408
children the agency may enroll. The Department of Education shall 72409
notify the Department of Job and Family Services of the number so 72410
designated. 72411

(F) The Department of Education and the Department of Job and 72412
Family Services shall enter into a contract with each early 72413
learning agency selected under division (E) of this section. The 72414
requirements of section 127.16 of the Revised Code do not apply to 72415
contracts entered into under this section. The contract shall 72416
outline the terms and conditions applicable to the provision of 72417
Title IV-A services for eligible children and shall include at 72418
least the following: 72419

(1) The respective duties of the early learning agency, the 72420
Department of Education, and the Department of Job and Family 72421
Services; 72422

(2) Requirements applicable to the allowable use of and 72423
accountability for Title IV-A compensation paid under the 72424
contract; 72425

(3) Reporting requirements, including a requirement that the 72426

early learning provider inform the Department of Education when 72427
the provider learns that a kindergarten eligible child will not be 72428
enrolled in kindergarten; 72429

(4) The compensation schedule payable under the contract; 72430

(5) Audit requirements; 72431

(6) Provisions for suspending, modifying, or terminating the 72432
contract. 72433

(G) If an early learning agency, or an early learning 72434
provider operating an early learning program on the agency's 72435
behalf, substantially fails to meet the early learning program 72436
guidelines for school readiness or exhibits substandard 72437
performance, as determined by the Department of Education, the 72438
agency shall develop and implement a corrective action plan. The 72439
Department of Education shall approve the corrective action plan 72440
prior to implementation. 72441

(H) If an early learning agency fails to implement a 72442
corrective action plan under division (G) of this section, the 72443
Department of Education may direct the Department of Job and 72444
Family Services to either withhold funding or request that the 72445
Department of Job and Family Services suspend or terminate the 72446
contract with the agency. 72447

(I) Each early learning program shall do all of the 72448
following: 72449

(1) Meet teacher qualification requirements prescribed by 72450
section 3301.311 of the Revised Code; 72451

(2) Align curriculum to the early learning content standards; 72452

(3) Meet any assessment requirements prescribed by section 72453
3301.0715 of the Revised Code that apply to the program; 72454

(4) Require teachers, except teachers enrolled and working to 72455
obtain a degree pursuant to section 3301.311 of the Revised Code, 72456

to attend a minimum of twenty hours per biennium of professional 72457
development as prescribed by the Department of Education regarding 72458
the implementation of early learning program guidelines for school 72459
readiness; 72460

(5) Document and report child progress; 72461

(6) Meet and report compliance with the early learning 72462
program guidelines for school success; 72463

(7) Participate in early language and literacy classroom 72464
observation evaluation studies. 72465

(J) Each county Department of Job and Family Services shall 72466
determine eligibility for Title IV-A services for children seeking 72467
to enroll in an early learning program within fifteen days after 72468
receipt of a completed application in accordance with rules 72469
adopted under this section. 72470

(K) The provision of early learning services in an early 72471
learning program shall not prohibit or otherwise prevent an 72472
individual from obtaining certificates for payment under division 72473
(C) of section 5104.32 of the Revised Code. 72474

(L) Notwithstanding section 126.07 of the Revised Code: 72475

(1) Any fiscal year 2008 contract executed prior to July 1, 72476
2007, between the Departments of Job and Family Services and 72477
Education and an early learning agency that was not an early 72478
learning agency as of June 30, 2007, shall be deemed to be 72479
effective as of July 1, 2007, upon issuance of a state purchase 72480
order, even if the purchase order is approved at some later date. 72481

(2) Any fiscal year 2008 contract executed between the 72482
Departments of Job and Family Services and Education and an early 72483
learning agency that had a valid contract for early learning 72484
services on June 30, 2007, shall be deemed to be effective as of 72485
July 1, 2007, upon the issuance of a state purchase order, even if 72486

the purchase order is approved at some later date. 72487

(3) Any fiscal year 2009 contract executed prior to July 1, 72488
2008, between the Departments of Job and Family Services and 72489
Education and an early learning agency that was not an early 72490
learning agency as of June 30, 2008, shall be deemed to be 72491
effective as of July 1, 2008, upon issuance of a state purchase 72492
order, even if the purchase order is approved at some later date. 72493

(4) Any fiscal year 2009 contract executed between the 72494
Departments of Job and Family Services and Education and an early 72495
learning agency that had a valid contract for early learning 72496
services on June 30, 2008, shall be deemed to be effective as of 72497
July 1, 2008, upon the issuance of a state purchase order, even if 72498
the purchase order is approved at some later date. 72499

(M) Of the foregoing appropriation item 600-689, TANF Block 72500
Grant (Fund 3V6), up to \$125,256,000 shall be used in each fiscal 72501
year to compensate early learning agencies under this section. The 72502
Departments of Job and Family Services and Education shall 72503
contract for up to 12,000 enrollment slots for eligible children 72504
in each fiscal year through the Early Learning Initiative. 72505

(N) Of the foregoing appropriation item 600-689, TANF Block 72506
Grant (Fund 3V6), up to \$800,000 in each fiscal year may be used 72507
by the Department of Job and Family Services for administration of 72508
the Early Learning Initiative. 72509

(O) Up to \$2,200,000 in each fiscal year may be used by the 72510
Department of Education to perform administrative functions for 72511
the Early Learning Initiative. The Department of Job and Family 72512
Services shall transfer, through intrastate transfer vouchers, 72513
cash from Fund 3V6, TANF Block Grant, to Fund 5W2, Early Learning 72514
Initiative, in the Department of Education. The amount transferred 72515
shall not exceed \$2,200,000 in fiscal year 2008 and \$2,200,000 in 72516
fiscal year 2009. The transfer shall occur on a reimbursement 72517

basis on a schedule developed and agreed to by both departments. 72518

Section 309.50. CHILDREN AND FAMILIES 72519

Section 309.50.03. FOSTER CARE REFORM 72520

Of the foregoing appropriation item 600-423, Office of 72521
Children and Families, \$1,300,000 in each fiscal year shall be 72522
used to pay for foster care audit workers and related 72523
administrative expenses for state staff. 72524

Of the foregoing appropriation item 600-523, Children and 72525
Families Services, \$9,100,000 in each fiscal year shall be 72526
provided to counties for foster care related expenses, including, 72527
but not limited to, upfront services, counseling, intake workers, 72528
foster care staff, case workers, and trainers. 72529

Section 309.50.06. ADULT PROTECTIVE SERVICES 72530

The foregoing appropriation item 600-534, Adult Protective 72531
Services, shall be distributed to counties for the provision of 72532
services to adults who are in need of protective services. The 72533
Department of Job and Family Services shall adopt rules in 72534
accordance with Chapter 119. of the Revised Code to establish a 72535
formula for distribution of the moneys to the counties, including 72536
a requirement that counties put forth a maintenance of effort to 72537
be eligible for these moneys ensuring that these moneys are in 72538
addition to dollars currently spent on adult protective service 72539
efforts and not used to replace other sources of funding. 72540

Section 309.50.10. CHILD WELFARE TRAINING INITIATIVE 72541

In each fiscal year, the Department of Job and Family 72542
Services shall grant \$50,000 from appropriation item 600-528, 72543
Adoption Services, and \$150,000 from appropriation item 600-606, 72544
Child Welfare (Fund 327), to the National Center for Adoption Law 72545

and Policy to fund a multi-disciplinary child welfare training 72546
initiative. The Department of Job and Family Services shall 72547
coordinate with the National Center for Adoption Law and Policy to 72548
determine the focus of the training provided each year. 72549

ADOPTION LAWSITE INITIATIVE 72550

In each fiscal year, the Department of Job and Family 72551
Services shall grant \$37,500 from appropriation item 600-528, 72552
Adoption Services, and \$112,500 from appropriation item 600-606, 72553
Child Welfare (Fund 327), to the National Center for Adoption Law 72554
and Policy to fund expansion of the Adoption LawSite Initiative. 72555

Section 309.50.20. CHILDREN'S TRUST FUND 72556

Notwithstanding sections 3109.13 to 3109.18 of the Revised 72557
Code, in each fiscal year, the Director of Budget and Management 72558
shall transfer \$1,500,000 cash from the Children's Trust Fund 72559
(Fund 198) in the Department of Job and Family Services to the 72560
Partnerships for Success Fund (Fund 5BH) in the Department of 72561
Youth Services. 72562

Section 309.50.50. VISITING NURSE ASSOCIATION - READY SENIORS 72563

Notwithstanding section 5101.46 of the Revised Code and prior 72564
to allocations for administration and training, of the foregoing 72565
appropriation item 600-620, Social Services Block Grant, up to 72566
\$250,000 in each fiscal year shall be reimbursed to the Visiting 72567
Nurses Association of Cleveland, pursuant to a grant agreement 72568
entered into by the Visiting Nurses Association of Cleveland and 72569
the Department of Job and Family Services, for costs of expanding 72570
the Ready Seniors software program that are allowable under state 72571
and federal law governing the use of the Block Grant. 72572

Section 309.50.60. CHILD PLACEMENT LEVEL OF CARE TOOL PILOT 72573

(A) The Department of Job and Family Services shall develop, 72574

implement, and oversee use of a Child Placement Level of Care Tool 72575
on a pilot basis. The Department shall implement the pilot program 72576
in Cuyahoga County and not more than nine additional counties 72577
selected by the Department. The pilot program shall be developed 72578
by the participating counties and must be acceptable to all 72579
participating counties. A selected county must agree to 72580
participate in the pilot program. 72581

(B) The pilot program shall begin not later than July 1, 72582
2008, and end not later than December 31, 2009. The length of the 72583
program shall not include any time expended in preparation for 72584
implementation or any post-pilot program evaluation activity. 72585

(C)(1) In accordance with sections 125.01 to 125.11 of the 72586
Revised Code, the Department of Job and Family Services shall 72587
designate a person to independently evaluate the pilot program to 72588
rate the program's success in the following areas: 72589

(a) Placement stability, length of stay, and other outcomes 72590
for children; 72591

(b) Cost; 72592

(c) Worker satisfaction; 72593

(d) Any other criteria the Department determines will be 72594
useful in the consideration of statewide implementation. 72595

(2) The evaluation design shall include: 72596

(a) A comparison of data to historical outcomes or control 72597
counties; 72598

(b) A retrospective data review of Cuyahoga County's use of 72599
the tool; 72600

(c) A prospective data evaluation in each of the ten pilot 72601
counties. 72602

(D) The Department of Mental Health shall conduct a study of 72603
a sample of the children placed using the Child Placement Level of 72604

Care Tool, which shall run concurrent with the Department of Job and Family Services Child Placement Level of Care Tool pilot program. This study shall evaluate outcomes from the initial and regular administration of the Ohio Scales Tool and changes in the level of children's functioning over time. The Department of Mental Health shall seek maximum federal financial participation to conduct the Ohio Scales Tool evaluation. Upon completion of the study, the Department of Mental Health shall send a copy of the results of the study to the independent evaluator designated under division (C) of this section.

(E) The independent evaluator of the Child Placement Level of Care Tool designated under division (C) of this section shall compare the evaluation of the Child Placement Level of Care Tool conducted pursuant to division (C) of this section to the study of the Ohio Scales Tool conducted under division (D) of this section. The comparison shall focus on analyzing any correlations between the placement stability outcomes associated with the Level of Care Tool and the behavioral health level of functioning outcomes associated with the Ohio Scales Tool. The independent evaluator shall send a copy of the evaluator's initial evaluation of the Child Placement Level of Care Tool, the Department of Mental Health study, and the comparison to the Department of Job and Family Services.

(F) The Department of Job and Family Services may adopt rules in accordance with section 111.15 of the Revised Code, as if they were internal management rules, as necessary to carry out the purposes of this section. The Department shall seek maximum federal financial participation to support the pilot and the evaluation.

(G) Notwithstanding division (E) of section 5101.141 of the Revised Code, the Department of Job and Family Services shall use up to \$1,000,000 of appropriation item 600-663, Children and

Family Support, over the biennium to implement the Child Placement
Level of Care Tool pilot program described in this section and to
contract for the independent evaluation of the pilot program.

(H) As used in this section:

(1) "Child Placement Level of Care Tool" means an assessment
tool to be developed by the participating counties to assess a
child's placement needs when a child must be removed from the
child's own home and cannot be placed with a relative or kin that
includes assessing a child's behavior, history, psychological
state, and the involvement of service systems.

(2) "Ohio Scales Tool" means the Ohio Youth Problems,
Functioning, and Satisfaction Scales used by the Ohio Department
of Mental Health to measure outcomes for youth ages five to
eighteen who receive mental health services.

Section 309.50.70. OHIO BENEFIT BANK

Of the foregoing appropriation item 600-659, TANF/Title XX,
up to \$299,276 in fiscal year 2008 and up to \$472,366 in fiscal
year 2009 shall be used by the Governor's Office of Faith-Based
and Community Initiatives to support the Ohio Benefit Bank, a
web-enabled, counselor-assisted, program for low- and
moderate-income Ohioans.

Section 309.50.80. EARLY CARE AND EDUCATION

Before July 1, 2008, the departments of Job and Family
Services and Education shall develop a fiscal model bringing
together early care and education programs under one funding
system that will provide all children with access to affordable
quality care and education.

Section 309.70. WORKFORCE DEVELOPMENT

Section 309.70.10. TRANSFER TO THE MILITARY INJURY RELIEF 72665
FUND 72666

In each year of the biennium, the Director of Job and Family 72667
Services shall certify to the Director of Budget and Management 72668
the total amount of incentive grants deposited into Fund 331, 72669
Federal Operating, on behalf of state and county employees and 72670
other individuals, entities, and persons with exemplary service to 72671
veterans under an approved employment service delivery program 72672
defined in the "Jobs for Veterans Act," 116 Stat. 2033 (2002), as 72673
approved by the United States Department of Labor. The Director of 72674
Budget and Management shall transfer cash equal to the amount 72675
certified by the Director of Job and Family Services from Fund 331 72676
to Fund 5DB, Military Injury Relief Fund. The transferred funds 72677
shall be used to support grants to eligible individuals under 72678
section 5101.98 of the Revised Code and rules adopted in 72679
accordance with that section. 72680

Section 309.70.20. WORKFORCE DEVELOPMENT GRANT AGREEMENT 72681

The Department of Job and Family Services may use 72682
appropriations from appropriation item 600-688, Workforce 72683
Investment Act, to provide financial assistance for workforce 72684
development activities included in a grant agreement entered into 72685
by the department in accordance with section 5101.20 of the 72686
Revised Code. 72687

OHIO STATE APPRENTICESHIP COUNCIL 72688

Of the foregoing appropriation item 600-688, Workforce 72689
Investment Act, up to \$1,900,000 in fiscal year 2008 and up to 72690
\$2,200,000 in fiscal year 2009 may be used to support the 72691
activities of the Ohio State Apprenticeship Council. 72692

YOUTH EMPLOYMENT PROGRAMS 72693

Of the foregoing appropriation item 600-688, Workforce 72694

Investment Act, up to \$6,000,000 over the biennium shall be used 72695
for competitive grants to eight major urban centers and four other 72696
locations, at least two of which are rural, to provide strategies 72697
and programs that meet the needs of at-risk youth. The program 72698
shall target youth who have disengaged from the education system 72699
and youthful offenders who will be returning to their communities. 72700
Eligible grant applications include governmental units, workforce 72701
investment boards, and not-for-profit and for-profit entities. 72702
Grant funds may be used for youth wages and benefits, supervisory 72703
costs, training and support costs, and infrastructure expenses. 72704
Grant funds may not be used for construction or renovation of 72705
facilities. 72706

THIRD FRONTIER INTERNSHIP PROGRAM 72707

Of the foregoing appropriation item 600-688, Workforce 72708
Investment Act, \$1,500,000 in each fiscal year shall be used to 72709
support the Third Frontier Internship program. 72710

NURSE EDUCATION ASSISTANCE 72711

Of the foregoing appropriation item 600-688, Workforce 72712
Investment Act, \$700,000 in each fiscal year shall be used to 72713
support the Nurse Education Assistance program described in 72714
division (C)(1)(a) of section 3333.28 of the Revised Code. 72715

Section 309.80. UNEMPLOYMENT COMPENSATION 72716

Section 309.80.10. EMPLOYER SURCHARGE 72717

The surcharge and the interest on the surcharge amounts due 72718
for calendar years 1988, 1989, and 1990 as required by Am. Sub. 72719
H.B. 171 of the 117th General Assembly, Am. Sub. H.B. 111 of the 72720
118th General Assembly, and section 4141.251 of the Revised Code 72721
as it existed prior to its repeal by Sub. H.B. 478 of the 122nd 72722
General Assembly, again shall be assessed and collected by, 72723
accounted for, and made available to the Department of Job and 72724

Family Services in the same manner as set forth in section 72725
4141.251 of the Revised Code as it existed prior to its repeal by 72726
Sub. H.B. 478 of the 122nd General Assembly, notwithstanding the 72727
repeal of the surcharge for calendar years after 1990, pursuant to 72728
Sub. H.B. 478 of the 122nd General Assembly, except that amounts 72729
received by the Director on or after July 1, 2001, shall be 72730
deposited into the Unemployment Compensation Special 72731
Administrative Fund (Fund 4A9) established pursuant to section 72732
4141.11 of the Revised Code. 72733

Section 309.80.20. FEDERAL UNEMPLOYMENT PROGRAMS 72734

All unexpended funds remaining at the end of fiscal year 2007 72735
that were appropriated and made available to the state under 72736
section 903(d) of the Social Security Act, as amended, in the 72737
foregoing appropriation item 600-678, Federal Unemployment 72738
Programs (Fund 3V4), are hereby appropriated to the Department of 72739
Job and Family Services. Upon the request of the Director of Job 72740
and Family Services, the Director of Budget and Management may 72741
increase the appropriation for fiscal year 2008 by the amount 72742
remaining unspent from the fiscal year 2007 appropriation and may 72743
increase the appropriation for fiscal year 2009 by the amount 72744
remaining unspent from the fiscal year 2008 appropriation. The 72745
appropriation shall be used under the direction of the Department 72746
of Job and Family Services to pay for administrative activities 72747
for the Unemployment Insurance Program, employment services, and 72748
other allowable expenditures under section 903(d) of the Social 72749
Security Act, as amended. 72750

The amounts obligated pursuant to this section shall not 72751
exceed at any time the amount by which the aggregate of the 72752
amounts transferred to the account of the state under section 72753
903(d) of the Social Security Act, as amended, exceeds the 72754
aggregate of the amounts obligated for administration and paid out 72755

for benefits and required by law to be charged against the amounts 72756
transferred to the account of the state. 72757

Section 309.80.30. TIME-LIMITED MEDICAID PROVIDER AGREEMENTS 72758

Each Medicaid provider agreement that is not time-limited on 72759
the effective date of section 5111.028 of the Revised Code, as 72760
enacted by this act, shall be converted by the Department of Job 72761
and Family Services into a time-limited provider agreement. The 72762
converted provider agreement shall expire three years from 72763
effective date of the conversion. The Department shall notify the 72764
provider in writing that provider agreement has been converted 72765
into a time-limited provider agreement. 72766

Notwithstanding division (B) of section 5111.06 of the 72767
Revised Code, the Department is not required to issue an order 72768
pursuant to an adjudication conducted in accordance with Chapter 72769
119. of the Revised Code when converting a provider agreement 72770
under this section. 72771

Section 311.10. JCO JUDICIAL CONFERENCE OF OHIO 72772

General Revenue Fund 72773

GRF 018-321 Operating Expenses	\$	985,710	\$	1,015,281	72774
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TOTAL GRF General Revenue Fund	\$	985,710	\$	1,015,281	72775
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General Services Fund Group 72776

403 018-601 Ohio Jury Instructions	\$	350,000	\$	350,000	72777
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TOTAL GSF General Services Fund	\$	350,000	\$	350,000	72778
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Group

TOTAL ALL BUDGET FUND GROUPS	\$	1,335,710	\$	1,365,281	72779
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STATE COUNCIL OF UNIFORM STATE LAWS 72780

Notwithstanding section 105.26 of the Revised Code, of the 72781
foregoing appropriation item 018-321, Operating Expenses, up to 72782
\$71,000 in fiscal year 2008 and up to \$73,000 in fiscal year 2009 72783

may be used to pay the expenses of the State Council of Uniform 72784
State Laws, including membership dues to the National Conference 72785
of Commissioners on Uniform State Laws. 72786

OHIO JURY INSTRUCTIONS FUND 72787

The Ohio Jury Instructions Fund (Fund 403) shall consist of 72788
grants, royalties, dues, conference fees, bequests, devises, and 72789
other gifts received for the purpose of supporting costs incurred 72790
by the Judicial Conference of Ohio in dispensing educational and 72791
informational data to the state's judicial system. Fund 403 shall 72792
be used by the Judicial Conference of Ohio to pay expenses 72793
incurred in dispensing educational and informational data to the 72794
state's judicial system. All moneys accruing to Fund 403 in excess 72795
of \$350,000 in fiscal year 2008 and in excess of \$350,000 in 72796
fiscal year 2009 are hereby appropriated for the purposes 72797
authorized. 72798

No money in the Ohio Jury Instructions Fund shall be 72799
transferred to any other fund by the Director of Budget and 72800
Management or the Controlling Board. 72801

Section 313.10. JSC THE JUDICIARY/SUPREME COURT 72802

General Revenue Fund 72803

GRF 005-321 Operating Expenses - \$ 127,778,192 \$ 133,144,970 72804
Judiciary/Supreme
Court

GRF 005-401 State Criminal \$ 331,500 \$ 336,770 72805
Sentencing Council

GRF 005-406 Law-Related Education \$ 229,290 \$ 236,172 72806

GRF 005-409 Ohio Courts Technology \$ 4,000,000 \$ 6,500,000 72807
Initiative

GRF 005-502 Legal Education \$ 250,000 \$ 350,000 72808
Opportunity

TOTAL GRF General Revenue Fund	\$	132,588,982	\$	140,567,912	72809
General Services Fund Group					72810
672 005-601 Continuing Judicial	\$	136,000	\$	140,000	72811
Education					
TOTAL GSF General Services Fund	\$	136,000	\$	140,000	72812
Group					
Federal Special Revenue Fund Group					72813
3J0 005-603 Federal Grants	\$	1,518,491	\$	1,467,693	72814
TOTAL FED Federal Special Revenue	\$	1,518,491	\$	1,467,693	72815
Fund Group					
State Special Revenue Fund Group					72816
4C8 005-605 Attorney Services	\$	3,841,416	\$	3,936,058	72817
5T8 005-609 Grants and Awards	\$	100,000	\$	100,000	72818
6A8 005-606 Supreme Court	\$	1,496,633	\$	1,541,532	72819
Admissions					
TOTAL SSR State Special Revenue	\$	5,438,049	\$	5,577,590	72820
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	139,681,522	\$	147,753,195	72821
LAW-RELATED EDUCATION					72822
The foregoing appropriation item 005-406, Law-Related					72823
Education, shall be distributed directly to the Ohio Center for					72824
Law-Related Education for the purposes of providing continuing					72825
citizenship education activities to primary and secondary					72826
students, expanding delinquency prevention programs, increasing					72827
activities for at-risk youth, and accessing additional public and					72828
private money for new programs.					72829
OHIO COURTS TECHNOLOGY INITIATIVE					72830
The foregoing appropriation item 005-409, Ohio Courts					72831
Technology Initiative, shall be used to fund an initiative by the					72832
Supreme Court to facilitate the exchange of information and					72833
warehousing of data by and between Ohio courts and other justice					72834

system partners through the creation of an Ohio Courts Network, 72835
the delivery of technology services to courts throughout the 72836
state, including the provision of hardware, software, and the 72837
development and implementation of educational and training 72838
programs for judges and court personnel, and the creation and 72839
operation of the Commission on Technology and the Courts by the 72840
Supreme Court for the promulgation of statewide rules, policies, 72841
and uniform standards, and to aid in the orderly adoption and 72842
comprehensive use of technology in Ohio courts. 72843

LEGAL EDUCATION OPPORTUNITY 72844

The foregoing appropriation item 005-502, Legal Education 72845
Opportunity, shall be used to fund activities undertaken at the 72846
direction of the Chief Justice of the Supreme Court for purposes 72847
of introducing minority, low-income, and educationally 72848
disadvantaged Ohio students to the legal system and providing 72849
educational opportunities to those same students who are preparing 72850
for college and interested in the pursuit of a legal career. The 72851
foregoing appropriation item 005-502, Legal Education Opportunity, 72852
may be used by the Supreme Court, in cooperation with other 72853
entities, to establish and provide programs, courses, and 72854
activities consistent with the purposes set forth in this 72855
paragraph and to pay the associated administrative costs. 72856

CONTINUING JUDICIAL EDUCATION 72857

The Continuing Judicial Education Fund (Fund 672) shall 72858
consist of fees paid by judges and court personnel for attending 72859
continuing education courses and other gifts and grants received 72860
for the purpose of continuing judicial education. The foregoing 72861
appropriation item 005-601, Continuing Judicial Education, shall 72862
be used to pay expenses for continuing education courses for 72863
judges and court personnel. If it is determined by the 72864
Administrative Director of the Supreme Court that additional 72865
appropriations are necessary, the amounts are hereby appropriated. 72866

No money in the Continuing Judicial Education Fund shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on moneys in the Continuing Judicial Education Fund shall be credited to the fund.

FEDERAL GRANTS

The Federal Grants Fund (Fund 3J0) shall consist of grants and other moneys awarded to the Supreme Court (The Judiciary) by the United States Government or other entities that receive the moneys directly from the United States Government and distribute those moneys to the Supreme Court (The Judiciary). The foregoing appropriation item 005-603, Federal Grants, shall be used in a manner consistent with the purpose of the grant or award. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are hereby appropriated.

No money in the Federal Grants Fund shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. However, interest earned on moneys in the Federal Grants Fund shall be credited or transferred to the General Revenue Fund.

ATTORNEY SERVICES

The Attorney Services Fund (Fund 4C8), formerly known as the Attorney Registration Fund, shall consist of moneys received by the Supreme Court (The Judiciary) pursuant to the Rules for the Government of the Bar of Ohio. In addition to funding other activities considered appropriate by the Supreme Court, the foregoing appropriation item 005-605, Attorney Services, may be used to compensate employees and to fund appropriate activities of the following offices established by the Supreme Court: the Office of Disciplinary Counsel, the Board of Commissioners on Grievances

and Discipline, the Clients' Security Fund, and the Attorney 72898
Services Division. If it is determined by the Administrative 72899
Director of the Supreme Court that additional appropriations are 72900
necessary, the amounts are hereby appropriated. 72901

No moneys in the Attorney Services Fund shall be transferred 72902
to any other fund by the Director of Budget and Management or the 72903
Controlling Board. Interest earned on moneys in the Attorney 72904
Services Fund shall be credited to the fund. 72905

GRANTS AND AWARDS 72906

The Grants and Awards Fund (Fund 5T8) shall consist of grants 72907
and other moneys awarded to the Supreme Court (The Judiciary) by 72908
the State Justice Institute, the Division of Criminal Justice 72909
Services, or other entities. The foregoing appropriation item 72910
005-609, Grants and Awards, shall be used in a manner consistent 72911
with the purpose of the grant or award. If it is determined by the 72912
Administrative Director of the Supreme Court that additional 72913
appropriations are necessary, the amounts are hereby appropriated. 72914

No moneys in the Grants and Awards Fund shall be transferred 72915
to any other fund by the Director of Budget and Management or the 72916
Controlling Board. However, interest earned on moneys in the 72917
Grants and Awards Fund shall be credited or transferred to the 72918
General Revenue Fund. 72919

SUPREME COURT ADMISSIONS 72920

The foregoing appropriation item 005-606, Supreme Court 72921
Admissions, shall be used to compensate Supreme Court employees 72922
who are primarily responsible for administering the attorney 72923
admissions program under the Rules for the Government of the Bar 72924
of Ohio, and to fund any other activities considered appropriate 72925
by the court. Moneys shall be deposited into the Supreme Court 72926
Admissions Fund (Fund 6A8) under the Supreme Court Rules for the 72927
Government of the Bar of Ohio. If it is determined by the 72928

Administrative Director of the Supreme Court that additional 72929
appropriations are necessary, the amounts are hereby appropriated. 72930

No moneys in the Supreme Court Admissions Fund shall be 72931
transferred to any other fund by the Director of Budget and 72932
Management or the Controlling Board. Interest earned on moneys in 72933
the Supreme Court Admissions Fund shall be credited to the fund. 72934

FUND ELIMINATION 72935

Effective July 1, 2007, or as soon as practicable thereafter, 72936
the Director of Budget and Management shall transfer the cash 72937
balance in the Commission on Continuing Legal Education Fund (Fund 72938
643) to the Attorney Services Fund (Fund 4C8). The director shall 72939
cancel any existing encumbrances against appropriation item 72940
005-607, Commission on Continuing Legal Education, and 72941
re-establish them against appropriation item 005-605, Attorney 72942
Services. The amounts of the re-established encumbrances are 72943
hereby appropriated. Upon completion of these transfers, the 72944
Commission on Continuing Legal Education Fund (Fund 643) is hereby 72945
abolished. 72946

TRANSFER OF UNENCUMBERED GRF APPROPRIATION AUTHORITY FOR 72947
INDIGENT DEFENSE 72948

On July 1, 2008, or as soon as practicable thereafter, the 72949
Administrative Director of the Supreme Court shall certify to the 72950
Director of Budget and Management the total fiscal year 2008 72951
unencumbered appropriations in appropriation item 005-321, 72952
Operating Expenses - Judiciary/Supreme Court. The Director of 72953
Budget and Management shall transfer that certified amount of 72954
unencumbered fiscal year 2008 appropriations to fiscal year 2009 72955
for use within the Ohio Public Defender Commission's appropriation 72956
item 019-501, County Reimbursement. The amount certified and 72957
transferred is hereby appropriated to the Ohio Public Defender 72958
Commission's appropriation item 019-501, County Reimbursement, in 72959

fiscal year 2009. 72960

Section 315.10. LEC LAKE ERIE COMMISSION 72961

State Special Revenue Fund Group 72962

4C0 780-601 Lake Erie Protection \$ 450,000 \$ 450,000 72963

Fund

5D8 780-602 Lake Erie Resources \$ 387,000 \$ 388,000 72964

Fund

TOTAL SSR State Special Revenue 72965

Fund Group \$ 837,000 \$ 838,000 72966

TOTAL ALL BUDGET FUND GROUPS \$ 837,000 \$ 838,000 72967

CASH TRANSFER 72968

Not later than the thirtieth day of November of each fiscal 72969
year, the Executive Director of the Ohio Lake Erie Office, with 72970
the approval of the Lake Erie Commission, shall certify to the 72971
Director of Budget and Management the cash balance in the Lake 72972
Erie Resources Fund (Fund 5D8) in excess of amounts needed to meet 72973
operating expenses of the Lake Erie Office. The Lake Erie Office 72974
may request the Director of Budget and Management to transfer up 72975
to the certified amount from the Lake Erie Resources Fund (Fund 72976
5D8) to the Lake Erie Protection Fund (Fund 4C0). The Director of 72977
Budget and Management may transfer the requested amount, or the 72978
Director may transfer a different amount up to the certified 72979
amount. Cash transferred shall be used for the purposes described 72980
in division (A) of section 1506.23 of the Revised Code. The amount 72981
transferred by the director is hereby appropriated to the 72982
foregoing appropriation item 780-601, Lake Erie Protection Fund, 72983
which shall be increased by the amount transferred. 72984

Section 317.10. LRS LEGAL RIGHTS SERVICE 72985

General Revenue Fund 72986

GRF 054-321 Support Services \$ 198,075 \$ 198,075 72987

GRF 054-401	Ombudsman	\$	291,247	\$	291,247	72988
TOTAL GRF	General Revenue Fund	\$	489,322	\$	489,322	72989
General Services Fund Group						72990
5M0 054-610	Program Support	\$	81,352	\$	81,352	72991
TOTAL GSF	General Services					72992
Fund Group		\$	81,352	\$	81,352	72993
Federal Special Revenue Fund Group						72994
3AG 054-613	Protection and Advocacy - Voter Accessibility	\$	115,000	\$	115,000	72995
3B8 054-603	Protection and Advocacy - Mentally Ill	\$	1,089,999	\$	1,089,999	72996
3CA 054-615	Work Incentives Planning and Assistance	\$	355,000	\$	355,000	72997
3N3 054-606	Protection and Advocacy - Individual Rights	\$	560,000	\$	560,000	72998
3N9 054-607	Assistive Technology	\$	160,000	\$	160,000	72999
3R9 054-604	Family Support Collaborative	\$	55,000	\$	55,000	73000
3R9 054-616	Developmental Disability Publications	\$	130,000	\$	130,000	73001
3T2 054-609	Client Assistance Program	\$	435,000	\$	435,000	73002
3X1 054-611	Protection and Advocacy for Beneficiaries of Social Security	\$	235,001	\$	235,001	73003
3Z6 054-612	Traumatic Brain Injury	\$	70,000	\$	70,000	73004

305 054-602	Protection and Advocacy - Developmentally Disabled	\$	1,500,000	\$	1,500,000	73005
TOTAL FED	Federal Special Revenue					73006
Fund Group		\$	4,705,000	\$	4,705,000	73007
State Special Revenue	Fund Group					73008
5AE 054-614	Grants and Contracts	\$	100,000	\$	100,000	73009
TOTAL SSR	State Special Revenue	\$	100,000	\$	100,000	73010
Fund Group						
TOTAL ALL BUDGET FUND GROUPS		\$	5,375,674	\$	5,375,674	73011
Section 319.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE						73013
General Revenue	Fund					73014
GRF 028-321	Legislative Ethics Committee	\$	550,000	\$	550,000	73015
TOTAL GRF	General Revenue Fund	\$	550,000	\$	550,000	73016
General Services	Fund Group					73017
4G7 028-601	Joint Legislative Ethics Committee	\$	100,000	\$	100,000	73018
TOTAL GSF	General Services Fund Group	\$	100,000	\$	100,000	73019
TOTAL ALL BUDGET FUND GROUPS		\$	650,000	\$	650,000	73020
Section 321.10. LSC LEGISLATIVE SERVICE COMMISSION						73021
General Revenue	Fund					73022
GRF 035-321	Operating Expenses	\$	15,167,700	\$	15,167,700	73023
GRF 035-402	Legislative Interns	\$	1,022,120	\$	1,022,120	73024
GRF 035-405	Correctional Institution Inspection Committee	\$	438,900	\$	438,900	73025
GRF 035-409	National Associations	\$	460,560	\$	460,560	73026

GRF 035-410	Legislative	\$	3,661,250	\$	3,661,250	73027
	Information Systems					
TOTAL GRF	General Revenue Fund	\$	20,750,530	\$	20,750,530	73028
	General Services Fund Group					73029
4F6 035-603	Legislative Budget	\$	154,025	\$	154,025	73030
	Services					
410 035-601	Sale of Publications	\$	25,250	\$	25,250	73031
5EF 035-607	House and Senate	\$	30,000	\$	30,000	73032
	Telephone Usage					
TOTAL GSF	General Services					73033
	Fund Group	\$	209,275	\$	209,275	73034
TOTAL ALL BUDGET FUND GROUPS		\$	20,959,805	\$	20,959,805	73035
	JOINT LEGISLATIVE COMMITTEE ON MEDICAID TECHNOLOGY AND REFORM					73036
	Of the foregoing appropriation item 035-321, Operating					73037
	Expenses, \$100,000 in each fiscal year shall be used for costs					73038
	associated with employing an executive director for the Joint					73039
	Legislative Committee on Medicaid Technology and Reform as					73040
	authorized by division (C) of section 101.391 of the Revised Code.					73041
	OHIO ECONOMIC ANALYSIS					73042
	Of the foregoing appropriation item 035-321, Operating					73043
	Expenses, up to \$250,000 in each fiscal year shall be used to					73044
	contract with a person, business, or other entity to provide the					73045
	General Assembly with additional revenue forecasting and analysis					73046
	of the Ohio economy.					73047
	Section 323.10. LIB STATE LIBRARY BOARD					73048
	General Revenue Fund					73049
GRF 350-321	Operating Expenses	\$	6,298,677	\$	6,298,677	73050
GRF 350-400	Ohio Public Library	\$	4,330,000	\$	4,330,000	73051
	Information Network					
GRF 350-401	Ohioana Rental	\$	124,816	\$	124,816	73052

		Payments				
GRF	350-501	Library for the	\$	535,615	\$	535,615 73053
		Blind-Cincinnati				
GRF	350-502	Regional Library	\$	1,010,441	\$	1,010,441 73054
		Systems				
GRF	350-503	Library for the	\$	805,642	\$	805,642 73055
		Blind-Cleveland				
TOTAL GRF		General Revenue Fund	\$	13,105,191	\$	13,105,191 73056
		General Services Fund Group				73057
139	350-602	Intra-Agency Service	\$	9,000	\$	9,000 73058
		Charges				
4S4	350-604	Ohio Public Library	\$	3,000,000	\$	3,000,000 73059
		Information Network				
		Technology				
459	350-602	Library Service	\$	2,708,092	\$	2,708,092 73060
		Charges				
TOTAL GSF		General Services				73061
		Fund Group	\$	5,717,092	\$	5,717,092 73062
		Federal Special Revenue Fund Group				73063
313	350-601	LSTA Federal	\$	5,691,792	\$	5,691,792 73064
TOTAL FED		Federal Special Revenue				73065
		Fund Group	\$	5,691,792	\$	5,691,792 73066
TOTAL ALL BUDGET FUND GROUPS			\$	24,514,075	\$	24,514,075 73067
		OHIOANA RENTAL PAYMENTS				73068
		The foregoing appropriation item 350-401, Ohioana Rental				73069
		Payments, shall be used to pay the rental expenses of the Martha				73070
		Kinney Cooper Ohioana Library Association pursuant to section				73071
		3375.61 of the Revised Code.				73072
		LIBRARY FOR THE BLIND-CINCINNATI				73073
		The foregoing appropriation item 350-501, Library for the				73074
		Blind-Cincinnati, shall be used for the Talking Book program,				73075

which assists the blind and disabled. 73076

REGIONAL LIBRARY SYSTEMS 73077

The foregoing appropriation item 350-502, Regional Library 73078
Systems, shall be used to support regional library systems 73079
eligible for funding under sections 3375.83 and 3375.90 of the 73080
Revised Code. 73081

LIBRARY FOR THE BLIND-CLEVELAND 73082

The foregoing appropriation item 350-503, Library for the 73083
Blind-Cleveland, shall be used for the Talking Book program, which 73084
assists the blind and disabled. 73085

OHIO PUBLIC LIBRARY INFORMATION NETWORK 73086

The foregoing appropriation items 350-604, Ohio Public 73087
Library Information Network Technology, and 350-400, Ohio Public 73088
Library Information Network, shall be used for an information 73089
telecommunications network linking public libraries in the state 73090
and such others as may be certified as participants by the Ohio 73091
Public Library Information Network Board. 73092

The Ohio Public Library Information Network Board shall 73093
consist of eleven members appointed by the State Library Board 73094
from among the staff of public libraries and past and present 73095
members of boards of trustees of public libraries, based on the 73096
recommendations of the Ohio library community. The Ohio Public 73097
Library Information Network Board, in consultation with the State 73098
Library, shall develop a plan of operations for the network. The 73099
board may make decisions regarding use of the foregoing 73100
appropriation items 350-400, Ohio Public Library Information 73101
Network, and 350-604, Ohio Public Library Information Network 73102
Technology, may receive and expend grants to carry out the 73103
operations of the network in accordance with state law and the 73104
authority to appoint and fix the compensation of a director and 73105
necessary staff. The State Library shall be the fiscal agent for 73106

the network and shall have fiscal accountability for the 73107
expenditure of funds. The Ohio Public Library Information Network 73108
Board members shall be reimbursed for actual travel and necessary 73109
expenses incurred in carrying out their responsibilities. 73110

In order to limit access to obscene and illegal materials 73111
through internet use at Ohio Public Library Information Network 73112
(OPLIN) terminals, local libraries with OPLIN computer terminals 73113
shall adopt policies that control access to obscene and illegal 73114
materials. These policies may include use of technological systems 73115
to select or block certain internet access. The OPLIN shall 73116
condition provision of its funds, goods, and services on 73117
compliance with these policies. The OPLIN Board shall also adopt 73118
and communicate specific recommendations to local libraries on 73119
methods to control such improper usage. These methods may include 73120
each library implementing a written policy controlling such 73121
improper use of library terminals and requirements for parental 73122
involvement or written authorization for juvenile internet usage. 73123

Of the foregoing appropriation item 350-400, Ohio Public 73124
Library Information Network, up to \$100,000 in each fiscal year 73125
shall be used to help local libraries purchase or maintain filters 73126
to screen out obscene and illegal internet materials. 73127

The OPLIN Board shall research and assist or advise local 73128
libraries with regard to emerging technologies and methods that 73129
may be effective means to control access to obscene and illegal 73130
materials. The OPLIN Executive Director shall biannually provide 73131
written reports to the Governor, the Speaker and Minority Leader 73132
of the House of Representatives, and the President and Minority 73133
Leader of the Senate on any steps being taken by OPLIN and public 73134
libraries in the state to limit and control such improper usage as 73135
well as information on technological, legal, and law enforcement 73136
trends nationally and internationally affecting this area of 73137
public access and service. 73138

The Ohio Public Library Information Network, INFOhio, and OhioLINK shall, to the extent feasible, coordinate and cooperate in their purchase or other acquisition of the use of electronic databases for their respective users and shall contribute funds in an equitable manner to such effort.

Section 325.10. LCO LIQUOR CONTROL COMMISSION

Liquor Control Fund Group
 043 970-321 Operating Expenses \$ 743,093 \$ 772,524
 TOTAL LCF Liquor Control Fund Group \$ 743,093 \$ 772,524
 TOTAL ALL BUDGET FUND GROUPS \$ 743,093 \$ 772,524

Section 327.10. LOT STATE LOTTERY COMMISSION

General Services Fund Group
 231 950-604 Charitable Gaming \$ 2,253,000 \$ 2,378,000
 Oversight
 TOTAL GSF General Services Fund Group \$ 2,253,000 \$ 2,378,000
 State Lottery Fund Group
 044 950-100 Personal Services \$ 25,945,116 \$ 27,085,265
 044 950-200 Maintenance \$ 18,748,274 \$ 18,693,328
 044 950-300 Equipment \$ 2,554,500 \$ 2,446,500
 044 950-402 Advertising Contracts \$ 21,250,000 \$ 21,250,000
 044 950-403 Gaming Contracts \$ 50,419,360 \$ 51,250,704
 044 950-500 Problem Gambling \$ 335,000 \$ 335,000
 Subsidy
 044 950-601 Direct Prize Payments \$ 147,716,286 \$ 147,716,286
 871 950-602 Annuity Prizes \$ 151,724,305 \$ 151,724,305
 TOTAL SLF State Lottery Fund Group \$ 418,692,841 \$ 420,501,388
 TOTAL ALL BUDGET FUND GROUPS \$ 420,945,841 \$ 422,879,388
 OPERATING EXPENSES

Notwithstanding sections 127.14 and 131.35 of the Revised Code, the Controlling Board may, at the request of the State Lottery Commission, authorize additional appropriations for operating expenses of the State Lottery Commission from the State Lottery Fund up to a maximum of 15 per cent of anticipated total revenue accruing from the sale of lottery tickets.

DIRECT PRIZE PAYMENTS

Any amounts, in addition to the amounts appropriated in appropriation item 950-601, Direct Prize Payments, that the Director of the State Lottery Commission determines to be necessary to fund prizes, bonuses, and commissions are hereby appropriated.

ANNUITY PRIZES

With the approval of the Office of Budget and Management, the State Lottery Commission shall transfer cash from the State Lottery Fund Group (Fund 044) to the Deferred Prizes Trust Fund (Fund 871) in an amount sufficient to fund deferred prizes. The Treasurer of State, from time to time, shall credit the Deferred Prizes Trust Fund (Fund 871) the pro rata share of interest earned by the Treasurer of State on invested balances.

Any amounts, in addition to the amounts appropriated in appropriation item 950-602, Annuity Prizes, that the Director of the State Lottery Commission determines to be necessary to fund deferred prizes and interest earnings are hereby appropriated.

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND

The Ohio Lottery Commission shall transfer an amount greater than or equal to \$657,900,000 in fiscal year 2008 and \$667,900,000 in fiscal year 2009 to the Lottery Profits Education Fund. Transfers from the Commission to the Lottery Profits Education Fund shall represent the estimated net income from operations for the Commission in fiscal year 2008 and fiscal year 2009. Transfers

by the Commission to the Lottery Profits Education Fund shall be 73198
administered as the statutes direct. 73199

Section 329.10. MHC MANUFACTURED HOMES COMMISSION 73200

General Services Fund Group 73201

4K9 996-609 Operating Expenses \$ 418,122 \$ 434,671 73202

TOTAL GSF General Services 73203

Fund Group \$ 418,122 \$ 434,671 73204

TOTAL ALL BUDGET FUND GROUPS \$ 418,122 \$ 434,671 73205

Section 331.10. MED STATE MEDICAL BOARD 73207

General Services Fund Group 73208

5C6 883-609 Operating Expenses \$ 7,883,145 \$ 8,225,945 73209

TOTAL GSF General Services 73210

Fund Group \$ 7,883,145 \$ 8,225,945 73211

TOTAL ALL BUDGET FUND GROUPS \$ 7,883,145 \$ 8,225,945 73212

Section 333.10. AMB MEDICAL TRANSPORTATION BOARD 73214

General Services Fund Group 73215

4K9 915-604 Operating Expenses \$ 471,450 \$ 473,450 73216

TOTAL GSF General Services 73217

Fund Group \$ 471,450 \$ 473,450 73218

TOTAL ALL BUDGET FUND GROUPS \$ 471,450 \$ 473,450 73219

CASH TRANSFER TO OCCUPATIONAL LICENSING AND REGULATORY FUND 73220

(FUND 4K9) 73221

Effective July 1, 2007, or as soon as practicable thereafter, 73222

the Director of Budget and Management may transfer the cash 73223

balance in the Ohio Medical Transportation Trust Fund (Fund 4N1), 73224

created in division (B) of section 4766.05 of the Revised Code, to 73225

the Occupational Licensing and Regulatory Fund (Fund 4K9), created 73226

in section 4743.05 of the Revised Code. The director shall cancel 73227

any existing encumbrances against appropriation item 915-601, 73228

Operating Expenses, and re-establish them against appropriation 73229
item 915-604, Operating Expenses. The amounts of the 73230
re-established encumbrances are hereby appropriated. Upon 73231
completion of these transfers, the Ohio Medical Transportation 73232
Trust Fund (Fund 4N1) is hereby abolished. 73233

Section 335.10. DMH DEPARTMENT OF MENTAL HEALTH 73234

General Services Fund Group 73235

151 336-601 Office of Support \$ 134,060,000 \$ 148,998,000 73236

Services

TOTAL General Services Fund Group \$ 134,060,000 \$ 148,998,000 73237

Division of Mental Health-- 73238

Psychiatric Services to Correctional Facilities 73239

General Revenue Fund 73240

GRF 332-401 Forensic Services \$ 4,338,858 \$ 4,338,858 73241

TOTAL GRF General Revenue Fund \$ 4,338,858 \$ 4,338,858 73242

Section 335.10.10. FORENSIC SERVICES 73244

The foregoing appropriation item 332-401, Forensic Services, 73245
shall be used to provide psychiatric services to courts of common 73246
pleas. The appropriation shall be allocated through community 73247
mental health boards to certified community agencies and shall be 73248
distributed according to the criteria delineated in rule 73249
5122:32-01 of the Administrative Code. These community forensic 73250
funds may also be used to provide forensic training to community 73251
mental health boards and to forensic psychiatry residency programs 73252
in hospitals operated by the Department of Mental Health and to 73253
provide evaluations of patients of forensic status in facilities 73254
operated by the Department of Mental Health prior to conditional 73255
release to the community. 73256

In addition, appropriation item 332-401, Forensic Services, 73257
may be used to support projects involving mental health, substance 73258

abuse, courts, and law enforcement to identify and develop 73259
appropriate alternative services to incarceration for nonviolent 73260
mentally ill offenders, and to provide specialized re-entry 73261
services to offenders leaving prisons and jails. Funds may also be 73262
utilized to provide forensic monitoring and tracking in addition 73263
to community programs serving persons of forensic status on 73264
conditional release or probation. 73265

Section 335.20. Division of Mental Health-- 73266

Administration and Statewide Programs 73267

General Revenue Fund 73268

GRF 333-321 Central Administration \$ 23,750,000 \$ 23,750,000 73269

GRF 333-402 Resident Trainees \$ 1,364,919 \$ 1,364,919 73270

GRF 333-403 Pre-Admission \$ 650,135 \$ 650,135 73271

Screening Expenses

GRF 333-415 Lease-Rental Payments \$ 23,767,400 \$ 20,504,500 73272

GRF 333-416 Research Program \$ 1,001,551 \$ 1,001,551 73273

Evaluation

TOTAL GRF General Revenue Fund \$ 50,534,005 \$ 47,271,105 73274

General Services Fund Group 73275

149 333-609 Central Office \$ 1,200,000 \$ 1,200,000 73276

Operating

TOTAL General Services Fund Group \$ 1,200,000 \$ 1,200,000 73277

Federal Special Revenue Fund Group 73278

3A6 333-608 Community & Hospital \$ 140,000 \$ 140,000 73279

Services

3A7 333-612 Social Services Block \$ 25,000 \$ 25,000 73280

Grant

3A8 333-613 Federal Grant - \$ 4,888,105 \$ 4,888,105 73281

Administration

3A9 333-614 Mental Health Block \$ 748,470 \$ 748,470 73282

Grant - Administration

3B1	333-635	Community Medicaid Expansion	\$	13,691,682	\$	13,691,682	73283
324	333-605	Medicaid/Medicare	\$	154,500	\$	154,500	73284
TOTAL Federal Special Revenue							73285
Fund Group			\$	19,647,757	\$	19,647,757	73286
State Special Revenue Fund Group							73287
232	333-621	Family and Children First Administration	\$	625,000	\$	625,000	73288
4X5	333-607	Behavioral Health Medicaid Services	\$	3,000,634	\$	3,000,634	73289
485	333-632	Mental Health Operating	\$	134,233	\$	134,233	73290
5V2	333-611	Non-Federal Miscellaneous	\$	580,000	\$	560,000	73291
TOTAL State Special Revenue							73292
Fund Group			\$	4,339,867	\$	4,319,867	73293
TOTAL ALL BUDGET FUND GROUPS			\$	75,721,629	\$	72,438,729	73294

Section 335.20.10. RESIDENCY TRAINEESHIP PROGRAMS 73296

The foregoing appropriation item 333-402, Resident Trainees, 73297
shall be used to fund training agreements entered into by the 73298
Department of Mental Health for the development of curricula and 73299
the provision of training programs to support public mental health 73300
services. 73301

Section 335.20.20. PRE-ADMISSION SCREENING EXPENSES 73302

The foregoing appropriation item 333-403, Pre-Admission 73303
Screening Expenses, shall be used to pay for costs to ensure that 73304
uniform statewide methods for pre-admission screening are in place 73305
to perform assessments for persons who have severe mental illness 73306
and are referred for long-term Medicaid certified nursing facility 73307
placement. Pre-admission screening includes the following 73308

activities: pre-admission assessment, consideration of continued 73309
stay requests, discharge planning and referral, and adjudication 73310
of appeals and grievance procedures. 73311

Section 335.20.30. LEASE-RENTAL PAYMENTS 73312

The foregoing appropriation item 333-415, Lease-Rental 73313
Payments, shall be used to meet all payments during the period 73314
from July 1, 2007, to June 30, 2009, by the Department of Mental 73315
Health under leases and agreements made under section 154.20 of 73316
the Revised Code. These appropriations are the source of funds 73317
pledged for bond service charges on obligations issued pursuant to 73318
Chapter 154. of the Revised Code. 73319

Section 335.20.40. BEHAVIORAL HEALTH MEDICAID SERVICES 73320

The Department of Mental Health shall administer specified 73321
Medicaid Services as delegated by the Department of Job and Family 73322
Services in an interagency agreement. The foregoing appropriation 73323
item 333-607, Behavioral Health Medicaid Services, may be used to 73324
make payments for free-standing psychiatric hospital inpatient 73325
services as defined in an interagency agreement with the 73326
Department of Job and Family Services. 73327

Section 335.20.50. PERFORMANCE AUDIT 73328

The Auditor of State shall complete a performance audit of 73329
the Department of Mental Health. Upon completing the performance 73330
audit, the Auditor of State shall submit a report of the findings 73331
of the audit to the Governor, the President of the Senate, the 73332
Speaker of the House of Representatives, and the Director of 73333
Mental Health. Expenses incurred by the Auditor of State to 73334
conduct the performance audit shall be reimbursed by the 73335
Department of Mental Health. 73336

Section 325.20.60. INTERNAL REVIEW 73337

The Director of Mental Health shall consult with the Director 73338
of Budget and Management and representatives of local and county 73339
mental health services agencies to conduct an internal review of 73340
policies and procedures to increase efficiency and identify and 73341
eliminate duplicative practices. Any savings identified as a 73342
result of the internal review or the performance audit conducted 73343
by the Auditor of State shall be used for community-based care. 73344

The Director of Mental Health shall seek Controlling Board 73345
approval before expending any funds identified as a result of the 73346
internal review or the performance audit. 73347

Section 335.30. DIVISION OF MENTAL HEALTH - HOSPITALS 73348

General Revenue Fund 73349

GRF 334-408	Community and Hospital	\$ 400,324,545	\$ 400,324,545	73350
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Mental Health Services

GRF 334-506	Court Costs	\$ 976,652	\$ 976,652	73351
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TOTAL GRF	General Revenue Fund	\$ 401,301,197	\$ 401,301,197	73352
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General Services Fund Group 73353

149 334-609	Hospital - Operating	\$ 33,800,000	\$ 33,800,000	73354
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Expenses

150 334-620	Special Education	\$ 120,930	\$ 120,930	73355
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TOTAL GSF	General Services			73356
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Fund Group		\$ 33,920,930	\$ 33,920,930	73357
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Federal Special Revenue Fund Group 73358

3A6 334-608	Subsidy for Federal	\$ 586,224	\$ 586,224	73359
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Grants

3A8 334-613	Federal Letter of	\$ 200,000	\$ 200,000	73360
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Credit

3B0 334-617	Adult Basic and	\$ 182,334	\$ 182,334	73361
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Literary Education

3B1 334-635 Hospital Medicaid	\$	2,000,000	\$	2,000,000	73362
Expansion					
324 334-605 Medicaid/Medicare	\$	34,500,000	\$	50,500,000	73363
TOTAL FED Federal Special Revenue					73364
Fund Group	\$	37,468,558	\$	53,468,558	73365
State Special Revenue Fund Group					73366
485 334-632 Mental Health	\$	3,100,000	\$	3,100,000	73367
Operating					
692 334-636 Community Mental	\$	80,000	\$	80,000	73368
Health Board Risk Fund					
TOTAL SSR State Special Revenue					73369
Fund Group	\$	3,180,000	\$	3,180,000	73370
TOTAL ALL BUDGET FUND GROUPS	\$	475,870,685	\$	491,870,685	73371

Section 335.30.20. COMMUNITY MENTAL HEALTH BOARD RISK FUND 73373

The foregoing appropriation item 334-636, Community Mental 73374
Health Board Risk Fund, shall be used to make payments under 73375
section 5119.62 of the Revised Code. 73376

Section 335.40. DIVISION OF MENTAL HEALTH - COMMUNITY SUPPORT 73377
SERVICES 73378

General Revenue Fund					73379
GRF 335-404 Behavioral Health	\$	8,076,153	\$	8,711,153	73380
Services-Children					
GRF 335-405 Family & Children	\$	2,260,000	\$	2,260,000	73381
First					
GRF 335-419 Community Medication	\$	9,959,798	\$	9,959,798	73382
Subsidy					
GRF 335-505 Local Mental Health	\$	104,187,868	\$	104,187,868	73383
Systems of Care					
TOTAL GRF General Revenue Fund	\$	124,483,819	\$	125,118,819	73384
General Services Fund Group					73385

4P9 335-604	Community Mental Health Projects	\$	250,000	\$	250,000	73386	
TOTAL GSF General Services							73387
Fund Group		\$	250,000	\$	250,000	73388	
Federal Special Revenue Fund Group							73389
3A6 335-608	Federal Miscellaneous	\$	2,178,699	\$	2,178,699	73390	
3A7 335-612	Social Services Block Grant	\$	8,657,288	\$	8,657,288	73391	
3A8 335-613	Federal Grant - Community Mental Health Board Subsidy	\$	2,595,040	\$	2,595,040	73392	
3A9 335-614	Mental Health Block Grant	\$	14,969,400	\$	14,969,400	73393	
3B1 335-635	Community Medicaid Expansion	\$	299,614,455	\$	316,699,716	73394	
TOTAL FED	Federal Special Revenue Fund Group	\$	328,014,882	\$	345,100,143	73395	
State Special Revenue Fund Group							73396
5AU 335-615	Behavioral Healthcare	\$	6,690,000	\$	6,690,000	73397	
632 335-616	Community Capital Replacement	\$	350,000	\$	350,000	73398	
5CH 335-622	Residential Support Service	\$	1,500,000	\$	1,500,000	73399	
TOTAL SSR	State Special Revenue Fund Group	\$	8,540,000	\$	8,540,000	73400	
TOTAL ALL BUDGET FUND GROUPS		\$	461,288,701	\$	479,008,962	73401	
DEPARTMENT TOTAL							73402
GENERAL REVENUE FUND		\$	580,657,879	\$	578,029,979	73403	
DEPARTMENT TOTAL							73404
GENERAL SERVICES FUND GROUP		\$	169,430,930	\$	184,368,930	73405	
DEPARTMENT TOTAL							73406
FEDERAL SPECIAL REVENUE							73407

FUND GROUP	\$	385,131,197	\$	418,216,458	73408
DEPARTMENT TOTAL					73409
STATE SPECIAL REVENUE FUND GROUP	\$	16,059,867	\$	16,039,867	73410
DEPARTMENT TOTAL					73411
TOTAL DEPARTMENT OF MENTAL HEALTH	\$	1,151,279,873	\$	1,196,655,234	73412

Section 335.40.10. BEHAVIORAL HEALTH SERVICES - CHILDREN 73414

The foregoing appropriation item 335-404, Behavioral Health 73415
Services-Children, shall be used to provide behavioral health 73416
services for children and their families. Behavioral health 73417
services include mental health and alcohol and other drug 73418
treatment services and other necessary supports. 73419

Of the foregoing appropriation item 335-404, Behavioral 73420
Health Services-Children, an amount up to \$4.5 million in fiscal 73421
year 2008 and \$5.5 million in fiscal year 2009 shall be 73422
distributed to local Alcohol, Drug Addiction, and Mental Health 73423
Boards; Community Mental Health Boards; and Alcohol and Drug 73424
Addiction Boards, based upon a distribution formula and guidance 73425
defined by a team of state and local stakeholders appointed by the 73426
Ohio Family and Children First Cabinet Council. This team shall 73427
include, but not be limited to, all of the following: 73428

(A) At least one representative from each of the Departments 73429
of Alcohol and Drug Addiction Services, Mental Health, Education, 73430
Health, Job and Family Services, Mental Retardation and 73431
Developmental Disabilities, and the Department of Youth Services; 73432

(B) At least one person representing local public children's 73433
services agencies; 73434

(C) At least one person representing juvenile courts; 73435

(D) At least one person representing local Alcohol, Drug 73436
Addiction, and Mental Health Boards; Community Mental Health 73437
Boards; and Alcohol and Drug Addiction Boards; 73438

(E) At least one person representing local Family and Children First Council Coordinators; 73439
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(F) At least one family representative. 73441

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: 73442
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(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; 73448
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(B) Services and supports for children and their families that further the implementation of their individual service plans; 73452
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(C) Treatment services in out-of-home settings, including residential facilities, when other alternatives are not available or feasible; 73454
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(D) Administrative support for efforts associated with this initiative; 73457
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(E) These funds shall not be used to supplant existing efforts. 73459
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Of the foregoing appropriation item 335-404, Behavioral Health Services-Children, an amount up to \$1.0 million in fiscal year 2008 and \$1.0 million in fiscal year 2009 shall be used to support projects, as determined by the Ohio Family and Children First Cabinet Council, in select areas around the state to focus on improving behavioral health juvenile justice services. 73461
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Of the foregoing appropriation item 335-405, Family & Children First, an amount up to \$500,000 in fiscal year 2008 and 73467
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\$500,000 in fiscal year 2009 shall be used for children for whom
the primary focus of treatment is not a mental health or alcohol
or drug addiction disorder and require services or supports to
assist those needs through the County Family and Children First
Council.

Of the foregoing appropriation item 335-404, Behavioral
Health Services - Children, an amount up to \$500,000 in each
fiscal year shall be used to provide behavioral health treatment
services for children from birth to age seven.

**Section 335.40.15. BEHAVIORAL HEALTH PILOT PROGRAM IN
SPECIFIED COUNTIES**

(A) As used in this section:

(1) "Local boards" means all of the following, collectively:

(a) The Clermont County Mental Health & Recovery Board;

(b) The Heartland East Collaborative, which is comprised of
the Ashtabula Mental Health & Recovery Board; the Columbiana
County Mental Health & Recovery Board; the Mental Health &
Recovery Board of Portage County; the Alcohol & Drug Addiction
Services Board of Stark County; the Stark County Community Mental
Health Board; and the Mental Health & Recovery Board of Wayne and
Holmes Counties;

(c) The Alcohol, Drug and Mental Health Board of Franklin
County;

(d) The Geauga County Board of Mental Health and Recovery
Services;

(e) The Mental Health, Drug and Alcohol Services Board of
Logan and Champaign Counties;

(f) The Mental Health & Recovery Services Board of Lucas
County;

(g) The Gallia-Jackson-Meigs Board of Alcohol, Drug Addiction and Mental Health Services; 73498
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(h) The Mental Health and Recovery Services Board of Richland County. 73500
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(2) "Large county local boards" means the Alcohol, Drug and Mental Health Board of Franklin County and the Mental Health & Recovery Services Board of Lucas County. 73502
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(3) "Medicaid managed care plan" means a health insuring corporation under contract with the Department of Job and Family Services pursuant to section 5111.17 of the Revised Code. 73505
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(4) "Mid-size county local boards" means the Mental Health and Recovery Services Board of Richland County and the Clermont County Mental Health & Recovery Board. 73508
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(5) "Selected local boards" means the local boards selected pursuant to division (B) of this section to participate in the behavioral health pilot program. 73511
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(6) "Small county local boards" means the Geauga County Board of Mental Health and Recovery Services; the Mental Health, Drug and Alcohol Services Board of Logan and Champaign Counties; and the Gallia-Jackson-Meigs Board of Alcohol, Drug Addiction and Mental Health Services. 73514
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(B) The local boards and the Departments of Mental Health, Alcohol and Drug Addiction Services, and Job and Family Services shall select one large county local board, one mid-size county local board, and one small local board to participate with the Heartland East Collaborative in a behavioral health pilot program to be developed and operating not later than October 1, 2007, that serves the counties of the selected local boards and the counties served by the Heartland East Collaborative. The purpose of the program is to test a model of a system of care for community behavioral health services delivered to individuals described in 73519
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division (E) of this section. The pilot program shall cease to
operate on June 30, 2009.

(C) The model tested by the pilot program shall propose to do
all of the following:

(1) Provide clinically appropriate and timely behavioral
health services;

(2) Provide improved access to a full continuum of behavioral
health care to Medicaid recipients and individuals who are not
Medicaid recipients;

(3) Improve the quality of behavioral health services
provided;

(4) Improve accountability for behavioral health services
provided through measurement of outcomes;

(5) Control costs to assure financial viability;

(6) Consider all public funds administered through the
boards;

(7) Coordinate with Medicaid managed care plans operating in
the counties in which the pilot is operated.

(8) Have the ability to be replicated in all regions of the
state.

(D) The pilot program may include the following elements:

(1) Development of defined behavioral health service
packages;

(2) Guidelines to ensure that behavioral health service types
and amounts match individual needs;

(3) Identification and tracking of outcomes;

(4) A process for care coordination and utilization review
and management;

(5) Performance standards for provider participation. 73557

(E) The pilot program shall target the following individuals: 73558

(1) Adults who reside in the counties served by the selected 73559
local boards and have been diagnosed as suffering from one or more 73560
serious mental illnesses; 73561

(2) Adults who reside in the counties served by the selected 73562
local boards and have been diagnosed as suffering from alcoholism 73563
or drug addiction, or both; 73564

(3) Adults who reside in the counties served by the selected 73565
local boards and have been diagnosed as suffering from at least 73566
one of the conditions described in division (E)(1) of this section 73567
and at least one of the conditions described in division (E)(2) of 73568
this section, who have been identified as having a high risk for 73569
frequent utilization of behavioral health services, and who 73570
currently receive services from the public behavioral health 73571
system. 73572

To the extent determined appropriate by the advisory 73573
committee that must be convened under division (G) of this 73574
section, the pilot program may target adults who reside in the 73575
counties served by the selected local boards and have been 73576
identified as having a high risk for frequent utilization of 73577
behavioral health services, regardless of diagnosis. 73578

(F) The selected local boards, the Departments of Mental 73579
Health, Alcohol and Drug Addiction Services, and Job and Family 73580
Services, and the Medicaid managed care plans operating in the 73581
counties in which the pilot is operated shall conduct an interim 73582
and final evaluation of the pilot program. A report summarizing 73583
the findings of the interim evaluation shall be submitted to the 73584
Governor, the Speaker and Minority Leader of the House of 73585
Representatives, the President and Minority Leader of the Senate, 73586
and the Directors of Mental Health, Alcohol and Drug Addiction 73587

Services, and Job and Family Services not later than January 30, 73588
2009. A report summarizing the findings of the final evaluation 73589
shall be submitted to the Governor, the Speaker and Minority 73590
Leader of the House of Representatives, the President and Minority 73591
Leader of the Senate, and the Directors of Mental Health, Alcohol 73592
and Drug Addiction Services, and Job and Family Services not later 73593
than September 1, 2009. 73594

(G) The selected local boards, Departments of Mental Health, 73595
Alcohol and Drug Addiction Services, and Job and Family Services, 73596
and Medicaid managed care plans operating in the counties in which 73597
the pilot is operated shall convene an advisory committee to 73598
consult the selected local boards and the Departments of Mental 73599
Health, Alcohol and Drug Addiction Services, and Job and Family 73600
Services in the development and operation of the pilot program. 73601
Members of the advisory committee shall represent consumers, 73602
advocacy groups, and providers of alcohol and drug addiction or 73603
mental health services. 73604

On submission of the report summarizing the results of the 73605
final evaluation of the pilot program, the advisory committee 73606
shall cease to exist. 73607

Section 335.40.20. COMMUNITY MEDICATION SUBSIDY 73608

The foregoing appropriation item 335-419, Community 73609
Medication Subsidy, shall be used to provide subsidized support 73610
for psychotropic medication needs of indigent citizens in the 73611
community to reduce unnecessary hospitalization because of lack of 73612
medication and to provide subsidized support for methadone costs. 73613

Section 335.40.30. LOCAL MENTAL HEALTH SYSTEMS OF CARE 73614

The foregoing appropriation item 335-505, Local Mental Health 73615
Systems of Care, shall be used for mental health services provided 73616
by community mental health boards in accordance with a community 73617

mental health plan submitted under section 340.03 of the Revised Code and as approved by the Department of Mental Health. 73618
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Of the foregoing appropriation item 334-505, Local Mental Health Systems of Care, not less than \$37,058,917 in fiscal year 2008 and not less than \$37,058,917 in fiscal year 2009 shall be distributed by the Department of Mental Health on a per capita basis to community mental health boards. 73620
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Of the foregoing appropriation item 335-505, Local Mental Health Systems of Care, \$10,000 in each fiscal year shall be allocated to The Gathering Place in Athens. 73625
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Of the foregoing appropriation 335-505, Local Mental Health Systems of Care, \$150,000 in each fiscal year shall be used to fund family and consumer education and support. 73628
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Section 335.40.40. RESIDENTIAL STATE SUPPLEMENT 73631

The foregoing appropriation item 335-622, Residential State Supplement, shall be used to provide subsidized support for licensed adult care facilities that serve individuals with mental illness. 73632
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Section 337.10. DMR DEPARTMENT OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES 73636
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Section 337.20. GENERAL ADMINISTRATION AND STATEWIDE SERVICES 73638

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General Revenue Fund 73640
GRF 320-321 Central Administration \$ 9,638,610 \$ 9,638,610 73641
GRF 320-412 Protective Services \$ 2,792,322 \$ 2,792,322 73642
GRF 320-415 Lease-Rental Payments \$ 23,767,400 \$ 20,504,500 73643
TOTAL GRF General Revenue Fund \$ 36,198,332 \$ 32,935,432 73644
General Services Fund Group 73645

4B5 320-640 Training and Service	\$	100,000	\$	100,000	73646
Development					
TOTAL GSF General Services					73647
Fund Group	\$	100,000	\$	100,000	73648
Federal Special Revenue Fund Group					73649
3A5 320-613 DD Council	\$	2,705,004	\$	2,743,630	73650
TOTAL FED Federal Special Revenue					73651
Fund Group	\$	2,705,004	\$	2,743,630	73652
State Special Revenue Fund Group					73653
5S2 590-622 Medicaid	\$	11,003,855	\$	11,472,335	73654
Administration & Oversight					
TOTAL SSR State Special Revenue					73655
Fund Group	\$	11,003,855	\$	11,472,335	73656
TOTAL ALL GENERAL ADMINISTRATION AND STATEWIDE SERVICES					73657 73658
BUDGET FUND GROUPS	\$	50,007,191	\$	47,251,397	73659

Section 337.20.10. LEASE-RENTAL PAYMENTS 73660

The foregoing appropriation item 320-415, Lease-Rental 73661
Payments, shall be used to meet all payments at the time they are 73662
required to be made during the period from July 1, 2007, to June 73663
30, 2009, by the Department of Mental Retardation and 73664
Developmental Disabilities under leases and agreements made under 73665
section 154.20 of the Revised Code. These appropriations are the 73666
source of funds pledged for bond service charges or obligations 73667
issued pursuant to Chapter 154. of the Revised Code. 73668

Section 337.20.20. MR/DD FUTURES STUDY COMMITTEE 73669

(A) There is hereby created the MR/DD Futures Study 73670
Committee. The Committee shall consist of the following: 73671

(1) One member who is an individual eligible to receive 73672

services from a county board of mental retardation and	73673
developmental disabilities, appointed by the Governor;	73674
(2) One member who is an immediate family member of an	73675
individual eligible to receive services from a county board of	73676
mental retardation and developmental disabilities, appointed by	73677
the Governor;	73678
(3) Two members who are members of the House of	73679
Representatives, appointed by the Speaker of the House of	73680
Representatives as follows:	73681
(a) One member from the majority party;	73682
(b) One member from the minority party.	73683
(4) Two members who are members of the Senate, appointed by	73684
the President of the Senate as follows:	73685
(a) One member from the majority party;	73686
(b) One member from the minority party.	73687
(5) Four members of statewide advocacy organizations for	73688
individuals with mental retardation or other developmental	73689
disabilities, appointed as follows:	73690
(a) One member by the Board of Trustees of the Arc of Ohio;	73691
(b) One member by the Board of Directors of the Ohio League	73692
for the Mentally Retarded;	73693
(c) One member by the Board of People First of Ohio;	73694
(d) One member by the governing board of an organization	73695
designated by the Director of Mental Retardation and Developmental	73696
Disabilities;	73697
(6) One member appointed by the Board of Directors of the	73698
Ohio Self-Determination Association;	73699
(7) One member appointed by the governing authority of the	73700
Ohio Superintendents of County Boards of Mental Retardation and	73701

Developmental Disabilities Association; 73702

(8) Two members appointed by the Board of Trustees of the 73703
Ohio Association of County Boards of Mental Retardation and 73704
Developmental Disabilities; 73705

(9) One member appointed by the Board of Trustees of the 73706
County Commissioners' Association of Ohio; 73707

(10) Two members appointed by the Board of Trustees of the 73708
Ohio Provider Resource Association; 73709

(11) One member appointed by the Board of Directors of the 73710
Ohio Health Care Association; 73711

(12) The Director of Job and Family Services or the 73712
Director's designee; 73713

(13) Two members appointed by the Governor who are 73714
representatives of statewide labor organizations representing 73715
public employees; 73716

(14) The Director of Mental Retardation and Developmental 73717
Disabilities, who shall serve as the committee's chairperson. 73718

(B) The Governor shall not appoint an individual under 73719
division (A)(1) or (2) of this section if the individual is an 73720
employee of the state, an employee or member of a county board of 73721
mental retardation and developmental disabilities, or an employee 73722
or a governing board member of a provider of services to an 73723
individual with mental retardation and developmental disabilities. 73724

(C) Members of the Committee shall be appointed not later 73725
than thirty days after the effective date of this section. Members 73726
of the Committee shall serve without compensation, except to the 73727
extent that serving on the committee is considered part of their 73728
regular employment duties. The Department of Mental Retardation 73729
and Developmental Disabilities may reimburse members of the 73730
Committee for their reasonable travel expenses. 73731

- (D) The Committee shall meet at times and locations determined by the chairperson to do all of the following:
- (1) Review the effectiveness, efficiency, and sustainability of current uses of funding for the state's mental retardation and developmental disabilities system;
 - (2) Propose alternatives for effectively funding the nonfederal share of Medicaid expenditures for home and community-based services for individuals with mental retardation and other developmental disabilities, including the amendments by this act to sections 5123.047, 5123.048, 5123.0414, 5126.059, 5126.0510, 5126.0511, and 5126.0512 of the Revised Code.
 - (3) Identify the potential for reducing administrative costs in the state's mental retardation and developmental disabilities system;
 - (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;
 - (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;
 - (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;
 - (7) Determine the feasibility and potential benefits of regional planning approaches to meet specialized and intensive

service needs;				73763	
(8) Propose improvements needed and action steps to fully realize the principle of self-determination by individuals with mental retardation and other developmental disabilities;				73764 73765 73766	
(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;				73767 73768 73769 73770	
(10) Review other matters the Director of Mental Retardation and Developmental Disabilities considers appropriate for evaluations.				73771 73772 73773	
(E) The Committee shall not transact business unless a quorum is present. A majority of the Committee members constitutes a quorum.				73774 73775 73776	
(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.				73777 73778 73779 73780	
Section 337.30. COMMUNITY SERVICES				73781	
General Revenue Fund				73782	
GRF 322-413 Residential and Support Services	\$	6,753,881	\$	6,753,881	73783
GRF 322-416 Medicaid Waiver - State Match	\$	109,551,380	\$	109,551,380	73784
GRF 322-451 Family Support Services	\$	6,938,898	\$	6,938,898	73785
GRF 322-501 County Boards Subsidies	\$	87,270,048	\$	87,270,048	73786
GRF 322-503 Tax Equity	\$	14,000,000	\$	14,000,000	73787
GRF 322-504 Martin Settlement	\$	6,159,766	\$	29,036,451	73788

TOTAL GRF General Revenue Fund	\$	230,673,973	\$	253,550,658	73789
General Services Fund Group					73790
488 322-603 Provider Audit Refunds	\$	10,000	\$	10,000	73791
5M0 322-628 Martin Settlement	\$	150,000	\$	0	73792
TOTAL GSF General Services					73793
Fund Group	\$	160,000	\$	10,000	73794
Federal Special Revenue Fund Group					73795
3G6 322-639 Medicaid Waiver - Federal	\$	456,311,171	\$	506,618,829	73796
3M7 322-650 CAFS Medicaid	\$	4,278,713	\$	0	73797
325 322-612 Community Social Service Programs	\$	11,186,114	\$	11,164,639	73798
TOTAL FED Federal Special Revenue					73799
Fund Group	\$	471,775,998	\$	517,783,468	73800
State Special Revenue Fund Group					73801
4K8 322-604 Medicaid Waiver - State Match	\$	12,000,000	\$	12,000,000	73802
5DJ 322-625 Targeted Case Management Match	\$	11,082,857	\$	11,470,757	73803
5DJ 322-626 Targeted Case Management Services	\$	27,548,737	\$	28,512,943	73804
5EV 322-627 Program Fees	\$	20,000	\$	20,000	73805
5H0 322-619 Medicaid Repayment	\$	10,000	\$	10,000	73806
5Z1 322-624 County Board Waiver Match	\$	116,000,000	\$	126,000,000	73807
TOTAL SSR State Special Revenue					73808
Fund Group	\$	166,661,594	\$	178,013,700	73809
TOTAL ALL COMMUNITY SERVICES					73810
BUDGET FUND GROUPS	\$	869,271,565	\$	949,357,826	73811
Section 337.30.10. RESIDENTIAL AND SUPPORT SERVICES					73813
The Department of Mental Retardation and Developmental					73814

Disabilities may designate a portion of appropriation item 73815
322-413, Residential and Support Services, for Sermak Class 73816
Services used to implement the requirements of the agreement 73817
settling the condecree in *Sermak v. Manuel*, Case No. c-2-80-220, 73818
United States District Court for the Southern District of Ohio, 73819
Eastern Division. 73820

Section 337.30.20. OTHER RESIDENTIAL AND SUPPORT SERVICE 73821
PROGRAMS 73822

Notwithstanding Chapters 5123. and 5126. of the Revised Code, 73823
the Department of Mental Retardation and Developmental 73824
Disabilities may develop residential and support service programs 73825
funded by appropriation item 322-413, Residential and Support 73826
Services, and the appropriation for supported living in 73827
appropriation item 322-501, County Board Subsidy, that enable 73828
persons with mental retardation and developmental disabilities to 73829
live in the community. Notwithstanding Chapter 5121. and section 73830
5123.122 of the Revised Code, the Department may waive the support 73831
collection requirements of those statutes for persons in community 73832
programs developed by the Department under this section. The 73833
Department shall adopt rules under Chapter 119. of the Revised 73834
Code or may use existing rules for the implementation of these 73835
programs. 73836

Section 337.30.30. MEDICAID WAIVER - STATE MATCH (GRF) 73837

Except as otherwise provided in section 5123.0416 of the 73838
Revised Code, the purposes for which the foregoing appropriation 73839
item 322-416, Medicaid Waiver - State Match, shall be used include 73840
the following: 73841

(A) Home and community-based waiver services under Title XIX 73842
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, 73843
as amended. 73844

(B) To pay the nonfederal share of the cost of one or more 73845
new intermediate care facility for the mentally retarded certified 73846
beds, if the Director of Mental Retardation and Developmental 73847
Disabilities is required by this act to transfer to the Director 73848
of Job and Family Services funds to pay such nonfederal share. 73849

Except as otherwise provided in section 5123.0416 of the 73850
Revised Code, the Department of Mental Retardation and 73851
Developmental Disabilities may designate a portion of 73852
appropriation item 322-416, Medicaid Waiver - State Match, to 73853
county boards of mental retardation and developmental disabilities 73854
that have greater need for various residential and support 73855
services because of a low percentage of residential and support 73856
services development in comparison to the number of individuals 73857
with mental retardation or developmental disabilities in the 73858
county. 73859

Section 337.30.40. STATE SUBSIDY TO COUNTY MR/DD BOARDS 73860

Except as otherwise provided in Section 337.40.30 of this 73861
act, the Department of Mental Retardation and Developmental 73862
Disabilities shall use the foregoing appropriation item 322-501, 73863
County Boards Subsidy, to pay each county board of mental 73864
retardation and developmental disabilities in each fiscal year of 73865
the biennium an amount that is equal to the amount such board 73866
received in fiscal year 2007 from former appropriation items 73867
322-417, Supported Living; 322-452, Service and Support 73868
Administration; and 322-501, County Boards Subsidies. 73869

Except as otherwise provided in section 5126.0511 of the 73870
Revised Code, county boards shall use the subsidy for early 73871
childhood services and adult services provided under section 73872
5126.05 of the Revised Code, service and support administration 73873
provided under section 5126.15 of the Revised Code, and supported 73874
living as defined in section 5126.01 of the Revised Code. 73875

In the event that the appropriation in appropriation item 73876
322-501, County Board Subsidy, for fiscal year 2008 or fiscal year 73877
2009 is greater than the subsidy paid by the Department for fiscal 73878
year 2007 from former appropriation items 332-417, Supported 73879
Living; 322-452, Services and Support Administration; and 322-501, 73880
County Boards Subsidies, the Department and county boards shall 73881
develop a formula for allocating the additional appropriation to 73882
each county board to support priorities determined by the 73883
Department and county boards. 73884

The Department shall distribute this subsidy to county boards 73885
in quarterly installments of equal amounts. The installments shall 73886
be made not later than the thirtieth day of September, the 73887
thirty-first day of December, the thirty-first day of March, and 73888
thirtieth day of June. 73889

The Department also may use the foregoing appropriation item 73890
322-501, County Boards Subsidy, to pay the nonfederal share of the 73891
cost of one or more new intermediate care facility for the 73892
mentally retarded certified beds, if the Director of Mental 73893
Retardation and Developmental Disabilities is required by this act 73894
to transfer to the Director of Job and Family Services funds to 73895
pay such nonfederal share. 73896

Section 337.30.43. TAX EQUITY 73897

Notwithstanding section 5126.18 of the Revised Code, if a 73898
county board of mental retardation and developmental disabilities 73899
received a tax equity payment in fiscal year 2007, but would not 73900
receive such a payment in fiscal years 2008 and 2009, the 73901
Department of Mental Retardation and Developmental Disabilities 73902
shall use the foregoing appropriation item 322-503, Tax Equity, to 73903
pay each such board in each fiscal year of the biennium an amount 73904
that is equal to the tax equity payment the board received in 73905
fiscal year 2007 or \$25,000, whichever is less. The Department 73906

shall use the remainder of the appropriation item to make tax equity payments in accordance with section 5126.18 of the Revised Code. 73907
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Section 337.30.45. MARTIN CONSENT ORDER COMPLIANCE 73910

To comply with the Martin Consent Order, on July 1, 2007, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$150,000 in cash from the General Revenue Fund to the Program Income Fund (FUND 5MO). 73911
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Section 337.30.50. MEDICAID WAIVER - STATE MATCH (FUND 4K8) 73915

The foregoing appropriation item 322-604, Medicaid Waiver - State Match (Fund 4K8), shall be used as state matching funds for the home and community-based waivers. 73916
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Section 337.30.60. TARGETED CASE MANAGEMENT SERVICES 73919

County boards of mental retardation and developmental disabilities shall pay the nonfederal portion of targeted case management costs to the Department of Mental Retardation and Developmental Disabilities. The Director of Mental Retardation and Developmental Disabilities shall withhold any amount owed to the Department from subsequent disbursements from any appropriation item or money otherwise due to a nonpaying county. 73920
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The Departments of Mental Retardation and Developmental Disabilities and Job and Family Services may enter into an interagency agreement under which the Department of Mental Retardation and Developmental Disabilities shall pay the Department of Job and Family Services the nonfederal portion of the cost of targeted case management services paid by county boards and the Department of Job and Family Services shall pay the total cost of targeted case management claims. 73927
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Section 337.30.70. TRANSFER TO PROGRAM FEE FUND 73935

On July 1, 2007, or as soon as possible thereafter, the 73936
Director of Mental Retardation and Developmental Disabilities 73937
shall certify to the Director of Budget and Management the amount 73938
of cash that has been deposited into Fund 4B5, 73939
Conference/Training, pursuant to sections 5123.19 and 5126.25 of 73940
the Revised Code, less the amount that has been expended from Fund 73941
4B5 to operate the Certification and Registration Program 73942
established under section 5126.25 of the Revised Code and to 73943
license and inspect residential facilities as outlined in section 73944
5123.19 of the Revised Code. The certified amount shall not 73945
include amounts deposited into Fund 4B5 for training and 73946
conferences conducted by the Department of Mental Retardation and 73947
Developmental Disabilities. Upon receipt of the certification, the 73948
Director of Budget and Management shall transfer cash equal to the 73949
amount certified and all associated liabilities and obligations to 73950
Fund 5EV, Program Fee Fund, in the Department of Mental 73951
Retardation and Developmental Disabilities. 73952

Section 337.30.80. DEVELOPMENTAL CENTER BILLING FOR SERVICES 73953

Developmental centers of the Department of Mental Retardation 73954
and Developmental Disabilities may provide services to persons 73955
with mental retardation or developmental disabilities living in 73956
the community or to providers of services to these persons. The 73957
Department may develop a method for recovery of all costs 73958
associated with the provisions of these services. 73959

Section 337.40. RESIDENTIAL FACILITIES 73960

General Revenue Fund 73961
GRF 323-321 Developmental Center \$ 102,796,851 \$ 102,796,851 73962
and Residential

Facilities Operation			
Expenses			
TOTAL GRF General Revenue Fund	\$	102,796,851	\$ 102,796,851 73963
General Services Fund Group			73964
152 323-609 Developmental Center	\$	912,177	\$ 912,177 73965
and Residential			
Operating Services			
TOTAL GSF General Services			73966
Fund Group	\$	912,177	\$ 912,177 73967
Federal Special Revenue Fund Group			73968
3A4 323-605 Developmental Center	\$	136,299,536	\$ 137,555,308 73969
and Residential			
Facility Services and			
Support			
TOTAL FED Federal Special Revenue			73970
Fund Group	\$	136,299,536	\$ 137,555,308 73971
State Special Revenue Fund Group			73972
221 322-620 Supplement Service	\$	150,000	\$ 150,000 73973
Trust			
489 323-632 Developmental Center	\$	14,543,764	\$ 14,671,616 73974
Direct Care Support			
TOTAL SSR State Special Revenue			73975
Fund Group	\$	14,693,764	\$ 14,821,616 73976
TOTAL ALL RESIDENTIAL FACILITIES			73977
BUDGET FUND GROUPS	\$	254,702,328	\$ 256,085,952 73978
DEPARTMENT TOTAL			73979
GENERAL REVENUE FUND	\$	369,669,156	\$ 389,282,941 73980
DEPARTMENT TOTAL			73981
GENERAL SERVICES FUND GROUP	\$	1,172,177	\$ 1,022,177 73982
DEPARTMENT TOTAL			73983
FEDERAL SPECIAL REVENUE FUND GROUP	\$	610,780,538	\$ 658,082,406 73984
DEPARTMENT TOTAL			73985

STATE SPECIAL REVENUE FUND GROUP	\$ 192,359,213	\$ 204,307,651	73986
TOTAL DEPARTMENT OF MENTAL			73987
RETARDATION AND DEVELOPMENTAL			73988
DISABILITIES	\$ 1,173,981,084	\$ 1,252,695,175	73989

Section 337.40.10. TRANSFER OF FUNDS FOR DEVELOPMENTAL CENTER 73991
PHARMACY PROGRAMS 73992

The Department of Mental Retardation and Developmental 73993
Disabilities shall pay the Department of Job and Family Services 73994
quarterly, through intrastate transfer voucher, the nonfederal 73995
share of Medicaid prescription drug claim costs for all 73996
developmental centers paid by the Department of Job and Family 73997
Services. 73998

Section 337.40.15. GALLIPOLIS DEVELOPMENTAL CENTER PILOT 73999
PROGRAM 74000

The Director of Job and Family Services, working with the 74001
Director of Mental Retardation and Developmental Disabilities, 74002
shall submit to the United States Secretary of Health and Human 74003
Services an amendment to the federal Medicaid waiver authorizing 74004
the Individual Options Medicaid waiver program as necessary to 74005
establish, as part of the Individual Options Medicaid Waiver 74006
program, a pilot program to be operated during calendar year 2008 74007
under which the Gallipolis Developmental Center provides home and 74008
community-based services under the Individual Options Medicaid 74009
waiver program to not more than ten individuals at one time. The 74010
Director shall implement the pilot program if the United States 74011
Secretary approves the amendment. 74012

The pilot program shall be operated in a manner consistent 74013
with the terms of the consent order filed March 5, 2007, in *Martin* 74014
v. Strickland, Case No. 89-CV-00362, in the United States District 74015
Court for the Southern District of Ohio, Eastern Division. The 74016

pilot program also shall be operated in accordance with the 74017
amendment to the federal Medicaid waiver authorizing the 74018
Individual Options Medicaid waiver program sought under this 74019
section. Only individuals eligible for the Individual Options 74020
Medicaid waiver program who volunteer to receive home and 74021
community-based services under the Individual Options Medicaid 74022
waiver program from the Gallipolis Developmental Center may 74023
participate in the pilot program. The Director of Mental 74024
Retardation and Developmental Disabilities and the Director of Job 74025
and Family Services shall provide the Gallipolis Developmental 74026
Center technical assistance the Center needs regarding the pilot 74027
program. 74028

The Gallipolis Developmental Center shall be paid in the same 74029
manner and at the same rates as other providers of home and 74030
community-based services under the Individual Options Medicaid 74031
waiver program for the home and community-based services the 74032
Center provides under the program. All expenses the Gallipolis 74033
Developmental Center incurs in participating in the pilot program 74034
shall be paid from the Medicaid payments the Center receives for 74035
providing home and community-based services under the program. 74036

The Director of Mental Retardation and Developmental 74037
Disabilities shall conduct an evaluation of the pilot program, 74038
including an evaluation of the quality and effectiveness of the 74039
home and community-based services the Gallipolis Developmental 74040
Center provides under the pilot program. The Director shall submit 74041
a report of the evaluation to the Governor and the General 74042
Assembly not later than April 1, 2009. The Director shall include 74043
in the report recommendations for or against permitting the 74044
Gallipolis Developmental Center to continue to provide home and 74045
community-based services under the Individual Options Medicaid 74046
waiver program and permitting other developmental centers to begin 74047
to provide these services. 74048

Section 337.40.20. NONFEDERAL MATCH FOR ACTIVE TREATMENT	74049
SERVICES	74050
Any county funds received by the Department from county boards for active treatment shall be deposited in Fund 489, Mental Retardation Operating.	74051 74052 74053
Section 337.40.30. NONFEDERAL SHARE OF NEW ICF/MR BEDS	74054
(A) As used in this section, "intermediate care facility for the mentally retarded" has the same meaning as in section 5111.20 of the Revised Code.	74055 74056 74057
(B) If one or more new beds obtain certification as an intermediate care facility for the mentally retarded bed on or after July 1, 2007, the Director of Mental Retardation and Developmental Disabilities shall transfer funds to the Department of Job and Family Services to pay the nonfederal share of the cost under the Medicaid Program for those beds. Except as otherwise provided in section 5123.0416 of the Revised Code, the Director shall use only the following funds for the transfer:	74058 74059 74060 74061 74062 74063 74064 74065
(1) Funds appropriated to the Department of Mental Retardation and Developmental Disabilities in appropriation item 322-416, Medicaid Waiver - State Match;	74066 74067 74068
(2) Funds appropriated to the Department in appropriation item 322-501, County Boards Subsidies.	74069 74070
(C) If the beds are located in a county served by a county board of mental retardation and developmental disabilities that initiates or supports the beds' certification, the funds that the Director transfers under division (B) of this section shall be funds that the Director has allocated to the county board serving the county in which the beds are located unless the amount of the allocation is insufficient to pay the entire nonfederal share of the cost under the Medicaid Program for those beds. If the	74071 74072 74073 74074 74075 74076 74077 74078

allocation is insufficient, the Director shall use as much of such 74079
funds allocated to other counties as is needed to make up the 74080
difference. 74081

Section 339.10. MIH COMMISSION ON MINORITY HEALTH 74082

General Revenue Fund 74083

GRF 149-321 Operating Expenses \$ 550,211 \$ 561,216 74084

GRF 149-501 Minority Health Grants \$ 670,965 \$ 1,670,965 74085

GRF 149-502 Lupus Program \$ 136,126 \$ 136,126 74086

TOTAL GRF General Revenue Fund \$ 1,357,302 \$ 2,368,307 74087

Federal Special Revenue Fund Group 74088

3J9 149-602 Federal Grants \$ 457,486 \$ 320,297 74089

TOTAL FED Federal Special Revenue 74090

Fund Group \$ 457,486 \$ 320,297 74091

State Special Revenue Fund Group 74092

4C2 149-601 Minority Health \$ 150,000 \$ 150,000 74093

Conference

TOTAL SSR State Special Revenue 74094

Fund Group \$ 150,000 \$ 150,000 74095

TOTAL ALL BUDGET FUND GROUPS \$ 1,964,788 \$ 2,838,604 74096

Section 341.10. CRB MOTOR VEHICLE COLLISION REPAIR 74098

REGISTRATION BOARD 74099

General Service Fund Group 74100

4K9 865-601 Operating Expenses \$ 334,995 \$ 334,995 74101

TOTAL GSF General Services 74102

Fund Group \$ 334,995 \$ 334,995 74103

TOTAL ALL BUDGET FUND GROUPS \$ 334,995 \$ 334,995 74104

CASH TRANSFER TO OCCUPATIONAL LICENSING AND REGULATORY FUND 74105

(FUND 4K9) 74106

Effective July 1, 2007, or as soon as possible thereafter, 74107

the Director of Budget and Management may transfer the cash 74108
balance in the Motor Vehicle Collision Repair Registration Fund 74109
(Fund 5H9), created in division (A) of section 4775.08 of the 74110
Revised Code, to the Occupational Licensing and Regulatory Fund 74111
(Fund 4K9), created in section 4743.05 of the Revised Code. The 74112
Director may cancel any existing encumbrances against 74113
appropriation item 865-609, Operating Expenses - CRB, in Fund 5H9, 74114
and re-establish them against appropriation item 865-601, 74115
Operating Expenses, in Fund 4K9. The amounts of the re-established 74116
encumbrances are hereby appropriated. The Motor Vehicle Collision 74117
Repair Registration Fund (Fund 5H9), created in division (A) of 74118
section 4775.08 of the Revised Code, is hereby abolished. 74119

Section 343.10. DNR DEPARTMENT OF NATURAL RESOURCES 74120

General Revenue Fund 74121

GRF 725-401	Wildlife-GRF Central	\$	2,705,950	\$	2,800,930	74122
	Support					
GRF 725-404	Fountain Square Rental	\$	1,094,900	\$	1,081,200	74123
	Payments - OBA					
GRF 725-407	Conservation Reserve	\$	1,000,000	\$	1,000,000	74124
	Enhancement Program					
GRF 725-413	Lease Rental Payments	\$	19,589,400	\$	18,316,200	74125
GRF 725-423	Stream and Ground	\$	311,910	\$	311,910	74126
	Water Gauging					
GRF 725-425	Wildlife License	\$	500,000	\$	400,000	74127
	Reimbursement					
GRF 725-456	Canal Lands	\$	332,859	\$	332,859	74128
GRF 725-502	Soil and Water	\$	12,237,420	\$	12,895,791	74129
	Districts					
GRF 725-903	Natural Resources	\$	24,713,800	\$	25,723,000	74130
	General Obligation					
	Debt Service					

GRF 727-321	Division of Forestry	\$	8,541,511	\$	8,541,511	74131
GRF 728-321	Division of Geological Survey	\$	1,799,222	\$	1,825,150	74132
GRF 729-321	Office of Information Technology	\$	440,895	\$	440,895	74133
GRF 730-321	Division of Parks and Recreation	\$	39,874,841	\$	39,874,841	74134
GRF 733-321	Division of Water	\$	3,207,619	\$	3,257,619	74135
GRF 736-321	Division of Engineering	\$	3,118,703	\$	3,118,703	74136
GRF 737-321	Division of Soil and Water	\$	4,074,788	\$	4,074,788	74137
GRF 738-321	Division of Real Estate and Land Management	\$	2,291,874	\$	2,291,874	74138
GRF 741-321	Division of Natural Areas and Preserves	\$	3,050,000	\$	3,050,000	74139
GRF 744-321	Division of Mineral Resources Management	\$	3,068,167	\$	3,068,167	74140
TOTAL GRF	General Revenue Fund	\$	131,953,859	\$	132,405,438	74141
	General Services Fund Group					74142
155 725-601	Departmental Projects	\$	2,259,402	\$	2,260,021	74143
157 725-651	Central Support Indirect	\$	6,228,950	\$	6,528,675	74144
204 725-687	Information Services	\$	4,676,627	\$	4,676,627	74145
207 725-690	Real Estate Services	\$	64,000	\$	64,000	74146
223 725-665	Law Enforcement Administration	\$	2,230,485	\$	2,358,307	74147
227 725-406	Parks Projects Personnel	\$	110,000	\$	110,000	74148
4D5 725-618	Recycled Materials	\$	50,000	\$	50,000	74149
4S9 725-622	NatureWorks Personnel	\$	525,000	\$	525,000	74150
4X8 725-662	Water Resources	\$	125,000	\$	125,000	74151

		Council					
430	725-671	Canal Lands	\$	1,150,082	\$	1,150,082	74152
508	725-684	Natural Resources	\$	148,527	\$	148,280	74153
		Publications					
510	725-631	Maintenance -	\$	353,611	\$	303,611	74154
		State-owned Residences					
516	725-620	Water Management	\$	2,913,618	\$	2,931,513	74155
635	725-664	Fountain Square	\$	3,609,835	\$	3,640,398	74156
		Facilities Management					
697	725-670	Submerged Lands	\$	751,342	\$	772,011	74157
		TOTAL GSF General Services					74158
		Fund Group	\$	25,196,479	\$	25,643,525	74159
		Federal Special Revenue Fund Group					74160
3B3	725-640	Federal Forest	\$	225,000	\$	225,000	74161
		Pass-Thru					
3B4	725-641	Federal Flood	\$	490,000	\$	490,000	74162
		Pass-Thru					
3B5	725-645	Federal Abandoned Mine	\$	14,307,664	\$	14,307,667	74163
		Lands					
3B6	725-653	Federal Land and Water	\$	2,000,000	\$	2,000,000	74164
		Conservation Grants					
3B7	725-654	Reclamation -	\$	2,107,291	\$	2,107,292	74165
		Regulatory					
3P0	725-630	Natural Areas and	\$	215,000	\$	215,000	74166
		Preserves - Federal					
3P1	725-632	Geological Survey -	\$	655,000	\$	720,000	74167
		Federal					
3P2	725-642	Oil and Gas-Federal	\$	226,961	\$	234,509	74168
3P3	725-650	Coastal Management -	\$	2,643,323	\$	1,691,237	74169
		Federal					
3P4	725-660	Water - Federal	\$	316,304	\$	316,734	74170
3R5	725-673	Acid Mine Drainage	\$	1,999,998	\$	2,025,001	74171
		Abatement/Treatment					

3Z5	725-657	REALM-Federal	\$	1,850,000	\$	1,850,000	74172
332	725-669	Federal Mine Safety	\$	258,102	\$	258,102	74173
		Grant					
		TOTAL FED Federal Special Revenue					74174
		Fund Group	\$	27,294,643	\$	26,440,542	74175
		State Special Revenue Fund Group					74176
4J2	725-628	Injection Well Review	\$	67,578	\$	68,933	74177
4M7	725-631	Wildfire Suppression	\$	70,000	\$	0	74178
4M7	725-686	Wildfire Suppression	\$	100,000	\$	100,000	74179
4U6	725-668	Scenic Rivers	\$	407,100	\$	407,100	74180
		Protection					
5BV	725-683	Soil and Water	\$	1,850,000	\$	1,850,000	74181
		Districts					
5B3	725-674	Mining Regulation	\$	28,850	\$	28,850	74182
5K1	725-626	Urban Forestry Grant	\$	10,000	\$	12,000	74183
5P2	725-634	Wildlife Boater Angler	\$	3,500,000	\$	3,500,000	74184
		Administration					
509	725-602	State Forest	\$	5,070,946	\$	5,211,924	74185
511	725-646	Ohio Geological	\$	815,179	\$	724,310	74186
		Mapping					
512	725-605	State Parks Operations	\$	27,314,288	\$	27,314,288	74187
512	725-680	Parks Facilities	\$	2,576,240	\$	2,576,240	74188
		Maintenance					
514	725-606	Lake Erie Shoreline	\$	917,113	\$	757,113	74189
518	725-643	Oil and Gas Permit	\$	2,574,378	\$	2,586,568	74190
		Fees					
518	725-677	Oil and Gas Well	\$	800,000	\$	800,000	74191
		Plugging					
521	725-627	Off-Road Vehicle	\$	198,490	\$	143,490	74192
		Trails					
522	725-656	Natural Areas and	\$	1,550,670	\$	1,550,670	74193
		Preserves					
526	725-610	Strip Mining	\$	1,932,491	\$	1,903,871	74194

		Administration Fee					
527	725-637	Surface Mining	\$	1,852,842	\$	1,946,591	74195
		Administration					
529	725-639	Unreclaimed Land Fund	\$	2,892,516	\$	2,024,257	74196
531	725-648	Reclamation Forfeiture	\$	2,062,234	\$	2,062,237	74197
532	725-644	Litter Control and	\$	6,280,681	\$	6,280,681	74198
		Recycling					
586	725-633	Scrap Tire Program	\$	1,000,000	\$	1,000,000	74199
615	725-661	Dam Safety	\$	548,223	\$	595,416	74200
		TOTAL SSR State Special Revenue					74201
		Fund Group	\$	64,419,819	\$	63,444,539	74202
		Clean Ohio Conservation Fund Group					74203
061	725-405	Clean Ohio Operating	\$	155,000	\$	155,000	74204
		TOTAL CLF Clean Ohio Conservation	\$	155,000	\$	155,000	74205
		Fund Group					
		Wildlife Fund Group					74206
015	740-401	Division of Wildlife	\$	53,706,000	\$	54,906,000	74207
		Conservation					
815	725-636	Cooperative Management	\$	120,449	\$	120,449	74208
		Projects					
816	725-649	Wetlands Habitat	\$	966,885	\$	966,885	74209
817	725-655	Wildlife Conservation	\$	5,000,000	\$	5,000,000	74210
		Checkoff Fund					
818	725-629	Cooperative Fisheries	\$	1,500,000	\$	1,500,000	74211
		Research					
819	725-685	Ohio River Management	\$	128,584	\$	128,584	74212
		TOTAL WLF Wildlife Fund Group	\$	61,421,918	\$	62,621,918	74213
		Waterways Safety Fund Group					74214
086	725-414	Waterways Improvement	\$	3,925,075	\$	4,062,452	74215
086	725-418	Buoy Placement	\$	52,182	\$	52,182	74216
086	725-501	Waterway Safety Grants	\$	137,867	\$	137,867	74217
086	725-506	Watercraft Marine	\$	576,153	\$	576,153	74218

	Patrol				
086	725-513	Watercraft Educational	\$	366,643	\$ 366,643 74219
	Grants				
086	739-401	Division of Watercraft	\$	19,626,681	\$ 20,166,681 74220
5AW	725-682	Watercraft Revolving	\$	1,000,000	\$ 1,000,000 74221
	Loans				
TOTAL WSF Waterways Safety Fund					74222
Group			\$	25,684,601	\$ 26,361,978 74223
Holding Account Redistribution Fund Group					74224
R17	725-659	Performance Cash Bond	\$	279,263	\$ 279,263 74225
	Refunds				
R43	725-624	Forestry	\$	1,950,188	\$ 2,007,977 74226
TOTAL 090 Holding Account					74227
Redistribution Fund Group			\$	2,229,451	\$ 2,287,240 74228
Accrued Leave Liability Fund Group					74229
4M8	725-675	FOP Contract	\$	20,844	\$ 20,844 74230
TOTAL ALF Accrued Leave					74231
Liability Fund Group			\$	20,844	\$ 20,844 74232
TOTAL ALL BUDGET FUND GROUPS			\$	338,376,614	\$ 339,381,024 74233

Section 343.20. CENTRAL SUPPORT INDIRECT 74235

With the exception of the Division of Wildlife, whose direct 74236
and indirect central support charges shall be paid out of the 74237
General Revenue Fund from the foregoing appropriation item 74238
725-401, Wildlife-GRF Central Support, the Department of Natural 74239
Resources, with approval of the Director of Budget and Management, 74240
shall utilize a methodology for determining each division's 74241
payments into the Central Support Indirect Fund (Fund 157). The 74242
methodology used shall contain the characteristics of 74243
administrative ease and uniform application in compliance with 74244
federal grant requirements. It may include direct cost charges for 74245
specific services provided. Payments to the Central Support 74246

Indirect Fund (Fund 157) shall be made using an intrastate transfer voucher. 74247
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Section 343.30. FOUNTAIN SQUARE 74249

The foregoing appropriation item 725-404, Fountain Square Rental Payments - OBA, shall be used by the Department of Natural Resources to meet all payments required to be made to the Ohio 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. 74250
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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. 74259
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The foregoing appropriation item 725-664, Fountain Square Facilities Management (Fund 635), shall be used for payment of repairs, renovation, utilities, property management, and building maintenance expenses for the Fountain Square Complex. Cash transferred by intrastate transfer vouchers from various department funds and rental income received by the Department of Natural Resources shall be deposited into the Fountain Square Facilities Management Fund (Fund 635). 74268
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LEASE RENTAL PAYMENTS 74276

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

The foregoing appropriation item 725-903, Natural Resources General Obligation Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2007, to June 30, 2009, on obligations issued under sections 151.01 and 151.05 of the Revised Code.

Section 343.35. DIVISION OF SOIL AND WATER

Of the foregoing appropriation item 737-321, Division of Soil and Water, \$100,000 in each fiscal year shall be used for soil and water quality improvements utilizing best management practices.

Section 343.40. WILDLIFE LICENSE REIMBURSEMENT

Notwithstanding the limits of the transfer from the General Revenue Fund to the Wildlife Fund, as adopted in section 1533.15 of the Revised Code, up to the amount available in appropriation item 725-425, Wildlife License Reimbursement, may be transferred from the General Revenue Fund to the Wildlife Fund (Fund 015). Pursuant to the certification of the Director of Budget and Management of the amount of foregone revenue in accordance with section 1533.15 of the Revised Code, the foregoing appropriation item in the General Revenue Fund, appropriation item 725-425, Wildlife License Reimbursement, shall be used to reimburse the Wildlife Fund (Fund 015) for the cost of hunting and fishing

licenses and permits issued after June 30, 1990, to individuals 74307
who are exempted under the Revised Code from license, permit, and 74308
stamp fees. 74309

CANAL LANDS 74310

The foregoing appropriation item 725-456, Canal Lands, shall 74311
be used to transfer funds to the Canal Lands Fund (Fund 430) to 74312
provide operating expenses for the State Canal Lands Program. The 74313
transfer shall be made using an intrastate transfer voucher and 74314
shall be subject to the approval of the Director of Budget and 74315
Management. 74316

SOIL AND WATER DISTRICTS 74317

In addition to state payments to soil and water conservation 74318
districts authorized by section 1515.10 of the Revised Code, the 74319
Department of Natural Resources may pay to any soil and water 74320
conservation district, from authority in appropriation item 74321
725-502, Soil and Water Districts, an annual amount not to exceed 74322
\$30,000, upon receipt of a request and justification from the 74323
district and approval by the Ohio Soil and Water Conservation 74324
Commission. The county auditor shall credit the payments to the 74325
special fund established under section 1515.10 of the Revised Code 74326
for the local soil and water conservation district. Moneys 74327
received by each district shall be expended for the purposes of 74328
the district. The foregoing appropriation item 725-683, Soil and 74329
Water Districts, shall be expended for the purposes described 74330
above, except that the funding source for this appropriation shall 74331
be a fee applied on the disposal of construction and demolition 74332
debris as provided in section 1515.14 of the Revised Code, as 74333
amended by this act. 74334

Of the foregoing appropriation item 725-683, Soil and Water 74335
Districts, \$220,000 in each fiscal year shall be used to support 74336
the Heidelberg College Water Quality Laboratory. 74337

Of the foregoing appropriation item 725-683, Soil and Water 74338
Districts, \$125,000 in each fiscal year shall be used for the 74339
Indian Lake Watershed in Logan County. 74340

Of the foregoing appropriation item 725-502, Soil and Water 74341
Districts, \$50,000 in each fiscal year shall be used for the 74342
Conservation Action Project. 74343

STATE PARK DEPRECIATION RESERVE 74344

The foregoing appropriation item 725-680, Parks Facilities 74345
Maintenance, shall be used by the Division of Parks and Recreation 74346
to maintain state park revenue-producing facilities in the best 74347
economic operating condition and to repair and replace equipment 74348
used in the operation of state park revenue producing facilities. 74349

OIL AND GAS WELL PLUGGING 74350

The foregoing appropriation item 725-677, Oil and Gas Well 74351
Plugging, shall be used exclusively for the purposes of plugging 74352
wells and to properly restore the land surface of idle and orphan 74353
oil and gas wells pursuant to section 1509.071 of the Revised 74354
Code. No funds from the appropriation item shall be used for 74355
salaries, maintenance, equipment, or other administrative 74356
purposes, except for those costs directly attributed to the 74357
plugging of an idle or orphan well. Appropriation authority from 74358
this appropriation item shall not be transferred to any other fund 74359
or line item. 74360

LITTER CONTROL AND RECYCLING 74361

Of the foregoing appropriation item, 725-644, Litter Control 74362
and Recycling, not more than \$1,500,000 may be used in each fiscal 74363
year for the administration of the Recycling and Litter Prevention 74364
program. 74365

CLEAN OHIO OPERATING EXPENSES 74366

The foregoing appropriation item 725-405, Clean Ohio 74367

Operating, shall be used by the Department of Natural Resources in 74368
administering section 1519.05 of the Revised Code. 74369

WATERWAYS IMPROVEMENTS 74370

Of the foregoing appropriation item 725-414, Waterways 74371
Improvement, \$50,000 in each fiscal year shall be used for 74372
dredging operations at Fairport Harbor. 74373

WATERCRAFT MARINE PATROL 74374

Of the foregoing appropriation item 739-401, Division of 74375
Watercraft, not more than \$200,000 in each fiscal year shall be 74376
expended for the purchase of equipment for marine patrols 74377
qualifying for funding from the Department of Natural Resources 74378
pursuant to section 1547.67 of the Revised Code. Proposals for 74379
equipment shall accompany the submission of documentation for 74380
receipt of a marine patrol subsidy pursuant to section 1547.67 of 74381
the Revised Code and shall be loaned to eligible marine patrols 74382
pursuant to a cooperative agreement between the Department of 74383
Natural Resources and the eligible marine patrol. 74384

WATERCRAFT REVOLVING LOAN PROGRAM 74385

Upon certification by the Director of Natural Resources, the 74386
Director of Budget and Management shall transfer an amount not to 74387
exceed \$1,000,000 in fiscal year 2008 and not to exceed \$1,000,000 74388
in fiscal year 2009 so certified from the Waterways Safety Fund 74389
(Fund 086) to the Watercraft Revolving Loans Fund (Fund 5AW). The 74390
moneys shall be used pursuant to sections 1547.721 to 1547.726 of 74391
the Revised Code. 74392

PARKS CAPITAL EXPENSES FUND 74393

The Director of Natural Resources shall submit to the 74394
Director of Budget and Management the estimated design, 74395
engineering, and planning costs of capital-related work to be done 74396
by Department of Natural Resources staff for parks projects. If 74397

the Director of Budget and Management approves the estimated 74398
costs, the Director may release appropriations from appropriation 74399
item 725-406, Parks Projects Personnel, for those purposes. Upon 74400
release of the appropriations, the Department of Natural Resources 74401
shall pay for these expenses from the Parks Capital Expenses Fund 74402
(Fund 227). Expenses paid from Fund 227 shall be reimbursed by the 74403
Parks and Recreation Improvement Fund (Fund 035) using an 74404
intrastate transfer voucher. 74405

CAPITAL EXPENSES FUND 74406

The Department of Natural Resources shall periodically 74407
prepare and submit to the Director of Budget and Management the 74408
estimated design, planning, and engineering costs of 74409
capital-related work to be done by the Department of Natural 74410
Resources for each project. Based on the estimates, the Director 74411
of Budget and Management may release appropriations from 74412
appropriation item CAP-753, Project Planning, within the Ohio 74413
Parks and Natural Resources Fund (Fund 031) to pay for design, 74414
planning, and engineering costs incurred by the Department of 74415
Natural Resources for the projects. Upon release of the 74416
appropriations by the Director of Budget and Management, the 74417
Department of Natural Resources shall pay for these expenses from 74418
the Capital Expenses Fund (Fund 4S9), and shall be reimbursed by 74419
the Ohio Parks and Natural Resources Fund (Fund 031) using an 74420
intrastate voucher. 74421

FUND CONSOLIDATION 74422

On July 1, 2007, or as soon thereafter as possible, the 74423
Director of Budget and Management shall transfer the cash balance 74424
as certified by the Director of Natural Resources from the Federal 74425
Forestry Fund (Fund 328) to the State Forest Fund (Fund 509). The 74426
Director shall cancel any remaining outstanding encumbrances 74427
against appropriation item 725-603, Forestry-Federal, and 74428
re-establish them against appropriation item 725-602, State 74429

Forest. The amounts of any encumbrances canceled and 74430
re-established are hereby appropriated. 74431

On July 1, 2007, or as soon thereafter as possible, the 74432
Director of Budget and Management shall transfer the cash balance 74433
as certified by the Director of Natural Resources from the REALM 74434
Support Services Fund (Fund 206) to the Fountain Square Facilities 74435
Management Fund (Fund 635). The Director shall cancel any 74436
remaining outstanding encumbrances against appropriation item 74437
725-689, REALM Support Services, and re-establish them against 74438
appropriation item 725-664, Fountain Square Facilities Management. 74439
The amounts of any encumbrances canceled and re-established are 74440
hereby appropriated. 74441

STATE PARK OPERATING 74442

All proceeds from insurance companies and any other sources 74443
for the replacement and construction of the Lake Hope Lodge and 74444
its appurtenances shall be deposited into the State Park Operating 74445
Fund (Fund 512). 74446

Section 345.10. NUR STATE BOARD OF NURSING 74447

General Services Fund Group 74448

4K9	884-609	Operating Expenses	\$	5,661,280	\$	5,661,280	74449
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5P8	884-601	Nursing Special Issues	\$	5,000	\$	5,000	74450
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5AC	884-602	Nurse Education Grant	\$	1,450,000	\$	1,450,000	74451
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Program

TOTAL GSF General Services 74452

Fund Group	\$	7,116,280	\$	7,116,280	74453
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TOTAL ALL BUDGET FUND GROUPS	\$	7,116,280	\$	7,116,280	74454
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NURSING SPECIAL ISSUES 74455

The foregoing appropriation item 884-601, Nursing Special 74456
Issues (Fund 5P8), shall be used to pay the costs the Board of 74457
Nursing incurs in implementing section 4723.062 of the Revised 74458

Code.				74459
Section 347.10. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND ATHLETIC TRAINERS BOARD				74460 74461
General Services Fund Group				74462
4K9 890-609 Operating Expenses	\$	892,241	\$ 963,984	74463
TOTAL GSF General Services Fund Group	\$	892,241	\$ 963,984	74464
TOTAL ALL BUDGET FUND GROUPS	\$	892,241	\$ 963,984	74465
Section 349.10. OLA OHIOANA LIBRARY ASSOCIATION				74467
General Revenue Fund				74468
GRF 355-501 Library Subsidy	\$	200,000	\$ 200,000	74469
TOTAL GRF General Revenue Fund	\$	200,000	\$ 200,000	74470
TOTAL ALL BUDGET FUND GROUPS	\$	200,000	\$ 200,000	74471
Section 351.10. ODB OHIO OPTICAL DISPENSERS BOARD				74473
General Services Fund Group				74474
4K9 894-609 Operating Expenses	\$	333,656	\$ 345,324	74475
TOTAL GSF General Services Fund Group	\$	333,656	\$ 345,324	74476 74477
TOTAL ALL BUDGET FUND GROUPS	\$	333,656	\$ 345,324	74478
Section 353.10. OPT STATE BOARD OF OPTOMETRY				74480
General Services Fund Group				74481
4K9 885-609 Operating Expenses	\$	344,571	\$ 351,071	74482
TOTAL GSF General Services Fund Group	\$	344,571	\$ 351,071	74483 74484
TOTAL ALL BUDGET FUND GROUPS	\$	344,571	\$ 351,071	74485
Section 355.10. OPP STATE BOARD OF ORTHOTICS, PROSTHETICS, AND PEDORTHICS				74487 74488

General Services Fund Group				74489
4K9 973-609 Operating Expenses	\$	111,300	\$ 116,260	74490
TOTAL GSF General Services				74491
Fund Group	\$	111,300	\$ 116,260	74492
TOTAL ALL BUDGET FUND GROUPS	\$	111,300	\$ 116,260	74493

Section 357.10. PBR STATE PERSONNEL BOARD OF REVIEW 74494

General Revenue Fund				74495
GRF 124-321 Operating	\$	1,148,181	\$ 1,201,643	74496
TOTAL GRF General Revenue Fund	\$	1,148,181	\$ 1,201,643	74497
General Services Fund Group				74498
636 124-601 Records and Reporting	\$	15,000	\$ 15,000	74499
Support				
TOTAL GSF General Services				74500
Fund Group	\$	15,000	\$ 15,000	74501
TOTAL ALL BUDGET FUND GROUPS	\$	1,163,181	\$ 1,216,643	74502

Section 359.10. UST PETROLEUM UNDERGROUND STORAGE TANK 74504

Agency Fund Group				74505
691 810-632 PUSTRCB Staff	\$	1,116,658	\$ 1,169,181	74506
TOTAL AGY Agency Fund Group	\$	1,116,658	\$ 1,169,181	74507
TOTAL ALL BUDGET FUND GROUPS	\$	1,116,658	\$ 1,169,181	74508

Section 361.10. PRX STATE BOARD OF PHARMACY 74510

General Services Fund Group				74511
4A5 887-605 Drug Law Enforcement	\$	75,550	\$ 75,550	74512
4K9 887-609 Operating Expenses	\$	4,874,572	\$ 5,251,032	74513
TOTAL GSF General Services Fund	\$	4,950,122	\$ 5,326,582	74514
Group				
Federal Special Revenue Fund Group				74515
3BC 887-604 Dangerous Drugs	\$	558,531	\$ 491,405	74516

Database

TOTAL FED Federal Special Revenue	\$	558,531	\$	491,405	74517
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	5,508,653	\$	5,817,987	74518
Section 363.10. PSY STATE BOARD OF PSYCHOLOGY					74520
General Services Fund Group					74521
4K9 882-609 Operating Expenses	\$	586,565	\$	586,565	74522
TOTAL GSF General Services					74523
Fund Group	\$	586,565	\$	586,565	74524
TOTAL ALL BUDGET FUND GROUPS	\$	586,565	\$	586,565	74525
Section 365.10. PUB OHIO PUBLIC DEFENDER COMMISSION					74527
General Revenue Fund					74528
GRF 019-321 Public Defender	\$	1,287,404	\$	1,315,150	74529
Administration					
GRF 019-401 State Legal Defense	\$	5,914,023	\$	6,120,592	74530
Services					
GRF 019-403 Multi-County: State	\$	766,402	\$	762,727	74531
Share					
GRF 019-404 Trumbull County -	\$	244,816	\$	243,650	74532
State Share					
GRF 019-405 Training Account	\$	31,324	\$	31,324	74533
GRF 019-501 County Reimbursement	\$	29,834,251	\$	29,572,857	74534
TOTAL GRF General Revenue Fund	\$	38,078,220	\$	38,046,300	74535
General Services Fund Group					74536
101 019-602 Inmate Legal	\$	33,338	\$	34,638	74537
Assistance					
407 019-604 County Representation	\$	219,800	\$	227,500	74538
408 019-605 Client Payments	\$	611,537	\$	476,760	74539
5CX 019-617 Civil Case Filing Fee	\$	409,237	\$	598,400	74540
TOTAL GSF General Services					74541

Fund Group	\$	1,273,912	\$	1,337,298	74542
Federal Special Revenue Fund Group					74543
3S8 019-608 Federal Representation	\$	350,948	\$	364,917	74544
TOTAL FED Federal Special Revenue					74545
Fund Group	\$	350,948	\$	364,917	74546
State Special Revenue Fund Group					74547
4C7 019-601 Multi-County: County	\$	2,181,300	\$	2,288,200	74548
Share					
4X7 019-610 Trumbull County -	\$	696,800	\$	731,000	74549
County Share					
574 019-606 Civil Legal Aid	\$	40,000,000	\$	40,000,000	74550
TOTAL SSR State Special Revenue					74551
Fund Group	\$	42,878,100	\$	43,019,200	74552
TOTAL ALL BUDGET FUND GROUPS	\$	82,581,180	\$	82,767,715	74553

INDIGENT DEFENSE OFFICE 74554

The foregoing appropriation items 019-404, Trumbull County - 74555
 State Share, and 019-610, Trumbull County - County Share, shall be 74556
 used to support an indigent defense office for Trumbull County. 74557

MULTI-COUNTY OFFICE 74558

The foregoing appropriation items 019-403, Multi-County: 74559
 State Share, and 019-601, Multi-County: County Share, shall be 74560
 used to support the Office of the Ohio Public Defender's 74561
 Multi-County Branch Office Program. 74562

TRAINING ACCOUNT 74563

The foregoing appropriation item 019-405, Training Account, 74564
 shall be used by the Ohio Public Defender to provide legal 74565
 training programs at no cost for private appointed counsel who 74566
 represent at least one indigent defendant at no cost and for state 74567
 and county public defenders and attorneys who contract with the 74568
 Ohio Public Defender to provide indigent defense services. 74569

FEDERAL REPRESENTATION				74570
The foregoing appropriation item 019-608, Federal				74571
Representation, shall be used to receive reimbursements from the				74572
federal courts when the Ohio Public Defender provides				74573
representation in federal court cases and to support				74574
representation in such cases.				74575
Section 367.10. DHS DEPARTMENT OF PUBLIC SAFETY				74576
General Revenue Fund				74577
GRF 763-403 Operating Expenses -	\$	4,164,697	\$ 4,164,697	74578
EMA				
GRF 768-424 Operating Expenses -	\$	814,478	\$ 814,478	74579
CJS				
GRF 769-321 Food Stamp Trafficking	\$	752,000	\$ 752,000	74580
Enforcement Operations				
TOTAL GRF General Revenue Fund	\$	5,731,175	\$ 5,731,175	74581
General Services Fund Group				74582
5ET 768-625 Drug Law Enforcement	\$	800,000	\$ 800,000	74583
TOTAL GSF General Services Fund	\$	800,000	\$ 800,000	74584
Group				
State Special Revenue Fund Group				74585
5CC 768-607 Public Safety Services	\$	125,000	\$ 125,000	74586
5EX 768-690 Disaster Preparedness	\$	350,000	\$ 350,000	74587
TOTAL SSR State Special Revenue	\$	475,000	\$ 475,000	74588
Fund Group				
Tobacco Master Settlement Agreement Fund Group				74589
L87 767-406 Under-Age Tobacco Use	\$	0	\$ 375,000	74590
Enforcement				
TOTAL TSF Tobacco Master Settlement	\$	0	\$ 375,000	74591
Agreement Fund Group				
TOTAL ALL BUDGET FUND GROUPS	\$	7,006,175	\$ 7,381,175	74592

OHIO TASK FORCE ONE - URBAN SEARCH AND RESCUE UNIT 74593

Of the foregoing appropriation item 763-403, Operating 74594
Expenses - EMA, \$200,000 in each fiscal year shall be used to fund 74595
the Ohio Task Force One - Urban Search and Rescue Unit and other 74596
urban search and rescue programs around the state to create a 74597
stronger search and rescue capability statewide. 74598

STATE FIRE MARSHAL FUND CASH TRANSFERS 74599

Notwithstanding section 3737.71 of the Revised Code, on July 74600
1, 2007, or as soon as possible thereafter, the Director of Budget 74601
and Management shall transfer \$125,000 in cash from the State Fire 74602
Marshal Fund (Fund 546) in the Department of Commerce to the 74603
Public Safety Services Fund (Fund 5CC) in the Department of Public 74604
Safety. 74605

Notwithstanding section 3737.71 of the Revised Code, on July 74606
1, 2008, or as soon as possible thereafter, the Director of Budget 74607
and Management shall transfer \$125,000 in cash from the State Fire 74608
Marshal Fund (Fund 546) in the Department of Commerce to the 74609
Public Safety Services Fund (Fund 5CC) in the Department of Public 74610
Safety. 74611

SOUTHERN OHIO DRUG TASK FORCE 74612

The foregoing appropriation item 768-607, Public Safety 74613
Services, shall be distributed by the Division of Criminal Justice 74614
Services in the Department of Public Safety directly to the 74615
Southern Ohio Drug Task Force. 74616

EMA DISASTER PREPAREDNESS AND RESPONSE GRANT 74617

Of the foregoing appropriation item 768-690, Disaster 74618
Preparedness, \$275,000 in fiscal year 2008 and \$350,000 in fiscal 74619
year 2009 shall be used for a grant to the American Red Cross 74620
Greater Columbus Chapter for implementation of programs to assist 74621
in disaster preparedness and response throughout Ohio. The 74622

American Red Cross Greater Columbus Chapter shall develop a 74623
funding plan that includes programmatic, infrastructure, and 74624
administrative costs. Moneys shall be released to the American Red 74625
Cross Greater Columbus Chapter not more than 45 days after 74626
submission of the plan to the Ohio Emergency Management Agency. Of 74627
the foregoing appropriation item 768-690, Disaster Preparedness, 74628
\$75,000 in fiscal year 2008 shall be used for the Fire and 74629
Emergency Services Regionalization Project of Berea and Olmstead 74630
Falls. 74631

CASH TRANSFER TO THE DRUG LAW ENFORCEMENT FUND 74632

Notwithstanding any other provision of law to the contrary, 74633
on the first of July in each of 2007 and 2008, or as soon as 74634
practicable thereafter in each of those years, the Director of 74635
Budget and Management shall transfer \$800,000 in cash from the 74636
Charitable Foundations Fund (Fund 418) to the Drug Law Enforcement 74637
Fund (Fund 5ET). 74638

The foregoing appropriation item 768-625, Drug Law 74639
Enforcement, shall be used by the Division of Criminal Justice 74640
Services of the Department of Public Safety for the purpose of 74641
awarding grants to local law enforcement agencies and local law 74642
enforcement task forces with regard to the enforcement of state 74643
drug laws and other state laws related to illegal drug activity. 74644

Section 369.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO 74645

General Services Fund Group 74646

5F6 870-622 Utility and Railroad \$ 32,820,027 \$ 33,804,627 74647

Regulation

5F6 870-624 NARUC/NRRI Subsidy \$ 158,000 \$ 158,000 74648

5F6 870-625 Motor Transportation \$ 4,635,413 \$ 4,772,765 74649

Regulation

TOTAL GSF General Services 74650

Fund Group	\$	37,613,440	\$	38,735,392	74651
Federal Special Revenue Fund Group					74652
3V3 870-604 Commercial Vehicle	\$	300,000	\$	300,000	74653
Information					
Systems/Networks					
333 870-601 Gas Pipeline Safety	\$	597,957	\$	597,959	74654
350 870-608 Motor Carrier Safety	\$	7,137,534	\$	7,351,660	74655
TOTAL FED Federal Special Revenue					74656
Fund Group	\$	8,035,491	\$	8,249,619	74657
State Special Revenue Fund Group					74658
4A3 870-614 Grade Crossing	\$	1,349,757	\$	1,349,757	74659
Protection					
Devices-State					
4L8 870-617 Pipeline Safety-State	\$	187,621	\$	187,621	74660
4S6 870-618 Hazardous Material	\$	464,325	\$	464,325	74661
Registration					
4S6 870-621 Hazardous Materials	\$	373,346	\$	373,346	74662
Base State					
Registration					
4U8 870-620 Civil Forfeitures	\$	284,986	\$	284,986	74663
5BP 870-623 Wireless 9-1-1	\$	26,875,000	\$	13,375,000	74664
Administration					
559 870-605 Public Utilities	\$	4,000	\$	4,000	74665
Territorial					
Administration					
560 870-607 Public Utilities	\$	100,000	\$	100,000	74666
Investigations					
561 870-606 Power Siting Board	\$	404,651	\$	404,652	74667
638 870-611 Biomass Energy Program	\$	40,000	\$	40,000	74668
661 870-612 Hazardous Materials	\$	900,000	\$	900,000	74669
Transportation					
TOTAL SSR State Special Revenue					74670

Fund Group	\$	30,983,686	\$	17,483,687	74671
Agency Fund Group					74672
4G4 870-616 Base State	\$	2,000,000	\$	0	74673
Registration Program					
TOTAL AGY Agency Fund Group	\$	2,000,000	\$	0	74674
TOTAL ALL BUDGET FUND GROUPS	\$	78,632,617	\$	64,468,698	74675

COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS PROJECT 74676

The fund created by section 4923.26 of the Revised Code is 74677
the same fund, with a new name, as the Commercial Vehicle 74678
Information Systems and Networks Fund (Fund 3V3). 74679

ENHANCED AND WIRELESS ENHANCED 9-1-1 74680

The foregoing appropriation item 870-623, Wireless 9-1-1 74681
Administration, shall be used pursuant to section 4931.63 of the 74682
Revised Code. 74683

TELECOMMUNICATIONS RELAY SERVICE FUNDING 74684

The Telecommunications Relay Service Fund is hereby created 74685
in the state treasury. The vendor selected to provide 74686
telecommunications relay service in Ohio, as required by 47 C.F.R. 74687
64.601, shall submit an invoice to the Public Utilities Commission 74688
by January 31, 2009, for costs it has incurred in providing the 74689
service during calendar year 2008. The Public Utilities Commission 74690
shall notify the Director of Budget and Management of the amount 74691
invoiced, and the Director of Budget and Management shall transfer 74692
that amount from the Public Utilities Fund (Fund 5F6) to the 74693
Telecommunications Relay Service Fund on or before February 28, 74694
2009. The amount transferred shall be used to pay the 74695
telecommunications relay service vendor the amount invoiced. This 74696
amount is hereby appropriated. 74697

Section 371.10. PWC PUBLIC WORKS COMMISSION 74698

General Revenue Fund 74699

GRF 150-904	Conservation General	\$	14,847,200	\$	19,779,200	74700
	Obligation Debt					
	Service					
GRF 150-907	State Capital	\$	177,513,600	\$	188,696,300	74701
	Improvements					
	General Obligation					74702
	Debt Service					
TOTAL GRF General Revenue Fund		\$	192,360,800	\$	208,475,500	74703
Clean Ohio Conservation Fund Group						74704
056 150-403	Clean Ohio Operating	\$	301,537	\$	311,509	74705
	Expenses					
TOTAL 056 Clean Ohio Conservation		\$	301,537	\$	311,509	74706
Fund Group						
TOTAL ALL BUDGET FUND GROUPS		\$	192,662,337	\$	208,787,009	74707
	CONSERVATION GENERAL OBLIGATION DEBT SERVICE					74708
	The foregoing appropriation item 150-904, Conservation					74709
	General Obligation Debt Service, shall be used to pay all debt					74710
	service and related financing costs during the period from July 1,					74711
	2007, through June 30, 2009, at the times they are required to be					74712
	made for obligations issued under sections 151.01 and 151.09 of					74713
	the Revised Code.					74714
	STATE CAPITAL IMPROVEMENTS GENERAL OBLIGATION DEBT SERVICE					74715
	The foregoing appropriation item 150-907, State Capital					74716
	Improvements General Obligation Debt Service, shall be used to pay					74717
	all debt service and related financing costs during the period					74718
	from July 1, 2007, to June 30, 2009, at the times they are					74719
	required to be made for obligations issued under sections 151.01					74720
	and 151.08 of the Revised Code.					74721
	REIMBURSEMENT TO THE GENERAL REVENUE FUND					74722
	(A) On or before July 15, 2009, the Director of the Public					74723
	Works Commission shall certify to the Director of Budget and					74724

Management the following:				74725
(1) The total amount disbursed from appropriation item				74726
700-409, Farmland Preservation, during the fiscal year 2008-2009				74727
biennium; and				74728
(2) The amount of interest earnings that have been credited				74729
to the Clean Ohio Conservation Fund (Fund 056) that are in excess				74730
of the amount needed for other purposes as calculated by the				74731
Director of the Public Works Commission.				74732
(B) If the Director of Budget and Management determines under				74733
division (A)(2) of this section that there are excess interest				74734
earnings, the Director of Budget and Management shall, on or				74735
before July 15, 2009, transfer the excess interest earnings to the				74736
General Revenue Fund in an amount equal to the total amount				74737
disbursed under division (A)(1) of this section from the Clean				74738
Ohio Conservation Fund.				74739
CLEAN OHIO OPERATING EXPENSES				74740
The foregoing appropriation item 150-403, Clean Ohio				74741
Operating Expenses, shall be used by the Ohio Public Works				74742
Commission in administering sections 164.20 to 164.27 of the				74743
Revised Code.				74744
Section 373.10. RAC STATE RACING COMMISSION				74745
State Special Revenue Fund Group				74746
5C4 875-607 Simulcast Horse Racing \$ 16,000,000 \$ 16,000,000				74747
Purse				
562 875-601 Thoroughbred Race Fund \$ 3,100,000 \$ 3,100,000				74748
563 875-602 Standardbred \$ 2,600,000 \$ 2,600,000				74749
Development Fund				
564 875-603 Quarterhorse \$ 1,000 \$ 1,000				74750
Development Fund				
565 875-604 Racing Commission \$ 4,487,599 \$ 4,487,599				74751

Operating

TOTAL SSR State Special Revenue				74752
Fund Group	\$	26,188,599	\$ 26,188,599	74753
Holding Account Redistribution Fund Group				74754
R21 875-605 Bond Reimbursements	\$	212,900	\$ 212,900	74755
TOTAL 090 Holding Account				74756
Redistribution				
Fund Group	\$	212,900	\$ 212,900	74757
TOTAL ALL BUDGET FUND GROUPS	\$	26,401,499	\$ 26,401,499	74758

Section 375.10. BOR BOARD OF REGENTS 74760

General Revenue Fund				74761
GRF 235-321 Operating Expenses	\$	3,141,351	\$ 3,141,351	74762
GRF 235-401 Lease Rental Payments	\$	203,177,900	\$ 136,017,500	74763
GRF 235-402 Sea Grants	\$	300,000	\$ 300,000	74764
GRF 235-406 Articulation and	\$	2,900,000	\$ 2,900,000	74765
Transfer				
GRF 235-408 Midwest Higher	\$	95,000	\$ 95,000	74766
Education Compact				
GRF 235-409 Information System	\$	1,175,172	\$ 1,175,172	74767
GRF 235-414 State Grants and	\$	1,707,881	\$ 1,707,881	74768
Scholarship				
Administration				
GRF 235-415 Jobs Challenge	\$	9,348,300	\$ 9,348,300	74769
GRF 235-417 Ohio Learning Network	\$	3,119,496	\$ 3,119,496	74770
GRF 235-418 Access Challenge	\$	66,585,769	\$ 66,585,769	74771
GRF 235-420 Success Challenge	\$	53,653,973	\$ 53,653,973	74772
GRF 235-428 Appalachian New	\$	1,176,068	\$ 1,176,068	74773
Economy Partnership				
GRF 235-433 Economic Growth	\$	17,186,194	\$ 17,186,194	74774
Challenge				
GRF 235-434 College Readiness and	\$	12,655,425	\$ 12,655,425	74775

	Access				
GRF 235-435	Teacher Improvement	\$	4,797,506	\$	11,297,506 74776
	Initiatives				
GRF 235-436	AccelerateOhio	\$	1,250,000	\$	2,500,000 74777
GRF 235-438	Choose Ohio First	\$	50,000,000	\$	50,000,000 74778
	Scholarship				
GRF 235-439	Ohio Research Scholars	\$	30,000,000	\$	0 74779
GRF 235-451	Eminent Scholars	\$	0	\$	1,000,000 74780
GRF 235-455	EnterpriseOhio Network	\$	1,373,941	\$	1,373,941 74781
GRF 235-474	Area Health Education	\$	1,571,756	\$	1,571,756 74782
	Centers Program				
	Support				
GRF 235-501	State Share of	\$	1,678,877,952	\$	1,842,965,747 74783
	Instruction				
GRF 235-502	Student Support	\$	795,790	\$	795,790 74784
	Services				
GRF 235-503	Ohio Instructional	\$	42,533,966	\$	18,315,568 74785
	Grants				
GRF 235-504	War Orphans	\$	4,812,321	\$	4,812,321 74786
	Scholarships				
GRF 235-507	OhioLINK	\$	7,387,824	\$	7,387,824 74787
GRF 235-508	Air Force Institute of	\$	2,050,345	\$	2,050,345 74788
	Technology				
GRF 235-510	Ohio Supercomputer	\$	4,271,195	\$	4,271,195 74789
	Center				
GRF 235-511	Cooperative Extension	\$	26,273,260	\$	26,273,260 74790
	Service				
GRF 235-513	Ohio University	\$	669,082	\$	669,082 74791
	Voinovich Center				
GRF 235-514	Central State	\$	11,756,414	\$	12,109,106 74792
	Supplement				
GRF 235-515	Case Western Reserve	\$	3,011,271	\$	3,011,271 74793
	University School of				

	Medicine				
GRF 235-518	Capitol Scholarship Program	\$	125,000	\$	125,000 74794
GRF 235-519	Family Practice	\$	4,548,470	\$	4,548,470 74795
GRF 235-520	Shawnee State Supplement	\$	2,502,323	\$	2,577,393 74796
GRF 235-521	The Ohio State University John Glenn School of Public Affairs	\$	619,082	\$	619,082 74797
GRF 235-524	Police and Fire Protection	\$	171,959	\$	171,959 74798
GRF 235-525	Geriatric Medicine	\$	750,110	\$	750,110 74799
GRF 235-526	Primary Care Residencies	\$	2,245,688	\$	2,245,688 74800
GRF 235-527	Ohio Aerospace Institute	\$	1,764,957	\$	1,764,957 74801
GRF 235-530	Academic Scholarships	\$	7,800,000	\$	7,800,000 74802
GRF 235-531	Student Choice Grants	\$	38,485,376	\$	38,485,376 74803
GRF 235-535	Ohio Agricultural Research and Development Center	\$	37,174,292	\$	37,174,292 74804
GRF 235-536	The Ohio State University Clinical Teaching	\$	13,565,885	\$	13,565,885 74805
GRF 235-537	University of Cincinnati Clinical Teaching	\$	11,157,756	\$	11,157,756 74806
GRF 235-538	University of Toledo Clinical Teaching	\$	8,696,866	\$	8,696,866 74807
GRF 235-539	Wright State University Clinical Teaching	\$	4,225,107	\$	4,225,107 74808

GRF 235-540	Ohio University Clinical Teaching	\$	4,084,540	\$	4,084,540	74809
GRF 235-541	Northeastern Ohio Universities College of Medicine Clinical Teaching	\$	4,200,945	\$	4,200,945	74810
GRF 235-543	Ohio College of Podiatric Medicine Clinic Subsidy	\$	100,000	\$	100,000	74811
GRF 235-547	School of International Business	\$	450,000	\$	650,000	74812
GRF 235-552	Capital Component	\$	19,306,442	\$	19,306,442	74813
GRF 235-553	Dayton Area Graduate Studies Institute	\$	2,931,599	\$	2,931,599	74814
GRF 235-554	Priorities in Collaborative Graduate Education	\$	2,355,548	\$	2,355,548	74815
GRF 235-555	Library Depositories	\$	1,696,458	\$	1,696,458	74816
GRF 235-556	Ohio Academic Resources Network	\$	3,727,223	\$	3,727,223	74817
GRF 235-558	Long-term Care Research	\$	461,047	\$	461,047	74818
GRF 235-561	Bowling Green State University Canadian Studies Center	\$	100,015	\$	100,015	74819
GRF 235-563	Ohio College Opportunity Grant	\$	139,974,954	\$	151,113,781	74820
GRF 235-567	Central State University Speed to Scale	\$	4,400,000	\$	3,800,000	74821
GRF 235-571	James A. Rhodes Scholarship	\$	10,000,000	\$	0	74822
GRF 235-572	The Ohio State	\$	1,277,019	\$	1,277,019	74823

	University Clinic				
	Support				
GRF 235-573	Ohio Humanities	\$	25,000	\$	25,000
	Council				74824
GRF 235-583	Urban University	\$	5,825,937	\$	5,825,937
	Program				74825
GRF 235-587	Rural University	\$	1,159,889	\$	1,159,889
	Projects				74826
GRF 235-596	Hazardous Materials	\$	360,435	\$	360,435
	Program				74827
GRF 235-599	National Guard	\$	16,611,063	\$	16,611,063
	Scholarship Program				74828
GRF 235-909	Higher Education	\$	172,722,400	\$	208,747,200
	General Obligation				74829
	Debt Service				
TOTAL GRF	General Revenue Fund	\$	2,773,258,537	\$	2,861,908,923
					74830
	General Services Fund Group				74831
220 235-614	Program Approval and	\$	800,000	\$	800,000
	Reauthorization				74832
456 235-603	Sales and Services	\$	700,000	\$	700,000
					74833
TOTAL GSF	General Services				74834
Fund Group		\$	1,500,000	\$	1,500,000
					74835
	Federal Special Revenue Fund Group				74836
3BG 235-626	Star Schools	\$	2,980,865	\$	2,990,746
					74837
3H2 235-608	Human Services Project	\$	3,000,000	\$	3,000,000
					74838
3H2 235-622	Medical Collaboration	\$	3,346,144	\$	3,346,144
	Network				74839
3N6 235-605	State Student	\$	2,196,680	\$	2,196,680
	Incentive Grants				74840
3T0 235-610	National Health	\$	250,000	\$	250,000
	Service Corps - Ohio				74841
	Loan Repayment				

312	235-609	Tech Prep	\$	183,850	\$	183,850	74842
312	235-611	Gear-up Grant	\$	3,300,000	\$	3,300,000	74843
312	235-612	Carl D. Perkins Grant/Plan Administration	\$	112,960	\$	112,960	74844
312	235-617	Improving Teacher Quality Grant	\$	3,200,000	\$	3,200,000	74845
312	235-621	Science Education Network	\$	1,686,970	\$	1,686,970	74846
TOTAL FED Federal Special Revenue							74847
Fund Group			\$	20,257,469	\$	20,267,350	74848
State Special Revenue Fund Group							74849
4E8	235-602	Higher Educational Facility Commission Administration	\$	50,000	\$	45,000	74850
4P4	235-604	Physician Loan Repayment	\$	476,870	\$	476,870	74851
649	235-607	The Ohio State University Highway/Transportation Research	\$	760,000	\$	760,000	74852
682	235-606	Nursing Loan Program	\$	893,000	\$	893,000	74853
5DT	235-627	American Diploma Project	\$	250,000	\$	0	74854
TOTAL SSR State Special Revenue							74855
Fund Group			\$	2,429,870	\$	2,174,870	74856
TOTAL ALL BUDGET FUND GROUPS			\$	2,797,445,876	\$	2,885,851,143	74857

Section 375.10.10. OPERATING EXPENSES 74859

Of the foregoing appropriation item 235-321, Operating 74860
 Expenses, up to \$150,000 in each fiscal year shall be used in 74861
 conjunction with funding provided in the Department of Education 74862
 budget under appropriation item 200-427, Academic Standards, to 74863

fund the operations of Ohio's Partnership for Continued Learning. 74864
The Partnership shall advise and make recommendations to promote 74865
collaboration among relevant state entities in an effort to help 74866
local communities develop coherent and successful "P-16" learning 74867
systems. Upon requesting and receiving approval from the 74868
Controlling Board, the Director of Budget and Management may 74869
transfer any unencumbered fiscal year 2008 balance to fiscal year 74870
2009 to support the activities of the Partnership. 74871

Section 375.10.20. LEASE RENTAL PAYMENTS 74872

The foregoing appropriation item 235-401, Lease Rental 74873
Payments, shall be used to meet all payments at the times they are 74874
required to be made during the period from July 1, 2007, to June 74875
30, 2009, by the Board of Regents under leases and agreements made 74876
under section 154.21 of the Revised Code. These appropriations are 74877
the source of funds pledged for bond service charges or 74878
obligations issued pursuant to Chapter 154. of the Revised Code. 74879

Section 375.10.30. SEA GRANTS 74880

The foregoing appropriation item 235-402, Sea Grants, shall 74881
be disbursed to the Ohio State University and shall be used to 74882
conduct research on fish in Lake Erie. 74883

Section 375.10.40. ARTICULATION AND TRANSFER 74884

The foregoing appropriation item 235-406, Articulation and 74885
Transfer, shall be used by the Board of Regents to maintain and 74886
expand the work of the Articulation and Transfer Council to 74887
develop a system of transfer policies to ensure that students at 74888
state institutions of higher education can transfer and have 74889
coursework apply to their majors and degrees at any other state 74890
institution of higher education without unnecessary duplication or 74891
institutional barriers under sections 3333.16, 3333.161, and 74892

3333.162 of the Revised Code. The Board of Regents shall, in 74893
consultation with the Governor and the Department of Education, 74894
convene a work group to establish coursework for content knowledge 74895
and teacher competencies for early care and education degrees to 74896
support articulation and transfer of coursework, certifications, 74897
and credit earned across state-supported institutions of higher 74898
education. 74899

Of the foregoing appropriation item 235-406, Articulation and 74900
Transfer, \$200,000 in each fiscal year shall be used to support 74901
the work of the Articulation and Transfer Council under division 74902
(B) of section 3333.162 of the Revised Code. 74903

Section 375.10.50. MIDWEST HIGHER EDUCATION COMPACT 74904

The foregoing appropriation item 235-408, Midwest Higher 74905
Education Compact, shall be distributed by the Board of Regents 74906
under section 3333.40 of the Revised Code. 74907

Section 375.10.60. INFORMATION SYSTEM 74908

The foregoing appropriation item 235-409, Information System, 74909
shall be used by the Board of Regents to operate the higher 74910
education information data system known as the Higher Education 74911
Information System. 74912

Section 375.10.70. STATE GRANTS AND SCHOLARSHIP 74913
ADMINISTRATION 74914

The foregoing appropriation item 235-414, State Grants and 74915
Scholarship Administration, shall be used by the Board of Regents 74916
to administer the following student financial aid programs: Ohio 74917
Instructional Grants, Ohio College Opportunity Grant, Ohio Student 74918
Choice Grant, Ohio Academic Scholarship, Ohio War Orphans' 74919
Scholarship, Nurse Education Assistance Loan Program, Regents 74920
Graduate/Professional Fellowship, Ohio Safety Officers College 74921

Memorial Fund, Capitol Scholarship Program, and any other student 74922
financial aid programs created by the General Assembly. The 74923
appropriation item also shall be used to administer the federal 74924
Leveraging Educational Assistance Partnership (LEAP) and Special 74925
Leveraging Educational Assistance Partnership (SLEAP) programs and 74926
other student financial aid programs created by Congress and to 74927
provide fiscal services for the Ohio National Guard Scholarship 74928
Program, the Physician Loan Repayment Program, and the Dentist 74929
Loan Repayment Program. 74930

Section 375.10.80. JOBS CHALLENGE 74931

Funds appropriated to the foregoing appropriation item 74932
235-415, Jobs Challenge, shall be distributed to state-assisted 74933
community and technical colleges, regional campuses of 74934
state-assisted universities, and other organizationally distinct 74935
and identifiable member campuses of the EnterpriseOhio Network in 74936
support of noncredit job-related training. In each fiscal year, 74937
\$2,770,773 shall be distributed as performance grants to 74938
EnterpriseOhio Network campuses based upon each campus's 74939
documented performance according to criteria established by the 74940
Board of Regents for assessment, training, and related services to 74941
businesses, industries, and public sector organizations. 74942

Of the foregoing appropriation item 235-415, Jobs Challenge, 74943
\$2,819,345 in each fiscal year shall be allocated to the Targeted 74944
Industries Training Grant Program to attract, develop, and retain 74945
business and industry strategically important to the state's 74946
economy and regional priorities. 74947

Of the foregoing appropriation item 235-415, Jobs Challenge, 74948
\$3,758,182 in each fiscal year shall be allocated to the Higher 74949
Skills Incentives Program to promote and deliver coordinated 74950
assessment and comprehensive training to local employers and to 74951
reward EnterpriseOhio Network campuses for the amount of 74952

non-credit skill upgrading services provided to Ohio employers and 74953
employees. The funds shall be distributed to campuses in 74954
proportion to each campus's share of noncredit job-related 74955
training revenues received by all campuses for the previous fiscal 74956
year. 74957

Section 375.10.90. OHIO LEARNING NETWORK 74958

The foregoing appropriation item 235-417, Ohio Learning 74959
Network, shall be used by the Board of Regents to support the 74960
continued implementation of the Ohio Learning Network, a statewide 74961
collaborative that delivers adult education including degree 74962
completion, workforce training, and professional development using 74963
online and distance education initiatives. The funds shall be used 74964
by the Ohio Learning Network to develop and promote learning and 74965
assessment through the use of technology, to test and provide 74966
advice on emerging learning-directed technologies, and to 74967
facilitate cost-effectiveness through shared educational 74968
technology investments. 74969

Section 375.20.10. ACCESS CHALLENGE 74970

The foregoing appropriation item 235-418, Access Challenge, 74971
shall be distributed to Ohio's state-assisted access colleges and 74972
universities. For the purposes of this allocation, "access 74973
campuses" includes state-assisted community colleges, state 74974
community colleges, technical colleges, Shawnee State University, 74975
Central State University, Cleveland State University, the regional 74976
campuses of state-assisted universities, and, where they are 74977
organizationally distinct and identifiable, the 74978
community-technical colleges located at the University of 74979
Cincinnati, Youngstown State University, and the University of 74980
Akron. 74981

The purpose of Access Challenge is to reduce the student 74982

share of costs for resident undergraduates enrolled in lower 74983
division undergraduate courses at Ohio's access campuses. The 74984
long-term goal is to make the student share of costs for these 74985
students equivalent to the student share of costs for resident 74986
undergraduate students enrolled throughout Ohio's public colleges 74987
and universities. Access Challenge appropriations shall be used to 74988
sustain, as much as possible, the tuition restraint or tuition 74989
reduction that was achieved with Access Challenge allocations in 74990
prior years. Access campuses shall disclose, in their tuition 74991
billing statements to students, the amount of tuition subsidized 74992
by state Access Challenge subsidies. 74993

In fiscal year 2008, Access Challenge subsidies shall be 74994
distributed by the Board of Regents to eligible access campuses on 74995
the basis of the average of each campus's share of fiscal year 74996
2005 and 2006 all-terms subsidy-eligible General Studies FTEs. In 74997
fiscal year 2009, Access Challenge subsidies shall be distributed 74998
by the Board of Regents to eligible access campuses on the basis 74999
of the average of each campus's share of fiscal year 2006 and 2007 75000
all-terms subsidy-eligible General Studies FTEs. 75001

For purposes of this calculation, Cleveland State 75002
University's enrollments shall be adjusted by the ratio of the sum 75003
of subsidy-eligible lower-division FTE student enrollments 75004
eligible for access funding to the sum of subsidy-eligible General 75005
Studies FTE student enrollments at Central State University and 75006
Shawnee State University, and for the following universities and 75007
their regional campuses: the Ohio State University, Ohio 75008
University, Kent State University, Bowling Green State University, 75009
Miami University, the University of Cincinnati, the University of 75010
Akron, and Wright State University. 75011

Section 375.20.20. SUCCESS CHALLENGE 75012

The foregoing appropriation item 235-420, Success Challenge, 75013

shall be used by the Board of Regents to promote degree completion 75014
by students enrolled at a main campus of a state-assisted 75015
university. 75016

Of the foregoing appropriation item 235-420, Success 75017
Challenge, 66.67 per cent of the appropriation in each fiscal year 75018
shall be distributed to state-assisted university main campuses in 75019
proportion to each campus's share of the total statewide 75020
bachelor's degrees granted by university main campuses to 75021
"at-risk" students. In fiscal years 2008 and 2009, an "at-risk" 75022
student means any undergraduate student who was eligible to 75023
receive an Ohio need-based financial aid award during the past ten 75024
years. An eligible institution shall not receive its share of this 75025
distribution until it has submitted a plan that addresses how the 75026
subsidy will be used to better serve at-risk students and increase 75027
their likelihood of successful completion of a bachelor's degree 75028
program. The Board of Regents shall disseminate to all 75029
state-supported institutions of higher education all such plans 75030
submitted by institutions that received Success Challenge funds. 75031

Of the foregoing appropriation item 235-420, Success 75032
Challenge, 33.33 per cent of the appropriation in each fiscal year 75033
shall be distributed to university main campuses in proportion to 75034
each campus's share of the total bachelor's degrees granted by 75035
university main campuses to undergraduate students who completed 75036
their bachelor's degrees in a "timely manner" in the previous 75037
fiscal year. For purposes of this section, "timely manner" means 75038
the normal time it would take for a full-time degree-seeking 75039
undergraduate student to complete the student's degree. Generally, 75040
for such students pursuing a bachelor's degree, "timely manner" 75041
means four years. Exceptions to this general rule shall be 75042
permitted for students enrolled in programs specifically designed 75043
to be completed in a longer time period. The Board of Regents 75044
shall collect data to assess the timely completion statistics by 75045

university main campuses. 75046

Section 375.20.30. APPALACHIAN NEW ECONOMY PARTNERSHIP 75047

The foregoing appropriation item 235-428, Appalachian New 75048
Economy Partnership, shall be distributed to Ohio University to 75049
continue a multi-campus and multi-agency coordinated effort to 75050
link Appalachia to the new economy. Ohio University shall use 75051
these funds to provide leadership in the development and 75052
implementation of initiatives in the areas of entrepreneurship, 75053
management, education, and technology. 75054

Section 375.20.40. ECONOMIC GROWTH CHALLENGE 75055

The foregoing appropriation item 235-433, Economic Growth 75056
Challenge, shall be used to enhance the basic research 75057
capabilities of Ohio's public and private institutions of higher 75058
education, support improved graduate programs throughout the 75059
state, and promote the transfer of technology developed by 75060
colleges and universities to private industry to further the 75061
economic goals of the state. 75062

Of the foregoing appropriation item 235-433, Economic Growth 75063
Challenge, \$12,000,000 in each fiscal year shall be used for the 75064
Research Incentive Program to enhance the basic research 75065
capabilities of public colleges and universities and accredited 75066
Ohio institutions of higher education holding certificates of 75067
authorization issued under section 1713.02 of the Revised Code, in 75068
order to strengthen academic research for pursuing Ohio's economic 75069
development goals. The Board of Regents, in consultation with the 75070
colleges and universities, shall administer the Research Incentive 75071
Program and utilize a means of matching, on a fractional basis, 75072
external funds attracted in the previous year by institutions for 75073
basic research. The program may include incentives for increasing 75074
the amount of external research funds coming to eligible 75075

institutions and for focusing research efforts upon critical state 75076
needs. Colleges and universities shall submit for review and 75077
approval to the Board of Regents plans for the institutional 75078
allocation of state dollars received through the program. The 75079
institutional plans shall provide the rationale for the allocation 75080
in terms of the strategic targeting of funds for academic and 75081
state purposes, for strengthening research programs, for 75082
increasing the amount of external research funds, and shall 75083
include an evaluation process to provide results of the increased 75084
support. Institutional plans for the use of Research Incentive 75085
funding must demonstrate a significant investment in Third 75086
Frontier activities funded at the institution. For a college or 75087
university with multiple Third Frontier grants, as much as ten per 75088
cent of that institution's Research Incentive funding may be 75089
invested in Third Frontier Project-related activities. Each 75090
institutional plan for the investment of Research Incentive moneys 75091
shall report on existing, planned, or possible relationships with 75092
other state science and technology programs and funding recipients 75093
in order to further ongoing statewide science and technology 75094
collaboration objectives. The Board of Regents shall submit a 75095
biennial report of progress to the General Assembly. 75096

In each fiscal year, both those state-assisted doctoral 75097
degree-granting universities and those accredited Ohio 75098
institutions of higher education holding certificates of 75099
authorization under section 1713.02 of the Revised Code may elect 75100
to participate in the Innovation Incentive Plan designed to 75101
enhance doctoral programs and areas of research that have the 75102
greatest potential to attract preeminent researchers and build 75103
research capacity; enhance regional or state economic growth by 75104
creating new products and services to be commercialized; and 75105
complement Ohio's Third Frontier Project. 75106

In each fiscal year, funding for the Innovation Incentive 75107

Program shall be generated from those state-assisted doctoral 75108
degree-granting universities electing to set aside a portion of 75109
their allocations as provided in appropriation item 235-501, State 75110
Share of Instruction, and state matching funds provided in 75111
appropriation item 235-433, Economic Growth Challenge. In each 75112
fiscal year, the Board of Regents shall withhold each 75113
participating state-assisted university's required matching share 75114
from its allocation as provided in appropriation item 235-501, 75115
State Share of Instruction. Additionally, those accredited Ohio 75116
institutions of higher education holding certificates of 75117
authorization under section 1713.02 of the Revised Code electing 75118
to participate in the Innovation Incentive Program shall be 75119
required to set aside an amount comparable to the state-assisted 75120
doctoral degree-granting universities. The criteria for the 75121
determination of this amount shall be developed by the Board of 75122
Regents. 75123

Of the foregoing appropriation item 235-433, Economic Growth 75124
Challenge, \$4,686,194 in each fiscal year shall match funds set 75125
aside by the participating universities under the Innovation 75126
Incentive Program. 75127

The Board of Regents shall use the combined amount of each 75128
participating state-assisted university's set aside of the 75129
doctoral reserve that has been withheld, the state matching funds 75130
earmarked under appropriation item 235-433, Economic Growth 75131
Challenge, and the amount set aside by each accredited Ohio 75132
institution of higher education holding a certificate of 75133
authorization under section 1713.02 of the Revised Code electing 75134
to participate in the Innovation Incentive Program to make awards 75135
through a competitive process under the Innovation Incentive 75136
Program. Only universities electing to set aside the prescribed 75137
amount shall be eligible to compete for and receive Innovation 75138
Incentive awards. The participating universities shall use these 75139

awards to restructure their array of doctoral programs. 75140

Of the foregoing appropriation item 235-433, Economic Growth 75141
Challenge, \$500,000 in each fiscal year shall be distributed for 75142
the Technology Commercialization Incentive. The purpose of the 75143
Technology Commercialization Incentive is to reward public and 75144
private colleges and universities for successful technology 75145
transfer to Ohio-based business and industry resulting in the 75146
commercialization of new products, processes, and services and the 75147
establishment of new business start-ups within the state. The 75148
Third Frontier Commission, with counsel from the Third Frontier 75149
Advisory Board, shall establish the eligibility criteria for 75150
public and private colleges and universities interested in 75151
applying for Technology Commercialization Incentive funding. To 75152
qualify for the funds, public and private colleges and 75153
universities must maintain a significant investment in their own 75154
technology-transfer and commercialization operation and 75155
capabilities, and possess a significant history of successful 75156
research partnerships with Ohio-based business and industry. 75157

Section 375.20.50. COLLEGE READINESS AND ACCESS 75158

Appropriation item 235-434, College Readiness and Access, 75159
shall be used by the Board of Regents to support programs designed 75160
to improve the academic preparation and increase the number of 75161
students that enroll and succeed in higher education such as the 75162
Ohio College Access Network, the state match for the federal 75163
Gaining Early Awareness and Readiness for Undergraduate Program, 75164
and early awareness initiatives. The appropriation item shall also 75165
be used to support innovative statewide strategies to increase 75166
student access and retention for specialized populations, and to 75167
provide for pilot projects that will contribute to improving 75168
access to higher education by specialized populations. The funds 75169
also may be used for projects that improve access for nonpublic 75170

secondary students. 75171

Of the foregoing appropriation item 235-434, College 75172
Readiness and Access, \$798,684 in fiscal year 2008 and \$822,645 in 75173
fiscal year 2009 shall be distributed to the Ohio Appalachian 75174
Center for Higher Education at Shawnee State University. The board 75175
of directors of the Center shall consist of the presidents of 75176
Shawnee State University, Belmont Technical College, Hocking 75177
College, Jefferson Community College, Zane State College, Rio 75178
Grande Community College, Southern State Community College, and 75179
Washington State Community College; the president of Ohio 75180
University or a designee of the president; the dean of one of the 75181
Salem, Tuscarawas, and East Liverpool regional campuses of Kent 75182
State University, as designated by the president of Kent State 75183
University; and a representative of the Board of Regents 75184
designated by the Chancellor. 75185

Of the foregoing appropriation item 235-434, College 75186
Readiness and Access, \$169,553 in fiscal year 2008 and \$174,640 in 75187
fiscal year 2009 shall be distributed to Miami University for the 75188
Student Achievement in Research and Scholarship (STARS) Program. 75189

Of the foregoing appropriation item 235-434, College 75190
Readiness and Access, \$3,503,985 in each fiscal year shall be used 75191
in conjunction with funding provided in the Ohio Department of 75192
Education budget under appropriation item 200-431, School 75193
Improvement Initiatives, to support the Early College High School 75194
Program. The funds shall be distributed according to guidelines 75195
established by the Department of Education and the Board of 75196
Regents. 75197

Section 375.20.60. TEACHER IMPROVEMENT INITIATIVES 75198

Appropriation item 235-435, Teacher Improvement Initiatives, 75199
shall be used by the Board of Regents to support programs such as 75200
OSI - Discovery and the Centers of Excellence in Mathematics and 75201

Science designed to raise the quality of mathematics and science 75202
teaching in primary, secondary, and post-secondary education. 75203

Of the foregoing appropriation item 235-435, Teacher 75204
Improvement Initiatives, \$204,049 in each fiscal year shall be 75205
distributed to the Mathematics and Science Center in Lake County. 75206

Of the foregoing appropriation item 235-435, Teacher 75207
Improvement Initiatives, \$106,619 in each fiscal year shall be 75208
distributed to the Ohio Mathematics and Science Coalition. 75209

Of the foregoing appropriation item 235-435, Teacher 75210
Improvement Initiatives, \$100,000 in each fiscal year shall be 75211
distributed to the Teacher Quality Partnerships study. 75212

Of the foregoing appropriation item 235-435, Teacher 75213
Improvement Initiatives, \$100,000 in each fiscal year shall be 75214
distributed to the Sinclair Community College Distance Learning 75215
STEM Partnership. 75216

Of the foregoing appropriation item 235-435, Teacher 75217
Improvement Initiatives, \$874,871 in each fiscal year shall be 75218
distributed to the Ohio Resource Center for Mathematics, Science, 75219
and Reading. The funds shall be used to support a resource center 75220
for mathematics, science, and reading to be located at a 75221
state-assisted university for the purpose of identifying best 75222
educational practices in primary and secondary schools and 75223
establishing methods for communicating them to colleges of 75224
education and school districts. The Ohio Resource Center for 75225
Mathematics, Science, and Reading shall not make available 75226
resources that are inconsistent with the K-12 science standards 75227
and policies as adopted by the State Board of Education. 75228

Of the foregoing appropriation item 235-435, Teacher 75229
Improvement Initiatives, up to \$2,000,000 in each fiscal year 75230
shall be used to support up to ten regional summer academies that 75231
focus on foreign language, science, mathematics, engineering, and 75232

technology and prepare eleventh and twelfth grade students 75233
enrolled in public or chartered nonpublic schools to pursue 75234
college-level foreign language, mathematics, science, technology, 75235
and engineering, with a focus on secondary teaching in these 75236
disciplines. Successful completion of these academics shall result 75237
in dual high school and college credits. Costs shall be based upon 75238
reasonable expenses, as determined by the Board of Regents, that 75239
institutions of higher education may incur for faculty, supplies, 75240
and other associated costs. 75241

Of the foregoing appropriation item 235-435, Teacher 75242
Improvement Initiatives, up to \$4,000,000 in fiscal year 2009 75243
shall be used to fund teacher-signing bonuses for individuals that 75244
enter the teaching profession in a public school district or 75245
school district building that has been designated a hard-to-staff 75246
school by the Department of Education. To qualify for the signing 75247
bonus, an individual must: (a) be licensed to teach; (b) be 75248
assigned to teach in foreign language, science, or mathematics; 75249
and (c) agree to teach in a hard-to-staff school for a minimum of 75250
five years. An individual may qualify for up to \$20,000 in 75251
state-funded bonuses if all obligations are met. The Board of 75252
Regents shall develop this program jointly with the Department of 75253
Education and the Partnership for Continued Learning. An 75254
individual may participate in either the teacher-signing bonus 75255
program or the teacher loan-forgiveness program, but may not 75256
receive benefits from both programs. The Board of Regents shall 75257
recoup funds received by any program participant who has not 75258
fulfilled the five-year teaching obligation as described in this 75259
section. 75260

Of the foregoing appropriation item 235-435, Teacher 75261
Improvement Initiatives, up to \$2,500,000 in fiscal year 2009 75262
shall be used to fund teacher loan-forgiveness for individuals 75263
that enter the teaching profession in a school district or school 75264

district building that has been designated as a hard-to-staff 75265
school by the Department of Education. To qualify for the loan 75266
forgiveness, an individual must: (a) be licensed to teach; (b) be 75267
assigned to teach in foreign language, science, or mathematics; 75268
and (c) agree to teach in a hard-to-staff school for a minimum of 75269
five years. An individual may qualify for up to \$20,000 in state 75270
funded loan forgiveness if all obligations are met. The Board of 75271
Regents shall develop this program jointly with the Department of 75272
Education and the Partnership for Continued Learning. An 75273
individual may participate in either the teacher-signing bonus 75274
program or the teacher loan-forgiveness program, but may not 75275
receive benefits from both programs. The Board of Regents shall 75276
recoup funds received by any program participant who has not 75277
fulfilled the five-year teaching obligation as described in this 75278
section. 75279

Section 375.20.70. ACCELERATEOHIO 75280

Of the foregoing appropriation item 235-436, AccelerateOhio, 75281
\$500,000 in each fiscal year shall be used to support the Health 75282
Information and Imaging Technology Workforce Development Pilot 75283
Project pursuant to section 3333.55 of the Revised Code. 75284

The remainder of the foregoing appropriation item 235-436 75285
AccelerateOhio, shall be used by the Board of Regents, in 75286
collaboration with Ohio's public two-year campuses, to develop and 75287
implement a statewide program designed to improve the education 75288
and skills of Ohio's workforce by assisting low-income working 75289
adults in Ohio to improve their education and training. 75290
AccelerateOhio shall consist of competency-based, low-cost, 75291
noncredit, and credit-bearing modules and courses in 75292
communications, mathematics, and information technology, and other 75293
fields selected by the Board of Regents. The program shall be 75294
designed to culminate in a certificate and provide recipients with 75295

a foundation for additional post-secondary education. 75296

Section 375.20.76. CHOOSE OHIO FIRST SCHOLARSHIP 75297

The foregoing appropriation item 235-438, Choose Ohio First 75298
Scholarship, shall be disbursed pursuant to sections 3333.60 to 75299
3333.70 of the Revised Code. 75300

Section 375.20.77. OHIO RESEARCH SCHOLARS 75301

The foregoing appropriation item 235-439, Ohio Research 75302
Scholars, shall be disbursed pursuant to sections 3333.60 to 75303
3333.70 of the Revised Code. 75304

Section 375.20.80. EMINENT SCHOLARS 75305

The foregoing appropriation item 235-451, Eminent Scholars, 75306
shall be used by the Ohio Board of Regents to continue the Ohio 75307
Eminent Scholars Program, the purpose of which is to invest 75308
educational resources to address problems that are of vital 75309
statewide significance while fostering the growth in eminence of 75310
Ohio's academic programs. Ohio Eminent Scholars endowed chairs 75311
shall allow Ohio universities to recruit senior faculty members 75312
from outside Ohio who are nationally and internationally 75313
recognized scholars in areas of science and technology that 75314
provide the basic research platforms on which the state's 75315
technology and commercialization efforts are built. Endowment 75316
grants to state colleges and universities and nonprofit Ohio 75317
institutions of higher education holding certificates of 75318
authorization issued under section 1713.02 of the Revised Code to 75319
match endowment gifts from nonstate sources may be made in 75320
accordance with a plan established by the Ohio Board of Regents. 75321
Matching nonstate endowment gifts shall be equal to the state's 75322
endowment grant. The grants shall have as their purpose attracting 75323
and sustaining in Ohio scholar-leaders of national or 75324

international prominence; each grant shall assist in accelerating 75325
state economic growth through research that provides an essential 75326
basic science platform for commercialization efforts. Such 75327
scholar-leaders shall, among their duties, share broadly the 75328
benefits and knowledge unique to their fields of scholarship to 75329
the betterment of Ohio and its people and collaborate with other 75330
state technology programs and program recipients. 75331

All new Eminent Scholar awards made by the Board of Regents 75332
shall be associated with a Wright Center of Innovation, a 75333
Partnership Award from the Biomedical Research and Technology 75334
Transfer Trust Fund, or a Wright Capital Project. 75335

Section 375.20.90. ENTERPRISEOHIO NETWORK 75336

The foregoing appropriation item 235-455, EnterpriseOhio 75337
Network, shall be allocated by the Board of Regents to continue 75338
increasing the capabilities of the EnterpriseOhio Network to meet 75339
the ongoing training needs of Ohio employers. Funds shall support 75340
multicampus collaboration, best practice dissemination, and 75341
capacity building projects. The Regents Advisory Committee for 75342
Workforce Development, in its advisory role, shall advise in the 75343
development of plans and activities. 75344

Section 375.30.10. AREA HEALTH EDUCATION CENTERS 75345

The foregoing appropriation item 235-474, Area Health 75346
Education Centers Program Support, shall be used by the Board of 75347
Regents to support the medical school regional area health 75348
education centers' educational programs for the continued support 75349
of medical and other health professions education and for support 75350
of the Area Health Education Center Program. 75351

Of the foregoing appropriation item 235-474, Area Health 75352
Education Centers Program Support, \$159,158 in each fiscal year 75353
shall be disbursed to the Ohio University College of Osteopathic 75354

Medicine to operate a mobile health care unit to serve the 75355
southeastern area of the state. 75356

Of the foregoing appropriation item 235-474, Area Health 75357
Education Centers Program Support, \$119,369 in each fiscal year 75358
shall be used to support the Ohio Valley Community Health 75359
Information Network (OVCHIN) project. 75360

Section 375.30.20. STATE SHARE OF INSTRUCTION 75361

The Board of Regents shall establish procedures to allocate 75362
the foregoing appropriation item 235-501, State Share of 75363
Instruction, based on the formulas and enrollment in the 75364
instructional models set out in this section. 75365

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS 75366

(1) As soon as practicable during each fiscal year of the 75367
biennium ending June 30, 2009, in accordance with instructions of 75368
the Board of Regents, each state-assisted institution of higher 75369
education shall report its actual enrollment to the Board of 75370
Regents. 75371

(2) In defining the number of full-time equivalent students 75372
for state subsidy purposes, the Board of Regents shall exclude all 75373
undergraduate students who are not residents of Ohio, except those 75374
charged in-state fees in accordance with reciprocity agreements 75375
made under section 3333.17 of the Revised Code or employer 75376
contracts entered into under section 3333.32 of the Revised Code. 75377

(3) In calculating the core subsidy entitlements for Medical 75378
II models only, the Board of Regents shall use the following count 75379
of FTE students: 75380

(a) For those medical schools whose current year enrollment, 75381
including students repeating terms, is below the base enrollment, 75382
the Medical II FTE enrollment shall equal: 65 per cent of the base 75383
enrollment plus 35 per cent of the current year enrollment 75384

including students repeating terms, where the base enrollment is:		75385
The Ohio State University	1010	75386
University of Cincinnati	833	75387
University of Toledo	650	75388
Wright State University	433	75389
Ohio University	433	75390
Northeastern Ohio Universities College of Medicine	433	75391

(b) For those medical schools whose current year enrollment, 75392
excluding students repeating terms, is equal to or greater than 75393
the base enrollment, the Medical II FTE enrollment shall equal the 75394
base enrollment plus the FTE for repeating students. 75395

(c) Students repeating terms may be no more than five per 75396
cent of current year enrollment. 75397

(4) The state share of instruction to state-supported 75398
universities for students enrolled in law schools in fiscal year 75399
2008 and fiscal year 2009 shall be calculated by using the number 75400
of subsidy-eligible FTE law school students funded by state 75401
subsidy in fiscal year 1995 or the actual number of 75402
subsidy-eligible FTE law school students at the institution in the 75403
fiscal year, whichever is less. 75404

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 75405

For purposes of calculating state share of instruction 75406
allocations, the total instructional costs per full-time 75407
equivalent student shall be: 75408

Model	Fiscal	Fiscal	
	Year 2008	Year 2009	
ARTS AND HUMANITIES 1	\$7,220	\$7,494	75410
ARTS AND HUMANITIES 2	9,431	9,790	75411
ARTS AND HUMANITIES 3	12,186	12,649	75412
ARTS AND HUMANITIES 4	17,836	18,514	75413

ARTS AND HUMANITIES 5	27,829	28,887	75414
ARTS AND HUMANITIES 6	34,540	35,852	75415
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	6,352	6,594	75416
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	7,389	7,670	75417
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	8,911	9,249	75418
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	10,744	11,152	75419
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	17,070	17,719	75420
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	21,908	22,740	75421
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	26,019	27,008	75422
MEDICAL 1	43,190	44,831	75423
MEDICAL 2	47,635	49,445	75424
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	6,552	6,801	75425
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	9,196	9,545	75426
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	11,610	12,051	75427
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	14,789	15,351	75428
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	18,420	19,119	75429
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	19,990	20,750	75430
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	27,676	28,728	75431
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	35,308	36,650	75432
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9	48,150	49,979	75433
Doctoral I and Doctoral II models shall be allocated in accordance with division (D)(1) of this section.			75434 75435
(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, AND GRADUATE WEIGHTS			75436 75437

For the purpose of implementing the recommendations of the State Share of Instruction Consultation and the Higher Education Funding Study Council that priority be given to maintaining state support for science, technology, engineering, mathematics, medicine, and graduate programs, the costs in division (B) of this section shall be weighted by the amounts provided below:

Model	Fiscal Year 2008	Fiscal Year 2009	
ARTS AND HUMANITIES 1	1.000	1.000	75445
ARTS AND HUMANITIES 2	1.000	1.000	75446
ARTS AND HUMANITIES 3	1.000	1.000	75447
ARTS AND HUMANITIES 4	1.000	1.000	75448
ARTS AND HUMANITIES 5	1.250	1.250	75449
ARTS AND HUMANITIES 6	1.250	1.250	75450
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.000	1.000	75451
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.000	1.000	75452
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.000	1.000	75453
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.000	1.000	75454
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.250	1.250	75455
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	1.250	1.250	75456
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.250	1.250	75457
MEDICAL 1	1.500	1.500	75458
MEDICAL 2	1.728	1.728	75459
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.000	1.000	75460
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	1.002	1.002	75461
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.613	1.613	75462
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	1.690	1.690	75463
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	1.420	1.420	75464

SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	2.081	2.081	75465
MEDICINE 6			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	1.702	1.702	75466
MEDICINE 7			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	1.808	1.808	75467
MEDICINE 8			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	1.341	1.341	75468
MEDICINE 9			

(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 75469
ENTITLEMENTS AND ADJUSTMENTS 75470

(1) Of the foregoing appropriation item 235-501, State Share 75471
of Instruction, up to 10.44 per cent of the appropriation in each 75472
fiscal year shall be reserved for support of doctoral programs to 75473
implement the recommendations of the Graduate Funding Commission. 75474
The amount so reserved shall be referred to as the doctoral 75475
set-aside. 75476

The doctoral set-aside shall be allocated to universities in 75477
proportion to their share of the total number of Doctoral I 75478
equivalent FTEs as calculated on an institutional basis using the 75479
greater of the two-year or five-year FTEs for the period fiscal 75480
year 1994 through fiscal year 1998 with annualized FTEs for fiscal 75481
years 1994 through 1997 and all-term FTEs for fiscal year 1998 as 75482
adjusted to reflect the effects of doctoral review and subsequent 75483
changes in Doctoral I equivalent enrollments. For the purposes of 75484
this calculation, Doctoral I equivalent FTEs shall equal the sum 75485
of Doctoral I FTEs plus 1.5 times the sum of Doctoral II FTEs. 75486

If a university participates in the Innovation Incentive 75487
Program outlined in appropriation item 235-433, Economic Growth 75488
Challenge, in fiscal year 2008 the Board of Regents shall withhold 75489
the university's increasing matching share required by the 75490
Innovation Incentive Program from its allocation of the doctoral 75491
set-aside. 75492

The Board of Regents shall use the combined amount of each participating state-assisted university's set aside of the doctoral reserve that has been withheld, the state matching funds earmarked under appropriation item 235-433, Economic Growth Challenge, and the amount set aside by each accredited Ohio institution of higher education holding a certificate of authorization under section 1713.02 of the Revised Code electing to participate in the Innovation Incentive Program to make awards through a competitive process under the Innovation Incentive Program. Only universities electing to set aside the prescribed amount shall be eligible to compete for and receive Innovation Incentive awards. The participating universities shall use these awards to restructure their array of doctoral programs.

(2) Each campus's state share of instruction base formula earnings shall be determined as follows:

(a) For each campus in each fiscal year, the instructional costs shall be determined by multiplying the amounts listed above in divisions (B) and (C) of this section by (i) average subsidy-eligible FTEs for the two-year period ending in the prior year for all models except Doctoral I and Doctoral II; and (ii) average subsidy-eligible FTEs for the five-year period ending in the prior year for all models except Doctoral I and Doctoral II.

(b) The Board of Regents shall compute the two calculations listed in division (D)(2)(a) of this section and use the greater amount as each campus's instructional costs.

(c) The Board of Regents shall compute a uniform state share of instructional costs by dividing the appropriations for 235-501, State Share of Instruction, less the doctoral set-aside calculated in division (D)(1) of this section, by the sum of all campuses' instructional costs as calculated in division (D)(2)(b) of this section.

(d) The formula entitlement for each campus shall be determined by multiplying the uniform state share of costs calculated in division (D)(2)(c) of this section by the campus's instructional cost determined in division (D)(2)(b) of this section.

(3) In addition to the doctoral set-aside allocation determined in division (D)(1) of this section and the formula entitlement determined in division (D)(2) of this section, an allocation based on fiscal year 2007 facility-based plant operations and maintenance (POM) subsidy shall be made. No campus shall be eligible for a POM allocation if the campus did not receive a net-assignable-square-foot-based (NASF) POM allocation in fiscal year 2007 and the amount of state share of instruction subsidy the campus would have received in fiscal year 2007 had the campus's calculation been based on the state share of instruction method described in this section, but using relevant fiscal year 2007 data, is less than 98.5% of the campus's actual final fiscal year 2007 state share of instruction earnings.

For each eligible campus, the amount of the POM allocation in each fiscal year shall be the lesser of:

(a) 98.5% of the campus's actual final fiscal year 2007 state share of instruction earnings, minus the amount the campus would have received in fiscal year 2007 had the campus's calculation been based on the state share of instruction method described in this section, but using relevant fiscal year 2007 data; or

(b) The actual final fiscal year 2007 net-assignable-square-foot-based (NASF) POM allocation that was provided to the campus.

Any POM allocations required by this division shall be funded by proportionately reducing formula entitlement earnings, including the POM allocations, for all campuses.

The Board of Regents, in consultation with representatives of state-assisted colleges and universities, shall study the need for the facility-based POM allocations and make recommendations for changes by June 30, 2008.

(4) ANNUAL STATE SHARE OF INSTRUCTION FUNDING GUARANTEE

In addition to and after the other adjustment noted above, in each fiscal year, no campus shall receive a state share of instruction allocation that is less than 100 per cent of the prior year's state share of instruction amount. Funds shall be made available to fund this guarantee provision by recalculating the uniform state share as described in division (D)(2)(c) of this section by subtracting guarantee funds and the doctoral set-aside from the total appropriations for appropriation item 235-501, State Share of Instruction.

(5) CAPITAL COMPONENT DEDUCTION

After all other adjustments have been made, state share of instruction earnings shall be reduced for each campus by the amount, if any, by which debt service charged in Am. H.B. 748 of the 121st General Assembly, Am. Sub. H.B. 850 of the 122nd General Assembly, Am. Sub. H.B. 640 of the 123rd General Assembly, H.B. 675 of the 124th General Assembly, Am. Sub. H.B. 16 of the 126th General Assembly, and Am. Sub. H.B. 699 of the 126th General Assembly for that campus exceeds that campus's capital component earnings. The sum of the amounts deducted shall be transferred to appropriation item 235-552, Capital Component, in each fiscal year.

(E) EXCEPTIONAL CIRCUMSTANCES

Adjustments may be made to the state share of instruction payments and other subsidies distributed by the Board of Regents to state-assisted colleges and universities for exceptional circumstances. No adjustments for exceptional circumstances may be

made without the recommendation of the Chancellor and the approval 75586
of the Controlling Board. 75587

(F) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 75588
INSTRUCTION 75589

The standard provisions of the state share of instruction 75590
calculation as described in the preceding sections of temporary 75591
law shall apply to any reductions made to appropriation item 75592
235-501, State Share of Instruction, before the Board of Regents 75593
has formally approved the final allocation of the state share of 75594
instruction funds for any fiscal year. 75595

Any reductions made to appropriation item 235-501, State 75596
Share of Instruction, after the Board of Regents has formally 75597
approved the final allocation of the state share of instruction 75598
funds for any fiscal year, shall be uniformly applied to each 75599
campus in proportion to its share of the final allocation. 75600

(G) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 75601

The state share of instruction payments to the institutions 75602
shall be in substantially equal monthly amounts during the fiscal 75603
year, unless otherwise determined by the Director of Budget and 75604
Management pursuant to section 126.09 of the Revised Code. 75605
Payments during the first six months of the fiscal year shall be 75606
based upon the state share of instruction appropriation estimates 75607
made for the various institutions of higher education according to 75608
Board of Regents enrollment estimates. Payments during the last 75609
six months of the fiscal year shall be distributed after approval 75610
of the Controlling Board upon the request of the Board of Regents. 75611

Section 375.30.25. STATE SHARE OF INSTRUCTION FOR FISCAL 75612
YEARS 2008 AND 2009 75613

(A) The boards of trustees of institutions of state-supported 75614
higher education shall restrain increases in in-state 75615

undergraduate instructional and general fees. For the 2007-2008 75616
academic year, each state-supported institution shall not increase 75617
its in-state undergraduate instructional and general fees over 75618
what the institution charged for the 2006-2007 academic year. For 75619
the 2008-2009 academic year, each state-supported institution 75620
shall not increase its in-state undergraduate instructional and 75621
general fees over what the institution charged for the 2007-2008 75622
academic year. 75623

These limitations shall not apply to increases required to 75624
comply with institutional covenants related to their obligations 75625
or to meet unfunded legal mandates or legally binding obligations 75626
incurred or commitments made prior to the effective date of this 75627
section with respect to which the institution had identified such 75628
fee increases as the source of funds. Any increase required by 75629
such covenants and any such mandates, obligations, or commitments 75630
shall be reported by the Board of Regents to the Controlling 75631
Board. These limitations may also be modified by the Board of 75632
Regents, with the approval of the Controlling Board, to respond to 75633
exceptional circumstances as identified by the Board of Regents. 75634

Of the foregoing appropriation item 235-501, State Share of 75635
Instruction, \$58,000,000 in fiscal year 2008 and \$60,000,000 in 75636
fiscal year 2009 shall be distributed based on each campus's 75637
proportional share of the total in-state undergraduate 75638
instructional and general fees for fiscal year 2007. For purposes 75639
of this subsidy, the in-state undergraduate instructional and 75640
general fee amounts for all campuses except for Miami University 75641
shall be determined by multiplying the number of a campus's 75642
in-state full-time equivalent undergraduate students by the 75643
campus's full-time in-state undergraduate instructional and 75644
general fees, prior to deducting any scholarships and student 75645
financial aid grants. In the case of Miami University, the 75646
instructional and general fee amount used in the calculation shall 75647

be the average full-time in-state undergraduate instructional and 75648
general fee amount after taking into account Ohio Resident and 75649
Ohio Leader scholarships. 75650

The remainder of appropriation item 235-501, State Share of 75651
Instruction, shall be distributed according to division (B) of 75652
this section. 75653

(B)(1) Notwithstanding the distribution formulas outlined in 75654
Section 375.30.20 of this act, in fiscal year 2008 each 75655
state-supported institution shall receive what was received in 75656
fiscal year 2007. In addition, each institution shall receive a 75657
proportional share of the total appropriation increase from fiscal 75658
year 2007 to fiscal year 2008 in appropriation item 235-501, State 75659
Share of Instruction, if the institution demonstrates one per cent 75660
savings through identified internal efficiencies in fiscal year 75661
2008, as certified by the Chancellor of the Board of Regents. 75662

Notwithstanding the distribution formulas outlined in Section 75663
375.30.20 of this act, in fiscal year 2009 each state-supported 75664
institution shall receive what was received in fiscal year 2008. 75665
In addition, each institution shall receive a proportional share 75666
of the total appropriation increase from fiscal year 2008 to 75667
fiscal year 2009 in appropriation item 235-501, State Share of 75668
Instruction, if the institution demonstrates three per cent 75669
savings through identified internal efficiencies in fiscal year 75670
2009, as certified by the Chancellor of the Board of Regents. 75671

(2) In each fiscal year, state share of instruction earnings 75672
shall be reduced for each campus by the amount, if any, by which 75673
debt service charged in Am. H.B. 748 of the 121st General 75674
Assembly, Am. Sub. H.B. 850 of the 122nd General Assembly, Am. 75675
Sub. H.B. 640 of the 123rd General Assembly, H.B. 675 of the 124th 75676
General Assembly, Am. Sub. H.B. 16 of the 126th General Assembly, 75677
and Am. Sub. H.B. 699 of the 126th General Assembly for that 75678
campus exceeds that campus's capital component earnings. The sum 75679

of the amounts deducted shall be transferred to appropriation item 75680
235-552, Capital Component, in each fiscal year. 75681

Adjustments may be made to the state share of instruction 75682
payments and other subsidies distributed by the Board of Regents 75683
to state-assisted colleges and universities for exceptional 75684
circumstances. No adjustments for exceptional circumstances may be 75685
made without the recommendation of the Board of Regents and the 75686
approval of the Controlling Board. 75687

Any reductions made to appropriation item 235-501, State 75688
Share of Instruction, shall be uniformly applied to each campus in 75689
proportion to its share of the allocation. 75690

The state share of instruction payments to the institutions 75691
shall be in substantially equal monthly amounts during the fiscal 75692
year, unless otherwise determined by the Director of Budget and 75693
Management pursuant to section 126.09 of the Revised Code. 75694
Payments during the last six months of the fiscal year shall be 75695
distributed after approval of the Controlling Board upon the 75696
request of the Board of Regents. 75697

(C) In consultation with the Department of Development, the 75698
Chancellor of the Board of Regents shall commission a study on the 75699
needs of the business community relative to higher education in 75700
the state. The study shall include all of the following: 75701

(1) Determine the needs of Ohio's business community; 75702

(2) Determine whether state-supported institutions of higher 75703
education are meeting those needs; 75704

(3) Identify how state-supported institutions of higher 75705
education can improve to meet those needs; 75706

(4) Identify the necessary skills and talents required by the 75707
business community that Ohio's college graduates must have in 75708
order to perform in the workplace; and 75709

(5) Make any necessary recommendations as to how state-supported institutions of higher education can better meet the needs of the business community.

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.

(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:

(1) A plan to achieve the access goal of increasing the number of Ohioans with a college degree by 230,000 by 2017;

(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;

(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;

(4) A plan to enhance the state's competitiveness for attracting federal and other support for research and development at public research universities; such a plan shall include goals for reaching or exceeding the national average level of support, on a per capita basis, for research and development;

(5) A plan to promote higher education throughout the state through the coordinated leadership efforts of the Governor, the Chancellor of the Board of Regents, and other stakeholders; such a plan shall include goals for using various media and other

partnerships to raise awareness of college opportunities, to 75741
increase public awareness about the value of a college education, 75742
and to create a shared vision that a higher education is 75743
attainable by all Ohioans. 75744

Each of these plans shall include key outcome measures and 75745
other appropriate indicators to allow for monitoring of progress 75746
made in meeting the established goals. Each state-supported 75747
institution of higher education shall provide any student and 75748
institutional outcome data in any program areas requested by the 75749
Chancellor of the Board of Regents, including program efficiency 75750
and utilization of state resources. Each state-supported 75751
institution of higher education shall also commit to increasing 75752
inter-institution collaborations and partnerships and enhancing 75753
efficiencies with the goal of achieving measurable increases in 75754
savings. 75755

In consultation with state-supported institutions of higher 75756
education, the Chancellor of the Board of Regents shall study the 75757
feasibility of establishing and implementing a tuition flexibility 75758
plan that may allow state-supported institutions of higher 75759
education to charge per-credit-hour-based tuition or differential 75760
tuition. 75761

Not later than December 31, 2007, the Chancellor of the Board 75762
of Regents shall report the plan and the tuition flexibility 75763
feasibility study to the Governor, the Speaker and the Minority 75764
Leader of the House of Representatives, and the President and the 75765
Minority Leader of the Senate. 75766

Section 375.30.30. HIGHER EDUCATION - BOARD OF TRUSTEES 75767

Funds appropriated for instructional subsidies at colleges 75768
and universities may be used to provide such branch or other 75769
off-campus undergraduate courses of study and such master's degree 75770
courses of study as may be approved by the Board of Regents. 75771

In providing instructional and other services to students, 75772
boards of trustees of state-assisted institutions of higher 75773
education shall supplement state subsidies by income from charges 75774
to students. Each board shall establish the fees to be charged to 75775
all students, including an instructional fee for educational and 75776
associated operational support of the institution and a general 75777
fee for noninstructional services, including locally financed 75778
student services facilities used for the benefit of enrolled 75779
students. The instructional fee and the general fee shall 75780
encompass all charges for services assessed uniformly to all 75781
enrolled students. Each board may also establish special purpose 75782
fees, service charges, and fines as required; such special purpose 75783
fees and service charges shall be for services or benefits 75784
furnished individual students or specific categories of students 75785
and shall not be applied uniformly to all enrolled students. 75786
Except for the board of trustees of Miami University, in 75787
implementing the pilot tuition restructuring plan recognized in 75788
Section 89.05 of Am. Sub. H.B. 95 of the 125th General Assembly 75789
and again recognized by this act, a tuition surcharge shall be 75790
paid by all students who are not residents of Ohio. 75791

The board of trustees of a state-assisted institution of 75792
higher education shall not authorize a waiver or nonpayment of 75793
instructional fees or general fees for any particular student or 75794
any class of students other than waivers specifically authorized 75795
by law or approved by the Chancellor. This prohibition is not 75796
intended to limit the authority of boards of trustees to provide 75797
for payments to students for services rendered the institution, 75798
nor to prohibit the budgeting of income for staff benefits or for 75799
student assistance in the form of payment of such instructional 75800
and general fees. This prohibition is not intended to limit the 75801
authority of the board of trustees of Miami University in 75802
providing financial assistance to students in implementing the 75803
pilot tuition restructuring plan recognized in Section 89.05 of 75804

Am. Sub. H.B. 95 of the 125th General Assembly and again 75805
recognized by this act. 75806

Except for Miami University, in implementing the pilot 75807
tuition restructuring plan recognized in Section 89.05 of Am. Sub. 75808
H.B. 95 of the 125th General Assembly and again recognized by this 75809
act, each state-assisted institution of higher education in its 75810
statement of charges to students shall separately identify the 75811
instructional fee, the general fee, the tuition charge, and the 75812
tuition surcharge. Fee charges to students for instruction shall 75813
not be considered to be a price of service but shall be considered 75814
to be an integral part of the state government financing program 75815
in support of higher educational opportunity for students. 75816

The board of trustees of state-assisted institutions of 75817
higher education shall ensure that faculty members devote a proper 75818
and judicious part of their work week to the actual instruction of 75819
students. Total class credit hours of production per quarter per 75820
full-time faculty member is expected to meet the standards set 75821
forth in the budget data submitted by the Board of Regents. 75822

The authority of government vested by law in the boards of 75823
trustees of state-assisted institutions of higher education shall 75824
in fact be exercised by those boards. Boards of trustees may 75825
consult extensively with appropriate student and faculty groups. 75826
Administrative decisions about the utilization of available 75827
resources, about organizational structure, about disciplinary 75828
procedure, about the operation and staffing of all auxiliary 75829
facilities, and about administrative personnel shall be the 75830
exclusive prerogative of boards of trustees. Any delegation of 75831
authority by a board of trustees in other areas of responsibility 75832
shall be accompanied by appropriate standards of guidance 75833
concerning expected objectives in the exercise of such delegated 75834
authority and shall be accompanied by periodic review of the 75835
exercise of this delegated authority to the end that the public 75836

interest, in contrast to any institutional or special interest, 75837
shall be served. 75838

Section 375.30.40. STUDENT SUPPORT SERVICES 75839

The foregoing appropriation item 235-502, Student Support 75840
Services, shall be distributed by the Board of Regents to Ohio's 75841
state-assisted colleges and universities that incur 75842
disproportionate costs in the provision of support services to 75843
disabled students. 75844

Section 375.30.50. OHIO INSTRUCTIONAL GRANTS 75845

In each fiscal year, instructional grants for all eligible 75846
full-time students who have attended a college, university, or 75847
proprietary school and have completed coursework for college 75848
credit, excluding early college high school and post-secondary 75849
enrollment option students, prior to academic year 2006-2007, 75850
shall be made using the tables under section 3333.12 of the 75851
Revised Code. 75852

Of the foregoing appropriation item 235-503, Ohio 75853
Instructional Grants, an amount in each fiscal year shall be used 75854
to make the payments authorized by division (C) of section 3333.26 75855
of the Revised Code to the institutions described in that 75856
division. In addition, an amount in each fiscal year shall be used 75857
to reimburse the institutions described in division (B) of section 75858
3333.26 of the Revised Code for the cost of the waivers required 75859
by that division. 75860

The unencumbered balance of appropriation item 235-503, Ohio 75861
Instructional Grants, at the end of fiscal year 2008 shall be 75862
transferred to fiscal year 2009 for use under the same 75863
appropriation item. The amounts transferred are hereby 75864
appropriated. 75865

Section 375.30.60. WAR ORPHANS SCHOLARSHIPS 75866

The foregoing appropriation item 235-504, War Orphans 75867
Scholarships, shall be used to reimburse state-assisted 75868
institutions of higher education for waivers of instructional fees 75869
and general fees provided by them, to provide grants to 75870
institutions that have received a certificate of authorization 75871
from the Ohio Board of Regents under Chapter 1713. of the Revised 75872
Code, in accordance with the provisions of section 5910.04 of the 75873
Revised Code, and to fund additional scholarship benefits provided 75874
by section 5910.032 of the Revised Code. 75875

Section 375.30.70. OHIOLINK 75876

The foregoing appropriation item 235-507, OhioLINK, shall be 75877
used by the Board of Regents to support OhioLINK, the state's 75878
electronic library information and retrieval system, which 75879
provides access statewide to an extensive set of electronic 75880
databases and resources and the library holdings of all of Ohio's 75881
public colleges and universities, 44 private colleges, and the 75882
State Library of Ohio. 75883

Section 375.30.80. AIR FORCE INSTITUTE OF TECHNOLOGY 75884

The foregoing appropriation item 235-508, Air Force Institute 75885
of Technology, shall be used to strengthen the research and 75886
educational linkages between the Wright Patterson Air Force Base 75887
and institutions of higher education in Ohio. Of the foregoing 75888
appropriation item 235-508, Air Force Institute of Technology, 75889
\$1,358,588 in each fiscal year shall be used for research projects 75890
that connect the Air Force Research Laboratories with university 75891
partners. The institute shall provide annual reports to the Third 75892
Frontier Commission, that discuss existing, planned, or possible 75893
collaborations between programs and funding recipients related to 75894
technology, research development, commercialization, and support 75895

for Ohio's economic development. 75896

Of the foregoing appropriation item 235-508, Air Force 75897
Institute of Technology, \$691,757 in each fiscal year shall be 75898
used to match federal dollars to support technology 75899
commercialization and job creation. The Development Research 75900
Corporation shall use the funds to create or expand Ohio-based 75901
technology and commercial development collaborations in areas that 75902
are a priority in Ohio's third frontier initiative between 75903
industry, academia, and government. 75904

Section 375.30.90. OHIO SUPERCOMPUTER CENTER 75905

The foregoing appropriation item 235-510, Ohio Supercomputer 75906
Center, shall be used by the Board of Regents to support the 75907
operation of the Ohio Super Computer Center, located at The Ohio 75908
State University, as a statewide resource available to Ohio 75909
research universities both public and private. It is also intended 75910
that the center be made accessible to private industry as 75911
appropriate. Policies of the center shall be established by a 75912
governance committee, representative of Ohio's research 75913
universities and private industry, to be appointed by the 75914
Chancellor of the Board of Regents and established for this 75915
purpose. 75916

Funds shall be used, in part, to support the Ohio 75917
Supercomputer Center's Computational Science Initiative which 75918
includes its industrial outreach program, Blue Collar Computing, 75919
and its School of Computational Science. These collaborations 75920
between the Ohio Supercomputer Center and Ohio's colleges and 75921
universities shall be aimed at making Ohio a leader in using 75922
computer modeling to promote economic development. 75923

Of the foregoing appropriation item 235-510, Ohio 75924
Supercomputer Center, \$250,000 in each fiscal year shall be used 75925
to support the Super Computer Center's activities in Beavercreek. 75926

Section 375.40.10. COOPERATIVE EXTENSION SERVICE 75927

The foregoing appropriation item 235-511, Cooperative 75928
Extension Service, shall be disbursed through the Board of Regents 75929
to The Ohio State University in monthly payments, unless otherwise 75930
determined by the Director of Budget and Management under section 75931
126.09 of the Revised Code. 75932

Of the foregoing appropriation item 235-511, Cooperative 75933
Extension Service, \$178,271 in each fiscal year shall be used for 75934
additional staffing for county agents for expanded 4-H activities. 75935
Of the foregoing appropriation item 235-511, Cooperative Extension 75936
Service, \$178,271 in each fiscal year shall be used by the 75937
Cooperative Extension Service, through the Enterprise Center for 75938
Economic Development in cooperation with other agencies, for a 75939
public-private effort to create and operate a small business 75940
economic development program to enhance the development of 75941
alternatives to the growing of tobacco, and implement, through 75942
applied research and demonstration, the production and marketing 75943
of other high-value crops and value-added products. Of the 75944
foregoing appropriation item 235-511, Cooperative Extension 75945
Service, \$55,179 in each fiscal year shall be used for farm labor 75946
mediation and education programs, \$182,515 in each fiscal year 75947
shall be used to support the Ohio State University Marion 75948
Enterprise Center, and \$772,931 in each fiscal year shall be used 75949
to support the Ohio Watersheds Initiative. 75950

Section 375.40.20. OHIO UNIVERSITY VOINOVICH CENTER 75951

The foregoing appropriation item 235-513, Ohio University 75952
Voinovich Center, shall be used by the Board of Regents to support 75953
the operations of Ohio University's Voinovich Center. 75954

Section 375.40.30. PERFORMANCE STANDARDS FOR MEDICAL 75955
EDUCATION 75956

The Board of Regents, in consultation with the state-assisted 75957
medical colleges, shall develop performance standards for medical 75958
education. Special emphasis in the standards shall be placed on 75959
attempting to ensure that at least 50 per cent of the aggregate 75960
number of students enrolled in state-assisted medical colleges 75961
continue to enter residency as primary care physicians. Primary 75962
care physicians are general family practice physicians, general 75963
internal medicine practitioners, and general pediatric care 75964
physicians. The Board of Regents shall monitor medical school 75965
performance in relation to their plans for reaching the 50 per 75966
cent systemwide standard for primary care physicians. 75967

Section 375.40.35. CENTRAL STATE SUPPLEMENT 75968

The foregoing appropriation item 235-514, Central State 75969
Supplement, shall be used by Central State University to keep 75970
undergraduate fees below the statewide average, consistent with 75971
its mission of service to many first-generation college students 75972
from groups historically underrepresented in higher education and 75973
from families with limited incomes. 75974

**Section 375.40.40. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 75975
MEDICINE** 75976

The foregoing appropriation item 235-515, Case Western 75977
Reserve University School of Medicine, shall be disbursed to Case 75978
Western Reserve University through the Board of Regents in 75979
accordance with agreements entered into under section 3333.10 of 75980
the Revised Code, provided that the state support per full-time 75981
medical student shall not exceed that provided to full-time 75982
medical students at state universities. 75983

Section 375.40.50. CAPITOL SCHOLARSHIP PROGRAM 75984

The foregoing appropriation item 235-518, Capitol Scholarship 75985

Program, shall be used by the Board of Regents to provide 75986
scholarships to undergraduates of Ohio's four-year public and 75987
private institutions of higher education participating in the 75988
Washington Center Internship Program. A scholarship of \$1,800 75989
shall be awarded to students enrolled in an institution operating 75990
on a quarter system, and a scholarship of \$2,300 shall be awarded 75991
to students enrolled in an institution operating on a semester 75992
system. The number of scholarships awarded shall be limited by the 75993
amounts appropriated in fiscal years 2008 and 2009. The Washington 75994
Center shall provide a minimum of \$1,300 per student in matching 75995
scholarships. 75996

Section 375.40.60. FAMILY PRACTICE 75997

The Board of Regents shall develop plans consistent with 75998
existing criteria and guidelines as may be required for the 75999
distribution of appropriation item 235-519, Family Practice. 76000

Section 375.40.70. SHAWNEE STATE SUPPLEMENT 76001

The foregoing appropriation item 235-520, Shawnee State 76002
Supplement, shall be used by Shawnee State University as detailed 76003
by both of the following: 76004

(A) To allow Shawnee State University to keep its 76005
undergraduate fees below the statewide average, consistent with 76006
its mission of service to an economically depressed Appalachian 76007
region; 76008

(B) To allow Shawnee State University to employ new faculty 76009
to develop and teach in new degree programs that meet the needs of 76010
Appalachians. 76011

Section 375.40.80. OSU JOHN GLENN SCHOOL OF PUBLIC AFFAIRS 76012

The foregoing appropriation item 235-521, The Ohio State 76013
University John Glenn School of Public Affairs, shall be used by 76014

the Board of Regents to support the operations of the Ohio State 76015
University's John Glenn School of Public Affairs. 76016

Section 375.40.90. POLICE AND FIRE PROTECTION 76017

The foregoing appropriation item 235-524, Police and Fire 76018
Protection, shall be used for police and fire services in the 76019
municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green, 76020
Portsmouth, Xenia Township (Greene County), Rootstown Township, 76021
and the City of Nelsonville that may be used to assist these local 76022
governments in providing police and fire protection for the 76023
central campus of the state-affiliated university located therein. 76024
Each participating municipality and township shall receive at 76025
least \$5,000 in each fiscal year. Funds shall be distributed 76026
according to the method employed by the Board of Regents in the 76027
previous biennium. 76028

Section 375.50.10. GERIATRIC MEDICINE 76029

The Board of Regents shall develop plans consistent with 76030
existing criteria and guidelines as may be required for the 76031
distribution of appropriation item 235-525, Geriatric Medicine. 76032

Section 375.50.20. PRIMARY CARE RESIDENCIES 76033

The Board of Regents shall develop plans consistent with 76034
existing criteria and guidelines as may be required for the 76035
distribution of appropriation item 235-526, Primary Care 76036
Residencies. 76037

The foregoing appropriation item 235-526, Primary Care 76038
Residencies, shall be distributed in each fiscal year of the 76039
biennium, based on whether or not the institution has submitted 76040
and gained approval for a plan. If the institution does not have 76041
an approved plan, it shall receive five per cent less funding per 76042
student than it would have received from its annual allocation. 76043

The remaining funding shall be distributed among those 76044
institutions that meet or exceed their targets. 76045

Section 375.50.30. OHIO AEROSPACE INSTITUTE 76046

The foregoing appropriation item 235-527, Ohio Aerospace 76047
Institute, shall be distributed by the Board of Regents under 76048
section 3333.042 of the Revised Code. 76049

The Board of Regents, in consultation with the Third Frontier 76050
Commission, shall develop a plan for providing for appropriate, 76051
value-added participation of the Ohio Aerospace Institute in Third 76052
Frontier Project proposals and grants. 76053

Section 375.50.40. ACADEMIC SCHOLARSHIPS 76054

The foregoing appropriation item 235-530, Academic 76055
Scholarships, shall be used to provide academic scholarships to 76056
students under section 3333.22 of the Revised Code. 76057

Section 375.50.50. STUDENT CHOICE GRANTS 76058

The foregoing appropriation item 235-531, Student Choice 76059
Grants, shall be used to provide Student Choice Grants under 76060
section 3333.27 of the Revised Code. The unencumbered balance of 76061
appropriation item 235-531, Student Choice Grants, at the end of 76062
fiscal year 2008 shall be transferred to fiscal year 2009 for use 76063
under the same appropriation item. The amounts transferred are 76064
hereby appropriated. 76065

Section 375.50.60. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT 76066
CENTER 76067

The foregoing appropriation item 235-535, Ohio Agricultural 76068
Research and Development Center, shall be disbursed through the 76069
Board of Regents to The Ohio State University in monthly payments, 76070
unless otherwise determined by the Director of Budget and 76071

Management under section 126.09 of the Revised Code. The Ohio 76072
Agricultural Research and Development Center shall not be required 76073
to remit payment to The Ohio State University during the biennium 76074
ending June 30, 2009, for cost reallocation assessments. The cost 76075
reallocation assessments include, but are not limited to, any 76076
assessment on state appropriations to the Center. 76077

The Ohio Agricultural Research and Development Center, an 76078
entity of the College of Food, Agricultural, and Environmental 76079
Sciences of The Ohio State University, shall further its mission 76080
of enhancing Ohio's economic development and job creation by 76081
continuing to internally allocate on a competitive basis 76082
appropriated funding of programs based on demonstrated 76083
performance. Academic units, faculty, and faculty-driven programs 76084
shall be evaluated and rewarded consistent with agreed-upon 76085
performance expectations as called for in the College's 76086
Expectations and Criteria for Performance Assessment. 76087

Of the foregoing appropriation item 235-535, Ohio 76088
Agricultural Research and Development Center, \$467,578 in each 76089
fiscal year shall be used to purchase equipment. 76090

Of the foregoing appropriation item 235-535, Ohio 76091
Agricultural Research and Development Center, \$822,592 in each 76092
fiscal year shall be distributed to the Piketon Agricultural 76093
Research and Extension Center. 76094

Of the foregoing appropriation item 235-535, Ohio 76095
Agricultural Research and Development Center, \$216,471 in each 76096
fiscal year shall be distributed to the 76097
Raspberry/Strawberry-Ellagic Acid Research program at The Ohio 76098
State University Medical College in cooperation with The Ohio 76099
State University College of Agriculture. 76100

Of the foregoing appropriation item 235-535, Ohio 76101
Agricultural Research and Development Center, \$43,294 in each 76102

fiscal year shall be used to support the Ohio Berry Administrator. 76103

Of the foregoing appropriation item 235-535, Ohio 76104
Agricultural Research and Development Center, \$86,588 in each 76105
fiscal year shall be used for the development of agricultural 76106
crops and products not currently in widespread production in Ohio, 76107
in order to increase the income and viability of family farmers. 76108

Section 375.50.70. STATE UNIVERSITY CLINICAL TEACHING 76109

The foregoing appropriation items 235-536, The Ohio State 76110
University Clinical Teaching; 235-537, University of Cincinnati 76111
Clinical Teaching; 235-538, University of Toledo Clinical 76112
Teaching; 235-539, Wright State University Clinical Teaching; 76113
235-540, Ohio University Clinical Teaching; and 235-541, 76114
Northeastern Ohio Universities College of Medicine Clinical 76115
Teaching, shall be distributed through the Board of Regents. 76116

Of the foregoing appropriation item 235-539, Wright State 76117
University Clinical Teaching, \$124,644 in each fiscal year of the 76118
biennium shall be for the use of Wright State University's Ellis 76119
Institute for Clinical Teaching Studies to operate the clinical 76120
facility to serve the Greater Dayton area. 76121

Section 375.50.80. SCHOOL OF INTERNATIONAL BUSINESS 76122

Of the foregoing appropriation item 235-547, School of 76123
International Business, \$250,000 in each fiscal year shall be used 76124
for the continued development and support of the School of 76125
International Business of the state universities of northeast 76126
Ohio. The money shall go to The University of Akron. These funds 76127
shall be used by the university to establish a School of 76128
International Business located at The University of Akron. It may 76129
confer with Kent State University, Youngstown State University, 76130
and Cleveland State University as to the curriculum and other 76131
matters regarding the school. 76132

Of the foregoing appropriation item 235-547, School of International Business, \$100,000 in each fiscal year shall be used by the University of Toledo College of Business for expansion of its international business programs.

Of the foregoing appropriation item 235-547, School of International Business, \$100,000 in each fiscal year shall be used to support the Ohio State University BioMEMS program.

Of the foregoing appropriation item 235-547, School of International Business, \$100,000 in fiscal year 2009 shall be used to support the Supporting Education for the Returning Veterans (SERV) program at Cleveland State University.

Of the foregoing appropriation item 235-547, School of International Business, \$100,000 in fiscal year 2009 shall be used to support the Veterans Upward Bound (VUB) program at Cuyahoga Community College.

Section 375.50.90. CAPITAL COMPONENT

The foregoing appropriation item 235-552, Capital Component, shall be used by the Board of Regents to implement the capital funding policy for state-assisted colleges and universities established in Am. H.B. 748 of the 121st General Assembly. Appropriations from this item shall be distributed to all campuses for which the estimated campus debt service attributable to new qualifying capital projects is less than the campus's formula-determined capital component allocation. Campus allocations shall be determined by subtracting the estimated campus debt service attributable to new qualifying capital projects from the campus's formula-determined capital component allocation. Moneys distributed from this appropriation item shall be restricted to capital-related purposes.

Any campus for which the estimated campus debt service

attributable to qualifying capital projects is greater than the 76163
campus's formula-determined capital component allocation shall 76164
have the difference subtracted from its State Share of Instruction 76165
allocation in each fiscal year. The sum of all such amounts shall 76166
be transferred from appropriation item 235-501, State Share of 76167
Instruction, to appropriation item 235-552, Capital Component. 76168

Section 375.60.10. DAYTON AREA GRADUATE STUDIES INSTITUTE 76169

The foregoing appropriation item 235-553, Dayton Area 76170
Graduate Studies Institute, shall be used by the Board of Regents 76171
to support the Dayton Area Graduate Studies Institute, an 76172
engineering graduate consortium of three universities in the 76173
Dayton area: Wright State University, the University of Dayton, 76174
and the Air Force Institute of Technology, with the participation 76175
of the University of Cincinnati and The Ohio State University. 76176

Of the foregoing appropriation item 235-553, Dayton Area 76177
Graduate Studies Institute, \$350,000 in each fiscal year shall be 76178
used by the Development Research Corporation to support 76179
collaborative research and technology commercialization 76180
initiatives in Ohio. 76181

Section 375.60.20. PRIORITIES IN COLLABORATIVE GRADUATE 76182
EDUCATION 76183

The foregoing appropriation item 235-554, Priorities in 76184
Collaborative Graduate Education, shall be used to support 76185
improvements in graduate fields of study at state-assisted 76186
universities identified by the Board of Regents, in consultation 76187
with the Department of Development and the Department of Job and 76188
Family Services, as vital to the state's economic strategy or 76189
related to an area of workforce shortage. Each fiscal year, 76190
participating institutions shall collectively submit for Board of 76191
Regents approval a plan describing how they will work 76192

collaboratively to improve the quality of their graduate programs 76193
and how the funds are to be used for this purpose. The 76194
collaborative effort for Ph.D. computer science programs shall be 76195
coordinated by the Ohio Supercomputer Center as part of its School 76196
of Computational Science. 76197

Section 375.60.30. LIBRARY DEPOSITORIES 76198

The foregoing appropriation item, 235-555, Library 76199
Depositories, shall be distributed to the state's five regional 76200
depository libraries for the cost-effective storage of and access 76201
to lesser-used materials in university library collections. The 76202
distribution of funds shall be coordinated by the Board of 76203
Regents. 76204

Section 375.60.40. OHIO ACADEMIC RESOURCES NETWORK (OARNET) 76205

The foregoing appropriation item 235-556, Ohio Academic 76206
Resources Network, shall be used to support the operations of the 76207
Ohio Academic Resources Network, which shall include support for 76208
Ohio's state-assisted colleges and universities in maintaining and 76209
enhancing network connections and in using new network 76210
technologies to improve research, education, and economic 76211
development programs. The network shall give priority to 76212
supporting the Third Frontier Network and allocating bandwidth to 76213
programs directly supporting Ohio's economic development. 76214

Section 375.60.50. LONG-TERM CARE RESEARCH 76215

Of the foregoing appropriation item 235-558, Long-term Care 76216
Research, \$211,047 in each fiscal year shall be disbursed to Miami 76217
University for long-term care research. 76218

Of the foregoing appropriation item 235-558, Long-term Care 76219
Research, \$100,000 in each fiscal year shall be disbursed to the 76220
University of Cincinnati to support Alzheimer's and dementia 76221

research pursuant to an affiliation agreement with the Alois Alzheimer Center. 76222
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Of the foregoing appropriation item 235-558, Long-term Care Research, \$50,000 in each fiscal year shall be used to support People Working Cooperatively, Inc. 76224
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Section 375.60.60. BOWLING GREEN STATE UNIVERSITY CANADIAN STUDIES CENTER 76227
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The foregoing appropriation item 235-561, Bowling Green State University Canadian Studies Center, shall be used by the Canadian Studies Center at Bowling Green State University to study opportunities for Ohio and Ohio businesses to benefit from the Free Trade Agreement between the United States and Canada. 76229
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Section 375.60.70. OHIO COLLEGE OPPORTUNITY GRANT PHASE-IN 76234

The foregoing appropriation item 235-563, Ohio College Opportunity Grant, shall be used by the Board of Regents to begin to award needs-based financial aid to students based on the United States Department of Education's method of determining financial need. Students who enrolled in a public, private, or proprietary post-secondary institution of higher education for the first time in academic year 2006-2007, excluding early college high school and post-secondary enrollment option participants, shall be eligible to receive aid based on their expected family contributions as calculated by the United States Department of Education, according to section 3333.122 of the Revised Code. 76235
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Eligible expenditures from the foregoing appropriation item 235-563, Ohio College Opportunity Grant, shall be claimed each fiscal year to help meet the state's TANF maintenance of effort requirement. The Chancellor of the Board of Regents and the Director of Job and Family Services shall enter into an interagency agreement to carry out this paragraph, which shall 76246
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include, but not be limited to, developing reporting guidelines 76252
for these expenditures. 76253

Section 375.60.80. CENTRAL STATE UNIVERSITY SPEED TO SCALE 76254

The foregoing appropriation 235-567, Central State University 76255
Speed to Scale, shall be used to achieve the goals of the Speed to 76256
Scale Plan, which include increasing student enrollment through 76257
freshman recruitment and transferred students, increasing the 76258
proportion of in-state students to 80 per cent of the total 76259
student population, and increasing the student retention rates 76260
between the first and second year of college by two per cent each 76261
year. The goals shall be accomplished by targeting student 76262
retention, improved articulation agreements with two-year 76263
campuses, increased use of alternative course options, including 76264
online coursework and Ohio Learning Network resources, College 76265
Tech Prep, Post Secondary Enrollment Options, and other 76266
dual-credit programs, and strategic partnerships with research 76267
institutions to improve the quality of Central State University's 76268
offering of science, technology, engineering, mathematics, and 76269
medical instruction. In fiscal year 2009, the disbursement of 76270
these funds shall be contingent upon Central State University 76271
meeting the annual goals for the student enrollment and 76272
first-to-second-year retention rate increases. 76273

There is hereby created the Speed to Scale Task Force that 76274
shall meet not less than quarterly to discuss progress of the 76275
plan, including performance on accountability metrics, issues 76276
experienced in planned efforts, and to monitor and support the 76277
creation of partnerships with other state institutions of higher 76278
education. The Task Force shall consist of the president of 76279
Central State University or the president's designee, the 76280
president of Sinclair Community College or the president's 76281
designee, the president of Cincinnati State Technical and 76282

Community College or the president's designee, the president of 76283
Cuyahoga Community College or the president's designee, The Ohio 76284
State University or the president's designee, the president of the 76285
University of Cincinnati or the president's designee, one 76286
representative from the Board of Regents, one member of the House 76287
of Representatives appointed by the Speaker of the House of 76288
Representatives, one member of the Senate appointed by the 76289
President of the Senate, the Director of Budget and Management or 76290
the director's designee, and a representative of the Governor's 76291
Office as appointed by the Governor. 76292

On the thirtieth day of June of each fiscal year, Central 76293
State University and the Speed to Scale Task Force shall jointly 76294
submit to the Governor, the Director of Budget and Management, the 76295
Speaker of the House of Representatives, the President of the 76296
Senate, and the Board of Regents a report describing the status of 76297
their progress on the accountability metrics included in the Speed 76298
to Scale plan. 76299

Section 375.60.95. JAMES A. RHODES SCHOLARSHIP 76300

The foregoing appropriation item 235-571, James A. Rhodes 76301
Scholarship, shall be used to match the funds raised by the James 76302
A. Rhodes Leadership Foundation. Upon receiving certification that 76303
the Foundation has raised at least \$10,000,000 from nonstate 76304
resources, the Board of Regents shall disburse the foregoing 76305
appropriation to the Foundation. 76306

Section 375.70.10. THE OHIO STATE UNIVERSITY CLINIC SUPPORT 76307

The foregoing appropriation item 235-572, The Ohio State 76308
University Clinic Support, shall be distributed through the Board 76309
of Regents to The Ohio State University for support of dental and 76310
veterinary medicine clinics. 76311

Section 375.70.15. OHIO HUMANITIES COUNCIL 76312

The foregoing appropriation item 235-573, Ohio Humanities 76313
Council, shall be used to support humanities research, education, 76314
teacher development, and outreach activities through the Ohio 76315
Humanities Council. 76316

Section 375.70.20. URBAN UNIVERSITY PROGRAM 76317

Universities receiving funds from the foregoing appropriation 76318
item 235-583, Urban University Program, that are used to support 76319
an ongoing university unit shall certify periodically in a manner 76320
approved by the Board of Regents that program funds are being 76321
matched on a one-to-one basis with equivalent resources. Overhead 76322
support may not be used to meet this requirement. Where Urban 76323
University Program funds are being used to support an ongoing 76324
university unit, matching funds shall come from continuing rather 76325
than one-time sources. At each participating state-assisted 76326
institution of higher education, matching funds shall be within 76327
the substantial control of the individual designated by the 76328
institution's president as the Urban University Program 76329
representative. 76330

Of the foregoing appropriation item 235-583, Urban University 76331
Program, \$117,215 in each fiscal year shall be used to support the 76332
Center for the Interdisciplinary Study of Education and the Urban 76333
Child at Cleveland State University. These funds shall be 76334
distributed according to rules adopted by the Board of Regents and 76335
shall be used by the center for interdisciplinary activities 76336
targeted toward increasing the chance of lifetime success of the 76337
urban child, including interventions beginning with the prenatal 76338
period. The primary purpose of the center is to study issues in 76339
urban education and to systematically map directions for new 76340
approaches and new solutions by bringing together a cadre of 76341

researchers, scholars, and professionals representing the social, 76342
behavioral, education, and health disciplines. 76343

Of the foregoing appropriation item 235-583, Urban University 76344
Program, \$1,433,037 in each fiscal year shall be distributed by 76345
the Board of Regents to Cleveland State University in support of 76346
the Maxine Goodman Levin College of Urban Affairs. 76347

Of the foregoing appropriation item 235-583, Urban University 76348
Program, \$1,433,037 in each fiscal year shall be distributed to 76349
the Northeast Ohio Research Consortium, the Urban Linkages 76350
Program, and the Urban Research Technical Assistance Grant 76351
Program. The distribution among the three programs shall be 76352
determined by the chair of the Urban University Program. 76353

Of the foregoing appropriation item 235-583, Urban University 76354
Program, \$247,453 in each fiscal year shall be used to support a 76355
public communication outreach program (WCPN). The primary purpose 76356
of the program shall be to develop a relationship between 76357
Cleveland State University and nonprofit communications entities. 76358

Of the foregoing appropriation item 235-583, Urban University 76359
Program, \$169,310 in each fiscal year shall be used to support the 76360
Kent State University Learning and Technology Project. This 76361
project is a kindergarten through university collaboration between 76362
schools surrounding Kent State University's eight campuses in 76363
northeast Ohio and corporate partners who will assist in 76364
development and delivery. 76365

The Kent State University Project shall provide a faculty 76366
member who has a full-time role in the development of 76367
collaborative activities and teacher instructional programming 76368
between Kent State University and the K-12th grade schools that 76369
surround its eight campuses; appropriate student support staff to 76370
facilitate these programs and joint activities; and hardware and 76371
software to schools that will make possible the delivery of 76372

instruction to pre-service and in-service teachers, and their 76373
students, in their own classrooms or school buildings. This shall 76374
involve the delivery of low-bandwidth streaming video and 76375
web-based technologies in a distributed instructional model. 76376

Of the foregoing appropriation item 235-583, Urban University 76377
Program, \$65,119 in each fiscal year shall be used to support the 76378
Ameritech Classroom/Center for Research at Kent State University. 76379

Of the foregoing appropriation item 235-583, Urban University 76380
Program, \$723,547 in each fiscal year shall be used to support the 76381
Polymer Distance Learning Project at the University of Akron. 76382

Of the foregoing appropriation item 235-583, Urban University 76383
Program, \$32,560 in each fiscal year shall be distributed to the 76384
Kent State University/Cleveland Design Center program. 76385

Of the foregoing appropriation item 235-583, Urban University 76386
Program, \$513,886 in each fiscal year shall be used to support the 76387
Bliss Institute of Applied Politics at the University of Akron. 76388

Of the foregoing appropriation item 235-583, Urban University 76389
Program, \$10,851 in each fiscal year shall be used for the 76390
Advancing-Up Program at the University of Akron. 76391

Of the foregoing appropriation item 235-583, Urban University 76392
Program, \$139,777 in each fiscal year shall be used to support the 76393
Strategic Economic Research Collaborative at the University of 76394
Toledo Urban Affairs Center. 76395

Of the foregoing appropriation item 235-583, Urban University 76396
Program, \$164,777 in each fiscal year shall be used to support the 76397
Institute for Collaborative Research and Public Humanities at The 76398
Ohio State University. 76399

Of the foregoing appropriation item 235-583, Urban University 76400
Program, \$425,368 in each fiscal year shall be used to support the 76401
Medina County University Center. 76402

Of the foregoing appropriation item 235-583, Urban University 76403
Program, \$150,000 in each fiscal year shall be used to support the 76404
Ohio State University African American and African Studies 76405
Community Extension Center. 76406

Of the foregoing appropriation item 235-583, Urban University 76407
Program, \$200,000 in each fiscal year shall be used to support the 76408
Cleveland Institute of Art. 76409

Section 375.70.30. RURAL UNIVERSITY PROJECTS 76410

Of the foregoing appropriation item 235-587, Rural University 76411
Projects, Bowling Green State University shall receive \$263,783 in 76412
each fiscal year, Miami University shall receive \$245,320 in each 76413
fiscal year, and Ohio University shall receive \$575,015 in each 76414
fiscal year. These funds shall be used to support the Institute 76415
for Local Government Administration and Rural Development at Ohio 76416
University, the Center for Public Management and Regional Affairs 76417
at Miami University, and the Center for Regional Development at 76418
Bowling Green State University. 76419

A small portion of the funds provided to Ohio University 76420
shall also be used for the Institute for Local Government 76421
Administration and Rural Development State and Rural Policy 76422
Partnership with the Governor's Office of Appalachia and the 76423
Appalachian delegation of the General Assembly. 76424

Of the foregoing appropriation item 235-587, Rural University 76425
Projects, \$15,942 in each fiscal year shall be used to support the 76426
Washington State Community College day care center. 76427

Of the foregoing appropriation item 235-587, Rural University 76428
Projects, \$59,829 in each fiscal year shall be used to support the 76429
COAD/ILGARD/GOA Appalachian Leadership Initiative. 76430

Section 375.70.40. HAZARDOUS MATERIALS PROGRAM 76431

The foregoing appropriation item 235-596, Hazardous Materials Program, shall be disbursed to Cleveland State University for the operation of a program to certify firefighters for the handling of hazardous materials. Training shall be available to all Ohio firefighters.

Of the foregoing appropriation item 235-596, Hazardous Materials Program, \$177,337 in each fiscal year shall be used to support the Center for the Interdisciplinary Study of Education and Leadership in Public Service at Cleveland State University. These funds shall be distributed by the Board of Regents and shall be used by the center targeted toward increasing the role of special populations in public service and not-for-profit organizations. The primary purpose of the center is to study issues in public service and to guide strategies for attracting new communities into public service occupations by bringing together a cadre of researchers, scholars, and professionals representing the public administration, social behavioral, and education disciplines.

Section 375.70.50. NATIONAL GUARD SCHOLARSHIP PROGRAM

The Board of Regents shall disburse funds from appropriation item 235-599, National Guard Scholarship Program, at the direction of the Adjutant General. During each fiscal year, the Board of Regents, within ten days of cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235-599, National Guard Scholarship Program. Upon receipt of the certification, the Director of Budget and Management may transfer an amount up to the certified amount from the General Revenue Fund to the National Guard Scholarship Reserve Fund (Fund 5BM). Upon the request of the Adjutant General, the Board of Regents shall seek Controlling Board approval to establish appropriations in item 235-623,

National Guard Scholarship Reserve Fund. The Board of Regents 76463
shall disburse funds from appropriation item 235-623, National 76464
Guard Scholarship Reserve Fund, at the direction of the Adjutant 76465
General. 76466

***Section 375.70.60. PLEDGE OF FEES** 76467

Any new pledge of fees, or new agreement for adjustment of 76468
fees, made in the biennium ending June 30, 2009, to secure bonds 76469
or notes of a state-assisted institution of higher education for a 76470
project for which bonds or notes were not outstanding on the 76471
effective date of this section shall be effective only after 76472
approval by the Board of Regents, unless approved in a previous 76473
biennium. 76474

**Section 375.70.70. HIGHER EDUCATION GENERAL OBLIGATION DEBT 76475
SERVICE** 76476

The foregoing appropriation item 235-909, Higher Education 76477
General Obligation Debt Service, shall be used to pay all debt 76478
service and related financing costs at the times they are required 76479
to be made for obligations issued during the period from July 1, 76480
2007, to June 30, 2009, under sections 151.01 and 151.04 of the 76481
Revised Code. 76482

Section 375.70.80. SALES AND SERVICES 76483

The Board of Regents is authorized to charge and accept 76484
payment for the provision of goods and services. Such charges 76485
shall be reasonably related to the cost of producing the goods and 76486
services. No charges may be levied for goods or services that are 76487
produced as part of the routine responsibilities or duties of the 76488
Board. All revenues received by the Board of Regents shall be 76489
deposited into Fund 456, and may be used by the Board of Regents 76490
to pay for the costs of producing the goods and services. 76491

Section 375.70.90. OHIO HIGHER EDUCATIONAL FACILITY	76492
COMMISSION SUPPORT	76493
The foregoing appropriation item 235-602, Higher Educational Facility Commission Administration, shall be used by the Board of Regents for operating expenses related to the Board of Regents' support of the activities of the Ohio Higher Educational Facility Commission. Upon the request of the chancellor, the Director of Budget and Management shall transfer up to \$50,000 cash in fiscal year 2008 and up to \$45,000 cash in fiscal year 2009 from Fund 461 to Fund 4E8.	76494 76495 76496 76497 76498 76499 76500 76501
Section 375.80.10. PHYSICIAN LOAN REPAYMENT	76502
The foregoing appropriation item 235-604, Physician Loan Repayment, shall be used in accordance with sections 3702.71 to 3702.81 of the Revised Code.	76503 76504 76505
Section 375.80.20. NURSING LOAN PROGRAM	76506
The foregoing appropriation item 235-606, Nursing Loan Program, shall be used to administer the nurse education assistance program. Up to \$159,600 in fiscal year 2008 and \$167,580 in fiscal year 2009 may be used for operating expenses associated with the program. Any additional funds needed for the administration of the program are subject to Controlling Board approval.	76507 76508 76509 76510 76511 76512 76513
Section 375.80.30. REPAYMENT OF RESEARCH FACILITY INVESTMENT FUND MONEYS	76514 76515
Notwithstanding any provision of law to the contrary, all repayments of Research Facility Investment Fund loans shall be made to the Bond Service Trust Fund. All Research Facility Investment Fund loan repayments made prior to the effective date	76516 76517 76518 76519

of this section shall be transferred by the Director of Budget and Management to the Bond Service Trust Fund within sixty days after the effective date of this section.

Campuses shall make timely repayments of Research Facility Investment Fund loans, according to the schedule established by the Board of Regents. In the case of late payments, the Board of Regents may deduct from an institution's periodic subsidy distribution an amount equal to the amount of the overdue payment for that institution, transfer such amount to the Bond Service Trust Fund, and credit the appropriate institution for the repayment.

Section 375.80.40. VETERANS' PREFERENCES

The Board of Regents shall work with the Governor's Office of Veterans' Affairs to develop specific veterans' preference guidelines for higher education institutions. These guidelines shall ensure that the institutions' hiring practices are in accordance with the intent of Ohio's veterans' preference laws.

Section 375.80.50. STATE NEED-BASED FINANCIAL AID RECONCILIATION

By the first day of August in each fiscal year, or as soon thereafter as possible, the Ohio Board of Regents shall certify to the Director of Budget and Management the amount necessary to pay any outstanding prior year obligations to higher education institutions for the state's need-based financial aid programs. The amounts certified are hereby appropriated to appropriation item 235-618, State Need-based Financial Aid Reconciliation, from revenues received in the State Need-based Financial Aid Reconciliation Fund (Fund 5Y5).

Section 375.80.60. TRANSFERS TO STATE NEED-BASED FINANCIAL

AID PROGRAMS 76549

In each fiscal year of the biennium, if the Chancellor of the Board of Regents determines that additional funds are needed to support the distribution of state need-based financial aid in accordance with sections 3333.12 and 3333.122 of the Revised Code, the Chancellor shall recommend the reallocation of unencumbered and unobligated appropriation balances of General Revenue Fund appropriation items in the Board of Regents to GRF appropriation items 235-503, Ohio Instructional Grants, and 235-563, Ohio College Opportunity Grant. If the Director of Budget and Management determines that such a reallocation is required, the Director may transfer those identified unencumbered and unobligated funds in the Board of Regents as necessary to GRF appropriation items 235-503, Ohio Instructional Grants, and 235-563, Ohio College Opportunity Grant. The amounts transferred to appropriation items 235-503, Ohio Instructional Grants, and 235-563, Ohio College Opportunity Grant, are hereby appropriated. If those unencumbered and unobligated funds are not sufficient to support the distribution of state need-based financial aid in accordance with sections 3333.12 and 3333.122 of the Revised Code in each fiscal year, the Director of Budget and Management may increase the appropriation from the General Revenue Fund of appropriation items 235-503, Ohio Instructional Grants, and 235-563, Ohio College Opportunity Grant, in each fiscal year. The combined increase to appropriation items 235-503, Ohio Instructional Grants, and 235-563, Ohio College Opportunity Grant, authorized under this section shall not exceed \$5,000,000 in total for the purpose of need-based financial aid in each fiscal year of the biennium.

Section 375.80.70. TWO PLUS TWO PROGRAMS AT CO-LOCATED 76578
CAMPUSES 76579

The General Assembly encourages co-located technical colleges 76580
and university branches to cooperate in developing programs that 76581
provide for a seamless articulation from a two-year associate 76582
degree from a technical college to a baccalaureate degree from the 76583
university branch with an additional two years of study. 76584

Section 377.10. DRC DEPARTMENT OF REHABILITATION AND				76585
CORRECTION				76586
General Revenue Fund				76587
GRF 501-321	Institutional	\$ 892,162,864	\$ 928,980,197	76588
	Operations			
GRF 501-403	Prisoner Compensation	\$ 8,599,255	\$ 8,599,255	76589
GRF 501-405	Halfway House	\$ 41,214,205	\$ 41,214,205	76590
GRF 501-406	Lease Rental Payments	\$ 107,607,100	\$ 109,224,900	76591
GRF 501-407	Community	\$ 16,514,626	\$ 16,547,367	76592
	Nonresidential			
	Programs			
GRF 501-408	Community Misdemeanor	\$ 9,313,076	\$ 9,313,076	76593
	Programs			
GRF 501-501	Community Residential	\$ 57,104,132	\$ 57,104,132	76594
	Programs - CBCF			
GRF 502-321	Mental Health Services	\$ 70,112,063	\$ 73,405,363	76595
GRF 503-321	Parole and Community	\$ 79,296,672	\$ 82,739,767	76596
	Operations			
GRF 504-321	Administrative	\$ 27,554,198	\$ 28,658,273	76597
	Operations			
GRF 505-321	Institution Medical	\$ 199,073,620	\$ 198,337,805	76598
	Services			
GRF 506-321	Institution Education	\$ 23,784,868	\$ 24,847,502	76599
	Services			
GRF 507-321	Institution Recovery	\$ 7,319,028	\$ 7,664,520	76600
	Services			
TOTAL GRF	General Revenue Fund	\$ 1,539,655,707	\$ 1,586,636,362	76601

General Services Fund Group				76602
148	501-602	Services and Agricultural	\$ 104,485,807 \$ 108,290,058	76603
200	501-607	Ohio Penal Industries	\$ 39,395,391 \$ 40,845,414	76604
4B0	501-601	Sewer Treatment Services	\$ 2,331,003 \$ 2,407,018	76605
4D4	501-603	Prisoner Programs	\$ 20,967,703 \$ 20,967,703	76606
4L4	501-604	Transitional Control	\$ 2,051,451 \$ 2,051,451	76607
4S5	501-608	Education Services	\$ 4,564,072 \$ 4,564,072	76608
483	501-605	Property Receipts	\$ 393,491 \$ 393,491	76609
5AF	501-609	State and Non-Federal Awards	\$ 262,718 \$ 262,718	76610
5H8	501-617	Offender Financial Responsibility	\$ 2,500,000 \$ 2,500,000	76611
5L6	501-611	Information Technology Services	\$ 3,741,980 \$ 3,741,980	76612
571	501-606	Training Academy Receipts	\$ 75,190 \$ 75,190	76613
593	501-618	Laboratory Services	\$ 5,799,999 \$ 5,799,999	76614
TOTAL GSF General Services Fund Group				76615
Federal Special Revenue Fund Group				76616
3S1	501-615	Truth-In-Sentencing Grants	\$ 8,709,142 \$ 8,709,142	76617
323	501-619	Federal Grants	\$ 12,198,353 \$ 12,198,353	76618
3CJ	501-621	Medicaid Inpatient Services	\$ 11,600,000 \$ 15,500,000	76619
TOTAL FED Federal Special Revenue Fund Group				76620
\$ 32,507,495 \$ 36,407,495				76621
TOTAL ALL BUDGET FUND GROUPS				76622
\$ 1,758,732,007 \$ 1,814,942,951				76622
OHIO BUILDING AUTHORITY LEASE PAYMENTS				76623
The foregoing appropriation item 501-406, Lease Rental				76624

Payments, shall be used to meet all payments during the period 76625
from July 1, 2007, to June 30, 2009, under the primary leases and 76626
agreements for those buildings made under Chapter 152. of the 76627
Revised Code. These appropriations are the source of funds pledged 76628
for bond service charges or obligations issued pursuant to Chapter 76629
152. of the Revised Code. 76630

PRISONER COMPENSATION 76631

Money from the foregoing appropriation item 501-403, Prisoner 76632
Compensation, shall be transferred on a quarterly basis by 76633
intrastate transfer voucher to the Services and Agricultural Fund 76634
(Fund 148) for the purposes of paying prisoner compensation. 76635

HIV/AIDS TESTING REENTRY PILOT PROGRAM 76636

Of the foregoing appropriation item 505-321, Institution 76637
Medical Services, up to \$250,000 in each fiscal year shall be used 76638
for the HIV/AIDS testing re-entry pilot program at the Mansfield 76639
Correctional Institution. Prior to a prisoner's release from 76640
custody at the Mansfield Correctional Institution under the 76641
control of the Department of Rehabilitation and Correction, the 76642
department shall examine and test a prisoner for HIV infection and 76643
any sexually transmitted disease. The department may examine and 76644
test involuntarily a prisoner who refuses to be tested. 76645

Section 377.20. LIMA CORRECTIONAL INSTITUTION STUDY COMMITTEE 76646

(A) There is hereby created the Lima Correctional Institution 76647
Study Committee, effective July 1, 2007. The Committee shall 76648
consist of the following nine members: 76649

(1) The Director of Rehabilitation and Correction or the 76650
Director's designee; 76651

(2) The eight members of the Correctional Institution 76652
Inspection Committee. 76653

(B) The Director of Rehabilitation and Correction shall be 76654

the chairperson of the Lima Correctional Institution Study
Committee. 76655
76656

(C) The Lima Correctional Institution Study Committee shall 76657
procure an independent feasibility study, performed by a 76658
consultant, through the Department of Rehabilitation and 76659
Correction. The study shall examine the highest and best use for 76660
the Lima Correctional Institution and shall examine, at a minimum, 76661
all of the following: 76662

(1) State and local correctional needs and the utilization of 76663
state and local facilities to service those needs; 76664

(2) The current condition and value of the Lima Correctional 76665
Institution; 76666

(3) The cost to reopen the Lima Correctional Institution in 76667
part or in whole for a correctional purpose; 76668

(4) Alternative uses for the Lima Correctional Institution; 76669

(5) The funding options to utilize the Lima Correctional 76670
Institution; 76671

(6) The economic impact of the Lima Correctional Institution 76672
on the Lima region and the potential non-prison economic 76673
development opportunities for a closed prison facility. 76674

(D) The Lima Correctional Institution Study Committee and the 76675
consultant selected shall utilize the staff of the Department of 76676
Rehabilitation and Correction for research and other support 76677
functions as much as feasible. 76678

(E) Of the foregoing appropriation item 501-321, 76679
Institutional Operations, \$50,000 in fiscal year 2008 shall be 76680
used to fund the feasibility study. 76681

(F) The Lima Correctional Institution Study Committee shall 76682
submit a report of the Committee's findings not later than April 76683
1, 2008, to the Governor, the President of the Senate, and the 76684

Speaker of the House of Representatives. The Committee shall cease 76685
to exist after submitting the report. 76686

Section 379.10. RSC REHABILITATION SERVICES COMMISSION 76687

General Revenue Fund 76688

GRF 415-100 Personal Services \$ 8,851,468 \$ 8,851,468 76689

GRF 415-402 Independent Living \$ 450,000 \$ 450,000 76690

Council

GRF 415-406 Assistive Technology \$ 47,531 \$ 47,531 76691

GRF 415-431 Office for People with \$ 226,012 \$ 226,012 76692

Brain Injury

GRF 415-506 Services for People \$ 16,959,541 \$ 17,259,541 76693

with Disabilities

GRF 415-508 Services for the Deaf \$ 50,000 \$ 50,000 76694

TOTAL GRF General Revenue Fund \$ 26,584,552 \$ 26,884,552 76695

General Services Fund Group 76696

4W5 415-606 Program Management \$ 18,123,188 \$ 18,557,040 76697

Expenses

467 415-609 Business Enterprise \$ 1,632,082 \$ 1,632,082 76698

Operating Expenses

TOTAL GSF General Services 76699

Fund Group \$ 19,755,270 \$ 20,189,122 76700

Federal Special Revenue Fund Group 76701

3L1 415-601 Social Security \$ 3,743,740 \$ 3,743,740 76702

Personal Care

Assistance

3L1 415-605 Social Security \$ 750,000 \$ 750,000 76703

Community Centers for
the Deaf

3L1 415-608 Social Security \$ 1,506,260 \$ 1,506,260 76704

Vocational

Rehabilitation

3L4	415-612	Federal Independent Living Centers or Services	\$	648,908	\$	648,908	76705
3L4	415-615	Federal - Supported Employment	\$	884,451	\$	796,006	76706
3L4	415-617	Independent Living/Vocational Rehabilitation Programs	\$	1,490,944	\$	1,490,944	76707
317	415-620	Disability Determination	\$	82,808,006	\$	87,546,215	76708
379	415-616	Federal - Vocational Rehabilitation	\$	122,484,545	\$	123,638,578	76709
TOTAL FED Federal Special							76710
Revenue Fund Group			\$	214,316,854	\$	220,120,651	76711
State Special Revenue Fund Group							76712
4L1	415-619	Services for Rehabilitation	\$	3,765,337	\$	4,500,000	76713
468	415-618	Third Party Funding	\$	906,910	\$	906,910	76714
TOTAL SSR State Special							76715
Revenue Fund Group			\$	4,672,247	\$	5,406,910	76716
TOTAL ALL BUDGET FUND GROUPS			\$	265,328,923	\$	272,601,235	76717
INDEPENDENT LIVING COUNCIL							76718
The foregoing appropriation item 415-402, Independent Living							76719
Council, shall be used to fund the operations of the State							76720
Independent Living Council and shall be used to support state							76721
independent living centers and independent living services under							76722
Title VII of the Independent Living Services and Centers for							76723
Independent Living of the Rehabilitation Act Amendments of 1992,							76724
106 Stat. 4344, 29 U.S.C. 796d.							76725
OFFICE FOR PEOPLE WITH BRAIN INJURY							76726
Of the foregoing appropriation item 415-431, Office for							76727

People with Brain Injury, up to \$50,000 in each fiscal year shall 76728
be used for the state match for a federal grant awarded through 76729
the Traumatic Brain Injury Act, Pub. L. No. 104-166, and up to 76730
\$50,000 in each fiscal year shall be provided to the Brain Injury 76731
Trust Fund. The remaining appropriation shall be used to plan and 76732
coordinate head-injury-related services provided by state agencies 76733
and other government or private entities, to assess the needs for 76734
such services, and to set priorities in this area. 76735

VOCATIONAL REHABILITATION SERVICES 76736

The foregoing appropriation item 415-506, Services for People 76737
with Disabilities, shall be used as state matching funds to 76738
provide vocational rehabilitation services to eligible consumers. 76739

PROGRAM MANAGEMENT EXPENSES 76740

The foregoing appropriation item 415-606, Program Management 76741
Expenses, shall be used to support the administrative functions of 76742
the commission related to the provision of vocational 76743
rehabilitation, disability determination services, and ancillary 76744
programs. 76745

INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS 76746

The foregoing appropriation item 415-617, Independent 76747
Living/Vocational Rehabilitation Programs, shall be used to 76748
support vocational rehabilitation programs. 76749

SOCIAL SECURITY REIMBURSEMENT FUNDS 76750

Reimbursement funds received from the Social Security 76751
Administration, United States Department of Health and Human 76752
Services, for the costs of providing services and training to 76753
return disability recipients to gainful employment shall be used 76754
in the Social Security Reimbursement Fund (Fund 3L1), to the 76755
extent funds are available, as follows: 76756

(A) Appropriation item 415-601, Social Security Personal Care 76757

Assistance, to provide personal care services in accordance with 76758
section 3304.41 of the Revised Code; 76759

(B) Appropriation item 415-608, Social Security Vocational 76760
Rehabilitation, to provide vocational rehabilitation services to 76761
individuals with severe disabilities who are Social Security 76762
beneficiaries, to enable them to achieve competitive employment. 76763
This appropriation item also includes funds to assist the Personal 76764
Care Assistance Program to pay its share of indirect costs as 76765
mandated by federal OMB Circular A-87. 76766

PERFORMANCE AUDIT 76767

The Auditor of State shall complete a performance audit of 76768
the Rehabilitation Services Commission. Upon completing the 76769
performance audit, the Auditor of State shall submit a report of 76770
the findings of the audit to the Governor, the President of the 76771
Senate, the Speaker of the House of Representatives, and the Board 76772
of Rehabilitation Services Commission. Expenses incurred by the 76773
Auditor of State to conduct the performance audit shall be 76774
reimbursed by the Rehabilitation Services Commission. 76775

INTERNAL REVIEW 76776

The Administrator of the Rehabilitation Services Commission 76777
shall consult with the Director of Budget and Management and 76778
representatives of local rehabilitation services agencies to 76779
conduct an internal review of policies and procedures to increase 76780
efficiency and identify and eliminate duplicative practices. Any 76781
savings identified as a result of the internal review or the 76782
performance audit conducted by the Auditor of State shall be used 76783
for community-based care. 76784

The Administrator of the Rehabilitation Services Commission 76785
shall seek Controlling Board approval before expending any funds 76786
identified as a result of the internal review or the performance 76787
audit. 76788

Section 381.10. RCB RESPIRATORY CARE BOARD			76789
General Services Fund Group			76790
4K9 872-609 Operating Expenses	\$	491,628 \$	481,768 76791
TOTAL GSF General Services Fund Group			76792
Fund Group	\$	491,628 \$	481,768 76793
TOTAL ALL BUDGET FUND GROUPS	\$	491,628 \$	481,768 76794
 Section 383.10. RDF REVENUE DISTRIBUTION FUNDS			76796
Volunteer Firefighters' Dependents Fund			76797
085 800-900 Volunteer Firefighters' Dependents Fund	\$	300,000 \$	300,000 76798
TOTAL 085 Volunteer Firefighters' Dependents Fund			76799
Agency Fund Group	\$	300,000 \$	300,000 76800
Agency Fund Group			76801
062 110-962 Resort Area Excise Tax	\$	1,000,000 \$	1,000,000 76802
063 110-963 Permissive Tax Distribution	\$	1,778,662,000 \$	1,849,000,000 76803
067 110-967 School District Income Tax	\$	325,000,000 \$	350,000,000 76804
4P8 001-698 Cash Management Improvement Fund	\$	3,050,000 \$	3,100,000 76805
608 001-699 Investment Earnings	\$	250,000,000 \$	250,000,000 76806
TOTAL AGY Agency Fund Group	\$	2,357,712,000 \$	2,453,100,000 76807
Holding Account Redistribution			76808
R45 110-617 International Fuel Tax Distribution	\$	50,000,000 \$	50,000,000 76809
TOTAL 090 Holding Account Redistribution Fund	\$	50,000,000 \$	50,000,000 76810
Revenue Distribution Fund Group			76811
049 038-900 Indigent Drivers	\$	1,797,000 \$	1,832,000 76812

		Alcohol Treatment				
050	762-900	International	\$	54,475,631	\$	55,565,143 76813
		Registration Plan				
		Distribution				
051	762-901	Auto Registration	\$	500,000,000	\$	539,000,000 76814
		Distribution				
054	110-954	Local Government	\$	93,250,000	\$	95,125,000 76815
		Property Tax				
		Replacement - Utility				
060	110-960	Gasoline Excise Tax	\$	375,000,000	\$	375,000,000 76816
		Fund				
064	110-964	Local Government	\$	42,400,000	\$	0 76817
		Revenue Assistance				
065	110-965	Library/Local	\$	460,000,000	\$	464,500,000 76818
		Government Support				
		Fund				
066	800-900	Undivided Liquor	\$	13,500,000	\$	13,500,000 76819
		Permits				
068	110-968	State and Local	\$	240,250,000	\$	242,500,000 76820
		Government Highway				
		Distribution				
069	110-969	Local Government Fund	\$	730,700,000	\$	785,000,000 76821
081	110-981	Local Government	\$	262,500,000	\$	366,800,000 76822
		Property Tax				
		Replacement-Business				
082	110-982	Horse Racing Tax	\$	125,000	\$	130,000 76823
083	700-900	Ohio Fairs Fund	\$	2,277,000	\$	2,325,000 76824
TOTAL RDF Revenue Distribution						76825
Fund Group			\$	2,776,274,631	\$	2,941,277,143 76826
TOTAL ALL BUDGET FUND GROUPS			\$	5,184,286,631	\$	5,444,677,143 76827
ADDITIONAL APPROPRIATIONS						76828
Appropriation items in this section shall be used for the						76829
purpose of administering and distributing the designated revenue						76830

distribution funds according to the Revised Code. If it is 76831
determined that additional appropriations are necessary for this 76832
purpose, such amounts are appropriated. 76833

GENERAL REVENUE FUND TRANSFERS TO LOCAL GOVERNMENT PROPERTY 76834
TAX REPLACEMENT - BUSINESS (FUND 081) 76835

Notwithstanding any provision of law to the contrary, in 76836
fiscal year 2008 and fiscal year 2009, the Director of Budget and 76837
Management may transfer from the General Revenue Fund to the Local 76838
Government Property Tax Replacement - Business (Fund 081) in the 76839
Revenue Distribution Fund, those amounts necessary to reimburse 76840
local taxing units under section 5751.22 of the Revised Code. 76841
Also, in fiscal year 2008 and fiscal year 2009, the Director of 76842
Budget and Management may make temporary transfers from the 76843
General Revenue Fund to ensure sufficient balances in the Local 76844
Government Property Tax Replacement - Business Fund (Fund 081) and 76845
to replenish the General Revenue Fund for such transfers. 76846

Section 385.10. SAN BOARD OF SANITARIAN REGISTRATION 76847

General Services Fund Group				76848
4K9 893-609 Operating Expenses	\$	138,551	\$ 138,551	76849
TOTAL GSF General Services				76850
Fund Group	\$	138,551	\$ 138,551	76851
TOTAL ALL BUDGET FUND GROUPS	\$	138,551	\$ 138,551	76852

Section 387.10. OSB OHIO STATE SCHOOL FOR THE BLIND 76854

General Revenue Fund				76855
GRF 226-100 Personal Services	\$	7,093,127	\$ 7,519,318	76856
GRF 226-200 Maintenance	\$	704,154	\$ 704,154	76857
GRF 226-300 Equipment	\$	113,288	\$ 113,288	76858
TOTAL GRF General Revenue Fund	\$	7,910,569	\$ 8,336,760	76859
General Services Fund Group				76860

4H8 226-602 School Improvement	\$	37,514	\$	37,514	76861
Grants					
TOTAL GSF General Services					76862
Fund Group	\$	37,514	\$	37,514	76863
Federal Special Revenue Fund Group					76864
3P5 226-643 Medicaid Services	\$	50,000	\$	50,000	76865
Reimbursement					
310 226-626 Multi-Handicapped	\$	2,527,105	\$	2,527,105	76866
Student Support					
TOTAL FED Federal Special					76867
Revenue Fund Group	\$	2,577,105	\$	2,577,105	76868
State Special Revenue Fund Group					76869
4M5 226-601 Work Study and	\$	217,397	\$	217,397	76870
Donations					
TOTAL SSR State Special Revenue					76871
Fund Group	\$	217,397	\$	217,397	76872
TOTAL ALL BUDGET FUND GROUPS	\$	10,742,585	\$	11,168,776	76873
Section 389.10. OSD OHIO SCHOOL FOR THE DEAF					76875
General Revenue Fund					76876
GRF 221-100 Personal Services	\$	8,775,363	\$	9,263,862	76877
GRF 221-200 Maintenance	\$	1,033,092	\$	1,033,092	76878
GRF 221-300 Equipment	\$	222,500	\$	222,500	76879
TOTAL GRF General Revenue Fund	\$	10,030,955	\$	10,519,454	76880
General Services Fund Group					76881
4M1 221-602 School Improvement	\$	38,000	\$	38,000	76882
Grants					
TOTAL GSF General Services					76883
Fund Group	\$	38,000	\$	38,000	76884
Federal Special Revenue Fund Group					76885
3AD 221-604 VREAL Ohio	\$	25,000	\$	25,000	76886

3R0	221-684	Medicaid Services	\$	34,999	\$	34,999	76887
		Reimbursement					76888
3Y1	221-686	Federal Early	\$	250,000	\$	250,000	76889
		Childhood Grant					
311	221-625	Statewide Outreach	\$	2,470,135	\$	2,470,135	76890
TOTAL FED Federal Special							76891
Revenue Fund Group							76892
State Special Revenue Fund Group							76893
4M0	221-601	Work Study and	\$	95,000	\$	95,000	76894
		Donations					
5H6	221-609	Preschool Program	\$	127,832	\$	125,358	76895
		Support					
TOTAL SSR State Special Revenue							76896
Fund Group							76897
TOTAL ALL BUDGET FUND GROUPS							76898

Section 391.10. SFC SCHOOL FACILITIES COMMISSION

							76900
General Revenue Fund							76901
GRF	230-428	Lease Rental Payments	\$	22,702,000	\$	0	76902
GRF	230-908	Common Schools General	\$	284,768,400	\$	339,648,300	76903
		Obligation Debt					
		Service					
TOTAL GRF General Revenue Fund							76904
State Special Revenue Fund Group							76905
5E3	230-644	Operating Expenses	\$	7,749,813	\$	7,786,197	76906
TOTAL SSR State Special Revenue							76907
Fund Group							76908
TOTAL ALL BUDGET FUND GROUPS							76909

Section 391.20. LEASE RENTAL PAYMENTS

							76911
The foregoing appropriation item 230-428, Lease Rental							76912
Payments, shall be used to meet all payments at the times they are							76913

required to be made during the period from July 1, 2007, to June 30, 2009, by the Ohio School Facilities Commission under leases and agreements made under section 3318.26 of the Revised Code.

COMMON SCHOOLS GENERAL OBLIGATION DEBT SERVICE

The foregoing appropriation item 230-908, Common Schools General Obligation Debt Service, shall be used to pay all debt service and related financing costs at the times they are required to be made for obligations issued during the period from July 1, 2007, through June 30, 2009, under sections 151.01 and 151.03 of the Revised Code.

OPERATING EXPENSES

The foregoing appropriation item 230-644, Operating Expenses, shall be used by the Ohio School Facilities Commission to carry out its responsibilities under this section and Chapter 3318. of the Revised Code.

In both fiscal years 2008 and 2009, the Executive Director of the Ohio School Facilities Commission shall certify on a quarterly basis to the Director of Budget and Management the amount of cash from interest earnings to be transferred from the School Building Assistance Fund (Fund 032), the Public School Building Fund (Fund 021), and the Educational Facilities Trust Fund (Fund N87) to the Ohio School Facilities Commission Fund (Fund 5E3). The amount transferred from the School Building Assistance Fund (Fund 032) may not exceed investment earnings credited to the fund, less any amount required to be paid for federal arbitrage rebate purposes.

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION

At the request of the Executive Director of the Ohio School Facilities Commission, the Director of Budget and Management may cancel encumbrances for school district projects from a previous biennium if the district has not raised its local share of project costs within one year of receiving Controlling Board approval

under section 3318.05 of the Revised Code. The Executive Director 76945
of the Ohio School Facilities Commission shall certify the amounts 76946
of the canceled encumbrances to the Director of Budget and 76947
Management on a quarterly basis. The amounts of the canceled 76948
encumbrances are hereby appropriated. 76949

**Section 391.30. EXTREME ENVIRONMENTAL CONTAMINATION OF SCHOOL 76950
FACILITIES 76951**

Notwithstanding any other provision of law to the contrary, 76952
the Ohio School Facilities Commission may provide assistance under 76953
the Exceptional Needs School Facilities Program established in 76954
section 3318.37 of the Revised Code to any school district, and 76955
not exclusively to a school district in the lowest seventy-five 76956
per cent of adjusted valuation per pupil on the current ranking of 76957
school districts established under section 3317.02 of the Revised 76958
Code, for the purpose of the relocation or replacement of school 76959
facilities required as a result of extreme environmental 76960
contamination. 76961

The Ohio School Facilities Commission shall contract with an 76962
independent environmental consultant to conduct a study and to 76963
report to the commission as to the seriousness of the 76964
environmental contamination, whether the contamination violates 76965
applicable state and federal standards, and whether the facilities 76966
are no longer suitable for use as school facilities. The 76967
commission then shall make a determination regarding funding for 76968
the relocation or replacement of the school facilities. If the 76969
federal government or other public or private entity provides 76970
funds for restitution of costs incurred by the state or school 76971
district in the relocation or replacement of the school 76972
facilities, the school district shall use such funds in excess of 76973
the school district's share to refund the state for the state's 76974
contribution to the environmental contamination portion of the 76975

project. The school district may apply an amount of such 76976
restitution funds up to an amount equal to the school district's 76977
portion of the project, as defined by the commission, toward 76978
paying its portion of that project to reduce the amount of bonds 76979
the school district otherwise must issue to receive state 76980
assistance under sections 3318.01 to 3318.20 of the Revised Code. 76981

Section 391.40. CANTON CITY SCHOOL DISTRICT PROJECT 76982

(A) The Ohio School Facilities Commission may commit up to 76983
thirty-five million dollars to the Canton City School District for 76984
construction of a facility described in this section, in lieu of a 76985
high school that would otherwise be authorized under Chapter 3318. 76986
of the Revised Code. The Commission shall not commit funds under 76987
this section unless all of the following conditions are met: 76988

(1) The District has entered into a cooperative agreement 76989
with a state-assisted technical college. 76990

(2) The District has received an irrevocable commitment of 76991
additional funding from nonpublic sources. 76992

(3) The facility is intended to serve both secondary and 76993
postsecondary instructional purposes. 76994

(B) The Commission shall enter into an agreement with the 76995
District for the construction of the facility authorized under 76996
this section that is separate from and in addition to the 76997
agreement required for the District's participation in the 76998
Classroom Facilities Assistance Program under section 3318.08 of 76999
the Revised Code. Notwithstanding that section and sections 77000
3318.03, 3318.04, and 3318.083 of the Revised Code, the additional 77001
agreement shall provide, but not be limited to, the following: 77002

(1) The Commission shall not have any oversight 77003
responsibilities over the construction of the facility. 77004

(2) The facility need not comply with the specifications for 77005

plans and materials for high schools adopted by the Commission. 77006

(3) The Commission may decrease the basic project cost that 77007
would otherwise be calculated for a high school under Chapter 77008
3318. of the Revised Code. 77009

(4) The state shall not share in any increases in the basic 77010
project cost for the facility above the amount authorized under 77011
this section. 77012

All other provisions of Chapter 3318. of the Revised Code 77013
apply to the approval and construction of a facility authorized 77014
under this section. 77015

The state funds committed to the facility authorized by this 77016
section shall be part of the total amount the state commits to the 77017
Canton City School District under Chapter 3318. of the Revised 77018
Code. All additional state funds committed to the Canton City 77019
School District for classroom facilities assistance shall be 77020
subject to all provisions of Chapter 3318. of the Revised Code. 77021

Section 391.50. CAREER-TECHNICAL LOAN PROGRAM 77022

Within thirty days after the effective date of this section, 77023
or as soon as possible thereafter, the Executive Director of the 77024
Ohio School Facilities Commission shall certify the cash balance 77025
in the Career-Technical School Building Assistance Fund (Fund 020) 77026
to the Director of Budget and Management, who shall transfer that 77027
amount to the Public School Building Fund (Fund 021) and abolish 77028
the Career-Technical School Building Assistance Fund (Fund 020). 77029

All repayments of current loans approved under section 77030
3318.48 of the Revised Code, which is repealed by this act, shall 77031
be deposited to the credit of the Public School Building Fund 77032
(Fund 021). Should a district fail to submit the annual 77033
installment of the loan repayment within sixty days after the due 77034
date, the Department of Education, upon the request of the 77035

Executive Director of the Ohio School Facilities Commission, shall 77036
deduct the amount of the installment from payments due to a 77037
district under Chapter 3317. of the Revised Code or from any other 77038
funds appropriated to the district by the General Assembly, and 77039
shall transfer that amount to the Commission to the credit of the 77040
Public School Building Fund (Fund 021). 77041

Section 393.10. SOS SECRETARY OF STATE 77042

General Revenue Fund 77043

GRF 050-321 Operating Expenses	\$	2,585,000	\$	2,585,000	77044
GRF 050-403 Election Statistics	\$	103,936	\$	103,936	77045
GRF 050-407 Pollworkers Training	\$	277,997	\$	277,997	77046
GRF 050-409 Litigation	\$	4,652	\$	4,652	77047

Expenditures

TOTAL GRF General Revenue Fund	\$	2,971,585	\$	2,971,585	77048
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General Services Fund Group 77049

4S8 050-610 Board of Voting	\$	7,200	\$	7,200	77050
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Machine Examiners

412 050-609 Notary Commission	\$	685,249	\$	685,249	77051
413 050-601 Information Systems	\$	119,955	\$	119,955	77052
414 050-602 Citizen Education Fund	\$	55,712	\$	55,712	77053
TOTAL General Services Fund Group	\$	868,116	\$	868,116	77054

Federal Special Revenue Fund Group 77055

3AH 050-614 Election Reform/Health and Human Services	\$	1,000,000	\$	1,000,000	77056
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3AS 050-616 2005 HAVA Voting	\$	4,750,000	\$	2,750,000	77057
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Machines

3X4 050-612 Ohio Center/Law	\$	41,000	\$	41,000	77058
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Related Educational

Grant

TOTAL FED Federal Special Revenue					77059
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Fund Group	\$	5,791,000	\$	3,791,000	77060
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State Special Revenue Fund Group				77061
5N9 050-607 Technology	\$	129,565	\$ 129,565	77062
Improvements				
599 050-603 Business Services	\$	13,761,734	\$ 13,761,734	77063
Operating Expenses				
TOTAL SSR State Special Revenue				77064
Fund Group	\$	13,891,299	\$ 13,891,299	77065
Holding Account Redistribution Fund Group				77066
R01 050-605 Uniform Commercial	\$	30,000	\$ 30,000	77067
Code Refunds				
R02 050-606 Corporate/Business	\$	85,000	\$ 85,000	77068
Filing Refunds				
TOTAL 090 Holding Account				77069
Redistribution Fund Group	\$	115,000	\$ 115,000	77070
TOTAL ALL BUDGET FUND GROUPS	\$	23,637,000	\$ 21,637,000	77071
BOARD OF VOTING MACHINE EXAMINERS				77072
The foregoing appropriation item 050-610, Board of Voting				77073
Machine Examiners, shall be used to pay for the services and				77074
expenses of the members of the Board of Voting Machine Examiners,				77075
and for other expenses that are authorized to be paid from the				77076
Board of Voting Machine Examiners Fund, which is created in				77077
section 3506.05 of the Revised Code. Moneys not used shall be				77078
returned to the person or entity submitting the equipment for				77079
examination. If it is determined that additional appropriations				77080
are necessary, such amounts are appropriated.				77081
2005 HAVA VOTING MACHINES				77082
Of the foregoing appropriation item 050-616, 2005 HAVA Voting				77083
Machines, in fiscal year 2008 \$15,000 shall be distributed to the				77084
Vinton County Board of Elections and \$15,000 shall be distributed				77085
to the Morgan County Board of Elections to be used for emergency				77086
assistance for elections.				77087

On July 1, 2008, or as soon as possible thereafter, the 77088
Director of Budget and Management shall transfer any remaining 77089
unexpended, unencumbered appropriations in Fund 3AS, appropriation 77090
item 050-616, 2005 HAVA Voting Machines, for use in fiscal year 77091
2009. The transferred amount is hereby appropriated. 77092

On July 1, 2008, or as soon as possible thereafter, the 77093
Director of Budget and Management shall transfer any remaining 77094
unexpended, unencumbered appropriations in Fund 3AH, appropriation 77095
item 050-614, Election Reform/Health and Human Services Fund, for 77096
use in fiscal year 2009. The transferred amount is hereby 77097
appropriated. 77098

Ongoing interest earnings from the federal Election 77099
Reform/Health and Human Services Fund (Fund 3AH) and the 2005 HAVA 77100
Voting Machines Fund (Fund 3AS) shall be credited to the 77101
respective funds and distributed in accordance with the terms of 77102
the grant under which the money is received. 77103

HOLDING ACCOUNT REDISTRIBUTION GROUP 77104

The foregoing appropriation items 050-605 and 050-606, 77105
Holding Account Redistribution Fund Group, shall be used to hold 77106
revenues until they are directed to the appropriate accounts or 77107
until they are refunded. If it is determined that additional 77108
appropriations are necessary, such amounts are appropriated. 77109

Section 395.10. SEN THE OHIO SENATE 77110

General Revenue Fund 77111

GRF 020-321 Operating Expenses	\$	11,778,439	\$	11,778,439	77112
TOTAL GRF General Revenue Fund	\$	11,778,439	\$	11,778,439	77113

General Services Fund Group 77114

102 020-602 Senate Reimbursement	\$	448,465	\$	448,465	77115
409 020-601 Miscellaneous Sales	\$	34,497	\$	34,497	77116
TOTAL GSF General Services					77117

Fund Group	\$	482,962	\$	482,962	77118
TOTAL ALL BUDGET FUND GROUPS	\$	12,261,401	\$	12,261,401	77119

OPERATING EXPENSES 77120

On July 1, 2007, or as soon as possible thereafter, the Clerk 77121
of the Senate shall certify to the Director of Budget and 77122
Management the total fiscal year 2007 unencumbered appropriations 77123
in appropriation item 020-321, Operating Expenses. The Clerk may 77124
direct the Director of Budget and Management to transfer an amount 77125
not to exceed the total fiscal year 2007 unencumbered 77126
appropriations to fiscal year 2008 for use within appropriation 77127
item 020-321, Operating Expenses. Additional appropriation 77128
authority equal to the amount certified by the Clerk is hereby 77129
appropriated to appropriation item 020-321, Operating Expenses, in 77130
fiscal year 2008. 77131

On July 1, 2008, or as soon as possible thereafter, the Clerk 77132
of the Senate shall certify to the Director of Budget and 77133
Management the total fiscal year 2008 unencumbered appropriations 77134
in appropriation item 020-321, Operating Expenses. The Clerk may 77135
direct the Director of Budget and Management to transfer an amount 77136
not to exceed the total fiscal year 2008 unencumbered 77137
appropriations to fiscal year 2009 for use within appropriation 77138
item 020-321, Operating Expenses. Additional appropriation 77139
authority equal to the amount certified by the Clerk is hereby 77140
appropriated to appropriation item 020-321, Operating Expenses, in 77141
fiscal year 2009. 77142

Section 397.10. CSF COMMISSIONERS OF THE SINKING FUND 77143

Debt Service Fund Group					77144
070 155-905 Third Frontier	\$	14,349,500	\$	25,023,400	77145
Research & Development					
Bond Retirement Fund					
072 155-902 Highway Capital	\$	202,694,900	\$	205,139,500	77146

		Improvement Bond				
		Retirement Fund				
073	155-903	Natural Resources Bond	\$	24,713,800	\$	25,723,000 77147
		Retirement Fund				
074	155-904	Conservation Projects	\$	14,847,200	\$	19,779,200 77148
		Bond Service Fund				
076	155-906	Coal Research and	\$	7,232,400	\$	8,192,500 77149
		Development Bond				
		Retirement Fund				
077	155-907	State Capital	\$	178,713,600	\$	189,296,300 77150
		Improvement Bond				
		Retirement Fund				
078	155-908	Common Schools Bond	\$	292,268,400	\$	342,148,300 77151
		Retirement Fund				
079	155-909	Higher Education Bond	\$	175,972,400	\$	210,372,200 77152
		Retirement Fund				
090	155-912	Job Ready Site	\$	4,359,400	\$	8,232,500 77153
		Development Bond				
		Retirement Fund				
		TOTAL DSF Debt Service Fund Group	\$	915,151,600	\$	1,033,906,900 77154
		TOTAL ALL BUDGET FUND GROUPS	\$	915,151,600	\$	1,033,906,900 77155
		ADDITIONAL APPROPRIATIONS				77156
		Appropriation items in this section are for the purpose of				77157
		paying debt service and financing costs on bonds or notes of the				77158
		state issued under the Ohio Constitution and acts of the General				77159
		Assembly. If it is determined that additional appropriations are				77160
		necessary for this purpose, such amounts are hereby appropriated.				77161
		Section 399.10. SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY				77162
		DEVELOPMENT FOUNDATION				77163
		General Revenue Fund				77164

GRF 945-321	Operating Expenses	\$	0	\$	475,220	77165
GRF 945-501	Southern Ohio	\$	0	\$	7,513,251	77166
	Agricultural and					
	Community Development					
	Foundation					
TOTAL GRF	General Revenue Fund	\$	0	\$	7,988,471	77167
TOTAL ALL BUDGET FUND GROUPS		\$	0	\$	7,988,471	77168
	SOUTHERN OHIO AGRICULTURAL AND COMMUNITY DEVELOPMENT					77169
	FOUNDATION					77170
	The foregoing appropriation item 945-321, Operating Expenses,					77171
	shall be used for the operating expenses of the Southern Ohio					77172
	Agricultural and Community Development Foundation in administering					77173
	programs under section 183.15 of the Revised Code.					77174
	The foregoing appropriation item 945-501, Southern Ohio					77175
	Agricultural and Community Development Foundation, shall be used					77176
	by the Southern Ohio Agricultural and Community Development					77177
	Foundation for programs administered under section 183.15 of the					77178
	Revised Code.					77179
	Section 401.10. SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY &					77180
	AUDIOLOGY					77181
	General Services Fund Group					77182
4K9 886-609	Operating Expenses	\$	430,600	\$	453,000	77183
TOTAL GSF	General Services					77184
	Fund Group	\$	430,600	\$	453,000	77185
TOTAL ALL BUDGET FUND GROUPS		\$	430,600	\$	453,000	77186
	Section 403.10. BTA BOARD OF TAX APPEALS					77188
	General Revenue Fund					77189
GRF 116-321	Operating Expenses	\$	2,247,476	\$	2,281,188	77190
TOTAL GRF	General Revenue Fund	\$	2,247,476	\$	2,281,188	77191

TOTAL ALL BUDGET FUND GROUPS	\$	2,247,476	\$	2,281,188	77192
Section 405.10. TAX DEPARTMENT OF TAXATION					77194
General Revenue Fund					77195
GRF 110-321 Operating Expenses	\$	92,040,062	\$	92,440,062	77196
GRF 110-404 Tobacco Settlement	\$	0	\$	328,034	77197
Enforcement					
GRF 110-412 Child Support	\$	71,680	\$	71,680	77198
Administration					
GRF 110-901 Property Tax	\$	446,953,165	\$	478,613,618	77199
Allocation - Taxation					
GRF 110-906 Tangible Tax Exemption	\$	9,177,962	\$	4,588,981	77200
- Taxation					
TOTAL GRF General Revenue Fund	\$	548,242,869	\$	576,042,375	77201
General Services Fund Group					77202
433 110-602 Tape File Account	\$	125,000	\$	140,000	77203
5BQ 110-629 Commercial Activity	\$	6,000,000	\$	6,000,000	77204
Tax Administration					
5W4 110-625 Centralized Tax Filing	\$	400,000	\$	200,000	77205
and Payment					
5W7 110-627 Exempt Facility	\$	100,000	\$	150,000	77206
Administration					
5CZ 110-631 Vendor's License	\$	1,000,000	\$	1,000,000	77207
Application					
TOTAL GSF General Services					77208
Fund Group	\$	7,625,000	\$	7,490,000	77209
State Special Revenue Fund Group					77210
4C6 110-616 International	\$	706,855	\$	706,855	77211
Registration Plan					
4R6 110-610 Tire Tax	\$	125,000	\$	150,000	77212
Administration					
435 110-607 Local Tax	\$	17,250,000	\$	17,250,000	77213

		Administration				
436	110-608	Motor Vehicle Audit	\$	1,200,000	\$	1,200,000 77214
437	110-606	Litter Tax and Natural	\$	675,000	\$	800,000 77215
		Resource Tax				
		Administration				
438	110-609	School District Income	\$	3,600,000	\$	3,600,000 77216
		Tax				
5N5	110-605	Municipal Income Tax	\$	500,000	\$	500,000 77217
		Administration				
5N6	110-618	Kilowatt Hour Tax	\$	125,000	\$	175,000 77218
		Administration				
5V7	110-622	Motor Fuel Tax	\$	4,700,000	\$	5,000,000 77219
		Administration				
5V8	110-623	Property Tax	\$	13,500,000	\$	13,500,000 77220
		Administration				
639	110-614	Cigarette Tax	\$	100,000	\$	100,000 77221
		Enforcement				
642	110-613	Ohio Political Party	\$	600,000	\$	600,000 77222
		Distributions				
688	110-615	Local Excise Tax	\$	210,000	\$	180,000 77223
		Administration				
		TOTAL SSR State Special Revenue				77224
		Fund Group	\$	43,291,855	\$	43,761,855 77225
		Agency Fund Group				77226
095	110-995	Municipal Income Tax	\$	21,000,000	\$	21,000,000 77227
425	110-635	Tax Refunds	\$	1,565,900,000	\$	1,546,800,000 77228
		TOTAL AGY Agency Fund Group	\$	1,586,900,000	\$	1,567,800,000 77229
		Holding Account Redistribution Fund Group				77230
R10	110-611	Tax Distributions	\$	50,000	\$	50,000 77231
R11	110-612	Miscellaneous Income	\$	50,000	\$	50,000 77232
		Tax Receipts				
		TOTAL 090 Holding Account				77233

Redistribution Fund Group	\$	100,000	\$	100,000	77234
TOTAL ALL BUDGET FUND GROUPS	\$	2,186,159,724	\$	2,195,194,230	77235

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK, AND TANGIBLE TAX 77236
EXEMPTION 77237

The foregoing appropriation item 110-901, Property Tax 77238
Allocation - Taxation, is hereby appropriated to pay for the 77239
state's costs incurred because of the Homestead Exemption, the 77240
Manufactured Home Property Tax Rollback, and the Property Tax 77241
Rollback. The Tax Commissioner shall distribute these funds 77242
directly to the appropriate local taxing districts, except for 77243
school districts, notwithstanding the provisions in sections 77244
321.24 and 323.156 of the Revised Code, which provide for payment 77245
of the Homestead Exemption, the Manufactured Home Property Tax 77246
Rollback, and Property Tax Rollback by the Tax Commissioner to the 77247
appropriate county treasurer and the subsequent redistribution of 77248
these funds to the appropriate local taxing districts by the 77249
county auditor. 77250

The foregoing appropriation item 110-906, Tangible Tax 77251
Exemption - Taxation, is hereby appropriated to pay for the 77252
state's costs incurred because of the tangible personal property 77253
tax exemption required by division (C)(3) of section 5709.01 of 77254
the Revised Code. The Tax Commissioner shall distribute to each 77255
county treasurer the total amount appearing in the notification 77256
from the county treasurer under division (G) of section 321.24 of 77257
the Revised Code for all local taxing districts located in the 77258
county except for school districts, notwithstanding the provision 77259
in section 321.24 of the Revised Code which provides for payment 77260
of the \$10,000 tangible personal property tax exemption by the Tax 77261
Commissioner to the appropriate county treasurer for all local 77262
taxing districts located in the county including school districts. 77263
The county auditor shall distribute the amount paid by the Tax 77264
Commissioner among the appropriate local taxing districts except 77265

for school districts under division (G) of section 321.24 of the Revised Code. 77266
77267

Upon receipt of these amounts, each local taxing district shall distribute the amount among the proper funds as if it had been paid as real or tangible personal property taxes. Payments for the costs of administration shall continue to be paid to the county treasurer and county auditor as provided for in sections 319.54, 321.26, and 323.156 of the Revised Code. 77268
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Any sums, in addition to the amounts specifically appropriated in appropriation items 110-901, Property Tax Allocation - Taxation, for the Homestead Exemption, the Manufactured Home Property Tax Rollback, and the Property Tax Rollback payments, and 110-906, Tangible Tax Exemption - Taxation, for the \$10,000 tangible personal property tax exemption payments, which are determined to be necessary for these purposes, are hereby appropriated. 77274
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MUNICIPAL INCOME TAX 77282

The foregoing appropriation item 110-995, Municipal Income Tax, shall be used to make payments to municipal corporations under section 5745.05 of the Revised Code. If it is determined that additional appropriations are necessary to make these payments, such amounts are hereby appropriated. 77283
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TAX REFUNDS 77288

The foregoing appropriation item 110-635, Tax Refunds, shall be used to pay refunds under section 5703.052 of the Revised Code. If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby appropriated. 77289
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INTERNATIONAL REGISTRATION PLAN AUDIT 77293

The foregoing appropriation item 110-616, International Registration Plan, shall be used under section 5703.12 of the 77294
77295

Revised Code for audits of persons with vehicles registered under 77296
the International Registration Plan. 77297

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT 77298

Of the foregoing appropriation item 110-607, Local Tax 77299
Administration, the Tax Commissioner may disburse funds, if 77300
available, for the purposes of paying travel expenses incurred by 77301
members of Ohio's delegation to the Streamlined Sales Tax Project, 77302
as appointed under section 5740.02 of the Revised Code. Any travel 77303
expense reimbursement paid for by the Department of Taxation shall 77304
be done in accordance with applicable state laws and guidelines. 77305

LITTER CONTROL TAX ADMINISTRATION FUND 77306

Notwithstanding section 5733.12 of the Revised Code, during 77307
the period from July 1, 2007, to June 30, 2008, the amount of 77308
\$675,000, and during the period from July 1, 2008, to June 30, 77309
2009, the amount of \$800,000, received by the Tax Commissioner 77310
under Chapter 5733. of the Revised Code, shall be credited to the 77311
Litter Control Tax Administration Fund (Fund 437). 77312

CENTRALIZED TAX FILING AND PAYMENT FUND 77313

The Director of Budget and Management, under a plan submitted 77314
by the Tax Commissioner, or as otherwise determined by the 77315
Director of Budget and Management, shall set a schedule to 77316
transfer cash from the General Revenue Fund to the credit of the 77317
Centralized Tax Filing and Payment Fund (Fund 5W4). The transfers 77318
of cash shall not exceed \$600,000 in the biennium. 77319

COMMERCIAL ACTIVITY TAX ADMINISTRATION FUND 77320

The foregoing appropriation item 110-629, Commercial Activity 77321
Tax Administration Fund (Fund 5BQ), shall be used to pay expenses 77322
incurred by the Department of Taxation to implement and administer 77323
the Commercial Activity Tax under Chapter 5751. of the Revised 77324
Code. 77325

Notwithstanding section 3734.9010, division (B)(2)(c) of 77326
section 4505.09, division (B) of section 5703.12, section 5703.80, 77327
division (C)(6) of section 5727.81, sections 5733.122 and 77328
5735.053, division (C) of section 5739.21, section 5745.03, 77329
section 5743.024, section 5743.15, division (C) of section 77330
5747.03, and section 5747.113 of the Revised Code or any other 77331
provisions to the contrary, any residual cash balances determined 77332
and certified by the Tax Commissioner to the Director of Budget 77333
and Management shall be transferred on July 1, 2007, or as soon as 77334
possible thereafter, to the Commercial Activities Tax 77335
Administration Fund (Fund 5BQ). 77336

TOBACCO SETTLEMENT ENFORCEMENT 77337

The foregoing appropriation item 110-404, Tobacco Settlement 77338
Enforcement, shall be used by the Tax Commissioner to pay costs 77339
incurred in the enforcement of divisions (F) and (G) of section 77340
5743.03 of the Revised Code. 77341

Section 407.10. DOT DEPARTMENT OF TRANSPORTATION 77342

Transportation Modes 77343

General Revenue Fund 77344

GRF 775-451 Public Transportation \$ 16,700,000 \$ 17,000,000 77345

- State

GRF 776-465 Ohio Rail Development \$ 3,700,000 \$ 3,700,000 77346

Commission

GRF 776-466 Railroad \$ 789,600 \$ 789,600 77347

Crossing/Grade

Separation

GRF 777-471 Airport Improvements - \$ 3,293,985 \$ 1,794,003 77348

State

TOTAL GRF General Revenue Fund \$ 24,483,585 \$ 23,283,603 77349

TOTAL ALL BUDGET FUND GROUPS \$ 24,483,585 \$ 23,283,603 77350

PUBLIC TRANSPORTATION - STATE 77351

Of the foregoing GRF appropriation item 775-451, Public 77352
Transportation - State, \$200,000 in fiscal year 2008 shall be used 77353
for the Cleveland Metropolitan Park District West Creek Project. 77354

TRANSPORTATION STUDY 77355

Of the foregoing appropriation item 775-451, Public 77356
Transportation-State, \$50,000 in fiscal year 2008 shall be used 77357
for a Franklin County school transportation study to determine the 77358
feasibility of a countywide pupil transportation system. 77359

AIRPORT IMPROVEMENTS 77360

Of the foregoing appropriation item 777-471, Airport 77361
Improvements - State, \$1,500,000 in fiscal year 2008 shall be used 77362
for air travel and support and economic development of statewide 77363
airports. The Directors of Development and Transportation may 77364
enter into one or more interagency agreements between their two 77365
departments as necessary to implement a statewide strategy to 77366
enhance Ohio's airports as centers of regional economic 77367
development. 77368

Section 409.10. TOS TREASURER OF STATE 77369

General Revenue Fund 77370

GRF 090-321 Operating Expenses \$ 9,313,195 \$ 9,313,195 77371

GRF 090-401 Office of the Sinking \$ 537,223 \$ 537,223 77372

Fund 77373

GRF 090-402 Continuing Education \$ 448,843 \$ 448,843 77374

GRF 090-524 Police and Fire \$ 14,000 \$ 12,000 77375

Disability Pension 77376

Fund

GRF 090-534 Police & Fire Ad Hoc \$ 140,000 \$ 130,000 77377

Cost

of Living 77378

GRF 090-554 Police and Fire \$ 910,000 \$ 865,000 77379

	Survivor				
	Benefits				77380
GRF 090-575	Police and Fire Death	\$	20,000,000	\$	20,000,000
	Benefits				77382
TOTAL GRF	General Revenue Fund	\$	31,363,261	\$	31,306,261
	General Services Fund Group				77384
4E9 090-603	Securities Lending	\$	3,164,000	\$	3,314,000
	Income				
577 090-605	Investment Pool	\$	550,000	\$	550,000
	Reimbursement				77387
605 090-609	Treasurer of State	\$	350,000	\$	350,000
	Administrative Fund				77389
TOTAL GSF	General Services				77390
Fund Group		\$	4,064,000	\$	4,214,000
	State Special Revenue Fund Group				77392
5C5 090-602	County Treasurer	\$	135,000	\$	135,000
	Education				
TOTAL SSR	State Special Revenue				77394
Fund Group		\$	135,000	\$	135,000
	Agency Fund Group				77396
425 090-635	Tax Refunds	\$	31,000,000	\$	31,000,000
TOTAL Agency	Fund Group	\$	31,000,000	\$	31,000,000
TOTAL ALL BUDGET	FUND GROUPS	\$	66,562,261	\$	66,655,261

Section 409.10.10. OFFICE OF THE SINKING FUND 77401

The foregoing appropriation item 090-401, Office of the 77402
Sinking Fund, shall be used for financing and other costs incurred 77403
by or on behalf of the Commissioners of the Sinking Fund, the Ohio 77404
Public Facilities Commission or its secretary, or the Treasurer of 77405
State, with respect to State of Ohio general obligation bonds or 77406
notes, including, but not limited to, printing, advertising, 77407
delivery, rating fees and the procurement of ratings, professional 77408

publications, membership in professional organizations, and 77409
services referred to in division (D) of section 151.01 of the 77410
Revised Code. The General Revenue Fund shall be reimbursed for 77411
such costs by intrastate transfer voucher pursuant to a 77412
certification by the Office of the Sinking Fund of the actual 77413
amounts used. The amounts necessary to make such reimbursements 77414
are appropriated from the general obligation bond retirement funds 77415
created by the Constitution and laws to the extent such costs are 77416
incurred. 77417

POLICE AND FIRE DEATH BENEFIT FUND 77418

The foregoing appropriation item 090-575, Police and Fire 77419
Death Benefits, shall be disbursed quarterly by the Treasurer of 77420
State at the beginning of each quarter of each fiscal year to the 77421
Board of Trustees of the Ohio Police and Fire Pension Fund. The 77422
Treasurer of State shall certify such amounts quarterly to the 77423
Director of Budget and Management. By the twentieth day of June of 77424
each fiscal year, the Board of Trustees of the Ohio Police and 77425
Fire Pension Fund shall certify to the Treasurer of State the 77426
amount disbursed in the current fiscal year to make the payments 77427
required by section 742.63 of the Revised Code and shall return to 77428
the Treasurer of State moneys received from this appropriation 77429
item but not disbursed. 77430

TAX REFUNDS 77431

The foregoing appropriation item 090-635, Tax Refunds, shall 77432
be used to pay refunds under section 5703.052 of the Revised Code. 77433
If the Director of Budget and Management determines that 77434
additional amounts are necessary for this purpose, such amounts 77435
are hereby appropriated. 77436

Section 411.10. TTA OHIO TUITION TRUST AUTHORITY 77437

State Special Revenue Fund Group 77438

5AM 095-603	Index Savings Plan	\$	2,376,852	\$	2,425,777	77439
5DC 095-604	Banking Products	\$	1,631,283	\$	1,648,123	77440
5P3 095-602	Variable College	\$	2,031,354	\$	2,063,596	77441
	Savings Fund					
645 095-601	Operating Expenses	\$	872,086	\$	881,169	77442
TOTAL SSR State Special Revenue						77443
Fund Group		\$	6,911,575	\$	7,018,665	77444
TOTAL ALL BUDGET FUND GROUPS		\$	6,911,575	\$	7,018,665	77445
Section 413.10. OVH OHIO VETERANS' HOME						77447
General Revenue Fund						77448
GRF 430-100	Personal Services	\$	23,085,261	\$	24,403,903	77449
GRF 430-200	Maintenance	\$	7,835,544	\$	8,458,613	77450
GRF 430-402	Hall of Fame	\$	125,000	\$	125,000	77451
TOTAL GRF General Revenue Fund		\$	31,045,805	\$	32,987,516	77452
General Services Fund Group						77453
484 430-603	Veterans Home Services	\$	375,880	\$	375,880	77454
TOTAL GSF General Services Fund		\$	375,880	\$	375,880	77455
Group						
Federal Special Revenue Fund Group						77456
3BX 430-609	Medicare Services	\$	1,446,807		1,446,807	77457
3L2 430-601	Veterans Home	\$	15,290,320	\$	15,410,471	77458
	Operations - Federal					
TOTAL FED Federal Special Revenue						77459
Fund Group		\$	16,737,127	\$	16,857,278	77460
State Special Revenue Fund Group						77461
4E2 430-602	Veterans Home	\$	8,530,800	\$	8,530,800	77462
	Operating					
604 430-604	Veterans Home	\$	770,096	\$	770,096	77463
	Improvement					
TOTAL SSR State Special Revenue						77464
Fund Group		\$	9,300,896	\$	9,300,896	77465

TOTAL ALL BUDGET FUND GROUPS	\$	57,459,708	\$	59,521,570	77466
CORNERSTONE OF HOPE					77467
Of the foregoing appropriation item 430-100, Personal					77468
Services, \$100,000 in each fiscal year shall be distributed to					77469
Cornerstone of Hope to be used to provide professional counseling					77470
services for individuals who have recently lost family members who					77471
were service men and service women in the United States Armed					77472
Forces.					77473
Section 415.10. VET VETERANS' ORGANIZATIONS					77474
General Revenue Fund					77475
VAP AMERICAN EX-PRISONERS OF WAR					77476
GRF 743-501 State Support	\$	27,533	\$	27,533	77477
VAN ARMY AND NAVY UNION, USA, INC.					77478
GRF 746-501 State Support	\$	60,513	\$	60,513	77479
VKW KOREAN WAR VETERANS					77480
GRF 747-501 State Support	\$	54,398	\$	54,398	77481
VJW JEWISH WAR VETERANS					77482
GRF 748-501 State Support	\$	32,687	\$	32,687	77483
VCW CATHOLIC WAR VETERANS					77484
GRF 749-501 State Support	\$	63,789	\$	63,789	77485
VPH MILITARY ORDER OF THE PURPLE HEART					77486
GRF 750-501 State Support	\$	62,015	\$	62,015	77487
VVV VIETNAM VETERANS OF AMERICA					77488
GRF 751-501 State Support	\$	204,549	\$	204,549	77489
VAL AMERICAN LEGION OF OHIO					77490
GRF 752-501 State Support	\$	332,561	\$	332,561	77491
VII AMVETS					77492
GRF 753-501 State Support	\$	316,711	\$	316,711	77493
VAV DISABLED AMERICAN VETERANS					77494
GRF 754-501 State Support	\$	237,939	\$	237,939	77495
VMC MARINE CORPS LEAGUE					77496

GRF 756-501 State Support	\$	127,569	\$	127,569	77497
V37 37TH DIVISION AEF VETERANS' ASSOCIATION					77498
GRF 757-501 State Support	\$	6,541	\$	6,541	77499
VFW VETERANS OF FOREIGN WARS					77500
GRF 758-501 State Support	\$	271,277	\$	271,277	77501
TOTAL GRF General Revenue Fund	\$	1,798,082	\$	1,798,082	77502
TOTAL ALL BUDGET FUND GROUPS	\$	1,798,082	\$	1,798,082	77503

RELEASE OF FUNDS 77504

The foregoing appropriation items 743-501, 746-501, 747-501, 77505
748-501, 749-501, 750-501, 751-501, 752-501, 753-501, 754-501, 77506
756-501, 757-501, and 758-501, State Support, shall be released 77507
upon approval by the Director of Budget and Management. 77508

CENTRAL OHIO UNITED SERVICES ORGANIZATION 77509

Of the foregoing appropriation item 751-501, State Support, 77510
Vietnam Veterans of America, \$50,000 in each fiscal year shall be 77511
used to support the activities of the Central Ohio USO. 77512

VAL AMERICAN LEGION OF OHIO 77513

Of the foregoing appropriation item 752-501, State Support, 77514
VAL American Legion, at least \$50,000 in each fiscal year shall be 77515
used to fund service officer expenses. 77516

VETERANS SERVICE COMMISSION EDUCATION 77517

Of the foregoing appropriation item 753-501, State Support, 77518
AMVETS, up to \$20,000 in each fiscal year may be used to provide 77519
moneys to the Association of County Veterans Service Commissioners 77520
to reimburse its member county veterans service commissions for 77521
costs incurred in carrying out educational and outreach duties 77522
required under divisions (E) and (F) of section 5901.03 of the 77523
Revised Code. The Director of Budget and Management shall release 77524
these funds upon the presentation of an itemized receipt, approved 77525
by the Governor's Office of Veterans Affairs, from the association 77526
for reasonable and appropriate expenses incurred while performing 77527

these duties. The association shall establish uniform procedures 77528
for reimbursing member commissions. 77529

VII AMVETS 77530

Of the foregoing appropriation item 753-501, State Support, 77531
AMVETS, at least \$50,000 shall be used in each fiscal year to fund 77532
service officer expenses. 77533

VAV DISABLED AMERICAN VETERANS 77534

Of the foregoing appropriation item 754-501, State Support, 77535
VAV Disabled American Veterans, at least \$50,000 in each fiscal 77536
year shall be used to fund service officer expenses. 77537

VMC MARINE CORPS LEAGUE 77538

Of the foregoing appropriation item 756-501, State Support, 77539
VMC Marine Corps League, at least \$30,000 in each fiscal year 77540
shall be used to fund service officer expenses. 77541

VFW VETERANS OF FOREIGN WARS 77542

Of the foregoing appropriation item 758-501, State Support, 77543
VFW Veterans of Foreign Wars, at least \$50,000 in each fiscal year 77544
shall be used to fund service officer expenses. 77545

Section 417.10. DVM STATE VETERINARY MEDICAL BOARD 77546

General Services Fund Group 77547

4K9 888-609 Operating Expenses	\$	322,740	\$	327,312	77548
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5BU 888-602 Veterinary Student	\$	60,000	\$	0	77549
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Loan Program

TOTAL GSF General Services 77550

Fund Group	\$	382,740	\$	327,312	77551
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TOTAL ALL BUDGET FUND GROUPS	\$	382,740	\$	327,312	77552
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Section 419.10. DYS DEPARTMENT OF YOUTH SERVICES 77554

General Revenue Fund 77555

GRF 470-401	RECLAIM Ohio	\$	186,338,297	\$	190,599,131	77556
GRF 470-412	Lease Rental Payments	\$	24,207,700	\$	24,208,700	77557
GRF 470-510	Youth Services	\$	18,558,587	\$	18,558,587	77558
GRF 472-321	Parole Operations	\$	15,356,904	\$	15,764,729	77559
GRF 477-321	Administrative	\$	14,754,420	\$	14,754,419	77560
	Operations					
TOTAL GRF	General Revenue Fund	\$	259,215,908	\$	263,885,566	77561
	General Services Fund Group					77562
175 470-613	Education	\$	9,985,035	\$	10,550,725	77563
	Reimbursement					
4A2 470-602	Child Support	\$	328,657	\$	328,657	77564
4G6 470-605	General Operational	\$	49,713	\$	50,955	77565
	Funds					
4G6 470-631	SCALE Program	\$	100,000	\$	100,000	77566
479 470-609	Employee Food Service	\$	137,666	\$	137,666	77567
5BN 470-629	E-Rate Program	\$	200,000	\$	200,000	77568
TOTAL GSF	General Services					77569
Fund Group		\$	10,801,071	\$	11,368,003	77570
	Federal Special Revenue Fund Group					77571
3BH 470-630	Federal Juvenile	\$	100,000	\$	50,000	77572
	Programs FFY 06					
3BT 470-634	Federal Juvenile	\$	300,000	\$	50,000	77573
	Programs					
3BY 470-635	Federal Juvenile	\$	903,350	\$	350,000	77574
	Programs FFY 07					
3BZ 470-636	Federal Juvenile	\$	0	\$	653,350	77575
	Programs FFY 08					
3V5 470-604	Juvenile	\$	2,750,000	\$	2,750,000	77576
	Justice/Delinquency					
	Prevention					
3Z9 470-626	Federal Juvenile	\$	142,253	\$	0	77577
	Programs FFY 05					

321 470-601	Education	\$	5,202,160	\$	5,473,109	77578
321 470-603	Juvenile Justice	\$	51,000	\$	30,000	77579
	Prevention					
321 470-606	Nutrition	\$	2,908,369	\$	2,981,078	77580
321 470-610	Rehabilitation	\$	36,000	\$	36,000	77581
	Programs					
321 470-614	Title IV-E	\$	6,162,670	\$	6,316,737	77582
	Reimbursements					
321 470-617	Americorps Programs	\$	463,700	\$	463,700	77583
321 470-633	Project Re-entry	\$	1,017,843	\$	1,017,843	77584
TOTAL FED Federal Special Revenue						77585
Fund Group		\$	20,037,345	\$	20,171,817	77586
State Special Revenue Fund Group						77587
147 470-612	Vocational Education	\$	2,074,710	\$	2,141,823	77588
5BH 470-628	Partnerships for	\$	1,500,000	\$	1,500,000	77589
	Success					
TOTAL SSR State Special Revenue						77590
Fund Group		\$	3,574,710	\$	3,641,823	77591
TOTAL ALL BUDGET FUND GROUPS						77592
RECLAIM OHIO						77593
Of the foregoing appropriation item 470-401, RECLAIM Ohio,						77594
\$25,000 in each fiscal year shall be distributed directly to the						77595
Lighthouse Youth Services Wrap-Around Program.						77596
OHIO BUILDING AUTHORITY LEASE PAYMENTS						77597
The foregoing appropriation item 470-412, Lease Rental						77598
Payments, in the Department of Youth Services, shall be used to						77599
meet all payments to the Ohio Building Authority for the period						77600
from July 1, 2007, to June 30, 2009, under the leases and						77601
agreements for facilities made under Chapter 152. of the Revised						77602
Code. This appropriation is the source of funds pledged for bond						77603
service charges on related obligations issued pursuant to Chapter						77604
152. of the Revised Code.						77605

EDUCATION REIMBURSEMENT 77606

The foregoing appropriation item 470-613, Education 77607
Reimbursement, shall be used to fund the operating expenses of 77608
providing educational services to youth supervised by the 77609
Department of Youth Services. Operating expenses include, but are 77610
not limited to, teachers' salaries, maintenance costs, and 77611
educational equipment. This appropriation item may be used for 77612
capital expenses related to the education program. 77613

EMPLOYEE FOOD SERVICE AND EQUIPMENT 77614

Notwithstanding section 125.14 of the Revised Code, the 77615
foregoing appropriation item 470-609, Employee Food Service, may 77616
be used to purchase any food operational items with funds received 77617
into the fund from reimbursement for state surplus property. 77618

Section 503.03. PERSONAL SERVICE EXPENSES 77619

Unless otherwise prohibited by law, any appropriation from 77620
which personal service expenses are paid shall bear the employer's 77621
share of public employees' retirement, workers' compensation, 77622
disabled workers' relief, and all group insurance programs; the 77623
costs of centralized accounting, centralized payroll processing, 77624
and related personnel reports and services; the cost of the Office 77625
of Collective Bargaining; the cost of the Employee Assistance 77626
Program; the cost of the affirmative action and equal employment 77627
opportunity programs administered by the Department of 77628
Administrative Services; the costs of interagency information 77629
management infrastructure; and the cost of administering the state 77630
employee merit system as required by section 124.07 of the Revised 77631
Code. These costs shall be determined in conformity with the 77632
appropriate sections of law and paid in accordance with procedures 77633
specified by the Office of Budget and Management. Expenditures 77634
from appropriation item 070-601, Public Audit Expense - Local 77635
Government, in Fund 422 may be exempted from the requirements of 77636

this section. 77637

Section 503.06. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 77638
AGAINST THE STATE 77639

Except as otherwise provided in this section, an 77640
appropriation in this act or any other act may be used for the 77641
purpose of satisfying judgments, settlements, or administrative 77642
awards ordered or approved by the Court of Claims or by any other 77643
court of competent jurisdiction in connection with civil actions 77644
against the state. This authorization does not apply to 77645
appropriations to be applied to or used for payment of guarantees 77646
by or on behalf of the state, or for payments under lease 77647
agreements relating to, or debt service on, bonds, notes, or other 77648
obligations of the state. Notwithstanding any other statute to the 77649
contrary, this authorization includes appropriations from funds 77650
into which proceeds of direct obligations of the state are 77651
deposited only to the extent that the judgment, settlement, or 77652
administrative award is for, or represents, capital costs for 77653
which the appropriation may otherwise be used and is consistent 77654
with the purpose for which any related obligations were issued or 77655
entered into. Nothing contained in this section is intended to 77656
subject the state to suit in any forum in which it is not 77657
otherwise subject to suit, and is not intended to waive or 77658
compromise any defense or right available to the state in any suit 77659
against it. 77660

Section 503.09. CAPITAL PROJECT SETTLEMENTS 77661

This section specifies an additional and supplemental 77662
procedure to provide for payments of judgments and settlements if 77663
the Director of Budget and Management determines, pursuant to 77664
division (C)(4) of section 2743.19 of the Revised Code, that 77665
sufficient unencumbered moneys do not exist in the particular 77666

appropriation to pay the amount of a final judgment rendered 77667
against the state or a state agency, including the settlement of a 77668
claim approved by a court, in an action upon and arising out of a 77669
contractual obligation for the construction or improvement of a 77670
capital facility if the costs under the contract were payable in 77671
whole or in part from a state capital projects appropriation. In 77672
such a case, the director may either proceed pursuant to division 77673
(C)(4) of section 2743.19 of the Revised Code or apply to the 77674
Controlling Board to increase an appropriation or create an 77675
appropriation out of any unencumbered moneys in the state treasury 77676
to the credit of the capital projects fund from which the initial 77677
state appropriation was made. The Controlling Board may approve or 77678
disapprove the application as submitted or modified. The amount of 77679
an increase in appropriation or new appropriation specified in an 77680
application approved by the Controlling Board is hereby 77681
appropriated from the applicable capital projects fund and made 77682
available for the payment of the judgment or settlement. 77683

If the director does not make the application authorized by 77684
this section or the Controlling Board disapproves the application, 77685
and the director does not make application under division (C)(4) 77686
of section 2743.19 of the Revised Code, the director shall for the 77687
purpose of making that payment make a request to the General 77688
Assembly as provided for in division (C)(5) of that section. 77689

Section 503.12. RE-ISSUANCE OF VOIDED WARRANTS 77690

In order to provide funds for the reissuance of voided 77691
warrants under section 117.47 of the Revised Code, there is hereby 77692
appropriated, out of moneys in the state treasury from the fund 77693
credited as provided in section 117.47 of the Revised Code, that 77694
amount sufficient to pay such warrants when approved by the Office 77695
of Budget and Management. 77696

Section 503.15. REAPPROPRIATION OF UNEXPENDED ENCUMBERED 77697
BALANCES OF OPERATING APPROPRIATIONS 77698

Except for amounts of \$50,000,000 or more that are encumbered 77699
from the General Revenue Fund for program subsidy payments, which 77700
the Director of Budget and Management must report to the 77701
Controlling Board, an unexpended balance of an operating 77702
appropriation or reappropriation that a state agency lawfully 77703
encumbered prior to the close of a fiscal year is reappropriated 77704
on the first day of July of the following fiscal year from the 77705
fund from which it was originally appropriated or reappropriated 77706
for the following period and shall remain available only for the 77707
purpose of discharging the encumbrance: 77708

(A) For an encumbrance for personal services, maintenance, 77709
equipment, or items for resale, other than an encumbrance for an 77710
item of special order manufacture not available on term contract 77711
or in the open market or for reclamation of land or oil and gas 77712
wells for a period of not more than five months from the end of 77713
the fiscal year; 77714

(B) For an encumbrance for an item of special order 77715
manufacture not available on term contract or in the open market, 77716
for a period of not more than five months from the end of the 77717
fiscal year or, with the written approval of the Director of 77718
Budget and Management, for a period of not more than twelve months 77719
from the end of the fiscal year; 77720

(C) For an encumbrance for reclamation of land or oil and gas 77721
wells, for a period ending when the encumbered appropriation is 77722
expended or for a period of two years, whichever is less; 77723

(D) For an encumbrance for any other expense, for such period 77724
as the director approves, provided such period does not exceed two 77725
years. 77726

Any operating appropriations for which unexpended balances 77727
are reappropriated beyond a five-month period from the end of the 77728
fiscal year by division (B) of this section shall be reported to 77729
the Controlling Board by the Director of Budget and Management by 77730
the thirty-first day of December of each year. The report on each 77731
such item shall include the item, the cost of the item, and the 77732
name of the vendor. The report shall be updated on a quarterly 77733
basis for encumbrances remaining open. 77734

Upon the expiration of the reappropriation period set out in 77735
divisions (A), (B), (C), or (D) of this section, a reappropriation 77736
made by this section lapses, and the Director of Budget and 77737
Management shall cancel the encumbrance of the unexpended 77738
reappropriation not later than the end of the weekend following 77739
the expiration of the reappropriation period. 77740

Notwithstanding the preceding paragraph, with the approval of 77741
the Director of Budget and Management, an unexpended balance of an 77742
encumbrance that was reappropriated on the first day of July by 77743
this section for a period specified in division (C) or (D) of this 77744
section and that remains encumbered at the close of the fiscal 77745
biennium is hereby reappropriated on the first day of July of the 77746
following fiscal biennium from the fund from which it was 77747
originally appropriated or reappropriated for the applicable 77748
period specified in division (C) or (D) of this section and shall 77749
remain available only for the purpose of discharging the 77750
encumbrance. 77751

The Director of Budget and Management may correct accounting 77752
errors committed by the staff of the Office of Budget and 77753
Management, such as re-establishing encumbrances or appropriations 77754
cancelled in error, during the cancellation of operating 77755
encumbrances in November and of nonoperating encumbrances in 77756
December. 77757

If the Controlling Board approved a purchase, that approval 77758

remains in effect so long as the appropriation used to make that 77759
purchase remains encumbered. 77760

Section 503.18. APPROPRIATIONS RELATED TO CASH TRANSFERS AND 77761
RE-ESTABLISHMENT OF ENCUMBRANCES 77762

Any cash transferred by the Director of Budget and Management 77763
under section 126.15 of the Revised Code is hereby appropriated. 77764
Any amounts necessary to re-establish appropriations or 77765
encumbrances under section 126.15 of the Revised Code are hereby 77766
appropriated. 77767

Section 503.21. INCOME TAX DISTRIBUTION TO COUNTIES 77768

There are hereby appropriated out of any moneys in the state 77769
treasury to the credit of the General Revenue Fund, which are not 77770
otherwise appropriated, funds sufficient to make any payment 77771
required by division (B)(2) of section 5747.03 of the Revised 77772
Code. 77773

Section 503.24. EXPENDITURES AND APPROPRIATION INCREASES 77774
APPROVED BY THE CONTROLLING BOARD 77775

Any money that the Controlling Board approves for expenditure 77776
or any increase in appropriation authority that the Controlling 77777
Board approves under sections 127.14, 131.35, and 131.39 of the 77778
Revised Code or any other provision of law is hereby appropriated 77779
for the period ending June 30, 2009. 77780

Section 503.27. FUNDS RECEIVED FOR USE OF GOVERNOR'S 77781
RESIDENCE 77782

If the Governor's Residence Fund (Fund 4H2) receives payment 77783
for use of the residence pursuant to section 107.40 of the Revised 77784
Code, the amounts so received are hereby appropriated to 77785
appropriation item 100-604, Governor's Residence Gift. 77786

Section 506.03. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS			77787
The maximum amounts that may be assessed against nuclear			77788
electric utilities under division (B)(2) of section 4937.05 of the			77789
Revised Code are as follows:			77790
	FY 2008	FY 2009	77791
Department of Agriculture			77792
Fund 4E4 Utility Radiological Safety	\$73,059	\$73,059	77793
Department of Health			77794
Fund 610 Radiation Emergency Response	\$850,000	\$850,000	77795
Environmental Protection Agency			77796
Fund 644 ER Radiological Safety	\$286,114	\$286,114	77797
Emergency Management Agency			77798
Fund 657 Utility Radiological Safety	\$1,260,000	\$1,260,000	77799
Section 512.01. TRANSFERS OF FISCAL YEAR 2007 GENERAL REVENUE			77800
FUND ENDING BALANCES			77801
Notwithstanding divisions (B)(1)(b), (B)(2), and (C) of			77802
section 131.44 of the Revised Code, up to \$100,000,000 in cash			77803
from fiscal year 2007 surplus revenue in excess of the amount			77804
required under division (A)(3) of section 131.44 of the Revised			77805
Code shall remain in the General Revenue Fund (GRF).			77806
Section 512.03. TRANSFERS TO THE GENERAL REVENUE FUND FROM			77807
NON-GRF FUNDS			77808
Notwithstanding any other provision of law to the contrary,			77809
during fiscal years 2008 and 2009, the Director of Budget and			77810
Management is hereby authorized to transfer cash from non-General			77811
Revenue Fund funds that are not constitutionally restricted to the			77812
General Revenue Fund. The total amount of cash transfers made			77813
pursuant to this section to the General Revenue Fund during fiscal			77814
years 2008 and 2009 shall not exceed \$70,000,000.			77815

Section 512.06. TRANSFERS TO THE GENERAL REVENUE FUND OF 77816
INTEREST EARNED 77817

Notwithstanding any provision of Ohio law to the contrary, 77818
the Director of Budget and Management, through June 30, 2009, may 77819
transfer interest earned by any fund in the Central Accounting 77820
System to the General Revenue Fund. Subsequent to the making of 77821
such transfers, the Director of Budget and Management shall 77822
provide a report to the Controlling Board at its next regularly 77823
scheduled meeting detailing the funds from which the interest 77824
earned was transferred to the General Revenue Fund and the amount 77825
of interest earnings transferred from each of those funds. This 77826
section does not apply to funds whose source of revenue is 77827
restricted or protected by the Constitution of this state, federal 77828
tax law, or the "Cash Management Improvement Act of 1990" 104 77829
Stat. 1058 (1990), 31 U.S.C. 6501 et seq., as amended. 77830

Section 512.07. CASH TRANSFERS FROM REPARATIONS FUND (Fund 77831
402) TO DISASTER PREPAREDNESS FUND (Fund 5EX) 77832

Notwithstanding any other provision of law to the contrary, 77833
on the first day of July in each of years 2007 and 2008, or as 77834
soon as practicable thereafter in each of those years, the 77835
Director of Budget and Management shall transfer \$350,000 in cash 77836
from the Reparations Fund (Fund 402) to the Disaster Preparedness 77837
Fund (Fund 5EX). 77838

Section 512.09. CORPORATE AND UCC FILING FUND TRANSFER TO GRF 77839

Not later than the first day of June in each year of the 77840
biennium, the Director of Budget and Management shall transfer 77841
\$500,000 from the Corporate and Uniform Commercial Code Filing 77842
Fund to the General Revenue Fund. 77843

Section 512.21. GRF TRANSFER TO FUND 5N4, OAKS PROJECT 77844

IMPLEMENTATION 77845

On July 1, 2007, or as soon thereafter as possible, the 77846
Director of Budget and Management shall transfer an amount not to 77847
exceed \$2,200,725 in cash from the General Revenue Fund to Fund 77848
5N4, OAKS Project Implementation. On July 1, 2008, or as soon 77849
thereafter as possible, the Director of Budget and Management 77850
shall transfer an amount not to exceed \$2,092,779 in cash from the 77851
General Revenue Fund to Fund 5N4, OAKS Project Implementation. 77852

Section 512.31. TEMPORARY TRANSFER TO THE OAKS SUPPORT 77853
ORGANIZATION FUND 77854

Notwithstanding any provision of law to the contrary, in 77855
fiscal year 2008, the Director of Budget and Management may 77856
transfer an amount not to exceed \$1,000,000 in cash from the Human 77857
Resources Services Fund (Fund 125) to the OAKS Support 77858
Organization Fund (Fund 5EB). These amounts shall support the 77859
establishment of the OAKS Support Organization. Amounts 77860
transferred to the OAKS Support Organization Fund and interest 77861
earnings on these amounts transferred during fiscal year 2008 77862
shall be returned to the Human Resources Services Fund not later 77863
than January 1, 2008. Upon certification of the total amount 77864
transferred from Fund 125 to Fund 5EB, the Director of Budget and 77865
Management shall transfer cash in the amount certified from Fund 77866
5EB to Fund 125. 77867

Section 512.32. GRF TRANSFER TO FUND 470, FEE SUPPORTED 77868
PROGRAMS 77869

On July 1, 2007, or as soon as possible thereafter, the 77870
Director of Budget and Management shall transfer \$50,000 in cash 77871
from the General Revenue Fund to Fund 470, Fee Supported Programs, 77872
in the Department of Health. 77873

Section 512.34. TRANSFER FROM EDUCATION FACILITIES ENDOWMENT	77874
FUND	77875
Notwithstanding division (G) of section 183.27 of the Revised Code, the Director of Budget and Management shall transfer	77876
\$40,000,000 cash in fiscal year 2008 from the Education Facilities Endowment Fund (Fund P87) to the General Revenue Fund.	77877
	77878
	77879
Section 512.35. DIESEL EMISSIONS REDUCTION AND TRANSIT	77880
CAPITAL GRANT PROGRAMS	77881
On the first day of July of each fiscal year or as soon as possible thereafter, the Director of Budget and Management shall	77882
(1) transfer \$9,817,105 in cash in fiscal year 2008 and	77883
\$10,057,814 in cash in fiscal year 2009 from the Highway Operating Fund (Fund 002) to the Diesel Emissions Grant Fund established in	77884
section 122.861 of the Revised Code and (2) transfer \$5,000,000 in	77885
each fiscal year from the Highway Operating Fund to the Transit Capital Fund (Fund 5E7). The amounts transferred are hereby	77886
appropriated.	77887
	77888
	77889
	77890
The transfer to the Diesel Emissions Grant Fund shall be used	77891
for the administration and oversight of the Diesel Emissions Reduction Grant Program within the Department of Development. In	77892
addition to the allowable expenditures set forth in section	77893
122.861 of the Revised Code, Diesel Emissions Reduction Grant	77894
Program funds also may be used to fund projects involving the	77895
purchase or use of hybrid and alternative fuel vehicles that are	77896
allowed under guidance developed by the Federal Highway	77897
Administration for the Congestion Mitigation and Air Quality	77898
(CMAQ) Program. The Director of Development, in consultation with	77899
the Director of Environmental Protection, shall develop guidance	77900
for distribution of the funds from the Diesel Emissions Grant	77901
Fund. The guidance shall include a method for prioritization of	77902
	77903

projects, acceptable technologies, and procedures for awarding grants and loans. 77904
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The transfer to the Transit Capital Fund (Fund 5E7) shall be used to supplement the capital portion of the Ohio Public Transportation Grant Program within the Department of Transportation. 77906
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These cash transfers represent CMAQ program moneys within the Department of Transportation for use by the Diesel Emissions Reduction Grant Program by the Department of Development and for use by the Ohio Public Transportation Grant Program by the Ohio Department of Transportation. These allocations shall not reduce the amount of such moneys designated for metropolitan planning organizations. 77910
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Section 512.37. TRANSFER TO ENERGY STRATEGY DEVELOPMENT FUND 77917

On July 1, 2007, and on July 1, 2008, or as soon thereafter as possible, the Director of Budget and Management may transfer cash from the funds specified below, in the amount specified below, to the Energy Strategy Development Fund, which is hereby created in the state treasury. The fund may accept contributions and transfers made to the fund. The funds shall be used to develop energy initiatives, projects, and policy. 77918
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<u>Agency</u>	<u>Fund</u>	<u>FY 2008</u>	<u>FY 2009</u>	
Department of Administrative Services	117	\$35,000	\$35,000	77925 77926
Department of Agriculture	3J4	\$35,000	\$35,000	77927
Department of Development	4H4	\$32,447	\$0	77928
Department of Development	135	\$0	\$35,000	77929
Environmental Protection Agency	219	\$35,000	\$35,000	77930
Department of Natural Resources	157	\$35,000	\$35,000	77931
Department of Transportation	002	\$50,000	\$50,000	77932

Section 512.38. CASH TRANSFER FROM AUTOMATED TITLE PROCESSING 77933
FUND TO TITLE DEFECT RESCISSION FUND 77934

Notwithstanding any other provision of law to the contrary, 77935
on July 1, 2007, or as soon as practicable thereafter, the 77936
Director of Budget and Management shall transfer \$1,000,000 in 77937
cash from the Automated Title Processing Fund (Fund 849) to the 77938
Title Defect Rescission Fund (Fund 4Y7). 77939

Section 512.41. For purposes of sections 109.93, 111.18, and 77940
173.85 of the Revised Code, as amended by this act, the Director 77941
of Budget and Management, in collaboration with the Treasurer of 77942
State, may take any action necessary to establish funds in the 77943
state treasury that were previously held in the custody of the 77944
Treasurer of State, including, but not limited to, the transfer of 77945
cash from the custodial funds to the state treasury and the 77946
establishment of appropriations and encumbrances to support 77947
outstanding obligations. The amounts necessary to support 77948
outstanding obligations are hereby appropriated. Agencies may 77949
request additional appropriation authority, but it shall be 77950
subject to approval by the Controlling Board. 77951

Section 512.50. GRF TRANSFER TO THE PUBLIC AUDIT EXPENSE 77952
INTRA-STATE FUND 77953

On July 1, 2007, or as soon as possible thereafter, the 77954
Director of Budget and Management shall transfer \$400,000 cash 77955
from the General Revenue Fund to the Public Audit Expense 77956
Intra-State Fund (Fund 109). The amounts transferred are hereby 77957
appropriated to help pay for expenses incurred in the Auditor of 77958
State's role relating to fiscal caution, fiscal watch, and fiscal 77959
emergency activities as defined in Chapter 3316. of the Revised 77960
Code and for performance audits for school districts in fiscal 77961
distress. 77962

Section 515.03. (A) Effective July 1, 2007, the State Chief Information Officer shall report to the Director of Budget and Management. All actions of the State Chief Information Officer thereafter shall be subject to the approval of the Director of Budget and Management. The State Chief Information Officer shall continue to perform all the duties, powers, and obligations of the State Chief Information Officer and the Office of Information Technology provided for by law. To allow for the administrative reorganization and program transfer, the operation of the Office of Information Technology shall remain within the Department of Administrative Services through June 30, 2008. Notwithstanding any section of the Revised Code, funds appropriated in this act to the Department of Administrative Services for the Office of Information Technology and the employees and assets of the Office of Information Technology in the Department shall be used by the Department as directed by the State Chief Information Officer for the continued operation of the Office of Information Technology. Effective July 1, 2008, the operations of the Office of Information Technology in the Department of Administrative Services cease.

(B) Employees of the Office of Information Technology in the Department of Administrative Services shall be transferred to the Office of Budget and Management. The State Chief Information Officer and the Directors of Administrative Services and the Office of Budget and Management may identify employees of the Department of Administrative Services who provide administrative support to the Office of Information Technology and who shall be transferred to the Office of Budget and Management. Both of these transfers shall take effect on the first day of the first pay period for fiscal year 2009 and are subject to the lay-off provisions of sections 124.321 to 124.328 of the Revised Code.

(C) Effective July 1, 2008, all funding, assets, and records

of the Office of Information Technology in the Department of 77995
Administrative Services shall be transferred to the Office of 77996
Budget and Management. 77997

(D) Any matter commenced but not completed by the Office of 77998
Information Technology in the Department of Administrative 77999
Services on July 1, 2007, shall be completed by the Office of 78000
Information Technology in the Office of Budget and Management, as 78001
appropriate, in the same manner, and with the same effect, as if 78002
completed by the Office of Information Technology in the 78003
Department of Administrative Services. Any validation, cure, 78004
right, privilege, remedy, obligation, or liability of the Office 78005
of Information Technology is not lost or impaired by reason of the 78006
transfer and shall be administered by the State Chief Information 78007
Officer and Office of Information Technology in the Office of 78008
Budget and Management. 78009

(E) All rules, orders, policies, directives, and 78010
determinations of the State Chief Information Officer and the 78011
Office of Information Technology in the Department of 78012
Administrative Services continue in effect as rules, orders, 78013
policies, directives, and determinations of the State Chief 78014
Information Officer and the Office of Information Technology in 78015
the Office of Budget and Management until modified or rescinded by 78016
the Officer, Office, or the Director of Budget and Management. At 78017
the request of the State Chief Information Officer or the Director 78018
of Budget and Management, and if necessary to ensure the integrity 78019
of the numbering of the Administrative Code, the Director of the 78020
Legislative Service Commission shall renumber rules of the Office 78021
of Information Technology to reflect the transfer to the Office of 78022
Budget and Management. 78023

(F) Effective July 1, 2007, whenever the Department of 78024
Administrative Services, the Office of Information Technology, or 78025
the State Chief Information Officer is referred to in any law, 78026

contract, or other document in relation to statewide information 78027
technology, the reference shall be deemed to refer to the Office 78028
of Budget and Management or the Office of Information Technology 78029
in the Office of Budget and Management. 78030

(G) Effective July 1, 2007, any action or proceeding or 78031
adjudication that is related to the Office of Information 78032
Technology in the Department of Administrative Services and that 78033
is pending shall not be affected by the transfer and shall be 78034
prosecuted or defended in the name of the Director of Budget and 78035
Management or the Office of Budget and Management. In all such 78036
actions and proceedings the Director or the Office, upon 78037
application to the court or agency, shall be substituted as a 78038
party. 78039

(H) On and after July 1, 2007, notwithstanding any provision 78040
of law to the contrary, the Director of Budget and Management is 78041
authorized to take the actions described in this section with 78042
respect to budget changes made necessary by the transfer, 78043
including administrative reorganization, program transfers, the 78044
creation of new funds, the creation of new appropriation items, 78045
and the consolidation of funds as authorized by this act. The 78046
Director may make any transfer of cash balances between funds. At 78047
the request of the Director of Budget and Management, the State 78048
Chief Information Officer shall certify to the Director an 78049
estimate of the amount of the cash balance to be transferred to 78050
the receiving fund. The Director may transfer the estimated amount 78051
when needed to make payments. Not more than thirty days after 78052
certifying the estimated amount, the State Chief Information 78053
Officer shall certify the final amount to the Director. The 78054
Director shall transfer the difference between any amount 78055
previously transferred and the certified final amount. The 78056
Director may cancel encumbrances or parts of encumbrances and 78057
re-establish encumbrances or parts of encumbrances as needed in 78058

the appropriate fund and appropriation item for the same purpose 78059
and to the same vendor. As determined by the Director, the 78060
appropriation authority necessary to re-establish those 78061
encumbrances in a different fund or appropriation item in or 78062
between the Office of Budget and Management and the Department of 78063
Administrative Services is hereby authorized. The Director shall 78064
reduce each year's appropriation balances by the amount of the 78065
encumbrances canceled in their respective funds and appropriation 78066
items. Any fiscal year 2008 unencumbered or unallocated 78067
appropriation balances may be transferred to the appropriate item 78068
to be used for the same purposes, as determined by the Director. 78069

Section 515.06. TRANSFER OF PRINTING SERVICES FROM THE OFFICE 78070
OF INFORMATION TECHNOLOGY 78071

Effective July 1, 2007, or the earliest date thereafter 78072
agreed to by the Director of Budget and Management and the 78073
Director of Administrative Services, the Office of Information 78074
Technology printing office currently located on Integrity Drive in 78075
Columbus shall become part of the Department of Administrative 78076
Services. The functions, assets, and liabilities, including, but 78077
not limited to, records, regardless of form or medium, leases, and 78078
contracts, of the printing office are transferred to the 78079
Department of Administrative Services. The Department of 78080
Administrative Services is thereupon and thereafter successor to, 78081
assumes the obligations of, and otherwise constitutes the 78082
continuation of the printing office. The functions of the printing 78083
office are thereupon and thereafter transferred to the Department 78084
of Administrative Services. 78085

Any business commenced but not completed by the printing 78086
office by the date of the transfer shall be completed by the 78087
Department of Administrative Services, in the same manner, and 78088
with the same effect, as if completed by the printing office. No 78089

validation, cure, right, privilege, remedy, obligation, or 78090
liability is lost or impaired by reason of the transfer and shall 78091
be administered by the Department of Administrative Services. All 78092
the printing office's rules, orders, and determinations continue 78093
in effect as rules, orders, and determinations of the Department 78094
of Administrative Services, until modified or rescinded by the 78095
Department of Administrative Services. If necessary to ensure the 78096
integrity of the Administrative Code rule numbering system, the 78097
Director of the Legislative Service Commission shall renumber the 78098
printing office's rules to reflect their transfer to the 78099
Department of Administrative Services. 78100

Employees of the Office of Information Technology designated 78101
as staff in the printing office shall be transferred to the 78102
Department of Administrative Services. Subject to the layoff 78103
provisions of sections 124.321 to 124.328 of the Revised Code, the 78104
layoff provisions of the contract between the state and all 78105
bargaining units affected, the employees transferred to the 78106
Department of Administrative Services retain their positions and 78107
all benefits accruing thereto. 78108

No judicial or administrative action or proceeding to which 78109
the printing office is a party that is pending on July 1, 2007, or 78110
such later date as may be established by the Director of the 78111
Office of Information Technology and the Director of 78112
Administrative Services, is affected by the transfer of functions. 78113
The action or proceeding shall be prosecuted or defended in the 78114
name of the Director of Administrative Services. On application to 78115
the court or agency, the Director of Administrative Services shall 78116
be substituted for the Director of the Office of Information 78117
Technology as a party to the action or proceeding. 78118

On and after July 1, 2007, notwithstanding any provision of 78119
law to the contrary, the Director of Budget and Management shall 78120
take the actions with respect to budget changes made necessary by 78121

the transfer, including administrative reorganization, program 78122
transfers, the creation of new funds, and the consolidation of 78123
funds as authorized by this section. The Director of Budget and 78124
Management may cancel encumbrances and re-establish encumbrances 78125
or parts of encumbrances as needed in fiscal year 2008 in the 78126
appropriate fund and appropriation item for the same purpose and 78127
for payment to the same vendor. The Director of Budget and 78128
Management as determined necessary, may re-establish encumbrances 78129
in fiscal year 2008 in a different fund or appropriation item in 78130
an agency or between agencies. The re-established encumbrances are 78131
hereby appropriated. The Director of Budget and Management shall 78132
reduce each year's appropriation balances by the amount of the 78133
encumbrance canceled in their respective funds and appropriation 78134
items. 78135

Not later than sixty days after the transfer of the printing 78136
office to the Department of Administrative Services, the Director 78137
of the Office of Information Technology shall certify to the 78138
Director of Budget and Management the amount of cash associated 78139
with printing services supported by Fund 133, IT Services Delivery 78140
Fund. Upon receipt of the certification, the Director of Budget 78141
and Management shall transfer cash from Fund 133, IT Services 78142
Delivery Fund, to Fund 210, State Printing Fund. This amount is 78143
hereby appropriated. 78144

Section 515.09. TRANSFER OF MAIL AND FULFILLMENT SERVICES 78145
FROM THE DEPARTMENT OF JOB AND FAMILY SERVICES 78146

Effective July 1, 2007, or the earliest date thereafter 78147
agreed to by the Director of Job and Family Services and the 78148
Director of Administrative Services, the Department of Job and 78149
Family Services mail and fulfillment office, currently located on 78150
Integrity Drive in Columbus shall become part of the Department of 78151
Administrative Services. The functions, assets, and liabilities, 78152

including, but not limited to, records, regardless of form or 78153
medium, leases, and contracts, of the mail and fulfillment office 78154
is transferred to the Department of Administrative Services. The 78155
Department of Administrative Services is thereupon and thereafter 78156
successor to, assumes the obligations of, and otherwise 78157
constitutes the continuation of the mail and fulfillment office. 78158
The functions of the mail and fulfillment office are thereupon and 78159
thereafter transferred to the Department of Administrative 78160
Services. 78161

Any business commenced but not completed by the mail and 78162
fulfillment office by the date of transfer shall be completed by 78163
the Department of Administrative Services, in the same manner, and 78164
with the same effect, as if completed by the mail and fulfillment 78165
office. No validation, cure, right, privilege, remedy, obligation, 78166
or liability is lost or impaired by reason of the transfer and 78167
shall be administered by the Department of Administrative 78168
Services. All of the mail and fulfillment office's rules, orders, 78169
and determinations continue in effect as rules, orders, and 78170
determinations of the Department of Administrative Services, until 78171
modified or rescinded by the Department of Administrative 78172
Services. If necessary to ensure the integrity of the 78173
Administrative Code rule numbering system, the Director of the 78174
Legislative Service Commission shall renumber the mail and 78175
fulfillment office's rules to reflect their transfer to the 78176
Department of Administrative Services. 78177

Employees of the Department of Job and Family Services 78178
designated as staff in the mail and fulfillment office shall be 78179
transferred to the Department of Administrative Services. Subject 78180
to the layoff provisions of sections 124.321 to 124.328 of the 78181
Revised Code, and to provisions of the contract between the state 78182
and all bargaining units affected, the employees transferred to 78183
the Department of Administrative Services retain their positions 78184

and all benefits accruing thereto. 78185

No judicial or administrative action or proceeding to which 78186
the mail and fulfillment office is a party that is pending on July 78187
1, 2007, or such later date as may be established by the Director 78188
of Job and Family Services and the Director of Administrative 78189
Services, is affected by the transfer of functions. The action or 78190
proceeding shall be prosecuted or defended in the name of the 78191
Director of Administrative Services. On application to the court 78192
or agency, the Director of Administrative Services shall be 78193
substituted for the Director of Job and Family Services as a party 78194
to the action or proceeding. 78195

On and after July 1, 2007, notwithstanding any provision of 78196
law to the contrary, the Director of Budget and Management shall 78197
take the actions with respect to budget changes made necessary by 78198
the transfer, including administrative reorganization, program 78199
transfers, the creation of new funds, and the consolidation of 78200
funds as authorized by this section. The Director of Budget and 78201
Management may cancel encumbrances and re-establish encumbrances 78202
or parts of encumbrances as needed in fiscal year 2008 in the 78203
appropriate fund and appropriation item for the same purpose and 78204
for payment to the same vendor. The Director of Budget and 78205
Management, as determined necessary, may re-establish encumbrances 78206
in fiscal year 2008 in a different fund or appropriation item in 78207
an agency or between agencies. The re-established encumbrances are 78208
hereby appropriated. The Director of Budget and Management shall 78209
reduce each year's appropriation balances by the amount of the 78210
encumbrance canceled in their respective funds and appropriation 78211
items. 78212

The Director of Job and Family Services and the Director of 78213
Administrative Services shall enter into an interagency agreement 78214
establishing terms and timetables for the implementation of this 78215
section. The interagency agreement shall include provisions for 78216

credits to the Department of Job and Family Services for prepaid 78217
postage, agreements for the credit, transfer, or reimbursement of 78218
funds to the Department of Job and Family Services to comply with 78219
terms and conditions applicable to federal funds expended by the 78220
department for the purchase, maintenance, and operation of 78221
equipment, agreements for ongoing operations in compliance with 78222
federal requirements applicable to Department of Job and Family 78223
Services programs that utilize the mail and fulfillment services, 78224
transfer of or sharing of lease agreements, and any other 78225
agreements that the Director of Job and Family Services and the 78226
Director of Administrative Services determine to be necessary for 78227
the successful implementation of this section. 78228

Not later than sixty days after the transfer of the mail and 78229
fulfillment office to the Department of Administrative Services, 78230
the Director of Job and Family Services shall certify to the 78231
Director of Budget and Management the amount of any unexpended 78232
balance of appropriations made to the department to support the 78233
office. Upon receipt of the certification, the Director of Budget 78234
and Management shall transfer the appropriations and cash to Fund 78235
210, State Printing Fund. 78236

Section 518.01. TRANSFERS FROM THE TOBACCO MASTER SETTLEMENT 78237
AGREEMENT FUND TO THE GENERAL REVENUE FUND 78238

Notwithstanding any law to the contrary, on July 1, 2007, or 78239
as soon as possible thereafter, and before any other transfers 78240
from the Tobacco Master Settlement Agreement Fund (Fund 087) are 78241
made, the Director of Budget and Management shall transfer 78242
\$9,984,248 to the General Revenue Fund from the Tobacco Master 78243
Settlement Agreement Fund (Fund 087). 78244

Section 518.02. EXCESS TOBACCO SECURITIZATION PROCEEDS 78245

Any proceeds from securitization of the Tobacco Master 78246

Settlement Agreement, after all expenses of the securitization 78247
have been accounted for, in excess of \$5,000,000,000 shall be 78248
deposited in the School Building Program Assistance Fund (Fund 78249
032) established in section 3318.25 of the Revised Code. 78250

Section 518.03. BUDGET ADJUSTMENTS TO REFLECT TOBACCO 78251
SECURITIZATION 78252

(A) Notwithstanding any other provision of law to the 78253
contrary, the Director of Budget and Management, periodically on 78254
any date following the issuance of the tobacco obligations 78255
authorized in section 183.51 of the Revised Code and through June 78256
30, 2009, shall: 78257

(1) Determine the amount of appropriation items 235-909, 78258
Higher Education General Obligation Debt Service, and 230-908, 78259
Common Schools General Obligation Debt Service, that are in excess 78260
of the amounts needed to pay all debt service and financing costs 78261
on those obligations payable from each of those items and transfer 78262
all or any portion of that excess appropriation to appropriation 78263
item 200-901, Property Tax Allocation-Education, or 110-901, 78264
Property Tax Allocation-Taxation, or both together as needed for 78265
the purposes of making the state's property tax relief payments to 78266
school districts and counties. 78267

(2) Determine the amount by which interest earnings credited 78268
to Fund 034, Higher Education Improvement Fund, and Fund 032, 78269
School Building Program Assistance Fund, from the investment of 78270
the net proceeds of those tobacco obligations exceed the amount 78271
needed to satisfy appropriations from those funds, transfer all or 78272
part of that excess cash balance to the General Revenue Fund, and 78273
increase appropriation item 200-901, Property Tax 78274
Allocation-Education, or 110-901, Property Tax 78275
Allocation-Taxation, or both together, by up to the amount of cash 78276
so transferred to the General Revenue Fund. 78277

(3) Determine the amount of capital appropriations in 78278
CAP-770, School Building Assistance Program, and transfers of cash 78279
to Fund 5E3, School Facilities Commission, that are necessary to 78280
fully expend the amount of net proceeds deposited into Fund 032, 78281
School Building Program Assistance Fund, from the issuance of 78282
those tobacco obligations, and increase the appropriations for 78283
CAP-770 and appropriation item 230-644, Operating Expenses-School 78284
Facilities Commission, by the necessary amounts. 78285

(4) Determine the amount of additional capital 78286
appropriations, if any necessary to fully expend the amount of net 78287
proceeds deposited from the issuance of those tobacco obligations 78288
into Fund 034, Higher Education Improvement Fund. 78289

(5) Reduce by up to \$800,000,000 the amount of authorization 78290
to issue and sell general obligations to pay the costs of capital 78291
facilities for a system of common schools throughout the state 78292
granted to the Ohio Public Facilities Commission by prior acts of 78293
the General Assembly. This reduction reflects the utilization of 78294
the net proceeds of those tobacco obligations in place of general 78295
obligation bond proceeds to support capital appropriations payable 78296
from Fund 032, School Building Assistance Fund. 78297

(6) Reduce by up to \$950,000,000 the amount of authorization 78298
to issue and sell general obligations to pay the costs of capital 78299
facilities for state-supported and state-assisted institutions of 78300
higher education granted to the Ohio Public Facilities Commission 78301
by prior acts of the General Assembly. This reduction reflects the 78302
utilization of the net proceeds of those tobacco obligations in 78303
place of general obligation bond proceeds to support capital 78304
appropriations payable from Fund 034, Higher Education Improvement 78305
Fund. 78306

(B) Before the Office of Budget and Management transfers or 78307
increases or decreases any appropriations or authorizations 78308
described in division (A) of this section, the Office of Budget 78309

and Management shall seek Controlling Board approval. 78310

Section 518.06. GENERAL OBLIGATION DEBT SERVICE PAYMENTS 78311

Certain appropriations are in this act for the purpose of 78312
paying debt service and financing costs on general obligation 78313
bonds or notes of the state issued pursuant to the Ohio 78314
Constitution and acts of the General Assembly. If it is determined 78315
that additional appropriations are necessary for this purpose, 78316
such amounts are hereby appropriated. 78317

Section 518.09. LEASE PAYMENTS TO OPFC, OBA, AND TREASURER OF 78318
STATE 78319

Certain appropriations are in this act for the purpose of 78320
making lease rental payments pursuant to leases and agreements 78321
relating to bonds or notes issued by the Ohio Building Authority 78322
or the Treasurer of State or, previously, by the Ohio Public 78323
Facilities Commission, pursuant to the Ohio Constitution and acts 78324
of the General Assembly. If it is determined that additional 78325
appropriations are necessary for this purpose, such amounts are 78326
hereby appropriated. 78327

Section 518.12. AUTHORIZATION FOR TREASURER OF STATE AND OBM 78328
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 78329

The Office of Budget and Management shall initiate and 78330
process disbursements from general obligation and lease rental 78331
payment appropriation items during the period from July 1, 2007, 78332
to June 30, 2009, relating to bonds or notes issued under Sections 78333
2i, 2k, 2l, 2m, 2n, 2o, 2p and 15 of Article VIII, Ohio 78334
Constitution, and Chapters 151. and 154. of the Revised Code. 78335
Disbursements shall be made upon certification by the Treasurer of 78336
State, Office of the Sinking Fund, of the dates and the amounts 78337
due on those dates. 78338

Section 521.03. STATE AND LOCAL REBATE AUTHORIZATION 78339

There is hereby appropriated, from those funds designated by 78340
or pursuant to the applicable proceedings authorizing the issuance 78341
of state obligations, amounts computed at the time to represent 78342
the portion of investment income to be rebated or amounts in lieu 78343
of or in addition to any rebate amount to be paid to the federal 78344
government in order to maintain the exclusion from gross income 78345
for federal income tax purposes of interest on those state 78346
obligations under section 148(f) of the Internal Revenue Code. 78347

Rebate payments shall be approved and vouchered by the Office 78348
of Budget and Management. 78349

Section 521.06. STATEWIDE INDIRECT COST RECOVERY 78350

Whenever the Director of Budget and Management determines 78351
that an appropriation made to a state agency from a fund of the 78352
state is insufficient to provide for the recovery of statewide 78353
indirect costs under section 126.12 of the Revised Code, the 78354
amount required for such purpose is hereby appropriated from the 78355
available receipts of such fund. 78356

Section 521.07. GRF TRANSFERS ON BEHALF OF THE STATEWIDE 78357
INDIRECT COST ALLOCATION PLAN 78358

The total transfers made from the General Revenue Fund by the 78359
Director of Budget and Management under this section shall not 78360
exceed the amounts transferred into the General Revenue Fund under 78361
division (B) of section 126.12 of the Revised Code. 78362

The director of an agency may certify to the Director of 78363
Budget and Management the amount of expenses not allowed to be 78364
included in the Statewide Indirect Cost Allocation Plan under 78365
federal regulations, from any fund included in the Statewide 78366
Indirect Cost Allocation Plan, prepared as required by section 78367

126.12 of the Revised Code. 78368

Upon determining that no alternative source of funding is 78369
available to pay for such expenses, the Director of Budget and 78370
Management may transfer from the General Revenue Fund into the 78371
fund for which the certification is made, up to the amount of the 78372
certification. The director of the agency receiving such funds 78373
shall include, as part of the next budget submission prepared 78374
under section 126.02 of the Revised Code, a request for funding 78375
for such activities from an alternative source such that further 78376
federal disallowances would not be required. 78377

Section 521.09. FEDERAL GOVERNMENT INTEREST REQUIREMENTS 78378

Notwithstanding any provision of law to the contrary, on or 78379
before the first day of September of each fiscal year, the 78380
Director of Budget and Management, in order to reduce the payment 78381
of adjustments to the federal government, as determined by the 78382
plan prepared under division (A) of section 126.12 of the Revised 78383
Code, may designate such funds as the director considers necessary 78384
to retain their own interest earnings. 78385

Section 521.12. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 78386

Pursuant to the plan for compliance with the Federal Cash 78387
Management Improvement Act required by section 131.36 of the 78388
Revised Code, the Director of Budget and Management may cancel and 78389
re-establish all or part of encumbrances in like amounts within 78390
the funds identified by the plan. The amounts necessary to 78391
re-establish all or part of encumbrances are hereby appropriated. 78392

***Section 603.05.** That Sections 203.50, 209.10, 227.10, and 78393
555.08 of Am. Sub. H.B. 67 of the 127th General Assembly be 78394
amended to read as follows: 78395

Sec. 203.50. PUBLIC ACCESS ROADS FOR STATE FACILITIES 78396

Of the foregoing appropriation item 772-421, Highway 78397
Construction - State, \$5,000,000 shall be used in each fiscal year 78398
during the fiscal year 2008-2009 biennium by the Department of 78399
Transportation for the construction, reconstruction, or 78400
maintenance of public access roads, including support features, to 78401
and within state facilities owned or operated by the Department of 78402
Natural Resources. 78403

Notwithstanding section 5511.06 of the Revised Code, of the 78404
foregoing appropriation item 772-421, Highway Construction - 78405
State, \$2,228,000 in each fiscal year of the fiscal year 2008-2009 78406
biennium shall be used by the Department of Transportation for the 78407
construction, reconstruction, or maintenance of park drives or 78408
park roads within the boundaries of metropolitan parks. 78409

Included in the foregoing appropriation item 772-421, Highway 78410
Construction - State, the department may perform related road work 78411
on behalf of the Ohio Expositions Commission at the state 78412
fairgrounds, including reconstruction or maintenance of public 78413
access roads and support features, to and within fairground 78414
facilities as requested by the commission and approved by the 78415
Director of Transportation. 78416

PUBLIC SCHOOL ENTRANCE IMPROVEMENTS 78417

Of the foregoing appropriation item 779-491, 78418
Administration-State, \$4,000,000 in fiscal year 2008, shall be 78419
used by the Department of Transportation to make grants available 78420
for state highway improvements at public school entrances under 78421
the following conditions: 78422

(A) The school is receiving assistance from the Ohio School 78423
Facilities Commission for the renovation or construction of new 78424
school facilities. 78425

(B) The state highway improvements are to be made at 78426
entrances within school zones. 78427

Grant awards shall be limited to \$500,000 per school 78428
district, and are contingent on local government officials or the 78429
participating school district, or both, matching 25 per cent of 78430
the improvement cost. 78431

LIQUIDATION OF UNFORESEEN LIABILITIES 78432

Any appropriation made to the Department of Transportation, 78433
Highway Operating Fund, not otherwise restricted by law, is 78434
available to liquidate unforeseen liabilities arising from 78435
contractual agreements of prior years when the prior year 78436
encumbrance is insufficient. 78437

Sec. 209.10. ENFORCEMENT 78438

State Highway Safety Fund Group 78439

036 764-033 Minor Capital Projects \$ 1,250,000 \$ 1,250,000 78440

036 764-321 Operating Expense - \$ 253,967,276 \$ 267,539,597 78441

Highway Patrol

036 764-605 Motor Carrier \$ 3,061,817 \$ 3,340,468 78442

Enforcement Expenses

83C 764-630 Contraband, \$ 622,894 \$ 622,894 78443

Forfeiture, Other

83F 764-657 Law Enforcement \$ 7,945,555 \$ 8,275,898 78444

Automated Data System

83G 764-633 OMVI \$ 650,000 \$ 650,000 78445

Enforcement/Education

83J 764-693 Highway Patrol Justice \$ 2,100,000 \$ 2,100,000 78446

Contraband

83T 764-694 Highway Patrol \$ 21,000 \$ 21,000 78447

Treasury Contraband

831 764-610 Patrol - Federal \$ 2,455,484 \$ 2,455,484 78448

831 764-659	Transportation	\$	5,665,690	\$	6,132,592	78449
	Enforcement - Federal					
831 769-631	Homeland Security -	\$	1,500,000	\$	1,552,500	78450
	Federal					
837 764-602	Turnpike Policing	\$	10,893,146	\$	11,553,959	78451
838 764-606	Patrol Reimbursement	\$	175,000	\$	175,000	78452
840 764-607	State Fair Security	\$	1,396,283	\$	1,396,283	78453
840 764-617	Security and	\$	6,231,916	\$	6,155,385	78454
	Investigations					
840 764-626	State Fairgrounds	\$	788,375	\$	788,375	78455
	Police Force					
840 769-632	Homeland Security -	\$	1,913,276	\$	1,989,807	78456
	Operating					
841 764-603	Salvage and Exchange -	\$	1,339,399	\$	1,339,399	78457
	Highway Patrol					
TOTAL HSF State Highway Safety						78458
Fund Group		\$	301,977,111	\$	317,338,641	78459
General Services Fund Group						78460
4S2 764-660	MARCS Maintenance	\$	335,862	\$	389,149	78461
TOTAL GSF General Services						78462
Fund Group		\$	335,862	\$	389,149	78463
TOTAL ALL BUDGET FUND GROUPS -						78464
Enforcement		\$	302,312,973	\$	317,727,790	78465
COLLECTIVE BARGAINING INCREASES						78466
Notwithstanding division (D) of section 127.14 and division						78467
(B) of section 131.35 of the Revised Code, except for the General						78468
Revenue Fund, the Controlling Board may, upon the request of						78469
either the Director of Budget and Management, or the Department of						78470
Public Safety with the approval of the Director of Budget and						78471
Management, increase appropriations for any fund, as necessary for						78472
the Department of Public Safety, to assist in paying the costs of						78473
increases in employee compensation that have occurred pursuant to						78474

collective bargaining agreements under Chapter 4117. of the 78475
Revised Code and, for exempt employees, under section 124.152 of 78476
the Revised Code. 78477

TRAFFIC SAFETY OPERATING FUND 78478

On July 1, 2007, or as soon thereafter as possible, the 78479
Director of Budget and Management shall transfer the cash balance 78480
in the Traffic Safety Operating Fund (Fund 5AY) to the Highway 78481
Safety Fund (Fund 036). The Director of Budget and Management 78482
shall cancel any existing encumbrances against appropriation item 78483
764-688, Traffic Safety Operating, and re-establish them against 78484
appropriation item 764-321, Operating Expense - Highway Patrol. 78485
The amounts of the re-established encumbrances are hereby 78486
appropriated. Upon completion of these transfers, the Traffic 78487
Safety Operating Fund (Fund 5AY) is hereby abolished. 78488

CASH TRANSFER TO THE STATE HIGHWAY SAFETY FUND 78489

Effective July 1, 2007, the Treasurer of State, prior to 78490
making any of the distributions listed in sections 5735.23, 78491
5735.26, 5735.291, and 5735.30 of the Revised Code, shall deposit 78492
at least the first \$1,250,000 and up to \$1,600,000 received each 78493
month to the credit of the State Highway Safety Fund (Fund 036) 78494
pursuant to a schedule determined by the Director of Budget and 78495
Management. 78496

Sec. 227.10. DEV DEPARTMENT OF DEVELOPMENT 78497

State Special Revenue Fund Group 78498
4W0 195-629 Roadwork Development \$ 18,699,900 \$ 18,699,900 78499
TOTAL SSR State Special Revenue 78500
Fund Group \$ 18,699,900 \$ 18,699,900 78501
TOTAL ALL BUDGET FUND GROUPS \$ 18,699,900 \$ 18,699,900 78502

ROADWORK DEVELOPMENT FUND 78503

The Roadwork Development Fund shall be used for road 78504

improvements associated with economic development opportunities 78505
that will retain or attract businesses for Ohio. "Road 78506
improvements" are improvements to public roadway facilities 78507
located on, or serving or capable of serving, a project site. 78508

The Department of Transportation, under the direction of the 78509
Department of Development, shall provide these funds in accordance 78510
with all guidelines and requirements established for Department of 78511
Development appropriation item 195-412, Business Development, 78512
including Controlling Board review and approval as well as the 78513
requirements for usage of gas tax revenue prescribed in Section 5a 78514
of Article XII, Ohio Constitution. Should the Department of 78515
Development require the assistance of the Department of 78516
Transportation to bring a project to completion, the Department of 78517
Transportation shall use its authority under Title LV of the 78518
Revised Code to provide such assistance and enter into contracts 78519
on behalf of the Department of Development. In addition, these 78520
funds may be used in conjunction with appropriation item 195-412, 78521
Business Development, or any other state funds appropriated for 78522
infrastructure improvements. 78523

The Director of Budget and Management, pursuant to a plan 78524
submitted by the Department of Development or as otherwise 78525
determined by the Director of Budget and Management, shall set a 78526
cash transfer schedule to meet the cash needs of the Department of 78527
Development's Roadwork Development Fund (Fund 4W0), less any other 78528
available cash. The Director shall transfer to the Roadwork 78529
Development Fund from the Highway Operating Fund (Fund 002), 78530
established in section 5735.291 of the Revised Code, such amounts 78531
at such times as determined by the transfer schedule. 78532

Of the foregoing appropriation item 195-629, Roadwork 78533
Development, \$1,000,000 over the fiscal year 2008-2009 biennium 78534
shall be used for improvements to the State Route 33 Avery 78535
Muirfield Interchange. 78536

TRANSPORTATION IMPROVEMENT DISTRICTS 78537

Notwithstanding section 5540.151 of the Revised Code, of the 78538
foregoing appropriation item 195-629, Roadwork Development, 78539
\$250,000 in each fiscal year of the biennium shall be granted by 78540
the Director of Development to each of the transportation 78541
improvement districts of Butler, Clermont, Hamilton, Lorain, 78542
Medina, Montgomery, Muskingum, and Stark counties and to the 78543
Rossford Transportation Improvement District in Wood County. Any 78544
grant made under this paragraph is not subject to the restrictions 78545
of appropriation item 195-629, Roadwork Development. 78546

Sec. 555.08. The Department of Transportation shall construct 78547
the major new construction projects selected by the Transportation 78548
Review Advisory Council on December 20, 2006, as Tier I projects 78549
for construction in fiscal years 2007 through 2013 and shall not 78550
undertake other major new construction projects until construction 78551
of such selected Tier I projects has commenced in accordance with 78552
the December 20, 2006, recommendations. However, nothing in this 78553
section shall require the Department of Transportation to 78554
undertake the major new Tier I construction projects selected by 78555
the Transportation Review Advisory Council on December 20, 2006, 78556
ahead of projects selected as Tier I projects prior to that date; 78557
the Department may continue with such previously selected Tier I 78558
projects in accordance with the prior recommendations. The 78559
Transportation Review Advisory Council may recommend additional 78560
major new projects in accordance with the policies promulgated by 78561
the Council, but new Tier I projects shall not be given priority 78562
over Tier I projects recommended on December 20, 2006. 78563

***Section 603.06.** That existing Sections 203.50, 209.10, 78564
227.10, and 555.08 of Am. Sub. H.B. 67 of the 127th General 78565
Assembly are hereby repealed. 78566

Section 605.05. That Section 252.70 of Am. Sub. H.B. 530 of 78567
the 126th General Assembly be amended to read as follows: 78568

Reappropriations

Sec. 252.70.	OSU OHIO STATE UNIVERSITY		78569
CAP-074	Basic Renovations	\$ 19,255,664	78570
CAP-149	Basic Renovations - Regional Campuses	\$ 2,083,163	78571
CAP-198	Brown Hall Annex Replacement	\$ 6,213	78572
CAP-254	Basic Renovations - ATI	\$ 127,444	78573
CAP-255	Supplemental Renovations - OARDC	\$ 2,826,343	78574
CAP-256	Supplemental Renovations - Regional	\$ 191,955	78575
CAP-258	Dreese Lab Addition	\$ 12,340	78576
CAP-261	Bioscience/Parks Hall Addition	\$ 12,584	78577
CAP-269	Greenhouse Modernization	\$ 40,982	78578
CAP-271	Horticulture/Entomology Greenhouse - OARDC	\$ 15,344	78579
CAP-292	Life Sciences Research Building	\$ 202,898	78580
CAP-302	Food Science & Technology Building	\$ 89,990	78581
CAP-306	Heart & Lung Institute	\$ 32,437	78582
CAP-311	Superconducting Radiation	\$ 65,094	78583
CAP-313	Brain Tumor Research Center	\$ 6,001	78584
CAP-314	Engineering Center Net Shape Manufacturing	\$ 20,730	78585
CAP-315	Membrane Protein Typology	\$ 8,835	78586
CAP-316	Instructional and Data Processing Equipment	\$ 198,844	78587
CAP-321	Fine Particle Technologies	\$ 157,936	78588
CAP-323	Advanced Plasma Engineering	\$ 22,379	78589
CAP-324	Plasma Ramparts	\$ 1,150	78590
CAP-326	IN-SITU AL-BE Composites	\$ 1,733	78591
CAP-335	Jay Cooke Residence - Roof and Windows	\$ 86,668	78592
CAP-347	Asbestos Abatement	\$ 5,325	78593

CAP-349	Materials Network	\$	91,983	78594
CAP-350	Bio-Technology Consortium	\$	42,378	78595
CAP-352	Analytical Electron Microscope	\$	375,000	78596
CAP-353	High Temp Alloys & Alluminoids	\$	220,000	78597
CAP-357	Supplemental Renovations - ATI	\$	33,969	78598
CAP-361	Maintenance, Receiving, and Storage Facility - Marion	\$	58,646	78599
CAP-362	McPherson Lab Rehabilitation	\$	10,278	78600
CAP-368	Heart and Lung Institute	\$	101,808	78601
CAP-374	ADA Modifications	\$	178,870	78602
CAP-375	ADA Modifications - ATI	\$	41,936	78603
CAP-376	ADA Modifications - Lima	\$	95,538	78604
CAP-377	ADA Modifications - Mansfield	\$	15,253	78605
CAP-387	Titanium Alloys	\$	54,912	78606
CAP-394	ATI/OARDC Roof Replacements	\$	13,913	78607
CAP-398	Advanced Manufacturing	\$	38,579	78608
CAP-399	Manufacturing Processes/Materials	\$	62,574	78609
CAP-401	Terhertz Studies	\$	35,294	78610
CAP-406	Marion Park/Road/Sidewalk/Lights	\$	2,750	78611
CAP-413	Pomerene Lighting/Wiring	\$	249,584	78612
CAP-419	NMR Consortium	\$	75,116	78613
CAP-420	Versatile Film Facility	\$	62,872	78614
CAP-421	OCARNET	\$	5,916	78615
CAP-422	Bioprocessing Research	\$	1,905	78616
CAP-423	Localized Corrosion Research	\$	6,128	78617
CAP-424	ATM Testbed	\$	3,633	78618
CAP-425	Physical Sciences Building	\$	27,748	78619
CAP-427	Morrill Hall Remodeling - Vacated Library Space - Marion	\$	1,347,191	78620
CAP-431	Sisson Hall Replacement	\$	5,571	78621
CAP-436	Machinery Acoustics	\$	3,804	78622
CAP-439	Sensors and Measurements	\$	15,115	78623
CAP-440	Polymer Magnets	\$	1,099	78624

CAP-458	Al Alloy Corrosion	\$	14,292	78625
CAP-484	Page Hall Planning	\$	7,210	78626
CAP-485	Botany & Zoology Building Planning	\$	207,932	78627
CAP-486	Larkins Hall Addition/Renovation Planning	\$	26,206	78628
CAP-487	Robinson Laboratory Planning	\$	149,100	78629
CAP-488	Don Scott Field Replacement Barns	\$	1,495,619	78630
CAP-489	Galvin Hall 3rd Floor Renovation - Lima	\$	22,135	78631
CAP-491	Horticultural Operations Center - ATI	\$	1,474,400	78632
CAP-492	OARDC Feed Mill	\$	5,598,644	78633
CAP-499	Biological Sciences Cooling Tower	\$	6,930	78634
CAP-509	Mount Hall HVAC Modifications	\$	40,982	78635
CAP-519	Ohio Biomedical Consortium on Medical Therapeutic Micro Devices	\$	49,275	78636
CAP-520	Plant and Microbe Functional Genomics Facilities	\$	16,259	78637
CAP-523	Consortium for Novem Microfabrications Methods of Medical Devices in Non-Silicon Materials	\$	193,886	78638
CAP-524	Bone & Mineral Metabolism Research Lab	\$	5,845	78639
CAP-531	Animal & Plant Biology Level 3	\$	8,133,780	78640
CAP-534	Main Library Rehabilitation	\$	9,320,846	78641
CAP-535	Psychology Building	\$	2,128,529	78642
CAP-536	Thorne Hall and Gowley Hall Renovations - Phase 3	\$	199,799	78643
CAP-539	Nanosecond Infrared Measurement	\$	2,588	78644
CAP-550	Millimeter/Submillimeter Instrument	\$	5,919	78645
CAP-552	X-Ray Powder Diffractometer	\$	558	78646
CAP-554	Deconvolution Microscope	\$	1,101	78647
CAP-556	Heart/Lung Institute Animal Facility	\$	13,140	78648
CAP-564	Denney Hall Renovation - Phase I	\$	18,495	78649
CAP-565	Ion Mass Spectrometry	\$	6,594	78650
CAP-568	Role of Molecular Interfaces	\$	17,554	78651

CAP-572	New Millimeter Spectrometer	\$	714	78652
CAP-574	Noncredit Job Training - Marion	\$	2,933	78653
CAP-576	1224 Kinnear Road - Bale	\$	11,722	78654
CAP-577	Non-Silicon Micromachining	\$	73,991	78655
CAP-579	Veterinary Hospital Auditorium Renovation	\$	7,736	78656
CAP-586	Electroscience Lab Renovation	\$	5,853	78657
CAP-587	OARDC Boiler Replacement	\$	622,757	78658
CAP-590	Supercomputer Center Expansion	\$	6,804,275	78659
CAP-596	Information Literacy	\$	135,574	78660
CAP-597	Online Business Major	\$	5,768	78661
CAP-599	Renovation of Graves Hall	\$	68,196	78662
CAP-602	OARDC Wooster Phone System Replacement	\$	467,398	78663
CAP-605	Utility - North Tunnel Steamline Upgrade	\$	111,981	78664
CAP-608	Dual Beam Characterization	\$	150,000	78665
CAP-616	Environmental Technology Consortium	\$	11,297	78666
CAP-617	Campbell, University, and Evans Hall	\$	87,439	78667
CAP-620	School of Music - Planning	\$	1,500	78668
CAP-622	Western Branch Headquarters & Machinery Building	\$	779,525	78669
CAP-624	Muck Crops Branch/Shop Building Replacement	\$	756,336	78670
CAP-625	Hazardous Waste Handling/Storage Building	\$	1,103,062	78671
CAP-626	Agriculture/Engineering Building Renovation & Addition	\$	200,000	78672
CAP-628	Wood County Center for Agriculture	\$	1,000,000	78673
CAP-629	Community Heritage Art Gallery - Lima	\$	100,000	78674
CAP-631	Health Psychology	\$	250,000	78675
CAP-632	Nanotechnology Molecular Assembly	\$	500,000	78676
CAP-633	Networking and Communication	\$	500,000	78677
CAP-634	Planetary Gear	\$	125,000	78678
CAP-635	X-Ray Fluorescence Spectrometer	\$	2,283	78679

CAP-636	Precision Navigation	\$	85,000	78680
CAP-637	Welding & Metal Working	\$	200,000	78681
CAP-638	Spin Driven Electronics	\$	6,436	78682
CAP-639	Inductively Coupled Plasma Etching	\$	126,729	78683
CAP-641	Accelerated Metals	\$	1,020,331	78684
CAP-642	Mathematical Biosciences Institute	\$	54,863	78685
CAP-646	Mershon Auditorium HVAC System Improvements	\$	2,098	78686
CAP-647	Molecular Microdevices	\$	14,033	78687
CAP-648	Research Center HVAC System Improvements	\$	17,088	78688
CAP-649	Infrared Absorption Measurements	\$	2,899	78689
CAP-650	Dark Fiber	\$	3,983,440	78690
CAP-651	Shared Data Backup System	\$	20,922	78691
CAP-653	Third Frontier Network Testbed	\$	280,564	78692
CAP-654	Distributed Learning Workshop	\$	270,000	78693
CAP-656	Accelerated Maturation of Materials	\$	209,702	78694
CAP-657	Nanoscale Polymers Manufacturing	\$	629,699	78695
CAP-658	Hydrogen Production and Storage	\$	32,396	78696
CAP-659	Ohio Organic Semiconductor	\$	367,587	78697
CAP-663	Comprehensive Cancer - Chiller Replacement	\$	42,687	78698
CAP-664	Kottman Hall - 103 Central Classroom	\$	19,285	78699
CAP-668	West Campus Chilled Water & Scott Hall	\$	16,139	78700
CAP-669	McCracken Power Plant Spill Control	\$	268,508	78701
CAP-670	Glacial Assessment	\$	22,764	78702
CAP-672	Chemical Vapor Deposition	\$	13,500	78703
CAP-674	Parks Hall Chiller Replacement	\$	135,360	78704
CAP-675	Hybrid Electric Vehicle Modeling	\$	504,536	78705
CAP-676	Computational Nanotechnology	\$	500,000	78706
CAP-677	Townshend Hall - Roof Replacement	\$	328,772	78707
CAP-678	Center For Materials Design	\$	1,037	78708
CAP-681	Vet Hospital Roof Replacement Phase II	\$	85,645	78709
CAP-682	Hopkins Hall Phase II Priorities I, II	\$	108,052	78710

CAP-683	Bioscience 6th Floor Renovation - Priority	\$	983,186	78711
CAP-684	Ohio Commons For Digital Education	\$	118,924	78712
CAP-685	Postle Hall Fire Alarm Replacement	\$	116,441	78713
CAP-686	NonCredit Job Education & Training	\$	21,104	78714
CAP-687	Campus South Dorms Renovation/Improvements	\$	950,000	78715
CAP-688	Bricker Hall Roof Replacement	\$	23,123	78716
CAP-694	Neuroscience Center Core	\$	193,991	78717
CAP-696	Campus Grounds-Exterior Lighting - Phase VIII	\$	33,814	78718
CAP-697	930 Kinnear Road Renovations	\$	773,303	78719
CAP-698	Waterman Lab & Don Scott Field	\$	652,752	78720
CAP-699	Lincoln Tower Renovations - Phase 1	\$	477,626	78721
CAP-700	Coe Corrosion Coop	\$	58,750	78722
CAP-701	OSU Cancer Program Expansion	\$	2,000,000	78723
CAP-702	Smith Laboratory Rehabilitation	\$	2,800,000	78724
CAP-704	Warner Library and Student Center	\$	1,789,324	78725
CAP-705	Hopewell Hall Science Suite	\$	508,408	78726
CAP-706	Atomic Force Microscopy	\$	180,000	78727
CAP-707	Interactive Applications	\$	463,018	78728
CAP-712	OSU Mansfield - Third Street Project	\$	234,000	78729
CAP-714	Health Psychology	\$	150,000	78730
CAP-716	Ohio Bioproducts Innovation Center	\$	9,689,847	78731
CAP-717	Center for Materials Design	\$	602,615	78732
CAP-718	Specialized Planetary Gears	\$	150,000	78733
CAP-719	OSU Agricultural Building	\$	1,500,000	78734
CAP-720	Automated Afm System	\$	180,000	78735
CAP-721	Integrated Wireless Communication	\$	141,000	78736
Total Ohio State University		\$	105,955,671	78737
BASIC RENOVATIONS				78738
The amount reappropriated for the foregoing appropriation				78739
item CAP-074, Basic Renovations, is the sum of the unencumbered				78740

and unallotted balance as of June 30, 2006, in appropriation item 78741
CAP-074, Basic Renovations, plus \$6,927. 78742

OARDC THORNE & GOURLEY HALL 78743

The amount reappropriated for the foregoing appropriation 78744
item CAP-274, OARDC Thorne & Gourley Hall shall be \$1,007. 78745

WOOD COUNTY CENTER FOR AGRICULTURE 78746

Of the foregoing appropriation item CAP-628, Wood County 78747
Center for Agriculture, up to \$300,000 shall be used for building 78748
renovations to the OSU Extension Office/Ag Business Enhancement 78749
Center. 78750

The remainder of appropriation item CAP-628, Wood County 78751
Center for Agriculture, shall be used for an alternative energy 78752
generation project at the East Gypsy Lane Complex in Wood County 78753
or an agricultural energy facility recommended by the Wood County 78754
commissioners. 78755

Section 605.06. That existing Section 252.70 of Am. Sub. H.B. 78756
530 of the 126th General Assembly is hereby repealed. 78757

Section 605.11. That Section 235.30 of Am. Sub. H.B. 530 of 78758
the 126th General Assembly, as amended by Sub. H.B. 251 of the 78759
126th General Assembly, be amended to read as follows: 78760

Reappropriations

Sec. 235.30. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES			78761
CAP-809 Hazardous Substance Abatement	\$	1,609,476	78762
CAP-811 Health/EPA Laboratory Facilities	\$	1,116,354	78763
CAP-822 Americans with Disabilities Act	\$	1,598,416	78764
CAP-826 Office Services Building Renovation	\$	86,483	78765
CAP-827 Statewide Communications System	\$	16,943,803	78766
CAP-834 Capital Project Management System	\$	1,157,600	78767

CAP-835	Energy Conservation Projects	\$	4,490,085	78768
CAP-837	Major Computer Purchases	\$	1,476,068	78769
CAP-838	SOCC Renovations	\$	1,399,122	78770
CAP-844	Hamilton State/Local Government Center - Planning	\$	57,500	78771
CAP-849	Facility Planning and Development	\$	3,492,200	78772
CAP-850	Education Building Renovations	\$	14,649	78773
CAP-852	North High Building Complex Renovations	\$	11,534,496	78774
CAP-855	Office Space Planning	\$	5,274,502	78775
CAP-856	Governor's Residence Security Update	\$	6,433	78776
CAP-859	eSecure Ohio	\$	2,626,921	78777
CAP-860	Structured Cabling	\$	403,518	78778
CAP-864	eGovernment Infrastructure	\$	1,297,400	78779
CAP-865	DAS Building Security	\$	140,852	78780
CAP-866	OH*1 Network	\$	4,000,000	78781
CAP-867	Lausche Building Connector	\$	1,307,200	78782
CAP-868	Riversouth Development	\$	18,500,000	78783
Total Department of Administrative Services		\$	78,533,078	78784

HAZARDOUS SUBSTANCE ABATEMENT IN STATE FACILITIES 78785

The foregoing appropriation item CAP-809, Hazardous Substance Abatement, shall be used to fund the removal of asbestos, PCB, radon gas, and other contamination hazards from state facilities. 78786
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Prior to the release of funds for asbestos abatement, the Department of Administrative Services shall review proposals from state agencies to use these funds for asbestos abatement projects based on criteria developed by the Department of Administrative Services. Upon a determination by the Department of Administrative Services that the requesting agency cannot fund the asbestos abatement project or other toxic materials removal through existing capital and operating appropriations, the Department may request the release of funds for such projects by the Controlling Board. State agencies intending to fund asbestos abatement or 78789
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other toxic materials removal through existing capital and 78799
operating appropriations shall notify the Director of 78800
Administrative Services of the nature and scope prior to 78801
commencing the project. 78802

Only agencies that have received appropriations for capital 78803
projects from the Administrative Building Fund (Fund 026) are 78804
eligible to receive funding from this item. Public school 78805
districts are not eligible. 78806

IMPLEMENTATION OF AMERICANS WITH DISABILITIES ACT 78807

The foregoing appropriation item CAP-822, Americans with 78808
Disabilities Act, shall be used to renovate state-owned facilities 78809
to provide access for physically disabled persons in accordance 78810
with Title II of the Americans with Disabilities Act. 78811

Prior to the release of funds for renovation, state agencies 78812
shall perform self-evaluations of state-owned facilities 78813
identifying barriers to access to service. State agencies shall 78814
prioritize access barriers and develop a transition plan for the 78815
removal of these barriers. The Department of Administrative 78816
Services shall review proposals from state agencies to use these 78817
funds for Americans with Disabilities Act renovations. 78818

Only agencies that have received appropriations for capital 78819
projects from the Administrative Building Fund (Fund 026) are 78820
eligible to receive funding from this item. Public school 78821
districts are not eligible. 78822

MARCS STEERING COMMITTEE AND STATEWIDE COMMUNICATIONS SYSTEM 78823

~~There is hereby continued a Multi Agency Radio Communications 78824
System (MARCS) Steering Committee consisting of the designees of 78825
the Directors of the Office of Information Technology, Public 78826
Safety, Natural Resources, Transportation, Rehabilitation and 78827
Correction, and Budget and Management. The Director of the Office 78828
of Information Technology or the Director's designee shall chair 78829~~

~~the Committee. The Committee shall provide assistance to the 78830
Director of the Office of Information Technology for effective and 78831
efficient implementation of the MARCS system as well as develop 78832
policies for the ongoing management of the system. Upon dates 78833
prescribed by the Directors of the Office of Information 78834
Technology and Budget and Management, the MARCS Steering Committee 78835
shall report to the Directors on the progress of MARCS 78836
implementation and the development of policies related to the 78837
system. 78838~~

The foregoing appropriation item CAP-827, Statewide 78839
Communications System, shall be used to purchase or construct the 78840
components of MARCS that are not specific to any one agency. The 78841
equipment may include, but is not limited to, multi-agency 78842
equipment at the Emergency Operations Center/Joint Dispatch 78843
Facility, computer and telecommunication equipment used for the 78844
functioning and integration of the system, communications towers, 78845
tower sites, tower equipment, and linkages among towers and 78846
between towers and the State of Ohio Network for Integrated 78847
Communication (SONIC) system. ~~The Director of the Office of 78848
Information Technology~~ State Chief Information Officer shall, with 78849
the concurrence of the MARCS Steering Committee, determine the 78850
specific use of funds. 78851

The amount reappropriated for the foregoing appropriation 78852
item CAP-827, Statewide Communications System, is the unencumbered 78853
and unallotted balance as of June 30, 2006, in appropriation item 78854
CAP-827, Statewide Communications System, plus \$623,665.11. 78855

Spending from this appropriation item shall not be subject to 78856
Chapters 123. and 153. of the Revised Code. 78857

ENERGY CONSERVATION PROJECTS 78858

The foregoing appropriation item CAP-835, Energy Conservation 78859
Projects, shall be used to perform energy conservation 78860

renovations, including the United States Environmental Protection Agency's Energy Star Program, in state-owned facilities. Prior to the release of funds for renovation, state agencies shall have performed a comprehensive energy audit for each project. The Department of Administrative Services shall review and approve proposals from state agencies to use these funds for energy conservation. Public school districts and state-supported and state-assisted institutions of higher education are not eligible for funding from this item.

The amount reappropriated for the foregoing appropriation item CAP-835, Energy Conservation Projects, is the unencumbered and unallotted balance as of June 30, 2006, in appropriation item CAP-835, Energy Conservation Projects, plus \$3,600,000.

NORTH HIGH BUILDING COMPLEX RENOVATIONS

The amount reappropriated for the foregoing appropriation item CAP-852, North High Building Complex Renovations, is the unencumbered and unallotted balance as of June 30, 2006, in appropriation item CAP-852, North High Building Complex Renovations, plus the sum of the unencumbered and unallotted balance for appropriation item CAP-813, Heer Building Renovation as of June 30, 2006.

Section 605.12. That existing Section 235.30 of Am. Sub. H.B. 530 of the 126th General Assembly, as amended by Sub. H.B. 251 of the 126th General Assembly is hereby repealed.

Section 605.17. That Sections 227.10, 235.10.50, 235.50.80, and 329.10 of Am. Sub. H.B. 699 of the 126th General Assembly be amended to read as follows:

Sec. 227.10. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit

of the Cultural and Sports Facilities Building Fund (Fund 030), 78890
that are not otherwise appropriated. 78891

Appropriations

AFC CULTURAL FACILITIES COMMISSION 78892

CAP-734	Hayes Center Renov & Repairs	\$	300,000	78893
CAP-745	Renovations and Repairs	\$	850,000	78894
CAP-763	Historic Site Signage	\$	250,000	78895
CAP-770	Serpent Mound Improvements	\$	340,000	78896
CAP-781	Information Technology Project	\$	364,000	78897
CAP-784	Center Rehabilitation	\$	1,035,000	78898
CAP-803	Digitization of Collections	\$	300,000	78899
CAP-809	Exhibit Replace/Orientation	\$	415,000	78900
CAP-910	Collections Facility Planning	\$	1,240,000	78901
CAP-911	W.P. Snyder Restoration	\$	876,000	78902
CAP-912	Lockington Locks Restoration	\$	172,000	78903
CAP-913	Huntington Park	\$	7,000,000	78904
CAP-914	Schuster Center for the Performing Arts	\$	5,500,000	78905
CAP-916	Cincinnati Symphony Orchestra - Riverbend	\$	3,000,000	78906
CAP-917	Marina District Amphitheatre	\$	2,900,000	78907
CAP-918	Cincinnati Museum Center	\$	2,000,000	78908
CAP-919	National Underground Railroad Freedom Center	\$	2,000,000	78909
CAP-920	Cincinnati Sports Facility Improvements	\$	2,000,000	78910
CAP-921	Pro Football Hall of Fame	\$	1,650,000	78911
CAP-922	Heritage Center of Dayton Manufacturing & Entrepreneurship	\$	1,300,000	78912
CAP-923	Western Reserve Historical Society	\$	1,000,000	78913
CAP-925	COSI Columbus	\$	1,000,000	78914
CAP-926	Columbus Museum of Art	\$	1,000,000	78915
CAP-927	Mason ATP Tennis Center	\$	1,300,000	78916
CAP-928	Stan Hywet Hall and Gardens	\$	1,175,000	78917
CAP-929	Akron Art Museum	\$	1,000,000	78918
CAP-930	Sauder Village	\$	830,000	78919

CAP-931	Horvitz Center for the Arts	\$	750,000	78920
CAP-932	Ensemble Theatre	\$	750,000	78921
CAP-933	Voice of America Museum	\$	750,000	78922
CAP-934	Cleveland Steamship Mather	\$	600,000	78923
CAP-935	Cuyahoga County Soldiers' and Sailors Monument	\$	500,000	78924
CAP-936	King-Lincoln Arts & Entertainment District	\$	500,000	78925
CAP-937	Art Academy of Cincinnati	\$	500,000	78926
CAP-938	Great Lakes Historical Society	\$	500,000	78927
CAP-939	McKinley Museum	\$	425,000	78928
CAP-940	Charles A. Eulett Education Center and Appalachian Museum	\$	300,000	78929
CAP-942	Davis Shai Historical Facility	\$	300,000	78930
CAP-943	Massillon Museum	\$	275,000	78931
CAP-944	The Mandel Center	\$	250,000	78932
CAP-945	Worthington Arts Center	\$	250,000	78933
CAP-946	CCAD	\$	250,000	78934
CAP-947	BalletMet	\$	250,000	78935
CAP-948	Stambaugh Hall Improvements	\$	250,000	78936
CAP-949	Youngstown Symphony Orchestra	\$	250,000	78937
CAP-950	Wood County Historical Center & Museum	\$	220,000	78938
CAP-951	Harding Memorial	\$	210,000	78939
CAP-952	Cincinnati Ballet	\$	200,000	78940
CAP-953	City of Avon Stadium Complex	\$	200,000	78941
CAP-954	Renaissance Performing Arts Center	\$	200,000	78942
CAP-956	Oxford Arts Center Historic Renovation	\$	174,000	78943
CAP-957	Wayne County Historical Society - Lincoln Highway	\$	170,000	78944
CAP-958	Maumee Valley Historical Society	\$	150,000	78945
CAP-959	Trumbull County Historical Society	\$	150,000	78946
CAP-960	First Lunar Flight Project	\$	25,000	78947
CAP-961	Holmes County Historical Society	\$	140,000	78948

Improvements				
CAP-962	Canal Winchester Historical Society	\$	125,000	78949
CAP-963	Ukrainian Museum	\$	100,000	78950
CAP-964	Gordon Square Arts District	\$	100,000	78951
CAP-965	Moreland Theatre Renovation	\$	100,000	78952
CAP-966	Karamu House	\$	100,000	78953
CAP-967	Symmes Township Historical Society - Ross House	\$	100,000	78954
CAP-968	Springfield Veterans Park Amphitheatre	\$	100,000	78955
CAP-969	Gallia County Historical Genealogical Society	\$	100,000	78956
CAP-970	Gallia County French Art Colony	\$	100,000	78957
CAP-971	The Octagon House	\$	100,000	78958
CAP-972	Vinton County Stages - Pavilion Project	\$	100,000	78959
CAP-973	County Line Historical Society (Wayne/Holmes)	\$	100,000	78960
CAP-974	Paul Brown Museum	\$	75,000	78961
CAP-975	The Works - Ohio Center for History, Art and Technology	\$	75,000	78962
CAP-976	Van Wert Historical Society	\$	70,000	78963
CAP-977	Indian Mill Renovations	\$	66,000	78964
CAP-978	Hale Farm & Village	\$	50,000	78965
CAP-979	Howe House Historic Site	\$	50,000	78966
CAP-980	Beavercreek Community Theatre	\$	50,000	78967
CAP-981	Jamestown Opera House	\$	50,000	78968
CAP-982	Johnny Appleseed Museum	\$	50,000	78969
CAP-983	Vinton County Historical Society - Alice's House Project	\$	50,000	78970
CAP-984	Woodward Opera House	\$	50,000	78971
CAP-985	Little Brown Jug Facility Improvements	\$	50,000	78972
CAP-986	Applecreek Historical Society	\$	50,000	78973
CAP-987	Wyandot Historic Building Renovation	\$	50,000	78974
CAP-988	Galion Historic Big Four Depot	\$	30,000	78975

	Restoration			
CAP-989	Bucyrus Historic Depot Renovations	\$	30,000	78976
CAP-990	Myers Historical Stagecoach Inn	\$	25,000	78977
	Renovation			
CAP-991	Arts West Performing Arts Center	\$	25,000	78978
CAP-992	Chester Academy Historic Building	\$	25,000	78979
CAP-993	Portland Civil War Museum and Historic	\$	25,000	78980
	Displays			
CAP-994	Morgan County Historic Opera House	\$	25,000	78981
CAP-996	Crawford Antique Museum	\$	9,000	78982
CAP-997	Monroe City Historical Society Building	\$	5,000	78983
	Repairs			
CAP-998	Wright-Dunbar Historical	\$	250,000	78984
CAP-041	Cleveland Playhouse	\$	200,000	78985
CAP-081	Hip Klotz Memorial Facility Improvements	\$	150,000	78986
CAP-082	Music Hall Garage	\$	1,000,000	78987
CAP-083	AB Graham Center	\$	40,000	78988
CAP-084	Bradford Ohio Railroad Museum Restoration	\$	30,000	78989
CAP-085	WACO Aircraft Museum	\$	30,000	78990
CAP-086	Fort Recovery Renovations	\$	100,000	78991
CAP-087	Columbus Children's Hospital Amphitheater	\$	1,000,000	78992
	Total Cultural Facilities Commission	\$	55,296,000	78993
			<u>55,096,000</u>	
	TOTAL Cultural and Sports Facilities Building Fund	\$	55,296,000	78994
			<u>55,096,000</u>	

Sec. 235.10.50. THIRD FRONTIER WRIGHT CAPITAL 78996

Notwithstanding sections 151.01 and 151.04 of the Revised 78997
Code, of the foregoing appropriation item CAP-068, Third Frontier 78998
Wright Capital, up to \$11,400,000 in fiscal year 2008 shall be 78999
used by the Office of Information Technology, in partnership with 79000
the Ohio Supercomputer Center's OSCnet, to acquire the equipment 79001
and services necessary to migrate state agencies' network to the 79002

existing OSCnet network backbone. This state network shall be 79003
known as the NextGen Network. 79004

The remainder of foregoing appropriation item CAP-068, Third 79005
Frontier Wright Capital, shall be used to acquire, renovate, or 79006
construct facilities and purchase equipment for research programs, 79007
technology development, product development, and commercialization 79008
programs at or involving state-supported and state-assisted 79009
institutions of higher education. The funds shall be used to make 79010
grants awarded on a competitive basis, and shall be administered 79011
by the Third Frontier Commission. Expenditure of these funds shall 79012
comply with Section 2n of Article VIII, Ohio Constitution, and 79013
sections 151.01 and 151.04 of the Revised Code for the period 79014
beginning July 1, 2006, and ending June 30, 2008. 79015

The Third Frontier Commission shall develop guidelines 79016
relative to the application for and selection of projects funded 79017
from appropriation item CAP-068, Third Frontier Wright Capital. 79018
The Commission may develop these guidelines in consultation with 79019
other interested parties. The Board of Regents and all 79020
state-assisted and state-supported institutions of higher 79021
education shall take all actions necessary to implement grants 79022
awarded by the Third Frontier Commission. 79023

The foregoing appropriation item CAP-068, Third Frontier 79024
Wright Capital, for which an appropriation is made from the Higher 79025
Education Improvement Fund (Fund 034), is determined to consist of 79026
capital improvements and capital facilities for state-supported 79027
and state-assisted institutions of higher education, and is 79028
designated for the capital facilities to which proceeds of 79029
obligations in the Higher Education Improvement Fund (Fund 034) 79030
are to be applied. 79031

Appropriations

Sec. 235.50.80. STC STARK TECHNICAL COLLEGE 79032

CAP-004	Basic Renovations	\$	277,804	79033
CAP-039	Health & Science Building	\$	5,097,338	79034
Total Stark Technical College		\$	5,375,142	79035
Total Board of Regents and				79036
Institutions of Higher Education		\$	578,636,534	79037
			<u>578,836,534</u>	
TOTAL Higher Education Improvement Fund		\$	579,946,534	79038
			<u>580,146,534</u>	

Sec. 329.10. OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM PROJECT 79040

The Ohio Administrative Knowledge System (OAKS) shall be an 79041
enterprise resource planning system that replaces the state's 79042
central services infrastructure systems, including the Central 79043
Accounting System, the Human Resources/Payroll System, the Capital 79044
Improvements Projects Tracking System, the Fixed Assets Management 79045
System, and the Procurement System. The ~~Department of~~ 79046
~~Administrative Services, in conjunction with the Office of Budget~~ 79047
~~and Management, Office of Information Technology~~ may acquire the 79048
system, including, but not limited to, the enterprise resource 79049
planning software and installation and implementation thereof 79050
pursuant to Chapter 125. of the Revised Code. Any lease-purchase 79051
arrangement utilized under Chapter 125. of the Revised Code, 79052
including any fractionalized interest therein as defined in 79053
division (N) of section 133.01 of the Revised Code, shall provide 79054
at the end of the lease period that OAKS shall become the property 79055
of the state. 79056

Section 605.18. That existing Sections 227.10, 235.10.50, 79057
235.50.80, and 329.10 of Am. Sub. H.B. 699 of the 126th General 79058
Assembly are hereby repealed. 79059

Section 605.20. That Section 235.20.20 of Am. Sub. H.B. 699 79060
of the 126th General Assembly, as subsequently amended by Am. Sub. 79061

H.B. 67 of the 127th General Assembly, be amended to read as 79062
follows: 79063

Appropriations

Sec. 235.20.20. CLS CLEVELAND STATE UNIVERSITY			79064
CAP-023	Basic Renovations	\$ 3,796,031	79065
CAP-125	College of Education	\$ 10,115,719	79066
CAP-148	Cleveland Institute of Art	\$ 1,000,000	79067
<u>CAP-155</u>	<u>Cleveland Playhouse</u>	<u>\$ 200,000</u>	79068
CAP-163	Anthropology Department	\$ 400,000	79069
	Renovations/Relocation		
CAP-164	Chester Building Annex Demolition	\$ 921,583	79070
CAP-165	Bakers Building Renovations	\$ 1,328,583	79071
CAP-167	Cleveland State University Windtower	\$ 400,000	79072
	Generator Project		
CAP-168	Kenston Wind Turbine Project in Geauga	\$ 300,000	79073
	(CSU Engineering Department)		
Total Cleveland State University		\$ 18,261,916	79074
		<u>18,461,916</u>	

Section 605.21. That existing Section 235.20.20 of Am. Sub. 79076
H.B. 699 of the 126th General Assembly, as subsequently amended by 79077
Am. Sub. H.B. 67 of the 127th General Assembly, is hereby 79078
repealed. 79079

Section 605.23. That Section 203.20 of Sub. S.B. 321 of the 79080
126th General Assembly be amended to read as follows: 79081

Sec. 203.20. AGO ATTORNEY GENERAL 79082

Tobacco Master Settlement Agreement Fund Group 79083

J87 055-635 Law Enforcement \$ 620,000 \$ ± 3,350,000 79084
Technology, Training,
and Facility

	Enhancements				
U87 055-402	Tobacco Settlement	\$	673,797	\$	723,797
	Oversight,				
	Administration, and				
	Enforcement				
TOTAL TSF Tobacco Master Settlement		\$	1,293,797	\$	723,797
Agreement Fund Group					<u>4,073,797</u>
TOTAL ALL BUDGET FUND GROUPS		\$	1,293,797	\$	723,797
					<u>4,073,797</u>

Section 605.24. That existing Section 203.20 of Sub S.B. 321 of the 126th General Assembly is hereby repealed.

Section 621.05. That Section 153 of Am. Sub. H.B. 117 of the 121st General Assembly, as most recently amended by Am. Sub. H.B. 66 of the 126th General Assembly, be amended to read as follows:

Sec. 153. (A) Sections 5112.01, 5112.03, 5112.04, 5112.05, 5112.06, 5112.07, 5112.08, 5112.09, 5112.10, 5112.11, 5112.18, 5112.19, 5112.21, and 5112.99 of the Revised Code are hereby repealed, effective October 16, ~~2007~~ 2009.

(B) Any money remaining in the Legislative Budget Services Fund on October 16, ~~2007~~ 2009, the date that section 5112.19 of the Revised Code is repealed by division (A) of this section, shall be used solely for the purposes stated in then former section 5112.19 of the Revised Code. When all money in the Legislative Budget Services Fund has been spent after then former section 5112.19 of the Revised Code is repealed under division (A) of this section, the fund shall cease to exist.

Section 621.06. That existing Section 153 of Am. Sub. H.B. 117 of the 121st General Assembly, as most recently amended by Am. Sub. H.B. 66 of the 126th General Assembly, is hereby repealed.

Section 631.04. That Section 3 of Am. Sub. H.B. 694 of the 126th General Assembly is hereby repealed. 79110
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Section 631.05. The amendments to sections 3517.13 and 3517.992 of the Revised Code by Am. Sub. H.B. 694 of the 126th General Assembly shall apply only to contributions made on or after January 1, 2007. 79112
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Section 631.06. The provisions of sections 631.04 and 631.05 of this act clarify the General Assembly's original intent in enacting Am. Sub. H.B. 694 of the 126th General Assembly, are remedial in nature, and apply to contracts awarded on or after the effective date of that act. 79116
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Section 701.10. Not later than thirty days after the effective date of this section, the Director of Development shall convene a task force composed of experts from the economic development community, local governments, and consultants involved in the site selection and negotiation process to study the economic development incentives that are available to local governments, regional groups, and the state. Not later than January 1, 2008, the Director shall submit a written report to the Speaker of the House of Representatives and the President of the Senate on the findings of the task force and make recommendations for changes to Ohio's local, regional, and state economic development incentives so that those incentives are more effective in strengthening Ohio's economy and are less complex, faster to implement, and more transparent to the taxpayers of Ohio. 79121
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Section 703.10. The Governor's Office of Faith-Based and Community Initiatives, with the assistance of the Advisory Board of the Governor's Office of Faith-Based and Community Initiatives, shall conduct a study of the feasibility and advisability of the 79135
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Office becoming a private nonprofit entity rather than a part of 79139
the Governor's office. The study and any resulting recommendations 79140
shall be submitted, not later than July 1, 2008, to the Governor, 79141
the Speaker of the House of Representatives, the President of the 79142
Senate, and the Minority Leaders of the House of Representatives 79143
and the Senate. 79144

Section 706.03. (A) As used in this section, "appointing 79145
authority" has the same meaning as in section 124.01 of the 79146
Revised Code, and "exempt employee" has the same meaning as in 79147
section 124.152 of the Revised Code. 79148

(B) Notwithstanding section 124.181 of the Revised Code, both 79149
of the following apply: 79150

(1) In cases where no vacancy exists, an appointing authority 79151
may, with the written consent of an exempt employee, assign duties 79152
of a higher classification to that exempt employee for a period of 79153
time not to exceed two years, and that exempt employee shall 79154
receive compensation at a rate commensurate with the duties of the 79155
higher classification. 79156

(2) If necessary, exempt employees who are assigned to duties 79157
within their agency to maintain operations during the Ohio 79158
Administrative Knowledge System (OAKS) implementation may agree to 79159
a temporary assignment that exceeds the two-year limit. 79160

Section 737.10. Notwithstanding any provision of law to the 79161
contrary, on January 1, 2008, the terms of office of the members 79162
of the Sewage Treatment System Technical Advisory Committee 79163
created in section 3718.03 of the Revised Code whose terms expire 79164
in 2008 and in 2009 shall terminate. The appointing authorities 79165
specified in divisions (A)(1), (2), and (3) of that section as 79166
amended by this act, the Governor, the President of the Senate, 79167
and the Speaker of the House of Representatives, shall appoint new 79168

members to the Committee in accordance with that section to 79169
replace the members whose terms are terminated. However, members 79170
appointed to replace the members whose terms were to expire in 79171
2009 shall be appointed for a term of four years instead of three 79172
years as required by section 3718.03 of the Revised Code. Members 79173
whose terms expire on January 1, 2008, by the operation of this 79174
section may be reappointed by the Governor, President of the 79175
Senate, or Speaker of the House of Representatives in accordance 79176
with this section and section 3718.03 of the Revised Code. 79177

Section 737.11. (A) There is hereby created the Household 79178
Sewage and Small Flow On-Site Sewage Treatment System Study 79179
Commission consisting of the following members: 79180

(1) A representative of the Department of Health appointed by 79181
the Director of Health; 79182

(2) A representative of the Environmental Protection Agency 79183
appointed by the Director of Environmental Protection; 79184

(3) A representative of the Department of Natural Resources 79185
appointed by the Director of Natural Resources; 79186

(4) Five members appointed by the Association of Ohio Health 79187
Commissioners, one of whom shall be from the northwest region of 79188
the state, one of whom shall be from the northeast region of the 79189
state, one of whom shall be from the southwest region of the 79190
state, one of whom shall be from the southeast region of the 79191
state, and one of whom shall be from the central region of the 79192
state. In making the appointments, special consideration shall be 79193
given to a county in which at least twenty-five per cent of the 79194
parcels of land are serviced by sewage treatment systems. 79195

(5) One member appointed by the Association of Ohio 79196
Pedologists; 79197

(6) One member appointed by the County Commissioners 79198

Association of Ohio;	79199
(7) One member appointed by the County Engineers Association of Ohio;	79200 79201
(8) One member appointed by the Ohio Association of Realtors;	79202
(9) One member appointed by the Ohio Environmental Council;	79203
(10) One member appointed by the Ohio Environmental Health Association;	79204 79205
(11) One member appointed by the Ohio Home Builders Association;	79206 79207
(12) One member appointed by the Ohio Manufactured Housing Association;	79208 79209
(13) One member appointed by the Ohio Onsite Wastewater Association;	79210 79211
(14) One member appointed by the Ohio Precast Concrete Association;	79212 79213
(15) One member appointed by the Ohio Public Health Association;	79214 79215
(16) One member appointed by the Ohio State University Extension;	79216 79217
(17) One member appointed by the Ohio Township Association;	79218
(18) One member appointed by the Ohio Waste Haulers Association;	79219 79220
(19) Three members of the House of Representatives appointed by the Speaker of the House of Representatives, two from the majority party and one from the minority party;	79221 79222 79223
(20) Three members of the Senate appointed by the President of the Senate, two from the majority party and one from the minority party;	79224 79225 79226

(21) One member appointed by the Ohio Farm Bureau Federation; 79227

(22) One member appointed by the Ohio Farmers Union. 79228

(B) All appointments shall be made to the Commission not 79229
later than thirty days after the effective date of this section. 79230
One member of the Senate and one member of the House of 79231
Representatives jointly designated by the President of the Senate 79232
and the Speaker of the House of Representatives shall serve as 79233
co-chairpersons of the Commission. The Commission shall hold its 79234
first meeting not later than sixty days after the effective date 79235
of this section and shall hold regular meetings as necessary after 79236
the initial meeting. 79237

(C) The Commission shall study issues concerning household 79238
sewage treatment systems and small flow on-site sewage treatment 79239
systems and shall recommend appropriate legislation to the General 79240
Assembly establishing reasonable standards for the siting, design, 79241
installation, operation, monitoring, maintenance, and abandonment 79242
of household sewage treatment systems and small flow on-site 79243
sewage treatment systems for the purpose of preventing public 79244
health nuisances. In making recommendations regarding such 79245
standards, the Commission shall consider the economic impact of 79246
those standards on property owners, the state of technology 79247
currently utilized in household sewage treatment systems and small 79248
flow on-site sewage treatment systems, and the nature and 79249
economics of available alternatives to that technology. The 79250
Commission also shall explore and establish recommendations 79251
regarding funding sources for and mechanisms for providing 79252
assistance to homeowners for paying the cost of compliance with 79253
the new proposed standards. 79254

(D) Not later than December 1, 2008, the Commission shall 79255
submit a report of its findings and recommendations to the 79256
Governor, the President of the Senate, and the Speaker of the 79257
House of Representatives. Upon the submission of the report, the 79258

Commission shall cease to exist. 79259

(E) As used in this section and Section 737.12 of this act, 79260
"household sewage treatment system" and "small flow on-site sewage 79261
treatment system" have the same meanings as in section 3718.01 of 79262
the Revised Code. 79263

Section 737.12. (A) The Director of Health shall issue a 79264
report to the Household Sewage and Small Flow On-Site Sewage 79265
Treatment System Study Commission created in Section 737.11 of 79266
this act that includes recommendations regarding standards for the 79267
siting, design, installation, operation, monitoring, maintenance, 79268
and abandonment of household sewage treatment systems and small 79269
flow on-site sewage treatment systems. The recommendations shall 79270
include information concerning the cost and state of technology 79271
currently utilized in household sewage treatment systems and small 79272
flow on-site sewage treatment systems and the nature and economics 79273
of available alternatives to that technology. The Director shall 79274
issue the report to the Commission not later than January 1, 2008. 79275

(B) The Director shall conduct a survey of boards of health 79276
in this state concerning household sewage treatment system 79277
operations and the failure rates of those systems. The Director 79278
shall issue a report concerning the survey to the Household Sewage 79279
and Small Flow On-Site Sewage Treatment System Study Commission 79280
not later than June 1, 2008. Boards of health shall provide, in a 79281
timely manner, any and all relevant information pertaining to the 79282
household sewage treatment system program that is requested by the 79283
Director under this division and that the Director determines to 79284
be necessary for completion of the survey. 79285

Section 737.20. In enacting section 5.2235 of the Revised 79286
Code, the members of the General Assembly call on the people of 79287
this state to recognize the important role that a nutritious diet 79288

plays in their health and well-being. The members of the General 79289
Assembly are aware that according to the United States Department 79290
of Health and Human Services, dietary changes could reduce cancer 79291
deaths in the United States by as much as thirty-five per cent. 79292
Only twenty-five per cent of American adults eat the recommended 79293
servings of fruits and vegetables each day. More than sixty per 79294
cent of young Americans eat too much fat, and less than twenty per 79295
cent eat the recommended servings of fruits and vegetables. The 79296
members of the General Assembly thus encourage all the people of 79297
this state to review both the United States Department of Health 79298
and Human Services' "Dietary Guidelines for Americans" and the 79299
United States Department of Agriculture's food pyramid 79300
recommendations and to work toward developing a nutritious 79301
lifestyle. 79302

Section 737.21. In enacting section 5.2235 of the Revised 79303
Code, the members of the General Assembly also call on the people 79304
of this state to make daily exercise a priority. The members of 79305
the General Assembly are aware that according to the United States 79306
Center for Disease Control and Prevention, twenty-six per cent of 79307
all Ohioans report no leisure time or physical activity, and sixty 79308
per cent of Ohioans are overweight or obese, which is the 79309
thirteenth highest level in the United States. The members of the 79310
General Assembly thus encourage individuals, community 79311
organizations, local governments, and schools, when holding 79312
celebrations, to include physical and athletic activities and to 79313
work toward the goal of a state whose citizens are healthy, 79314
active, and physically fit. 79315

Section 737.30. The amendment to section 3745.04 of the 79316
Revised Code by this act applies to any action of the Director of 79317
Environmental Protection that is the subject of an appeal to the 79318
Environmental Review Appeals Commission that is already pending on 79319

the effective date of the amendment to that section by this act as 79320
well as to actions appealed after the effective date of that 79321
amendment. 79322

Section 739.10. Section 3905.36 of the Revised Code is 79323
amended by this act for the purpose of clarifying the intent of 79324
the 126th General Assembly when it amended division (B)(4) of 79325
section 3905.36 of the Revised Code. Notwithstanding any provision 79326
of section 3905.36 of the Revised Code to the contrary, all 79327
agencies and departments of the state or any political subdivision 79328
shall apply the legislative intent from this amendment as of 79329
January 1, 2007. 79330

Section 745.10. (A) The enactment of section 4517.261 of the 79331
Revised Code is intended as a clarification of existing law 79332
allowing documentary service charges to be assessed in all retail 79333
and wholesale sales and leases of motor vehicles, including those 79334
involving a retail installment sale and those not involving a 79335
retail installment sale, including leases, cash transactions, and 79336
transactions in which consumers obtain their own financing. 79337

(B) The enactment of section 4517.261 of the Revised Code 79338
expresses the legislative intent of the General Assembly currently 79339
and at the time of the original enactment of the Revised Code by 79340
recognizing that motor vehicle dealers may charge, and 79341
historically have charged, a documentary service charge in all 79342
transactions, including those involving a retail installment sale 79343
and those not involving a retail installment sale, including 79344
leases, cash transactions, and transactions in which consumers 79345
obtain their own financing. 79346

Section 747.10. (A) There is hereby created the Nursing 79347
Education Study Committee consisting of the following members: 79348

(1) Two members of the House of Representatives who are 79349

members of the same political party as the Speaker of the House of Representatives, to be appointed by the Speaker of the House of Representatives;

(2) One member of the House of Representatives who is a member of the largest political party of which the Speaker of the House of Representatives is not a member, to be appointed by the Speaker of the House of Representatives;

(3) Two members of the Senate who are members of the same political party as the President of the Senate, to be appointed by the President of the Senate, one of whom shall be designated as the temporary chairperson of the Committee;

(4) One member of the Senate who is a member of the largest political party of which the President of the Senate is not a member, to be appointed by the President of the Senate;

(5) One member of the Ohio Nurses Association, to be appointed by the Ohio Nurses Association;

(6) One member of the Licensed Practical Nurse Association of Ohio, to be appointed by the Licensed Practical Nurse Association of Ohio;

(7) One member of the Ohio Board of Nursing, to be appointed by the Ohio Board of Nursing;

(8) One member of the Ohio Board of Regents, to be appointed by the Ohio Board of Regents;

(9) One member of the Ohio Hospital Association, to be appointed by the Ohio Hospital Association;

(10) One member of the Ohio Association of Community Health Agencies, to be appointed by the Ohio Association of Community Health Agencies;

(11) One nursing educator from an associate degree nursing program, to be appointed by the Speaker of the House of

Representatives;	79380
(12) One nursing educator from a baccalaureate degree nursing program, to be appointed by the Speaker of the House of Representatives;	79381 79382 79383
(13) One nursing educator from a graduate degree nursing program, to be appointed by the Speaker of the House of Representatives;	79384 79385 79386
(14) One nursing educator from a private university with a nursing education program, to be appointed by the President of the Senate;	79387 79388 79389
(15) One nursing educator from a state university with a nursing education program, to be appointed by the President of the Senate.	79390 79391 79392
(B) Appointments to the Committee shall be made not later than September 1, 2007. Members of the Committee shall serve without compensation.	79393 79394 79395
(C) The member of the Committee designated as the temporary chairperson shall call the initial meeting of the Committee. At that initial meeting, the Committee shall elect a chairperson, by majority vote, from among its members. Thereafter, the chairperson shall call meetings as the chairperson considers necessary for the Committee to carry out its duties.	79396 79397 79398 79399 79400 79401
(D)(1) The Committee shall study the current nurse faculty shortage and the shortage of clinical placement sites for nursing education programs, with a focus on the critical needs of nursing faculty at Ohio's institutions of higher education and alternatives to clinical placement sites.	79402 79403 79404 79405 79406
(2) In conducting the study required under division (D)(1) of this section, the Committee shall consider, but is not limited to, all of the following:	79407 79408 79409

(a) Salary disparities for nursing faculty members as compared to faculty members in other disciplines and as compared to salaries for master's degree-prepared nurses in health care settings;	79410 79411 79412 79413
(b) The feasibility and financial implications of providing a refundable state income tax credit to nursing faculty members for a specified limited period of time;	79414 79415 79416
(c) The feasibility and financial implications of providing assistantships at a stipend level to nurses pursuing master's degrees or doctoral study who agree to become nursing faculty members in Ohio;	79417 79418 79419 79420
(d) The extent to which clinical simulation devices could be used to decrease the number of hours nursing students are required to spend providing care directly to patients in a clinical setting, including the portion of clinical hours that could be obtained in a clinical simulation laboratory;	79421 79422 79423 79424 79425
(e) The disparity in the number of clinical hours students are required to complete in Ohio nursing education programs;	79426 79427
(f) The extent to which nursing education programs are adequately preparing nurses to provide care in community or public health settings, particularly to the geriatric population;	79428 79429 79430
(g) Ways in which nurses may be more effectively utilized to train or educate health care workers providing care in community or public health settings.	79431 79432 79433
(3) Not later than December 31, 2008, the Committee shall prepare and submit a report to the General Assembly that focuses on the following topics and also includes a recommendation for a range of clinical hours nursing students shall be required to complete to assure adequate practice experience:	79434 79435 79436 79437 79438
(a) Strategies to produce more nursing faculty;	79439

(b) Ways to address the issue of insufficient clinical placement opportunities. 79440
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Upon submission of the report, the Committee shall cease to exist. 79442
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(E) Sections 101.82 to 101.87 of the Revised Code do not apply to the Committee. 79444
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Section 749.10. Consistent with divisions (A)(6) to (A)(8) of section 4927.02 of the Revised Code, the Public Utilities Commission shall establish a study mechanism to make recommendations for a competitively neutral telecommunications relay service funding program for costs incurred in calendar year 2009 and thereafter and submit the recommendations to the General Assembly by January 1, 2009. 79446
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Section 751.10. The Director of Job and Family Services and the Director of Development jointly shall prepare a plan to utilize the funds the state receives to administer the federal "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801, as amended, to train workers within this state and jointly shall submit that plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives within one year after the effective date of this section. 79453
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Section 751.20. The Department of Job and Family Services shall provide guidance to local workforce policy boards to encourage the broadest participation by training providers, including those providers who are proprietary schools, who demonstrate effectiveness in providing training opportunities to eligible Ohioans under the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801, as amended. 79461
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Section 753.10. The duties of an owner of residential rental 79468

property to comply with and of a county auditor to accept 79469
compliance with sections 5323.01, 5323.02, 5323.03, 5323.04, and 79470
5323.99 of the Revised Code in a county are tolled until the board 79471
of county commissioners adopts a resolution under the first 79472
paragraph of section 5323.011 of the Revised Code. 79473

Section 753.20. (A) The staff of the Legislative Service 79474
Commission shall study the feasibility and potential results of 79475
the state's offering incentives for local entities, including 79476
municipal corporations, counties, townships, local historical 79477
societies, and regional authorities, to assume control of state 79478
historical sites. The incentives to be studied shall include the 79479
establishment of tax credits, the contribution of capital dollars, 79480
and the creation of an endowment-matching program. 79481

The study shall focus on the cost and funding aspects of the 79482
incentives that are studied. In addition, the study shall attempt 79483
to determine the potential results of providing each incentive at 79484
varying levels. 79485

(B) Not later than six months after the effective date of 79486
this section, the staff of the Commission shall report its 79487
findings to the Commission. 79488

Section 753.30. (A) The Governor is hereby authorized to 79489
execute a deed in the name of the state conveying to the City of 79490
Columbus, and its successors and assigns, all of the state's 79491
right, title, and interest in real estate consisting of 79492
approximately 13 acres in Franklin Township of Franklin County, 79493
being part of or near the former Training Institution Central 79494
Ohio, together with any perpetual easements of access over certain 79495
existing or future driveways, the real estate being more 79496
particularly described as follows: 79497

Situated in the State of Ohio, County of Franklin, City of 79498

Columbus, Township 5 North, Range 23 West and in the Virginia Military District. Being a part of the State of Ohio original 300-acre tract of record in Deed Book 101, page 390 of the Recorder's Records, Franklin County, Ohio, and being more particularly described as follows:

Beginning, For Reference, at an iron pin with identification cap stamped "Patridge" found marking the intersection of the easterly line of the Wheatland Avenue 40-foot-wide Right-of-Way and the Northerly line of West Broad Street 80-foot-wide Right-of-Way;

thence North 5°12'48" West 2612.22 feet, in said easterly line of Wheatland Avenue and vacated Wheatland Avenue, to a 5/8-inch reinforcing rod found;

thence South 75°43'06" East 188.42 feet, to an iron pipe set marking the Place of Beginning of the tract herein described;

thence North 5°02'11" West 384.70 feet, to an iron pipe set;

thence North 67°03'42" East 118.78 feet, to an iron pipe set;

thence North 74°42'07" East 230.99 feet, to an iron pipe set;

thence North 79°39'53" East 191.19 feet, to a 5/8-inch reinforcing rod found marking the most easterly corner of the Gang of Four,

Ltd. 5.254-acre tract of record in Instrument Number

199902040029850 of said Recorder's Records, in a northerly line of

said 300-acre tract and a Point of Tangency in the original

southerly line of the Camp Chase Industrial Railroad Corporation

Tract of record in Official Record 28363 F03 of said Recorder's

Records;

thence North 86°38'37" East 383.75 feet, in a southerly line of

said Camp Chase Railroad tract and in a northerly line of said

300-acre tract, to an iron pipe set;

thence South 04°38'21" West 694.64 feet, to an iron pipe set;

thence South 75°43'06" East 174.01 feet, to an iron pipe set; 79529
thence North 89°32'10" East 521.90 feet, to an iron pipe set; 79530
thence South 85°04'20" East 161.72 feet, to an iron pipe set; 79531
thence South 14°52'48" East 63.77 feet, to a spike set; 79532
thence North 85°04'20" West 180.51 feet, to an iron pipe set; 79533
thence South 89°32'10" West 526.84 feet, to an iron pipe set; 79534
thence North 75°43'06" West 1005.86 feet, to the Place of 79535
Beginning containing 12.997 acres, more or less. 79536

This description is based on a field survey in April and May of 79537
2007 by Gary L. Elswick, Professional Surveyor #6395. Iron pipes 79538
set are ¾-inch ID galvanized pipe with identification cap stamped 79539
"HOCKADEN". Bearings are assumed and for the determination of 79540
angles only. 79541

This description may be modified to a final form if 79542
modifications are needed. 79543

(B)(1) Consideration for the conveyance of the real estate is 79544
the purchase price of \$194,955.00. 79545

(2) The State may also require additional consideration for 79546
any perpetual easement needed by the City of Columbus to access 79547
the real estate. The consideration shall be a price mutually 79548
agreed upon between the City of Columbus and the state. 79549

(C)(1) The conveyance of the real estate is subject to the 79550
following conditions and restrictions: 79551

(a) The City of Columbus and its successors and assigns shall 79552
receive written approval from the state to use or develop the real 79553
estate for any purpose other than a police heliport or uses or 79554
developments incident thereto. 79555

(b) The City of Columbus shall, prior to selling, conveying, 79556
or transferring ownership of the real estate, first offer the 79557

state the right to purchase the real estate at a price not less than fair market value as appraised by a disinterested party.

(2) The conveyance may be subject to conditions and restrictions that have been determined necessary by the Director of Administrative Services to assure there is no interference with state uses on state-owned real estate that adjoins the real estate conveyed.

(D) Upon payment of the purchase price, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate. The deed shall state the consideration and the conditions and restrictions. The deed shall be executed by the Governor in the name of the state, shall be countersigned by the Secretary of State, shall be sealed with the Great Seal of the State, shall be presented for recording in the Office of the Auditor of State, and shall be delivered to the City of Columbus. The City of Columbus shall present the deed for recording in the Office of the Franklin County Recorder.

(E) The City of Columbus shall pay the costs of the conveyance.

(F) This section expires one year after its effective date.

Section 753.40. (A) The Governor is hereby authorized to execute a deed in the name of the state conveying to the City of Celina the state's right of reverter retained in the conveyance authorized in Am. H.B. 823 of the 112th General Assembly in the following described real estate:

Being a parcel of land situated in the City of Celina, Jefferson Township, Mercer County, Ohio, and in the northwest quarter of Section 6, Township 6 South, Range 3 East, being more particularly described as follows:

Commencing at an iron pin with cap set at the most southern

point of lot number 6 of Dickman's Addition (Plat Book 2, Page 3) 79588
in the City of Celina; 79589

thence N 68°42'59" W, 20.00 feet along the south line of said 79590
Dickman's Addition to an iron pin with cap set as the Point of 79591
Beginning; 79592

thence S 57°41'29" W, 210.06 feet to an iron pin with cap 79593
set; 79594

thence N 46°02'00" W, 214.80 feet to an iron pin with cap 79595
set; 79596

thence S 73°50'04" E, 102.64 feet along the south line of 79597
said Dickman's Addition to an iron pin with cap set; 79598

thence N 75°48'13" E, 132.78 feet along the south line of 79599
said Dickman's Addition to an iron pin with cap set; 79600

thence S 68°42'59" E, 112.51 feet along the south line of 79601
said Dickman's Addition to the Point of Beginning, containing 79602
0.535 acres of land more or less, subject to all valid easements 79603
and right-of-way. 79604

All bearings were calculated from angles turned in an actual 79605
field survey by Kent B. Marbaugh, Registered Surveyor #7421, dated 79606
April 16, 2007, on file in the County Engineer's Office. 79607

The state retains its right of reverter for the remainder of 79608
the real estate conveyed pursuant to that act. 79609

(B) Consideration for conveyance of the right of reverter is 79610
the mutual benefit accruing to the state and to the City of Celina 79611
from the reconfiguration of the entrance to the city park located 79612
on the real estate conveyed in Am. H.B. 823 of the 112th General 79613
Assembly. 79614

(C) The Auditor of State, with the assistance of the Attorney 79615
General, shall prepare a deed to the real estate conveying the 79616
right of reverter. The deed shall state the consideration. The 79617

deed shall be executed by the Governor in the name of the state, 79618
countersigned by the Secretary of State, sealed with the great 79619
seal of the state, presented in the office of the Auditor of State 79620
for recording, and delivered to the City of Celina. The City of 79621
Celina shall present the deed for recording in the office of the 79622
Mercer County Recorder. 79623

(D) This section expires four years after its effective date. 79624

***Section 755.03.** The Director of Transportation may conduct a 79625
twelve-month pilot project to be completed not later than June 30, 79626
2009, for energy price risk management by entering into a contract 79627
with a qualified provider of energy risk management services. The 79628
contract may include rate analysis, negotiation services, market 79629
and regulatory analysis, budget and financial analysis, and 79630
mitigation strategies for volatile energy sources, including 79631
natural gas, gasoline, oil, and diesel fuel, but shall not include 79632
energy procurement and shall not subject more than thirty per cent 79633
of the Department's annual energy needs to the risk management 79634
services. The Director shall select the energy risk management 79635
services provider through a qualifications-based selection 79636
process, subject to Controlling Board approval. The contract shall 79637
specify that the Department may share the analysis and services of 79638
the energy risk management services provider with all state 79639
agencies and operations. The Director may use revenues from the 79640
state motor vehicle fuel tax or other funds appropriated by the 79641
General Assembly for the pilot project to pay amounts due under 79642
the contract and shall deposit any amounts received under the 79643
contract into the Highway Operating Fund created under section 79644
5735.291 of the Revised Code. 79645

Section 757.01. Every two years during biennial budget 79646
deliberations, the Tax Commissioner shall review the percentage of 79647
the total price of electricity that is indicated under division 79648

(C)(2) of section 5727.81 of the Revised Code, as amended by this 79649
act. Such review shall include a consideration of the fluctuations 79650
in the price of electricity that have occurred in the most recent 79651
two fiscal years and other factors influencing the economy of the 79652
state. 79653

Section 757.03. (A) Beginning in July 2007 and ending in 79654
November 2007, on or before the seventh day of each month, the Tax 79655
Commissioner shall determine and certify to the Director of Budget 79656
and Management the amount to be credited from each tax source 79657
under divisions (B), (C), and (D) of this section to the Local 79658
Government Fund, the Library and Local Government Support Fund, 79659
and the Local Government Revenue Assistance Fund. 79660

(B) Notwithstanding sections 5727.45, 5727.84, 5733.12, 79661
5739.21, 5741.03, and 5747.03 of the Revised Code or any other 79662
provision of law to the contrary, for each month in the period 79663
beginning July 1, 2007, and ending November 30, 2007, tax revenues 79664
credited to the Local Government Fund, the Library and Local 79665
Government Support Fund, and the Local Government Revenue 79666
Assistance Fund under those sections shall instead be credited as 79667
follows: 79668

(1) An amount shall first be credited to the Local Government 79669
Fund as prescribed under division (C) of this section; 79670

(2) An amount shall next be credited to the Local Government 79671
Revenue Assistance Fund as prescribed under division (C) of this 79672
section; 79673

(3) An amount shall next be credited to the Library and Local 79674
Government Support Fund as prescribed under division (D) of this 79675
section. 79676

(C) Receipts from the corporation franchise, sales and use, 79677
public utility excise, kilowatt-hour, and personal income taxes 79678

shall be credited to the Local Government Fund and the Local 79679
Government Revenue Assistance Fund as follows: 79680

(1) In July 2007, the amount that was credited in July 2006; 79681

(2) In August 2007, the amount that was credited in August 79682
2006; 79683

(3) In September 2007, the amount that was credited in 79684
September 2006; 79685

(4) In October 2007, the amount that was credited in October 79686
2006; 79687

(5) In November 2007, the amount that was credited in 79688
November 2006. 79689

(D) Receipts from the personal income tax shall be credited 79690
to the Library and Local Government Support Fund as follows: 79691

(1) In July 2007, the amount that was credited in July 2006; 79692

(2) In August 2007, the amount that was credited in August 79693
2006; 79694

(3) In September 2007, the amount that was credited in 79695
September 2006; 79696

(4) In October 2007, the amount that was credited in October 79697
2006; 79698

(5) In November 2007, the amount that was credited in 79699
November 2006. 79700

(E)(1) To the extent the amounts required to be credited to 79701
the Local Government Fund, the Library and Local Government 79702
Support Fund, and the Local Government Revenue Assistance Fund 79703
under divisions (C) and (D) of this section exceed the amounts 79704
that otherwise would have been credited to those funds under 79705
sections 5727.45, 5727.84, 5733.12, 5739.21, 5741.03, and 5747.03 79706
of the Revised Code, amounts required to be credited to the 79707

General Revenue Fund under those sections shall be reduced 79708
accordingly. 79709

(2) To the extent the amounts required to be credited to the 79710
Local Government Fund, the Library and Local Government Support 79711
Fund, and the Local Government Revenue Assistance Fund under 79712
divisions (C) and (D) of this section are less than the amounts 79713
that otherwise would have been credited to those funds under 79714
sections 5727.45, 5727.84, 5733.12, 5739.21, 5741.03, and 5747.03 79715
of the Revised Code, amounts required to be credited to the 79716
General Revenue Fund under those sections shall be increased 79717
accordingly. 79718

(F) The total amount credited each month under this section 79719
to the Local Government Fund, the Library and Local Government 79720
Support Fund, and the Local Government Revenue Assistance Fund 79721
shall be distributed on or before the tenth day of the immediately 79722
succeeding month as follows: 79723

(1) Each county undivided Local Government Fund shall receive 79724
a distribution from the Local Government Fund that is based upon 79725
its proportionate share of the total amount received by it from 79726
the fund in the same month during the preceding calendar year. 79727

(2) Each municipal corporation receiving a direct 79728
distribution from the Local Government Fund shall receive a 79729
distribution that is based upon its proportionate share of the 79730
total amount received by it from the fund in the same month during 79731
the preceding calendar year. 79732

(3) Each county undivided Local Government Revenue Assistance 79733
Fund shall receive a distribution from the Local Government 79734
Revenue Assistance Fund that is based upon its proportionate share 79735
of the total amount received by it from the fund in the same month 79736
during the preceding calendar year. 79737

(4) Each county undivided Library and Local Government 79738

Support Fund shall receive a distribution from the Library and 79739
Local Government Support Fund that is based upon its proportionate 79740
share of the total amount received by it from the fund in the same 79741
month during the preceding calendar year. 79742

(G) Distributions shall not be made in accordance with 79743
sections 5747.47 and 5747.50 of the Revised Code until January 1, 79744
2008. 79745

(H) Notwithstanding section 5747.47 of the Revised Code, the 79746
Tax Commissioner is not required to issue the certification 79747
required by that section to be made in December 2007 for calendar 79748
year 2007. The Tax Commissioner may, as the Commissioner considers 79749
appropriate, provide to each county auditor additional revised 79750
estimates or other information relating to distributions in 2007, 79751
2008, or 2009 at any time during the period beginning July 1, 79752
2007, and ending June 30, 2009. 79753

(I)(1) Notwithstanding division (A) of section 131.51 of the 79754
Revised Code, on or before January 5, 2008, the Director of Budget 79755
and Management shall credit to the Local Government Fund an amount 79756
equal to three and sixty-eight one-hundredths per cent of total 79757
tax revenues credited to the General Revenue Fund during December 79758
2007. In determining the total tax revenues credited to the 79759
General Revenue Fund during that month, transfers made from the 79760
General Revenue Fund during that month to the Local Government 79761
Fund, the Local Government Revenue Assistance Fund, and the 79762
Library and Local Government Support Fund shall be disregarded. 79763
Moneys credited to the Local Government Fund under division (I)(1) 79764
of this section shall be distributed in January 2008 in accordance 79765
with section 5747.50 of the Revised Code. 79766

(2) Notwithstanding division (B) of section 131.51 of the 79767
Revised Code, on or before January 5, 2008, the Director of Budget 79768
and Management shall credit to the Library and Local Government 79769
Support Fund an amount equal to two and twenty-two one-hundredths 79770

per cent of total tax revenues credited to the General Revenue Fund during December 2007. In determining the total tax revenues credited to the General Revenue Fund during that month, transfers made from the General Revenue Fund during that month to the Local Government Fund, the Local Government Revenue Assistance Fund, and the Library and Local Government Support Fund shall be disregarded. Moneys credited to the Library and Local Government Support Fund under division (I)(2) of this section shall be distributed in January 2008 in accordance with section 5747.47 of the Revised Code.

Section 757.04. Notwithstanding sections 5747.46 and 5747.47 of the Revised Code or any other provision of law to the contrary, a county's actual Library and Local Government Support Fund total entitlement for the 2007 distribution year shall equal the amount that was distributed to the county's Library and Local Government Support Fund from the Library and Local Government Support Fund during the 2007 calendar year. Each county's resulting calendar year 2007 Library and Local Government Support Fund entitlement shall be used by the Tax Commissioner for purposes of determining the guaranteed share of the Library and Local Government Support Fund in section 5747.46 of the Revised Code for the 2008 distribution year and shall be used by the Commissioner in making:

(A) The calendar year 2008 estimated entitlements of the Library and Local Government Support Fund required by section 5747.47 of the Revised Code to be certified to county auditors in July 2007, December 2007, and June 2008; and

(B) The calendar year 2008 actual Library and Local Government Support Fund entitlement computations required by section 5747.47 of the Revised Code to be certified to county auditors in December 2008.

Section 757.06. As used in this section, "electric company tax value loss" has the same meaning as in section 5727.84 of the Revised Code. 79801
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The amendment by this act of division (D) of section 5727.84 of the Revised Code is remedial in nature. The Tax Commissioner shall determine the amount of any additional electric company tax value loss resulting from that amendment. Notwithstanding the deadlines prescribed in sections 5727.84, 5727.85, and 5727.86 of the Revised Code to the contrary, the Tax Commissioner and the Department of Education shall perform all of the computations and make all of the certifications and payments described in those sections in connection with any additional electric company tax value loss resulting from division (D)(4) of section 5727.84 of the Revised Code, as amended by this act. 79804
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Section 757.07. For tax years 2007 and thereafter, telephone, telegraph, and interexchange telecommunications companies, as defined in section 5727.01 of the Revised Code, shall list taxable property at the percentage of true value required in Chapter 5711. of the Revised Code. For purposes of assigning taxable valuation to each taxing district for those years, the Tax Commissioner shall continue to use the apportionment provisions of Chapter 5727. of the Revised Code. However, such property shall be listed by the county auditor and certified to the county treasurer for collection under the provisions applicable to the general tax list of personal property and not upon the tax list and duplicate of real and public utility personal property. 79815
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Section 757.08. Resolutions adopted by a board of township trustees of a limited home rule township pursuant to Chapter 504. and section 5709.73 of the Revised Code in December 2005 are hereby deemed to have had an immediate effective date if the board 79827
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unanimously adopts a resolution so declaring. This section applies 79831
to applications for exemption under section 5709.73 of the Revised 79832
Code pending before the Tax Commissioner on the effective date of 79833
this section and to such applications filed or refiled within 90 79834
days after that effective date. 79835

Section 757.10. The Office of Information Technology, in 79836
conjunction with the Department of Taxation, may acquire the State 79837
Taxation Accounting and Revenue System (STARS) pursuant to Chapter 79838
125. of the Revised Code, including, but not limited to, the 79839
application software and installation and implementation thereof, 79840
for the use of the Department of Taxation. STARS is an integrated 79841
tax collection and audit system that will replace all of the 79842
state's existing separate tax software and administration systems 79843
for the various taxes collected by the state. Any lease-purchase 79844
arrangement used under Chapter 125. of the Revised Code to acquire 79845
STARS, including any fractionalized interests therein as defined 79846
in division (N) of section 133.01 of the Revised Code, must 79847
provide that at the end of the lease period, STARS becomes the 79848
property of the state. 79849

Section 757.20. (A) As used in this section, "zoned 79850
commercial or industrial area" means a nonagricultural area that 79851
is reserved for business, commerce, or trade pursuant to local 79852
zoning law or state law. 79853

(B) The board of directors of the Muskingum Watershed 79854
Conservancy District shall prepare written notification of the 79855
maintenance assessment to be levied by the District under section 79856
6101.53 of the Revised Code that is scheduled to begin collection 79857
in calendar year 2008. The notification shall include a statement 79858
that the District intends to levy the maintenance assessment and 79859
shall include, with respect to each person to whom notification is 79860
required to be sent under division (C) of this section, an 79861

indication of the amount of the maintenance assessment that is 79862
applicable to that person. 79863

(C) The board of directors of the Muskingum Watershed 79864
Conservancy District shall cause to be sent by United States mail 79865
the notification of the maintenance assessment that is required in 79866
division (B) of this section to each person who owns property 79867
within the territorial boundaries of the district that is located 79868
within a zoned commercial or industrial area. The notification 79869
shall be sent not later than one hundred twenty days prior to the 79870
date on which the maintenance assessment is scheduled to begin 79871
collection. 79872

Section 803.03. The amendment or enactment by this act of 79873
sections 3119.022, 3119.023, 3119.05, 3119.29, 3119.30, 3119.302, 79874
and 3119.32 of the Revised Code first applies on February 1, 2008, 79875
or on the effective date of regulations defining "reasonable cost" 79876
issued by the United States Secretary of Health and Human 79877
Services, whichever is later. 79878

Section 803.06. The amendments by this act to sections 79879
323.151, 323.152, 323.153, and 323.154 of the Revised Code are 79880
first effective for tax year 2007, and the amendments to sections 79881
4503.064, 4503.065, 4503.066, and 4503.067 of the Revised Code are 79882
first effective for tax year 2008, and the following provisions 79883
shall apply: 79884

(A) Notwithstanding the filing deadlines set forth in 79885
sections 323.153 and 4503.066 of the Revised Code, original 79886
applications requesting reductions pursuant to division (A) of 79887
section 323.152 or section 4503.065 of the Revised Code may be 79888
filed not later than October 1, 2007. Notwithstanding the 79889
deadlines set forth in division (A) of section 323.153 of the 79890
Revised Code for homesteads in a housing cooperative, not later 79891

than August 1, 2007, the nonprofit corporation that owns and 79892
operates the housing cooperative shall obtain original 79893
applications from the county auditor and provide one to each 79894
occupant in the cooperative. Not later than September 1, 2007, any 79895
occupant who may be eligible for the reduction in taxes under 79896
division (A) of section 323.152 of the Revised Code shall submit 79897
the completed application to the corporation. Not later than 79898
October 1, 2007, the corporation shall file all completed 79899
applications and the information required by division (B) of 79900
section 323.159 of the Revised Code with the county auditor of the 79901
county in which the occupants' homesteads are located. 79902

(B) Notwithstanding the deadlines set forth in sections 79903
323.154 and 4503.067 of the Revised Code, if an application 79904
requesting the reduction under division (A) of section 323.152 of 79905
the Revised Code for tax year 2007 or under section 4503.065 of 79906
the Revised Code for tax year 2008 is not approved or the county 79907
auditor otherwise determines that the homestead does not qualify 79908
for a reduction in taxes, the auditor's deadline to notify the 79909
applicant of the reasons for such denial shall be extended to 79910
November 1, 2007. 79911

Section 803.07. The amendment by this act of sections 5711.01 79912
and 5727.06 of the Revised Code applies to telephone, telegraph, 79913
or interexchange telecommunications companies, as defined in 79914
section 5727.01 of the Revised Code, for tax year 2007 and 79915
thereafter. 79916

Section 803.09. The amendment or enactment by this act of 79917
section 4505.06, division (B)(23) of section 5739.02, and sections 79918
5739.029, 5739.033, and 5739.213 of the Revised Code apply to 79919
sales described in division (A) of section 5739.029 of the Revised 79920
Code on or after August 1, 2007. 79921

Section 806.03. The sections and items of law contained in 79922
this act, and their applications, are severable. If any section or 79923
item of law contained in this act, or if any application of any 79924
section or item of law contained in this act, is held invalid, the 79925
invalidity does not affect other sections or items of law 79926
contained in this act and their applications that can be given 79927
effect without the invalid section or item of law or application. 79928

Section 809.03. An item of law, other than an amending, 79929
enacting, or repealing clause, that composes the whole or part of 79930
an uncodified section contained in this act has no effect after 79931
June 30, 2009, unless its context clearly indicates otherwise. 79932

Section 812.03. Except as otherwise specifically provided in 79933
this act, the codified sections of law amended or enacted in this 79934
act, and the items of law of which the codified sections of law 79935
amended or enacted in this act are composed, are subject to the 79936
referendum. Therefore, under Ohio Constitution, Article II, 79937
Section 1c and section 1.471 of the Revised Code, the codified 79938
sections of law amended or enacted by this act, and the items of 79939
law of which the codified sections of law as amended or enacted by 79940
this act are composed, take effect on the ninety-first day after 79941
this act is filed with the Secretary of State. If, however, a 79942
referendum petition is filed against any such codified section of 79943
law as amended or enacted by this act, or against any item of law 79944
of which any such codified section of law as amended or enacted by 79945
this act is composed, the codified section of law as amended or 79946
enacted, or item of law, unless rejected at the referendum, takes 79947
effect at the earliest time permitted by law. 79948

Section 812.06. Except as otherwise specifically provided in 79949
this act, the repeal by this act of a codified section of law is 79950
subject to the referendum. Therefore, under Ohio Constitution, 79951

Article II, Section 1c and section 1.471 of the Revised Code, the 79952
repeal by this act of a codified section of law takes effect on 79953
the ninety-first day after this act is filed with the Secretary of 79954
State. If, however, a referendum petition is filed against any 79955
such repeal, the repeal, unless rejected at the referendum, takes 79956
effect at the earliest time permitted by law. 79957

Section 812.12. Uncodified sections of law amended or enacted 79958
in this act, and items of law contained within the uncodified 79959
sections of law amended or enacted in this act, that are marked 79960
with an asterisk are subject to the referendum. Therefore, under 79961
Ohio Constitution, Article II, Section 1c and section 1.471 of the 79962
Revised Code, the uncodified sections and items of law marked with 79963
an asterisk take effect on the ninety-first day after this act is 79964
filed with the Secretary of State. If, however, a referendum 79965
petition is filed against an uncodified section or item of law 79966
marked with an asterisk, the uncodified section or item of law 79967
marked with an asterisk, unless rejected at the referendum, takes 79968
effect at the earliest time permitted by law. 79969

If the amending and existing repeal clauses commanding the 79970
amendment of an uncodified section of law are both marked with 79971
asterisks, the uncodified section as amended is deemed also to 79972
have been marked with an asterisk. 79973

An asterisk marking an uncodified section or item of law has 79974
the form*. 79975

This section defines the meaning and form of, but is not 79976
itself to be considered marked with, an asterisk. 79977

Section 815.03. The sections of law amended or enacted by 79978
this act that are listed in this section, and the items of law of 79979
which such sections as amended or enacted by this act are 79980
composed, are not subject to the referendum. Therefore, under Ohio 79981

Constitution, Article II, Section 1d and section 1.471 of the 79982
Revised Code, such sections as amended or enacted by this act, and 79983
the items of law of which such sections as amended or enacted by 79984
this act are composed, go into immediate effect when this act 79985
becomes law. 79986

Sections 117.11, 117.112, 122.051, 122.071, 122.076, 122.17, 79987
122.171, 122.174, 122.602, 124.152, 126.03, 126.24, 126.40, 79988
173.35, 183.01, 183.021, 183.17, 183.33, 183.34, 183.35, 183.51, 79989
183.52, 1503.05, 1713.031, 2305.2341, 2927.023, 3109.04, 3109.041, 79990
3119.022, 3119.023, 3119.05, 3119.29, 3119.30, 3119.302, 3119.32, 79991
3301.0711, 3313.615, 3313.98, 3314.015, 3314.016, 3314.02, 79992
3314.074, 3314.08, 3314.087, 3314.088, 3314.19, 3317.01, 3317.012, 79993
3317.013, 3317.014, 3317.015, 3317.016, 3317.017, 3317.021, 79994
3317.022, 3317.023, 3317.024, 3317.025, 3317.029, 3317.0216, 79995
3317.0217, 3317.03, 3317.04, 3317.05, 3317.052, 3317.063, 3317.08, 79996
3317.16, 3317.20, 3317.201, 3318.12, 3333.36, 3333.38, 3333.55, 79997
3333.60, 3333.61, 3333.62, 3333.63, 3333.64, 3333.65, 3333.66, 79998
3333.67, 3333.68, 3333.69, 3333.70, 3345.32, 3353.02, 3353.03, 79999
3365.01, 3701.047, 3701.135, 3702.68 (3702.59), 3704.03, 3721.51, 80000
3721.541, 3721.56, 3735.672, 4503.10, 4513.263, 4723.621, 4723.63, 80001
4723.64, 4723.65, 4723.66, 4743.05, 4753.02, 4753.05, 4753.073, 80002
4753.101, 4753.11, 4766.05, 4775.08, 5101.802, 5101.98, 5104.04, 80003
5104.30, 5111.871, 5111.8814, 5112.341, 5123.01, 5123.033, 80004
5123.045, 5123.0414, 5123.0415, 5123.051, 5123.16, 5123.161, 80005
5123.162, 5123.163, 5123.164, 5123.165, 5123.166, 5123.167, 80006
5123.168, 5123.169, 5123.19, 5123.196, 5123.198, 5123.20, 80007
5123.211, 5123.38, 5123.41, 5123.51, 5123.605, 5123.99, 5126.12, 80008
5126.15, 5126.19, 5126.25, 5126.40, 5126.42, 5126.43, 5126.45, 80009
5126.47, 5709.68, 5711.01, 5727.06, 5727.86, 5747.47, 5747.50, 80010
5747.501, 5747.51, 5747.54, 5751.21, 5907.15, 5907.16, and 80011
6111.0381 of the Revised Code. 80012

Section 815.06. The repeal by this act of the sections of law 80013

listed in this section is not subject to the referendum. 80014
Therefore, under Ohio Constitution, Article II, Section 1d and 80015
section 1.471 of the Revised Code, the repeals go into immediate 80016
effect when this act becomes law. 80017

Sections 183.02, 183.27, 183.32, 5123.16, 5123.182, 5123.199, 80018
5126.053, 5126.431, 5126.44, 5126.451, 5747.61, 5747.62, and 80019
5747.63 of the Revised Code. 80020

The version of section 3702.68 of the Revised Code that was 80021
scheduled to take effect July 1, 2007. 80022

Section 815.09. The sections of law amended, enacted, or 80023
repealed by this act that are listed in this section are not 80024
subject to the referendum. Therefore, under Ohio Constitution, 80025
Article II, Section 1d and section 1.471 of the Revised Code, the 80026
sections as amended, enacted, or repealed, and the items of law of 80027
which as amended or enacted they are composed, go into effect as 80028
specified in this section. 80029

Sections 126.04, 127.16, 173.351, 173.401, 3718.03, 5101.27, 80030
5101.272, 5111.872, 5111.89, 5111.891, 5111.894, 5123.046, 80031
5123.047, 5123.048, 5123.049, 5123.0411, 5123.0416, 5126.054, 80032
5126.056, 5126.059, 5126.0510, 5126.0512, and 5705.44 of the 80033
Revised Code take effect July 1, 2007. 80034

Sections 340.03 and 5119.611 of the Revised Code take effect 80035
July 1, 2007. 80036

Section 4301.43 of the Revised Code takes effect July 1, 80037
2007. 80038

Sections 5727.45, 5733.12, 5739.21, 5741.03, and 5747.03 of 80039
the Revised Code take effect December 1, 2007. 80040

Sections 131.44, 131.51, 5705.29, 5725.24, 5739.032, 80041
5739.122, 5739.124, 5741.121, and 5741.122 of the Revised Code 80042
take effect January 1, 2008. 80043

Section 815.12. Except as otherwise specifically provided in 80044
this act, the uncodified sections of law amended or enacted in 80045
this act, and the items of law of which the uncodified sections of 80046
law amended or enacted in this act are composed, are not subject 80047
to the referendum. Therefore, under Ohio Constitution, Article II, 80048
Section 1d and section 1.471 of the Revised Code, the uncodified 80049
sections of law amended or enacted in this act, and the items of 80050
law of which the uncodified sections of laws amended or enacted in 80051
this act are composed, go into immediate effect when this act 80052
becomes law. 80053

Section 818.03. The amendment or enactment by this act of the 80054
sections of law listed in this section provides for or is 80055
essential to implementation of a tax levy. Therefore, under Ohio 80056
Constitution, Article II, Section 1d, the amendments and 80057
enactments, and the items of which they are composed, are not 80058
subject to the referendum and go into immediate effect when this 80059
act becomes law. 80060

Sections 133.01, 305.31, 307.672, 319.202, 319.54, 322.01, 80061
323.151, 323.152, 323.153, 323.154, 325.31, 333.02, 333.04, 80062
4503.06, 4503.061, 4503.064, 4503.065, 4503.066, 4503.067, 80063
4505.06, 5705.214, 5733.39, 5739.02, 5739.029, 5739.033, 5739.09, 80064
5739.12, 5739.213, 5741.02, 5743.01, 5743.20, 5745.02, 5745.05, 80065
5745.13, 5747.01, 5748.01, 5748.02, 5748.021, 5748.022, and 80066
5751.23 of the Revised Code. 80067

Section 818.09. The repeal by this act of section 5743.331 of 80068
the Revised Code provides for or is essential to the 80069
implementation of a tax levy. Therefore, under Ohio Constitution, 80070
Article II, Section 1d, the repeal is not subject to the 80071
referendum and goes into immediate effect when this act becomes 80072
law. 80073

Section 821.06. (A) Except as otherwise provided in division 80074
(B) of this section, the amendments by this act to section 3317.02 80075
of the Revised Code are not subject to the referendum. Therefore, 80076
under Ohio Constitution, Article II, Section 1d and section 1.471 80077
of the Revised Code, the amendments go into immediate effect. 80078

(B) The amendment to section 3317.02 of the Revised Code that 80079
substitutes the term "state education aid" for the term "SF-3 80080
payment" is subject to the referendum. Therefore, under Ohio 80081
Constitution, Article II, Section 1c and section 1.471 of the 80082
Revised Code, the amendment takes effect on the ninety-first day 80083
after this act is filed with the Secretary of State. If, however, 80084
a referendum petition is filed against the amendment, the 80085
amendment, unless rejected at the referendum, takes effect at the 80086
earliest time permitted by law. 80087

Section 821.09. (A) Except as otherwise provided in division 80088
(B) of this section, the amendments to section 5111.014 of the 80089
Revised Code are subject to the referendum. Therefore, under Ohio 80090
Constitution, Article II, Section 1c and section 1.471 of the 80091
Revised Code, the amendments take effect January 1, 2008. If, 80092
however, a referendum petition is filed against the amendments, 80093
the amendments, unless rejected at the referendum, take effect at 80094
the earliest time permitted by law that is on or after the 80095
effective date specified in this division. 80096

(B) The amendments to division (A)(2) of section 5111.014 of 80097
the Revised Code that strike through "The" and insert "Subject to 80098
an executive order issued under section 5111.0120 of the Revised 80099
Code, the" take effect on the ninety-first day after this act is 80100
filed with the Secretary of State. If, however, a referendum 80101
petition is filed against the amendments, the amendments, unless 80102
rejected at the referendum, take effect at the earliest time 80103
permitted by law. 80104

Section 821.12. (A) Except as otherwise provided in division 80105
(B) of this section, the amendments by this act to section 5111.20 80106
of the Revised Code are subject to the referendum. Therefore, 80107
under Ohio Constitution, Article II, Section 1c and section 1.471 80108
of the Revised Code, the amendments take effect on the 80109
ninety-first day after this act is filed with the Secretary of 80110
State. If, however, a referendum petition is filed against the 80111
amendments, the amendments, unless rejected at the referendum, 80112
take effect at the earliest time permitted by law. 80113

(B) The amendment to division (H)(3)(a) of section 5111.20 of 80114
the Revised Code is not subject to the referendum. Therefore, 80115
under Ohio Constitution, Article II, Section 1d and section 1.471 80116
of the Revised Code, the amendment goes into immediate effect. 80117

Section 821.13. (A) Except as otherwise provided in division 80118
(B) of this section, the amendments by this act to section 80119
5126.046 of the Revised Code are not subject to the referendum. 80120
Therefore, under Ohio Constitution, Article II, Section 1d and 80121
section 1.471 of the Revised Code, the amendments go into 80122
immediate effect. 80123

(B) The amendments to division (A) and the third paragraph of 80124
division (B) of section 5126.046 of the Revised Code are not 80125
subject to the referendum. Therefore, under Ohio Constitution, 80126
Article II, Section 1d and section 1.471 of the Revised Code, the 80127
amendments take effect July 1, 2007. 80128

Section 821.15. (A) Except as otherwise provided in division 80129
(B) of this section, the amendments by this act to section 80130
5126.055 of the Revised Code are subject to the referendum. 80131
Therefore, under Ohio Constitution, Article II, Section 1c and 80132
section 1.471 of the Revised Code, the amendments take effect on 80133
the ninety-first day after this act is filed with the Secretary of 80134

State. If, however, a referendum petition is filed against the 80135
amendments, the amendments, unless rejected at the referendum, 80136
take effect at the earliest time permitted by law. 80137

(B) The amendment to section 5126.055 of the Revised Code 80138
that strikes through "5123.16" and inserts "5123.161" is not 80139
subject to the referendum. Therefore, under Ohio Constitution, 80140
Article II, Section 1d and section 1.471 of the Revised Code, the 80141
amendment goes into immediate effect. 80142

Section 821.16. (A) Except as otherwise provided in division 80143
(B) of this section, the amendments by this act to section 80144
5126.057 (5126.0511) of the Revised Code are not subject to the 80145
referendum. Therefore, under Ohio Constitution, Article II, 80146
Section 1d and section 1.471 of the Revised Code, the amendments 80147
take effect July 1, 2007. 80148

(B) The amendments to relettered division (A)(2) and (A)(4) 80149
of section 5126.057 of the Revised Code are not subject to the 80150
referendum. Therefore, under Ohio Constitution, Article II, 80151
Section 1d and section 1.471 of the Revised Code, the amendments 80152
go into immediate effect. 80153

Section 821.17. (A) Except as otherwise provided in division 80154
(B) of this section, the amendments by this act to section 5126.18 80155
of the Revised Code are not subject to the referendum. Therefore, 80156
under Ohio Constitution, Article II, Section 1d and section 1.471 80157
of the Revised Code, the amendments go into immediate effect. 80158

(B) The amendments to division (H) of section 5126.18 of the 80159
Revised Code are not subject to the referendum. Therefore, under 80160
Ohio Constitution, Article II, Section 1d and section 1.471 of the 80161
Revised Code, the amendments take effect July 1, 2007. 80162

Section 821.17.10. (A) Except as otherwise provided in 80163

division (B) of this section, the amendments by this act to 80164
section 5727.84 of the Revised Code are not subject to the 80165
referendum. Therefore, under Ohio Constitution, Article II, 80166
Section 1d and section 1.471 of the Revised Code, the amendments 80167
take effect December 1, 2007. 80168

(B) The amendments to division (D) of section 5727.84 of the 80169
Revised Code are not subject to the referendum. Therefore, under 80170
Ohio Constitution, Article II, Section 1d and section 1.471 of the 80171
Revised Code, the amendments take immediate effect. 80172

Section 821.18. (A) Except as otherwise provided in division 80173
(B) of this section, the amendments by this act to section 5727.87 80174
of the Revised Code provide for or are essential to implementation 80175
of a tax levy. Therefore, under Ohio Constitution, Article II, 80176
Section 1d, the amendments are not subject to the referendum and 80177
go into immediate effect when this act becomes law. 80178

(B) The amendment to division (A)(2)(b) of section 5727.87 of 80179
the Revised Code is subject to the referendum. Therefore, under 80180
Ohio Constitution, Article II, Section 1c and section 1.471 of the 80181
Revised Code, the amendment takes effect on the ninety-first day 80182
after this act is filed with the Secretary of State. If, however, 80183
a referendum petition is filed against the amendment, the 80184
amendment, unless rejected at the referendum, takes effect at the 80185
earliest time permitted by law. 80186

Section 821.21. If the amendment or enactment in this act of 80187
a codified or uncodified section of law is subject to the 80188
referendum, the corresponding indications in the amending, 80189
enacting, or existing repeal clauses commanding the amendment or 80190
enactment also are subject to the referendum, along with the 80191
amendment or enactment. If the amendment or enactment by this act 80192
of a codified or uncodified section of law is not subject to the 80193

referendum, the corresponding indications in the amending, 80194
enacting, or existing repeal clauses commanding the amendment or 80195
enactment also are not subject to the referendum, the same as the 80196
amendment or enactment. 80197

Section 824.03. The General Assembly, applying the principle 80198
stated in division (B) of section 1.52 of the Revised Code that 80199
amendments are to be harmonized if reasonably capable of 80200
simultaneous operation, finds that the following sections, 80201
presented in this act as composites of the sections as amended by 80202
the acts indicated, are the resulting versions of the sections in 80203
effect prior to the effective date of the sections as presented in 80204
this act: 80205

Section 109.572 of the Revised Code as amended by both Am. 80206
Sub. S.B. 185 and Am. Sub. S.B. 238 of the 126th General Assembly. 80207

Section 111.18 of the Revised Code as amended by both Am. 80208
Sub. H.B. 94 and Am. Sub. S.B. 74 of the 124th General Assembly. 80209

Section 323.153 of the Revised Code as amended by both Am. 80210
H.B. 595 and Am. Sub. H.B. 672 of the 123rd General Assembly. 80211

Section 711.131 of the Revised Code as amended by both Sub. 80212
H.B. 231 and Sub. S.B. 115 of the 125th General Assembly. 80213

Section 2921.42 of the Revised Code as amended by both Sub. 80214
H.B. 150 and Am. Sub. H.B. 285 of the 120th General Assembly. 80215

Section 3301.0714 of the Revised Code as amended by Am. Sub. 80216
H.B. 79, Am. Sub. H.B. 137, Am. Sub. H.B. 276, and Am. Sub. H.B. 80217
530 of the 126th General Assembly. 80218

Section 3313.64 of the Revised Code as amended Am. Sub. H.B. 80219
137, Am. Sub. H.B. 530, Sub. S.B. 164, and Am. Sub. S.B. 238 of 80220
the 126th General Assembly. 80221

Section 3317.03 of the Revised Code as amended by both Am. 80222
Sub. H.B. 79 and Am. Sub. H.B. 699 of the 126th General Assembly. 80223

Section 3318.01 of the Revised Code as amended by both Am. 80224
Sub. H.B. 11 of the 125th General Assembly and Am. Sub. H.B. 16 of 80225
the 126th General Assembly. 80226

Section 5107.05 of the Revised Code as amended by Am. Sub. 80227
H.B. 283, H.B. 471, and Sub. S.B. 245, all of the 123rd General 80228
Assembly, and Am. Sub. H.B. 66 of the 126th General Assembly. 80229

Section 5741.02 of the Revised Code as amended by both Sub. 80230
H.B. 294 and Am. Sub. S.B. 269 of the 126th General Assembly. 80231

Section 5748.01 of the Revised Code as amended by both Sub. 80232
H.B. 73 and Am. Sub. H.B. 699 of the 126th General Assembly. 80233

Section 5748.02 of the Revised Code as amended by both Am. 80234
Sub. H.B. 3 and Am. Sub. H.B. 530 of the 126th General Assembly. 80235

The finding in this section takes effect at the same time as 80236
the section referenced in the finding takes effect. 80237